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**Scoping Document - Domestic Abuse Inspection 2022**

1. **Introduction**

In our business plan for 2022-23[[1]](#footnote-2), we set out our plan to inspect the Crown Prosecution Service’s handling of cases involving domestic abuse. We said in that plan that “the inspection will focus on the quality of CPS decision-making in domestic abuse casework with an emphasis on how victims were supported, and victim issues addressed to build stronger cases. The scope of the inspection will include a range of offences including cases of stalking and harassment, violence, and coercive and controlling behaviour.” From this, we have derived the inspection question, objective, and inspection criteria set out below.

As we and fellow inspectorates recently reported[[2]](#footnote-3), the criminal justice system has yet to recover from the impact of the Covid-19 pandemic. We will reflect the context of the pandemic in the way we plan and carry out our work, so as to reduce the burden of the inspection on the CPS and other criminal justice agencies, and in understanding and reporting on our findings.

1. **Inspection Question**

How effective and efficient are the Crown Prosecution Service (CPS) in building strong cases that support and protect victims of domestic abuse?

1. **Objective**

To assess the level of service delivered by the CPS to victims of domestic abuse, reflecting the experience from their perspective, identifying aspects of good practice, and making recommendations where further work is needed.

1. **Inspection Criteria**

The aim of the inspection is to answer the following questions:

1. Charging

* Does the CPS apply the proper care and consideration when reviewing domestic abuse cases pre-charge?

1. Partnership Working

* Does the CPS work effectively with the police in cases of domestic abuse by timely liaison, building evidentially strong cases and ensuring victims have the support and information required?
* Does the CPS work well with criminal justice partners at operational and strategic levels to resolve barriers to effective casework and to improve domestic abuse victims’ experience?

1. Case Progression
   * Does the CPS handle domestic abuse prosecutions proactively and efficiently following a suspect being charged?
2. Victim and Witness Support

* Does the CPS effectively consider measures to assist domestic abuse victims in getting the right support at court and to enable them to give their best evidence?
* Does the CPS make appropriate applications in respect of protective orders, bail and remand so that victims of domestic abuse are being properly protected?
* Does the CPS consult and communicate with victims of domestic abuse at appropriate stages of their case?

1. Quality Assurance
   * Can victims be confident that prosecutors dealing with domestic abuse cases have sufficient training and support to deliver an effective service?

* Are the Individual Quality Assessments effective in the CPS determining the quality of domestic abuse casework and are they used to improve cases for all victims?
* Does the CPS use other quality assurance and feedback mechanisms (such as adverse case reports, dip-sampling, and engagement with community groups and local scrutiny and improvement panels (LSIPs)) to improve the service provided to victims of domestic abuse?

1. **Methodology**

Modes of inspection

The inspection will comprise of an examination of 300 magistrates’ court case files (50 files from each of six CPS Areas), a review of relevant documentation, court observations, observation of the domestic abuse leads’ meeting, and a number of interviews. Some interviews will be conducted face to face and some conducted remotely.

The interviews will include relevant CPS staff, relevant external stakeholders including, but not limited to, witness care staff, independent domestic violence advisers, witness service staff and/or members of relevant local community and third sector groups.

Choice of Areas

We will examine files, request and consider documents and interview relevant individuals from the six selected Areas. Those Areas are as follows:

* + CPS East Midlands - has a specialist domestic abuse (DA) team and specialist domestic abuse courts (SDAC), a conviction rate higher than the national average and witness absent/withdrawn rate lower than the national average
  + CPS South East - exceeds national performance in relation to convictions, has paralegal officers working in its magistrates’ courts team and the CCP Kate Brown is the national CPS lead for domestic abuse
  + CPS East of England - performance is at or around the national average and currently has no DA lead and no SDACs
  + CPS West Midlands - the largest metropolitan area outside of London and where the performance is below the national performance average
  + CPS North East - performance is at or around the national performance average but has a high rate of unsuccessful outcomes due to witness retraction or withdrawal
  + CPS Cymru-Wales - to reflect the experience across both countries in which the CPS operates.

File examination

The review will examine a selection of recently finalised magistrates’ courts cases together with a small selection of live magistrates’ courts cases that have been flagged as domestic abuse. Cases dealt with by the Crown Court unit, rape and serious sexual offence unit and the complex casework unit will be excluded as these will be the subject of a separate inspection. The file examination will comprise 50 magistrates’ court files per Area.

The review will examine a minimum number of cases of the following categories (see separate file sample composition document for detail):

* + Youth defendants
  + Stalking and harassment offences
  + Controlling and coercive behaviour
  + Cases where the defendant is remanded in custody
  + CPS NFA charging decisions.

We will require access to CMS and media sharing platforms such as egress, evidence.com and niche.

1. **Interviews**

In the six Areas selected for file examination and onsite work:

The following will be approached for an interview:

* Chief Crown Prosecutor (CCP), or Deputy Chief Crown Prosecutor(s) (DCCP) with responsibility for magistrates’ court casework.
* CPS domestic abuse leads
* focus groups of magistrates’ courts lawyers and any relevant paralegal staff
* focus groups of Independent Domestic Violence Advisers (IDVAs), witness care officers, witness service staff
* HM Courts and Tribunals Service legal advisers
* District Judges
* any local specialist groups
* a focus group of police officers from each force that deal with domestic abuse investigations for the Area

National interviews

The following will be approached for an interview:

* CPS Directors of Legal Services
* CPS DA Lead Kate Brown
* CPS stalking and harassment lead Olivia Rose
* CPS policy lead for DA, Gemma Rice and/or Karen Morgan-Read
* Office of Nicole Jacobs; DA Commissioner
* Police domestic abuse national subject leads
* Paladin, National Stalking Advocacy Service
* Victim Support
* Refuge/Safe Lives/Women’s Aid.

1. **Document request from Areas**

* Details of local training plans relating to domestic abuse.
* Examples of casework learning on domestic abuse prosecutions – in particular around evidence led domestic abuse prosecutions, stalking and harassment and controlling and coercive behaviour.
* Examples of where domestic abuse performance monitoring has led to actions to improve service delivery to victims of domestic abuse – including evidence of any performance action plans and action taken.
* Details of any domestic abuse training provided to criminal justice system (CJS) partner agencies and independent counsel in the last 18 months.
* Individual quality assessment assurance records specifically on domestic abuse cases (ten magistrates' cases) and any resulting management reports.
* If there are Local Criminal Justice Board groups in the Area dealing specifically with domestic abuse and/or service provided to victims and witnesses, then please detail and provide agenda and minutes from the last two of such meetings.
* Details of any domestic abuse joint improvement plans/initiatives undertaken with CJS partners in the last 18 months.
* Agenda and minutes for the last two Casework Quality Meetings (or equivalent) where domestic abuse was discussed.
* Copies of any domestic abuse protocols or memorandums of understanding with the police or other agencies (for example escalation agreements with the police).
* Minutes and action plans from Local Scrutiny and Involvement Panels in the last 18 months where domestic abuse was discussed.
* Minutes from the last two Domestic Abuse Strategy (or equivalent) meetings.
* If IDVA meetings or victim support meetings are held where domestic abuse victim and witness experience is discussed – agenda and minutes for the last two of these meetings.
* Overview of the domestic abuse third sector support services in the Area.
* Overview of court sitting patterns for Specialist Domestic Abuse Courts (SDAC) in the Area.
* Details of how domestic abuse cases are listed in your magistrates’ courts – whether SDAC or non-SDAC courts.
* Information as to who are the domestic abuse leads in the Area, and any job or role specification or expectations set.

1. **Document request from CPS Headquarters**

* Domestic Abuse Best Practice framework.
* Central legal training team training package(s) for DA.

1. **Proposed timescales**

* 6 July 2022 - Scope agreed and finalised with CPS
* 8 July 2022 - Completion of methodology work
* 11 July 2022 - Commissioning letters to Areas and Headquarters
* 22 July 2022 - File sample and database complete
* 25 July 2022 - File examination commences
* 16 September 2022 - File examination complete
* 28 October 2022 - Interviews completed and all evidence gathered
* 25 November 2022 - Emerging findings report completed
* 6 January 2023 - Report writing complete and quality assured
* February 2023 – Report published

1. **Any risks to the project**

* Whilst the restrictions imposed during the pandemic have been lifted, CPS Areas are still dealing with the on-going effects of the pandemic and we will endeavour to minimise the burden on CPS Areas.
* The draft Victims’ Bill recently published by the Ministry of Justice for pre-legislative scrutiny and the proposed package of non-legislative measures are likely to result in Area domestic abuse leads being involved in significant work. They may be under time pressure to deal with those developments which may affect the proposed timescales. We will mitigate this by making requests for information in good time, and by scheduling interviews after peak holiday leave.

1. **Equality Impact Assessment**

We have carried out an equality impact assessment in accordance with our methodology.

1. https://www.justiceinspectorates.gov.uk/hmcpsi/wp-content/uploads/sites/3/2022/06/HMCPSI\_Business-plan-2022-2.pdf [↑](#footnote-ref-2)
2. https://www.justiceinspectorates.gov.uk/hmcpsi/inspections/the-impact-of-the-covid-19-pandemic-on-the-criminal-justice-system-a-progress-report/ [↑](#footnote-ref-3)