



HMCPSI

HM Crown Prosecution
Service Inspectorate

Annual report 2021–22

HM Chief Inspector of the Crown Prosecution Service

HM Crown Prosecution Service Inspectorate Annual
Report for the period April 2021 to March 2022

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

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

12 December 2022

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His Majesty's Crown Prosecution Service Inspectorate

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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.

Contents

1. Letter from HM Chief Inspector to the Attorney General	7
Letter to the Attorney General	8
2. Overview of our inspection activity in 2021–22	8
3. Assessment of the Crown Prosecution Service and Serious Fraud Office	15
COVID-19	16
Crown Prosecution Service	16
Serious Fraud Office	21
Joint inspections	23
4. HMCPsi corporate issues	28
Performance against the business plan	29
Finance	30
Organisational structure and working practices	30
Human resources	30
Communication	31
Learning and development	31
Employee engagement	31
Equality and diversity	31
Liaison with other jurisdictions	32
Annexes	
Inspection review and audit reports published between April 2021 and March 2022	33
Inspection resource activity	35
Budget expenditure	37
HMCPsi organisation chart	39

- 1. Letter from
HM Chief Inspector
to the Attorney General**

Letter to the Attorney General

The Rt Hon Victoria Prentis MP

I am pleased to present to you this report on our inspection activity for the year 1 April 2021 to 31 March 2022.

This Annual Report covers the work undertaken by the inspectorate in the first full year of my tenure as His Majesty's Chief Inspector. I inherited an inspection programme that included the Area Inspection Programme for all fourteen CPS Areas. This programme, and its findings, are substantial undertakings. I continued with the programme as I recognised that it offered a high level of assurance on the performance of the CPS. The CPS recognise this too.

There is real value in the findings of the Area inspections and our reports have been used as a basis of discussion by the DPP with local Area teams, and by former Attorneys General/Solicitors General when they have visited CPS Areas.

There are recurring themes that in all the Area Reports that are worthy of note. Throughout the pandemic and lockdowns, all the CPS Areas inspected have managed to ensure the continued delivery of criminal justice in challenging circumstances. The CPS and its criminal justice partners deserve great credit for this.

During the pandemic, staff were often isolated at home and working conditions in the courts were difficult. We must remind ourselves infection outcomes in 2020 were uncertain, and it was a harrowing time for many of us. Local CPS managers worked with their teams to ensure the safety and well-being of staff. These efforts were recognised and praised by CPS staff. They were reflected in improved overall staff engagement rates by the CPS in the Civil Service People Survey.

Regarding the quality of casework: because of the need to address the increasing backlogs of cases in the Crown Court (an increase of over 50% nationally), Areas have had to move less experienced prosecutors from the Magistrates' Court units to the Crown Court units and Rape and Serious Sexual Offences units. This has resulted in a significant degree of staff 'churn' and has required Areas to continue to train, mentor and support new and existing staff often remotely without face-to-face contact.

Our findings show that these demanding circumstances have resulted in a drop in the quality of legal decision making. The CPS assure me that as

working conditions revert to normal, prosecutors settle and become more experienced in their new roles and case backlogs diminish, the focus on the delivery of high-quality casework will be a priority once again. We will be assessing casework quality once more in follow-up inspections in January 2023.

In the past year, I have reflected on how HMCPSI can best use its resources to work with the CPS and SFO to improve performance. Two issues are immediately apparent: the work of the CPS is a partnership between constituent vital parts of the Criminal Justice System – for example the police, the court service and the judges. CPS efficiency and execution are dependent on other actors as those actors are dependent on the CPS. I will be pursuing a much more ambitious joint inspection program, in particular with HMICFRS, to explore how the collaboration between the police and CPS can be built on and enhanced.

Second, it is clear to me that while the recommendations in our reports are often accepted, the implementation of those recommendations is not consistent or always timely across the CPS or in the SFO. We need to better measure whether our recommendations lead to concrete improvements. I am therefore keen to work with the CPS and the SFO to develop a more stringent approach to the implementation and assessment of recommendations and the outcomes that they achieve. As part of this, it is important that HMCPSI ensure that we understand how recommendations can be implemented, the cost-benefit of any recommendation and whether what we recommend will result in improved outcomes and quality. Increased joint inspection and enhanced implementation of recommendations are two major priorities for the balance of my term as Chief Inspector.

I have also considered how we can improve engagement and develop the profile of HMCPSI to ensure that the good work we deliver has a greater external impact. We will make better use of the media. We will adopt a more open approach to inspection. I am keen to personally understand the greatest challenges faced by the criminal justice system and to have a programme of inspection that reflects the experience of those who work on the front lines of criminal justice or are directly affected by the work of the CPS and the SFO. Over the past year I have made a series of visits (both in person and virtually) to speak with the Resident Judges in England and Wales. I have also commenced a programme to visit every CPS Area in the coming months. I have also been spending time with the police.

I am also keen to engage more meaningfully with the third sector. Their counsel is vital in understanding myriad issues in the criminal justice system and they have particular expertise in the treatment and experience of victims. Following on from this, we will be actively engaging with the third sector in our forthcoming domestic abuse inspection

Finally, I would like to address the issue of public scrutiny. It is a vital part of what we do in the inspectorate, but it must be proportionate and reasonable. The joint report on the investigation and prosecution of rape rightly identified shortcomings in the criminal justice system which need to be urgently addressed. However, in some instances there was misunderstanding of the work of CPS RASSO units or unwarranted criticism. In some instances, this has led to demoralised staff and a difficulty to recruit or retain staff in RASSO units.

I have met personally with CPS lawyers from RASSO units across the country. These are some of the most dedicated lawyers in criminal justice today. The work is very tough. The evidence is very often harrowing. Expectations are high, and scrutiny is intense. Every CPS RASSO lawyer I have had the privilege to meet has demonstrated a determination to do the best they can for the victims of rape and other sexual offences.

My staff and I will continue to work with you, other ministers and Parliament to ensure that our national prosecuting authorities continually adapt and improve and that our Criminal Justice System remains one of the best and the fairest in the world.

Andrew T Cayley CMG KC

His Majesty's Chief Inspector

2. Overview of our inspection activity in 2021–22

2.1. HMCPSP's assessment of the performance of the Crown Prosecution Service (CPS) is informed by inspection activity undertaken between April 2021 and March 2022. The Serious Fraud Office (SFO) inspection activity also informs the assessment of the SFO's performance. Details of the reports published are set out in annex A.

2.2. I started my tenure in April 2021, and – as you would expect from a well-managed organisation – the programme of inspection for the year ahead had been pre-determined. It took account of the business needs and strategic priorities of the CPS and SFO, as well as the interest of the general public regarding the CPS and SFO's efficiency and value for money. This annual report reflects the findings of that programme of inspection.

2.3. The COVID-19 pandemic has continued to impact on how we inspect. As I outlined in HMCPSP annual report 2020–21, we have adapted our inspection methodology to take account of the restrictions imposed during this period. We have also been mindful throughout of the impact the pandemic has had on the CPS and SFO and attempted to reduce the burden of our inspections on those organisations while maintaining their quality. I believe that our inspections are no less valuable for the changes we have made to our ways of working.

2.4. In 2019, my predecessor completed an Area Assurance Programme of all CPS Areas. The findings were set out in a composite report which was published in October 2019. Since that date, we have not inspected CPS Areas but have instead concentrated on thematic inspections.

2.5. We felt that this year was an appropriate time to return to the inspection of CPS Areas, so we developed an Area inspection programme (AIP) to examine CPS legal decision making and the quality of casework in detail.

2.6. In addition, the inspections assessed – in all aspects of volume casework – the 'value added' by the CPS and the 'grip' it has on cases. 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. When we assessed grip, we considered the effectiveness and efficiency of case progression or management of cases by the Area. We looked at whether cases have been effectively progressed at each relevant stage, whether required processes had been adhered to and whether timescales or deadlines had been met.

2.7. This is the beginning of a rolling programme of Area inspections. There are 14 CPS Areas, and the first phase involves the inspection of all those Areas to establish a baseline for each. In 2021–22 we have published inspections of six CPS Areas and have begun inspections of the remaining eight Areas. The results will be published later in 2022.

2.8. The second phase of AIP will be a round of inspections planned to commence in each Area after the individual baseline has been established. I expect to report on those in forthcoming years, but the timing of such follow-up activity will have to be carefully considered given the ongoing Crown Court backlogs in some CPS Areas.

2.9. AIP is a very resource intensive programme for us as an organisation and limits the additional inspection activity we can undertake. However, I am convinced it is the right approach and will establish a clear assessment of the quality of CPS decision making and casework together with a direction of travel for each Area.

2.10. This year, we completed a thematic inspection into the CPS handling of custody time limits. Custody time limits ensure that accused persons are not deprived of their liberty for longer than is reasonable. If there is an expectation that the case will not be finalised within the custody time limit, the CPS can apply to extend the time limit.

2.11. During the pandemic, fewer cases were being heard in the Crown Court. As a result, the CPS had to deal with more cases that required an extension application. It was important to inspect this, as it was one of the key aspects of CPS performance during the pandemic.

2.12. Given our statutory requirement to inspect the SFO within the year, we conducted an inspection into victim and witness care in the SFO. Effective communication with victims and witnesses is essential to make them feel valued within the criminal justice system and to build public confidence. This applies just as much to the SFO as the CPS.

2.13. The Code of Practice for Victims of Crime in England and Wales sets out the minimum standard that investigating and prosecuting authorities must provide to victims of crime. The Serious Fraud Office's casework poses unique challenges which affect its ability to comply with the code of practice. These challenges include the number of victims and witnesses involved in some cases, and the length of time complex cases can take to investigate, prosecute and conclude.

2.14. This year, for the first time, we inspected both the CPS and the SFO together in one inspection. In most cases, their criminal work and casework divisions are too distinct to allow for direct comparisons. However, both organisations' proceeds of crime divisions have notable similarities. Accordingly, we saw an opportunity to examine both in one inspection.

2.15. The inspection examined the effectiveness of domestic restraint and confiscation casework in the CPS Proceeds of Crime Division and the SFO Proceeds of Crime and International Assistance Division. Restraint involves freezing suspected criminal assets to prevent their dissipation before they can be recovered. Confiscation orders a convicted defendant to pay a specified sum, depriving them of the financial benefit of their crimes.

2.16. Using this unique approach, we were able to identify aspects of good practice in one organisation which are transferable to the other, and vice versa. It is an approach we will look to use again in the future when a suitable opportunity arises.

2.17. On joint inspection, together with HM Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) we completed two joint inspections into rape during this year. The respective inspections focussed on the pre-charge and post-charge stages of the investigation and prosecution. These inspections generated a great deal of interest and contributed to the ongoing debate about the decline in rape convictions in recent years.

2.18. In addition, there was a joint inspection of the criminal justice journey for individuals with mental health needs and disorders involving the four criminal justice inspectorates in England and Wales. This was led by HM Inspectorate of Probation with the contribution of the two health inspectorates in England and Wales (the Care Quality Commission and Healthcare Inspectorate Wales).

2.19. In 2009, the Bradley Report provided a comprehensive review of the experience of a person with mental health and learning disabilities in the criminal justice system. Jointly with other criminal justice inspectorates, we delivered a damning assessment in 2010. This new inspection was a significant undertaking, as it followed the progress of individuals through the criminal justice system from first contact with the police to release from prison. The report highlights some disappointing findings and makes clear that not enough progress has been made in the 12 years since the Bradley Report and our last joint inspection.

3. Assessment of the Crown Prosecution Service and Serious Fraud Office

3.1. In this chapter I summarise the findings from HMCPSI’s inspection activity in 2021–22.

COVID-19

Impact on HMCPSI

3.2. The impact of the global COVID-19 pandemic continued to be experienced throughout this year. However, because of the changes we had made to our working practices, as I outlined in HMCPSI annual report 2020–21, we have been able to deliver a full programme of inspection while ensuring that all our staff and those we inspect were safe. This included adhering to all social distancing requirements.

3.3. Throughout the year we have undertaken most of our inspection activity remotely. On a small number of occasions, where the social distancing rules allowed, we carried out limited on-site activity with the CPS. We have also adapted our own ways of working during the year to enable our own staff to safely meet up with colleagues and managers where necessary.

Crown Prosecution Service

Area Inspection Programme (AIP)

3.4. During 2021–22, we published reports into the inspection of six CPS Areas – namely Cymru Wales, East of England, London South, North East, South East and West Midlands. The inspection into each Area detailed positive aspects of their performance and areas for improvement.

3.5. There were some common themes across the six Areas.

3.6. Our reports have found that the Areas have demonstrated a sound application of the Code for Crown Prosecutors. They have also demonstrated an effective approach to selecting the most appropriate charges to be faced by defendants, properly reflecting the criminality of their behaviour and providing the courts with adequate sentencing powers.

3.7. However, the quality of prosecutors’ reviews of the evidence – both pre-charge and post-charge – requires improvement. The Areas’ reviews often lacked a clear analysis and strategy for how the prosecution would seek to put its case. Many failed to address the key aspects needed for cases to progress effectively and efficiently through the system.

3.8. The handling of victim and witness issues post-charge was generally effective across all Areas, seeking the right orders to protect victims, witnesses and the public. Conversely, there is scope for the Areas to add more value by identifying relevant applications to support victims and witnesses earlier in the pre-charge stage and by improving the quality of letters to victims in all cases.

CPS Cymru Wales (published October 21)

3.9. Our inspection found that the Area demonstrated a sound application of the Code for Crown Prosecutors, an effective approach to the selection of the most appropriate charges, good quality decision-making around disclosure of unused material, and good victim and witness care post-charge through to trial.

3.10. However, there were some aspects where improvement was required. Most notably, the quality of reviews needs to be improved. Many failed to address the key aspects needed for cases to progress effectively and efficiently through the system. Whilst the handling of victim and witness issues post-charge was generally effective, there was a need for improvement at the pre-charge stage.

3.11. The Area had effective systems and processes in place to grip its casework and ensure that cases were managed and progressed at key stages. Timeliness of case review and the requirements relating to initial disclosure were good across all casework types, although we found that timeliness in some cases was prioritised at the expense of quality. There needed to be a better focus on sharing hard media before the first hearing in all casework types. There was also room for the Area to improve compliance with court orders and the timeliness of correspondence handling in magistrates' court cases.

CPS North East (published October 21)

3.12. Our inspection found that the Area generally makes the right charging decisions and selected the right charges, properly reflecting the criminality and giving the court adequate sentencing powers. The Area adds value by the appropriate use of applications to strengthen the evidence in RASSO cases and, to a lesser extent, Crown Court cases. This was also demonstrated at sentencing, as the prosecution – in most instances – sought the right orders to protect victims, witnesses and the public.

3.13. There were some aspects where improvement was required, particularly in the quality of case analysis and strategy, both pre-charge

and post-charge. Disclosure of unused material at the initial stage is an aspect where the Area is not adding as much value as it could, although there is evidence of improvement in the standard of continuing disclosure.

3.14. The Area exercised good grip in Crown Court and RASSO cases in the timeliness of disclosure. This was true of the initial and continuing stage and the handling of correspondence from the court and defence, police and witness care unit. In the magistrates' courts, however, this was much less often the case. There were aspects of grip which the Area needed to improve upon, including the preparation for the first hearings in the magistrates' courts and the Crown Court.

CPS South East (published October 21)

3.15. Our inspection showed that the Area is making the right decisions when charging cases, and that prosecutors and operational delivery staff are following established Area processes to progress cases effectively. We found that Area prosecutors made a high number of Code-compliant decisions.

3.16. We found that the Area gripped cases by acting in a timely way across several aspects, including dealing with correspondence from the courts, defence and police, requests of the police for additional material, the warning of witnesses for trial, compliance with Judges' orders or directions at the Crown Court and compliance with its disclosure obligations.

3.17. The Area needed to improve the quality and clarity of prosecutors' reviews at both the pre-charge and post-charge stages. This was true of the need to improve consideration of trial strategy, bad character, hearsay and applications and ancillary matters to support victims and witnesses. There was also a need to improve the recording of disclosure decision-making, and the quality of pre-charge action plans given to police to carry out further enquiries or provide additional material. We found that the quality of instructions given to advocates in the first hearing in the magistrates' court or Crown Court required improvement.

CPS West Midlands (published October 21)

3.18. Our inspection showed that the Area made good decisions to charge, selecting the most appropriate charges, and making review decisions after charge. The Area added value when seeking appropriate orders to protect victims, witnesses and the public, and when making appropriate applications for special measures to assist victims and witnesses with giving evidence.

3.19. There was clear evidence that the Area made good decisions around the disclosure of unused material when handling continuous disclosure, sensitive material, and third-party material. The Area had a grip on its Crown Court and RASSO casework through the timely service of draft indictments and key evidence before the first hearing in the Crown Court.

3.20. There were aspects where the Area could improve. The quality of the Area's reviews pre-charge and post-charge often lacked a clear case analysis and strategy. In magistrates' court and Crown Court cases, there was a need to comply fully with the duty of initial disclosure of unused material and identify relevant applications to support victims and witnesses in the pre-charge stage. In all cases, there was a need to improve the quality of letters to victims.

3.21. We found that there was a significant proportion of cases where more could have been done to effectively prepare cases for the first hearing. The timeliness of the initial or post-sending review could also be improved in magistrates' court and Crown Court cases. The Area had significant issues with the service of hard media across all cases.

CPS London South (published February 22)

3.22. Our inspection found that the Area demonstrated a sound application of the Code for Crown Prosecutors – particularly in magistrates' court and RASSO cases – and that the right defendants were correctly prosecuted for the correct offences.

3.23. There were many aspects of casework quality where improvement was required. Most notably: the quality of case analysis and strategy in reviews, compliance with disclosure obligations particularly in magistrates' court cases and the pre-charge consideration of victim and witness issues across all units.

3.24. There was a level of grip in Crown Court and RASSO casework where processes clearly worked well. However, there were aspects of grip that the Area could improve, including the effective preparation for the first hearing, improved compliance with court directions in magistrates' court cases and the preparation for the pre-trial preparation hearings in RASSO cases.

CPS East of England (published March 22)

3.25. Our inspection found that the Area generally makes the right charging decisions and selects the correct charges, properly reflecting the

criminality and providing the court with adequate sentencing powers. In addition, the Area adds value with some good quality decision-making around disclosure of unused material, particularly in the Crown Court and RASSO casework. Added value was also demonstrated at sentencing. In most instances and in all casework types, the prosecution sought the right orders to protect victims, witnesses and the public.

3.26. However, there are some aspects where improvement was required, most notably in the quality of reviews at both the pre-charge and post-charge stages. The Area's reviews often lacked a clear analysis and strategy in setting out how the prosecution would seek to put its case. Across all casework types, there also needs to be a better focus on the use of appropriate applications, such as bad character applications, to help support and strengthen the prosecution case.

3.27. There was a strong level of grip across all the Area's units – magistrates' court, Crown Court and RASSO – with processes clearly working well. The timeliness of dealing with cases was a real positive for the Area. However, compliance with disclosure obligations in magistrates' court cases is an aspect where the Area needs to improve, as is the pre-charge consideration of victim and witness issues.

Thematic inspections

3.28. We conducted and published one thematic inspection during the year.

CPS handling of custody time limits (published December 2021)

3.29. This inspection found that the CPS successfully handled the changes to its custody time limit monitoring systems necessitated by the pandemic. Whilst we found some cases in our file sample where expiry dates had been initially miscalculated, these had been picked up by a later double-check and amended to the correct expiry date.

3.30. We acknowledged that, despite the increase in the volume of extension applications that had to be made, the applications were generally of good quality. They were generally submitted in good time and made good use of templates when drafting.

3.31. We made two recommendations around internal CPS processes. We also recommended that the CPS should ensure that all agents and counsel representing the prosecution at court complete and return the template hearing record sheet in all cases.

Serious Fraud Office

Victim and witness care in the Serious Fraud Office (published January 2022)

3.32. In this inspection, we focused on a number of the rights described in the code of practice to assess whether the Serious Fraud Office had policies in place to support its obligations.

3.33. As identified in our 2019 report into case progression in the SFO, we found that the introduction of a dedicated witness care unit and a specific witness care coordinator had increased access to specialist guidance and support. This was true for case teams and other units within SFO responsible for updating victims and witnesses. The witness care coordinator had continued to encourage operational staff to focus on victim and witness requirements.

3.34. Operational staff understood when to carry out a needs assessment to determine the requirements of victims and witnesses. Initial needs assessments are carried out during the pre-charge stage of a case. Further, more detailed needs assessments are carried out during the investigation with those witnesses called to attend trial hearings.

3.35. Our inspection found that the SFO recognised that it is legally bound under the obligations set out in the Victims' Code. However, operational staff raised concerns that there are some rights set out in the code of practice which they do not believe they can realistically achieve. The SFO has strongly made representations at an official level on how it could achieve its Victims' Code obligations, and that dialogue remains open. We believe it would be helpful for the SFO to strategically consider how it intends to deliver against those obligations and provide clear guidance to staff.

3.36. The SFO primarily carries out its obligations to provide updates on cases to victims and witnesses through its website. The SFO's ambition is to provide updates on a case every three months, or as soon as possible following any significant development. We found that given the challenges that the SFO faces with the volumes of victims and witnesses and the length of time investigations can take to conclude, the three-month update was reasonable for general updates and does not undermine its obligations under the Victims' Code. However, we assessed that the SFO may wish to consider whether a more targeted and personalised approach could be more effective.

3.37. We made three recommendations that the SFO should:

- review its victim and witness strategy to determine how it can more effectively offer all victims the opportunity to provide a Victim Personal Statement
- review how it deals with communications with identified vulnerable or intimidated victims and develop a comprehensive strategy on how it can improve performance
- review its training materials and make sure they address when Victim Personal Statements should be offered, and the timescales required for providing information to victims

CPS and SFO joint inspection

Proceeds of Crime Divisions (published July 21)

3.38. This inspection examined the effectiveness of domestic restraint and confiscation casework in the CPS Proceeds of Crime Division and the SFO Proceeds of Crime and International Assistance Division.

3.39. We found that the staff in both divisions were professional and very capable. The teams were rightly proud of their level of expertise in proceeds of crime matters and were highly motivated. They brought considerable skill, knowledge, and commitment to the work of their respective organisations. This translated into effective case progression and we found that most files we examined had been dealt with proactively and efficiently. We also found well-structured and thorough case analysis and case strategy in most files we examined.

3.40. We made two recommendations:

- that the CPS should formally consider whether the CPS Proceeds of Crime Division continues to deal with all the CPS Areas' confiscation casework
- that the SFO Proceeds of Crime and International Assistance Division should consider adopting a single strategy document for each suspect or defendant on a case. The document would include a case chronology, case reviews and the overview of the restraint or confiscation strategy in respect of that individual

Joint inspections

A joint thematic inspection of the police and Crown Prosecution Service’s response to rape – Phase one: From report to police or CPS decision to take no further action (published July 21)

3.41. The inspection made a number of significant findings during this inspection including the following:

- the police didn’t always get the first response to the victim right, and victims didn’t always get the support they needed
- governance and leadership across the criminal justice system at a national level are complex and fragmented
- the relationship between the CPS and police service needs fundamental improvement
- police and CPS resources could not meet the demand, and investigators did not always have the right training or experience
- forces with specialist teams tended to perform better in certain aspects of the investigation of rape
- the absence of a victim-centred approach, centred on targeted specialist support for victims, hampered the progress of cases
- police and prosecutors could be overly cautious in their approach to investigating and prosecuting rape cases
- unacceptable delays occurred in cases, which indicated that better quality decision-making is required. The absence of a rigorous CPS case strategy in each case, underpinned by a clear, targeted and regularly reviewed action plan, resulted in significant delays and victims withdrawing support
- early investigative advice was not always understood by the police and was not used sufficiently
- not making best use of early investigative advice was a missed opportunity for early engagement that could help the police understand what is needed to build a strong case
- the quality of police files provided to the CPS continued to be a problem

- better and more consistent decision-making by investigators and prosecutors was required
- there was some misunderstanding about the ‘admin finalised’ process, which the CPS used when there is no response to action plans from the police
- a better shared understanding of data and performance information was required
- the quality of communication between the police and the victim, and between the CPS and the victim, needed to be improved. Too often, the decision to take no further action was not communicated well to the victim.

3.42. Consequently, HMICFRS and HMCPSI jointly made nine recommendations including that:

- immediately, police forces and CPS Areas should work together at a local level to prioritise action to improve the effectiveness of case strategies and action plans
- police forces and the CPS should work together at a local level to introduce appropriate ways to build a cohesive and seamless approach
- the police and the CPS, in consultation with commissioned and non-commissioned services, advocates and victims, should review the current process for communicating to victims the fact that a decision to take no further action has been made. They should implement any changes needed so that these difficult messages are conveyed in a timely way that best suits the victims’ needs
- the CPS should immediately review and update the publicly available information on the policy for prosecuting cases of rape
- the College of Policing, NPCC lead for adult sexual offences and the CPS should prioritise action to provide joint training for the police and the CPS. The training should cover the impact of trauma on victims to promote improved decision-making and victim care.

A joint thematic inspection of the police and Crown Prosecution Service’s response to rape - Phase two: Post-charge (published February 22)

3.43. The inspection made a number of significant findings, including the following:

- the inspection found that a lack of collaboration between the police and prosecutors had led to delays and poor communication with victims
- the research found that victims often felt they were the ones being investigated or standing trial, rather than the focus being on the accused
- inspectors found that, on average, 706 days elapsed from the date of reporting an offence to the police to the start of the trial. The report raised significant concerns about the quality of communication with victims, including that updates to victims about the progress of their case post-charge were frequently disjointed and contradictory. Sometimes, no updates were provided at all
- despite identifying an urgent need for reform, inspectors also found evidence of many dedicated and hardworking police officers and prosecutors committed to the investigation and prosecution of rape. The report also recognised that police and prosecutor workloads are high and sometimes overwhelming
- inspectors welcomed the launch of Operation Soteria and the shared commitment by the police and the CPS to work together at a national level. However, they said the whole criminal justice system must work together to provide an effective service to victims and that it is still too soon for results to be seen.

3.44. HMICFRS and HMCPSI jointly made nine recommendations in the second phase of their inspection, including that:

- police and prosecutors should review and significantly improve communications with victims from the point of charge onwards
- the Ministry of Justice should set up specialist rape offence courts to help clear the significant Crown Court backlog of rape cases
- the Home Office and the Ministerial Lead for Rape and Serious Sexual Offences should consult widely on the benefits of a commissioner with explicit responsibility for tackling rape and serious sexual offences.

A joint thematic inspection of the criminal justice journey for individuals with mental health needs and disorders

3.45. The inspection found that there is no common definition of mental health used across the criminal justice system. This leads to inconsistencies in identification along all stages of an individual’s criminal justice journey: mental ill-health identified at one stage is often not recognised at the next stage. In too many instances mental ill-health is only partially identified when it should be fully identified. This results in poorer assessments and needs not being met. It also means that there is no accurate picture of the numbers of people with mental health needs and disorders in the criminal justice system.

3.46. Agencies that have face-to-face contact with individuals use a range of different screening and assessment tools but do not always fully explain the purpose of the questions being asked of individuals. Therefore, the quality of the information they receive varies, leading to inaccurate decisions.

3.47. We found evidence of the following:

- poor information exchange
- committed staff, but many need better training and supervision
- court reports in need of improvement, and a need for more sentences to include treatment
- assessment and diversion services in police custody that have improved but still need to link to the rest of the criminal justice system
- a shortage of good-quality mental health provision and unacceptable delays to access it. This has worsened during the pandemic
- mental health provision in prison that has improved, but post-release treatment and support are poor
- a need for better cross-system management and leadership.

3.48. In total, 22 recommendations were made in relation to several organisations. From a prosecution perspective, these included that the CPS and other criminal justice agencies should:

- develop and deliver a programme of mental health awareness-raising for staff working within criminal justice services. This should include skills to better explain to individuals why they are being asked

questions about their mental health so that there can be more meaningful engagement

- jointly review arrangements to identify, assess and support people with a mental illness as they progress through the criminal justice system to achieve better mental health outcomes and agree plans for improvement.

And that Local Criminal Justice Boards should:

- agree, produce and analyse cross system data sets to inform commissioning decisions and promote joint working
- ensure that Liaison and Diversion mental health assessments undertaken in police custody are provided to the Crown Prosecution Service and defence lawyers. This helps to inform charging decisions, representations for diversion and sentencing decisions.

4. HMCPSI corporate issues

Performance against the business plan

4.1. The 2021–22 business plan set out HMCPsi's strategic objectives:

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

4.2. Our 2021–22 inspection activity has enabled me to meet the objectives. As set out in paragraph 4.5, this work has been carried out within budget and it has been well received by stakeholders.

4.3. We published eight reports related to the CPS, including Proceeds of Crime which was an inspection of both CPS and SFO and a report into Victim and Witness Care in the SFO.

4.4. This year we also carried out a joint inspection with HMICFRS on the police and CPS response to rape (Phase two: Post-charge). All four criminal justice inspectorates published a report on the criminal justice journey for individuals with mental health needs and disorders.

Finance

4.5. The Inspectorate’s budget comprises part of the overall Government Legal Department’s (GLD) budget vote. The final outturn for 2021–22 was £2,754,000, which is within the budget allocated for the financial year.

Organisational structure and working practices

4.6. HMCPSI welcomed a new Chief Inspector during this reporting period. Andrew Cayley CMG QC took up post 1st April 2021.

4.7. HMCPSI continued to support flexible working as it has for some time.

4.8. Face-to-face inspection activity has remained at a minimum to reduce the burden on those we inspect.

4.9. HMCPSI ensured that all staff had the appropriate equipment to enable them to work from home safely and perform face-to-face inspection activity where necessary.

4.10. We have continued to ensure that the structure of HMCPSI is fit for purpose.

Human resources

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

4.12. When advertising roles within the Civil Service, we offer more roles on a loan basis. This ensures that we have the right balance of experienced inspectors and staff with recent operational experience – particularly experience in the organisations we inspect. To access the best people for the roles, we have also become more flexible about offering part time roles and working from home.

4.13. We continued to utilise associate inspectors in 2021–22, particularly for the Area Inspection Programme.

Communication

4.14. We continue to use our shared internet site¹ as an outward face of HMCPsi. All new inspection reports are launched on the website.

4.15. We share a communications service with the Attorney General's Office (AGO). As part of this shared service, the AGO supports our dealings with the press.

Learning and development

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

4.17. We have access to some of the CPS training and a number of our staff were able to access the RASSO training this year. We also have use of the GLD's Learning Management System.

Employee engagement

4.18. We are proud to report that the Civil Service People Survey results for HMCPsi are again very positive. The overall engagement score has again improved, seeing a 6% rise to 88%. HMCPsi, again, has the highest engagement score in the Civil Service.

4.19. As well as the improvement in the overall engagement score, there have been improvements in most aspects of the survey. Particularly, we had significant increases in Learning & Development, Pay & Benefits, and My Manager. We continue to work to maintain clear internal communications and effective staff engagement.

Equality and diversity

4.20. HMCPsi continues to review performance against equality objectives on a regular basis.

4.21. We continue to focus on this area and to build upon strong staff networks across the wider Civil Service. We have a Diversity Champion

¹ Criminal Justice Inspectorates www.justiceinspectors.gov.uk/

who promotes inclusivity and equality and maintains a regular dialogue with all members of HMCPSI.

Liaison with other jurisdictions

4.22. HMCPSI continues to have good relationships with a number of stakeholder organisations. In the final quarter of this year, we assisted the Public Prosecution Service of Northern Ireland in An Inspection of File Quality, Disclosure and Case Progression and Trial Recovery from the Coronavirus Pandemic.

Annex A
Inspection review and audit
reports published between
April 2021 and March 2022

Report title	Published
Inspection reports, reviews and audits	
Area Inspection Programme CPS South East	October 2021
Area Inspection Programme CPS West Midlands	October 2021
Area Inspection Programme CPS Cymru, Wales	October 2021
Area Inspection Programme CPS North East	October 2021
Area Inspection Programme CPS London South	February 2022
Area Inspection Programme CPS East of England	March 2022
Thematic and bespoke inspections	
Proceeds of Crime Divisions CPS and SFO	July 2021
CPS Handling of Custody Time Limits	October 2021
Victim & Witness Care in the Serious Fraud Office	January 2022
Joint inspections	
A joint thematic inspection of the police and CPS's response to rape – Phase one: From report to police or CPS decision to take no further action	July 2021
The criminal justice journey for individuals with mental health needs and disorders	November 2021
A joint thematic inspection of the police and CPS's response to rape – Phase two: Post-charge	February 2022

Annex B

Inspection resource activity

To complete our inspection work in 2021–22, most of the work was undertaken virtually. We carried out the following activity.

Casework files examined by inspectors	850
Documents provided by those we inspected and reviewed	3616
Number of on-site inspector days	124
Number of CPS and SFO staff interviewed	101
Number of stakeholder interviews (non-CPS and SFO staff)	3

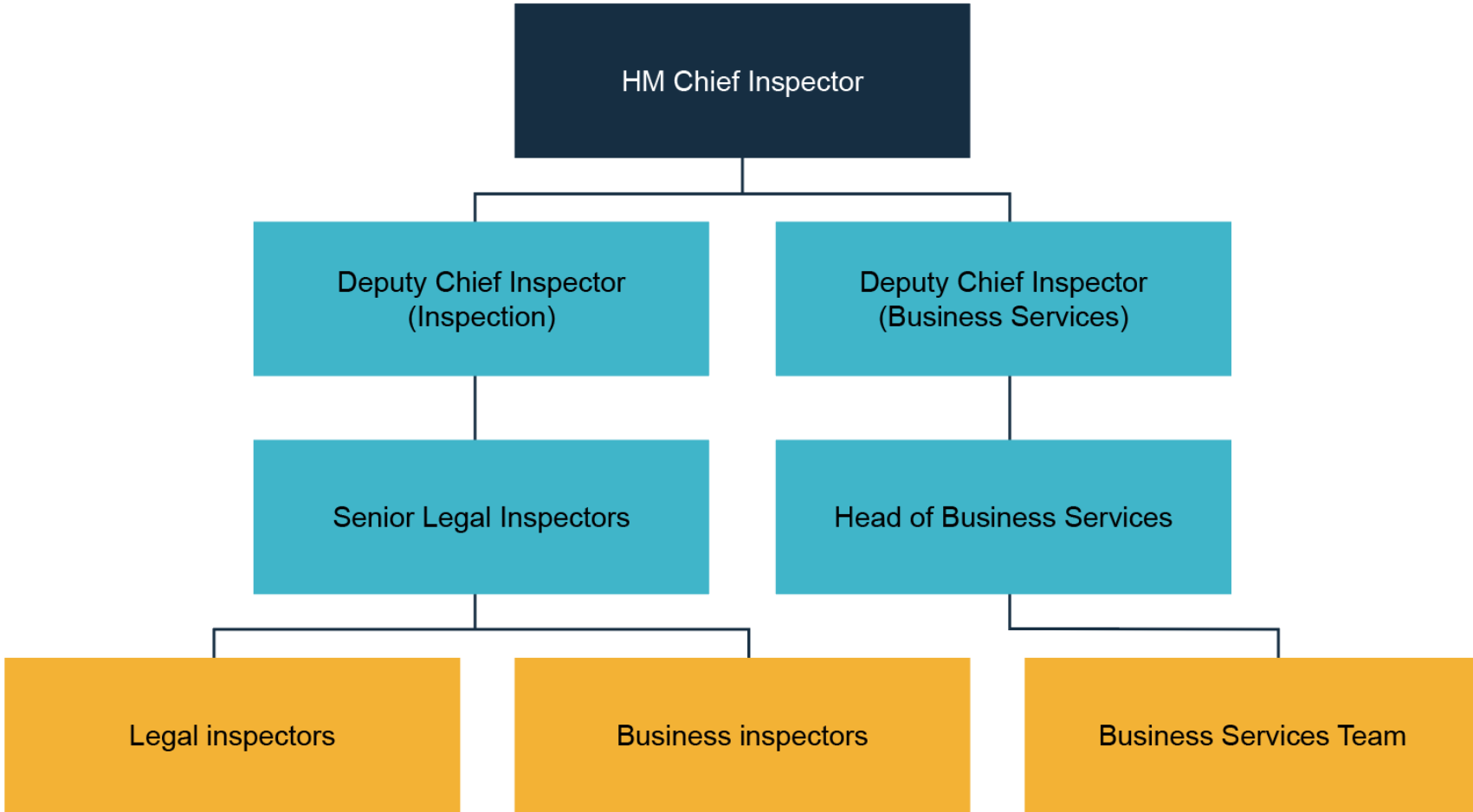
Annex C

Budget expenditure

	Cost (£000)	% of total costs	Cost (£000)	% of total costs	Cost (£000)	% of total costs	Cost (£000)	% of total costs	Cost (£000)	% of total costs
	17–18		18–19		19–20		20–21		21–22	
Staff	1,999	81.6	1,664	75.3	1,865	79	2,475	85	2,272	82.5
Recruitment and training	6	0.2	42	1.9	3	0.13	0.31	1	12.6	0.5
Accommodation	199	8.1	236	10.7	236	10	132	4.2	129	4.7
Travel and subsistence	102	4.2	62	2.8	101	4.3	0.1	0.3	19	0.7
Consultancy	0	0	0	0	0	0	0	0	0	0.0
Suppliers and other services	142	5.8	195	8.8	144	6.1	222	7.3	316	11.5
Dilapidation provision	0	0	0	0	0	0	0	0	0	0.0
Rental income	0	0	0	0	0	0	0	0	0	0.0
Income – recovery of direct costs	-14	-0.6	0	0	-8	-0.3	0	0	0	0.0
Non-cash costs (depreciation and NAO audit fee)	17	0.7	12	0.3	21	0.8	6	2.2	5	0.2
Total	2,451	100	2,210	100	2,362	100	2,835	100	2,754	100

Annex D

HMCPSI organisation chart



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