



**HMCPSI**

HM Crown Prosecution  
Service Inspectorate

# Annual report 2020–21

## HM Chief Inspector of the Crown Prosecution Service

HM Crown Prosecution Service Inspectorate Annual  
Report for the period April 2020 to March 2021

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)

HC 1161

**March 2022**

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Her Majesty's Crown Prosecution Service Inspectorate

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Ordered by the House of Commons to be printed  
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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. Letter from HM Chief Inspector to the Attorney General**

## Letter to the Attorney General

### **The Rt Hon Suella Braverman QC MP**

I am pleased to present to you this report on our inspection activity for the year 1 April 2020 to 31 March 2021.

This annual report covers the work undertaken by the Inspectorate in the year before I took up the post of Chief Inspector, my appointment starting on 1 April 2021. As such I will not comment on the summary of the work that is set out in this annual report. However, I will offer you my views on HMCPSI since taking up my post.

I have inherited an organisation that is well run and organised. It continues to deliver a programme of inspections that are focused on those aspects of the work of prosecuting authorities which are of greatest concern to the British public and the government. HMCPSI provides objective, evidence-based reports which allow you and others to hold the Crown Prosecution Service (CPS) and Serious Fraud Office (SFO) to account.

I pay tribute to my predecessor, Kevin McGinty CB CBE; to my two deputies, Anthony Rogers and Nicky Saunders; and to all the staff of the Inspectorate who delivered a full and substantial programme of inspection in the first year of the pandemic. My colleagues continue to be dedicated and inspiring, reflected most recently by HMCPSI scoring the best engagement index across the whole Civil Service, as assessed by the Civil Service People Survey – a very impressive 82%.

Although the programme changed to accommodate virtual inspections, the reports produced continued to be of high quality, setting out clear, evidence-based judgements. The recommendations made support and direct the CPS and SFO in their drive to deliver improvements.

I intend to set out my own vision in my first full annual report, which will cover the work undertaken in 2021–22. However, I would like to take this opportunity to make a few observations. Having been in post now for over nine months I have no immediate plans to change the direction or approach of what the Inspectorate does. But having considered how the inspection programme is developed, I think there could be more meaningful engagement with those from within and outside the wider criminal justice sector. I want to bring a more open approach to inspection, and I am keen to understand the landscape.



As such I will, from January 2022, start a full series of visits to speak with and engage with all Resident Judges. I also intend to visit all CPS Areas and approach the third sector in a much more structured way to seek their views and involvement in the way we do inspection and what we inspect. I am also considering how HMCPSI might engage more openly with the public to allow me to understand the wider views that might influence a meaningful inspection programme. By improving engagement, I am sure that this will provide a more focused degree of assurance to the public and ministers.

I would like to finish by saying that I am very proud and delighted to have been appointed to the post and will work with my colleagues at HMCPSI and those we inspect to ensure that, under my tenure, the Inspectorate continues to deliver meaningful and valuable inspections. I look forward to continuing to work closely with you and ministers to ensure that we continue to provide you with relevant and substantive inspection reports that support you and others in holding the CPS and SFO to account.

A handwritten signature in dark ink, appearing to read 'A. T. Cayley', with a horizontal line underneath.

Andrew T Cayley CMG QC

Chief Inspector

## **2. Overview of our inspection activity in 2020–21**

**2.1.** HMCPSP's assessment of the performance of the Crown Prosecution Service (CPS) is informed by inspection activity undertaken between April 2020 and March 2021. 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. As set out in my letter (chapter 1), having started my tenure in April 2021, I inherited the programme of inspection and this annual report reflects the findings of the programme of inspection my predecessor delivered.

**the 2020–21  
inspection programme  
was revised to bring  
forward some  
inspections that were  
more file examination  
based**

**2.2.** When formulating the inspection programme, we take into account business needs and strategic priorities of the CPS and SFO, as well as the expectations of the general public as to whether the CPS and SFO provide an efficient service and provide value for money. We would normally use a risk-based approach to develop our programme of inspection, but

the advent of the COVID-19 pandemic, including the immediate social restrictions and national lockdowns, resulted in the inspection programme having to change. The immediate priority was to ensure that a meaningful programme of inspection continued while ensuring the well-being of all staff.

**2.3.** The pandemic affected our programme in two ways. There was a need to inspect how both the CPS and the SFO had responded to the pandemic, but also a need to create an inspection programme that did not add significantly to the burden of those we inspected while they were trying to recover from the pandemic. We also had to consider whether we could continue with a programme of inspection remotely, when historically most inspections had included a period of on-site activity to gather evidence and test findings.

**2.4.** As a result, the 2020–21 inspection programme was revised to bring forward some inspections that were more file examination based. This allowed us to consider the impact of the immediate lockdown on our plans. We also decided that there must be some specific inspection activity which would assess how the CPS and the SFO responded to the pandemic. The programme was amended to include a number of new inspections. In June and July 2020, we completed two inspections to gain an early view of how both the CPS and the SFO responded to the pandemic during the period of lockdown from 16 March to 8 May 2020.

**2.5.** Later in the year, we added another inspection to our programme which, along with the other justice inspectorates, looked at the wider impact of the pandemic on the criminal justice system. The Chief Inspectors of the CPS, Constabulary, Probation and Prisons provided a cross-system view of how the criminal justice system had responded to the pandemic and the challenges it faced in recovery. This was published in January 2021 with all four Chief Inspectors giving evidence to the Justice Committee.

**2.6.** Having undertaken the inspection of the CPS's immediate response to the pandemic, and having considered the impact on the overall criminal justice system in the January 2021 report, we felt that another review of how the CPS was managing as a result of the pandemic one year on would be sensible and valuable. In March 2021, we published the report *CPS response to COVID-19: dealing with backlogs*.

## **The Chief Inspectors of the CPS, Constabulary, Probation and Prisons provided a cross-system view of how the criminal justice system had responded to the pandemic**

**2.7.** The thematic inspections carried out during 2020–21 included an inspection of CPS charging. This subject had not been inspected since the publication of a joint inspection report with HM Chief Inspector of Constabulary in 2015. We had planned to carry out this inspection in 2019 and it had commenced just before lockdown. Fortunately, this inspection included a significant amount of file examination and therefore we were able to continue it

entirely remotely as we assessed how inspection activity could be carried out with the restrictions of a pandemic. As well as the thematic inspection of charging, we also published thematic inspection reports on information management, Complex Casework Units, and handling of police witness care correspondence in the CPS.

**2.8.** Having further considered the impact of having to undertake inspections remotely, we reprioritised some aspects of the inspection programme. This included moving forward two follow-up inspections. Both had been included in our 2020–21 business plan, but it had been the plan to do them much later in the business year. However, as both follow-up inspections included a large amount of file examination which could be done remotely and without adding burden to the CPS, the inspections were brought forward. The inspections covered the handling of unused

material (disclosure) and a further assessment of CPS letters to victims (the Victim Communication and Liaison scheme).

**2.9.** Given our statutory requirement to inspect the SFO within the year, as well as carrying out an urgent review of how the SFO had dealt with the impact of the pandemic, we also managed to complete our planned thematic inspection of the handling of complaints at the SFO.

**2.10.** On joint inspection, as well as the Chief Inspectors' report on how the criminal justice system reacted to the pandemic, we also completed and published one more joint inspection. This was a joint inspection with HM Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) on pre-charge bail and release under investigation. During the year, we also started work with HMICFRS on the first of two inspection reports that will consider the response, decision-making and effectiveness of the police and CPS at every stage of a rape case – from first report through to finalisation of the case. These reports will not be published until 2021–22 but we started the fieldwork in the 2020–21 business year, dedicating a large amount of legal resource to the 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 2020–21. As I established in chapter 2, the programme of inspection was delivered by my predecessor. I would like to add that what follows below is a testament to the hard work of the whole of HMCPSI.

## COVID-19

### Impact on HMCPSI

**3.2.** The impact of the global COVID-19 pandemic cannot be underestimated. It was an event that was so extraordinary that every facet of life was affected. In February 2020, we made the decision to stop all travel and move all staff to a basis of working from home. Because of the lockdown and the risks associated with travel, we stopped all on-site activity and quickly considered how we would continue to deliver our planned inspection programme.

**3.3.** Throughout the early stages of the crisis, we changed our approach and were able to use digital means to continue to deliver a meaningful programme of inspection. In line with our usual inspection methods, the charging thematic inspection which had started before the pandemic had included plans to visit six Crown Prosecution Service (CPS) Areas to test findings and interview staff. We made a decision to delay the on-site activity and concentrated resources on examining the 1,400 cases that made up the sample of CPS casework.

**3.4.** The fact that HMCPSI uses IT provided by the CPS meant that by May 2020, with cameras enabled on Microsoft Teams, we were able to move to a remote process to support inspection interviews. We worked to develop processes that replicated the on-site experience for the staff being interviewed, as well as tools to help inspectors handle and manage virtual on-site activities. Through the changes to IT, the willingness of those we inspect to accommodate and react to the change in approach, and the skill of inspectors, we managed to deliver a full programme of inspection while ensuring that we kept our staff and those we inspect safe and adhered to all social distancing requirements. By the end of the business year we were still undertaking the majority of inspection activity remotely.

## Impact on the CPS and SFO

**3.5.** As well as the impact on HMCPsI and the way we carried out work, those we inspected also faced major challenges. Therefore, in June and July 2020, we published inspections of both the CPS and the Serious Fraud Office (SFO), using the same inspection framework for both, looking at how both organisations responded to the first national lockdown. The inspections covered the period of lockdown from 16 March to 8 May 2020 with a significant focus on how the two organisations had led and managed staff during that period.

**3.6.** In the CPS report we noted that, because of its digital capability, the CPS was able to move the majority of its workforce from offices to home very quickly; and that this change had no impact on the delivery of its business. Inspectors found that support packages – consisting of equipment such as laptop stands or screens for those involved in video hearings – had been offered to all staff to enable effective home working.

**it was evident that a backlog of cases was building up and that it was beginning to increase pressure on staff and the system**

**3.7.** Well-being and health featured as an organisational priority and, to support staff, the CPS created local and national well-being hubs. Staff informed inspectors that this support had helped with their health and well-being. Managers at all levels were supportive, gave clear messages and kept staff up to date about what was happening

through regular communication. Inspectors were impressed by the level of internal and external communication which showed the support offered to key workers.

**3.8.** With court closures, it was evident that a backlog of cases was building up and that it was beginning to increase pressure on staff and the system. We therefore revisited how the CPS was dealing with the backlogs and published this report in March 2021.

**3.9.** This report found that the CPS had maintained its ability to function well and deliver its core aim. What was of concern, however, was the challenge of an increasing caseload in the Crown Court and the increase of activity that accompanied the restoration of magistrates' court work towards pre-pandemic levels. The resulting level of pressure was not lessening. We heard during this inspection that collaboration had been central to managing these pressures and to working towards recovery. The report set out many examples of effective working with the police,



courts and judiciary, with all parties pulling together. However, we also heard that competing priorities, a determination to ensure effective use of court time and the drive to reduce the backlog were resulting in tensions across the system.

**3.10.** In our report on the SFO, published in July 2020, we reported that the immediate crisis caused by the spread of COVID-19 had been a significant challenge for the SFO but that, on the whole, it dealt with the challenge effectively.

**3.11.** Unlike the CPS, the SFO was not an organisation where large numbers of staff worked from home before the lockdown. As a result, many staff did not have IT to support a rapid shift to working at home. Despite those challenges, the inspection found that the SFO successfully moved to a position where most staff were working from home and it continued to deliver its business effectively. To facilitate the change, in the lead-up to lockdown the SFO set up a contingency planning group. They were able to take some proactive activity in advance of the lockdown, which was key to the effectiveness of the immediate response.

**3.12.** We praised SFO for its commitment to staff health and well-being. The report found that the SFO provided advice and guidance to staff through formal updates and staff blogs, including information on a range of topics such as the importance of exercising, home working techniques, balancing childcare, creating a new daily routine and taking care of mental health. Staff welcomed this guidance and informed inspectors that they received regular and clear messaging from senior managers.

**3.13.** Together with other criminal justice inspectorates, we published a joint report on the impact of COVID-19 on the criminal justice system ( see paragraph 3.51).

## Crown Prosecution Service

### Thematic inspections

**3.14.** We conducted and published a number of thematic inspections during the course of the year.

#### **Disclosure of unused material in the Crown Court – a follow-up (published December 2020)**

**3.15.** As explained in paragraph 2.8, we would not usually undertake a follow-up inspection of any full inspection within a year of publishing the inspection report. However, because of COVID-19, we decided to examine whether the CPS had made any noticeable improvement in the handling of disclosure. In the January 2020 report, we found that the CPS had improved its handling of disclosure, but further improvement was needed before the necessary standard was achieved.

**3.16.** In the follow-up report published in December 2020, we found that there had been some signs of improvement, but also some aspects that showed a deterioration in performance. The completion of disclosure management documents by the police and CPS and the timeliness of serving initial and continuing disclosure had improved, but given the importance of the police in the effective handling of disclosure, we were concerned to find that feedback from the CPS to police about issues and failings had declined. We also found that the quality of prosecutors' reviews at charging was not as good as we found in the January 2020 inspection. The CPS's compliance with the statutory disclosure regime at the initial and continuing disclosure stages also showed a slight decline from its performance levels in the last report.

**3.17.** The report also highlighted a number of issues which repeated what we had found in the January 2020 report. We therefore set out four recommendations for the CPS.

- A joint inspection of the handling of disclosure should be added to the Criminal Justice Joint Inspection business plan for 2021–22.
- The CPS Areas should work with the police at a local level to identify and address deficiencies in file quality.

- The CPS should develop a clear strategy to improve the quality and standard of pre-charge reviews and case file reviews, including the expectation for reviews to consider and address disclosure issues.
- The CPS should improve the capability and capacity of legal managers to understand and set clear expectations for disclosure review records and provide clarity around expectations at all stages of review.

### **Charging (published September 2020)**

**3.18.** A core function of the CPS is to decide whether to bring a criminal prosecution by applying the principles set out in the Code for Crown Prosecutors ('the Code'). A prosecution should only be brought where there is a realistic prospect of conviction and it is in the public interest to do so.

**3.19.** This inspection analysed the standard of charging decisions following significant changes to the CPS's system.

**3.20.** We found that the CPS had improved the quality of its charging decisions, with 97.1% of decisions complying with the Code. In 2015, the last time we had inspected charging, 90.9% of charging decisions were rated as Code compliant.

**3.21.** While there had been an improvement in Code compliance, we noted that there had been a drop in the overall standard of prosecutors' legal analysis since 2015. Inspectors rated fewer than half of CPS charging decisions as having an effective case analysis and strategy for how a case should be handled after charge. The latter is fundamental to the subsequent stages as the case moves through the justice system. Our report highlighted a gap in fundamental skills which the CPS needed to address.

**3.22.** The inspection also reported that there had been a significant drop in the timeliness of charging decisions, with timely decisions being made just under half of the time. We made a series of recommendations to address the issues we identified, including that all prosecutors receive mandatory training that focuses on how to undertake proactive case analysis and devise a trial strategy.

### **Complex Casework Units (published March 2021)**

**3.23.** In this inspection we found that, in general, Complex Casework Units (CCUs) were both effective and efficient in managing their casework. We found that CCUs were staffed by a committed and confident workforce who demonstrated a high level of professionalism and skill in their work. The CPS has put in place clear allocation criteria for cases that should be referred to CCUs and these were well understood and enforced consistently by most CCUs.

**3.24.** We found that CCUs' case management processes are generally effective and the cases they prosecute exhibit a clear case strategy from the beginning, providing vital investigative advice to the police. CCU cases are regularly overseen at a local level by senior case managers and, in the most complex cases, at a national level by senior legal managers in CPS Headquarters. Senior managers are aware of the casework being handled and attempt to adopt as flexible an approach as possible to resourcing CCUs, often to match fluctuating workloads.

**3.25.** We did find room for improvement, primarily in the recording of some of the work the CCUs undertake. Work is often completed, but not evidenced in an easily accessible format. CCUs need to make sure that an accurate audit trail of decision-making, actions and oversight of cases is available on all their files.

**3.26.** We set out a number of recommendations which highlighted aspects where improvement can be made.

### **Victim Communication and Liaison scheme: letters to victims (published October 2020)**

**3.27.** Victim Liaison Units (VLUs) were set up by the CPS in 2014. The aim of the units was to create a dedicated and professional service for victims and to ensure that victims are provided with high quality, timely, effective and empathetic communications after a case has concluded.

**3.28.** This was a follow-up inspection in response to our findings from a 2018 inspection, where we reported that only 24% of letters – less than one in four – sent to victims by the CPS were of the expected quality. How the CPS communicates with victims plays an important role in maintaining public confidence in the criminal justice system, and victims and public should have some assurance of the CPS's performance through independent evidence. Having made a series of recommendations in 2018, we felt that another inspection of the same subject was warranted, to assess whether the CPS had made progress.

**3.29.** In this inspection we found that, two years on, the CPS was still sending poor quality letters to victims of crime. Inspectors looked at 490 letters and rated 24.1% as meeting the expected standard of quality. Inspectors noted some very slight improvement in eight of the 14 CPS Areas since the 2018 inspection, but in all Areas, the majority of letters were still of poor quality.

**3.30.** We also reviewed letters to victims in cases involving rape and serious sexual offences and found that 19% of letters met the standard. We also examined letters to victims in domestic abuse cases and inspectors found that 28% were of satisfactory quality. The inspectors found that many of the letters needed to demonstrate a higher level of empathy, with 58% rated as having satisfactory empathy. While this was a 12% improvement from the 2018 findings, the performance of the letters being sent was still a long way from satisfactory.

**3.31.** Inspectors also found that the timeliness of responses had deteriorated since 2018, with more victims receiving letters late. 65.1% of letters were timely, compared to 72% in the 2018 inspection.

**3.32.** Although it was clear that the CPS has done much since 2018 to try to improve the quality of letters sent to victims – by training staff, improving guidance and raising the profile of the issues internally – this inspection showed that it has resulted in little improvement. Rather than repeat the (still valid) recommendations made in the 2018 report, we called on the CPS to review whether the arrangements it has in place are the right ones to deliver on its commitments to victims. When discussing our findings with the senior team in the CPS, it appeared that there is an appetite for a radical rethink of how it delivers the service to victims and deals with the public (its customers). Victims need care and attention, and this inspection showed that there is much to improve if they are to receive the service they deserve.

### **Information management (published November 2020)**

**3.33.** This inspection focused on the controls the CPS has in place to make sure that case information is managed securely and appropriately. Given that case material is mainly dealt with digitally, from cradle to grave, information management and information security are critical to public confidence.

**3.34.** While this inspection had to focus on the CPS, given that it is the organisation we have a statutory duty to inspect, the findings of this inspection were contextualised. To fully understand the landscape and how the CPS operates, the report set out the clear linkage between the

CPS's performance and how its interface with the police affects information management. In effect, all criminal cases start life with the police and most information handled by the CPS is generated by and received from the police. The CPS recognises that once the information is transferred from the police, it becomes the information owner, but some of the issues in the information and what is transmitted across the system are the direct result of how the police have complied with their own responsibilities.

**3.35.** In 98 of the 700 cases we examined (14%), information was passed on to the CPS that should have been either redacted or not included. Simply put, this amounts to 14% of cases containing a security breach. Our view was that, given the nature of the work the CPS undertakes and the information being handled, this level of breach is unacceptable.

**3.36.** In 60 cases the breach was the result of unauthorised disclosure of information included in the body of a witness statement. In these cases, personal data was shared with others where it was not required to prove the case. In all cases, these statements were provided to the CPS by the police and the inclusion of the personal data within the body of the statement was initiated by the police.

**3.37.** The CPS has developed a considerable amount of policy and guidance to support information management generally. Our findings showed that there was a lack of clarity and understanding at the operational level in relation to handling case file material. Those staff that did know of the national policies and where to find them said they often found them complex and difficult to navigate, and that they did not directly relate to their role in handling casework material.

**3.38.** We made six recommendations, including that:

- staff need better understanding of their information management responsibilities
- specific training modules should be developed to help staff who handle casework to understand what needs to be redacted and why
- performance data about the levels and numbers of breaches should form part of local and national performance discussions.

### **The CPS's handling of police witness care correspondence (published March 2021)**

**3.39.** This inspection assessed the overall management of correspondence received from the police by CPS Areas. The inspection focused on the discrete aspect of how the CPS managed and dealt with correspondence from police witness care units. We decided that this focus would allow us to understand the real impact, in terms of keeping victims and witnesses engaged in a case, as correspondence from police witness care units often relates to the management of victim issues.

**3.40.** The report found that CPS Areas generally handled witness care correspondence efficiently and effectively. However, there was inconsistency in understanding among operational delivery staff as to the types of communication they can deal with. In part, this may be the result of the lack of specific guidance relating to witness care correspondence. But there is national guidance detailing roles and responsibilities for staff dealing with correspondence received from other parties, such as the defence and court.

**3.41.** Overall we found that staff dealt with all issues raised in 87.5% (762 pieces) of the correspondence we reviewed. Another 5.1% (45 pieces) police witness care units received a partial response, and 7.5% (65 pieces) received no reply from the CPS. We concluded that in 26 (2.9%) of the instances where the CPS did not respond, the failure was likely to have had a negative impact on the subsequent handling of the case.

**3.42.** Overall our findings were generally positive. As such, we made one recommendation: that the CPS work with those four police forces who had yet to adopt the link to the digital witness management system, as we had found that in forces where the system was in use, the management and handling of correspondence was more effective.

## Serious Fraud Office

### **SFO handling of complaints (published February 2021)**

**3.43.** This inspection examined whether the SFO's complaint handling system delivered a service in line with the guidance for public bodies.

**3.44.** The report found that the SFO received a low number of complaints, nearly all related to a refusal to investigate an alleged fraud. Inspectors reviewed 14 complaints made to the SFO between 1 April 2019 and 31 January 2020 – the total number of complaints received by the SFO in that period.

**3.45.** Inspectors found that the formal stages of the SFO's complaints policy were clear, making the process accessible to members of the public. Inspectors assessed that responses provided to complainants were of a high standard and that there were effective structures in place to ensure complaints were responded to in full. The report also found that the SFO already had the correct culture in place, with staff dealing with matters informally before they progressed to a formal complaint.

**3.46.** The inspection also found that while the standard of investigations and responses to complaints was high, in many cases too long was taken to reply. The report recommended that the timeliness of the SFO's responses needed to be improved. Inspectors also found that the SFO did not systematically record the outcomes of complaints, and this made learning or evaluation difficult. The report also recommended that responses should include the complainant's options for next steps, including signposting other possible avenues of assistance.



## Joint inspections

### **Joint inspection on pre-charge bail and released under investigation: striking a balance (published December 2020 (HMICFRS and HMCPSI))**

**3.47.** This was a joint thematic inspection led by HM Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) and supported by HMCPSI. The changes to bail introduced through the Police and Crime Act 2017 were, in part, intended to remedy the problem of suspects being on bail for long periods of time. This legislation also allowed suspects to be released under investigation (RUI) as an alternative to formal bail. This report found that those changes led to a potentially increased risk to victims and uncertainty for suspects.

**3.48.** The inspection looked at:

- the effectiveness of leadership and governance in supporting the implementation of the legislation on pre-charge bail and RUI
- the effectiveness of police forces in identifying and managing the vulnerability and risk associated with victims of crime where the suspect has been released under investigation
- the effectiveness of police forces and the CPS in prosecuting cases where pre-charge bail and RUI is used
- the impact of pre-charge bail and RUI on the timescales of the justice process from investigation to conclusion
- the understanding, at a strategic level, of the use of pre-charge bail and RUI.

**3.49.** The inspection found that suspects were still faced with lengthy delays and that the changes had unintended consequences for victims, who viewed them as overwhelmingly negative. Not enough thought was given to how the legislative changes would affect victims. RUI left too many victims without the reassurance and protection that bail conditions can provide. Police forces implemented the changes inconsistently owing to a lack of clear guidance. Investigations involving suspects released under investigation tended to take longer and be subject to less scrutiny than ones involving formal bail. Victims and suspects do not understand the legislation and are not being updated about the progress of their case.

**3.50.** The report set out a number of recommendations, including that systems needed to be changed so that cases where suspects who had

been released under investigation were highlighted to prosecutors so that victims could be protected.

**Impact of the pandemic on the criminal justice system (published January 2021) (HMCPSP, HMI Prisons and HMI Probation)**

**3.51.** All four criminal justice inspectorates carried out inspections of their respective agencies' responses to COVID-19. For our specific findings related to the CPS and SFO, see paragraphs 3.5–3.12. The joint report set out cross-cutting themes developed from the findings of single agency inspection activity.

**3.52.** The report provided a cross-system view of how the criminal justice system reacted in the immediate aftermath of the first national COVID-19 lockdown (16 March to 8 May 2020), and of how the system has managed since.

**3.53.** The Chief Inspectors highlighted some positive initiatives during the COVID-19 pandemic, including the acceleration of digital working, and praised the commitment of staff. However, the Chief Inspectors also highlighted difficulties and lengthy waits at all stages of the criminal justice process that “benefit no one and risk damage to many”.

**3.54.** Other areas of concern were:

- the lack of education provision in custody and in the community for young people
- the highly restrictive regimes for a majority of prisoners which have continued for many months without respite
- the prospects for effective rehabilitation of offenders as programmes ceased owing to social distancing.

**3.55.** The Chief Inspectors concluded that the greatest risk to criminal justice comes from the “unprecedented and very serious” backlogs in courts. They expressed grave concern that this impact will prove deleterious to victims, witnesses and defendants alike.

**3.56.** The report called on all agencies to work together to ensure that the criminal justice system can recover from the extreme pressures caused by COVID-19, indicating that funding, time and access to expertise would allow the system to recover.

## 4. HMCPSI corporate issues

## Performance against the business plan

**4.1.** The 2020–21 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 in order to achieve the production of 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 in order to provide value for money.

**4.2.** Despite the pandemic, HMCPSI met these objectives. As set out in paragraph 4.6, 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 two looking solely at the response to the COVID-19 pandemic; and two related to the SFO, including one related to the pandemic.

**4.4.** This year we also carried out a joint inspection with HMICFRS and published a report on pre-charge bail and released under investigation; and all four criminal justice inspectorates published a report on the impact of the pandemic on the criminal justice system.

- HMCPSI also published a six-year report by the outgoing Chief Inspector.

## Finance

**4.5.** The Inspectorate's budget comprises part of the overall Government Legal Department's (GLD) budget vote. The final outturn for 2020–21 was £2.67m, which is within the budget allocated for the financial year.

## Organisational structure and working practices

**4.6.** HMCPSP continued to support flexible working and has for some time recruited staff from across England and Wales. This put us in a strong position when COVID-19 hit, as our staff were used to working from home as part of their normal working practices. As a result of the pandemic, we quickly devised techniques to ensure virtual inspection was as well informed as face to face inspection.

**4.7.** Face to face inspection activity resumed in the early autumn before the November lockdown.

**4.8.** HMCPSP ensured that all staff had the appropriate equipment to enable them to work from home safely and for face to face inspection activity.

**4.9.** We have continued to ensure that the structure of HMCPSP is fit for purpose.

## Human resources

**4.10.** HMCPSP shares services with the GLD and we continue to work with our GLD colleagues covering all aspects of HR.

**4.11.** When advertising roles within the Civil Service, we offer more roles on a loan basis to make sure that we have the right balance of experienced inspectors and staff with recent operational experience, particularly where that experience is gained in the organisations we inspect. In order to get the best people for the roles, we have also become more flexible about offering part time roles and working from home.

**4.12.** We continued to utilise associate inspectors in 2020–21, particularly for the scoping and setting up of the Area Inspection Programme which is due to commence in 2021–22.

## Communication

**4.13.** We continue to use our shared internet site<sup>1</sup> as an outward face of HMCPsi. All new inspection reports are launched on the website.

**4.14.** 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

**4.15.** 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.

**4.16.** We have access to the CPS's Central Legal Training Team (CLTT). This year, CLTT have provided inspectors with subject training on disclosure and the use of disclosure management documents to support the rape inspection. We also have use of the GLD's Learning Management System.

## Employee engagement

**4.17.** 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 significant rise to 82%. HMCPsi has the highest engagement score in the Civil Service.

**4.18.** As well as the improvement in the overall engagement score, there have been improvements in every headline aspect of the survey. We continue to work to maintain clear internal communications and effective staff engagement.

## Equality and diversity

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

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

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<sup>1</sup> Criminal Justice Inspectorates [www.justiceinspectorates.gov.uk/](http://www.justiceinspectorates.gov.uk/)

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

## **Liaison with other jurisdictions**

**4.21.** Last year we were pleased to host Dr Robroek, a colleague from The Netherlands, who has been tasked with creating an independent office of inspection. This year, Dr Robroek shadowed one of our inspections by accompanying inspectors in a series of virtual meetings. The pandemic meant that we could not reciprocate a visit to Holland where we had been asked to provide advice and assistance to help establish an inspectorate.

**Annex A**  
**Inspection review and audit**  
**reports published between**  
**April 2020 and March 2021**



Report title	Published
<b>Inspection reports, reviews and audits</b>	
CPS response to COVID-19: 16 March to 8 May 2020	June 2020
SFO response to COVID-19: 16 March to 8 May 2020	July 2020
<b>Thematic and bespoke inspections</b>	
2020 charging inspection	September 2020
Victim Communication and Liaison scheme: letters to victims	October 2020
Inspection of CPS information management	November 2020
Disclosure of unused material in the Crown Court	December 2020
SFO handling of complaints	February 2021
Complex Casework Units	March 2021
CPS response to COVID-19: dealing with backlogs	March 2021
The CPS's handling of police witness care correspondence	March 2021
A six-year review	March 2021
<b>Joint inspections</b>	
Pre-charge bail and release under investigation: striking a balance	December 2020
Impact of the pandemic on the Criminal Justice System	January 2021

# **Annex B**

## **Inspection resource activity**

To complete our inspection work in 2020–21, most of the work was undertaken virtually. To undertake our inspection, we carried out the following activity.

Casework files examined by inspectors	4,271
Documents provided by those we inspected and reviewed	1,346
Number of on-site inspector days	736
Number of CPS and SFO staff interviewed	647
Number of stakeholder interviews (non-CPS and SFO staff)	43

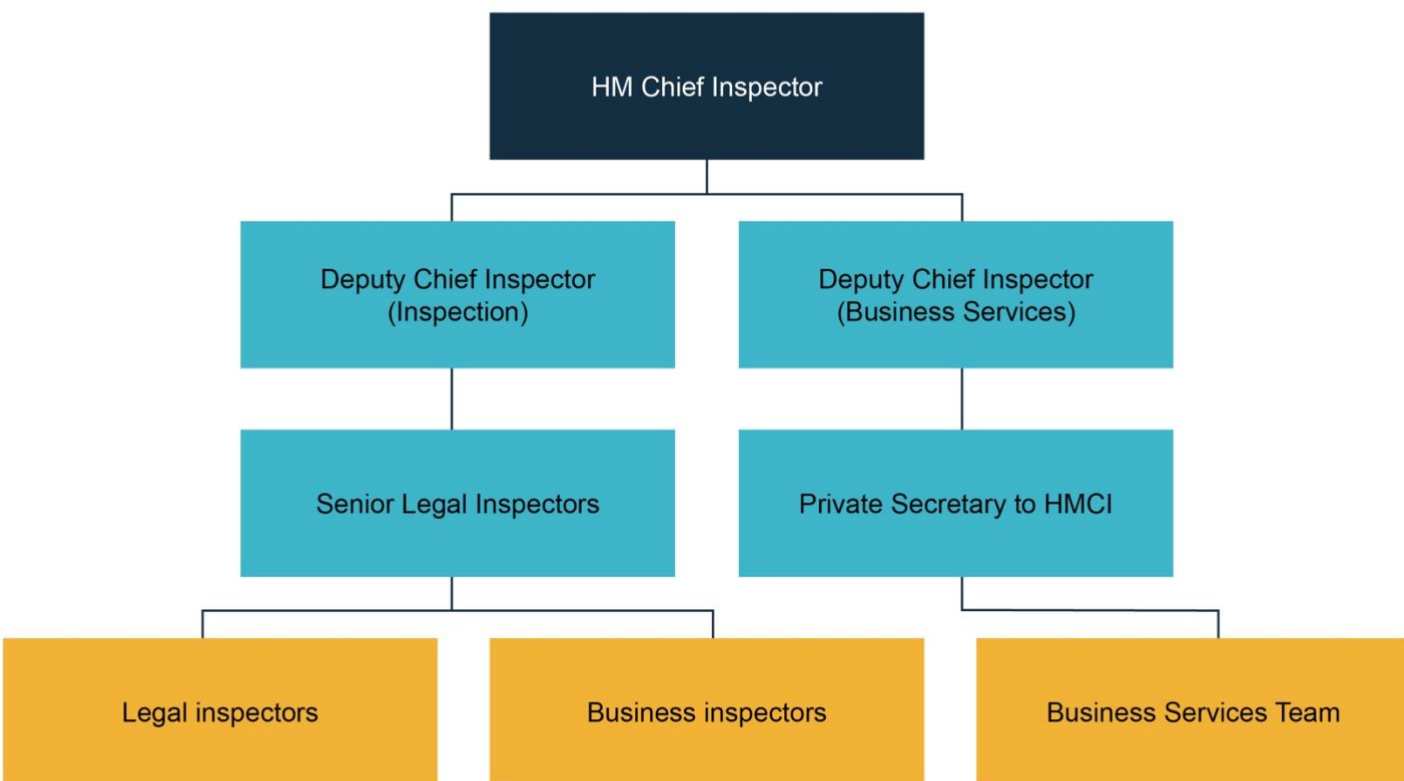
# **Annex C**

## **Budget expenditure**

	2016–17		2017–18		2018–19		2019–20		2020-21	
	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
Staff	2,123	82.3	1,999	81.6	1,664	75.3	1,865	79	2,475	85
Recruitment and training	5	0.2	6	0.2	42	1.9	3	0.13	0.31	1
Accommodation	235	9.1	199	8.1	236	10.7	236	10	132	4.2
Travel and subsistence	108	4.2	102	4.2	62	2.8	101	4.3	0.10	0.3
Consultancy	12	0.5	0	0	0	0	0	0	0	0
Suppliers and other services	80	3.1	142	5.8	195	8.8	144	6.1	222	7.3
Dilapidation provision	0	0	0	0	0	0	0	0	0	0
Rental income	0	0	0	0	0	0	0	0	0	0
Income – recovery of direct costs	0	0	-14	-0.6	0	0	-8	-0.3	0	0
Non-cash costs (depreciation and NAO audit fee)	17	0.7	17	0.7	12	0.3	21	0.8	6	2.2
<b>Total</b>	<b>2,580</b>	<b>100</b>	<b>2,451</b>	<b>100</b>	<b>2,210</b>	<b>100</b>	<b>2,362</b>	<b>100</b>	<b>2,835</b>	<b>100</b>

# **Annex D**

## **HMCPSI organisation chart**



## **HM Crown Prosecution Service Inspectorate**

### **London Office**

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