



HMCPSI

HM Crown Prosecution
Service Inspectorate

Area inspection programme

CPS Wessex

Baseline assessment

April 2022

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Who we are

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

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

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

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1. Summary

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

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

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

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

1.4. This report sets out our findings for CPS Wessex.

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

1.6. CPS Wessex has been under pressure with increasing caseloads at both pre- and post-charge stages following the first national lockdown in March 2020. Caseloads across all units remain higher than pre-pandemic levels. From quarter 4 2019 -20 to Q1 2020-22, the magistrates' court unit experienced a 37.4% increase in live caseload, the

Crown Court unit experienced a 28.7% increase and the rape and serious sexual offences (RASSO) unit had a 55.8% increase in its live caseload.

1.7. The pressures of the pandemic coincided with a period of change in the Area's workforce. This included recent changes to both the Chief Crown Prosecutor (CCP) and Deputy Chief Crown Prosecutor (DCCP). A new CCP was appointed in June 2021 and a new DCCP was appointed in December 2021, both taking up their posts during the pandemic. The Area has seen a change in its legal and operational delivery management cadres. A number of these managers have left for promotions in other parts of the CPS, which reflects positively on the professionalism of the managers in the Area. However, this has meant the Area has also had the challenge of inducting and supporting several new managers at a time of increased pressures.

People are no longer expected to attend a local office every day

1.8. In addition, the Area has experienced a high turnover of staff across all grades. Since March 2020, the Area has lost 41 experienced members of staff, including three on secondment. The increase in

remote working due to the pandemic has created an opportunity for people to work in other Areas and casework divisions of the CPS. People are no longer expected to attend a local office every day, and a number of staff in the Area have taken posts in other Areas, particularly London.

1.9. We were informed that the Area has vacancies for legal and operational delivery (OD) staff. The documents provided revealed that, as of September 2021, the Area had four vacancies for Senior Crown Prosecutors in the Crown Court unit and six vacancies for crown advocates. This is despite a significant increase in recruitment, with 49 new OD and 45 new legal staff recruited to the Area since March 2020. At the time of writing, the Area had 13 senior crown prosecutors in post, all with less than twelve months' experience in the CPS. This includes some part-time staff and represents 9.67% of the full-time equivalent legal staff in post.

1.10. There has, therefore, been a period of change at all levels, particularly within the legal cadre, where experienced prosecutors and managers have had to deal with the challenge of increased caseloads whilst also supporting the induction, coaching and mentoring of new prosecutors and managers. This has, in part, affected the Area's ability to deliver some aspects of quality casework at a time when staff have also had to deal with the pandemic.

1.11. It is a credit to the Area that there has been a demonstrable focus on recognising and celebrating good work by staff. The Area staff bulletins contain a recognition section that highlights examples of good performance and we were impressed by the decision taken to widely acknowledge the contributions that staff make in the Area. This has clearly had a positive impact on staff engagement and will have contributed to the 71% employee engagement index score for CPS Wessex as assessed by the 2021 Civil Service People Survey. This is above the CPS national average and will benefit the Area in the future.

1.12. It was clear from our observation of the Area's casework quality board that the Area has a sound understanding of the wider strategic issues they face and an awareness of the aspects of casework that need to be improved. Once the pressures of the pandemic recede, and the Area can recruit enough staff, we feel it should be possible for the Area to make noticeable improvements. The Area has a support and training programme that should help drive up casework quality. We were informed that training will focus on issues such as the quality of case strategy and consideration of ancillary orders at pre-charge decision stage. There will be refresher training on disclosure, and the quality of completion of the Plea and Trial Preparation Hearing (PTPH) form is being examined. We will assess progress during our follow-up of this baseline inspection.

Added value and grip

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

1.14. Table 1 shows our baseline assessment of CPS [Area name]'s added value and grip.

Table 1: Baseline assessment of CPS Wessex

CPS Wessex	Added value	Grip
Magistrates' court casework	60.4%	72.0%
Crown Court casework	69.1%	78.7%
Rape and serious sexual offences casework	70.5%	77.1%

1.15. Overall, our file examination found that the Area demonstrated a sound application of the Code for Crown Prosecutors, selected the most

appropriate charges and that the right defendants were correctly prosecuted for the correct offences.

1.16. Compliance with disclosure obligations was generally good in Crown Court and RASSO casework but needs improvement in magistrates' court cases. We found that the Crown Court and RASSO units were strong on compliance with the duty of continuous disclosure. In the Crown Court we assessed the Area as fully meeting the standard in 66.7% of cases and in RASSO as fully meeting the standard in 78.6% of cases. In the Crown Court unit, appropriate handling of third-party material was fully met in 88.9% of cases. In RASSO, it was fully met in 94.4% of cases. In contrast, the magistrates' court unit did not meet the standard for dealing appropriately with third-party material in either of the applicable cases we assessed.

1.17. There were, however, some aspects of casework quality where improvement was needed. Most notably, the quality of case analysis and strategy in reviews needs to be improved. Area reviews often lacked a clear analysis and strategy in setting out how the prosecution would seek to put its case. The consideration of victim and witness issues at the pre-charge stage across the magistrates' court and Crown Court units needs more focus, and performance around victim communication letters across all units needs to be improved.

1.18. Our file examination highlighted that there was a good level of grip in the Area's casework where processes clearly work well, and timeliness of processes was found to be positive. Across all three casework units we found that that compliance with court directions and orders was generally good, with 66.7% of cases being rated as fully meeting the standard and 24.2% rated as partially meeting the standard. Inspectors assessed that, in 87.3% of cases, correspondence from the court and defence was reviewed appropriately with timely and effective actions taken in response. This is a strength.

1.19. Whilst overall the grip scores were very positive for all casework types, there remain aspects where the Area could improve. Our findings highlight that the Area needs to ensure there is effective preparation for the first hearing and improved sharing of hard media in magistrates' court cases. In Crown Court and RASSO cases, there needs to be more effective preparation for the PTPH, better provision of detailed instructions to advocates, and a more proactive approach to chasing external counsel for outstanding advice on evidential issues.

Casework themes

1.20. We examined the cases in accordance with five casework themes to allow us to set out our findings in greater detail. The themes fed into the scores for added value and grip¹. The themes were:

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

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

Pre-charge decisions and reviews

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

¹ See annex F for scoring methodology.

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

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

1.24. In our file sample, we found that 95.1% of the Area’s 81 charging decisions² complied with the Code for Crown Prosecutors at the pre-charge stage. Within the different teams, the Code compliance rates were:

- magistrates’ court cases: 92.6%
- Crown Court cases: 97.1%
- RASSO cases: 94.7%.

1.25. While getting the initial charging decision correct is essential, a clear analysis of the material and a thoughtful case strategy are also fundamental to the efficiency and effectiveness of the subsequent stages. These elements support the initial application of the Code for Crown Prosecutors and selection of charges as the case moves through the criminal justice system. A case strategy should ‘tell the story’, encompassing what the case is about, and should set out how to address potentially undermining material – such as material impugning the credibility of a victim or witness, or which supports likely lines of defence.

1.26. We found the quality of pre-charge reviews was poor across all casework types examined. We assessed only 18.5% of magistrates’ court cases, 25.7% of Crown Court cases and 47.4% of RASSO cases as fully meeting the standard for analysis and strategy.

1.27. Reviews often failed to address key issues such as outstanding reasonable lines of enquiry, issues raised or likely to be raised by the defence and unused material. They also failed to adequately assess the legal points to prove for a particular offence and did not consider the strengths and weaknesses of a case or how any undermining aspects might be overcome. A poor case analysis and strategy can result in

² At the pre-charge stage, we assessed only the cases charged by Area prosecutors and excluded those charged by the police and CPS Direct, the out-of-hours national service.

duplicated work and unnecessary use of resources as prosecutors return to cases several times to address issues as they are raised rather than dealing with them clearly from the outset. Failing to properly tackle the key issues in a case at this early stage can affect the overall quality of the prosecution.

1.28. Another aspect of the pre-charge stage is the quality of instructions and guidance given to the advocate conducting the first hearing by the prosecutor making the charging decision. We found that this was weak. Of 81 Area charging decisions, only three were assessed as fully meeting the standard. Key issues included a lack of instructions on the acceptability of pleas and a failure to address custody and bail. In many cases, we also found that there was insufficient consideration of applications and ancillary matters such as special measures, to support victims and witnesses.

1.29. In 2020, the CPS delivered its national training programme around case review standards, focusing on the importance of good case analysis and formulating a prosecution strategy to promote the effective conduct of the case through to a just outcome. A proportion of the cases we considered in our file examination predated this training. We will be able to properly assess the impact of this training in our follow-up inspection.

1.30. The timeliness of pre-charge decisions across the Area was good, with 81.5% of the Area charged cases fully meeting the standard for timeliness.

Post-charge decisions and reviews

1.31. As with pre-charge reviews, the quality of ongoing reviews and strategy is of critical importance to the effective and efficient progress of cases through the criminal justice system. In our file sample, we found that 94.4% of the Area's 90 complied with the Code for Crown Prosecutors. Within the different teams, the Code compliance rates were:

- Magistrates' court cases: 90.0%
- Crown Court cases: 97.5%
- RASSO cases: 95.0%.

1.32. The standard of initial review in magistrates' court cases was weak. Post-sending reviews in the Crown Court and in RASSO cases were better but still inconsistent. 13.3% of magistrates' court cases were assessed as fully meeting the standard for the post-charge review, 36.7%

as partially meeting it and the remaining 50% assessed as not meeting the standard. In Crown Court cases, 37.5% were assessed as fully meeting the standard for the post-sending review, 40% as partially meeting it and 22.5% as not meeting the standard. In RASSO cases, performance was better, with 55% of cases assessed as fully meeting the standard, 30% as partially meeting it and 15% as not meeting the standard.

1.33. We found that, although the post-charge reviews were generally of better quality than the pre-charge reviews, many still lacked good analysis and case strategy. A common theme identified by inspectors was that pre-charge reviews were copied and pasted into post-charge reviews without the prosecutor considering issues further. This added no value. If the pre-charge review was good, and nothing had changed between the reviews, then this would have been acceptable. Where the initial quality was poor, however, this simply perpetuated case deficiencies.

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

1.35. We found that the quality of stage one reviews was not consistent and, in some cases, there was no review at all. Consequently, 36.1% of Crown Court cases and 66.7% of RASSO cases were assessed as not meeting the standard.

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

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

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

1.38. We found an inconsistent approach in the quality of these 'significant event' reviews. Performance in magistrates' court cases was good. In Crown Court and RASSO cases, however, on-going case reviews did not always take place or were not always adequate. In magistrates' court cases, we rated 72.7% as fully meeting the standard and 18.2% as partially meeting the standard. The remaining 9.1% did not meet the standard. Crown Court cases were assessed as fully meeting the standard in 42.1% of cases, as partially meeting the standard in 15.8% of cases, and as not meeting the standard in 42.1% of cases. The performance in RASSO cases also requires improvement, 50% of relevant cases were assessed as fully meeting the standard, 10% as partially meeting the standard and the remaining 40% as not meeting the standard.

1.39. The prosecution should consider what application to make to the court about a defendant's bail or custody status, when to seek bail conditions and what conditions are appropriate. Whilst ultimately a matter for the court, these considerations are an extremely important part of keeping victims, witnesses and the public safe. Timely and appropriate decisions about bail and custody were generally good, particularly in the magistrates' court and Crown Court cases. Inspectors rated the majority of cases as fully meeting the standard. However, the picture in RASSO cases was not as positive. Here, 50% of cases were assessed as fully meeting the standard, 5% as partially meeting the standard and the remaining 45% as not meeting the standard.

1.40. A guilty plea to an offence must not be agreed on a misleading or untrue set of facts and must take proper account of the victim's interests. Whilst we inspected a relatively small number of cases where pleas were accepted, our findings show that the acceptability of those pleas was handled well by the Area. 77.8% of all cases were assessed as fully meeting the standard and the remaining 22.2% of cases as partially meeting the standard.

1.41. In our file sample, there were 31 cases where bad character or hearsay applications were a relevant consideration in strengthening the prosecution case. We found that performance was mixed. We assessed 48.4% of cases as fully meeting the standard, 12.9% as partially meeting the standard and 38.7% as not meeting the standard. Performance was strongest in the RASSO team, where 100% cases were assessed as fully meeting the standard. Performance was good in the Crown Court unit,

with 61.1% of cases fully meeting the standard. In the magistrates' court unit, however, performance was particularly poor, with only 10% assessed as fully meeting the standard and the remaining 90% not meeting the standard.

1.42. The failure to identify and consider the relevance of bad character applications was a recurring theme in magistrates' court casework. Failing to make an application in appropriate cases was most often the reason cases were assessed as not meeting the standard.

Preparation of cases for the Plea and Trial Preparation Hearing in the Crown Court³

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

1.44. The overall score for Crown Court cases for this casework theme was 63.6%, leading to an assessment of partially meeting the standard. We assessed the RASSO cases we examined as not meeting the standard with a rating of 55.5%. Inspectors found that PTPH forms were completed in all cases examined. However, the standard was variable and forms often lacked sufficient detail to ensure case progression at the PTPH. Common issues were a failure to address the acceptability of pleas, and whether applications such as special measures and bad character were to be made.

1.45. It is also important to instruct counsel in good time so that they can consider the case, prepare properly for the hearing, and provide advice on the evidence. This should be done at least seven days before the PTPH. We found instructions to advocates were poor, with only 3.4% of Crown Court and 33.3% of RASSO cases assessed as fully meeting the standard. A common failing across both units was that reviewing lawyers did not address the acceptability of pleas – a key element required in an instruction to advocate document.

³ This theme only relates to Crown Court cases and RASSO cases listed before the Crown Court.

1.46. One of the principles of Better Case Management (the national process for progressing cases in the Crown Court) is direct engagement with the defence. This requires the parties in the case to communicate with each other about the issues at the earliest opportunity before the PTPH. There was a notable lack of engagement with the defence across both units. We assessed that the prosecution was fully complying with the duty of direct engagement in 33.3% of Crown Court cases and in 10% of RASSO cases examined. We are aware that many defence firms furloughed staff during the pandemic and this may explain the lack of response and the number of cases we rated as not meeting the standard.

1.47. The timeliness of serving the indictment and key evidence in Crown Court and RASSO cases is a strength. 80% of cases were assessed as fully meeting the standard in both the Crown Court and the RASSO team. There is, however, room for improvement in the quality of indictments in both Crown Court and RASSO teams. In both the Crown Court and RASSO cases we assessed, 65% of cases were rated as fully meeting the standard. The main reasons for cases being rated as partially or not meeting the standard for the quality of indictments were typographical error, excessive counts on the indictment, or indictments ordered in a way that was not helpful to the prosecution case and made presentation to a jury more difficult. With careful checking of the indictments, the standard would improve.

Disclosure of unused material

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

1.49. In the magistrates' courts, the defence may serve a statement setting out the defendant's case. In the Crown Court, the defence must serve such a statement. This is reviewed by the police and CPS, and any

additional non-sensitive unused material that meets the test must be disclosed as 'continuing disclosure'.

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

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

Table 2: Compliance with disclosure duties

Ratings	All cases
Initial disclosure	
Fully meeting the expected standard	38.4%
Partially meeting the expected standard	36.0%
Not meeting the expected standard	25.6%
Continuing disclosure	
Fully meeting the expected standard	70.5%
Partially meeting the expected standard	20.5%
Not meeting the expected standard	9.1%

1.52. As can be seen from Table 2, the Area needs to significantly improve compliance with its initial disclosure obligations. We rated 36.7% of the magistrates' court cases as fully meeting the expected standard, 37.8% of the Crown Court cases and 42.1% of the RASSO cases. The key reasons for cases not being rated as fully meeting the standard was a failure to identify that obvious items of unused material had not been scheduled by the police, and a failure to endorse sensitive material schedules. In the magistrates' court team, we also found initial disclosure had not been carried out in five cases,.

1.53. Compliance with continuous disclosure obligations was more positive. There was no requirement for continuing disclosure in any of the magistrates' court cases we examined. In the Crown Court, 66.7% of relevant cases were assessed as fully meeting the standard, and in the RASSO team, this was 78.6%.

1.54. The Area complied with their disclosure duties promptly at initial disclosure stage, with 86.3% of cases fully meeting the standard. However, timeliness at continuing disclosure stage requires improvement, with 67.4% of cases fully meeting the standard.

1.55. We found inconsistent performance in handling sensitive material across the casework types. In the magistrates' court sample, there were two cases where sensitive material was a relevant consideration – one case was assessed as partially meeting the standard and the other as not meeting the standard. In the Crown Court, three out of six relevant cases were assessed as fully meeting the standard and three as partially

meeting the standard. In the RASSO cases we examined, there were 12 cases where sensitive material was a consideration. We rated six cases (50%) as fully meeting the standard, two cases (16.7%) as partially meeting the standard and the remaining four cases (33.3%) as not meeting the standard.

1.56. There were two magistrates' court cases with third-party material, and both were assessed as not meeting the standard. Performance in the other teams was very strong, however, with the handling of the material rated as fully meeting the expected standard in 88.9% of applicable Crown Court cases, and 94.4% of relevant RASSO cases.

1.57. The Area has invested in improving disclosure performance internally, focusing on disclosure during individual quality assessments. This may help explain the generally positive results in the Crown Court and RASSO teams, particularly on continuing disclosure. However, there is room for improvement. Planned refresher training may help with this.

Victims and witnesses

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

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

1.60. There is room for improvement in how victim and witness issues are considered and dealt with at pre-charge stage. We assessed just over 36.9% of our file sample as fully meeting the standard for consideration of pre-charge applications and ancillary matters, including special measures, to support victims and witnesses.

1.61. The service provided to victims and witnesses was much stronger post charge. We rated the timely and appropriate warning of witnesses as fully meeting the standard in 88% of relevant cases in our sample. The

handling of witness care unit correspondence was also good, fully meeting the standard in 76.8% of relevant cases across the three units.

1.62. Appropriate orders to protect victims, witnesses and the public were sought during the sentencing exercise in 75% of the relevant cases in our file sample.

1.63. In magistrates' court cases, we found a reasonable level of compliance with the requirements to consult victims and speak to witnesses at court. 66.7% of cases were assessed as fully meeting the standard. In Crown Court and RASSO cases, we assessed compliance as fully meeting the standard in 52% and 37.5% of cases respectively.

1.64. In RASSO cases, the Area performed well in meeting its obligations regarding Victim Personal Statements (VPS), with 72.2% of cases assessed as fully meeting the standard. Performance in Crown Court cases was not as good, with 56.7% of cases assessed as fully meeting the standard. Performance in magistrates' casework was weakest, with 42.9% of cases rated as fully meeting the standard. In weaker cases, we noted that there was no VPS or information about the victim's wishes in the police file submission, and the prosecutor did not ask whether the victim wanted to provide a VPS.

1.65. There is scope for improvement in the timeliness and quality of Victim Communication and Liaison scheme letters (VCLs). Eight letters (42.1%) were assessed as fully meeting the standard for being sent on time and 11 letters (57.9%) as not meeting the standard. Of these 11 cases, nine had no VCL letter sent when required. Timeliness was best in RASSO casework, where 60% of cases were rated as timely, not so good in magistrates' court cases (50% of letters were sent on time) and worst in Crown Court cases (30% of letters sent on time).

1.66. Ten letters were sent, of which we assessed four as fully meeting the required standard, three as partially meeting the standard and three as not meeting the standard. Quality was less weak in magistrates' court and RASSO cases, and both were assessed as fully meeting the standard for half the letters sent. In the Crown Court, this was the case in a quarter of the letters. In the cases that did not fully meet the standard for quality, it was often because the letter failed to tell the victim about their right to seek a review of the decision, or to offer a meeting where appropriate.

2. Context and background

Background to the inspection

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

2.2. Since 2019, the thematic inspections we have carried out – notably those covering charging⁴, serious youth crime⁵ and disclosure⁶ – have reached similar findings, suggesting that more remains to be done to improve aspects of casework quality. We therefore decided to focus our geographical inspections of the CPS on casework quality. Other aspects of Areas' work, such as strategic partnerships and digital capability, will be addressed only to the extent that they have an impact on casework quality.

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

2.4. This report sets out the findings of the initial baseline inspection of CPS Wessex, assessing current performance against the inspection framework and deriving scores from our judgements of the added value

⁴ *Charging inspection 2020*; HMCPsi; September 2020.

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

⁵ *Serious youth crime*; HMCPsi; March 2020.

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

⁶ *Disclosure of unused material in the Crown Court – a follow-up*; HMCPsi; December 2020.

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

and grip displayed by the Area in its casework. The scoring mechanism is set out in more detail in chapter 3 and annex F.

2.5. A complicating factor in establishing a baseline and assessing current performance is the very real and ongoing pressure on the CPS as a result of the global Covid-19 pandemic. We were mindful of potentially adding to the burden faced by the CPS, but it is the role of HMCPSI, as a criminal justice inspectorate, to report on the effectiveness and efficiency of the agencies it inspects. This inspection programme needs to reflect the pressures and burdens being faced by the CPS, but equally has to weigh compliance with the requirement for high-quality legal decision-making and case management. This is what the public deserves.

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

The current landscape and the Covid-19 pandemic

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

2.8. In June 2020, we published a report on the CPS's response to the first lockdown⁷. We reported how the CPS had been able, with a high degree of efficiency and success, to move most office-based activities to remote digital working. The report also highlighted that some police forces had taken the opportunity of the first UK lockdown and the consequent reduction in the level of crime to work on long-running cases and clear case backlogs. These cases came into the system as pre-charge receipts and increased both the number of cases in Areas and court backlogs.

2.9. From June 2020, prosecutors attended many magistrates' court hearings in person to prosecute cases, including trials, as well as using

⁷ *CPS response to COVID-19: 16 March to 8 May 2020*; HMCPSI; June 2020.

www.justiceinspectorates.gov.uk/hmcpsi/inspections/cps-reponse-to-covid-19-16-march-to-8-may-2020/

the cloud video platform (CVP), Her Majesty's Courts and Tribunals Service's video application, to facilitate remote hearings. There has been a drive to reduce the backlogs in the magistrates' courts, which has been successful but has brought with it added pressure for the CPS to deal with an increased number of cases, within a short period of time, with the same resources.

2.10. In the Crown Court, at the early stage of the pandemic, most hearings were confined to administrative hearings using the CVP, with trials only starting to be listed in nine Crown Court centres. By September 2020, jury trials were being heard in 68 of the 81 Crown Court centres. Nightingale courts⁸ were also set up as one of the measures to address the growing backlogs of Crown Court cases.

2.11. In March 2021, we published a report looking at the CPS's response to the continuing pandemic⁹, with a focus on how it was coping with increased caseloads and backlogs. All Areas saw an increase in their caseloads, although not all were equally affected; for charging, for example, one Area's caseload increased by 13.6% between April and June 2020, while another Area saw an increase of 30.3%.

2.12. Our findings need to be read in the context of the Covid-19 pandemic and the backlogs created by it, but also bearing in mind the other pressures on the Area, such as staffing issues, including under-resourcing, recruitment and staff movements, which have exacerbated the impact of Covid-19.

Impact on the Area

Caseloads and backlogs

2.13. CPS Wessex was affected, as was the CPS nationally, by significant backlogs in the magistrates' courts and Crown Court as a result of the closure of courtrooms during the initial UK-wide lockdown. There were extra cases coming in as the police progressed existing investigations faster and submitted them to the CPS for charging advice, but cases were not being finalised as the courts heard at first no trials,

⁸ Nightingale courts were set up in venues other than traditional court centres to provide temporary extra courtroom capacity to help deal with the impact of the pandemic.

⁹ *CPS response to COVID-19: dealing with backlogs*; HMCPSI; March 2021.

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

then later, far fewer trials than pre-Covid. This created obvious pressures, particularly given the extra work of maintaining victim and witness engagement and trial readiness across longer waiting times.

2.14. Table 3 shows the changes between Quarter 4 of 2019-20 (January to March 2020) and Quarter 1 of 2021-22 (April to June 2021) for the number of live cases the Area was carrying in the three teams at the end of each month.

Table 3: Changes in live cases 2020–21

Court	Q4 2020 (Jan-Mar 2020)	Q1 2021 (Apr-May 2021)	Difference	Difference (%)
Magistrates' courts	5,786	7,947	+2,161	+37.4%
Crown Court	2,054	2,645	+591	+28.8%
RASSO	43	67	+24	+55.8%

2.15. The Area remains affected by the substantial increase in caseload which has occurred over the past year and, at the time of writing, all three teams were carrying caseloads above the levels before Covid-19.

Magistrates' courts

2.16. There was a 37.4% increase in the magistrates' court live caseload from Quarter 4 of 2019-20 to Quarter 1 of 2021-22. However, the most significant impact on caseload was in 2020. The caseload peaked at 10,438 in Quarter 3 of 2020-21. More recently, the caseload has reduced. It stood at 6,568 in Quarter 3 of 2021-22 – 13.5% higher than before the pandemic – and is still just over that level.

2.17. In the magistrates' courts served by CPS Wessex, the courts are not yet back to pre-pandemic levels of court hearings, owing, we were told, to a lack of court legal advisors. This has led to delays in listing first hearings and trials, exacerbating the backlog of live cases.

Crown Court

2.18. There was a 28.8% increase in the Crown Court live caseload from Quarter 4 of 2019-20 to Quarter 1 of 2021-22. The live caseload has remained above the pre-pandemic level but is slowly starting to reduce, and stood at 2,478 in Quarter 3 of 2021-22

Rape and serious sexual offences

2.19. There was a 55.8% increase in the RASSO live caseload from Quarter 4 of 2019-20 to Quarter 1 of 2021-22, when the number of live cases rose from 43 to 67. The RASSO caseload has continued to rise and stood at 89 in Quarter 3 of 2020-21. The Area and the RASSO team

are small, so even a few extra cases is likely to have significantly impacted the team.

Custody cases

2.20. When social distancing and other restrictions were first imposed early in the pandemic, jury trials were suspended for a two-month period. When they restarted, this was at much lower levels than before the pandemic. As a temporary measure, in September 2020, custody time limits (CTLs) were extended, then reverted to normal in June 2021. CPS Wessex, in common with all CPS Areas, had to deal with an increase in the numbers of cases that required an application to extend the custody time limits. After the extension period ended, new cases with shorter dates started to overlap with older cases with longer dates, increasing further the overall number of CTL cases, and the number of applications needed to extend them.

2.21. In the Area, staff reacted quickly to the changes in managing CTLs, switching from paper diaries kept in the offices to an electronic system that could be managed remotely. During the two months that jury trials were suspended, the Area reviewed all its CTL cases each week to make sure that the prosecution's objections to bail were still appropriate and to check whether an extension of the CTL ought to be sought. The added work around CTLs has increased the burden on the operational delivery staff and managers who monitor and check them, and on the prosecutors managing the cases and drafting extension applications.

2.22. The Area has held regular recovery meetings with the courts, and we understand that most custody cases are now listed for trial within their CTL.

Defence

2.23. Engaging with the defence during the pandemic was complicated by the fact that many defence firms furloughed staff early on in the first lockdown, and faced their own Covid-19 pressures. We were told that some defence practitioners had difficulty recruiting and retaining staff. These challenges have hampered the Area in their efforts to engage with the defence.

Moving forward

2.24. The Area has taken a positive approach to dealing with the pandemic, and is working with partners on recovery plans, but there remain significant pressures. These mean more work by a finite number of staff, against a backdrop of the pandemic pressures on people, such

as illness, isolation, home-schooling and other child and family caring responsibilities.

Police service to the Area

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

The Area is served by three police forces: Dorset Police, Hampshire Constabulary (which includes the Isle of Wight), and Wiltshire Police. Hampshire Constabulary accounts for the largest proportion of cases in the Area, and Dorset Police the smallest.

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

2.27. During the pandemic, the Area and police suspended prosecution team performance meetings (PTPMs) to focus on dealing with core casework. Feedback on police file quality was also put on hold. However, since Autumn 2020, PTPMs have been reinvigorated and the Area is now feeding back issues on the police file quality form. It is also focusing on the police response to prosecutors' action plans at the pre-charge advice stage. In a national move to identify joint priority areas for focused activity, Joint Operational Improvement Meetings have since replaced PTPMs as the primary local operational improvement meeting between CPS and the police.

2.28. We noted issues with the police file quality in our file sample. All three police forces serving the Area are experiencing significant issues with recruiting detectives and are lacking enough experienced supervisors. They are aware of the deficiencies in files prepared for the prosecution and we were told some police criminal justice units return more than half of files to the officers for remedial work before submission to the CPS. The Area provides training and input to the police on a regular basis around several key aspects, including disclosure and specialist sexual assault investigations.

Staffing levels

2.29. Covid-19 has heavily affected casework and other teams, with staff having to take time off for illness, home-schooling or other caring responsibilities. This position has been exacerbated in the Area by difficulties retaining experienced staff, partly because it is an expensive region. With remote working, some staff have taken opportunities to work in different areas, particularly London with its higher rates of pay. Some other staff have moved to other CPS Areas on promotion. In each of the quarters from Quarter 3 2020-21 to Quarter 2 2021-22, the Area was higher than the national average for staff turnover. We were told that staff retention is also a challenge for the courts and local defence firms, which could affect engagement.

2.30. The Area's senior leadership team has seen major changes. The current Chief Crown Prosecutor was appointed in June 2021 and the Deputy Chief Crown Prosecutor took up post in December 2021. There have also been changes in other personnel, with people in several grades, including managers, leaving the Area. Since March 2020, the Area has lost 41 experienced members of staff from its legal and operational delivery teams.

2.31. The Area has recruited a significant number of new staff since March 2020, so now has some staff who are relatively inexperienced. At the start of 2022, about one in ten of the Area's Senior Crown Prosecutors had less than 12 months' experience in the CPS. All the Area's casework teams have been affected by the loss of experience and all have been joined by new staff. For example, the RASSO team has had four new recruits join, some of whom were new to the CPS as well as the Area.

2.32. Despite the recruitment efforts, there is still a shortfall in the Area. As of 31 January 2022, the Area had a number of vacancies for legal managers and staff. We were told that there were four vacancies for legal managers, (one Deputy Chief Crown Prosecutor and three level one legal managers) two crown advocates vacancies, and 11 vacancies for Senior Crown Prosecutors and Crown Prosecutors.

2.33. Experienced prosecutors and managers have had to deal with the challenge of increased team caseloads whilst also supporting the induction, coaching and mentoring of new prosecutors. This has inevitably affected the Area's ability to deliver some aspects of quality casework.

Performance data

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

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

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

3. Framework and methodology

Inspection framework

3.1. The Area inspection programme framework has been designed to focus on the Crown Prosecution Service's (CPS's) delivery of quality casework, which is its core function and one of the five strands of the CPS 2025 strategy¹⁰. To do this, we are examining 90 cases from each Area, which will form the basis of our findings, judgements, and scoring. The inspection will include an assessment of the other four strands of CPS 2025 (people, digital capability, strategic partnerships, and public confidence) only in so far as they have an impact on, support, and promote casework quality.

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

Methodology

File examination

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

3.4. The file sample composition is set out in annex E. We selected the cases according to these criteria to ensure the same balance of successful and unsuccessful outcomes, and of sensitive and non-sensitive case types, for each Area. We chose live cases for 10% of the file sample to enable us to examine cases that were affected by pandemic pressures, particularly pressures in listing practices. Most of the remaining 90% were finalised between April and June 2021. Within the criteria, cases were chosen at random.

3.5. Each case was examined by an experienced legal inspector against a set of 60 questions, with guidance to ensure a common

¹⁰ CPS 2025 is the CPS's strategy and vision for where it wants to be in 2025.

www.cps.gov.uk/sites/default/files/documents/publications/CPS-2025-strategy.pdf

understanding of how to apply the questions to the cases. The work was assessed as fully meeting the expected standard, partially meeting the standard or not meeting the standard.

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

Other inspection activity

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

3.8. We also attended virtually the Area's casework quality committee meeting on 19 November 2021 to better understand how the Area views its casework quality and the improvement work going on in the Area.

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

Quality assurance

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

3.11. In line with our methodology¹¹, we held consistency exercises for our inspectors on the question set and guidance, and we invited staff from a number of Areas including CPS Wessex. Our file examination assessments were then subject to internal quality assurance, which included data checks and dip-sampling. Dip samples were then checked to ensure consistency of approach.

3.12. As set out in detail in our methodology, we follow a robust quality assurance process for cases where we reach a provisional conclusion that a decision to charge, proceed to trial, accept pleas, or discontinue

¹¹ *Inspection handbook*; HMCPsi; January 2021.

www.justiceinspectorates.gov.uk/hmcp/corporate-documents/inspection-handbook/

was not in compliance with the Code for Crown Prosecutors. The process involves two stages of internal review and between one and three stages of consultation with the CPS on our provisional finding. The number of consultation stages depends on whether the Area agrees with our provisional finding and, where we cannot agree, how many stages the Area wishes to invoke. Ultimately, the decision is ours.

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

Scoring

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

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

3.16. We assessed how well CPS Wessex met the standards against 60 questions¹² covering themes from pre-charge to case conclusion. Inspectors applied ratings to each question for each case – fully meeting the standard, partially meeting the standard or not meeting the standard. Inspectors also applied the CPS’s own casework standards.

3.17. In reaching our assessments around added value and grip, we examined Area cases against a set of questions that we brigaded into casework themes. These are examined in detail within the report to provide a fair and transparent assessment of the Area’s work across the three types of volume casework assessed. Each theme received a score – recorded as a percentage and calculated in the same way as for added value and grip – which then translated into an assessment of how well the Area met the standard for that specific theme¹³.

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

¹² See annex D for the full question set.

¹³ See annex F for the scoring methodology and annex G for which questions contributed to each of the casework themes.

4. Key stages in a prosecution case

Pre-charge decision-making

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

4.2. Once the case is with the CPS, its prosecutors review the evidence and other material sent by the police, and make their decisions based on the Code for Crown Prosecutors ('the Code')¹⁴. This is a public document, issued by the Director of Public Prosecutions, which sets out the general principles that prosecutors should follow when they make decisions on cases.

Complying with the Code

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

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

4.5. Prosecutors must be fair and objective, considering each case on its merits. It is the duty of the prosecutor to make sure that the right person is prosecuted for the right offence and to bring offenders to justice wherever possible. Prosecutors must make sure that the law is properly

¹⁴ *The Code for Crown Prosecutors*; CPS; October 2018.
www.cps.gov.uk/publication/code-crown-prosecutors

applied, that relevant evidence is put before the court and that the obligations of disclosure are met.

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

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

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

Selecting the most appropriate charges

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

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

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

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

4.12. Charging standards set by the CPS also help prosecutors select charges in some types of offending. One example is the charging standard for offences against the person. This standard helps to ensure a consistent approach in cases where the circumstances of an assault would fit either a charge of common assault by beating – an offence that can be tried only in the magistrates’ courts – or an assault occasioning actual bodily harm: an offence that can be tried either in the magistrates’ courts or the Crown Court, and which attracts a greater maximum sentence.

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

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

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

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

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

- It sets out a clear trial strategy demonstrating how each of the essential legal elements of the offence were to be proved (or could not be proved). In particular, where there were two suspects or more, the

prosecutor has considered the case of each one separately and applied the Code individually to all charges, including where joint enterprise was alleged.

- It identifies reasonable lines of enquiry. These can be very different from case to case but often include the need for scientific evidence or examination of communications, for example. The review should also identify those lines of enquiry that may point away from a prosecution. There should be a proportionate action plan identifying those reasonable lines of enquiry and setting a realistic target date for completion.
- It addresses issues or defences that could reasonably arise and the prosecutor has articulated how they could be countered.
- It addresses relevant issues of admissibility, including hearsay, identification or the significance of hard media.
- The prosecutor has considered the credibility and/or reliability of key witnesses, including previous convictions and past reports to the police. Where a video-recorded interview took place, it should have been properly assessed.
- It demonstrates that relevant CPS policies were followed: for example, the domestic abuse policy.
- The prosecutor has rationally assessed the strengths and weaknesses of the case and any impact they might have, identifying a strategy for how to address any weaknesses. The review considers any ancillary applications that may strengthen the case, such as bad character evidence of the defendant.
- It considers victim and witness issues.

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

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

- the approach to be taken to bail and/or custody for all suspects, including threshold test conditions, objections to bail, any appropriate conditions of bail and whether or not an appeal against bail being granted was necessary
- which applications and/or ancillary orders were to be made at first hearing or notice given to the court and defence
- advice on representations to the court as to venue, including sentencing guidelines where appropriate
- what possible pleas may be acceptable and the rationale for the approach to be taken
- details of any material that either assists the defence case as it is known at that stage, or undermines the prosecution case, and needs to be disclosed to the defence at the first hearing under the prosecution's common law duties
- what should be included in the initial details of the prosecution case. This is the bundle of material that is served on the defendant or their legal representative before the first hearing in the magistrates' courts¹⁵.

Post-charge decision-making and reviews

Police file quality – the National File Standard

4.19. The National File Standard¹⁶ is a document setting out the material and information that the police must send to the CPS at different stages of criminal cases and for different case types. It lists what is required when a case is submitted for a pre-charge decision, for an anticipated guilty plea case in the magistrates' courts, and for a more complex matter listed before the Crown Court. It seeks to achieve consistency and

¹⁵ The contents of the initial details of the prosecution case are regulated by [Part 8 of the Criminal Procedure Rules \(CrimPR\)](#) and the [Criminal Practice Directions \(CPD\) 2015 Division 1, at Part 3A](#).

¹⁶ The latest version of the National File Standard is contained in [the Director's Guidance on Charging, sixth edition \(DG6\)](#). Many of the files we examined pre-date the sixth edition coming into force on 1 January 2021, when [an earlier version of the National File Standard](#) applied.

proportionality across all CPS Areas and police forces throughout England and Wales.

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

Post-charge reviews

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

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

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

- whether appropriate applications – for example, bad character – were used effectively to strengthen the prosecution case.

Significant events

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

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

4.25. We call this a significant event review.

Stage 1 reviews

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

Preparation for the Plea and Trial Preparation Hearing

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

- Stage 1 – for the service of the bulk of prosecution materials. This date will ordinarily be 50 days (custody cases) or 70 days (bail cases) after sending. This is in line with the timetable for the service of the prosecution case provided in the Crime and Disorder Act (Service of Prosecution Evidence) Regulations 2005. The court does not have the power to abridge this time (without consent) but does have the power to extend it.

- Stage 2 – for the service of the defence’s response, including the defence statement and standard witness table. This date will ordinarily be 28 days after stage 1, reflecting the time provided for the service of a defence statement.
- Stage 3 – for the prosecution’s response to the defence statement and other defence items. This date will ordinarily be 14 or 28 days after stage 2, depending on the anticipated date of trial.
- Stage 4 – for the defence to provide final materials or make applications that will commonly arise out of prosecution disclosure.

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

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

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

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

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

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

The indictment

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

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

Direct engagement

4.35. The principles of better case management¹⁷ apply in the Crown Court. One of these principles is the duty of direct engagement. Rule 3.3 of the Criminal Procedure Rules requires parties to engage with each other about the issues in the case from the earliest opportunity and throughout the proceedings. The parties are required to establish whether the defendant is likely to plead guilty or not guilty; what is agreed and what is likely to be disputed; what information, or other material, is required by one party or another and why; and what is to be done by whom and when. The parties are required to report on that communication to the court at the first hearing.

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

¹⁷ Better Case Management; Courts and Tribunals Judiciary; September 2015.

www.judiciary.uk/publications/better-case-management/

Disclosure of unused material

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

Police duties

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

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

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

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

4.42. The joint national disclosure improvement plans aim to drive up the quality of the handling of unused material. Despite the pressures on CPS Areas, feedback to the police about disclosure failings remains central to the effectiveness of these plans.

Initial disclosure

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

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

Continuing disclosure

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

4.46. In magistrates' court cases, the defence may serve a defence statement but it does not have to.

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

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

4.49. Any other material that is provided after that date must also be considered by the prosecutor and either served as evidence or dealt with as unused material. If it falls to be disclosed, it should be served on the

defence. If it does not, it should be added to the MG6C schedule, which should be re-served so that the defence is aware of the additional material.

Sensitive material

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

Recording decisions

Disclosure record sheets

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

Disclosure management documents

4.52. In all rape and serious sexual offences (RASSO) cases, a disclosure management document (DMD) is required. Since 1 January 2021, a DMD is also obligatory in Crown Court cases. A DMD sets out the prosecution's approach to disclosure (for example, which search terms have been used on digital material and why) and identifies what reasonable lines of enquiry have been pursued. This invites the defence to identify any additional lines of enquiry that they consider to be reasonable and which have not yet been pursued by the first hearing in the Crown Court. The DMD is also expected to help the Judge to robustly manage disclosure in the case.

Victims and witnesses

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

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

Before charge

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

After charge

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

Communication with witness care units

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

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

Consulting victims and speaking to witnesses at court

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

4.59. Victims and witnesses are entitled to be given information when they attend court for a trial. This is referred to as the speaking to witnesses at court (STWAC) initiative¹⁸ and is intended to explain what they can expect to happen, to better prepare them for the trial and to reduce their apprehension, so that they can give their best evidence.

Victim Personal Statements

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

¹⁸ *Speaking to witnesses at court*; CPS; March 2018.
www.cps.gov.uk/legal-guidance/speaking-witnesses-court

Victim Communication and Liaison scheme letters

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

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

Rape and serious sexual offences

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

Venue

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

Selection of charges

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

The trial advocate's duties

4.66. The CPS and National Police Chiefs' Council have agreed protocols which set an expectation for there to be a conference with the

trial advocate in rape and penetrative assault cases. This conference is attended by the CPS, the officer in the case and any expert witnesses.

5. Added value and grip

What are added value and grip?

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

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

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

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

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

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

Added value

5.6. We defined added value as the difference made by prosecutors throughout the life of a case, through good and proactive prosecution decision-making in accordance with the legal framework, at both pre- and post-charge and throughout the case. We drew on the relevant questions in our file examination that most show added value:¹⁹

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

¹⁹ See annex G for which questions contributed to each of the casework themes.

- sound use of applications to strengthen the prosecution case, such as evidence of bad character of the defendant or hearsay evidence.²⁰

Grip

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

5.8. We assessed grip by identifying the questions in our file examination that had significant impact in terms of case management. The questions that contributed to our overall score and findings for grip included:²¹

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

²⁰ A statement not made in oral evidence that is evidence of any matter stated s114(1) Criminal Justice Act 2003.

²¹ See annex G for which questions contributed to each of the casework themes.

Added value and grip scoring

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

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

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

5.11. Applying this mechanism, we have scored CPS Wessex as follows.

Table 4: Added value and grip scoring

CPS Wessex	Added value	Grip
Magistrates’ court casework	60.4%	72.0%
Crown Court casework	69.1%	78.7%
Rape and serious sexual offences casework	70.5%	77.1%

5.12. These findings need to be seen in the context of the substantial increase in caseload across all teams, the large court backlogs, the significant staffing changes at all levels and the overall shortfall in the numbers of legal staff.

Magistrates’ court casework added value and grip

5.13. The measure of value added by the Area in respect of its magistrates’ court casework was assessed as 60.4%.

5.14. The Area added value by applying the Code for Crown Prosecutors correctly in 95.1% of cases at charge, and in 94.4% of cases post-charge. We rated the Area as good for selecting the correct charges to reflect the suspect’s culpability and to give the court sufficient sentencing powers should they be convicted. 88.3% of cases were assessed as fully meeting the standard for this aspect.

5.15. The Area was also effective at seeking appropriate orders at sentencing to protect victims, witnesses and the public. We rated the Area

as fully meeting the standard for this work in 80% of applicable cases, which is a strength.

5.16. Our findings highlight the need to improve the overall quality of reviews both at and post-charge. Reviews at all stages need to be thought out and more evidentially focused so that a clear case analysis and trial strategy is set out. All prosecutors have undertaken the CPS's Central Legal Training Team's case review standards training. The Area has quality assurance processes to identify where more work is needed and to monitor compliance with the Director's Guidance on Charging (DG6). We will assess the impact of these activities when we follow up this baseline inspection.

5.17. There is room to improve the standard of action plans at the pre-charge stage. We; we rated one of the 24 cases as fully meeting the standard, nine as partially meeting it, and 14 as not meeting it. Poor action plans do not help the police understand what further action is needed, and add delay and inefficiency into the system. Good quality action plans would enable the Area to help the police build stronger cases.

5.18. The Area need to better comply with its disclosure obligations. Inspectors assessed that there was full compliance with the duty of initial disclosure in 36.7% of cases, while 40.5% of cases were assessed as partially meeting the standard and 21.6% as not meeting it. The most common issue was not identifying that there were items of unused material omitted from the police schedule.

5.19. The measure of grip by the Area in respect of its magistrates' court casework was assessed as 72%. This is better than the measure of added value, which tends to indicate that compliance with processes is strong in the Area, and that the focus now needs to be on quality.

5.20. The timeliness of pre-charge decisions was excellent, with all cases fully meeting the expected standard. The timeliness of the initial review was also very positive – 20 of the 26 conducted (76.9%) were assessed as fully meeting the standard.

5.21. There is room to improve preparation for the first hearing. We rated four of the 30 cases (13.3%) as fully meeting this standard, five cases (16.7%) as partially meeting the standard and 21 cases (70%) as not meeting the standard. In some cases, we found that no Preparation for Effective Trial (PET) form had been completed. We also noted that in 15 of the 21 applicable cases (71.4%), hard media had not been shared via

Egress²² with all parties before the 'not guilty anticipated plea' NGAP hearing. These aspects of case preparation had an impact on the overall score for grip in magistrates' court casework.

Crown Court casework added value and grip

5.22. The measure of value added by the Area in respect of its Crown Court casework was assessed as 69.1%.

5.23. In over 97% of cases, the Code for Crown Prosecutors was applied correctly, and 80% of defendants in the Crown Court file sample were prosecuted for the correct offences. However, the quality of reviews, particularly around case analysis and strategy accompanying the Code decisions, was not as strong and needs improvement at both at pre-charge and post-charge stages. Nine out of 35 cases (25.7%) were assessed as fully meeting the standard for case analysis and strategy at charging and 15 out of 40 cases (37.5%) as fully meeting the standard for reviews post-charge. A relatively small improvement in these scores would lift the added value assessment from the partially met category into fully met.

5.24. While the standard of action plans was better in Crown Court casework than in magistrates' courts cases, there is room for improvement. 22.9% were assessed as fully meeting the standard.

5.25. We found that the use of appropriate applications to strengthen the prosecution case, such as hearsay and bad character, was generally good. 61.1% of relevant cases were assessed as fully meeting the standard.

5.26. The Area's compliance with initial disclosure needs improvement. We assessed 37.8% of applicable cases as fully meeting the standard. Continuing disclosure was dealt with better. We rated 66.7% of relevant cases as fully meeting the standard.

5.27. The Area was generally good at seeking appropriate orders at sentencing to protect victims, witnesses and the public, with 64.3% of cases fully meeting the standard. Compliance with the duty to consult with victims, including to speak to witnesses at court, needs improvement. We rated 52% of cases as fully meeting the standard.

²² A secure workspace which allows users to share data and collaborate securely with colleagues and external partners.

5.28. The measure of grip by the Area in respect of its Crown Court casework was assessed as 78.7%, which is very positive. It is the Area's strongest rating for added value or grip across the three casework types. Timeliness contributed significantly to this result.

- Charging decisions were on time in 28 out of 35 instances (80%).
- Post-sending reviews were stronger still, with 35 out of 39 cases (89.7%) fully meeting the expected standard.
- Service of the draft indictment and key evidence at stage one was assessed as fully meeting the timeliness standard in 32 of 40 cases (80%).

5.29. There was timely and full compliance with Judges' Orders in 25 out of 36 cases (69.4%), and we assessed the remaining 11 cases (30.6%) as partially meeting the standard, meaning that any delay was minimal or that there was little impact on other parties.

5.30. There is scope for the Area to be better at sharing hard media before the Plea and Trial Preparation Hearing. We rated eight out of 27 cases (29.6%) as fully meeting the standard, seven cases (25.9%) as partially meeting it, and 12 cases (44.4%) as not meeting the standard. Those that did not meet the standard included instances where the link to hard media had not been shared, or the link that was shared did not work.

5.31. Correspondence was generally handled well, with timely and appropriate actions taken in response to material received from the police, courts and defence. The Area was particularly good at dealing with new material from the police effectively. Inspectors rated 89.2% of cases as fully meeting the standard for this aspect. The Area also made effective requests for additional material from the police – 63.9% of cases were rated as fully meeting the standard and the remaining 36.1% as partially meeting the standard. We assessed the handling of correspondence from the court and defence as fully meeting the standard in 76.5% of applicable cases.

Rape and serious sexual offences casework added value and grip

5.32. The measure of value added by the Area in respect of its RASSO casework was assessed as 70.5%.

5.33. There were 19 Area-charged cases in our RASSO sample, of which 18 (94.7%) complied with the Code for Crown Prosecutors at charge. Post-charge, 19 out of 20 cases (95%) complied with the Code.

5.34. Prosecutors advised charging the right offences for most defendants (88.9%), a significant strength given the challenge of selecting

the correct charges in RASSO cases, especially in non-recent allegations or those involving children.

5.35. As was the case in the magistrates' court and Crown Court cases we examined, the overall quality of reviews, particularly in respect of case analysis and case strategy, needs improvement. We assessed case analysis and strategy at charge as fully meeting the expected standard in 47.4% of cases, as partially meeting it in 21.1% of cases, and as not meeting it in 31.6% of cases. Post-sending reviews were better, with over half (55%) fully meeting the standard, but the rating for stage one reviews was low – 20.0% of cases assessed as fully meeting the required standard. In four of the ten cases rated as not meeting the standard for stage one reviews, there was no review conducted, and in others, the review did not adequately address the outstanding material or information.

The quality of reviews clearly needs to improve, particularly around case analysis and strategy, but this can be contrasted with good quality decisions made around the selection of charges, drafting of indictments and the good decisions around disclosure. These suggest the team has the capacity and capability to add value through reviews at all stages of the prosecution in a consistent manner.

5.36. The measure of grip by the Area in respect of its RASSO casework was assessed as 77.7%.

5.37. Case progression in RASSO cases is very strong. New material from the police was dealt with well, and 88.9% of instances were assessed as fully meeting the standard. Requests to the police for additional material or editing were timely and escalated where necessary in all 18 relevant cases (100%). Correspondence from the court and defence was also reviewed promptly and acted on appropriately in all 18 relevant cases (100%).

5.38. Compliance in an appropriate and timely manner with Judge's Orders was also good, with 11 of the 16 applicable cases (68.8%) assessed as fully meeting the expected standard, and all but one of the remaining five cases assessed as partially meeting the standard. This meant there was minimal impact on the court, defence or others. In seven cases in our RASSO file sample, a conference with the trial advocate, officer in the case and any expert witnesses was needed. We found that there was a conference in five of the cases, although one was not held before the first trial as it should have been and only took place before the

retrial. In the remaining two cases, there was no evidence to confirm that a conference had taken place.

6. Casework quality: magistrates' court casework themes

Introduction to magistrates' court casework

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

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

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

6.3. We have scored CPS Wessex for its magistrates' court casework as follows.

Table 5: Scoring for magistrates' court casework

Question	Rating	%
Pre-charge decision-making and review		
The Area complies with the Code for Crown Prosecutors ²³ at pre-charge decision stage	Fully meeting the standard	92.6%
The Area selects the most appropriate charge(s) at pre-charge decision stage	Fully meeting the standard	96.0%
The Area's pre-charge decisions contain a clear analysis of the case and set out a cogent case strategy	Not meeting the standard	37.2%
Quality of post-charge reviews and decision-making		
The Area complies with the Code for Crown Prosecutors post-charge	Fully meeting the standard	90.0%
The Area's post-charge reviews contain a clear analysis of the case and set out a cogent case strategy, including custody and/or bail	Not meeting the standard	58.2%
Disclosure		
The Area fully complies with its duty of disclosure throughout its magistrates' court casework	Not meeting the standard	51.5%
Victims and witnesses		
The Area addresses victim and witness issues appropriately throughout its magistrates' court casework	Partially meeting the standard	68.0%

6.4. Our assessment of magistrates' court casework was that there were aspects of casework that were done well, including the application of the Code at both pre-charge and post-charge stage, the timeliness of making the pre-charge decision, the selection of the most appropriate charges at the pre-charge stage, the correct and timely warning of witnesses for trial and the seeking of appropriate orders on sentencing to protect the victim, witnesses, and the public.

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

6.5. There were other aspects that required more focus, specifically the quality of case analysis and case strategy at all stages, the preparation of the case in advance of the first hearing, and compliance with the Area’s disclosure obligations.

Pre-charge decision-making and review

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

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

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

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

6.8. We rated the Area as fully meeting the standard for this sub-theme of pre-charge decision-making, with 25 of the 27 Area-charged magistrates’ court cases being compliant with the Code for Crown Prosecutors.

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

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

6.9. Inspectors found that there were two wholly unreasonable decisions in the magistrates’ court sample (7.4% of the relevant cases). One of these cases related to a domestic assault where the victim refused to provide a statement or support the prosecution, and there was insufficient other evidence to provide a realistic prospect of a conviction. At the magistrates’ court trial, the bench concluded that there was no case to answer. The other case involved an allegation of possession of a

small amount of cocaine. The drugs had not been analysed correctly by the police in accordance with Home Office guidelines and this was not identified by the Area. The suspect was convicted, but the Area has now made post-conviction disclosure to the defence explaining the position.

Selecting the most appropriate charges

6.10. We rated the Area as fully meeting the standard for this sub-theme of pre-charge decision-making with a rating of 96%. This is a strength for the Area.

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

6.12. The rating is based on the examination of the 25 Code compliant Area pre-charged cases, of which 23 cases (92%) were assessed as fully meeting the standard and the remaining two cases (8%) as partially meeting the standard. In the two cases rated as partially meeting the standard, the main charge was correctly authorised but there should have been additional charges to properly reflect the defendant's criminality.

6.13. An example of a good selection of charges was in a case involving a suspect who pushed a taxi driver, making him fall and break both wrists. The prosecutor correctly ruled out a charge of causing grievous bodily harm with intent, contrary to section 18 of the Offences Against the Person Act 1861, as the single push did not demonstrate intent to cause serious harm. The prosecutor authorised a charge of causing grievous bodily harm contrary to section 20 of the same Act. This fully reflected the offending behaviour and ensured that the court would have adequate sentencing powers. It also allowed the case to be presented in a simple and clear way, which enabled the trial to take place in the magistrates' court. The defendant was then committed to the Crown Court for sentence.

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

6.14. Our assessment is that the Area is not meeting the standard for this sub-theme of pre-charge decision making. Overall, the score for pre-charge review in magistrates' court cases is 37.2%.

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

6.16. We found that the Area's pre-charge decision-making was timely, but this contrasted with the quality of the reviews. The Area clearly has processes to ensure reviews are completed on time, but needs to focus on the quality of the reviews to ensure they add value and support cases in progressing effectively.

6.17. The Area has faced challenges with increased caseloads because of the pandemic, many new and inexperienced prosecutors and the loss of experienced prosecutors and managers. Given these pressures, maintaining quality was always going to be a challenge. Our findings, however, highlight some basic issues. The Area is clearly aware of these and the quality of casework is a focus for improvement driven through the casework quality committee chaired by the Chief Crown Prosecutor. As the pressures of the pandemic ease and the new prosecutors become more experienced, the Area will need to ensure they continue this drive to improve quality and add more value to casework.

Case analysis and strategy

6.18. The main theme we identified in pre-charge reviews was the lack of clear case analysis and strategy. We rated five of 27 cases (18.5%) as fully meeting the standard, nine (33.3%) as partially meeting the standard and the remaining 13 cases (48.1%) as not meeting the standard.

6.19. We identified several themes in pre-charge decisions, including:

- Cases without proper analysis. Too often, we found that the prosecutor failed to consider both the elements of the offence the prosecution needed to prove, and potential defences and how they might be overcome. For example, in a domestic assault case, the defendant denied assaulting the complainant and raised self-defence in interview. This was not properly addressed by the prosecutor and there was no strategy set out for how this could be rebutted, particularly in the light of the complainant's substantial criminal record, which included offences of dishonesty and violence. There was no consideration of how or whether to proceed if the complainant withdrew her support for the case, which was a real possibility, given the information that had been provided by the police. Ultimately the case was dropped when the complainant failed to attend the trial.
- Key information provided by the police was overlooked or misunderstood. We saw examples where requests were made for information that was already on the case management system. In a blackmail case, where the defendant was a youth, the prosecutor indicated that the complainant was vulnerable due to autism. This was not correct as it was the complainant's friend who was autistic, so this was not a relevant public interest factor.
- Cases lacked detailed strategy. We saw examples of cases where the strategy was often confined to which witnesses to call without addressing how weaknesses would be overcome. In one case, under

trial strategy on the MG3, the prosecutor merely said “G plea” which was both inadequate and, given the fact that the defendant denied the offence, inaccurate. This led to the case not being prepared pre-charge for a trial, so it required remedial action once a trial was listed.

Case study

The victim and defendant lived opposite one another in a block of flats. The victim and his partner alleged that the defendant had been verbally aggressive towards the victim, including making threats of physical violence, over a period of about a week. There were audio recordings on the victim’s phone that supported his account.

In interview, the defendant denied being the person shouting abuse in the recordings and claimed he was the victim.

The prosecutor did not consider the strengths and weaknesses of the material in the case, nor how the defence raised would be overcome at trial.

The credibility of the parties was crucial to the case, but no actions were set by the prosecutor around this, despite the victim informing the police that he had been previously arrested after a “run-in” with the defendant. The defendant had relevant previous convictions, but no thought was apparently given to strengthening the case by making a bad character application.

The prosecutor authorised a charge contrary to section 4 of the Protection from Harassment Act 1997. Whilst this was appropriate, there was no rationale set out to explain the choice of charge and how the elements of the offence could be proved, and there was no reference to the CPS guidance on stalking and harassment. No actions were set around clear reasonable lines of enquiry following the account given by the defendant in interview.

Instructions and guidance to the court prosecutor were poor, and there was no consideration of the defendant’s bail position. The police served the defendant with a postal requisition and at court he was released on unconditional bail. Given the nature of the offending, a condition of non-contact should have been considered. There were no instructions about the prosecution’s stance on acceptable pleas.

Instructions to the court prosecutor

6.20. Cases did not contain sufficient instructions to the court prosecutor. None of the cases we examined were assessed as fully meeting the

standard. We rated eight out of 27 cases (29.6%) as partially meeting the standard, and the remaining 19 cases (70.4%) as not meeting the standard.

6.21. Key issues required by the court prosecutor to properly progress the case at court were either overlooked or not set out in sufficient detail. We found important issues around bail or custody, and what material to include in the 'initial details of the prosecution case' bundle were simply not covered, leaving the court advocate to re-review the case in full before being able to make appropriate representations in court. This led to duplication and created a risk. Advocates in busy courts have little time and these failings can lead to errors and lost opportunities to progress cases. The quality of instructions to the court prosecutor need to improve to ensure an effective first hearing.

Reasonable lines of enquiry and action plans

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

6.23. One of the 24 applicable cases (4.2%) was rated as fully meeting the standard for action plans, nine cases (37.5%) were assessed as partially meeting the standard and 14 cases (58.3%) were rated as not meeting it. Common failings were not requesting Victim Personal Statements or other information to support victims and witnesses, such as details of special measures required.

6.24. These results partly reflect the issues identified above relating to the overall quality of case analysis and strategy. If the Area can improve performance on case analysis, then the quality of the action plans is also likely to improve.

Applications and ancillary matters

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

6.26. We assessed the consideration of relevant applications and ancillary matters as fully meeting the standard in seven of the 19 relevant cases (36.8%), partially meeting the standard in four cases (21.1%), and not meeting the standard in eight cases (42.1%). A failure to properly consider bad character applications at the pre-charge stage was a common problem. In one example, which involved a dispute between neighbours resulting in threats of violence being made by the defendant, there was no reference to a bad character application despite their having several relevant convictions.

6.27. We assessed the consideration of relevant applications and ancillary matters to support victims and witnesses as fully meeting the standard in five out of 20 applicable cases (25%), partially meeting it in four cases (20%) and not meeting the standard in 11 cases (55%). We found that prosecutors did not always identify the need for special measures or make further enquiries with the police about the need for applications. In one domestic abuse case, in which the victim was assaulted on two separate occasions, there was no consideration of special measures, and the police were not asked to provide details of whether the victim required any. There was also no request to the police to establish whether a restraining order would be appropriate, and no consideration given to seeking compensation for the injury the victim sustained.

Post-charge decision-making and reviews

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

6.28. Our assessment is that the Area is fully meeting the standard for this sub-theme of post-charge decision-making. Overall, the score for Code compliance in magistrates' court cases is 90%. These cases included those that were originally charged by either the police or CPS Direct.

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

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

6.29. A decision that is not compliant with the Code for Crown Prosecutors is said to be a wholly unreasonable decision: that is to say, it

is a decision which no reasonable prosecutor could have made in the circumstances in which it was made, and at the time it was made or ought to have been made.

6.30. As Table 7 shows, most review decisions complied with the Code. The two cases identified as wholly unreasonable decisions proceeded to the first hearing and trial without the issues being recognised by Area prosecutors, and these are detailed in paragraph 6.9. The third wholly unreasonable decision was a case involving allegations of possession of offensive weapons and bladed articles. These cases were discontinued when there was both sufficient evidence to proceed and the prosecution was in the public interest. The Area took the view that it could not prove the defendant was in possession of the weapons and bladed articles in a public place. However, there was evidence from which the court could infer that he had been in possession of the items whilst in a public place. Amending the charge and seeking additional information from the police would have enabled the case to continue to trial.

Quality of post-charge reviews, analysis and case strategy

6.31. Our assessment is that the Area is not meeting the standard for this sub-theme of post-charge decision-making. Overall, the score for post-charge reviews in magistrates' court cases was 58.2%.

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

Case analysis and strategy

6.33. The quality of reviews in magistrates' court cases declined post-charge compared to pre-charge, as set out in Table 8.

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

Question	Magistrates' court cases
Pre-charge case analysis and strategy	
Fully meeting the required standard	18.5%
Partially meeting the required standard	33.3%
Not meeting the required standard	48.1%
Post-charge analysis and strategy	
Fully meeting the required standard	13.3%
Partially meeting the required standard	36.7%

Question	Magistrates' court cases
Not meeting the required standard	50.0%

6.34. In four of the cases we assessed as not meeting the required standard post-charge, there was no review before the first hearing when there should have been. In all four cases, key issues had not been addressed at the pre-charge decision stage. We were informed that one of the measures HM Courts and Tribunals Service introduced to tackle backlogs of cases was to list additional cases for first hearing at short notice. This presented a challenge to the Area in ensuring that all cases were reviewed beforehand, and this may be a contributory factor in our findings.

6.35. We also saw instances where the pre-charge advice had simply been copied and pasted with no evidence that any further consideration of the case had taken place. Issues like those identified in the pre-charge stage were found post-charge, such as case analyses not always being clearly set out and trial strategies lacking detail.

6.36. In our file sample, we did see several examples where the post-charge review was of good quality and added real value, as shown in the following case study.

Case study

In a domestic abuse case, the victim alleged that the suspect had bitten her, breaking her skin, had grabbed her around the throat and tried to strangle her.

In interview, the suspect claimed that he had bitten the victim during consenting sexual activity and denied holding the victim by the throat.

The post-charge review was thorough and covered the fact that the victim had subsequently withdrawn support for the prosecution case and given a statement confirming that she was no longer willing to attend court and give evidence. The prosecutor correctly took the view that the seriousness of the incident justified the issue of a witness summons to secure the victim's attendance at the trial.

As a result of this issue being addressed early, a summons was successfully obtained and served. The victim attended the trial, and the suspect pleaded guilty to assault occasioning actual bodily harm. He was sentenced to a community order.

Significant events

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

6.38. This is a stronger aspect of review work for the Area. We found that significant event reviews were completed in most cases when appropriate and were generally of a good standard. Eight (72.7%) of the 11 cases that needed a significant event review received one and we assessed these as fully meeting the standard. A further two cases (18.2%) were rated as partially meeting the standard and one case (9.1%) as not meeting the standard. This good performance indicates that the Area has capacity and capability to improve the quality of other reviews.

Feedback on police file quality

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

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

6.41. In our file sample, 70% of the files submitted by the police to the CPS did not meet the requirements set out in the NFS. We found that the Area used the NFQ tool within CMS to feed back the deficiencies in three (14.3%) of the 21 applicable cases. It is difficult for us to assess if this rate of feedback reflects the usual rate of feedback pre-pandemic. The Area told us that work with the police was taking place at all levels to improve the quality of police files. The Area is actively encouraging prosecutors to feed back on individual files and to escalate issues when appropriate.

6.42. A new quality assurance mechanism (the DGA) has now been introduced, and we will be able to assess compliance with this when we return to follow up this baseline assessment.

Does the Area fully comply with its duty of disclosure?

6.43. Our assessment is that the Area is not meeting the standard for this casework theme. Overall, the score for disclosure in magistrates' court cases is 51.5%.

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

Police service on disclosure

6.45. Police compliance with their disclosure obligations was assessed as fully meeting the standard in 17 out of the 30 cases in our sample (56.7%). We rated five cases (16.7%) as partially meeting the standard and eight cases (26.7%) as not meeting the standard.

6.46. The lack of compliance by the police requires prosecutors to identify missing material and outstanding reasonable lines of enquiry, and this delays their ability to deal with initial disclosure. It also results in a piecemeal approach that affects how many times a prosecutor has to revisit disclosure in the case.

6.47. Feedback to the police is an important part of driving improvement, and should occur despite the pressures on CPS Areas, so that the Area receives a better service in future. We found that the Area did not feed back to the police in any of the cases where there were failings in the police service regarding disclosure. The Area will want to focus on improving the level of feedback provided to the police.

Initial disclosure

6.48. We assessed initial disclosure in the magistrates' court as fully meeting the required standard in 11 of the 30 cases (36.7%). Another eight cases (26.7%) were assessed as partially meeting the standard and 11 cases (36.7%) as not meeting the standard.

6.49. We found three key issues in the cases that were assessed as not fully meeting the standard.

- We found a failure to carry out disclosure at all in five of 19 cases.
- Prosecutors failed to identify that obvious items of unused material had not been scheduled in a further five cases.
- The prosecutor endorsed that disclosable unused material was not disclosable in a further five cases.

6.50. Any of these issues can result in material not being disclosed to the defence. In one case in our sample, the prosecutor failed to serve the initial disclosure even after the defence sent a request for it. In another case, the occurrence log included a detailed account from the victim made to the police by phone. This account differed from their statement and should have been disclosed to the defence solicitors at initial disclosure. We did not, however, see any cases where there was a possible miscarriage of justice because of initial disclosure actions or omissions.

6.51. The Area has recently focused on disclosure in its individual quality assessments. IQAs allow legal managers to review cases and feed back to individual prosecutors. In November 2021, the Area conducted a standard-setting exercise for legal managers across all the casework units. This was to ensure consistency in the approach taken by the legal managers, and to clarify the standards and expectations around the new questions introduced in the October 2021 revision of the IQA. As a result, a need for further training on disclosure was identified. The former Deputy Chief Crown Prosecutor (DCCP), who was the Area's disclosure champion, was intended to deliver that training, but they moved to a new role. The Area told us that alternative arrangements were being made to deliver this training.

6.52. We assessed the timeliness of initial disclosure obligations as fully meeting the required standard in 19 out of the 25 relevant cases (76%). Two cases (8%) were assessed as partially meeting the standard and four cases (16%) as not meeting the standard.

Sensitive material

6.53. There were two cases featuring sensitive material in our magistrates' courts sample. We assessed the handling of the material as partially meeting the required standard in one case and as not meeting the standard in the other case. This is something that should be addressed through the planned training.

Other disclosure matters

6.54. There were no cases in the magistrates' court sample where the duty of continuous disclosure arose. Third party material relating to medical records was relevant in two cases and both were assessed as not meeting the standard.

6.55. Despite the issues identified, there were no cases where we found that the failures in disclosure resulted in a possible miscarriage of justice.

Disclosure records

6.56. Just above half the disclosure records in our sample (52%) were endorsed appropriately with actions and reasons for decisions. A further 12% were assessed as partially meeting the standard and the remaining 36% as not meeting the standard. Weaker cases usually did not contain the rationale for disclosure decisions

Disclosure training and assurance

6.57. Given the pressures on staff, it is perhaps not surprising that performance has slipped. We are aware from the documents provided and from the Area assessment meeting that the Area uses the IQA process to examine the quality of performance in relation to disclosure and that feedback is given to prosecutors whenever performance is assessed as not meeting the standard. The Area devoted most of the IQAs in 2021 to the quality of disclosure. The Area is, therefore, aware of the issues and is planning to give training to address the issues as outlined above.

Does the Area address victim and witness issues appropriately?

6.58. Our assessment is that the Area is partially meeting the standard for this casework theme. Overall, the score for victim and witness issues in magistrates' court cases is 68.0%.

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

Pre-charge

6.60. At charge, the prosecutor should actively consider relevant applications and ancillary matters to support victims and witnesses. We assessed the consideration of these aspects as fully meeting the standard in five out of 20 cases (25%). Four out of 20 cases (20%) were assessed as partially meeting the standard and 11 cases (55%) were assessed as not meeting the standard.

6.61. In weaker cases, prosecutors had not addressed at this early stage the type or degree of support that victims and witnesses needed. This meant they did not start to gather any additional information needed to support applications, such as details of any loss, or whether the victim needed special measures. For example, in one assault case where the victim was attacked in her home by someone known to her, and a window smashed, the prosecutor did not consider an application for a restraining order on conviction, and did not address compensation for the damage.

After charge

Witness warning

6.62. The Area has clear and effective processes for warning victims and witnesses, and this aspect of casework is a strength. We assessed 87.5% of cases as fully meeting the required standard and the remaining 12.5% of cases as partially meeting it.

Communications with witness care units

6.63. Witness care officers are in regular contact with victims and witnesses. If issues arise that may affect the victim's or witness's ability to attend court or give their best evidence, the unit sends information to the CPS. This information may be that witnesses are no longer able to attend court on the trial date or it could involve practical issues around their attendance. It is important that this information is dealt with promptly and with effective actions to minimise any impact on the effectiveness of the trial.

6.64. This is another strength for the Area. We found that prosecutors handled correspondence from the witness care units extremely well, with 90% of applicable cases rated as fully meeting the standard and the other 10% rated as partially meeting the standard.

Consulting victims and speaking to witnesses at court

6.65. In another aspect of good work by the Area, we assessed that it was fully meeting the standard for consultation with victims and speaking

to witnesses in 66.7% of the relevant cases we examined. We rated another two cases (13.3%) as partially meeting the standard and three cases (20%) as not meeting the standard.

6.66. We found that hearing record sheets generally recorded that victims or witnesses had been spoken to and the note was sufficient to confirm that the guidance on Speaking to Witnesses at Court had been followed. However, there were three cases where the hearing record sheet did not confirm this. Not all victims were consulted about a basis of plea, or pleas to a lesser offence, but this is an aspect where the Area generally performs well.

Victim Personal Statements

6.67. Victims are entitled, if they wish, to provide a Victim Personal Statement (VPS) and to choose whether they would like to read it at sentencing, have it read out in court on their behalf, or for the Judge to read it.

6.68. We assessed the area as fully meeting their VPS obligations as fully meeting the standard in nine out of the 21 relevant cases (42.9%), and as partially meeting them in a further seven cases (33.3%). Five cases (23.8%) were rated as not meeting the standard.

6.69. Of the five cases not meeting the standard, no action was taken to obtain a VPS in four cases, and in the fifth case there was no evidence of the VPS being dealt with at sentence according to the victim's wishes. This entitlement is set out within the Victims' Code of Practice and is something the Area will need to improve to ensure they comply fully with their obligations under the Code.

Orders at sentencing

6.70. This is a strength for the Area. In almost all relevant cases, (12 out of 15 cases, 80%) prosecutors sought appropriate orders on sentencing to protect the victim, witnesses and the public. In one case of domestic abuse where the defendant was convicted of criminal damage to a door, compensation was awarded to the housing association that owned the property, and a restraining order was made in favour of the complainant. This was a good example of an order being sought to protect the victim.

Victim Communication and Liaison scheme letters

6.71. The prosecution has a duty to write to a victim and explain a decision to drop or substantially reduce a charge. In our file sample, two Victim Communication and Liaison scheme (VCL) letters were sent. They

were both sent promptly. One letter was assessed as fully meeting the quality standard, but the other letter was assessed as not meeting the standard because the victim was not informed of her right to ask for a review of the decision.

6.72. Two cases should have had letters sent, but they were not. The Area has systems and reports to ensure that letters are sent in appropriate cases but is clearly not capturing every instance where a letter is required.

6.73. There is work being done in the Area to improve compliance with the VCL scheme and the quality of the letters sent. We were informed that the Area had moved new staff into the unit responsible for coordinating and sending out the letters, but it had taken longer than expected to train them.

6.74. When prosecutors fail to provide sufficient information for the letters, there is an escalation process. We were told, however, that staff lacked confidence in using the process. The Area has now put the onus firmly on the legal managers to resolve issues if sufficient information is not provided on time. The Area is conducting assurance work around this to monitor the impact on the quality of VCL letters.

6.75. A small amount of progress on victim and witness care would bring the Area up to a rating of fully meeting the standard expected for this casework theme, and Area staff are clearly committed to making improvements. We will examine the progress made when we return to follow up this baseline assessment.

7. Casework quality: Crown Court casework themes

Introduction to Crown Court casework

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

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

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

7.3. We have scored CPS Wessex for its Crown Court casework as follows.

Table 9: Scoring for Crown Court casework

Question	Rating	%
Pre-charge decision-making and review		
The Area complies with the Code for Crown Prosecutors ²⁴ at pre-charge decision stage	Fully meeting the standard	97.1%
The Area selects the most appropriate charge(s) at pre-charge decision stage	Fully meeting the standard	91.2%
The Area's pre-charge decisions contain a clear analysis of the case and set out a cogent case strategy	Not meeting the standard	47.9%
Quality of post-charge reviews and decision-making		
The Area complies with the Code for Crown Prosecutors post-charge	Fully meeting the standard	97.5%
The Area's post-charge reviews contain a clear analysis of the case and set out a cogent case strategy	Partially meeting the standard	61.5%
Preparation for the Plea and Trial Preparation Hearing		
The Area prepares its cases effectively for the Plea and Trial Preparation Hearing in the Crown Court to make sure progress is made	Partially meeting the standard	63.6%
Disclosure		
The Area fully complies with its duty of disclosure throughout its Crown Court casework	Fully meeting the standard	72.2%
Victims and witnesses		
The Area addresses victim and witness issues appropriately throughout its Crown Court casework	Fully meeting the standard	70.5%

7.4. Our assessment of Crown Court casework was that most aspects were done well, including:

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

- application of the Code at both pre-charge and post-charge stage
- selection of the most appropriate charges at the pre-charge stage
- timeliness of service of the indictment and evidence before the Plea and Trial Preparation Hearing
- correct and timely warning of witnesses for trial
- handling of correspondence and new case material
- timeliness of completing both initial and continuous disclosure.

7.5. The main aspect that requires more focus is the quality of reviews at all stages, particularly case analysis and strategy. Other aspects requiring work are compliance with the duty of initial disclosure, the quality of instructions to advocates, consulting with victims and speaking to witnesses at court, and the timeliness and quality of Victim Communication and Liaison scheme letters,

Pre-charge decision-making and reviews

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

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

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

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

7.8. We rated the Area as fully meeting the standard for this sub-theme of pre-charge decision-making, with prosecutors correctly applying the evidential and public interest stages of the Code in 34 of the 35 Area-charged Crown Court cases.

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

Rating	Number of cases	Percentage
Fully meeting the required standard	34	97.1%
Not meeting the required standard	1	2.9%

7.9. The correct application of the Code for Crown Prosecutors in the Area-charged Crown Court cases is a strength. The one charging decision that did not comply with the Code was an incident in which someone was injured by a dog that was said to be dangerously out of control. There were significant inconsistencies in the witnesses' evidence, and it was not possible to prove which dog of the three involved caused the victim's injury. The prosecution offered no evidence at a hearing for mention after the Plea and Trial Preparation Hearing (PTPH).

Selecting the most appropriate charges

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

7.11. We found that prosecutors selected the most appropriate charges in most cases. We assessed 85.3% of cases as fully meeting the standard for this aspect, which is a strength. Another four cases (11.8%) were assessed as partially meeting the standard, and the remaining case (2.9%) as not meeting it.

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

7.12. Our assessment is that the Area is not meeting the standard for this sub-theme of pre-charge decision-making. Overall, the score for pre-charge review in Crown Court cases is 47.9%.

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

Case analysis and strategy

7.14. We assessed nine of the 35 Area pre-charge decisions examined (25.7%) as fully meeting the standard for case analysis and strategy. A further 18 cases (51.4%) were assessed as partially meeting the standard and eight cases (22.9%) as not meeting the standard.

7.15. Some cases were dealt with very well. In one case, in which the suspect stabbed two victims at a party, the prosecutor at pre-charge thoroughly analysed the evidence, which came from several witnesses, some of whom gave slightly different accounts. The prosecutor addressed the weaknesses in the case and set out a strategy for how the prosecution would present the case effectively at trial. The prosecutor

made a sensible and well-reasoned decision to authorise appropriate charges and the defendant was convicted of all offences charged.

7.16. Inspectors found in many cases, however, that prosecutors did not clearly analyse the evidence and set out the basis on which the case would be prosecuted, by way of a cogent case strategy. We found several common issues within the cases we examined including:

- Case analysis often did not adequately assess the legal points to prove the strengths and weaknesses of the evidence and likely or raised defence(s). This included not identifying reasonable lines of enquiry arising from the accused's account that may have pointed away from a prosecution, and not setting out how any defence would be overcome within the trial strategy. In one case of assault on an emergency worker, the defendant said that he was acting in self-defence and had been injured in the incident. He had been seen by a doctor but there was no request by the prosecutor for the suspect's medical notes to assess the impact of any injuries on the pre-charge decision.
- Case strategy was often limited to which witnesses to call and did not adequately address how any undermining aspects of the case might be overcome. There was a lack of thinking ahead to trial and how the prosecution would present the case. For example, in a case of being concerned in the supply of cocaine, under the heading Trial Strategy on the charging advice form (the MG3), the prosecutor entered N/A. The case required a clear strategy to be set out. A CCTV operator had seen the defendant engaged in what appeared to be drug-related activity and alerted the police. The police seized cocaine valued at £175 from the defendant. The defendant did not have a criminal record. In interview, he admitted possession of the cocaine but denied being involved in any supply of drugs. A download of the defendant's mobile phone revealed messages that the police believed to be indicative of drug-dealing. There should have been a trial strategy formulated to demonstrate how the prosecution would prove something other than simple possession.
- Unused material was not always handled appropriately. Whilst 16 of 35 cases (45.7%) were assessed as fully meeting the standard, nine (25.7%) were assessed as partially meeting the standard and ten (28.6%) as not meeting the standard. We found cases where the prosecutor did not recognise that there was undermining material which would need to be disclosed. In a domestic abuse case, for instance, there was a potential witness who refused to provide a

statement but who had given the police an account that was inconsistent with the victim's account. This had the potential to undermine the prosecution case, but the prosecutor stated in the review that he had not been advised of any material likely to undermine or assist. The existence of this witness should have been made known to the defence.

Case study

The victim was punched by the suspect (who was known to him) following a disagreement. The suspect left but returned a short time later armed with a blade, which he then used to stab the victim repeatedly. The police arrested the suspect, who answered "no comment" to all questions in interview, although he did say he had several medical problems, including mental health issues.

The victim made a complaint in a recorded video interview, in which he named the suspect as responsible for his injuries. A key witness failed to pick out the suspect at an identification parade but told the police that she had deliberately failed to pick out the suspect as she was worried about repercussions. This witness had previous convictions and the victim also had numerous convictions for violent offences. The negative identification and the previous convictions were material that should have been disclosed to the defence as undermining the prosecution case. In the unused material section of the review the prosecutor endorsed "No remarkable issues arise", which was incorrect.

In the pre-charge decision, the prosecutor did not analyse the strengths and weaknesses of the case, instead commenting that any trial would stand or fall by the evidence of the key witness. The prosecutor acknowledged that the witness had difficulties but did not set out a strategy for overcoming the issues over identification and the witness's previous convictions. The prosecutor stated that the witness would require sensitive handling and that special measures "should be sorted in advance" but did not suggest what measures would be applicable and did not ask the police to obtain the views of the witness.

The police also expressed concerns about whether the victim would remain engaged in the prosecution, but this was not addressed in the review. There were no instructions to assist the court prosecutor at the first hearing.

Whilst the suspect was ultimately convicted, the case required significant remedial work after charge to prepare it for trial, much of which could have been addressed at the pre-charge stage.

Instructions to the court prosecutor

7.17. There were insufficient instructions set out for court prosecutors, which meant opportunities to progress or clarify matters at an earlier stage may have been lost. Two of the 35 applicable cases (5.7%) had instructions that were rated as fully meeting the standard. We rated 22 cases (62.9%) as partially meeting the standard and the remaining 11 cases (31.4%) as not meeting the standard.

7.18. Guidance on venue was accurate and clear in most cases, but there was often little reference to bail or custody or to acceptability of pleas. In a case involving an allegation of burglary with intent to commit grievous bodily harm, where the police were seeking a remand into custody at the first hearing, the prosecutor failed to set out instructions to the advocate on whether to seek a remand in custody and whether to appeal should the court grant bail. Instead, under instructions to advocate on the pre-charge review the prosecutor typed “none”. At the first hearing the defendant was granted bail and the advocate then had to adjourn the case briefly to seek instructions on whether to appeal the bench’s decision.

Reasonable lines of enquiry and action plans

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

7.20. Eight out of 35 cases (22.9%) were assessed as fully meeting the expected standard for action plans, a further 13 cases (37.1%) as partially meeting the standard and the remaining 14 cases (40%) as not meeting the required standard. The flaws in case analysis and trial strategy often meant that reasonable lines of enquiry were not being identified and action plans were not being set where necessary.

7.21. In 11 of the 14 cases we rated as not meeting the standard, there was no action plan when there ought to have been one. Another common issue in weaker cases was actions being set for the police in the body of the MG3 and without a target date for their completion. This creates a risk

that the police will fail to recognise the actions and either not complete them or not complete them promptly. It also creates difficulties for operational delivery staff who triage re-submitted cases to check that actions have been completed. If the action plan is in the right section of the form, it generates a list for operational delivery staff to check. If it is in the body of the advice, it does not. This can lead to cases that are not ready being referred back to prosecutors, causing delay and duplication.

Applications and ancillary matters

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

7.23. We assessed the consideration of relevant applications and ancillary matters to support victims and witnesses as fully meeting the standard in 11 out of 28 relevant cases (39.3%), partially meeting it in seven cases (25%) and not meeting the standard in ten cases (35.7%). Whilst prosecutors largely identified and progressed special measures at the pre-charge stage, we found that more consideration needed to be given at this stage to other applications or orders that should be made to support victims and witnesses, in particular restraining orders and compensation. An example was an assault case where the victim suffered a wound. The victim and defendant were well known to each other, but the pre-charge review was silent on the issue of whether a restraining order should be sought.

Post-charge decision-making and reviews

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

7.24. Our assessment is that the Area is fully meeting the standard for this sub-theme of post-charge decision-making. Overall, the score for Code compliance in Crown Court cases is 97.5%. These cases included those that were originally charged by either the police or CPS Direct. The rating includes post-sending reviews, reviews conducted when the prosecution case was served, and any significant event reviews.

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

Rating	Number of cases	Percentage
Fully meeting the required standard	39	97.5%
Not meeting the required standard	1	2.5%

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

7.26. As Table 11 shows, one case was identified as a wholly unreasonable decision. This was the case discussed in paragraph 7.8 involving a dog allegedly out of control. We identified the Code decision at the pre-charge stage as being wholly unreasonable. The case progressed beyond the post-charge review stage when that review would have been an opportunity to identify the issue and stop the case. It was discontinued at a mention hearing after the PTPH and before trial, more than six months after it had been charged.

Quality of post-charge reviews, analysis and case strategy

7.27. Our assessment is that the Area is partially meeting the standard for this sub-theme of post-charge decision-making. Overall, the score for post-charge reviews in Crown Court cases is 61.5%.

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

Case analysis and strategy

7.29. The quality of review at post-charge stage is better than at the pre-charge stage but we found the same issues as in the pre-charge reviews.

Table 12: Standard of Crown Court case analysis and strategy, pre- and post-charge

Question	Crown court cases
Pre-charge case analysis and strategy	
Fully meeting the required standard	25.7%
Partially meeting the required standard	51.4%
Not meeting the required standard	22.9%

Question	Crown court cases
Post-charge analysis and strategy	
Fully meeting the required standard	37.5%
Partially meeting the required standard	40.0%
Not meeting the required standard	22.5%

7.30. 15 cases out of 40 (37.5%) of the post-sending reviews were rated as fully meeting the standard. A further 16 cases (40%) were rated as partially meeting the standard and the remaining nine cases (22.5%) were rated as not meeting the standard.

7.31. We saw examples where prosecutors had carefully considered the case afresh and addressed relevant issues within the review, clearly adding value. In one case, involving an assault on an emergency worker, the public interest in favour of prosecution was not adequately dealt with at pre-charge. This was identified post-charge and the public interest was fully addressed in the review.

Case study

The victim tried to intervene and break up a fight between the suspect and another person. The suspect punched the victim, who fell to the ground and hit his head. The victim suffered fractures that required surgery.

The suspect admitted fighting with another man but denied the assault on the victim, claiming that a third-party had been responsible. Eyewitnesses identified the suspect as responsible for assaulting the victim.

The prosecutor considered the evidence and correctly authorised a charge of section 20, causing grievous bodily harm. The suspect entered a not guilty plea at the first hearing in the magistrates' court and was sent to the Crown Court for trial.

At the post-sending review, a different prosecutor analysed the case afresh and thoroughly considered the identification evidence and how it could be used effectively to prove the prosecution case. The prosecutor sent an action plan to the police requesting further medical evidence following the surgery to confirm the full extent of the victim's injuries. The prosecutor also confirmed that no other pleas were acceptable. The defendant pleaded to the offence charged on the day of trial.

The proactive approach in this review meant the case progressed effectively and was ready for trial.

7.32. In those cases that we assessed as not fully meeting the standard, several issues were identified, including:

- Prosecutors replicating the charging advice, adding no further detail to the review, and therefore adding no extra value when key aspects of the case had not previously been addressed. We saw several examples where the prosecutor had copied the pre-charge decision into the post-sending review (and other reviews), making it hard to establish what had been added and often resulting in an incoherent document.
- Failing to set out a trial strategy, or failing to develop and update the strategy as set out in the pre-charge decision. In one example, a defendant was charged with assaulting a member of staff and criminal damage at a hotel, and two assaults on emergency workers. The post-charge review indicated that there had been no change in evidence since the pre charge decision, which was inaccurate. The defendant had pleaded guilty to two of the four offences in the magistrates' court,

and new material had been received post-charge relating to potential bad character evidence and compensation. There had also been a request at the pre-charge stage for an update to the medical evidence to clarify aspects that may have had an impact on the level of charge for the assault, but this had not been received.

- Acceptability of pleas not being addressed.
- Failure to proactively manage cases in the post-charge review by addressing or escalating where the police had not complied with actions set out in the pre-charge action plan, or adding to those actions if any additional material was required.

Significant events

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

7.34. Inspectors found the quality of reviews was inconsistent when significant events had taken place, and there was little evidence that the case strategy or approach had been further considered at these specific points in Crown Court cases. Eight out of the 19 applicable cases (42.1%) were rated as fully meeting the standard, a further three (15.8%) were assessed as partially meeting the standard, and the remaining eight cases (42.1%) were assessed as not meeting the standard. The weaker cases displayed little or no evidence to support any decision-making around the progress of the case as a result of the significant event. In one example, where a defendant was charged with owning a dog dangerously out of control in a public place, a decision was taken not to proceed with the case, but there was no record of the reason for that decision.

Stage 1 reviews

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

7.36. In our sample, we assessed nine of the 36 relevant cases (25%) as fully meeting the standard, 14 cases (38.9%) as partially meeting the standard and the remaining 13 cases (36.1%) as not meeting the standard. In the cases that failed to meet the standard, the review did not develop the case any further than in earlier reviews, or did not add any value in escalating or reviewing where there was outstanding or new

material submitted. In four cases, there was no stage one review where one was required.

Feedback on police file quality

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

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

7.39. There were 18 cases in our Crown Court file sample where the police file was assessed as not meeting the NFS. We assessed the Area's feedback on these 18 files as fully meeting the standard in six instances (33.3%), as partially meeting it in three cases (16.7%) and as not meeting the standard in nine cases (50%).

7.40. The Area told us that work with the police was taking place at all levels to improve the quality of police files. The Area is actively encouraging prosecutors to feed back on individual files and to escalate issues when appropriate.

7.41. A new quality assurance mechanism (the DGA) has now been introduced, and we will be able to assess compliance with this when we return to follow up this baseline assessment.

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

7.42. Our assessment is that the Area is partially meeting the standard for this casework theme. Overall, the score for preparation for the Plea and Trial Preparation Hearing (PTPH) in Crown Court cases is 63.6%.

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

prepare. There is more detail on these tasks in chapter 4 (paragraphs 4.27 to 4.36).

7.44. We found that the PTPH form was completed in all 40 cases, but not always with sufficient detail to support effective progression of the case. We assessed the prosecutor's work to prepare the case for the PTPH as fully meeting the required standard in 20 of the 40 cases (50%), as partially meeting it in 17 cases (42.5%) and as not meeting the standard in the remaining three cases (7.5%). Common issues were the failure to address acceptable pleas, or to confirm which applications needed to be made, and not indicating which witnesses the prosecution intended to call to give evidence.

7.45. The police upload hard media (such as CCTV footage or body worn video) to secure online locations and send the links to the CPS. Sharing hard media can be vital to the effective and efficient progress of the case, whether as the key evidence that leads to an early guilty plea, or as part of case management and agreement to admissions.

7.46. We assessed 15 of 27 cases (55.6%) as either fully or partially meeting the standard, meaning that the Area shared some or all of the hard media links with all parties before the PTPH, or at the hearing where the defence representatives were not known in advance. The hard media was not shared in the remaining 12 cases (44.4%), and we assessed these as not meeting the expected standard. The Area will want to improve this aspect of preparation to ensure that cases are progressed as effectively as possible.

Direct engagement with the defence

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

7.48. Covid-19 has had a significant impact on the defence's ability to respond to direct engagement approaches from the prosecution. Many defence firms furloughed employees, and their staff faced the challenges of home working, home schooling, illness and caring responsibilities that so many others have experienced during the pandemic and consequent

lockdowns. This hampered Areas' efforts to engage with defence practitioners.

7.49. There was some form of communication with the defence in 27 of the cases we examined (69.2%), mostly a letter inviting the defence to make contact. This was a sensible approach given the impact of the pandemic on the defence community. Of those 27 cases, 13 were assessed as fully meeting the standard because engagement had been attempted, and this had been recorded on a DDE log. 14 cases were assessed as partially meeting the standard because, although the letter had been sent, no DDE log had been created. Of the 27 cases where some form of DDE took place, one case had the DDE log uploaded to the CCDCS as required. This makes Judges aware of the attempts made by the parties to discuss issues before the PTPH in line with the principles of better case management. Lack of communication before the PTPH can be a missed opportunity to discuss pleas or narrow down triable issues at an early stage.

The indictment

7.50. We rated 26 of 40 cases (65%) as fully meeting the standard for the quality of the draft indictment. These indictments were correctly drafted and legally correct. A further 12 cases (30%) were rated as partially meeting the standard where, although legally correct, we found typographical errors, excessive counts on the indictment or counts ordered in such a way that it made presentation to a jury more difficult. The remaining two cases (5%) were rated as not meeting the standard.

7.51. Serving the draft indictment promptly and key evidence were good, with 32 cases (80%) assessed as fully meeting the standard, and were uploaded to the CCDCS seven days before the PTPH. Another four cases (10%) were assessed as partially meeting the standard, meaning that the key evidence was served on time, but the indictment was late. The final four cases (10%) were assessed as not meeting the standard in that the evidence and indictment were both late.

Instructing the advocate

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

7.53. The quality of instructions to the advocate needs to be improved, with only one out of 29 cases (3.4%) rated as fully meeting the required standard. Five cases (17.2%) were rated as partially meeting it, and the remaining 23 cases (79.3%) assessed as not meeting the standard. The

weaker cases had a lack of detailed instructions to the advocate, particularly around acceptability of pleas and applications such as special measures and bad character. These omissions would affect the advocate's effectiveness at the hearing.

7.54. The timeliness of instructing the advocate was much better. In most cases, they were instructed at least seven days before the PTPH, with 25 out of 39 cases (64.1%) fully meeting the standard, four cases (10.3%) partially meeting it, and ten cases (25.6%) not meeting the standard.

Does the Area fully comply with its duty of disclosure?

7.55. Our assessment is that the Area is fully meeting the standard for this casework theme. Overall, the score for disclosure in Crown Court cases is 72.2%.

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

Police service on disclosure

7.57. Police compliance with their disclosure obligations was assessed as fully meeting the standard in 13 out of the 38 applicable cases (34.2%) and as partially meeting it in a further 14 cases (36.8%). The remaining 11 cases (28.9%) were rated as not meeting the standard.

7.58. The Area is prioritising improvement in disclosure. They are working with the police at all levels to improve the quality of casework and to reduce the burden on prosecutors when they need to make additional requests for material that should be provided by the police at the outset.

7.59. Feedback to the police is an important part of driving improvement, and should occur despite the pressures on CPS Areas, so that the Area receives a better service in future. We found that feedback to the police was fully meeting the required standard in four out of the 25 cases (16%) where the police failed to comply with their disclosure obligations. We

assessed the feedback as partially meeting the standard in a further eight cases (32%) and as not meeting the standard in 13 cases (52%). Given that the Area is focusing on improving disclosure, they will want to ensure that prosecutors are supporting the strategic work with partners by providing good quality comments to the police at an operational level.

Initial disclosure

7.60. We found that decisions around the initial disclosure of unused material were inconsistent. We assessed initial disclosure in the Crown Court as fully meeting the required standard in 14 out of 37 cases (37.8%) were rated as fully meeting the required standard. Another 15 cases (40.5%) were assessed as partially meeting the standard and the remaining eight cases (21.6%) as not meeting the standard.

7.61. The most common issues in weaker cases were not identifying obvious items of unused material that had not been included by police on a schedule (seven cases) and prosecutors failing to endorse the sensitive material schedule (MG6D), whether blank or not. In one case, the police provided a totally blank MG6D, which was not signed by the disclosure officer. The prosecutor sent a request to the police for a properly completed MG6D. A signed MG6D was received one week later, but was not subsequently considered or endorsed by the prosecutor.

7.62. Whilst these are weaknesses in the Area's handling of initial disclosure, we noted that there were very few cases where unused material was not disclosed to the defence at the initial disclosure stage. This shows an understanding of the application of the test. The Area now needs to focus on prosecutors being proactive about obvious missing items rather than simply applying the test to the schedules and material supplied by the police.

Continuing disclosure

7.63. Performance on continuing disclosure was much stronger than initial disclosure. We rated continuing disclosure as fully meeting the standard in 20 out of the 30 relevant cases (66.7%), partially meeting the standard in nine cases (30%) and not meeting the standard in one case (3.3%). The most common reason for not fully meeting the standard was identifying non-disclosable unused material as disclosable (three cases).

7.64. One case involved an allegation of assault by the ex-husband of the victim's partner. The victim fractured a bone in his foot during the incident and required an operation. In the defence statement, the defence requested disclosure of the victim's medical records and copies of

unconnected complaints made about the victim's partner. These were disclosed without any explanation or obvious rationale for why they met the test for disclosure.

7.65. Where there was a delay in the defence serving the defence statement, we found that the CPS was proactive in chasing them. We assessed 13 cases (54.2%) as fully meeting the standard, six cases (25%) as partially meeting the standard (meaning that the delay was noted, but either the statement was not chased or the court was not notified), and five cases (20.8%) as not meeting the standard.

7.66. We found a good, consistent approach to defence statements, with most reviewed by the prosecutor before being forwarded to the police. Inspectors assessed the Area as fully meeting the standard in 24 out of 32 cases (75%), with the remaining eight cases partially meeting the standard. This is a strength. The most common issue for cases being rated as partially meeting the standard was the defence statement being reviewed but forwarded to the police with no guidance on further reasonable lines of enquiry. This meant a missed opportunity for the prosecutor to add value and to assist the disclosure officer in understanding their obligations.

Timeliness

7.67. Timeliness of the Area's handling of its Crown Court disclosure of unused material was good. Initial disclosure was prompt in 33 relevant cases (89.2%), and in 19 cases (63.3%) for continuing disclosure. A further nine cases (30%) were assessed as partially meeting the timeliness standard for continuing disclosure, meaning that the delay was minimal. This perhaps reflects the less rigid timetable for continuing disclosure, which is also dependent on prompt service of the defence statement. However, with trials not being listed for months or a year or more during the pandemic, other tasks may have been treated as higher priority during that period.

Sensitive and third-party material

7.68. There were six cases featuring sensitive material in our Crown Court sample. Of these, three were rated as fully meeting the standard and three as partially meeting the standard. In one case that was handled well, the police provided the CPS with an MG6D which contained a witness statement made in family court proceedings and the witness was unaware the police had a copy of it. The prosecutor correctly decided that

the item was sensitive, that it did not pass the test for disclosure and endorsed the MG6D accordingly.

7.69. Third party material was dealt with correctly in eight of the nine relevant cases (88.9%), which is a strength.

7.70. We found no cases where any failure led to the risk of a miscarriage of justice.

Disclosure records

Disclosure management documents

7.71. Disclosure management documents (DMDs) were not mandated in routine Crown Court cases until 1 January 2021, a change brought about by the release of the sixth edition of the Director's Guidance on Charging. Most Crown Court cases in our sample were governed by the guidance which preceded the change, so DMDs were not obligatory in all but two cases in our sample. One case had a DMD prepared but it was assessed as partially meeting the standard as it has not been developed in partnership by the Area and the police, as is required. There was no DMD prepared on the other case.

7.72. We assessed the one DMD that was prepared as not meeting the standard for quality because it did not deal with all the issues and did not contain sufficient information. This can be contrasted with good rape and serious sexual offences (RASSO) performance around DMDs. The DMDs have been mandatory for RASSO for some time and we are assured that the Area can use this experience to ensure quality of the DMDs as they become more prevalent in volume Crown Court cases.

Disclosure record sheets

7.73. We rated the disclosure record on Modern CMS (the newer version of the case management system) as fully meeting the standard in 18 out of 36 cases (50%) with a further 17 cases (47.2%) rated as partially meeting the standard and the remaining case (2.8%) rated as not meeting the standard.

7.74. We found that while actions relating to disclosure were recorded, the rationale for decisions was often not recorded. This resulted in some disclosure records being little more than the list of material being received and sent, automatically generated by Modern CMS.

Does the Area address victim and witness issues appropriately?

7.75. Our assessment is that the Area is fully meeting the standard for this casework theme. Overall, the score for victim and witness issues in Crown Court cases is 70.5%.

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

Pre-charge

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

7.78. We assessed the consideration of relevant applications and ancillary matters to support victims and witnesses at the pre-charge stage as fully meeting the standard in 11 out of 28 relevant cases (39.3%), partially meeting it in seven cases (25%) and not meeting the standard in ten cases (35.7%). In one weaker example, the case involved an allegation of assault where the victim suffered grievous bodily harm. The victim and defendant were well known to each other, but the charging advice did not consider whether special measures or a restraining order on conviction were appropriate.

After charge

Warning witnesses, and communications with witness care units

7.79. The timely and accurate warning of witnesses to give evidence in the Crown Court was a strength for the Area, with 30 out of 35 cases (85.7%) assessed as fully meeting the standard.

7.80. Dealing with witness care unit correspondence appropriately and promptly, however, was less consistent, with 18 out of 29 cases (62.1%) rated as fully meeting the standard, ten cases as partially meeting the standard (34.5%), and one case (3.5%) rated as not meeting the standard. The types of issues raised by witnesses were varied but usually involved their attendance at court and any special measures that would

help them when giving evidence. A better consideration at the charging stage would prevent the need for some of these queries and improve the confidence of victims and witnesses before the trial.

Consulting victims and speaking to witnesses at court

7.81. Consultation with victims and speaking to witnesses at court (STWAC) were found to be fully meeting the standard in 13 out of 25 cases examined (52%), partially meeting it in five cases (20%) and not meeting the standard in seven cases (28%). The weaker cases had no record that witnesses had been spoken to at court on either a hearing record sheet or the specific template in use in the Area, which is stored with case progression documents on CMS.

7.82. In other cases, there was often too little detail to be able to ascertain whether the STWAC guidance had been properly adhered to. A note of the conversation is required according to CPS guidance and can be important to disclosure issues, should a witness say anything contrary to their statement during the conversation. We were told that the Area is confident that STWAC is being complied with in all relevant cases, but this is not borne out by our examination of the file.

Victim Personal Statements

7.83. The victim's wishes as detailed in their Victim Personal Statement (VPS) were complied with in 18 of the 30 relevant cases (60%) in our file sample. We assessed the standard as having been partially met in another seven cases (23.3%) and as not meeting the standard in the remaining six cases (16.7%). We found that the issues in weaker cases were linked to the VPS position not being considered in reviews, failing to request VPSs in action plans and to poor quality instructions to advocates, which often did not adequately address the VPS. This is an important obligation under the Victims' Code of Practice, so requires improvement. We have been informed that the Area has started to act on this and there will be training to underline the importance of complying with this obligation.

Orders at sentencing

7.84. Appropriate orders were sought on sentence, fully meeting the expected standard in nine out of 14 cases (64.3%). Three cases (21.4%) were assessed as partially meeting the standard, and two cases (14.3%) as not meeting the standard.

7.85. One example of the good approach in a case involving an allegation of possession with intent to supply cocaine and money

laundering. The prosecutor made a successful application for forfeiture and destruction of a large amount of cocaine, forfeiture of a mobile phone and around £700 cash at sentence. In another example, a defendant was prosecuted for a sustained assault on his friend following an argument. The victim suffered serious injuries and the defendant received a lengthy custodial sentence. The prosecutor also successfully applied for a restraining order against the defendant, preventing him from approaching the victim after he was released from prison.

Victim Communication and Liaison scheme letters

7.86. The prosecution has a duty to write to a victim and explain a decision to drop or substantially reduce a charge. Whilst much of the Area's approach to supporting victims and witnesses post-charge is good, more work is needed to improve performance around Victim Communication and Liaison scheme (VCL) letters.

7.87. VCL letters should have been sent in ten of the Crown Court cases we examined. Four letters were sent, three of them promptly and one late. In the remaining six cases, no letter was sent. Of the four letters sent, one was assessed as fully meeting the standard for quality and the other three as partially meeting the standard.

7.88. The Area has processes to monitor and escalate where letters are not sent and to assess quality. The Area may want to carry out assurance work to assess whether these processes are being complied with.

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

Introduction to rape and serious sexual offences casework

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

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

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

8.3. We have scored CPS Wessex for its RASSO casework as follows.

Table 13: Scoring for RASSO casework

Question	Rating	%
Pre-charge decision-making and review		
The Area complies with the Code for Crown Prosecutors ²⁵ at pre-charge decision stage	Fully meeting the standard	94.7%
The Area selects the most appropriate charge(s) at pre-charge decision	Fully meeting the standard	94.4%
The Area's pre-charge decisions contain a clear analysis of the case and set out a cogent case strategy	Not meeting the standard	51.8%
Quality of post-charge reviews and decision-making		
The Area complies with the Code for Crown Prosecutors post-charge	Fully meeting the standard	95.0%
The Area's post-charge reviews contain a clear analysis of the case and set out a cogent case strategy	Not meeting the standard	55.0%
Preparation for the Plea and Trial Preparation Hearing		
The Area prepares its cases effectively for the Plea and Trial Preparation Hearing in the Crown Court to make sure progress is made	Not meeting the standard	55.5%
Disclosure		
The Area fully complies with its duty of disclosure throughout its RASSO casework	Fully meeting the standard	80.1%
Victims and witnesses		
The Area addresses victim and witness issues appropriately throughout its RASSO casework	Fully meeting the standard	76.8%

8.4. Our assessment of RASSO casework was that there were many aspects that were done well, including:

²⁵ *Code for Crown Prosecutors, 8th edition*; CPS; October 2018.
www.cps.gov.uk/publication/code-crown-prosecutors

- the application of the Code for Crown Prosecutors at both pre-charge stage and post-charge stage
- selection of the most appropriate charges at the pre-charge stage
- correct and timely warning of witnesses for trial
- handling of correspondence from all parties
- requesting and reviewing additional material from the police
- timeliness of initial and continuous disclosure.

8.5. There were some other aspects that required more focus, specifically the quality of reviews at all stages – and particularly case analysis and strategy, effective preparation of the case for the Plea and Trial Preparation Hearing (PTPH), defence engagement and the timeliness and quality of Victim Communication and Liaison scheme letters.

8.6. There are factors relating specifically to RASSO casework, which we cover in paragraphs 4.53 to 4.66. In chapter 2, we also detail how the RASSO team has been dealing with a significant increase in caseloads, and the impact of having several newer staff who have still to build experience. It is inevitable, therefore, that some aspects of the casework will have been affected. It is commendable that the Area, faced with these challenges, is rated as fully meeting five out of eight of our casework themes and sub-themes.

Pre-charge decision-making and reviews

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

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

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

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

8.9. We rated the Area as fully meeting the standard for this sub-theme of pre-charge decision-making, with all but one of the Area's 19 pre-charged RASSO cases being compliant with the Code for Crown Prosecutors.

Table 14: Pre-charge Code compliance in RASSO cases

Rating	Number of cases	Percentage
Fully meeting the required standard	18	94.7%
Not meeting the required standard	1	5.3%

8.10. The one case that failed to comply with the Code was an allegation of a series of rapes and sexual assaults. The complainant's evidence was contradictory and conflicted with other witness evidence. When the police tried to clarify these inconsistencies, the complainant told them she had fabricated the allegations. This, combined with the other challenges, meant that there was not a realistic prospect of a conviction. The case was also allowed to proceed post-charge, and concluded with the prosecution offering no evidence at a mention hearing after the PTPH.

Selecting the most appropriate charges

8.11. We discuss the criteria and guidance that help prosecutors decide which are the most appropriate charges in chapter 4 (paragraphs 4.9 to 4.12). This is a strength in the Area.

8.12. In RASSO cases, the selection of charges can be complicated, with different charges being relevant depending on the date of the offence(s) or the age of the victim. Non-recent allegations can require particular care if they span the transitional provisions in, and the changes to offences brought about by, the Sexual Offences Act 2003. We found that Area prosecutors selected the correct charges in most cases, which is a strength for the Area. We rated the Area as fully meeting the expected standard with an overall score of 94.4% for this sub-theme of pre-charge casework.

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

8.13. Our assessment is that the Area is not meeting the standard for this sub-theme of pre-charge decision-making. Overall, the score for pre-charge review in RASSO cases is 51.8%.

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

Case analysis and strategy

8.15. We found that the quality of case strategy and analysis needs to improve. Nine of the 19 Area-charged cases (47.4%) were assessed as fully meeting the expected standard, four cases (21.1%) were assessed as partially meeting the standard and six (31.6%) as not meeting the standard.

8.16. We found that, although the correct charges were selected, the analysis of the evidence that led to those charges being appropriate was inconsistent. In some instances, strengths and weaknesses of the case were clearly identified and addressed, in others they were not. A recurring theme was the lack of a formal trial strategy and articulation of how to overcome evidential weaknesses at trial.

8.17. In some cases, the strategy could be ascertained from the analysis but there was a tendency to defer to counsel who are instructed later in the proceedings to set the case strategy. In one case, three out of four reviews prepared by Area prosecutors were endorsed as N/A in relation to trial strategy, and the final charging record was marked "advice to be sought early from counsel". The failure to properly analyse cases and set an appropriate strategy at an early stage does not add value. It is vital to ensure there is a clear basis for prosecuting a case to avoid wasting resources.

Instructions to the court prosecutor

8.18. Instructions to court prosecutors to assist them at the first hearing were poor. We assessed one case out of 19 (5.3%) as fully meeting the standard, eight cases (42.1%) as partially meeting the standard, and ten cases (52.6%) as not meeting the standard. In weaker cases, it was rare for the prosecutor to include any reference to bail conditions that might be sought to protect victims in the pre-trial period. This mirrors the findings in both Crown Court and magistrates' court cases. The instructions also often lacked detail on the acceptability of pleas and the documentation to

be included in the initial details of the prosecution case. Instructions to court prosecutors require improvement across all casework strands to ensure effective and efficient progress of cases at first hearing.

Reasonable lines of enquiry and action plans

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

8.20. Reasonable lines of enquiry were clearly identified in most cases. Action plans were assessed as fully meeting the standard in nine out of 19 cases (47.4%), as partially meeting the standard in six cases (31.6%), and as not meeting the standard in four cases (21.1%).

8.21. In two of the cases assessed as not meeting the standard there were obvious lines of enquiry that should have been pursued but there was no action plan. The other two cases did have action plans, but they failed to identify clear lines of enquiry around forensic opportunities, phone evidence, or requests to the police to provide Victim Personal Statements (VPSs) and details of special measures required by victims to assist them give evidence.

8.22. Several of the cases were assessed as partially meeting the standard owing again to a failure to request VPSs or details of special measures.

8.23. In three of the cases, the action plan was contained in the body of the advice, and the actions were not prioritised and had no target dates. This leads to a risk that the actions could be missed by the police and not progressed. This can waste resources and create difficulties for operational delivery staff, who triage the cases on re-submission to ensure all actions have been completed. This can lead to multiple re-submissions of the case causing delay and duplication.

8.24. 12 cases out of 19 (63.2%) were assessed as fully meeting the standard for consideration of possible unused material at the pre-charge stage. One case (5.3%) was assessed as partially meeting the standard and six cases (31.6%) were rated as not meeting the standard.

8.25. In one strong example – a case concerning allegations of domestic sexual violence during a long-term relationship – the prosecutor listed all

the previous incident logs. They summarised the contents of each item, set out whether each was unused material, and determined whether it was disclosable and, if so, why. This enabled a very clear understanding of the unused material in the case from the outset. In contrast, in a case assessed as not meeting the standard, there was reference made in a log that the complainant in a rape case had told the police her allegation was false. This was not identified at the charging stage as material which should be disclosed to the defence.

Applications and ancillary matters

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

8.27. We found a mixed approach to ancillary measures and applications, with five out of the 19 cases (26.3%) rated as fully meeting the standard, six cases (31.6%) as partially meeting the standard and eight cases (42.1%) rated as not meeting the standard. Common applications not considered at the pre-charge stage related to public protection, such as sexual harm prevention orders and restraining orders. Failure to consider these orders at the pre-charge stage can lead to them being overlooked throughout the life of the case and, in the case of an early guilty plea, not being prepared at the point of sentence. There were also cases where forfeiture and destruction of items used in offences, or bad character and hearsay, were not always considered in sufficient detail.

8.28. In most RASSO cases, victims are automatically eligible for special measures, but we found that prosecutors did not always ask the police for MG2s, the form that sets out which measures the police have discussed with the victim, so that the views of the victim are communicated to the prosecutor and the most appropriate measures can be sought. We assessed eight out of 17 cases (47.1%) as fully meeting the standard for consideration of relevant applications to support victims and witnesses, three cases (17.6%) as partially meeting it, and six cases (35.3%) as not meeting the standard. We also found that prosecutors routinely failed to consider post-conviction orders such as sexual harm prevention orders. It is vital that victims in such sensitive cases are properly supported throughout the process to ensure they remain engaged with the case. This is an aspect of RASSO casework that the Area will want to prioritise.

Post-charge decision-making and reviews

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

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

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

Table 15: Post-charge Code compliance in RASSO cases

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

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

8.32. The case identified as a wholly unreasonable decision post-charge was the same one we identified as not complying with the Code at charge, which we discuss at paragraph 8.9. It proceeded to the PTPH in the Crown Court. The case was reviewed again, and the prosecution decided to offer no evidence.

Quality of post-charge reviews, analysis and case strategy

8.33. Our assessment is that the Area is not meeting the standard for this sub-theme of post-charge decision-making. Overall, the score for post-charge reviews in RASSO cases is 55.0%.

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

Case analysis and strategy

8.35. We found some improvement in the quality of reviews post-charge compared to pre-charge, as shown in Table 16.

Table 16: Standard of RASSO case analysis and strategy, pre- and post-charge

Question	RASSO cases
Pre-charge case analysis and strategy	
Fully meeting the required standard	47.4%
Partially meeting the required standard	21.1%
Not meeting the required standard	31.6%
Post-charge analysis and strategy	
Fully meeting the required standard	55.0%
Partially meeting the required standard	30.0%
Not meeting the required standard	15.0%

8.36. Inspectors rated 11 of 20 cases (55%) as fully meeting the standard for post-sending reviews, six cases (30%) as partially meeting the standard and three cases (15%) as not meeting the standard. We found that the post-sending review was often a copy of the pre-charge review with little or no value added. In many of these cases, we had already rated the previous case strategy and analysis as lacking quality.

We examples where prosecutors had clearly considered the case and added value. In one case of alleged sexual activity with a mental health patient by a carer, the reviewing lawyer carried out a full post-sending review and identified a considerable amount of unused material in the case which had not been considered pre-charge. The material was then requested from the police, showing a proactive approach.

Case study

The adult victim reported to police that 20 years earlier, when she was a child, she had been sexually abused on several occasions by her uncle when he had been babysitting. In interview, the suspect denied the allegations although he did accept that he had looked after the victim when her parents were not present.

The prosecutor conducted a thorough and well-reasoned analysis of the evidence at the pre-charge stage. The primary evidence was the victim's word against the defendant's, but the prosecutor identified that there was additional evidence to support the victim, as she had made a

contemporaneous disclosure to her mother when she was a child. The prosecutor asked police to investigate this reasonable line of enquiry.

The weaknesses in the case were fully explored by the prosecutor, particularly the lack of clarity and detail in the victim's account, and they considered ways in which the evidence could be strengthened. Having carefully considered the evidence, the prosecutor concluded that there was sufficient evidence, and that prosecution was in the public interest, so authorised charge.

The same prosecutor reviewed the case to analyse and consider the additional material supplied before the post-sending review. The prosecutor requested a further recorded video interview with the victim to clarify some aspects of her evidence. This was done and then served as evidence in the case.

The proactive and careful analysis in this case resulted in a clear strategy, identifying additional lines of enquiry. This approach strengthened the case so that when it went to trial, the defendant was convicted. He received a custodial sentence.

Significant events

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

8.38. We found that the quality of significant event reviews was inconsistent. We assessed five out of the ten relevant cases as fully meeting the standard, with one case rated as partially meeting the standard and the other four as not meeting the standard. In two of the cases assessed as not meeting the standard, the defence offered pleas that the prosecution rejected. In one case a plea was offered and accepted, and one case was discontinued following receipt of new undermining material. Inspectors agreed that the prosecutor made the correct decision in each of these cases, but there were no reviews recorded explaining the rationale for these decisions.

Stage 1 reviews

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

8.40. In the RASSO cases, we found that the stage one reviews were not routinely completed adequately. This contributed to the low overall score for this theme and has an impact on the overall score for added value. We rated three cases (20%) as fully meeting the standard for review at this stage, two cases (13.3%) as partially meeting the standard and ten cases (66.7%) as not meeting the standard.

8.41. In four of the 15 cases where a stage one review was required, no review was carried out. We were given two reasons for this. Firstly, the Area prosecutors invest a lot of time in getting cases thoroughly prepared at the pre-charge stage in bail cases, so there should be little for the prosecutor to do post-charge. Where any additional material is received from the police post-charge, the reviewing lawyer should address this before the PTPH. Secondly, given this approach to Area-charged bail RASSO cases and with the increased workloads during the pandemic, the Area decided to focus on threshold test cases post-charge, as generally these cases have not previously been reviewed by an Area prosecutor. We found, however, a variable approach to the quality of the pre-charge reviews, which were not of a consistently high standard, which undermines the efficacy of this approach. Where nothing remains outstanding and all matters have been previously addressed, only a minimal stage one review would be required. However, in all four of the cases where there was no stage one review, there was additional information or material on the case file that had not previously been addressed.

Feedback on police file quality

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

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

8.44. Police file quality was assessed as fully meeting the standard in 10 of 20 cases (50%) and the remaining ten cases (50%) were assessed as not meeting the standard. We found that the CPS properly fed back regarding the deficiencies in one of the ten cases that were not NFQ-compliant. Three cases were assessed as partially meeting the standard

for feedback, where some feedback was given but not as part of the NFQ process, and five were assessed as not meeting the standard because there was no feedback given. One case was assessed as not applicable because, the police file was received during the NFQ suspension. It is important that clear feedback is provided to the police on individual cases to support the Area's work with the police and improve the quality of the case files supplied.

Conferences with counsel

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

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

8.47. Seven cases we examined required a conference with counsel. In four of those cases, the conference took place on time and added value to the case. In the fifth case, there was a conference, but it was too close to the trial date to be of value. In the remaining two cases, no conference was held. The effective engagement of the trial advocate in the preparation of the case for trial can make a significant difference to the ultimate success of a case and helps to ensure the advocate will be aware of the needs of the victim before they attend court. The availability of counsel for conferences has been hampered by the pandemic, so we hope that, as the pressures ease, the Area will achieve more consistent compliance with this aspect of RASSO casework.

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

8.48. Our assessment is that the Area is not meeting the standard for this casework theme. Overall, the score for preparation for the Plea and Trial Preparation Hearing (PTPH) in RASSO cases is 55.5%.

8.49. In assessing the Area's performance when preparing for the PTPH, we considered the key tasks the prosecution are required to complete –

including filling in the PTPH form for use by the Judge presiding at the hearing; carrying out direct engagement with the defence; drafting the indictment; making sure the relevant material is uploaded to the Crown Court Digital Case System (DCS) before the hearing; and making sure an advocate is instructed in advance of the hearing, so that they have time to prepare. There is more detail about these tasks in chapter 4 (paragraphs 4.27 to 4.36).

8.50. We found preparation for the first hearing, including completion of the PTPH form, was inconsistent. Ten cases (50%) were being rated as fully meeting the standard, one case (5%) as partially meeting the standard and the remaining nine cases (45%) as not meeting the standard. PTPH forms were generally adequately prepared, but there were other failings in the preparation, including no link to a victim's video evidence, details of a registered intermediary report not being disclosed, special measures not being adequately addressed and an instance where the prosecution were unable to confirm if they intended to call a witness. The other main theme was the failure to consider the acceptability of pleas – a failure in every case that did not meet the standard.

8.51. The police upload hard media (such as CCTV footage or body worn video) to secure online locations and send the links to the CPS. The Area shared hard media with all parties before the PTPH in 57.9% of the relevant cases, which we assessed as fully meeting the standard. We rated four cases (21.1%) as partially and the same number as not meeting the standard. In RASSO cases, hard media consists of the video interview conducted with the victim(s) that forms their evidence. It is crucial that this is shared before the first hearing so that the case can be effectively progressed, and appropriate orders made for actions to ensure an effective trial.

Direct engagement with the defence

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

8.53. Covid-19 has had a significant impact on the defence's ability to respond to direct engagement approaches from the prosecution. Many

defence firms furloughed employees, and their staff faced the challenges of home working, home schooling, illness and caring responsibilities that so many others have experienced during the pandemic and consequent lockdowns. This hampered Areas' efforts to engage with defence practitioners.

8.54. This may help explain why engagement was not routinely conducted in the RASSO cases we examined. It was rated as fully meeting the standard in two of 20 cases (10%), partially meeting the standard in 11 cases (55%), and not meeting the standard in seven cases (35%). The DDE log was not uploaded to CCDCS in any of the cases where it was carried out. The Area is aware of this issue and has taken action to improve compliance with the standards.

The indictment

8.55. RASSO cases present specific challenges when drafting indictments, particularly where the victim is a child, or the allegations are not recent. We found that indictments were generally well drafted, with 13 cases (65%) rated as fully meeting the standard, five cases (25%) as partially meeting the standard and two cases (10%) as not meeting the standard. Where cases were assessed as partially meeting the standard, the issue was often the poor selection of counts where a protracted period of abuse was alleged. These were usually later corrected by counsel, but sometimes not until trial.

8.56. Timeliness was a strength for the Area, with 80% of indictments and key evidence being uploaded promptly, 5.% of cases partially meeting the standard, and 15.% not meeting it.

Instructing the advocate

8.57. We set out the expectations for what should be contained in instructions to the court advocate in paragraph 4.31. We found that clear instructions to advocates were provided in six out of 18 cases (33.3%), with nine cases (50%) partially meeting the standard. These nine cases had instructions that omitted key issues such as bail, special measures or the acceptability of plea. The remaining three cases (16.7%) were rated as not meeting the standard because there were either no instructions, or the document was silent on key issues.

8.58. Improvement in this aspect should improve the effectiveness of PTPHs. We saw examples where the prosecutor was proactive in ensuring counsel was briefed well before the PTPH, with clear instructions in complex cases. In one case concerning an historic

allegation of assault by penetration where the victim was a very young boy, the prosecutor prepared excellent instructions to the advocate with many useful case specific notes. Advice was also sought concerning the counselling that the victim had received and whether it would be beneficial to seek a statement from the counsellor. In this case the advocate was also instructed promptly – 12 days before the PTPH.

8.59. Timeliness of instructing counsel was variable. In nine out of 20 cases (45%), the advocate was instructed at least seven days before the PTPH. We rated three cases (15%) as partially meeting the standard because the advocate was briefed later than seven days before but the delay had minimal impact on their ability to properly prepare and present the case. We assessed the remaining eight cases (40%) as not meeting the standard. Given the sensitive and often difficult nature of RASSO casework, the early instruction of counsel leads to an effective and efficient prosecution where the victim and witnesses are supported and can avoid late requests for additional material or editing that can waste resources. The Area will want to improve on this aspect of preparation to ensure PTPHs are as effective as possible,

Does the Area fully comply with its duty of disclosure?

8.60. Our assessment is that the Area is fully meeting the standard for this casework theme. Overall, the score for disclosure in RASSO cases is 80.1%.

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

Police service on disclosure

8.62. We found police compliance with their disclosure obligations was fully meeting the standard in four out of 20 cases (20%), partially meeting it in 10 cases (50%) and not meeting the standard in six cases (30%).

8.63. Feedback to the police is an important part of driving improvement, and should occur despite the pressures on CPS Areas, so that the Area

receives a better service in future. Performance on this aspect was better in RASSO cases than in magistrates' court and Crown Court cases. Prosecutors fed back issues in 81.3% of the cases where the police had not complied with their disclosure obligations. This is positive and will help the police improve their performance.

Initial disclosure

8.64. We assessed initial disclosure in RASSO cases as fully meeting the required standard in 8 of the 19 applicable cases (42.1%). Another eight cases (42.1%) were assessed as partially meeting the standard and three cases (15.8%) as not meeting the standard.

8.65. The weaker cases most often featured no endorsement of a completed sensitive material schedule (the MG6D). In two cases, a blank MG6D had not been endorsed or signed. Completing MG6Ds at the initial disclosure stage clearly needs to be addressed, but there was only one case where disclosable material failed to be disclosed and no incorrect disclosures.

Continuing disclosure

8.66. The quality of continuing disclosure was better than initial disclosure. We assessed it as fully meeting the required standard in 11 out of 14 cases (78.6%) and as not meeting the standard in the remaining three cases (21.4%). In two of these cases, continuing disclosure was not completed. We found no cases where any issues around disclosure led to a potential miscarriage of justice.

8.67. We saw a good example of continuing disclosure in a case involving sexual assaults on a young child. The defence submitted a defence statement with 14 requests for additional material or information. The prosecutor provided a comprehensive and prompt response that clearly addressed all the points raised. As a result, there were no further requests from the defence.

8.68. Inspectors assessed the review of defence statements and provision of guidance to the police on further reasonable lines of enquiry as generally adequate. Seven of the 14 applicable cases (50%) were assessed as fully meeting the standard, six cases (42.9%) as partially meeting the standard and one case (7.1%) as not meeting the standard. In all six of the files rated as partially meeting the standard, no guidance had been given to the police – the defence statement had simply been forwarded to them without any comments or case-specific guidance. This is a missed opportunity to add value to the case by ensuring that all

reasonable lines of enquiry and material to be disclosed are properly explored before trial.

8.69. The Area is proactive in chasing late defence statements. We found five cases (55.6%) fully meeting the standard, two cases (22.2%) partially meeting the standard and two cases (22.2%) not meeting the standard.

Timeliness

8.70. The timeliness of serving initial and continuing disclosure were both good, with the former stronger than the latter. We assessed disclosure as timely in 94.4% of instances at initial disclosure and in 76.9% of instances at continuing disclosure.

Sensitive and third-party material

8.71. There were 12 cases featuring sensitive material in our Crown Court sample. Six cases out of the 12 were assessed as fully meeting the standard for the handling of sensitive material, two as partially meeting the standard and four as not meeting the standard. The most common failing was not endorsing or considering MG6Ds containing items of sensitive material. This relates to the issue we identified at initial disclosure, and one that the Area needs to address.

8.72. Third-party material was handled very well, with 17 of 18 files (94.4%) assessed as fully meeting the standard, and the remaining one (5.6%) assessed as partially meeting the standard.

Recording decisions

Disclosure management document

8.73. Disclosure management documents (DMDs) were not mandated in routine Crown Court cases until 1 January 2021, a change brought about by the release of the sixth edition of the Director's Guidance on Charging. The Crown Court cases in our sample were governed by the guidance which preceded the change, so DMDs were not obligatory in volume cases.

8.74. Almost all (90%) the RASSO cases in our file sample had a DMD completed with input from both the police and the prosecutor. We also found that the quality of completed DMDs was good. We rated 13 out of 18 cases (72.2%) as fully meeting the standard for accuracy and completeness, and the remaining five cases (27.8%) as partially meeting the standard. We note from the documents provided that the Area had

already identified issues with the quality of DMD completion relating to lack of awareness of disclosure strategy, and a failure to update DMDs following the first draft. We did find instances where DMDs had been uploaded to CCDCS but were not updated any further. We were told that the Area is carrying out dip-samples of DMDs to identify issues, provide feedback and improve quality.

Disclosure record sheets

8.75. Completion of disclosure records was variable, with 10 applicable cases (52.6%) assessed as fully meeting the standard, eight cases (42.1%) as partially meeting the standard and one case (5.3%) assessed as not meeting the standard. We found in weaker cases that the rationale behind decisions regarding unused material was not always clearly evidenced on the disclosure record, which was often just the automatic record generated by Modern CMS of the receipt and dispatch of schedules and other material.

Does the Area address victim and witness issues appropriately?

8.76. Our assessment is that the Area is fully meeting the standard for this casework theme. Overall, the score for victim and witness issues in RASSO cases is 76.8%.

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

Pre-charge

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

8.79. Much of the Area's victim and witness care is strong, but the consideration of relevant application and ancillary matters to support victims and witnesses pre-charge is letting down otherwise good performance. We assessed eight out of 17 cases (47.1%) as fully meeting the standard, three cases (17.6%) as partially meeting the standard and six (35.3%) as not meeting the standard. In some cases, inspectors found

that the final charging advice was the latest in a series throughout a lengthy pre-charge period, and was restricted to dealing with the decision to charge. This meant that it omitted reference to appropriate special measures applications and failed to request Victim Personal Statements (VPSs) or details of special measures required for victims and witnesses. Consideration of such issues at the earliest stage pre-charge allows for clear and timely support for victims, providing reassurance that their needs can be met and helping to maintain their engagement with the prosecution.

After charge

Witness warning

8.80. This is a strength for the Area. In 15 out of the 16 relevant cases (93.8%), the correct witnesses were warned promptly, which demonstrates the efficiency of the processes the Area has for this aspect of casework.

Communications with witness care units

8.81. Witness Care Unit correspondence was dealt with appropriately in 16 of the 17 applicable cases (94.1%), which means the Area is providing proper support and information to victims and witnesses when they contact the WCU to request it.

Consulting victims and speaking to witnesses at court

8.82. Consultation with victims and speaking to witnesses at court (STWAC) requires improvement. We rated six out of 16 cases (37.5%) as fully meeting the standard, six (37.5%) as partially meeting the standard and the remaining four (25%) as not meeting the standard.

8.83. The most significant omission was any record to show compliance with the STWAC initiative. This applied to all the cases assessed as not meeting the standard. As with our findings in relation to Crown Court cases, there appeared to be different practices within the Area for where the consultation with witnesses should be recorded. In some cases, we found it recorded on the hearing record sheet and, in others, in a template document in the case progression pack on CMS. Again, the Area is satisfied that victims and witnesses are being spoken to appropriately at court, but our file examination suggests otherwise.

Victim Personal Statements

8.84. The area's obligations relating to Victim Personal Statements (VPSs) were carried out fully in 13 of 18 cases (72.2%) and partially in the

remaining five cases (27.8%). As described in relation to both magistrates' court and Crown Court casework, this is an obligation under the Victims' Code of Practice and, although performance is strong, there is scope for improvement.

Orders at sentencing

8.85. At sentencing, the Area sought relevant orders to protect victims, witnesses and the public in nine of the 11 applicable cases (81.8%). Applying for appropriate orders at the conclusion of a case is not only a vital means of ensuring that victims and the wider public are protected from a defendant, but also recognises the harm caused to a victim. This is a strength for the Area.

Case study

The victim and the suspect had been in a relationship for almost nine years. The victim alleged that the suspect physically and sexually assaulted her throughout their relationship. In interview, the suspect denied the allegations.

The suspect was charged with several offences, including assault by penetration. The defendant entered acceptable guilty pleas that reflected the gravity of the offending.

This case was subject to lengthy delay due to the first trial date being postponed because of the pandemic, and then the defence raising the issue of the defendant's fitness to plead. The case took almost 18 months from the defendant's first appearance in the magistrates' court until the sentencing.

The victim was kept fully up to date with the progress of the case. This included discussion around the defence's offer of pleas, which were clearly explained both in person and in a detailed letter. The victim also attended a court familiarisation visit with the trial advocate.

The victim provided a VPS and was able to attend the sentencing hearing where prosecuting counsel made a successful application for a restraining order and a sexual harm prevention order.

Victim Communication and Liaison scheme letters

8.86. The prosecution has a duty to write to a victim and explain a decision to drop or substantially reduce a charge.

8.87. There were five cases that required a VCL letter in the RASSO sample we examined. In four of those cases, a letter was sent, three of which fully met the standard for timeliness. One case had no letter sent.

8.88. Of the four letters sent, two were assessed as being of high quality. The other two letters were assessed as not meeting the standard because the letters, although otherwise thorough in content, failed to explain to the victim their rights to attend a meeting and to seek a review of the decision.

9. Public confidence

9.1. One of the five aims of the of the Crown Prosecution Service's (CPS's) 2025 strategy²⁶ is to improve public confidence by "[working] with partners to serve victims and witnesses and uphold the rights of defendants in a way that is fair and understood by all communities".

9.2. In this inspection, we used our file examination, supplemented by the documents requested from the Area and our assessment visit to the Area, to consider aspects of the Area's performance related to public confidence – with a specific focus on the impact on casework quality.

Correspondence with victims

Expectations

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

9.4. A VCL letter should include a referral to the Victims' Right to Review (VRR) scheme if applicable. This is a scheme where a victim can ask the prosecution to reconsider a decision to drop or substantially alter a case. In certain circumstances, the VCL letter should also offer a meeting.

9.5. The CPS may also communicate with someone who has made a complaint about the service they have received, or with bereaved families after an unlawful killing.

9.6. All communications in writing with victims, complainants and bereaved families should use plain English, be translated where necessary, be grammatically correct, and avoid the use of legal jargon. They should include a clear, understandable, and accurate explanation of the decision or action being discussed. Where appropriate, empathy

²⁶ CPS 2025 is the CPS's strategy and vision for where it wants to be in 2025.

www.cps.gov.uk/sites/default/files/documents/publications/CPS-2025-strategy.pdf

should be expressed, and the recipient should be directed to sources of support and other help.

Sending Victim Communication and Liaison scheme letters

Compliance with the Victim Communication and Liaison scheme

9.7. In our sample of 90 cases, 19 cases required a VCL letter to the victim. Of those 19 cases, ten letters were sent (52.6%). These related to two magistrates' court cases, four Crown Court cases and four rape and serious sexual offence (RASSO) cases. Of the nine instances in which letters were not sent when they should have been, six were Crown Court cases.

9.8. The Area has processes to ensure that all victims who are entitled to a VCL letter receive one, and it produces performance data to support this. The Victim Liaison Unit (VLU) compiles a daily report of all cases with outcomes or events that suggest that a letter may be required (such as a case being discontinued) to ensure that no cases have been missed.

9.9. The nine instances of letters not being sent suggest that these processes are not working effectively, particularly in Crown Court cases. The Area told us they had identified an issue in the Crown Court team when the decision that triggered the VCL scheme had been taken in the office rather than at court. Prosecutors were not using the correct process in the case management system to notify the VLU when they had taken a decision that invoked the need for a letter. This required victim liaison officers (VLOs) to do resource-intensive manual checks, which were resource intensive. The VLU produced a breakdown regarding the amount of time spent by officers on this process. In July 2021, the time taken was equivalent to one full-time member of the team spending 2.8 days a month – a resource the Area cannot spare, given the staffing pressures it has to deal with.

9.10. Data is provided to legal managers to take up with their staff and, when the failure to identify the need for a VCL letter involves an external advocate, to the advocacy unit to feed back to counsel.

9.11. Whilst the Area believes these checks have increased the number of letters identified, our file examination suggests there is still an issue. The Area needs to ensure staff in all units comply, that the need for a VCL letter is identified properly and that resources are not wasted checking that processes have been followed.

Timeliness of Victim Communication and Liaison scheme letters

9.12. We found that that the timeliness of VCL letters was good in the instances where letters were actually sent, with eight of the ten VCLs (80%) meeting the expected deadline. However, the two late letters and the nine cases with no letter sent led to an overall assessment of 11 out of 19 instances (57.9%) not meeting the standard for timely compliance with the scheme.

9.13. The Area closely monitors and analyses VCL timeliness. The monthly VCL compliance report, which is shared with all managers, shows timeliness figures broken down by unit and compared to previous months, although these are not set against the national average. The report comments on performance and picks up on priority areas that need to be addressed. Direction of travel is noted month to month and the reasons explored for any dip in performance. The Area's performance has remained above the national average since 2019-20.

9.14. The Area's assurance and monitoring has identified that the issue with late VCL correspondence largely stems from delays in obtaining bespoke paragraphs from prosecutors. These are sections of the letters that relate to the specific details of the decision, and which are drafted by the prosecutor and added into the appropriate template by the VLO. Late submission is such an issue that the Area has introduced a record of the reasons for late submissions by prosecutors. This is shared with line managers but is resource-intensive. The VLU has highlighted the resource required to provide this detailed information as part of its data for the time VLU staff spend chasing up late submissions.

9.15. The Area has an escalation process to chase late submission of paragraphs, first via the prosecutor's line manager and then by the grade 2 legal manager. We saw a VCL tracker that recorded details of cases requiring a letter, confirmation that the letter had been sent and the number of times the lawyer had been chased. This tracker did not, however, monitor timeliness. We were informed that the Area uses a variety of different tools and spreadsheets in the VLU and is considering streamlining them into one spreadsheet to ensure data consistency and integrity. Failing to use the escalation process has been identified as negatively affecting the timeliness of VCLs, but the Area believes this has now been adequately addressed. We will be looking for evidence of this when we follow up this baseline inspection.

Quality of Victim Communication and Liaison scheme letters

9.16. We assessed the quality of the ten letters sent as set out in Table 17.

Table 17: Quality of Victim Communication and Liaison scheme letters

Casework type	Magistrates' courts	Crown Court	RASSO	All cases
Number of letters sent	2	4	4	10
Fully meeting the standard	1 (50.0%)	1 (25.0%)	2 (50.0%)	4 (40.0%)
Partially meeting the standard	-	3 (75.0%)	-	3 (30.0%)
Not meeting the standard	1 (50.0%)	-	2 (50.0%)	3 (30.0%)

9.17. Our findings show that the Area has work to do to improve the quality of letters it is sending to victims. Four of the ten letters sent were rated as fully meeting the expected standard, three as partially meeting the standard and three as not meeting it. The weaker letters often included phrases, descriptions or explanations which, when received by the victim, could appear unthinking and would not portray the level of care and empathy expected. The letters that did not meet the standard often failed to include reference to the victim's right to request a review of the decision or to offer meetings where appropriate.

9.18. In one example which we assessed as fully meeting the expected standard, the victim and complainant had been in a long-term relationship during which the victim alleged the defendant had been sexually abusive and violent. On the day of trial, the defendant offered to plead guilty to a significant number of the offences charged. The victim was not present at court, and it was not practical for her to be consulted. The pleas were accepted and, within 24 hours, a good quality letter was sent to the victim explaining in detail what had happened at court and why the pleas had been accepted.

9.19. The Area quality assures VCL letters by various means, including:

- a peer review by VLOs of all letters to vulnerable or intimidated victims
- legal managers in the magistrates' court and Crown Court units dip-sample the paragraph supplied by the prosecutor explaining their

decision, which is then incorporated into the appropriate template by the VLOs

- internal scrutiny panels for the VLU and the RASSO VLU, made up of legal and VLU staff. Each month, they examine a selection of VCL letters with the aims of identifying where the Area can improve the quality of the letters, and recognising good work. Their findings are considered by the VLU and legal managers, who are expected to provide feedback to staff and ensure letters improve in the future
- The Area draws on the experience of other stakeholders via external scrutiny panels for hate crime, violence against women and girls, and modern slavery. The panels' remit includes considering all aspects of the cases they review, but they do consider the VCL letters as part of their general scrutiny. Feedback from the panels, which includes positive comments and suggestions for improvement, is collated and key findings are highlighted to be shared with staff.

9.20. There is some evidence that the Area is using the findings from all these panels to make improvements. An example of an improvement to the standard VCL letter following feedback from the VLU scrutiny panel is the addition of an introductory paragraph from the lawyer that had previously been more often used only in letters prepared by senior managers. The Area is also compiling a best practice toolkit from the feedback received. We were informed that the Area looks for themes in VCL letters and there have been informative sessions held for staff on what a good quality letter looks like. Some of the files we examined will predate the improvement activity, and we look forward to seeing indications of better quality when we return to follow up this baseline inspection.

Complaint and Victims' Right to Review responses

9.21. The Area monitors the timeliness of responses to complaints and Victims' Right to Review (VRR) requests, using a monthly report, which also includes data broken down by unit. The VLU has a weekly whiteboard report for all live VRRs and complaints. We were told that the whiteboard report is used to monitor timeliness of responses and the Area is satisfied that performance is good.

9.22. The VLU manager assures responses to stage one complaints and those VRRs that are subject to local resolution. The VLU manager feeds back the results of their quality assurance to the Deputy Chief Crown Prosecutor or Chief Crown Prosecutor who, in turn, feed back to the manager who provided the original response to the complaint or VRR.

9.23. There is also quality assurance by the internal VLU scrutiny panel, which dip-samples some of the complaint and VRR responses and delivers their findings to the VLU manager and the level 2 legal managers in the Area. Feedback is then relayed to prosecutors' line managers (level 1 managers) and comments requested from them. The Area's Inclusion and Community Engagement Manager (ICEM) and the VLU manager meet regularly to identify learning points and take them forward. The feedback is currently targeted at individuals identified as needing to improve the quality of their responses, but the intention is to share good practice more widely throughout the Area.

Victims' Code and Witness Charter

Expectations

9.24. The expectation is that the Area complies with its responsibilities defined in the Code of Practice for Victims of Crime ('the Victims' Code') and the Witness Charter in respect of Victim Personal Statements, Victim Communication and Liaison scheme letters, offering meetings, and the speaking to witnesses at court (STWAC) protocol.

9.25. Prosecutors at trials are tasked with speaking to witnesses at court to explain what will happen. The CPS STWAC guidance emphasises the need to make sure that witnesses are properly assisted and know more about what to expect before they give their evidence. The guidance also reminds prosecutors of their important role in reducing a witness's apprehension about going to court, familiarising them with the processes and procedures – which may seem alien and intimidating – and managing their expectations on what will happen while they are at court.

9.26. The advocate should make an entry on the hearing record sheet that they have had this discussion with witnesses and record anything of note.

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

9.28. The hearing record sheet completed by the prosecutor should indicate whether the victim's wishes were met at the sentencing hearing.

Consulting victims and speaking to witnesses at court

9.29. In our file sample, the Area's consultation with victims and compliance with the STWAC scheme was rated as fully meeting the expected standard in 27 of the 56 applicable cases (48.2%), as partially meeting the standard in 14 cases (25%), and as not meeting it in 15 cases (26.8%). There was good compliance in the magistrates' court cases, with ten of the 15 applicable cases (66.7%) rated as fully meeting the standard, two cases (13.3%) partially meeting the standard and three cases (20%) not meeting the standard. However, ratings in Crown Court and RASSO cases were not as strong. In the Crown Court, 11 of 25 cases (44%) were rated as fully meeting the standard, six cases (24%) partially meeting the standard and eight cases (32%) failing to meet the standard. In RASSO, six of 16 cases (37.5%) were rated as fully meeting the standard, six cases (37.5%) as partially meeting it and four cases (25%) as failing to meet the standard.

9.30. The magistrates' courts hearing record sheets have a specific place to record compliance with STWAC whereas the Crown Court hearing record sheet does not. It may be that this is reminding magistrates' courts' advocates to record that they have spoken to witnesses at court. The Area has a separate template within the case management system for use in the Crown Court to record compliance with STWAC and any other conversation with the victim and witnesses. We were informed that this form has been in use in the Area since 2016, and that it is completed by a paralegal member of staff after meetings with witnesses with both crown advocates and external counsel. The form should then be uploaded to the case progression folder on the case management system. We saw some cases on CMS that did not have the form uploaded. Where we did see examples, they were not always fully completed, even though the template has helpful prompts for what information should be included.

9.31. In response to our findings, the Area provided several examples of hearing record sheets in the magistrates' court and Crown Court showing how compliance with STWAC had been recorded. These noted details of conversations with victims and witnesses at court and appeared to be a good record. The Area needs to focus on bringing up the weaker cases to this standard.

9.32. Counsel are given guidance on STWAC as part of their standard instructions, and the Area is confident that paralegals would raise concerns if counsel were not meeting their obligations. Paralegals have a feedback form that they complete and return to paralegal business

managers, and the Area Business Manager has spent time at court and is aware that the conversations do take place. The Area intends to address this as an issue of misplaced recording rather than a substantive lack of compliance, and we will look for evidence that that is the case when we follow up this baseline inspection.

Victim Personal Statements

9.33. In our file sample, we found a good level of compliance with Victim Personal Statement (VPS) obligations across the different casework types, with RASSO cases showing the strongest performance. We assessed 76.2% of cases as either fully or partially meeting the standard in magistrates' court cases, 80% fully or partially meeting the standard in Crown Court cases and 100% fully or partially meeting the standard in RASSO cases. At the pre-charge stage, we noted there was often insufficient attention paid to whether the victim had made or wanted to make a VPS, and their preference for how it was dealt with at sentencing. However, as cases progressed through the system, there was a stronger focus on these obligations, resulting in the better overall ratings.

9.34. The Area has looked in depth at its performance on the VPS obligations, and identified a need to train newer staff around chasing the police for a VPS where it is missing from the initial file submission. Actions have been put in place for improvement, and we will be able to consider the impact of this work when we follow up this baseline inspection.

Community engagement

Local scrutiny panels

9.35. The Area has regular meetings with local scrutiny panels, including one considering cases involving violence against women and girls and one that focuses on other hate crimes. Both panels are chaired by the Area and include representatives of relevant stakeholders in the criminal justice system.

9.36. The Area compiles performance reports on the topics to be discussed at the scrutiny panels and shares this information with the members for their consideration. Alongside the reports, the Area provides explanations to clarify the data for stakeholders and put it into context. Specific cases are also scrutinised at the panels so that performance can be improved and good practice highlighted.

Other engagement

9.37. The Area engages with community groups with a particular interest in hate crime, such as the Race Confidence group, and with a Public Confidence community group, to understand casework and other issues that affect the public.

9.38. There is an independent sexual violence advisors (ISVA) engagement forum, which meets bi-monthly, and is chaired jointly by a District Crown Prosecutor in the RASSO team and the ICEM. Members include ISVA leads from across Wessex, RASSO team members, the VLU business manager and representatives from the three police forces that serve the Area. The forum was formed to support the work around the criminal justice review of rape. It feeds into the tri-force action plan that includes improving casework quality and supporting victims and witnesses. Information is shared about court backlogs and priorities. The feedback from the ISVAs is central to the work on improving casework quality.

9.39. We discuss the Area's other engagement with stakeholders in chapter 12.

10. CPS people

10.1. One of the five aims of the of the Crown Prosecution Service's (CPS's) 2025 strategy²⁷ is to support the success and well-being of its people, to enable everyone to thrive.

10.2. In this inspection, we used our file examination, supplemented by the documents requested from the Area and our assessment visit to the Area, to consider aspects of the Area's performance related to CPS people, with a specific focus on the impact on casework quality.

Recruitment and induction, staff moves and succession planning

Expectations

10.3. CPS Areas should have a clear strategy for recruitment, induction, succession planning, development, and retention. We looked at whether:

- the Area has effective bespoke induction plans for new prosecutors, for when prosecutors move between teams and for when new lawyer managers are appointed, to support their development
- the Area has effective bespoke induction plans for new paralegal and operational delivery staff, for when paralegal and operational delivery staff move between teams and for when operational delivery and paralegal managers are appointed, to support their development
- the Area has an awareness of the legal cadre, including their current strengths and weaknesses and future capability (particularly around specialisms and capacity to deal with complex or sensitive casework), and this awareness informs recruitment, succession planning and development
- staff allocation and movement between teams is based on clearly documented rationales for decisions which include the impact on the Area's casework quality in terms of capacity, capability, and succession planning.

²⁷ CPS 2025 is the CPS's strategy and vision for where it wants to be in 2025.

www.cps.gov.uk/sites/default/files/documents/publications/CPS-2025-strategy.pdf

Staff induction

10.4. Table 18 shows the increase in staff since March 2019 when the extra funding for prosecutors was announced.

Table 18: Legal staff in post (full-time equivalent)

	LM1	LM2	SCP	CP	Total
At 31 March 2019	8.59	3.00	65.12	2.00	102.15
At 31 December 2020	14.42	3.00	74.64	6.00	115.83

10.5. The Area has increased its legal staff and is currently in line with the national resource model. However, there is a shortfall in the number of Senior Crown Prosecutors (SCPs) in the Crown Court unit and in the number of crown advocates (CAs). The Area has recruited many new staff for operational delivery roles.

10.6. Despite all the recent recruitment, the Area still has several vacancies. There is a high turnover of staff in the Area, higher than the national average until very recently. It is an expensive place to live, and this makes it difficult to retain staff. The advent of homeworking during the pandemic has meant that people can work for other Areas without the need to physically attend an office on daily basis. As a result, the Area informs us they have lost several members of staff to the two CPS Areas in London due to a combination of the enhanced rates of pay and variety of jobs available.

10.7. In September 2021, the Area employed the full-time equivalent of 27.3 SCPs in the Crown Court unit, whereas the national resource model suggested that they needed 31.7, a shortfall of 4.4. In the same month, the Area employed the full-time equivalent of 11 crown advocates against the national resource model's suggested 16.8, a shortfall of 5.8. The Area chose to place additional SCPs into the RASSO unit to deal with the increased caseloads, and now employ the full-time equivalent of 3.1 SCPs above the national resource model figure.

10.8. Over the past year, there has been a considerable change in personnel – from senior leaders at Chief Crown Prosecutor (CCP) and Deputy Chief Crown Prosecutor level, through to District Crown Prosecutors (the first level of legal managers), SCPs and Crown Prosecutors.

10.9. We were informed that 40% of staff in the Area are relatively new starters. The Area has a new staff tracker that contains details of each

new member of staff, including their job title and allocated line manager, and a checklist for all the induction activities to be completed, such as assigning a mentor. There were 42 new starters in the documents we saw, including 19 SCPs, all with start dates in 2021.

10.10. When prosecutors transfer between units –from magistrates’ court to Crown Court, for example – there is a transition training pack to support them, although the Area acknowledges this needs to be improved. The Chief Crown Prosecutor plans to update this by using an existing, and comprehensive, pack that she helped develop in her previous Area. At the time of writing, this was imminent because there were new lawyers arriving shortly and movement of existing staff between units was likely. The Area has previously had limited movement of people into the Crown Court unit. Where it has occurred, they have arranged appropriate mentoring and staff also have access to a Microsoft Teams chat forum to help with any questions they have.

10.11. The degree of staff movement and the number of new starters has inevitably increased the amount of time needed to induct, mentor and support those new to the Area or new in post. Much of the burden has fallen on more experienced colleagues, who are already carrying increased caseloads. Line managers’ increased responsibilities have come at a time when they are also managing the pressures on their teams and engaging closely with stakeholders to maintain efficiency. With individuals also bearing the burden of illness, sheltering and other Covid-19 issues, the pressure on all staff has been significant.

Succession planning

10.12. The Area is looking to recruit and develop more people as it looks to the future. A template holds staffing details across all the teams and units that make up CPS Wessex, and maintains records of promotions, dates of retirement, maternity leave and movement between teams. The HR casework committee prepares a fortnightly report covering staff absence, starters and leavers, and recruitment. Reports are also produced for the CCP that set out extraction rates for each unit, and any sick absences and overtime worked. These reports provide enough information for resource planning, and we saw evidence that the Area uses them to get clarity on future challenges, and for succession planning

10.13. We were informed that 35% of the Area’s staff are over 50. The Area is aware of losing expertise as retirement approaches and is developing and training people to ensure that younger staff build their skills. However, we were told that the Area was losing staff faster than

could be replaced. The Area uses the data it holds to forecast potential leavers, but the pandemic has increased the number of departures.

10.14. We were told that being forced by the pandemic to recruit virtually has produced its own challenges and difficulties. Some of this was due to recruitment campaigns also being run centrally by headquarters, which tapped into the same pool of possible applicants. However, the Area has resolved some of the issues, and can now have more direct input into recruitment, such as sifting applications locally, which it is hoped will speed up finding new staff.

10.15. In September 2021, to boost both an understanding of the Area's role and for recruitment, the Area started a universities programme. Participating students attended a day of virtual work experience, which included an overview of the CPS, presentations from Area lawyers, interactive case studies, and information about the Code for Crown Prosecutors and charging decisions. There was a presentation about the roles of the Inclusion and Community Engagement Manager and operation delivery staff. Every university in the Wessex area has been involved in the programme and, at the time of writing, 249 students had taken part. This is a proactive approach to raising the Area's profile and to encouraging young people to consider a career in the CPS.

Staff engagement

10.16. Staff engagement in the most recent Civil Service People Survey in 2021 has increased each year since 2018, when the score for engagement was 62%. The most recent survey in 2021 produced a staff engagement score of 71%. This is above the CPS national average at 69% and is a real credit to the Area. It demonstrates that there has been a genuine focus on staff welfare at a time of unprecedented difficulty.

10.17. It is also very positive that the Area's average working days lost (AWDL) through staff absences have been below the average CPS national figure since December 2020, despite the obvious pressures. At AWDL in Quarter 3 of 2021-22 was 6.4 days, compared to the national average of 7.4 days.

10.18. The Area is effective at recognising high performance and it is apparent that there is a strong culture of celebrating good work in the Area. The Area nominates staff for the Director of Public Prosecution's (DPP's) national awards, and held its own celebration of long-service and staff excellence in September 2021, an event which the DPP attended. Area staff nominate each other for 'Simply Thanks' recognition, and we

saw examples of these across a range of grades. The Area compiles and circulates a fortnightly staff bulletin, which contains a recognition section highlighting strong work on prosecution cases and the qualities demonstrated by legal and operational delivery staff. There was also a special bulletin after the staff excellence event.

10.19. Positive feedback also comes from external sources. We saw examples of police officers and counsel praising the expertise demonstrated by legal, paralegal and operational delivery staff on cases. We were also made aware of some extremely positive feedback from an independent sexual violence advisor praising the work of a crown advocate for their effective interaction with the victim. External praise and recognition is also shared in the staff bulletins.

Learning and development

Expectations

10.20. The Area should have a continuous learning approach that is effective in improving casework outcomes. We looked at whether:

- the Area has a clear and effective training plan around improvement of casework
- coaching and mentoring take place in the Area to improve the casework skills and experience of lawyers and lawyer managers.

Training plans

10.21. When the first pandemic lockdown began, the Area had to move to remote training which they did not see as ideal. The Area has, however, used the opportunities afforded by Microsoft Teams to conduct a great deal of one-to-one training virtually. It is apparent that the Area has made efforts to maintain impetus in training, despite the challenges faced by virtual delivery and the other pandemic pressures.

10.22. The Area has a very proactive Learning and Development Manager who has promoted training opportunities widely. Staff are made aware of the training available in the Area, there are links in the regular staff bulletins and the Area training log lists available training. The Area also recently undertook a survey of staff to identify gaps in learning and skills. The Area has introduced other learning opportunities for staff, for example shadowing managers and observing senior meetings.

10.23. The Area provides management training with the aim of equipping managers to do a good job through access to suitable training and events, including induction. We were provided with examples of thorough induction plans to be delivered virtually for new managers and other staff members.

10.24. The Area's work on improving delivery in aspects of casework has been supported by relevant training. For example, the Area has modern slavery and road traffic working groups that aim to ensure high quality in these aspects of casework. Delivering training for relevant staff is an integral part of their role. We are informed that the national legal training on the sixth edition of the Director's Guidance on Charging has been delivered to all relevant staff.

10.25. There is currently no induction or transitional training when prosecutors transfer from the magistrates' court unit to the Crown Court unit. The Area informed us they were expecting a central training package for this purpose, but is now updating an older in-house training pack, and was planning to introduce this soon. This is a pressing need because the Area is identifying people likely to move teams during the next six months and the training is needed to prepare them for the move.

Quality assurance

Expectations

10.26. The CPS has quality assurance processes in place to identify aspects of casework that are working well and those that require improvement. These include:

- individual quality assessments (IQAs) and internal assurance to identify individual and wider good practice or performance, and weaknesses in casework quality, and to drive improvement
- analysis of IQAs to identify specific training and interventions and implement them to improve casework quality
- casework quality assurance boards (CQABs) to drive actions and improvements in casework quality, including wider assurance work, in accordance with the CPS's quality standards for charging, case progression, disclosure and advocacy.

10.27. We are not assessing advocacy in this inspection programme, but we will include how the Area develops advocates to improve casework quality.

Quality assurance activity

10.28. During the pandemic, the CPS nationally decided that Areas could reduce the number of IQAs, or even stop them entirely if necessary. CPS Wessex decided to continue assessments but focused them on disclosure, as it felt this was a high-risk area that they needed to improve.

10.29. We were provided with a copy of the casework quality IQA report from September 2021. This reflected a strong focus on disclosure when conducting IQAs, although it was also noted that the Area had fallen behind on conducting assessments over previous quarters. There were several issues noted with the quality of disclosure and there were concerns around the consistency of the District Crown Prosecutor's completion of IQAs. The Area proposed to wait for the national re-launch of IQAs, which has now happened, then undertake a consistency setting exercise with DCPs across all the units.

10.30. We are told that the consistency exercise has been conducted but the planned disclosure refresher training has not yet been delivered. This was because the former DCCP who was to deliver the training has recently left the Area for a new post. The intention is that training will still be implemented.

10.31. The Area clearly wants to improve performance around disclosure, but the findings from our file examination indicate that there is also a need to improve the quality of case analysis and case strategy in both pre-charge and post-charge reviews across all strands of casework. In 2020, the CPS delivered its national training programme around case review standards, focusing on the importance of good case analysis and formulating a prosecution strategy to effectively take cases through to a just outcome. A proportion of the cases we considered in our file examination predated this training. We will be able to properly assess the impact of this training in our follow-up inspection.

10.32. There is evidence of the extensive use of case management panels across all units in the Area as an internal assurance to improve casework quality. Panels are held between the reviewing lawyer and senior managers and follow a consistent structure dealing matters such as charge selection, strategy, case progression, defence case and disclosure, with clear actions set.

10.33. Legal managers complete monthly adverse outcome reports, identifying learning points that can be used to improve casework performance.

10.34. The Area casework quality committee (CQC) meets monthly. We observed this meeting on 19 November 2021, and were also given minutes of the June, July, August and September meetings. The permanent members of this committee are the CCP, DCCPs and SDCPs. We were impressed by the collaborative atmosphere and the clear grasp of wider strategic issues. It was also positive to note that managers across the Area and from all teams had an input (via their line managers).

10.35. The CQC has several regular items on the agenda, including consideration of unduly lenient sentences, thematic casework issues and adverse outcomes, high risk cases. training needs, and recognition that highlights the good work carried out and the contributions made by staff in the Area. In our follow-up, we look forward to assessing how the committee's work and other quality assurance activities in the Area have improved some of the areas of weaker performance we highlight in this baseline report.

11. Digital capability

11.1. One of the five aims of the of the Crown Prosecution Service's (CPS's) 2025 strategy²⁸ is to make sure that "our investment in digital capability helps us adapt to the rapidly changing nature of crime and improve the way justice is done".

11.2. In this inspection, we used our file examination, supplemented by the documents requested from the Area and our assessment visit to the Area, to consider aspects of the Area's performance related to digital capability, with a specific focus on the impact on casework quality.

Data analysis

Expectations

11.3. The Area collects and analyses data to deliver improvements in casework quality. Performance in key aspects – including CPS high-weighted measures, National File Standard compliance rates and the charging dashboard – is analysed effectively, shared with staff, and used by managers to drive improvements within the CPS and externally with stakeholders.

Our findings

The production and use of performance data

11.4. The Area collects and reports on a range of performance data on the key measures used by the CPS related to casework quality. It takes a close and up to date view of performance.

11.5. A suite of performance reports is produced regularly for senior and unit managers. Weekly assurance reports produced for the Chief Crown Prosecutor (CCP) cover a range of data, including key charging information, the number of cases awaiting review for first hearing and trial, complaints, Victim's Right to Review data, and the volume of outstanding tasks. These reports are split by unit and comment on the action taken to deal with any emerging issues. They also helpfully note the direction of travel. Work is being done each week to identify any issues at an early stage, and record the action taken by unit managers to improve the situation.

²⁸ CPS 2025 is the CPS's strategy and vision for where it wants to be in 2025.

www.cps.gov.uk/sites/default/files/documents/publications/CPS-2025-strategy.pdf

11.6. Trends in performance are examined in the monthly performance dashboards. These reports cover a range of performance, including the high-weighted measures over a 12-month period and are used to consider performance in the longer term.

11.7. The Area has a schedule of formal performance meetings, and managers are regularly held accountable for the performance of their unit. Monthly performance meetings are held between unit managers and the DCCP. The CCP attends each unit meeting once a quarter, ahead of the Area's performance review meeting with CPS headquarters.

11.8. The Area's performance relating to charging is examined on a regular basis with meetings between the DCCP and the DCPs. Before the meeting, the DCP provides the latest 12-month performance for charging figures to the DCCP.

11.9. DCPs are expected to have a grip on current levels of performance and provide senior managers with live reports on any issues requiring attention, rather than waiting to include them in the monthly reports. They are also expected to use relevant data to identify training needs.

11.10. Specific aspects of performance are also monitored. For example, a weekly tasking data dashboard is sent out to operational delivery managers for action. Compliance with directions is also monitored in a weekly report and, where there is non-compliance, the agency responsible is identified and any appropriate remedial action discussed with stakeholders.

Sharing performance information

11.11. Each unit hold regular team meetings and performance is a standing agenda item. This provides an opportunity to raise staff awareness around how the Area is performing. The Area newsletter carries a feature on casework quality, in which each unit takes turns to provide information on its key performance measures. There is also an all-staff forum that highlights work being done and how it relates to performance. Areas of underperformance are also identified in the forum, and solutions developed.

11.12. Senior managers ensure that regular feedback on performance is provided at individually and at team meetings so that lessons are learned and issues identified by performance monitoring are acted on.

11.13. The work put into both assessing and improving performance has paid off. The Area has been commended by CPS headquarters on its

performance during the pandemic, reducing backlogs and significantly improving several key performance figures. For example, the percentage of charging consultations completed within 21 days rose from 39% in the summer of 2018 to almost 95% in 2020-21. Our file examination confirmed that most charging decisions are on time. The Area also achieved a growth in RASSO conviction rates from around 49% in 2018-19 to around 66% in 2020-21. It is impressive that such improvements have been achieved while the Area faced the additional pressures of the pandemic.

11.14. The CCP chairs an all-staff call, during which staff are informed about senior stakeholder feedback on CPS performance. Information around good outcomes is relayed to staff, and the reasons for those outcomes are identified. The data is used to show staff how positive outcomes are directly linked to the work they do.

11.15. The Area produces several performance data reports that have been provided to meetings with stakeholders, including standard measures such as conviction rates, and more bespoke data relevant to the particular forum. For example, information on timeliness up to the first hearing was shared at specialist domestic violence steering group and best practice meetings. The data is often split by police force area so that different issues can be drawn out where relevant. CPS representatives at meetings such as the victim and witness meetings summarise the highlights from the latest data.

11.16. Hate crime data is shared with the Area's local scrutiny panels. The number of these cases is low, so one or two adverse outcomes can have a disproportionately negative effect on performance data. The reports, therefore, also explain the context to stakeholders, which has the potential to improve public confidence.

11.17. Relevant performance information is shared with the Heads of Chambers locally, including the rate of returns of counsel's instructions, cases involving custody time limits, volumes of Crown Court cases during the pandemic and more general performance issues.

Digital tools and skills

Expectations

11.18. The Area makes sure that its people have the tools and skills they need to operate effectively in an increasingly digital environment. The Area includes digital skills audits within the training plan and delivers

general and bespoke training to staff to enable them to effectively use the CPS case management system (CMS), Egress, digital case lines, the court store and the cloud video platform (CVP)²⁹.

Our findings

11.19. The criminal justice system has had to adapt rapidly to new digital technology to continue working throughout the pandemic, including using Microsoft Teams to hold meetings, one-to-ones and conferences, and the CVP to conduct virtual or remote hearings.

11.20. It was evident from our meeting with the Area, attendance at the casework quality committee meeting, and review of documents that the Area was able to use CPS IT systems effectively to maintain work throughout the pandemic. The Area enabled and supported staff to work remotely on office based casework and court prosecution.

11.21. The Area uses digital tools to collate data and establish a picture of staff training requirements, although it accepts that perhaps more could be done in this respect. Staff are updated on available digital learning via staff bulletins. Updates are provided from digital leads regarding changes in CMS, One Drive, the two-way interface with police systems (TWIF), and progress on the rollout of the common platform. IT training is included in induction packages to ensure that all new starters can access and understand the applications they will use.

11.22. The Area ran a skills gap analysis during 2021 and the results identified a need for training in several digital tools, including Modern CMS, Microsoft Teams and resource efficiency measures. We saw plans for the staff on training in TWIF and Modern CMS, but there was no confirmation that all had attended the training, or what feedback had been gleaned from participants.

²⁹ Egress, digital case lines, the court store and the cloud video platform are digital tools to store case material or host remote hearings. They are explained further in the glossary in annex C.

12. Strategic partnerships

12.1. One of the five aims of the of the Crown Prosecution Service's (CPS's) 2025 strategy³⁰ is to make sure that "the CPS is a leading voice in cross-government strategies and international cooperation to transform the criminal justice system".

12.2. In this inspection, we used our file examination, supplemented by the documents requested from the Area and our assessment visit to the Area, to consider aspects of the Area's performance related to strategic partnerships, with a specific focus on the impact on casework quality.

Strategic partnerships with the police

Expectations

12.3. The Area influences change through trusted partnerships with the police at all levels to improve casework quality. The Area has trusted and mature relationships with the police at all levels and influences change through negotiation, persuasion and compromise to improve casework quality, particularly in relation to compliance with:

- the National File Standard (NFS)
- the Director's Guidance on Charging
- the Disclosure Manual, Criminal Procedure and Investigations Act 1996 (CPIA) and relevant codes of practice.

Our findings

12.4. Strategic prosecution team performance meetings (PTPMs) are held bi-monthly with the three police forces that serve the Area. File quality, disclosure and charging (particularly under the DG6) are standing items on the agenda. PTPMs are now being replaced nationally by Joint Operational Improvement Meetings (JOIMs).

12.5. The Area managers who attended PTPMs and will attend JOIMs are a Deputy Chief Crown Prosecutor, the Senior District Crown Prosecutors and the Area Business Manager. It was unclear from the documents we were given whether police representation was at an appropriate rank to ensure the necessary strategic engagement. We were

³⁰ CPS 2025 is the CPS's strategy and vision for where it wants to be in 2025.

www.cps.gov.uk/sites/default/files/documents/publications/CPS-2025-strategy.pdf

informed that the police are committed to the meetings and to working closely with the Area. However, the Area acknowledged that the police had not always sent staff of appropriate seniority to meetings and the Area had not always raised this as an issue. Meetings to discuss rape and serious sexual offences or disclosure usually secured proper representation from the police, whereas the operational PTPMs did not. The Area has now tackled this, and told us they are now seeing the right level of representation at the meetings.

12.6. During the pandemic, operational PTPMs were not held regularly, although the Area did attend strategy-level meetings with the police. This meant that one avenue for escalating quality concerns was not open to the Area. Operational PTPMs have been back in place since autumn 2021, with the appropriate level of police attendance. The Area report that the police are keen to improve their performance and welcome the feedback given at the meetings.

12.7. We found that engagement at a strategic level needs to be supplemented by prosecutors delivering robust feedback at an operational level to support file quality and effective casework. We rated police compliance with the National File Standard as fully meeting the expected standard in 41 out of 90 (45.6%) of the cases we examined across the three casework types. The breakdown for ratings of fully meeting the standard was nine out of 30 (30%) of the magistrates' court cases, 22 out of 40 (55%) of the Crown Court cases and 10 out of 20 (50%) of the RASSO cases. There were 49 cases where the police file standard was rated as partially or not meeting the expected standard across all the casework types.

12.8. We assessed the Area's feedback on these cases, using the NFQ mechanism on CMS, as fully meeting the expected standard in 11 relevant cases (22.4%), partially meeting it in six cases (12.2%) and not meeting it in the remaining 32 cases (65.3%). Some of these cases may have fallen during the suspension of NFQ as a pandemic measure, but there remains room for improvement.

12.9. Police compliance with disclosure obligations was rated as fully meeting the standard in 34 out of 88 cases (38.6%) where it was required, partially meeting the standard in 29 cases (33%), and not meeting the standard in 25 cases (28.4%). Again, we found there was scope for the Area to improve their communication to the police on failings in the forces' service to the Area. Of the 54 cases falling below the standard expected, we assessed the Area's feedback as fully meeting the expected standard in 16 instances (26.9%), as partially meeting it in nine instances (16.7%),

and as not meeting it in 29 instances (53.7%). Again, there is scope for the Area to provide better operational information to support strategic engagement.

12.10. We saw evidence of the Area working with the three police forces on specific projects to improve performance. These are the RASSO action plan, the joint disclosure development plan, and the joint domestic abuse action plan. The RASSO action plan and the joint domestic abuse action plan are both too recent for the Area to show us improvements that have resulted. We shall look for these when we return to follow up this baseline inspection.

12.11. The RASSO action plan aims to improve performance in RASSO cases. Platinum, gold, silver and bronze group meetings with representatives from all ranks within CPS and the police take place, and feed down and up to each other regularly to ensure performance is monitored and issues dealt with.

12.12. The joint disclosure development plan is linked to the joint disclosure plan, both of which aim to improve performance on disclosure of unused material. The development plan is updated each quarter and shows evidence of significant work to improve handling of unused material. There is a disclosure forum, held quarterly, which is led by the CCP, with senior representation from all police forces and other agencies including the judiciary, the bar and HM Courts and Tribunals Service. Other venues for discussing disclosure performance with the police include disclosure champion meetings, strategic disclosure working groups, disclosure scrutiny panels and disclosure focus group meetings.

12.13. The joint domestic abuse action plan, introduced in 2021, had actions listed for the second half of 2021/22. These aimed to improve performance on domestic violence. The Area and the three police forces have now committed to the joint domestic abuse action plan to improve outcomes for victims of domestic abuse. The joint plan covers actions for three years and will evolve and develop during this period to take account of challenges and in response to local issues. The joint plan has been developed in light of work on tackling domestic abuse at national and regional level. It contains sensible and appropriate actions to improve the experience of victims of domestic abuse in their journey through the criminal justice system, thereby improving public confidence and the quality of investigation and prosecution of domestic abuse cases.

12.14. The actions also take account of the recommendations of the Criminal Justice Joint Inspection on evidence-led domestic abuse

prosecutions by HM Crown Prosecution Service Inspectorate and HM Inspectorate of Constabulary and Fire & Rescue Services, published in January 2020³¹.

Strategic partnerships with the criminal justice system

Expectations

12.15. The Area has trusted and mature relationships with the criminal justice system at all levels and influences change through negotiation, persuasion and compromise to improve casework quality.

Our findings

Criminal justice partners

12.16. There are Local Criminal Justice Boards (LCJBs) for all parts of CPS Wessex and these appear to have consistent representation covering all main partner organisations. Performance is discussed regularly. Over recent months, the challenges of the pandemic and how they can be overcome have been the significant focus of most discussions.

12.17. The Area is represented by the CCP at the Wessex CJS Recovery Group, which meets every two weeks with senior representatives from other partner agencies. The CCP also chairs the CJS Efficiency Board which meets once a quarter.

12.18. The Area is represented at a senior level on the Court Capacity Operational Group, which covers the magistrates' courts and Crown Court, and on the Regional Magistrates' Courts Task Force. At these monthly meetings, senior representatives from the key CJS stakeholders focus on recovery from the pandemic and addressing backlogs.

12.19. Performance is discussed at several other forums, including specialist domestic violence courts and other court user group meetings, steering group meetings, and domestic abuse best practice meetings.

12.20. There is good evidence of proactive engagement with stakeholders and trusted partnerships with the CJS at all levels. Meetings take place at a senior level with partners and stakeholders, including the police Chief

³¹ <https://www.justiceinspectors.gov.uk/cji/inspections/joint-inspection-evidence-led-domestic-abuse-prosecutions/>

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Constables, Police and Crime Commissioners, Resident Judges, the Presiding Judge and HM Courts and Tribunals Service. These are usually undertaken by the CCP or the DCCP and focus on improving casework quality.

12.21. There are also meetings between the Area and local Chambers on a regular basis. These include senior-level meetings with the Heads of Chambers and with the Circuit Leader but also with the Circuit Advocate Liaison Committee and local bar clerks. The meetings cover a wide range of issues that affect casework quality, and the minutes we saw indicate a good working relationship and a joint aim to improve performance.

Annex A

Inspection framework

Area Inspection Programme Framework 2021-22

Section A casework quality will be scored. The remaining sections B–E will be assessed and inspected but will not be formally scored. A report will be prepared covering all sections of the framework.

A. Quality casework

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

Magistrates' court casework

The Area exercises sound judgement and adds value in its pre-charge decision-making in magistrates' court cases.

- The Area's reviews and other magistrates' court casework decisions are timely and of good quality.
- The Area fully complies with its duty of disclosure throughout its magistrates' court casework.
- The Area addresses victim and witness issues appropriately throughout its magistrates' court casework.
- The Area progresses its magistrates' court casework effectively and efficiently.
- The Area exercises sound judgement and adds value in its magistrates' court casework.
- The Area has a clear grip of its magistrates' court casework.

Crown Court casework

- The Area exercises sound judgement and adds value in its pre-charge decision-making in Crown Court cases.
- The Area's reviews and other Crown Court casework decisions are timely and of good quality.
- The Area fully complies with its duty of disclosure throughout its Crown Court casework.

- The Area addresses victim and witness issues appropriately throughout its Crown Court casework.
- The Area prepares its Crown Court cases effectively for the Plea and Trial Preparation Hearing in the Crown Court to make sure progress is made.
- The Area progresses its Crown Court casework effectively and efficiently.
- The Area exercises sound judgement and adds value in its Crown Court casework.
- The Area has a clear grip of its Crown Court casework.

Rape and serious sexual offences (RASSO) casework

- The Area exercises sound judgement and adds value in its pre-charge decision-making in RASSO cases.
- The Area's reviews and other RASSO casework decisions are timely and of good quality.
- The Area fully complies with its duty of disclosure throughout its RASSO casework.
- The Area addresses victim and witness issues appropriately throughout its RASSO casework.
- The Area prepares its RASSO cases effectively for the Plea and Trial Preparation Hearing in the Crown Court, or first hearing in the youth court, to make sure progress is made.
- The Area progresses its RASSO casework effectively and efficiently.
- The Area exercises sound judgement and adds value in its RASSO casework.
- The Area has a clear grip of its RASSO casework.

Evidence will be drawn from:

- baseline file examination
- charging dashboard (timeliness)
- adverse outcome reports

- Disclosure Board minutes
- Local Case Management Panel minutes (volume casework)
- self-assessment meeting with CPS Area.

B. Public confidence

Does the CPS provide a fair experience for victims and witnesses?

All correspondence with victims is accurate, timely and empathetic.

- Communications in writing with victims use plain English (translated where necessary), are grammatically correct, have clear explanations and avoid the use of legal jargon.
- The Area complies with the timescales for Victim Communication and Liaison scheme (VCL) letters.
- The Area complies with the timescales for complaints and Victims' Right to Review (VRR) scheme requests.
- The Area conducts internal quality assurance of all victim communication (VCL, bereaved family service (BFS) complaints and VRR requests).

The Area complies with its responsibilities defined in the Code of Practice for Victims of Crime and the Witness Charter in respect of Victim Personal Statements, VCL letters, meetings and compliance with the speaking to witnesses at court protocol.

- Victim Personal Statements (VPSs) are chased, and the victim's wishes sought around the reading of any VPS in court. Those wishes are adhered to at sentence, whether at first hearing or following trial.
- The Area conducts assurance internally to ensure that VCL letters are sent on all appropriate cases pre- and post-charge.
- Meetings are offered to victims in all appropriate cases.
- The Area complies with the speaking to witnesses at court (STWAC) protocol.

Evidence will be drawn from:

- baseline file examination – specific questions include STWAC and VCL
- Victim and Witness Criminal Justice Board sub-group minutes

- third sector meeting minutes (where they encompass casework quality learning and actions)
- internal quality assurance reports – monthly or one-off – related to the Code of Practice for Victims of Crime/Witness Charter, VCL letters, VPSs, BFS complaints and VRR requests
- VCL performance data
- advocacy individual quality assessment (IQA) data for STWAC compliance
- complaints and VRR performance data
- witness care unit meeting minutes
- Scrutiny Panel minutes, actions and any associated learning
- complaints log
- VRR log, including volume and detail of any overturned decisions
- self-assessment meeting with CPS Area.

C. CPS people

Does the Area support its people with the skills and tools they need to succeed and develop?

The Area has a clear strategy for recruitment, induction, succession planning, development and retention.

- The Area has effective bespoke induction plans for new prosecutors, for when prosecutors move between teams and for when new lawyer managers are appointed, to support their development.
- The Area has effective bespoke induction plans for new paralegal and operational delivery staff, for when paralegal and operational delivery staff move between teams and for when operational delivery and paralegal managers are appointed, to support their development.
- The Area has an awareness of the legal cadre, including their current strengths and weaknesses and future capability (particularly around specialisms and capacity to deal with complex or sensitive casework) and this awareness informs recruitment, succession planning and development.

- Staff allocation and movement between teams is based on clearly documented rationales for decisions, which include the impact on the Area's casework quality in terms of capacity, capability and succession planning.

The Area has a continuous learning approach that is effective in improving casework outcomes.

- The Area has a clear and effective training plan around improving casework.
- Coaching and mentoring take place in the Area to improve casework skills and experience of lawyers and lawyer managers.

The Area uses internal assurance to improve casework quality.

- The Area uses internal assurance (including IQAs where applicable) effectively to identify individual and wider good practice/performance and weaknesses in casework quality, to drive improvement.
- The Area uses its analysis of IQAs (where applicable) or other internal findings effectively to identify specific training and interventions, and implements them to improve casework quality.
- The Area's casework quality assurance board (CQAB) drives actions and improvements in casework quality, including wider assurance work, in accordance with CPS quality standards around:
 - charging
 - case progression
 - disclosure
 - advocacy (we are not assessing advocacy in this inspection programme, but we will include how the Area develops advocates to improve casework quality).

Evidence will be drawn from:

- Area business plan
- workforce planning models
- staff in post figures, current and at 1 April 2019
- people strategy/Area succession planning documents
- minutes of meetings to discuss team composition and resources

- CQAB minutes
- training plan
- induction plans – new starters, movement between teams and new managers
- minutes or other notes of coaching and/or development conversations
- Civil Service People Survey results at Area and team level
- CQAB observation
- IQA assurance records including numbers, timeliness, dip checks and any resulting management reports
- internal assurance reports on charging, case progression or disclosure
- recent examples of “Simply Thanks” or other acknowledgements of good work in the field of casework or victim and witness care by individuals or teams (suitably anonymised)
- any commendations or other recognition by stakeholders of excellent casework or victim and witness care
- minutes of Area meetings of magistrates’ courts, Crown Court or RASSO boards, or any other business board addressing casework quality issues (joint board minutes are requested under section E)
- self-assessment meeting with CPS Area.

D. Digital capability

Does the CPS use data to drive change to improve casework quality?

The Area collects and analyses data to deliver improvement in casework quality.

- Performance in key aspects including CPS high-weighted measures, National File Standard compliance rates and the charging dashboard are analysed effectively, shared with staff and used by managers to drive improvements within the CPS and externally with stakeholders.

The Area ensures that its people have the tools and skills they need to operate effectively in an increasingly digital environment.

- The Area includes a digital skills audit in the training plan and delivers general and bespoke training to staff to enable them to effectively use

CMS, Egress, digital case lines, the court store and the cloud video platform.

Evidence will be drawn from:

- Area performance reports and analysis
- baseline file examination
- training plan – digital tools and skills
- performance meeting minutes – team and Area level
- communications to staff about performance
- Prosecution Team Performance Meeting (PTPM) minutes
- Transforming Summary Justice (TSJ)/Better Case Management (BCM) meetings
- Local Criminal Justice Board and sub-group meeting minutes
- self-assessment meeting with CPS Area.

E. Strategic partnerships

Does the CPS influence change through trusted partnerships to improve casework quality across the criminal justice system?

The Area influences change through trusted partnerships with the police at all levels to improve casework quality.

- The Area has trusted and mature relationships with the police at all levels and influences change through negotiation, persuasion and compromise to improve casework quality, particularly in relation to compliance with:
 - the National File Standard (NFS)
 - the Director’s Guidance on Charging
 - the Disclosure Manual, Criminal Procedure and Investigations Act and relevant Codes of Practice.

The Area influences change through trusted partnerships within the criminal justice system at all levels to improve casework quality.

- The Area has trusted and mature relationships with the criminal justice system at all levels, and influences change through negotiation, persuasion and compromise to improve casework quality.

Evidence will be drawn from:

- NFS data
- PTPM minutes (operational and strategic)
- regional disclosure working group minutes
- National Disclosure Improvement Plan reports
- Criminal Justice Board minutes
- PTPM performance reports
- Joint TSJ/BCM board meeting minutes
- TSJ/BCM performance reports
- minutes of meetings with Chief Constables, Police and Crime Commissioners, Resident Judges, presiders, HM Courts and Tribunals Service, and Chambers
- letters/emails demonstrating escalation at strategic level – to presider, Chief Constable or Police and Crime Commissioner, for example
- joint performance plans or strategy documents
- self-assessment meeting with CPS Area.

Annex B

File examination findings

The tables in this annex exclude 'not applicable' results.

Magistrates' courts

No.	Question	Answers	Result
Pre-charge decision			
1	The CPS decision to charge was compliant with the Code Test.	Fully met Not met	92.6% 7.4%
2	The CPS decision to charge was timely.	Fully met Partially met Not met	100%
3	The most appropriate charges were selected on the information available to the prosecutor at the time.	Fully met Partially met Not met	92.0% 8.0%
4	The CPS MG3 included proper case analysis and case strategy.	Fully met Partially met Not met	18.5% 33.3% 48.1%
5	The CPS MG3 dealt appropriately with unused material.	Fully met Partially met Not met	55.6% 25.9% 18.5%
6	The CPS MG3 referred to relevant applications and ancillary matters.	Fully met Partially met Not met	36.8% 21.1% 42.1%
7	There were appropriate instructions and guidance to the court prosecutor contained in either the MG3 or the PET/PTPH form created with the MG3.	Fully met Partially met Not met	29.6% 70.4%
8	The action plan was proportionate and met a satisfactory standard.	Fully met Partially met Not met	4.1% 37.5% 58.3%
Police initial file submission post-charge			
9	The police file submission complied with National File Standard for the type of case.	Fully met Not met	30.0% 70.0%
10	The police file submission was timely.	Fully met Not met	93.3% 6.7%
11	The CPS used the NFQ assessment tool in the review document to identify and feed back to the police on any failings in the file submission.	Fully met Partially met Not met	14.3% 85.7%

No.	Question	Answers	Result
Post-charge reviews and decisions			
12	All review decisions post-charge applied the Code correctly.	Fully met Not met	90.0% 10.0%
13	The case received a proportionate initial or post-charge review including a proper case analysis and case strategy.	Fully met Partially met Not met	13.3% 36.7% 50.0%
14	The initial or post-charge review was carried out in a timely manner.	Fully met Partially met Not met	76.9% 11.5% 11.5%
15	Any decision to discontinue was made and put into effect in a timely manner.	Fully met Partially met Not met	100%
16	Any pleas accepted were appropriate, with a clear basis of plea.	Fully met Partially met Not met	75.0% 25.0%
17	Steps were taken to achieve best evidence by making appropriate applications for special measures (including drafting where a written application was required).	Fully met Partially met Not met	27.3% 36.4% 36.4%
19	In all cases (MC, CC and RASSO) any reviews addressing significant developments that represent a major change in case strategy (and which are additional to those reviews considered in Qs 13 and 18) were of high quality and dealt appropriately with the significant development(s) in the case.	Fully met Partially met Not met	72.7% 18.2% 9.1%
20	The CPS made appropriate and timely decisions about custody and bail throughout the life of the case.	Fully met Partially met Not met	80.0% 16.7% 3.3%
Post-charge case progression			

No.	Question	Answers	Result
21	The prosecutor prepared the case effectively to ensure progress at court at the first hearing(s) – which in the MC is the NGAP hearing for bail cases and the second hearing in custody cases, and in the CC the PTPH – to include, as a minimum, any acceptable pleas or that there are no acceptable pleas, and completed the PET/PTPH forms.	Fully met Partially met Not met	13.3% 16.7% 70.0%
22	Any hard media was shared via Egress with all parties before the NGAP hearing or PTPH.	Fully met Partially met Not met	14.3% 14.3% 71.4%
31	There was timely compliance with court directions or Judges' Orders.	Fully met Partially met Not met	57.1% 7.1% 35.7%
32	Appropriate applications (eg BCE, hearsay) were used effectively to strengthen the prosecution case.	Fully met Partially met Not met	10.0% 90.0%
33	Steps were taken to secure best evidence by correct and timely warning of witnesses.	Fully met Partially met Not met	87.5% 12.5%
34	Steps were taken to secure best evidence by addressing correspondence from the WCU and any witness issues in a timely manner with effective actions.	Fully met Partially met Not met	90.0% 10.0%
35	New material received from the police was reviewed appropriately and sufficiently promptly with timely and effective actions taken in response.	Fully met Partially met Not met	82.6% 17.4%
36	Correspondence from the court and defence was reviewed appropriately and sufficiently promptly with timely and effective actions taken in response.	Fully met Partially met Not met	94.7% 5.3%
37	Requests to the police for additional material or editing of material were timely and escalated where appropriate.	Fully met Partially met Not met	64.3% 14.3% 21.4%

No.	Question	Answers	Result
38	There was a clear audit trail on CMS of key events, decisions and actions, with correct labelling of documents and appropriate use of notes.	Fully met Partially met Not met	70.0% 30.0%
Disclosure of unused material			
41	The police complied with their disclosure obligations.	Fully met Partially met Not met	56.7% 16.7% 26.7%
42	The prosecutor complied with the duty of initial disclosure, including the correct endorsement of the schedules (but not including timeliness of disclosure).	Fully met Partially met Not met	36.7% 26.7% 36.7%
43	If Q42 is PM or NM, the most significant failing was:	Did not carry out initial disclosure at all Did not endorse any decisions on the MG6C Failed to identify that other obvious items of unused material were not scheduled Said DUM was not disclosable Said NDUM was disclosable	26.3% 10.5% 26.3% 26.3% 10.5%
44	The prosecution complied with its duty of initial disclosure in a timely manner.	Fully met Partially met Not met	76.0% 8.0% 16.0%
45	The prosecutor complied with the duty of continuous disclosure (but not including timeliness of disclosure).	Fully met Partially met Not met	50.0% 50.0%
46	If Q45 is PM or NM, the most significant failing was:	Did not carry out continuous disclosure at all	100%
48	Sensitive unused material was dealt with appropriately.	Fully met Partially met Not met	52.0% 12.0% 36.0%

No.	Question	Answers	Result
53	The disclosure record on Modern CMS was properly completed with actions and decisions taken on disclosure.	Fully met Partially met Not met	100%
54	The CPS fed back to the police where there were failings in the police service regarding disclosure.	Fully met Partially met Not met	56.7% 16.7% 26.7%
Victims and witnesses			
55	The prosecutor consulted victims and witnesses where appropriate (includes STWAC).	Fully met Partially met Not met	66.7% 13.3% 20.0%
56	The victim's wishes regarding VPS were complied with.	Fully met Partially met Not met	42.9% 33.3% 23.8%
57	The prosecution sought appropriate orders to protect the victim, witnesses and the public.	Fully met Partially met Not met	80.0% 6.7% 13.3%
58	There was a timely VCL letter when required.	Fully met Partially met Not met	50.0% 50.0%
59	The VCL letter was of a high standard.	Fully met Partially met Not met	50.0% 50.0%
60	The CPS MG3 actively considered relevant applications and ancillary matters to support victims and witnesses.	Fully met Partially met Not met	25.0% 20.0% 55.0%

Crown Court

No.	Question	Answers	Result
Pre-charge decision			
1	The CPS decision to charge was compliant with the Code Test.	Fully met Not met	97.1% 2.9%
2	The CPS decision to charge was timely.	Fully met Partially met Not met	80.0% 14.3% 5.7%
3	The most appropriate charges were selected on the information available to the prosecutor at the time.	Fully met Partially met Not met	85.3% 11.8% 2.9%
4	The CPS MG3 included proper case analysis and case strategy.	Fully met Partially met Not met	25.7% 51.4% 22.9%
5	The CPS MG3 dealt appropriately with unused material.	Fully met Partially met Not met	45.7% 25.7% 28.6%
6	The CPS MG3 referred to relevant applications and ancillary matters.	Fully met Partially met Not met	42.3% 11.5% 46.2%
7	There were appropriate instructions and guidance to the court prosecutor contained in either the MG3 or the PET/PTPH form created with the MG3.	Fully met Partially met Not met	5.7% 62.9% 31.4%
8	The action plan was proportionate and met a satisfactory standard.	Fully met Partially met Not met	22.9% 37.1% 40.0%
Police initial file submission post-charge			
9	The police file submission complied with the National File Standard for the type of case.	Fully met Not met	55.0% 45.0%
10	The police file submission was timely.	Fully met Not met	90.0% 10.0%
11	The CPS used the NFQ assessment tool in the review document to identify and feed back to the police on any failings in the file submission.	Fully met Partially met Not met	33.3% 16.7% 50.0%
Post-charge reviews and decisions			
12	All review decisions post-charge applied the Code correctly.	Fully met Not met	97.5% 2.5%

No.	Question	Answers	Result
13	The case received a proportionate initial or post-charge review including a proper case analysis and case strategy.	Fully met Partially met Not met	37.5% 40.0% 22.5%
14	The initial or post-charge review was carried out in a timely manner.	Fully met Partially met Not met	89.7% 5.1% 5.1%
15	Any decision to discontinue was made and put into effect in a timely manner.	Fully met Partially met Not met	55.6% 33.3% 11.1%
16	Any pleas accepted were appropriate, with a clear basis of plea.	Fully met Partially met Not met	100%
17	Steps were taken to achieve best evidence by making appropriate applications for special measures (including drafting where a written application was required).	Fully met Partially met Not met	56.5% 39.1% 4.3%
18	In CC cases (including RASSO cases before the CC), there was a high-quality review to coincide with the service of the prosecution case and initial disclosure (at stage 1 set at PTPH).	Fully met Partially met Not met	25.0% 38.9% 36.1%
19	In all cases (MC, CC and RASSO) any reviews addressing significant developments that represent a major change in case strategy (and which are additional to those reviews considered in Qs 13 and 18) were of high quality and dealt appropriately with the significant development(s) in the case.	Fully met Partially met Not met	42.1% 15.8% 42.1%
20	The CPS made appropriate and timely decisions about custody and bail throughout the life of the case.	Fully met Partially met Not met	60.0% 37.5% 2.5%

Post-charge case progression

No.	Question	Answers	Result
21	The prosecutor prepared the case effectively to ensure progress at court at the first hearing(s) – which in the MC is the NGAP hearing for bail cases and the second hearing in custody cases, and in the CC the PTPH – to include, as a minimum, any acceptable pleas or that there are no acceptable pleas and completed the PET/PTPH forms.	Fully met Partially met Not met	50.0% 42.5% 7.5%
22	Any hard media was shared via Egress with all parties before the NGAP hearing or PTPH.	Fully met Partially met Not met	29.6% 25.9% 44.4%
23	In CC cases (including RASSO cases before the CC), a properly drafted indictment was prepared.	Fully met Partially met Not met	65.0% 30.0% 5.0%
24	In CC cases (including RASSO cases before the CC), the draft indictment and key evidence were served in a timely manner for the PTPH.	Fully met Partially met Not met	80.0% 10.0% 10.0%
25	In CC and RASSO cases, a clear instruction to advocate document was prepared.	Fully met Partially met Not met	3.4% 17.2% 79.3%
26	In CC cases (including RASSO cases before the CC), the advocate was instructed at least seven days before the PTPH.	Fully met Partially met Not met	64.1% 10.3% 25.6%
27	In CC cases (including RASSO cases before the CC), the duty of direct engagement was carried out.	Fully met Partially met Not met	33.3% 35.9% 30.8%
28	In CC cases (including RASSO cases before the CC), the DDE was uploaded to DCS.	Fully met Partially met Not met	3.8% 96.2%
29	In CC cases (including RASSO cases before the CC) and the youth court where counsel is instructed, if there was no advice on evidence covering all necessary issues, this was chased.	Fully met Partially met Not met	5.6% 5.6% 88.9%
31	There was timely compliance with court directions or Judges' Orders.	Fully met Partially met Not met	69.4% 30.6%

No.	Question	Answers	Result
32	Appropriate applications (eg BCE, hearsay) were used effectively to strengthen the prosecution case.	Fully met Partially met Not met	61.1% 22.2% 16.7%
33	Steps were taken to secure best evidence by correct and timely warning of witnesses.	Fully met Partially met Not met	85.7% 8.6% 5.7%
34	Steps were taken to secure best evidence by addressing correspondence from the WCU and any witness issues in a timely manner with effective actions.	Fully met Partially met Not met	62.1% 34.5% 3.4%
35	New material received from the police was reviewed appropriately and sufficiently promptly with timely and effective actions taken in response.	Fully met Partially met Not met	89.2% 10.8%
36	Correspondence from the court and defence was reviewed appropriately and sufficiently promptly with timely and effective actions taken in response.	Fully met Partially met Not met	76.5% 23.5%
37	Requests to the police for additional material or editing of material were timely and escalated where appropriate.	Fully met Partially met Not met	63.9% 36.1%
38	There was a clear audit trail on CMS of key events, decisions and actions, with correct labelling of documents and appropriate use of notes.	Fully met Partially met Not met	70.0% 30.0%
Disclosure of unused material			
39	In relevant cases a DMD was completed.	Fully met Partially met Not met	50.0% 50.0%
40	The DMD was completed accurately and fully in accordance with the guidance.	Fully met Partially met Not met	0.9% 100%
41	The police complied with their disclosure obligations.	Fully met Partially met Not met	34.2% 36.8% 28.9%

No.	Question	Answers	Result
42	The prosecutor complied with the duty of initial disclosure, including the correct endorsement of the schedules (but not including timeliness of disclosure).	Fully met Partially met Not met	37.8% 40.5% 21.6%
43	If Q42 is PM or NM, the most significant failing was:	Did not endorse any decisions on a non-blank MG6D Did not endorse any decisions on the MG6C Failed to endorse or sign a blank MG6D Failed to identify that other obvious items of unused material were not scheduled Other Said DUM was not disclosable Said NDUM was disclosable	13.6% 9.1% 13.6% 31.8% 9.1% 9.1% 13.6%
44	The prosecution complied with its duty of initial disclosure in a timely manner.	Fully met Partially met Not met	89.2% 5.4% 5.4%
45	The prosecutor complied with the duty of continuing disclosure (but not including timeliness of disclosure).	Fully met Partially met Not met	66.7% 30.0% 3.3%

No.	Question	Answers	Result
46	If Q44 is PM or NM, the most significant failing was:	Did not endorse any decisions on newly revealed items	10.0%
		Did not identify reasonable lines of enquiry	10.0%
		Failed to identify that other obvious items of unused material were not scheduled	10.0%
		Other	30.0%
		Said NDUM was disclosable	30.0%
		Set out the wrong test for disclosure (eg courtesy disclosure)	10.0%
47	The prosecution complied with its duty of continuing disclosure in a timely manner.	Fully met	63.3%
		Partially met	30.0%
		Not met	6.7%
48	Sensitive unused material was dealt with appropriately.	Fully met	50.0%
		Partially met	50.0%
		Not met	
49	Third-party material was dealt with appropriately.	Fully met	88.9%
		Partially met	
		Not met	11.1%
50	In CC cases (including RASSO cases before the CC), late defence statements were chased.	Fully met	54.2%
		Partially met	25.0%
		Not met	20.8%
51	Inadequate defence statements were challenged.	Fully met	
		Partially met	
		Not met	100%
52	The defence statement was reviewed by the prosecutor and direction given to the police about further reasonable lines of enquiry.	Fully met	75.0%
		Partially met	25.0%
		Not met	
53	The disclosure record on Modern CMS was properly completed with actions and decisions taken on disclosure.	Fully met	50.0%
		Partially met	47.2%
		Not met	2.8%

No.	Question	Answers	Result
54	The CPS fed back to the police where there were failings in the police service regarding disclosure.	Fully met Partially met Not met	16.0% 32.0% 52.0%
Victims and witnesses			
55	The prosecutor consulted victims and witnesses where appropriate (includes STWAC).	Fully met Partially met Not met	52.0% 20.0% 28.0%
56	The victim's wishes regarding VPS were complied with.	Fully met Partially met Not met	60.0% 23.3% 16.7%
57	The prosecution sought appropriate orders to protect the victim, witnesses and the public.	Fully met Partially met Not met	64.3% 21.4% 14.3%
58	There was a timely VCL letter when required.	Fully met Partially met Not met	30.0% 70.0%
59	The VCL letter was of a high standard.	Fully met Partially met Not met	25.0% 75.0%
60	The CPS MG3 actively considered relevant applications and ancillary matters to support victims and witnesses.	Fully met Partially met Not met	39.3% 25.0% 35.7%

RASSO

No.	Question	Answers	Result
Pre-charge decision			
1	The CPS decision to charge was compliant with the Code Test.	Fully met Not met	94.7% 5.3%
2	The CPS decision to charge was timely.	Fully met Partially met Not met	57.9% 31.6% 10.5%
3	The most appropriate charges were selected on the information available to the prosecutor at the time.	Fully met Partially met Not met	88.9% 11.1%
4	The CPS MG3 included proper case analysis and case strategy.	Fully met Partially met Not met	47.4% 21.1% 31.6%
5	The CPS MG3 dealt appropriately with unused material.	Fully met Partially met Not met	63.2% 5.3% 31.6%
6	The CPS MG3 referred to relevant applications and ancillary matters.	Fully met Partially met Not met	26.3% 31.6% 42.1%
7	There were appropriate instructions and guidance to the court prosecutor contained in either the MG3 or the PET/PTPH form created with the MG3.	Fully met Partially met Not met	5.3% 42.1% 52.6%
8	The action plan was proportionate and met a satisfactory standard.	Fully met Partially met Not met	47.4% 31.6% 21.1%
Police initial file submission post-charge			
9	The police file submission complied with the National File Standard for the type of case.	Fully met Not met	50.0% 50.0%
10	The police file submission was timely.	Fully met Not met	95.0% 5.0%
11	The CPS used the NFQ assessment tool in the review document to identify and feed back to the police on any failings in the file submission.	Fully met Partially met Not met	11.1% 33.3% 55.6%
Post-charge reviews and decisions			
12	All review decisions post-charge applied the Code correctly.	Fully met Not met	95.0% 5.0%

No.	Question	Answers	Result
13	The case received a proportionate initial or post-charge review including a proper case analysis and case strategy.	Fully met Partially met Not met	55.0% 30.0% 15.0%
14	The initial or post-charge review was carried out in a timely manner.	Fully met Partially met Not met	35.0% 60.0% 5.0%
15	Any decision to discontinue was made and put into effect in a timely manner.	Fully met Partially met Not met	100%
16	Any pleas accepted were appropriate, with a clear basis of plea.	Fully met Partially met Not met	50.0% 50.0%
17	Steps were taken to achieve best evidence by making appropriate applications for special measures (including drafting where a written application was required).	Fully met Partially met Not met	63.2% 26.3% 10.5%
18	In CC cases (including RASSO cases before the CC), there was a high-quality review to coincide with the service of the prosecution case and initial disclosure (at stage 1 set at PTPH).	Fully met Partially met Not met	20.0% 13.3% 66.7%
19	In all cases (MC, CC and RASSO) any reviews addressing significant developments that represent a major change in case strategy (and which are additional to those reviews considered in Qs 13 and 18) were of high quality and dealt appropriately with the significant development(s) in the case.	Fully met Partially met Not met	50.0% 10.0% 40.0%
20	The CPS made appropriate and timely decisions about custody and bail throughout the life of the case.	Fully met Partially met Not met	50.0% 5.0% 45.0%
Post-charge case progression			
21	The prosecutor prepared the case effectively to ensure progress at court at the first hearing(s) – which in the MC is the NGAP hearing for bail cases and the second hearing in custody cases, and in the CC the PTPH – to include, as a minimum, any acceptable pleas or that there are no acceptable pleas, and completed the PET/PTPH forms.	Fully met Partially met Not met	50.0% 5.0% 45.0%

No.	Question	Answers	Result
22	Any hard media was shared via Egress with all parties before the NGAP hearing or PTPH.	Fully met Partially met Not met	57.9% 21.1% 21.1%
23	In CC cases (including RASSO cases before the CC), a properly drafted indictment was prepared.	Fully met Partially met Not met	65.0% 25.0% 10.0%
24	In CC cases (including RASSO cases before the CC), the draft indictment and key evidence was served in a timely manner for the PTPH.	Fully met Partially met Not met	80.0% 5.0% 15.0%
25	In CC and RASSO cases, a clear instruction to advocate document was prepared.	Fully met Partially met Not met	33.3% 50.0% 16.7%
26	In CC cases (including RASSO cases before the CC), the advocate was instructed at least seven days before the PTPH.	Fully met Partially met Not met	45.0% 15.0% 40.0%
27	In CC cases (including RASSO cases before the CC), the duty of direct engagement was carried out.	Fully met Partially met Not met	10.0% 55.0% 35.0%
28	In CC cases (including RASSO cases before the CC), the DDE was uploaded to DCS.	Fully met Partially met Not met	100%
29	In CC cases (including RASSO cases before the CC) and the youth court where counsel is instructed, if there was no advice on evidence covering all necessary issues, this was chased.	Fully met Partially met Not met	100%
30	In RASSO cases, a conference with the trial advocate, OIC and any expert witnesses took place.	Fully met Partially met Not met	57.1% 14.3% 28.6%
31	There was timely compliance with court directions or Judges' Orders.	Fully met Partially met Not met	68.8% 25.0% 6.3%
32	Appropriate applications (eg BCE, hearsay) were used effectively to strengthen the prosecution case.	Fully met Partially met Not met	100%
33	Steps were taken to secure best evidence by correct and timely warning of witnesses.	Fully met Partially met Not met	93.8% 6.3%

No.	Question	Answers	Result
34	Steps were taken to secure best evidence by addressing correspondence from the WCU and any witness issues in a timely manner with effective actions.	Fully met Partially met Not met	94.1% 5.9%
35	New material received from the police was reviewed appropriately and sufficiently promptly with timely and effective actions taken in response.	Fully met Partially met Not met	88.9% 11.1%
36	Correspondence from the court and defence was reviewed appropriately and sufficiently promptly with timely and effective actions taken in response.	Fully met Partially met Not met	100%
37	Requests to the police for additional material or editing of material were timely and escalated where appropriate.	Fully met Partially met Not met	100%
38	There was a clear audit trail on CMS of key events, decisions and actions, with correct labelling of documents and appropriate use of notes.	Fully met Partially met Not met	45.0% 45.0% 10.0%
Disclosure of unused material			
39	In relevant cases, a DMD was completed.	Fully met Partially met Not met	90.0% 10.0%
40	The DMD was completed accurately and fully in accordance with the guidance.	Fully met Partially met Not met	72.2% 27.8%
41	The police complied with their disclosure obligations.	Fully met Partially met Not met	20.0% 50.0% 30.0%
42	The prosecutor complied with the duty of initial disclosure, including the correct endorsement of the schedules (but not including timeliness of disclosure).	Fully met Partially met Not met	42.1% 42.1% 15.8%

No.	Question	Answers	Result
43	If Q42 is PM or NM, the most significant failing was:	Did not endorse any decisions on a non-blank MG6D	54.5%
		Failed to endorse or sign a blank MG6D	18.2%
		Other	18.2%
		Said DUM was not disclosable	9.1%
44	The prosecution complied with its duty of initial disclosure in a timely manner.	Fully met	94.4%
		Partially met	5.6%
		Not met	
45	The prosecutor complied with the duty of continuing disclosure (but not including timeliness of disclosure).	Fully met	78.6%
		Partially met	
		Not met	21.4%
46	If Q42 is PM or NM, the most significant failing was:	Did not carry out continuous disclosure at all	66.7%
		Other	33.3%
47	The prosecution complied with its duty of continuing disclosure in a timely manner.	Fully met	76.9%
		Partially met	15.4%
		Not met	7.7%
48	Sensitive unused material was dealt with appropriately.	Fully met	50.0%
		Partially met	16.7%
		Not met	33.3%
49	Third-party material was dealt with appropriately.	Fully met	94.4%
		Partially met	5.6%
		Not met	
50	In CC cases (including RASSO cases before the CC), late defence statements were chased.	Fully met	55.6%
		Partially met	22.2%
		Not met	22.2%
51	Inadequate defence statements were challenged.	Fully met	100%
		Partially met	
		Not met	
52	The defence statement was reviewed by the prosecutor and direction given to the police about further reasonable lines of enquiry.	Fully met	50.0%
		Partially met	42.9%
		Not met	7.1%

No.	Question	Answers	Result
53	The disclosure record on Modern CMS was properly completed with actions and decisions taken on disclosure.	Fully met Partially met Not met	52.6% 42.1% 5.3%
54	The CPS fed back to the police where there were failings in the police service regarding disclosure.	Fully met Partially met Not met	75.0% 6.3% 18.8%
Victims and witnesses			
55	The prosecutor consulted victims and witnesses where appropriate (includes STWAC).	Fully met Partially met Not met	37.5% 37.5% 25.0%
56	The victim's wishes regarding VPS were complied with.	Fully met Partially met Not met	72.2% 27.8%
57	The prosecution sought appropriate orders to protect the victim, witnesses and the public.	Fully met Partially met Not met	81.8% 9.1% 9.1%
58	There was a timely VCL letter when required.	Fully met Partially met Not met	60.0% 40.0%
59	The VCL letter was of a high standard.	Fully met Partially met Not met	50.0% 50.0%
60	The CPS MG3 actively considered relevant applications and ancillary matters to support victims and witnesses.	Fully met Partially met Not met	47.1% 17.6% 35.3%

Annex C

Glossary

Achieving Best Evidence (ABE)

Guidance from the Ministry of Justice on interviewing victims and witnesses and using special measures. When the police video-record the account of the victim or a witness rather than taking a written statement from them, the recording can be played at trial instead of the victim or witness giving evidence if permission is granted by the court; this is one of a range of special measures. These recordings are known as “Achieving Best Evidence recordings”, or “ABEs”, after the guidance.

Agent

A lawyer from outside the CPS who is employed when required to prosecute cases at court on behalf of the CPS. They cannot make decisions about cases under the Code for Crown Prosecutors and must take instructions from the CPS.

Ancillary order

Orders that the Judge or magistrates may impose on a defendant as well as imposing a sentence, such as a compensation order requiring a defendant to pay a sum of money to the victim.

Area Business Manager (ABM)

The most senior non-legal manager at CPS Area level. They are responsible for the business aspects in an Area, such as managing the budget, and work with the Chief Crown Prosecutor to run the Area effectively and efficiently.

Area Champion

A CPS lawyer with specialist knowledge or expertise in a legal area, such as disclosure. They act as a source of information and support for colleagues and deliver training.

Associate Prosecutor (AP)

A non-lawyer employed by the CPS who conducts uncontested (guilty plea) cases at the magistrates’ courts on behalf of the prosecution. With additional training, APs can also conduct contested (not guilty) hearings.

Attorney General (AG)

The main legal advisor to the Government. Also superintends the CPS.

Bad character

Evidence of previous bad behaviour, including convictions for earlier criminal offences. Normally, bad character cannot be included as part of

the evidence in a criminal trial. To be allowed, either the prosecution and defence must agree it can be used, or an application must be made to the court, based on specific reasons set out by law.

Barrister/Counsel

A lawyer with the necessary qualifications to appear in the Crown Court and other criminal courts, who is paid by the CPS to prosecute cases at court, or by the representative of someone accused of a crime to defend them.

Basis of plea

Sets out the basis upon which a defendant pleads guilty to an offence.

Better Case Management (BCM)

The national process for case management in the Crown Court to improve the way cases are processed through the system, for the benefit of all concerned in the criminal justice system.

Case management system (CMS)

The IT system used by the CPS for case management.

Casework Quality Standards (CQS)

Issued by the Director of Public Prosecutions, these standards set out the benchmarks of quality that the CPS strives to deliver when prosecuting crime on behalf of the public. They include the CPS's responsibilities to victims, witnesses and communities, legal decision-making and the preparation and presentation of cases.

Charging decision

A decision by the CPS (or the police in certain circumstances) whether there is sufficient evidence, and whether it is in the public interest, to charge a suspect with a particular offence. The process is governed by the Director's Guidance on Charging.

Chief Crown Prosecutor (CCP)

Each of the 14 CPS Areas has a CCP who runs the Area with the Area Business Manager. The CCP is responsible for the legal aspects in the Area, such as the quality of legal decision-making, case progression, and working with stakeholders, communities, and the public to deliver quality casework.

Cloud video platform (CVP)

A video communication system that enables court hearings to be carried out remotely and securely.

Code for Crown Prosecutors (the Code)

A public document, issued by the Director of Public Prosecutions, that sets out the general principles CPS lawyers should follow when they make charging decisions. Cases should proceed to charge only if there is sufficient evidence against a defendant to provide a realistic prospect of conviction and it is in the public interest to prosecute.

Common platform

A digital case management system which allows all parties involved in criminal cases to access case information.

Complex Casework Unit (CCU)

Units responsible for some of the most serious and complicated casework the CPS prosecutes, such as large-scale international cases.

Contested case

Where a defendant pleads not guilty or declines to enter any plea at all, and the case proceeds to trial.

Court order/direction

An instruction from the court requiring the prosecution or defence to carry out an action (such as sending a particular document or some information to the other party or the court) in preparation for trial.

CPS Direct (CPSD)

A service operated by CPS lawyers which provides charging decisions. It deals with many priority cases and much of its work is out of hours, enabling the CPS to provide charging decisions 24 hours a day, 365 days a year.

Cracked trial

A case which ends on the day of trial either because of a guilty plea by the defendant or because the prosecution decides to stop the case.

Criminal Procedure Rules (CPR)

Rules which give criminal courts powers to manage criminal cases waiting to be heard effectively. The main aim of the CPR is to progress cases fairly and quickly.

Crown advocate (CA)

A lawyer employed by the CPS who is qualified to appear in the Crown Court.

Crown Court

The court which deals with graver allegations of criminal offences, such as murder, rape, and serious assaults. Some allegations can be heard at either the Crown Court or the magistrates' courts (see Either-way offence).

Crown prosecutor (CP)

A lawyer employed by the CPS whose role includes reviewing and preparing cases for court and prosecuting cases at the magistrates' courts. CPs can progress to become senior crown prosecutors.

Custody time limit (CTL)

The length of time that a defendant can be kept in custody awaiting trial. It can be extended by the court in certain circumstances.

Custody time limit failure

When the court refuses to extend a CTL on the grounds that the prosecution has not acted with the necessary due diligence and expedition, or when no valid application is made to extend the CTL before its expiry date.

Defendant

Someone accused of and charged with a criminal offence.

Defence statement

A written statement setting out the nature of the defendant's defence. Service of the defence statement is part of the process of preparing for trial, and is meant to help the prosecution understand the defence case better so they can decide if there is any more unused material than ought to be disclosed (see Disclosure).

Deputy Chief Crown Prosecutor (DCCP)

Second-in-command in a CPS Area, after the Chief Crown Prosecutor, for legal aspects of managing the Area.

Digital Case System (DCS)

A computer system for storing and managing cases in the Crown Court, to which the defence, prosecution, court staff and the Judge all have access.

Direct defence engagement log (DDE)

A written record of discussions with the defence about a case. The prosecution and defence are obliged by the Criminal Procedure Rules to engage and identify the issues for trial so that court time is not wasted hearing live evidence about matters that can be agreed.

Director's Guidance on Charging

Guidance issued by the Director of Public Prosecutions in relation to charging decisions. It sets out guidance for the police and CPS about how to prepare a file so that it is ready for charging, who can make the charging decision, and what factors should influence the decision. It also sets out the requirements for a suspect whom the police will ask the court to keep in custody to be charged before all the evidence is available, which is called the threshold test. The latest edition (the sixth, also called "DG6") came into effect on 31 December 2020.

Director of Public Prosecutions (DPP)

The head of the CPS, with responsibility for its staff and the prosecutions it undertakes every year. In certain cases, the personal consent of the DPP is required for prosecutions to proceed.

Disclosure/unused material

The police have a duty to record, retain and review material collected during an investigation which is relevant but is not being used as prosecution evidence, and to reveal it to the prosecutor. The prosecutor has a duty to provide the defence with copies of, or access to, all material that is capable of undermining the prosecution case and/or assisting the defendant's case.

Disclosure management document (DMD)

Used for rape and other Crown Court cases, the DMD sets out the approach of the police and CPS to the disclosure of unused material in a case. It may, for example, explain the parameters used by the police to search data held on a mobile phone or other digital device (such as the dates used, or key words) or what actions the police are and are not taking in relation to possible avenues of investigation. The DMD is shared with the defence and court so that everyone is aware of the approach being taken. This enables the defence to make representations if they do not agree with that approach (for example, if they think different search terms should be used). It also helps ensure that disclosure is undertaken efficiently and fairly.

Disclosure record sheet (DRS)

Sets out the chronology of all disclosure actions and decisions, and the reasons for those decisions. It is an internal CPS document that is not shared with the defence or court.

Discontinuance

Where the prosecution stops the case because there is insufficient evidence to carry on, or it is not in the public interest to do so.

District Crown Prosecutor (DCP)

A lawyer who leads and manages the day to day activities of prosecutors and advocates.

Domestic abuse

Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members, regardless of gender or sexuality.

Effective trial

Where a case proceeds to a full trial on the date that it is meant to.

Either-way offence

An offence that can be prosecuted in the magistrates' courts or the Crown Court. The prosecution makes representations to the court on where the case should be heard. The magistrates or a District Judge (who sits alone in the magistrates' courts) can decide if the allegation is serious enough that it must go to the Crown Court. If they decide it can be heard in the magistrates' courts, the defendant can choose to have the case sent to the Crown Court, where it will be heard by a jury. If the defendant agrees, the trial will be heard in the magistrates' courts.

Full Code test

A method by which a prosecutor decides whether or not to bring a prosecution, based on the Code for Crown Prosecutors. A prosecution must only start or continue when the case has passed both stages of the full Code test: the evidential stage, followed by the public interest stage. The full Code test should be applied when all outstanding reasonable lines of inquiry have been pursued – or before the investigation being completed, if the prosecutor is satisfied that any further evidence or material is unlikely to affect the application of the full Code test, whether in favour of or against a prosecution.

Graduated fee scheme (GFS)

The scheme by which lawyers are paid for Crown Court cases. For Counsel appearing on behalf of defendants who qualify for assistance (or legal aid), the GFS is set and managed by the Legal Aid Agency. For Counsel appearing for the prosecution, the rates are determined by the CPS GFS, and the CPS pays Counsel.

Guilty anticipated plea (GAP)

Where the defendant is expected to admit the offence at court, based on an assessment of the available evidence and any admissions made during interview.

Hate crime

Any offence where the defendant has been motivated by or demonstrated hostility towards the victim based on what the defendant thinks is their race, disability, gender identity or sexual orientation. Targeting older people is not (at the time of writing) recognised in law as a hate crime, but the CPS monitors crimes against older people in a similar way.

Hearing record sheet (HRS)

A CPS electronic record of what has happened in the case during the course of a court hearing, and any actions that need to be carried out afterwards.

Her Majesty's Courts and Tribunals Service (HMCTS)

An organisation responsible for the administration of criminal, civil and family courts and tribunals in England and Wales.

Honour based violence (HBV)

A collection of practices which are used to control behaviour within families or other social groups to protect perceived cultural and religious beliefs and/or honour. It can take the form of domestic abuse and/or sexual violence.

Inclusion and community engagement strategy

Sets out the CPS's commitment to promoting fairness, equality, diversity and inclusion across the criminal justice system by engaging with community groups and those at risk of exclusion.

Indictable-only offence

An offence triable only in the Crown Court.

Indictment

The document that contains the charge or charges faced by the defendant at trial in the Crown Court.

Individual Learning Account (ILA)

An allowance of £350 per person, per year, which CPS employees can access for professional development.

Individual quality assessment (IQA)

An assessment of a piece of work done by a CPS member of staff – usually a prosecutor, but some Areas also carry out IQAs for some operational delivery staff. The assessment is carried out by a manager, and feedback on the assessment given to the member of staff. Areas also use IQAs to identify areas for improvement and training needs across a team or the whole Area.

Ineffective trial

A case that does not proceed to trial on the date that it is meant to. This can be owing to a variety of possible reasons, including non-attendance of witnesses, non-compliance with a court order by the prosecution or defence, or lack of court time.

Initial details of the prosecution case (IDPC)

The material to be provided before the first hearing at the magistrates' courts to enable the defendant and the court to take an informed view on plea, where the case should be heard, case management and sentencing. The IDPC must include a summary of the circumstances of the offence and the defendant's charge sheet. Where the defendant is expected to plead not guilty, key statements and exhibits (such as CCTV evidence) must be included.

Intermediary

A professional who facilitates communication between, on the one hand, a victim or witness, and on the other hand, the police, prosecution, defence, and/or court. Their role is to make sure the witness understands what they are being asked, can give an answer, and can have that answer understood. To do this, they will assess what is needed, provide a detailed report on how to achieve that, and aid the witness in court. An intermediary may be available at trial, subject to the court agreeing it is appropriate, for defence or prosecution witnesses who are eligible for special measures on the grounds of age or incapacity, or for vulnerable defendants.

Local Criminal Justice Boards (LCJBs)

Groups made up of representatives of the CPS, police, HMCTS and others, whose purpose is to work in partnership to improve the efficiency and effectiveness of the criminal justice system and to improve the experience of the victims and witnesses. LCJBs were originally set up in all 43 police force areas by central government and received central funding. They now operate as voluntary partnerships in most counties in England.

Local Scrutiny Involvement Panels (LSIPs)

Groups made up of representatives of the local community and voluntary sector, especially those representing minority, marginalised or at-risk groups. They meet regularly with their local CPS Area to discuss issues of local concern and provide feedback on the service the Area provides, with a view to improving the delivery of justice at a local level and to better supporting victims and witnesses.

Manual of Guidance Form 3 (MG3)

One of a number of template forms contained in a manual of guidance for the police and CPS on putting together prosecution files. The MG3 is where the police summarise the evidence and other information when asking the CPS to decide whether a suspect should be charged with a criminal offence, and the CPS then records its decision.

National File Standard (NFS)

A national system that sets out how the police should prepare criminal case files. It allows investigators to build only as much of the file as is needed at any given stage – whether that is for advice from the CPS, the first appearance at court or the trial. The latest version was published in December 2020.

Newton hearing

A hearing in criminal proceedings required when a defendant pleads guilty to an offence but there is disagreement with the prosecution as to the facts of the offence.

Not guilty anticipated plea (NGAP)

Where the defendant is expected to plead not guilty at court, based on an assessment of the available evidence and any defence(s) put forward during interview.

Offer no evidence (ONE)

Where the prosecution stops the case, after the defendant has pleaded not guilty, by offering no evidence. A finding of not guilty is then recorded by the court.

Paralegal officer

A CPS employee who provides support and casework assistance to CPS lawyers and attends court to take notes of hearings and assist advocates.

Personal Development Review (PDR)

A twice yearly review of a CPS employee's performance against a set of objectives specific to their role.

Plea and Trial Preparation Hearing (PTPH)

The first hearing at the Crown Court after the case has been sent from the magistrates' courts. The defendant is expected to enter a plea to the offence(s) with which they have been charged. If the defendant pleads guilty, the court may be able to sentence them immediately, but if not, or if the defendant has pleaded not guilty, the court will set the next hearing date and, for trials, will also set out a timetable for management of the case.

Postal requisition

A legal document notifying a person that they are to be prosecuted for a criminal offence, and are required to attend the magistrates' courts to answer the allegation.

Rape and serious sexual offences (RASSO)

Allegations of rape and other serious sexual offences perpetrated against men, women or children. In the CPS, the prosecution of RASSO cases is undertaken separately from other cases, in RASSO units or teams.

Restraining order

A type of court order made as part of the sentencing procedure to protect the person(s) named in it from harassment or conduct that will put them in fear of violence. They are often made in cases involving domestic abuse, harassment, stalking or sexual assault. The order is intended to be preventative and protective, and usually includes restrictions on contact by the defendant towards the victim; it may also include an exclusion zone around the victim's home or workplace. A restraining order can also be made after a defendant has been acquitted if the court thinks it is necessary to protect the person from harassment.

Review

The process whereby a CPS prosecutor determines that a case received from the police satisfies, or continues to satisfy, the legal test for prosecution in the Code for Crown Prosecutors. This is one of the most important functions of the CPS.

Section 28 Youth Justice and Criminal Evidence Act 1999

Legislation that provides the option to pre-record the cross-examination evidence in advance of a trial for vulnerable victims and witnesses.

Senior Crown Prosecutor (SCP)

A lawyer employed by the CPS with the necessary skills and experience to progress to a more senior legal role, which includes the functions of a crown prosecutor but also includes advising the police on charge. It is not a role that includes managing staff.

Sensitive material

Any unused material (see Disclosure/unused material) which it would not be in the public interest to disclose during the criminal proceedings. If it meets the test for disclosure, the prosecution must either stop the case or apply to the court for an order allowing them to withhold the sensitive material.

Speaking to witnesses at court (STWAC)

An initiative stating that prosecutors should speak to witnesses at or before court to make sure they are properly assisted and know what to expect before they give their evidence.

Special measures

The Youth Justice and Criminal Evidence Act 1999 provides for a range of special measures to enable vulnerable or intimidated witnesses in a criminal trial to give their most accurate and complete account of what happened. Measures include giving evidence via a live TV link to the court, giving evidence from behind screens in the courtroom and using intermediaries. A special measures application is made to the court within set time limits and can be made by the prosecution or defence.

Standard Operating Practice (SOP)

Instructions setting out how to complete a particular task or action and cover legal and business aspects of the running of the CPS. The CPS has a range of SOPs which are standard across the organisation and seek to apply consistency to business practices and key steps needed in all

prosecutions. Examples include: how to register a new charging request from the police on the case management system; how to record charging advice; how to prepare for the first hearing; and how to deal with incoming communications.

Summary offence

An offence that is normally dealt with in the magistrates' courts. In certain circumstances, and when there is a connected case that will be heard by the Crown Court, the Crown Court may deal with a summary offence as well.

Third party material

Material held by someone other than the investigator and/or prosecutor, such as medical or school records, or documents held by social services departments.

Threshold test

See Director's Guidance on Charging.

Transforming Summary Justice (TSJ)

An initiative led by HMCTS and involving the CPS and the police, designed to deliver justice in summary cases in the most efficient way by reducing the number of court hearings and the volume of case papers. The process involves designating bail cases coming into the magistrates' courts for their first hearing as guilty-anticipated plea (GAP) cases or not guilty-anticipated plea (NGAP) cases. GAP and NGAP cases are listed in separate courtrooms, so that each can be dealt with more efficiently.

Uncontested case

Where a defendant pleads guilty and the case proceeds to sentence.

Unsuccessful outcome

A prosecution which does not result in a conviction is recorded in CPS data as an unsuccessful outcome. If the outcome is unsuccessful because the prosecution has been dropped (discontinued, withdrawn or no evidence offered) or the court has ordered that it cannot proceed, it is also known as an adverse outcome. Acquittals are not adverse outcomes.

Victim Communication and Liaison scheme (VCL)

A CPS scheme to inform victims of crime of a decision to stop, or alter substantially, any of the charges in a case. Vulnerable or intimidated victims must be notified within one working day and all other victims within five working days. In certain cases, victims will be offered a meeting to

explain the decision and/or the right to ask for the decision to be reviewed.

Victim Liaison Unit (VLU)

The team of CPS staff in an Area responsible for communicating with victims under the Victim Communication and Liaison scheme and the Victims' Right to Review, and for responding to complaints and overseeing the service to bereaved families.

Victim Personal Statement (VPS)

When a victim explains to the court how a crime has affected them. If a defendant is found guilty, the court will take the VPS into account, along with all the other evidence, when deciding on an appropriate sentence.

Victims' Code

Sets out a victim's rights and the minimum standards of service that organisations must provide to victims of crime. Its aim is to improve victims' experience of the criminal justice system by providing them with the support and information they need. It was published in October 2013 and last updated on 21 April 2021.

Victims' Right to Review scheme (VRR)

This scheme provides victims of crime with a specifically designed process to exercise their right to review certain CPS decisions not to start a prosecution, or to stop a prosecution. If a new decision is required, it may be appropriate to institute or reinstitute criminal proceedings. The right to request a review of a decision not to prosecute under the VRR scheme applies to decisions that have the effect of being final made by any crown prosecutor, regardless of their grade or position in the organisation. It is important to note that the "right" referred to in the context of the VRR scheme is the right to request a review of a final decision. It is not a guarantee that proceedings will be instituted or reinstated.

Violence against women and girls (VAWG)

A category of offending that covers a wide range of criminal conduct, including domestic abuse, controlling and coercive behaviour, sexual offences, harassment, forced marriage, so-called honour-based violence, and slavery and trafficking. VAWG includes boys and men as victims but reflects the gendered nature of the majority of VAWG offending.

Violence against women and girls strategy (VAWGS)

A government strategy that aims to increase support for victims and survivors of VAWG, increase the number of perpetrators brought to justice, and reduce the prevalence of violence against women and girls in the long term.

Vulnerable and/or intimidated witnesses

Those witnesses who require particular help to give evidence in court, such as children, victims of sexual offences and the most serious crimes, persistently targeted victims, and those with communication difficulties.

Witness care unit (WCU)

A unit responsible for managing the care of victims and prosecution witnesses from when a case is charged to the conclusion of the case. It is staffed by witness care officers and other support workers whose role is to keep witnesses informed about the progress of their case. Almost all WCUs are staffed and managed by the police.

Witness summons

A legal document compelling a reluctant or unwilling witness to attend court.

Annex D
File examination question
set

No.	Question	Possible answers
Pre-charge decision		
1	The CPS decision to charge was compliant with the Code Test.	Fully met Not met Not applicable (NA)
2	The CPS decision to charge was timely.	Fully met Partially met Not met NA
3	The most appropriate charges were selected on the information available to the prosecutor at the time.	Fully met Partially met Not met NA
4	The CPS MG3 included proper case analysis and case strategy.	Fully met Partially met Not met NA
5	The CPS MG3 dealt appropriately with unused material.	Fully met Partially met Not met NA
6	The CPS MG3 referred to relevant applications and ancillary matters.	Fully met Partially met Not met NA
7	There were appropriate instructions and guidance to the court prosecutor contained in either the MG3 or the PET/PTPH form created with the MG3.	Fully met Partially met Not met NA
8	The action plan was proportionate and met a satisfactory standard.	Fully met Partially met Not met NA
Police initial file submission post-charge		
9	The police file submission complied with the National File Standard for the type of case.	Fully met Not met
10	The police file submission was timely.	Fully met Not met

No.	Question	Possible answers
11	The CPS used the NFQ assessment tool in the review document to identify and feed back to the police on any failings in the file submission.	Fully met Partially met Not met NA
Post-charge reviews and decisions		
12	All review decisions post-charge applied the Code correctly.	Fully met Not met
13	The case received a proportionate initial or post-charge review including a proper case analysis and case strategy.	Fully met Partially met Not met
14	The initial or post-charge review was carried out in a timely manner.	Fully met Partially met Not met NA
15	Any decision to discontinue was made and put into effect in a timely manner.	Fully met Partially met Not met NA
16	Any pleas accepted were appropriate, with a clear basis of plea.	Fully met Partially met Not met NA
17	Steps were taken to achieve best evidence by making appropriate applications for special measures (including drafting where a written application was required).	Fully met Partially met Not met NA
18	In CC cases (including RASSO cases before the CC), there was a high-quality review to coincide with the service of the prosecution case and initial disclosure (at stage 1 set at PTPH).	Fully met Partially met Not met NA
19	In all cases (MC, CC and RASSO) any reviews addressing significant developments that represent a major change in case strategy (and which are additional to those reviews considered in Qs 13 and 18) were of high quality and dealt appropriately with the significant development(s) in the case.	Fully met Partially met Not met NA

No.	Question	Possible answers
20	The CPS made appropriate and timely decisions about custody and bail throughout the life of the case.	Fully met Partially met Not met

Post-charge case progression

21	The prosecutor prepared the case effectively to ensure progress at court at the first hearing(s) – which in the MC is the NGAP hearing for bail cases and the second hearing in custody cases, and in the CC the PTPH – to include, as a minimum, any acceptable pleas or that there are no acceptable pleas, and completed the PET/PTPH forms.	Fully met Partially met Not met NA
22	Any hard media was shared via Egress with all parties before the NGAP hearing or PTPH.	Fully met Partially met Not met NA
23	In CC cases (including RASSO cases before the CC), a properly drafted indictment was prepared.	Fully met Partially met Not met NA
24	In CC cases (including RASSO cases before the CC), the draft indictment and key evidence was served in a timely manner for the PTPH.	Fully met Partially met Not met NA
25	In CC and RASSO cases, a clear instruction to advocate document was prepared.	Fully met Partially met Not met NA
26	In CC cases (including RASSO cases before the CC), the advocate was instructed at least seven days before the PTPH.	Fully met Partially met Not met NA
27	In CC cases (including RASSO cases before the CC), the duty of direct engagement was carried out.	Fully met Partially met Not met NA

No.	Question	Possible answers
28	In CC cases (including RASSO cases before the CC), the DDE was uploaded to DCS.	Fully met Partially met Not met NA
29	In CC cases (including RASSO cases before the CC) and the youth court where counsel is instructed, if there was no advice on evidence covering all necessary issues, this was chased.	Fully met Partially met Not met NA
30	In RASSO cases, a conference with the trial advocate, OIC and any expert witnesses took place.	Fully met Partially met Not met NA
31	There was timely compliance with court directions or Judges' Orders.	Fully met Partially met Not met NA
32	Appropriate applications (eg BCE, hearsay) were used effectively to strengthen the prosecution case.	Fully met Partially met Not met NA
33	Steps were taken to secure best evidence by correct and timely warning of witnesses.	Fully met Partially met Not met NA
34	Steps were taken to secure best evidence by addressing correspondence from the WCU and any witness issues in a timely manner with effective actions.	Fully met Partially met Not met NA
35	New material received from the police was reviewed appropriately and sufficiently promptly with timely and effective actions taken in response.	Fully met Partially met Not met NA
36	Correspondence from the court and defence was reviewed appropriately and sufficiently promptly with timely and effective actions taken in response.	Fully met Partially met Not met NA
37	Requests to the police for additional material or editing of material were timely and escalated where appropriate.	Fully met Partially met Not met NA

No.	Question	Possible answers
38	There was a clear audit trail on CMS of key events, decisions and actions, with correct labelling of documents and appropriate use of notes.	Fully met Partially met Not met
Disclosure of unused material		
39	In relevant cases, a DMD was completed.	Fully met Partially met Not met NA
40	The DMD was completed accurately and fully in accordance with the guidance.	Fully met Partially met Not met NA
41	The police complied with their disclosure obligations.	Fully met Partially met Not met NA
42	The prosecutor complied with the duty of initial disclosure, including the correct endorsement of the schedules (but not including timeliness of disclosure).	Fully met Partially met Not met NA
43	If Q42 is PM or NM, the most significant failing was:	
44	The prosecution complied with its duty of initial disclosure in a timely manner.	Fully met Partially met Not met NA
45	The prosecutor complied with the duty of continuing disclosure, (but not including timeliness of disclosure).	Fully met Partially met Not met NA
46	If Q44 is PM or NM, the most significant failing was:	
47	The prosecution complied with its duty of continuing disclosure in a timely manner.	Fully met Partially met Not met NA
48	Sensitive unused material was dealt with appropriately.	Fully met Partially met Not met NA

No.	Question	Possible answers
49	Third-party material was dealt with appropriately.	Fully met Partially met Not met NA
50	In CC cases (including RASSO cases before the CC), late defence statements were chased.	Fully met Partially met Not met NA
51	Inadequate defence statements were challenged.	Fully met Partially met Not met NA
52	The defence statement was reviewed by the prosecutor and direction given to the police about further reasonable lines of enquiry.	Fully met Partially met Not met NA
53	The disclosure record on Modern CMS was properly completed with actions and decisions taken on disclosure.	Fully met Partially met Not met NA
54	The CPS fed back to the police where there were failings in the police service regarding disclosure.	Fully met Partially met Not met NA
Victims and witnesses		
55	The prosecutor consulted victims and witnesses where appropriate (includes STWAC).	Fully met Partially met Not met NA
56	The victim's wishes regarding VPS were complied with.	Fully met Partially met Not met NA
57	The prosecution sought appropriate orders to protect the victim, witnesses and the public.	Fully met Partially met Not met NA
58	There was a timely VCL letter when required.	Fully met Partially met Not met NA

No.	Question	Possible answers
59	The VCL letter was of a high standard.	Fully met Partially met Not met NA
60	The CPS MG3 actively considered relevant applications and ancillary matters to support victims and witnesses.	Fully met Partially met Not met NA

Annex E

File sample composition

Breakdown of the standard file sample

The number of files to examine from each Crown Prosecution Service (CPS) Area was determined, in consultation with the CPS, as 90: 30 magistrates' court cases, 40 Crown Court cases and 20 rape and serious sexual offences (RASSO) cases.

The files were randomly selected within certain parameters (set out below) from cases finalised in the quarter before the on-site phase for that Area, and from live cases. This allowed the Covid-19 context from the on-site Area visits to be aligned with the current casework.

Finalised cases included those concluded at either the not-guilty anticipated plea (NGAP) hearing in the magistrates' courts or the Plea and Trial Preparation Hearing (PTPH) in the Crown Court in order to be able to properly assess decision-making and case progression. The sample also included cracked trials, and a mix of successful and unsuccessful cases.

All magistrates' court files were drawn from NGAP cases to capture the review and preparation required before the NGAP hearing. The magistrates' court sample included three youth cases; the remainder were adult cases. Minor motoring cases were excluded from the magistrates' court file sample.

All Crown Court files were chosen from those set down for trial or that had had a PTPH, to capture the post-sending review and pre-PTPH preparation (save for discontinuances, where the decision to discontinue may have been made before the PTPH). Homicide cases were excluded for two reasons: first, because they are frequently investigated by specialist police teams so are not representative of an Area's volume work; second, because they are harder for HMCPSI to assess, as some of the information in the case is often stored off the case management system and not accessible to inspectors. Fatal road traffic collision cases were not excluded.

RASSO files included offences involving child victims, but all domestic abuse RASSO cases had adult victims. No more than two cases were possession of indecent images, and no more than two cases were ones involving a non-police decoy or child sex abuse vigilante in child-grooming or meeting cases.

Table 19: File sample structure

Outcome	Magistrates' courts	Crown Court	RASSO	Total
Late guilty plea	6 (20%)	10 (25%)	4 (20%)	20
Guilty plea at NGAP hearing	3 (10%)	4 (10%)	3 (15%)	10
Conviction after trial	7 (23%)	8 (20%)	4 (20%)	19
Discontinued/Judge ordered acquittal	6 (20%)	7 (17%)	3 (15%)	16
No case to answer/Judge directed acquittal	1 (3%)	2 (5%)	1 (5%)	4
Acquittal after trial	4 (13%)	5 (12%)	3 (15%)	12
Live cases	3 (10%)	4 (10%)	2 (10%)	9
Total	30	40	20	90
<i>Police charged</i>	2 (max)	0	0	
<i>CPS Direct charged</i>	4 (max)	6 (max)	2 (max)	
<i>Youth cases</i>	3			

The categories in italics in Table 20 were not additional files but contributed to the total volume of cases. Where there were no Judge directed acquittal or no case to answer outcomes finalised during the quarter preceding the file examination, acquittals after trial were substituted in order to maintain the balance between successful and unsuccessful cases.

Occasionally, it may have been necessary to exceed the maximum numbers of CPS Direct charged cases to avoid selecting older cases, but this was at the discretion of the lead inspector.

Sensitive/non-sensitive split

Of the standard magistrates' court and Crown Court file samples, 20% were sensitive cases and half of these were domestic abuse allegations.

Table 21 sets out the mandatory minimum number of sensitive case types included in our magistrates' court and Crown Court samples. As far as possible, they were evenly split between successful and unsuccessful outcomes. Occasionally, it may have been necessary to exceed the minimum numbers in certain categories of sensitive casework to avoid selecting older cases, but this was at the discretion of the lead inspector.

Table 20: Minimum sensitive case types in sample

Case type	Magistrates' courts (30)	Crown Court (40)	RASSO (20)	Total (90)
Domestic abuse	3	4	2	9
Racially or religiously aggravated (RARA)	1	1	0	2
Homophobic/elder/disability	1	1	0	2
Sexual offence (non-RASSO)	1	2	0	3
Total	6 (20%)	8 (20%)	2 (10%)	16 (17%)

If there was no RARA case available, another hate crime category file was substituted.

Annex F

Scoring methodology

The scores in this inspection are derived solely from our examination of the casework quality of 90 Area files: 30 magistrates' court cases, 40 Crown Court cases and 20 rape and serious sexual offences (RASSO) cases.

We based our evaluation of casework quality on two key measures: added value and grip. We define added value as the Crown Prosecution Service (CPS) making good, proactive prosecution decisions by applying its legal expertise to each case, and grip as the CPS proactively progressing its cases efficiently and effectively.

We used our file examination data to give scores for added value and grip, which are set out as percentages. They were obtained by taking the questions that feed into each aspect³² and allocating:

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

We then expressed the total points awarded as a percentage of the maximum possible points. Not applicable answers were excluded.

To help evaluate added value and grip, we also scored the five casework themes and sub-themes in each of the three casework types (magistrates' court cases, Crown Court cases, and RASSO cases):

- pre-charge decisions and reviews
 - compliance with the Code at pre-charge
 - selection of charge(s)
 - case analysis and strategy
- post-charge decisions and reviews
 - compliance with the Code post-charge

³² See annex G for which questions contributed to each of the casework themes.

- case analysis and strategy
- preparation for the Plea and Trial Preparation Hearing in the Crown Court
- disclosure
- victims and witnesses.

The scores for these themes were obtained by taking the answers for the questions that feed into the theme. We allocated:

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

We then expressed the total points awarded as a percentage of the maximum possible points. Not applicable answers were excluded.

For the casework themes and sub-themes, we have reported the percentages, but have also used a range of percentages (see Table 22) to convert the percentage into a finding of fully, partially, or not meeting the expected standard for the theme or sub-theme overall.

Table 21: Conversion of percentages into ratings

Rating	Range
Fully meeting the standard	70% or more
Partially meeting the standard	60% to 69.99%
Not meeting the standard	59.99% or less

A worked example

Relevant questions

For the victims and witnesses aspect of casework in the magistrates' courts, we took the answers from the following nine questions:

- Q17: Steps were taken to achieve best evidence by making appropriate applications for special measures (including drafting where a written application is required).
- Q33: Steps were taken to secure best evidence by correct and timely warning of witnesses.
- Q34: Steps were taken to secure best evidence by addressing correspondence from the WCU and any witness issues in a timely manner with effective actions.
- Q55: The prosecutor consulted victims and witnesses where appropriate (includes STWAC).
- Q56: The victim's wishes regarding VPS were complied with.
- Q57: The prosecution sought appropriate orders to protect the victim, witnesses and the public.
- Q58: There was a timely VCL letter when required.
- Q59: The VCL letter was of a high standard.
- Q60: The CPS MG3 actively considered relevant applications and ancillary matters designed to support victims and/or witnesses.

File examination results

This data is fictitious and used only to demonstrate the scoring mechanism. For the 30 magistrates' court files, we scored the relevant questions as set out in Table 23.

Table 22: Worked example scores

Question	Answer	All cases
Q17: Steps were taken to achieve best evidence by making appropriate applications for special measures.	Fully meeting	13
	Partially meeting	7
	Not meeting	5
	Not applicable	5
Q33: Steps were taken to secure best evidence by correct and timely warning of witnesses.	Fully meeting	23
	Partially meeting	5
	Not meeting	1
	Not applicable	1
Q34: Steps were taken to secure best evidence by addressing correspondence from the WCU and any witness issues in a timely manner with effective actions.	Fully meeting	8
	Partially meeting	10
	Not meeting	9
	Not applicable	3
Q55: The prosecutor consulted victims and witnesses where appropriate (includes STWAC).	Fully meeting	3
	Partially meeting	4
	Not meeting	3
	Not applicable	20
Q56: The victim's wishes regarding VPS were complied with.	Fully meeting	17
	Partially meeting	3
	Not meeting	4
	Not applicable	6
Q57: The prosecution sought appropriate orders to protect the victim, witnesses, and the public.	Fully meeting	16
	Partially meeting	5
	Not meeting	4
	Not applicable	5
Q58: There was a timely VCL letter when required.	Fully meeting	5
	Partially meeting	4
	Not meeting	4
	Not applicable	17
Q59: The VCL letter was of a high standard.	Fully meeting	3
	Partially meeting	3
	Not meeting	3
	Not applicable	21
Q60: The CPS MG3 actively considered relevant applications and ancillary matters designed to support victims and/or witnesses.	Fully meeting	11
	Partially meeting	7
	Not meeting	5
	Not applicable	7
Total for all above questions	Fully meeting	99
	Partially meeting	48
	Not meeting	38
	Not applicable	85

Excluding the not applicable answers leaves 185 answers. The maximum score possible would therefore be 370 points (185 answers × 2 points per answer) if all answers were “fully meeting the standard”.

The score for this fictitious Area is calculated as follows:

- Two points for each case assessed as fully meeting the expected standard = 198 points
- One point for each case assessed as partially meeting the standard = 48 points
- Total (198 + 48) = 246 points
- Expressed as a percentage of 370 available points, this gives the score as 66.5%. When the ranges are applied, 66.5% (60% to 69.99%) gives an overall rating of partially meeting the required standard for this casework theme.

Annex G

Casework themes

Table 23: Casework themes

No.	Question	Casework theme	Included in added value or grip?
1	The CPS decision to charge was compliant with the Code test.	Pre-charge: Code compliance	Added value
2	The CPS decision to charge was timely.	Not applicable (NA)	Grip
3	The most appropriate charges were selected on the information available to the prosecutor at the time.	Pre-charge: Selection of appropriate charges	Added value
4	The CPS MG3 included proper case analysis and case strategy.	Pre-charge	Added value
5	The CPS MG3 dealt appropriately with unused material.	Pre-charge	Added value
6	The CPS MG3 referred to relevant applications and ancillary matters.	Pre-charge	Added value
7	There were appropriate instructions and guidance to the court prosecutor contained in either the MG3 or the PET/PTPH form created with the MG3.	Pre-charge	NA
8	The action plan was proportionate and met a satisfactory standard.	Pre-charge	Added value
9	The police file submission complied with the National File Standard for the type of case.	NA	NA
10	The police file submission was timely.	NA	NA
11	The CPS used the NFQ assessment tool in the review document to identify and feed back to the police on any failings in the file submission.	NA	NA
12	All review decisions post-charge applied the Code correctly.	Post-charge: Code compliance	Added value

No.	Question	Casework theme	Included in added value or grip?
13	The case received a proportionate initial or post- sending review including a proper case analysis and case strategy.	Post-charge: Case strategy	Added value
14	The initial or post-sending review was carried out in a timely manner.	NA	Grip
15	Any decision to discontinue was made and put into effect in a timely manner.	NA	Grip
16	Any pleas accepted were appropriate, with a clear basis of plea.	Post-charge: Case strategy	Added value
17	Steps were taken to achieve best evidence by making appropriate applications for special measures (including drafting where a written application was required).	Victims and witnesses	Added value
18	In CC cases (including RASSO cases before the CC), there was a high-quality review to coincide with the service of the prosecution case and initial disclosure (at stage 1 set at PTPH).	Post-charge: Case strategy (CC and RASSO only)	Added value
19	In all cases (MC, CC and RASSO), any reviews addressing significant developments that represented a major change in case strategy (and additional to those reviews considered in Qs 13 and 18) were of high quality and dealt appropriately with the significant development(s) in the case.	Post-charge: Case strategy	Added value
20	The CPS made appropriate and timely decisions about custody and bail throughout the life of the case.	Post-charge: Case strategy	Added value

No.	Question	Casework theme	Included in added value or grip?
21	The prosecutor prepared the case effectively to ensure progress at court at the first hearing(s) – which in the MC is the NGAP hearing for bail cases and the second hearing in custody cases, and in the CC the PTPH – to include as a minimum any acceptable pleas or no acceptable pleas, and completed the PET/PTPH forms.	Preparation for PTPH	Grip
22	Any hard media was shared via Egress with all parties before the NGAP hearing or PTPH.	NA	Grip
23	In CC cases (including RASSO cases before the CC), a properly drafted indictment was prepared.	Preparation for PTPH	Added value
24	In CC cases (including RASSO cases before the CC), the draft indictment and key evidence was served in a timely manner for the PTPH.	Preparation for PTPH	Grip
25	In CC and RASSO cases, a clear instruction to advocate document was prepared.	NA ³³	No
26	In CC cases (including RASSO cases before the CC), the advocate was instructed at least seven days before the PTPH.	Preparation for PTPH	No
27	In CC cases (including RASSO cases before the CC), the duty of direct engagement was carried out.	Preparation for PTPH	No
28	In CC cases (including RASSO cases before the CC), the DDE was uploaded to DCS.	Preparation for PTPH	No

³³ We are not able to differentiate between crown advocates and Counsel in many casefiles.

No.	Question	Casework theme	Included in added value or grip?
29	In CC cases (including RASSO cases before the CC) and the youth court where counsel is instructed, if there was no advice on evidence covering all necessary issues, this was chased.	NA	Grip
30	In RASSO cases, a conference with the trial advocate, OIC and any expert witnesses took place.	NA	Grip
31	There was timely compliance with court directions or Judges' Orders.	NA	Grip
32	Appropriate applications (eg BCE, hearsay) were used effectively to strengthen the prosecution case.	Post-charge: Case strategy	Added value
33	Steps were taken to secure best evidence by correct and timely warning of witnesses.	Victims and witnesses	No
34	Steps were taken to secure best evidence by addressing correspondence from the WCU and any witness issues in a timely manner with effective actions.	Victims and witnesses	Grip
35	New material received from the police was reviewed appropriately and sufficiently promptly with timely and effective actions taken in response.	NA	Grip
36	Correspondence from the court and defence was reviewed appropriately and sufficiently promptly with timely and effective actions taken in response.	NA	Grip
37	Requests to the police for additional material or editing of material were timely, and were escalated where appropriate.	NA	Grip
38	There was a clear audit trail on CMS of key events, decisions and actions, with correct labelling of documents and appropriate use of notes.	NA	Grip

No.	Question	Casework theme	Included in added value or grip?
39	In relevant cases, a DMD was completed.	Disclosure	No
40	The DMD was completed accurately and fully in accordance with the guidance.	Disclosure	Added value (RASSO only)
41	The police complied with their disclosure obligations.	NA	NA
42	The prosecutor complied with the duty of initial disclosure, including the correct endorsement of the schedules (but not including timeliness of disclosure).	Disclosure	Added value
43	If Q42 is PM or NM, the most significant failing was:	NA	No
44	The prosecution complied with its duty of initial disclosure in a timely manner.	Disclosure	No
45	The prosecutor complied with the duty of continuing disclosure (but not including timeliness of disclosure).	Disclosure	Added value
46	If Q44 is PM or NM, the most significant failing was:	NA	No
47	The prosecution complied with its duty of continuing disclosure in a timely manner.	Disclosure	No
48	Sensitive unused material was dealt with appropriately.	Disclosure	Added value
49	Third-party material was dealt with appropriately.	Disclosure	Added value
50	In CC cases (including RASSO cases before the CC), late defence statements were chased.	Disclosure	No
51	Inadequate defence statements were challenged.	Disclosure	Added value

No.	Question	Casework theme	Included in added value or grip?
52	The defence statement was reviewed by the prosecutor and direction given to the police about further reasonable lines of enquiry.	Disclosure	Added value
53	The disclosure record on Modern CMS was properly completed with actions and decisions taken on disclosure.	Disclosure	No
54	The CPS fed back to the police where there were failings in the police service regarding disclosure.	Disclosure	No
55	The prosecutor consulted victims and witnesses where appropriate (includes STWAC).	Victims and witnesses	No
56	The victim's wishes regarding VPS were complied with.	Victims and witnesses	No
57	The prosecution sought appropriate orders to protect the victim, witnesses and the public.	Victims and witnesses	Added value
58	There was a timely VCL letter when required.	Victims and witnesses	No
59	The VCL letter was of a high standard.	Victims and witnesses	Added value
60	The CPS MG3 actively considered relevant applications and ancillary matters designed to support victims and/or witnesses.	Pre-charge Victims and witnesses	Added value

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