



**HMCPSI**

HM Crown Prosecution  
Service Inspectorate

# **Business plan**

## **2021–22**

**March 2021**

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## Foreword

The statutory remit of Her Majesty's Crown Prosecution Service Inspectorate is to report to the Attorney General on the operation of the Crown Prosecution Service (CPS) and the Serious Fraud Office (SFO). This business plan sets out the programme of inspection that the Inspectorate intends to carry out to allow it to meet its statutory remit.

This business plan is somewhat complicated by the fact that my term of office comes to an end on 31 March 2021. I have consulted on the plan with the view that it would be wrong of me to tie the hands of my successor, but it is

incumbent on me to leave a full programme of inspection.

### **Some planned inspections were rescheduled and reprioritised but our plans, while impacted, were not derailed by COVID-19**

The following plan sets out a series of topics that will form a programme of inspection for the next 18 months. The new chief inspector will of course have the right to revise any plans and, as such, there are some aspects and topics that may be reviewed as the year progresses.

As well as having to consider that the consultation was taking place covering the

period of the new chief inspector, it also happened against the background of the COVID-19 pandemic. I am proud to say that we managed to continue to undertake a full range of inspection throughout the last year. Some planned inspections were rescheduled and reprioritised but our plans, while impacted, were not derailed by COVID-19.

Between 2016 and 2019 we conducted a range of Area Assurance inspections, the findings of which were set out in a composite report which I published in October 2019. The findings highlighted that leadership, stakeholder engagement, and work to support victims and witnesses and with local communities was generally good at the Area level, but the core aspect of Crown Prosecution Service (CPS) legal decision-making needed to improve.

As part of the consultation, I decided that developing an additional programme of Area-based inspection, which would examine in detail CPS legal decision-making, would add real value. Allied to this decision was the fact that in the comprehensive spending review settlement the CPS had secured significant additional funds to increase the number of lawyers it employed. Therefore, a core part of the coming three years will be a series of Area inspections that will be focused on the quality of CPS casework.

As well as examining the level of legal decision-making, the programme will also assess, in all aspects of volume casework, the ‘value added’ by the CPS and the ‘grip’ it has on cases. The programme in 2021–22 will set a baseline of performance and a further tranche of inspections in 2022–23 will assess whether the additional resources provided are improving the standard of legal decision-making, value added and grip.

This is a large commitment for HMCPST. There are 14 CPS Areas, and we will be examining a large file sample in each Area. We are the smallest of the criminal justice inspectorates so undertaking such a programme is exceptionally resource intensive. Therefore, as the business plan sets out, our commitment to other inspection topics is somewhat more limited.

**I firmly believe that the primary purpose of inspection is not to criticise or identify failings. Rather, it is to identify good practice**

The statutory remit also requires the Inspectorate to inspect the Serious Fraud Office (SFO) and, since 2019, I have undertaken a number of inspections. In the 2019–20 business plan I outlined for the first time that I planned to carry out a joint SFO and CPS inspection on the handling of proceeds of crime cases. However, as highlighted in last

year’s business plan, this inspection had to be postponed as a result of taking on the rape inspection. I am pleased to report that the Inspectorate is now concluding this joint inspection of the handling of proceeds of crime cases and the report will be published in early summer.

For the coming year, I have consulted on undertaking a range of new inspection work with the SFO. This business plan sets out the possible inclusion of a number of topics, but it is likely that due to the pressure of the Area programme, any inspection activity in the SFO will be limited to one inspection in 2021–22.

As this is my final business plan, I would like to place on record my thanks to the CPS and SFO. I firmly believe that the primary purpose of inspection is not to criticise or identify failings. Rather, it is to identify good practice and make recommendations that will help organisations to improve the services they provide to the public.

To do this, there must be a degree of trust established between the inspectors and the inspected. I believe this has been achieved and I am grateful to all those in the CPS and SFO who have engaged so positively to listen and react to my inspection findings. The fact that they have made changes, tried to improve and engaged so positively is of greater benefit to the public. For that I am grateful.

Finally, I would like to pay testament to my staff for their hard work and dedication. There is no doubt that what I have been able to deliver would not have been possible without them.

A handwritten signature in black ink, appearing to read 'Kevin McGinty', with a stylized flourish at the end.

Kevin McGinty CBE

Her Majesty's Chief Inspector

1 April 2015 to 31 March 2021

## Who we are

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

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

## Our purpose

HMCPST inspects prosecution services, providing evidence to make the prosecution process better and more accountable. We have a statutory duty to inspect the work of the CPS and SFO. By special arrangement, we also share our expertise with other prosecution services in the UK and overseas.

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

## Our strategic objectives

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

## Our values

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

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# 1. Our programme

This plan sets out the inspections that HMCPST plans to carry out from April 2021 to March 2022, and also those inspections we have carried forward from the 2020–21 business plan.

In line with our statutory duty to develop the plan for 2021–22, we consulted with our stakeholders on a list of potential inspection topics during the fourth quarter of 2020–21. As part of the consultation, we engaged with those we inspect, and those with whom we have a statutory duty to consult, and a wider range of interested parties and stakeholders. For the first time, we also published our consultation on the HMCPST website. A list of those we consulted with and those who responded is attached at annex C.

## **The 2021–22 programme features a new form of Crown Prosecution Service Area inspection**

As well as our inspection programme we also have a commitment to work with other criminal justice inspectorates on topics which benefit from a cross-agency approach and review. Summary details of joint inspections in which HMCPST will be involved during 2021–22 can be found in this plan. A full programme of joint inspection can be found in the Criminal Justice

Joint Inspection (CJJI) business plan: [www.justiceinspectorates.gov.uk/cjji/](http://www.justiceinspectorates.gov.uk/cjji/)

The 2021–22 programme features a new form of Crown Prosecution Service (CPS) Area inspection and some limited thematic inspections. We have planned our inspection programme in line with the priorities of the organisations we inspect, but we remain open to carry out work on topics prompted by any external factors that may emerge during the business year.

We have also developed a list of options for other inspections which may be added to our programme should time and resources allow, or should the ongoing impact of the coronavirus make it expedient to carry out different types of inspection. It is not intended that we cover all the topics listed during this financial year; we will prioritise as needed.

## Inspection topics carried forward

A number of inspection topics have been carried forward from the 2020–21 business plan. We had to postpone some of the planned inspections due to the need to accommodate the challenges of lockdown and the requirements of social distancing.

### **Serious Fraud Office Witness Care**

The Serious Fraud Office (SFO) has invested in improving its systems and processes to support victims and witnesses in its casework. Following efforts made by the SFO, the inspection will look for good practice and assess whether revised processes and systems are effective in delivering a good standard of witness care.

## New inspection topics for 2021–22

### **Serious Fraud Office inspections**

To satisfy our statutory remit, HMCPST will undertake a number of inspections in relation to aspects of SFO work, as detailed below. These topics will be scoped and at least two of the inspections will start in the 2020–21 period (subject to the limitations of coronavirus).

#### **Information security**

The inspection will assess whether the SFO has suitable controls in place to ensure that case information is managed securely and appropriately.

#### **Governance and decision-making**

An inspection would assess if SFO governance structures are effective and result in a clear understanding of decision-making at all levels in the organisation. As part of the inspection, the relevant recommendations in the SFO leadership review would be assessed for progress.

#### **Case progression – a follow-up inspection**

This would be a follow-up of the inspection published in October 2019. The inspection would assess progress against the seven recommendations set out in the 2019 report and assess if changes had resulted in improvement.

## **Crown Prosecution Service inspections**

### **Area inspection programme**

The focus of the Area inspection programme will be on the quality of CPS legal decision-making. In 2021–22 a series of 14 Area inspections will establish a baseline of casework quality performance. Casework quality assessments will be scored against a matrix that will form the basis of an ongoing programme.

Areas will be inspected through the lens of casework quality. This focus of the inspection has been determined by the following factors:

- criminal casework is the core business of the CPS and the aspect of CPS work that has the greatest impact on victims and witnesses
- the Area assurance inspections that took place between 2016 and 2019 covering all 14 Areas concluded there remained “significant issues relating to how the CPS handles cases in the magistrates’ courts and Crown Court” and that the CPS could do more to add value and grip cases
- recent HMCPST thematic inspections, including the charging and disclosure thematic inspections, identified that significant casework quality issues remain
- Area inspections will provide a staged approach to examine the impact of the £85 million additional casework quality funding for lawyers.

The second phase will be a round of inspections planned to start in each Area 18 months after the individual baseline has been established. Therefore, this programme of Area inspections will result in a major commitment of legal inspector resource available in 2021–22 to 2023–24.

### **Thematic inspection topics**

HMCPST maintains a list of other subjects for inspection, which may be added to our programme if resources allow, or if the urgency to inspect them increases. For 2021–22 these subjects include:

#### **Gang crime, ‘county lines’ and knife crime**

Gang crime will focus on how the CPS is working with the police on these cases and the quality of the casework. The scope of the inspection will build on some of the findings from our Serious Youth Crime inspection published March 2020, and include a focus on offences involving knife crimes and county line cases. The scope of the inspection will also include an assessment of the quality of casework decision-making in a number of CPS Areas. To reduce the burden on the CPS we will, where possible, consider if cases examined in the Area

inspection programme could be used to form the basis of an assessment of casework quality.

### **Cases involving domestic abuse**

The inspection will focus on the quality of CPS decision-making in domestic abuse casework. It will have a discrete element to assess how the experience and support of victims influenced the outcomes of domestic abuse cases. The scope of the inspection may also include cases of stalking and harassment and, if included, will follow-up progress by the CPS to implement recommendations made in the July 2017 *Living in fear* joint inspection.

### **Custody time limit cases**

As a result of the COVID-19 pandemic a number of changes have been made to the provisions relating to the management and handling of cases involving custody time limits. This inspection will assess the CPS's handling of these cases and the effectiveness of the systems to support them. The inspection will also include an element of legal assessment of the handling of applications to extend and of CPS case progression. To reduce the burden on CPS Areas the inspection may use cases examined as part of the Area inspection programme.

### **Young witness protocol**

The inspection will assess the operation of and compliance with the young witness protocol. The timing of this inspection will be determined by the lifting of any pandemic restrictions as it will need to include a series of in-court observations and assessment.

### **Community engagement**

We will assess the CPS involvement in community engagement and identify good practice. The inspection will examine the link between effective engagement and any related improvement in casework outcomes. It will also take into account CPS local scrutiny panels and the effectiveness of inclusion and community engagement managers.

### **Victim communication**

This inspection will focus on the quality of letters to victims in cases heard in the Crown Court, including cases involving serious sexual offences. It follows two critical inspection reports (2018 and 2020) on the quality of victim communication letters. The timing of the inspection will be to the latter part of 2021–22.

## Short notice inspections

HMCPST may be asked to undertake short notice inspections. By their very nature, it is difficult to plan for these ad hoc requests.

In line with our resourcing strategy, there is a level of flexibility in 2021–22, although less so than in previous years due to the Area inspection programme commitment. We will continue to try to ensure we can assist with requests, as far as available resources allow.

## Joint inspections

The *Criminal Justice Joint Inspection Joint business plan 2021–22* contains full details of the proposed joint inspection programme for this year.

In 2021–22 HMCPST will commit resources to a joint inspection of how well the criminal justice system serves survivors of rape. This inspection is being carried out in two stages, with stage one due to report in early summer 2021. Stage two will start in June 2021 and we anticipate that the stage 2 report will be published in January 2022.

As well as working with Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services on the rape inspection, we have committed resources to a joint inspection on cases involving mentally disordered offenders. This inspection commenced with a pilot in February 2021 with the full on-site phase taking place between April and June 2021. The report should be published in September 2021.

There will also be some limited activity for HMCPST in a joint inspection focusing on race disparities in the criminal justice system. We anticipate that we will be involved in autumn 2021.

## **2. Supporting processes**

## Resources

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

Financial year	Budget (£)	Reduction/increase from previous year	Reduction from 2013–14
2013–14	3,182,000	-	-
2014–15	2,958,000	-7.0%	7.0%
2015–16	2,950,000	-0.3%	7.3%
2016–17	2,772,000	-6.0%	12.9%
2017–18	2,683,000	-3.2%	15.7%
2018–19	2,532,000	-5.6%	20.4%
2019–20	3,148,000	24.3%	1.1%
2020–21	3,148,000	0%	1.1%

Following the Spending Review in 2019, HMCPPI was awarded additional funding to allow us to deliver more joint inspection work and ensure that inspectors maintained operational experience. This additional funding has now been baselined. The budget will be deployed as follows:

Category of spend	Budget (£m)
Staff costs	2.72
Fixed costs	0.20
Variable costs	0.23
Full year budget	3.15

The majority of the budget is spent on staffing (86%).

Six percent of the budget is spent on fixed costs. These are costs that HMCPPI is committed to and, if changes were to be made, we would need to buy or negotiate ourselves out of contracts/agreements. These costs include accommodation costs, National Audit Office fees, website/publication costs and so on.

The remainder of the budget is spent on variable costs. These are costs where HMCPPI has some 'choice' and includes travel and hotel costs, training, stationery and printing costs.



## Managing risk

It is important to have a robust risk management process in place as it provides a framework for anticipating potential problems and allows them to be dealt with in a systematic way. HMCPST manages its internal risks in line with the approach commonly adopted in the public sector, which includes regular reviews.

## The Equality Act 2010

The Equality Objectives for HMCPST ensure that we meet our General Equality Duty under the Equality Act 2010. HMCPST reviewed and updated its objectives during 2019–20 and is monitoring progress against these objectives.

## **Annex A**

# **The ten principles of public sector inspection**

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

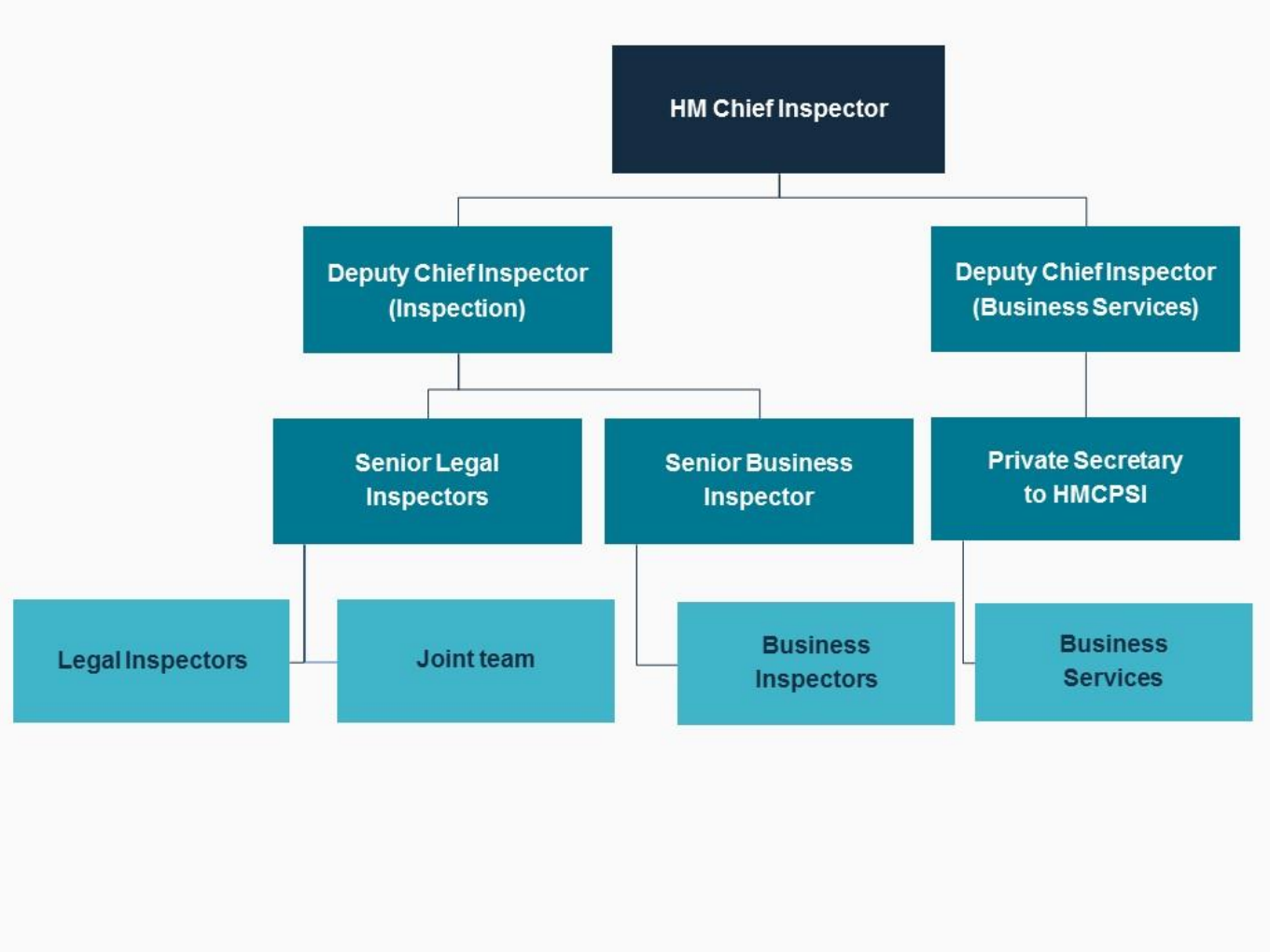
The ten principles state that public service inspection should:

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

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

# **Annex B**

## **Organisation chart**



# **Annex C**

## **List of consultees**

Consultee	Response received
Attorney General	Yes
Association of Police and Crime Commissioners	
Bar Council	
Care Quality Commission	
Chief Magistrate	
CPS Audit and Risk Committee	
Criminal Justice Inspectorate Northern Ireland	Yes
Director of Public Prosecutions	Yes
HM Inspectorate of Constabulary and Fire & Rescue Services	
HM Inspectorate of Prisons	
HM Inspectorate of Probation	
Home Office	Yes
Inspectorate of Prosecution Scotland	Yes
Justice Committee	
Magistrates Association	Yes
Ministry of Justice	
Office for Standards in Education, Children's Services and Skills (Ofsted)	
Senior Presiding Judge	
Serious Fraud Office	Yes
Shadow Attorney General and Solicitor General	
Victims' Commissioner	Yes
Victims' Commissioner for London	Yes
Victim Support	

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