



**HMCPSI**

HM Crown Prosecution  
Service Inspectorate

# **CPS handling of complaints**

**A thematic inspection of the  
quality and timeliness of stage  
one and stage two complaints  
handled by the CPS.**

**August 2023**

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## Who we are

HMCPPI inspects prosecution services, providing evidence to make the prosecution process better and more accountable.

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

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

# Contents

|  |           |
|--|-----------|
| <b>1. Chief Inspector’s foreword .....</b>                             | <b>6</b>  |
| <b>2. Summary.....</b>   | <b>9</b>  |
| Key findings.....  | 10        |
| Quality and timeliness .....   | 10        |
| Policy and guidance and process .....                                  | 11        |
| Recommendations, compliance issues, good practice, and strengths ..... | 13        |
| <b>3. Framework and methodology.....</b>                               | <b>16</b> |
| The inspection framework .....   | 17        |
| Methodology.....   | 17        |
| Letter examination.....  | 17        |
| Interviews, focus groups and document review .....                     | 18        |
| <b>4. Guidance and policy .....</b>                                    | <b>19</b> |
| Overview of policy .....   | 20        |
| The complaint process .....  | 21        |
| Acknowledgement and response times .....                               | 22        |
| <b>5. Developments in the complaints handling process .....</b>        | <b>24</b> |
| The Contact application.....   | 25        |
| Submission and registration of complaints .....                        | 25        |
| Uploading documents to Contact.....                                    | 27        |
| Triage.....  | 29        |
| Contact functions to ensure timely response to complaints .....        | 31        |
| Contact training .....   | 34        |
| The complaints coordinator .....                                       | 35        |
| <b>6. Timeliness of letters.....</b>                                   | <b>37</b> |
| Acknowledgement of the complaint .....                                 | 38        |
| Allocation .....   | 39        |
| Holding letters .....  | 39        |
| Timeliness of the final response .....                                 | 40        |
| Oversight of timeliness .....  | 43        |
| <b>7. Quality of letters .....</b>                                     | <b>44</b> |
| Themes .....   | 45        |
| Spelling mistakes and grammatical errors .....                         | 45        |

|  |           |
|--|-----------|
| Legal jargon .....   | 45        |
| Standard paragraphs.....   | 46        |
| Clarity of explanation and addressing issues.....                        | 47        |
| Acknowledging mistakes and offering apologies .....                      | 48        |
| Remedies.....  | 49        |
| Signposting other agencies .....   | 50        |
| The next stage in the complaints process.....                            | 51        |
| Empathy.....   | 52        |
| Overall quality of the final letter .....                                | 54        |
| Categorisation of letters .....  | 55        |
| Comparison of stage one and stage two quality .....                      | 55        |
| Lessons learnt.....  | 56        |
| <b>8. Quality assurance .....</b>  | <b>58</b> |
| Process.....   | 59        |
| Quality checking.....  | 59        |
| Responsibilities of the complaints coordinator in quality assurance..... | 61        |
| Training in drafting and quality assurance .....                         | 62        |
| <br>   |           |
| <b>Annexes</b>   |           |
| <b>Inspection framework.....</b>   | <b>64</b> |
| <b>File examination data .....</b>                                       | <b>66</b> |
| <b>Letters examination questions .....</b>                               | <b>74</b> |
| <b>Glossary.....</b>   | <b>80</b> |

# **1. Chief Inspector's foreword**

In November 2018 my predecessor published a report on the quality and timeliness of letters sent to victims by the Crown Prosecution Service (CPS). During the 2018 inspection, HMCPsI inspectors examined 70 responses to complaints. They reported that only a quarter of letters (25.7%) were of the expected quality. Many letters contained spelling mistakes, grammatical errors and legal jargon which made them difficult to understand.

Since the report was published, the CPS has implemented several changes. Their goal is to improve the service to complainants and increase the quality of letters it sends to members of the public. It has rolled out the Contact application nationally and introduced a Complaints Coordinator role.

Everyone has the right to expect a good service from public bodies, including the CPS, and when things go wrong to have their concerns dealt with appropriately. Dealing with complaints in a timely, comprehensive and courteous manner can save time and money by preventing them from escalating. Learning from complaints can help reduce the number made in the future.

Therefore, it is vital that when the CPS receives a complaint, it is thoroughly investigated. A high-quality response, which satisfactorily addresses all issues, should also be provided to the complainant. Written correspondence is one of the few ways the CPS communicates directly with members of the public. So sending out letters containing errors can lead to an erosion of confidence in the CPS and wider criminal justice system.

### **It is vital that when the CPS receives a complaint, it is thoroughly investigated**

I recognise that not all complaints the CPS receive are justified, but the individuals making the complaints clearly feel aggrieved. Dealing with them courteously and effectively can help restore their confidence in the organisation and the criminal justice system.

Given the importance of responding to complaints effectively, I felt it was appropriate to conduct a follow-up inspection. One that focused on the quality of complaint responses that the CPS send to members of the public. The goal was to determine if progress had been made.

This time I wanted to examine a much larger sample of complaints. Rather than just looking at the first stage, during which more junior legal managers respond, this inspection also examined responses at stage two. Some of the most senior managers in the CPS are responsible for investigating and replying at stage two. My inspectors examined 351 letters and found 51% of them to be of adequate or above adequate quality. On the face of it, that seems much better than the 25.7% recorded in 2018. However, in 2018 inspectors were much more stringent

## CPS handling of complaints

in their assessment. Simple, one-off spelling mistakes or minor use of legal jargon resulted in letters being rated inadequate. Of course, letters sent to complainants should be of the highest quality, but occasional human error is all but unavoidable. I wanted this assessment to be more realistic, so direct comparison with the 2018 findings is difficult.

Even by the more realistic standards, just over half of the letters we assessed were of adequate quality. This is disappointing. Taking time to complain often means that victims, defendants or others involved in a case have had enough. They want to understand what has happened and help others avoid the same fate. Responses that do not answer all the points raised or clearly state whether the complaint has been upheld, undermine confidence. As do responses containing a significant number of errors – these demonstrate a lack of care. For many complainants, the letter they receive from the CPS may be their final interaction with the criminal system. These people deserve better and our assessment that just over half receive a quality letter is damning.

It is only right, however, that I acknowledge there were some improvements since 2018. I am pleased to report that empathy was displayed in noticeably more instances than in 2018. This inspection found that 82.6% of letters expressed empathy, compared with just 53.6% of letters in 2018. We also saw a slight improvement in the timeliness of responses. When there was quality assurance, there was, on the whole, improvement in the quality of the final letter.

This report makes several recommendations that the CPS should implement quickly. However, the key issue that needs to be addressed is one of culture. The way organisations deal with those who take the time to complain is often indicative of the way they run the institution. In my opinion, the best way to respond to a complaint, is by putting yourself in the shoes of the complainant. The CPS has a long way to go to reach this point of self-awareness.



## 2. Summary

2.1. HM Crown Prosecution Service Inspectorate (HMCPsi) last examined complaints handling in 2018 as part of a thematic review entitled 'Victim Liaison Units: letters sent to the public by the Crown Prosecution Service (CPS)'<sup>1</sup>.

2.2. During the 2018 inspection, inspectors examined the quality and timeliness of 70 responses to stage one complaints. This inspection was not a direct follow-up. The scope was much broader and we examined 351 responses to complainants. We also reviewed letters sent at stage one and two, and changed the basis for rating letters 'adequate'.

## Key findings

### Quality and timeliness

2.3. More than half (51%) of the final letters sent to complainants were rated adequate or better. Of the 351 responses, only 66 were deemed to be of good quality. The 113 letters rated adequate contained some minor errors or mistakes. Sending letters to members of the public, even with just a few minor errors, reflects badly on the CPS. It can cause complainants to lose confidence in the organisation.

2.4. Our findings are disappointing, given that the CPS have built in two levels of quality assurance for the letters they send. The draft will be quality assured by a more senior manager then checked again by the complaints coordinator. Since the majority of letters sent still contain some errors, it is clear the quality assurance process is not as effective or robust as it needs to be.

**It is clear the quality assurance process is not as effective or robust as it need to be**

2.5. Findings on the timeliness of responses are slightly better than those relating to quality.

Across the whole sample, 67.5% of letters were sent on time, the other 32.5% were sent late.

There were dramatic geographical variations in performance, with the worst performing CPS Area sending just 16% of letters on time. The CPS were also poor at informing complainants of delays in the handling of their complaints. Of the 116 cases where there was a delay, the CPS failed to send a holding letter in 61 (52.6%) of them. The majority of holding letters (92.7%) did indicate when the complainant could expect the final response. However, many failed to give a reason for the delay.

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<sup>1</sup> <https://www.justiceinspectors.gov.uk/hmcpai/inspections/victim-liaison-units-letters-sent-to-the-public-by-the-cps-nov-18/>

**2.6.** The CPS should acknowledge receipt of a complaint within three working days. In just under three quarters of cases (74.4%) the complaint was acknowledged within three days, but in 11 cases (12.2%) no acknowledgement was sent at all.

**2.7.** It should be noted, we did find numerous letters with high quality elements. Many that were free from spelling mistakes, grammatical errors and legal jargon, and that were written in plain English with a clear explanation. Performance was strong when it was appropriate to offer an apology, with the CPS doing so in 85.2% of cases. Prompt and proportionate remedies were offered in 72.4% of applicable cases.

### **Many letters were free from spelling mistakes, grammatical errors and legal jargon**

**2.8.** CPS guidance emphasises the importance of expressing empathy when responding to complaints. Not all complaints are justified but the individual making the complaint feels aggrieved with the service they have received. It is, therefore, vital to respond both

informatively and in a sensitive manner. The CPS performed strongly on this point – 82.6% of letters contained an appropriate level of empathy.

**2.9.** More could be done in some respects to improve letters sent. In some responses there was a reliance on using standard paragraphs, when it was unnecessary or inappropriate. Those writing letters need to carefully tailor them. Around a quarter of the letters we assessed failed to address all the issues raised. We also noted that in many cases the letter did not explicitly state whether a complaint was upheld either fully or partially or not upheld at all. In most cases it could be inferred from the letter what the outcome was. However, greater clarity would assist the recipient in understanding what are often lengthy letters. Letters could also be improved if complainants were directed to other agencies where applicable. We found appropriate signposting in only 39.7% of letters.

## **Policy and guidance and process**

**2.10.** The Crown Prosecution Service (CPS) policy on dealing with complaints is of suitable quality to provide a good service. It is in accordance with best practice for complaint handling. We conducted a comparison with other government departments<sup>2</sup> and found that the CPS policy was comparable with the policies in place in these bodies.

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<sup>2</sup> We spoke to key staff in the Health and Safety Executive, Department of Work and Pensions and His Majesty's Customs and Revenue.

**2.11.** The CPS has comprehensive guidance on complaints handling in place to support and assist staff. Staff find the guidance easily accessible and mainly refer to it when necessary.

**2.12.** Guidance is contained in several documents. We consider it would benefit staff if the CPS produced one definitive guidance document. We also found an inconsistency in the guidance as to the time a complainant has to escalate a stage one complaint to the next stage. This led to geographical variations.

## **The CPS has comprehensive guidance on complaints handling in place to support and to assist staff**

**2.13.** CPS guidance and the national standard operating practice (SOP) require that all relevant documentation relating to complaints be uploaded to the Contact application (Contact). Performance in this regard was not consistent across the Areas, with relevant material not always being uploaded as required. Contact is not being used regularly to monitor progress. This results in

manual monitoring, which is time consuming and ineffective. Staff need to better understand the functionality of Contact.

**2.14.** Managers in some Areas expressed a reluctance to use Contact and they often failed to upload draft letters. This reluctance was usually due to a lack of confidence in using it, rather than an unwillingness.

**2.15.** All complaints received at stage one should be triaged to ensure that details are correct and there is sufficient information to progress the complaint. The triage should be completed within 24 hours of receipt. Performance relating to triage was variable. In the best performing CPS Area, 93.3% of complaints were triaged within the timescale. However, across all Areas, less than half of complaints (43.9%) were triaged within 24 hours.

**2.16.** In most parts of the CPS we visited, complaints were kept in focus and featured as a standing agenda item at casework quality boards. In some Areas, internal scrutiny panels review letters, including responses to complaints and provide feedback on quality.

**2.17.** Although Areas are working to improve responses to complaints, it is not having the desired effect. Overall performance levels in terms of the timeliness and quality of letters sent in response to complaints are not good enough.

## Recommendations, compliance issues, good practice and strengths

### Recommendations

By December 2023 the Crown Prosecution Service will have clarified the time limit for complainants to escalate their complaints to stage two of the process. It will ensure this information is provided consistently in all letters in response to stage one complaints. [Paragraph 4.13]

By March 2024, the Crown Prosecution Service will develop and deliver training to ensure all staff (it is relevant to) are using Contact consistently and complying with the requirement to fully utilise its functionality. [Paragraph 5.35]

By September 2023, the Crown Prosecution Service will include timeliness data from the Contact application in the internal CPS databank. This data should feature in Area performance reporting at Area and Divisional accountability meetings. [Paragraph 6.20]

By December 2024, the Crown Prosecution Service will have improved the quality of complaint response letters showing a substantial improvement in the number of letters rated as adequate. [Paragraph 7.45]

By January 2024, the Crown Prosecution Service will clarify what the complaints coordinator role entails and what is expected of them in terms of quality assurance processes for complaint letters. [Paragraph 8.16]

### Compliance issues

The time and date recorded on the Contact application for receipt of the complaint, did not accord with the actual date and time it was received in almost half of the cases. [Paragraph 5.9]

There is an expectation that all correspondence between the complainant and CPS, including draft and final letters, should be added to the Contact application. Performance is inconsistent and, in some instances, documents that should have been uploaded were not. [Paragraphs 5.13 to 5.15]

When a complaint is received as part of the stage one process, triage should be completed within 24 hours and acknowledgement sent within three days. The Contact application allows for three days for both actions. [Paragraph 5.17]

At stage one the CPS have 24 hours to triage the complaint. In the case of over half of the stage one complaints reviewed, the triage was not completed on time. [Paragraphs 5.19 to 5.21]

Complaints coordinators are the primary users of the Contact application, with some Areas leaving it all up to them. According to the Standard Operating Practice (SOP) the legal managers should also use it. [Paragraphs 5.35 and 8.5]

In most cases the CPS met the acknowledgement target of three days, but there were still 90 instances (25.6%) of late acknowledgement. [Paragraphs 6.1 and 6.2]

In 59 cases there was no date on the Contact application to confirm when the complaint had been forwarded to the responding manager [Paragraph 6.5]

Sometimes members of the public submit complaints to the CPS in which the subject of the complaint or part of it is in relation to another agency. The CPS should only deal with issues relating to them and provide the complainant with contact details for the other appropriate agencies. This was only done in 60 out of 151 relevant letters (39.7%). [Paragraphs 7.24 and 7.25]

Although many letters did provide assurance that lessons were being learnt, those lessons and the actions taken were not always recorded properly on the Contact application. In 34.9% of cases, lessons learnt should have been recorded on Contact but were not. [Paragraph 7.56 and 7.57]

**2.18.** The CPS will need to address these compliance issues to improve their complaints handling.

**2.19.** We define good practice as an aspect of performance or activity that demonstrates an innovative or creative approach. Action that leads to a positive change, improves quality or performance, or represents value for money. Strengths are aspects where the CPS performs particularly well.

### **Good practice**

We were told there is a channel on Microsoft Teams, maintained by the Public Correspondence and Complaints team, that exists to support the complaints coordinators. They all have access and can ask questions. [Paragraph 5.31]

Along with the standard paragraph explaining the timeframe for escalating to the next stage, one Area included the date by which it needed to happen. This was clear and avoided any potential confusion. [Paragraph 7.30]

In one Area, many of the letters contained a standard paragraph at the start of the letter which set the tone for empathy. [Paragraph 7.40]

We found letters where it was clear the responding manager had conducted a thorough investigation and responded to the complainant in an appropriate and helpful way. [Paragraph 7.55]

In some Areas internal scrutiny panels had been set up to review and feedback on general letter quality, including responses to complaints. [Paragraph 7.59]

### **Strengths**

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Putting things right with prompt and proportionate remedies, acknowledging mistakes and offering apologies where appropriate is a benchmark of quality in CPS guidance. Overall, we found evidence of good performance, with 173 out of 203 relevant letters (85.2%) meeting the required standard. [Paragraph 7.13]

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We looked at whether complainants had been informed how they could escalate their complaint if they were not satisfied with the response received. The findings were positive, with 308 out of 349 letters (88.3%) correctly explaining the next stage of the escalation procedure. [Paragraphs 7.29]

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We considered whether letters contained an appropriate level of empathy, given the facts of the offence and the complainants' circumstances. Our findings were generally positive. In 290 out of 351 letters (82.6%) the writer expressed a sufficient level of empathy. [Paragraph 7.34]

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### **3. Framework and methodology**



## The inspection framework

**3.1.** We devised an overarching inspection question with three criteria underpinning it. Each criterion had several sub-questions which are included in the full framework set out in Annex A.

**3.2.** Inspection question: Does the Crown Prosecution Service (CPS) provide high quality letters in response to complaints in a timely manner?

Inspection criteria

1. Are complaint letters identified and responded to in a timely fashion at stages one and two of the process?
2. Are complaint letters of the right quality?
3. Are there systems that effectively help improve the identification, quality and timeliness of letters?

## Methodology

### Letter examination

**3.3.** Inspectors examined 351 letters sent by the Crown Prosecution Service (CPS) in response to complaints received, between January and the end of December 2022. The letters were assessed against a bespoke set of questions. The outcomes for the letter examination can be found in the 'File Data Complaints Handling 2023' (which is on the same webpage as this report).

**3.4.** In order to fully assess the timeliness and quality of the letters, we also considered the processes involved in handling complaints. Inspectors examined 221 responses to complaints received at stage one and 130 stage two responses. The letters were drawn from all 14 CPS Areas and from two Central Casework Divisions: Serious Economic, Organised Crime and International Division (SEOCID), and CPS Proceeds of Crime Division (CPSPOC).

**3.5.** Where possible we examined draft letters as well as final letters. We used the Contact application (Contact) as our primary source of information. It is where draft letters, final letters and correspondence relating to complaints should be retained and managed by the CPS.

**3.6.** We refer to key findings from the examination of the letters in relevant parts of the report.

## **Interviews, focus groups and document review**

**3.7.** Inspectors conducted meetings and focus groups with relevant staff in CPS North East, South West, Wessex, West Midlands, SEOCID and CPSPOC. They spoke to CPS staff who regularly deal with the complaints process. They also conducted interviews with legal managers who draft and quality assure complaint letters at stages one and two. These included complaints coordinators, staff working in Victim Liaison Units (VLU) and, in some instances, business managers. We requested and examined complaints handling documents from Areas and Divisions.

**3.8.** We spoke to managers in the CPS Public Correspondence and Complaints team, who have oversight of the complaints and feedback policy. They also offer guidance and support to the CPS complaints coordinators and VLU staff.

**3.9.** We spoke with Moi Ali, the CPS Independent Assessor of Complaints (IAC), and we were grateful for her assistance.

**3.10.** We spoke to key personnel involved in the complaints process of other public bodies: HM Revenue and Customs (HMRC), The Department for Work and Pensions (DWP) and The Health and Safety Executive (HSE). For comparison, we chose to examine how other public bodies respond to complaints. We thank these organisations for their assistance.

## **4. Guidance and policy**

**4.1.** Crown Prosecution Service (CPS) national policy and current operational guidance on what constitutes a complaint from a member of the public is outlined in various documents. They also cover how to deal with complaints and include:

- The Feedback and Complaints Policy
- Feedback and Complaints Area and Central Casework Divisions Guidance
- Complaints Process Guidance (The How to Guide)

**4.2.** CPS guidance and policy on handling complaints is comprehensive. It is based on the Principles of Good Complaints Handling<sup>3</sup> as set out by the Parliamentary and Health Service Ombudsman. There are six principles for good complaints handling:

- Getting it right
- Being customer-focused
- Being open and accountable
- Acting fairly and proportionately
- Putting things right
- Seeking continuous improvement

## Overview of policy

**4.3.** The policy and guidance explain how members of the public can provide feedback or make a complaint about any aspect of the service provided by the CPS. It sets out the role of the CPS within the criminal justice system (CJS), the standards and values the CPS adheres to and how complaints will be dealt with.

**4.4.** The CPS defines a complaint as: ‘An expression of dissatisfaction about any aspect of our service by a member of the public who has been directly involved in the service complained about’.

**4.5.** There are three types of complaint:

- Legal complaints, which relate to legal decisions made by the CPS. For example, how evidence is utilised during a prosecution.
- Service complaints, about the standard of service provided by CPS and the conduct of CPS staff. The subject could be, for example, a complainant being treated rudely by a member of staff or there being unnecessary delays.
- Mixed complaints, which contain both legal and service issues.

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<sup>3</sup> <https://www.ombudsman.org.uk/>

## The complaint process

**4.6.** The CPS recognise that complainants prefer to have their concerns dealt with and resolved swiftly. Therefore, guidance stipulates that early resolution should be considered in the case of all complaints received by the CPS. If it is possible for the CPS to resolve complaints in an informal manner, they will aim to do so within three working days. When it is not possible to satisfactorily deal with concerns in this way, individuals can proceed with a formal complaint. There are three stages to the complaints process.

### Stage one

**4.7.** The complaint will be formally recorded and dealt with in the CPS Area or Division where it originated. The complaint will ordinarily be dealt with by the relevant manager in the Area or Division.

**4.8.** The manager will investigate the complaint and should consider all material relating to the issues raised by the complainant. A reply should be provided within 20 working days and address each concern raised by the complainant. If it is not possible to investigate the complaint and respond within 20 working days, the CPS are required to inform the complainant, in writing, of the revised date for response. The CPS manager should give the revised date in a holding letter.

### Stage two

**4.9.** If the complainant is dissatisfied with the response to their stage one complaint, they can contact the relevant Deputy Chief Crown Prosecutor (a more senior manager) and explain why they remain dissatisfied. The complaint will be reviewed by the senior manager, who is required to look at the matters raised afresh, and respond within 20 working days. If this is not possible, a new date of response should be given in a holding letter.

### Stage three

**4.10.** If a complaint relates to service and the complainant remains dissatisfied after stage two, they can refer their complaint to the Independent Assessor of Complaints (IAC)<sup>4</sup> for review. This avenue is not open for legal complaints which conclude at stage two. Stage three complaints were outside the scope of this inspection.

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<sup>4</sup> The IAC is independent of the CPS. They are responsible for the handling and investigation of complaints from members of the public in relation to the quality of service provided by the CPS and its adherence to its published complaints procedure.

## Acknowledgement and response times

4.11. The guidance is that complaints received by the CPS should be acknowledged within three working days and a full response provided within 20 working days.<sup>5</sup>

4.12. As mentioned above, if a complainant is dissatisfied with a response they can ask for their complaint to be escalated to the next stage. However, there is a deadline for doing so. The CPS Feedback and Complaints Area, and Central Casework Division Guidance outline the process. They state that if complainants are dissatisfied with a reply and wish to escalate their complaint to the next stage, they should do so within 20 working days of the reply. This contradicts other CPS guidance advising dissatisfied complainants to request, in writing, escalation of their complaint within one month of the reply.

### The CPS want to make the process easier and simpler for complainants

4.13. Responsibility for complaints policy sits with the Public Correspondence and Complaints team in CPS National Headquarters. Inspectors spoke with key personnel in the team. They confirmed that

members of the public who wish to escalate their complaint to the next stage, should be informed that they have one month from the reply to their complaint. The CPS want to make the process easier and simpler for complainants and informing them that they have one month is seen as more straightforward than telling them they have 20 working days. The discrepancy in the guidance needs to be corrected.

#### Recommendation

By December 2023, the Crown Prosecution Service will have clarified the time limit for complainants to escalate their complaints to stage two of the process. It will ensure this information is provided consistently in all letters in response to stage one complaints.

4.14. In the CPS Areas and casework divisions we inspected, staff were fully aware of the national policy and guidance on complaints handling and able to easily access it when necessary. There was no evidence of Areas developing

<sup>5</sup> At stage one of the complaints process the CPS have 24 hours to triage the complaint, with the full response to be provided within 20 working days of triage. At stage two there is no requirement for triage and the CPS should provide the full response within 20 working days of receipt.

their own guidance in addition to that available nationally. Those we spoke to confirmed that they followed the national guidance without deviation.

**4.15.** Generally, the complaints coordinators and legal managers we spoke to considered the guidance to be reasonably useful. Several legal managers confirmed that they consult it whenever they deal with a complaint.

**4.16.** However, some of those we spoke to felt some clarification was needed on certain aspects of the guidance. There was some confusion around the circumstances in which a defendant was entitled to lodge a complaint. Although complaints coordinators were aware that defendants can make complaints, there was a desire for more clarity. Specifically on whether defendants who had been acquitted at court could lodge a complaint.

**4.17.** Some legal managers we spoke to said that there was more than one set of guidance in circulation. And although they would refer to the most up-to-date guidance, the existence of multiple sets creates a risk of inconsistency. The Public Correspondence and Complaints team are aware that there is older guidance in circulation. They are considering how to ensure clarity for staff and how to make it obvious there is one set of guidance which supersedes the rest. The guidance could be updated when necessary – an approach we endorse.

## **5. Developments in the complaints handling process**



**5.1.** Following the Crown Prosecution Service (CPS) complaints review project, a new Standard Operating Practice (SOP) for handling complaints was introduced in 2019. The SOP is available nationally to staff on the CPS intranet and accurately reflects the complaints handling process described in the policy and guidance.

**5.2.** In order to provide complainants with a timely response, it is vital that complaints are identified and registered as soon as they are received. In 2020, the CPS launched the Contact application (Contact). It was designed to manage complaints, feedback and the Victims' Right to Review (VRR) scheme<sup>6</sup>. The application replaced the previous Knowledge Information and Management (KIM) site. The use of Contact is also covered in the SOP.

**5.3.** As part of the complaints review, a new role of complaints coordinator was developed and introduced. Complaints coordinators have an important function in the handling of CPS complaints. They coordinate and manage the process and their responsibilities are outlined in the SOP.

## The Contact application

### Submission and registration of complaints

**5.4.** Contact was introduced to, among other things, make the way the public send feedback and complaints to the CPS more straightforward and efficient. Submitting a complaint via the online portal it is automatically registered on Contact.

**5.5.** Complaints can be submitted to the CPS by post, email or a telephone call. All complaints, no matter how they are received, should be registered on Contact.

**5.6.** Of the 351 complaints we examined, the largest volume, 216 (61.5%), were received by email. The online portal was utilised in 86 instances (24.5%), 82 of which involved stage one complaints.

**5.7.** When a complaint is received via email, hard copy letter or a telephone call, it is registered manually. According to guidance, it is critically important for the date and time of the complaint to be recorded accurately. This is because Contact calculates the deadline by which the response should be sent

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<sup>6</sup> The Victims Right to Review Scheme (VRR) gives victims the right to request a review of certain CPS decisions not to prosecute or to stop criminal proceedings (<https://www.cps.gov.uk/legal-guidance/victims-right-review-scheme>).

## CPS handling of complaints

automatically, taking into account weekends and Bank Holidays. Inaccurate registration can lead to an incorrect deadline being given for the response.

**5.8.** For 159 of the complaints (45.3%) examined, the correct receipt time and date had been recorded on Contact. There were 28 complaints (8.0%) for which we could not establish receipt date and time. In the remaining 164 instances (46.7%) there was inaccuracy in the time and date recorded. In 123 of those cases, the disparity between the actual time of receipt and the time of receipt registered was under 24 hours. In these cases, we found that the time rather than the date was inaccurate. Often, being out by an hour did not impact the target date for the response. In one case, the time of receipt of the complaint was registered on Contact over an hour earlier than the phone call submitting the complaint had been received. In 25 cases the registered date and time of receipt was inaccurate by five days or less and in 16 cases it was six or more days after the time of receipt.

**5.9.** Inaccurate registration of receipt of complaints leads to inaccurate system calculations and can result in late responses. This can affect the confidence that complainants have in the CPS. Given the inaccuracies we found with registration this is something that requires improvement.

| Question  | Answer                 | Overall     | Stage one   | Stage two  |
|---|------------------------|-------------|-------------|------------|
| Q6. Was the date and time of the complaint entered onto the contact App the same as the date and time the complaint was received? | No                     | 164 (46.7%) | 101 (45.7%) | 63 (48.5%) |
|   | Not known <sup>7</sup> | 28 (8.0%)   | 10 (4.5%)   | 18 (13.8%) |
|   | Yes                    | 159 (45.3%) | 110 (49.8%) | 49 (37.7%) |
| Q7. If there was a disparity between the date and time recorded on the Contact App, please  | Less than 24 hours     | 123 (64.1%) | 68 (61.8%)  | 55 (67.1%) |
|   | 1 to 3 days            | 19 (9.9%)   | 15 (13.6%)  | 4 (4.9%)   |

<sup>7</sup> Not known was the chosen answer in the instances where the complaints were not received via the online portal and the inspectors were unable to locate evidence on Contact of when exactly the complaint was received. The evidence the inspectors were looking for included uploaded emails, logged calls or scanned letters with a stamp that indicates time and date of receipt by CPS.

|                              |                        |            |            |            |
|------------------------------|------------------------|------------|------------|------------|
| specify the time difference. | 4 to 5 days            | 6 (3.1%)   | 6 (5.5%)   |            |
|                              | 6 days or longer       | 16 (8.3%)  | 11 (10.0%) | 5 (6.1%)   |
|                              | Not known <sup>8</sup> | 28 (14.6%) | 10 (9.1%)  | 18 (22.0%) |

## Uploading documents to Contact

**5.10.** According to the internal Complaints Process Guidance (How to Guide)<sup>9</sup>, there is an expectation that all correspondence from the complainant is added to Contact. Copies of communications that are sent to the complainant should also be added. Complaints should be monitored via the application and actions should be carried out as soon as possible. They should always adhere to the timeframes shown.

**5.11.** In the SOP, there is also an expectation for stages one and two, that any changes made to a draft response as a result of quality assurance are uploaded to Contact. This includes legal manager assurance or complaints coordinator assurance.

**5.12.** To support the effective management of complaints, Contact is divided into multiple categories, providing a separate section for each relevant document.

**5.13.** In January 2022, the CPS's own Compliance and Assurance Team (CAT), conducted an internal review<sup>10</sup> to assess whether there was consistent and effective use of Contact across all Areas. One of the findings was that 'There are inconsistencies nationally in relation to the uploading of documents and reassignment of activities on Contact'. Similar issues remain. In some cases there were still problems with using Contact and inconsistencies in how and where documents were uploaded. It is not always the case that documents are uploaded to the correct section of Contact, if they are uploaded at all. We think it would assist staff in locating relevant information if documents were routinely uploaded to Contact and filed in the correct section.

<sup>8</sup> The IAC is independent of the CPS. They are responsible for the handling and investigation of complaints from members of the public in relation to the quality of service provided by the CPS and its adherence to its published complaints procedure.

<sup>9</sup> CPS Complaints How to Guide 2021

<sup>10</sup> *Review of CPS Contact Application*; Compliance and Assurance Team (CAT), Crown Prosecution Service (CPS); January 2022

## CPS handling of complaints

**5.14.** Because documents were not uploaded to Contact properly, there were several questions we could not fully answer within our file examination. In these instances, the response was given as Not known (NK). The questions this impacted are shown in the table below.

| Question  | Overall<br>NK (out<br>of 351) | Stage one<br>NK (out of<br>221) | Stage two<br>NK (out of<br>130) |
|---|-------------------------------|---------------------------------|---------------------------------|
| Q6. Was the date and time of the complaint entered onto the contact App the same as the date and time the complaint was received? | 28 (8%)                       | 10 (4.5%)                       | 18 (13.8%)                      |
| Q7. If there was a disparity between the date and time recorded on the Contact App, please specify the time difference.           | 28 (8%)                       | 10 (4.5%)                       | 18 (13.8%)                      |
| Q11. Was the complaint passed to the responding manager within three working days of receipt?                                     | 59<br>(16.8%)                 | 38<br>(17.2%)                   | 21 (16.2%)                      |
| Q12. Was the responding manager given the correct date for response?  | 75<br>(21.4%)                 | 50<br>(22.6%)                   | 25 (19.2%)                      |
| Q14. Did the manager QA return the draft response letter to the complaints coordinator by 11am on day 17 from complaint receipt?  | 48<br>(13.7%)                 | 29<br>(13.1%)                   | 19 (14.6%)                      |
| Q20. Did the manager conducting quality assurance (QA) improve the quality of the draft letter?                                   | 243<br>(69.2%)                | 145<br>(65.6%)                  | 98 (75.4%)                      |
| Q21. Did the QA by the complaints coordinator improve the quality of the draft letter?  | 144<br>(41.0%)                | 88<br>(39.8%)                   | 56 (43.1%)                      |

|   |              |          |          |
|---|--------------|----------|----------|
| Q28. Did the letter address all the issues raised in the complaint? | 12<br>(3.4%) | 4 (1.8%) | 8 (6.2%) |
|---|--------------|----------|----------|

**5.15.** There was significant variation in compliance with using Contact across the 14 CPS Areas. It was particularly stark in the case of the quality assurance process. This is something CPS will need to address.

| Question  | Answer and guidance   | Area with lowest amount of NK answers   | Area with highest amount of NK answers               |
|---|---|---|--|
| Q20. Did the manager conducting quality assurance (QA) improve the quality of the draft letter? | Not Known (NK)<br>Answer 'NK' where there is no copy of the previous draft of the letter on Contact and it is not possible to | West Midlands<br>4 out of 25<br>(16.0%) | Yorkshire and Humberside<br>25 out of 25<br>(100.0%) |
| Q21. Did the QA by the complaints coordinator improve the quality of the draft letter?          | determine whether there were any amendments made.   | North West<br>2 out of 25<br>(8.0%)     | South East<br>23 out of 25<br>(92.0%)                |

## Triage

**5.16.** The complaints coordinator is required to carry out a triage of stage one correspondence or record of phone calls received. This is to determine whether they should be treated as complaints, regarded as feedback or are, in fact, notifications under the VRR scheme.

**5.17.** According to the SOP and the CPS Complaints Process Guidance (How to Guide), when a complaint is received as part of the stage one process, triage should be completed within 24 hours. Acknowledgement of receipt should be sent within three days. Contact allows three days for both actions. This can lead to confusion as the timescale for the triage process is actually 24 hours. To eliminate any confusion, CPS should clarify the time period in which the triage should take place and ensure that Contact complies with this.

**5.18.** In the Areas where we carried out interviews, the complaints coordinators told us that if they were uncertain about treating the

correspondence as a complaint, they would speak to one of the legal managers. In one Area, all potential complaints were discussed with a legal manager to confirm they should be registered as complaints. CPS internal Complaints Process Guidance (How to Guide) advises those receiving complaints to treat correspondence as a complaint if they are unsure. Since incorrectly registered complaints can be removed from Contact, it would be more efficient to register a potential complaint before sending it to the legal manager. This would allow the manager maximum time to deal with the complaint before the deadline. If the legal manager subsequently decided it was not a complaint, it could be removed from the system. Our findings (set out below) indicate that improvement in both triage and acknowledgement is needed.

**5.19.** Of the 221 stage one complaints examined, we found that triage had taken place within 24 hours of receipt in 97 (43.9%) instances. However, performance across the Areas was variable. Nine of the 16 Areas/Divisions had poor levels of compliance, with less than half of complaints received at stage one being triaged within 24 hours.

| <b>Q9. Was the triage completed within 24 hours of receipt?</b> |                   |                    |
|---|-------------------|--------------------|
| <b>Area</b>   | <b>Yes</b>        | <b>No</b>          |
| Cymru Wales   | 14 (93.3%)        | 1 (6.7%)           |
| East Midlands   | 6 (40.0%)         | 9 (60.0%)          |
| East of England   | 11 (73.3%)        | 4 (26.7%)          |
| London North  | 10 (66.7%)        | 5 (33.3%)          |
| London South  | 8 (53.3%)         | 7 (46.7%)          |
| Merseyside/Cheshire   | 10 (66.7%)        | 5 (33.3%)          |
| North East  | 7 (46.7%)         | 8 (53.3%)          |
| North West  | 9 (60.0%)         | 6 (40.0%)          |
| POC   | 1 (12.5%)         | 7 (87.5%)          |
| SEOCID  | 0 (0.0%)          | 3 (100.0%)         |
| South East  | 2 (13.3%)         | 13 (86.7%)         |
| South West  | 1 (6.7%)          | 14 (93.3%)         |
| Thames/Chiltern   | 2 (13.3%)         | 13 (86.7%)         |
| Wessex  | 10 (66.7%)        | 5 (33.3%)          |
| West Midlands   | 2 (13.3%)         | 13 (86.7%)         |
| Yorkshire & Humberside  | 4 (26.7%)         | 11 (73.3%)         |
| <b>Total</b>  | <b>97 (43.9%)</b> | <b>124 (56.1%)</b> |

**5.20.** Some staff felt that the 24-hour window was insufficient and it should be in line with the three-day timeframe for sending out the acknowledgement. The

working patterns of the complaints coordinators may also impact whether the deadline can be met. Those who work part-time are not always covered and so the 24-hour timescale cannot be adhered to.

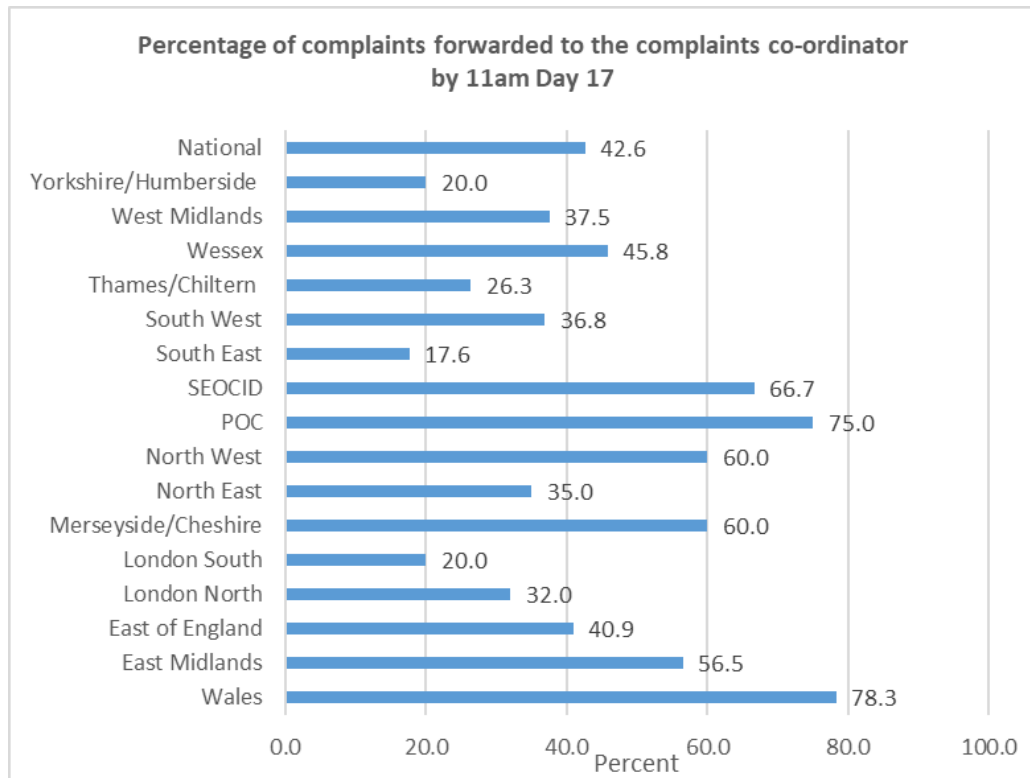
**5.21.** Delays in triage can reduce the amount of time available to investigate a complaint and provide a good quality response. Triage should be carried out as efficiently as possible, to allow the maximum amount of time to be spent providing a well-considered response to the complainant. Triage timescales were met in only 43.9% of cases. The CPS will need to address this.

### **Contact functions to ensure timely response to complaints**

**5.22.** CPS Areas and Divisions are using a number of different methods to ensure responses to complaints are sent out on time. Guidance states that Contact should be used to monitor the progress of complaint responses. This is to ensure that action is taken and that deadlines are met. There are dashboards and screen views in Contact that are designed to assist with this. However, we were told by complaints coordinators that these checks have to be carried out manually. That the system does not generate any automatic reminders to alert relevant staff to key action dates. We understand from other discussions with the CPS that Contact has additional functionality which is not yet being fully utilised. We cover the lack of training and awareness of the application in more detail later in the report.

**5.23.** Contact automatically sends an email to the responding manager. It clearly states the time and date the quality assured draft is due to be received by the complaints coordinator. We were informed during interviews that Contact does not send out any further messages regarding approaching deadlines. Either to those drafting the response or to the complaints coordinator. Managers told us that dealing with complaints is a priority for them.

**5.24.** The process for handling complaints as set out in the CPS SOP, requires the response to be forwarded to the complaints coordinator by 11am on day 17 – after it has been quality assured by a legal manager. We saw in our letter examination, and heard during the interviews, that shorter timescales have been set by some Areas. The aim was to allow for more effective chasing of replies. However, the evidence does not show any noticeable improvement in the timeliness of letters being sent to complainants.



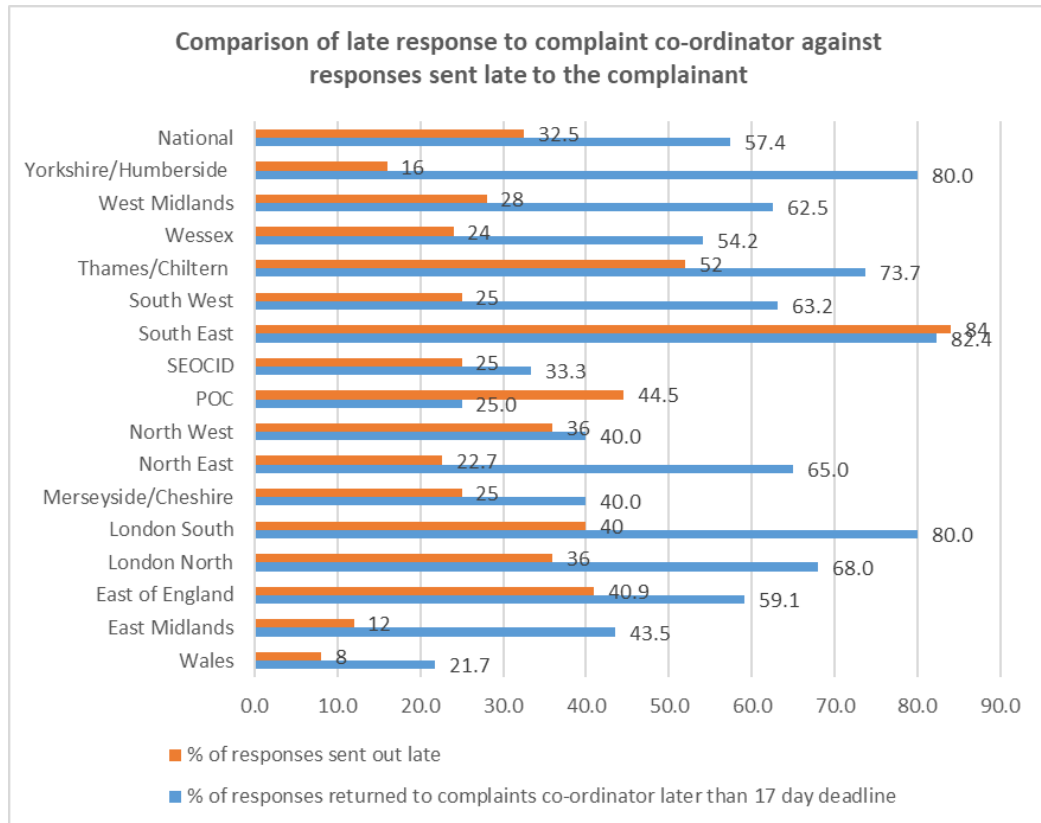
**5.25.** Of the 303 cases in which we could determine the timeliness of returning drafts to the complaints coordinator, only 129 (42.6%) had been sent no later than 11am on day 17. The table above shows there were large geographic variations.

**5.26.** On completion of the draft response, the responding manager should update Contact to record that the activity is complete. Contact then sends an automated email to the complaints coordinator informing them that the draft response is ready. The complaints coordinator will assign a senior legal manager to quality assure the draft. The complaints coordinator is required to monitor this activity to ensure that the quality assured draft is returned on time.



## CPS handling of complaints

**5.27.** The graph below shows that there is not always a direct link between the late return of the quality assured draft letter to the complaints coordinator and a late final response to the complainant. We found that in most Areas, even if the submission of the quality assured draft to the complaints coordinator was late, the final response was often timely. This shows that there is often local, proactive action to try to ensure that the responses are sent on time.



**5.28.** In some of the Areas we visited, the complaints coordinators used other systems to set up reminders. We saw different methods of manual intervention, for example reminders being set up in Microsoft Outlook calendars. In one Area a 'virtual whiteboard' was used to track progress. It was checked regularly by staff in the VLU, who send out email reminders to responding managers. An Excel spreadsheet was also employed to keep an up-to-date record of the progress of complaints in the Area. Inspectors found that some Areas sent reminders to responding managers in the form of a weekly report showing all complaints that were due or overdue. Again, we were told that the functionality of Contact was such that many of these systems were likely to be unnecessary. Contact has the ability to send and monitor progress and send reminders. Staff in the Areas were unaware of this.

**5.29.** There is a quarterly meeting, chaired by the Public Correspondence and Complaints team (who are responsible for the complaints policy and Contact application). These meetings are used to deliver presentations and useful

information to the complaints coordinators. They are also used to gather feedback about issues with Contact and provide support in the application of the CPS Feedback and Complaints policy and processes. A recurring issue raised at meetings is that Contact calculates timescales in hours and as responses are sent outside Contact, the system needs to be manually updated. Complaints coordinators have to upload the response to Contact and this action automatically registers the time of the upload as the despatch time of the letter. In the instances when the complaints coordinators miss the target by a few minutes when uploading the letters, it records as late even though the letter may have been sent within the deadline. This can distort the data generated.

## During our interviews, CPS acknowledged that there is room for improvement

**5.30.** During our interviews, CPS acknowledged that there is room for improvement in the utilisation of Contact. They also informed us that the Public Correspondence and Complaints team are

developing a scheme with the goal of resolving current issues. This is an approach we endorse.

### Contact training

**5.31.** Before the launch of the new Contact application, the CPS delivered a series of training sessions. These took place on Microsoft Teams due to the ongoing impact of Coronavirus. Training was delivered to two members of staff per Area/Division who were to be system 'super users'. The 'super users' were required to disseminate this training to appropriate staff in their own Areas and Divisions. In addition to the training outlined above, there are national guidance materials which contain some instructions on using Contact. Some Areas provided us with Contact training guide presentations and we were also made aware of the existence of Contact training videos. We were told that, to support the complaints coordinators, there is a channel on Microsoft Teams maintained by the Public Correspondence and Complaints team. All complaints coordinators have access and can ask questions. We consider this good practice.

**5.32.** The CPS's own Compliance and Assurance Team (CAT) internal review on the use of Contact, indicated that training was delivered to complaints coordinators. It was also given to legal managers and VLU staff across all CPS Areas and casework divisions prior to launch.

**5.33.** During our interviews and focus groups, we found there were some Areas where there had been a commitment to ongoing training. In these Areas it was clear that staff felt more confident using Contact. However, in other Areas there was little evidence of more than the basic training being given and staff

were more hesitant about using it. Although complaints coordinators are the primary users of Contact, there are staff in a number of other roles that should be familiar with it. They need to be able to use it properly for the system to be effective. Many legal managers we spoke to had little experience or awareness of how to use Contact. One Area (South West), where the legal managers felt more confident using Contact, further training sessions had been delivered to small groups of staff. The same Area told us they are considering further refresher sessions, which is an approach we endorse.

**5.34.** There were other examples of ad hoc training (including one-to-one sessions) and development of training packs adapted for operational delivery and legal staff. We were also made aware of some and training videos. In spite of these initiatives and materials, some staff told us that they had not received training on how to use Contact.

**some staff told us that they had not received training on how to use Contact**

**5.35.** We found little evidence of any national training to follow up on the virtual training that was rolled out in 2020. This lack of training in using Contact was, in our view, one of the key reasons there was inconsistent usage by legal managers. This is a compliance issue.

#### Recommendation

By March 2024, the Crown Prosecution Service will develop and deliver training to ensure all staff (it is relevant to) are using Contact consistently and complying with the requirement to fully utilise its functionality.

## The complaints coordinator

**5.36.** Before the introduction of the complaints coordinator role, the Victim Liaison Unit (VLU) was responsible for managing the timeliness and quality of complaint letters. The role of the complaints coordinator includes:

- tracking and managing complaints using the Contact application, case management system (CMS) and other IT systems
- ensuring complaints are progressed within agreed timeframes and quality assurance checks are completed
- carrying out quality assurance of communications drafted by others
- analysing data to identify themes and lessons learnt and submitting reports and recommendations locally. The aim being to continually improve the handling of complaints.

**5.37.** We were told that there is a requirement for each Area and central casework division to have a complaints coordinator in post. In all but one of the Areas we visited there was. In the one Area without, the absence of a coordinator was the result of recruitment difficulties. The functions of the role were being carried out by the Area's VLU manager.

**5.38.** We found that most complaints coordinators were directly involved in the identification of complaints. Complaints coordinators are the primary users of Contact, as we outlined earlier in this chapter. They are responsible for registering complaints, acknowledging receipt and allocating them on Contact. They should also monitor the timeliness of the process on Contact. Legal managers are responsible for uploading the letters they have drafted to the Contact application. The managers and the complaints coordinator are responsible for recording lessons learnt.

## **6. Timeliness of letters**

## Acknowledgement of the complaint

**6.1.** As discussed in chapter four, the CPS are required to send an acknowledgement to the complainant within three working days of receipt. Our findings, set out in the table below, show there is room for improvement in this aspect of the process. There is significant geographic variation in performance and our findings for the two casework divisions we inspected were concerning.

| CPS Area               | Acknowledgement within 3 days | Acknowledgement sent after 3 days | Percentage within 3 days |
|------------------------|-------------------------------|-----------------------------------|--------------------------|
| Cymru Wales            | 24                            | 1                                 | 96.0%                    |
| East Midlands          | 20                            | 5                                 | 80.0%                    |
| East of England        | 20                            | 2                                 | 90.9%                    |
| London North           | 20                            | 5                                 | 80.0%                    |
| London South           | 19                            | 6                                 | 76.0%                    |
| Merseyside/Cheshire    | 21                            | 3                                 | 87.5%                    |
| North East             | 17                            | 5                                 | 77.3%                    |
| North West             | 23                            | 2                                 | 92.0%                    |
| POC                    | 3                             | 6                                 | 33.3%                    |
| SEOCID                 | 0                             | 4                                 | 0.0%                     |
| South East             | 12                            | 13                                | 48.0%                    |
| South West             | 14                            | 6                                 | 70.0%                    |
| Thames/Chiltern        | 11                            | 14                                | 44.0%                    |
| Wessex                 | 21                            | 4                                 | 84.0%                    |
| West Midlands          | 17                            | 8                                 | 68.0%                    |
| Yorkshire & Humberside | 19                            | 6                                 | 76.0%                    |
| <b>Total</b>           | <b>261</b>                    | <b>90</b>                         | <b>74.4%</b>             |

**6.2.** In the 90 cases where the acknowledgement was sent late, 36 (40%) were up to three days late and 33 (36.7%) were more than six days late. In 11 cases (12.2%), no acknowledgement was sent at all. Sending them late or not at all can have a negative impact and cause anxiety to those contacting the CPS. It can also cause reputational damage – the CPS website states that complaints will be acknowledged within three working days.

## Allocation

**6.3.** Within three working days of receiving a complaint, it should be passed to the manager who will investigate and respond to it. We found that this had been achieved in 234 (66.7%) of the complaints we examined. Eighteen (5.1%) cases were passed to the responding manager one day late (a day over the three-day target) and 19 (5.4%) between five and seven working days after receipt. In 21 (6%) instances, the complaint had not been allocated to a manager until eight days or more after receipt.

**6.4.** We found that stage two complaints were allocated in a timely manner, with 73.8% done on time compared to 62.4% at stage one.

### stage two complaints were allocated in a timely manner

**6.5.** In 59 cases (38 stage one and 21 stage two), there was no date on the Contact application to show when the complaint had been forwarded to the responding manager.

This is a compliance issue because allocation is an activity that should be assigned within Contact.

**6.6.** Contact calculates the date for the draft response. This is included in the email issued from Contact when the complaint is referred to the responding manager and the manager who will carry out the quality assurance of the draft. It is essential this is correctly calculated to ensure responses are sent out within 20 working days of receiving the complaint.

**6.7.** Of the 351 complaints examined, the correct date for the response was given to managers in 224 (63.8%) instances. In 52 (14.8%) cases, an incorrect date was given and in 75 (21.4%) cases we were unable to identify the date given as details were not found on Contact. To ensure a full auditable trail, it is important that this information is recorded in Contact. As mentioned above, the lack of recording on Contact is a compliance issue.

## Holding letters

**6.8.** The CPS policy requires a holding letter to be sent to the complainant to inform them of any delays in providing a full response. In our sample there were 116 cases where a holding letter was appropriate. In 55 cases a holding letter was sent. The table below sets out the findings on holding letters.

| Question                                    | Answers | Overall       | Stage 1       | Stage 2       |
|---|---------|---------------|---------------|---------------|
| Q15. The holding letter was sent before the | Yes     | 34<br>(29.3%) | 17<br>(25.0%) | 17<br>(35.4%) |

|   |                               |               |               |                |
|---|-------------------------------|---------------|---------------|----------------|
| deadline for the final response.  | No – it was sent late         | 21<br>(18.1%) | 11<br>(16.2%) | 10<br>(20.8%)  |
|   | No – there was no letter sent | 61<br>(52.6%) | 40<br>(58.8%) | 21<br>(43.8%)  |
| Q16. Did the holding letter have an explanation for the delay?                  | Yes                           | 35<br>(63.6%) | 13<br>(46.4%) | 22 (81.5)      |
|   | No                            | 20<br>(36.4%) | 15<br>(53.6%) | 5 (18.5%)      |
| Q17. Did the holding letter give the date the final response would be provided? | Yes                           | 51<br>(92.7%) | 24<br>(85.7%) | 27<br>(100.0%) |
|   | No                            | 4 (7.3%)      | 4<br>(14.3%)  |                |

**6.9.** We found that performance in relation to the provision and quality of holding letters was poor. The table above illustrates, that in most cases where a holding letter was required, the CPS either failed to send one or sent one late.

**6.10.** There was an explanation for the delay in only 35 (63.6%) cases.

**6.11.** Of the 55 holding letters that were sent, almost all (51) included a date by which the complainant could expect a substantive reply. This complies with CPS guidance.

**6.12.** Failure to keep complainants up-to-date with progress or to provide a timely response, impacts on public confidence in the CPS. It is not in line with The Principles of Good Complaint Handling. The CPS internal guidance states that a holding reply should be sent out a few working days in advance of the deadline. The Contact application does not set a timeframe for when a holding letter should be dispatched if it is clear the deadline will not be met.

## Timeliness of the final response

**6.13.** The CPS sent a final response to the complainant within 20 working days, or by the date promised in the holding letter, in over two thirds (67.5%) of the 351 cases we examined. However, as the table below illustrates, there was significant variation in performance between Areas and substantial improvement is required in several of them.

**6.14.** We did not identify a single, simple reason for late responses such as delays in registration of complaints. Some Areas, for example, had large numbers of inaccurate registrations (Wales, Yorkshire and Humberside and Wessex) but also sent out a high percentage of final responses on time.



**6.15.** Many of the responding managers expressed the view that, in most instances, 20 working days should be sufficient to respond to a complainant. However, some also identified circumstances in which sending a timely response could be challenging. If information had to be sought from another agency, such as the courts or counsel, for example. When several issues were raised in the complaint, it was complex, or the responding manager had too many competing priorities.

| <b>Timeliness of final response to all complaints (stage 1 and stage 2)</b> |                        |                                   |                                |                                       |  |
|---|------------------------|-----------------------------------|--------------------------------|---------------------------------------|--|
| <b>CPS Area</b>   | <b>Sent in 20 days</b> | <b>As per holding letter date</b> | <b>Sent later than 20 days</b> | <b>Later than holding letter date</b> | <b>Percentage sent within timescales</b> |
| Cymru Wales   | 20                     | 3                                 | 2                              | 0                                     | 92.0%                                    |
| East Midlands   | 19                     | 3                                 | 3                              | 0                                     | 88.0%                                    |
| East of England   | 11                     | 2                                 | 7                              | 2                                     | 59.1%                                    |
| London North  | 11                     | 5                                 | 6                              | 3                                     | 64.0%                                    |
| London South  | 12                     | 3                                 | 8                              | 2                                     | 60.0%                                    |
| Merseyside/Cheshire   | 15                     | 3                                 | 6                              | 0                                     | 75.0%                                    |
| North East  | 15                     | 2                                 | 5                              | 0                                     | 77.3%                                    |
| North West  | 14                     | 2                                 | 6                              | 3                                     | 64.0%                                    |
| POC   | 4                      | 1                                 | 3                              | 1                                     | 55.5%                                    |
| SEOCID  | 3                      | 0                                 | 1                              | 0                                     | 75.5%                                    |
| South East  | 4                      | 0                                 | 21                             | 0                                     | 16.0%                                    |
| South West  | 9                      | 6                                 | 4                              | 1                                     | 75.0%                                    |
| Thames/Chiltern   | 9                      | 3                                 | 8                              | 5                                     | 48.0%                                    |
| Wessex  | 18                     | 1                                 | 5                              | 1                                     | 76.0%                                    |
| West Midlands   | 17                     | 1                                 | 6                              | 1                                     | 72.0%                                    |
| Yorkshire/Humberside  | 20                     | 1                                 | 4                              | 0                                     | 84.0%                                    |
| <b>Totals</b>   | <b>201</b>             | <b>36</b>                         | <b>95</b>                      | <b>19</b>                             | <b>67.5%</b>                             |

**6.16.** Overall, stage two letters were timelier than stage one letters. A response was sent, in line with the timescales or the date given in the holding letter, in 70.8% of cases. Stage two letters were allocated to the responding manager more effectively. For stage one letters, timeliness was only achieved in 65.6% of cases.

| Percentage of complaints responded to within the timescales and in accordance with the date in the holding letter |         |         |
|---|---------|---------|
| Area  | Stage 1 | Stage 2 |
| Cymru Wales   | 100%    | 80.0%   |
| East Midlands   | 80.0%   | 100%    |
| East of England   | 46.7%   | 85.7%   |
| London North  | 46.7%   | 90.0%   |
| London South  | 66.7%   | 50.0%   |
| Merseyside/Cheshire   | 80.0%   | 66.7%   |
| North East  | 73.3%   | 85.7%   |
| North West  | 53.3%   | 80.0%   |
| POC   | 62.5%   | 0.0% *  |
| SEOCID  | 66.7%   | 100%*   |
| South East  | 6.7%    | 30.0%   |
| South West  | 73.3%   | 80.0%   |
| Thames & Chiltern   | 46.7%   | 50.0%   |
| Wessex  | 80.0%   | 70.0%   |
| West Midlands   | 66.7%   | 80.0%   |
| Yorkshire & Humberside  | 100%    | 60.0%   |
| Total   | 65.6%   | 70.8%   |

\*POC and SEOCID each had only one complaint at stage two

**6.17.** Of the 114 complaint responses that did not comply with the timeliness target, 13 were sent less than 24 hours after the deadline. Twenty-seven cases were up to three days late and 16 were between four and five days late. However, the largest proportion (58) of late responses were sent six days or more after the correct date. In the Area with the largest number of late responses (South East) 17 of the 21 letters were sent six days or more after the deadline. Just one Area (Yorkshire and Humberside) only had late responses that were all less than 24 hours late.

## some letters were sent significantly late

**6.18.** Some letters were sent exceedingly late. The response to one complainant in a domestic abuse case was over two months late. There was no evidence that a holding letter had been sent and no explanation on the Contact application to explain the delay.

**6.19.** These results clearly show it is necessary to improve the systems in place to ensure that a better service is provided to complainants.

**6.20.** The CPS produce an internal performance databank which currently holds data for each Area. It includes the number of complaints registered on Contact and whether the complaint was upheld or not. There is, however, no data on the timeliness of responses. Inclusion of such data would enable easy access to up-to-date figures and allow Areas to compare performance. Those Areas with better results could then act as examples of good practice.

**6.21.** Recommendation

By September 2023, the Crown Prosecution Service will include timeliness data from the Contact application in the internal CPS databank. This data should feature in Area performance reporting at Area and Divisional accountability meetings.

## Oversight of timeliness

**6.22.** Area managers need to be aware of current performance levels in the timely dispatch of responses to complaints. That way they can act to improve performance. Oversight in the governance structure is key in directing appropriate actions and monitoring effectiveness.

**6.23.** All the Areas we visited had a system in place to ensure information on timeliness in responding to complaints was available to Area managers. As a result, they were aware of trends or issues that needed addressing. Complaints coordinators prepared monthly reports split by unit. The reports included the number of live complaints (not yet due, overdue or completed), timeliness data and lessons learnt.

**6.24.** In most Areas, complaints were a standard agenda item at monthly meetings attended by senior managers. In one Area, the Chief Crown Prosecutor meets with senior managers each week to discuss complaints and timeliness. The complaints coordinator in this Area maintains a log of key dates in relation to all complaints and a copy is sent to senior legal managers. In most Areas, complaints were discussed at the Area casework quality meetings. In one Area senior managers in some units would discuss the progress of complaints with the responding managers.

## 7. Quality of letters

## Themes

### Spelling mistakes and grammatical errors

**7.1.** We checked letters for spelling mistakes, and grammatical errors that could affect the flow and understanding. The results were generally positive, with 291 of the letters containing no spelling mistakes. The other 60 in our sample (17.1%) contained spelling mistakes, of which 38 contained just one. A further 16 contained two, four contained three and two contained four. Fifty-four of the 351 letters (15.4%) contained grammatical errors that impacted the quality.

**7.2.** Several letters contained simple spelling mistakes and grammatical errors which were not corrected during the quality assurance process. For instance, a letter to the mother of a young victim who had been threatened and intimidated by a defendant, contained obvious spelling mistakes. The word 'intimated' was used in place of 'intimidated' and 'apologise' was spelt 'apologise'. In another letter, to the relative of a deceased victim, the word 'courtesy' was missing the 'o'. Such simple errors show a lack of care and attention to detail. We would expect them to be picked up in quality assurance.

### Legal jargon

**7.3.** We checked whether letters were written in plain English and free from legalese and jargon. The majority, 274 out of 351 (78.1%), did not contain any unnecessary legal terminology and jargon. This was a positive result overall, but the table below illustrates there was significant disparity between Areas.

| Q24. The final letter contained unnecessary legal jargon. |           |           |           |
|---|-----------|-----------|-----------|
| Area  | Overall   | Stage one | Stage two |
| Cymru Wales   | 0 (0.0%)  | 0 (0.0%)  | 0 (0.0%)  |
| East Midlands   | 7 (28.0%) | 5 (33.3%) | 2 (20.0%) |
| East of England   | 9 (40.9%) | 7 (46.7%) | 2 (28.6%) |
| London North  | 7 (28.0%) | 4 (26.7%) | 3 (30.0%) |
| London South  | 2 (8.0%)  | 1 (6.7%)  | 1 (10%)   |
| Merseyside/Cheshire                                       | 6 (25.0%) | 3 (20.0%) | 3 (33.3%) |
| North East  | 3 (13.6%) | 3 (20.0%) | 0 (0.0%)  |
| North West  | 6 (24.0%) | 3 (20.0%) | 3 (30.0%) |
| POC   | 7 (77.8%) | 7 (87.5%) | 0 (0.0%)  |
| SEOCID  | 0 (0.0%)  | 0 (0.0%)  | 0 (0.0%)  |
| South East  | 3 (12.0%) | 2 (13.3%) | 1 (10.0%) |

|                        |            |            |            |
|------------------------|------------|------------|------------|
| South West             | 2 (10.0%)  | 0 (0.0%)   | 2 (40%)    |
| Thames & Chiltern      | 5 (20.0%)  | 5 (33.3%)  | 0 (0.0%)   |
| Wessex                 | 10 (40.0%) | 5 (33.3%)  | 5 (50.0%)  |
| West Midlands          | 2 (8.0%)   | 0 (0.0%)   | 2 (20.0%)  |
| Yorkshire & Humberside | 8 (32.0%)  | 5 (33.3%)  | 3 (30.0%)  |
| Total                  | 77 (21.9%) | 50 (22.6%) | 27 (20.8%) |

**7.4.** We saw good examples, where the letter writer had clearly thought about how to express legal terminology in an understandable way. In one letter, the writer clearly explained that special measures ‘assist vulnerable and intimidated witnesses to give their best evidence in court and help to relieve some of the stress associated’.

## We saw good examples, where the letter writer had clearly thought about how to express legal terminology in an understandable way

### Standard paragraphs

**7.5.** A common theme was the use of standard (sometimes lengthy) paragraphs about the Code for Crown Prosecutors (‘the Code’) and the roles of the CPS. They often covered, in significant detail, the roles of the police and the courts, and the legal tests to be applied by the CPS when considering charge. And, by the courts when considering whether to convict or acquit.

**7.6.** These were clearly nationally approved and written in plain English, but they were not always relevant to the complaint made. They often added unnecessary legal detail to the response. The paragraphs were usually included at the start of the letters, so readers had to wade through irrelevant information to get to the actual response to the complaint.

**7.7.** In one letter, the writer went into unnecessary detail about the Code and why the police could not charge the offences in question. The letter also stated the legislation under which the offences had been charged. The complaint related to the CPS’s failure to make a timely application to vacate the trial date – which led to the case being dismissed. The inclusion of the standard paragraphs was entirely unnecessary. Another letter set out the roles of the CPS and the police, explaining the Code to the complainant. The complainant was a police officer who could be expected to know how the prosecution process works.

**7.8.** The CPS Independent Assessor of Complaints (IAC) commented, during interview, that letters often include standard legal paragraphs whether they are relevant or not. And that letters should instead be tailored depending on the nature of the complaint. We endorse this.

## Clarity of explanation and addressing issues

**7.9.** Our findings were generally positive, with 273 letters (77.8%) containing clear explanations that would make sense to readers with limited knowledge of the legal system. In one letter, the manager responded to each of the points raised in the letter, adopting the same numbering as the complainant. This gave clarity and it was apparent the writer was trying to be as helpful as possible.

**...our findings were positive with 273 letters (77.8%) containing a clear explanation which would be understandable to a reader who had limited knowledge of the legal system**

**7.10.** In 243 out of 339 letters (71.7%), where we were able to identify the issues raised, we found that the responding manager fully addressed them. We were unable to assess 12 of the letters in the sample as we could not find adequate details on the Contact application (Contact). Although most letters addressed all the issues raised, in more than a quarter of instances they did not. Responding managers, therefore, still have room for improvement.

**7.11.** An issue identified in many of the letters was that they did not explicitly confirm whether or not the complaint had been upheld. This is contrary to CPS guidance<sup>11</sup> which states it 'will inform [the complainant] whether your complaint has been upheld, either wholly or in part, or not upheld'. It was apparent from the content of most letters if the complaint had been upheld, but greater clarity would help.

### Case study

In a case of theft which was stopped because there was insufficient evidence for a realistic prospect of conviction, the defendant made a complaint to the CPS. The defendant raised six issues in the complaint.

The manager who responded to the stage two complaint, addressed each of the issues clearly and in precise detail. They informed the complainant that the complaint was not upheld and set out the reasons for the decision with respect to each issue raised.

The clarity of the explanation was such that the complainant would have readily understood that the CPS had properly investigated the complaint and how the manager had arrived at the decisions.

<sup>11</sup> [cps.gov.uk/feedback-and-complaints-guidance-how-give-feedback-or-make-complaint-crown-prosecution-service](https://cps.gov.uk/feedback-and-complaints-guidance-how-give-feedback-or-make-complaint-crown-prosecution-service)

## Acknowledging mistakes and offering apologies

**7.12.** The key principles of good complaints handling, as set out earlier in this report, are acknowledging mistakes and offering apologies where appropriate, and putting things right with proportionate remedies. It is stated in CPS guidance that these behaviours are a benchmark of quality.

**7.13.** Overall, we found evidence of good performance, with 173 out of 203 relevant letters (85.2%) meeting the required standard. This is a strength. The table below shows performance levels across the Areas:

| Q27. The letter acknowledges mistakes and offers an apology where appropriate |             |             |            |
|---|-------------|-------------|------------|
| Areas   | Overall     | Stage one   | Stage two  |
| Cymru Wales   | 14 (87.5%)  | 8 (100.0%)  | 6 (75.0%)  |
| East Midlands   | 12 (80%)    | 7 (77.8%)   | 5 (83.3%)  |
| East of England   | 10 (76.9%)  | 7 (70.0%)   | 3 (100.0%) |
| London North  | 17 (81.0%)  | 10 (76.9%)  | 7 (87.5%)  |
| London South  | 8 (61.5%)   | 7 (77.8%)   | 1 (25.0%)  |
| Merseyside/Cheshire   | 15 (88.2%)  | 7 (77.8%)   | 8 (100.0%) |
| North East  | 9 (100.0%)  | 7 (100.0%)  | 2 (100.0%) |
| North West  | 15 (100.0%) | 8 (100.0%)  | 7 (100.0%) |
| POC   | 4 (80.0%)   | 3 (75.0%)   | 1 (100.0%) |
| SEOCID  | 1 (100.0%)  | 1 (100.0%)  | NA         |
| South East  | 12 (80.0%)  | 8 (80.0%)   | 4 (80.0%)  |
| South West  | 13 (92.9%)  | 10 (90.9%)  | 3 (100.0%) |
| Thames & Chiltern   | 10 (83.3%)  | 5 (71.4%)   | 5 (100.0%) |
| Wessex  | 9 (90.0%)   | 6 (85.7%)   | 3 (100.0%) |
| West Midlands   | 10 (90.9%)  | 7 (87.5%)   | 3 (100.0%) |
| Yorkshire & Humberside  | 14 (87.5%)  | 8 (80.0%)   | 6 (100.0%) |
| Total   | 173 (85.2%) | 109 (83.2%) | 64 (88.9%) |

**7.14.** We saw many good examples of the CPS taking responsibility for mistakes made and offering appropriate apologies to complainants. For example, one complaint was from a police officer who had been assaulted. The case was dismissed, following a very late application to adjourn the trial, because the CPS had failed to address correspondence from the witness care unit. The response letter provided a full explanation of the events leading to the dismissal and offered an unequivocal apology and a meeting with the complainant. In another high quality letter, the explanation was clear and the writer apologised to the complainant who had attended court unnecessarily



(even though the lack of communication was predominantly due to an oversight by the police witness care unit). The writer acknowledged that the oversight had caused a great deal of inconvenience to the complainant her family – who had accompanied her to court.

**7.15.** There were some examples where mistakes weren't acknowledged so opportunities to apologise for them were missed. In one case, the complainant was a victim of alleged domestic abuse. One of the issues raised, was that the defendant had been released from custody (after the case was dismissed) before she was notified by the police or the CPS. She should have been notified and this should have been acknowledged in the response letter. However, the writer did not mention it at all and an opportunity to explain what had happened and apologise was missed.

### Remedies

**7.16.** When the CPS has made a mistake which may have impacted negatively on an individual it is important to acknowledge the failure. And, where possible, take steps to put things right by offering prompt and proportionate remedies.

**7.17.** Again, our findings were generally positive here and in 55 out of 76 relevant letters (72.4%) a prompt and proportionate remedy was offered.

**7.18.** Remedies usually involve the CPS informing the complainant of the steps they have taken to ensure similar mistakes are not repeated. Cases of service complaints, can include financial recompense. CPS guidance is that in some cases, as a gesture of goodwill, it may offer a modest financial payment. This may be in recognition of an administrative mistake, provision of poor service or when the CPS has not acted properly.

**7.19.** In one letter, the writer clearly set out his response to each aspect of the complaint and included a section on lessons learnt. It informed the complainant of the steps taken to ensure that mistakes made in the case would not be repeated. This was good practice.

**7.20.** We saw examples of the CPS guidance on consolatory payments<sup>12</sup> being correctly applied. In one such case, which involved a stage two complaint, a payment was offered to the complainant who had attended court to give evidence at trial. The prosecutor failed to check that the complainant was present and instead accepted the defendant's offer to plead guilty to a less serious offence. We also saw examples where a payment should have been

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<sup>12</sup> The CPS consolatory payments policy as applied to the letters we examined has since been updated. The payments are now termed goodwill payments and are available, generally up to a maximum limit of £500.

offered but wasn't. In one case, some personal data of the complainant had been mislaid. The letter addressed the issue of a consolatory payment, as it had been expressly requested by the complainant. But the letter stated, contrary to guidance, that such a payment could only be offered for active and deliberate failures.

**7.21.** There were also instances in which offers of payments were made when they were not appropriate.

### Case study

A consolatory payment was offered to a victim of domestic abuse where the case had failed. It was clear from the response to the stage one letter that the complainant wanted justice not money. The complainant even asked how '£200 of taxpayers' money' was meant to compensate her for the distress and suffering she had experienced.

The response at stage two included an offer of a £400 consolatory payment. This was not appropriate given what had been said in the response to the stage one letter.

**7.22.** We were told during an interview with the manager of the Public Correspondence and Complaints team, that Areas are offering consolatory payments at an earlier stage. This is because they want to remedy issues for complainants as soon as possible.

## Signposting other agencies

**7.23.** There will be occasions when members of the public submit a complaint to the CPS when the origin of the complaint lies with another agency in the criminal justice system (CJS). Or, the complainant raises a number of issues, some of which relate to the CPS and some to other agencies. On these occasions the CPS should only deal with issues relating to them and advise the complainant of those issues relating to other agencies. They should also provide the complainant with the contact details for the relevant agencies.

**7.24.** We checked whether the CPS had effectively signposted contact information for other agencies in their responses to complaints. This was only done in 60 out of 151 relevant letters (39.7%). There was a significant disparity between Areas, with the best performing Area (Wales), correctly signposting in 81.8% of its letters and the worst performing Area (South East), having effectively signposted in only 7.7% of its letters.

**7.25.** A common theme was the writer correctly explaining that any complaint about the handling of an investigation should be referred to the police, but not including any contact details to assist the complainant. We also saw examples

where the complainant should have been referred to the court but, again, no contact details had been provided to facilitate this.

### **Case study**

The complainant, who was the victim of harassment by the defendant, contacted the CPS with a complaint. It was about the length of time it was taking for the defendant to be sentenced following conviction.

It was apparent that the appropriate agency to respond to the complaint was His Majesty's Courts and Tribunals Service (HMCTS), but the CPS did not direct the complainant as they should have. They dealt with the complaint internally and it escalated to stage two of the process. This resulted in unnecessary work for senior managers.

**7.26.** In one Area, we were told it was difficult to find details of the single point of contact (SPOC) in the relevant police service. Often, Areas could only provide complainants with a generic email address. With regard to complaints involving the courts, they could not always refer the complainant to the correct person directly. However, they could usually provide a relevant telephone number and/or email address. Given the local relationships with other criminal justice partners this seemed somewhat of a poor excuse.

**7.27.** We did find some examples where the writer had clearly thought about how they could provide as much assistance as possible to the complainant. In one such case, the complainant was the victim of domestic abuse and had complained to the CPS about a decision not to proceed on one of the charges against the defendant. In the response, the writer dealt with the substance of the complaint appropriately, but also signposted the victim to third sector support agencies. They included a leaflet with details of support available. This was good practice.

## **The next stage in the complaints process**

**7.28.** We checked whether complainants at both stages of the procedure had been told how to escalate their complaint to the next stage if they were not satisfied with the response received. Stage two is the end of the process for complaints relating to legal decisions and that should be explained. If the complaint is about the service provided by the CPS, the complainant can escalate their complaint to the IAC. They should be informed of this.

**7.29.** In 308 out of 349 relevant letters (88.3%) the next stage of the escalation procedure was correctly explained – which is a strength. However, the approaches to explaining the timescale were inconsistent. We discuss the confusion around time limits for escalation earlier in the report. Some Areas complied with CPS guidance that complainants should be informed that they have 'one month' from the date of the letter in which to escalate to the next

stage. Other Areas informed complainants that they had ‘20 working days’ in which to escalate their complaint. We recommended earlier in this report that this inconsistency be addressed and the guidance clarified.

**7.30.** We found an example of good practice in one Area. Along with the standard paragraph explaining the timescale for escalating to the next stage, the actual date by which the complainant should escalate their complaint was included. This was clear and avoided any potential confusion.

**7.31.** However, in another Area, nearly all letters at stage one (14 out of 15) failed to mention a timeframe for escalating a complaint to stage two. The leaflet which explains next stage had not been sent to the complainant either.

## Empathy

**7.32.** CPS guidance clearly states that empathy is an essential part of any communication with a complainant. It explains that ‘empathy is when you put yourself in the complainant’s shoes to see where they are coming from’<sup>13</sup>.

### Finding the right balance of empathy for letters is not always an easy task

**7.33.** Communicating the right level of empathy in letters is not always an easy task. It can be challenging to set out the facts and at the same time present them with appropriate sensitivity.

**7.34.** We checked letters for appropriate levels of empathy, with consideration given to the offence and complainant’s circumstances. Our findings were generally positive, with 290 out of 351 letters (82.6%) expressing a sufficient level of empathy. This was a vast improvement on the results of the 2018 inspection into victim liaison units. Inspectors in that instance, found that only 53.6% of complaint letters contained sufficient empathy. We rate this improvement in letters as a strength.

| Q25. The final letter contained empathy |            |            |           |
|---|------------|------------|-----------|
| Areas                                   | Overall    | Stage one  | Stage two |
| Cymru Wales                             | 22 (88.0%) | 13 (86.7%) | 9 (90.0%) |
| East Midlands                           | 16 (64.0%) | 8 (53.3%)  | 8 (80.0%) |
| East of England                         | 17 (77.3%) | 13 (86.7%) | 4 (57.1%) |
| London North                            | 21 (84.0%) | 12 (80.0%) | 9 (90.0%) |
| London South                            | 18 (72.0%) | 12 (80.0%) | 6 (60.0%) |

<sup>13</sup> Complaints Process Guidance; January 2021.

## CPS handling of complaints

|                        |             |             |             |
|------------------------|-------------|-------------|-------------|
| Merseyside/Cheshire    | 16 (66.7%)  | 9 (60.0%)   | 7 (77.8%)   |
| North East             | 21 (95.5%)  | 14 (93.3%)  | 7 (100.0%)  |
| North West             | 24 (96.0%)  | 14 (93.3%)  | 10 (100.0%) |
| POC                    | 6 (66.7%)   | 5 (62.5%)   | 1 (100.0%)  |
| SEOCID                 | 4 (100.0%)  | 3 (100.0%)  | 1 (100.0%)  |
| South East             | 21 (84.0%)  | 11 (73.3%)  | 10 (100.0%) |
| South West             | 15 (75.0%)  | 10 (66.7%)  | 5 (100.0%)  |
| Thames & Chiltern      | 19 (76.0%)  | 11 (73.3%)  | 8 (80.0%)   |
| Wessex                 | 24 (96.0%)  | 14 (93.3%)  | 10 (100.0%) |
| West Midlands          | 25 (100%)   | 15 (100.0%) | 10 (100.0%) |
| Yorkshire & Humberside | 21 (84.0%)  | 11 (73.3%)  | 10 (100.0%) |
| Total                  | 290 (82.6%) | 175 (79.2%) | 115 (88.5%) |

**7.35.** Although our findings on empathy levels in letters were positive, there is still room for improvement. When we spoke to the IAC, she shared our view that CPS performance was variable. Some letters were excellent with a genuine level of empathy while others were poor and lacking in empathy. The IAC felt that this was sometimes seen in letters where the CPS had not been at fault. As a result, there was a lack of understanding why a complainant was upset.

**7.36.** We saw many good examples, where the writer of the letter had demonstrated care and consideration in their response to the complaint. One letter was assessed as high quality because it contained an appropriate level of empathy to a victim whose sexual assault case had been adjourned due to a CPS error. The writer had provided a full explanation of what had happened, apologised and confirmed that the parties whose actions had led to the adjournment had been spoken to. The letter acknowledged the upset and distress caused to the victim by the delay in the case. The writer even offered to meet the victim if they were not satisfied with the explanation provided – good practice in this type of case.

**7.37.** In another case, the writer showed a good level of empathy by acknowledging the upset and distress caused to the victim and her family. It was mostly caused by the defendant's harassment of them, but compounded by the court process.

**7.38.** We saw examples where a greater level of care should have been taken when responding to a complaint.

**7.39.** We saw some examples where the wording could have been better. For example, saying 'I am sorry you felt the need to make a complaint' is not the same as empathising.

**7.40.** We identified good practice in one Area, where many of their letters contained a standard paragraph at the start of the letter. The paragraph went as follows: 'May I say from the outset that I am sorry to read that your experience of the criminal justice system has not been a positive one. I am however grateful to you for bringing your concerns to our attention'.

#### **Case study**

A victim in a case of historic sexual abuse complained about how she and a witness had been treated by the prosecutor at court.

In response to the complaint at stage one, the victim received letters from two legal managers, neither of which demonstrated sufficient empathy.

However, the author of the stage two response demonstrated a high degree of empathy throughout the letter and acknowledged the inadequacy of the previous responses. They wrote the following: 'I have reviewed the two letters sent to you previously, and particularly the letter relating to the events at court, which are the subject of your escalation to myself. Placing myself in your shoes as the person receiving those letters, I can see how these might have appeared unsympathetic and impersonal, although I do note that each does provide a comprehensive response to your complaint. I will provide feedback to both authors of those letters'.

## **Overall quality of the final letter**

**7.41.** When we examined the letters in our file sample, we asked the question 'Is the final letter of adequate quality or better?' Those letters rated better than adequate or adequate were marked 'yes'.

**7.42.** Out of 351 letters, 66 (18.8%) were better than adequate and 113 (32.2%) were adequate. The other 172 (49%) did not meet the required standard.

**7.43.** In 2018 HMCSI carried out a thematic inspection into communications between the CPS's Victim Liaison Units and the public. Seventy of the 340 letters read were responses to complaints at stage one (no stage two letters were reviewed).

**7.44.** In 2018, 25.7% of complaint letters sent were of the expected quality. The key question in assessing overall quality was as follows: 'Was the final letter a quality response?' The options were 'yes' or 'no'.

## **We are concerned to see that overall, the quality of letters has deteriorated since we last examined complaints**

**7.45.** The letters rated as quality responses in 2018 accord with those we rated as better than adequate in this inspection. We were concerned to see, that overall, the quality of letters has deteriorated since we last examined complaints. This is clearly something the CPS needs to address as a matter of urgency.

### **Recommendations**

By December 2024, the Crown Prosecution Service will have improved the quality of complaint response letters showing a substantial improvement in the number of letters rated as adequate.

## **Categorisation of letters**

**7.46.** We took a proportionate approach to assessing the letters. We sought to judge them against the standard of being written clearly and in plain English, so they would be easily understood by a lay person. Specifically, a person with limited knowledge of the legal system. Better than adequate letters contained clear explanations and addressed all issues the complainant raised. They were also empathetic in tone and contained no, or very minor, spelling mistakes or grammatical errors. Where there should have been an apology there was one, and any mistakes made were properly acknowledged.

**7.47.** The letters assessed as adequate, often contained more than one or two minor spelling or grammatical errors, but addressed all the issues raised. Information as to whether the complaint had been upheld was not always clearly communicated and signposting could have been more helpful to the complainant. Although mistakes may have been acknowledged, they were not always accompanied by a direct and unequivocal apology.

**7.48.** Letters that didn't meet the standard frequently lacked clear explanations or failed to address all the issues raised. They often contained numerous errors or were lacking in empathy.

## **Comparison of stage one and stage two quality**

**7.49.** At stage one, 16% of letters (36) were better than adequate, 32% (70) were adequate and 52% (115) did not meet the required standard.

**7.50.** At stage two, 23% of letters (30) were better than adequate, 33% (43) were adequate and 44% (57) did not meet the required standard.

**7.51.** Although our findings revealed the overall quality of letters at stage two is better than at stage one, the difference is not significant. This raises concerns about the attention to detail, and the time and care being taken when drafting responses to complaints. In addition, it calls into question the standard and robustness of quality assurance at both stages.

## Lessons learnt

**7.52.** Learning from complaints is a highly effective way to help improve service delivery and enhance the reputation of an organisation.

**7.53.** The CPS emphasised the importance of recording lessons learnt as a way of identifying opportunities for improvement. It requires that that they are considered for all cases before finalisation. It is not possible to finalise a complaint process without recording lessons learnt on Contact.

**7.54.** In response to many complaints the CPS cannot alter the outcome or rectify the situation in the way the complainant may wish. However, in accordance with the Feedback and Complaints Policy, CPS is committed to 'taking steps to ensure that it does not happen again'. It is important therefore, that when the CPS makes mistakes or deals with issues poorly, they take steps to prevent such issues from reoccurring.

**7.55.** We found evidence of good practice, where it was clear from letters that the responding manager had conducted a thorough investigation. That they had spoken to relevant individuals and conveyed their disappointment to the complainant about what had happened and what could have been done better.

### Case study

A delay in communicating that a trial date had been changed resulted in the complainant attending court unnecessarily. The responding manager clearly outlined the steps they had taken to investigate the matter. It involved considering all relevant communications and speaking to a member of staff.

The manager also confirmed that changes had been made to processes to ensure that similar mistakes would be avoided in future. It included reissuing guidance to operational staff and adding in another layer of internal checks. It was all put in place to ensure that communications were not missed in the days leading up to a trial.

**7.56.** Many letters did provide assurance that lessons were being learnt. However, those lessons and actions taken were not always recorded properly in Contact – this is a compliance issue.

**7.57.** We found that lessons learnt were properly recorded in 65.1% of applicable cases. However, inspectors saw many examples of cases where



lessons learnt should have been recorded on Contact but were not. There were also examples of the lessons learnt section on Contact not being completed properly. One Area was not recording lessons learnt because they were not aware of the section. This highlights the issue we refer to above. That the functionality of Contact is not universally understood or fully exploited.

**7.58.** In most of the Areas we visited, complaints and lessons learnt appear as standing agenda items for discussion at Casework Quality Boards (CQBs). Reports are often compiled by complaints coordinators and include information about the volume, any lessons learnt and action taken.

**7.59.** However, we found a lack of consistency in the way themes identified at CQB are shared across Area. Inspectors found that staff are being updated about lessons learnt in various ways. These include one-to-one conversations, team meetings and emails. We found good practice in some Areas where internal scrutiny panels had been set up. They review and feedback on general complaint letter quality, which includes responses to complaints.

**7.60.** Although lessons learnt were recorded in over 65% of applicable cases, too many opportunities are still missed to collate important data. Lessons learnt can, and should, be assisting in delivering improvements in the service provided. CPS should seek to identify and record lessons learnt in all applicable cases.

## **8. Quality assurance**

## Process

**8.1.** There is an expectation that the manager responding to the complaint will provide a draft response for quality assurance by a legal manager at the next level of seniority. The complaints coordinator is then responsible for the final quality assurance before the letter is sent.

**8.2.** There is a quality assurance checklist which aids legal managers and complaints coordinators in carrying out quality assurance. They should ensure that:

- the response provided is sufficient, clear and written in plain English
- it addresses all the complainant's points and is free from legal jargon and acronyms
- the response flows, with an appropriate tone and level of empathy, and is free from unnecessary standard paragraphs
- the complaints procedure has been correctly applied and the escalation process has been clearly explained
- the complainant's details are correct and the letter is formatted correctly
- the letter is free from typographical errors and contains contact details for the Victim Liaison Unit.

**8.3.** Additionally, several details should be recorded on the Contact application, including whether:

- the complainant has been signposted to other agencies if the complaint refers to matters outside the remit of the CPS
- any lessons learnt from the complaint have been taken forward
- full copies of the correspondence have been uploaded.

## Quality checking

**8.4.** The quality assurance process for complaint letters is not as effective or robust as it should be. Legal managers and complaints coordinators are not routinely uploading draft responses and quality assured letters to Contact and there is a lack of rigour in the quality assurance process.

**8.5.** For the majority of the 351 letters considered (69.2%), it could not be established whether the legal manager responsible for quality assuring the letter had completed the task. This was because the draft responses and the quality assured versions had not been uploaded. In accordance with the Standard Operating Practice (SOP), both the legal manager responsible for the first draft and the second legal manager carrying out their own quality assurance should have uploaded draft letters to Contact.

**For the majority of the letters examined, it could not be established whether the legal manager responsible for quality assuring the letter had completed the task**

**8.6.** Although most Areas were not good at uploading draft letters to Contact, there were variations in performance. In one Area we found evidence on Contact that the legal manager had quality assured 19 out of 25 letters (76.0%). In another, it was not known whether the legal manager had quality assured any of the 25 letters in the file sample before they were sent to the complaints coordinator for the final check. As discussed in chapter five, most of the legal managers from the Areas we spoke to had little

knowledge of Contact and rarely used it. They still preferred to email their draft letters to the Victim Liaison Unit (VLU) and/or the complaints coordinator, which is contrary to the guidance. One manager told us that he had tried to use Contact but had found it difficult to navigate as it was not user-friendly. He had had to seek assistance from a colleague, which deterred him from using it again.

**8.7.** We found the responding manager had uploaded the draft letter in 108 cases. Of the 108 letters, 72 required amendment. Quality assurance improved 64 of those letters, but for the remaining eight letters were not sufficiently amended.

**8.8.** Despite the lack of evidence on the Contact application that letters are being quality assured, we were consistently told during interviews that letters are thoroughly checked before being sent. In one Area they claimed that all letters drafted by the District Crown Prosecutors (DCPs) are checked by a more senior manager. And, that the relevant DCP is copied into the final draft that is sent to the VLU. Some of the DCPs we spoke to informed us that they receive feedback, both positive and constructive on the quality of their draft letters. In another Area, they told us that their complaints coordinator conducts a 'full general check' on spelling, grammar, font and house style. They then feed back to the legal manager if there is an issue with the content of the letter or a substantial change is required. However, given our assessment of overall quality of letters the level of scrutiny reported is not achieving the results it should.

**8.9.** In 36.8% of cases, the quality assurance by the complaints coordinator resulted in some improvement in overall standard. In a very small number of cases (seven letters), the complaints coordinator added mistakes. In the case of 144 letters (41.0%), we were unable to establish whether the complaints coordinator had quality assured the letter. This was because the draft letters were not uploaded onto Contact.

## Responsibilities of the complaints coordinator in quality assurance

**8.10.** It is not clear from the guidance whether the complaints coordinator is required to check the clarity of legal explanations in letters.

**8.11.** Some complaints coordinators said they were confident in providing constructive feedback to legal managers during the quality assurance process, even though the managers were more senior. One complaints coordinator told us that if they challenged legal managers on explanations that were unclear the managers responded positively.

**8.12.** However, some of the coordinators told us they were reluctant to interfere with legal explanations provided the legal manager. In one Area we were told by staff from the VLU that they would not seek clarification of the legal explanations as a senior legal manager had looked at it before them.

**8.13.** There is scope to improve the skills of complaints coordinators in quality assuring the letters.

**8.14.** In many of the letters we assessed, improvements made by the complaints coordinator were limited to adding reference numbers. The final paragraphs in final letters, which cover the escalation process, often still contained errors. We did also find examples of robust quality assurance. In one case, the complaints coordinator removed a typographical error, corrected the incorrect use of capital letters and amended the format to the house style.

### The quality assurance process is often not as rigorous as it should be.

**8.15.** The quality assurance process is often not as rigorous as it should be. When assessing letters that had been uploaded to Contact, we found that they often contained errors that had not been corrected before being sent to

complainants. In one case there was evidence on Contact that the letter had been quality assured by a Senior District Crown Prosecutor (SDCP). But it was still sent to the complainant with a spelling mistake and grammatical errors. In another case we examined, the Deputy Chief Crown Prosecutor (DCCP) amended the letter and highlighted the changes in red – which was good practice. The complaints coordinator subsequently identified further amendments to be made, but the final letter still went out containing minor errors. We rated the letter as not meeting the required standard because not all issues raised in the complaint had been addressed and because of the errors.

**8.16.** There was evidence of improvements being made by both legal managers and complaints coordinators, but we still found too many examples of errors in the letters sent to complainants.

| Question  | Answers | Overall<br>(out of<br>351) | Stage one<br>(out of<br>221) | Stage two<br>(out of<br>130) |
|---|---------|----------------------------|------------------------------|------------------------------|
| Q22. Did the final response contain spelling mistakes?      | Yes     | 60<br>(17.1%)              | 33<br>(14.9%)                | 27<br>(20.8%)                |
|   | No      | 291<br>(82.9%)             | 188<br>(85.1%)               | 103<br>(79.2%)               |
| Q23. Did the final letter contain grammatical errors?       | Yes     | 54<br>(15.4%)              | 34<br>(15.4%)                | 20<br>(15.4%)                |
|   | No      | 297<br>(84.6%)             | 187<br>(84.6%)               | 110<br>(84.6%)               |
| Q24. Did the final letter contain unnecessary legal jargon? | Yes     | 77<br>(21.9%)              | 50<br>(22.6%)                | 27<br>(20.8%)                |
|   | No      | 274<br>(78.1%)             | 171<br>(77.4%)               | 103<br>(79.2%)               |
| Q25. Did the final letter contain empathy?                  | Yes     | 290<br>(82.6%)             | 175<br>(79.2%)               | 115<br>(88.5%)               |
|   | No      | 61<br>(17.4%)              | 46<br>(20.8%)                | 15<br>(11.5%)                |

### Recommendations

By January 2024, the Crown Prosecution Service will clarify what the complaints coordinator role entails and what is expected of them in terms of quality assurance processes for complaint letters.

## Training in drafting and quality assurance

**8.17.** The CPS has produced useful guidance in the internal CPS Complaints Process Guidance (How to Guide). It does not, however, go far enough in equipping staff with the skills needed to draft complaints letters and carry out meaningful quality assurance checks. The guide provides advice on 'good practice for letter writing' but this is brief and mainly limited to empathy.

**8.18.** The complaints coordinators we spoke to had not been trained in the specific set of skills required to check a letter. During our interviews, one complaints coordinator told us that they had spent money from their Individual

## CPS handling of complaints

Learning Account<sup>14</sup> on a proof-reading course run by an organisation external to the CPS. Complaints coordinators should be able to proof-read, check grammatical and spelling errors, re-draft letters to improve the tone and deliver the right level of empathy. These skills are essential for rigorous quality assurance.

**8.19.** Some legal managers we spoke to referred to the 'National Training', but this training focused on drafting Victim Communication and Liaison (VCL) letters rather than complaint responses. Although we recognise that there would be some similarities, more targeted complaints training should be considered.

**8.20.** There were some examples of sporadic efforts to introduce some level of drafting training. However, these initiatives, though commendable, were local and inconsistent.

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<sup>14</sup> Individual Learning Accounts provide up to £350 to be spent by members of staff on improving performance or preparing individuals for career development.

# **Annex A**

## **Inspection framework**



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

**1 Are complaint letters identified and timely at stage one and stage two of the process?**

- 1.1 How are complaints letters identified? By whom, criteria used, any monitoring or checking to ensure all complaints are registered
- 1.2 Are complaints registered on receipt?
- 1.3 There is timely acknowledgement of complaints which complies with CPS national timescales
- 1.4 Effective systems are in place which ensure that the final letter in response to the complaint complies with CPS national timescales
- 1.5 How is the timeliness of the response tracked – what systems are used, who is monitoring timeliness?
- 1.6 How are lessons learned regarding correctly identifying complaints and ensuring that responses are timely?

**2 Are complaint letters of the right quality?**

- 2.1 Was clarification sought where necessary?
- 2.2 Letters provide explanations which are helpful and transparent. Where appropriate, letters acknowledge mistakes and offer an apology
- 2.3 Did the CPS offer a proportionate remedy where appropriate?
- 2.4 Did the response address all aspects of the complaint?
- 2.5 Were the details correct and had the letter been quality assured?
- 2.6 Was the response clear and written in plain English? Was an appropriate translation provided if the complainant required it?
- 2.7 Does the letter communicate empathy which aligned with the tone of the letter?
- 2.8 Was the escalation process clearly explained?

**3 Are systems effective to support the identification, quality and timeliness of letters?**

- 3.1 There are effective systems in place to ensure that complaints are identified and allocated to the appropriate investigator in a timely manner.
- 3.2 Assurance processes are in place to eradicate simple errors
- 3.3 Quality assurance ensures that letters are of a consistently high standard, provide a comprehensive response and address all issues raised in the complaint
- 3.4 Lessons learned are used to drive improvements in performance
- 3.5 Effective training has been delivered to staff involved with responding to complaints

The CPS has effective national guidance which is easily accessible to those involved in responding to complaints.

# **Annex B**

## **File examination data**

## CPS handling of complaints

This table excludes 'not applicable' results.

| No                   | Question   | Answers                       | Overall results | Stage one   | Stage two  |
|----------------------|--|-------------------------------|-----------------|-------------|------------|
| <b>Case overview</b> |  |                               |                 |             |            |
| 1                    | Who was the complainant?   | Defendant                     | 66 (18.8%)      | 34 (15.4%)  | 32 (24.6%) |
|                      |  | Other                         | 25 (7.1%)       | 13 (5.9%)   | 12 (9.2%)  |
|                      |  | Police                        | 1 (0.3%)        | 1 (0.5%)    |            |
|                      |  | Victim                        | 232 (66.1%)     | 156 (70.6%) | 76 (58.5%) |
|                      |  | Witness                       | 27 (7.7%)       | 17 (7.7%)   | 10 (7.7%)  |
| 3                    | What was the complaint type?   | Legal                         | 103 (29.3%)     | 59 (26.7%)  | 44 (33.8%) |
|                      |  | Service                       | 120 (34.2%)     | 82 (37.1%)  | 38 (29.2%) |
|                      |  | Mixed                         | 128 (36.5%)     | 80 (36.2%)  | 48 (36.9%) |
| 4                    | What was the cause of the complaint?   | Complaint not relating to CPS | 8 (2.3%)        | 3 (1.4%)    | 5 (3.8%)   |
|                      |  | Decision of prosecutor        | 104 (29.6%)     | 56 (25.3%)  | 48 (36.9%) |
|                      |  | Other                         | 92 (26.2%)      | 69 (31.2%)  | 23 (17.7%) |
|                      |  | Outcome at court              | 82 (23.4%)      | 55 (24.9%)  | 27 (20.8%) |
|                      |  | Poor explanation given by CPS | 8 (2.3%)        | 5 (2.3%)    | 3 (2.3%)   |
|                      |  | Treatment at court            | 57 (16.2%)      | 33 (14.9%)  | 24 (18.5%) |
| <b>Timeliness</b>    |  |                               |                 |             |            |
| 6                    | Was the date and time of the complaint entered onto Contact the same as the date and time the complaint was received by CPS? | No                            | 164 (46.7%)     | 101 (45.7%) | 63 (48.5%) |
|                      |  | Not known                     | 28 (8.0%)       | 10 (4.5%)   | 18 (13.8%) |
|                      |  | Yes                           | 159 (45.3%)     | 110 (49.8%) | 49 (37.7%) |

CPS handling of complaints

| No   | Question   | Answers   | Overall results  | Stage one  | Stage two   |
|------|--|---|--|--|---|
| 7    | If there was a disparity between the date and time the complaint was received by the CPS and the date and time recorded on Contact , please specify the time difference. | 1 to 3 days<br>4 to 5 days<br>6 days or longer<br>Less than 24 hours<br>Not known           | 19 (9.9%)<br>6 (3.1%)<br>16 (8.3%)<br>123 (64.1%)<br>28 (14.6%)    | 15 (13.6%)<br>6 (5.5%)<br>11 (10.0%)<br>68 (61.8%)<br>10 (9.1%)  | 4 (4.9%)<br>5 (6.1%)<br>55 (67.1%)<br>18 (22.0%)            |
| 8    | How did the complainant raise the complaint?   | Complaint form<br>Email<br>Letter<br>Online portal<br>Telephone call                        | 2 (0.6%)<br>216 (61.5%)<br>19 (5.4%)<br>86 (24.5%)<br>28 (8.0%)    | 1 (0.5%)<br>108 (48.9%)<br>10 (4.5%)<br>82 (37.1%)<br>20 (9.0%)  | 1 (0.8%)<br>108 (83.1%)<br>9 (6.9%)<br>4 (3.1%)<br>8 (6.2%) |
| 9    | Was the triage completed within 24 hours of receipt?   | No<br>Yes   | 124 (56.1%)<br>97 (43.9%)  | 124 (56.1%)<br>97 (43.9%)  |   |
| 10   | Was the complaint acknowledged within 3 working days?  | No<br>Yes   | 90 (25.6%)<br>261 (74.4%)  | 68 (30.8%)<br>153 (69.2%)  | 22 (16.9%)<br>108 (83.1%)                                   |
| 10.1 | Please indicate how long the delay was   | 1 to 3 days<br>4 to 5 days<br>6 days or longer<br>Less than 24 hours<br>There was no letter | 22 (24.4%)<br>10 (11.1%)<br>33 (36.7%)<br>14 (15.6%)<br>11 (12.2%) | 15 (22.1%)<br>10 (14.7%)<br>26 (38.2%)<br>9 (13.2%)<br>8 (11.8%) | 7 (31.8%)<br>7 (31.8%)<br>5 (22.7%)<br>3 (13.6%)            |

CPS handling of complaints

| No | Question  | Answers   | Overall results | Stage one   | Stage two   |
|----|---|---|-----------------|-------------|-------------|
| 11 | Was the complaint passed to the responding manager within three working days of receipt?  | No it was passed to the manager between day 5 and 7 | 19 (5.4%)       | 16 (7.2%)   | 3 (2.3%)    |
|    |   | No it was passed to the manager on day 4            | 18 (5.1%)       | 14 (6.3%)   | 4 (3.1%)    |
|    |   | No it was passed to the manager on or after day 8   | 21 (6.0%)       | 15 (6.8%)   | 6 (4.6%)    |
|    |   | Not known   | 59 (16.8%)      | 38 (17.2%)  | 21 (16.2%)  |
|    |   | Yes   | 234 (66.7%)     | 138 (62.4%) | 96 (73.8%)  |
| 12 | Was the responding manager given the correct date for response?   | No  | 52 (14.8%)      | 36 (16.3%)  | 16 (12.3%)  |
|    |   | Not known   | 75 (21.4%)      | 50 (22.6%)  | 25 (19.2%)  |
|    |   | Yes   | 224 (63.8%)     | 135 (61.1%) | 89 (68.5%)  |
| 13 | Was clarification requested?  | Yes   | 15 (4.3%)       | 13 (5.9%)   | 2 (1.5%)    |
|    |   | No  | 336 (95.7%)     | 208 (94.1%) | 128 (98.5%) |
| 14 | Did the manager conducting the quality assurance return the draft response letter to the complaints coordinator by 11am on day 17 | No  | 174 (49.6%)     | 107 (48.4%) | 67 (51.5%)  |
|    |   | Not known   | 48 (13.7%)      | 29 (13.1%)  | 19 (14.6%)  |
|    |   | Yes   | 129 (36.8%)     | 85 (38.5%)  | 44 (33.8%)  |

CPS handling of complaints

| No | Question   | Answers  | Overall results                                      | Stage one   | Stage two  |
|----|--|--|--|---|--|
|    | from complaint receipt?  |  |  |   |  |
| 15 | The holding letter was sent before the deadline for the final response.                                  | No it was sent late<br>No there was no letter sent<br>Yes            | 21 (18.1%)<br>61 (52.6%)<br>34 (29.3%)               | 11 (16.2%)<br>40 (58.8%)<br>17 (25.0%)              | 10 (20.8%)<br>21 (43.8%)<br>17 (35.4%)             |
| 16 | Did the holding letter have an explanation for the delay?  | No<br>Yes  | 20 (36.4%)<br>35 (63.6%)                             | 15 (53.6%)<br>13 (46.4%)                            | 5 (18.5%)<br>22 (81.5%)                            |
| 17 | Did the holding letter give the date the final response would be provided?                               | No<br>Yes  | 4 (7.3%)<br>51 (92.7%)                               | 4 (14.3%)<br>24 (85.7%)                             | 27 (100.0%)  |
| 18 | Did the complaints coordinator send the final response to the complainant within the relevant timescale? | No<br>No as per holding letter<br>Yes<br>Yes as per holding letter   | 95 (27.1%)<br>19 (5.4%)<br>201 (57.3%)<br>36 (10.3%) | 62 (28.1%)<br>14 (6.3%)<br>131 (59.3%)<br>14 (6.3%) | 33 (25.4%)<br>5 (3.8%)<br>70 (53.8%)<br>22 (16.9%) |
| 19 | When the letter was not sent within the deadline, how late was the letter sent?                          | 1 to 3 days<br>4 to 5 days<br>6 days or longer<br>Less than 24 hours | 27 (23.7%)<br>16 (14.0%)<br>58 (50.9%)<br>13 (11.4%) | 19 (25.0%)<br>11 (14.5%)<br>39 (51.3%)<br>7 (9.2%)  | 8 (21.1%)<br>5 (13.2%)<br>19 (50.0%)<br>6 (15.8%)  |

## CPS handling of complaints

| No                    | Question   | Answers                     | Overall results                                  | Stage one  | Stage two                            |
|-----------------------|--|-----------------------------|--|--|--------------------------------------|
| Quality of the letter |  |                             |  |  |                                      |
| 20                    | Did the manager conducting the quality assurance improve the quality of the draft letter?        | No<br>Not known<br>Yes      | 8 (2.5%)<br>243 (77.1%)<br>64 (20.3%)            | 7 (3.5%)<br>145 (72.9%)<br>47 (23.6%)            | 1 (0.9%)<br>98 (84.5%)<br>17 (14.7%) |
| 21                    | Did the quality assurance by the complaints coordinator improve the quality of the draft letter? | No<br>Not known<br>Yes      | 7 (2.5%)<br>144 (51.4%)<br>129 (46.1%)           | 5 (2.9%)<br>88 (50.3%)<br>82 (46.9%)             | 2 (1.9%)<br>56 (53.3%)<br>47 (44.8%) |
| 22                    | Did the final response contain spelling mistakes?  | No<br>Yes                   | 291 (82.9%)<br>60 (17.1%)                        | 188 (85.1%)<br>33 (14.9%)                        | 103 (79.2%)<br>27 (20.8%)            |
| 22.1                  | Please make a note of how many spelling mistakes the letter contained.                           | One<br>Two<br>Three<br>Four | 38 (63.3%)<br>16 (26.7%)<br>4 (6.7%)<br>2 (3.3%) | 19 (57.6%)<br>8 (24.2%)<br>4 (12.1%)<br>2 (6.1%) | 19 (70.4%)<br>8 (29.6%)              |
| 23                    | Did the final letter contain grammatical errors?   | No<br>Yes                   | 297 (84.6%)<br>54 (15.4%)                        | 187 (84.6%)<br>34 (15.4%)                        | 110 (84.6%)<br>20 (15.4%)            |
| 24                    | Did the final letter contain unnecessary legal jargon?   | No<br>Yes                   | 274 (78.1%)<br>77 (21.9%)                        | 171 (77.4%)<br>50 (22.6%)                        | 103 (79.2%)<br>27 (20.8%)            |
| 25                    | Did the final letter contain empathy?  | No<br>Yes                   | 61 (17.4%)<br>290 (82.6%)                        | 46 (20.8%)<br>175 (79.2%)                        | 15 (11.5%)<br>115 (88.5%)            |
| 26                    | Was the explanation clear?   | No<br>Yes                   | 78 (22.2%)<br>273 (77.8%)                        | 55 (24.9%)<br>166 (75.1%)                        | 23 (17.7%)<br>107 (82.3%)            |

CPS handling of complaints

| No | Question   | Answers                | Overall results | Stage one   | Stage two   |
|----|--|------------------------|-----------------|-------------|-------------|
| 27 | Did the letter acknowledge mistakes and offer an apology where appropriate?    | No                     | 30 (14.8%)      | 22 (16.8%)  | 8 (11.1%)   |
|    |  | Yes                    | 173 (85.2%)     | 109 (83.2%) | 64 (88.9%)  |
| 28 | Did the letter address all the issues raised in the complaint?                 | No                     | 96 (27.4%)      | 64 (29.0%)  | 32 (24.6%)  |
|    |  | Not known              | 12 (3.4%)       | 4 (1.8%)    | 8 (6.2%)    |
|    |  | Yes                    | 243 (69.2%)     | 153 (69.2%) | 90 (69.2%)  |
| 29 | Did the letter offer a prompt and proportionate remedy where appropriate?      | No                     | 21 (27.6%)      | 17 (34.0%)  | 4 (15.4%)   |
|    |  | Yes                    | 55 (72.4%)      | 33 (66.0%)  | 22 (84.6%)  |
| 30 | Did the letter offer a meeting where appropriate?                              | No                     | 16 (47.1%)      | 2 (11.8%)   | 14 (82.4%)  |
|    |  | Yes                    | 18 (52.9%)      | 15 (88.2%)  | 3 (17.6%)   |
| 31 | Did the CPS signpost contact information for other agencies where appropriate? | No                     | 91 (60.3%)      | 58 (55.2%)  | 33 (71.7%)  |
|    |  | Yes                    | 60 (39.7%)      | 47 (44.8%)  | 13 (28.3%)  |
| 32 | Was the next stage correctly explained in the letter?                          | No                     | 41 (11.7%)      | 32 (14.5%)  | 9 (7.0%)    |
|    |  | Yes                    | 308 (88.3%)     | 188 (85.5%) | 120 (93.0%) |
| 33 | Did the letter contain anything that it should not?                            | No                     | 344 (98.0%)     | 216 (97.7%) | 128 (98.5%) |
|    |  | Yes names of witnesses | 2 (0.6%)        | 1 (0.5%)    | 1 (0.8%)    |
|    |  | Yes other              | 5 (1.4%)        | 4 (1.8%)    | 1 (0.8%)    |



## CPS handling of complaints

| No             | Question   | Answers | Overall results | Stage one   | Stage two   |
|----------------|--|---------|-----------------|-------------|-------------|
| 34             | Was the letter addressed correctly?  | No      | 8 (2.3%)        | 5 (2.3%)    | 3 (2.3%)    |
|                |  | Yes     | 343 (97.7%)     | 216 (97.7%) | 127 (97.7%) |
| 35             | Is the final letter of adequate quality or better?                               | No      | 172 (49.0%)     | 115 (52.0%) | 57 (43.8%)  |
|                |  | Yes     | 179 (51.0%)     | 106 (48.0%) | 73 (56.2%)  |
| Lessons learnt |  |         |                 |             |             |
| 36             | Have any action points or lessons learnt from the complaint recorded on Contact? | No      | 67 (34.9%)      | 48 (40.7%)  | 19 (25.7%)  |
|                |  | Yes     | 125 (65.1%)     | 70 (59.3%)  | 55 (74.3%)  |

# **Annex C**

## **Letters examination questions**

| N                    | Question  | Possible answers   |
|----------------------|---|--|
| <b>Case overview</b> |   |  |
| 1                    | Who was the complainant?  | Victim<br>Witness<br>Defendant<br>Member of judiciary<br>Court staff<br>Police<br>Other<br>Not Known (NK)  |
| 1.1.                 | If the answer for Q1 was 'Other', please specify.                           | *Excluded from the overall data in Annex B as the question was open and generated multiple different answers. Details are available in the 'File Data Complaints Handling 2023' document.  |
| 2                    | Court Type – Crown Court (CC) or magistrates' court (MC)                    | *NA – the information was added during the registration of the letter, so the question became irrelevant; for details, see 'File Data Complaints Handling 2023' document.  |
| 3                    | What was the complaint type?  | Legal<br>Service<br>Mixed  |
| 4                    | What was the cause of the complaint?  | Outcome at court<br>Decision of prosecutor<br>Poor explanation given by CPS<br>Treatment at court<br>Complaint not relating to CPS<br>Other  |
| 4.1.                 | If 'the answer to Q4 is 'Other' please make a full note.                    | *Excluded from the overall data in Annex B as the question was open and generated multiple different answers. Details are available in the 'File Data Complaints Handling 2023' document.  |
| <b>Timeliness</b>    |   |  |
| 5                    | Date and time complaint was received by the Crown Prosecution Service (CPS) | *This question required the inspectors to note the exact date and time of when the complaint was received to help them answer correctly question 6; the answers were used as aide memoire only and for this reason, the entries were excluded from the published data. |

## CPS handling of complaints

| N     | Question  | Possible answers  |
|-------|---|---|
| 6     | Was the date and time of the complaint entered onto Contact the same as the date and time the complaint was received by CPS?  | Yes<br>No<br>Not known  |
| 7     | If there was a disparity between the date and time the complaint was received by the CPS and the date and time recorded on Contact, please specify the time difference. | Less than 24 hours<br>1 to 3 days<br>4 to 5 days<br>6 days or longer<br>Not applicable<br>Not known   |
| 8     | How did the complainant raise the complaint?  | Online portal<br>Letter<br>Email<br>Telephone call<br>Complaint Form  |
| 9     | Was the triage completed within 24 hours of receipt?  | Yes<br>No<br>Not applicable   |
| 10    | Was the complaint acknowledged within 3 working days?   | Yes<br>No   |
| 10.1  | If Q10 answer was 'No', please indicate in how long was the delay)  | Less than 24 hours<br>1 to 3 days<br>4 to 5 days<br>6 days or longer<br>There was no acknowledgement letter<br>Not applicable   |
| 11    | Was the complaint passed to the responding manager within three working days of receipt?  | Yes<br>No – it was passed to the manager on day 4<br>No – it was passed to the manager between day 5 and 7<br>No – it was passed to the manager on or after day 8<br>Not known            |
| 12    | Was the responding manager given the correct date for response?   | Yes<br>No<br>Not known  |
| 13    | Was clarification requested?  | Yes<br>No   |
| 13.1. | When clarification has been requested; please note the date clarification was requested and the date the answer was received.   | *Excluded from the overall data in Annex B as the question was open and generated multiple different answers. Details are available in the 'File Data Complaints Handling 2023' document. |

## CPS handling of complaints

| N                      | Question  | Possible answers  |
|------------------------|---|---|
| 14                     | Did the manager conducting the quality assurance return the draft response letter to the complaints coordinator by 11am on day 17 from complaint receipt? | Yes<br>No<br>Not known  |
| 15                     | The holding letter was sent before the deadline for the final response.   | Yes<br>No – it was sent late<br>No – there was no letter sent<br>Not applicable   |
| 15.1.                  | If Q15 answer was 'No – it was sent late', please make a note in of how long after the deadline for the final response the holding letter was sent.       | *Excluded from the overall data in Annex B as the question was open and generated multiple different answers. Details are available in the 'File Data Complaints Handling 2023' document. |
| 16                     | Did the holding letter have an explanation for the delay?   | Yes<br>No<br>Not applicable   |
| 17                     | Did the holding letter give the date the final response would be provided?  | Yes<br>No<br>Not applicable   |
| 18                     | Did the complaints coordinator send the final response to the complainant within the relevant timescale?  | Yes<br>Yes – as per holding letter<br>No<br>No-as per holding letter  |
| 19                     | When the letter was not sent within the deadline, how late was the letter sent?   | Less than 24 hours<br>1 to 3 days<br>4 to 5 days<br>6 days or longer<br>Not applicable  |
| Quality of the letters |   |   |
| 20                     | Did the manager conducting quality assurance improve the quality of the draft letter?   | Yes<br>No<br>NK<br>Not applicable   |
| 20.1.                  | Please make a full note detailing how the quality of the letter has been worsened.  | *Excluded from the overall data in Annex B as the question was open and generated multiple different answers. Details are available in the 'File Data Complaints Handling 2023' document. |
| 21                     | Did the quality assurance by the complaints coordinator improve the quality of the draft letter?  | Yes<br>No<br>Not known<br>Not applicable  |

| N     | Question   | Possible answers  |
|-------|--|---|
| 21.1. | Please make a full note detailing how the quality of the letter has been worsened. | *Excluded from the overall data in Annex B as the question was open and generated multiple different answers. Details are available in the 'File Data Complaints Handling 2023' document. |
| 22    | Did the final response contain spelling mistakes?                                  | Yes<br>No   |
| 22.1. | Please make a note of how many spelling mistakes the letter contained)             |   |
| 23    | Did the final letter contain grammatical errors?                                   | Yes<br>No   |
| 24    | Did the final letter contain unnecessary legal jargon?                             | Yes<br>No   |
| 25    | Did the final letter contain empathy?  | Yes<br>No   |
| 26    | Was the explanation clear?   | Yes<br>No   |
| 27    | Did the letter acknowledge mistakes and offer an apology where appropriate?        | Yes<br>No<br>NA   |
| 28    | Did the letter address all the issues raised in the complaint?                     | Yes<br>No<br>Not known  |
| 29    | Did the letter offer a prompt and proportionate remedy where appropriate?          | Yes<br>No<br>Not applicable   |
| 30    | Did the letter offer a meeting where appropriate?                                  | Yes<br>No<br>Not applicable   |
| 31    | Did the CPS signpost contact information for other agencies where appropriate?     | Yes<br>No<br>Not applicable<br>Not known  |
| 32    | Was the next stage correctly explained in the letter?                              | Yes<br>No<br>Not applicable<br>Not known  |
| 33    | Did the letter contain anything that it should not?                                | Yes – name of suspects not yet charged<br>Yes - name of youth defendants<br>Yes - name of victims in rape cases<br>Yes – names of witnesses   |

## CPS handling of complaints

| N              | Question   | Possible answers  |
|----------------|--|---|
|                |  | Yes – other<br>No   |
| 33.1.          | If the answer to Q33 was 'Yes – Other' please make a full note detailing what did the letter contain that it shouldn't have. | *Excluded from the overall data in Annex B as the question was open and generated multiple different answers. Details are available in the 'File Data Complaints Handling 2023' document. |
| 34             | Was the letter addressed correctly?  | Yes<br>No   |
| 35             | Is the final letter of adequate quality or better?   | Yes<br>No   |
| Lessons learnt |  |   |
| 36             | Have any action points or lessons learnt from the complaint recorded on Contact?   | Yes<br>No<br>Not known<br>Not applicable  |

# Annex D

## Glossary



## **Area**

The Crown Prosecution Service is divided into 14 geographical Areas across England and Wales. Each Area is led by a Chief Crown Prosecutor, supported by an Area Business Manager.

## **Area Business Manager (ABM)**

The most senior non-legal manager at CPS Area level or Division level. The operational delivery profession lead.

## **Barrister/Counsel**

A lawyer with the necessary qualifications to appear in the Crown Court and other criminal courts. They are paid by the CPS to prosecute cases at court, or by the representative of someone accused of a crime to defend them.

## **Case management system (CMS)**

The IT system used by the CPS for case management.

## **Chief Crown Prosecutor (CCP), Deputy Chief Crown Prosecutor (DCCP), Senior District Crown Prosecutor (SDCP), District Crown Prosecutor (DCP)**

Management roles in the CPS in descending order of seniority. The Chief Crown Prosecutor is the legal head of a CPS Area.

## **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.

## **Complaints Coordinator**

An operational delivery role in the CPS Victim Liaison Unit. Complaints coordinators manage the feedback and complaints process.

## **Contact Application**

A computer software package the CPS uses to manage the progress of complaints through its complaints process.

## **Crown Prosecution Service (CPS)**

The principal prosecuting authority in England and Wales, responsible for:

- prosecuting criminal cases investigated by the police and other investigating bodies
- advising the police on cases for possible prosecution
- reviewing cases submitted by the police
- determining any charges in more serious or complex cases.
- preparing cases for court
- and presenting cases at court.

## **Defendant**

Someone accused of and charged with a criminal offence.

## **Full Code test**

A method by which a prosecutor decides whether 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 and 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.

## **His 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.

## **Independent Assessor of Complaints (IAC)**

The Independent Assessor of Complaints is responsible for the handling and investigation of complaints from members of the public in relation to the quality of service provided by the CPS and its adherence to its complaints procedure. The IAC deals with complainants who have exhausted the CPS complaints procedure and who remain dissatisfied with the outcome.

### **Individual Learning Account**

An allowance of £350 per person, per year, which CPS employees can access for professional development.

### **Key stakeholders**

The organisations and people with whom the CPS engages, such as the police, courts, the judiciary, and victim and witness services.

### **Knowledge Information Management (KIM)**

The method by which an organisation gathers, categorises, shares, and maintains its resources, documents and other electronically stored materials. The CPS KIM site has now been superseded by the Microsoft SharePoint service.

### **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. The aim is to improve the delivery of justice at a local level and better support victims and witnesses.

### **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.

### **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 meets, or continues to meet, the legal standard for prosecution set out in the Code for Crown Prosecutors. This is one of the most important functions of the CPS.

### **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 allows a range of special measures. These enable vulnerable or intimidated witnesses in criminal trials to give the 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 on how to complete particular tasks or actions. They cover legal and business aspects of running the CPS. There are a range of SOPs which are standard across the organisation. Their purpose is 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.

### **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. It operates under the Victim Communication and Liaison scheme, upholds the

Victims' Right to Review, responds to complaints and oversees the service to bereaved families.

### **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' experiences 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 specially 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 is the right to request a review of a final decision. It is not a guarantee that proceedings will be instituted or reinstated.

### **Vulnerable and/or intimidated witnesses**

Those witnesses who require particular support 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.

**Title**

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