



HMCPSI

HM Crown Prosecution
Service Inspectorate

Area inspection programme

CPS Thames and Chiltern

Baseline assessment

November 2022

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Who we are

HM Crown Prosecution Service Inspectorate inspects prosecution services, providing evidence to make the prosecution process better and more accountable.

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

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

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1. Summary

1.1. HM Crown Prosecution Service Inspectorate (HMCPISI) last inspected all 14 Crown Prosecution Service (CPS) Areas between 2016 and 2019. Since then we have carried out a number of thematic inspections across the CPS, including inspections of the CPS's response to Covid-19, the handling of serious youth crime, charging decisions, disclosure of unused material, dealing with correspondence on witness care, and the standard of communications with victims of crime.

1.2. A common theme from the 2016–19 Area inspection programme and from more recent thematic inspections is the need for the CPS to improve aspects of casework quality. We have therefore developed a new inspection framework which is based wholly on assessing casework quality, and which we will deploy across all 14 Areas over the next two years. Our findings from the 90 cases we examine for each Area will form a baseline against which the Area will be assessed again in a follow-up inspection in 24 months' time.

1.3. The CPS aspires to deliver high-quality casework that, taking into account the impact of others within the criminal justice system, provides justice for victims, witnesses and defendants, and represents an effective and efficient use of public funds. The function of the CPS is to present each case fairly and robustly at court, but the CPS's is not the only input. The involvement of criminal justice partners and the defence inevitably affects what happens in criminal proceedings and, in contested cases, the outcome is determined by juries or the judiciary. It follows that good quality casework can result in an acquittal, and a conviction may ensue even if the case handling has not been of the standard the CPS would wish.

Our findings from the 90 cases we examine for each Area will form a baseline

1.4. This report sets out our findings for CPS Thames and Chiltern.

1.5. This baseline assessment was carried out during the Covid-19 pandemic. The files we examined included work carried out by the Area before and after the pandemic struck.

1.6. Thames and Chiltern covers a large geographical area and works with three police forces: Thames Valley, Bedfordshire and Hertfordshire. It has offices in Reading and St Albans with a remote office in Liverpool for operational delivery staff. The Area covers nine magistrates' courts (although Hatfield magistrates' court has not re-opened to criminal prosecutions since the pandemic) and five Crown Court centres, plus three temporary 'Nightingale' Crown Court centres introduced as a response to the Covid-19 backlogs.

1.7. Before the Covid-19 pandemic, the Area's senior management team consisted of the Chief Crown Prosecutor (CCP), two Deputy Chief Crown Prosecutors (DCCPs) and the Area Business Manager. During some of the pandemic the CCP was on a six-month secondment at the Oxfam charity. A temporary CCP was appointed during this time. The remaining personnel remained the same throughout the six months, though the units managed by the DCCPs changed during this period.

The Area was quick to react to the pandemic

1.8. Like other CPS Areas, Thames and Chiltern has experienced a challenging period since the pandemic struck. It has had to adapt the way it operates and interacts with its own staff as well as victims, witnesses, other criminal justice agencies and the public. Despite that, it has worked hard to meet those challenges and to maintain the wellbeing of staff.

1.9. By way of example, to replicate the engagement staff had with each other before lockdown restrictions, the Area introduced 'Wellbeing Workday' to promote social engagement. Individual teams were encouraged to have their own planned virtual coffee breaks to socialise with colleagues. In addition, wherever possible, the Area maintained its participation in working groups with external stakeholders and police scrutiny panels, recognising their importance in maintaining public confidence and influencing change with other agencies.

1.10. The Area was quick to react to the pandemic. Collaborative working was maintained and improved in this difficult period through the introduction of the Criminal Justice System Bronze Agency Covid Recovery Conference Call and the Multi-Agency Coronavirus Gold Meeting. These meetings were attended by representatives from all relevant criminal justice agencies. The Bronze meeting met fortnightly and it is clear that the group worked hard to make sure the courts continued to operate as smoothly as possible in the circumstances. These groups were able to monitor the backlogs faced by all the courts on the circuit. Initiatives were discussed and implemented when possible to attempt to reduce and mitigate the impact of the backlogs.

1.11. CPS Thames and Chiltern experienced a significant increase in caseload following the first national lockdown in March 2020. Live cases in the magistrates' court unit peaked at 52.8% above their pre-pandemic baseline figure, cases in the Crown Court unit peaked at 55.4% above the pre-pandemic baseline and the Rape and Serious Sexual Offences (RASSO) unit's caseload is

still rising; in Quarter 4 of 2021–22 (January to March 2022) it was at 20.0% above baseline. Caseloads in all units remain higher than before the pandemic¹.

1.12. The challenge of dealing with this increased caseload coincided with resourcing challenges presented by the pandemic.

1.13. CPS Thames and Chiltern worked hard to recruit staff throughout the pandemic. The Area has participated in a number of national recruitment campaigns, and the Area Business Manager and both the Area’s DCCPs and Senior District Crown Prosecutors (SDCPs) have been involved in recruitment boards. The Area has also run five bar secondee recruitment campaigns.

1.14. Even with these efforts, recruitment has produced limited results. At one point during the Covid-19 period the Area was 18 prosecutors under the target set by the national resourcing model. The Area suffers, to a degree, from its proximity to London. Remote working means staff can move to roles in London, and obtain an increased salary for London working, without relocating. This has had an impact on CPS Thames and Chiltern’s ability to entice applicants.

1.15. In addition, there has been a significant degree of turnover among management staff, with two out of four SDCPs joining the Area since the start of the pandemic and seven out of 16 District Crown Prosecutors either joining the Area or starting the role on promotion in that time. All teams experienced a change of SDCP during the course of the pandemic.

The Area suffers, to a degree, from its proximity to London

1.16. When that high degree of recruitment and staff change is combined with other changes in the workforce – for example, the Area had 80 new members of staff since

April 2020 – it is clear why it has been such a challenging period.

1.17. Most new members start in the magistrates’ court unit, with staff within the Area moving to other units as necessary, both to respond to demand and for development purposes. Demand has undoubtedly been affected by increases in caseload and we saw requests by the RASSO and complex casework units for additional prosecutors during this period. While this movement of personnel is necessary it creates a degree of ‘churn’ that requires additional support and mentoring of staff in response.

1.18. Recruitment and changes in personnel had several effects. Not only was there a loss of experience when staff left, but all new members of staff and those

¹ As per latest quarterly figures for live cases (carried forward) at Quarter 4 of 2021–22, compared to last quarterly figures before Covid-19, from Quarter 4 of 2019–20.

who gained internal promotion also required appropriate levels of induction, training and support. This in turn had an impact on managers and other members of staff, who needed to devote time and energy to make sure it was completed and effective. This was a real burden to the Area at a time when resource challenges and remote working were also causing difficulties.

The one Area ethos means all prosecutors take work from across the range of forces

CPS Thames and Chiltern's workforce. The Area has also seen an increase in sickness and absence rates owing to the pandemic. The average number of working days lost to illness per member of staff has increased from 5.8 days before the pandemic to 7.7 days in Quarter 4 of 2021–22 (January to March 2022): an increase of 32.8%. The figure has risen further to 9.6 days in June 2022, a 65.5% increase.

1.20. The increase in case numbers, coupled with heightened absenteeism and a workforce of reduced experience, would have had an impact on the Area's ability to maintain casework quality. This is the context in which the results of our casework assessment should be considered.

1.21. CPS Thames and Chiltern has been promoting a 'one Area' ethos and already feels this has successfully provided resilience when managing fluctuating workloads. Previously, a prosecutor's caseload would consist of cases from the same police force. The one Area ethos means all prosecutors take work from across the range of forces. This meant that during the pandemic, a prosecutor in Reading could cover a court in St Albans via the cloud video platform (CVP). As another example, recently the Area was dealing with 17 homicide cases from Thames Valley police at the same time; the success of the one Area ethos meant this work could be shared fairly among a wider team.

1.22. It is clear from the documents we have read, from what we saw and heard when we observed the Area casework quality committee, and from our meeting with the Area's senior management team that the Area has a good awareness of the aspects of casework which need to be improved and a sound understanding of the wider strategic issues it faces.

1.23. A number of the issues we identified from our file read had already been identified by the Area as topics that required attention. It is also clear that, even during the height of the issues caused by the pandemic, the Area was keen to maintain high quality casework outcomes. We saw clear messaging, in minutes

from meetings and communications to staff, concerning casework expectations. We also saw senior managers dip-sampling casework quality issues such as disclosure management document (DMD) completion and providing feedback to prosecutors as necessary.

1.24. When staffing levels stabilise, and case numbers return to their pre-pandemic levels, the Area's casework focus and its increasingly experienced staff will put it in a good position to drive real improvement in all areas of its work.

Added value and grip

1.25. We have focused our evaluation of casework quality on two key measures: added value and 'grip'. We define added value as the CPS making good, proactive prosecution decisions by applying its legal expertise to each case, and grip as the CPS proactively progressing its cases efficiently and effectively.

1.26. Table 1 shows our baseline assessment of CPS Thames and Chiltern's added value and grip.

Table 1: Baseline assessment of CPS Thames and Chiltern

CPS Thames and Chiltern	Added value	Grip
Magistrates' court casework	58.1%	74.5%
Crown Court casework	61.7%	73.2%
Rape and serious sexual offences casework	53.9%	67.0%

1.27. Overall, our file examination found that in most cases, the Area makes correct charging decisions which are compliant with the Code for Crown Prosecutors, and selects charges which properly reflect the gravity of offending, affording the court adequate sentencing powers.

1.28. There was also strong evidence that the Area adds value in its work with victims and witnesses, particularly in seeking that appropriate orders are imposed at the conclusion of a case to protect victims.

1.29. However, there were some aspects where improvement is called for, most notably in the quality of case analysis and strategy at the pre-charge stage. Thorough analysis of the evidence was often found to be lacking and any trial strategy absent. This was observed to have consequences at later stages in the case, where issues that should have been anticipated became pressing. Overall, case analysis and strategy in Crown Court casework was better after charge than for pre-charge casework, but there was still significant room for

improvement after charge. The quality of initial disclosure in all units requires improvement.

1.30. Our file examination highlighted a significantly stronger level of grip in the Area's Crown Court and magistrates' court casework than in RASSO casework.

1.31. Good grip was apparent in the Area's handling of correspondence from both the witness care unit and the police, with the Crown Court and RASSO units being rated as fully meeting the standard for their timely and effective responses in over 80.0% of cases. The Crown Court and RASSO unit also performed strongly in complying with judicial orders. Good grip was noted in the magistrates' court and RASSO unit's sharing of hard media with all parties before the first hearing; and the magistrates' and Crown Court units achieved success in recording a clear audit trail of key events and decisions.

1.32. To build higher ratings for grip across casework, the Area needs to improve the quality of its preparation for the first hearing, in particular consideration of any acceptable pleas, to ensure effective progress. In a casework quality committee meeting we attended in April 2022, the Area self-identified this issue when considering victim and witness attrition.

1.33. In addition, the Crown Court unit and RASSO unit must chase missing counsel's advice, which we found was only taking place in 3.7% of Crown Court cases and 6.3% of RASSO cases.

Casework themes

1.34. We examined the cases in accordance with five casework themes to allow us to set out our findings in greater detail. The themes fed into the scores for added value and grip². The themes were:

- pre-charge decisions and reviews
- post-charge reviews
- preparation for the Plea and Trial Preparation Hearing (Crown Court and rape and serious sexual offences cases only)
- disclosure of unused material
- victims and witnesses.

² See Annex F for scoring methodology.

1.35. Some of the aspects for improvement we have identified could be seen simply as a matter of record keeping. We do not share this view. A consistently high standard of recorded actions, case analysis, and disclosure and other casework decisions promotes legal rigour and is more likely to identify flaws in reasoning before a decision is made, or to identify weaknesses or other issues in the case that need addressing. A good standard of reviews also reduces the need for later reworking by others and allows legal managers to understand how those they manage are arriving at their legal decisions, and thus identify development or training needs.

Pre-charge decisions and reviews

1.36. Compliance with the Code for Crown Prosecutors requires charging lawyers to assess the material supplied by the police and to apply the two-stage test. The first stage is deciding whether there is sufficient evidence for a realistic prospect of conviction and the second is deciding whether a prosecution is required in the public interest. Only if both stages are met should the lawyer advise charging.

1.37. We describe as ‘wholly unreasonable’ any decision:

- that is not compliant with the Code for Crown Prosecutors
- which no reasonable prosecutor could have made:
 - in the circumstances in which it was made
 - at the time it was made or ought to have been made.

1.38. In our file sample, we found that 77 of the Area’s 79 charging decisions³ (97.5%) complied with the Code for Crown Prosecutors at the pre-charge stage. Within the different teams, the Code compliance rates were:

- magistrates’ court cases: 92.6%
- Crown Court cases: 100%
- rape and serious sexual offences (RASSO) cases: 100%.

1.39. While getting the initial charging decision correct is essential, a clear analysis of the material and a thoughtful case strategy are also fundamental to the efficiency and effectiveness of the subsequent stages. These elements support the initial application of the Code for Crown Prosecutors and selection of charges as the case moves through the criminal justice system. A case strategy

³ At the pre-charge stage we assessed only the cases charged by Area prosecutors, and excluded those charged by the police and CPS Direct, the out of hours national service.

should 'tell the story', encompassing what the case is about, and should set out how to address potentially undermining material – such as material impugning the credibility of a victim or witness, or which supports likely lines of defence.

1.40. In our file examination, we found that the quality of pre-charge reviews across all units needed to improve. We rated all casework units as not meeting the standard for this aspect of casework overall, with only 18.5% of magistrates' court cases, 17.6% of Crown Court cases and 22.2% of RASSO cases assessed as fully meeting the relevant standard. Reviews often failed to analyse the evidence in sufficient detail or to identify strengths and weaknesses in the evidence or the essential elements to prove. Inspectors repeatedly noted a failure to consider the defences that had been advanced or to detail a coherent strategy for successfully prosecuting the case.

1.41. We also noted that the Area needs to improve its consideration of unused material before charge in all units. Reasonable lines of enquiry that may have assisted the defence case were a common omission, and there was also a notable theme of failing to recognise material that undermined the prosecution case and explain how it would be dealt with. Often, the reviewer did not provide adequate instructions to advocates to enable them to progress the case efficiently at the first hearing. In many cases, there was a failure to consider fully the potential for applications, such as special measures, to support victims and witnesses at the pre-charge stage.

1.42. In its own casework quality assessments, the Area has identified that prosecutors were regularly charging cases before all reasonable lines of enquiry had been completed. Individual quality assessments were focused on this topic and, where compliance was found to be an issue with individual lawyers, specific objectives were set for them to improve the quality of this aspect of casework. We will be able to assess the impact of this work in our follow-up inspection.

Post-charge decisions and reviews

1.43. As with pre-charge reviews, the quality of ongoing reviews and strategy is of critical importance to the effective and efficient progress of cases through the criminal justice system. In our file sample, we found that 93.3% of the Area's 90 post-charge decisions complied with the Code for Crown Prosecutors. Within the different teams, the Code compliance rates were:

- magistrates' court cases: 90.0%
- Crown Court cases: 95.0%
- RASSO cases: 95.0%.

1.44. Similar to the pre-charge stage, while getting the post-charge decision correct is essential, continued clear analysis of the evidence and thoughtful case strategy are also fundamental to the efficiency and effectiveness of the subsequent stages. Cases often develop after charge and the evidence can change. This needs to be properly reflected in any post-charge reviews so that the case strategy adapts to the circumstances.

1.45. In cases that are expected to be concluded in the magistrates' courts, no review is required unless certain criteria are met, such as additional material being received or unused material not being considered and served at the pre-charge stage. In Crown Court cases, including RASSO cases, there should be a review before the first hearing in the Crown Court. In the magistrates' court and RASSO units, the quality of post-charge reviews remained similar to the poor standard we found at the pre-charge stage. In the Crown Court unit, post-charge reviews were generally of a better quality, although there was still room for improvement.

1.46. A recurring theme across all units was prosecutors copying the pre-charge review without considering any additional material received or the deficiencies in the initial review. This meant no value was added in these cases.

1.47. There were, however, examples of high-quality post-charge reviews in all units, where prosecutors considered new material and made sure the case was fully prepared for the next hearing.

1.48. Post-charge reviews should also be carried out at other stages during the case. In Crown Court cases (including RASSO cases listed before the Crown Court), a review should be conducted when the prosecution is required to serve the full evidence upon which the prosecution is to be based (a stage 1 review). This is also the deadline for service of initial disclosure (the unused material that, at that stage, is deemed capable of either undermining the prosecution case or assisting the case of the defendant). Also by this point, additional material should have been submitted by the police to allow the prosecution to review it before it is served on the defence.

1.49. We found an inconsistent approach to stage 1 reviews. They were not conducted routinely in the Crown Court and RASSO file sample we examined, with the result that our inspectors assessed just 40.0% of Crown Court cases and 17.6% of RASSO cases as fully meeting the standard. In 65.4% of all cases assessed as not meeting the standard, either no review had taken place or the review was a copy of the pre-charge decision, even though further developments had occurred that should have necessitated additional consideration.

1.50. As cases progress, things can change that affect whether or how a prosecution should be brought. If additional information brings about a fundamental change, then a prosecutor should review the case again to:

- make sure that it still complies with the Code for Crown Prosecutors
- make sure that the charges remain appropriate
- determine whether the change raises additional lines of enquiry
- determine whether the case strategy should be altered.

1.51. An effective review at this stage can add real value.

1.52. Improvement was required in the magistrates' court and RASSO units, as significant event reviews were not taking place when they should. Both units were assessed as not meeting the required standard in 73.3% of cases, with the main reason for both being a failure to carry out a review when necessary. The Crown Court unit performed better, although there is still room for improvement, with 41.7% of cases not meeting the standard. Across all units, we rated the Area as fully meeting the standard in 29.6% of cases.

1.53. In the initial aftermath of lockdown, with Crown Court centres remaining closed and unable to accommodate jury trials, the need to focus on custody time limit (CTL) cases and applications to the court for CTL extensions created a significant challenge. It is to the Area's credit that, despite these difficulties, we assessed all units as achieving a high degree of success in making timely and appropriate decisions on bail and custody. In the magistrates' court unit, 86.7% of cases were found to be fully meeting the standard; 72.5% of Crown Court cases and 75.0% of RASSO cases were assessed as fully meeting the required standard.

1.54. In our file sample, 35 cases required consideration of a legal application, such as admitting evidence of the defendant's bad character or for hearsay to be allowed at trial. The RASSO unit had some success in making appropriate applications, with 55.6% of cases assessed as fully meeting the required standard, but further work was required in the magistrates' court and Crown Court units. Overall, 28.6% of Area cases were assessed as fully meeting the standard, with 28.6% partially meeting the standard and 42.9% not meeting the standard.

Preparation of cases for the Plea and Trial Preparation Hearing in the Crown Court⁴

1.55. There are key tasks that the prosecution should complete before the Plea and Trial Preparation Hearing (PTPH), including preparing the indictment, uploading the prosecution case papers to the Crown Court Digital Case System, engaging with the defence and properly instructing the advocate. Completing the PTPH form is a fundamental aspect of preparing for the hearing. Full and accurate information from the prosecution and defence allows the court to manage the case effectively and make the relevant orders required to progress the case to trial.

1.56. Our overall assessment of the Crown Court unit's preparation for the PTPH is that it is not meeting the required standard, with a score of 50.7%. The RASSO unit performed better but was still assessed as not meeting the standard, with a score of 59.8%.

1.57. In assessing whether a prosecutor prepared the case effectively for the PTPH, we found 47.5% of Crown Court cases and 30.0% of RASSO cases fully meeting the standard. In both the Crown Court unit and RASSO unit, inspectors noted a failure to record any consideration of what pleas would be acceptable to resolve the case. It is of note that the Area has consistently recorded a level of guilty pleas at first hearing below the CPS's high weighted benchmark of 40%. Before the PTPH, prosecutors should consider what applications are required to allow these to be progressed if possible. This was not done in a number of cases across both units.

1.58. An instruction to advocate document should be prepared before the PTPH, providing simple instructions to make sure the hearing is as effective as possible and highlighting any particular features of the case that require attention. We found improvement was required in both the Crown Court unit and RASSO unit, with 36.0% of Crown Court cases and 22.2% of RASSO cases assessed as fully meeting the standard.

1.59. We were told that the Area does not have its own local bar and therefore counsel are usually instructed from London chambers. This has resulted in difficulty obtaining appropriate counsel, as they would have to travel further to attend the hearing, and would not be reimbursed for this extra time and expense.

1.60. The Area's poor performance in preparing instructions to advocates creates a risk that needs to be better managed as it struggles to brief its cases.

⁴ This theme only relates to Crown Court cases and RASSO cases listed before the Crown Court.

The Crown Court unit were successful in instructing an advocate at least seven days before the PTPH in 32.5% of cases. The pool of RASSO-accredited advocates is smaller; however, the RASSO unit were found to have instructed an advocate at least seven days before the PTPH in 57.9% of cases.

1.61. One of the principles of Better Case Management (the national process for progressing cases in the Crown Court) is direct engagement with the defence. This requires the parties in the case to communicate with each other about the issues at the earliest opportunity before the PTPH. This has been affected nationally by the pandemic, with firms furloughing staff. Locally, we were told, a number of defence firms closed or merged during this period. Inspectors found that 78.9% of Crown Court unit cases and 94.7% of RASSO unit cases were not meeting the required standard for defence engagement.

1.62. The timeliness of uploading key evidence and lodging the indictment before the PTPH was assessed to be a strength in the RASSO unit, with 73.7% of cases fully meeting the standard. The drafting of indictments was a positive feature in the RASSO unit, with 84.2% of cases rated as fully meeting the standard. Performance required improvement in the Crown Court unit, with inspectors rating the quality of the indictment as fully meeting the standard in 61.5% of cases. The timeliness of uploading the key evidence and the indictment was assessed as fully meeting the standard in 41.0% of cases in the Crown Court unit and 73.7% in the RASSO unit.

Disclosure of unused material

1.63. For justice to be served, it is vital that the police and CPS comply with their duties in relation to material that does not form part of the prosecution case ('unused material'). There are specific processes, rules and a wealth of guidance for disclosure, including for handling sensitive and third-party unused material. The police have duties to retain, record and reveal material to the CPS, which then must decide what unused material meets the test for disclosure to the defence. The test is whether the unused material is something "which might reasonably be considered capable of undermining the case for the prosecution against the accused or of assisting the case for the accused". If it meets the test, it is disclosable. The defence is told about all non-sensitive unused material, and is given copies of or access to material that meets the test for disclosure. This is 'initial disclosure'.

1.64. In the magistrates' courts, the defence **may** serve a statement setting out the defendant's case. In the Crown Court, the defence **must** serve such a statement. This is reviewed by the police and CPS, and any additional non-sensitive unused material that meets the test must be disclosed as 'continuing disclosure'.

1.65. Sensitive material that meets the disclosure test can be subject to an application to the court to withhold it. If this application is granted, the prosecution need not disclose the material.

1.66. Table 2 summarises our findings about the standard of initial and continuing disclosure.

Table 2: Compliance with disclosure duties

Ratings	Cases
Initial disclosure	
Fully meeting the expected standard	18.1%
Partially meeting the expected standard	31.3%
Not meeting the expected standard	50.6%
Continuing disclosure	
Fully meeting the expected standard	41.7%
Partially meeting the expected standard	22.9%
Not meeting the expected standard	35.4%

1.67. As Table 2 shows, the Area needs to improve compliance with its disclosure obligations, particularly in respect of initial disclosure. All units attained similar scores for how initial disclosure was completed, with 48.1% of magistrates' court cases, 50.0% of Crown Court cases and 55.0% of RASSO cases rated as not meeting the required standard.

1.68. The main shortcomings inspectors identified on initial disclosure were failing to identify where other obvious items of unused material had not been scheduled and failing to disclose material to the defence which satisfied the disclosure test. Together, these reasons accounted for 43 out of the 68 occasions (63.2%) when initial disclosure was assessed as not fully meeting the required standard.

1.69. There was notable improvement in the Crown Court unit in undertaking continuing disclosure, compared to initial disclosure. Our assessment of the RASSO unit was that disappointingly, the standard for continuing disclosure remained similar to the performance around initial disclosure. We found 55.2% of Crown Court cases and 18.8% of RASSO cases to be fully meeting the required standard for continuing disclosure.

1.70. A failure to identify that other obvious items of unused material had not been scheduled and a failure to disclose unused material which satisfied the disclosure test remained the largest reasons for Crown Court and RASSO cases being assessed as either partially meeting or not meeting the required standard.

Fourteen out of 27 cases that did not fully meet the required standard had one of these failings as the primary reason.

1.71. Three cases in the magistrates' court unit file sample required continuing disclosure following service of a defence statement. One was assessed as fully meeting the standard, one as partially meeting the standard and one as not meeting the standard.

1.72. Across the 90 files in our sample, we assessed the police as fully complying with their disclosure obligations in 18.9% of cases, partially complying in 35.6% of cases and not complying in the remaining 45.6%.

1.73. Where the police did not comply with their disclosure obligations, we assessed Area prosecutors' feedback to the police as fully meeting the expected standard in 8.2% of cases, partially meeting the standard in 35.6% of cases and not meeting the standard in 56.2% of cases.

1.74. The large increase in cases has undoubtedly increased pressure on prosecutors. However, for the police's performance to improve, there needs to be accurate feedback and escalation to the police at both the operational and the strategic level.

1.75. The Area is confident that its significant work to improve prosecutors' compliance with this obligation will see improved results. We will assess this in our follow-up inspection.

Victims and witnesses

1.76. The CPS's commitment to support victims and witnesses states that the "fundamental role of the Crown Prosecution Service (CPS) is to protect the public, support victims and witnesses and deliver justice. The CPS will enable, encourage and support the effective participation of victims and witnesses at all stages in the criminal justice process". It is a framework that provides prosecutors with easy access to all the key considerations that they should reflect in their dealings with victims and witnesses.

1.77. Early focus on relevant applications and ancillary matters to support victims and witnesses is important. The measures available can support victims and witnesses from the outset, providing certainty about the trial process and reducing the anxiety of the unknown in being called to give evidence.

1.78. All units were assessed as performing strongly for consulting with victims and witnesses at appropriate times. We assessed the magistrates' court team as fully meeting the required standard in 71.4% of cases, the Crown Court team as

fully meeting the standard in 95.2% of cases and the RASSO unit as fully meeting the standard in 85.7% of cases.

1.79. The Area also achieved notable success in making appropriate applications for orders to protect victims, witnesses and the public upon sentence, with inspectors rating 81.1% of all cases as fully meeting the standard.

1.80. While the Area performed strongly in some aspects of victim and witness support, our assessment of cases identified room for improvement in some respects. One such aspect was the consideration of applications and ancillary matters to support victims and witnesses before charge; we assessed the magistrates' court unit as fully meeting the standard in 42.1% of cases, the Crown Court unit as fully meeting the standard in 37.5% of cases and the RASSO unit as fully meeting the standard in 13.3% of cases. The Crown Court and RASSO units, in particular, failed to detail appropriate special measures applications for relevant witnesses.

1.81. There was significant improvement in the handling of special measures applications after charge in the RASSO and Crown Court units, with only one case out of 35 not meeting the required standard. Across all units, inspectors saw late submissions of special measures applications which meant victims and witnesses were left without timely assurance that they would be giving evidence in the manner they had requested.

1.82. The timeliness of Victim Communication and Liaison (VCL) scheme letters also requires improvement, with 28.6% of cases rated as fully meeting the standard, 19.0% as partially meeting the standard and 52.4% as not meeting the standard. The quality of letters was found to be good. Inspectors rated 69.2% of VCL letters as fully meeting the standard and the remaining 30.8% as partially meeting the standard. None of the letters the Area sent were assessed as not meeting the standard. This is a strength.

2. Context and background

Background to the inspection

2.1. HMCPsi last inspected Crown Prosecution Service (CPS) Areas in the Area Assurance Programme between 2016 and 2019. At that stage, although good performance was identified in some aspects (such as leadership and financial management), the assessments highlighted that the core elements of the CPS's business – legal decision-making and case management – needed more attention to achieve compliance with the CPS's quality standards and what the public ought reasonably to expect.

2.2. Since 2019, the thematic inspections we have carried out – notably those covering charging⁵, serious youth crime⁶ and disclosure⁷ – have reached similar findings, suggesting that more remains to be done to improve aspects of casework quality. We therefore decided to focus our geographical inspections of the CPS on casework quality. Other aspects of Areas' work, such as strategic partnerships and digital capability, will be addressed only to the extent that they have an impact on casework quality.

2.3. On 12 August 2019, the government announced that the CPS would be allocated £85 million of additional funding over a two-year period. To determine whether the additional resources have had a material impact on casework quality, we are inspecting all 14 Areas to provide a baseline – and will follow up in each Area at least once, no earlier than 24 months after their baseline inspection. This will enable us to report on the use made of the additional resources, as well as other improvements made through training and casework quality measures.

2.4. This report sets out the findings of the initial baseline inspection of CPS Thames and Chiltern, assessing current performance against the inspection framework and deriving scores from our judgements of the added value and grip displayed by the Area in its casework. The scoring mechanism is set out in more detail in chapter 3 and annex F.

2.5. A complicating factor in establishing a baseline and assessing current performance is the very real and ongoing pressure on the CPS as a result of the global Covid-19 pandemic. We were mindful of potentially adding to the burden

⁵ *Charging inspection 2020*; HMCPsi; September 2020.

www.justiceinspectorates.gov.uk/hmcpai/inspections/charging-inspection-2020/

⁶ *Serious youth crime*; HMCPsi; March 2020.

www.justiceinspectorates.gov.uk/hmcpai/inspections/serious-youth-crime/

⁷ *Disclosure of unused material in the Crown Court – a follow-up*; HMCPsi; December 2020.

www.justiceinspectorates.gov.uk/hmcpai/inspections/disclosure-of-unused-material-in-the-crown-court-a-follow-up/

faced by the CPS, but it is the role of HMCPsi, as a criminal justice inspectorate, to report on the effectiveness and efficiency of the agencies it inspects. This inspection programme needs to reflect the pressures and burdens being faced by the CPS, but equally has to weigh compliance with the requirement for high-quality legal decision-making and case management. This is what the public deserves.

2.6. Our findings and scores will therefore be based on existing expectations and standards, but where the pressures of the pandemic have had a material impact, we will set out relevant and clear context to enable better understanding of the Area's performance.

The current landscape and the Covid-19 pandemic

2.7. The global pandemic has had a significant impact on the CPS and the wider criminal justice system. Court closures during the first UK-wide lockdown from March to May 2020 resulted in significant backlogs in cases awaiting hearings and an increase in caseloads for all case types within the CPS. Since the initial lockdown, there have been more national and local lockdowns across the UK.

2.8. In June 2020, we published a report on the CPS's response to the first lockdown⁸. We reported how the CPS had been able, with a high degree of efficiency and success, to move most office-based activities to remote digital working. The report also highlighted that some police forces had taken the opportunity of the first UK lockdown and the consequent reduction in the level of crime to work on long-running cases and clear case backlogs. These cases came into the system as pre-charge receipts and increased both the number of cases in Areas and court backlogs.

2.9. From June 2020, prosecutors attended many magistrates' court hearings in person to prosecute cases, including trials, as well as using the cloud video platform (CVP), Her Majesty's Courts and Tribunals Service's video application, to facilitate remote hearings. There has been a drive to reduce the backlogs in the magistrates' courts, which has been successful but has brought with it added pressure for the CPS to deal with an increased number of cases, within a short period of time, with the same resources.

⁸ *CPS response to COVID-19: 16 March to 8 May 2020*; HMCPsi; June 2020. www.justiceinspectorates.gov.uk/hmcpai/inspections/cps-reponse-to-covid-19-16-march-to-8-may-2020/

2.10. In the Crown Court, at the early stage of the pandemic, most hearings were confined to administrative hearings using the CVP, with trials only starting to be listed in nine Crown Court centres. By September 2020, jury trials were being heard in 68 of the 81 Crown Court centres. Nightingale courts⁹ were also set up as one of the measures to address the growing backlogs of Crown Court cases. In Thames and Chiltern, two Crown Court centres were initially opened in Amersham and Huntingdon to assist with the backlog of cases. Another Nightingale court at Bedford was available to the Area from November 2021. The addition of these courts helped to reduce the number of cases waiting for a court date, but increased the number of sitting court rooms the Area had to service from an average of 18 per day before the pandemic to between 24 and 28 per day.

2.11. In March 2021, we published a report looking at the CPS's response to the continuing pandemic¹⁰, with a focus on how it was coping with increased caseloads and backlogs. All Areas saw an increase in their caseloads, although not all were equally affected; for charging, for example, one Area's caseload increased by 13.6% between April and June 2020, while another Area saw an increase of 30.3%.

2.12. Our findings need to be read in the context of the Covid-19 pandemic and the backlogs created by it, but also bearing in mind the other pressures on the Area, such as the increase in average working days lost and the difficulty in recruiting staff. Police file quality also remained an issue, with over half the files we inspected failing to comply with National File Standard and only 23.3% found to comply with the police's disclosure obligations. These factors have exacerbated the impact of Covid-19.

⁹ Nightingale courts were set up in venues other than traditional court centres to provide temporary extra courtroom capacity to help deal with the impact of the pandemic.

¹⁰ *CPS response to COVID-19: dealing with backlogs*; HMCPSI; March 2021.

www.justiceinspectorates.gov.uk/hmcpsi/inspections/cps-response-to-covid-19-dealing-with-backlogs/

Impact on the Area

Caseloads and backlogs

2.13. CPS Thames and Chiltern was affected, as was the CPS nationally, by significant backlogs in the magistrates' courts and Crown Court as a result of the closure of courtrooms during the initial UK-wide lockdown. There were extra cases coming in as the police progressed existing investigations faster and submitted them to the CPS for charging advice, but cases were not being finalised as the courts heard at first no trials, then later, far fewer trials than pre-pandemic. This created obvious pressures, particularly given the extra work of maintaining victim and witness engagement and trial readiness across longer waiting times.

2.14. Table 3 shows the changes between Quarter 1 of 2020–21 (April to June 2020) and Quarter 1 of 2022–23 (April to June 2022) for the number of live cases the Area was carrying in the two teams at the end of each month.

Table 3: Changes in live cases 2022–22

Month	2020	2021	2022	Difference	Difference (%)
Magistrates' courts					
April	5,400	7,116	4,196	-1,204	-22.3%
May	5,940	6,699	4,317	-1,623	-27.3%
June	6,610	6,601	4,459	-2,151	-32.5%
Crown Court					
April	2,659	4,134	4,016	+1,357	+51.0%
May	2,926	4,166	4,012	+1,086	+37.1%
June	3,255	4,247	4,060	+805	+24.7%

2.15. The Area remains affected by the substantial increases in caseloads caused by the repercussions of the Covid-19 pandemic. The number of live cases carried forward from the last quarter before the pandemic (January to March 2020) was 7,391 for the magistrates' courts, compared to 8,214 in the latest quarter (January to March 2022). Similarly, the number of live cases in the Crown Court unit increased from 2,797 to 4,273 over the same period.

2.16. The different units have experienced peak caseloads at different times. The magistrates' courts caseload peaked at 52.8% above the pre-pandemic baseline in Quarter 3 of 2020–21 (October to December 2020) and has been falling since then. The Crown Court unit saw its highest case numbers in Quarter 3 of 2021–22 (October to December 2021), at 55.4% above pre-pandemic levels, and has since seen a slight decrease. The rape and serious sexual

offences (RASSO) unit's caseloads are continuing to rise as of the last recorded figures.

2.17. The Area moved some prosecutors from the magistrates' court unit to the Crown Court unit on an ad hoc basis in response to the shift in demand. Crown advocates also assisted across all units.

Magistrates' courts

2.18. When the pandemic struck, the live caseload in the magistrates' courts increased significantly. It increased by 37.3% between Quarter 1 of 2020–21 (April to June 2020) and Quarter 1 of 2021–22 (April to June 2021). But as Table 3 shows, the current magistrates' courts caseload is approximately 17.4% less than in April 2020. During the same period, overall receipts fell by 19.3%.

2.19. The Area was quickly able to return to the pre-pandemic number of sitting magistrates' court days following the end of lockdown and has been successful at reducing the court backlog using the cloud video platform. Additionally, an internal task force reviewed cases to assess whether it remained in the public interest to proceed with them, liaised with defence representatives to see if resolution was possible, and worked with HM Courts and Tribunals Service on a 'trial blitz' programme, which effectively helped reduce the number of matters in the magistrates' courts.

Crown Court

2.20. There was a 25.5% increase in the Crown Court live caseload from Quarter 1 of 2020–21 (April to June 2020) to Quarter 1 of 2021–22 (April to June 2021). While the caseload is now decreasing, the last quarterly figures from January to March 2022 still showed a 52.8% increase from the pre-pandemic level.

2.21. During the pandemic, when courts were sitting less often, the Area sent charging work to outside counsel and redeployed crown advocates to carry out review work, primarily pre-charge advice. This alleviated some pressure on prosecutors while caseloads were rising. The Chief Crown Prosecutor meets the Resident Judges quarterly and discusses court backlogs, including making efforts to identify impediments to increasing the number of early guilty pleas.

2.22. During the same period, overall receipts increased by 14.1%.

2.23. The Area has been able to service three additional Nightingale courts to reduce the backlog, although that comes at the cost of requiring staff to cover the extra sites. The Crown Court unit was 12 prosecutors below resourcing model levels at one point, making this task more onerous. Caseloads are now decreasing from their peak.

Rape and serious sexual offences

2.24. The live RASSO caseload increased from 33 in Quarter 1 of 2020–21 (April to June 2020) to 87 in Quarter 1 of 2021–22 (April to June 2021). As in the Crown Court unit, external counsel were briefed to undertake charging work and crown advocates were redeployed to carry out review work. New staff were moved into the RASSO unit but were initially allocated low numbers of cases while they built up experience. This meant additional work fell to the remaining prosecutors.

2.25. During the same period, overall receipts fell by 31.4%.

2.26. In the last recorded quarter (January to March 2022), caseloads in the RASSO unit continued to increase.

Custody time limit cases

2.27. Where a defendant is refused bail while awaiting trial, they are subject to custody time limits (CTLs). This means the defendant can only be held in custody for a certain number of days before the start of a trial. The imposition of this time limit creates pressure on the prosecution to complete all necessary work swiftly. When social distancing and other restrictions were first imposed early in the pandemic, jury trials were suspended for a two-month period. When they restarted, they did so at much lower frequency than before the pandemic.

2.28. This created additional pressure on prosecutors to apply to extend CTLs, and on managers to check and countersign the applications. The Area's CTL assurance group previously met quarterly to make sure CTL cases were being managed appropriately; this was changed to monthly to address the increased risk. This demonstrates the senior management team's desire to react to unfolding events to make sure emerging risks are handled correctly. In 12 months to March 2022, the Area has had two recorded CTL failures.

2.29. To mitigate the risks associated with the increase in cases, the magistrates' court unit has received training on proper application of the Bail Act and threshold test. Throughout the pandemic, the Area continued to monitor and audit CTL cases to make sure that they are progressed expeditiously and that extensions are sought in relevant cases.

Staffing

2.30. Since April 2020, CPS Thames and Chiltern has recruited over 80 new members of staff. This has taken place during the period that included lockdown, social distancing and a substantial increase in home working. These challenges have made induction and training for new staff more challenging.

2.31. Over the same period the Area has recruited seven new legal managers (District Crown Prosecutors). While most new starters began with the magistrates' court team, staff moved between units to respond to pressures, meaning each team included a number of less experienced prosecutors. The potential inexperience of staff, and those who manage them, means a significant amount of time and resource is invested in supporting new starters. It is not surprising, therefore, that our findings on casework quality betray a lack of experience.

2.32. Despite its recruitment activity, the Area remains nine prosecutors, 12 operational staff and five advocates under the 2023 target set in the national resourcing model. This places extra pressure on existing staff at a time when case numbers in each unit are at an increased level.

Counsel and agents

2.33. Sir Christopher Bellamy's Independent Review of Criminal Legal Aid noted a "significant fall in criminal barristers concentrated in the 8 to 22 years of practice group". This shortage is exacerbated in the Thames and Chiltern Area by the absence of a local bar and the general preference of counsel to work in London. In addition, we were told there had been a 19% drop in the number of RASSO panel advocates on the South East circuit who wished to accept RASSO work. This challenging picture means securing counsel has been increasingly difficult, as has obtaining an advice and a conference from counsel after they are instructed.

2.34. In response to these pressures, the Area is looking to instruct counsel from a wider pool. The Chief Crown Prosecutor sits on the CPS/bar diversity and inclusion group and the Area keeps a record of the barristers involved in each case, to make sure a diverse mix of counsel are instructed.

2.35. In the aftermath of the first lockdown, obtaining agents to undertake advocacy in the magistrates' courts was also challenging. The Area previously relied on being able to instruct 25–30 agents per week, but following lockdown this number fell to approximately ten. This meant that CPS Thames and Chiltern staff were more frequently required to undertake advocacy work themselves, making them unavailable to deal with increased caseloads.

Moving forward

2.36. The impact of the pandemic is still being felt in the Area. Caseloads have increased and are above pre-pandemic levels. Staff absence rates have increased, reaching 9.6 average working days lost in June 2022. Trials continue to be affected by the loss of jurors and court staff, with some being listed more than 12 months after the Plea and Trial Preparation Hearing, which makes it challenging for the Area to maintain the engagement of victims and witnesses.

2.37. The Area has taken a positive approach to dealing with the pandemic and continues to work with partners on recovery plans – through Covid-19 recovery groups for the magistrates' courts and Crown Court, for example. However, significant pressures remain, meaning, in short, more work must be done by a finite number of staff.

Police service to the Area

2.38. Police file quality is a long-standing issue nationally, and one that we have reflected on frequently in previous reports. The advent of the pandemic has had a substantial impact.

2.39. The Director of Public Prosecutions issued new charging guidance (referred to as the Director's Guidance on Charging, sixth edition or DG6) in December 2020, and it came into force on 31 December 2020. It reflected, among other changes, the revisions to the Attorney General's Guidelines on Disclosure 2020 and the related Code of Practice. National assurance of police file quality data was suspended during the pandemic, and compliance with DG6 was not formally required until 1 April 2021, after a three-month introductory period. The new monitoring process for police file quality under DG6, called DG6 Assurance, was introduced nationally on 21 July 2021.

2.40. A lot of work has gone into engaging the three police forces who serve Thames and Chiltern, but this is made more difficult by the tri-force police structure, which engages Bedfordshire and Hertfordshire police forces and includes Cambridgeshire police force rather than Thames Valley. CPS Thames and Chiltern has successfully involved the three forces that serve the Area in strategic groups to agree common working practices and increase collaboration. All three Chief Constables have agreed to holding a regional strategic joint operational improvement meeting to address RASSO, case progression and file quality issues.

2.41. The Thames and Chiltern Area Business Manager attended each criminal justice board to make representations on the issue of file quality. The three forces have now invested in file quality teams and the Area is hopeful these will drive tangible improvements in the product from the police.

2.42. The Area has delivered training to local police forces and presented an evidence-led training session with each individual force. Senior CPS staff also provided disclosure and file quality training to the forces' new file quality teams.

2.43. Some issues do remain. The macros attached to documents provided by Thames Valley police caused inspectors significant difficulty in accessing and reading the contents. This caused notable delays and will undoubtedly have an impact on prosecutors' ability to productively review cases, access documents and provide information to the court. This matter has been raised by the Area with the police at a senior level.

Performance data

2.44. The CPS has a suite of performance measures that each CPS Area is measured against. Some of these are designated as high weighted measures.

2.45. Whilst we have considered the performance data available, our assessment of the quality of CPS Thames and Chiltern's casework is predicated upon our file examination. This focused on the effectiveness of the Area's actions against the CPS's own standards around the quality of legal decision-making and case management, which is solely within the control of the CPS. It is from this alone that the inspection scores have been awarded.

2.46. Whilst outcomes, often reported as performance measures, are of course important, this inspection programme focuses on how the CPS can increase the value it adds and improve its grip on casework. We identify where there are issues to address in the drive to deliver further improvement, and we also highlight good practice and strengths we have found in the quality of service that the CPS delivers within the criminal justice system.

3. Framework and methodology

Inspection framework

3.1. The Area inspection programme framework has been designed to focus on the Crown Prosecution Service's (CPS's) delivery of quality casework, which is its core function and one of the five strands of the CPS 2025 strategy¹¹. To do this, we are examining 90 cases from each Area, which will form the basis of our findings, judgements, and scoring. The inspection will include an assessment of the other four strands of CPS 2025 (people, digital capability, strategic partnerships, and public confidence) only in so far as they have an impact on, support, and promote casework quality.

3.2. The inspection framework is set out in full in annex A.

Methodology

3.3. The primary evidence for our findings and judgements comes from the examination of 90 cases from CPS Thames and Chiltern. We looked at 30 magistrates' court cases, 40 Crown Court cases, and 20 cases involving rape and serious sexual offences (RASSO). We recognise that 90 files is not statistically significant in relation to the Area's caseload, but long experience shows us that it is sufficient to identify what is working well, and what the themes or issues are when the need for improvement is indicated.

3.4. The file sample composition is set out in annex E. We selected the cases according to these criteria to ensure the same balance of successful and unsuccessful outcomes, and of sensitive and non-sensitive case types, for each Area. We chose live cases for 10% of the file sample to enable us to examine cases that were affected by pandemic pressures, particularly pressures in listing practices. Most of the remaining 90% were finalised between October and December 2021, although we had to look to alternative quarters to find sufficient cases in a few instances. Two late guilty pleas from the RASSO unit were finalised in September 2021, one early guilty plea and one conviction after trial from the RASSO unit were finalised in January 2022 and one discontinued case from the magistrates' court unit was concluded in February 2022. Within the criteria, cases were chosen at random.

3.5. Each case was examined by an experienced legal inspector against a set of 60 questions, with guidance to ensure a common understanding of how to apply the questions to the cases. The work was assessed as fully meeting the expected standard, partially meeting the standard or not meeting the standard.

¹¹ CPS 2025 is the CPS's strategy and vision for where it wants to be in 2025. www.cps.gov.uk/sites/default/files/documents/publications/CPS-2025-strategy.pdf

3.6. HMCPsi house style is to round figures to a single decimal point, so where percentages are cited, they may not total 100%.

Other inspection activity

3.7. We asked CPS Thames and Chiltern to send us a range of documents across all aspects of the framework, which we reviewed with a focus on the evidence that shed light on the Area's delivery of high-quality casework.

3.8. We also attended the Area's casework quality committee meeting on 26 April 2022 to better understand how the Area views its casework quality and the improvement work going on in the Area.

3.9. After examining the files, we produced a summary of our preliminary findings, mainly from the files, but supplemented by evidence from the documents and attendance at the casework quality board. We sent this assessment document to the Area in advance of a meeting to discuss its contents with senior managers. At the meeting, the Area was able to put the findings in context, explain more about the pandemic and other pressures it was dealing with, and supply more evidence where necessary.

Quality assurance

3.10. This programme of inspections has been developed in consultation with the CPS, including three Chief Crown Prosecutors who provided helpful feedback on the framework, methodology and context.

3.11. In line with our methodology¹², we held consistency exercises for our inspectors on the question set and guidance, and we invited staff from a number of Areas including CPS Thames and Chiltern. Our file examination assessments were then subject to internal quality assurance, which included data checks and dip-sampling. Dip samples were then checked to ensure consistency of approach.

3.12. As set out in detail in our methodology, we follow a robust quality assurance process for cases where we reach a provisional conclusion that a decision to charge, proceed to trial, accept pleas, or discontinue was not in compliance with the Code for Crown Prosecutors. The process involves two stages of internal review and between one and three stages of consultation with the CPS on our provisional finding. The number of consultation stages depends on whether the Area agrees with our provisional finding and, where we cannot

¹² *Inspection handbook*, HMCPsi; January 2021.

www.justiceinspectorates.gov.uk/hmcp/psi/wp-content/uploads/sites/3/2021/02/HMCPsi-Inspection-handbook.docx

agree, how many stages the Area wishes to invoke. Ultimately, the decision is ours.

3.13. The Area assessment document, containing our preliminary findings, was reviewed by the Deputy Chief Inspector (Inspections). They held a ‘check and challenge’ session with the inspection team before our meeting with the Area’s senior managers to discuss the findings.

Scoring

3.14. Historically, HMCSI has awarded a single score to a CPS Area at the conclusion of an Area inspection: excellent, good, fair, or poor. While this provided an overall score which was easily accessible to those reading the report, it did not always reflect the variety of findings we found in each Area, and across the Areas.

3.15. In this inspection, with the focus on casework quality, we have assessed whether the Area has added value to the prosecution through good, proactive prosecution decision-making and whether the Area has gripped case management. These two aspects of the Area’s casework handling are scored as percentages for each of the three types of casework examined within this inspection: magistrates’ court casework, Crown Court casework and RASSO casework. The scores are derived solely from our file examination.

3.16. We assessed how well CPS Thames and Chiltern met the standards against 60 questions¹³ covering themes from pre-charge to case conclusion. Inspectors applied ratings to each question for each case – fully meeting the standard, partially meeting the standard or not meeting the standard. Inspectors applied the CPS’s own casework standards.

3.17. In reaching our assessments around added value and grip, we examined Area cases against a set of questions that we brigaded into casework themes. These are examined in detail within the report to provide a fair and transparent assessment of the Area’s work across the three types of volume casework assessed. Each theme received a score – recorded as a percentage and calculated in the same way as for added value and grip – which then translated into an assessment of how well the Area met the standard for that specific theme¹⁴.

¹³ See annex D for the full question set.

¹⁴ See annex F for the scoring methodology and annex G for which questions contributed to each of the casework themes.

3.18. By presenting our findings in this way, the CPS, the public and the Attorney General (as the superintending officer for the CPS) will have clarity around the Area's performance.

4. Key stages in a prosecution case

Pre-charge decision-making

4.1. While it is the police who investigate criminal allegations, in most cases it is the Crown Prosecution Service (CPS) who decides whether a suspect should be charged and with what. The CPS then conducts the case through to the end. Within the CPS, charging decisions are made either by one of the 14 geographical Areas or by the out-of-hours service, CPS Direct. In less serious cases, and provided the case fits certain criteria, the police can make the decision to charge. In all cases, the police should decide not to charge (or to take 'no further action') where the evidence does not pass the threshold for referral to the CPS.

4.2. Once the case is with the CPS, its prosecutors review the evidence and other material sent by the police, and make their decisions based on the Code for Crown Prosecutors ('the Code')¹⁵. This is a public document, issued by the Director of Public Prosecutions, which sets out the general principles that prosecutors should follow when they make decisions on cases.

Complying with the Code

4.3. To comply with the Code, prosecutors must assess the material supplied by the police and apply a two-stage test. The first stage is deciding whether there is sufficient evidence for a realistic prospect of conviction. The second stage is deciding whether a prosecution is required in the public interest.

4.4. The first ('evidential') stage is an objective test that the prosecutor must consider. It means that a bench of magistrates, a District Judge or a jury, properly directed in accordance with the law, will be more likely than not to convict the defendant of the charge alleged. This is a different test to the one the criminal courts must apply – whether that is a bench of magistrates, a District Judge, or a jury – which is that they should only convict if they are sure of a defendant's guilt.

4.5. Prosecutors must be fair and objective, considering each case on its merits. It is the duty of the prosecutor to make sure that the right person is prosecuted for the right offence and to bring offenders to justice wherever possible. Prosecutors must make sure that the law is properly applied, that relevant evidence is put before the court and that the obligations of disclosure are met.

¹⁵ *The Code for Crown Prosecutors*; CPS; October 2018.
www.cps.gov.uk/publication/code-crown-prosecutors

4.6. The second ('public interest') stage will only be considered if the prosecutor concludes that the evidential test has been met. If there is insufficient evidence for a realistic prospect of conviction, then regardless of the seriousness of the offence or the impact on an alleged victim or the public, the prosecutor cannot go on to consider the public interest.

4.7. Where there is sufficient evidence for a realistic prospect of conviction, a prosecution will usually take place unless the prosecutor is satisfied that there are public interest factors tending against prosecution which outweigh those tending in favour. In reaching this decision, prosecutors must bear in mind paragraphs 4.14(a) to 4.14(g) of the Code for Crown Prosecutors.

4.8. As part of our methodology, we assess Code compliance. If we conclude that the Code decision was incorrect, and that no reasonable prosecutor could have made that decision in the circumstances in which it was made and at the time it was made (or ought to have been made), we describe this as a 'wholly unreasonable decision'.

Selecting the most appropriate charges

4.9. The facts and circumstances of each case are different and there are often a number of charges that can be considered and selected by the prosecutor. Prosecutors should select charges which:

- reflect the seriousness and extent of the offending
- give the court adequate powers to sentence and impose appropriate post-conviction orders
- allow a confiscation order to be made in appropriate cases, where a defendant has benefited from criminal conduct
- enable the case to be presented in a clear and simple way.

4.10. This means that prosecutors may not always choose or continue with the most serious charge, where there is a choice and the interests of justice are met by selecting the lesser charge.

4.11. Prosecutors should not select more charges than are necessary to encourage the defendant to plead to some of the charges, nor should a prosecutor charge a more serious offence with a view to encouraging a defendant to plead to a less serious one.

4.12. Charging standards set by the CPS also help prosecutors select charges in some types of offending. One example is the charging standard for offences against the person. This standard helps to ensure a consistent approach in

cases where the circumstances of an assault would fit either a charge of common assault by beating – an offence that can be tried only in the magistrates' courts – or an assault occasioning actual bodily harm: an offence that can be tried either in the magistrates' courts or the Crown Court, and which attracts a greater maximum sentence.

Quality of the pre-charge decision review, including analysis and case strategy

4.13. Getting the initial charging decision correct is essential. But it is also fundamental to set out a clear analysis of the material and a clear strategy. It helps to ensure the efficiency and effectiveness of the subsequent stages, supporting the initial application of the Code and the selection of charges as the case moves through the criminal justice system.

4.14. Without clear contemporaneous records of how prosecutors have made their legal decisions, it is not possible to know whether they have taken into account all relevant factors and demonstrated sound reasoning to reach their conclusions – including anticipating issues that may cause difficulties or delays at a later date, and taking action or devising strategies to overcome them. In our view, the CPS must have a proper understanding of how all its prosecutors arrive at their decisions in order to achieve its 2025 strategy aim of high-quality casework.

4.15. The prosecutor's review, which should be recorded on a police manual of guidance form 3 (or 3A for any subsequent reviews after the first review), should set out a clear and cogent analysis of the material, identifying how the evidential test is met and setting out a clear case strategy. A case strategy should encompass what the case is about, or 'tell the story'; and set out how potentially undermining material, such as material with an impact on the credibility of a victim or witness, can be addressed.

4.16. A prosecutor's review that meets the standard will fulfil the following criteria.

- It sets out a clear trial strategy demonstrating how each of the essential legal elements of the offence are to be proved (or cannot be proved). In particular, where there are two suspects or more, the prosecutor has considered the case of each one separately and applied the Code individually to all charges, including where joint enterprise was alleged.
- It identifies reasonable lines of enquiry. These can be very different from case to case but often include the need for scientific evidence or examination of communications, for example. The review also identifies those lines of enquiry that may point away from a prosecution. There is a proportionate

action plan identifying those reasonable lines of enquiry and setting a realistic target date for completion.

- It addresses issues or defences that could reasonably arise, and the prosecutor has articulated how they could be countered.
- It addresses relevant issues of admissibility, including hearsay, identification or the significance of hard media.
- The prosecutor has considered the credibility and/or reliability of key witnesses, including previous convictions and past reports to the police. Where a video-recorded interview has taken place, it has been properly assessed.
- It follows relevant CPS policies, for example, the domestic abuse policy.
- The prosecutor has rationally assessed the strengths and weaknesses of the case and any impact they might have, identifying a strategy for how to address any weaknesses. The review considers any ancillary applications that may strengthen the case, such as bad character evidence of the defendant.
- It considers victim and witness issues.

4.17. Another important function of a pre-charge decision review is to provide instructions to a court prosecutor, who may have many cases to deal with in a court list and little time to review cases before the hearing. Inadequate instructions can limit the progress that can be made at the first hearing, or require the advocate to duplicate the review and make fresh decisions about aspects of the case, including whether there should be any change in bail status or acceptability of pleas. Clear instructions improve effectiveness and efficiency, and reduce the risk of something being overlooked at court.

4.18. Instructions will vary depending on the relevant factors in each individual case, but may include:

- the approach to be taken to bail and/or custody for all suspects, including threshold test conditions, objections to bail, any appropriate conditions of bail and whether or not an appeal against bail being granted was necessary
- which applications and/or ancillary orders were to be made at first hearing or notice given to the court and defence
- advice on representations to the court as to venue, including sentencing guidelines where appropriate

- what possible pleas may be acceptable and the rationale for the approach to be taken
- details of any material that either assists the defence case as it is known at that stage, or undermines the prosecution case, and needs to be disclosed to the defence at the first hearing under the prosecution's common law duties
- what should be included in the initial details of the prosecution case. This is the bundle of material that is served on the defendant or their legal representative before the first hearing in the magistrates' courts¹⁶.

Post-charge decision-making and reviews

Police file quality – the National File Standard

4.19. The National File Standard¹⁷ is a document setting out the material and information that the police must send to the CPS at different stages of criminal cases and for different case types. It lists what is required when a case is submitted for a pre-charge decision, for an anticipated guilty plea case in the magistrates' courts, and for a more complex matter listed before the Crown Court. It seeks to achieve consistency and proportionality across all CPS Areas and police forces throughout England and Wales.

4.20. The CPS case management system allows the CPS to report whether a police file submission complied with the National File Standard. This national file quality data is collated and considered at local prosecution team performance meetings, which are held between CPS local legal managers and their police counterparts with the aim of improving police file quality. It was suspended nationally during the initial period of the Covid-19 pandemic, although some Areas carried on monitoring the police's compliance with the expected standards. Compliance checking restarted nationally on 21 July 2021 with the introduction of the Director's Guidance on Charging, sixth edition (DG6) Assurance.

¹⁶ The contents of the initial details of the prosecution case are regulated by [Part 8 of the Criminal Procedure Rules \(CrimPR\)](#) and the [Criminal Practice Directions \(CPD\) 2015 Division 1, at Part 3A](#).

¹⁷ The latest version of the National File Standard is contained in [the Director's Guidance on Charging, sixth edition \(DG6\)](#). Many of the files we examined pre-date the sixth edition coming into force on 1 January 2021, when [an earlier version of the National File Standard](#) applied.

Post-charge reviews

4.21. The quality of ongoing reviews and strategy is of critical importance to the effective and efficient progress of cases through the criminal justice system. Making a decision in compliance with the Code without supporting analysis of the case material and a clear strategy – addressing matters such as undermining material, special measures and applications – diminishes the value added by the CPS and results in a reactive approach to the case. This can lead to key issues being missed, cracked and/or ineffective trials, duplication of effort, wasted resources and delays in decision-making and case progression that can have an impact on victims, witnesses, and defendants, especially where they are in custody.

4.22. In reaching our assessment we considered a number of factors related to the quality of these reviews:

- whether the post-charge review included a proper case analysis and case strategy
- whether any pleas accepted (other than to all offences) were appropriate, with a clear basis of plea
- whether there were quality reviews dealing with any significant developments (that is, those representing a major change in the case strategy). This includes applying the Code for Crown Prosecutors to decide whether there remained a realistic prospect of conviction and whether it remained in the public interest to prosecute, but also how any new evidence or weaknesses would be addressed
- whether decisions about bail and/or custody were timely and appropriate
- whether appropriate applications – for example, bad character – were used effectively to strengthen the prosecution case.

Significant events

4.23. As cases progress, things can change which have a material impact on the prosecution case or which represent a major change in the case strategy.

4.24. If this happens, the Area should carry out a quality review dealing with the significant development, applying the Code for Crown Prosecutors to decide whether there remains a realistic prospect of conviction and whether it remains in the public interest to prosecute. The review should also address how any new evidence or other material will be dealt with, and how the case strategy should be adapted. We call this a significant event review.

Stage 1 reviews

4.25. In contested Crown Court cases, there are key stages following on from the first hearing in the Crown Court. The first of these is service of the bulk of prosecution materials, which should be accompanied by a review of the case and updates on any developments since the last review. This is called a stage 1 review.

Preparation for the Plea and Trial Preparation Hearing

4.26. In contested Crown Court cases, a number of orders to manage the case will be made at the first hearing in the Crown Court. This is called the Plea and Trial Preparation Hearing (PTPH). In most such cases, the court will be able to set four dates for the parties to complete the four key stages in pre-trial preparation – although where the case requires it, other dates can be set. The four stages are:

- Stage 1 – for the service of the bulk of prosecution materials. This date will ordinarily be 50 days (custody cases) or 70 days (bail cases) after sending the case from the magistrates' courts to the Crown Court. This is in line with the timetable for the service of the prosecution case provided in the Crime and Disorder Act (Service of Prosecution Evidence) Regulations 2005. The court does not have the power to abridge this time (without consent) but does have the power to extend it.
- Stage 2 – for the service of the defence's response, including the defence statement and standard witness table. This date will ordinarily be 28 days after stage 1, reflecting the time provided for the service of a defence statement.
- Stage 3 – for the prosecution's response to the defence statement and other defence items. This date will ordinarily be 14 or 28 days after stage 2, depending on the anticipated date of trial.
- Stage 4 – for the defence to provide final materials or make applications that will commonly arise out of prosecution disclosure.

4.27. Following a plea of not guilty and the stage dates being set, the prosecution will ask the police to supply any additional material required to prove the case to the criminal standard of proof, so that the jury is sure of the defendant's guilt. This may require more information than the key evidence served on the defence for the PTPH.

4.28. At the point that material is supplied, the prosecutor should review the case again in accordance with the Code, analysing all the material, confirming the case strategy, and compiling the structured bundle of evidence the prosecution will rely on at trial. If it has not already been done, the prosecutor will also complete initial disclosure at this stage. This means serving any material that satisfies section three of the Criminal Procedure and Investigations Act 1996 – in that it may be considered to be capable of undermining the prosecution case or assisting the defendant’s case – together with the schedules of all non-sensitive unused material. This is a central point in the preparation of the prosecution.

4.29. In assessing the Area’s preparations for the PTPH, we considered the key tasks the prosecution is required to complete, including:

- filling in the PTPH form for use by the Judge presiding at the hearing
- carrying out direct engagement with the defence
- drafting the indictment
- making sure the relevant material is uploaded to the Crown Court Digital Case System before the hearing
- making sure an advocate is instructed before the hearing, so they have time to prepare.

4.30. Instructions to the advocate should include the acceptability of pleas, the prosecution’s view on custody or bail, any applications that could be made in court (such as special measures), any issues about receipt of evidence such as hard media or scientific material, information on any linked cases or defendants, and details of any contact with the defence.

4.31. If the instructed advocate is not employed by the CPS, they should read the instructions promptly and advise or confer with the Area within five days of receiving them. This does not need to be a formal advice; a note in a hearing record sheet or email, or a discussion with the Area lawyer, will suffice. There is no similar provision for those holding the equivalent role in-house, called crown advocates, although the requirement to prepare fully for the PTPH is no different.

The indictment

4.32. The indictment is the document that contains the charge(s) (known as counts) to be faced by the defendant at trial in the Crown Court. It is the responsibility of the prosecutor to prepare the draft indictment.

4.33. It is important that the indictment is legally correct and accurately worded, and that the number and nature of the counts are appropriate. The draft indictment and key evidence must be served in a timely manner before the PTPH to allow for an effective hearing.

Direct engagement

4.34. The principles of better case management¹⁸ apply in the Crown Court. One of these principles is the duty of direct engagement. Rule 3.3 of the Criminal Procedure Rules requires parties to engage with each other about the issues in the case from the earliest opportunity and throughout the proceedings. The parties are required to establish whether the defendant is likely to plead guilty or not guilty; what is agreed and what is likely to be disputed; what information, or other material, is required by one party or another and why; and what is to be done by whom and when. The parties are required to report on that communication to the court at the first hearing.

4.35. Although the duty is placed on all parties, in practice the prosecution tends to take the lead in contacting the defence and providing the information to the court. The CPS case management system includes a duty of direct engagement log; this should be completed by the prosecutor and then uploaded to the Crown Court Digital Case System, where it can be viewed by the Judge and the defence. Good conversations with the defence at an early stage can lead to resolution of the case without the need to list and prepare for trial, which is positive for resources and provides certainty for victims, witnesses and defendants.

¹⁸ Better Case Management; Courts and Tribunals Judiciary; September 2015. www.judiciary.uk/publications/better-case-management/

Disclosure of unused material

4.36. It is a crucial element of the prosecution's role to make sure that unused material is properly considered, applying the tests set out in section 3 of the Criminal Procedure and Investigations Act (CPIA) 1996. This stipulates that any material that might reasonably be considered capable of undermining the case for the prosecution, or of assisting the case for the defendant, is disclosed to the defence. This underpins and ensures the fairness of the trial process.

Police duties

4.37. The police are required to accurately record all material, retain it, and reveal it to the prosecutor. In magistrates' court cases, the police use a streamlined disclosure certificate to disclose any unused material to the CPS. In Crown Court cases, the police schedule relevant non-sensitive unused material on a police manual of guidance form 6C (MG6C) and any sensitive material on a police manual of guidance form 6D (MG6D). These are sent to the prosecutor who, in turn, applies the test in section 3 of the CPIA 1996; any material that meets the test must be disclosed to the defence.

4.38. The police disclosure officer, who in many cases will be the investigating officer, is required to review the material and provide a clear and adequate description of all documents on the schedules so that the prosecutor understands what the documents are and their significance.

4.39. The police are also required to supply a manual of guidance form 6E (MG6E), in which the disclosure officer should identify any material that they think is capable of meeting the test in section 3 of the CPIA 1996 and why. They must also supply copies of those items to the prosecutor. If there is no disclosable material in magistrates' court cases, the officer need not supply an MG6E.

4.40. Where the police do not comply with their disclosure obligations, it will result in the prosecutor requesting re-work on inadequate schedules, additional relevant information or for further enquiries to be made. This often results in delays to the case while the matter is addressed.

Feedback on the police's compliance with their disclosure duties

4.41. Despite the pressures on CPS Areas, feedback to the police by the CPS about disclosure failings remains central to the effectiveness of joint working and joint national disclosure improvement plans.

Initial disclosure

4.42. The prosecutor should assure themselves that all material that should be listed is included on the right schedules and is adequately described. The prosecutor makes an initial assessment and confirms the position to the defence, either by sending any documents that meet the test or confirming that no material meets the test. In either case, they must supply the MG6C so that the defence has sight of the list of non-sensitive documents.

4.43. There is a provision in the template disclosure letter to add any disclosable items not listed on the MG6C by the police. The MG6C and letter must be served by stage 1 of pre-trial preparation. This is called 'initial disclosure'.

Continuing disclosure

4.44. In the Crown Court, the defence is required to respond to initial disclosure by serving a defence statement that sets out the details of the defence case. This is stage 2 of pre-trial preparation. If the defence fails to serve a defence statement in a Crown Court case, an inference may be drawn from that failure at trial.

4.45. In magistrates' court cases, the defence may serve a defence statement, but it does not have to, and no inference may be drawn from deciding not to do so.

4.46. Upon receiving the defence statement, the prosecutor should review it and send it to the disclosure officer in a timely manner. The prosecutor should draw the disclosure officer's attention to any key issues raised in the defence statement, and any actions that should be taken. The prosecutor should give advice to the disclosure officer about the sort of material to look for, particularly in relation to legal issues raised by the defence.

4.47. The police should then carry out another review of the unused material and advise the prosecutor (on another MG6E) of any previously undisclosed material that now meets the disclosure test in light of the defence statement. At that point, the prosecutor must reconsider the unused material and either disclose any further material that satisfies the disclosure test, or confirm that no other material falls to be disclosed. This 'continuing disclosure' is stage 3 of pre-trial preparation.

4.48. Any other material that is provided after that date must also be considered by the prosecutor and either served as evidence or dealt with as unused material. If it falls to be disclosed, it should be served on the defence. If it does not, it should be added to the MG6C schedule, which should be reserved so that the defence is aware of the existence of the additional material.

Sensitive material

4.49. All sensitive material must be scheduled on a separate schedule which the prosecutor must consider, applying the same tests. If the prosecutor concludes that there is sensitive material that meets the tests, they should disclose this in a way that does not compromise the public interest in issue; abandon the case; or make an application to the court to withhold the material on the grounds of public interest immunity.

Recording decisions

Disclosure records

4.50. In all cases, prosecutors must complete a disclosure record on the CPS case management system (CMS). This provides an audit trail for the receipt and service of the streamlined disclosure certificate; any sensitive unused material schedules; and the disclosure decisions and actions made, including reasons for disclosing or withholding unused material to or from the defence. Disclosure documents added to CMS and actions taken through Modern CMS (the newer version of CMS) are logged automatically on the disclosure record, so the main input expected from the prosecutor is to note any actions or rationales for disclosure decisions that have not been logged automatically.

Disclosure management documents

4.51. In all rape and serious sexual offences (RASSO) cases, a disclosure management document (DMD) is required. Since 31 December 2020, a DMD is also obligatory in Crown Court cases. A DMD sets out the prosecution's approach to disclosure (for example, which search terms have been used on digital material and why) and identifies what reasonable lines of enquiry have been pursued. This invites the defence to identify any additional lines of enquiry that they consider to be reasonable and which have not yet been pursued by the first hearing in the Crown Court. The DMD is also expected to help the Judge to robustly manage disclosure in the case.

Victims and witnesses

4.52. We assessed a range of aspects of victim and witness issues at both pre-charge and post-charge stages, including:

- consideration of relevant and ancillary matters at charging to support victims and witnesses
- timely and accurate witness warning
- consideration of special measures
- addressing witness issues
- consultation with victims and witnesses
- Victim Personal Statements (where a victim makes a statement explaining the impact of the offending behaviour on them)
- Victim Communication and Liaison scheme letters explaining the reasons for deciding to drop or substantially alter a charge.

Before charge

4.53. We examined whether appropriate consideration was given before charge to the relevant issues in cases involving victims and witnesses. These issues include considering special measures to support vulnerable or intimidated victims and witnesses to give their best evidence; appointing an intermediary to facilitate communication with a victim or witness; whether the victim wanted to make a Victim Personal Statement about the impact the offence has had on them; and considering orders such as restraining orders (which prevent the defendant from doing things, usually contacting the victim) and compensation orders.

After charge

4.54. At the post-charge stage, we assessed a number of aspects of casework including witness warning, handling of witness care unit correspondence, consultation with victims and witnesses (including speaking to witnesses at court), Victim Personal Statements, orders on sentence or acquittal, and Victim Communication and Liaison scheme letters.

Communication with witness care units

4.55. Witness care units are separate from the CPS. They manage the care of victims and witnesses throughout the post-charge phase of a case, including updating victims and witnesses on the progress of the case. Where required, they obtain information to help make a special measures application to support the victim or witness to give their best evidence. They also arrange pre-trial witness visits to court to reduce anxiety about the surroundings or offer practical support to get the victim or witness to attend court, such as making travel arrangements.

4.56. As witness care officers are in regular contact with victims and witnesses, where issues arise that may impact on the victim or witness's ability to attend court as required, the witness care unit will send information to the CPS. It is important that this information is dealt with in a timely manner, with effective actions put in place to minimise any impact on the effectiveness of the trial. Such information could be, for example, that witnesses are no longer able to attend court on the date that the trial is listed.

Consulting victims and speaking to witnesses at court

4.57. Victims should be consulted where the CPS is considering accepting pleas to less serious charges, or a basis of plea, or discontinuing the case altogether. Victims should also be asked their views on restraining orders or other orders on sentencing that have an impact on them.

4.58. Victims and witnesses are entitled to be given information when they attend court for a trial. This is referred to as the speaking to witnesses at court (STWAC) initiative¹⁹ and is intended to explain what they can expect to happen, to better prepare them for the trial and to reduce their apprehension, so that they can give their best evidence.

Victim Personal Statements

4.59. Victims are entitled, if they wish, to provide a Victim Personal Statement (VPS). The VPS sets out the impact that the offence has had on them, and helps inform the court's decision on sentencing. The police should tell the CPS, and the CPS should give effect to the victim's preferences for how the VPS is presented to the court. For example, the victim may prefer to read the statement in court, the prosecution advocate may be asked to read it for them, or the Judge or magistrates may be given it to read.

¹⁹ *Speaking to witnesses at court*, CPS; March 2018.
www.cps.gov.uk/legal-guidance/speaking-witnesses-court

Victim Communication and Liaison scheme letters

4.60. Victim Communication and Liaison scheme (VCL) letters should be sent to victims whenever a charge relating to them is either dropped or substantially altered. Where the victim is deemed to be vulnerable or intimidated, is a victim of serious crime (which includes domestic abuse), or has been targeted repeatedly over a period of time, the letter should be sent within one working day. The timescale in all other cases is five working days.

4.61. The letter should include a clear and understandable explanation of the decision. In applicable cases, it should also include a referral to the Victims' Right to Review scheme (which allows a victim to ask the prosecution to reconsider a decision to drop or substantially alter a case) and offer a meeting.

Rape and serious sexual offences

4.62. Most rape and serious sexual offence (RASSO) allegations proceed in the same way as Crown Court cases, and are usually heard there. The information we have set out in relation to Crown Court cases applies equally to most RASSO cases. There are, however, the following differences.

Venue

4.63. A small number of RASSO cases may be heard in the lower courts, usually in the youth court (for a defendant aged 10 to 17). Some of the questions in our file examination, especially those related to preparation for Crown Court hearings, will not be applicable in youth court cases.

Selection of charges

4.64. In RASSO cases, the selection of charges can be complicated, with different offences being relevant depending on the date of the incident(s) or the age of the victim. Non-recent allegations can require particular care if they span the transitional provisions in, and the changes to, offences brought about by the Sexual Offences Act 2003.

The trial advocate's duties

4.65. The CPS and National Police Chiefs' Council have agreed protocols which set an expectation for there to be a conference with the trial advocate in rape and penetrative assault cases. This conference is attended by the CPS, the officer in the case and any expert witnesses.

5. Added value and grip

What are added value and grip?

5.1. The Crown Prosecution Service (CPS) is one of a number of key organisations within the criminal justice system. Others include the police, who take reports of and investigate alleged criminal offences; the magistrates' courts and the Crown Court, which hear cases and deal with pleas, trials, and sentence; and the defence, who represent defendants.

5.2. In many cases, the CPS provides advice to the police at the pre-charge stage – based on the material gathered during the course of the police investigation – and makes the decision whether or not to prosecute. If the decision is to prosecute, the CPS then reviews the case and prepares it for court, whether that is for a plea, trial, other hearing, or sentence.

5.3. All parties are required to work together effectively. This requirement is contained in the Criminal Procedure Rules (CPR) 2020, which set out the framework within which cases should be progressed post-charge in the criminal courts. The overriding objective of the CPR 2020 is that criminal cases are dealt with justly, which includes being dealt with efficiently and expeditiously.

5.4. The CPS sets its own standards for the delivery of high-quality casework to ensure effective and efficient prosecution. These are the standards that we applied to assess the quality of casework within the Area.

5.5. We broke down casework quality into two key measures: whether the Area added value with its casework decisions and whether the Area had a grip on its casework. We supported these with five casework themes:

- charging advice and decision-making
- post-charge reviews
- preparation for the Plea and Trial Preparation Hearing in the Crown Court
- disclosure of unused material
- victims and witnesses.

Added value

5.6. We defined added value as the difference made by prosecutors throughout the life of a case, through good and proactive prosecution decision-making in accordance with the legal framework, at both pre- and post-charge and throughout the case. We drew on the relevant questions in our file examination that most show added value, including:²⁰

- the decision to charge and with what offence
- decisions about admissibility and credibility of evidence
- choosing, and clearly and correctly drafting, the right counts to be faced by defendants on indictment in cases to be heard at the Crown Court
- good quality reviews containing, at all stages, a cogent and clear analysis of the case – which includes whether the prosecutor has, in each case:
 - analysed the material
 - identified additional lines of enquiry, including those that might point away from a prosecution, and asked the police to investigate further
 - considered any defence raised, identified ways to strengthen the case and also addressed how any weaknesses might be overcome
 - set out a clear strategy for trial in contested cases, by which we mean how the case will be presented at trial
- appropriate handling and decision-making around unused material throughout the case
- effective consideration and decision-making around victim and prosecution witness issues, including seeking appropriate orders to protect the victim, witnesses and the public
- robust and fair decisions about custody and bail
- sound use of applications to strengthen the prosecution case, such as evidence of bad character of the defendant or hearsay evidence.²¹

²⁰ See annex G for which questions contributed to each of the casework themes.

²¹ A statement not made in oral evidence that is evidence of any matter stated s114(1) Criminal Justice Act 2003.

Grip

5.7. When we assessed grip, we considered the effectiveness and efficiency of case progression or management of cases by the Area. We looked at whether the Area made sure that cases have been effectively progressed at each relevant stage, whether required processes had been adhered to, and whether any timescales or deadlines had been met.

5.8. We assessed grip by identifying the questions in our file examination that had significant impact in terms of case management. The questions that contributed to our overall score and findings for grip included:²²

- timeliness of reviews, including timeliness of any decisions to discontinue cases
- effective preparation for first hearing, including sharing hard media
- compliance with court orders
- conferences, where mandatory, in rape and penetrative sexual offence cases
- appropriate and timely handling of correspondence from the court and defence
- timely and effective handling of additional police material, including requests for editing or additional material, and escalation of unanswered requests for outstanding material where required
- timely and effective handling of witness care unit correspondence
- clear audit trails of all aspects of casework on the CPS case management system.

²² See annex G for which questions contributed to each of the casework themes.

Added value and grip scoring

5.9. The scores for added value and grip are set out as percentages. They were obtained by taking the questions that feed into the aspect (see paragraphs 5.6 and 5.8 and annex G) and allocating:

- two points for each case marked as fully meeting the expected standard
- one point for each case marked as partially meeting the standard
- no points for cases marked as not meeting the standard.

5.10. We then expressed the total points awarded as a percentage of the maximum possible points. “Not applicable” answers were excluded. There is a worked example in annex F.

5.11. Applying this mechanism, we have scored CPS Thames and Chiltern as follows:

Table 4: Added value and grip scoring

CPS Thames and Chiltern	Added value	Grip
Magistrates’ court casework	58.1%	74.5%
Crown Court casework	61.7%	73.2%
Rape and serious sexual offences casework	53.9%	67.0%

5.12. Over this period the Area has seen significant increases in live caseloads, with fewer cases being finalised in the courts and more pre-charge receipts being submitted by the police. The Area has worked hard to reduce the backlogs, particularly in the Crown Court, but the increase in work for all staff as a consequence has been significant. The recruitment, moves and changes in legal and operational staff have had an impact and, while new staff have been recruited, some experienced staff have retired.

5.13. The additional burden of training new and inexperienced staff while trying to manage the other pressures brought about by the pandemic should not be underestimated. This has all needed careful management at a time when staff have been required to work from home, with all the associated challenges that has brought.

5.14. In addition, the increase in work occasioned by the temporary changes to the custody time limit regulations and the additional extension applications these required has also added to those pressures.

Magistrates' court casework added value and grip

Added value

5.15. The Area's score for added value in magistrates' court casework is 58.1%.

5.16. The majority of review decisions applied the Code for Crown Prosecutors correctly and defendants were prosecuted for the right offences. At the conclusion of proceedings, the prosecutor applied for appropriate orders to protect the victim, witnesses and the public, with 90.0% of relevant cases assessed as fully meeting this standard and 10.0% of cases partially meeting the standard. Good prosecutorial decisions are being made.

5.17. However, the overall quality of pre-charge and initial post-charge reviews decreased the value added in magistrates' court casework. This was also the case with disclosure, where more needs to be done if the Area is to meet the expected standard. The lack of reviews completed when a significant event occurred also had an impact on our assessment of the value added by the Area.

Grip

5.18. The Area's score for grip of magistrates' court casework is 74.5%.

5.19. The Area performed very well in terms of the timeliness of pre-charge reviews, with 96.3% of relevant cases assessed as fully meeting the required standard. The remaining 3.7% of cases were assessed as partially meeting the standard. Similarly, in terms of the timeliness of initial reviews, the Area fully met the standard in 81.5% of cases.

5.20. We found that effective preparation for the first hearing was inconsistent, with 43.3% of cases assessed as fully meeting the standard, 36.7% as partially meeting the standard and 20.0% as not meeting it. However, in relation to the service of hard media before the first hearing, the Area performed well, with 72.2% of cases assessed as fully meeting the standard, 16.7% as partially meeting it and 11.1% as not meeting it. Compliance with court directions was assessed as fully meeting the standard in 33.3% of cases, partially meeting it in 25.0% of cases and not meeting it in 41.7% of cases.

5.21. We also found that the Area generally dealt well with correspondence from both the police and the defence. We assessed 60.0% of cases as fully meeting the standard for dealing with police correspondence and 20.0% as partially meeting the standard. For dealing with correspondence from the defence, we found 64.7% fully meeting the standard and 11.8% partially meeting the standard.

5.22. While this performance shows a high degree of grip, we assessed more than one in five cases as not meeting the standard for the handling of both police and defence correspondence. The Area will want to review its processes to make necessary improvements.

Crown Court casework added value and grip

Added value

5.23. The Area's score for added value in Crown Court casework is 61.7%.

5.24. The Area correctly applied the Code for Crown Prosecutors in 100% of cases at charge and 95.0% of cases after charge. This is a strength.

5.25. The correct offences were selected in most cases, with 79.4% of cases fully meeting the standard, allowing the court sufficient sentencing powers on conviction.

5.26. The Area was assessed as fully meeting the required standard for appropriate and timely consideration of bail and custody in 29 out of 40 cases. At the conclusion of proceedings, CPS Thames and Chiltern sought appropriate orders to protect victims, witnesses and the public in 73.7% of cases. This highlights some room for improvement.

5.27. Our file examination highlighted that, in Crown Court cases, the Area will add further value by improving the quality of its reviews at the pre-charge and, to a lesser extent, the post-charge review stage, and when complying with the duty of initial disclosure.

5.28. Many review decisions at the pre-charge and post-charge stages lacked a clear case analysis and strategy that adequately demonstrated that the prosecutor had properly considered the available evidence, understood the strengths and weaknesses of the case and addressed them where possible, and that they had a clear theory as to how the case was to be prosecuted. This detracts from the Area adding value to its Crown Court casework.

Grip

5.29. The Area's score for grip of its Crown Court casework is 73.2%.

5.30. We assessed the Crown Court unit's charging decisions against a 28-day target, measured from the point the case was accepted following triage. We found 24 out of 34 cases (70.6%) to be fully meeting the standard and nine cases (26.5%) partially meeting the standard. The Area fully met the standard for sharing hard media with defence and court before the Plea and Trial Preparation Hearing (PTPH) in 72.7% of cases; another 9.1% of cases were assessed as partially meeting the standard.

5.31. The Area was generally good at complying with court directions, with 67.6% of cases assessed as fully meeting the standard and another 21.6% partially meeting the standard.

5.32. The Area dealt with correspondence from the witness care unit (WCU), the police, the courts and defence well. Across all these contacts, the Area was found to be responding in a timely and effective manner. It was assessed as fully meeting the standard for:

- addressing correspondence from the WCU in 83.3% of cases
- appropriately reviewing and responding to new material from the police in 86.5% of cases
- reviewing correspondence from the defence and court with effective actions in response in 82.1% of cases.

5.33. The Area could improve its overall casework grip through better preparation of the case for the PTPH, which includes completing plea and trial preparation forms, making sure actions have been completed by the police and setting out any acceptable pleas. We found the Area to be fully meeting the standard for preparation for the PTPH in 19 out of 40 cases (47.5%), with another ten cases (25.0%) partially meeting the standard and 11 cases (27.5%) not meeting the standard.

Rape and serious sexual offences casework added value and grip

Added value

5.34. The Area's score for added value in RASSO casework is 53.9%.

5.35. In common with the magistrates' court and Crown Court units, the RASSO unit scored well for correctly applying the Code for Crown Prosecutors both before and after charge. The Area correctly applied the Code in all cases before and all but one case after charge.

5.36. Selecting the appropriate charge can be challenging in RASSO cases. The most appropriate charges were selected in 83.3% of cases and we rated the remaining 16.7% assessed as partially meeting the standard. This is particularly positive given the challenges of selecting the correct charges in such cases, especially in non-recent allegations or those involving children.

5.37. Indictments were found to be fully meeting the standard in 84.2% of cases, with another 5.3% of cases partially meeting the standard. This is a strength. The Area also demonstrated sound decision-making with regard to

questions of bail and custody, with 75.0% of cases assessed as fully meeting the required standard and 20.0% partially meeting the standard.

5.38. At the conclusion of the case, appropriate orders to protect victims, witnesses and the public were sought in 87.5% of cases, with the remaining 12.5% of cases assessed as partially meeting the standard.

5.39. While only three Victim Communication and Liaison scheme letters were required in the cases in our file sample, all were assessed as fully meeting the standard for quality. This is particularly positive and is a strength.

5.40. Our file examination highlighted that in RASSO cases, the Area will add further value by improving the quality of its reviews at the pre-charge stage. Although there was evidence that post-charge reviews were better, there is still scope here to add extra value.

5.41. Many review decisions at the pre-charge stage, in particular, lacked a clear case analysis and strategy that adequately demonstrated that the prosecutor had properly considered the available evidence, understood the strengths and weaknesses of the case and addressed them where possible, and had a clear theory as to how the case was to be prosecuted. This detracts from the Area adding value to its casework.

5.42. At the pre-charge stage, we assessed 22.2% of cases as fully meeting the standard and 33.3% as not meeting the standard for the quality of reviews. Work on unused material at the pre-charge stage also requires improvement, with 55.6% of cases not meeting the required standard.

5.43. More focus is also required from the Area in post charge reviews. We assessed 70.6% of the reviews undertaken to coincide with the service of the case and 73.3% of the reviews required to address a significant event as not meeting the required standard.

5.44. The value added when handling and making decisions around the disclosure of unused material requires improvement in RASSO cases. We found initial disclosure to be fully meeting the standard in four out of 20 cases (20.0%) and continuing disclosure to be fully meeting the standard in three out of 16 cases (18.8%).

Grip

5.45. The Area's score for grip of its RASSO casework is 67.0%.

5.46. The Area demonstrated good grip on its RASSO cases through prompt initial and post-sending reviews. In 80.0% of cases, post-sending reviews were carried out at least seven days before the PTPH, allowing time for any issues to

be resolved in advance of the next hearing. The Area was also successful at uploading the indictment and key evidence to the Crown Court Digital Case System at least seven days before the PTPH, achieving this in 73.7% of cases. A Resident Judge commended the “quantity, quality and timeliness of material uploaded by the CPS between the first hearing and the PTPH”.

5.47. The Area’s RASSO casefiles revealed good grip of casework when handling correspondence from all parties. Responses to communication from the WCU were assessed as timely and effective in 86.7% of cases, with the remaining 13.3% of cases partially meeting the standard (meaning that any delay did not have an adverse impact on the effectiveness of the trial or leave the witness without a resolution for longer than they should have been). New material from the police was dealt with promptly and effectively in 80.0% of the cases we inspected.

5.48. To strengthen its grip, the Area needs to improve the timeliness of pre-charge reviews, which was weaker in RASSO casework than in the magistrates’ court and Crown Court teams. The Area has recognised this issue and the timeliness of pre-charge decisions is discussed in a weekly RASSO meeting with the police officer who is co-located with the RASSO team.

5.49. Improvement is needed to make sure counsel provide an advice on the evidence. The standard expected by the CPS is that counsel provide advice five days after receiving instructions. We assessed whether the CPS had contacted counsel to request this advice if it had not been received within 28 days of the first trial date. Counsel failed to provide an advice in 16 of the 20 cases we examined and the Area did not chase counsel for outstanding advice in 15 cases. This needs to improve.

6. Casework quality: magistrates' court casework themes

Introduction to magistrates' court casework

Does the Area deliver excellence in magistrates' courts prosecutions by making sure the right person is prosecuted for the right offences, cases are progressed in a timely manner and cases are dealt with effectively?

6.1. We examined 30 magistrates' court cases for casework quality. We assessed added value and grip, and analysed the cases with regard to the four relevant casework themes. We used the same scoring mechanism as for added value and grip (set out more fully in chapter 5 and annex F).

6.2. Our findings should be seen in light of the context we set out in chapter 2, concerning the impact on the Area of Covid-19 and staffing challenges.

6.3. We have scored CPS Thames and Chiltern for its magistrates' court casework as follows:

Table 5: Scoring for magistrates' court casework

Question	Rating	%
Pre-charge decision-making and review		
The Area complies with the Code for Crown Prosecutors ²³ at pre-charge decision stage	Fully meeting the standard	92.6%
The Area selects the most appropriate charge(s) at pre-charge decision stage	Fully meeting the standard	84.0%
The Area's pre-charge decisions contain a clear analysis of the case and set out a cogent case strategy	Not meeting the standard	41.1%
Quality of post-charge reviews and decision-making		
The Area complies with the Code for Crown Prosecutors post-charge	Fully meeting the standard	90.0%
The Area's post-charge reviews contain a clear analysis of the case and set out a cogent case strategy, including custody and/or bail	Not meeting the standard	51.2%
Disclosure		
The Area fully complies with its duty of disclosure throughout its magistrates' court casework	Not meeting the standard	49.6%
Victims and witnesses		
The Area addresses victim and witness issues appropriately throughout its magistrates' court casework	Partially meeting the standard	68.2%

²³ Code for Crown Prosecutors, 8th edition; CPS; October 2018.
www.cps.gov.uk/publication/code-crown-prosecutors

6.4. Our assessment of magistrates' court casework was that there were aspects of casework that were done well, including:

- selecting the appropriate charges at the pre-charge stage
- timeliness of pre-charge decisions
- correct and timely warning of witnesses
- well-reasoned and accurate recording of the bail position
- securing appropriate orders on conviction to protect victims, witnesses and the public.

6.5. There were other aspects that required more focus, specifically:

- the quality of case analysis and case strategy both before and after charge
- preparation of the case in advance of the first hearing
- compliance with disclosure obligations at and after charge.

Pre-charge decision-making and review

6.6. In order to assess the Area's decision-making at the pre-charge stage, we have split the inspection assessment into three sub-themes. These reflect the different aspects that contribute to effective decision-making at the pre-charge stage:

- compliance with the Code for Crown Prosecutors
- selection of the most suitable charges
- the quality of the analysis and case strategy set out in the prosecutor's review

Complying with the Code for Crown Prosecutors in pre-charge decisions

6.7. We discuss the process by which cases are charged, and compliance with the Code for Crown Prosecutors, in chapter 4 (paragraphs 4.1 to 4.8).

6.8. We rated the Area as **fully meeting the standard** for this sub-theme of pre-charge decision making, with 92.6% of the Area pre-charged magistrates' court cases being compliant with the Code for Crown Prosecutors.

Table 6: Pre-charge Code compliance in magistrates' court cases

Rating	Number of cases	Percentage
Fully meeting the required standard	25	92.6%
Not meeting the required standard	2	7.4%

6.9. Inspectors found two wholly unreasonable decisions within the 27 Area-charged magistrates' court cases. One of the cases related to a domestic assault case which was fatally undermined by unused material substantially discrediting the victim. The case was dismissed following a half-time submission by the defence. The second case related to an offence of possession of a bladed article, where the item was a folding knife without a locking mechanism and the blade was under three inches. The defendant entered a guilty plea. This case has been referred to the Area as a potential miscarriage of justice.

Selecting the most appropriate charges

6.10. We rated the Area as **fully meeting the standard** for selecting the most appropriate charges at the pre-charge stage, with a score of 84.0%.

6.11. We discuss the criteria and guidance that help prosecutors decide the most appropriate charges in chapter 4 (paragraphs 4.9 to 4.12).

6.12. The rating is based on the examination of 25 Area pre-charged cases. Of these 25 cases, 18 (72%) were assessed as fully meeting the standard, six (24.0%) as partially meeting it and one case (4.0%) as not meeting it.

6.13. In one of the seven cases we assessed as partially or not meeting the standard, an offence of section 20 wounding was charged when the more appropriate offence was an offence of actual bodily harm, contrary to section 47 of the Offences Against the Person Act 1861. In the same case, the prosecutor failed to recognise the offence was racially aggravated.

6.14. In four of the cases, additional charges should have been laid to truly reflect the level of criminality. In another of the cases, one charge of threatening

to damage property was appropriately charged but a second should not have been, owing to insufficient evidence. The prosecutor offered no evidence on this charge on the day of trial. In the last of the seven cases, two victims were incorrectly identified in the one public order offence.

6.15. We did assess the majority of cases as meeting the standard. An example of good selection of charges involved a defendant who was arrested for an assault on his neighbour. The defendant was racially abusive to the arresting officers while assaulting them. He then repeated his behaviour later that night at the custody suite. The prosecutor charged several offences that reflected all the offending. On the day of trial, a witness failed to attend. However, the defendant offered pleas to offences which adequately affected his criminality. The prosecutor appropriately applied for a sentencing uplift to reflect the offence being racially aggravated, and this was applied at sentence.

Quality of the pre-charge decision review, including analysis and case strategy

6.16. Our assessment is that the Area is **not meeting the standard** for this sub-theme of pre-charge decision-making. Overall, the score for pre-charge review in magistrates' court cases is 41.1%.

6.17. We discuss the standards expected of a pre-charge review, and what should be included in instructions to the court prosecutor, in chapter 4 (paragraphs 4.13 to 4.18).

6.18. We found that the Area was performing well in terms of the timeliness of its pre-charge review decisions. Of the 27 cases, 26 (96.3%) were assessed as fully meeting the required standard. The remaining case was assessed as partially meeting the standard. This is a strength for the Area.

6.19. While the timeliness of review decisions is good, there needs to be more of a focus on the quality of the reviews. Completing a clear case analysis and strategy is fundamental to the efficiency and effectiveness of the progress of a case. This ensures that the CPS adds value to a case.

Case analysis and strategy

6.20. One of the main themes of our casework assessment was that the files we inspected lacked a clear case analysis and strategy. We rated five out of 27 cases (18.5%) as fully meeting the expected standard, 10 cases (37%) as partially meeting the standard, and the remaining 12 cases (44.4%) as not meeting the standard.

6.21. We identified several themes in the pre-charge decisions we assessed as partially or not meeting the standard, including the following.

- Cases were not analysed in sufficient detail. Too often, pre-charge reviews lacked a clear case analysis and strategy. They often amounted to a summary of the evidence with little or no consideration of the likely trial issues and legal analysis. There was a tendency to describe evidence, rather than analyse it and weigh it in a structured way.
 - For example, in a case involving an offence of possession of a bladed article, the pre-charge review was simply a recitation of the facts without any analysis of the evidence or consideration of trial strategy. The review also contained a number of irrelevant sentences that appeared to be taken from a pro-forma review template. These statements had no relevance to the case in hand. In interview, the defendant said he was unaware the knife was in the car which he had just purchased. The knife appeared to be a folding pocket knife with a blade less than three inches long. Neither of these issues were considered in the review.
- Prosecutors tended to have a narrow focus on looking only at the prosecution case. In ten out of 27 cases where either a positive defence or significant comments were advanced by the defendant in interview, these were not considered by the prosecutor. Where the defence was acknowledged, the prosecutor provided no analysis or strategy of how it could be disproved to the criminal standard.
- Cases tended to lack a strategy for how to set out the prosecution case at trial to secure a conviction. Under the case strategy heading, prosecutors would often list the witnesses to be called and what hard media should be played. In one case the trial strategy was limited to the letters “TBC”. This meant reviews sometimes lacked a thinking approach.
- Analysis of evidential admissibility and reliability was lacking. We found that prosecutors did not give sufficient consideration to how certain pieces of evidence could be relied upon and whether they were admissible and/or reliable.

Pre-charge disclosure

6.22. We assessed seven cases (25.9%) as fully meeting the required standard for dealing appropriately with unused material at the pre-charge stage. We assessed another six cases (22.2%) as partially meeting the standard and the remaining 14 cases (51.9%) as not meeting the standard.

6.23. Our file sample included cases charged in accordance with both the fifth edition of the Director's Guidance on Charging (DG5), which applied to all cases charged on or before 30 December 2020, and the sixth edition (DG6) for all cases charged on or after 31 December 2020. In cases charged under DG6, we looked for evidence that the prosecutor had actively turned their mind to potential issues, such as the impact of any undermining material on the prospects of conviction, further lines of enquiry that needed to be explored, or material that required disclosure under common law.

6.24. One of the recurring issues we observed in nine of the 27 applicable cases was a failure to recognise and deal with disclosable material at the pre-charge stage in accordance with *ex parte Lee*, or through initial disclosure under DG6.

6.25. Another issue was a failure to complete disclosure in accordance with the principles of DG6. This guidance dictates that the police need to provide the CPS with copies of specified items of unused material so the prosecutor can review those items. These items are defined as having a rebuttable presumption for disclosure. In six of the 20 cases assessed as either partly or not meeting the required standard, the prosecutor failed either to review this material or to request it from the police when it had not been provided as required.

6.26. There were examples where pre-charge disclosure was done well. In one case submitted for a pre-charge decision under DG5, the defendant was found in possession of MDMA, cannabis and amphetamine. He was initially investigated on suspicion of supply but, following the pre-charge review, was charged with simple possession only. The prosecutor gave clear instructions to the police to make sure the material gathered during the course of the investigation into the supply of drugs was added to the initial disclosure schedule.

Instructions to the court prosecutor

6.27. In the majority of cases, we found room for improvement in the instructions provided to the court prosecutor. We assessed 13 cases (48.1%) as not meeting the expected standard and 14 cases (51.9%) as partially meeting standard. No case was rated as fully meeting the required standard for the quality of instructions to the court prosecutor in the pre-charge review.

6.28. Examples of issues not addressed in instructions included:

- insufficient information about the type of venue; reviews were often limited to whether the prosecutor believed the case to be suitable for summary trial or not
- no reference to sentencing guidelines
- guidance on acceptable pleas and bail conditions being lacking.

6.29. The lack of clear instructions means court prosecutors have to re-review cases to be able to make appropriate representations to the court, often with little time available in a busy court list. This can lead to errors, omissions and lost opportunities to properly progress cases.

Reasonable lines of enquiry and action plans

6.30. Where prosecutors identify further reasonable lines of enquiry, they should set these out in an action plan, which is a specific section of the police manual of guidance form 3 (MG3). This allows for actions to the police to be prioritised and timescales set to make sure that all appropriate avenues of investigation have been completed, including those that may point away from a prosecution.

6.31. We found an inconsistent approach to action plans. with seven out of 22 cases (31.8%) assessed as fully meeting the required standard, eight cases (36.4%) as partially meeting the standard and seven cases (31.8%) as not meeting the standard. The major theme we noted was a failure to submit an action plan to the police when material was missing, or actions were required.

6.32. Another issue was the action plan being placed in the body of the review, which can lead to actions being missed altogether. A final theme we noted was work being requested from the police that was unnecessary. However, inspectors also observed positives, including clear and realistic actions being set with reasonable deadlines.

Applications and ancillary matters

6.33. Where more information is needed from the police to support applications – such as more details of the defendant’s bad character or why a victim or witness needs special measures – a timely request at charging can prevent delays in making the application. Having a special measures order made as soon as possible provides reassurance to the victim or witness.

6.34. We assessed the consideration of relevant applications and ancillary matters as fully meeting the standard in four out of 13 relevant cases (30.8%). Three cases (23.1%) were assessed as partially meeting the standard and six cases (46.2%) as not meeting it.

6.35. A common theme in cases partially meeting the standard was prosecutors identifying in their review of a case that an application for either bad character or special measures ought to be made, but then failing to request the relevant material from the police to support that application.

6.36. In those cases we assessed as not meeting the standard, there was a failure to consider legal applications that would strengthen the prosecution, such as bad character. In one of these cases, the defendant was charged with an offence of exposure. The prosecutor failed to pick up on the fact that the defendant had a previous conviction for exposure from four years prior, with similar facts to the offence in hand. He was also still under the terms of a sexual offences prevention order at the time the offence was committed. A bad character application was not considered and there were no instructions to apply for a sexual harm prevention order.

6.37. These results reflect the observations we have already made in relation to case analysis and strategy. If the Area can improve its performance in relation to case analysis, it is highly likely that this element will improve along with reasonable lines of enquiry and action plans.

Post-charge decision-making and reviews

Complying with the Code for Crown Prosecutors in post-charge decisions

6.38. Our assessment is that the Area is **fully meeting the standard** for this sub-theme of post-charge decision-making. Overall, the score for Code compliance in magistrates' court cases is 90.0%. These cases included those that were originally charged by either the police or CPS Direct.

Table 7: Post-charge Code compliance in magistrates' court cases

Rating	Number of cases	Percentage
Fully meeting the required standard	27	90.0%
Not meeting the required standard	3	10.0%

6.39. A decision that is not compliant with the Code for Crown Prosecutors is said to be a wholly unreasonable decision: that is to say, it is a decision which no reasonable prosecutor could have made in the circumstances in which it was made, and at the time it was made or ought to have been made.

6.40. As Table 7 shows, most review decisions complied with the Code. The three cases assessed as not meeting the standard for post-charge decisions were all initially charged by the Area. Two of those cases were identified as wholly unreasonable decisions at both the pre-charge (see paragraph 6.9) and post-charge stages.

6.41. The other decision related to a case where the youth defendant was charged with section 20 wounding, which should have been charged as a section 20 grievous bodily harm. The offence was not amended until the defence made a submission of no case to answer at the trial. This was successfully opposed by the prosecution advocate, the court allowed the charge to be amended and the defendant was convicted.

Quality of post-charge reviews, analysis, and case strategy

6.42. Our assessment is that the Area is **not meeting the standard** for this sub-theme of post-charge decision-making. Overall, the score for post-charge reviews in magistrates' court cases was 51.2%.

6.43. We discuss the standards expected of a post-charge review in chapter 4 (paragraphs 4.21 and 4.22).

Comparison of pre and post charge case analysis and strategy

6.44. The quality of reviews in magistrates’ court cases was of a similar standard at both the pre-charge and post-charge stage, as Table 8 shows. We would expect to see an improvement in the quality of reviews between the pre-charge and post-charge stages, as the majority of the work needed on a case should be done at the pre-charge stage, therefore making the post-charge review somewhat easier. However, this did not accord with our findings.

6.45. One of the issues affecting the quality of the reviews completed before the first hearing at the post-charge stage was that, in four of the 13 cases found not to be meeting the required standard, no review was completed when it ought to have been, because key issues required for the first hearing had not been addressed at the pre-charge decision stage. In another five reviews the reviewer endorsed the pre-charge review but failed to address outstanding issues, omissions or queries that had been raised by the lawyer at the pre-charge stage.

6.46. Another issue, observed in two of the 13 cases, was an apparent reluctance by the post-charge reviewer to contradict the pre-charge decision. In both of these cases the pre-charge reviewer expressed concern that the full Code test was not met in relation to a charge on the case, but failed to take any action in relation to this.

Table 8: Standard of magistrates’ court case analysis and strategy, pre- and post-charge

Question	Magistrates’ court cases
Pre-charge case analysis and strategy	
Fully meeting the required standard	18.5%
Partially meeting the required standard	37.0%
Not meeting the required standard	44.4%
Post-sending review analysis and strategy	
Fully meeting the required standard	20.0%
Partially meeting the required standard	36.7%
Not meeting the required standard	43.3%

Case analysis and strategy

6.47. As Table 8 shows, there is considerable room for improvement in the Area's performance, with over four in ten cases rated as not meeting the standard for pre-charge and post-charge reviews.

6.48. In three of the 13 cases assessed as not meeting the standard, no post-charge review took place at all where one was needed, as there were outstanding issues that had not been addressed in the pre-charge review.

6.49. In another four cases, the review was a copy of the pre-charge review without further comment, or with the addition of a few words which did not add any value, when substantive further work was required. While it would be proportionate to adopt the pre-charge review if that review was of high quality, and if there had been no developments in the case, we found that over half the pre-charge reviews were not meeting the required standard. These cases therefore called for high-quality post-charge reviews, which would have added value and progressed the cases.

6.50. In the 11 cases we assessed as partially meeting the required standard, a common theme was a failure to address all matters missed at the pre-charge review stage.

6.51. We did see a few examples of timely, good quality post-charge reviews. In several of these, the post-charge lawyer raised issues with defective unused material schedules and missing exhibits with the police.

Case study

A defendant had driven dangerously over a sustained period through the streets of Luton. This included driving in excess of the speed limit – at times reaching 100 miles per hour. The vehicle was followed by the police and was eventually brought to a stop when a stinger was deployed. The driver and passenger got out of the vehicle and the driver ran away. He was detained and arrested a short time later by police officers who were chasing him on foot. The defendant was interviewed but gave no comment responses.

The police submitted a request for a charging decision to the CPS, proposing charges of dangerous driving and driving without insurance. The pre-charge prosecutor considered the evidence and highlighted that the key issue in this case was likely to be identification, as the defendant had not admitted to being the driver in interview. The prosecutor also observed that the defendant was a disqualified driver and queried why the police had not proposed the offence of driving while disqualified.

When the case was re-submitted by the police after considering the issues raised by the prosecutor, the police confirmed the defendant was also driving while disqualified. Consequently, the prosecutor authorised charges of dangerous driving, driving while disqualified and no insurance.

We assessed the post-charge review to be fully meeting the required standard. The key elements proving that the driving was dangerous and that the defendant was responsible were outlined in a clear yet succinct review. The police had opted to charge the defendant with an offence of failing to stop for the police; the prosecutor covered how the offence could be proved and then completed detailed instructions on the acceptability of pleas. The prosecutor also made a sensible suggestion that, should the defendant plead guilty to the dangerous driving, no insurance and driving while disqualified charges, the failing to stop for police charge would not be required, because the elements of that offence would be covered in the dangerous driving offence. The sentencing guidelines were covered in detail, outlining that the offence ought to be committed to the Crown Court. The prosecutor also gave clear instructions to the advocate regarding orders on sentence.

When the defendant attended Court to enter his pleas, he offered guilty pleas to the three offences of dangerous driving, driving while disqualified and no insurance. As per the instructions in the post-charge review, the advocate at court offered no evidence on the charge of failing to stop. The case was committed to the Crown Court for sentence.

The good case analysis completed in the review ensured that all elements of the offence were clearly set out. Therefore at the first hearing, the defendant could see the strength of the evidence against him. He offered timely guilty pleas, which the advocate was able to accept thanks to the clear instructions in the post-charge review.

The defendant was sentenced to 22 months' imprisonment and disqualified from driving for 71 months, with the extended re-test ordered.

6.52. The Area is performing well in relation to the timeliness of the reviews. We found 22 of the 27 applicable cases (81.5%) were fully meeting the standard, with three (11.1%) partially meeting the standard and the remaining two (7.4%) not meeting the standard.

6.53. Our findings suggest that quality may be suffering as a result of the focus on carrying out the task in a timely manner.

Significant events

6.54. As cases progress, things can change which materially impact on the prosecution case. We discuss the expectations around reviews that should follow these significant events in paragraphs 4.23 to 4.25.

6.55. This is an aspect of performance that requires improvement in the Area. In our file examination, we noted that 15 cases required a review because of a significant event occurring during the course of the prosecution. In two of these 15 cases (13.3%), we assessed the Area as fully meeting the standard for significant event reviews. Two more cases (13.3%) were rated as partially meeting standard. In the other 11 cases (73.3%) where a review was required, no review took place; we assessed these cases as not meeting the required standard.

Feedback on police file quality

6.56. We discuss the agreed National File Standard (NFS) for police file submissions, and the CPS's role in feeding back to the police on compliance with it, in paragraphs 4.19 and 4.20. One of the measures introduced across the CPS nationally to ease pressure resulting from the pandemic was to suspend the requirement to use the national file quality (NFQ) feedback mechanism on the CPS case management system.

6.57. Some of the files we examined will have been reviewed after the suspension of the NFQ requirement, and this will account for why there is not a higher rate of feedback in our file sample.

6.58. As of 21 July 2021, the NFQ feedback mechanism has been replaced by the DG6 Assurance feedback mechanism, which is very similar but focused on disclosure failings. Some of the files assessed during this inspection were submitted after 21 July 2021, so in these cases, any files that did not comply with the NFS would be subject to DG6 Assurance.

6.59. In our file sample, nine out of 30 (30.0%) of the files submitted by the police to the CPS did not meet the requirements set out in the NFS. The Area used the NFQ/DG6 Assurance tools in the CPS case management system to feed back about the deficiencies in one of the nine (11.1%) applicable cases.

6.60. The Area told us that it was working with the police at all levels to improve the quality of police files. The Area is actively encouraging prosecutors to feed back on individual files and to escalate issues when appropriate. This is being done through additional checks on pre-charge decision cases and training in the form of podcasts, “coffee calls” and refresher training. But as our file examination shows, this is an aspect of performance that the Area needs to improve.

Does the Area fully comply with its duty of disclosure?

6.61. Our assessment is that the Area is **not meeting the standard** for this casework theme. Overall, the score for disclosure in magistrates' court cases is 49.6%.

6.62. The duties of the police and CPS in relation to the disclosure of unused material are set out in chapter 4, paragraphs 4.37 to 4.52. We assessed the Area's performance across a range of different aspects pertaining to unused material, including compliance with the duty of initial disclosure, correct endorsement of the schedules, timeliness, recording of the decisions on the disclosure record in the CPS case management system, and feeding back to the police where necessary.

Police service on disclosure

6.63. The police's compliance with their disclosure obligations was assessed as fully meeting the standard in six out of the 30 cases in our sample (20.0%). We rated nine cases (30.0%) as partially meeting the standard and 15 cases (50.0%) as not meeting the standard.

6.64. In the cases falling below the standard, the most common deficiencies included relevant items missing from the schedules, a failure to alert the prosecutor to material that met the test for disclosure, and rebuttable presumption material not being provided.

6.65. The lack of compliance by the police will no doubt contribute to the Area's performance under this theme. Issues with the way disclosure has been handled by the police means prosecutors will spend more time having to identify missing material and outstanding reasonable lines of enquiry. It also affects how many times a prosecutor will revisit a case and consequently, disclosure will be dealt with in a piecemeal way.

6.66. Feedback to the police is an important part of driving improvement, and should occur despite the pressures on CPS Areas, so that the Area receives a better service in future. We found that the Area fed back fully in two of the 24 cases where there were failings in police compliance with disclosure. We are aware that the Area is keen to improve the level of feedback provided to the police.

Initial disclosure

We assessed initial disclosure in the magistrates' courts as fully meeting the required standard in five of the 27 applicable cases (18.5%). Another nine cases (33.3%) were rated as partially meeting the standard and 13 cases (48.1%) as not meeting the standard.

6.67. We found four key issues in the cases we assessed as not fully meeting the standard.

- Prosecutors endorsed disclosable unused material as not disclosable.
- Prosecutors failed to reject defective streamlined disclosure certificates or MG6 series provided by the police.
- Items with the rebuttable presumption must be reviewed by the prosecutor. This means if the prosecutor decides they are not disclosable they are required to endorse the disclosure certificate "ND – not disclosable" and explain their decision. However, in nine cases, prosecutors used the wrong endorsements on the schedules, including marking items with the rebuttable presumption as clearly not disclosable (CND) – meaning the item has not been reviewed but the decision has been made based only on the police's description of the item.
- Prosecutors failed to identify that obvious items of unused material had not been scheduled.
 - In a domestic abuse case where a defendant was alleged to have assaulted his partner, the trial issue was self-defence. The disclosure schedule failed to list the victim's schedule of previous convictions. The prosecutor failed to raise this with the police and the defective schedule was served on the defence. The defendant was convicted after trial. The victim's previous conviction was not of a type that would ordinarily meet the test for disclosure and therefore it is highly unlikely that the previous convictions would have been admitted in a non-defendant bad character application. (We do not suggest the omission to schedule and disclose this item resulted in a miscarriage of justice.)

6.68. These issues can all result in disclosure failures, including failure to disclose material that undermines the prosecution's case or assists the defence case to the defence.

6.69. In one case we examined, the streamlined disclosure certificate (SDC) had not been prepared adequately by the police. In the same case there were three occurrence logs which assisted the defence and required disclosing,

because they contained material that showed the victim had provided a different account and had previously made a false allegation against the defendant. The prosecutor failed to highlight the inadequacies with the SDC to the police and failed to disclose the occurrence reports. The defendant was acquitted after trial.

6.70. We did not see any cases where there was a possible miscarriage of justice because of disclosure actions or omissions.

6.71. We assessed the timeliness of initial disclosure obligations as fully meeting the required standard in 17 out of the 27 relevant cases (63.0%). Seven cases (25.9%) were assessed as partially meeting the standard and three cases (11.1%) as not meeting the standard.

Case study

The police were called to a public order incident. Upon their arrival, the defendant was being abusive to members of the public. He was duly arrested.

The defendant was placed in handcuffs and walked to the police van to be taken to the police station. The defendant resisted the officers and refused to get into the van. He was abusive and threatening towards them and then intentionally kicked out, connecting with the chest of an officer. The officers had to use force to get the defendant into the vehicle, including the use of CS gas.

In interview, the defendant denied kicking out and assaulting the police officer. He alleged unauthorised and excessive force had been used on him by the officers. He stated that because CS gas was released into his face, he stepped back and if his leg had caught an officer, it was an accident. The defendant was charged with an offence of assaulting an emergency worker.

When the police submitted the papers to the CPS, the streamlined disclosure certificate (SDC) was not adequately prepared. The three items listed on the schedule were not sufficiently described. Furthermore, several key items were not listed. These included the 'use of force' forms that the officers would have completed, considering the nature of the incident. Body worn video referred to in officers' statements was also missing from the file submission.

The prosecutor did not raise the deficiencies of the SDC with the police, instead endorsing it and sending it to the defence as initial disclosure.

The defence submitted a defence statement requesting, among other things, the body worn video referred to in the police statements and any notes made by the officers at the time of the incident. The prosecutor did not respond to the defence statement. After 29 days, the defence chased a response. A week later, as the prosecutor had not responded, the defence asked the Court to list the

matter. The Court then directed the CPS to respond to the defence statement within seven days.

At this stage, in the reviewing lawyer's absence, another prosecutor sent the defence statement to the police for the first time. The police failed to respond, and the defence listed the case again, a fortnight later, owing to non-compliance. At this stage it was three days until the trial. The trial then had to be vacated owing to the Crown's failure to respond to the defence statement.

Ultimately the trial went ahead successfully, six months after the original trial had been scheduled and some 18 months after the offence had been committed.

Had the prosecutor highlighted the issues with the SDC and the lack of body worn video when they completed initial disclosure, the first trial date may not have been vacated. Alternatively, had the CPS submitted the defence statement to the police upon initial receipt and ensured timely compliance with their obligations, the trial could have gone ahead when planned.

The defendant was convicted after trial. He was sentenced to a £300 fine, and ordered to pay the victim surcharge and £120 compensation to the officer who was assaulted. However, because of the delays and the lack of proactive work by the prosecutor in this case, a series of unnecessary court hearings were needed, justice was delayed for the victim and there were significant inefficiencies which cost time and resources when the system is under pressure from post-pandemic problems.

Sensitive material

6.72. There were two cases featuring sensitive material in our magistrates' court sample. We assessed the handling of the material as not meeting the required standard in both cases.

6.73. In one case, several items that were not sensitive had been listed on the sensitive disclosure schedule instead of the non-sensitive schedule. The prosecutor failed to raise this issue with the police, which was a common theme in relation to defective schedules.

6.74. In the second case, a search warrant had been granted following police intelligence which identified the defendant as being responsible for the illegal dealing of MDMA. The sensitive material schedule was blank when the warrant and intelligence documents ought to have been listed. The prosecutor failed to raise this issue with the police.

Other disclosure matters

6.75. There were three cases in the file sample for the magistrates' court unit that involved continuing disclosure. In relation to both compliance with the duty of continuing disclosure and the timeliness of the disclosure, one case was assessed as fully meeting the standard, one as partially meeting the standard and one as not meeting the standard.

6.76. In the case we assessed as not meeting the standard, continuing disclosure was not completed properly. The defence submitted a defence statement and in response, the police submitted another SDC which listed several new items. The prosecutor failed to endorse the new schedule or send it to the defence. Instead, they sent an email saying there was no further material to disclose. This error did not result in a potential miscarriage of justice.

6.77. Of the three defence statements received by the CPS in the magistrates' court unit file sample, we rated one as being of an inadequate standard. The prosecutor failed to raise the inadequacies with the defence and sent the defence statement to the police, without proper directions to the disclosure officer.

6.78. We assessed the quality of prosecutors' guidance to the police to support further action regarding the defence statement. One case was assessed as fully meeting the required standard, one as partially meeting it and one as not meeting it.

Disclosure records

6.79. Completion of the disclosure record sheet was assessed as fully meeting the required standard in 17 out of 30 cases (56.7%). Fully meeting the standard meant the record was fully completed throughout the life of the case and decisions about the handling of unused material were clearly documented.

6.80. Five cases (16.7%) were assessed as partially meeting the standard and eight cases (26.7%) as not meeting the standard. The main reasons for assessing cases as partially or not meeting the standard were omissions from the disclosure record in relation to items of unused material, and a failure to record the rationale for disclosure decisions.

Area training

6.81. Staff in the Area have had mandatory disclosure training on the Attorney General's Guidelines on Disclosure and DG6.

6.82. We have seen evidence that the Area has completed the expected number of individual quality assessments (IQAs) in the magistrates' court unit and has noted disclosure issues that need improvement. The Area is aware that in some cases, lawyers in the magistrates' court unit are not raising the issue of defective unused material schedules with the police. As a consequence, the lawyers are now given direct feedback on this issue following IQAs. The Area told us that line managers are expected to hold one-to-one conversations with prosecutors where issues that require improvement are noted.

6.83. During the Covid-19 pandemic, the requirement to complete IQAs was relaxed to help ease the pressure on Areas. However, CPS Thames and Chiltern was concerned about some of the challenges around disclosure in the magistrates' court unit and consequently maintained the mandatory requirement for IQAs.

6.84. We are also aware that a legal manager has been appointed as a disclosure lead to try and drive improvement. Part of their role is to attend tri-force disclosure meetings with the three police forces to discuss police compliance with their disclosure obligations and to drive improvement.

6.85. The Area has also helped to train new police file quality teams on disclosure and DG6. Senior staff members have completed this in the past 12 months, using both bespoke materials and extracts from internal CPS training material. By making sure the CPS has input into police training, the Area aims to ensure consistency across the forces.

Does the Area address victim and witness issues appropriately?

6.86. Our assessment is that the Area is **partially meeting the standard** for this casework theme. Overall, the score for victim and witness issues in magistrates' court cases is 68.2%.

6.87. The duties owed by the CPS to victims and witnesses are set out in chapter 4, paragraphs 4.53 to 4.62. We assessed a range of aspects related to victims and witnesses, including measures to support them to give their best evidence, witness care at court, and communicating and consulting with victims.

Before charge

6.88. At charge, the prosecutor should actively consider relevant applications and ancillary matters to support victims and witnesses. We assessed eight out of 19 cases (42.1%) as fully meeting the standard, eight cases (42.1%) as partially meeting the standard and three cases (15.8%) as not meeting the standard.

6.89. One of the most common issues we observed here was the pre-charge review acknowledging that a Victim Personal Statement (VPS) or request for special measures had not been provided with the papers, and failing to ask the police to provide them in an action plan.

6.90. In one of the domestic abuse cases we examined, the police submitted the file without any details on whether the victim would like to make a VPS, have special measures at trial or ask the court to consider making a restraining order against the defendant. In the pre-charge review, the prosecutor noted there were omissions from the police file but failed to request them. The defendant entered a timely guilty plea at the first hearing and sentence was adjourned for preparation of a pre-sentence report.

6.91. On the day of the first hearing, a request was sent to the police asking if the victim wanted a restraining order and compensation. The police failed to respond and on the day of the sentence hearing, which was nine weeks after the first hearing, the prosecutor contacted the witness care unit (WCU) directly to obtain the victim's opinion on the applications. Fortunately, the WCU were able to contact the victim, who confirmed that they did not want either a restraining order or compensation. This case would have been better dealt with if the prosecutor had noted the deficiencies on the police file and requested the missing information at the pre-charge stage.

After charge

Witness warning

6.92. After charge, witnesses were warned correctly and in a timely manner in the vast majority of cases. We assessed 19 out of the 21 (90.5%) applicable cases as fully meeting the required standard. The remaining two cases (9.5%) were rated as partially meeting the standard.

6.93. This shows the Area has an effective process for the correct and timely warning of victims and witnesses, which is a real strength.

Communications with witness care units

6.94. Throughout the prosecution, the WCU will be the first port of call for a witness who may have queries, concerns or issues with attending the trial, such as a clash in their diary. When witnesses contact the WCU, these communications will be passed onto the CPS. It is vital, therefore, that the CPS responds to these communications in a timely and productive manner.

6.95. We found the Area's performance under this heading to be mixed. The appropriate and prompt handling of WCU correspondence was inconsistent, with six of the 13 applicable cases (46.2%) assessed as fully meeting the required standard, three cases (23.1%) as partially meeting it and four cases (30.8%) as not meeting it. In the cases we assessed as not meeting the standard, there was either a delayed response to the communication or no response at all, which then had an impact on the trial listing.

6.96. This can be contrasted with the cases assessed as fully meeting the standard. In one of these cases, a vulnerable victim asked for a taxi to be pre-booked and paid for by the Area because she had financial difficulties. The CPS remained in communication with the WCU and made sure this expenditure was authorised and the taxi booked.

6.97. The Area has developed some specific guidance for WCU staff on how to support communications. This is a helpful document which guides the WCU on all relevant questions that need to be asked of the witness when a query is raised. This means the information passed to the Area is in sufficient detail to enable action to be taken without going back to the WCU to request more information. We note this as good practice.

Consulting victims and speaking to witnesses at court

6.98. Victims are entitled to be consulted throughout the prosecution, including at trial, as part of the speaking to witnesses at court (STWAC) initiative. We rated ten out of 14 cases (71.4%) as fully meeting the standard for consultation,

two cases (14.3%) as partially meeting the standard and two cases (14.3%) as not meeting the standard.

6.99. The majority of hearing record sheets for trials correctly noted that victims and witnesses had been spoken to and the note was sufficient to confirm that the STWAC guidance had been followed.

Victim Personal Statements

6.100. Victims are entitled, if they wish, to provide a VPS and to express a preference as to whether they would like to read it at sentencing, have it read out in court on their behalf, or for the Judge to read it.

6.101. We assessed the Area as fully meeting its VPS obligations in seven out of the 19 relevant cases (36.8%). Three cases (15.8%) were assessed as partially meeting the standard and nine cases (47.4%) were assessed as not meeting the required standard.

6.102. The Area's failings in this aspect of performance tie in with those noted at paragraph 6.89, where prosecutors are not requesting missing VPSs from the police at the pre-charge stage.

Orders at sentencing

6.103. All but one of the ten relevant cases were assessed as fully meeting the required standard for seeking appropriate orders on sentencing to protect victims, witnesses or the public. This is a strength for the Area.

6.104. In one of the cases assessed as fully meeting the standard, at sentence the prosecutor reminded the Court to impose the sentencing uplift and made an application for compensation, which was awarded.

Victim Communication and Liaison scheme letters

6.105. The prosecution has a duty to write to a victim and explain a decision to drop or substantially reduce a charge. In our file sample, six Victim Communication and Liaison scheme (VCL) letters were required to be sent. Three of the letters were sent promptly and therefore assessed to be fully meeting the required standard. Two letters were not sent when required and were assessed to be not meeting the standard. The final letter was sent as required but outside the time limits, and therefore assessed to be partially meeting the required standard.

6.106. Of the four cases where a VCL letter was sent, two were assessed as fully meeting the required standard for quality and two were assessed as partially meeting the standard. In one of the cases assessed as fully meeting the standard, the VCL paragraph was drafted by the court advocate following a

decision to offer no evidence after the victim failed to attend the trial. The paragraph explained the decision in a clear and succinct way. When creating the letter, the Victim Liaison Unit (VLU) officer added a paragraph expressing empathy with the victim's situation and their decision to not attend court. The final letter was a good example of clear and empathetic writing and also illustrated good joint working between the legal team and the VLU.

6.107. The Area is doing a lot of work on improving the quality of VCL letters. We have seen evidence that 'VCL coffee calls' are held for all staff. These are followed up by email bulletins containing learning and guidance on the completion and improvement of these letters.

6.108. The timeliness of these letters needs to improve, and we are aware that the Area is taking positive action in relation to this. An escalation log has been introduced when a letter is missed. This is monitored by senior legal managers with one-to-one feedback given to the prosecutor responsible.

7. Casework quality: Crown Court casework themes

Introduction to Crown Court casework

Does the Area deliver excellence in Crown Court prosecutions by making sure the right person is prosecuted for the right offences, cases are progressed in a timely manner and cases are dealt with effectively?

7.1. We examined 40 Crown Court cases for casework quality. We assessed added value and grip and analysed the cases with regard to the five casework themes or, for some of the themes, scored two or more sub-themes. We used the same scoring mechanism as for added value and grip (set out more fully in chapter 5 and annex F).

7.2. Our findings should be seen in light of the context we set out in chapter 2, concerning the impact on the Area of Covid-19, coupled with staffing issues that fell particularly acutely on the Crown Court team. At one time the team was short of 12 prosecutors.

7.3. We have scored CPS Thames and Chiltern for its Crown Court casework as follows.

Table 9: Scoring for Crown Court casework

Question	Rating	%
Pre-charge decision-making and review		
The Area complies with the Code for Crown Prosecutors ²⁴ at pre-charge decision stage	Fully meeting the standard	100%
The Area selects the most appropriate charge(s) at pre-charge decision stage	Fully meeting the standard	86.8%
The Area's pre-charge decisions contain a clear analysis of the case and set out a cogent case strategy	Not meeting the standard	36.1%
Quality of post-charge reviews and decision-making		
The Area complies with the Code for Crown Prosecutors post-charge	Fully meeting the standard	95.0%
The Area's post-charge reviews contain a clear analysis of the case and set out a cogent case strategy	Partially meeting the standard	62.1%
Preparation for the Plea and Trial Preparation Hearing		
The Area prepares its cases effectively for the Plea and Trial Preparation Hearing in the Crown Court to ensure progress is made	Not meeting the standard	50.7%
Disclosure		
The Area fully complies with its duty of disclosure throughout its Crown Court casework	Partially meeting the standard	64.9%
Victims and witnesses		
The Area addresses victim and witness issues appropriately throughout its Crown Court casework	Fully meeting the standard	75.8%

7.4. Our assessment of Crown Court casework was that there were aspects that were done well, including compliance with the Code for Crown Prosecutors before and after charge, selecting appropriate charges that reflected the nature and extent of the offending, timely warning of witnesses for trial, timely compliance with initial disclosure obligations and consulting with victims and witnesses when appropriate, including speaking to witnesses at court.

²⁴ Code for Crown Prosecutors, 8th edition; CPS; October 2018.
www.cps.gov.uk/publication/code-crown-prosecutors

7.5. There were other aspects that required more focus, specifically analysing evidence and formulating a case strategy before a charging decision, considering unused material before the charging decision, complying fully with the duty of initial disclosure and providing feedback to the police where they have not complied with their disclosure obligations.

Pre-charge decision-making and reviews

7.6. In order to assess the Area's decision-making at the pre-charge stage, we have split the inspection assessment into three sub-themes. These reflect the different aspects that contribute to effective decision-making at the pre-charge stage:

- compliance with the Code for Crown Prosecutors
- selection of the most suitable charges
- the quality of the analysis and case strategy set out in the prosecutor's review.

Complying with the Code for Crown Prosecutors in pre-charge decisions

7.7. We discuss the process by which cases are charged, and compliance with the Code for Crown Prosecutors, in chapter 4 (paragraphs 4.1 to 4.8).

7.8. We rated the Area as **fully meeting the standard** for this sub-theme of pre-charge decision-making, with prosecutors correctly applying the evidential and public interest stages of the Code test in all 34 Area-charged Crown Court cases.

Table 11: Pre-charge Code compliance in Crown Court cases

Rating	Number of cases	Percentage
Fully meeting the required standard	34	100%
Not meeting the required standard	0	0%

Selecting the most appropriate charges

7.9. We discuss the criteria and guidance that help prosecutors to decide which are the most appropriate charges in chapter 4 (paragraphs 4.9 to 4.12).

7.10. We rated the Area as fully meeting the standard for this theme, with an overall theme score of 86.8%.

7.11. We found that, in most cases in our file sample, prosecutors were selecting the correct charges. We assessed 27 of 34 cases (79.4%) as fully meeting the standard. We rated another five cases (14.7%) as partially meeting the standard and two cases (5.9%) as not meeting the standard.

7.12. In one case we rated as fully meeting the standard, the defendant was alleged to have been masturbating in a park where children were in the vicinity. The defendant was said to be inebriated and his actions furtive. The police requested a charge of exposure; the prosecutor, however, recognised the difficulty in proving the defendant intended to be seen and cause alarm or distress. A common law charge of outraging public decency was properly selected, and the defendant was convicted after trial.

7.13. In the cases we rated as fully meeting the standard, the Area selected charges that reflected the gravity of the alleged offending and gave the court sufficient powers to sentence appropriately on conviction, including making orders to protect the victim and the public.

Quality of the pre-charge decision review, including analysis and case strategy

7.14. Our assessment is that the Area is **not meeting the standard** for this sub-theme of pre-charge decision-making. Overall, the score for pre-charge review in Crown Court cases is 36.1%.

7.15. We discuss the standards expected of a pre-charge review, and what should be included in instructions to the court prosecutor, in chapter 4 (paragraphs 4.13 to 4.18).

7.16. While the quality of pre-charge reviews needs to improve, the timeliness of these decisions was found to be fully meeting the required standard in 24 out of 34 cases (70.6%), partially meeting the standard in nine cases (26.5%) and not meeting the standard in one case (2.9%). This is a strength for the Area in progressing cases at the pre-charge stage with appropriate speed.

Case analysis and strategy

7.17. We found that a significant number of Crown Court pre-charge decisions did not clearly analyse the evidence and set out on what basis the case would be prosecuted by way of a cogent case strategy. We assessed six out of 34 Area-charged cases (17.6%) as fully meeting the standard for case analysis and strategy, 11 cases (32.4%) as partially meeting the standard and the remaining 17 cases (50.0%) as not meeting the standard.

7.18. We found several common issues in the cases we rated as partially or not meeting the standard, including the following.

- The case analysis often focused solely on the prosecution case and did not adequately consider the relative strengths and weaknesses in the evidence. This included a repeated failure to engage sufficiently with defences raised in police interview.
- Inspectors also noted, in 11 of the 17 cases assessed as not meeting the required standard, that reasonable lines of enquiry were not pursued.
 - In one case, the complainant asked the defendant to leave a public house, as he was barred. The defendant then assaulted the complainant causing actual bodily harm. Despite police attendance at the scene, the complainant did not wish to make a statement or pursue a complaint. Two months later, the defendant again assaulted the complainant by striking him, without causing any injuries. The complainant did then give a statement which referred to both incidents. There were a number of other potential witnesses detailed by the complainant in his statement, but no actions were set by the prosecutor to obtain any additional statements. The complainant had spoken to a police officer following the first incident; no request was made to obtain details of the account given by the complainant at that point. The defendant mostly answered no comment in interview. The complainant had stated he had approached the defendant to ask him to leave on the first occasion; the likely issue of self-defence was not considered and nothing was set out about how to disprove it. The prosecutor authorised two charges of assault which were denied by the defendant, who later asserted he acted in self-defence. The complainant withdrew support and the Crown offered no evidence.
- Case strategy was often limited to which witnesses to call or hard media to play at trial, without addressing how any undermining aspects of the case would be overcome. Setting out a case strategy can alert a prosecutor to issues they may have in proving their case.
 - In one allegation of possessing cannabis with intent to supply, the police observed a van travelling at high speed and so caused it to stop. Two males were in the vehicle and got out at the police's request. The police quickly identified two foil bags and a plastic bag all containing cannabis on the passenger side dashboard. Both males were detained, and the police recovered more cannabis and MDMA in bags on the rear passenger seat. The passenger was found to have drug paraphernalia on his person. He was later forensically linked to one of the bags of cannabis found on the dashboard. The passenger answered all questions no comment while the driver gave a prepared statement denying knowledge of the drugs. Both males were charged with possession of cannabis with intent to supply. There was no strategy

considering each defendant individually and how to prove the requisite elements against each. Proper consideration of the position of the driver would have revealed an inability to prove he was knowingly in possession of the drugs. The passenger pleaded guilty at the magistrates' court and the driver was allocated to the Crown Court for trial. At the post-sending review, with the passenger now eliminated from consideration, the prosecutor focused on the driver and realised there was no realistic prospect of conviction. The case against the driver was discontinued. Setting out a case strategy against each defendant at the outset would have focused attention on what could be proved and the weaknesses in the case, making the handling of the case more efficient.

Unused material

7.19. We rated six out of 34 cases (17.6%) as fully meeting the standard for dealing appropriately with unused material in the pre-charge review. Another six cases (17.6%) were found to be partially meeting the standard and 22 cases (64.7%) not meeting the standard.

7.20. In half the cases we assessed as not meeting the standard, there was no consideration of unused material. In nine more cases, neither disclosable unused material nor material which should be disclosed under common law (before the Criminal Procedure and Investigation Act obligations) were noted as such. Examples of this included previous convictions of prosecution witnesses for dishonesty offences, a negative identification procedure result where identification was a live issue, and a positive reasonable grounds decision under the National Referral Mechanism on whether the defendant may have been a victim of modern slavery.

7.21. Nine cases in our file sample were subject to the sixth edition of the Director's Guidance on Charging (DG6). Five of these were charged by CPS Direct, so the Area considered four DG6 cases at the pre-charge stage. Two of those cases were assessed as not meeting the required standard for disclosure, owing to the fact that the police had not provided any of the unused material they were obliged to under the relevant guidance, and that this material was not requested by the prosecutor.

Case study

The defendant and complainant were friends. On the night in question the complainant was at a social function. The defendant knew the complainant was away from her address and where the complainant hid her spare key.

The complainant and her father returned home to see three people within her address with the front door open. The three people ran off; however, the complainant's father was able to detain the defendant, who he said was one of the three inside the address. The defendant denied involvement in the theft.

The police attended and the defendant was arrested. In interview the defendant maintained her denials, saying she had attended the complainant's address and disturbed the two others, who had dragged her to the side of the house where the complainant's father had taken hold of her.

Forensic testing on a hammer found in the garden of the premises was not compared to the defendant, forensic testing on £1,000 cash recovered from the garden did not link to the defendant and footprints recovered from the complainant's living room were not compared to the defendant's footwear. The police did not advise whether a download of the defendant's phone confirmed she had been trying to telephone the complainant before her detention, as she had asserted. No actions were set for the police to remedy these shortcomings in the police investigation. None of this information was noted to potentially undermine the prosecution case. No strategy was recorded for presenting the case at trial and dealing with undermining material.

The complainant had a caution for fraud by false representation and a conviction for failing to provide a specimen of breath. Neither were considered for common law disclosure. In the pre-charge decision, the prosecutor recorded: "I am not expecting much disclosure. There was no forensic link to the other 2 males", without adding anything further.

Neither the forensic information nor the antecedent record of the complainant were noted on the schedules at initial disclosure. These were not provided to the defence as they ought to have been. This omission was corrected at continuing disclosure, following the provision of the defence statement, and the defence were provided with relevant unused material.

At trial, the complainant failed to attend court and the prosecution offered no evidence.

Instructions to the court prosecutor

7.22. There were insufficient instructions to court prosecutors, meaning that opportunities to add value by progressing or clarifying matters at an early stage may have been lost. Instructions in six out of 34 cases (17.6%) were found to be fully meeting the standard, with ten cases (29.4%) partially meeting the standard and 18 cases (52.9%) not meeting the standard.

7.23. The two most common issues were a failure to detail acceptable pleas in cases where this was relevant and a failure to record appropriate bail conditions.

7.24. In a sizable number of cases, we noticed significant delay in requesting a charging decision by the respective police forces which serve CPS Thames and Chiltern. This delay meant defendants had been released under investigation for a lengthy period of time, which may have led to prosecutors being less inclined to consider whether any bail conditions were appropriate after charge. Prosecutors usually provided advice on the appropriate venue for the case but frequently failed to refer to the Sentencing Guidelines, meaning the advocate in court would have to duplicate that work to advise the court.

Reasonable lines of enquiry and action plans

7.25. Where prosecutors identify further reasonable lines of enquiry, they should set these out in an action plan, which is a specific section of the police manual of guidance form 3. This allows for actions to be prioritised and timescales set to make sure that all appropriate avenues of investigation have been completed, including those that may point away from a prosecution.

7.26. Out of 32 cases with action plans set by prosecutors, we assessed eight plans (25.0%) as fully meeting the standard, with another 12 cases (37.5%) partially meeting the standard. Twelve cases (37.5%) were rated as not meeting the standard.

7.27. The main failing recorded was not completing an action plan when outstanding reasonable lines of enquiry meant one was required. In one case, we noted that the prosecutor requested material that had already been provided by the police.

Applications and ancillary matters

7.28. Where more information is needed from the police to support applications – such as more details of the defendant’s bad character or why a victim or witness needs special measures – a timely request at charging can prevent delays in making the application. Having a special measures order made as soon as possible provides reassurance to the victim or witness.

7.29. We found an inconsistent approach to the consideration of relevant applications and ancillary matters to support victims and witnesses at the pre-charge stage. We rated the Area as fully meeting the standard in nine out of 24 cases (37.5%), partially meeting it in six cases (25.0%) and not meeting it in nine cases (37.5%).

7.30. In eight of the nine cases we assessed as not meeting the standard, the prosecutor failed to consider special measures. This included one case of a domestic abuse allegation where the police had taken a written statement from a child witness, who would have been eligible for the section 28 procedure if video recorded evidence had been obtained. No action was set at the pre-charge stage to remedy this.

7.31. When addressing applications and ancillary matters to build the case, six out of 26 relevant cases were assessed as fully meeting the standard, six more cases as partially meeting the standard and 14 cases as not meeting the standard.

7.32. In one case where bad character was recognised and progressed, the defendant was alleged to have recently made a threat to the complainant to “skin him and put him on a barbeque”. Several days later, the defendant was alleged to have started a fire, damaging the complainant’s property with intent to endanger life or being reckless as to whether life was endangered. The reviewing lawyer requested the details of this offence in an initial review. Upon receipt of this information, the reviewing lawyer confirmed it would be used as evidence of bad character and fed this into the overall strategy of showing the defendant’s antagonism towards the complainant. This demonstrates a proactive approach.

Post-charge decision-making and reviews

Complying with the Code for Crown Prosecutors in post-charge decisions

7.33. Our assessment is that the Area is **fully meeting the standard** for this sub-theme of post-charge decision-making. Overall, the score for Code compliance in Crown Court cases is 95.0%. These cases included those that were originally charged by either the police or CPS Direct. The rating includes post-sending reviews, reviews conducted when the prosecution case was served, and any significant event reviews.

Table 10: Post-charge Code compliance in Crown Court cases

Rating	Number of cases	Percentage
Fully meeting the required standard	38	95.0%
Not meeting the required standard	2	5.0%

7.34. A decision that is not compliant with the Code for Crown Prosecutors is said to be a wholly unreasonable decision: that is to say, it is a decision which no reasonable prosecutor could have made in the circumstances in which it was made, and at the time it was made or ought to have been made.

7.35. As Table 10 shows, there were two wholly unreasonable decisions after charge.

7.36. In the first case, the police submitted a file for a charging decision which included a statement from the victim. Three allegations of assault were alleged and the defendant was charged with three counts of assault causing actual bodily harm. Before the first hearing in the magistrates' courts, the police submitted more evidence, including a second statement from the victim. That statement revealed further assaults that had not previously been considered, one a common assault and one an assault causing actual bodily harm. No consideration was given to this statement until after the Plea and Trial Preparation Hearing (PTPH) and service of the case. The failure to charge the additional assault causing actual bodily harm amounted to a wholly unreasonable decision.

7.37. In the other case, a prosecutor made a poor but not wholly unreasonable charging decision to lay offences of arson with intent to endanger life, with an alternative offence of arson reckless whether life would be endangered. At the PTPH, an additional count of arson with intent to endanger life was added for the preceding day, where there was little evidence of a fire and no evidence of any intent to endanger life. The advocate at court expressed their view that there was unlikely to be a realistic prospect of conviction. Following further information from the expert fire officer, the decision was made to discontinue the case.

Quality of post-charge reviews, analysis, and case strategy

7.38. Our assessment is that the Area is **partially meeting the standard** for this sub-theme of post-charge decision-making. Overall, the score for post-charge reviews in Crown Court cases is 62.1%.

7.39. We discuss the standards expected of a post-charge review in chapter 4 (paragraphs 4.21 and 4.22).

Comparison of pre- and post-charge case analysis and strategy

7.40. As Table 11 shows, the quality of reviews at the post-charge stage is better than at the pre-charge stage, and the evidential analysis was often better in the later review. There remains room for improvement, however, as less than half of the cases were assessed as fully meeting the expected standard.

Table 11: Standard of Crown Court case analysis and strategy, pre- and post-charge

Question	Crown Court cases
Pre-charge case analysis and strategy	
Fully meeting the required standard	17.6%
Partially meeting the required standard	32.4%
Not meeting the required standard	50.0%
Post-sending review analysis and strategy	
Fully meeting the required standard	40.0%
Partially meeting the required standard	42.5%
Not meeting the required standard	17.5%

7.41. Sixteen out of 40 cases (40.0%) had an initial post-sending review we assessed as fully meeting the standard. In 17 cases (42.5%) we assessed the review as partially meeting the standard, and in seven cases (17.5%) as not meeting the standard.

7.42. We found some examples of cases where prosecutors had carefully considered the case afresh, where this was required, and addressed relevant issues within the review, adding value. These were cases where it was clear from the review that the case had been properly checked for new evidence, not just accepted because it had already been reviewed, and that issues overlooked at the pre-charge stage were addressed. Relevant outstanding issues were identified and either dealt with or appropriate actions put in place.

7.43. Of the seven cases assessed as not meeting the required standard, five included nothing more than verbatim copies of the pre-charge decision where further work was required. At times, there appeared to be an assumption that the pre-charge decision was accurate and correct, without this being adequately checked.

Case study

The defendant was under voluntary care at a local hospital for mental health treatment. Upon leaving the hospital, he got into the rear of a car. The victim was sat in the driver's seat. The defendant told the victim that he had a gun and she needed to drive. The victim was able to get out of the car, but as she was doing so, the defendant unsuccessfully attempted to snatch her handbag.

The defendant was arrested shortly afterwards by the police. He was interviewed and answered all questions no comment before being admitted as a patient to a local hospital, owing to mental health concerns.

The file was submitted for a CPS decision and the defendant was charged with attempted kidnap and attempted theft.

In the post-sending review, the prosecutor considered the Better Case Management form, which detailed that the issue would be the defendant's mental capacity at the relevant time. The prosecutor reviewed the custody record, which contained some detail of the defendant's mental health, and formed a provisional view on the public interest test and the desirability of obtaining a protective order from the court. Consideration was also given to the fact the defendant had been fit to plead guilty to other offences following the commission of this attempted kidnap and theft. The prosecutor considered unused material and identified material to be disclosed to the defence that had not been recognised as such at the pre-charge stage.

A brief to counsel detailed that only a guilty plea to the attempted kidnap would be acceptable as a means of resolving the case. Counsel was informed that the issue of the defendant's mental health had been considered and the prosecution intended to proceed with the case. Counsel was alerted to cases which post-dated the kidnap offence, which had been resolved by way of a guilty plea.

The defendant was due to attend the PTPH by way of a video link but was not produced. The careful thought which had gone into the post-sending review meant counsel had full instructions on the prosecution position and the case was able to progress effectively, with a trial date being fixed.

The defendant was found not guilty at trial by reason of insanity and given a two-year supervision order.

Significant events

7.44. As cases progress, things can change which materially impact on the prosecution case. We discuss the expectations around reviews that should follow these significant events in paragraphs 4.23 to 4.25.

7.45. Thirteen out of 24 cases (54.2%) were assessed as fully meeting the standard for significant event reviews, adding value by clearly detailing the change or development in the case and the action proposed to respond to it. One case was assessed as partially meeting the standard (4.2%) and ten cases as not meeting the standard (41.7%).

7.46. In one case assessed as fully meeting the standard, the defendant was alleged to have aggressively driven his car at the victim, causing serious head injuries. Upon his arrest, 25 to 30 bags of cannabis were recovered from his address along with a mobile phone containing messages consistent with supplying drugs. The defendant was charged with an offence of causing grievous bodily harm with intent to do so, causing serious injury by dangerous driving, and being concerned in the supply of cannabis.

7.47. The defence wrote to the Crown asking if a guilty plea solely to causing serious injury by dangerous driving would suffice. A review considered the aggravating features of using the car as a weapon, CPS guidance and likely sentence before determining the defence offer should not be accepted. This was conveyed to the defence.

7.48. At the next hearing, the defence entered a guilty plea to section 18 assault and dangerous driving. The case was adjourned for trial on the drugs offences and another review was conducted to consider if it remained in the public interest to pursue this offence in light of the anticipated significant sentence for the assault. The review diligently reflected on the different offences, the potential for consecutive sentences and lifestyle issues related to supply of drugs that did not pertain to the admitted matters. The decision to continue was relayed to the defence and the defendant entered a guilty plea to the drug offence at a later hearing. The defendant was sentenced to six years' imprisonment for the assault and six months consecutive for the drug offence.

7.49. In the case assessed as partially meeting the standard, the prosecution rightly rejected a proposed basis of plea and, while the rationale was briefly set out in an email to the officer in the case, no review took place. In most cases which failed to meet the standard, no review was recorded where significant events had taken place.

Stage 1 reviews

7.50. In contested Crown Court cases, there are key stages following on from the first hearing in the Crown Court. The first of these is service of the bulk of prosecution materials, which should be accompanied by a review of the case and updates on any developments since the last review. This is a stage 1 review.

7.51. In our sample, 14 out of 35 cases (40.0%) were assessed as fully meeting the standard for value added at stage 1 review (when the service of the prosecution's case is required in Crown Court cases). Seven cases (20.0%) were assessed as partially meeting the standard and 14 cases (40.0%) as not meeting the standard.

7.52. In eight out of the 14 cases assessed as not meeting the standard, no review took place. Another three were copies of the pre-charge decision, where additional material had been received that should have occasioned a review.

7.53. In two of the cases that did not have a stage 1 review, the full Code test was never formally applied. In the first case, the offences were originally charged on the threshold test. In the second case, further charges were added by the advocate before the PTPH.

Feedback on police file quality

7.54. We discuss the agreed National File Standard (NFS) for police file submissions, and the CPS's role in feeding back to the police on compliance with it, in paragraphs 4.19 and 4.20. One of the measures introduced across the CPS nationally to ease pressure resulting from the pandemic was to suspend the requirement to use the national file quality (NFQ) feedback mechanism on the CPS case management system.

7.55. Of the 40 police files in the Crown Court sample, we assessed 23²⁵ as not complying with National File Standard. In one of the 21 applicable cases (4.8%), the prosecutor fed back appropriately to the police using the NFQ feedback mechanism. In three cases (14.3%), the prosecutor notified the police of the deficiencies so the error could be corrected, but did not use the NFQ tool. In 17 cases (81.0%), no feedback was sent to the police.

²⁵ Two of the files we examined were reviewed during the suspension of the NFQ requirement.

7.56. We have been told the Area is taking action at a strategic level to improve police file quality, including delivering training to each police force, setting up a tri-force quarterly domestic abuse scrutiny panel to look at file quality issues, and raising police file quality with Chief Constables and the various Police and Crime Commissioners' offices.

Preparation for the Plea and Trial Preparation Hearing in the Crown Court

7.57. Our assessment is that the Area is **not meeting the standard** for this casework theme. Overall, the score for preparation for the PTPH in Crown Court cases is 50.7%.

7.58. In assessing the Area's performance when preparing for the PTPH, we considered the key tasks the prosecution are required to complete – including filling in the PTPH form for use by the Judge presiding at the hearing; carrying out direct engagement with the defence; drafting the indictment; making sure the relevant material is uploaded to the Crown Court Digital Case System (CS) before the hearing; and making sure an advocate is instructed in advance of the hearing, so that they have time to prepare. There is more detail on these tasks in chapter 4 (paragraphs 4.27 to 4.36).

7.59. We assessed 19 out of 40 cases (47.5%) as fully meeting the required standard for preparing the case before the PTPH. We rated another ten cases (25.0%) as partially meeting the standard and 11 cases (27.5%) as not meeting the standard.

7.60. The most common issue in those cases rated as partially or not meeting the standard was the prosecutor failing to endorse any consideration around acceptable pleas, in 17 of the 21 cases assessed.

7.61. In cases where alternative offences were laid, such as grievous bodily harm with intent to cause grievous bodily harm and the section 20 alternative, there were often no clear instructions to the advocate on what was acceptable. Often obvious alternative charges were not considered; for example, in an offence of production of cannabis where the suspect was renting a property in which a cannabis farm was growing, an offence of allowing premises to be used to produce cannabis was not considered.

7.62. The next most common failings were not chasing or escalating outstanding actions that the police had not responded to and failing to progress relevant legal applications, such as bad character or special measures.

7.63. The police upload hard media (such as CCTV footage or body worn video) to secure online locations and send the links to the CPS. Provision of hard media to the court and defence before the PTPH was a strength for the Area. This was assessed as fully meeting the standard in 16 out of 22 cases (72.7%), partially meeting the standard in two cases (9.1%) – where some but not all hard media was uploaded – and not meeting the standard in the remaining four cases (18.2%), potentially resulting in lost opportunities to resolve or progress the case effectively at the first Crown Court hearing.

7.64. No hearings were ineffective because of a failure to provide hard media.

Direct engagement with the defence

7.65. The prosecution and defence are under a duty to engage with each other to make sure that the case progresses as effectively as possible. We explain more about this duty in chapter 4 (paragraphs 4.35 and 4.36). Usually, the prosecution makes the first approach to the defence, and this should be logged on a duty of direct engagement (DDE) log. The prosecution creates this on the CPS case management system and should then share it with the court and defence by uploading it to the Crown Court Digital Case System (DCS).

7.66. Covid-19 has had a significant impact on the defence's ability to respond to direct engagement approaches from the prosecution. Many defence firms furloughed employees. This hampered Areas' efforts to engage with defence practitioners.

7.67. There was some form of direct engagement or attempted engagement with the defence, and a DDE log was maintained, in seven out of 38 cases (18.4%). In one case (2.6%) a contact letter was emailed to the defence, but no DDE log was maintained. In 30 cases (78.9%) there was no record of any attempted engagement with the defence. None of the cases we inspected had the DDE log uploaded to DCS.

7.68. The Area has sought to reinvigorate this element of Better Case Management principles. A mandatory draft defence letter has been created to engage the defence.

The indictment

7.69. Indictments were mostly of good quality. They were assessed as fully meeting the standard in 24 out of 39 cases (61.5%), with another 11 cases (28.2%) partially meeting the standard and four cases (10.3%) not meeting the standard. Most indictments were legally correct and contained an appropriate number of counts which adequately reflected the criminality involved.

7.70. In three of the four indictments assessed as not meeting the standard, there were errors detailing the dates the offending was said to have taken place.

7.71. The timeliness of serving the draft indictment and key evidence requires some improvement, with 16 out of 39 cases (41.0%) assessed as fully meeting the standard, 16 cases (41.0%) as partially meeting the standard and seven cases (17.9%) as not meeting the standard.

7.72. Where cases were assessed as partially meeting the standard, this was usually because the draft indictment was served late with key evidence.

7.73. None of the cases we reviewed had an ineffective PTPH owing to late service of the indictment or evidence.

Instructing the advocate

7.74. We set out the expectations for what should be contained in instructions to the court advocate in paragraph 4.31.

7.75. The quality of instructions to the PTPH advocate needs to be improved, with nine out of 25 cases (36.0%) rated as fully meeting the required standard. We assessed three cases (12.0%) as partially meeting the standard because there was a document, but it did not cover all the issues relevant to the case. We assessed 13 cases (52.0%) as not meeting the standard.

7.76. In nine of the 13 cases assessed as not meeting the standard, no instruction to advocate document was prepared. This must also be seen in the context of our findings regarding the quality of the pre-charge case review and strategy contained within the charging review. If the charging review is not of the correct standard, then forwarding that to the advocate as the basis for the instructions in the case does not help and just perpetuates a lack of a cogent strategy for the case.

7.77. In 13 out of 40 cases (32.5%), the advocate was instructed at least seven days before the PTPH. In 11 cases (27.5%), the advocate was instructed within seven days, but with sufficient time to prepare given the complexity of the case. In the remaining 16 cases (40.0%), the advocate was either given insufficient notice that they were to undertake the PTPH to properly prepare, or there was no record on the CPS case management system (CMS) detailing when they were instructed.

Does the Area fully comply with its duty of disclosure?

7.78. Our assessment is that the Area is **partially meeting the standard** for this casework theme. Overall, the score for disclosure in Crown Court cases is 64.9%.

7.79. The duties of the police and CPS in relation to the disclosure of unused material are set out in chapter 4, paragraphs 4.37 to 4.52. We assessed the Area's performance across a range of different aspects pertaining to disclosure, including compliance with the duty of initial disclosure and continuing disclosure, handling of sensitive and third-party material, the correct endorsement of the schedules, timeliness, recording of the decisions on the disclosure record in the CPS case management system and feeding back to the police where necessary.

Police service on disclosure

7.80. The police were assessed as fully meeting the standard for compliance with their disclosure obligations in eight out of 40 cases (20.0%), partially meeting the standard in 13 cases (32.5%) and not meeting the standard in 19 cases (47.5%).

7.81. The most common deficiencies which resulted in cases being assessed as falling below the standard included relevant items missing from the schedules, inadequate descriptions, and disclosable unused material not listed on the schedule the police provide to the CPS to indicate the existence of material that might undermine the prosecution case or assist the defence (MG6E).

7.82. Feedback to the police is an important part of driving improvement, and should occur despite the pressures on CPS Areas, so that the Area receives a better service in future.

7.83. Of the 32 cases where the police failed to comply with their disclosure obligations, we rated the Area's feedback to the police on those shortcomings as fully meeting the required standard in four cases (12.5%), partially meeting the standard in 14 cases (43.8%) and not meeting the standard in 14 cases (43.8%).

7.84. The Area is aware of the need to improve DG6 Assurance completion rates, particularly in the Crown Court. The Area Performance Manager and Area legal lead for disclosure are holding 'roadshows' to impress the importance of this aspect of casework. A podcast and a lunch and learn session have also been devised to deliver to prosecutors, and mandatory DG6 Assurance

refresher training has been timetabled. The Area expects to see improved results which we will assess in our follow-up inspection.

Initial disclosure

7.85. We assessed initial disclosure in the Crown Court as fully meeting the required standard in six of the 36 applicable cases (16.7%). Another 13 cases (32.5%) were assessed as partially meeting the standard and 18 cases (50.0%) as not meeting the standard.

7.86. The most common issue in cases rated as either partially or not meeting the required standard was a failure to identify that other obvious items of unused material were not scheduled. This accounted for 13 out of the 30 cases assessed as not fully meeting the required standard. This shortcoming contains the possibility that items which should have been disclosed to the defence had not been. The second most prevalent reason (with seven out of the 30 cases) was disclosable unused material not being disclosed.

7.87. In one case which failed to meet the required standard, the defendant had been stabbed and taken to hospital. The police attended and were passed seven bags of cannabis that had been recovered by a nurse from the defendant's clothing. A further search of the defendant uncovered £170 in notes and a mobile phone that contained numerous messages indicative of the supply of drugs. The police provided a positive reasonable grounds decision, which gave a provisional assessment that the defendant had been a victim of human trafficking. The defendant was charged with possession of cannabis with intent to supply. While the defence were aware of the modern slavery issue, owing to concurrent ongoing proceedings the fact of a positive National Referral Mechanism (NRM) decision was not included on either the sensitive or non-sensitive schedule. This material was not provided to the defence at initial disclosure. The defence statement overtly referenced NRM decisions compelling the prosecution to reassess its position and decision on what was disclosed to the defence.

7.88. We have considered the cases where disclosable unused material was not disclosed at this stage and are satisfied that none require a referral to the Area in accordance with our policy for handling cases involving a potential miscarriage of justice.

Continuing disclosure

7.89. Continuing disclosure was handled better than initial disclosure. We rated 16 out of the 29 cases (55.2%) as fully meeting the standard, four cases (13.8%) as partially meeting the standard and nine (31.0%) as not meeting the standard.

7.90. In a number of cases, material that should have been disclosed at initial disclosure, such as antecedents of prosecution witnesses and negative forensic enquiries, were provided to the defence in response to a defence statement (as part of continuing disclosure).

7.91. The most common reason for cases being assessed as not fully meeting the required standard remained a failure to identify obvious unused material not included on the disclosure schedules. This accounted for six out of 14 cases. The second most common reason was disclosable unused material not being disclosed when it should have been. This accounted for three out of 14 cases.

7.92. In all cases, defence statements were forwarded to the police. Twelve out of 30 cases (40.0%) were assessed as fully meeting the required standard for the prosecution reviewing the defence statement and forwarding to the police with sufficient guidance on reasonable lines of enquiry. Seventeen cases (56.7%) were assessed as partially meeting the required standard and one case (3.3%) as not meeting the standard – meaning there was no review of the defence statement, and it was forwarded to the police with no guidance.

7.93. Where there was a delay in the defence providing their defence statement, the CPS was proactive in chasing them. We assessed 21 out of 22 cases (95.5%) as fully meeting the standard, with one case (4.5%) partially meeting the standard. This is a positive for the Area in maintaining a grip on its Crown Court cases.

Timeliness

7.94. The timeliness of fulfilling disclosure obligations was a strength for the Area. We assessed 32 out of 35 cases (91.4%) as fully meeting the standard for timely initial disclosure and the remaining three cases (8.6%) as partially meeting the standard. This means that there were no cases demonstrating a significant delay to service of initial disclosure which could have an impact on case progression.

7.95. The timeliness of continuing disclosure was rated as fully meeting the standard in 21 out of 28 cases (75.0%) and partially meeting the standard in five cases (17.9%). There were two cases (7.1%) which were assessed as not meeting the timeliness standards for continuing disclosure.

Sensitive and third-party material

7.96. There were nine cases featuring sensitive material in our Crown Court sample. We found three cases (33.3%) to be fully meeting the standard six cases (66.7%) not meeting the standard.

7.97. In four of the six cases assessed as not meeting the required standard, either the police alerted the prosecution to the existence of relevant intelligence at the pre-charge stage, or such material was obvious from the facts of the case. In none of these cases was the existence of intelligence listed on the sensitive schedule and no enquiries were made by the prosecutor about it.

7.98. In the other two cases, non-sensitive material was recorded on the sensitive schedule. It was not properly assessed by the prosecutor as being non-sensitive and capable of revelation to the defence on the correct schedule.

7.99. Third-party material was only relevant in one case in the Crown Court file sample. We assessed this case as fully meeting the standard. It concerned the correct handling of an extract of education records from a child prosecution witness, which had the potential to affect her credibility.

7.100. We found no cases where a disclosure failure led to the risk of a miscarriage of justice.

Disclosure records

Disclosure management documents

7.101. Disclosure management documents (DMDs) were not mandated in routine Crown Court cases until 31 December 2020, a change brought about by the release of DG6.

7.102. Nine cases in our Crown Court sample were submitted by the police for a charging decision on or after 31 December 2020, and so were considered in accordance with DG6. One of these cases was charged by CPS Direct on the threshold test and resulted in a guilty plea at PTPH, and so was not assessed for compliance with DMD obligations. Of the remaining eight cases, one was found to be fully meeting the standard for completing a DMD. In the remaining seven cases, no DMD was completed. The one DMD completed was assessed as fully meeting the required standard for accuracy and content.

7.103. One prosecutor proactively completed a DMD despite the case being submitted under the previous edition of the Director's Guidance. This was assessed as fully meeting the required standard both for completion of the form with input from the police, and the accuracy of its contents.

Disclosure records

7.104. The completion of the disclosure record on Modern CMS was a positive for the Area, with 26 of 40 cases (65.0%) fully meeting the required standard. Another eight cases (20.0%) were rated as partially meeting the standard and six cases (15.0%) as not meeting the standard.

7.105. We found the recording of the prosecutor's rationale was particularly strong in earlier decision-making in the life of a case. Many of those cases assessed as partially meeting the standard failed to endorse the reasoning in continuing disclosure decisions.

Does the Area address victim and witness issues appropriately?

7.106. Our assessment is that the Area is **fully meeting the standard** for this casework theme. Overall, the score for victim and witness issues in Crown Court cases is 75.8%.

7.107. The duties owed by the CPS to victims and witnesses are set out in chapter 4, paragraphs 4.53 to 4.62. We assessed a range of aspects related to victims and witnesses, including measures to support them to give their best evidence, witness care at court, and communicating and consulting with victims.

Before charge

7.108. Failure to properly consider special measures at charge risks delaying any request to the police for additional information, or delaying the application itself and, with it, the reassurance for victims and witnesses that comes from knowing they will have the benefit of appropriate measures at the trial.

7.109. We assessed the pre-charge consideration of relevant applications and ancillary matters to support victims and witnesses as fully meeting the standard in nine out of 24 cases (37.5%), partially meeting it in six cases (25.0%) and not meeting the standard in nine cases (37.5%).

7.110. In eight of the nine cases assessed as not meeting the standard, the prosecutor failed to consider special measures.

7.111. In one case of assault causing grievous bodily harm, the victim and two witnesses provided statements to the police alleging that the defendant had struck the victim's head with a glass bottle, causing significant injuries. The police submission did not assert special measures were required. The reviewing lawyer correctly set a task for the police to speak again to the victim, noting that he had suffered psychologically because of this incident. A special measures form (MG2) was provided with the post-charge file submission and special measures were granted at the PTPH.

After charge

Warning witnesses and communication with witness care units

7.112. Despite listing difficulties and uncertainties caused by the impact of Covid-19 on court sittings, the correct and timely warning of witnesses was found to be a strength, with 33 out of 36 cases (91.7%) fully meeting the standard and the remaining three cases partially meeting the standard.

7.113. Witness care unit correspondence was handled well and in a timely manner in 20 out of 24 cases (83.3%), partially meeting the standard in three cases (12.5%) and not meeting the standard in one case. This would represent a strength at any time, but against the backdrop of the difficulties caused by Covid-19, it is particularly noteworthy.

Consulting victims and speaking to witnesses at court

7.114. Consultation took place with victims and witnesses in all but one of the files we inspected; so 20 out of 21 cases (95.2%) were rated as fully meeting the standard and one case (4.8%) as not meeting the standard.

7.115. Speaking to witnesses at court (STWAC) procedure appeared to be followed in all cases. In one example, a defendant entered a guilty plea on the day of trial but the advocate still made sure witnesses were spoken to and the points of that discussion were endorsed on the hearing record sheet (HRS).

7.116. In one case of domestic violence, the defendant was charged with four allegations of assault occasioning actual bodily harm before the victim made a number of retraction statements. After obtaining a risk assessment, the CPS decided it was to proceed with the case and sought her views on whether special measures would help. The victim attended court on the trial date and STWAC protocol was completed properly. The defence canvassed pleading guilty to three section 47 assaults and this was discussed with the victim, who wished the Crown to accept this offer. The victim was then asked about a restraining order but declined, as she had a child with the defendant and did not want to fetter any co-parenting. At all relevant points, the victim's views were appropriately considered in the decision-making process.

Victim Personal Statements and orders at sentencing

7.117. There was a mixed finding in respect of the Area's compliance with its obligations towards Victim Personal Statements (VPS) under the Code of Practice for Victims of Crime. Nine out of 28 cases (32.1%) examined were found to be fully meeting the required standard. Twelve cases (42.9%) were rated as partially meeting the required standard, such as where the file is silent on whether the victim wished to read the VPS themselves or have someone

read it for them. Seven cases (25.0%) were found to be not meeting the standard.

7.118. Of the 12 cases assessed as partially meeting the standard, nine failed to record whether the victim wished the VPS to be read by another on their behalf or if they wished to read it themselves, two cases did not have a HRS endorsement to say that the VPS was read at sentence and one case failed to request a VPS from one of two victims of allegations of assaulting an emergency worker.

7.119. Seeking appropriate orders on sentence to protect victims, witnesses and the public was a strength, with 14 out of 19 cases (73.7%) rated as fully meeting the standard. Two cases (10.5%) were assessed as partially meeting the standard and three cases (15.8%) as not meeting the standard.

7.120. In one of the three cases assessed as not meeting the standard, proceeds of crime were not considered or pursued at sentence for an offence of possession of cannabis with intent to supply, when it was appropriate to do so. One case failed to consider compensation for an arson offence when significant loss was caused, and one case failed to apply for a restraining order on acquittal where the complainant withdrew support over fears about her mental health.

Victim Communication and Liaison scheme letters

7.121. The prosecution has a duty to write to a victim and explain a decision to drop or substantially reduce a charge. In our sample, Victim Communication and Liaison scheme (VCL) letters were required in nine cases.

7.122. In three of the nine cases (33.3%), VCL letters were sent in a timely manner. In another three cases (33.3%) they were assessed as partially meeting the standard for timeliness (the letters were late, but the delay was minimal), and the remaining three cases (33.3%) were assessed as not meeting the standard, as no letter was sent when one was required.

7.123. Of the six cases where VCL letters were sent, four cases (66.7%) were rated as fully meeting the standard for the quality of the letter and two cases (33.3%) as partially meeting the standard. Consistent with other units within CPS Thames and Chiltern, this reflected a high quality of letters being sent, and examples were noted where the initial letter drafted by the prosecutor was considered and improved before being sent to the complainant.

8. Casework quality: rape and serious sexual offences casework themes

Introduction to rape and serious sexual offences casework

Does the Area deliver excellence in rape and serious sexual offences (RASSO) prosecutions by making sure the right person is prosecuted for the right offences, cases are progressed in a timely manner and cases are dealt with effectively?

8.1. We examined 20 RASSO cases for casework quality. We assessed added value and grip, and analysed the cases with regard to the five casework themes or, for some of the themes, scored two or more sub-themes. We used the same scoring mechanism as for added value and grip (set out more fully in chapter 5 and annex F).

8.2. Our findings should be seen in light of the context we set out in chapter 2, concerning the impact on the Area of Covid-19 and the increase in cases in the RASSO unit. Untimely submissions from the police were identified in a number of cases we read, and the Area has to undertake additional assurance work to make sure the police are making suitable progress in cases when action plans are set or early advice is provided.

8.3. We have scored CPS Thames and Chiltern for its RASSO casework as follows.

Table 12: Scoring for RASSO casework

Question	Rating	%
Pre-charge decision-making and review		
The Area complies with the Code for Crown Prosecutors ²⁶ at pre-charge decision stage	Fully meeting the standard	100%
The Area selects the most appropriate charge(s) at pre-charge decision stage	Fully meeting the standard	91.7%
The Area's pre-charge decisions contain a clear analysis of the case and set out a cogent case strategy	Not meeting the standard	35.1%
Quality of post-charge reviews and decision-making		
The Area complies with the Code for Crown Prosecutors post-charge	Fully meeting the standard	95.0%
The Area's post-charge reviews contain a clear analysis of the case and set out a cogent case strategy	Not meeting the standard	48.2%
Preparation for the Plea and Trial Preparation Hearing		
The Area prepares its cases effectively for the Plea and Trial Preparation Hearing in the Crown Court to make sure progress is made	Not meeting the standard	59.8%
Disclosure		
The Area fully complies with its duty of disclosure throughout its RASSO casework	Not meeting the standard	46.6%
Victims and witnesses		
The Area addresses victim and witness issues appropriately throughout its RASSO casework	Fully meeting the standard	72.0%

8.4. Our assessment of RASSO casework was that there were aspects that were done well, including applying the Code for Crown Prosecutors correctly both before and after charge, selecting the most appropriate charges, properly drafting the indictment, correctly and promptly warning prosecution witnesses and seeking appropriate court orders to protect the victim, witnesses and members of the public.

8.5. There were other aspects that required more focus and improvement, specifically consideration of unused material and actions to support victims and

²⁶ Code for Crown Prosecutors, 8th edition; CPS; October 2018.
www.cps.gov.uk/publication/code-crown-prosecutors

witnesses in the pre-charge advice, undertaking reviews when significant events had occurred, providing necessary feedback to the police on shortcomings in file quality and compliance with their disclosure obligations, and appropriate handling of sensitive unused material.

8.6. There are factors relating specifically to RASSO casework, which we cover in paragraphs 4.62 to 4.65.

Pre-charge decision-making and reviews

8.7. In order to assess the Area's decision-making at the pre-charge stage, we have split the inspection assessment into three sub-themes. These reflect the different aspects that contribute to effective decision-making at the pre-charge stage:

- compliance with the Code for Crown Prosecutors
- selection of the most suitable charges
- the quality of the analysis and case strategy set out in the prosecutor's review.

Complying with the Code for Crown Prosecutors in pre-charge decisions

8.8. We discuss the process by which cases are charged, and compliance with the Code for Crown Prosecutors, in chapter 4 (paragraphs 4.1 to 4.8).

8.9. We rated the Area as **fully meeting the standard** for this sub-theme of pre-charge decision-making, with all pre-charged RASSO cases being compliant with the Code for Crown Prosecutors.

Table 13: Pre-charge Code compliance in RASSO cases

Rating	Number of cases	Percentage
Fully meeting the required standard	18	100%
Not meeting the required standard	0	0%

Selecting the most appropriate charges

8.10. We discuss the criteria and guidance that help prosecutors decide which are the most appropriate charges in chapter 4 (paragraphs 4.9 to 4.12).

8.11. In RASSO cases, the selection of charges can be complicated, with different offences being relevant depending on the date of the incident(s) or the age of the victim. Non-recent allegations can require particular care if they span the transitional provisions in, and the changes to offences brought about by, the Sexual Offences Act 2003.

8.12. We rated the Area as **fully meeting the expected standard** for this sub-theme of pre-charge decision-making, with an overall score of 91.7%. This is a strength given the complexities around charge selection in sexual offences cases.

8.13. In one allegation of sexual abuse spanning different generations of the same family, the prosecutor correctly identified the relevant legislation for the different offences and included appropriate multiple-incident counts to allow the sentence to properly reflect the extent and seriousness of offending. The defendant was convicted after trial on eight of the nine counts and sentenced to 12 years' imprisonment plus a one-year extended license period. This case demonstrates the care and attention we saw in all but one of the cases we examined.

Quality of the pre-charge decision review, including analysis and case strategy

8.14. Our assessment is that the Area is **not meeting the standard** for this sub-theme of pre-charge decision-making. Overall, the score for pre-charge review in RASSO cases is 35.1%.

8.15. We discuss the standards expected of a pre-charge review, and what should be included in instructions to the court prosecutor, in chapter 4 (paragraphs 4.13 to 4.18).

Case analysis and strategy

8.16. The quality of case analysis and strategy needs to significantly improve. Four out of 18 cases (22.2%) were assessed as fully meeting the standard, eight cases (44.4%) as partially meeting the standard and six cases (33.3%) as not meeting the standard.

8.17. We found several common issues within the cases we examined, including:

- a failure to engage with defences raised or reasonably likely to be raised. The Code for Crown Prosecutors asserts that the prosecutor must consider what the defence case may be and how it is likely to affect the prospects of a conviction
 - In two cases assessed as not meeting the standard and three assessed as partially meeting the standard, a positive defence was either raised by the defendant or was reasonably likely to be raised, and was not considered by the reviewing lawyer, either sufficiently or at all.
- a failure to address the strengths and weaknesses of the case in the analysis. We found that although the correct charges were selected, the analysis of the evidence did not always clearly identify the strengths and, in particular, the weaknesses of the case and the trial strategy to address those weaknesses
- a limited case strategy. Charging decisions frequently lacked specific reference to a trial strategy, either not considering it at all or briefly referring to it in the evidential analysis section. Area prosecutors need to consider trial strategy as a discrete aspect of their review and focus on how the case will be opened and conducted at trial. This approach and thinking would help prosecutors address evidential problems and direct the enquiries necessary to resolve them
- a failure to consider the credibility of the victim and witnesses.
 - In two of the six cases assessed as not meeting the standard, it was unclear if the victim's video recorded interview (VRI) had been viewed. In a third case, the reviewing lawyer positively stated they had not watched the VRI but had read transcripts and a summary contained in the police manual of guidance form 3 (MG3). No reflection on the victim's credibility was endorsed in any of these reviews.
 - A number of cases assessed as partially meeting the standard also failed to reflect on victim credibility.

Unused material

8.18. Two out of relevant 18 cases (11.1%) were assessed as fully meeting the standard for consideration of possible unused material at the pre-charge stage. Six cases (33.3%) were assessed as partially meeting the standard and ten cases (55.6%) as not meeting the standard.

8.19. There were a number of common features in those cases which fell short of the required standard. None of the ten cases assessed as not meeting the standard considered unused material in any substantive way or, in many cases, at all. None had a Disclosure Management Document (DMD) prepared or considered, four missed obvious reasonable lines of enquiry that may have assisted the defence and four missed noting material that should have been provided to the defence under common law rules of disclosure.

8.20. Two of the Area-charged cases in the sample were submitted under the sixth edition of the Director's Guidance on Charging (DG6). It was more positive to note that one of these cases was assessed as fully meeting the standard for pre-charge consideration of unused material and one as partially meeting the standard. DMDs were prepared at the pre-charge stage in both cases.

Instructions to the court prosecutor

8.21. Instructions to assist court prosecutors at the first hearing were poor. We assessed one case out of 18 (5.6%) as fully meeting the standard. We assessed instructions as partially meeting the standard in ten cases (55.6%) and as not meeting the standard in seven cases (38.9%).

8.22. The main reason for assessing cases as not fully meeting the standard was a failure to consider the suspect's bail status during the pre-charge investigative stage and provide guidance on the approach to be taken after charge.

8.23. All of the cases assessed as not meeting the standard failed to provide any guidance to the court prosecutor around bail conditions. The type of cases dealt with in the RASSO unit are often the most suitable for consideration of proposed bail conditions, even if the defendant has been released under investigation for a lengthy period of time.

8.24. Inspectors also found a failure around detailing acceptable pleas where appropriate.

8.25. In one case the first victim, aged 12, alleged that her great-grandfather had sexually assaulted her on multiple occasions between the ages of eight and 11. Upon this revelation the victim's mother, the second victim, also alleged the defendant (her grandfather) had sexually assaulted her as a child. Various family

members refused to provide statements and the family situation was such that the potential for contact between the defendant and complainants was high. The defendant was released under investigation. No consideration was given to bail conditions upon the decision to charge the defendant.

8.26. This is an aspect that the Area will want to focus on, as the lack of instructions puts pressure on court advocates to read the case again to be able to properly present it. The weaknesses identified can mean that appropriate bail restrictions are not sought to protect victims, witnesses and the public, and that opportunities to resolve cases efficiently are missed, which wastes resources and delays the conclusion of the case for the victim and defendant.

Reasonable lines of enquiry and action plans

8.27. Where prosecutors identify further reasonable lines of enquiry, they should set these out in an action plan, which is a specific section of the police manual of guidance form 3. This allows for actions to be prioritised and timescales set to make sure that all appropriate avenues of investigation have been completed, including those that may point away from a prosecution.

8.28. Action plans were assessed as fully meeting the standard in four out of 18 cases (22.2%), partially meeting the standard in another five cases (27.8%) and not meeting the standard in nine cases (50.0%).

8.29. In four of the cases we assessed as not meeting the standard, there was no action plan when there should have been, because there were reasonable lines of enquiry outstanding.

8.30. Most of the cases considered had the benefit of early investigative advice, where the police bring the case to the CPS at an early stage, before all information is obtained, to make sure they are pursuing the correct lines of enquiry to progress the case expeditiously. This was generally productive in providing guidance to the police on reasonable lines of enquiry to pursue. In some cases, however, inspectors noted that reasonable lines of enquiry were missing and actions had not been set for the police in the first action plan, which builds in case delay.

8.31. In one case involving an 11-year-old victim, nine action plans were completed where the majority of requests could have been made at the outset.

8.32. In one case, counsel was instructed to provide a pre-charge advice and concluded there was no realistic prospect of conviction. The reviewing lawyer did not agree and set a further action plan with requests including additional statements, video footage and the investigation undertaken by the company where both complainant and defendant had been employed. Following receipt of

this information, the defendant was charged with rape and convicted after trial. This example highlights a rigorous thinking approach by the Area prosecutor to considering what lines of enquiry could be pursued that would strengthen the case, rather than accepting the advice. This resulted in the victim obtaining justice.

Applications and ancillary matters

8.33. Where more information is needed from the police to support applications – such as more details of the defendant’s bad character or why a victim or witness needs special measures – a timely request at charging can prevent delays in making the application. Having a special measures order made as soon as possible provides reassurance to the victim or witness.

8.34. We found a need for improvement in the pre-charge approach to ancillary matters and applications to strengthen the prosecution case, such as bad character or hearsay evidence. We assessed two out of 15 cases (13.3%) as fully meeting the standard for considering applications and ancillary matters to support prosecution witnesses, seven cases (46.7%) as partially meeting the standard and six cases (40.0%) as not meeting the standard.

8.35. We found that special measures were often not considered at all at the pre-charge stage, and in cases where they were, there was frequently a failure to ask the police to provide the relevant form (MG2) detailing what special measures the victim would require, which is needed to progress the application. In three cases assessed as not meeting the standard, there was no request to the police to make relevant enquiries about the need for an intermediary, where the facts of the case clearly called for this to be considered.

8.36. Inspectors assessed three out of 17 cases (17.6%) as fully meeting the standard for considering relevant legal applications and ancillary requests. Five cases (29.4%) were found to be partially meeting the standard and nine cases (52.9%) not meeting the standard.

8.37. In over half the cases inspected, there was neither any consideration of whether a sexual harm prevention order was appropriate nor any request to the police for any relevant terms. While these orders would be relevant at the conclusion of the case, a failure to consider them at the pre-charge stage can lead to them being overlooked throughout the life of the case and, in the case of an early guilty plea, not being prepared at the point of sentence.

8.38. A common issue was a failure to either identify that bad character may be relevant to the case or, where the potential for bad character was recognised, often in the early investigative advice, to act on the material provided and make a decision about how to progress the application.

Case study

The police submitted a request for early investigative advice in respect of a historic allegation of rape committed in November 1993. The victim had been out with friends before getting into a taxi and asking to be taken home. The driver took the victim to a remote area and vaginally raped her before ejecting her from the taxi. The victim made an immediate complaint to the police and was forensically examined. The forensic samples did not, at that time, link to any persons and the suspect was not identified.

In 2007 the samples were loaded into a police database and matched the defendant. This information was relayed to Bedfordshire police but was missed and no action was taken. A subsequent cold-case operation in 2018 undertook the forensic enquiry again and linked to the defendant. The defendant was arrested and gave a prepared statement saying he had twice been unfaithful to his wife before then answering all questions “no comment”.

The defendant had been accused of a previous rape from October 1988, where he was alleged to have picked up a lone female in his vehicle, driven her to a remote location and raped her. The defendant was acquitted of this matter after trial.

The early investigative advice and subsequent pre-charge advice considered potential abuse of process arguments around the 11-year delay. A conclusion was reached that these were not likely to be successful. Relevant material was then marked for disclosure.

Requests were made for material from the 1988 criminal proceedings. The potential for a bad character application was incorporated as part of the case strategy. The prosecutor anticipated that the defence position would be that consensual sex had taken place. Following receipt of the additionally requested material from the police, the prosecutor authorised a charge of rape.

At the PTPH, the defendant asserted the issue for trial would be that the sex had been consensual. The Crown notified the court of the potential bad character application in respect of the previous allegation.

A prosecution strategy was devised to obtain all relevant information to make sure a bad character application would be feasible before approaching the previous complainant and discussing her willingness to give evidence.

Upon receiving all pertinent material, the previous complainant was approached by the police and initially confirmed a desire to assist in the prosecution. A special measures application was made for screens on her behalf. Relevant material to support the application was served on the court and defence. The previous complainant then withdrew her support for personal reasons and the prosecution accordingly informed the court and defence.

The proactive prosecution strategy and approach in this case, even when the previous complainant withdrew support for the case, strengthened the evidence and delivered a positive result. The defendant was convicted at trial and sentenced to 13 years' imprisonment.

Post-charge decision-making and reviews

Complying with the Code for Crown Prosecutors in post-charge decisions

8.39. Our assessment is that the Area is **fully meeting the standard** for this sub-theme of post-charge decision-making. Overall, the score for Code compliance in RASSO cases is 95.0%. These cases included those that were originally charged by either the police or CPS Direct.

8.40. For cases in the Crown Court, the rating includes post-sending reviews, reviews conducted when the prosecution case was served, and any significant event reviews. For cases not heard in the Crown Court (such as those involving youth defendants), we assessed the initial review post-charge.

Table 14: Post-charge Code compliance in RASSO cases

Rating	Number of cases	Percentage
Fully meeting the required standard	19	95.0%
Not meeting the required standard	1	5.0%

8.41. A decision that is not compliant with the Code for Crown Prosecutors is said to be a wholly unreasonable decision: that is to say, it is a decision which no reasonable prosecutor could have made in the circumstances in which it was made, and at the time it was made or ought to have been made.

8.42. As Table 14 shows, one case was identified by inspectors as not being compliant with the Code for Crown Prosecutors at the post-charge stage. In that case the defendant was charged with offences of possessing one category A indecent image of a child, four category B indecent images of children and nine category C indecent images of children. A joint expert report received following charge stated that images found in the "carved files" folder of the computer may

have been generated involuntarily by pop-up displays. The category A image was located in the carved files folder and there was no other evidence to assert that image was positively sought by the defendant. The Judge directed that charge be acquitted at the half-way point of the trial. The defendant was convicted of the category B and C indecent images offences.

Quality of post-charge reviews, analysis, and case strategy

8.43. Our assessment is that the Area is **not meeting the standard** for this sub-theme of post-charge decision-making. Overall, the score for post-charge reviews in RASSO cases is 48.2%.

8.44. We discuss the standards expected of a post-charge review in chapter 4 (paragraphs 4.21 and 4.22).

Comparison of pre- and post- charge case analysis and strategy

8.45. In terms of consideration of case strategy and analysis, the quality of post-sending reviews was similar to the pre-charge reviews.

Table 15: Standard of RASSO case analysis and strategy, pre- and post-charge

Question	RASSO cases
Pre-charge case analysis and strategy	
Fully meeting the required standard	22.2%
Partially meeting the required standard	44.4%
Not meeting the required standard	33.3%
Post-sending review analysis and strategy	
Fully meeting the required standard	30.0%
Partially meeting the required standard	25.0%
Not meeting the required standard	45.0%

Case analysis and strategy

8.46. Six out of 20 (30.0%) post-charge reviews were rated as fully meeting the standard, five cases (25.0%) as partially meeting the standard and nine (45.0%) as not meeting the standard for case analysis and strategy.

8.47. We found three post-sending reviews that were verbatim copies of pre-charge reviews which we had previously assessed as not meeting the standard, and as such were of a poor standard.

8.48. In six other cases, no value was added by the post-sending review. Themes identified in these six cases included:

- prosecutors not considering new material provided by the police
- prosecutors not chasing or escalating outstanding actions which were due from the police
- prosecutors not undertaking necessary actions as a result of further information being received since the pre-charge stage.

8.49. There were some good examples of proactive case analysis at the post-sending review stage which built on the pre-charge decision-making rather than simply adopting the pre-charge review without comment. In one case, the defendant had engaged in sexual communication with undercover police officers who were posing as two girls online, and had been charged by CPS Direct with offences of attempting to cause a child to engage in sexual activity and attempting to arrange commission of a child sex offence. The prosecutor considered and amended the charges appropriately, adding attempted sexual communication with a child and separating the offences to cover each of the two decoy children. Outstanding material, including a draft sexual harm prevention order, was requested from the police. Material submitted by the police following the pre-charge decision was considered and the full Code test appropriately applied. The prosecutor detailed what pleas would be acceptable in light of the offending behaviour. When pleas were offered by the defence at the PTPH, the case was resolved promptly.

Significant events

8.50. As cases progress, things can change which materially impact on the prosecution case. We discuss the expectations around reviews that should follow these significant events in paragraphs 4.23 to 4.25.

8.51. We found that reviews addressing significant developments required improvement, as they were not being completed when they should be. In one out of 15 cases (6.7%) where there was a significant event necessitating a review, the response and review was assessed as fully meeting the standard. We rated three cases (20.0%) as partially meeting the standard and 11 cases (73.3%) as not meeting the standard.

8.52. In ten of the 11 cases which failed to meet the standard, no review took place when there were significant events that caused a major change in case strategy. In the eleventh case, despite a review which noted the issue, no action was taken or recorded in the review to make sure the case progressed.

8.53. Changes that should have resulted in a significant event review included the withdrawal of a witness, a defence application to exclude the victim's VRI, police destroying relevant material, and the receipt of a joint expert report which confirmed that category A images on the defendant's mobile phone could have been created inadvertently.

Stage 1 reviews

8.54. In contested Crown Court cases, there are key stages following on from the first hearing in the Crown Court. The first of these is service of the bulk of prosecution materials, which should be accompanied by a review of the case and updates on any developments since the last review. This is a stage 1 review.

8.55. Stage 1 reviews were not conducted routinely in the RASSO file sample we examined. This contributed to the low overall score for this theme and the overall score for added value. We assessed three out of 17 cases (17.6%) as fully meeting the standard for completing a high-quality review to coincide with the service of the prosecution case. Two cases (11.8%) were found to be partially meeting the standard with the remaining 12 cases (70.6%) not meeting the standard.

8.56. In four of the cases assessed as not meeting the standard, no review was completed. In two cases, the review was a copy of the previous review when further work was required. In the remaining six cases, no value was added.

8.57. In one case where no stage 1 review took place, the charging decision had been made by CPS Direct on the threshold test and the lack of a review meant the full Code test was never formally applied.

8.58. The three reviews which met the standard were of good quality, demonstrating a clear grasp of the prosecution case and adding value.

Threshold test cases

8.59. There may be circumstances where the police do not have all the evidence needed to pass the full Code test, although they anticipate getting more, but the seriousness of the case demands an immediate charging decision. If the police intend to hold the suspect in custody, they can ask the CPS to make a threshold test charging decision. There are five conditions which must be met before the threshold test can be applied, and a review applying the full Code test must be carried out as soon as the anticipated further evidence or material is received.

8.60. By their nature, these are usually the most serious offences and are destined for the Crown Court; and if the suspect remains in custody for trial, the proceedings will be subject to custody time limits (CTLs).

8.61. Two cases in our file sample were charged on the threshold test by CPS Direct. One case concluded with a guilty plea at the PTPH and one with an acquittal after trial. In both cases, the custody and bail position was well managed.

8.62. In the guilty plea case, the prosecutor correctly applied the full Code test before the PTPH and set out acceptable pleas, which enabled the case to be resolved promptly. The defendant was remanded throughout.

8.63. In the case that concluded with an acquittal after trial, the post-sending review did not apply the full Code test despite receipt of the material the prosecutor believed to be missing. No stage 1 review took place and so the full Code test was never formally applied. The defendant was appropriately remanded through to the trial date, which was completed within the custody time limits.

Feedback on police file quality

8.64. We discuss the agreed National File Standard (NFS) for police file submissions, and the CPS's role in feeding back to the police on compliance with it, in paragraphs 4.19 and 4.20. One of the measures introduced across the CPS nationally to ease pressure resulting from the pandemic was to suspend the requirement to use the national file quality (NFQ) feedback mechanism on the CPS case management system (CMS).

8.65. Some of the files we examined will have been reviewed after the suspension of the NFQ requirement, and this will account for why there is not a higher rate of feedback in our file sample.

8.66. In 14 out of 20 files, the police file submitted did not comply with the NFS. Three of those 14 cases were received during the suspension of NFQ requirements. In the 11 applicable cases, two were assessed as partially meeting the standard for feedback to the police, as the deficiency was reported back to the relevant force but not recorded on the NFQ tool. Nine cases were assessed as not meeting the standard, as no feedback was provided to the police. This level of feedback is unlikely to result in the improvement required.

8.67. Individual feedback on cases where the NFS has not been complied with is an important way of improving the performance of the police. In our file sample, there was limited feedback on any of the cases where the NFS was not

met. That is disappointing and needs to improve to encourage any change from the police.

Conferences with counsel

8.68. In cases with allegations of rape or penetrative assault, a conference should be held between counsel, the officer in the case and any expert witness. This conference presents another opportunity to review cases.

8.69. It is a chance for the case team to come together to discuss the trial strategy, the strengths and weaknesses of the case, and if any further actions are needed. Where experts are involved, it is also an opportunity for the expert to help the trial advocate to better understand the relevant material, how to present it to a jury, and what possible areas of agreement and conflict there may be between the prosecution and defence expert evidence.

8.70. In ten of the cases we examined, a conference with counsel was required. A conference took place in a timely manner in six of those ten cases. In the remaining four cases (40.0%), no conference took place.

8.71. The Area is working to expand the pool of self-employed counsel who are instructed in these cases to provide a robust service and afford the Area more scope to challenge counsel if they do not fulfil their obligations.

Preparation for the Plea and Trial Preparation Hearing in the Crown Court

8.72. Our assessment is that the Area is **not meeting the standard** for this casework theme. Overall, the score for preparation for the Plea and Trial Preparation Hearing (PTPH) in RASSO cases is 59.8%.

8.73. In assessing the Area's performance when preparing for the PTPH, we considered the key tasks the prosecution are required to complete – including filling in the PTPH form for use by the Judge presiding at the hearing; carrying out direct engagement with the defence; drafting the indictment; making sure the relevant material is uploaded to the Crown Court Digital Case System (DCS) before the hearing; and making sure an advocate is instructed in advance of the hearing, so that they have time to prepare. There is more detail about these tasks in chapter 4 (paragraphs 4.27 to 4.36).

8.74. We found preparation for the first hearing required a stronger focus. Preparation for the PTPH hearing – including completion of the plea and trial preparation forms, making sure actions have been completed by the police, and instructions on acceptable pleas – was found to be fully meeting the standard in

six out of 20 cases (30.0%). We rated eight cases (40.0%) as partially meeting the standard and six cases (30.0%) as not meeting the standard.

8.75. The most common issue in cases assessed as not meeting the standard was a failure to address the acceptability of pleas in cases where there was a realistic possibility of pleas being offered. This mirrors the lack of instructions given to court prosecutors at the pre-charge stage and is something the Area will want to improve.

8.76. The police upload hard media (such as CCTV footage or body worn video) to secure online locations and send the links to the CPS. Hard media was correctly shared with the court and defence before the PTPH in nine out of 16 cases (56.3%), with another five cases (31.3%) assessed as partially meeting the standard and the remaining two cases (12.5%) not meeting the standard.

8.77. There were varied reasons for cases partially meeting the standard, including:

- some but not all of the available hard media being shared
- the victim's VRI not being served, even though it was available. A transcript of the VRI was served
- the VRI correctly not being served, as it contained sensitive material, but nothing being done to progress the editing of the VRI so it could be served at the earliest opportunity.

8.78. Failure to provide hard media is particularly important in RASSO cases. Failure to serve this material potentially results in lost opportunities to resolve or progress the case effectively at the first Crown Court hearing.

Direct engagement with the defence

8.79. The prosecution and defence are under a duty to engage with each other to make sure that the case progresses as effectively as possible. We explain more about this duty in chapter 4 (paragraphs 4.35 and 4.36). Usually, the prosecution makes the first approach to the defence, and this should be logged on a duty of direct engagement (DDE) log. The prosecution creates this on CMS and should then share it with the court and defence by uploading it to the DCS.

8.80. Covid-19 has had a significant impact on the defence's ability to respond to direct engagement approaches from the prosecution. Many defence firms furloughed employees. This hampered Areas' efforts to engage with defence practitioners.

8.81. Direct engagement with the defence was largely found to not be taking place, with one case out of 19 (5.3%) assessed as fully meeting the standard and the remaining 18 cases (94.7%) not meeting the standard.

8.82. In the one case assessed as fully meeting the standard for defence engagement, a comprehensive DDE log was also uploaded to the DCS before the PTPH. The defendant was unable to attend the PTPH owing to lockdown restrictions; however, the thoroughness of preparation and defence engagement meant the PTPH was effective, and the case was adjourned through to a successful trial date.

The indictment

8.83. RASSO cases present specific challenges when drafting indictments, particularly where the victim is a child, or the allegations are not recent. It is therefore a strength for the Area that 16 out of 19 cases (84.2%) were rated as fully meeting the standard for drafting indictments. Indictments were legally and grammatically correct, with the counts adequately reflecting the criminality alleged.

8.84. One case (5.3%) was assessed as partially meeting the standard, and two cases (10.5%) as not meeting it. Both cases assessed as not meeting the standard had significant factual errors. One also had errors in a multiple-incident count that would have restricted the Judge in sentencing the offender. The issue was noticed by counsel and rectified before the trial date.

8.85. Service of the draft indictment and key evidence also took place in a timely fashion, with 14 out of 19 cases (73.7%) assessed as fully meeting the standard, four cases (21.1%) partially meeting the standard and one case (5.3%) not meeting the standard. This is a strength for the Area in its efforts to resolve cases at the first hearing.

Instructing the advocate

8.86. We set out the expectations for what should be contained in instructions to the court advocate in paragraph 4.31. The quality of instructions to the PTPH advocate requires improvement, with four out of 18 cases (22.2%) rated as fully meeting the required standard, six cases (33.3%) as partially meeting the standard and eight cases (44.4%) as not meeting the standard.

8.87. Issues in the cases rated as partially or not meeting the standard included:

- the instructions being silent on some key issues, such as:
 - acceptability of pleas
 - CTL expiry date
 - the Crown’s opposition to a defence bail application
 - the need to alert the court to a potential intermediary being required for the complainant
- there being no document where one was required.

8.88. This clearly has an impact on the advocate’s effectiveness at the PTPH.

8.89. In 11 out of 19 cases (57.9%), the advocate was instructed at least seven days before the PTPH. In five cases (26.3%), the advocate was instructed within seven days of the PTPH but was likely to be able to prepare sufficiently, owing to the shortness of delay and the case’s lack of complexity.

8.90. We assessed three cases (15.8%) as not meeting the standard. In one of these, the advocate was instructed on the morning of the PTPH. In the other two, there was no audit trail to indicate when the advocate was instructed.

Does the Area fully comply with its duty of disclosure?

8.91. Our assessment is that the Area is **not meeting the standard** for this casework theme. Overall, the score for disclosure in RASSO cases is 46.6%.

8.92. The duties of the police and CPS in relation to the disclosure of unused material are set out in chapter 4, paragraphs 4.37 to 4.52. We assessed the Area’s performance across a range of different aspects pertaining to disclosure, including compliance with the duty of initial disclosure and continuing disclosure, handling of sensitive and third-party material, the correct endorsement of the schedules, timeliness, recording of the decisions on the disclosure record in the CPS case management system and feeding back to the police where necessary.

Police service on disclosure

8.93. We found the police's compliance with their disclosure obligations to be fully meeting the standard in three out of 20 cases (15.0%), partially meeting the standard in 10 cases (50.0%) and not meeting the standard in seven cases (35.0%).

8.94. Feedback to the police is an important part of driving improvement, and should occur despite the pressures on CPS Areas, so that the Area receives a better service in future. In the 17 cases where the police's compliance with their disclosure obligations was assessed as falling short, feedback to police by prosecutors was assessed as partially meeting the standard in five cases (29.4%) and not meeting the standard in the remaining 12 cases (70.6%). No cases were found to be fully meeting the standard.

8.95. At both initial and continuing disclosure, the most common reason for the Area not fully meeting the required standard was a CPS failure to notice obvious items of unused material. This necessitates work with the police to improve the quality of disclosure schedules. Staff are being trained to make sure they are aware of the obligation to feed back to the police on any disclosure shortcomings. Senior CPS managers have also helped to train new police file quality teams and the Area's disclosure legal managers attend the tri-force disclosure meetings to discuss relevant issues. We will assess in our follow-up inspection if this work has resulted in improvement.

Initial disclosure

8.96. We assessed initial disclosure in RASSO cases as fully meeting the required standard in four of the 20 applicable cases (20.0%). Another five cases (25.0%) were assessed as partially meeting the standard and 11 cases (55.0%) as not meeting the standard.

8.97. The main reasons for cases being assessed as not meeting or partially meeting the required standard were failures to identify that obvious items of unused material were not scheduled (five cases) and failure to disclose disclosable material (four cases), followed by a number of different reasons including not endorsing any decisions on the non-sensitive disclosure schedule.

Case study

The defendant was the uncle of the two complainants, who alleged that when they were aged between around seven and 13 (1985–1991), they were repeatedly indecently assaulted by the defendant in the form of sexual touching and the defendant forcing them to perform oral sex on him.

The younger complainant stated that during this period, she made frequent visits to her general practitioner because of urinary infections she now believes were caused by being indecently assaulted. The police obtained the medical records of the younger complainant, which did not support the assertion either that the complainant suffered urinary infections or that she made frequent visits to the doctor.

The police also obtained the records of counselling sessions which the elder complainant attended when he was serving a prison sentence as an adult for offences of violence and dishonesty. There was no reference within the counselling records to historic abuse.

The charging lawyer was aware of the contradictory nature of the medical records, the absence of reference to abuse in the counselling records and the details of the elder complainant's antecedent record. All these items had the potential to undermine the prosecution case, as they had a negative impact on the credibility or consistency of prosecution witnesses, and therefore should have been disclosed to the defence. None of this material was marked appropriate for common law disclosure at the point of charge.

A Disclosure Management Document was prepared which listed the search for the medical records and counselling records. Against both was written that they had been reviewed and there was "nothing to disclose".

The police provided a non-sensitive schedule of unused material following the defendant being charged. Neither the counselling records nor the antecedent record of the elder complainant were recorded on it. The existence of the younger complainant's medical records was noted on the schedule but not the fact the notes contained material that undermined the complainant's account. All items on the schedule were marked "clearly not disclosable."

The defence statement requested the antecedent records from a number of prosecution witnesses, including the older complainant. The Crown provided these in continuing disclosure. The position with regard to the medical records and counselling records was not further considered or disclosed.

The case progressed to a full trial and the defendant was found not guilty.

Continuing disclosure

8.98. The quality of continuing disclosure was very similar to that of initial disclosure, with three out of 16 cases (18.8%) rated as fully meeting the standard, six cases (37.5%) as partially meeting the standard and seven cases (43.8%) as not meeting the standard. The Area needs to improve its performance.

8.99. The most common reasons for cases being assessed as not fully meeting the required standard were:

- failing to identify obvious items of unused material which had not been scheduled in three cases (23.1%)
- indicating that non-disclosable unused material was disclosable in three cases (23.1%)
- not endorsing decisions on newly revealed items in three cases (23.1%).

8.100. Errors at the initial disclosure stage were not rectified at the continuing disclosure stage unless specifically prompted by the defence.

8.101. In 11 cases, the defence were late in providing a defence statement. The prosecutor chased this appropriately with the court and defence in eight cases (72.7%). In one case (9.1%), the absence of a defence statement was chased but not until three months after it was due. In two cases (18.2%) a late defence statement was not chased. This positive work by the prosecution helped them keep a grip on the disclosure process.

8.102. Inspectors assessed the review of defence statements and provision of advice and direction to the police on further reasonable lines of enquiry as mixed, with five out of 16 cases (31.3%) assessed as fully meeting the standard, five cases (31.3%) as partially meeting the standard and the remaining six cases (37.5%) as not meeting the standard.

8.103. The most common reason for failing to meet the required standard was not providing adequate direction to the police on reasonable lines of enquiry following consideration of the defence statement.

Timeliness

8.104. The timeliness of service of initial disclosure was a positive, with 17 out of 20 cases (85.0%) fully meeting the standard, two cases (10.0%) partially meeting the standard and one case (5.0%) assessed as not meeting the standard.

8.105. The timeliness of continuing disclosure was also good, with 11 of the 16 cases (68.8%) assessed as fully meeting the required standard, three cases (18.8%) partially meeting the standard (where the deadline was missed but the delay was minimal) and two cases (12.5%) not meeting the standard (where the delay was significant).

Sensitive and third-party material

8.106. There were nine cases featuring sensitive unused material in our RASSO sample. No cases were assessed as fully meeting the standard. Three out of nine cases were found to be partially meeting the standard and the remaining six were assessed as not meeting the standard.

8.107. Of those cases assessed as not meeting the standard, two cases had sensitive material described on the non-sensitive schedule which was provided to the defence. The schedules should have been returned to the police, instructing them that the entries of sensitive material must be placed on the sensitive schedule, and the prosecutor should then have considered how to deal with the sensitive material.

8.108. Three cases had sensitive third-party material which had been considered by the police but was not listed on either schedule. One case had no sensitive schedule, despite the police revealing the existence of sensitive material.

8.109. The handling of third-party material was assessed as fully meeting the standard in one out of nine cases (11.1%). Two cases (22.2%) were found to be partially meeting the standard and another six cases (66.7%) were assessed as not meeting the standard.

8.110. In five of the six cases assessed as not meeting the standard, third-party material was disclosed to the defence without relevant authority from the subject of the records.

Disclosure records

Disclosure management documents

8.111. Disclosure management documents (DMDs) were not mandated in routine Crown Court cases until 31 December 2020, a change brought about by the release of DG6. Four cases in our sample were subject to the requirements of DG6; however, the RASSO unit has been mandating DMDs before this point.

8.112. The completion of DMDs was assessed as fully meeting the standard in nine out of the 19 cases where it was appropriate (47.4%), partially meeting the

standard in six cases (31.6%) and not meeting the standard in four cases (21.1%).

8.113. In all cases assessed as not meeting the standard, no DMD was prepared. In the cases assessed as partially meeting the standard, there was no input or contribution by the police.

8.114. It is positive that all four cases charged under DG6 were found to be fully meeting the standard for completing a DMD with input from the prosecutor and police. This is a topic the Area has invested time and effort in providing training on.

8.115. We assessed five out of 15 cases (33.3%) as fully meeting the standard for the accuracy and completeness of DMDs, four cases (26.7%) as partially meeting the standard and another six cases (40.0%) as not meeting the standard. Three of the four cases charged under DG6 were assessed as fully meeting the standard.

Disclosure records

8.116. The completion of the disclosure record on Modern CMS requires additional focus by the Area. We assessed two of 20 cases (10.0%) as fully meeting the standard. Another three cases (15.0%) were rated as partially meeting the standard and 15 cases (75.0%) as not meeting the standard.

8.117. Those cases assessed as partially meeting the standard recorded some decisions but missed others. In those assessed as not meeting the standard, neither disclosure decisions nor the rationale were recorded.

Does the Area address victim and witness issues appropriately?

8.118. Our assessment is that the Area is **fully meeting the standard** for this casework theme. Overall, the score for victim and witness issues in RASSO cases is 72.0%.

8.119. The duties owed by the CPS to victims and witnesses are set out in chapter 4, paragraphs 4.53 to 4.62. We assessed a range of aspects related to victims and witnesses, including measures to support them to give their best evidence, witness care at court, and communicating and consulting with victims.

8.120. Most victim and witness issues in the RASSO cases we examined were dealt with well. Many aspects of the service provided to victims and witnesses after charge were good, particularly warning victims and witnesses about attending court and seeking appropriate orders on sentence to protect victims, witnesses and the public.

8.121. However, making appropriate applications for special measures to help witnesses give evidence needs improvement. Similarly, at the pre-charge stage, there is room for improvement in relation to the consideration of applications and ancillary matters to support victims and witnesses.

Before charge

8.122. Failure to properly consider special measures at charge risks delaying any request to the police for additional information, or delaying the application itself and with it, the reassurance for victims and witnesses that comes from knowing they will have the benefit of appropriate measures at the trial.

8.123. We assessed the pre-charge consideration of relevant applications and ancillary matters to support victims and witnesses as fully meeting the standard in two out of 15 cases (13.3%), partially meeting the standard in seven cases (46.7%) and not meeting the standard in six cases (40.0%).

8.124. Common issues included a failure to ask the police if special measures were required for any witnesses. In three cases, the prosecutor made no enquiries about the need for an intermediary, where the facts of the case made it obvious that this was a live issue.

After charge

Warning witnesses and communications with witness care units

8.125. The correct and timely warning of witnesses was well handled. We assessed the Area as fully meeting the standard in 15 out of 17 cases (88.2%) and partially meeting the standard in the other two cases (11.8%). This is a strength.

8.126. Witness care unit correspondence was also handled well and in a timely manner, with 13 out of 15 cases (86.7%) assessed as fully meeting the standard and the other two cases (13.3%) as partially meeting the standard (most responses were timely, and any delay did not have an adverse impact on the effectiveness of the trial). The work of paralegal officers in this regard was found to be diligent and effective.

Consulting victims and speaking to witnesses at court

8.127. Consultation with victims and witnesses was found to be fully meeting the standard in 12 out of 14 cases (85.7%) and partially meeting the standard in the remaining two cases (14.3%).

8.128. There were a number of examples of good communication taking place with victims. In one historical abuse case involving two complainants against a former football coach, the prosecutor sent a 'point of charge' letter to the police officer in the case to give to each of the victims to make sure they were fully informed of the progress of the case.

8.129. In another case involving a victim with substantial learning difficulties, there were a number of delays in the proposed trial date for a variety of reasons. A victim family meeting was held with the reviewing lawyer, a legal manager, the paralegal officer and the victim's family to discuss the most appropriate way of progressing the case for the victim's benefit.

8.130. Consulting with victims was a real strength in the cases we assessed. We noticed the commitment and dedication of staff to making sure that victims were effectively supported and updated.

Victim Personal Statements and orders at sentencing

8.131. Obligations around Victim Personal Statements (VPSs) were assessed as fully meeting the standard in six out of 15 cases (40.0%), partially meeting the standard in six cases (40.0%) and not meeting the standard in three cases (20.0%).

8.132. In most of the cases assessed as partially meeting the standard, there was no indication on file of whether the victim wished to attend court to read out

their VPS – or, where the VPS was available and the victim’s views were known, there was no record on the hearing record sheet of the VPS being read out to the court.

8.133. We assessed seven out of eight cases (87.5%) as fully meeting the standard for seeking appropriate orders on sentence, with one case (12.5%) partially meeting the standard. This is a strength for the Area; particularly so when compared to a relative lack of consideration before charge.

8.134. Inspectors observed a range of orders being brought to the court’s attention, including restraining orders, sexual harm prevention orders, offender registration requirements and the forfeiture and destruction of relevant electronic devices.

Victim Communication and Liaison scheme letters

8.135. The prosecution has a duty to write to a victim and explain a decision to drop or substantially reduce a charge. Of the six cases where a Victim Communication and Liaison scheme (VCL) letter should have been sent, all were assessed as not meeting the standard for timeliness. In three of these six cases, no letter was sent at all.

8.136. Of the three cases where VCL letters were sent, all were assessed as fully meeting the standard for quality. It is of note that, in two of these cases, the same legal manager made amendments to the original draft, which improved the quality of the letter.

9. Public confidence

9.1. One of the five aims of the of the Crown Prosecution Service's (CPS's) 2025 strategy²⁷ is to improve public confidence by "[working] with partners to serve victims and witnesses and uphold the rights of defendants in a way that is fair and understood by all communities".

9.2. In this inspection, we used our file examination, supplemented by the documents requested from the Area and our assessment visit to the Area, to consider aspects of the Area's performance related to public confidence with a specific focus on the impact on casework quality.

Correspondence with victims

Expectations

9.3. The CPS is obliged to write to a victim of crime whenever a charge related to them is either dropped or substantially altered. These are called Victim Communication and Liaison scheme (VCL) letters. Where the victim is deemed to be vulnerable or intimidated, is a victim of serious crime (which includes domestic abuse), or has been targeted repeatedly over a period of time, the letter should be sent within one working day. The timescale in all other cases is five working days.

9.4. A VCL letter should include a referral to the Victims' Right to Review (VRR) scheme if applicable. This is a scheme where a victim can ask the prosecution to reconsider a decision to drop or substantially alter a case. In certain circumstances, the VCL letter should also offer a meeting.

9.5. The CPS may also communicate with someone who has made a complaint about the service they have received, or with bereaved families after an unlawful killing.

9.6. All communications in writing with victims, complainants and bereaved families should use plain English, be translated where necessary, be grammatically correct, and avoid the use of legal jargon. They should include a clear, understandable, and accurate explanation of the decision or action being discussed. Where appropriate, empathy should be expressed, and the recipient should be directed to sources of support and other help.

²⁷ CPS 2025 is the CPS's strategy and vision for where it wants to be in 2025. www.cps.gov.uk/sites/default/files/documents/publications/CPS-2025-strategy.pdf

Sending Victim Communication and Liaison scheme letters

Compliance with the Victim Communication and Liaison scheme

9.7. In our sample of 90 cases, there was a requirement to send a VCL letter in 21 cases. Letters were sent in 13 of those 21 cases – four in magistrates’ court cases, six in Crown Court cases and three in rape and serious sexual offences (RASSO) cases. The eight cases where letters were not sent consisted of two magistrates’ court cases, three Crown Court cases and three RASSO cases.

9.8. Six of the 13 letters that were sent were assessed as fully meeting the standard for timeliness. Another four letters were assessed as partially meeting the standard as, although they missed the target date, the delay was minimal. The remaining three letters were assessed as not meeting the standard for timeliness, as the delay was significant. All three cases assessed as not meeting the standard for timeliness were cases dealt with in the RASSO unit.

Quality of Victim Communication and Liaison scheme letters

9.9. We assessed the quality of the 13 letters sent as set out in Table 16. The letters were generally of a high standard and we noted particularly well written letters were produced in the RASSO unit. It is noteworthy that no letters were assessed as not meeting the standard for quality. However, there were eight cases where a letter should have been sent but was not.

9.10. While the quality of what the Area sends was good, it needs to make sure that all victims receive the standard expected. The Area needs to improve its processes and systems to make sure that, in all cases, letters are sent where appropriate. Across all units, we observed significant value being added to the quality of VCL letters by the Victim Liaison Unit (VLU) and legal managers.

Table 16: Quality of Victim Communication and Liaison scheme letters

Casework type	Magist-rates’ courts	Crown Court	RASSO	All cases
Number of letters sent	4	6	3	13
Fully meeting the standard	50.0%	66.7%	100%	69.2%
Partially meeting the standard	50.0%	33.3%	0%	30.7%
Not meeting the standard	0%	0%	0%	0%

9.11. The Area conducts internal VCL panels with various grades of staff. These consider the content and standard of VCL letters and the Area's responses to complaints. Any lessons learned from the panel's considerations are disseminated across all Area staff.

9.12. We saw examples of the VCL panel finding that legal jargon and overly lengthy sentences were used, that the VCL letter could be interpreted as victim blaming and that the VCL letter did not explain why a decision was made to discontinue a case. These findings were explained in clear paragraphs to emphasise the point and assist in learning.

9.13. In the four letters in our sample which did not fully meet the standard, inspectors observed a use of overly legal language and a failure to explain the reason for a decision to discontinue a case, mirroring the Area's findings. As such, this is something the Area is already looking to address.

9.14. The findings are included in a VLU report, which is considered at the monthly Area Board meeting, chaired by the Chief Crown Prosecutor. The Area holds 'VCL coffee calls' on multiple dates to engage all staff. These calls are led by the VLU manager and various senior managers. We saw evidence that they were attended by large numbers of staff and shared the correct approach to victim communications widely.

9.15. We saw evidence of a recent local scrutiny and improvement panel (LSIP) which scrutinised the quality of letters to victims. The feedback from the LSIP was shared across the Area to help improve the quality of communication.

9.16. As well as feedback from LSIPs, the Area has met with Independent Sexual Violence Advisers (ISVAs) and Independent Domestic Violence Advisers (IDVAs) who have also fed back on the quality of VCL letters. The key points made by ISVAs and IDVAs were consolidated into a draft paper and shared with all staff.

9.17. The Area has an escalation process in place for cases where letters are required but no bespoke paragraph has been forwarded by prosecutors to the VLU in accordance with the mandated timescales. The escalation log is sent to the senior legal managers weekly, detailing the cases and lawyers who have not sent the relevant material to the VLU, and legal line managers are noted as feeding back to individual lawyers when they have not complied with their obligations. The Area believes the escalation procedure has helped secure significant improvement in VCL timeliness in the past six months, which appears to be confirmed in the latest available figures. These show that the timeliness of the Area's communication with vulnerable and non-vulnerable victims is markedly better than the national average.

Complaint and Victims' Right to Review responses

9.18. The Area has systems and processes in place to manage the timeliness of responses to complaints and requests made under the Victims' Right to Review (VRR) scheme. The VLU manager provides an additional report to the Area Board detailing CPS Thames and Chiltern's handling of these responses.

9.19. The reports are comprehensive in terms of the topics covered and allow the Area Board to stay up to date with current bereaved family scheme cases. They make trend comparisons with the Area's historical performance and detail any notable national developments and staffing or resource issues.

9.20. An escalation procedure is also established for complaint and VRR responses to make sure timescales are adhered to. VRR requests and complaints are standing items on the casework quality committee (CQC) agenda and were discussed comprehensively at the CQC we attended on 25 April 2022.

9.21. We have also seen that a quality assurance mechanism has been implemented in the magistrates' court unit and Crown Court unit, whereby any VRR letter is checked by a senior legal manager before it is sent. This has significantly reduced the number of complaints escalating to stage 2 of the process. The Area intends to replicate this practice in the RASSO unit.

Victims' Code and Witness Charter

Expectations

9.22. The expectation is that the Area complies with its responsibilities defined in the Code of Practice for Victims of Crime ('the Victims' Code') and the Witness Charter in respect of Victim Personal Statements, Victim Communication and Liaison scheme letters, offering meetings, and the speaking to witnesses at court (STWAC) protocol.

9.23. Prosecutors at trials are tasked with speaking to witnesses at court to explain what will happen. The CPS STWAC guidance emphasises the need to make sure that witnesses are properly assisted and know more about what to expect before they give their evidence. The guidance also reminds prosecutors of their important role in reducing a witness's apprehension about going to court, familiarising them with the processes and procedures – which may seem alien and intimidating – and managing their expectations on what will happen while they are at court.

9.24. The advocate should make an entry on the hearing record sheet that they have had this discussion with witnesses and record anything of note.

9.25. Victims are entitled, if they wish, to provide a Victim Personal Statement (VPS). The VPS sets out the impact that the offence has had on them, and helps inform the court's decision on sentencing. The police should tell the CPS, and the CPS should give effect to the victim's preferences for how the VPS is presented to the court. For example, the victim may read the statement in court, the prosecution advocate may read it for them, or the Judge or magistrates may be given it to read.

9.26. The hearing record sheet completed by the prosecutor should indicate whether the victim's wishes were met at the sentencing hearing.

Consulting victims and speaking to witnesses at court

9.27. The Area performed consistently strongly at consulting with victims about cases where necessary, such as resolving a case with pleas to lesser offences, and at fulfilling its STWAC obligations. Inspectors observed 49 cases where consulting victims and/or STWAC was required. The Area was found to be fully meeting its requirements in 42 cases (85.7%), partially meeting them in four cases (8.2%) and not meeting them in three cases (6.1%). This is a strength.

9.28. We are aware of communications from CPS Thames and Chiltern to local barrister's chambers commending the efforts of various members of the self-employed bar to keep victims and witnesses informed of the court process. This clearly keeps the importance of such conversations at the forefront of counsel's mind and the results would suggest it is part of a successful approach to this element of victim care.

9.29. During the pandemic, the Area made the effort to continue with advocacy individual quality assessments (IQAs), which would allow some monitoring of prosecutors' compliance with the STWAC requirement. This proved challenging while footfall in courts was being discouraged and we were told some magistrates did not allow CPS managers to link in remotely to conduct IQAs. Given the move back to pre-pandemic levels of court coverage, the Area will look to re-invigorate advocacy IQAs. Among other things, this will monitor expectations relating to STWAC obligations.

Victim Personal Statements

9.30. Our file examination revealed that victims' wishes regarding VPSs were fully complied with in 21 of 62 cases (33.9%), partially complied with in 22 cases (35.5%) and not complied with in 19 cases (30.6%). In the Crown Court unit, 47.4% of cases were assessed as not meeting the standard for compliance with obligations around the VPS.

9.31. In six of the nine magistrates' court cases assessed as not meeting the standard, the VPS was not requested either before or after charge. In the remaining three cases, the VPS was requested before charge but not provided by the police and never chased by the CPS.

9.32. In four of the seven Crown Court cases assessed as not meeting the standard, the VPS was not requested either before or after charge. In one case it was requested before charge but not provided by the police and not chased.

9.33. In two of the RASSO cases assessed as not meeting the standard, the VPS was requested before charge but not provided by the police and not chased. In the third case assessed as not meeting the standard, it was not requested either before or after charge.

9.34. Failure to consider a VPS before charge appears a more significant issue in the magistrates' court unit and Crown Court units than in the RASSO unit.

9.35. Across all units, there were some examples where a VPS was available and the victim's views about who should read it were known, but the hearing record sheet did not record whether it was read out or by whom.

9.36. Inspectors noted a number of occasions when the police responded to requests for a VPS to say that one would be provided at the conclusion of the case. The Area confirmed the expectation that lawyers escalate a failure by the police to provide a VPS. This will be a topic that the Area will look to see improvement in.

Offering meetings in all appropriate cases

9.37. The bereaved family scheme and the Victims' Code both give certain victims the opportunity to meet the prosecutor (or trial advocate in the case of bereaved families).

9.38. In one RASSO case, the victim attended a special needs school owing to learning difficulties. The defendant, who was also a pupil at the school, was alleged to have orally raped her but denied the allegations, claiming all activity was consensual. There was significant delay from the police in submitting the case for a charging request and then trial dates were adjourned owing to the pandemic. The lawyer and legal manager arranged a meeting with the victim's family to discuss the delay and what special measures would be appropriate in the circumstances of the case. We were told by the Area that special measures meetings continued despite the challenges that the pandemic presented.

Community engagement

9.39. The Area engages with a number of other partners in cross-sector meetings.

9.40. The Hertfordshire Criminal Justice Board victim and witness subgroup is attended by CPS representatives, HM Courts and Tribunals Service (HMCTS), the Probation Service and various victim services. Discussions are focused on the victim experience and how to improve performance in the criminal justice system.

9.41. We have been provided with minutes from the Thames Valley Victim and Witness Delivery Group Meeting, which is chaired by the Area's Deputy Chief Crown Prosecutor. Victim services and a number of professional bodies, such as HMCTS, the police and the Probation Service attend and feed back from the victim's perspective on victims' satisfaction with communication, among other things.

9.42. The Area has recently appointed a new Inclusion and Community Engagement manager after this post was vacant for some time. It is expected that filling this role will lead to increased community engagement going forward.

10. CPS people

10.1. One of the five aims of the of the Crown Prosecution Service's (CPS's) 2025 strategy²⁸ is to support the success and well-being of its people, to enable everyone to thrive.

10.2. In this inspection, we used our file examination, supplemented by the documents requested from the Area and our assessment visit to the Area, to consider aspects of the Area's performance related to CPS people, with a specific focus on the impact on casework quality.

Recruitment and induction, staff moves and succession planning

Expectations

10.3. CPS Areas should have a clear strategy for recruitment, induction, succession planning, development, and retention. We looked at whether:

- the Area has effective bespoke induction plans for new prosecutors, for when prosecutors move between teams and for when new lawyer managers are appointed, to support their development
- the Area has effective bespoke induction plans for new paralegal and operational delivery staff, for when paralegal and operational delivery staff move between teams and for when operational delivery and paralegal managers are appointed, to support their development
- the Area has an awareness of the legal cadre, including their current strengths and weaknesses and future capability (particularly around specialisms and capacity to deal with complex or sensitive casework), and this awareness informs recruitment, succession planning and development
- staff allocation and movement between teams is based on clearly documented rationales for decisions which include the impact on the Area's casework quality in terms of capacity, capability, and succession planning.

²⁸ CPS 2025 is the CPS's strategy and vision for where it wants to be in 2025. www.cps.gov.uk/sites/default/files/documents/publications/CPS-2025-strategy.pdf

Staff induction

10.4. Table 17 shows the increase in legal staff since March 2019, when the additional funding for prosecutors was announced.

Table 17: Legal staff in post (full-time equivalent)

	LM1	LM2	SCP	CP	Total
At 31 March 2019	10	2	70.52	3.60	112.96
At 31 December 2020	12	2	79.32	14.60	133.50
At 31 March 2021	12	3.32	81.69	18.15	138.10
At 31 December 2021	15	3	80.19	15.83	134.43

10.5. As the table indicates, there has been an 19.0% increase in legal staff in post between 31 March 2019 and 31 December 2021.

10.6. At the management level, there has been a degree of movement since the start of the pandemic. The Chief Crown Prosecutor (CCP) took a six-month secondment at Oxfam between May and November 2021 with a temporary CCP filling in during that time. The two Deputy Chief Crown Prosecutors (DCCPs) were in post during that period but they have changed some of the units they manage. Similarly, there has been movement at Senior District Crown Prosecutor (SDCP) level and two new SDCPs have started since October 2020. Since April 2020, seven District Crown Prosecutors (DCPs) have either joined the Area or taken up the role on promotion, two DCPs have left the Area and four have moved between teams within the Area.

10.7. The Area has seen a continual level of turnover and movement of staff. The necessary recruitment has resulted in demand to train and induct staff, whether they are new starters or current members of staff changing roles. In addition to training, there is also a burden on experienced staff members to support and mentor those new in post.

10.8. As with many other CPS Areas, because of the additional funding received by the CPS, Thames and Chiltern has undertaken a lot of recruitment activity throughout the pandemic period. Members of the senior management team have joined national recruitment boards to help.

10.9. The Area also held five local secondees campaigns with members of the independent bar; in three of those campaigns, however, no applications were received. In total, four secondees were taken on as a result of these campaigns.

10.10. The Area successfully recruited 80 members of staff since April 2020 but, owing to attrition rates, it remains nine prosecutors and 12 operational delivery staff below the national resourcing model allocation.

10.11. The Area has seen success in reducing the number of leavers as a percentage of headcount from 8.7% in Quarter 1 of 2021–22 (April to June 2021) to 7.7% in Quarter 4 of 2021–22 (January to March 2022). The retention of experienced staff will help with both inducting new starters and improving the quality of casework.

10.12. All new staff receive an induction plan and line managers undertake ad hoc development assessments. However, the Area does not currently have bespoke induction plans for new starters. Given the number of new starters, this is an aspect that the Area will need to improve.

10.13. The Area Board has a standing agenda item led by the Area Business Manager, 'Finance Strategic Overview', which includes consideration of resourcing issues. In addition, any national themes around resourcing are taken from the various national CPS meetings and shared with the Area Board. The Area conducts a weekly resources call chaired by the magistrates' court unit's DCCP.

10.14. In the monthly performance reports for the Crown Court and RASSO units, we saw that staffing levels and increased caseloads were identified as ongoing risks, with the Area looking to staff movement and training to mitigate. The Area believes its proximity to London and increased home working have made recruitment more challenging, as applicants choose the London uplift to receive a higher salary while still working remotely. The Area frequently loses prosecutors, permanently and on loan, to roles based in London.

10.15. At our assessment meeting, the Area expressed the view that this helped with prosecutors' development. The Area looks forward to welcoming these staff back in future to raise its skill levels, but has to deal with the loss of experienced staff members in the interim.

Succession planning

10.16. We have seen separate discussions around staffing levels and succession plans for the complex casework unit and crown advocate unit. These considered imminent difficulties around staff numbers and casework volumes, and made reasonable proposals to resolve the situation.

10.17. The Area recognises a need to complete a skills audit to identify potential gaps in development and position it adequately to respond to future challenges.

10.18. The Area has invested in apprenticeships and trainees, providing them with time and resources. While the Area is aware that, upon qualification, many take employment in other Areas at higher salary rates, it is felt the effort is worthwhile to generate a future experienced workforce for the CPS.

Staff engagement

10.19. In the most recent Civil Service People Survey in 2021, the overall engagement score for the Area was 65%. This is in line with the overall Civil Service engagement score, but below the national CPS score of 69%.

10.20. It also represents a slight decrease on the Area's 2020 score of 67%. However, it remains above 63%, the last score before the pandemic.

10.21. As the scores show, the level of engagement has improved since before the pandemic. Given the pressure of the pandemic, this is an impressive achievement.

10.22. The Area was aware of sensitivities in how it managed its people during the unprecedented turbulence caused by the pandemic, and therefore put in place measures to prioritise the health and safety of colleagues. The Area has made staff wellbeing a priority throughout the pandemic, initiating a Wellbeing Workday, which engaged staff with a focus on their mental health and resilience. At a time of increased workloads and pressures both at work and home, this approach is to be commended.

10.23. We also saw use being made of the 'simply thanks' scheme, local staff awards and the monthly newsletter to promote good work by all grades of CPS Thames and Chiltern employees. This focus on recognition is a positive for the Area in maintaining morale through challenging times.

Learning and development

Expectations

10.24. The Area should have a continuous learning approach that is effective in improving casework outcomes. We looked at whether:

- the Area has a clear and effective training plan around improvement of casework
- coaching and mentoring take place in the Area to improve the casework skills and experience of lawyers and lawyer managers.

Training plans

10.25. The pandemic has put increased pressure on all CPS Areas, with increased caseloads for lawyers and additional stakeholder liaison for managers. Maintaining a comprehensive training and induction programme throughout this period has therefore been a challenge.

10.26. The Area maintains a 12-month future training plan which sets out the upcoming training agenda, monitors what work needs to be undertaken by which members of staff, and is used to arrange catch-up exercises where attendees missed the original session.

10.27. Training needs are identified through a number of methods such as themes emerging from individual quality assessments (IQAs), adverse outcome reports and one-to-ones between legal line managers and the lawyers they manage. The training needs are raised and discussed at the casework quality committee (CQC) and this discussion feeds into the Area Board, which maintains oversight.

10.28. Training is arranged and delivered in a number of ways. The Area runs lunch and learn sessions, and we saw evidence of a senior crown advocate delivering work on bad character and hearsay. External bodies with expertise in discrete topics, such as the Faculty of Forensic and Legal Medicine, deliver sessions on these topics to increase prosecutors' knowledge. The Central Legal Training Team are called on if they have a learning product which can be shared. The magistrates' court unit recently pooled their individual learning account money to set up a legal training day.

10.29. At the CQC we attended in April 2022, the Area recognised training needs around bladed articles, offensive weapons, identification and the sixth edition of the Director's Guidance on Charging. Different training approaches had been proposed to remedy each training requirement, and the Area intended

to monitor the effectiveness of the training by checking the same process to assure itself that the issue had been resolved.

10.30. The Area recognises a need for a skills audit for all staff, to obtain an overview of its knowledge and training needs. The CPS has moved training plans to a new operating system (Oracle) and the pandemic disrupted previously established methods of delivering tuition. This is an aspect in which renewed focus is required.

Coaching and mentoring

10.31. We have seen induction plans for legal staff at different grades. These include the relevant e-learning, case management system access and IT issues, as would be expected.

10.32. The Crown Prosecutor plan included details of ongoing supervision beyond the induction period and support to help the Crown Prosecutor progress to Senior Crown Prosecutor grade. Following the initial induction plan, Senior Crown Prosecutors are supported by their line managers in one-to-one meetings to identify development and training goals.

10.33. The Area operates a 'buddy' system on an ad hoc basis, linking the most experienced staff, often pupil supervisors, with new starters.

Quality assurance

Expectations

10.34. The CPS has quality assurance processes in place to identify aspects of casework that are working well and those that require improvement. These include:

- IQAs and internal assurance to identify individual and wider good practice or performance, and weaknesses in casework quality, and to drive improvement
- analysis of IQAs to identify specific training and interventions and implement them to improve casework quality
- casework quality assurance boards (CQABs) to drive actions and improvements in casework quality, including wider assurance work, in accordance with the CPS's quality standards for charging, case progression, disclosure and advocacy.

10.35. We are not assessing advocacy in this inspection programme, but we will include how the Area develops advocates to improve casework quality.

Quality assurance activity

10.36. The Area has a variety of means to quality assure its casework.

10.37. During the pandemic, the CPS nationally determined that Areas could reduce the number of IQAs or stop them entirely if necessary. CPS Thames and Chiltern maintained its IQA expectations, identifying the need to make casework quality a priority.

10.38. Owing to the external pressure many people felt, the Area did not pursue performance management activities during this period.

10.39. Legal managers, such as DCPs, carry out IQAs on the work of prosecutors that they manage. The turnover of DCPs, with seven either new to the Area or recently taking up the role on promotion, presented challenges to the Area in taking assurance from the IQA work. Even with increased pressures, the Area dip-sampled 15.0% of IQAs in 2021–22.

10.40. We attended the CQC in April 2022, where IQAs are discussed as a standing item. Each unit presented their IQA results and identified topics where they felt improvement was required. The CCP reinforced the message that completing the required number of IQAs was essential if the Area was to improve casework quality. Where issues are identified, such as around bladed articles, offensive weapons, identification and DG6, the Area delivers training and then looks to IQAs to assess its impact.

10.41. In cases of particular complexity or concern for the Area, a local case management panel (LCMP) can be held with the prosecutor and others to provide assurance that all work is being undertaken appropriately. We were provided with paperwork documenting LCMPs in each unit. The types of cases were clearly appropriate, given the levels of complexity and public interest involved. We noted that the LCMPs were attended by various senior managers, including the CCP, which is a good way to signal the importance of casework quality and increase the experience and skills of more junior prosecutors.

10.42. Case management panel notes demonstrated a clear ability to analyse the evidence and devise a trial strategy to progress the case to a successful conclusion. This was a feature often lacking in the file sample we analysed, so it is encouraging to see the capability to fulfil this function in the most complex or high-profile cases.

10.43. In one case alleging that a serving police officer had used his position to engage in sexual relationships with women he encountered in his role, there was evidence of the DCCP sharing experience of investigations by the Independent Office for Police Conduct with the prosecutor in charge of the case, to assist them in keeping a grip on the case. Allowing those with more prosecutorial experience to share this with others on a particular case is a real benefit.

10.44. At the CQC we attended, LCMPs were discussed, both in terms of the most high-profile LCMPs that had been held during the relevant period, and thematically on any issues that had emerged from them. The Area identified the need to make sure prosecutors were escalating outstanding material with the police as appropriate. The lack of counsel's advice was also noted and discussed, having emerged from LCMPs as an issue. These are two issues that inspectors also observed in the file read.

10.45. Reports are prepared on all cases which result in an adverse outcome, identifying issues and actions or recommendations in each case. The adverse outcome reports review the Area's unsuccessful cases, both qualitatively and quantitatively.

10.46. Adverse outcomes are also a standing item on the CQC agenda. Themes are analysed and the Area identified a concern with the quality of reviews in these cases. The main issue identified was delays, and actions were proposed to raise this in other forums, with the police as well as internally with prosecutors.

10.47. Our observation of the CQC highlighted that the Area has processes to identify issues with casework quality across all units. At the meeting, actions were proposed, both internal and for work with criminal justice partners, to address and respond to these challenges. It was encouraging to see the Area recognised a number of the problems we had identified in the examination of cases. This self-analysis stands the Area in good stead for dealing with casework quality issues and raising the standard before the follow-up inspection takes place.

11. Digital capability

11.1. One of the five aims of the of the Crown Prosecution Service's (CPS's) 2025 strategy²⁹ is to make sure that "our investment in digital capability helps us adapt to the rapidly changing nature of crime and improve the way justice is done".

11.2. In this inspection, we used our file examination, supplemented by the documents requested from the Area and our assessment visit to the Area, to consider aspects of the Area's performance related to digital capability, with a specific focus on the impact on casework quality.

Data analysis

Expectations

11.3. The Area collects and analyses data to deliver improvements in casework quality. Performance in key aspects – including CPS high-weighted measures, National File Standard compliance rates and the charging dashboard – is analysed effectively, shared with staff, and used by managers to drive improvements within the CPS and externally with stakeholders.

Our findings

11.4. The Area has a formal performance management meeting regime, including several forums where performance is discussed. These include its Area Board meeting and the quarterly performance reviews for each of its casework units. The Area Board meets monthly and uses data to analyse performance in each unit.

11.5. There is a consistent approach to the quarterly performance reviews, which are attended by senior leaders and members of the relevant unit's management team. Performance data is prepared for discussion. We saw evidence that the Area discusses performance measures, with the management team identifying both highlights and aspects of concern. Any issues to address are allocated to a lead to take forward and action plans are put in place for serious issues. As an example, a taskforce was established in the magistrates' court unit to analyse cases that were assessed as being 'weak,' resulting in a significant reduction of the overall caseload for the Area.

11.6. Lines to take from internal meetings are shared via the weekly local newsletter, which on average 180 staff read each week. We were told key

²⁹ CPS 2025 is the CPS's strategy and vision for where it wants to be in 2025. www.cps.gov.uk/sites/default/files/documents/publications/CPS-2025-strategy.pdf

messages from each meeting are further shared across the Area in team meetings.

11.7. The Area was without a performance manager for ten months but was able to fill the post in November 2021. Before this, other managers had to take on this work but the Area believes it is now in a position to use data effectively to improve casework.

11.8. The Area has used performance data in a number of strategic reviews, including the magistrates' court review taskforce, the Crown Court and RASSO self-assessment and the domestic abuse strategy review.

11.9. The Area has several ways of sharing performance information with staff. Crucially, what the Area shares is not limited to overall performance figures; it also shares information on what some of the performance measures mean, why they are important and how staff can influence improvements to them.

11.10. Methods for delivering performance updates include updates from the Chief Crown Prosecutor following the Area Performance Review with CPS Headquarters, unit blogs, monthly newsletters and virtual meetings which all staff are invited to attend. The method of delivery determines what is discussed: the performance of the CPS nationally, the performance of the Area as a whole or performance limited to the relevant unit.

11.11. The Area has also used innovative, interactive ways of sharing the data with staff, including a 'play your cards right' game using the high weighted figures, to encourage staff to engage with performance.

11.12. Each unit also holds a monthly performance board attended by all their managers. The agenda mirrors that of the Area performance meeting and has the five strategic aims as standing items. Performance data is also discussed under the relevant theme.

Digital tools and skills

Expectations

11.13. The Area makes sure that its people have the tools and skills they need to operate effectively in an increasingly digital environment. The Area includes digital skills audits within the training plan and delivers general and bespoke training to staff to enable them to effectively use the CPS case management system (CMS), Egress, digital case lines, the court store and the cloud video platform (CVP)³⁰.

Our findings

11.14. The criminal justice system has had to adapt rapidly to new digital technology to continue working throughout the pandemic, including using Microsoft Teams to hold meetings, one-to-ones and conferences, and the CVP to conduct virtual or remote hearings.

11.15. We saw evidence that the Area has worked to identify training needs around digital skills for staff across the Area. A digital training needs questionnaire was circulated in 2021 and the results delivered in July. In total, 84 staff completed the questionnaire and most responses identified that staff would welcome additional CMS training and support.

11.16. We were told CMS training was delivered as a result of the survey in January and February 2022. This training focused on making sure managers understood the system. This training was then cascaded by the managers to their teams.

11.17. The Area also has 21 Digital Training Leads who provide day to day training and support, making sure staff are aware of any changes.

³⁰ Egress, digital case lines, the court store and the cloud video platform are digital tools to store case material or host remote hearings. They are explained further in the glossary in annex C.

12. Strategic partnerships

12.1. One of the five aims of the of the Crown Prosecution Service's (CPS's) 2025 strategy³¹ is to make sure that "the CPS is a leading voice in cross-government strategies and international cooperation to transform the criminal justice system".

12.2. In this inspection, we used our file examination, supplemented by the documents requested from the Area and our assessment visit to the Area, to consider aspects of the Area's performance related to strategic partnerships, with a specific focus on the impact on casework quality.

Strategic partnerships with the police

Expectations

12.3. The Area influences change through trusted partnerships with the police at all levels to improve casework quality. The Area has trusted and mature relationships with the police at all levels and influences change through negotiation, persuasion and compromise to improve casework quality, particularly in relation to compliance with:

- the National File Standard (NFS)
- the Director's Guidance on Charging
- the Disclosure Manual, Criminal Procedure and Investigations Act 1996 (CPIA) and relevant codes of practice.

Our findings

12.4. The documents we have seen suggest that the Area has constructive relationships at a senior level with its three local police forces.

12.5. There is a great deal of collaborative working between the Area and the Thames Valley, Hertfordshire and Bedfordshire police forces. Senior representatives from the Area attend meetings with higher ranking officers from the forces. The Chief Crown Prosecutor (CCP) has a good relationship with the Chief Constables from the three forces and holds monthly one-to-ones with each of them. Regular meetings are also held with the Assistant Chief Constables who hold criminal justice portfolios.

12.6. In 2022, in agreement with the National Police Chiefs Council, the CPS replaced Prosecution Team Performance Meetings (PTPMs) with Joint

³¹ CPS 2025 is the CPS's strategy and vision for where it wants to be in 2025. www.cps.gov.uk/sites/default/files/documents/publications/CPS-2025-strategy.pdf

Operational Improvement Meeting (JOIMs). Under the revised arrangements, the Area meets with each of the forces. There are three JOIMs – one a general crime meeting with Hertfordshire and Bedfordshire police, one a general crime meeting with Thames Valley police and one a specific RASSO tri-force meeting. In all three meetings the CPS and police forces consider criminal justice issues at an operational level. There are also three strategic JOIMs. We were told that another tri-force Regional Oversight Group with the CCP and Chief Constables of each force is to commence in September 2022 and will sit above the operational and strategic JOIMs to provide direction and oversight.

12.7. The focus of the JOIM is to drive improvements in casework quality and address case backlogs. The meetings also discuss and share best practice and identify local trends to attempt to make sure that together, the police and the CPS adapt as required and deliver a quality service. The JOIM is attended by Senior Business Managers and District Crown Prosecutors from the CPS and File Quality Managers and Disclosure Leads from the police. The operational meeting will report to the strategic JOIM, which has general oversight of their actions, to make sure the process is working effectively and driving improvement.

12.8. The RASSO tri-force JOIM takes place quarterly and is attended by the Senior District Crown Prosecutor (SDCP) for the RASSO unit and senior officers from each police force. Casework quality is the focus in these meetings and the police are encouraged to refer issues to the senior managers. The RASSO JOIM reports to the RASSO strategic JOIM, which is attended by the RASSO Deputy Chief Crown Prosecutor for the CPS.

12.9. Weekly meetings also take place between District Crown Prosecutors (DCPs) and Detective Inspectors to discuss themes such as decisions to take no further action, triage rejection rates, case progressions and early investigative advice meetings. This engagement is extremely positive and has been commented upon favourably by police representatives.

12.10. The Local Disclosure Improvement Plan has been developed and agreed by the Area and all three police forces. It is updated regularly, and it is clear a significant amount of work has taken place to improve the handling of unused material.

12.11. The Area also attends a bi-monthly Disclosure Working Group with Senior Disclosure Leads from each of the police forces. Among other things, this working group has led to a tri-force disclosure workshop where the Area provides the police with legal expertise and disclosure training.

12.12. Police file quality is a challenge for the Area and our file examination supports that much needs to be done to improve it.

12.13. We rated police compliance with the NFS as fully meeting the expected standard in just less than half (48.9%) of the cases we examined across the three units (44 out of 90 cases); 21 out of 30 (70.0%) for magistrates' court cases; 17 out of 40 (42.5%) for Crown Court cases; and six out of 20 (30.0%) for RASSO cases.

12.14. Feedback to the police on NFS compliance was assessed as fully meeting the standard in 4.5% of applicable cases, partially meeting the standard in 18.2% and not meeting the standard in 77.3%.

12.15. If the Area is to drive improvement in file quality, it needs to improve the feedback it provides. As things stand, the level of feedback grossly under-reports the extent of the issue and gives the police a false picture of the deficiency in file quality.

12.16. Police compliance with disclosure obligations was rated as fully meeting the standard in 17 out of 90 cases (18.9%), partially meeting the standard in 32 cases (35.6%) and not meeting the standard in 41 cases (45.6%). Feedback to the police on compliance with their disclosure obligations was assessed as fully meeting the required standard in six of 73 applicable cases (8.2%). Twenty-six cases were assessed as partially meeting the standard (35.6%) and 41 as not meeting the standard (56.2%). Again, the Area needs to significantly improve this level of feedback.

12.17. If improvement is to be driven through the good work we found at the strategic level, this must be supplemented by accurate and clear feedback from the operational level. The Area is aware of the importance of prosecutor feedback to the police when their files are of poor quality or disclosure obligations are not being met.

12.18. The Area is taking several steps to encourage all staff to feed back on files where appropriate. All pre-charge cases are now being checked to make sure the assurance process associated with the sixth edition of the Director's Guidance on Charging (DG6 Assurance) has been applied. The DCP Disclosure Lead has held roadshows on the topic and delivered both a podcast and a lunch and learn session. DG6 Assurance refresher training is taking place in the summer of 2022.

12.19. All of this should lead to improvement, which we will assess when we follow up this inspection over the coming years.

12.20. As a result of collaborative working between the Area and the police forces, each force has now committed to developing a file quality team to assess the quality of files before they are submitted to the Area for a pre-charge decision. This is a positive development and should result in better quality police files. The Area needs to replicate this commitment by making sure its own prosecutors feed back effectively on cases that may be deficient.

12.21. During our file and document reading, our inspectors observed that disputes had arisen between the Area and Thames Valley Police in relation to the triage rejection of pre-charge cases by the Area, on the basis the files did not comply with file standards. The Area has worked hard with Thames Valley Police to deal with this issue by holding bi-monthly meetings to discuss a sample of the rejected cases. In this way, the Area has been able to explain why the rejections have occurred and to reach agreement. This process has been helpful to find a way through this challenge.

12.22. From the sample of rejected cases, themes are shared in the operational JOIM to make sure the learning is identified and shared. As an example of how this process has helped improve relationships, both Hertfordshire and Bedfordshire forces attended the meetings as observers and are now in the process of establishing their own meetings with the Area.

12.23. It is hoped that all of these initiatives will drive improved compliance with the NFS and increase police compliance with their obligations on disclosure.

Strategic partnerships with the criminal justice system

Expectations

12.24. The Area has trusted and mature relationships with the criminal justice system at all levels and influences change through negotiation, persuasion and compromise to improve casework quality.

Our findings

Criminal justice partners

12.25. We saw evidence of proactive joint working across the criminal justice agencies in the Criminal Justice System Bronze Agency Covid-19 Recovery Conference Call and the Multi-Agency Coronavirus Gold Meeting, which were well attended by all agencies, including senior CPS team members. It is clear from the minutes of these meetings that closer working relationships have formed to address pandemic issues.

12.26. There are several examples of CPS-led initiatives that have been successfully delivered during the Covid 19 pandemic, including:

- the trial blitz scheme that ran in the magistrates' courts in Winter 2021. This reduced the backlog significantly and has been praised by criminal justice partners
- the use of the cloud video platform (CVP) in the magistrates' courts. The Area pushed the use of CVP at the very beginning of the pandemic, to make sure it could deploy advocates in the most efficient way to cover the courts, and to support well-being. Thames and Chiltern was also the first CPS Area to run a magistrates' court trial over CVP. It was only because of effective cross-agency interaction, and the close interaction in the Criminal Justice Boards, that the Area was able to pilot this approach. The collaborative arrangements in the Area were well developed to allow this to happen.

12.27. The CCP attends the Criminal Justice Boards for all three police force areas. Along with representatives from all criminal justice agencies, this meeting is often attended by representatives from the local councils, the NHS, members of the public, Citizens Advice and some charities. The CCP plays an active part in these meetings, including taking questions from members of the public.

12.28. The CCP has quarterly meetings with the Resident Judges from each Crown Court centre. They discuss a number of issues, including the current court backlog and potential ways to reduce it.

12.29. The Area has signed up to a Service Level Agreement on the Protocol for Handling Domestic Abuse cases with Aylesbury Crown Court. This is an ambitious protocol focusing on reducing the time between court listings. If implemented fully, this protocol could be extremely beneficial in keeping victims and witness committed to the prosecution. We shall look for an update on the success of this protocol when we return to follow up this baseline inspection.

12.30. Dealing specifically with domestic abuse cases, the Area has reached an agreement with the police forces, who now prepare all such cases to not guilty anticipated plea standard, regardless of whether guilty or not guilty pleas are anticipated. This could have an extremely positive impact on presenting cases to their full strength at the first hearing and may encourage early guilty pleas, thereby offering victims more protection.

12.31. The Senior Business Manager and District Crown Prosecutor Victim Lead attend the Bedfordshire Victim and Witness Board, which is chaired by the police. The Area is also due to attend a cross-agency strategic forum focusing on domestic abuse and violence against women and girls. This will meet on a bi-monthly basis and be attended by the DCCP, Chief Superintendents, witness care unit managers and Independent Domestic Violence Advisor representatives. The aims of the forum are to respond effectively to reports of domestic abuse, improve outcomes and ensure a high level of service to the victims. It will be interesting to observe how this forum has operated upon our return.

12.32. During the Covid-19 pandemic, the magistrates' court unit opened virtual 'defence clinics' to encourage defence engagement, attempting to make sure trials were effective and acceptable pleas were canvassed wherever possible to preserve court time. After lockdowns were lifted, face to face defence clinics were set up. Generally, however, the Area is facing some difficulties with defence engagement because of the impact the pandemic has had on defence practices, which face losing staff or closing altogether. This is having the expected impact on the amount and ease of defence engagement.

Self-employed barristers (counsel)

12.33. The Area has a good working relationship with independent counsel. We are aware of the difficulties the criminal bar is experiencing and the impact this is undoubtedly having on the Area. The Area has worked hard to engage collaboratively with chambers in dealing with issues such as late returns and the quality of paragraphs provided by counsel for letters to victims. There are also

positive examples of feedback being provided to counsel when a strong performance has been observed.

12.34. The CCP holds frequent meetings with the senior clerks of chambers. While these meetings have not to date been formally recorded, the intention moving forward is to take written notes in each meeting and place these on the agenda of the quarterly Internal Advocacy Strategy Board for discussion.

12.35. The Area has explained that it is challenging to make sure counsel are available to accept instructions in both the Crown Court and magistrates' courts. There are several reasons behind this including, but not limited to, the pandemic.

12.36. For example, before Covid-19, the Area would rely on between 25 and 30 agents a week to cover its magistrates' court hearings. During the pandemic, however, it was only able to obtain approximately ten agents a week. The Area worked hard to try to minimise the impact of this by applying to the Court to use CVP to its full potential and also, on occasion, asking legal managers to attend court to prosecute trials.

12.37. In the Crown Court, finding suitable counsel to prosecute trials has been similarly problematic. At times, the Area has instructed above the required grade to cover some trials where other counsel are unavailable.

Annex A

Inspection framework

Area Inspection Programme Framework 2021-22

Section A casework quality will be scored. The remaining sections B–E will be assessed and inspected but will not be formally scored. A report will be prepared covering all sections of the framework.

A. Quality casework

Does the Area deliver excellence in prosecution by ensuring the right person is prosecuted for the right offence, cases are progressed in a timely manner and cases are dealt with effectively?

Magistrates' court casework

- The Area exercises sound judgement and adds value in its pre-charge decision-making in magistrates' court cases.
- The Area's reviews and other magistrates' court casework decisions are timely and of good quality.
- The Area fully complies with its duty of disclosure throughout its magistrates' court casework.
- The Area addresses victim and witness issues appropriately throughout its magistrates' court casework.
- The Area progresses its magistrates' court casework effectively and efficiently.
- The Area exercises sound judgement and adds value in its magistrates' court casework.
- The Area has a clear grip of its magistrates' court casework.

Crown Court casework

- The Area exercises sound judgement and adds value in its pre-charge decision-making in Crown Court cases.
- The Area's reviews and other Crown Court casework decisions are timely and of good quality.
- The Area fully complies with its duty of disclosure throughout its Crown Court casework.

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- The Area addresses victim and witness issues appropriately throughout its Crown Court casework.
- The Area prepares its Crown Court cases effectively for the Plea and Trial Preparation Hearing in the Crown Court to ensure progress is made.
- The Area progresses its Crown Court casework effectively and efficiently.
- The Area exercises sound judgement and adds value in its Crown Court casework.
- The Area has a clear grip of its Crown Court casework.

Rape and serious sexual offences (RASSO) casework

- The Area exercises sound judgement and adds value in its pre-charge decision-making in RASSO cases.
- The Area's reviews and other RASSO casework decisions are timely and of good quality.
- The Area fully complies with its duty of disclosure throughout its RASSO casework.
- The Area addresses victim and witness issues appropriately throughout its RASSO casework.
- The Area prepares its RASSO cases effectively for the Plea and Trial Preparation Hearing in the Crown Court, or first hearing in the youth court, to ensure progress is made.
- The Area progresses its RASSO casework effectively and efficiently.
- The Area exercises sound judgement and adds value in its RASSO casework.
- The Area has a clear grip of its RASSO casework.

Evidence will be drawn from:

- baseline file examination
- charging dashboard (timeliness)
- adverse outcome reports

- Disclosure Board minutes
- Local Case Management Panel minutes (volume casework)
- self-assessment meeting with CPS Area.

B. Public confidence

Does the CPS provide a fair experience for victims and witnesses?

All correspondence with victims is accurate, timely and empathetic.

- Communications in writing with victims use plain English (translated where necessary), are grammatically correct, have clear explanations and avoid the use of legal jargon.
- The Area complies with the timescales for Victim Communication and Liaison scheme (VCL) letters.
- The Area complies with the timescales for complaints and Victims' Right to Review (VRR) scheme requests.
- The Area conducts internal quality assurance of all victim communication (VCL, bereaved family service (BFS) complaints and VRR requests).

The Area complies with its responsibilities defined in the Code of Practice for Victims of Crime and the Witness Charter in respect of Victim Personal Statements, VCL letters, meetings and compliance with the speaking to witnesses at court protocol.

- Victim Personal Statements (VPSs) are chased, and the victim's wishes sought around the reading of any VPS in court. Those wishes are adhered to at sentence, whether at first hearing or following trial.
- The Area conducts assurance internally to ensure that VCL letters are sent on all appropriate cases pre- and post-charge.
- Meetings are offered to victims in all appropriate cases.
- The Area complies with the speaking to witnesses at court (STWAC) protocol.

Evidence will be drawn from:

- baseline file examination – specific questions include STWAC and VCL
- Victim and Witness Criminal Justice Board sub-group minutes
- third sector meeting minutes (where they encompass casework quality learning and actions)

- internal quality assurance reports – monthly or one-off – related to the Code of Practice for Victims of Crime/Witness Charter, VCL letters, VPSs, BFS complaints and VRR requests
- VCL performance data
- advocacy individual quality assessment (IQA) data for STWAC compliance
- complaints and VRR performance data
- witness care unit meeting minutes
- Scrutiny Panel minutes, actions and any associated learning
- complaints log
- VRR log, including volume and detail of any overturned decisions
- self-assessment meeting with CPS Area.

C. CPS people

Does the Area support its people with the skills and tools they need to succeed and develop?

The Area has a clear strategy for recruitment, induction, succession planning, development and retention.

- The Area has effective bespoke induction plans for new prosecutors, for when prosecutors move between teams and for when new lawyer managers are appointed, to support their development.
- The Area has effective bespoke induction plans for new paralegal and operational delivery staff, for when paralegal and operational delivery staff move between teams and for when operational delivery and paralegal managers are appointed, to support their development.
- The Area has an awareness of the legal cadre, including their current strengths and weaknesses and future capability (particularly around specialisms and capacity to deal with complex or sensitive casework) and this awareness informs recruitment, succession planning and development.
- Staff allocation and movement between teams is based on clearly documented rationales for decisions, which include the impact on the Area's casework quality in terms of capacity, capability and succession planning.

The Area has a continuous learning approach that is effective in improving casework outcomes.

- The Area has a clear and effective training plan around improving casework.
- Coaching and mentoring take place in the Area to improve casework skills and experience of lawyers and lawyer managers.

The Area uses internal assurance to improve casework quality.

- The Area uses internal assurance (including IQAs where applicable) effectively to identify individual and wider good practice/performance and weaknesses in casework quality, to drive improvement.
- The Area uses its analysis of IQAs (where applicable) or other internal findings effectively to identify specific training and interventions, and implements them to improve casework quality.
- The Area's casework quality assurance board (CQAB) drives actions and improvements in casework quality, including wider assurance work, in accordance with CPS quality standards around:
 - charging
 - case progression
 - disclosure
 - advocacy (we are not assessing advocacy in this inspection programme, but we will include how the Area develops advocates to improve casework quality).

Evidence will be drawn from:

- Area business plan
- workforce planning models
- staff in post figures, current and at 1 April 2019
- people strategy/Area succession planning documents
- minutes of meetings to discuss team composition and resources
- CQAB minutes
- training plan

- induction plans – new starters, movement between teams and new managers
- minutes or other notes of coaching and/or development conversations
- Civil Service People Survey results at Area and team level
- CQAB observation
- IQA assurance records including numbers, timeliness, dip checks and any resulting management reports
- internal assurance reports on charging, case progression or disclosure
- recent examples of “Simply Thanks” or other acknowledgements of good work in the field of casework or victim and witness care by individuals or teams (suitably anonymised)
- any commendations or other recognition by stakeholders of excellent casework or victim and witness care
- minutes of Area meetings of magistrates’ courts, Crown Court or RASSO boards, or any other business board addressing casework quality issues (joint board minutes are requested under section E)
- self-assessment meeting with CPS Area.

D. Digital capability

Does the CPS use data to drive change to improve casework quality?

The Area collects and analyses data to deliver improvement in casework quality.

- Performance in key aspects including CPS high weighted measures, National File Standard compliance rates and the charging dashboard are analysed effectively, shared with staff and used by managers to drive improvements within the CPS and externally with stakeholders.

The Area ensures that its people have the tools and skills they need to operate effectively in an increasingly digital environment.

- The Area includes a digital skills audit in the training plan and delivers general and bespoke training to staff to enable them to effectively use CMS, Egress, digital case lines, the court store and the cloud video platform.

Evidence will be drawn from:

- Area performance reports and analysis
- baseline file examination
- training plan – digital tools and skills
- performance meeting minutes – team and Area level
- communications to staff about performance
- Prosecution Team Performance Meeting (PTPM) minutes
- Transforming Summary Justice (TSJ)/Better Case Management (BCM) meetings
- Local Criminal Justice Board and sub-group meeting minutes
- self-assessment meeting with CPS Area.

E. Strategic partnerships

Does the CPS influence change through trusted partnerships to improve casework quality across the criminal justice system?

The Area influences change through trusted partnerships with the police at all levels to improve casework quality.

- The Area has trusted and mature relationships with the police at all levels and influences change through negotiation, persuasion and compromise to improve casework quality, particularly in relation to compliance with:
 - the National File Standard (NFS)
 - the Director’s Guidance on Charging
 - the Disclosure Manual, Criminal Procedure and Investigations Act and relevant Codes of Practice.

The Area influences change through trusted partnerships within the criminal justice system at all levels to improve casework quality.

- The Area has trusted and mature relationships with the criminal justice system at all levels, and influences change through negotiation, persuasion and compromise to improve casework quality.

Evidence will be drawn from:

- NFS data
- PTPM minutes (operational and strategic)
- regional disclosure working group minutes
- National Disclosure Improvement Plan reports
- Criminal Justice Board minutes
- PTPM performance reports
- Joint TSJ/BCM board meeting minutes
- TSJ/BCM performance reports
- minutes of meetings with Chief Constables, Police and Crime Commissioners, Resident Judges, presiders, HM Courts and Tribunals Service, and Chambers
- letters/emails demonstrating escalation at strategic level – to presider, Chief Constable or Police and Crime Commissioner, for example
- joint performance plans or strategy documents
 - self-assessment meeting with CPS Area.

Annex B

File examination findings

The tables in this annex exclude 'not applicable' results.

Magistrates' courts

No.	Question	Answers	Result
Pre-charge decision			
1	The CPS decision to charge was compliant with the Code Test.	Fully met Not met	92.6% 7.4%
2	The CPS decision to charge was timely.	Fully met Partially met Not met	96.3% 3.7%
3	The most appropriate charges were selected on the information available to the prosecutor at the time.	Fully met Partially met Not met	72.0% 24.0% 4.0%
4	The CPS MG3 included proper case analysis and case strategy.	Fully met Partially met Not met	18.5% 37.0% 44.4%
5	The CPS MG3 dealt appropriately with unused material.	Fully met Partially met Not met	25.9% 22.2% 51.9%
6	The CPS MG3 referred to relevant applications and ancillary matters.	Fully met Partially met Not met	30.8% 23.1% 46.2%
7	There were appropriate instructions and guidance to the court prosecutor contained in either the MG3 or the PET/PTPH form created with the MG3.	Fully met Partially met Not met	51.9% 48.1%
8	The action plan was proportionate and met a satisfactory standard.	Fully met Partially met Not met	31.8% 36.4% 31.8%
Police initial file submission post-charge			
9	The police file submission complied with National File Standard for the type of case.	Fully met Not met	70.0% 30.0%
10	The police file submission was timely.	Fully met Not met	96.7% 3.3%
11	The CPS used the NFQ assessment tool in the review document to identify and feed back to the police on any failings in the file submission.	Fully met Partially met Not met	11.1% 33.3% 55.6%

No.	Question	Answers	Result
Post-charge reviews and decisions			
12	All review decisions post-charge applied the Code correctly.	Fully met Not met	90.0% 10.0%
13	The case received a proportionate initial or post-charge review including a proper case analysis and case strategy.	Fully met Partially met Not met	20.0% 36.7% 43.3%
14	The initial or post-charge review was carried out in a timely manner.	Fully met Partially met Not met	81.5% 11.1% 7.4%
15	Any decision to discontinue was made and put into effect in a timely manner.	Fully met Partially met Not met	42.9% 14.3% 42.9%
16	Any pleas accepted were appropriate, with a clear basis of plea.	Fully met Partially met Not met	50.0% 50.0%
17	Steps were taken to achieve best evidence by making appropriate applications for special measures (including drafting where a written application was required).	Fully met Partially met Not met	25.0% 41.7% 33.3%
19	In all cases (MC, CC and RASSO) any reviews addressing significant developments that represent a major change in case strategy (and which are additional to those reviews considered in Qs 13 and 18) were of high quality and dealt appropriately with the significant development(s) in the case.	Fully met Partially met Not met	13.3% 13.3% 73.3%
20	The CPS made appropriate and timely decisions about custody and bail throughout the life of the case.	Fully met Partially met Not met	86.7% 3.3% 10.0%
Post-charge case progression			
21	The prosecutor prepared the case effectively to ensure progress at court at the first hearing(s) – which in the MC is the NGAP hearing for bail cases and the second hearing in custody cases, and in the CC the PTPH – to include, as a minimum, any acceptable pleas or that there are no acceptable pleas, and completed the PET/PTPH forms.	Fully met Partially met Not met	43.3% 36.7% 20.0%

No.	Question	Answers	Result
22	Any hard media was shared via Egress with all parties prior to the NGAP hearing or PTPH.	Fully met Partially met Not met	72.2% 16.7% 11.1%
31	There was timely compliance with court directions or Judges' Orders.	Fully met Partially met Not met	33.3% 25.0% 41.7%
32	Appropriate applications (eg BCE, hearsay) were used effectively to strengthen the prosecution case.	Fully met Partially met Not met	16.7% 83.3%
33	Steps were taken to secure best evidence by correct and timely warning of witnesses.	Fully met Partially met Not met	90.5% 9.5%
34	Steps were taken to secure best evidence by addressing correspondence from the WCU and any witness issues in a timely manner with effective actions.	Fully met Partially met Not met	46.2% 23.1% 30.8%
35	New material received from the police was reviewed appropriately and sufficiently promptly with timely and effective actions taken in response.	Fully met Partially met Not met	60.0% 20.0% 20.0%
36	Correspondence from the court and defence was reviewed appropriately and sufficiently promptly with timely and effective actions undertaken in response.	Fully met Partially met Not met	64.7% 11.8% 23.5%
37	Requests to the police for additional material or editing of material were timely and escalated where appropriate.	Fully met Partially met Not met	55.6% 33.3% 11.1%
38	There was a clear audit trail on CMS of key events, decisions and actions, with correct labelling of documents and appropriate use of notes.	Fully met Partially met Not met	66.7% 30.0% 3.3%
Disclosure of unused material			
41	The police complied with their disclosure obligations.	Fully met Partially met Not met	20.0% 30.0% 50.0%
42	The prosecutor complied with the duty of initial disclosure, including the correct endorsement of the schedules (but not including timeliness of disclosure).	Fully met Partially met Not met	18.5% 33.3% 48.1%

No.	Question	Answers	Result
43	If Q42 is PM or NM, the most significant failing was:	Did not endorse decisions on a non-blank MG6D Did not identify reasonable lines of enquiry Failed to identify that other obvious items of unused material were not scheduled Other Said DUM was not disclosable Said NDUM was disclosable Used the wrong endorsements	4.5% 4.5% 22.7% 4.5% 40.9% 4.5% 18.2%
44	The prosecution complied with its duty of initial disclosure in a timely manner.	Fully met Partially met Not met	63.0% 25.9% 11.1%
45	The prosecutor complied with the duty of continuous disclosure (but not including timeliness of disclosure).	Fully met Partially met Not met	33.3% 33.3% 33.3%
46	If Q45 is PM or NM, the most significant failing was:	Did not endorse decisions on newly revealed items Did not identify reasonable lines of enquiry	50.0% 50.0%
47	The prosecution complied with its duty of continuing disclosure in a timely manner.	Fully met Partially met Not met	33.3% 33.3% 33.3%
48	Sensitive unused material was dealt with appropriately.	Fully met Partially met Not met	100%
51	Inadequate defence statements were challenged.	Fully met Partially met Not met	100%
52	The defence statement was reviewed by the prosecutor and direction given to the police on reasonable lines of enquiry.	Fully met Partially met Not met	33.3% 33.3% 33.3%

No.	Question	Answers	Result
53	The disclosure record on Modern CMS was properly completed with actions and decisions taken on disclosure.	Fully met Partially met Not met	56.7% 16.7% 26.7%
54	The CPS fed back to the police where there were failings in the police service regarding disclosure.	Fully met Partially met Not met	8.3% 29.2% 62.5%

Victims and witnesses

55	The prosecutor consulted victims and witnesses where appropriate (includes STWAC).	Fully met Partially met Not met	71.4% 14.3% 14.3%
56	The victim's wishes regarding VPS were complied with.	Fully met Partially met Not met	36.8% 15.8% 47.4%
57	The prosecution sought appropriate orders to protect the victim, witnesses and the public.	Fully met Partially met Not met	90.0% 10.0%
58	There was a timely VCL letter when required.	Fully met Partially met Not met	50.0% 16.7% 33.3%
59	The VCL letter was of a high standard.	Fully met Partially met Not met	50.0% 50.0%
60	The CPS MG3 actively considered relevant applications and ancillary matters to support victims and witnesses.	Fully met Partially met Not met	42.1% 42.1% 15.8%

Crown Court

No.	Question	Answers	Result
Pre-charge decision			
1	The CPS decision to charge was compliant with the Code Test.	Fully met Not met	100%
2	The CPS decision to charge was timely.	Fully met Partially met Not met	70.6% 26.5% 2.9%
3	The most appropriate charges were selected on the information available to the prosecutor at the time.	Fully met Partially met Not met	79.4% 14.7% 5.9%
4	The CPS MG3 included proper case analysis and case strategy.	Fully met Partially met Not met	17.6% 32.4% 50.0%
5	The CPS MG3 dealt appropriately with unused material.	Fully met Partially met Not met	17.6% 17.6% 64.7%
6	The CPS MG3 referred to relevant applications and ancillary matters.	Fully met Partially met Not met	23.1% 23.1% 53.8%
7	There were appropriate instructions and guidance to the court prosecutor contained in either the MG3 or the PET/PTPH form created with the MG3.	Fully met Partially met Not met	17.6% 29.4% 52.9%
8	The action plan was proportionate and met a satisfactory standard.	Fully met Partially met Not met	25.0% 37.5% 37.5%
Police initial file submission post-charge			
9	The police file submission complied with the National File Standard for the type of case.	Fully met Not met	42.5% 57.5%
10	The police file submission was timely.	Fully met Not met	92.5% 7.5%
11	The CPS used the NFQ assessment tool in the review document to identify and feed back to the police on any failings in the file submission.	Fully met Partially met Not met	4.8% 14.3% 81.0%
Post-charge reviews and decisions			
12	All review decisions post-charge applied the Code correctly.	Fully met Not met	95.0% 5.0%

No.	Question	Answers	Result
13	The case received a proportionate initial or post-charge review including a proper case analysis and case strategy.	Fully met Partially met Not met	40.0% 42.5% 17.5%
14	The initial or post-charge review was carried out in a timely manner.	Fully met Partially met Not met	62.5% 25.0% 12.5%
15	Any decision to discontinue was made and put into effect in a timely manner.	Fully met Partially met Not met	63.6% 27.3% 9.1%
16	Any pleas accepted were appropriate, with a clear basis of plea.	Fully met Partially met Not met	83.3% 16.7% 0.0%
17	Steps were taken to achieve best evidence by making appropriate applications for special measures (including drafting where a written application was required).	Fully met Partially met Not met	47.4% 47.4% 5.3%
18	In CC cases (including RASSO cases before the CC), there was a high-quality review to coincide with the service of the prosecution case and initial disclosure (at stage 1 set at PTPH).	Fully met Partially met Not met	40.0% 20.0% 40.0%
19	In all cases (MC, CC and RASSO) any reviews addressing significant developments that represent a major change in case strategy (and which are additional to those reviews considered in Qs 13 and 18) were of high quality and dealt appropriately with the significant development(s) in the case.	Fully met Partially met Not met	54.2% 4.2% 41.7%
20	The CPS made appropriate and timely decisions about custody and bail throughout the life of the case.	Fully met Partially met Not met	72.5% 20.0% 7.5%
Post-charge case progression			
21	The prosecutor prepared the case effectively to ensure progress at court at the first hearing(s) – which in the MC is the NGAP hearing for bail cases and the second hearing in custody cases, and in the CC the PTPH – to include, as a minimum, any acceptable pleas or that there are no acceptable pleas, and completed the PET/PTPH forms.	Fully met Partially met Not met	47.5% 25.0% 27.5%

Area inspection programme CPS Thames and Chiltern

No.	Question	Answers	Result
22	Any hard media was shared via Egress with all parties prior to the NGAP hearing or PTPH.	Fully met Partially met Not met	72.7% 9.1% 18.2%
23	In CC cases (including RASSO cases before the CC), a properly drafted indictment was prepared.	Fully met Partially met Not met	61.5% 28.2% 10.3%
24	In CC cases (including RASSO cases before the CC), the draft indictment and key evidence were served in a timely manner for the PTPH.	Fully met Partially met Not met	41.0% 41.0% 17.9%
25	In CC and RASSO cases, a clear instruction to advocate document was prepared.	Fully met Partially met Not met	36.0% 12.0% 52.0%
26	In CC cases (including RASSO cases before the CC), the advocate was instructed at least seven days before the PTPH.	Fully met Partially met Not met	32.5% 27.5% 40.0%
27	In CC cases (including RASSO cases before the CC), the duty of direct engagement was carried out.	Fully met Partially met Not met	18.4% 2.6% 78.9%
28	In CC cases (including RASSO cases before the CC), the DDE was uploaded to DCS.	Fully met Partially met Not met	100%
29	In CC cases (including RASSO cases before the CC) and the youth court where counsel is instructed, if there was no advice on evidence covering all necessary issues, this was chased.	Fully met Partially met Not met	3.7% 7.4% 88.9%
31	There was timely compliance with court directions or Judges' Orders.	Fully met Partially met Not met	67.6% 21.6% 10.8%
32	Appropriate applications (eg BCE, hearsay) were used effectively to strengthen the prosecution case.	Fully met Partially met Not met	25.0% 35.0% 40.0%
33	Steps were taken to secure best evidence by correct and timely warning of witnesses.	Fully met Partially met Not met	91.7% 8.3%
34	Steps were taken to secure best evidence by addressing correspondence from the WCU and any witness issues in a timely manner with effective actions.	Fully met Partially met Not met	83.3% 12.5% 4.2%

No.	Question	Answers	Result
35	New material received from the police was reviewed appropriately and sufficiently promptly with timely and effective actions taken in response.	Fully met Partially met Not met	86.5% 5.4% 8.1%
36	Correspondence from the court and defence was reviewed appropriately and sufficiently promptly with timely and effective actions undertaken in response.	Fully met Partially met Not met	82.1% 10.7% 7.1%
37	Requests to the police for additional material or editing of material were timely and escalated where appropriate.	Fully met Partially met Not met	64.7% 26.5% 8.8%
38	There was a clear audit trail on CMS of key events, decisions and actions, with correct labelling of documents and appropriate use of notes.	Fully met Partially met Not met	77.5% 15.0% 7.5%
Disclosure of unused material			
39	In relevant cases a DMD was completed.	Fully met Partially met Not met	22.2% 77.8%
40	The DMD was completed accurately and fully in accordance with the guidance.	Fully met Partially met Not met	100%
41	The police complied with their disclosure obligations.	Fully met Partially met Not met	20.0% 32.5% 47.5%
42	The prosecutor complied with the duty of initial disclosure, including the correct endorsement of the schedules (but not including timeliness of disclosure).	Fully met Partially met Not met	16.7% 33.3% 50.0%

No.	Question	Answers	Result
43	If Q42 is PM or NM, the most significant failing was:	Did not endorse decisions on a non-blank MG6D	3.3%
		Did not identify reasonable lines of enquiry	3.3%
		Failed to identify that other obvious items of unused material were not scheduled	43.3%
		Did not carry out initial disclosure at all	3.3%
		Said DUM was not disclosable	23.3%
		Said NDUM was disclosable	6.7%
		Used the wrong endorsements	13.3%
		Did not endorse any decisions on the MG6C	3.3%
44	The prosecution complied with its duty of initial disclosure in a timely manner.	Fully met	91.4%
		Partially met	8.6%
		Not met	
45	The prosecutor complied with the duty of continuing disclosure (but not including timeliness of disclosure).	Fully met	55.2%
		Partially met	13.8%
		Not met	31.0%
46	If Q45 is PM or NM, the most significant failing was:	Did not carry out continuing disclosure at all	14.3%
		Did not identify reasonable lines of enquiry	14.3%
		Failed to identify that other obvious items of unused material were not scheduled	42.9%
		Said DUM was not disclosable	21.4%
		Set out the wrong test for disclosure	7.1%

No.	Question	Answers	Result
47	The prosecution complied with its duty of continuing disclosure in a timely manner.	Fully met Partially met Not met	75.0% 17.9% 7.1%
48	Sensitive unused material was dealt with appropriately.	Fully met Partially met Not met	33.3% 66.7%
49	Third-party material was dealt with appropriately.	Fully met Partially met Not met	100%
50	In CC cases (including RASSO cases before the CC), late defence statements were chased.	Fully met Partially met Not met	95.5% 4.5%
51	Inadequate defence statements were challenged.	Fully met Partially met Not met	50.0% 50.0%
52	The defence statement was reviewed by the prosecutor and direction given to the police about further reasonable lines of enquiry.	Fully met Partially met Not met	40.0% 56.7% 3.3%
53	The disclosure record on Modern CMS was properly completed with actions and decisions taken on disclosure.	Fully met Partially met Not met	65.0% 20.0% 15.0%
54	The CPS fed back to the police where there were failings in the police service regarding disclosure.	Fully met Partially met Not met	12.5% 43.8% 43.8%
Victims and witnesses			
55	The prosecutor consulted victims and witnesses where appropriate (includes STWAC).	Fully met Partially met Not met	95.2% 4.8%
56	The victim's wishes regarding VPS were complied with.	Fully met Partially met Not met	32.1% 42.9% 25.0%
57	The prosecution sought appropriate orders to protect the victim, witnesses and the public.	Fully met Partially met Not met	73.7% 10.5% 15.8%
58	There was a timely VCL letter when required.	Fully met Partially met Not met	33.3% 33.3% 33.3%
59	The VCL letter was of a high standard.	Fully met Partially met Not met	66.7% 33.3%

No.	Question	Answers	Result
60	The CPS MG3 actively considered relevant applications and ancillary matters to support victims and witnesses.	Fully met Partially met Not met	37.5% 25.0% 37.5%

RASSO

No.	Question	Answers	Result
Pre-charge decision			
1	The CPS decision to charge was compliant with the Code Test.	Fully met Not met	100%
2	The CPS decision to charge was timely.	Fully met Partially met Not met	55.6% 22.2% 22.2%
3	The most appropriate charges were selected on the information available to the prosecutor at the time.	Fully met Partially met Not met	83.3% 16.7%
4	The CPS MG3 included proper case analysis and case strategy.	Fully met Partially met Not met	22.2% 44.4% 33.3%
5	The CPS MG3 dealt appropriately with unused material.	Fully met Partially met Not met	11.1% 33.3% 55.6%
6	The CPS MG3 referred to relevant applications and ancillary matters.	Fully met Partially met Not met	17.6% 29.4% 52.9%
7	There were appropriate instructions and guidance to the court prosecutor contained in either the MG3 or the PET/PTPH form created with the MG3.	Fully met Partially met Not met	5.6% 55.6% 38.9%
8	The action plan was proportionate and met a satisfactory standard.	Fully met Partially met Not met	22.2% 27.8% 50.0%
Police initial file submission post-charge			
9	The police file submission complied with the National File Standard for the type of case.	Fully met Not met	30.0% 70.0%
10	The police file submission was timely.	Fully met Not met	80.0% 20.0%

No.	Question	Answers	Result
11	The CPS used the NFQ assessment tool in the review document to identify and feed back to the police on any failings in the file submission.	Fully met Partially met Not met	18.2% 81.8%
Post-charge reviews and decisions			
12	All review decisions post-charge applied the Code correctly.	Fully met Not met	95.0% 5.0%
13	The case received a proportionate initial or post-charge review including a proper case analysis and case strategy.	Fully met Partially met Not met	30.0% 25.0% 45.0%
14	The initial or post-charge review was carried out in a timely manner.	Fully met Partially met Not met	80.0% 15.0% 5.0%
15	Any decision to discontinue was made and put into effect in a timely manner.	Fully met Partially met Not met	75.0% 25.0%
16	Any pleas accepted were appropriate, with a clear basis of plea.	Fully met Partially met Not met	100%
17	Steps were taken to achieve best evidence by making appropriate applications for special measures (including drafting where a written application was required).	Fully met Partially met Not met	31.3% 68.8%
18	In CC cases (including RASSO cases before the CC), there was a high-quality review to coincide with the service of the prosecution case and initial disclosure (at stage 1 set at PTPH).	Fully met Partially met Not met	17.6% 11.8% 70.6%
19	In all cases (MC, CC and RASSO) any reviews addressing significant developments that represent a major change in case strategy (and which are additional to those reviews considered in Qs 13 and 18) were of high quality and dealt appropriately with the significant development(s) in the case.	Fully met Partially met Not met	6.7% 20.0% 73.3%
20	The CPS made appropriate and timely decisions about custody and bail throughout the life of the case.	Fully met Partially met Not met	75.0% 20.0% 5.0%
Post-charge case progression			

No.	Question	Answers	Result
21	The prosecutor prepared the case effectively to ensure progress at court at the first hearing(s) – which in the MC is the NGAP hearing for bail cases and the second hearing in custody cases, and in the CC the PTPH – to include, as a minimum, any acceptable pleas or that there are no acceptable pleas, and completed the PET/PTPH forms.	Fully met Partially met Not met	30.0% 40.0% 30.0%
22	Any hard media was shared via Egress with all parties prior to the NGAP hearing or PTPH.	Fully met Partially met Not met	56.3% 31.3% 12.5%
23	In CC cases (including RASSO cases before the CC), a properly drafted indictment was prepared.	Fully met Partially met Not met	84.2% 5.3% 10.5%
24	In CC cases (including RASSO cases before the CC), the draft indictment and key evidence was served in a timely manner for the PTPH.	Fully met Partially met Not met	73.7% 21.1% 5.3%
25	In CC and RASSO cases, a clear instruction to advocate document was prepared.	Fully met Partially met Not met	22.2% 33.3% 44.4%
26	In CC cases (including RASSO cases before the CC), the advocate was instructed at least seven days before the PTPH.	Fully met Partially met Not met	57.9% 26.3% 15.8%
27	In CC cases (including RASSO cases before the CC), the duty of direct engagement was carried out.	Fully met Partially met Not met	5.3% 94.7%
28	In CC cases (including RASSO cases before the CC), the DDE was uploaded to DCS.	Fully met Partially met Not met	100%
29	In CC cases (including RASSO cases before the CC) and the youth court where counsel is instructed, if there was no advice on evidence covering all necessary issues, this was chased.	Fully met Partially met Not met	6.3% 93.8%
30	In RASSO cases, a conference with the trial advocate, OIC and any expert witnesses took place.	Fully met Partially met Not met	60.0% 40.0%

No.	Question	Answers	Result
31	There was timely compliance with court directions or Judges' Orders.	Fully met Partially met Not met	70.0% 25.0% 5.0%
32	Appropriate applications (eg BCE, hearsay) were used effectively to strengthen the prosecution case.	Fully met Partially met Not met	55.6% 22.2% 22.2%
33	Steps were taken to secure best evidence by correct and timely warning of witnesses.	Fully met Partially met Not met	88.2% 11.8%
34	Steps were taken to secure best evidence by addressing correspondence from the WCU and any witness issues in a timely manner with effective actions.	Fully met Partially met Not met	86.7% 13.3%
35	New material received from the police was reviewed appropriately and sufficiently promptly with timely and effective actions taken in response.	Fully met Partially met Not met	80.0% 15.0% 5.0%
36	Correspondence from the court and defence was reviewed appropriately and sufficiently promptly with timely and effective actions undertaken in response.	Fully met Partially met Not met	52.9% 35.3% 11.8%
37	Requests to the police for additional material or editing of material were timely and escalated where appropriate.	Fully met Partially met Not met	25.0% 75.0%
38	There was a clear audit trail on CMS of key events, decisions and actions, with correct labelling of documents and appropriate use of notes.	Fully met Partially met Not met	20.0% 40.0% 40.0%
Disclosure of unused material			
39	In relevant cases, a DMD was completed.	Fully met Partially met Not met	47.4% 31.6% 21.1%
40	The DMD was completed accurately and fully in accordance with the guidance.	Fully met Partially met Not met	33.3% 26.7% 40.0%
41	The police complied with their disclosure obligations.	Fully met Partially met Not met	15.0% 50.0% 35.0%
42	The prosecutor complied with the duty of initial disclosure, including the correct endorsement of the schedules (but not including timeliness of disclosure).	Fully met Partially met Not met	20.0% 25.0% 55.0%

No.	Question	Answers	Result
43	If Q42 is PM or NM, the most significant failing was:	Failed to identify that other obvious items of unused material were not scheduled Set out the wrong test for disclosure Said DUM was not disclosable Said NDUM was disclosable Used the wrong endorsements Did not endorse any decisions on the MG6C	31.3% 6.3% 25.0% 12.5% 12.5% 12.5%
44	The prosecution complied with its duty of initial disclosure in a timely manner.	Fully met Partially met Not met	85.0% 10.0% 5.0%
45	The prosecutor complied with the duty of continuing disclosure (but not including timeliness of disclosure).	Fully met Partially met Not met	18.8% 37.5% 43.8%
46	If Q45 is PM or NM, the most significant failing was:	Failed to identify that other obvious items of unused material were not scheduled Set out the wrong test for disclosure Said DUM was not disclosable Said NDUM was disclosable Other Did not endorse any decisions on newly revealed items	23.1% 7.7% 15.4% 23.1% 7.7% 23.1%
47	The prosecution complied with its duty of continuing disclosure in a timely manner.	Fully met Partially met Not met	68.8% 18.8% 12.5%
48	Sensitive unused material was dealt with appropriately.	Fully met Partially met Not met	33.3% 66.7%

No.	Question	Answers	Result
49	Third-party material was dealt with appropriately.	Fully met Partially met Not met	11.1% 22.2% 66.7%
50	In CC cases (including RASSO cases before the CC), late defence statements were chased.	Fully met Partially met Not met	72.7% 9.1% 18.2%
51	Inadequate defence statements were challenged.	Fully met Partially met Not met	50.0% 50.0%
52	The defence statement was reviewed by the prosecutor and direction given to the police about further reasonable lines of enquiry.	Fully met Partially met Not met	31.3% 31.3% 37.5%
53	The disclosure record on Modern CMS was properly completed with actions and decisions taken on disclosure.	Fully met Partially met Not met	10.0% 15.0% 75.0%
54	The CPS fed back to the police where there were failings in the police service regarding disclosure.	Fully met Partially met Not met	29.4% 70.6%
Victims and witnesses			
55	The prosecutor consulted victims and witnesses where appropriate (includes STWAC).	Fully met Partially met Not met	85.7% 14.3%
56	The victim's wishes regarding VPS were complied with.	Fully met Partially met Not met	40.0% 40.0% 20.0%
57	The prosecution sought appropriate orders to protect the victim, witnesses and the public.	Fully met Partially met Not met	87.5% 12.5%
58	There was a timely VCL letter when required.	Fully met Partially met Not met	100%
59	The VCL letter was of a high standard.	Fully met Partially met Not met	100%
60	The CPS MG3 actively considered relevant applications and ancillary matters to support victims and witnesses.	Fully met Partially met Not met	13.3% 46.7% 40.0%

Annex C

Glossary

Achieving Best Evidence (ABE)

Guidance from the Ministry of Justice on interviewing victims and witnesses and using special measures. When the police video-record the account of the victim or a witness rather than taking a written statement from them, the recording can be played at trial instead of the victim or witness giving evidence if permission is granted by the court; this is one of a range of special measures. These recordings are known as “Achieving Best Evidence recordings”, or “ABEs”, after the guidance.

Agent

A lawyer from outside the CPS who is employed when required to prosecute cases at court on behalf of the CPS. They cannot make decisions about cases under the Code for Crown Prosecutors and must take instructions from the CPS.

Ancillary order

Orders that the Judge or magistrates may impose on a defendant as well as imposing a sentence, such as a compensation order requiring a defendant to pay a sum of money to the victim.

Area Business Manager (ABM)

The most senior non-legal manager at CPS Area level. They are responsible for the business aspects in an Area, such as managing the budget, and work with the Chief Crown Prosecutor to run the Area effectively and efficiently.

Area Champion

A CPS lawyer with specialist knowledge or expertise in a legal area, such as disclosure. They act as a source of information and support for colleagues and deliver training.

Associate Prosecutor (AP)

A non-lawyer employed by the CPS who conducts uncontested (guilty plea) cases at the magistrates’ courts on behalf of the prosecution. With additional training, APs can also conduct contested (not guilty) hearings.

Attorney General (AG)

The main legal advisor to the Government. Also superintends the CPS.

Bad character

Evidence of previous bad behaviour, including convictions for earlier criminal offences. Normally, bad character cannot be included as part of the evidence in a criminal trial. To be allowed, either the prosecution and defence must agree it

can be used, or an application must be made to the court, based on specific reasons set out by law.

Barrister/Counsel

A lawyer with the necessary qualifications to appear in the Crown Court and other criminal courts, who is paid by the CPS to prosecute cases at court, or by the representative of someone accused of a crime to defend them.

Basis of plea

Sets out the basis upon which a defendant pleads guilty to an offence.

Better Case Management (BCM)

The national process for case management in the Crown Court to improve the way cases are processed through the system, for the benefit of all concerned in the criminal justice system.

Case management system (CMS)

The IT system used by the CPS for case management.

Casework Quality Standards (CQS)

Issued by the Director of Public Prosecutions, these standards set out the benchmarks of quality that the CPS strives to deliver when prosecuting crime on behalf of the public. They include the CPS's responsibilities to victims, witnesses and communities, legal decision-making and the preparation and presentation of cases.

Charging decision

A decision by the CPS (or the police in certain circumstances) whether there is sufficient evidence, and whether it is in the public interest, to charge a suspect with a particular offence. The process is governed by the Director's Guidance on Charging.

Chief Crown Prosecutor (CCP)

Each of the 14 CPS Areas has a CCP who runs the Area with the Area Business Manager. The CCP is responsible for the legal aspects in the Area, such as the quality of legal decision-making, case progression, and working with stakeholders, communities, and the public to deliver quality casework.

Cloud video platform (CVP)

A video communication system that enables court hearings to be carried out remotely and securely.

Code for Crown Prosecutors (the Code)

A public document, issued by the Director of Public Prosecutions, that sets out the general principles CPS lawyers should follow when they make charging decisions. Cases should proceed to charge only if there is sufficient evidence against a defendant to provide a realistic prospect of conviction and it is in the public interest to prosecute.

Common platform

A digital case management system which allows all parties involved in criminal cases to access case information.

Complex Casework Unit (CCU)

Units responsible for some of the most serious and complicated casework the CPS prosecutes, such as large-scale international cases.

Contested case

Where a defendant pleads not guilty or declines to enter any plea at all, and the case proceeds to trial.

Court order/direction

An instruction from the court requiring the prosecution or defence to carry out an action (such as sending a particular document or some information to the other party or the court) in preparation for trial.

CPS Direct (CPSD)

A service operated by CPS lawyers which provides charging decisions. It deals with many priority cases and much of its work is out of hours, enabling the CPS to provide charging decisions 24 hours a day, 365 days a year.

Cracked trial

A case which ends on the day of trial either because of a guilty plea by the defendant or because the prosecution decides to stop the case.

Criminal Procedure Rules (CPR)

Rules which give criminal courts powers to manage criminal cases waiting to be heard effectively. The main aim of the CPR is to progress cases fairly and quickly.

Crown advocate (CA)

A lawyer employed by the CPS who is qualified to appear in the Crown Court.

Crown Court

The court which deals with graver allegations of criminal offences, such as murder, rape, and serious assaults. Some allegations can be heard at either the Crown Court or the magistrates' courts (see Either-way offence).

Crown prosecutor (CP)

A lawyer employed by the CPS whose role includes reviewing and preparing cases for court and prosecuting cases at the magistrates' courts. CPs can progress to become senior crown prosecutors.

Custody time limit (CTL)

The length of time that a defendant can be kept in custody awaiting trial. It can be extended by the court in certain circumstances.

Custody time limit failure

When the court refuses to extend a CTL on the grounds that the prosecution has not acted with the necessary due diligence and expedition, or when no valid application is made to extend the CTL before its expiry date.

Defendant

Someone accused of and charged with a criminal offence.

Defence statement

A written statement setting out the nature of the defendant's defence. Service of the defence statement is part of the process of preparing for trial, and is meant to help the prosecution understand the defence case better so they can decide if there is any more unused material than ought to be disclosed (see Disclosure).

Deputy Chief Crown Prosecutor (DCCP)

Second-in-command in a CPS Area, after the Chief Crown Prosecutor, for legal aspects of managing the Area.

Digital Case System (DCS)

A computer system for storing and managing cases in the Crown Court, to which the defence, prosecution, court staff and the Judge all have access.

Direct defence engagement log (DDE)

A written record of discussions with the defence about a case. The prosecution and defence are obliged by the Criminal Procedure Rules to engage and identify the issues for trial so that court time is not wasted hearing live evidence about matters that can be agreed.

Director's Guidance on Charging

Guidance issued by the Director of Public Prosecutions in relation to charging decisions. It sets out guidance for the police and CPS about how to prepare a file so that it is ready for charging, who can make the charging decision, and what factors should influence the decision. It also sets out the requirements for a suspect whom the police will ask the court to keep in custody to be charged before all the evidence is available, which is called the threshold test. The latest edition (the sixth, also called "DG6") came into effect on 31 December 2020.

Director of Public Prosecutions (DPP)

The head of the CPS, with responsibility for its staff and the prosecutions it undertakes every year. In certain cases, the personal consent of the DPP is required for prosecutions to proceed.

Disclosure/unused material

The police have a duty to record, retain and review material collected during an investigation which is relevant but is not being used as prosecution evidence, and to reveal it to the prosecutor. The prosecutor has a duty to provide the defence with copies of, or access to, all material that is capable of undermining the prosecution case and/or assisting the defendant's case.

Disclosure management document (DMD)

Used for rape and other Crown Court cases, the DMD sets out the approach of the police and CPS to the disclosure of unused material in a case. It may, for example, explain the parameters used by the police to search data held on a mobile phone or other digital device (such as the dates used, or key words) or what actions the police are and are not taking in relation to possible avenues of investigation. The DMD is shared with the defence and court so that everyone is aware of the approach being taken. This enables the defence to make representations if they do not agree with that approach (for example, if they think different search terms should be used). It also helps ensure that disclosure is undertaken efficiently and fairly.

Disclosure record sheet (DRS)

Sets out the chronology of all disclosure actions and decisions, and the reasons for those decisions. It is an internal CPS document that is not shared with the defence or court.

Discontinuance

Where the prosecution stops the case because there is insufficient evidence to carry on, or it is not in the public interest to do so.

District Crown Prosecutor (DCP)

A lawyer who leads and manages the day to day activities of prosecutors and advocates.

Domestic abuse

Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members, regardless of gender or sexuality.

Effective trial

Where a case proceeds to a full trial on the date that it is meant to.

Either-way offence

An offence that can be prosecuted in the magistrates' courts or the Crown Court. The prosecution makes representations to the court on where the case should be heard. The magistrates or a District Judge (who sits alone in the magistrates' courts) can decide if the allegation is serious enough that it must go to the Crown Court. If they decide it can be heard in the magistrates' courts, the defendant can choose to have the case sent to the Crown Court, where it will be heard by a jury. If the defendant agrees, the trial will be heard in the magistrates' courts.

Full Code test

A method by which a prosecutor decides whether or not to bring a prosecution, based on the Code for Crown Prosecutors. A prosecution must only start or continue when the case has passed both stages of the full Code test: the evidential stage, followed by the public interest stage. The full Code test should be applied when all outstanding reasonable lines of inquiry have been pursued – or before the investigation being completed, if the prosecutor is satisfied that any further evidence or material is unlikely to affect the application of the full Code test, whether in favour of or against a prosecution.

Graduated fee scheme (GFS)

The scheme by which lawyers are paid for Crown Court cases. For Counsel appearing on behalf of defendants who qualify for assistance (or legal aid), the GFS is set and managed by the Legal Aid Agency. For Counsel appearing for the prosecution, the rates are determined by the CPS GFS, and the CPS pays Counsel.

Guilty anticipated plea (GAP)

Where the defendant is expected to admit the offence at court, based on an assessment of the available evidence and any admissions made during interview.

Hate crime

Any offence where the defendant has been motivated by or demonstrated hostility towards the victim based on what the defendant thinks is their race, disability, gender identity or sexual orientation. Targeting older people is not (at the time of writing) recognised in law as a hate crime, but the CPS monitors crimes against older people in a similar way.

Hearing record sheet (HRS)

A CPS electronic record of what has happened in the case during the course of a court hearing, and any actions that need to be carried out afterwards.

Her Majesty's Courts and Tribunals Service (HMCTS)

An organisation responsible for the administration of criminal, civil and family courts and tribunals in England and Wales.

Honour based violence (HBV)

A collection of practices which are used to control behaviour within families or other social groups to protect perceived cultural and religious beliefs and/or honour. It can take the form of domestic abuse and/or sexual violence.

Inclusion and community engagement strategy

Sets out the CPS's commitment to promoting fairness, equality, diversity and inclusion across the criminal justice system by engaging with community groups and those at risk of exclusion.

Indictable-only offence

An offence triable only in the Crown Court.

Indictment

The document that contains the charge or charges faced by the defendant at trial in the Crown Court.

Individual Learning Account (ILA)

An allowance of £350 per person, per year, which CPS employees can access for professional development.

Individual quality assessment (IQA)

An assessment of a piece of work done by a CPS member of staff – usually a prosecutor, but some Areas also carry out IQAs for some operational delivery staff. The assessment is carried out by a manager, and feedback on the assessment given to the member of staff. Areas also use IQAs to identify areas for improvement and training needs across a team or the whole Area.

Ineffective trial

A case that does not proceed to trial on the date that it is meant to. This can be owing to a variety of possible reasons, including non-attendance of witnesses, non-compliance with a court order by the prosecution or defence, or lack of court time.

Initial details of the prosecution case (IDPC)

The material to be provided before the first hearing at the magistrates' courts to enable the defendant and the court to take an informed view on plea, where the case should be heard, case management and sentencing. The IDPC must include a summary of the circumstances of the offence and the defendant's charge sheet. Where the defendant is expected to plead not guilty, key statements and exhibits (such as CCTV evidence) must be included.

Intermediary

A professional who facilitates communication between, on the one hand, a victim or witness, and on the other hand, the police, prosecution, defence, and/or court. Their role is to make sure the witness understands what they are being asked, can give an answer, and can have that answer understood. To do this, they will assess what is needed, provide a detailed report on how to achieve that, and aid the witness in court. An intermediary may be available at trial, subject to the court agreeing it is appropriate, for defence or prosecution witnesses who are eligible for special measures on the grounds of age or incapacity, or for vulnerable defendants.

Local Criminal Justice Boards (LCJBs)

Groups made up of representatives of the CPS, police, HMCTS and others, whose purpose is to work in partnership to improve the efficiency and effectiveness of the criminal justice system and to improve the experience of the victims and witnesses. LCJBs were originally set up in all 43 police force areas by central government and received central funding. They now operate as voluntary partnerships in most counties in England.

Local Scrutiny and Involvement Panels (LSIPs)

Groups made up of representatives of the local community and voluntary sector, especially those representing minority, marginalised or at-risk groups. They meet regularly with their local CPS Area to discuss issues of local concern and provide feedback on the service the Area provides, with a view to improving the delivery of justice at a local level and to better supporting victims and witnesses.

Manual of Guidance Form 3 (MG3)

One of a number of template forms contained in a manual of guidance for the police and CPS on putting together prosecution files. The MG3 is where the

police summarise the evidence and other information when asking the CPS to decide whether a suspect should be charged with a criminal offence, and the CPS then records its decision.

National File Standard (NFS)

A national system that sets out how the police should prepare criminal case files. It allows investigators to build only as much of the file as is needed at any given stage – whether that is for advice from the CPS, the first appearance at court or the trial. The latest version was published in December 2020.

Newton hearing

A hearing in criminal proceedings required when a defendant pleads guilty to an offence but there is disagreement with the prosecution as to the facts of the offence.

Not guilty anticipated plea (NGAP)

Where the defendant is expected to plead not guilty at court, based on an assessment of the available evidence and any defence(s) put forward during interview.

Offer no evidence (ONE)

Where the prosecution stops the case, after the defendant has pleaded not guilty, by offering no evidence. A finding of not guilty is then recorded by the court.

Paralegal officer

A CPS employee who provides support and casework assistance to CPS lawyers and attends court to take notes of hearings and assist advocates.

Personal Development Review (PDR)

A twice-yearly review of a CPS employee's performance against a set of objectives specific to their role.

Plea and Trial Preparation Hearing (PTPH)

The first hearing at the Crown Court after the case has been sent from the magistrates' courts. The defendant is expected to enter a plea to the offence(s) with which they have been charged. If the defendant pleads guilty, the court may be able to sentence them immediately, but if not, or if the defendant has pleaded not guilty, the court will set the next hearing date and, for trials, will also set out a timetable for management of the case.

Postal requisition

A legal document notifying a person that they are to be prosecuted for a criminal offence, and are required to attend the magistrates' courts to answer the allegation.

Rape and serious sexual offences (RASSO)

Allegations of rape and other serious sexual offences perpetrated against men, women or children. In the CPS, the prosecution of RASSO cases is undertaken separately from other cases, in RASSO units or teams.

Restraining order

A type of court order made as part of the sentencing procedure to protect the person(s) named in it from harassment or conduct that will put them in fear of violence. They are often made in cases involving domestic abuse, harassment, stalking or sexual assault. The order is intended to be preventative and protective, and usually includes restrictions on contact by the defendant towards the victim; it may also include an exclusion zone around the victim's home or workplace. A restraining order can also be made after a defendant has been acquitted if the court thinks it is necessary to protect the person from harassment.

Review

The process whereby a CPS prosecutor determines that a case received from the police satisfies, or continues to satisfy, the legal test for prosecution in the Code for Crown Prosecutors. This is one of the most important functions of the CPS.

Section 28 Youth Justice and Criminal Evidence Act 1999

Legislation that provides the option to pre-record the cross-examination evidence in advance of a trial for vulnerable victims and witnesses.

Senior Crown Prosecutor (SCP)

A lawyer employed by the CPS with the necessary skills and experience to progress to a more senior legal role, which includes the functions of a crown prosecutor but also includes advising the police on charge. It is not a role that includes managing staff.

Sensitive material

Any unused material (see Disclosure/unused material) which it would not be in the public interest to disclose during the criminal proceedings. If it meets the test for disclosure, the prosecution must either stop the case or apply to the court for an order allowing them to withhold the sensitive material.

Speaking to witnesses at court (STWAC)

An initiative stating that prosecutors should speak to witnesses at or before court to make sure they are properly assisted and know what to expect before they give their evidence.

Special measures

The Youth Justice and Criminal Evidence Act 1999 provides for a range of special measures to enable vulnerable or intimidated witnesses in a criminal trial to give their most accurate and complete account of what happened. Measures include giving evidence via a live TV link to the court, giving evidence from behind screens in the courtroom and using intermediaries. A special measures application is made to the court within set time limits and can be made by the prosecution or defence.

Standard Operating Practice (SOP)

Instructions setting out how to complete a particular task or action and cover legal and business aspects of the running of the CPS. The CPS has a range of SOPs which are standard across the organisation and seek to apply consistency to business practices and key steps needed in all prosecutions. Examples include how to register a new charging request from the police on the case management system; how to record charging advice; how to prepare for the first hearing; and how to deal with incoming communications.

Summary offence

An offence that is normally dealt with in the magistrates' courts. In certain circumstances, and when there is a connected case that will be heard by the Crown Court, the Crown Court may deal with a summary offence as well.

Third party material

Material held by someone other than the investigator and/or prosecutor, such as medical or school records, or documents held by social services departments.

Threshold test

See Director's Guidance on Charging.

Transforming Summary Justice (TSJ)

An initiative led by HMCTS and involving the CPS and the police, designed to deliver justice in summary cases in the most efficient way by reducing the number of court hearings and the volume of case papers. The process involves designating bail cases coming into the magistrates' courts for their first hearing as guilty-anticipated plea (GAP) cases or not guilty-anticipated plea (NGAP) cases. GAP and NGAP cases are listed in separate courtrooms, so that each can be dealt with more efficiently.

Uncontested case

Where a defendant pleads guilty and the case proceeds to sentence.

Unsuccessful outcome

A prosecution which does not result in a conviction is recorded in CPS data as an unsuccessful outcome. If the outcome is unsuccessful because the prosecution has been dropped (discontinued, withdrawn or no evidence offered) or the court has ordered that it cannot proceed, it is also known as an adverse outcome. Acquittals are not adverse outcomes.

Victim Communication and Liaison scheme (VCL)

A CPS scheme to inform victims of crime of a decision to stop, or alter substantially, any of the charges in a case. Vulnerable or intimidated victims must be notified within one working day and all other victims within five working days. In certain cases, victims will be offered a meeting to explain the decision and/or the right to ask for the decision to be reviewed.

Victim Liaison Unit (VLU)

The team of CPS staff in an Area responsible for communicating with victims under the Victim Communication and Liaison scheme and the Victims' Right to Review, and for responding to complaints and overseeing the service to bereaved families.

Victim Personal Statement (VPS)

When a victim explains to the court how a crime has affected them. If a defendant is found guilty, the court will take the VPS into account, along with all the other evidence, when deciding on an appropriate sentence.

Victims' Code

Sets out a victim's rights and the minimum standards of service that organisations must provide to victims of crime. Its aim is to improve victims' experience of the criminal justice system by providing them with the support and information they need. It was published in October 2013 and last updated on 21 April 2021.

Victims' Right to Review scheme (VRR)

This scheme provides victims of crime with a specifically designed process to exercise their right to review certain CPS decisions not to start a prosecution, or to stop a prosecution. If a new decision is required, it may be appropriate to institute or reinstitute criminal proceedings. The right to request a review of a decision not to prosecute under the VRR scheme applies to decisions that have the effect of being final made by any crown prosecutor, regardless of their grade or position in the organisation. It is important to note that the "right" referred to in

the context of the VRR scheme is the right to request a review of a final decision. It is not a guarantee that proceedings will be instituted or reinstated.

Violence against women and girls (VAWG)

A category of offending that covers a wide range of criminal conduct, including domestic abuse, controlling and coercive behaviour, sexual offences, harassment, forced marriage, so-called honour-based violence, and slavery and trafficking. VAWG includes boys and men as victims but reflects the gendered nature of the majority of VAWG offending.

Violence against women and girls strategy (VAWGS)

A government strategy that aims to increase support for victims and survivors of VAWG, increase the number of perpetrators brought to justice, and reduce the prevalence of violence against women and girls in the long term.

Vulnerable and/or intimidated witnesses

Those witnesses who require particular help to give evidence in court, such as children, victims of sexual offences and the most serious crimes, persistently targeted victims, and those with communication difficulties.

Witness care unit (WCU)

A unit responsible for managing the care of victims and prosecution witnesses from when a case is charged to the conclusion of the case. It is staffed by witness care officers and other support workers whose role is to keep witnesses informed about the progress of their case. Almost all WCUs are staffed and managed by the police.

Witness summons

A legal document compelling a reluctant or unwilling witness to attend court.

Annex D
File examination question
set

No.	Question	Possible answers
Pre-charge decision		
1	The CPS decision to charge was compliant with the Code Test.	Fully met Not met Not applicable (NA)
2	The CPS decision to charge was timely.	Fully met Partially met Not met NA
3	The most appropriate charges were selected on the information available to the prosecutor at the time.	Fully met Partially met Not met NA
4	The CPS MG3 included proper case analysis and case strategy.	Fully met Partially met Not met NA
5	The CPS MG3 dealt appropriately with unused material.	Fully met Partially met Not met NA
6	The CPS MG3 referred to relevant applications and ancillary matters.	Fully met Partially met Not met NA
7	There were appropriate instructions and guidance to the court prosecutor contained in either the MG3 or the PET/PTPH form created with the MG3.	Fully met Partially met Not met NA
8	The action plan was proportionate and met a satisfactory standard.	Fully met Partially met Not met NA
Police initial file submission post-charge		
9	The police file submission complied with the National File Standard for the type of case.	Fully met Not met
10	The police file submission was timely.	Fully met Not met
11	The CPS used the NFQ assessment tool in the review document to identify and feed back to the police on any failings in the file submission.	Fully met Partially met Not met NA

No.	Question	Possible answers
Post-charge reviews and decisions		
12	All review decisions post-charge applied the Code correctly.	Fully met Not met
13	The case received a proportionate initial or post-charge review including a proper case analysis and case strategy.	Fully met Partially met Not met
14	The initial or post-charge review was carried out in a timely manner.	Fully met Partially met Not met NA
15	Any decision to discontinue was made and put into effect in a timely manner.	Fully met Partially met Not met NA
16	Any pleas accepted were appropriate, with a clear basis of plea.	Fully met Partially met Not met NA
17	Steps were taken to achieve best evidence by making appropriate applications for special measures (including drafting where a written application was required).	Fully met Partially met Not met NA
18	In CC cases (including RASSO cases before the CC), there was a high-quality review to coincide with the service of the prosecution case and initial disclosure (at stage 1 set at PTPH).	Fully met Partially met Not met NA
19	In all cases (MC, CC and RASSO) any reviews addressing significant developments that represent a major change in case strategy (and which are additional to those reviews considered in Qs 13 and 18) were of high quality and dealt appropriately with the significant development(s) in the case.	Fully met Partially met Not met NA
20	The CPS made appropriate and timely decisions about custody and bail throughout the life of the case.	Fully met Partially met Not met

No.	Question	Possible answers
Post-charge case progression		
21	The prosecutor prepared the case effectively to ensure progress at court at the first hearing(s) – which in the MC is the NGAP hearing for bail cases and the second hearing in custody cases, and in the CC the PTPH – to include, as a minimum, any acceptable pleas or that there are no acceptable pleas, and completed the PET/PTPH forms.	Fully met Partially met Not met NA
22	Any hard media was shared via Egress with all parties before the NGAP hearing or PTPH.	Fully met Partially met Not met NA
23	In CC cases (including RASSO cases before the CC), a properly drafted indictment was prepared.	Fully met Partially met Not met NA
24	In CC cases (including RASSO cases before the CC), the draft indictment and key evidence was served in a timely manner for the PTPH.	Fully met Partially met Not met NA
25	In CC and RASSO cases, a clear instruction to advocate document was prepared.	Fully met Partially met Not met NA
26	In CC cases (including RASSO cases before the CC), the advocate was instructed at least seven days before the PTPH.	Fully met Partially met Not met NA
27	In CC cases (including RASSO cases before the CC), the duty of direct engagement was carried out.	Fully met Partially met Not met NA
28	In CC cases (including RASSO cases before the CC), the DDE was uploaded to DCS.	Fully met Partially met Not met NA
29	In CC cases (including RASSO cases before the CC) and the youth court where counsel is instructed, if there was no advice on evidence covering all necessary issues, this was chased.	Fully met Partially met Not met NA

No.	Question	Possible answers
30	In RASSO cases, a conference with the trial advocate, OIC and any expert witnesses took place.	Fully met Partially met Not met NA
31	There was timely compliance with court directions or Judges' Orders.	Fully met Partially met Not met NA
32	Appropriate applications (eg BCE, hearsay) were used effectively to strengthen the prosecution case.	Fully met Partially met Not met NA
33	Steps were taken to secure best evidence by correct and timely warning of witnesses.	Fully met Partially met Not met NA
34	Steps were taken to secure best evidence by addressing correspondence from the WCU and any witness issues in a timely manner with effective actions.	Fully met Partially met Not met NA
35	New material received from the police was reviewed appropriately and sufficiently promptly with timely and effective actions taken in response.	Fully met Partially met Not met NA
36	Correspondence from the court and defence was reviewed appropriately and sufficiently promptly with timely and effective actions taken in response.	Fully met Partially met Not met NA
37	Requests to the police for additional material or editing of material were timely and escalated where appropriate.	Fully met Partially met Not met NA
38	There was a clear audit trail on CMS of key events, decisions and actions, with correct labelling of documents and appropriate use of notes.	Fully met Partially met Not met
Disclosure of unused material		
39	In relevant cases, a DMD was completed.	Fully met Partially met Not met NA

No.	Question	Possible answers
40	The DMD was completed accurately and fully in accordance with the guidance.	Fully met Partially met Not met NA
41	The police complied with their disclosure obligations.	Fully met Partially met Not met NA
42	The prosecutor complied with the duty of initial disclosure, including the correct endorsement of the schedules (but not including timeliness of disclosure).	Fully met Partially met Not met NA
43	If Q42 is PM or NM, the most significant failing was:	
44	The prosecution complied with its duty of initial disclosure in a timely manner.	Fully met Partially met Not met NA
45	The prosecutor complied with the duty of continuing disclosure, (but not including timeliness of disclosure).	Fully met Partially met Not met NA
46	If Q45 is PM or NM, the most significant failing was:	
47	The prosecution complied with its duty of continuing disclosure in a timely manner.	Fully met Partially met Not met NA
48	Sensitive unused material was dealt with appropriately.	Fully met Partially met Not met NA
49	Third-party material was dealt with appropriately.	Fully met Partially met Not met NA
50	In CC cases (including RASSO cases before the CC), late defence statements were chased.	Fully met Partially met Not met NA

No.	Question	Possible answers
51	Inadequate defence statements were challenged.	Fully met Partially met Not met NA
52	The defence statement was reviewed by the prosecutor and direction given to the police about further reasonable lines of enquiry.	Fully met Partially met Not met NA
53	The disclosure record on Modern CMS was properly completed with actions and decisions taken on disclosure.	Fully met Partially met Not met NA
54	The CPS fed back to the police where there were failings in the police service regarding disclosure.	Fully met Partially met Not met NA
Victims and witnesses		
55	The prosecutor consulted victims and witnesses where appropriate (includes STWAC).	Fully met Partially met Not met NA
56	The victim's wishes regarding VPS were complied with.	Fully met Partially met Not met NA
57	The prosecution sought appropriate orders to protect the victim, witnesses and the public.	Fully met Partially met Not met NA
58	There was a timely VCL letter when required.	Fully met Partially met Not met NA
59	The VCL letter was of a high standard.	Fully met Partially met Not met NA
60	The CPS MG3 actively considered relevant applications and ancillary matters to support victims and witnesses.	Fully met Partially met Not met NA

Annex E

File sample composition

Breakdown of the standard file sample

The number of files to examine from each Crown Prosecution Service (CPS) Area was determined, in consultation with the CPS, as 90: 30 magistrates' court cases, 40 Crown Court cases and 20 rape and serious sexual offences (RASSO) cases.

The files were randomly selected within certain parameters (set out below) from cases finalised in the quarter before the on-site phase for that Area, and from live cases. This allowed the Covid-19 context from the on-site Area visits to be aligned with the current casework.

Finalised cases included those concluded at either the not-guilty anticipated plea (NGAP) hearing in the magistrates' courts or the Plea and Trial Preparation Hearing (PTPH) in the Crown Court in order to be able to properly assess decision-making and case progression. The sample also included cracked trials, and a mix of successful and unsuccessful cases.

All magistrates' court files were drawn from NGAP cases to capture the review and preparation required before the NGAP hearing. The magistrates' courts sample included three youth cases; the remainder were adult cases. Minor motoring cases were excluded from the magistrates' courts file sample.

All Crown Court files were chosen from those set down for trial or that had had a PTPH, to capture the post-sending review and pre-PTPH preparation (save for discontinuances, where the decision to discontinue may have been made before the PTPH). Homicide cases were excluded for two reasons: first, because they are frequently investigated by specialist police teams so are not representative of an Area's volume work; second, because they are harder for HMCPSI to assess, as some of the information in the case is often stored off the case management system and not accessible to inspectors. Fatal road traffic collision cases were not excluded.

RASSO files included offences involving child victims, but all domestic abuse RASSO cases had adult victims. No more than two cases were possession of indecent images, and no more than two cases were ones involving a non-police decoy or child sex abuse vigilante in child-grooming or meeting cases.

Table 18: File sample structure

Outcome	Magistrates' courts	Crown Court	RASSO	Total
Late guilty plea	6 (20%)	10 (25%)	5 (25%)	21
Guilty plea at NGAP hearing	3 (10%)	4 (10%)	2 (10%)	9
Conviction after trial	7 (23%)	8 (20%)	4 (20%)	19
Discontinued/Judge ordered acquittal	6 (20%)	7 (17%)	3 (15%)	16
No case to answer/Judge directed acquittal	1 (3%)	2 (5%)	1 (5%)	4
Acquittal after trial	4 (13%)	5 (12%)	3 (15%)	12
Live cases	3 (10%)	4 (10%)	2 (10%)	9
Total	30	40	20	90
<i>Police charged</i>	2 (max)	0	0	
<i>CPS Direct charged</i>	4 (max)	6 (max)	2 (max)	
<i>Youth cases</i>	3			

The categories in italics in Table 18 were not additional files but contributed to the total volume of cases. Where there were no Judge directed acquittal or no case to answer outcomes finalised during the quarter preceding the file examination, acquittals after trial were substituted in order to maintain the balance between successful and unsuccessful cases.

Occasionally, it may have been necessary to exceed the maximum numbers of CPS Direct charged cases to avoid selecting older cases, but this was at the discretion of the lead inspector.

Sensitive/non-sensitive split

Of the standard magistrates' courts and Crown Court file samples, 20% were sensitive cases and half of these were domestic abuse allegations.

Table 19 sets out the mandatory minimum number of sensitive case types included in our magistrates' courts and Crown Court samples. As far as possible, they were evenly split between successful and unsuccessful outcomes. Occasionally, it may have been necessary to exceed the minimum numbers in certain categories of sensitive casework to avoid selecting older cases, but this was at the discretion of the lead inspector.

Table 19: Minimum sensitive case types in sample

Case type	Magistrates' courts (30)	Crown Court (40)	RASSO (20)	Total (90)
Domestic abuse	3	4	2	9
Racially or religiously aggravated (RARA)	1	1	0	2
Homophobic/elder/disability	1	1	0	2
Sexual offence (non-RASSO)	1	2	0	3
Total	6 (20%)	8 (20%)	2 (10%)	16 (17%)

If there was no RARA case available, another hate crime category file was substituted.

Annex F

Scoring methodology

The scores in this inspection are derived solely from our examination of the casework quality of 90 Area files: 30 magistrates' court cases, 40 Crown Court cases and 20 rape and serious sexual offences (RASSO) cases.

We based our evaluation of casework quality on two key measures: added value and grip. We define added value as the Crown Prosecution Service (CPS) making good, proactive prosecution decisions by applying its legal expertise to each case, and grip as the CPS proactively progressing its cases efficiently and effectively.

We used our file examination data to give scores for added value and grip, which are set out as percentages. They were obtained by taking the questions that feed into each aspect³² and allocating:

- two points for each case that was assessed as fully meeting the expected standard
- one point for each case assessed as partially meeting the expected standard
- no points for cases assessed as not meeting the expected standard.

We then expressed the total points awarded as a percentage of the maximum possible points. Not applicable answers were excluded.

To help evaluate added value and grip, we also scored the five casework themes and sub-themes in each of the three casework types (magistrates' court cases, Crown Court cases, and RASSO cases):

- pre-charge decisions and reviews
 - compliance with the Code at pre-charge
 - selection of charge(s)
 - case analysis and strategy
- post-charge decisions and reviews
 - compliance with the Code post-charge
 - case analysis and strategy
- preparation for the Plea and Trial Preparation Hearing in the Crown Court

³² See annex G for which questions contributed to each of the casework themes.

- disclosure
- victims and witnesses.

The scores for these themes were obtained by taking the answers for the questions that feed into the theme. We allocated:

- two points for each case that was assessed as fully meeting the expected standard
- one point for each case assessed as partially meeting the standard
- no points for cases assessed as not meeting the standard.

We then expressed the total points awarded as a percentage of the maximum possible points. Not applicable answers were excluded.

For the casework themes and sub-themes, we have reported the percentages, but have also used a range of percentages (see Table 22) to convert the percentage into a finding of fully, partially, or not meeting the expected standard for the theme or sub-theme overall.

Table 20: Conversion of percentages into ratings

Rating	Range
Fully meeting the standard	70% or more
Partially meeting the standard	60% to 69.99%
Not meeting the standard	59.99% or less

A worked example

Relevant questions

For the victims and witnesses aspect of casework in the magistrates' courts, we took the answers from the following nine questions:

- Q17: Steps were taken to achieve best evidence by making appropriate applications for special measures (including drafting where a written application is required).
- Q33: Steps were taken to secure best evidence by correct and timely warning of witnesses.
- Q34: Steps were taken to secure best evidence by addressing correspondence from the WCU and any witness issues in a timely manner with effective actions.
- Q55: The prosecutor consulted victims and witnesses where appropriate (includes STWAC).
- Q56: The victim's wishes regarding VPS were complied with.
- Q57: The prosecution sought appropriate orders to protect the victim, witnesses and the public.
- Q58: There was a timely VCL letter when required.
- Q59: The VCL letter was of a high standard.
- Q60: The CPS MG3 actively considered relevant applications and ancillary matters designed to support victims and/or witnesses.

File examination results

This data is fictitious and used only to demonstrate the scoring mechanism. For the 30 magistrates' court files, we scored the relevant questions as set out in Table 21.

Table 21: Worked example scores

Question	Answer	All cases
Q17: Steps were taken to achieve best evidence by making appropriate applications for special measures.	Fully meeting	13
	Partially meeting	7
	Not meeting	5
	Not applicable	5
Q33: Steps were taken to secure best evidence by correct and timely warning of witnesses.	Fully meeting	23
	Partially meeting	5
	Not meeting	1
	Not applicable	1
Q34: Steps were taken to secure best evidence by addressing correspondence from the WCU and any witness issues in a timely manner with effective actions.	Fully meeting	8
	Partially meeting	10
	Not meeting	9
	Not applicable	3
Q55: The prosecutor consulted victims and witnesses where appropriate (includes STWAC).	Fully meeting	3
	Partially meeting	4
	Not meeting	3
	Not applicable	20
Q56: The victim's wishes regarding VPS were complied with.	Fully meeting	17
	Partially meeting	3
	Not meeting	4
	Not applicable	6
Q57: The prosecution sought appropriate orders to protect the victim, witnesses, and the public.	Fully meeting	16
	Partially meeting	5
	Not meeting	4
	Not applicable	5
Q58: There was a timely VCL letter when required.	Fully meeting	5
	Partially meeting	4
	Not meeting	4
	Not applicable	17
Q59: The VCL letter was of a high standard.	Fully meeting	3
	Partially meeting	3
	Not meeting	3
	Not applicable	21
Q60: The CPS MG3 actively considered relevant applications and ancillary matters designed to support victims and/or witnesses.	Fully meeting	11
	Partially meeting	7
	Not meeting	5
	Not applicable	7
Total for all above questions	Fully meeting	99
	Partially meeting	48
	Not meeting	38
	Not applicable	85

Excluding the not applicable answers leaves 185 answers. The maximum score possible would therefore be 370 points (185 answers × 2 points per answer) if all answers were “fully meeting the standard”.

The score for this fictitious Area is calculated as follows:

- Two points for each case assessed as fully meeting the expected standard = 198 points
- One point for each case assessed as partially meeting the standard = 48 points
- Total (198 + 48) = 246 points
- Expressed as a percentage of 370 available points, this gives the score as 66.5%. When the ranges are applied, 66.5% (60% to 69.99%) gives an overall rating of partially meeting the required standard for this casework theme.

Annex G

Casework themes

No.	Question	Casework theme	Included in added value or grip?
1	The CPS decision to charge was compliant with the Code test.	Pre-charge: Code compliance	Added value
2	The CPS decision to charge was timely.	Not applicable (NA)	Grip
3	The most appropriate charges were selected on the information available to the prosecutor at the time.	Pre-charge: Selection of appropriate charges	Added value
4	The CPS MG3 included proper case analysis and case strategy.	Pre-charge	Added value
5	The CPS MG3 dealt appropriately with unused material.	Pre-charge	Added value
6	The CPS MG3 referred to relevant applications and ancillary matters.	Pre-charge	Added value
7	There were appropriate instructions and guidance to the court prosecutor contained in either the MG3 or the PET/PTPH form created with the MG3.	Pre-charge	NA
8	The action plan was proportionate and met a satisfactory standard.	Pre-charge	Added value
9	The police file submission complied with the National File Standard for the type of case.	NA	NA
10	The police file submission was timely.	NA	NA
11	The CPS used the NFQ assessment tool in the review document to identify and feed back to the police on any failings in the file submission.	NA	NA
12	All review decisions post-charge applied the Code correctly.	Post-charge: Code compliance	Added value
13	The case received a proportionate initial or post- sending review including a proper case analysis and case strategy.	Post-charge: Case strategy	Added value

No.	Question	Casework theme	Included in added value or grip?
14	The initial or post-sending review was carried out in a timely manner.	NA	Grip
15	Any decision to discontinue was made and put into effect in a timely manner.	NA	Grip
16	Any pleas accepted were appropriate, with a clear basis of plea.	Post-charge: Case strategy	Added value
17	Steps were taken to achieve best evidence by making appropriate applications for special measures (including drafting where a written application was required).	Victims and witnesses	Added value
18	In CC cases (including RASSO cases before the CC), there was a high-quality review to coincide with the service of the prosecution case and initial disclosure (at stage 1 set at PTPH).	Post-charge: Case strategy (CC and RASSO only)	Added value
19	In all cases (MC, CC and RASSO), any reviews addressing significant developments that represented a major change in case strategy (and additional to those reviews considered in Qs 13 and 18) were of high quality and dealt appropriately with the significant development(s) in the case.	Post-charge: Case strategy	Added value
20	The CPS made appropriate and timely decisions about custody and bail throughout the life of the case.	Post-charge: Case strategy	Added value
21	The prosecutor prepared the case effectively to ensure progress at court at the first hearing(s) – which in the MC is the NGAP hearing for bail cases and the second hearing in custody cases, and in the CC the PTPH – to include as a minimum any acceptable pleas or no acceptable pleas, and completed the PET/PTPH forms.	Preparation for PTPH	Grip
22	Any hard media was shared via Egress with all parties prior to the NGAP hearing or PTPH.	NA	Grip

No.	Question	Casework theme	Included in added value or grip?
23	In CC cases (including RASSO cases before the CC), a properly drafted indictment was prepared.	Preparation for PTPH	Added value
24	In CC cases (including RASSO cases before the CC), the draft indictment and key evidence was served in a timely manner for the PTPH.	Preparation for PTPH	Grip
25	In CC and RASSO cases, a clear instruction to advocate document was prepared.	NA ³³	No
26	In CC cases (including RASSO cases before the CC), the advocate was instructed at least seven days before the PTPH.	Preparation for PTPH	No
27	In CC cases (including RASSO cases before the CC), the duty of direct engagement was carried out.	Preparation for PTPH	No
28	In CC cases (including RASSO cases before the CC), the DDE was uploaded to DCS.	Preparation for PTPH	No
29	In CC cases (including RASSO cases before the CC) and the youth court where counsel is instructed, if there was no advice on evidence covering all necessary issues, this was chased.	NA	Grip
30	In RASSO cases, a conference with the trial advocate, OIC and any expert witnesses took place.	NA	Grip
31	There was timely compliance with court directions or Judges' Orders.	NA	Grip
32	Appropriate applications (eg BCE, hearsay) were used effectively to strengthen the prosecution case.	Post-charge: Case strategy	Added value
33	Steps were taken to secure best evidence by correct and timely warning of witnesses.	Victims and witnesses	No

³³ We are not able to differentiate between crown advocates and Counsel in many casefiles.

No.	Question	Casework theme	Included in added value or grip?
34	Steps were taken to secure best evidence by addressing correspondence from the WCU and any witness issues in a timely manner with effective actions.	Victims and witnesses	Grip
35	New material received from the police was reviewed appropriately and sufficiently promptly with timely and effective actions taken in response.	NA	Grip
36	Correspondence from the court and defence was reviewed appropriately and sufficiently promptly with timely and effective actions undertaken in response.	NA	Grip
37	Requests to the police for additional material or editing of material were timely, and were escalated where appropriate.	NA	Grip
38	There was a clear audit trail on CMS of key events, decisions and actions, with correct labelling of documents and appropriate use of notes.	NA	Grip
39	In relevant cases, a DMD was completed.	Disclosure	No
40	The DMD was completed accurately and fully in accordance with the guidance.	Disclosure	Added value (RASSO only)
41	The police complied with their disclosure obligations.	NA	NA
42	The prosecutor complied with the duty of initial disclosure, including the correct endorsement of the schedules (but not including timeliness of disclosure).	Disclosure	Added value
43	If Q42 is PM or NM, the most significant failing was:	NA	No
44	The prosecution complied with its duty of initial disclosure in a timely manner.	Disclosure	No
45	The prosecutor complied with the duty of continuing disclosure (but not including timeliness of disclosure).	Disclosure	Added value

No.	Question	Casework theme	Included in added value or grip?
46	If Q44 is PM or NM, the most significant failing was:	NA	No
47	The prosecution complied with its duty of continuing disclosure in a timely manner.	Disclosure	No
48	Sensitive unused material was dealt with appropriately.	Disclosure	Added value
49	Third-party material was dealt with appropriately.	Disclosure	Added value
50	In CC cases (including RASSO cases before the CC), late defence statements were chased.	Disclosure	No
51	Inadequate defence statements were challenged.	Disclosure	Added value
52	The defence statement was reviewed by the prosecutor and direction given to the police about further reasonable lines of enquiry.	Disclosure	Added value
53	The disclosure record on Modern CMS was properly completed with actions and decisions taken on disclosure.	Disclosure	No
54	The CPS fed back to the police where there were failings in the police service regarding disclosure.	Disclosure	No
55	The prosecutor consulted victims and witnesses where appropriate (includes STWAC).	Victims and witnesses	No
56	The victim's wishes regarding VPS were complied with.	Victims and witnesses	No
57	The prosecution sought appropriate orders to protect the victim, witnesses and the public.	Victims and witnesses	Added value
58	There was a timely VCL letter when required.	Victims and witnesses	No
59	The VCL letter was of a high standard.	Victims and witnesses	Added value

No.	Question	Casework theme	Included in added value or grip?
60	The CPS MG3 actively considered relevant applications and ancillary matters designed to support victims and/or witnesses.	Pre-charge Victims and witnesses	Added value

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