**Scoping Document**

**Follow-up Inspection of the Crown Prosecution Service**

**Timeliness and Quality of Responses to Complaints – 2023**

**Background**

In November 2018 HMCPSI published a report on Victim Liaison Units: letters sent to the public by the CPS which reported on communications between the CPS’s victim liaison units (VLUs) and the public. The report covered the VLUs’ three key areas of responsibility: the victim communication and liaison (VCL) scheme, local resolution of victims’ right to review (VRR) cases and finally the feedback and complaints policy.

We published a follow-up report focussed on the VCL scheme on 22 October 2020 that focussed on the quality and timeliness of VCL letters and whether the VRR scheme had been offered correctly.

The CPS has subsequently embarked on a victim transformation programme to improve its communication with victims and witnesses.

This scope covers, by way of a follow-up inspection, the third strand of VLU responsibility from the 2018 report, that of the feedback and complaints policy.

In the 2018 report the following issues to address were made:

1. The CPS should urgently clarify the role of victim Liaison Units within the quality assurance process for complaint letters.
2. The CPS should re-circulate and reinforce the guidance on how timeliness of complaints should be accounted for, setting out in clear terms when the ‘clock starts’ for those complaints that are received outside of usual business hours.
3. The CPS should reinforce current guidance to remind Areas that if a complaint includes both elements of the Victims’ Right to Review scheme and a complaint, a letter should be sent to the complainant explaining that the elements of the complaint will be responded to after the Victims’ Right to Review has been considered.
4. The CPS should develop an assurance process for the assessment of complaints responses to ensure that letters are free from simple mistakes.

These issues to address have been closed.

The follow-up inspection will assess the impact of the changes introduced by the complaints review project on the way the CPS responds to complaints. This includes the feedback and complaints app and the development of systems, including the standard operating practices, to allow the progress of complaints to be tracked more easily and to ensure a consistent approach across the CPS. We will also consider the role of complaints coordinators and the drafting training that was introduced for victim liaison units and legal managers.

Our 2018 report found that 25.7% of letters sent by the CPS in response to a complainant were of the quality expected with unclear explanation of legal issues being the primary issue but simple errors such as spelling mistakes or being addressed incorrectly also featured.

The 2018 report noted that the CPS Area systems for logging and acknowledging complaints was a strength.

**Inspection Question**

Does the CPS provide high quality letters in response to complaints in a timely manner?

This will be considered within three main sections of questions as follows:

* Are complaint letters identified and timely at stage one and stage two of the process?
* Are complaint letters of the right quality?
* Are systems effective to support the identification, quality and timeliness of letters?

**Scope**

It is proposed that the scope of the inspection covers actions from identification, capture and receipt of complaints up to and including the responses at stage one and stage two of the CPS’s feedback and complaints policy guidance.

We will assess the handling of and responses to complaints across all 14 geographical CPS Areas as well as two casework divisions – serious economic and organised crime and proceeds of crime units.

**Inspection Criteria**

* There are effective systems in place to ensure that complaints are identified and allocated to the appropriate investigator in a timely manner.
* There is timely acknowledgement of complaints which complies with CPS national timescales.
* Effective systems are in place which ensure that the final letter in response to the complaint complies with CPS national timescales.
* Quality assurance ensures that letters are of a consistently high standard, provide a comprehensive response and address all issues raised in the complaint.
* Letters provide explanations which are helpful and transparent. Where appropriate letters acknowledge mistakes and offer an apology.
* Assurance processes are in place to eradicate simple errors.
* Lessons learned are used to drive improvements in performance.
* Effective training has been delivered to staff involved with responding to complaints.
* The CPS has effective national guidance which is easily accessible to those involved in responding to complaints.

**Methodology**

There will be four main strands to the methodology:

File examination:

* A sample of letters will be drawn from each of the 14 geographical Areas and from serious economic organised crime and international directorate and proceeds of crime. This will allow us to assess whether there is a difference in service between Areas and casework divisions provided to those who make complaints to the CPS and to identify best practice.
* We will review letters sent at stage one and stage two between 1 January and 31 December 2022.
* We will examine 20 stage one letters and ten stage two letters from the Areas and casework units. Where there are insufficient numbers, we will record this but not seek to include letters sent earlier than 1 January 2022.
* As this is a follow-up to the 2018 inspection around letters to the public, no Parliamentary complaints will be included. The bespoke question set used within the 2018 inspection will be updated to reflect changes since the 2018 inspection, including the complaints handling standard operating practice and used to assess direction of travel since 2018. This question set can be found at annex A - p4 below.

Interviews**:**

* We will conduct interviews and focus groups with staff in the following CPS Areas: North East, North West, South West, Wessex, West Midlands, Yorkshire and Humberside and CPS Proceeds of Crime.
* Interviews with CPS staff dealing with complaints including VLU managers, complaints coordinators (if different to VLU managers) legal managers who respond to complaints and staff who monitor and receive correspondence both electronically and hard copy.
* Interviews with relevant CPS HQ staff to include national lead on complaints and the policy lead (if different from the national lead).
* Interview with the Independent Assessor of Complaints.

Examination and review of Documents provided by CPS:

* Examination of material relating to CPS internal processes, including standard operating practices, regarding quality assurance of letters and ensuring compliance with timeliness of responding to complaints.
* Examine guidance documents both local and national.
* Assess systems for providing effective feedback used to improve quality of letters.
* Explore how learning from internal quality assurance is used. This will include consideration of minutes from casework quality panels, LSIPs and any other meetings which review the quality of letters.
* Evaluate the quality of training provided for staff involved with responding to complaints.

Consideration of secondary information

* This will include reports and documents provided by CPS HQ.
* Any indications from performance data of direction of travel.

Comparison with other public sector organisations dealing with complaints about legal decision making

* We also intend to undertake some comparative activity to examine how other similar public sector organisations respond to complaints; we hope to be able to compare to others who respond to similar type of complaints such as HMRC, DWP and HSE.
* We will approach these organisations to request information from them about their processes, timeliness, and quality with a view to drawing a comparison between the services offered across similar organisations and identifying good practice.

**Timing**

We anticipate that this inspection will commence end of January and continue up to Easter with the aim to publish in May/June 2023.

**Annex A - Question set from 2018 inspection - this will be amended and updated for the 2023 inspection to reflect stage one and stage two letters and the updated roles, SOPs and, the use of the complaints and feedback app implemented since the 2018 report**

All questions had Yes/No/Not applicable possible answers unless otherwise defined.

1. Was the responding manager given the correct date for response?
2. Did the VU chase the responding manager?
3. Did the holding letter have an explanation for the delay?
4. Did the holding letter give a date the response would be provided by?
5. Did the VLU alter the responding manager’s version?
6. Did the letter contain spelling mistakes?
7. Did the letter contain grammatical errors?
8. Was there empathy in the letter?
9. Was the legal explanation clear?
10. Did the letter contain unnecessary legal jargon?
11. Did the letter offer a meeting where appropriate
12. Was the next stage correctly explained?
13. Were the standard paragraphs clear?
14. Was the addressee correct?
15. Did any amendments improve the quality?
16. Was the final letter a quality response?
17. Did the final letter contain spelling mistakes
18. Did the final letter contain grammatical mistakes?
19. Was there empathy in the final letter?
20. Was the legal explanation in the final letter clear?
21. Did the final letter contain unnecessary jargon?
22. Did the final letter offer a meeting where appropriate?
23. Was the next stage correctly explained in the final letter?
24. Were the standard paragraphs clear in the final letter?
25. Was the addressee correct in the final letter?
26. Was the final letter signed correctly?
27. Was the final letter provided in the correct format?
28. What was the cause of the complaint?
    1. Outcome at court?
    2. Poor VCL?
    3. Decision of prosecutor?
    4. Treatment at court?
    5. Complaint not relating to CPS?
    6. Other?
29. How did the complainant raise the complaint?
    1. Letter to unit responsible for the case?
    2. Via CPS website?
    3. Via email to the unit responsible for the case?
    4. Via police?
    5. Via third party?
    6. Via email to VLU?
    7. By telephone to VLU?
    8. Via telephone to unit responsible for case?
    9. Letter directly to VLU?
    10. Not applicable?