



HMCPSI

HM Crown Prosecution
Service Inspectorate

Area inspection programme

CPS London North

Baseline assessment

May 2022

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HMCPsi Publication No. CP001: 1295

Who we are

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

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

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

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1. Summary

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

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

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

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

1.4. This report sets out our findings for CPS London North.

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

1.6. London North has experienced a significant increase in caseload numbers following the first lockdown in March 2020. Live cases in the magistrates' court unit were recorded as 9,868 cases in the last full quarter prior to March 2020 and had risen to 13,789 cases in the most recent reported data; an increase of 39.7%. This increase was much less than that seen in the initial period following the first lockdown; there were 17,962 live cases in the magistrates' court team in the July-September performance figures, an increase of 82.0%.

1.7. Crown Court live cases increased from 4,641 cases in the last full quarter prior to March 2020, to 9,547 cases in the data up to September 2021; an increase of 105.7%. Case numbers had already been rising pre-pandemic, further reducing the capacity of the Area to deal with the increase caused by the pandemic response. Case numbers are still rising, although now at a slower rate.

The burdens of dealing with higher caseloads and an increase in custody cases came at the same time as substantial resourcing challenges

1.8. All cases require time and attention from lawyers, paralegals, and operational delivery staff, but the Area is also contending with the additional burdens placed on it by the increased number of cases where the defendant has been denied bail, and a custody time limit (CTL) is running. The Area has experienced a significant increase in CTL cases and, as of 8 December 2021, it had 1,211 CTL cases, an increase of 37.1% since 1 April 2020. The Area undertakes

additional monitoring and assurance of CTL cases to ensure any necessary work is completed and to minimise the risk of a CTL being breached. If the trial cannot be accommodated within the CTL, as is often the case with reduced courtroom availability, the CPS can make an application to extend the CTL.

1.9. This all requires further work, creating an additional burden on staff. The Area confirmed managing the risk inherent in cases with CTLs is their largest current priority, taking both prosecutor and management time. A temporary Senior District Crown Prosecutor has been appointed specifically to lead on an Area-wide audit and the strategy to improve the handling of CTL cases.

1.10. The burdens of dealing with higher caseloads and an increase in custody cases came at the same time as substantial resourcing challenges. Around the country, work attendance levels were affected by Covid-19 infection, shielding and isolating, and home-schooling. This was replicated in CPS London North, where the average number of working days lost rose from 4.7 in the quarter ending March 2020 to 7.5 in the quarter ending December 2021; an increase of 59.6%.

1.11. In addition to the abstractions, the Area experienced significant staff turnover. In the year to September 2021, the Area recorded 7.9% of its staff (including legal staff) leaving as a percentage of headcount. This meant that a recruitment drive was necessary, which took place during the pandemic, and led to 63 external lawyers being recruited. Despite this, the number of lawyers in the Area only increased by 22 overall because of prosecutors leaving CPS London North to take other jobs or to retire. The Area brought in barristers on short-term secondments to meet the challenge of the increase in case numbers. While this

proved invaluable in the short term, as the barristers returned to the self-employed bar, it resulted in additional staff turnover.

1.12. The senior management team in the Area also changed a great deal during this period. The Chief Crown Prosecutor started in his role shortly before lockdown commenced. Two Deputy Chief Crown Prosecutors have also been appointed since the initial lockdown period. There has been significant movement in the Senior District Crown Prosecutor (SDCP) and District Crown Prosecutor (DCP) grades, which has had an impact on the management of the casework teams.

**live case numbers
continue to rise in the
Crown Court unit as
delayed cases still
work through the
criminal justice system**

1.13. A frequent result of all the change was inexperienced line managers supervising inexperienced front-line staff and dealing with the heightened pressures of increasing caseloads. Innovative solutions have been deployed to address this situation, however the loss of experience during this period of acute pressure while staff were working remotely was an additional issue for the Area to contend with.

It is inevitable that the combination of all these factors impacted upon the Area's ability to drive and sustain improvement to casework quality.

1.14. At the time of writing, the magistrates' court live caseload has been falling over several quarters. However, live case numbers continue to rise in the Crown Court unit as delayed cases still work through the criminal justice system.

1.15. The Area will no doubt look to improve casework quality as caseloads return to pre-pandemic levels, which currently appears a closer prospect in the magistrates' courts than in the Crown Court. Throughout the inspection, there were examples of excellent casework across all units, indicating there is scope for optimism that this can be replicated more widely as case numbers fall and staff become more established in their roles.

Added value and grip

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

1.17. Table 1 shows our baseline assessment of CPS London North's added value and grip.

Table 1: Baseline assessment of CPS London North

CPS London North	Added value	Grip
Magistrates' courts casework	56.5%	51.4%
Crown Court casework	54.4%	61.9%
Rape and serious sexual offences	66.5%	75.0%

1.18. Overall, our inspection shows that the Area generally makes the right charging decisions and selects the correct charges, reflecting the criminality of the alleged conduct and affording the court adequate sentencing powers. The Area continues post-charge to make review decisions that are compliant with the Code for Crown Prosecutors.

1.19. The Area adds value through its work with victims and witnesses, in particular, seeking appropriate orders at the sentencing exercise to protect victims, witnesses and the public. The Area also adds value in its work completing Disclosure Management Documents on rape and serious sexual offences (RASSO) cases, which help guard against potential miscarriages of justice and ensure cases progress smoothly. All units were good at making appropriate and timely decisions about custody and bail, which is particularly significant given the increased number of custody cases.

1.20. However, there were some aspects where improvement is called for, most notably in the magistrates' court and Crown Court teams' pre-charge consideration of case strategy and analysis. It is not surprising that an Area working under increased pressure would find detailed analysis and strategy becoming less of a focus, but it is this analysis and strategy that builds a prosecution to a successful conclusion and supports better care of victims and witnesses. Post-charge reviews also require improvement, with many not rectifying any issues that remained following the pre-charge review. Across all units, initial disclosure was also not of an adequate standard.

1.21. To improve the value added in its Crown Court and RASSO casework, the Area needs to increase the number and quality of reviews that take place at

the service of the prosecution case. Initial disclosure requires further work across all units, in particular, prosecutors challenging police schedules of unused material where obvious items of unused material are omitted. The quality and appropriate usage of legal applications to strengthen the prosecution case also requires remedial work across all units.

1.22. Good grip was apparent in RASSO casework, as shown in Table 1. All units achieved a notable degree of success in the correct and timely warning of witnesses for court, an endeavour that became more complicated with the introduction of Nightingale courts and frequent changes to trial dates. Likewise, the RASSO unit were able to continue conferences with counsel and any experts on relevant cases despite the lockdown restrictions, ensuring a degree of grip on those cases across all parts of the prosecution team.

1.23. To improve grip across casework, the Area needs to work on the preparedness for first hearings in the magistrates' courts and the Crown Court. In Crown Court cases, there was little consideration of acceptable pleas, which hampers the possibility of resolving the case in an appropriate way at an early stage. Compliance with court orders in the magistrates' court unit also required improvement, with directions to serve the evidence and initial disclosure (which were usually more relevant to overnight custody cases) often not adhered to until after the due date and close to the trial.

Casework themes

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

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

1.25. Some of the aspects for improvement we have identified could be seen simply as a matter of record keeping. We do not share this view. A consistently high standard of recorded actions, case analysis, and disclosure and other

¹ See annex F for scoring methodology.

casework decisions promotes legal rigour and is more likely to identify flaws in reasoning before a decision is made, or to identify weaknesses or other issues in the case that need addressing. A good standard of reviews also reduces the need for later reworking by others and allows legal managers to understand how those they manage are arriving at their legal decisions, and thus identify development or training needs.

Pre-charge decisions and reviews

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

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

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

1.28. In our file sample, we found that 70 of the Area’s 74 charging decisions² (94.6%) complied with the Code for Crown Prosecutors at the pre-charge stage. Within the different teams, the Code compliance rates were:

- magistrates’ courts cases: 95.5%
- Crown Court cases: 91.2%
- RASSO cases: 100%.

1.29. While getting the initial charging decision correct is essential, a clear analysis of the material and a thoughtful case strategy are also fundamental to the efficiency and effectiveness of the subsequent stages. These elements support the initial application of the Code for Crown Prosecutors and selection of charges as the case moves through the criminal justice system. A case strategy should ‘tell the story’, encompassing what the case is about, and should set out

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

how to address potentially undermining material – such as material undermining the credibility of a victim or witness, or which supports likely lines of defence.

1.30. We found that the quality of pre-charge reviews required improvement in both the magistrates' court and Crown Court units. Reviews often failed to consider key matters such as issues raised or likely to be raised by the defence, and any unused material. Often, the reviewer did not provide adequate instructions to advocates for the first hearing. In contrast, the RASSO unit was found to be fully meeting the required standard in consideration of unused material at the pre-charge stage. RASSO pre-charge reviews were also strong at setting action plans for the police to ensure all relevant material had been provided and reasonable lines of enquiry had been pursued. The magistrates' court and Crown Court units' action plans were much weaker.

1.31. In our file examination, the ratings for the theme of pre-charge analysis were 38.6% in magistrates' court casework, 44.8% in Crown Court casework, and 64.4% in RASSO casework. Those translated, according to our scoring mechanism into assessments for the magistrates' court and Crown Court units as not meeting the required standard for pre-charge review and the RASSO unit as partially meeting the standard.

Post-charge decisions and reviews

1.32. As with pre-charge reviews, the quality of ongoing reviews and strategy is of critical importance to the effective and efficient progress of cases through the criminal justice system. In our file sample, we found that 93.3% of the Area's 90 post-charge decisions complied with the Code for Crown Prosecutors. Within the different teams, the Code compliance rates were:

- magistrates' court cases: 90.0%
- Crown Court cases: 92.5%
- RASSO cases: 100%.

1.33. In cases that are expected to be concluded in the magistrates' court a review should usually be undertaken before the first hearing which we refer to as the 'initial review'. The standard of initial review in the magistrates' courts unit was weak. The equivalent review in the Crown Court unit (which is the post-sending review) was better but still inconsistent, with the post-sending reviews in the RASSO unit best of the three casework types. Overall, 30.0% of the Area's cases were assessed as fully meeting the standard for the initial review, 20.0% as partially meeting the standard, and 50.0% as not meeting the standard.

1.34. In the magistrates' court files, there were frequently no initial reviews undertaken, leading to the weaker ratings. In all three units there were examples of the pre-charge review being copied into the post-charge review without the prosecutor considering issues or developments or rectifying any omissions or flaws in the pre-charge review. Post-charge reviews in the RASSO team were assessed as fully meeting the standard more often than in the magistrates' court and Crown Court teams. In the RASSO sample, we assessed as either partially or fully meeting the required standard all the post-charge reviews that were not simply a copy and paste of the pre-charge review. This demonstrates the Area has the ability to reappraise the case strategy and evidential analysis but needs to ensure this is consistent and replicated this across all teams.

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

1.36. Very few of the Crown Court or RASSO cases in our sample had a stage 1 service review, with the result that 79.4% of Crown Court cases and 88.2% of RASSO cases were assessed by inspectors as not meeting the required standard.

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

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

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

1.39. In Crown Court and RASSO cases in particular, significant event reviews were often not taking place when they should. Across the whole file sample, we rated 31.1% of significant event reviews as fully meeting the standard, with 20.0% partially meeting the standard and the remaining 48.9% not meeting the

standard. On-going reviews were much better in the magistrates' court team, with 70% of relevant cases assessed as fully meeting the standard, compared to 21.7% fully meeting the standard in Crown Court cases, and 16.7% in RASSO cases.

1.40. An example of the good approach in the magistrates' court unit was a case where the defendant, a security guard, was alleged to have assaulted another staff member at the store where they both worked. A third employee provided a statement detailing the aftermath, however later stated that giving evidence would affect her health and she therefore did not wish to attend court. The reviewing lawyer considered the hearsay provisions, determining that they were not satisfied. The prosecutor considered the evidence of the witness and the case strategy, deciding their evidence was not fundamental and the case should proceed without them being summonsed. This information was relayed to the defence and witness care unit was updated. The case was able to proceed to trial without any objection or delay.

1.41. Timely and appropriate decisions about bail and custody were dealt with well in difficult circumstances. In magistrates' court cases, we assessed 60.0% of cases as fully meeting the required standard, 33.3% as partially meeting the standard and 6.7% as not meeting the standard. In Crown Court cases, we rated 62.5% as fully meeting the standard, with 32.5% partially meeting the standard and 5% not meeting the standard. The findings were not as good in the RASSO unit, with 45.0% fully meeting the standard, 50.0% partially meeting the standard and the remaining 5.0% not meeting the standard. In the RASSO unit, a failure to consider appropriate bail conditions as part of the pre-charge review often resulted in relatively low scores.

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

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

1.43. The overall assessment of the Crown Court unit's preparation for the PTPH was that it was not meeting the required standard, with a theme score of

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

50.5%. The RASSO unit was assessed as partially meeting the standard with a theme score of 66.8%.

1.44. At the point a prosecutor authorises charges against a suspect, they often make a number of requests to the police for additional material or information that will be required as the case progresses. A common theme across both units was failing to check if the police had responded appropriately to these requests.

1.45. Instructions to advocates were not adequate in the RASSO unit, with 6.3% of cases assessed as fully meeting the standard. There was better performance in the Crown Court unit, with 40.9% meeting the required standard, but across both units we noted a failure to set out whether there were any acceptable pleas.

1.46. There was a lack of engagement with defence firms prior to the PTPH across both units. However, we recognise that the ability to contact the defence was impacted by the pandemic with many defence lawyers being furloughed or experiencing difficulties taking instructions from clients who were shielding, isolating or in custody, where there were problems getting appointments for legal visits.

1.47. Drafting of indictments was a positive feature for the RASSO unit, with 76.5% of cases assessed as fully meeting the standard and 5.9% partially meeting the standard. There were positives in this area for the Crown Court unit as well, with 59.0% of cases fully meeting the standard and 17.9% of cases partially meeting it. Timeliness of the service of key evidence and the indictment in advance of the PTPH was found to be fully meeting the standard in 43.6% of Crown Court cases and partially meeting the standard in a further 30.8% of cases. Timeliness was better in the RASSO unit, with 58.8% of cases assessed as fully meeting the standard and 35.3% of cases partially meeting the standard.

Disclosure of unused material

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

is given copies of or access to material that meets the test for disclosure. This is 'initial disclosure'.

1.49. In the magistrates' courts, the defence may serve a statement setting out the defendant's case. In the Crown Court, the defence must serve such a statement. This is reviewed by the police and CPS, and any additional non-sensitive unused material that meets the test must be disclosed as 'continuing disclosure'.

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

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

Table 2: Compliance with disclosure duties

Results	All cases
Initial disclosure	
Fully meeting the expected standard	17.3%
Partially meeting the expected standard	42.0%
Not meeting the expected standard	40.7%
Continuing disclosure	
Fully meeting the expected standard	41.2%
Partially meeting the expected standard	33.3%
Not meeting the expected standard	25.5%

1.52. As can be seen from Table 2, there is considerable scope for the Area to improve compliance with its disclosure obligations. Performance of initial disclosure duties was weakest in the RASSO unit, where we assessed 10.0% of cases as fully meeting the expected standard. Our rating for the magistrates' court team was that it was fully meeting the standard in 19.2% of cases, and for the Crown Court unit, this was 20.0%.

1.53. The most prevalent reason in each unit for failing to be assessed as fully meeting the standard was failing to identify that the police unused material schedules, especially the non-sensitive schedule, were missing obvious items of unused material. This relates back to the issues we identified at the pre-charge stage with not identifying reasonable lines of enquiry in magistrates' courts and Crown Court action plans. Where the police did not comply with their disclosure obligations, we assessed the feedback to the police as fully meeting the expected standard in 14.5% of cases, as partially meeting it in 39.5% of cases,

and as not meeting the standard in 46.1% of cases. We recognise that prosecutors are hard-pressed, but for the service to the Area to improve, there needs to be accurate feedback and/or escalation of issues at the operational as well as the strategic level.

1.54. Compliance with continuing disclosure obligations was more positive. Only two magistrates' court cases required continuing disclosure (one was assessed as fully meeting the standard and one as not meeting the standard). In the Crown Court, 37.5% of relevant cases were assessed as fully meeting the standard, with 28.1% partially meeting the standard and 34.4% not meeting the standard. In the RASSO unit, compliance had improved markedly from initial disclosure, with 47.1% fully meeting the standard, 47.1% partially meeting the standard and 5.9% not meeting the standard.

Victims and witnesses

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

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

1.57. There were strengths for the Area across all units in respect of the service provided to victims and witnesses post charge. In 74.4% of cases, the Area was assessed as fully meeting the standard for seeking appropriate orders to protect victims, witnesses, and the public, and a further 15.4% of cases were assessed as partially meeting the standard. In often difficult circumstances, with trials being moved owing to the Covid-19 impact on courts, the timely and appropriate warning of witnesses was a particularly positive aspect of casework, with 76.0% of cases fully meeting the required standard.

1.58. There was a mixed picture across all units regarding the steps taken by the prosecution to achieve best evidence by making appropriate applications for special measures. The Crown Court unit performed best with 52.6% fully meeting the standard, 31.6% partially meeting the standard and 15.8% not meeting the standard. In the magistrates' court, we rated 23.1% of cases as fully meeting the standard, 53.8% as partially meeting the standard and the

remaining 23.1% as not meeting the standard. In the RASSO unit, 29.4% of cases were rated as fully meeting the standard, with 35.3% partially meeting the standard and 35.3% not meeting the standard.

1.59. Improvements are needed in victim communication letters in respect of both timeliness and quality. Overall, we assessed 57.7% of letters as fully meeting the required standard for being sent on time, 11.5% as partially meeting the standard and 30.8% as not meeting the standard. The latter included where a letter should have been sent but was not. For the quality of letters, we assessed 42.9% of cases as fully meeting the standard, 28.6% as partially meeting the standard and 28.6% as not meeting the standard.

2. Context and background

Background to the inspection

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

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

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

2.4. This report sets out the findings of the initial baseline inspection of CPS London North, assessing current performance against the inspection framework and deriving scores from our judgements of the added value and grip displayed by the Area in its casework. The scoring mechanism is set out in more detail in chapter 3 and annex F.

2.5. A complicating factor in establishing a baseline and assessing current performance is the very real and ongoing pressure on the CPS as a result of the global Covid-19 pandemic. We were mindful of potentially adding to the burden

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

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

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

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

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

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

faced by the CPS, but it is the role of HMCPsi, as a criminal justice inspectorate, to report on the effectiveness and efficiency of the agencies it inspects. This inspection programme needs to reflect the pressures and burdens being faced by the CPS, but equally has to weigh compliance with the requirement for high-quality legal decision-making and case management. This is what the public deserves.

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

The current landscape and the Covid-19 pandemic

2.7. The global pandemic has had a significant impact on the CPS and the wider criminal justice system. Court closures during the first UK-wide lockdown from March to May 2020 resulted in significant backlogs in cases awaiting hearings and an increase in caseloads for all case types within the CPS. Beyond the lockdown periods, courts continued to have very limited trial capacity, owing largely to the practical effect of social distancing requirements. Since the initial lockdown, there have been more national and local lockdowns across the UK.

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

2.9. From June 2020, prosecutors attended many magistrates' court hearings in person to prosecute cases, including trials, as well as using the cloud video platform (CVP), Her Majesty's Courts and Tribunals Service's video application, to facilitate remote hearings. There has been a drive to reduce the backlogs in the magistrates' courts, which has been successful but has brought with it added pressure for the CPS to deal with an increased number of cases, within a short period of time, with the same resources.

⁷ *CPS response to COVID-19: 16 March to 8 May 2020*; HMCPsi; June 2020.
www.justiceinspectorates.gov.uk/hmcpsi/inspections/cps-reponse-to-covid-19-16-march-to-8-may-2020/

2.10. In the Crown Court, at the early stage of the pandemic, most hearings were confined to administrative hearings using the CVP, with trials only starting to be listed in nine Crown Court centres. By September 2020, jury trials were being heard in 68 of the 81 Crown Court centres. Nightingale courts⁸ were also set up as one of the measures to address the growing backlogs of Crown Court cases. In London North, there were six additional courtrooms across three separate court centres: Monument Nightingale court, Barbican Nightingale court and Wood Green sitting at Hendon. This meant three additional sites for the Area to staff and service during this time.

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

2.12. Our findings need to be read in the context of the Covid-19 pandemic and the backlogs created by it, but also bearing in mind the other pressures on the Area, such as the increase in average working days lost and staff movement. The Area prosecutes cases investigated by the Metropolitan police and police file quality remains an issue that the Area has to contend with. In our sample, we rated 48.9% of cases submitted as complying with national file standards (NFS) and 40.2% of cases submitted as not complying with the police's disclosure obligations. This results in additional work for the CPS in addressing these deficiencies.

Impact on the Area

Caseloads and backlogs

2.13. CPS London North was affected, as was the CPS nationally, with significant backlogs in the magistrates' courts and Crown Court as a result of the closure of courtrooms during the initial UK-wide lockdown. There were extra cases coming in as the police progressed existing investigations faster and submitted them to the CPS for charging advice, but cases were not being finalised as the courts heard at first no trials, then later, far fewer trials than pre-Covid. This created obvious pressures, particularly given the extra work in

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

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

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

maintaining victim and witness engagement and trial readiness across longer waiting times.

2.14. Table 3 shows the changes between Quarter 1 of 2020-21 (April to June 2020) and Quarter 1 of 2021-22 (April to June 2021) for the number of live cases the Area was carrying in the two teams at the end of each month.

Table 3: Changes in live cases 2020–21

Month	2020 #	2021 #	Difference #	Difference %
Magistrates' courts				
April	8,530	8,296	-234	-2.7%
May	9,913	8,237	-1,676	-16.9%
June	11,052	7,525	-3,527	-31.9%
Crown Court				
April	4,202	9,010	+4,808	+114.4%
May	4,883	9,109	+4,226	+86.5%
June	5,444	9,251	+3,807	+69.9%

2.15. The Area remains significantly affected by the substantial increase in caseload that has occurred over the past year, although the magistrates' court unit has had a considerable degree of success in working through the backlog.

2.16. In April 2020, the Crown Court unit had less than half the live cases that were held on the magistrates' court unit. By June 2021, the Crown Court unit had 22.9% more cases than the magistrates' court unit; we were told by the Area that this is a first for any CPS Area. The Area has also noted that in cases where a defendant is allowed to elect a trial before a jury in the Crown Court, there has been an increased number of defendants who are choosing to do so. There has also been a significant reduction in early guilty pleas in the Crown Court. It is possible, the substantially delayed trial dates in the Crown Court are influencing both these decisions by defendants.

2.17. As can be seen in Table 3, the fluctuations in caseload have not been consistent in either the courts affected or the timings of the increases. This has resulted in the Area needing to redeploy staff to meet the change in work demand. This creates a degree of instability and can result in prosecutors with less experience dealing with more complex casework than they would usually be exposed to. The Area is aware of the increase in case numbers that prosecutors are experiencing and holds weekly management meetings to consider allocations and respond to the movement of casework pressures.

2.18. As we discuss in paragraph 2.8, a number of police forces used the opportunity of reduced crime levels which occurred during lockdowns to work on outstanding cases. This meant charging receipts increased and the relative increases per court unit are documented below. The increase in receipts was mostly acutely felt in the Crown Court unit. The Area reallocated Crown Advocate resources to charging reviews in order to assist.

Magistrates' courts

2.19. There was a 24.3% increase in the magistrates' court live caseload from quarter 1 of 2020-21 to quarter 2 of 2021-22. Over the same period, receipts decreased by 31.3%

The Crown Court

2.20. There was an 87.8% increase in the Crown Court live caseload from quarter 1 of 2020-21 to quarter 2 of 2021-22. Over the same period, receipts rose by 18.5%

Rape and serious sexual offences

2.21. There was a 290.0% increase in the RASSO caseload from quarter 1 of 2020-21 to quarter 2 of 2021-22. RASSO receipts increased by 13.6% between quarter 1 of 2020-21 and quarter 2 of 2021-22.

Staffing

2.22. The increase in caseloads has coincided with an increase in staff turnover. The number of staff leaving as a percentage of headcount increased from 4.4% of all staff in the year ending September 2020 to 7.9% in the year ending September 2021. We were told that in the quarter from October to December 2021, 23 Senior Crown Prosecutors left the Area resulting in other staff needing to be moved into different units to cover shortfalls as they arose.

2.23. It is understandable that casework quality will be impacted by the loss of staff and the necessary movement of staff away from units where they had built up expertise.

Management

2.24. Along with the changes of frontline staff, there has also been significant movement in the management cadre. The Chief Crown Prosecutor began in post shortly before the Covid-19 lockdown and two out of the three Deputy Chief Crown Prosecutors began their role during the lockdown period. Half the District Crown Prosecutors presently in post were appointed in the last three years and over a third were appointed since the pandemic began. The number of new members in the management team, particularly given the amount of home working now in place, risks leaving staff feeling detached from senior managers

and leaders. It also provides an additional challenge for the senior management team in resolving any casework quality issues.

2.25. In our meeting, the Area was aware of the issues that such extensive “churn” across all grades of staff was creating. Work is being undertaken to ensure new staff members are being supervised by the more experienced line managers, and that newer line managers receive training and support to upskill them.

Defence

2.26. The criminal defence community practicing in London North courts is particularly disparate. This makes engaging on a strategic level difficult. In a recent initiative ahead of a trial ‘blitz’ at Highbury Magistrates’ Court, every defence firm representing one of the suspects in the 135 planned trials was contacted to offer the opportunity of discussing the case ahead of the hearing. None of the defence firms accepted the offer.

2.27. Along with numerous other people around the country, between March 2020 and September 2021, many defence solicitors were furloughed making engagement difficult on a practical level.

Counsel

2.28. The backlog in cases going through the court process has made instructing counsel more challenging because their availability has dropped while they are servicing their own increased caseloads. The recent Independent Review of Criminal Legal Aid by Sir Christopher Bellamy details on a national level the decline in self-employed barristers who were paid for completing publicly funded criminal work. The relative shortage of available advocates has, at times, resulted in the Area accepting, rather than choosing, trial counsel.

Custody time limits

2.29. Where a defendant is refused bail while awaiting trial, they are subject to custody time limits (CTLs). This means the defendant can only be held in custody prior to the start of a trial for a stipulated number of days. The imposition of this time limit creates pressure on the prosecution to undertake all necessary work within the time frame, and this has been exacerbated by the other pressures of the pandemic we discuss in this chapter. The Area is particularly burdened in this respect because it carries the highest number of CTL cases of any CPS Area. Since 1 April 2020, the Area has experienced a 37.1% increase in its CTL cases.

2.30. As trials, including custody trials, were not able to be progressed when courts were closed, any new CTLs were temporarily extended nationally. The

temporary extension has now ended, so all new cases carry the pre-existing time limits. A consequence of this is that the Area is now facing the concertina effect of cases with the extended time limit and those with shorter time limits coming to the CTL expiry at the same point. The result is more work for the Area in managing time limits and making applications to extend CTLs where appropriate. Many cases have required multiple CTL extension applications which further impacts on the work pressures Crown Court prosecutors are under. The Area recognises the risks that CTL cases represent to the victim, witnesses and the public, and has been scrupulous in monitoring and auditing CTL cases to ensure they are progressed expeditiously, and extensions sought in relevant cases.

Moving forward

2.31. There remain significant pressures on the London North Area, particularly in the Crown Court unit. The backlog itself creates additional problems, such as the reduced availability of counsel or the inability of the court to accommodate a custody trial within the CTL. We were told by the Area of a lack of court rooms and Judges, which will hamper efforts to work through the backlog.

Police service to the Area

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

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

2.34. The quality of files submitted by the Metropolitan Police Service (MPS) is a big challenge for the Area. The MPS has committed to improve and has allocated £200,000 for a separate case management team to process and progress action plans. This work originally began with cases sent to the Area for a charging decision, but at the start of 2021, expanded to post-charge file submissions.

2.35. Where the police submission does not meet agreed standards, as we found was often the case in our file sample, it creates more work for the Area in tasking further actions, carrying out remedial work, and reporting back to the police on deficiencies. This burden falls on operational delivery staff and prosecutors alike, at a time when they are already facing considerable challenges. They are to be commended for their dedication.

Performance data

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

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

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

3. Framework and methodology

Inspection framework

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

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

Methodology

File examination

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

3.4. The file sample composition is set out in annex E. We selected the cases according to these criteria to ensure the same balance of successful and unsuccessful outcomes, and of sensitive and non-sensitive case types for each Area. We chose live cases for 10% of the file sample to enable us to examine cases that were affected by pandemic pressures, particularly pressures in listing practices. Most of the remaining 90% were finalised in April and May 2021, although we had to obtain some cases from July 2021 to find sufficient cases in a few instances; these were seven magistrates' court cases, six Crown Court cases and two cases from the RASSO unit. Within the criteria, cases were chosen at random.

¹⁰ CPS 2025 is the CPS's strategy and vision for where it wants to be in 2025.
www.cps.gov.uk/sites/default/files/documents/publications/CPS-2025-strategy.pdf

3.5. Each case was examined by an experienced legal inspector against a set of 60 questions, with guidance to ensure a common understanding of how to apply the questions to the cases. The work was assessed as fully meeting the expected standard, partially meeting the standard or not meeting the standard.

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

Other inspection activity

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

3.8. We also attended virtually the Area's casework quality board meeting on 14 October 2021 to better understand how the Area views its casework quality and the improvement work going on in the Area.

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

Quality assurance

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

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

3.12. As set out in detail in our methodology, we follow a robust quality assurance process for cases where we reach a provisional conclusion that a decision to charge, proceed to trial, accept pleas, or discontinue was not in compliance with the Code for Crown Prosecutors. The process involves two

¹¹ *Inspection handbook*; HMCPsi; January 2021.
www.justiceinspectorates.gov.uk/hmcp/psi/wp-content/uploads/sites/3/2021/02/HMCPsi-Inspection-handbook.docx

stages of internal review and between one and three stages of consultation with the CPS on our provisional finding. The number of consultation stages depends on whether the Area agrees with our provisional finding and, where we cannot agree, how many stages the Area wishes to invoke. Ultimately, the decision is ours.

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

Scoring

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

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

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

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

¹² See annex D for the full question set.

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

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

4. Key stages in a prosecution case

Pre-charge decision-making

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

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

Complying with the Code

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

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

4.5. Prosecutors must be fair and objective, considering each case on its merits. It is the duty of the prosecutor to make sure that the right person is prosecuted for the right offence and to bring offenders to justice wherever possible. Prosecutors must make sure that the law is properly applied, that relevant evidence is put before the court and that the obligations of disclosure are met.

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

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

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

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

Selecting the most appropriate charges

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

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

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

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

4.12. Charging standards set by the CPS also help prosecutors select charges in some types of offending. One example is the charging standard for offences against the person. This standard helps to ensure a consistent approach in

cases where the circumstances of an assault would fit either a charge of common assault by beating – an offence that can be tried only in the magistrates' courts – or an assault occasioning actual bodily harm: an offence that can be tried either in the magistrates' courts or the Crown Court, and which attracts a greater maximum sentence.

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

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

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

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

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

- It sets out a clear trial strategy demonstrating how each of the essential legal elements of the offence were to be proved (or could not be proved). In particular, where there were two suspects or more, the prosecutor has considered the case of each one separately and applied the Code individually to all charges, including where joint enterprise was alleged.
- It identifies reasonable lines of enquiry. These can be very different from case to case but often include the need for scientific evidence or examination of communications, for example. The review should also identify those lines of enquiry that may point away from a prosecution. There should be a

proportionate action plan identifying those reasonable lines of enquiry and setting a realistic target date for completion.

- It addresses issues or defences that could reasonably arise and the prosecutor has articulated how they could be countered.
- It addresses relevant issues of admissibility, including hearsay, identification or the significance of hard media.
- The prosecutor has considered the credibility and/or reliability of key witnesses, including previous convictions and past reports to the police. Where a video-recorded interview took place, it should have been properly assessed.
- It demonstrates that relevant CPS policies were followed: for example, the domestic abuse policy.
- The prosecutor has rationally assessed the strengths and weaknesses of the case and any impact they might have, identifying a strategy for how to address any weaknesses. The review considers any ancillary applications that may strengthen the case, such as bad character evidence of the defendant.
- It considers victim and witness issues.

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

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

- the approach to be taken to bail and/or custody for all suspects, including threshold test conditions, objections to bail, any appropriate conditions of bail and whether or not an appeal against bail being granted was necessary
- which applications and/or ancillary orders were to be made at first hearing or notice given to the court and defence

- advice on representations to the court as to venue, including sentencing guidelines where appropriate
- what possible pleas may be acceptable and the rationale for the approach to be taken
- details of any material that either assists the defence case as it is known at that stage, or undermines the prosecution case, and needs to be disclosed to the defence at the first hearing under the prosecution's common law duties
- what should be included in the initial details of the prosecution case. This is the bundle of material that is served on the defendant or their legal representative before the first hearing in the magistrates' courts¹⁵.

Post-charge decision-making and reviews

Police file quality – the National File Standard

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

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

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

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

Post-charge reviews

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

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

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

Significant events

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

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

4.25. We call this a significant event review.

Stage 1 reviews

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

Preparation for the Plea and Trial Preparation Hearing

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

- Stage 1 – for the service of the bulk of prosecution materials. This date will ordinarily be 50 days (custody cases) or 70 days (bail cases) after sending. This is in line with the timetable for the service of the prosecution case provided in the Crime and Disorder Act (Service of Prosecution Evidence) Regulations 2005. The court does not have the power to abridge this time (without consent) but does have the power to extend it.
- Stage 2 – for the service of the defence's response, including the defence statement and standard witness table. This date will ordinarily be 28 days after stage 1, reflecting the time provided for the service of a defence statement.
- Stage 3 – for the prosecution's response to the defence statement and other defence items. This date will ordinarily be 14 or 28 days after stage 2, depending on the anticipated date of trial.
- Stage 4 – for the defence to provide final materials or make applications that will commonly arise out of prosecution disclosure.

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

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

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

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

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

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

The indictment

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

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

Direct engagement

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

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

¹⁷ Better Case Management; Courts and Tribunals Judiciary; September 2015.
www.judiciary.uk/publications/better-case-management/

Disclosure of unused material

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

Police duties

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

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

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

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

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

Initial disclosure

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

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

Continuing disclosure

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

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

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

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

4.49. Any other material that is provided after that date must also be considered by the prosecutor and either served as evidence or dealt with as unused material. If it falls to be disclosed, it should be served on the defence. If it does not, it should be added to the MG6C schedule, which should be re-served so that the defence is aware of the additional material.

Sensitive material

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

Recording decisions

Disclosure record sheets

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

Disclosure management documents

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

Victims and witnesses

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

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

Before charge

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

After charge

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

Communication with witness care units

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

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

Consulting victims and speaking to witnesses at court

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

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

Victim Personal Statements

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

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

Victim Communication and Liaison scheme letters

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

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

Rape and serious sexual offences

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

Venue

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

Selection of charges

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

The trial advocate's duties

4.66. The CPS and National Police Chiefs' Council have agreed protocols which set an expectation for there to be a conference with the trial advocate in rape and penetrative assault cases. This conference is attended by the CPS, the officer in the case and any expert witnesses.

5. Added value and grip

What are added value and grip?

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

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

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

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

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

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

Added value

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

- the decision to charge and with what offence
- decisions about admissibility and credibility of evidence
- choosing, and clearly and correctly drafting, the counts to be faced by defendants on indictment in cases to be heard at the Crown Court
- good quality reviews including, at all stages, a cogent and clear analysis of the case – which includes whether the prosecutor has, in each case:
 - analysed the material
 - identified additional lines of enquiry, including those that might point away from a prosecution, and asked the police to investigate further
 - considered any defence raised, identified ways to strengthen the case and also addressed how any weaknesses might be overcome
 - a clear strategy for trial in contested cases, by which we mean how the case will be presented at trial
- appropriate handling and decision-making around unused material throughout the case
- effective consideration and decision-making around victim and prosecution witness issues, including seeking appropriate orders to protect the victim, witnesses and the public
- robust and fair decisions about custody and bail
- sound use of applications to strengthen the prosecution case, such as evidence of bad character of the defendant or hearsay evidence.²⁰

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

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

Grip

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

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

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

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

Added value and grip scoring

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

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

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

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

Table 4: Added value and grip scoring

CPS London North	Added value	Grip
Magistrates' court casework	56.5%	51.4%
Crown Court casework	54.4%	61.9%
Rape and serious sexual offences casework	66.5%	75.0%

5.12. These findings need to be seen in the context of the substantial increase in caseloads across all teams, the large court backlogs, the significant staffing changes at all levels and the increasing complexity of Crown Court cases. The Crown Court team was also dealing with over one hundred cases arising from an international operation (Operation Venetic), which dealt with large-scale drug trafficking conspiracies, firearms sales, and other serious offending. The evidence in these cases was derived from the widespread use of encrypted devices called ‘Encrochat’ phones that were thought to be beyond the reach of law enforcement.

Magistrates' court casework added value and grip

5.13. The measure of value added by the Area in respect of its magistrates' court casework was assessed as 56.5%.

5.14. The vast majority of review decisions applied the Code for Crown Prosecutors correctly and defendants were prosecuted for the correct offences. The magistrates' court unit consistently added value in completing reviews and taking appropriate actions where a significant event had impacted on the case. In our file sample, 70.0% of applicable cases were assessed as fully meeting the required standard, with 10.0% of relevant cases partially meeting the standard, and 20.0% not meeting it. Given the speed with which magistrates' court cases can develop, this represented a significant strength. At the conclusion of proceedings, appropriate orders were regularly applied for by the prosecutor in order to protect the victim, witnesses and members of the public, with 81.3% of relevant cases fully meeting the standard and 12.5% of applicable cases partially meeting the standard. However, the overall quality of pre-charge reviews, along with a frequent failure to undertake an initial review and flawed disclosure decision-making, impacted negatively on the value added in magistrates' court casework.

5.15. The measure of grip by the Area in respect of magistrates' court casework was assessed as 51.4%.

5.16. Timeliness of initial review, when this was undertaken, was positive with 77.8% of applicable cases assessed as fully meeting the standard and the remaining 22.2% of cases as partially meeting the standard. The magistrates' court casework also showed success in providing a clear audit trail of key events, decisions and actions taken, with 60% of cases assessed as fully meeting the standard and 30% of cases as partially meeting the standard.

5.17. In our file sample, we found that effective preparation for first hearing required improvement, with 16.7% of cases fully meeting the standard, 23.3% of cases partially meeting the standard and 60.0% of cases not meeting the standard. There was significant overlap between those cases we assessed as not having an initial review, and those which were assessed as not meeting the standard for effective preparation for first hearing. Compliance with court directions was assessed as not meeting the standard in 69.6% of applicable magistrates' court cases.

Crown Court casework added value and grip

5.18. The measure of value added by the Area in respect of its Crown Court casework was assessed as 54.4%.

5.19. The vast majority of review decisions applied the Code for Crown Prosecutors correctly. The correct offences were also selected by prosecutors in most cases, with 65.6% of applicable cases assessed as fully meeting the expected standard. However, in a number of cases, additional offences should have been considered and included.

5.20. In ten of the 40 Crown Court cases we considered, a basis of plea was offered by the defence. We rated the Area as fully meeting the required standard for handling these pleas in 60% of these cases and partially meeting the standard in the remaining 40%. In all cases, we agreed with the decision to accept or reject the plea or basis of plea. The reason for not rating the cases as fully meeting the standard was that they did not record the rationale for the decision.

5.21. The quality of pre- and post-charge reviews requires improvement in order to deliver greater added value. At stage 1, reviews were frequently weak or missing. As a result, 27 out of the 34 applicable Crown Court cases (79.4%) were assessed as not meeting the standard, including 20 where no stage 1 review was undertaken.

5.22. The measure of grip by the Area in respect of its Crown Court casework was assessed as 61.9%.

5.23. We assessed timeliness of the pre-charge decision against the 21-day standard in use in the Area, and measured from the point at which the case was accepted after a triage of the file contents by operational delivery staff. The Area demonstrated good timeliness, with 73.5% of cases fully meeting the standard, 5.9% of cases partially meeting the standard and 20.6% of cases not meeting the standard. The Crown Court unit also ensured that any hard media was shared with all relevant parties prior to the PTPH hearing in 66.7% of cases. We assessed the unit as partially meeting the standard in a further 23.3% of cases, which includes where not all hard media was served or where it was not served on all the relevant parties. None of the PTPHs in our file sample were ineffective because of a failure to serve hard media.

5.24. During the life of a case, evidential or public interest considerations often alter which requires the prosecution to assess whether the relevant tests in the Code for Crown Prosecutors remains satisfied. Where these changes meant that the case had to be discontinued, the Area recognised this and acted upon it promptly in 68.8% of the applicable cases. We rated 18.8% as partially meeting

the standard for timeliness, which meant that, while the decision could have been made sooner, any delay did not have an adverse impact on victims or witnesses, the defence, the police or the court. In the remaining two cases (12.5%), the delay did impact on one or more of the parties involved.

5.25. As with the magistrates' court unit, we discovered a weakness in preparing the case for the first hearing in the Crown Court, which would include preparing the PTPH form and indicating if any alternative pleas to those on the indictment were acceptable. The Area was assessed as fully meeting this standard in 23.1% of cases with a further 23.1% of cases partially meeting the standard and 53.8% of cases not meeting the standard. Following instruction, self-employed counsel is required to provide a written advice on the strength of evidence in the case. In 20 of the 40 Crown Court files we examined, we found that counsel did not provide that advice, and in 15 of the 20 cases without one (75%) the Area did not contact counsel to chase it. We discuss difficulties with instructing counsel owing to their reduced availability in paragraph 2.28.

5.26. Correspondence handling presented a mixed picture in our findings. The Area was good at appropriately reviewing and responding to new material received from the police, with 67.6% of relevant cases assessed as fully meeting the standard and a further 17.6% of cases as partially meeting the standard, and 14.7% of cases as not meeting it. The response to either witness care unit messages or communications from the court and defence was not as good, with 40.0% and 41.2% of relevant cases, respectively, assessed as fully meeting the required standard.

Rape and serious sexual offences casework added value and grip

5.27. The measure of value added by the Area in respect of its RASSO casework was 66.5%.

5.28. All decisions applied the Code for Crown Prosecutors correctly. Almost all defendants (88.9%) were prosecuted for the correct offences which is very positive, given the challenge of selecting the correct charges for RASSO cases, as we discuss in chapter 4. The quality of pre- and post-charge reviews was better than in magistrates' court and Crown Court cases, which was reflected in higher proportions of cases assessed as fully meeting the expected standard for pre-charge strategy and analysis (55.6%) and post-sending review (50.0%). However, these ratings of fully meeting the standard still show room for improvement.

5.29. Setting appropriate action plans to obtain all relevant evidence and any unused material is a significant feature of any RASSO unit. The Area did well in

this regard, with 70.6% of cases in our sample assessed as fully meeting the standard, 29.4% of cases as partially meeting the standard and no cases assessed as not meeting the standard. The RASSO team was also successful in properly drafting indictments, again an area that can require particular skill given the frequent complexity of RASSO cases. We rated 76.5% of indictments as fully meeting the required standard.

5.30. As with the Crown Court sample, a failure to undertake a stage 1 review in RASSO cases impacted on the ratings, with 15 of the 17 expected stage 1 reviews in our sample (88.2%) not having been undertaken. We assessed the remaining two cases (11.8%) as fully meeting the standard for the stage 1 review. Significant event reviews were not undertaken in five of the 12 instances that called for one (41.7%). In another five cases (41.7%), a review was done which we assessed as partially meeting the expected standard, leaving two cases (16.7%) where the review was assessed as fully meeting the standard.

5.31. The measure of grip by the Area in respect of its RASSO casework was assessed as 75.0%.

5.32. Case progression in the RASSO unit is good across a range of measures, with the team fully meeting the standard for timeliness of post-sending reviews in 82.4% of cases. Responses to witness care unit communications fully met the standard for being timely and effective in 81.3% of cases, and responses to additional police material with timely and effective actions were found to be fully meeting the standard in 90% of applicable cases. In addition, despite the obstacles presented by the pandemic, inspectors noted that conferences were taking place with counsel in 75.0% of cases where one was required.

5.33. To strengthen grip, the Area needs to improve the readiness for the first Crown Court hearing. We assessed the preparation of RASSO cases for the PTPH as fully meeting the required standard in seven cases (35.0%), as partially meeting the standard in 12 cases (60.0%), and as not meeting it in one case (5.0%).

6. Casework quality: magistrates' courts casework themes

Introduction to magistrates' courts casework

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

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

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

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

Table 5: Scoring for magistrates' courts casework

Question	Rating	%
Pre-charge decision-making and review		
The Area complies with the Code for Crown Prosecutors ²² at pre-charge decision stage	Fully meeting the standard	95.5%
The Area selects the most appropriate charge(s) at pre-charge decision stage	Fully meeting the standard	90.5%
The Area's pre-charge decisions contain a clear analysis of the case and set out a cogent case strategy	Not meeting the standard	38.6%
Quality of post-charge reviews and decision-making		
The Area complies with the Code for Crown Prosecutors post-charge	Fully meeting the standard	90.0%
The Area's post-charge reviews contain a clear analysis of the case and set out a cogent case strategy, including custody and/or bail	Not meeting the standard	48.8%
Disclosure		
The Area fully complies with its duty of disclosure throughout its magistrates' court casework	Not meeting the standard	35.5%
Victims and witnesses		
The Area addresses victim and witness issues appropriately throughout its magistrates' court casework	Partially meeting the standard	68.3%

6.4. Our assessment of magistrates' court casework was that there were aspects of casework that were done well, including:

- compliance with the Code for Crown Prosecutor at charge
- selecting the appropriate charges at the pre-charge stage
- correct and timely warning of witnesses
- securing appropriate orders on conviction to protect victims, witnesses and the public.

²² *Code for Crown Prosecutors, 8th edition*; CPS; October 2018.
www.cps.gov.uk/publication/code-crown-prosecutors

There were other aspects that required more focus, specifically:

- quality of case analysis and case strategy, especially pre-charge
- preparation of the case in advance of the first hearing
- compliance with disclosure obligations at and after charge.

Pre-charge decision-making and review

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

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

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

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

6.7. We rated the Area as fully meeting the standard for this sub-theme of pre-charge decision-making, with 95.5% of the Area pre-charged magistrates' court cases being compliant with the Code for Crown Prosecutors.

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

Rating	Number of cases	Percentage
Fully meeting the required standard	21	95.5%
Not meeting the required standard	1	4.5%

6.8. Inspectors found one wholly unreasonable decision within the 22 Area-charged magistrates' court cases. In that case, the suspect was charged with possession of an offensive weapon in a public place. The item (a sledgehammer) was not offensive in and of itself and had not been adapted to cause injury, and the prosecution did not have evidence to establish that the suspect intended to use it to cause injury. It followed that the prosecution could not prove that it was an offensive weapon. The suspect was acquitted after trial.

Selecting the most appropriate charges

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

6.10. We rated the Area fully meeting the standard for selecting the most appropriate charges at the pre-charge stage, with a score of 90.5%. Of the 22 applicable cases, we assessed 18 cases (85.7%), as fully meeting the required standard, two cases (9.5%) as partially meeting the standard, and one (4.8%) as not meeting the standard. In the three cases marked as falling below the standard, the prosecutor failed to consider and advise on necessary additional charges.

6.11. An example of a good selection of charges in a relatively complex case in the magistrates' court involved the defendant interfering with officers as they tended to a collapsed male. The defendant made racist and homophobic comments to both officers and was subsequently arrested for drunk and disorderly behaviour. The defendant continued making racist and homophobic comments towards the officers before spitting at one, hitting him in the face, and kicking the other. Once restrained and taken to the police station, the suspect was racially abusive to a third officer. The prosecutor prepared a schedule of charges which reflected the continuity of offending against the various victims, including the racist and homophobic aggravating features. The defendant entered a guilty plea at the first hearing and a sentencing uplift for the racist and homophobic abuse was sought by the prosecutor.

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

6.12. Our assessment is that the Area is not meeting the standard for this sub-theme of pre-charge decision-making. Overall, the score for pre-charge review in magistrates' court cases is 38.6%.

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

6.14. The Area faces the dual challenges of increased caseloads and a less experienced workforce. The lack of experience is felt particularly acutely in the magistrates' court unit where new starters will often begin. It is clear the Area is aware of the challenge they face in making sure prosecutors are adequately providing the expected casework quality. An experienced line manager provides weekly training courses around developing case strategy. Each new prosecutor begins in a 'new starter team' where one-to-one meetings take place between the lawyer and their line manager to discuss performance and improvement.

Despite this focus, the pressures and inexperience of some staff in the magistrates' court unit has meant maintaining the expected pre-charge quality standard has been challenging. Casework numbers in the magistrates' court team are now declining. As the effects of the pandemic on absenteeism recede and those new starters gain experience, it is hoped the work the Area is currently doing to improve casework quality will drive results.

Case analysis and strategy

6.15. A frequent finding in the files we inspected was a lack of clear and cogent case strategy and analysis. We rated four out of 22 cases (18.2%) as fully meeting the expected standard, six cases (27.3%) as partially meeting the standard, and the remaining 12 cases (54.5%) as not meeting it.

6.16. There is a clear need for the quality of pre-charge reviews to improve so they add value to the case and enable it to progress towards a successful conclusion. We identified a number of themes in pre-charge decisions, including the following.

- There was a lack of analysis of the evidence and how a case could be proven to the criminal standard. In ten out of 20 cases we examined, where a positive defence was advanced by the defendant in interview, either this was not considered by the prosecutor or, if it was, there was no analysis or strategy as to how it could be disproved. We found prosecutors tended to have a narrow focus, looking only at the prosecution case.
- Cases lacked a strategy for how to set out the prosecution case at trial to secure a conviction. Prosecutors often appeared unsure of what was required in detailing a case strategy, and simply recorded which witnesses to call and/or what hard media to play. This meant reviews lacked a thinking approach for dealing with any weaknesses in the prosecution case.

Case study The defendant was a neighbour of the victim. The defendant parked his vehicle partially obstructing the victim's driveway and she asked him to move the vehicle. The incident, which was captured on another neighbour's CCTV, showed both parties remonstrating with each other. The defendant took a metal pole from his vehicle and waved it around in a threatening manner.

The victim gave a statement saying the defendant was shouting obscenities and struck her with the pole to her arm. The CCTV did not have audio and, while it confirmed some of the account of the victim (that the defendant took hold of a pole and waved it towards her), it did not show the defendant striking the victim with the pole. The defendant stated he picked up the pole as the victim was being threatening towards him and he wished to maintain a distance between her and him.

The prosecutor acknowledged the CCTV did not show the victim being struck with the pole, so authorised charges of threatening behaviour contrary to s.4 Public Order Act 1986.

As the CCTV undermined the victim's account in a key aspect, the prosecutor's review should have included a strategy for disproving the defendant's claim that he was acting in self-defence, and how the prosecution intended to assert the victim was a witness of truth when the CCTV partially undermined that. No strategy or analysis of the evidence was put forward. The review stated: "this will be v's [victim's] word against the s [defendant]" and authorised a Public Order Act offence charge.

While the defendant was convicted after trial, the lack of a strategy at the outset reduced the value added at this pre-charge stage.

Pre-charge disclosure

6.17. For pre-charge compliance with disclosure duties, we assessed four out of the 22 applicable cases (18.2%) as fully meeting the required standard, six cases (27.3%) as partially meeting the standard, and the remaining 12 cases (54.5%) as not meeting the standard. The most common issue in weaker cases was a lack of critical thinking to identify reasonable lines of enquiry that could strengthen or undermine the prosecution case or assist the defence.

Instructions to the court prosecutor

6.18. We found that the pre-charge advice did not contain sufficient instructions to the court prosecutor in most cases, with two of the 22 relevant cases (9.1%) assessed as fully meeting the standard. The remaining 20 cases were split equally (45.5% each) between assessments of partially meeting and not meeting the standard.

6.19. In weaker cases, we noted there was insufficient information for the court advocate on venue. The review was often limited to whether the prosecutor viewed the case as suitable for summary trial or not, with no reference to sentencing guidelines. Guidance on acceptable pleas was often lacking, and bail conditions and special measures were not often covered.

6.20. The result is that advocates in a busy court either have to read the case in detail to obtain this information or there is a risk that important applications are missed. We are aware that CPS London North has a higher proportion of overnight custody cases at its first hearings than any other CPS Area. Overnight remand cases create an additional preparation burden for the advocate in court, so it is of particular importance in the Area that the cases with Area pre-charge advice do as much as possible to assist the court advocate.

Reasonable lines of enquiry and action plans

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

6.22. In five out of 22 cases (22.7%), action plans were rated as fully meeting the standard. In a further nine (40.9%), they were rated as partially meeting the standard and in the remaining eight (36.4%), action plans were assessed as not meeting the standard. We noted that there was often a single response date provided for disparate requests, but the most common issue identified was a failure to ask the police to pursue relevant reasonable lines of enquiry. The failure to scrutinise a file for reasonable lines of enquiry, beyond those which had already been identified by the police, is in part reflective of a wider failure to develop a case strategy and consider whether potentially undermining material might exist.

Applications and ancillary matters

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

6.24. We assessed the consideration of relevant applications and ancillary matters to support victims and witnesses as fully meeting the required standard in five out of 18 cases (27.8%), partially meeting it in ten (55.6%) and not meeting it in three (16.7%).

Post-charge decision-making and reviews

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

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

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

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

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

6.27. As Table 7 shows, almost all the review decisions taken post-charge were Code compliant. Of the three cases assessed as not meeting the standard for post-charge Code decisions, one was the case discussed in paragraph 6.8 which did not comply with the Code at charge. The second case was a flawed decision to stop a prosecution in a domestic abuse allegation of harassment, owing to a misunderstanding of the law. The third related to a police-charged assault on an emergency worker that was fatally undermined by the CCTV footage. It was allowed to continue to trial where it concluded in a successful defence submission of no case to answer.

Quality of post-charge reviews, analysis, and case strategy

6.28. Our assessment is that the Area is not meeting the standard for this sub-theme of post-charge decision-making. Overall, the score for post-charge reviews in magistrates' court cases was 48.8%.

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

6.30. There was some improvement in the sub-theme of post-charge reviews from the pre-charge stage (48.8% compared to 38.6%), but there remains significant room for improvement. As Table 8 demonstrates, in the key area of case analysis and strategy, the post-charge reviews were rated as worse than the pre-charge reviews.

Case analysis and strategy

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

Question	Magistrates' court cases
Pre-charge case analysis and strategy	
Fully meeting the required standard	18.2%
Partially meeting the required standard	27.3%
Not meeting the required standard	54.5%
Post-charge analysis and strategy	
Fully meeting the required standard	13.3%
Partially meeting the required standard	16.7%
Not meeting the required standard	70.0%

6.31. Inspectors assessed 30 cases for a proportionate review post-charge, including proper case analysis and case strategy, of which 15 cases (50.0%) were found to have had no review undertaken where one was required. This accounted for most of the 21 cases (70.0%) we assessed as not meeting the standard for case analysis and strategy post-charge. Other issues contributing to weaker ratings included the prosecutor copying the initial charging review without adding anything further, when further consideration was required, and a failure to undertake any necessary actions.

6.32. In a case we assessed as fully meeting the required standard, the female suspect was a front seat passenger of vehicle being driven by her partner. A knife was found in the passenger glove box for which the suspect accepted sole responsibility at the roadside. The police decided to take no further action against her partner. The CPS authorised charges of possession of a bladed article against her, but the police charged her with possession of an offensive weapon. The prosecutor drafted the correct charge which was forwarded to court and included in the court advocate bundle. The prosecutor anticipated the suspect may recant her admissions citing pressure from her partner and considered a strategy for proving her possession of the article. The review considered the inadequacy of the streamlined disclosure certificate provided and set an action for the police detailing what additional material should be provided.

The lack of forensics linking the suspect to the knife was considered and marked for disclosure.

Significant events

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

6.34. In most cases, the team was successful in responding to significant events during the life of a case and completing a high-quality review. In 70.0% of relevant cases, we assessed the significant event review to be fully meeting the required standard, in a further 10.0% of cases the review was assessed as partially meeting the standard, and as not meeting the standard in the remaining 20.0% of cases.

Case study

The defendant was a customer at a drive-through fast food outlet. He became involved in a verbal altercation with the victim, who was a member of staff serving him. The defendant attempted to climb into the window of the premises while being threatening towards the victim. The victim responded by poking at the defendant with a pole. The defendant ran around the outside of the establishment, entered through the front doors, and attacked the staff including the victim. The incident was captured on CCTV and the defendant was identified forensically from a beanie hat he was wearing, which he dropped during the fight. The victim attended hospital suffering a small cut, which was treated using three sutures under local anaesthetic.

The defendant gave a prepared statement in interview stating he had been attacked by the victim with a stick and had acted in self-defence. The defendant was subsequently charged with assault occasioning actual bodily harm and maintained his defence at the first hearing. The case was then adjourned for trial.

In the week before the trial, the defence solicitors wrote asking if the Crown would accept a guilty plea to the less serious offence of assault by beating instead of assault occasioning actual bodily harm. The defence basis of plea asserted that the victim hit the defendant with the pole.

The prosecutor reviewed this proposal promptly and considered the medical notes which detailed the victim had three stitches to treat the cut. The prosecutor determined that the charge of assault occasioning actual bodily harm was appropriate. The prosecutor also noted that the defence had not previously been provided with the medical notes. They had been served with a statement from a doctor, but this provided less detail on the treatment of the injury, so the

prosecutor redacted the medical notes of sensitive material and provided them to the defence.

The defence were informed that the Crown did not intend to accept a guilty plea to the lesser charge. The review properly detailed the rationale for the decision to avoid a court advocate having to duplicate the work already done. The prosecutor's actions added value, reflected the harm to the victim and gave the court adequate sentencing powers.

The defendant entered a guilty plea to assault occasioning actual bodily harm and the magistrate considered the CCTV to form their view in respect of any provocation.

Feedback on police file quality

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

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

6.37. Of the 30 files provided by the police to CPS London North, 16 did not meet the requirements set out in the NFS. We found that the Area used the NFQ tool within CMS to feed back fully on the deficiencies in seven out of those 16 cases (43.8%), but did not feed back at all in the remaining nine cases (56.3%).

Does the Area fully comply with its duty of disclosure?

6.38. Our assessment is that the Area is not meeting the standard for this casework theme. Overall, the score for disclosure in magistrates' courts cases is 35.5%.

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

Police service on disclosure

6.40. Police compliance with their disclosure obligations was poor, being assessed as fully meeting the standard in six out of 30 cases (20.0%), partially meeting the standard in ten cases (33.3%) and not meeting the standard in the remaining 14 cases (46.7%).

6.41. The poor level of police compliance affects the ability of a prosecutor to deal with disclosure efficiently. Incomplete schedules need to be rejected and fulfilling disclosure obligations must wait until the police provide adequate material. This requires a prosecutor to return to the file, and to undertake disclosure work on a subsequent occasion, duplicating work unnecessarily.

6.42. Feedback to the police is an important part of driving improvement, and should occur despite the pressures on CPS Areas, so that the Area receives a better service in future.

6.43. We found the feedback to the police to be fully meeting the expected standard in five of the 24 cases (20.8%) where we assessed the police service as demonstrating less-than-full compliance. We found seven cases (29.2%) to be partially meeting the standard and 12 cases (50.0%) were not meeting the standard.

6.44. If requested material is not provided by the police, the prosecutor is able to escalate the request to a more senior police officer. We were told by the Area that prosecutors may be suffering escalation fatigue from their attempts to get adequate material provided by the police. In addition, as the Area's many new prosecutors gain experience, they may feel more confident in delivering robust feedback. However, the Area will want to improve the frequency with which prosecutors feed back such failings to the police, particularly as it is impacting on the Area's compliance with its own duties. A failure to identify that obvious items of unused material had not been scheduled was the primary cause for us rating initial disclosure as anything other than fully meeting the required standard across all casework types.

Initial disclosure

6.45. We assessed initial disclosure in the magistrates' courts as fully meeting the required standard in five of the 26 applicable cases (19.2%). Another nine cases (34.6%) were assessed as partially meeting the standard and 12 cases (46.2%) as not meeting the standard.

6.46. Of the cases that were assessed as either partially or not meeting the standard, the most prevalent issue (as discussed in paragraph 6.44) was that the prosecutor had failed to identify that obvious items of unused material had

not been scheduled. This was recorded by inspectors in eight out of the 21 relevant cases. The next most common failing was not carrying out initial disclosure at all (four cases). Both of these issues can result in material not being disclosed to the defence that should have been. The failures identified did not lead to a miscarriage of justice in any of the cases we reviewed.

6.47. In one case, the police provided the streamlined disclosure certificate (SDC) and a sensitive material schedule (on the police manual of guidance form MG6D) two weeks prior to the first hearing. The schedules were deficient; some items were missing from the SDC and some items listed on the MG6D should have been redacted and moved to the SDC. The deficiencies in the MG6D were addressed five days before the trial, but the request to the police did not identify the items missing from the SDC. The case was then reviewed again the day before the trial, but no update had been received from the police. The reviewing lawyer provided disclosure to the defence and included in a covering letter those items that ought to have been redacted and moved from the MG6D onto the SDC. No reference was made to the other items missing from the SDC which ought to have been disclosed. In this case, a lack of grip and a failure to add value in the reviews led to the defence not receiving the information they were entitled to in advance of the trial. On the day of trial, the complainant failed to attend, and the prosecution offered no evidence.

Sensitive material

6.48. There were two cases featuring sensitive material in our magistrates' courts sample, both of which were assessed as not meeting the required standard. In both, there were obvious enquiries that should have been made to the police for material that was likely to be sensitive in nature, but the enquiry was not made in either case.

Other disclosure matters

6.49. The duty of continuing disclosure does not arise frequently in the magistrates' court and only occurred twice in our file sample. The Area was assessed as fully meeting the required standard on one occasion and as not meeting the standard on the other occasion, because it did not carry out continuing disclosure.

6.50. Of the two occasions where the defence served a defence statement, the requirement on the prosecutor to review the statement and give guidance to the police on reasonable lines of enquiry was assessed as partially meeting the expected standard on one occasion and not meeting it on the other occasion.

Disclosure records

6.51. The majority of disclosure records were found to contain some endorsement of disclosure decisions. Eight out of 27 cases inspected (29.6%) were found to be fully meeting the standard for properly completing endorsements on the disclosure record, with 11 cases (40.7%) partially meeting the standard and eight cases (29.6%) not meeting the standard.

Area training

6.52. The Area has undertaken mandatory disclosure training with staff on the Attorney General's Guidelines on Disclosure and the Director's Guidance on Charging (sixth edition). Records are kept ensuring all staff undertake this training.

6.53. Individual quality assessments have continued during the pandemic in respect of prosecutors' disclosure work. The line manager feeds back to the prosecutors any findings, and reports are prepared for senior managers to identify any themes. While work is clearly still required, it is hoped that once the pressures of the increase in case numbers ease and staff turnover returns to pre-pandemic levels, the training on disclosure will take effect and casework quality will improve in this crucial aspect.

Does the Area address victim and witness issues appropriately?

6.54. Our assessment is that the Area is partially meeting the standard for this casework theme. Overall, the score for victim and witness issues in magistrates' court cases is 68.3%.

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

Pre-charge

6.56. At charge, the prosecutor should actively consider relevant applications and ancillary matters to support victims and witnesses. We assessed the Area's consideration of these applications and ancillary matters as fully meeting the required standard in five out of 18 cases (27.8%), partially meeting the standard in ten cases (55.6%) and not meeting the standard in the remaining three cases (16.7%). Of the 13 weaker cases, ten had an omission relating to ancillary orders, including restraining orders, compensation and Victim Personal

Statements. Consideration of special measures pre-charge appeared to be more at the forefront of prosecutors' minds.

After charge

Witness warning

6.57. The magistrates' court team was consistently effective in warning victims and witnesses despite the difficulties often evident in listings during the pandemic. We assessed the team as fully meeting the required standard for the correct and timely warning of witnesses in 69.6% of cases, with a further 21.7% of cases partially meeting the standard (such as when the warning was correct but not sent in a timely manner) and 8.7% of cases as not meeting it.

Communications with witness care units

6.58. Witness care unit (WCU) staff are in regular contact with victims and witnesses. If issues arise that may affect the victim's or a witness's ability to attend court, they send information to the CPS. This information may be that witnesses are no longer able to attend court on the trial date, or that they have other concerns about attending and would like special measures to support them. It is important that WCU communications are acted on efficiently to minimise any risk to the effectiveness of the trial. We found that, in general, the Area dealt well with WCU issues, with seven out of 14 relevant cases (50.0%) assessed as fully meeting the required standard, a further five cases (35.7%) as partially meeting the standard, and two cases (14.7%) as not meeting it.

Consulting victims and speaking to witnesses at court

6.59. The CPS has a duty to consult victims at key stages during a prosecution, and to speak to witnesses attending court for a trial to explain the process to them. We rated the magistrates' court unit as fully meeting the required standard for these obligations in ten of the 21 relevant cases (47.6%), as partially meeting the standard in eight cases (38.1%) and not meeting the standard in three cases (14.3%).

Special measures applications

6.60. The making and quality of special measures was variable in our file examination. We assessed three out of 13 relevant cases (23.1%) as fully meeting the standard, seven cases (53.8%) as partially meeting the standard and three cases (23.1%) as not meeting the standard.

6.61. In one case, a burglary of the victim's home which involved a confrontation between the defendant and the victim, the police provided a manual of guidance form 2 (MG2) setting out the reasons why special measures would help the victim give their best evidence. This was supplied prior to the first hearing, but after charge and not in response to a request from the charging

prosecutor. The MG2 detailed the fear the victim felt when seeing the defendant in her neighbourhood, and her request for screens while giving evidence at the trial. The initial review instructed the court prosecutor to make an oral application for special measures at the first hearing, but this was not done. Special measures were not then considered for another two months when a written application was drafted and served. The application was not listed by the court, nor chased by the prosecution. The victim then retracted, and the case was discontinued.

Victim Personal Statements

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

6.63. This was generally an area where the magistrates' court unit performed well. In our file sample, we rated the Area's compliance with its VPS obligations as fully meeting the standard in 12 out of 20 relevant cases (60.0%), with a further two cases (10.0%) partially meeting the standard and six cases (30.0%) not meeting the standard. In those cases that were assessed as not meeting the standard, no VPS was requested where one should have been.

Orders at sentencing

6.64. In contrast to the shortcomings at pre-charge in considering ancillary orders, the magistrates' court team performed well in seeking appropriate orders in court to protect the victim, witnesses and the public. Thirteen out of 16 relevant cases (81.3%) were assessed as fully meeting the standard, two were assessed as partially meeting the standard (12.5%) and one as not meeting the standard (6.3%). We saw a range of different orders considered and sought, including restraining orders in neighbourhood disputes, compensation in violent offending, and a criminal behaviour order against an offender who persistently committed dishonesty offences against members of the public in a particular location.

Victim Communication and Liaison scheme letters

6.65. The prosecution has a duty to write to a victim and explain a decision to drop or substantially reduce a charge. Nine Victim Communication and Liaison scheme (VCL) letters were required in the files examined. Six of these were timely, therefore assessed as fully meeting the standard. Two were late, so were rated as partially meeting the standard for timeliness and in the remaining case there was no letter sent when required.

6.66. Of the eight cases where a VCL letter was sent, three were assessed as fully meeting the standard for quality, three as partially meeting the standard and

two as not meeting the required standard. In one of the cases assessed as not meeting the standard, no explanation was given to the victim for the decision to discontinue the charge relating to them when this was a public interest decision after pleas had been entered to other offences.

6.67. In one case assessed as fully meeting the standard, the suspect was alleged to have entered the complainant's barber shop and assaulted him. The complainant did not attend the trial, however the advocate spoke to him over the phone. The complainant apologised for oversleeping and forgetting about the trial. An application for an adjournment was made by the prosecution and refused by the Judge leading the prosecutor to offer no evidence. The VCL letter detailed what had happened at court, the application made to adjourn and the reasons for the court's refusal. The letter was respectful and considerate in tone.

6.68. We were told by the Area that victim communication letters would ordinarily be quality assured by a line manager, but the pressures of increased work during the pandemic had affected the ability of managers to do so.

7. Casework quality: Crown Court casework themes

Introduction to Crown Court casework

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

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

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

7.3. The Crown Court unit also handles a large volume of highly complex cases arising from the ongoing national Operation Venetic. This operation dealt with evidence of large-scale drugs conspiracies and other organised crime recovered from encrypted Encrochat phones. In some other Areas, the Operation Venetic cases have been dealt with primarily by the Complex Casework Units, but over 100 are being managed by the London North Crown Court unit. The complex casework held in the Crown Court unit contains a significant number of large multi-defendant prosecutions, including an ongoing undercover police operation that has so far generated prosecutions of over 100 defendants.

7.4. We have scored CPS London North for its Crown Court casework as follows.

Table 9: Scoring for Crown Court casework

Question	Rating	%
Pre-charge decision-making and review		
The Area complies with the Code for Crown Prosecutors ²³ at pre-charge decision stage	Fully meeting the standard	91.2%
The Area selects the most appropriate charge(s) at pre-charge decision stage	Fully meeting the standard	76.6%
The Area's pre-charge decisions contain a clear analysis of the case and set out a cogent case strategy	Not meeting the standard	44.8%
Quality of post-charge reviews and decision-making		
The Area complies with the Code for Crown Prosecutors post-charge	Fully meeting the standard	92.5%
The Area's post-charge reviews contain a clear analysis of the case and set out a cogent case strategy	Not meeting the standard	43.7%
Preparation for the Plea and Trial Preparation Hearing		
The Area prepares its cases effectively for the Plea and Trial Preparation Hearing in the Crown Court to make sure progress is made	Not meeting the standard	50.5%
Disclosure		
The Area fully complies with its duty of disclosure throughout its Crown Court casework	Not meeting the standard	50.0%
Victims and witnesses		
The Area addresses victim and witness issues appropriately throughout its Crown Court casework	Partially meeting the standard	61.3%

7.5. Our assessment of the Area's Crown Court casework was that there were aspects that were done well, including selection of the most appropriate charges at pre-charge stage, the timeliness of initial and continuing disclosure, the correct and timely warning of witnesses and seeking appropriate orders on conviction to protect the victim, witnesses and the public.

7.6. There were other aspects that required more focus, specifically proper case analysis and strategy in pre-charge reviews, undertaking reviews when

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

serving the prosecution case, providing guidance to the police on reasonable lines of enquiry identified by the defence statement and providing feedback to the police where there were failings in the police service regarding disclosure.

Pre-charge decision-making and reviews

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

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

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

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

7.9. We rated the Area as fully meeting the standard for this sub-theme of pre-charge decision-making, with prosecutors correctly applying the evidential and public interest stages of the Code test in 31 of the 34 Area-charged Crown Court cases.

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

Rating	Number of cases	Percentage
Fully meeting the required standard	31	91.2%
Not meeting the required standard	3	8.8%

7.10. The Code for Crown Prosecutors was correctly applied in the majority of cases. In two of the three files that were assessed as not complying with the Code for Crown Prosecutors, the identification of the defendant was not established. In one of these cases, the issue was recognised by a prosecutor prior to the Plea and Trial Preparation Hearing, and notices of discontinuance were promptly served. In the second matter where identification was not established, a successful application to dismiss was made by the defence following service of the prosecution case.

7.11. The third case that was assessed as not meeting the standard was a fraud allegation where, at the point of charge, there was insufficient evidence that an offence had taken place. This was rectified following the provision of further evidence by the police to establish that the victim did suffer a loss of money as alleged.

Selecting the most appropriate charges

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

7.13. We found that, in most cases in our file sample, prosecutors were selecting the correct charges, fully meeting the required standard in 21 out of 32 cases (65.6%). We rated a further seven cases (21.9%) as partially meeting the standard and four cases (12.5%) as not meeting the standard. In the cases assessed as either partially or not meeting the standard, we found that prosecutors omitted to advise charging or consider other relevant offences. These included offences of possessing a bladed article, possession with intent to supply class A drugs, and child neglect.

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

7.14. Our assessment is that the Area is not meeting the standard for this sub-theme of pre-charge decision-making. Overall, the score for pre-charge review in Crown Court cases is 44.8%.

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

Case analysis and strategy

7.16. We assessed six out of the 34 Area-charged cases (17.6%) as fully meeting the standard for including a proper case analysis and strategy in the pre-charge review. Another 16 cases (47.1%) were rated as partially meeting the standard and the remaining 12 (35.3%) as not meeting the standard. The issues in weaker cases were similar to those we identified in the magistrates' court unit, and work will be required to improve this important aspect of casework. A number of common themes emerged.

- Case analysis often did not adequately assess the legal points to prove; this included a failure to assess how to prove that the offender was the defendant. The most frequent failing inspectors identified was prosecutors focusing solely on the prosecution case, and not weighing within their analysis any defence put forward or likely to be put forward. In some cases, the analysis did not identify reasonable lines of enquiry arising from the accused's account that may point away from a prosecution and did not set out how any defence would be overcome within the trial strategy.
- Case strategy was often limited to which witnesses to call and which hard media to play and, again, did not address how any defences would be disproved. Where bad character applications were appropriately identified pre-charge, they were then not considered within the strategy. In one case, the defendant was an appliance fitter who attended a customer's address and was alleged to have sexually assaulted the complainant after making inappropriate comments. While the defendant had no relevant previous convictions, information from his employer noted two previous complaints from customers about inappropriate sexual comments of a similar nature. No consideration was given around adducing this as bad character evidence to show a propensity to act in this manner.

Pre-charge disclosure

7.17. We rated ten out of 42 cases (29.4%) as fully meeting the standard for dealing with unused material in the pre-charge review, and 12 cases (35.3%) each were found to be partially and not meeting the standard. A significant number of the cases assessed as not meeting the standard did not deal with unused material at all.

7.18. In one case, the defendant was alleged to have stabbed a homeless person who had been frequenting the block of flats where the defendant lived. The defendant asserted mistaken identity. The victim had 49 previous convictions for 75 offences including violence, dishonesty, drugs, and weapons. These were not marked suitable for common law disclosure and ultimately were not disclosed until six days prior to trial, at which point the defence changed to saying the victim was maliciously naming the defendant as responsible. This almost caused the trial to be ineffective, despite the significant effort that had gone in to securing the victim's attendance at court.

Instructions to the court prosecutor

7.19. Instructions to the prosecutor in the pre-charge review show room for improvement, especially given the pressures on advocates with high numbers of overnight remands (discussed in paragraph 6.20).

7.20. We assessed six out of 34 cases (17.6%) as fully meeting the required standard, 14 cases (41.2%) as partially meeting the required standard and 14 cases (41.2%) as not meeting the standard. While there was usually an assertion as to whether the case should be dealt with summarily or not, we found that most cases had insufficient information to properly allow the advocate to rely on the review alone, and many did not include reference to the Sentencing Guidelines for venue. Appropriate bail conditions were rarely referred to, even in cases where they would clearly be necessary and proportionate.

Reasonable lines of enquiry and action plans

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

7.22. We assessed nine of the 33 applicable cases (27.3%) as fully meeting the standard for pre-charge action plans, 14 cases (42.4%) as partially meeting the standard and ten (30.3%) as not meeting the standard. The poorer ratings often flowed from the failure to engage with any defence put forward, or likely to be advanced, that weakened case analysis. This meant that the police were not directed to reasonable lines of enquiry that could confirm or contradict any defence account.

Applications and ancillary matters

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

7.24. In respect of pre-charge consideration of applications and ancillary matters to support victims and witnesses, we assessed the Area as fully meeting the standard in five out of 24 cases (20.8%), 13 cases (54.2%) were assessed as partially meeting the standard and six cases (25.0%) as not meeting the standard. The key theme we identified in the weaker cases was a failure to consider special measures to support victims to give their best evidence.

7.25. When addressing applications and ancillary matters to build the case, we assessed the Area as fully meeting the required standard in nine out of 25 cases (36.0%), partially meeting the standard in six cases (24.0%) and not meeting the standard in ten cases (40.0%). We noted that some legal applications to strengthen the case, such as bad character or hearsay, were being considered, but at times this was let down by a failure to request material from the police to progress the application.

7.26. There were, however, examples where the Area made good use of applications to strengthen cases appropriately. In one allegation of domestic abuse involving damage, violence to secure entry, assault and witness intimidation, the prosecutor considered the defendant's antecedents. These included a previous allegation of perverting the course of justice where no further action was taken, and a previous assault allegation on the same victim where witnesses did not attend for trial and the case was discontinued. An action plan was set identifying the further information that was required in respect of a potential bad character application. Upon receipt of this information, a further pre-charge review was able to set out in detail the bad character application and addressed this strand within the trial strategy.

Post-charge decision-making and reviews

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

7.27. Our assessment is that the Area is fully meeting the standard for this sub-theme of post-charge decision-making. Overall, the score for Code compliance in Crown Court cases is 92.5%. These cases included those that were originally charged by either the police or CPS Direct. The rating includes post-sending reviews, reviews conducted when the prosecution case was served, and any significant event reviews.

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

Rating	Number of cases	Percentage
Fully meeting the required standard	37	92.5%
Not meeting the required standard	3	7.5%

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

7.29. As Table 11 shows, one of the Area's strengths is compliance with the Code for Crown Prosecutors after charge. Of the three post-charge cases that were identified as not Code compliant, one related to a pre-charge decision that was allowed to continue beyond further reviews and two related to fresh decisions taken post charge. The case that involved a flawed pre-charge decision was allowed to continue until a successful defence application to dismiss.

7.30. In the two additional matters, one was an unreasonable decision to accept a plea to possession of drugs and to offer no evidence on the associated money laundering and possession with intent to supply offences. The other involved the receipt of a joint expert forensic report, which asserted the prosecution could not prove the person wearing a balaclava during an aggravated burglary was the defendant. The case was nevertheless left to run to trial.

Quality of post-charge reviews, analysis, and case strategy

7.31. Our assessment is that the Area is not meeting the standard for this sub-theme of post-charge decision-making. Overall, the score for post-charge reviews in Crown Court cases is 43.7%.

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

Case analysis and strategy

7.33. There were significant similarities between our findings on pre-charge and post-charge case analysis and strategy. In part, this was owing to a tendency for the post-sending review to simply be a copy and paste of the pre-charge review without adding anything further.

Comparison of pre- and post-charge case strategy and analysis

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

Question	Crown Court cases
Pre-charge case analysis and strategy	
Fully meeting the required standard	17.6 %
Partially meeting the required standard	47.1 %
Not meeting the required standard	35.3 %
Post-sending review analysis and strategy	
Fully meeting the required standard	32.5%
Partially meeting the required standard	20.0%
Not meeting the required standard	47.5 %

7.34. Nine of the 19 files we assessed as not meeting the standard for post-sending review had simply copied the pre-charge review in circumstances where a further review was warranted.

7.35. In cases that were assessed as fully meeting the standard, we noted examples of strong reviews that progressed the case. One such example was a case that had been charged on the threshold test on the basis of forensic evidence, and this was considered afresh by the prosecutor at the post-sending review. The issues in the case, particularly around the need for further forensic information, were identified and there was a clear analysis of potential issues. A detailed action plan was sent to the police, setting out all the reasonable lines of enquiry with realistic deadlines, which remedied omissions in the pre-charge review. This resulted in an effective Plea and Trial Preparation Hearing (PTPH) and resolution of the outstanding issues in advance of the due date for service of the prosecution case.

Significant events

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

7.37. Inspectors found that significant event reviews were not routinely carried out. Five out of 23 relevant cases (21.7%) were rated as fully meeting the standard, a further three cases (13.0%) were assessed as partially meeting the standard, and the remaining 15 cases (65.2%) were found to be not meeting the standard. In 13 of the 15 cases not meeting the standard, no significant event

review was undertaken although one was required. The reasons for needing a fresh review included:

- provision of a defence facial mapping expert report which had the potential to cast doubt on the identification of a suspected robber
- a joint expert forensic report which removed the Crown's basis for prosecuting an aggravated burglary offence
- a defence expert report on the side effects of antipsychotic medication being taken by the victim of a sexual assault
- a Crown Court Judge's opinion of the deficit in identification evidence
- various defence representatives' proposals to resolve their cases.

Stage 1 reviews

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

7.39. In our sample, two out of the applicable 34 cases (5.9%) were assessed as fully meeting the standard, and five cases (14.7%) were assessed as partially meeting the standard. The remaining 27 cases (79.4%) were rated as not meeting the standard. In 20 out of the 27 cases assessed as not meeting the standard, no review was undertaken where one was required as there were key issues outstanding or new material to be reviewed, and in another one the review was simply a copy of the pre-charge decision. In one case, the prosecutor completed the review task at the stage 1 service date, stating they were just undertaking the review to complete the task and no other endorsement was made.

Threshold test cases

7.40. There may be circumstances where the police do not have all the evidence needed to pass the full Code test, although they anticipate getting more, but the seriousness of the case demands an immediate charging decision. If the police intend to hold the suspect in custody, they can ask the CPS to make a threshold test charging decision. There are five conditions which must be met before the threshold test can be applied, and a review applying the full Code test must be carried out as soon as the anticipated extra evidence or material is received.

7.41. By their nature, these are usually the most serious offences and are destined for the Crown Court; and if the suspect remains in custody for trial, the proceedings will be subject to custody time limits (CTLs).

7.42. One of the consequences of the lack of review at stage 1 was that in a number of cases that had been charged under the threshold test, the full code test was never formally applied.

Feedback on police file quality

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

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

7.45. In our sample, 23 out of the 40 Crown Court police files delivered to the Area (57.5%) were found not to meet the NFS. In over half of those 23 instances (52.2%), we assessed the Area as not meeting the standard for feedback to the police via the NFQ mechanism. The Area has recognised the issue with police file quality and is engaged in conversations at a strategic level to resolve this.

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

7.46. Our assessment is that the Area is not meeting the standard for this casework theme. Overall, the score for preparation for the Plea and Trial Preparation Hearing (PTPH) in Crown Court cases is 50.5%.

7.47. In assessing the Area's performance when preparing for the PTPH, we considered the key tasks the prosecution are required to complete - including filling in the PTPH form for use by the Judge presiding at the hearing; carrying out direct engagement with the defence; drafting the indictment; making sure the relevant material is uploaded to the Crown Court Digital Case System (DCS) before the hearing; and making sure an advocate is instructed in advance of the hearing, so that they have time to prepare. There is more detail on these tasks in chapter 4 (paragraphs 4.27 to 4.36).

7.48. We assessed nine out of 39 files (23.1%) as fully meeting the standard for preparing a case prior to PTPH. A further 21 cases (53.8%) were assessed

as partially meeting the standard and nine were rated as not meeting the standard (23.1%). We found that PTPH forms were usually completed and uploaded to CCDCS but, in a significant number of cases, advocates were not being instructed around acceptable pleas and police were not being chased for outstanding material.

7.49. The police upload hard media (such as CCTV footage or body worn video) to secure online locations and send the links to the CPS. In 20 out of 30 applicable cases, we assessed the team as fully meeting the standard for providing hard media to all relevant parties – such as the defence, counsel and the court – prior to the PTPH. In a further three cases, the team was assessed as partially meeting the standard; in these cases, the team may not have shared all the applicable material or not served the link on all the relevant parties.

Direct engagement with the defence

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

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

7.52. There was some form of direct engagement or attempted engagement with the defence and a DDE log was maintained in 11 out of the 39 applicable cases (28.2%). There was direct or attempted engagement without a DDE log in two cases (5.1%) and there was no record of any attempted engagement in 26 cases (66.7%). Inspectors did not see any cases where a completed DDE log was uploaded to the CCDCS. The Area confirmed this requirement is still expected of prosecutors, but believes a combination of defence lawyers being unavailable as they were furloughed, and defence solicitors not being able to see their client prior to the PTPH may have resulted in prosecutors not prioritising this element of increasing caseloads.

The indictment

7.53. We found the indictment was properly drafted in 23 of 39 cases (59.0%), with a further seven cases (17.9%) partially meeting the standard and nine (23.1%) not meeting the standard. All the indictments assessed as not meeting the standard either missed counts that should have been included (for instance, a section 20 Offences Against the Person Act assault as an alternative to the more serious section 18 allegation) or made factual errors in the drafting, for example citing class A for cannabis rather than class B.

7.54. The timeliness of lodging the draft indictment and serving the key evidence requires improvement, with 43.6% of cases fully meeting the required standard, a further 30.8% partially meeting the standard and 25.6% not meeting the standard.

Instructing the advocate

7.55. We set out the expectations for what should be contained in instructions to the court advocate in paragraph 4.31. There was an inconsistent approach to preparing the instructions to advocates in advance of the PTPH, with nine out of 22 cases (40.9%) fully meeting the standard, six cases (27.3%) partially meeting the standard and seven cases (31.8%) not meeting the standard. In six of the seven cases assessed as not meeting the standard, no instructions were prepared or sent. This is a lost opportunity to ensure that the advocate is fully equipped to make maximum progress at the hearing.

7.56. The timeliness of instructing advocates for the PTPH was slightly better than the timeliness of serving key evidence and lodging the indictment. In 31 of the 39 applicable cases (79.5%), the advocate was instructed at least seven days before the PTPH, or they were instructed less than seven days before the PTPH, but the case was not complex, and the delay did not prevent the advocate from being able to prepare for the hearing. The remaining eight cases (20.5%) were assessed as not meeting the required standard.

Does the Area fully comply with its duty of disclosure?

7.57. Our assessment is that the Area is not meeting the standard for this casework theme. Overall, the score for disclosure in Crown Court cases is 50.0%.

7.58. The duties of the police and CPS in relation to the disclosure of unused material are set out in chapter 4, paragraphs 4.37 to 4.52. We assessed the Area's performance across a range of different aspects pertaining to disclosure,

including compliance with the duty of initial disclosure and continuing disclosure, handling of sensitive and third-party material, the correct endorsement of the schedules, timeliness, recording of the decisions on the disclosure record in the CPS case management system and feeding back to the police where necessary.

Police service on disclosure

7.59. The police were assessed as fully meeting the standard expected for compliance with their disclosure obligations in three out of 37 cases (8.1%), as partially meeting the standard in 16 of those 37 cases (43.2%) and as not meeting the standard in 18 cases (48.6%).

7.60. Feedback to the police is an important part of driving improvement, and should occur despite the pressures on CPS Areas, so that the Area receives a better service in future. The Area's Crown Court managers spend a significant amount of time working with the police to build better compliance by the CPS and police with disclosure obligations, but it is essential that prosecutors supply direct feedback at an operational level to support the Area's strategic endeavours.

7.61. Of the 34 cases where we concluded that the police fell short of their disclosure obligations, we rated feedback to the police on those deficiencies as fully meeting the standard in one case (2.9%). A further 15 cases (42.9%) were assessed as partially meeting the standard and 19 cases (54.3%) were rated as not meeting the standard. None of the Crown Court cases in the file sample were submitted under the sixth edition of the Director's Guidance on Charging. The Area will no doubt expect this performance to improve, given the training that has been delivered to Area staff on the police's disclosure obligations, so that they know what they should expect from the police. We look forward to assessing how effective improvement activity has been when we return to follow up this baseline inspection.

Initial disclosure

7.62. There is room to improve the standard of compliance with the duty of initial disclosure of unused material.

7.63. We assessed initial disclosure in the Crown Court as fully meeting the required standard in seven of the 35 applicable cases (20.0%). Another 13 cases (37.1%) were assessed as partially meeting the standard and the remaining 15 cases (42.9%) as not meeting the standard.

7.64. The most common issue we noted in those cases that had been assessed as partially or not meeting the standard was prosecutors not identifying obvious items of unused material that had not been included by the

police on an unused material schedule. This accounted for half the 28 cases that did not show full compliance at the initial disclosure stage. The next most common issue was prosecutors assessing disclosable unused material as not disclosable, which accounted for another eight cases. We found no cases where any failure impacted such as to lead to a potential miscarriage of justice.

Case study

The police stopped an expensive motor vehicle with two occupants. Cash totalling £510 was recovered from a bag tucked under the left side of the driver's seat and the driver's side sun visor. A bag recovered from the rear offside passenger seat contained cocaine, cannabis and methylenedioxy methamphetamine (MDMA, or ecstasy). The male driver (the defendant) was arrested on suspicion of possession with intent to supply the controlled drugs. The female passenger was allowed to leave without arrest. The defendant was subsequently interviewed and answered no comment to all questions.

The statement of one of the officers who stopped the car confirmed the vehicle was known to the police and there was a reason to detain the driver. The intelligence held by the police on the vehicle was never requested by the prosecutor, although this may have pointed to others using the vehicle and therefore assisted the defence. There was also no request made for any intelligence on the female passenger.

The drug packaging was tested and found to be negative for any forensics linking to the defendant. This information was not included on the unused schedule by the police and was not disclosed to the defence at the initial disclosure stage.

A house search of the defendant's address was negative; this was not disclosed at initial disclosure either.

The defendant accepted possession of the drugs in his defence statement, denying any intent to supply. The prosecution ultimately accepted guilty pleas to offences of possession of controlled drugs for reasons not linked to disclosure.

Continuing disclosure

7.65. We rated continuing disclosure as fully meeting the expected standard in 12 out of the 32 applicable cases (37.5%), as partially meeting the standard in nine cases (28.1%) and as not meeting the standard in 11 cases (34.4%). The most frequent reason for failing to fully meet the required standard was, as with initial disclosure, prosecutors not identifying obvious items of unused material that had not been included on a schedule. Other issues we noted included not

endorsing new schedules that had been provided by the police, or not undertaking continuing disclosure at all.

7.66. We found that defence statements were routinely not being reviewed by prosecutors and guidance was not being given to police on reasonable lines of enquiry following receipt of the defence statement. We rated the action taken on defence statements to guide the police as fully meeting the expected standard in two cases out of the 30 (6.7%) where the defence supplied a statement. Nine cases (30.0%) were rated as partially meeting the standard and 19 (63.3%) as not meeting the standard. The Area did not, in our file sample, seem to have a consistent approach to how the defence statements are forwarded to the police. In some instances, it was sent with a brief covering email, and in other cases with the standard letter, and sometimes it was accompanied by an action plan with proposed lines of enquiry. The most common reason for marking cases down was where the defence statement was sent to the police with a covering email, but without assistance or guidance on what enquiries should be undertaken by the police.

Timeliness

7.67. The timeliness of handling of disclosure is a strength for the Area. We rated initial disclosure as being timely in 85.3% of relevant cases, with the remaining 14.7% of cases partially meeting the standard. We assessed continuing disclosure as timely in 71.0% of cases, and as having minimal delay with no impact on the case in another 6.5%. There was an impact from delay in making continuing disclosure in 22.6% of cases.

Sensitive and third-party material

7.68. Sensitive unused material was relevant in seven of the Crown Court cases we examined. Of those, we found two each to be fully and partially meeting the expected standard (28.6% each), and the remaining three cases (42.9%) were assessed as not meeting the standard.

7.69. In one case, the police disclosed on the sensitive material schedule that a co-accused, who had already been convicted and sentenced, had provided intelligence to the police which included informing the police that the defendant was also involved in the burglary. The prosecutor considered the sensitive information properly and endorsed the schedule appropriately. They also considered other items on the schedule that were not sensitive material and asked the police to add redacted versions of those items to the non-sensitive schedule.

7.70. Third-party material was correctly dealt with in three out of the six applicable cases. In two cases, we rated the handling of the third-party material

as partially meeting the expected standard and one case as not meeting the standard.

Recording decisions

Disclosure management document

7.71. Disclosure management documents (DMDs) were not mandated in routine Crown Court cases until 31 December 2020, a change brought about by the release of the sixth edition of the Director's Guidance on Charging. The Crown Court cases in our sample were all governed by the guidance which preceded the change, so DMDs were not obligatory in volume cases. There were, however, two cases in our Crown Court sample that undertook a DMD. In both cases, it was begun appropriately and completed accurately as the case progressed. This is a strength for the Area.

Disclosure record sheets

7.72. The completion of the disclosure record on Modern CMS (the new version of CMS) was assessed as fully meeting the standard in nine out of 39 cases (23.1%) with a further 16 cases (41.0%) rated as partially meeting the standard and 14 cases (35.9%) as not meeting the standard. The most common issue in weaker cases was the lack of any rationale for reasoning being recorded for the disclosure decisions made in the case.

Does the Area address victim and witness issues appropriately?

7.73. Our assessment is that the Area is partially meeting the standard for this casework theme. Overall, the score for victim and witness issues in Crown Court cases is 61.3%.

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

Pre-charge

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

7.76. We assessed the consideration of relevant applications and ancillary matters to support victims and witnesses at the pre-charge stage as fully

meeting the standard in five out of 24 relevant cases (20.8%), partially meeting it in 13 cases (54.2%) and not meeting the standard in six cases (25.0%).

7.77. In one case handled well, and involving a sexual assault dealt with by the Crown Court team, the prosecutor considered the MG2 and directed the advocate appropriately in respect of special measures and compensation. The prosecutor also gleaned that the complainant had medical and mental health issues from body worn video footage recording an exchange between the officer and the complainant's daughter. The police were properly directed to provide information on whether the complainant would require an intermediary or additional assistance at court.

After charge

Special measures applications

7.78. Consideration of special measures improved post charge; we assessed the Area as fully meeting the expected standard in ten out of 19 applicable cases (52.6%), partially meeting the standard in six cases (31.6%) and not meeting the standard in three cases (15.8%).

7.79. We saw some good practice in a case involving a violent confrontation with three members of the same family, where the prosecutor requested information to inform a special measures application (on the standard form MG2) for each member of the family and challenged the police over the quality of MG2s once received. The written instructions to the advocate requested that an oral special measures application be made at the PTPH. When this was not done (or not recorded on the hearing record sheet as being done), a full written application was made in time for stage 1 service of the case on the defence, ensuring the victims had notification well before the trial that they would be assisted by their preferred special measures.

Case study

The defendant was charged with a dwelling house burglary. The occupants had been disturbed during the burglary and saw their vehicle being driven away. Less than 30 minutes later, the stolen vehicle was located, locked, a four-minute drive away. Swabs taken from the gearstick matched the defendant.

A Victim Personal Statement (VPS) provided in response to a request in the action plan at charge confirmed the female occupant was suffering anxiety owing to the burglary. Further communication from WCU made it clear that the female occupant was a reluctant witness. A special measures application for screens was served in advance of the PTPH. At the PTPH, the defence indicated they did not require the occupants to attend for trial, so no application was needed.

At a later pre-trial hearing the defence stated that they now wanted both occupants of the address to give live evidence. This was resisted by the prosecution. The Judge agreed with the prosecution and ordered further information be obtained from the female occupant. An additional statement was obtained which resulted in her evidence being agreed. It then emerged the male occupant had concerns around Covid-19 and was only willing to give evidence by live link. A special measures application was drafted swiftly and granted, allowing the witness to give evidence at trial over live link.

Further witness issues also arose in the case, including a replacement forensic witness (who wanted to give evidence by live link due to geographical issues), ill health of the crime scene examiner, and the officer in the case (OIC) going on maternity leave. All the issues were dealt with effectively, and there was evidence of good communication between the CPS, the police and the witness care unit. The defence were advised in advance of the OIC's maternity leave and invited to consider whether they wanted to put any questions to her prior to her departure.

The defendant was convicted after trial and received a custodial sentence. The female occupant's VPS was read out at court during the sentencing exercise.

Warning witnesses and communications with witness care units

7.80. The correct and timely warning of witnesses took place in 25 out of 33 relevant cases (75.8%) with a further five cases (15.2%) partially meeting the standard, and three cases (9.1%) not meeting it. Against a backdrop of last-minute listing changes and the challenge of Nightingale courts, this represents a strength for the Area.

7.81. We found a more variable approach in our file sample to responding to communications from the witness care unit and dealing with witness issues in a

timely and effective manner. We assessed the Area as fully meeting the standard in 12 out of 30 files (40.0%), partially meeting the standard in a further ten files (33.3%) and not meeting the standard in eight files (26.7%). The reduction of trial courts during the early stages of the pandemic created delay and lack of clarity and these, in turn, led to a significant increase in the number of witness issues to be resolved. We saw evidence in our file examination that considerable efforts were made to address issues and progress trials.

Consulting victims and speaking to witnesses at court

7.82. Consultation with victims and witnesses were assessed as fully meeting the standard in seven out of 25 cases (28.0%), partially meeting the standard in six cases (24.0%) and not meeting the standard in 12 cases (48.0%). The most common theme in weaker cases was a failure to comply with the speaking to witnesses at court protocol (STWAC) or record that STWAC had been undertaken.

7.83. We did, however, see positive examples of consultations with victims and witnesses. In an allegation of assault occasioning actual bodily harm, the defendant's son's marriage to the complainant's granddaughter led to family tensions. Consultation with the victim took place via an agreed third party as an interpreter. Views were requested and obtained on special measures and restraining orders. Following the deaths of the wives of both the complainant and the defendant, the victim intimated that they did not wish to continue supporting the prosecution. Arrangements were made to obtain a withdrawal statement, and this was acted upon, with the prosecution deciding to offer no evidence. The views and wishes of the victim were considered appropriately throughout the proceedings.

Victim Personal Statements and orders on sentencing

7.84. The Area provided a mixed service to victims in ensuring they had been offered the opportunity to make a Victim Personal Statement (VPS), record whether they wished to read the statement in court themselves or have someone do that on their behalf, and for the advocate to make efforts to comply with their wishes. Inspectors assessed 38.1% of cases as fully meeting the standard expected for handling VPSs, with 28.6% partially meeting the standard and 33.3% not meeting the standard.

7.85. Protecting the victim, witnesses and the public by seeking appropriate orders at sentencing was a much stronger aspect of victim and witness care for the Area. Most of the 13 applicable cases were rated as fully meeting the required standard (69.2%), or partially meeting it (23.1%), with only one case (7.7%) rated as not meeting it.

Victim Communication and Liaison scheme letters

7.86. The prosecution has a duty to write to a victim and explain a decision to drop or substantially reduce a charge. In our sample, Victim Communication and Liaison scheme (VCLs) letters were required in 12 cases. There was timely compliance in accordance with the Victim's Code in eight cases (66.7%), but the remaining four cases (33.3%) were assessed as not meeting the standard. In three of those four cases, no letter was sent to the victim.

7.87. Of the nine VCL letters that were sent, four were assessed as fully meeting the required standard, three as partially meeting the standard and two as not meeting the standard. In one of the cases assessed as fully meeting the standard the defendant and victim were married. The defendant was alleged to have assaulted the victim by pulling her hair, stepping on her arm, pushing his foot against her chest and spitting on her. He was also alleged to have grabbed her breasts and bottom. The defendant was charged with common assault by beating and sexual assault. On the day of the trial, the defendant offered to plead guilty to the common assault. The victim was consulted and indicated she wished to accept this and not give evidence. The VCL letter thanked her for her attendance at court, explained what had occurred and detailed the restraining order terms and duration. The letter offered a phone call with the writer and expressed appropriate empathy for the victim's ordeal.

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

Introduction to rape and serious sexual offences casework

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

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

8.2. Our findings should be seen in light of the context we set out in chapter 2, concerning the impact on the Area of Covid-19. The RASSO team, like all teams in the Area, has experienced a significant degree of ‘churn’ of staff along with the high caseloads. The current Deputy Chief Crown Prosecutor (DCCP), who was the most experienced DCCP in the Area, was moved to the RASSO unit from the magistrates’ court unit during the pandemic. In the 12 months she has been in post, there have been three different Senior District Crown Prosecutors as a result of the high numbers of staff who move to roles outside CPS London North. This adversely affects attempts to maintain continuity of efforts to improve casework quality.

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

Table 13: Scoring for RASSO casework

Question	Rating	%
Pre-charge decision-making and review		
The Area complies with the Code for Crown Prosecutors ²⁴ at pre-charge decision stage	Fully meeting the standard	100%
The Area selects the most appropriate charge(s) at pre-charge decision stage	Fully meeting the standard	91.7%
The Area's pre-charge decisions contain a clear analysis of the case and set out a cogent case strategy	Partially meeting the standard	64.4%
Quality of post-charge reviews and decision-making		
The Area complies with the Code for Crown Prosecutors post-charge	Fully meeting the standard	100%
The Area's post-charge reviews contain a clear analysis of the case and set out a cogent case strategy	Not meeting the standard	48.8%
Preparation for the Plea and Trial Preparation Hearing		
The Area prepares its cases effectively for the Plea and Trial Preparation Hearing in the Crown Court to make sure progress is made	Partially meeting the standard	66.8%
Disclosure		
The Area fully complies with its duty of disclosure throughout its RASSO casework	Partially meeting the standard	69.5%
Victims and witnesses		
The Area addresses victim and witness issues appropriately throughout its RASSO casework	Partially meeting the standard	65.5%

8.4. Our assessment of RASSO casework was that there were aspects that were done well, including compliance with the Code at and after charge, selecting the most appropriate charges, pre-charge action plans, properly drafting an indictment, considering and acting upon new material received from the police, and the completion of disclosure management documents. There were other aspects that required more focus, specifically, instructions to court prosecutors pre-charge, undertaking a review to coincide with service of the

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

prosecution case, instructions to advocate post-charge, and compliance with initial disclosure obligations.

8.5. There are factors relating specifically to RASSO casework that we set out at paragraphs 4.63 to 4.66.

Pre-charge decision-making and reviews

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

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

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

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

8.8. We rated the Area as fully meeting the standard for this sub-theme of pre-charge decision-making, with 100% of the Area's 18 pre-charged RASSO cases being compliant with the Code for Crown Prosecutors. This is a real strength for the Area.

Table 14: Pre-charge Code compliance in RASSO cases

Rating	Number of cases	Percentage
Fully meeting the required standard	18	100%
Not meeting the required standard	0	0 %

Selecting the most appropriate charges

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

8.10. In RASSO cases, the selection of charges can be complicated, with different offences being relevant depending on the date of the incident(s) or the age of the victim. Non-recent allegations can require particular care if they span

the transitional provisions in, and the changes to offences brought about by, the Sexual Offences Act 2003.

8.11. We found that this was a strength for the Area, with prosecutors selecting the correct charges in the vast majority of RASSO cases. We rated the Area as fully meeting the expected standard for this sub-theme of pre-charge decision-making, with an overall theme score of 91.7%.

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

8.12. Our assessment is that the Area is partially meeting the standard for this sub-theme of pre-charge decision-making. Overall, the score for pre-charge review in RASSO cases is 64.4%.

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

Case analysis and strategy

8.14. Inspectors found the quality of case analysis and case strategy was significantly better in the RASSO unit compared to the other units. In our sample of RASSO cases, ten out of 18 cases (55.6%) were assessed as fully meeting the expected standard, with four cases partially meeting the standard and four cases not meeting the standard (22.2% each). Analysis of the strengths and weaknesses of the evidence was routinely undertaken to a good standard.

8.15. In two of the cases assessed as partially meeting the standard and one case assessed as not meeting the standard, there was a failure to fully consider the defence account. This was an issue that was common in the weaker magistrates' court and Crown Court cases. It contrasted with a case where the complainant said she had been raped by a neighbour, the defendant. The police were called, and the defendant was arrested. In interview he denied any sexual intercourse took place, but forensic evidence suggested that some kind of sexual contact had occurred between the complainant and the defendant. The prosecutor considered the defence account and recognised potential points the defence may take, particularly around the complainant's credibility, and developed a strategy for dealing with these issues. Unused material was considered and, where it was believed to undermine the prosecution case, the prosecutor put in place an appropriate trial strategy for dealing with the material. The defendant was charged with rape and acquitted at trial.

Pre-charge disclosure

8.16. At the pre-charge stage, we assessed 11 of the 18 relevant cases (61.1%) as fully meeting the standard for consideration of possible unused material and reasonable lines of enquiry. Six cases (33.3%) were assessed as partially meeting the standard and one case (5.6%) as not meeting the standard.

8.17. While the unit demonstrated strong performance in pursuing reasonable lines of enquiries, we noted that the material provided in response was not always sufficiently considered. In one case, the notes from the Haven (a network of sexual assault referral centres in London) were correctly requested pre-charge. They disclosed that the complainant had alleged digital penetration and stated she could not recollect being vaginally raped. The video-recorded evidence from the complainant the following day alleged vaginal rape and made no mention of digital penetration. This undermining material was not considered in terms of the impact on the credibility of the witness, nor identified as needing to be disclosed at an early stage.

8.18. A number of cases we inspected received early investigative advice (EIA) from the Area. These were effective in focusing on appropriate reasonable lines of enquiry. In one case of rape between two staff members at a catering company, the prosecutor was able to exclude social media enquiries on the basis of the accounts of the defendant and complainant as to how well they knew each other. Other third-party material was properly requested as part of the EIA. On receipt of all requested items, the charging advice dealt systematically with disclosure. The case was then able to progress to trial without any issues involving unused material.

Instructions to the court prosecutor

8.19. Instructions to court prosecutors in the pre-charge stage require improvement. We assessed two cases out of 18 (11.1%) as fully meeting the standard, a further 11 cases (61.1%) as partially meeting the standard and five cases (27.8%) as not meeting the standard. In a number of cases with youth defendants, we noted there was insufficient guidance to the prosecutor with regard to grave crime arguments and applicable caselaw. Appropriate bail considerations were rarely set out in the charging advice; we found this is a theme in pre-charge reviews in CPS London North.

Reasonable lines of enquiry and action plans

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

8.21. Pre-charge action plans were a strength in the RASSO cases we examined, with 12 out of 17 cases (70.6% of cases) being assessed as fully meeting the required standard. Five out of 17 cases (29.4% of cases) were assessed as partially meeting the required standard and no cases were found to be not meeting the standard.

Applications and ancillary matters

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

8.23. Consideration of potential bad character at the pre-charge stage is an aspect for improvement in RASSO cases. We assessed six out of 17 applicable cases (35.3%) as fully meeting the standard for consideration of relevant applications, which includes bad character. We assessed another six cases (35.3%) as partially meeting the standard and the remaining five cases (29.4%) as not meeting it. While most reviews recognised the existence of potential bad character evidence where it was appropriate, there was a failure to set out what was to be applied for, how that would be proved and what the grounds for admission would be.

8.24. We saw a mixed level of care given to the consideration of relevant applications and ancillary matters to support victims and witnesses at the pre-charge stage. We rated seven out of 16 cases (43.8%) as fully meeting the required standard, six cases (37.5%) as partially meeting the standard and a further three cases (18.8%) as not meeting the standard. We noted in particular that restraining orders were rarely considered pre-charge, which was especially relevant in RASSO cases with youth suspects, where a convicted defendant is less likely to receive a custodial sentence.

Post-charge decision-making and reviews

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

8.25. Our assessment is that the Area is fully meeting the standard for this sub-theme of post-charge decision-making. Overall, the score for Code compliance in RASSO cases is 100%. These cases included two that were originally charged by CPS Direct.

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

Table 15: Post-charge Code compliance in RASSO cases

Rating	Number of cases	Percentage
Fully meeting the required standard	20	100 %
Not meeting the required standard	0	0 %

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

Quality of post-charge reviews, analysis, and case strategy

8.28. Our assessment is that the Area is not meeting the standard for this sub-theme of post-charge decision-making. Overall, the score for post-charge reviews in RASSO cases is 48.8%.

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

Case analysis and strategy

8.30. The quality of case analysis and strategy in post-charge reviews in RASSO cases was similar to that in pre-charge reviews.

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

Question	RASSO cases
Pre-charge case analysis and strategy	
Fully meeting the required standard	55.6%
Partially meeting the required standard	22.2%
Not meeting the required standard	22.2%
Post-sending review analysis and strategy	
Fully meeting the required standard	50.0%
Partially meeting the required standard	25.0%
Not meeting the required standard	25.0%

8.31. Ten cases out of 20 (50%) were assessed to be fully meeting the standard, five cases (25%) were found to be partially meeting the required standard and five cases (25%) were found to not be meeting the required standard. The cases that were assessed as not meeting the standard either had no post-sending review when the circumstances required one (three cases) or the review was simply a copy and paste of the pre-charge review when new material or information had been received that required consideration (two cases).

8.32. There were good examples of post-sending reviews showing the Area gripping cases where the pre-charge reviews were weak. In one case, the suspect was alleged to have picked up the victim and her friend, who were strangers to him, when they were inebriated. He was then alleged to have sexually assaulted the victim while purporting to give her a lift home. There was information of a previous similar allegation against the defendant that had not been fully considered or resolved by the pre-charge lawyer. The post-sending review considered the information and realised that the previous allegation failed because of a lack of identification evidence against the suspect. The reviewing lawyer correctly determined that this was not material that could be used for a bad character application, preventing wasted time in pursuing a fruitless application. An action plan was completed with consideration of special measures for the victim and other witnesses, along with instructions on disclosure.

Significant events

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

8.34. We assessed the Area as fully meeting the required standard for significant event reviews in two out of 12 applicable RASSO cases (16.7%), partially meeting the standard in five cases (41.7%) and not meeting the standard in the remaining five cases (41.7%). Three of the five cases assessed as not meeting the standard involved the failure to undertake a review following the defence making an offer of guilty pleas to some of the alleged offences.

Appropriate applications

8.35. We assessed the Area's use of appropriate applications to strengthen the Crown's case as fully meeting the required standard in two out of six relevant cases (33.3%). One case (16.7%) was assessed as partially meeting the required standard and three cases (50.0%) were assessed as not meeting the required standard. In two of the three cases assessed as not meeting the standard, a bad character application in relation to non-conviction reprehensible behaviour was called for but was not progressed appropriately.

Case study

The suspect was the former partner of the victim's mother. The victim, who was 24 at the time the report was made to the police, stated that the defendant had raped her on a number of occasions when she was aged between four and six. A number of statements were obtained from the victim's immediate family which detailed the defendant being violent. The police had a number of call-out logs showing occasions when they had been requested to attend the family address because of allegations made by the victim's mother of the defendant being violent towards her. The mother had not supported any prosecutions for violence and the defendant had no previous convictions.

The prosecutor provided early investigative advice with a number of reasonable lines of enquiry which were pursued by the police, including the possible bad character evidence.

In the review which gave charging authority, the prosecutor wrote "Bad character can be invoked with respect to the [domestic violence] history but I am aware that he is of good character and has nothing recorded against him despite the number of times the police are called." This did not make it clear whether bad character evidence was to be part of the prosecution case. The prosecutor did not draft an application or set out which incidents could properly be included and which ground(s) could be used to make the application.

No application for bad character was made prior to the Plea and Trial Preparation Hearing and the instructions to counsel did not detail any views of the prosecutor or ask for advice on the point. Counsel did provide an advice which included that bad character was relevant and ought to be introduced, but there is no evidence that a bad character application was made.

The defendant was convicted on all counts and sentenced to 13 years' imprisonment plus an additional year on licence as an offender of particular concern.

Stage 1 reviews

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

8.37. We found, in the RASSO cases in our sample, that the stage 1 reviews were not routinely being completed. This contributed to the low overall score for this theme and impacts on the overall score for added value. We assessed two out of 17 cases (11.8%) as fully meeting the required standard and the remaining 15 cases as not meeting the standard (88.2%). In 14 of those 15 cases, there was no stage 1 review where one was required to address outstanding issues or new material.

Feedback on police file quality

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

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

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

8.41. Police file quality was assessed as fully meeting the standard in 13 out of 20 cases (65%) and the remaining seven cases (35%) were assessed as not meeting the standard. Feedback to the police needs to improve; we assessed

feedback to the police as fully meeting the expected standard in one of the seven instances where the police file was defective. We assessed another two cases as partially meeting the standard and the remaining four as not meeting the standard.

Conferences with counsel

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

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

8.44. The Area has had difficulties getting counsel of the appropriate grade for RASSO cases because court backlogs and frequent changes to trial dates have meant that counsel have their own increasing case-lists and are not always available. Despite this, we found that in three-quarters of the relevant cases in our sample, a conference took place with trial counsel, the officer in the case and any expert witnesses. In the circumstances, this is a strength.

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

8.45. Our assessment is that the Area is partially meeting the standard for this casework theme. Overall, the score for preparation for the Plea and Trial Preparation Hearing (PTPH) in RASSO cases is 66.8%.

8.46. In assessing the Area's performance when preparing for the PTPH, we considered the key tasks the prosecution are required to complete – including filling in the PTPH form for use by the Judge presiding at the hearing; carrying out direct engagement with the defence; drafting the indictment; making sure the relevant material is uploaded to the Crown Court Digital Case System (DCS) before the hearing; and making sure an advocate is instructed in advance of the hearing, so that they have time to prepare. There is more detail about these tasks in chapter 4 (paragraphs 4.27 to 4.36).

8.47. We found preparation for the first hearing required a stronger focus, with seven cases (35.0%) in our sample being rated as fully meeting the standard, 12

cases (60.0%) as partially meeting the standard and the remaining case (5.0%) as not meeting the standard.

8.48. The police upload hard media (such as CCTV footage or body worn video) to secure online locations and send the links to the CPS. Given the prevalence of digitally recorded interviews with complainants in RASSO cases, the provision of hard media to the defence prior to the PTPH (or the not guilty anticipated plea hearing in youth cases) is particularly important. We assessed the Area as fully meeting this standard in ten out of 16 cases (62.5%), partially meeting the standard in a further four cases (25%) and not meeting the standard in two cases (12.5%).

Direct engagement with the defence

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

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

8.51. Despite the challenges, we assessed the Area as fully meeting the standard for defence engagement in six out of 18 cases, as partially meeting the standard in five cases and not meeting it in seven cases. Of the six cases where the Area was assessed as fully meeting the standard, the defence engagement log was uploaded to the CCDCS in two of those cases. Given the pressures the Area is working under and the difficulties with defence solicitor availability, these ratings give confidence that the Area will achieve significant compliance once pressures recede.

The indictment

8.52. RASSO cases present specific challenges when drafting indictments, particularly where the victim is a child, or the allegations are not recent. The quality of indictments was a strength for the Area, with 13 of the 17 applicable cases (76.5%) fully meeting the standard, one partially meeting the standard (5.9%) and the remaining three (17.6%) not meeting the standard.

8.53. The timeliness of uploading the indictment and key evidence prior to the PTPH was assessed as fully meeting the required standard in ten out of 17 cases (58.8%), partially meeting it in a further six cases (35.3%) and not meeting the standard in one case (5.9%). Of the six cases partially meeting the standard, we noted that all but one was owing to uploading the indictment at a late stage, including in one case the night before the hearing.

Instructing the advocate

8.54. We set out the expectations for what should be contained in instructions to the court advocate in paragraph 4.31. We found that clear instructions to advocates were provided in one out of 16 cases (6.3%), and that a further nine cases (56.3%) were assessed as partially meeting the standard, with six cases (37.5%) not meeting the required standard. The Area will no doubt look to improve this aspect as clear instructions to advocates can reduce future work demands on prosecutors as well as providing reassurance to victims and witnesses if appropriate special measures are applied for and obtained.

8.55. The instruction of advocates was generally timely, with 70.6% of cases found to be fully meeting the required standard, 17.6% of cases partially meeting the standard and 11.8% of cases not meeting the standard. This is a particularly notable achievement in the context of the difficulties the Area has in securing appropriately senior counsel to prosecute cases.

Does the Area fully comply with its duty of disclosure?

8.56. Our assessment is that the Area is partially meeting the standard for this casework theme. Overall, the score for disclosure in RASSO cases is 69.5%.

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

Police service on disclosure

8.58. We found police compliance with their disclosure obligations was fully meeting the required standard in four out of 20 cases (20.0%), partially meeting the standard in 13 cases (65.0%) and not meeting it in three cases (15.0%).

8.59. Feedback to the police is an important part of driving improvement, and should occur despite the pressures on CPS Areas, so that the Area receives a better service in future. Of the 17 cases where the police fell short of compliance with their duties, prosecutors provided them with full feedback in five cases (29.4%). We assessed the Area as partially meeting the standard for feedback in eight cases (47.1%) and not meeting it in four cases (23.5%).

Initial disclosure

8.60. We assessed initial disclosure in RASSO cases as fully meeting the required standard in two of the 20 applicable cases (10.0%). Another 12 cases (60.0%) were assessed as partially meeting the standard and six cases (30.0%) as not meeting the standard.

8.61. The main reasons identified in weaker cases was either failing to notice that obvious items of unused material were not scheduled, or setting out the wrong test for disclosure, including courtesy disclosure.

8.62. In one allegation of rape occurring between two pupils at school, there were only two items on the schedule of non-sensitive unused material. This did not include the school records which had been considered, the phone downloads which had been assessed as not forming part of the prosecution case, or the CCTV enquiries in the relevant area. This was remedied in continuing disclosure, prompted by requests in the defence statement. However, the deficient schedule was not challenged by the prosecutor at initial disclosure despite having correctly asked for the material before charge.

Continuing disclosure

8.63. Late defence statements were usually chased. There were ten late defence statements in our file sample, and seven (70.0%) were chased promptly, leading us to assess the Area as fully meeting the standard. Two cases were assessed as partially meeting the standard (20.0%) and one as not meeting the standard (10.0%). One case in our file sample was assessed as having an inadequate defence statement; the prosecution did not challenge it.

8.64. Inspectors assessed the review of defence statements and provision of directions to the police on any further reasonable lines of enquiry as fully meeting the standard in nine out of 17 cases (52.9%), as partially meeting the

standard in three cases (17.6%) and as not meeting the standard in five cases (29.4%). Three of the five cases were assessed as not meeting the standard because the defence statement was forwarded by the paralegal officer to the police with no apparent input from the reviewing lawyer. The other two defence statements in the cases rated as not meeting the standard were forwarded on by the reviewing lawyer in an email and did not include any review or assistance for the officer.

8.65. The quality of continuing disclosure was better than initial disclosure, being assessed as fully meeting the standard in eight out of the 19 applicable cases (47.1%), partially meeting the standard in another eight cases (47.1%) and not meeting it in one case (5.9%). The main reasons for assessing the Area as partially or not meeting the expected standard were not identifying reasonable lines of enquiry and not endorsing decisions on newly revealed items. None of the issues we identified were such that they resulted in a potential miscarriage of justice.

Timeliness

8.66. The timeliness of service of initial disclosure was a strength, with 19 out of 20 cases (95.0%) assessed as fully meeting the standard.

8.67. Timeliness for continuing disclosure was not as good as for initial disclosure, but it was still positive. We assessed 13 out of 17 cases (76.5%) as fully meeting the standard, one case (5.9%) as partially meeting the standard and the remaining three cases (17.6%) as not meeting it.

Sensitive and third-party material

8.68. Three cases in our RASSO sample had sensitive material. We rated one as partially meeting the required standard for the handling of sensitive material, and two as not meeting the standard (66.7%). In both cases assessed as not meeting the required standard, sensitive schedules were provided by the police, which included a number of entries, some of which should have been listed on the non-sensitive schedule that is disclosed to the defence. In both cases, the prosecutor did not consider whether the material was correctly placed on the sensitive schedule, nor were disclosure decisions endorsed on the schedule.

8.69. We saw some good handling of third-party material, but this was not universal. In four out of the nine relevant files (44.4%) we assessed the Area as fully meeting the standard, one case (11.1%) as partially meeting the standard and four (44.4%) as not meeting the standard. We noted there appeared to be some gaps in knowledge in the Area about what information they needed from the police in relation to unused material from the Family Court, and how to deal

with the material when disclosing it. The Area may wish to make sure that prosecutors are familiar with the 2018 Joint Protocol on Third Party Material²⁵.

Recording decisions

Disclosure management documents

8.70. Completion of the disclosure management document (DMD) is a real strength in RASSO cases. All but one case (94.7%) had a DMD when required, and 77.4% of the DMDs were completed accurately and fully.

Case study

The complainant and defendant were 15 years of age at the time of the alleged incidents and were friends in school. On a number of occasions, it was alleged, the defendant anally raped the complainant, masturbated him against his will and encouraged the complainant to perform masturbation upon him.

The prosecution provided an early investigative advice to the police, which detailed the reasonable lines of enquiry to pursue, including electronic information and third-party material. A subsequent pre-charge review made further requests for additional material including Instagram messages and Facebook contact between the complainant and the defendant. The police undertook the requests and informed the prosecutor that Instagram and Facebook had been checked and there were no relevant messages. The reviewing lawyer authorised charges of rape, attempted rape, sexual assault and causing a child under 16 to engage in sexual activity. The reviewing lawyer provided advice with the charging authority on what matters should be included on the disclosure schedules.

A DMD was served on the court and defence prior to the PTPH. It detailed which phones had been recovered from the defendant and complainant, what downloads had been taken from those phones and to what level, what the reasoning for those decisions were and what was recovered from the phones. It detailed the accounts of the defendant and complainant with regard to any social media messaging, what searches of social media had taken place and what was recovered from those searches. Third-party enquiries with social services, medical records and education records were also detailed.

The defence made a section 8 application for additional disclosure of education records but did not raise any issues with regard to social media messaging. The Crown responded appropriately to the section 8 application, directing the police in respect of further lines of enquiry.

²⁵ <https://www.cps.gov.uk/sites/default/files/documents/publications/Joint-Protocol-on-Third-Party-Material-2018.pdf>

On the last working day prior to the trial date, a further section 8 application was made by the defence including requests for social media messages. The prosecution responded the same day and was able to refer to the comprehensive DMD that had been provided prior to the PTPH. In the response, the prosecution noted the lateness of the request when the extent of all social media enquiries had been detailed and available to the defence. The fact the defence had not objected or commented on the contents of the DMD was also referred to in an appropriately robust response.

The defendant entered a guilty plea on the day of trial, on an acceptable basis following consultation with the victim and family, so there was no need for the Judge to adjudicate on the defence disclosure application.

Disclosure records

8.71. There is scope to improve the standard of completion of disclosure records. We found that, where the disclosure record was endorsed, it tended to reflect the procedural aspects of disclosure, such as receipt and service of items rather than setting out the rationale for what was disclosable and what was not. Continuing disclosure decisions were less likely to be recorded than initial disclosure decisions. Four out of 20 disclosure records (20.0%) were assessed as fully meeting the standard, 14 records (70.0%) were assessed as partially meeting the standard and two (10.0%) as not meeting the standard.

Does the Area address victim and witness issues appropriately?

8.72. Our assessment is that the Area is partially meeting the standard for this casework theme. Overall, the score for victim and witness issues in RASSO cases is 65.5%.

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

Pre-charge

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

8.75. We saw inconsistent approaches to the consideration of relevant applications and ancillary matters to support victims and witnesses at the pre-

charge stage, with seven out of 16 cases (43.8%) assessed as fully meeting the standard, six cases (37.5%) as partially meeting the standard and a further three cases (18.8%) as not meeting the standard. The police should provide a document which details what, if any, special measures the victim or witness would like and the reason for that request. Inspectors noted that the quality of these forms was often below that which would be expected. This meant that it was unclear what special measures the witness or victim would like, or that the difference had been fully explained to them. We noted, however, that prosecutors did not request clarification from the police to ensure victims and witnesses were getting the appropriate special measures.

8.76. We were told by the Area that they share our concerns about the quality of information provided by the police and have initiated a revised form, which provides more detail about the measures requested and the victim's or witness's views.

After charge

Warning witnesses and communications with witness care units

8.77. These aspects are handled well by the Area in RASSO cases. In 16 out of 19 relevant cases (84.2%), we found the RASSO team was fully meeting the standard for the correct and timely warning of witnesses, and the remaining three cases (15.8%) were assessed as partially meeting the standard.

8.78. Witness care unit correspondence was dealt with appropriately in 13 out of 16 cases (81.3%), with one case (6.3%) partially meeting the standard and two cases (12.5%) assessed as not meeting the standard. We saw some very good work, for example, in one allegation of rape where the victim had health issues. The pre-recorded cross examination under section 28 of the Youth Justice and Criminal Evidence Act 1999 had been timetabled, but the victim then received a hospital appointment for the same day. The Area was notified of this difficulty and the same day made an application to the court for the section 28 hearing to take place on a different day. This was granted immediately by the Judge, with the new date to be fixed at a later hearing. The victim was notified straight away that the hearing had been vacated so she was able to concentrate on her medical appointment.

Consulting victims and speaking to witnesses at court

8.79. Consultation with victims and speaking to witnesses at court could be improved. We found three of the 15 applicable cases (20.0%) to be fully meeting the standard, ten cases (66.7%) to be partially meeting the standard and two cases (13.3%) to be not meeting the standard.

8.80. In all ten cases we assessed as partially meeting the standard, there were deficiencies in either undertaking or recording on the hearing record sheet that the speaking to witnesses at court protocol (STWAC) had been complied with. We were told that during the pandemic the mechanisms the Area had in place to assure compliance with STWAC obligations were necessarily suspended, but that these have been resumed following the relaxation of social distancing restrictions. We will assess the extent of any improvement when we return to carry out our follow-up of this baseline inspection.

Victim Personal Statements and orders on sentencing

8.81. There was a mixed response to the prosecution's obligations with regard to Victim Personal Statements (VPSs). We found they were fully meeting the required standard in six cases out of the 14 assessed (42.9%), partially meeting it in a further four (28.6%) and not meeting the required standard in the remaining four cases (28.6%).

8.82. In the cases assessed as not meeting the standard, the VPS had not been requested by the prosecutor or provided by the police and appeared to have been overlooked. In the cases assessed as partially meeting the expected standard, VPSs were obtained but it was either not clear from the hearing record sheet if this was read to the court or the file was silent regarding the victim's wishes to either read it themselves or have it read on their behalf.

8.83. In 70% of cases, the prosecution sought appropriate orders on sentence to protect the victim, witnesses and the public. In a further 10%, the Area was found to be partially meeting the standard, with the remaining 20% not meeting the standard. All three of the cases we assessed as partially or not meeting the standard featured a failure to seek a sexual harm prevention order where it would have been appropriate to do so. These orders can provide an additional protection to members of the public from a person who has been convicted of a sexual offence.

Victim Communication and Liaison scheme letters

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

8.85. There were five cases which required a Victim Communication and Liaison (VCL) scheme letter in our RASSO file sample. In four of those cases a letter was sent and in the remaining one case, no letter was sent to the victim. We assessed one case as fully meeting the standard for timeliness, one case as partially meeting the timeliness standard and three as not meeting the required standard for timeliness (including the occasion when a letter was not sent when it should have been). Of the four letters sent, two were assessed as fully meeting the standard and two were assessed as not meeting the standard.

8.86. In one of the letters assessed as not meeting the standard, the victim had learning and mental health difficulties. There were multiple allegations including rapes. A basis of plea was offered by the defendant on the day of trial to an offence contrary to section 9 of the Sexual Offences Act 2003. The complainant and his family at court asserted they wished to accept the basis of plea and avoid a trial. The VCL letter failed to demonstrate empathy for the victim and stated “I appreciate this may not have been the outcome you wanted” despite being a matter discussed with the victim and in accordance with his wishes, giving the impression of a pro-forma document rather than a bespoke letter drafted for the victim of this offence.

9. Public confidence

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

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

Correspondence with victims

Expectations

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

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

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

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

²⁶ CPS 2025 is the CPS's strategy and vision for where it wants to be in 2025.
www.cps.gov.uk/sites/default/files/documents/publications/CPS-2025-strategy.pdf

Sending Victim Communication and Liaison scheme letters

Compliance with the Victim Communication and Liaison scheme

9.7. In our sample of 90 cases, there was a need for 26 cases to have a VCL letter sent. Of those 26 letters, 21 were sent by CPS London North – eight in magistrates' court cases, nine in Crown Court cases and four in rape and serious sexual offences (RASSO) cases. The five cases where letters were not sent consisted of one in a magistrates' court case, three in Crown Court cases and one in a RASSO case.

9.8. Fifteen of the 21 letters that were sent were assessed as fully meeting the standard for timeliness. Another three letters were rated as partially meeting the standard for compliance, meaning that they missed the target set by the scheme, but that any delay was minimal. The remaining three letters sent were assessed as not meeting the standard, because they were late and the delay was more than minimal.

Quality of Victim Communication and Liaison scheme letters

9.9. We assessed the quality of the 21 letters sent as set out in Table 17. The standard of letters was similar across all units. No particular theme emerged from the letters that were assessed as not fully meeting the standard; instead we noted a range of issues. These included a lack of empathy, incorrect use of standard paragraphs when they were not relevant to the facts of a particular case, factual errors, and failure to explain the reason for discontinuing a case.

Table 17: Quality of Victim Communication and Liaison scheme letters

Casework type	Magist-rates' courts	Crown Court	RASSO	All cases
Number of letters sent	8	9	4	21
Fully meeting the standard	37.5%	44.4%	50.0%	42.9%
Partially meeting the standard	37.5%	33.3%	0%	28.6%
Not meeting the standard	25.0%	22.2%	50.0%	28.6%

9.10. The Area monitors its compliance with the VCL scheme (both timeliness and quality) and with other obligations to victims and witnesses in various ways. A VCL monthly performance report (which also includes letters sent under the VRR initiative) is produced within the Area, providing data from the monitoring of volumes, timeliness and quality across the casework teams. The reports we reviewed included a 'lessons learned' section to be disseminated within the

Area. The VCL/VRR monthly performance report is discussed at the Area's Victims' Board, which meets monthly.

9.11. The Area holds monthly VCL panels where a selection of cases that involve VCL letters are considered. The panel involves prosecutors and paralegal officers as well as legal line managers and members of the senior management team. A report is prepared detailing the panel's views on the quality of the letters. Any themes are identified, and feedback is provided to the prosecutor and the victim liaison unit, where appropriate, to aid continuous development. The report is provided to the Victim's Board for consideration.

9.12. One of the Area's Deputy Chief Crown Prosecutors (DCCPs) has the thematic lead for victims and witnesses. Together with the Area Business Manager (ABM), they chair the Area's Victims' Board, which provides strategic oversight of, and monitors compliance with, the Victims' Code and the Witness Charter. The remaining DCCPs also attend the Victims' Board along with the Area's legal lead, the Inclusion and Community Engagement Manager, a victim liaison unit manager and Senior District Crown Prosecutors from across the various units. The Victims' Board oversees and discusses the outcomes of the monthly VCL panels, including those relating to the quality and timeliness of letters, and feedback is provided to prosecutors where necessary. The board also considers any learning or issues from VRR, local scrutiny and involvement panels (LSIPs), the pan-London Victim's Board, and victim and witness non-conviction data to improve performance and spread development.

9.13. The Area has a clearly defined internal escalation process through the legal management structure to the DCCP lead to deal with occasions when insufficient explanations are provided by prosecutors. We were told the Area has developed VCL letter templates and intends to deliver further training around these to prosecutors.

9.14. The Area recognised that training and feedback were not having the level of impact hoped for, so a VCL working group has also recently been established to identify barriers to performance development and to support improvement. This is still in its infancy and so we have not been able to assess if it is having the desired effect. It is clear the Area has structures in place to monitor the quality and timeliness of letters and respond to issues as they emerge. We will examine the extent of any progress when we follow up this baseline inspection.

9.15. We saw evidence that the CCP and a DCCP from the Area were attending the pan-London Victims' Board, which is chaired by the London Victims' Commissioner and attended by representatives from the Metropolitan police, the Ministry of Justice, the Mayor's Office for Policing and Crime and the judiciary, amongst others. We noted that the Area representatives at this board

meeting were able to ensure the other attendees were aware of the difficulties for victims and witnesses created by court backlogs. The Area has done a great deal, much of it pan-London, to equip their lawyers with tools to be able to communicate clearly with victims. We saw evidence of a pan-London training presentation which covered the giving of clear, empathetic explanations in plain English.

9.16. Although there were a number of reasons for cases failing to meet the required standard for the quality of victim letters, an underlying cause is a lack of care or attention being given to the letter's contents. One contributing factor to the noted shortcomings may be that prosecutors are working under increased pressures. Providing timely, clear, detailed and empathetic letters to those who have been affected by crime is, however, an essential function of a prosecutor. Despite the ongoing efforts, this function is not currently being performed to the standard the Area would expect to see.

Complaint and Victims' Right to Review responses

9.17. The monthly VCL/VRR report has, since July 2021, included, a section on responses to victims' requests under the Victims' Right to Review initiative. The Area also produces a quarterly report with casework quality themes arising from the VRR requests and responses, and this is shared with the Victims' Board. Good practice and lessons identified are also fed into the Casework Quality Board for discussion and to disseminate learning.

Victims' Code and Witness Charter

Expectations

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

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

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

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

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

Consulting victims and speaking to witnesses at court

9.23. Victims were generally consulted about a case where necessary, such as where the prosecution was considering resolving the case with pleas to lesser offences or discontinuing the case. Compliance with the STWAC protocol was less clearly observed although it was more apparent in the magistrates' court unit than in either the Crown Court or RASSO units.

9.24. We are aware of the difficulties that the lockdown and reducing footfall in court had on managers being able to quality assure advocates and paralegal assistants, and to identify if the STWAC protocol was being complied with. We were told the Area necessarily paused advocacy assessments and the paralegal assistant checklist during the pandemic, which were the two tools used to provide assurance on STWAC compliance.

9.25. In the Crown Court, where all the Crown Court and most of the RASSO cases in our sample were heard, the Area relies on paralegal staff to ensure that counsel complies with the STWAC protocol and that the file record sheet is endorsed with the contents of that discussion. The Area submitted a business case for additional paralegal staff to help cover the shortfall created by increased caseloads and this was successful. As pressures ease and staff numbers increase, the Area hopes that compliance with the STWAC requirements will improve. We will be interested to see what progress has been made when we return to follow up this baseline inspection.

Victim Personal Statements

9.26. In our file sample, we found good levels of compliance with obligations around Victim Personal Statements (VPS) across the different casework types. We assessed 70% of cases as either fully or partially meeting the standard in magistrates' court cases, 64.7% fully or partially meeting the standard in the Crown Court unit and 71.5% doing so in the RASSO unit.

9.27. We noted that, as with the consideration of appropriate orders on sentence, this was an aspect that was often weak in pre-charge advice but then improved post charge. There are risks in failing to secure VPSs at pre-charge stage: if the defendant enters an early guilty plea and there is no VPS, the victim's chance to explain the impact on them is missed. Occasionally, the VPS contains additional information that needs to be dealt with as evidence or unused material, and delay in receiving the VPS can hamper efficient case progression.

9.28. The Area's Victims' Board also monitors compliance and performance against the rights and obligations within the Victims' Code and Witness charter. A dip sample of cases was previously undertaken by the Area to assess VPS compliance and there was evidence in the London North Victims' Board minutes of an intention to repeat this exercise.

Offering meetings in all appropriate cases

9.29. The bereaved family scheme and the Victims' Code both give certain victims the opportunity to meet the prosecutor (or trial advocate in the case of bereaved families). There have inevitably been difficulties in arranging these meetings during the pandemic. We were told that the RASSO unit intends to have more face-to-face special measures meetings with victims, but this was not something we observed within the file sample. There were no fatalities in our file sample.

Community engagement

9.30. In the documents sent to us, we saw evidence of the Area's focus on engagement with communities on domestic abuse. The Area participated in a pan-London Independent Domestic Violence Advocate day to work with third-sector organisations on a variety of aspects of domestic abuse, and to improve the experience of victims and the quality of the casework. The Area also engages with the third sector in relation to RASSO casework, through an Independent Sexual Violence Advocate (ISVA) working group, and ISVA forum, and one-off events such as a lunch-and-learn session and a session with the Victims' Commissioner.

9.31. There are pan-London scrutiny panels; one which covers Violence Against Women and Girls (VAWG) and one which focuses on hate crime. Both these panels are chaired by the CPS (one by the CCP of CPS London North and one by the CCP of CPS London South) and attended by third-sector organisations alongside CPS representatives. The panels consider performance data and specific cases, with the aim of drawing out any lessons that can be learned to improve future performance. These lessons learned are cascaded via the Area's performance boards to support the Area's lawyers.

10. CPS people

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

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

Recruitment and induction, staff moves and succession planning

Expectations

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

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

²⁷ CPS 2025 is the CPS's strategy and vision for where it wants to be in 2025.
www.cps.gov.uk/sites/default/files/documents/publications/CPS-2025-strategy.pdf

Staff induction

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

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

	LM1	LM2	SCP	CP	Total
At 31 March 2019	24.63	6	136.1	14.28	215.41
At 31 December 2020	30.83	6	154.06	26.89	246.28

10.5. Despite the increase in numbers detailed above, staff in post figures as of September 2021 show the Area had fewer Crown Prosecutors (CPs) and Senior Crown Prosecutors (SCPs) in the magistrates' court, Crown Court and RASSO units, compared to the desired number of staff under the national resource model. The Area has reached its legal resource allocation on a number of occasions but, owing to the level of turnover of staff, has not been able to maintain that resourcing level.

10.6. Over the past two years there has been a significant change in staffing across all levels – from the Chief Crown Prosecutor, who began in post shortly before the pandemic, through to the Deputy Chief Crown Prosecutors and including SCPs and CPs. The level of change impacts stability in the Area and negatively affects the ability of staff to produce quality casework.

10.7. Since January 2020, 63 new lawyers have been recruited from outside the Area but, owing to staff departures and retirements, this has resulted in the Area's overall lawyer numbers increasing by only 22. The result is a less experienced workforce, a large proportion of whom started during home working without the benefits that physical proximity to their colleagues and learning by osmosis bring. New starters require additional supervision which, for CPs and SCPs, will usually be undertaken by their line manager, a District Crown Prosecutor (DCP). This takes up a significant amount of the DCP's available time. To manage this pressure, the Area is attempting to ensure that DCPs have no more than ten lawyers in their team.

10.8. The Area has been part of the national rolling recruitment campaign for prosecutors, but this did not provide the numbers of new prosecutors the Area needed. The pan-London resourcing and retention board led to a local recruitment campaign, which was successful and, together with the national recruitment campaign, allowed the Area to increase its CP and SCP numbers.

10.9. During the initial lockdown period in 2020, as part of their strategy to address the shortfall in legal staff, the Area offered secondments to 26

advocates from the Bar. The Area invested time to train these secondees on the CPS's digital systems and policies. The Area enjoyed significant initial success in recruiting Bar secondees, however an attempt to return to the Bar for further advocates to join was largely unsuccessful. This led to the CCP writing to every member of the advocate panel asking them to consider the offer. This highlights the positive contribution the Area believes Bar secondees have made. The Area considers this to have been an invaluable exercise at a time when pressure was increasing. Now that most secondees have returned to the Bar, the Area is able to instruct them as advocates with confidence that they have the required legal skills as well as more relevant experience of CPS procedures and policies. Five secondees have chosen to stay working for CPS London North.

10.10. At the height of the pandemic, with far fewer Crown Court sessions taking place, many Crown Advocates (CAs) were redeployed to carry out review work, undertaking pre-charge reviews and general casework. While this was successful in addressing the increase in receipts, particularly in pre-charge work, the CAs needed support and training to be able to deliver this role, which impacted on existing prosecutors and legal managers in those teams.

10.11. Part-time staff were offered increased hours which was a sensible option as part of the Area's range of measures to deal with backlogs and staff shortages.

10.12. These varied staffing strategies were necessary when faced with the increased workload, but the effort of ensuring they were successful fell to a significant degree on the management team and reduced their ability to focus on overall casework quality. As the need for these measures reduces, the Area will want to renew concentration on delivering the highest quality casework, and we will be looking to see improved casework when we return to follow up this inspection.

Succession planning

10.13. The Area is aware that recruiting the calibre of prosecutor desired has become increasingly difficult so it is investing time and resources in the programme for trainee solicitors and pupil barristers to qualify within the CPS. We saw comprehensive induction plans covering the breadth of topics new starters would need information about. The aim is to ensure that the trainees and pupils will be well equipped to conduct a wide range of legal work and be committed to the Area. The Area has had 12 trainees and pupils qualify in the last 24 months with a further five due to qualify in 2022. This delivers a career path for trainees and should ensure that the Area is able to staff their units in future with home grown talent. One trainee who started his training contract in

2018 secured a promotion from CP to SCP, has worked through the Crown Court and RASSO units and has now been further promoted to become a CA.

10.14. The pan-London resourcing and retention board is attended by the Area Business Managers from CPS London North and CPS London South, along with union representatives and human resources personnel. It uses demographic and average retirement age data to plan resourcing and consider effective means of recruitment. It is good evidence that the Area is aware of the challenge of recruitment and takes necessary pre-emptive steps to meet that challenge.

10.15. The Area acknowledged the relative inexperience of legal managers. It has arranged one-to-one coaching sessions for them and is arranging further training around the responsibilities of management. We saw details of specific management training being carried out by the Area for new DCPs, including HR training and mental health awareness work. The combination of set training programmes and bespoke training identified in one-to-one coaching sessions appears to be an appropriate response to the issue of lack of experience among the legal managers.

Staff engagement

10.16. Staff engagement in the most recent Civil Service People Survey in 2021 was 62.0%. This was a decrease from 66% in 2020 and was below the CPS national average of 69%.

10.17. The challenges of staff engagement at a time of increased workload, significant staffing change and remote working are self-evident. For example, it is notable that the Crown Court unit, which has seen a 105% increase in case numbers, recorded the largest fall in satisfaction under the topic of resources and workload, compared to the preceding year's score.

10.18. The Area was aware of sensitivities in how it managed its people during the unprecedented turbulence caused by the pandemic. It stated that staff wellbeing was its main focus during this time, so there will undoubtedly be a degree of disappointment in the declining scores.

10.19. The Area is keen to recognise staff achievements. The Casework Quality Committee we attended coincided with the announcements of the 2021 Awards for Excellence winners, in which the Area won two out of 12 categories and was a runner-up in a further six. This good news was spread across the Area to celebrate success.

10.20. The Area promotes achievement and celebrates success via communication round-ups as well as via CCP commendations, a monthly

London North Star award, the national 'Simply Thanks' scheme and good-news bulletins. We also saw the Area providing feedback to individuals where they were recognised for good work by criminal justice partners, such as the police or judiciary.

Learning and development

Expectations

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

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

Training plans

10.22. We were sent training records for the Area, which showed substantial areas of training are covered – for example, reviews, the new Director's Guidance on Charging, the Attorney General's disclosure guidance and custody time limit e-learning – and training for non-lawyer grades, such as induction for paralegals and training for operational delivery staff.

10.23. Training updates are provided at the London North Board (formerly the Area Strategic Board) so that there is a strategic focus on what is being undertaken. The magistrates' court unit undertakes training around case strategy with a DCP running weekly courses. The Area has delivered refresher training around Victim Communication and Liaison scheme (VCL) letters, but acknowledges the need for further development of skills.

10.24. Detailed induction plans cover all grades of new starters in legal and operational delivery. The challenge of remote induction has not been underestimated by the Area and work has been undertaken in the Crown Court unit to ensure new starters have access to an experienced mentor to support the induction process. We were informed that conversations about training needs between prosecutors and their line managers are on-going, so that further training needs are continually identified and take place beyond the induction period.

10.25. The Area recognised that they faced a significant challenge in carrying a large number of custody time limit (CTL) cases and undertook an audit of all of them. A number of issues emerged from this, and the Area provided training

around the central ones. These included reversion to the 182-day CTL and the use of the CTL calculator. This is good evidence of the Area identifying through analysis and responding appropriately to emerging issues, with training for those who require it.

Coaching and mentoring

10.26. As previously detailed, the movement of personnel was exacerbated by the Area's response to Covid-19 as staff needed to be moved across units to respond to the varying caseload increases. This put the mentor system under increased strain at a time when all prosecutors were dealing with heightened caseloads. The Crown Court unit introduced a duty team of experienced prosecutors who do not carry a caseload but are tasked to support colleagues with their casework. The duty team assists prosecutors if they are unable to complete some necessary tasks before a due date and responds to work that comes in while the case owner is not available. The team also mentors new starters; this ensures that less experienced prosecutors always have someone with more experience to turn to. The RASSO unit appoints a mentor and a buddy for all lawyers who are new to the unit.

10.27. The movement of staff also resulted in there being a number of relatively inexperienced legal managers. The Area responded to this by providing one-to-one coaching sessions for managers and introducing the new starter teams. Legal recruits now begin in the new starter team where they can build camaraderie with other inductees. The team is managed by an experienced DCP to remove the risk of newer staff being supervised by a newer manager.

Quality assurance

Expectations

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

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

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

Quality assurance activity

10.30. During the pandemic, the CPS nationally determined that Areas could reduce the number of IQAs or stop them entirely if necessary. CPS London North continued undertaking disclosure-focused IQAs because it identified disclosure as a priority area where quality assessment ought not to be relaxed. The Area maintained its focus on staff wellbeing as a priority, which included the sensitive handling of performance management activities, in light of the pressures many felt in their personal life around that time. This is an appropriate approach, given the circumstances of the pandemic.

10.31. We were provided with IQA disclosure reports covering the Crown Court unit and the RASSO team. The reports revealed a number of questions assessed as not meeting the standard, denoting a level of robustness in the marking of IQAs by legal managers. The themes identified mirrored those we found in our assessment of the Area's disclosure performance.

10.32. Given the number of new line managers in the Area, and the demands on them, it was reassuring to see eight out of 26 disclosure IQAs were dip-sampled. We were told the Area legal lead assists with thematic dip-samples, which appears a sensible use of management time resource in light of increased work issues.

10.33. In cases of particular complexity or concern for the Area, a local case management panel (LCMP) can be held with the prosecutor and others to make sure that all work is being undertaken appropriately. We were provided with LCMP minutes for all three types of casework we examined, which were all the right type of case for an LCMP. The panel's discussions and any actions were clearly documented.

10.34. We saw details of two LCMPs held on the magistrates' court unit. A briefing paper provided in advance of an LCMP showed a marked level of analysis of the evidence leading to a conclusion that there was no realistic prospect of conviction. Attendees at the LCMP included the prosecutor and legal managers up to Deputy Chief Crown Prosecutor for the magistrates' court unit. Both cases clearly demonstrated appropriate levels of grip and analysis.

10.35. We were provided with details of three LCMPs held in the Crown Court unit. Along with the reviewing lawyer and paralegal officer, they were attended by the legal manager and, in one case, a senior legal manager. All were the appropriate type of case for an LCMP to be held and demonstrated clear grip on the cases with action plans set to ensure progress.

10.36. We saw details of two LCMPs from the RASSO unit. Both were attended by the reviewing lawyer, either the DCP or Senior District Crown Prosecutor (SDCP), and the DCCP. Both were clearly appropriate cases for an LCMP and despite the significant complexity there was evident grip on the issues in each case.

10.37. It appears LCMPs are routinely taking place across all units in the Area and they provide value, both to the reviewing lawyer in discussing the case with management and the Area in being assured around the most complex and sensitive of cases in the unit. While the same level of detail that goes into a LCMP briefing would not always be expected in a pre-charge review, the quality of briefing provided in advance of the panel meeting also demonstrated the strategy and analysis that was sometimes missing in reviews.

10.38. We were informed that the pressures over the last two years have curtailed the extent of audit work the Area has been able to undertake. The risk presented by CTL cases was such that resources were arranged to make sure audit work could be carried out, and a temporary SDCP was appointed specifically to review this topic.

10.39. We saw the presentation of the findings at the Casework Quality Board, which consisted of six primary suggestions and recommendations. We understand that an Area-level action plan was drafted to address the issues and unit-level action plans were derived from the Area plan, so that progress at all

levels could be tracked. At a strategic level, the Area appears able to identify risks and undertake actions to address them.

10.40. The Casework Quality Board (CQB) we attended reviewed a case study of a magistrates' court domestic abuse case. The case was impressively presented by a DCP and contributions were invited on the casework quality to identify topics of learning that could be further disseminated. Some themes from the case were identified to be shared with the joint improvement board. There appeared to be an open and collegiate approach to improvement at the CQB, which should stand the Area in good stead to manage the challenges it continues to face.

11. Digital capability

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

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

Data analysis

Expectations

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

Our findings

11.4. We saw evidence of detailed performance reports produced in separate documents for magistrates' court, Crown Court and RASSO casework. There is detail of the national high-weighted measures, including charging timeliness and compliance with Judges' orders alongside other metrics, such as case progression and correspondence tasks. The reports provide room for commentary to detail any planned action in response to the data and ideas for improvement, although this section was not completed on the examples we saw.

11.5. We were sent the Area's non-conviction reports, which provide the senior management team with data for non-conviction outcomes such as discontinuance or jury acquittals. The report provides analysis of any identified trends emerging from the data. Judge-directed acquittals are analysed to consider any lessons to learn and feedback is provided as appropriate.

²⁸ CPS 2025 is the CPS's strategy and vision for where it wants to be in 2025.
www.cps.gov.uk/sites/default/files/documents/publications/CPS-2025-strategy.pdf

11.6. At the Casework Quality Board (CQB) we attended in October 2021, the Area discussed its custody time limit (CTL) audit and the cracked and ineffective trial report to identify trends. It was noted from the cracked and ineffective trial report that 18 out of 35 ineffective trials were owing to witness issues. The data and analysis were directed to be taken to the joint improvement board for discussion. There appeared to be clear thinking as to how to use the data to drive improvement internally and with strategic partners.

Digital tools and skills

Expectations

11.7. The Area makes sure that its people have the tools and skills they need to operate effectively in an increasingly digital environment. The Area includes digital skills audits within the training plan and delivers general and bespoke training to staff to enable them to effectively use the CPS case management system (CMS), Egress, digital case lines, the court store and the cloud video platform (CVP)²⁹.

Our findings

11.8. The criminal justice system has had to adapt rapidly to new digital technology to continue working throughout the pandemic, including using Microsoft Teams to hold meetings, one-to-ones and conferences, and the CVP for remote attendance at court hearings. Pan-London remote hearing guidance has been published to provide step-by-step support to lawyers and paralegals accessing remote hearings via the CVP. Attendance to training is tracked and we saw evidence that the percentage of staff who had completed certain required training was referred to in the Area's Strategic Board meeting notes. The documents we were sent did not include evidence that the Area obtains feedback from participants or managers as to how effective the training has been in developing the quality of their casework.

11.9. The new starter induction checklist covers IT familiarisation in weeks 2–4 and returns to technology in weeks 5–8 and 9–12 to make sure any training needs are identified and agreed between manager and inductee.

11.10. We saw a magistrates' court unit digital training needs assessment, which has 70 questions allowing prosecutors to assess their digital capability and identify any training needs.

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

11.11. Pan-London remote hearing guidance has been published to provide step-by-step support to lawyers and paralegals accessing remote hearings via the CVP.

11.12. We saw a number of how-to guides across legal and operational delivery to equip staff with a ready resource to engage effectively with the necessary technology to undertake the job.

12. Strategic partnerships

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

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

Strategic partnerships with the police

Expectations

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

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

Our findings

12.4. The Area has trusted and mature relationships at senior level with the police. The Chief Crown Prosecutor (CCP) has pan-London meetings (which include the CCP for neighbouring CPS London South) with the Assistant Commissioner of the Metropolitan Police Service (MPS) and with the Mayor for London's lead for policing and crime. It is clear these meetings are held regularly, and we saw from the documents supplied that the discussions covered key aspects of casework, such as hate crime and domestic abuse.

12.5. The CCP was involved in discussions around the use of service level agreements with the police and a review of deep-dive material on domestic abuse to drive improvement in the prosecution team approach. We saw evidence of the CCP being able to engage with senior police partners on what the Area sees as the disproportionate number of overnight remands within the

³⁰ CPS 2025 is the CPS's strategy and vision for where it wants to be in 2025.
www.cps.gov.uk/sites/default/files/documents/publications/CPS-2025-strategy.pdf

London North region. If suspects are held in custody to be taken to court, the file provided for the first hearing is necessarily more limited than if the suspect is bailed. If remands take place where they are not needed, this can frustrate the principles of effective and efficient case progression at the first hearing.

12.6. The CCP attends the pan-London Gold Group with the Chief Crown Prosecutor for CPS London South, senior police including the Assistant Commissioner, and representation from HM Courts and Tribunals Service. This group has a clear strategic overview of key areas, including evidence-led domestic abuse cases, case progression, file quality and police compliance with the Director's Guidance on Charging, sixth edition.

12.7. At a more operational level, Prosecution Team Performance Meetings (PTPMs) take place between the police and the Area on magistrates' court and Crown Court teams. The equivalent meeting for the RASSO team is the regular safeguarding meeting. Nationally, PTPM meetings have recently been replaced by Joint Operational Improvement Meetings, with the aim of refreshing and restructuring performance discussions and problem-solving between the police and CPS.

12.8. The MPS's file quality is one of the biggest challenges facing the Area, and our file examination supported the Area's concerns. When the police submit a case to the CPS, they are obliged to comply with the NFS. This ensures all files have the relevant material at the appropriate stage and sets standards so the police and CPS have shared expectations. The Area should feed back to the police where those file standards are not being met, via the NFQ mechanism. This also allows the police to compare their performance to other forces, which can identify good practice in other forces or engender a desire to improve.

12.9. In our file sample, we assessed the standard of police service to the Area on initial file submission and for disclosure, and the Area's feedback to the police on both, as in need of improvement. Feedback dipped as a result of pandemic pressures and a temporary suspension of the use of NFQ, but should by now be consistently delivered. The Area has trained prosecutors on the Director's Guidance Charging Assessment (DGA) tool, which has replaced NFQ. This data will now form the basis for discussions with the police on file quality at monthly check-and-challenge meetings.

12.10. The police made a commitment to improve file quality and allocated £200,000 for a separate police case management team to process and progress action plans, beginning with those set by prosecutors at the pre-charge stage. The remit of this team was expanded beyond pre-charge files at the beginning of 2021 and, it is hoped, will drive improved compliance with the NFS post charge. It should also increase police compliance with their obligations on disclosure.

The majority of files in our file sample were supplied to the Area by the police in advance of this and so would not have benefitted from this change.

Strategic partnerships with the criminal justice system

Expectations

12.11. The Area has trusted and mature relationships with the criminal justice system at all levels and influences change through negotiation, persuasion and compromise to improve casework quality.

Our findings

Criminal justice partners

12.12. The Area attends joint performance meetings, which take place with the courts, probation and witness care. These meetings paused during the pandemic, but have restarted as joint recovery meetings to provide a multi-agency approach to addressing the backlogs brought about by the pandemic. This is a key aspect of joint working now and in the coming months to ensure that measures implemented are realistic and deliverable with the Area's resources.

12.13. The Mayor's Office for Policing and Crime (MOPAC) convenes the London Criminal Reduction Board, chaired by the Mayor. This deals with high-level issues, including the pandemic recovery and key themes unique to London. The London Criminal Justice Board sits beneath this and is chaired by an Assistant Commissioner. The criminal justice effectiveness board chaired by a Deputy Assistant Commissioner sits below that. The latter is at a more operational level. These strategic boards filter down through management and to individuals. Conversely, issues identified at an operational level can flow up through the structure from individuals, which leads to strategic awareness of frontline concerns.

12.14. The Area also actively participates in Criminal Justice Board sub-groups, notably the victim and witness group, and has participated in a review of the delivery of obligations by criminal justice agencies under the Code of Practice for Victims of Crime. This correlates with the Area's internal assurance work on compliance around the Victim Personal Statement scheme explored in chapter 9.

12.15. The Deputy Chief Crown Prosecutor for the RASSO unit attends the bi-monthly Rape Pan-London Partnership (formerly the Rape Gold Group). The group helps engender joined-up thinking between appropriate agencies around

prosecuting rape allegations. Actions are taken by the necessary delegate and brought to the attention of other justice sub-groups where they can be considered and implemented.

Self-employed barristers (counsel)

12.16. The Area operates a court advocacy liaison scheme whereby a Crown Advocate provides feedback from court users at particular court centres. This gives the Area's management team a direct line to issues as they develop, and facilitates swift action. We had sight of Crown Advocate Liaison forms, which reported on a number of concerns, some of which were reflected in our file examination, such as a failure to undertake a fresh review prior to the first hearing in the Crown Court. This scheme allows a dialogue with service users at an operational level and, commendably, was maintained even during the pandemic when most court users undertook their work remotely. However, we have not been provided with evidence that performance has improved as a result.

12.17. The Area holds regular meetings with sets of chambers who supply it with counsel. The documents we received included notes of a meeting between Area representatives, including the Area Business Manager and senior clerks. Unavailability of counsel and late returns were raised at the meeting and have been confirmed by the Area as issues of ongoing concern. Senior management within CPS London North is aware of difficulties around counsel availability and is working with chambers to ensure the service provided by them is at the desired level.

Annex A

Inspection framework

Area Inspection Programme Framework 2021-22

Section A casework quality will be scored. The remaining sections B–E will be assessed and inspected but will not be formally scored. A report will be prepared covering all sections of the framework.

A. Quality casework

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

Magistrates' court casework

- The Area exercises sound judgement and adds value in its pre-charge decision-making in magistrates' court cases.
- The Area's reviews and other magistrates' court casework decisions are timely and of good quality.
- The Area fully complies with its duty of disclosure throughout its magistrates' court casework.
- The Area addresses victim and witness issues appropriately throughout its magistrates' court casework.
- The Area progresses its magistrates' court casework effectively and efficiently.
- The Area exercises sound judgement and adds value in its magistrates' court casework.
- The Area has a clear grip of its magistrates' court casework.

Crown Court casework

- The Area exercises sound judgement and adds value in its pre-charge decision-making in Crown Court cases.
- The Area's reviews and other Crown Court casework decisions are timely and of good quality.
- The Area fully complies with its duty of disclosure throughout its Crown Court casework.

- The Area addresses victim and witness issues appropriately throughout its Crown Court casework.
- The Area prepares its Crown Court cases effectively for the Plea and Trial Preparation Hearing in the Crown Court to make sure progress is made.
- The Area progresses its Crown Court casework effectively and efficiently.
- The Area exercises sound judgement and adds value in its Crown Court casework.
- The Area has a clear grip of its Crown Court casework.

Rape and serious sexual offences (RASSO) casework

- The Area exercises sound judgement and adds value in its pre-charge decision-making in RASSO cases.
- The Area's reviews and other RASSO casework decisions are timely and of good quality.
- The Area fully complies with its duty of disclosure throughout its RASSO casework.
- The Area addresses victim and witness issues appropriately throughout its RASSO casework.
- The Area prepares its RASSO cases effectively for the Plea and Trial Preparation Hearing in the Crown Court, or first hearing in the youth court, to make sure progress is made.
- The Area progresses its RASSO casework effectively and efficiently.
- The Area exercises sound judgement and adds value in its RASSO casework.
- The Area has a clear grip of its RASSO casework.

Evidence will be drawn from:

- baseline file examination
- charging dashboard (timeliness)
- adverse outcome reports

- Disclosure Board minutes
- Local Case Management Panel minutes (volume casework)
- self-assessment meeting with CPS Area.

B. Public confidence

Does the CPS provide a fair experience for victims and witnesses?

All correspondence with victims is accurate, timely and empathetic.

- Communications in writing with victims use plain English (translated where necessary), are grammatically correct, have clear explanations and avoid the use of legal jargon.
- The Area complies with the timescales for Victim Communication and Liaison scheme (VCL) letters.
- The Area complies with the timescales for complaints and Victims' Right to Review (VRR) scheme requests.
- The Area conducts internal quality assurance of all victim communication (VCL, bereaved family service (BFS) complaints and VRR requests).

The Area complies with its responsibilities defined in the Code of Practice for Victims of Crime and the Witness Charter in respect of Victim Personal Statements, VCL letters, meetings and compliance with the speaking to witnesses at court protocol.

- Victim Personal Statements (VPSs) are chased, and the victim's wishes sought around the reading of any VPS in court. Those wishes are adhered to at sentence, whether at first hearing or following trial.
- The Area conducts assurance internally to ensure that VCL letters are sent on all appropriate cases pre- and post-charge.
- Meetings are offered to victims in all appropriate cases.
- The Area complies with the speaking to witnesses at court (STWAC) protocol.

Evidence will be drawn from:

- baseline file examination – specific questions include STWAC and VCL
- Victim and Witness Criminal Justice Board sub-group minutes
- third sector meeting minutes (where they encompass casework quality learning and actions)

- internal quality assurance reports – monthly or one-off – related to the Code of Practice for Victims of Crime/Witness Charter, VCL letters, VPSs, BFS complaints and VRR requests
- VCL performance data
- advocacy individual quality assessment (IQA) data for STWAC compliance
- complaints and VRR performance data
- witness care unit meeting minutes
- Scrutiny Panel minutes, actions and any associated learning
- complaints log
- VRR log, including volume and detail of any overturned decisions
- self-assessment meeting with CPS Area.

C. CPS people

Does the Area support its people with the skills and tools they need to succeed and develop?

The Area has a clear strategy for recruitment, induction, succession planning, development and retention.

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

The Area has a continuous learning approach that is effective in improving casework outcomes.

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

The Area uses internal assurance to improve casework quality.

- The Area uses internal assurance (including IQAs where applicable) effectively to identify individual and wider good practice/performance and weaknesses in casework quality, to drive improvement.
- The Area uses its analysis of IQAs (where applicable) or other internal findings effectively to identify specific training and interventions, and implements them to improve casework quality.
- The Area's casework quality assurance board (CQAB) drives actions and improvements in casework quality, including wider assurance work, in accordance with CPS quality standards around:
 - charging
 - case progression
 - disclosure
 - advocacy (we are not assessing advocacy in this inspection programme, but we will include how the Area develops advocates to improve casework quality).

Evidence will be drawn from:

- Area business plan
- workforce planning models
- staff in post figures, current and at 1 April 2019
- people strategy/Area succession planning documents
- minutes of meetings to discuss team composition and resources
- CQAB minutes
- training plan

- induction plans – new starters, movement between teams and new managers
- minutes or other notes of coaching and/or development conversations
- Civil Service People Survey results at Area and team level
- CQAB observation
- IQA assurance records including numbers, timeliness, dip checks and any resulting management reports
- internal assurance reports on charging, case progression or disclosure
- recent examples of “Simply Thanks” or other acknowledgements of good work in the field of casework or victim and witness care by individuals or teams (suitably anonymised)
- any commendations or other recognition by stakeholders of excellent casework or victim and witness care
- minutes of Area meetings of magistrates’ courts, Crown Court or RASSO boards, or any other business board addressing casework quality issues (joint board minutes are requested under section E)
- self-assessment meeting with CPS Area.

D. Digital capability

Does the CPS use data to drive change to improve casework quality?

The Area collects and analyses data to deliver improvement in casework quality.

- Performance in key aspects including CPS high-weighted measures, National File Standard compliance rates and the charging dashboard are analysed effectively, shared with staff and used by managers to drive improvements within the CPS and externally with stakeholders.

The Area ensures that its people have the tools and skills they need to operate effectively in an increasingly digital environment.

- The Area includes a digital skills audit in the training plan and delivers general and bespoke training to staff to enable them to effectively use CMS, Egress, digital case lines, the court store and the cloud video platform.

Evidence will be drawn from:

- Area performance reports and analysis
- baseline file examination
- training plan – digital tools and skills
- performance meeting minutes – team and Area level
- communications to staff about performance
- Prosecution Team Performance Meeting (PTPM) minutes
- Transforming Summary Justice (TSJ)/Better Case Management (BCM) meetings
- Local Criminal Justice Board and sub-group meeting minutes
- self-assessment meeting with CPS Area.

E. Strategic partnerships

Does the CPS influence change through trusted partnerships to improve casework quality across the criminal justice system?

The Area influences change through trusted partnerships with the police at all levels to improve casework quality.

- The Area has trusted and mature relationships with the police at all levels and influences change through negotiation, persuasion and compromise to improve casework quality, particularly in relation to compliance with:
 - the National File Standard (NFS)
 - the Director's Guidance on Charging
 - the Disclosure Manual, Criminal Procedure and Investigations Act and relevant Codes of Practice.

The Area influences change through trusted partnerships within the criminal justice system at all levels to improve casework quality.

- The Area has trusted and mature relationships with the criminal justice system at all levels, and influences change through negotiation, persuasion and compromise to improve casework quality.

Evidence will be drawn from:

- NFS data
- PTPM minutes (operational and strategic)
- regional disclosure working group minutes
- National Disclosure Improvement Plan reports
- Criminal Justice Board minutes
- PTPM performance reports
- Joint TSJ/BCM board meeting minutes
- TSJ/BCM performance reports
- minutes of meetings with Chief Constables, Police and Crime Commissioners, Resident Judges, presiders, HM Courts and Tribunals Service, and Chambers
- letters/emails demonstrating escalation at strategic level – to presider, Chief Constable or Police and Crime Commissioner, for example
- joint performance plans or strategy documents
- self-assessment meeting with CPS Area.

Annex B

File examination findings

The tables in this annex exclude 'not applicable' results.

Magistrates' courts

No.	Question	Answers	Result
Pre-charge decision			
1	The CPS decision to charge was compliant with the Code Test.	Fully met Not met	95.5% 4.5%
2	The CPS decision to charge was timely.	Fully met Partially met Not met	59.1% 18.2% 22.7%
3	The most appropriate charges were selected on the information available to the prosecutor at the time.	Fully met Partially met Not met	85.7% 9.5% 4.8%
4	The CPS MG3 included proper case analysis and case strategy.	Fully met Partially met Not met	18.2% 27.3% 54.5%
5	The CPS MG3 dealt appropriately with unused material.	Fully met Partially met Not met	18.2% 27.3% 54.5%
6	The CPS MG3 referred to relevant applications and ancillary matters.	Fully met Partially met Not met	35.3% 11.8% 52.9%
7	There were appropriate instructions and guidance to the court prosecutor contained in either the MG3 or the PET/PTPH form created with the MG3.	Fully met Partially met Not met	9.1% 45.5% 45.5%
8	The action plan was proportionate and met a satisfactory standard.	Fully met Partially met Not met	22.7% 40.9% 36.4%
Police initial file submission post-charge			
9	The police file submission complied with National File Standard for the type of case.	Fully met Not met	46.7% 53.3%
10	The police file submission was timely.	Fully met Not met	80.0% 20.0%
11	The CPS used the NFQ assessment tool in the review document to identify and feed back to the police on any failings in the file submission.	Fully met Partially met Not met	43.8% 56.3%

No.	Question	Answers	Result
Post-charge reviews and decisions			
12	All review decisions post-charge applied the Code correctly.	Fully met Not met	90.0% 10.0%
13	The case received a proportionate initial or post-charge review including a proper case analysis and case strategy.	Fully met Partially met Not met	13.3% 16.7% 70.0%
14	The initial or post-charge review was carried out in a timely manner.	Fully met Partially met Not met	77.8% 22.2%
15	Any decision to discontinue was made and put into effect in a timely manner.	Fully met Partially met Not met	37.5% 25.0% 37.5%
16	Any pleas accepted were appropriate, with a clear basis of plea.	Fully met Partially met Not met	50.0% 50.0%
17	Steps were taken to achieve best evidence by making appropriate applications for special measures (including drafting where a written application was required).	Fully met Partially met Not met	23.1% 53.8% 23.1%
19	In all cases (MC, CC and RASSO) any reviews addressing significant developments that represent a major change in case strategy (and which are additional to those reviews considered in Qs 13 and 18) were of high quality and dealt appropriately with the significant development(s) in the case.	Fully met Partially met Not met	70.0% 10.0% 20.0%
20	The CPS made appropriate and timely decisions about custody and bail throughout the life of the case.	Fully met Partially met Not met	60.0% 33.3% 6.7%
Post-charge case progression			
21	The prosecutor prepared the case effectively to ensure progress at court at the first hearing(s) – which in the MC is the NGAP hearing for bail cases and the second hearing in custody cases, and in the CC the PTPH – to include, as a minimum, any acceptable pleas or that there are no acceptable pleas, and completed the PET/PTPH forms.	Fully met Partially met Not met	16.7% 23.3% 60.0%

No.	Question	Answers	Result
22	Any hard media was shared via Egress with all parties before the NGAP hearing or PTPH.	Fully met Partially met Not met	47.6% 9.5% 42.9%
31	There was timely compliance with court directions or Judges' Orders.	Fully met Partially met Not met	21.7% 8.7% 69.9%
32	Appropriate applications (eg BCE, hearsay) were used effectively to strengthen the prosecution case.	Fully met Partially met Not met	33.3% 66.7%
33	Steps were taken to secure best evidence by correct and timely warning of witnesses.	Fully met Partially met Not met	69.6% 21.7% 8.7%
34	Steps were taken to secure best evidence by addressing correspondence from the WCU and any witness issues in a timely manner with effective actions.	Fully met Partially met Not met	50.0% 35.7% 14.3%
35	New material received from the police was reviewed appropriately and sufficiently promptly with timely and effective actions taken in response.	Fully met Partially met Not met	22.7% 45.5% 31.8%
36	Correspondence from the court and defence was reviewed appropriately and sufficiently promptly with timely and effective actions taken in response.	Fully met Partially met Not met	38.9% 22.2% 38.9%
37	Requests to the police for additional material or editing of material were timely and escalated where appropriate.	Fully met Partially met Not met	17.6% 41.2% 41.2%
38	There was a clear audit trail on CMS of key events, decisions and actions, with correct labelling of documents and appropriate use of notes.	Fully met Partially met Not met	60.0% 30.0% 10.0%
Disclosure of unused material			
41	The police complied with their disclosure obligations.	Fully met Partially met Not met	20.0% 33.3% 46.7%
42	The prosecutor complied with the duty of initial disclosure, including the correct endorsement of the schedules (but not including timeliness of disclosure).	Fully met Partially met Not met	19.2% 34.6% 46.2%

No.	Question	Answers	Result
43	If Q42 is PM or NM, the most significant failing was:	Did not carry out initial disclosure at all Did not identify reasonable lines of enquiry Failed to identify that other obvious items of unused material were not scheduled Other Said DUM was not disclosable Set out the wrong test for disclosure (eg courtesy disclosure) Used the wrong endorsements	19.0% 14.3% 38.1% 4.8% 9.5% 4.8% 9.6
44	The prosecution complied with its duty of initial disclosure in a timely manner.	Fully met Partially met Not met	4.5% 31.8% 63.6%
45	The prosecutor complied with the duty of continuous disclosure (but not including timeliness of disclosure).	Fully met Partially met Not met	50.0% 50.0%
46	If Q45 is PM or NM, the most significant failing was:	Did not carry out continuous disclosure at all	100%
47	The prosecution complied with its duty of continuous disclosure in a timely manner.	Fully met Partially met Not met	50.0% 50.0%
48	Sensitive unused material was dealt with appropriately.	Fully met Partially met Not met	100%
52	The defence statement was reviewed by the prosecutor and direction given to the police about reasonable lines of enquiry.	Fully met Partially met Not met	50.0% 50.0%
53	The disclosure record on Modern CMS was properly completed with actions and decisions taken on disclosure.	Fully met Partially met Not met	29.6% 40.7% 29.6%

No.	Question	Answers	Result
54	The CPS fed back to the police where there were failings in the police service regarding disclosure.	Fully met Partially met Not met	20.8% 29.2% 50.0%
Victims and witnesses			
55	The prosecutor consulted victims and witnesses where appropriate (includes STWAC).	Fully met Partially met Not met	47.6% 38.1% 14.3%
56	The victim's wishes regarding VPS were complied with.	Fully met Partially met Not met	60.0% 10.0% 30.0%
57	The prosecution sought appropriate orders to protect the victim, witnesses and the public.	Fully met Partially met Not met	81.3% 12.5% 6.3%
58	There was a timely VCL letter when required.	Fully met Partially met Not met	66.7% 22.2% 11.1%
59	The VCL letter was of a high standard.	Fully met Partially met Not met	37.5% 37.5% 25.0%
60	The CPS MG3 actively considered relevant applications and ancillary matters to support victims and witnesses.	Fully met Partially met Not met	27.8% 55.6% 16.7%

Crown Court

No.	Question	Answers	Result
Pre-charge decision			
1	The CPS decision to charge was compliant with the Code Test.	Fully met Not met	91.2% 8.8%
2	The CPS decision to charge was timely.	Fully met Partially met Not met	73.5% 5.9% 20.6%
3	The most appropriate charges were selected on the information available to the prosecutor at the time.	Fully met Partially met Not met	65.6% 21.9% 12.5%
4	The CPS MG3 included proper case analysis and case strategy.	Fully met Partially met Not met	17.6% 47.1% 35.3%
5	The CPS MG3 dealt appropriately with unused material.	Fully met Partially met Not met	29.4% 35.3% 35.3%
6	The CPS MG3 referred to relevant applications and ancillary matters.	Fully met Partially met Not met	36.0% 24.0% 40.0%
7	There were appropriate instructions and guidance to the court prosecutor contained in either the MG3 or the PET/PTPH form created with the MG3.	Fully met Partially met Not met	17.6% 41.2% 41.2%
8	The action plan was proportionate and met a satisfactory standard.	Fully met Partially met Not met	27.3% 42.4% 30.3%
Police initial file submission post-charge			
9	The police file submission complied with the National File Standard for the type of case.	Fully met Not met	42.5% 57.5%
10	The police file submission was timely.	Fully met Not met	75.0% 25.0%
11	The CPS used the NFQ assessment tool in the review document to identify and feed back to the police on any failings in the file submission.	Fully met Partially met Not met	4.3% 43.5% 52.2%
Post-charge reviews and decisions			
12	All review decisions post-charge applied the Code correctly.	Fully met Not met	92.5% 7.5%

No.	Question	Answers	Result
13	The case received a proportionate initial or post-charge review including a proper case analysis and case strategy.	Fully met Partially met Not met	32.5% 20.0% 47.5%
14	The initial or post-charge review was carried out in a timely manner.	Fully met Partially met Not met	53.8% 25.6% 20.5%
15	Any decision to discontinue was made and put into effect in a timely manner.	Fully met Partially met Not met	68.8% 12.5% 18.8%
16	Any pleas accepted were appropriate, with a clear basis of plea.	Fully met Partially met Not met	60.0% 40.0% 0.0%
17	Steps were taken to achieve best evidence by making appropriate applications for special measures (including drafting where a written application was required).	Fully met Partially met Not met	52.6% 31.6% 15.8%
18	In CC cases (including RASSO cases before the CC), there was a high-quality review to coincide with the service of the prosecution case and initial disclosure (at stage 1 set at PTPH).	Fully met Partially met Not met	5.9% 14.7% 79.4%
19	In all cases (MC, CC and RASSO) any reviews addressing significant developments that represent a major change in case strategy (and which are additional to those reviews considered in Qs 13 and 18) were of high quality and dealt appropriately with the significant development(s) in the case.	Fully met Partially met Not met	21.7% 13.0% 65.2%
20	The CPS made appropriate and timely decisions about custody and bail throughout the life of the case.	Fully met Partially met Not met	62.5% 32.5% 5.0%
Post-charge case progression			
21	The prosecutor prepared the case effectively to ensure progress at court at the first hearing(s) – which in the MC is the NGAP hearing for bail cases and the second hearing in custody cases, and in the CC the PTPH – to include, as a minimum, any acceptable pleas or that there are no acceptable pleas, and completed the PET/PTPH forms.	Fully met Partially met Not met	23.1% 53.8% 23.1%

No.	Question	Answers	Result
22	Any hard media was shared via Egress with all parties before the NGAP hearing or PTPH.	Fully met Partially met Not met	66.7% 10.0% 23.3%
23	In CC cases (including RASSO cases before the CC), a properly drafted indictment was prepared.	Fully met Partially met Not met	59.0% 17.9% 23.1%
24	In CC cases (including RASSO cases before the CC), the draft indictment and key evidence were served in a timely manner for the PTPH.	Fully met Partially met Not met	43.6% 30.8% 25.6%
25	In CC and RASSO cases, a clear instruction to advocate document was prepared.	Fully met Partially met Not met	40.9% 27.3% 31.8%
26	In CC cases (including RASSO cases before the CC), the advocate was instructed at least seven days before the PTPH.	Fully met Partially met Not met	43.6% 35.9% 20.5%
27	In CC cases (including RASSO cases before the CC), the duty of direct engagement was carried out.	Fully met Partially met Not met	28.2% 5.1% 66.7%
28	In CC cases (including RASSO cases before the CC), the DDE was uploaded to DCS.	Fully met Partially met Not met	100%
29	In CC cases (including RASSO cases before the CC) and the youth court where counsel is instructed, if there was no advice on evidence covering all necessary issues, this was chased.	Fully met Partially met Not met	25.0% 75.0%
31	There was timely compliance with court directions or Judges' Orders.	Fully met Partially met Not met	55.6% 19.4% 25.0%
32	Appropriate applications (eg BCE, hearsay) were used effectively to strengthen the prosecution case.	Fully met Partially met Not met	10.5% 31.6% 57.9%
33	Steps were taken to secure best evidence by correct and timely warning of witnesses.	Fully met Partially met Not met	75.8% 15.2% 9.1%
34	Steps were taken to secure best evidence by addressing correspondence from the WCU and any witness issues in a timely manner with effective actions.	Fully met Partially met Not met	40.0% 33.3% 26.7%

No.	Question	Answers	Result
35	New material received from the police was reviewed appropriately and sufficiently promptly with timely and effective actions taken in response.	Fully met Partially met Not met	67.6% 17.6% 14.7%
36	Correspondence from the court and defence was reviewed appropriately and sufficiently promptly with timely and effective actions taken in response.	Fully met Partially met Not met	41.2% 38.2% 20.6%
37	Requests to the police for additional material or editing of material were timely and escalated where appropriate.	Fully met Partially met Not met	40.5% 40.5% 18.9%
38	There was a clear audit trail on CMS of key events, decisions and actions, with correct labelling of documents and appropriate use of notes.	Fully met Partially met Not met	32.5% 47.5% 20.0%
Disclosure of unused material			
39	In relevant cases a DMD was completed.	Fully met Partially met Not met	100%
40	The DMD was completed accurately and fully in accordance with the guidance.	Fully met Partially met Not met	100%
41	The police complied with their disclosure obligations.	Fully met Partially met Not met	8.1% 43.2% 48.6%
42	The prosecutor complied with the duty of initial disclosure, including the correct endorsement of the schedules (but not including timeliness of disclosure).	Fully met Partially met Not met	20.0% 37.1% 42.9%

No.	Question	Answers	Result
43	If Q42 is PM or NM, the most significant failing was:	Did not carry out initial disclosure at all Did not identify reasonable lines of enquiry Failed to endorse or sign a blank MG6D Failed to identify that other obvious items of unused material were not scheduled Said DUM was not disclosable Said NDUM was disclosable Used the wrong endorsements	3.6% 3.6% 3.6% 50.0% 28.6% 3.6% 7.1%
44	The prosecution complied with its duty of initial disclosure in a timely manner.	Fully met Partially met Not met	85.3% 14.7% 0.0%
45	The prosecutor complied with the duty of continuing disclosure (but not including timeliness of disclosure).	Fully met Partially met Not met	37.5% 28.1% 34.4%
46	If Q44 is PM or NM, the most significant failing was:	Did not carry out continuous disclosure at all Did not endorse any decisions on newly revealed items Did not identify reasonable lines of enquiry Failed to identify that other obvious items of unused material were not scheduled Other Said DUM was not disclosable	15.0% 15.0% 10.0% 30.0% 20.0% 10.0%

No.	Question	Answers	Result
47	The prosecution complied with its duty of continuing disclosure in a timely manner.	Fully met Partially met Not met	71.0% 6.5% 22.6%
48	Sensitive unused material was dealt with appropriately.	Fully met Partially met Not met	28.6% 28.6% 42.9%
49	Third-party material was dealt with appropriately.	Fully met Partially met Not met	50.0% 33.3% 16.7%
50	In CC cases (including RASSO cases before the CC), late defence statements were chased.	Fully met Partially met Not met	47.4% 10.5% 42.1%
51	Inadequate defence statements were challenged.	Fully met Partially met Not met	100%
52	The defence statement was reviewed by the prosecutor and direction given to the police about further reasonable lines of enquiry.	Fully met Partially met Not met	6.7% 30.0% 63.3%
53	The disclosure record on Modern CMS was properly completed with actions and decisions taken on disclosure.	Fully met Partially met Not met	23.1% 41.0% 35.9%
54	The CPS fed back to the police where there were failings in the police service regarding disclosure.	Fully met Partially met Not met	2.9% 42.9% 54.3%
Victims and witnesses			
55	The prosecutor consulted victims and witnesses where appropriate (includes STWAC).	Fully met Partially met Not met	28.0% 24.0% 48.0%
56	The victim's wishes regarding VPS were complied with.	Fully met Partially met Not met	38.1% 28.6% 33.3%
57	The prosecution sought appropriate orders to protect the victim, witnesses and the public.	Fully met Partially met Not met	69.2% 23.1% 7.7%
58	There was a timely VCL letter when required.	Fully met Partially met Not met	66.7% 33.3%
59	The VCL letter was of a high standard.	Fully met Partially met Not met	44.4% 33.3% 22.2%

No.	Question	Answers	Result
60	The CPS MG3 actively considered relevant applications and ancillary matters to support victims and witnesses.	Fully met	20.8%
		Partially met	54.2%
		Not met	25.0%

RASSO

No.	Question	Answers	Result
Pre-charge decision			
1	The CPS decision to charge was compliant with the Code Test.	Fully met Not met	100%
2	The CPS decision to charge was timely.	Fully met Partially met Not met	55.6% 27.8% 16.7%
3	The most appropriate charges were selected on the information available to the prosecutor at the time.	Fully met Partially met Not met	88.9% 5.6% 5.6%
4	The CPS MG3 included proper case analysis and case strategy.	Fully met Partially met Not met	55.6% 22.2% 22.2%
5	The CPS MG3 dealt appropriately with unused material.	Fully met Partially met Not met	61.1% 33.3% 5.6%
6	The CPS MG3 referred to relevant applications and ancillary matters.	Fully met Partially met Not met	35.3% 35.3% 29.4%
7	There were appropriate instructions and guidance to the court prosecutor contained in either the MG3 or the PET/PTPH form created with the MG3.	Fully met Partially met Not met	11.1% 61.1% 27.8%
8	The action plan was proportionate and met a satisfactory standard.	Fully met Partially met Not met	70.6% 29.4%
Police initial file submission post-charge			
9	The police file submission complied with the National File Standard for the type of case.	Fully met Not met	65.0% 35.0%
10	The police file submission was timely.	Fully met Not met	95.0% 5.0%
11	The CPS used the NFQ assessment tool in the review document to identify and feed back to the police on any failings in the file submission.	Fully met Partially met Not met	14.3% 28.6% 57.1%
Post-charge reviews and decisions			
12	All review decisions post-charge applied the Code correctly.	Fully met Not met	100%

No.	Question	Answers	Result
13	The case received a proportionate initial or post-charge review including a proper case analysis and case strategy.	Fully met Partially met Not met	50.0% 25.0% 25.0%
14	The initial or post-charge review was carried out in a timely manner.	Fully met Partially met Not met	82.4% 11.8% 5.9%
15	Any decision to discontinue was made and put into effect in a timely manner.	Fully met Partially met Not met	75.0% 12.5% 12.5%
16	Any pleas accepted were appropriate, with a clear basis of plea.	Fully met Partially met Not met	50.0% 33.3% 16.7%
17	Steps were taken to achieve best evidence by making appropriate applications for special measures (including drafting where a written application was required).	Fully met Partially met Not met	29.4% 35.3% 35.3%
18	In CC cases (including RASSO cases before the CC), there was a high-quality review to coincide with the service of the prosecution case and initial disclosure (at stage 1 set at PTPH).	Fully met Partially met Not met	11.8% 88.2%
19	In all cases (MC, CC and RASSO) any reviews addressing significant developments that represent a major change in case strategy (and which are additional to those reviews considered in Qs 13 and 18) were of high quality and dealt appropriately with the significant development(s) in the case.	Fully met Partially met Not met	16.7% 41.7% 41.7%
20	The CPS made appropriate and timely decisions about custody and bail throughout the life of the case.	Fully met Partially met Not met	45.0% 50.0% 5.0%
Post-charge case progression			
21	The prosecutor prepared the case effectively to ensure progress at court at the first hearing(s) – which in the MC is the NGAP hearing for bail cases and the second hearing in custody cases, and in the CC the PTPH – to include, as a minimum, any acceptable pleas or that there are no acceptable pleas, and completed the PET/PTPH forms.	Fully met Partially met Not met	35.0% 60.0% 5.0%

No.	Question	Answers	Result
22	Any hard media was shared via Egress with all parties before the NGAP hearing or PTPH.	Fully met Partially met Not met	62.5% 25.0% 12.5%
23	In CC cases (including RASSO cases before the CC), a properly drafted indictment was prepared.	Fully met Partially met Not met	76.5% 5.9% 17.6%
24	In CC cases (including RASSO cases before the CC), the draft indictment and key evidence was served in a timely manner for the PTPH.	Fully met Partially met Not met	58.8% 35.3% 5.9%
25	In CC and RASSO cases, a clear instruction to advocate document was prepared.	Fully met Partially met Not met	6.3% 56.3% 37.5%
26	In CC cases (including RASSO cases before the CC), the advocate was instructed at least seven days before the PTPH.	Fully met Partially met Not met	70.6% 17.6% 11.8%
27	In CC cases (including RASSO cases before the CC), the duty of direct engagement was carried out.	Fully met Partially met Not met	33.3% 27.8% 38.9%
28	In CC cases (including RASSO cases before the CC), the DDE was uploaded to DCS.	Fully met Partially met Not met	33.3% 66.7%
29	In CC cases (including RASSO cases before the CC) and the youth court where counsel is instructed, if there was no advice on evidence covering all necessary issues, this was chased.	Fully met Partially met Not met	50.0% 50.0%
30	In RASSO cases, a conference with the trial advocate, OIC and any expert witnesses took place.	Fully met Partially met Not met	75.0% 25.0%
31	There was timely compliance with court directions or Judges' Orders.	Fully met Partially met Not met	61.1% 22.2% 16.7%
32	Appropriate applications (eg BCE, hearsay) were used effectively to strengthen the prosecution case.	Fully met Partially met Not met	33.3% 16.7% 50.0%
33	Steps were taken to secure best evidence by correct and timely warning of witnesses.	Fully met Partially met Not met	84.2% 15.8%

No.	Question	Answers	Result
34	Steps were taken to secure best evidence by addressing correspondence from the WCU and any witness issues in a timely manner with effective actions.	Fully met Partially met Not met	81.3% 6.3% 12.5%
35	New material received from the police was reviewed appropriately and sufficiently promptly with timely and effective actions taken in response.	Fully met Partially met Not met	90.0% 10.0%
36	Correspondence from the court and defence was reviewed appropriately and sufficiently promptly with timely and effective actions taken in response.	Fully met Partially met Not met	50.0% 25.0% 25.0%
37	Requests to the police for additional material or editing of material were timely and escalated where appropriate.	Fully met Partially met Not met	77.8% 22.2%
38	There was a clear audit trail on CMS of key events, decisions and actions, with correct labelling of documents and appropriate use of notes.	Fully met Partially met Not met	25.0% 65.0% 10.0%
Disclosure of unused material			
39	In relevant cases, a DMD was completed.	Fully met Partially met Not met	94.7% 5.3%
40	The DMD was completed accurately and fully in accordance with the guidance.	Fully met Partially met Not met	77.8% 22.2%
41	The police complied with their disclosure obligations.	Fully met Partially met Not met	20.0% 65.0% 15.0%
42	The prosecutor complied with the duty of initial disclosure, including the correct endorsement of the schedules (but not including timeliness of disclosure).	Fully met Partially met Not met	10.0% 60.0% 30.0%

No.	Question	Answers	Result
43	If Q42 is PM or NM, the most significant failing was:	Did not identify reasonable lines of enquiry Failed to endorse or sign a blank MG6D Failed to identify that other obvious items of unused material were not scheduled Said DUM was not disclosable Said NDUM was disclosable Set out the wrong test for disclosure (eg courtesy disclosure) Used the wrong endorsements	16.7% 5.6% 27.8% 11.1% 5.6% 27.8% 5.6%
44	The prosecution complied with its duty of initial disclosure in a timely manner.	Fully met Partially met Not met	95.0% 5.0%
45	The prosecutor complied with the duty of continuing disclosure (but not including timeliness of disclosure).	Fully met Partially met Not met	47.1% 47.1% 5.9%
46	If Q42 is PM or NM, the most significant failing was:	Did not endorse any decisions on newly revealed items Did not identify reasonable lines of enquiry Other Said DUM was not disclosable Said NDUM was disclosable	22.2% 33.3% 22.2% 11.1% 11.1%
47	The prosecution complied with its duty of continuing disclosure in a timely manner.	Fully met Partially met Not met	76.5% 5.9% 17.6%
48	Sensitive unused material was dealt with appropriately.	Fully met Partially met Not met	33.3% 66.7%

No.	Question	Answers	Result
49	Third-party material was dealt with appropriately.	Fully met Partially met Not met	44.4% 11.1% 44.4%
50	In CC cases (including RASSO cases before the CC), late defence statements were chased.	Fully met Partially met Not met	70.0% 20.0% 10.0%
52	The defence statement was reviewed by the prosecutor and direction given to the police about further reasonable lines of enquiry.	Fully met Partially met Not met	52.9% 17.6% 29.4%
53	The disclosure record on Modern CMS was properly completed with actions and decisions taken on disclosure.	Fully met Partially met Not met	20.0% 70.0% 10.0%
54	The CPS fed back to the police where there were failings in the police service regarding disclosure.	Fully met Partially met Not met	29.4% 47.1% 23.5%

Victims and witnesses

55	The prosecutor consulted victims and witnesses where appropriate (includes STWAC).	Fully met Partially met Not met	20.0% 66.7% 13.3%
56	The victim's wishes regarding VPS were complied with.	Fully met Partially met Not met	42.9% 28.6% 28.6%
57	The prosecution sought appropriate orders to protect the victim, witnesses and the public.	Fully met Partially met Not met	70.0% 10.0% 20.0%
58	There was a timely VCL letter when required.	Fully met Partially met Not met	20.0% 20.0% 60.0%
59	The VCL letter was of a high standard.	Fully met Partially met Not met	50.0% 50.0%
60	The CPS MG3 actively considered relevant applications and ancillary matters to support victims and witnesses.	Fully met Partially met Not met	43.8% 37.5% 18.8%

Annex C

Glossary

Achieving Best Evidence (ABE)

Guidance from the Ministry of Justice on interviewing victims and witnesses and using special measures. When the police video-record the account of the victim or a witness rather than taking a written statement from them, the recording can be played at trial instead of the victim or witness giving evidence if permission is granted by the court; this is one of a range of special measures. These recordings are known as “Achieving Best Evidence recordings”, or “ABEs”, after the guidance.

Agent

A lawyer from outside the CPS who is employed when required to prosecute cases at court on behalf of the CPS. They cannot make decisions about cases under the Code for Crown Prosecutors and must take instructions from the CPS.

Ancillary order

Orders that the Judge or magistrates may impose on a defendant as well as imposing a sentence, such as a compensation order requiring a defendant to pay a sum of money to the victim.

Area Business Manager (ABM)

The most senior non-legal manager at CPS Area level. They are responsible for the business aspects in an Area, such as managing the budget, and work with the Chief Crown Prosecutor to run the Area effectively and efficiently.

Area Champion

A CPS lawyer with specialist knowledge or expertise in a legal area, such as disclosure. They act as a source of information and support for colleagues and deliver training.

Associate Prosecutor (AP)

A non-lawyer employed by the CPS who conducts uncontested (guilty plea) cases at the magistrates’ courts on behalf of the prosecution. With additional training, APs can also conduct contested (not guilty) hearings.

Attorney General (AG)

The main legal advisor to the Government. Also superintends the CPS.

Bad character

Evidence of previous bad behaviour, including convictions for earlier criminal offences. Normally, bad character cannot be included as part of the evidence in a criminal trial. To be allowed, either the prosecution and defence must agree it

can be used, or an application must be made to the court, based on specific reasons set out by law.

Barrister/Counsel

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

Basis of plea

Sets out the basis upon which a defendant pleads guilty to an offence.

Better Case Management (BCM)

The national process for case management in the Crown Court to improve the way cases are processed through the system, for the benefit of all concerned in the criminal justice system.

Case management system (CMS)

The IT system used by the CPS for case management.

Casework Quality Standards (CQS)

Issued by the Director of Public Prosecutions, these standards set out the benchmarks of quality that the CPS strives to deliver when prosecuting crime on behalf of the public. They include the CPS's responsibilities to victims, witnesses and communities, legal decision-making and the preparation and presentation of cases.

Charging decision

A decision by the CPS (or the police in certain circumstances) whether there is sufficient evidence, and whether it is in the public interest, to charge a suspect with a particular offence. The process is governed by the Director's Guidance on Charging.

Chief Crown Prosecutor (CCP)

Each of the 14 CPS Areas has a CCP who runs the Area with the Area Business Manager. The CCP is responsible for the legal aspects in the Area, such as the quality of legal decision-making, case progression, and working with stakeholders, communities, and the public to deliver quality casework.

Cloud video platform (CVP)

A video communication system that enables court hearings to be carried out remotely and securely.

Code for Crown Prosecutors (the Code)

A public document, issued by the Director of Public Prosecutions, that sets out the general principles CPS lawyers should follow when they make charging decisions. Cases should proceed to charge only if there is sufficient evidence against a defendant to provide a realistic prospect of conviction and it is in the public interest to prosecute.

Common platform

A digital case management system which allows all parties involved in criminal cases to access case information.

Complex Casework Unit (CCU)

Units responsible for some of the most serious and complicated casework the CPS prosecutes, such as large-scale international cases.

Contested case

Where a defendant pleads not guilty or declines to enter any plea at all, and the case proceeds to trial.

Court order/direction

An instruction from the court requiring the prosecution or defence to carry out an action (such as sending a particular document or some information to the other party or the court) in preparation for trial.

CPS Direct (CPSD)

A service operated by CPS lawyers which provides charging decisions. It deals with many priority cases and much of its work is out of hours, enabling the CPS to provide charging decisions 24 hours a day, 365 days a year.

Cracked trial

A case which ends on the day of trial either because of a guilty plea by the defendant or because the prosecution decides to stop the case.

Criminal Procedure Rules (CPR)

Rules which give criminal courts powers to manage criminal cases waiting to be heard effectively. The main aim of the CPR is to progress cases fairly and quickly.

Crown advocate (CA)

A lawyer employed by the CPS who is qualified to appear in the Crown Court.

Crown Court

The court which deals with graver allegations of criminal offences, such as murder, rape, and serious assaults. Some allegations can be heard at either the Crown Court or the magistrates' courts (see Either-way offence).

Crown prosecutor (CP)

A lawyer employed by the CPS whose role includes reviewing and preparing cases for court and prosecuting cases at the magistrates' courts. CPs can progress to become senior crown prosecutors.

Custody time limit (CTL)

The length of time that a defendant can be kept in custody awaiting trial. It can be extended by the court in certain circumstances.

Custody time limit failure

When the court refuses to extend a CTL on the grounds that the prosecution has not acted with the necessary due diligence and expedition, or when no valid application is made to extend the CTL before its expiry date.

Defendant

Someone accused of and charged with a criminal offence.

Defence statement

A written statement setting out the nature of the defendant's defence. Service of the defence statement is part of the process of preparing for trial, and is meant to help the prosecution understand the defence case better so they can decide if there is any more unused material than ought to be disclosed (see Disclosure).

Deputy Chief Crown Prosecutor (DCCP)

Second-in-command in a CPS Area, after the Chief Crown Prosecutor, for legal aspects of managing the Area.

Digital Case System (DCS)

A computer system for storing and managing cases in the Crown Court, to which the defence, prosecution, court staff and the Judge all have access.

Direct defence engagement log (DDE)

A written record of discussions with the defence about a case. The prosecution and defence are obliged by the Criminal Procedure Rules to engage and identify the issues for trial so that court time is not wasted hearing live evidence about matters that can be agreed.

Director's Guidance on Charging

Guidance issued by the Director of Public Prosecutions in relation to charging decisions. It sets out guidance for the police and CPS about how to prepare a file so that it is ready for charging, who can make the charging decision, and what factors should influence the decision. It also sets out the requirements for a suspect whom the police will ask the court to keep in custody to be charged before all the evidence is available, which is called the threshold test. The latest edition (the sixth, also called "DG6") came into effect on 31 December 2020.

Director of Public Prosecutions (DPP)

The head of the CPS, with responsibility for its staff and the prosecutions it undertakes every year. In certain cases, the personal consent of the DPP is required for prosecutions to proceed.

Disclosure/unused material

The police have a duty to record, retain and review material collected during an investigation which is relevant but is not being used as prosecution evidence, and to reveal it to the prosecutor. The prosecutor has a duty to provide the defence with copies of, or access to, all material that is capable of undermining the prosecution case and/or assisting the defendant's case.

Disclosure management document (DMD)

Used for rape and other Crown Court cases, the DMD sets out the approach of the police and CPS to the disclosure of unused material in a case. It may, for example, explain the parameters used by the police to search data held on a mobile phone or other digital device (such as the dates used, or key words) or what actions the police are and are not taking in relation to possible avenues of investigation. The DMD is shared with the defence and court so that everyone is aware of the approach being taken. This enables the defence to make representations if they do not agree with that approach (for example, if they think different search terms should be used). It also helps ensure that disclosure is undertaken efficiently and fairly.

Disclosure record sheet (DRS)

Sets out the chronology of all disclosure actions and decisions, and the reasons for those decisions. It is an internal CPS document that is not shared with the defence or court.

Discontinuance

Where the prosecution stops the case because there is insufficient evidence to carry on, or it is not in the public interest to do so.

District Crown Prosecutor (DCP)

A lawyer who leads and manages the day to day activities of prosecutors and advocates.

Domestic abuse

Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members, regardless of gender or sexuality.

Effective trial

Where a case proceeds to a full trial on the date that it is meant to.

Either-way offence

An offence that can be prosecuted in the magistrates' courts or the Crown Court. The prosecution makes representations to the court on where the case should be heard. The magistrates or a District Judge (who sits alone in the magistrates' courts) can decide if the allegation is serious enough that it must go to the Crown Court. If they decide it can be heard in the magistrates' courts, the defendant can choose to have the case sent to the Crown Court, where it will be heard by a jury. If the defendant agrees, the trial will be heard in the magistrates' courts.

Full Code test

A method by which a prosecutor decides whether or not to bring a prosecution, based on the Code for Crown Prosecutors. A prosecution must only start or continue when the case has passed both stages of the full Code test: the evidential stage, followed by the public interest stage. The full Code test should be applied when all outstanding reasonable lines of inquiry have been pursued – or before the investigation being completed, if the prosecutor is satisfied that any further evidence or material is unlikely to affect the application of the full Code test, whether in favour of or against a prosecution.

Graduated fee scheme (GFS)

The scheme by which lawyers are paid for Crown Court cases. For Counsel appearing on behalf of defendants who qualify for assistance (or legal aid), the GFS is set and managed by the Legal Aid Agency. For Counsel appearing for the prosecution, the rates are determined by the CPS GFS, and the CPS pays Counsel.

Guilty anticipated plea (GAP)

Where the defendant is expected to admit the offence at court, based on an assessment of the available evidence and any admissions made during interview.

Hate crime

Any offence where the defendant has been motivated by or demonstrated hostility towards the victim based on what the defendant thinks is their race, disability, gender identity or sexual orientation. Targeting older people is not (at the time of writing) recognised in law as a hate crime, but the CPS monitors crimes against older people in a similar way.

Hearing record sheet (HRS)

A CPS electronic record of what has happened in the case during the course of a court hearing, and any actions that need to be carried out afterwards.

Her Majesty's Courts and Tribunals Service (HMCTS)

An organisation responsible for the administration of criminal, civil and family courts and tribunals in England and Wales.

Honour based violence (HBV)

A collection of practices which are used to control behaviour within families or other social groups to protect perceived cultural and religious beliefs and/or honour. It can take the form of domestic abuse and/or sexual violence.

Inclusion and community engagement strategy

Sets out the CPS's commitment to promoting fairness, equality, diversity and inclusion across the criminal justice system by engaging with community groups and those at risk of exclusion.

Indictable-only offence

An offence triable only in the Crown Court.

Indictment

The document that contains the charge or charges faced by the defendant at trial in the Crown Court.

Individual Learning Account (ILA)

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

Individual quality assessment (IQA)

An assessment of a piece of work done by a CPS member of staff – usually a prosecutor, but some Areas also carry out IQAs for some operational delivery staff. The assessment is carried out by a manager, and feedback on the assessment given to the member of staff. Areas also use IQAs to identify areas for improvement and training needs across a team or the whole Area.

Ineffective trial

A case that does not proceed to trial on the date that it is meant to. This can be owing to a variety of possible reasons, including non-attendance of witnesses, non-compliance with a court order by the prosecution or defence, or lack of court time.

Initial details of the prosecution case (IDPC)

The material to be provided before the first hearing at the magistrates' courts to enable the defendant and the court to take an informed view on plea, where the case should be heard, case management and sentencing. The IDPC must include a summary of the circumstances of the offence and the defendant's charge sheet. Where the defendant is expected to plead not guilty, key statements and exhibits (such as CCTV evidence) must be included.

Intermediary

A professional who facilitates communication between, on the one hand, a victim or witness, and on the other hand, the police, prosecution, defence, and/or court. Their role is to make sure the witness understands what they are being asked, can give an answer, and can have that answer understood. To do this, they will assess what is needed, provide a detailed report on how to achieve that, and aid the witness in court. An intermediary may be available at trial, subject to the court agreeing it is appropriate, for defence or prosecution witnesses who are eligible for special measures on the grounds of age or incapacity, or for vulnerable defendants.

Local Criminal Justice Boards (LCJBs)

Groups made up of representatives of the CPS, police, HMCTS and others, whose purpose is to work in partnership to improve the efficiency and effectiveness of the criminal justice system and to improve the experience of the victims and witnesses. LCJBs were originally set up in all 43 police force areas by central government and received central funding. They now operate as voluntary partnerships in most counties in England.

Local Scrutiny Involvement Panels (LSIPs)

Groups made up of representatives of the local community and voluntary sector, especially those representing minority, marginalised or at-risk groups. They meet regularly with their local CPS Area to discuss issues of local concern and provide feedback on the service the Area provides, with a view to improving the delivery of justice at a local level and to better supporting victims and witnesses.

Manual of Guidance Form 3 (MG3)

One of a number of template forms contained in a manual of guidance for the police and CPS on putting together prosecution files. The MG3 is where the

police summarise the evidence and other information when asking the CPS to decide whether a suspect should be charged with a criminal offence, and the CPS then records its decision.

National File Standard (NFS)

A national system that sets out how the police should prepare criminal case files. It allows investigators to build only as much of the file as is needed at any given stage – whether that is for advice from the CPS, the first appearance at court or the trial. The latest version was published in December 2020.

Newton hearing

A hearing in criminal proceedings required when a defendant pleads guilty to an offence but there is disagreement with the prosecution as to the facts of the offence.

Not guilty anticipated plea (NGAP)

Where the defendant is expected to plead not guilty at court, based on an assessment of the available evidence and any defence(s) put forward during interview.

Offer no evidence (ONE)

Where the prosecution stops the case, after the defendant has pleaded not guilty, by offering no evidence. A finding of not guilty is then recorded by the court.

Paralegal officer

A CPS employee who provides support and casework assistance to CPS lawyers and attends court to take notes of hearings and assist advocates.

Personal Development Review (PDR)

A twice yearly review of a CPS employee's performance against a set of objectives specific to their role.

Plea and Trial Preparation Hearing (PTPH)

The first hearing at the Crown Court after the case has been sent from the magistrates' courts. The defendant is expected to enter a plea to the offence(s) with which they have been charged. If the defendant pleads guilty, the court may be able to sentence them immediately, but if not, or if the defendant has pleaded not guilty, the court will set the next hearing date and, for trials, will also set out a timetable for management of the case.

Postal requisition

A legal document notifying a person that they are to be prosecuted for a criminal offence, and are required to attend the magistrates' courts to answer the allegation.

Rape and serious sexual offences (RASSO)

Allegations of rape and other serious sexual offences perpetrated against men, women or children. In the CPS, the prosecution of RASSO cases is undertaken separately from other cases, in RASSO units or teams.

Restraining order

A type of court order made as part of the sentencing procedure to protect the person(s) named in it from harassment or conduct that will put them in fear of violence. They are often made in cases involving domestic abuse, harassment, stalking or sexual assault. The order is intended to be preventative and protective, and usually includes restrictions on contact by the defendant towards the victim; it may also include an exclusion zone around the victim's home or workplace. A restraining order can also be made after a defendant has been acquitted if the court thinks it is necessary to protect the person from harassment.

Review

The process whereby a CPS prosecutor determines that a case received from the police satisfies, or continues to satisfy, the legal test for prosecution in the Code for Crown Prosecutors. This is one of the most important functions of the CPS.

Section 28 Youth Justice and Criminal Evidence Act 1999

Legislation that provides the option to pre-record the cross-examination evidence in advance of a trial for vulnerable victims and witnesses.

Senior Crown Prosecutor (SCP)

A lawyer employed by the CPS with the necessary skills and experience to progress to a more senior legal role, which includes the functions of a crown prosecutor but also includes advising the police on charge. It is not a role that includes managing staff.

Sensitive material

Any unused material (see Disclosure/unused material) which it would not be in the public interest to disclose during the criminal proceedings. If it meets the test for disclosure, the prosecution must either stop the case or apply to the court for an order allowing them to withhold the sensitive material.

Speaking to witnesses at court (STWAC)

An initiative stating that prosecutors should speak to witnesses at or before court to make sure they are properly assisted and know what to expect before they give their evidence.

Special measures

The Youth Justice and Criminal Evidence Act 1999 provides for a range of special measures to enable vulnerable or intimidated witnesses in a criminal trial to give their most accurate and complete account of what happened. Measures include giving evidence via a live TV link to the court, giving evidence from behind screens in the courtroom and using intermediaries. A special measures application is made to the court within set time limits and can be made by the prosecution or defence.

Standard Operating Practice (SOP)

Instructions setting out how to complete a particular task or action and cover legal and business aspects of the running of the CPS. The CPS has a range of SOPs which are standard across the organisation and seek to apply consistency to business practices and key steps needed in all prosecutions. Examples include: how to register a new charging request from the police on the case management system; how to record charging advice; how to prepare for the first hearing; and how to deal with incoming communications.

Summary offence

An offence that is normally dealt with in the magistrates' courts. In certain circumstances, and when there is a connected case that will be heard by the Crown Court, the Crown Court may deal with a summary offence as well.

Third party material

Material held by someone other than the investigator and/or prosecutor, such as medical or school records, or documents held by social services departments.

Threshold test

See Director's Guidance on Charging.

Transforming Summary Justice (TSJ)

An initiative led by HMCTS and involving the CPS and the police, designed to deliver justice in summary cases in the most efficient way by reducing the number of court hearings and the volume of case papers. The process involves designating bail cases coming into the magistrates' courts for their first hearing as guilty-anticipated plea (GAP) cases or not guilty-anticipated plea (NGAP) cases. GAP and NGAP cases are listed in separate courtrooms, so that each can be dealt with more efficiently.

Uncontested case

Where a defendant pleads guilty and the case proceeds to sentence.

Unsuccessful outcome

A prosecution which does not result in a conviction is recorded in CPS data as an unsuccessful outcome. If the outcome is unsuccessful because the prosecution has been dropped (discontinued, withdrawn or no evidence offered) or the court has ordered that it cannot proceed, it is also known as an adverse outcome. Acquittals are not adverse outcomes.

Victim Communication and Liaison scheme (VCL)

A CPS scheme to inform victims of crime of a decision to stop, or alter substantially, any of the charges in a case. Vulnerable or intimidated victims must be notified within one working day and all other victims within five working days. In certain cases, victims will be offered a meeting to explain the decision and/or the right to ask for the decision to be reviewed.

Victim Liaison Unit (VLU)

The team of CPS staff in an Area responsible for communicating with victims under the Victim Communication and Liaison scheme and the Victims' Right to Review, and for responding to complaints and overseeing the service to bereaved families.

Victim Personal Statement (VPS)

When a victim explains to the court how a crime has affected them. If a defendant is found guilty, the court will take the VPS into account, along with all the other evidence, when deciding on an appropriate sentence.

Victims' Code

Sets out a victim's rights and the minimum standards of service that organisations must provide to victims of crime. Its aim is to improve victims' experience of the criminal justice system by providing them with the support and information they need. It was published in October 2013 and last updated on 21 April 2021.

Victims' Right to Review scheme (VRR)

This scheme provides victims of crime with a specifically designed process to exercise their right to review certain CPS decisions not to start a prosecution, or to stop a prosecution. If a new decision is required, it may be appropriate to institute or reinstitute criminal proceedings. The right to request a review of a decision not to prosecute under the VRR scheme applies to decisions that have the effect of being final made by any crown prosecutor, regardless of their grade or position in the organisation. It is important to note that the "right" referred to in

the context of the VRR scheme is the right to request a review of a final decision. It is not a guarantee that proceedings will be instituted or reinstituted.

Violence against women and girls (VAWG)

A category of offending that covers a wide range of criminal conduct, including domestic abuse, controlling and coercive behaviour, sexual offences, harassment, forced marriage, so-called honour-based violence, and slavery and trafficking. VAWG includes boys and men as victims but reflects the gendered nature of the majority of VAWG offending.

Violence against women and girls strategy (VAWGS)

A government strategy that aims to increase support for victims and survivors of VAWG, increase the number of perpetrators brought to justice, and reduce the prevalence of violence against women and girls in the long term.

Vulnerable and/or intimidated witnesses

Those witnesses who require particular help to give evidence in court, such as children, victims of sexual offences and the most serious crimes, persistently targeted victims, and those with communication difficulties.

Witness care unit (WCU)

A unit responsible for managing the care of victims and prosecution witnesses from when a case is charged to the conclusion of the case. It is staffed by witness care officers and other support workers whose role is to keep witnesses informed about the progress of their case. Almost all WCUs are staffed and managed by the police.

Witness summons

A legal document compelling a reluctant or unwilling witness to attend court.

Annex D

File examination question set

No.	Question	Possible answers
Pre-charge decision		
1	The CPS decision to charge was compliant with the Code Test.	Fully met Not met Not applicable (NA)
2	The CPS decision to charge was timely.	Fully met Partially met Not met NA
3	The most appropriate charges were selected on the information available to the prosecutor at the time.	Fully met Partially met Not met NA
4	The CPS MG3 included proper case analysis and case strategy.	Fully met Partially met Not met NA
5	The CPS MG3 dealt appropriately with unused material.	Fully met Partially met Not met NA
6	The CPS MG3 referred to relevant applications and ancillary matters.	Fully met Partially met Not met NA
7	There were appropriate instructions and guidance to the court prosecutor contained in either the MG3 or the PET/PTPH form created with the MG3.	Fully met Partially met Not met NA
8	The action plan was proportionate and met a satisfactory standard.	Fully met Partially met Not met NA
Police initial file submission post-charge		
9	The police file submission complied with the National File Standard for the type of case.	Fully met Not met
10	The police file submission was timely.	Fully met Not met
11	The CPS used the NFQ assessment tool in the review document to identify and feed back to the police on any failings in the file submission.	Fully met Partially met Not met NA

No.	Question	Possible answers
Post-charge reviews and decisions		
12	All review decisions post-charge applied the Code correctly.	Fully met Not met
13	The case received a proportionate initial or post-charge review including a proper case analysis and case strategy.	Fully met Partially met Not met
14	The initial or post-charge review was carried out in a timely manner.	Fully met Partially met Not met NA
15	Any decision to discontinue was made and put into effect in a timely manner.	Fully met Partially met Not met NA
16	Any pleas accepted were appropriate, with a clear basis of plea.	Fully met Partially met Not met NA
17	Steps were taken to achieve best evidence by making appropriate applications for special measures (including drafting where a written application was required).	Fully met Partially met Not met NA
18	In CC cases (including RASSO cases before the CC), there was a high-quality review to coincide with the service of the prosecution case and initial disclosure (at stage 1 set at PTPH).	Fully met Partially met Not met NA
19	In all cases (MC, CC and RASSO) any reviews addressing significant developments that represent a major change in case strategy (and which are additional to those reviews considered in Qs 13 and 18) were of high quality and dealt appropriately with the significant development(s) in the case.	Fully met Partially met Not met NA
20	The CPS made appropriate and timely decisions about custody and bail throughout the life of the case.	Fully met Partially met Not met

No.	Question	Possible answers
Post-charge case progression		
21	The prosecutor prepared the case effectively to ensure progress at court at the first hearing(s) – which in the MC is the NGAP hearing for bail cases and the second hearing in custody cases, and in the CC the PTPH – to include, as a minimum, any acceptable pleas or that there are no acceptable pleas, and completed the PET/PTPH forms.	Fully met Partially met Not met NA
22	Any hard media was shared via Egress with all parties before the NGAP hearing or PTPH.	Fully met Partially met Not met NA
23	In CC cases (including RASSO cases before the CC), a properly drafted indictment was prepared.	Fully met Partially met Not met NA
24	In CC cases (including RASSO cases before the CC), the draft indictment and key evidence was served in a timely manner for the PTPH.	Fully met Partially met Not met NA
25	In CC and RASSO cases, a clear instruction to advocate document was prepared.	Fully met Partially met Not met NA
26	In CC cases (including RASSO cases before the CC), the advocate was instructed at least seven days before the PTPH.	Fully met Partially met Not met NA
27	In CC cases (including RASSO cases before the CC), the duty of direct engagement was carried out.	Fully met Partially met Not met NA
28	In CC cases (including RASSO cases before the CC), the DDE was uploaded to DCS.	Fully met Partially met Not met NA
29	In CC cases (including RASSO cases before the CC) and the youth court where counsel is instructed, if there was no advice on evidence covering all necessary issues, this was chased.	Fully met Partially met Not met NA

No.	Question	Possible answers
30	In RASSO cases, a conference with the trial advocate, OIC and any expert witnesses took place.	Fully met Partially met Not met NA
31	There was timely compliance with court directions or Judges' Orders.	Fully met Partially met Not met NA
32	Appropriate applications (eg BCE, hearsay) were used effectively to strengthen the prosecution case.	Fully met Partially met Not met NA
33	Steps were taken to secure best evidence by correct and timely warning of witnesses.	Fully met Partially met Not met NA
34	Steps were taken to secure best evidence by addressing correspondence from the WCU and any witness issues in a timely manner with effective actions.	Fully met Partially met Not met NA
35	New material received from the police was reviewed appropriately and sufficiently promptly with timely and effective actions taken in response.	Fully met Partially met Not met NA
36	Correspondence from the court and defence was reviewed appropriately and sufficiently promptly with timely and effective actions taken in response.	Fully met Partially met Not met NA
37	Requests to the police for additional material or editing of material were timely and escalated where appropriate.	Fully met Partially met Not met NA
38	There was a clear audit trail on CMS of key events, decisions and actions, with correct labelling of documents and appropriate use of notes.	Fully met Partially met Not met
Disclosure of unused material		
39	In relevant cases, a DMD was completed.	Fully met Partially met Not met NA

No.	Question	Possible answers
40	The DMD was completed accurately and fully in accordance with the guidance.	Fully met Partially met Not met NA
41	The police complied with their disclosure obligations.	Fully met Partially met Not met NA
42	The prosecutor complied with the duty of initial disclosure, including the correct endorsement of the schedules (but not including timeliness of disclosure).	Fully met Partially met Not met NA
43	If Q42 is PM or NM, the most significant failing was:	
44	The prosecution complied with its duty of initial disclosure in a timely manner.	Fully met Partially met Not met NA
45	The prosecutor complied with the duty of continuing disclosure, (but not including timeliness of disclosure).	Fully met Partially met Not met NA
46	If Q44 is PM or NM, the most significant failing was:	
47	The prosecution complied with its duty of continuing disclosure in a timely manner.	Fully met Partially met Not met NA
48	Sensitive unused material was dealt with appropriately.	Fully met Partially met Not met NA
49	Third-party material was dealt with appropriately.	Fully met Partially met Not met NA
50	In CC cases (including RASSO cases before the CC), late defence statements were chased.	Fully met Partially met Not met NA

No.	Question	Possible answers
51	Inadequate defence statements were challenged.	Fully met Partially met Not met NA
52	The defence statement was reviewed by the prosecutor and direction given to the police about further reasonable lines of enquiry.	Fully met Partially met Not met NA
53	The disclosure record on Modern CMS was properly completed with actions and decisions taken on disclosure.	Fully met Partially met Not met NA
54	The CPS fed back to the police where there were failings in the police service regarding disclosure.	Fully met Partially met Not met NA
Victims and witnesses		
55	The prosecutor consulted victims and witnesses where appropriate (includes STWAC).	Fully met Partially met Not met NA
56	The victim's wishes regarding VPS were complied with.	Fully met Partially met Not met NA
57	The prosecution sought appropriate orders to protect the victim, witnesses and the public.	Fully met Partially met Not met NA
58	There was a timely VCL letter when required.	Fully met Partially met Not met NA
59	The VCL letter was of a high standard.	Fully met Partially met Not met NA
60	The CPS MG3 actively considered relevant applications and ancillary matters to support victims and witnesses.	Fully met Partially met Not met NA

Annex E

File sample composition

Breakdown of the standard file sample

The number of files to examine from each Crown Prosecution Service (CPS) Area was determined, in consultation with the CPS, as 90: 30 magistrates' court cases, 40 Crown Court cases and 20 rape and serious sexual offences (RASSO) cases.

The files were randomly selected within certain parameters (set out below) from cases finalised in the quarter before the on-site phase for that Area, and from live cases. This allowed the Covid-19 context from the on-site Area visits to be aligned with the current casework.

Finalised cases included those concluded at either the not-guilty anticipated plea (NGAP) hearing in the magistrates' courts or the Plea and Trial Preparation Hearing (PTPH) in the Crown Court in order to be able to properly assess decision-making and case progression. The sample also included cracked trials, and a mix of successful and unsuccessful cases.

All magistrates' court files were drawn from NGAP cases to capture the review and preparation required before the NGAP hearing. The magistrates' court sample included three youth cases; the remainder were adult cases. Minor motoring cases were excluded from the magistrates' court file sample.

All Crown Court files were chosen from those set down for trial or that had had a PTPH, to capture the post-sending review and pre-PTPH preparation (save for discontinuances, where the decision to discontinue may have been made before the PTPH). Homicide cases were excluded for two reasons: first, because they are frequently investigated by specialist police teams so are not representative of an Area's volume work; second, because they are harder for HMCPSI to assess, as some of the information in the case is often stored off the case management system and not accessible to inspectors. Fatal road traffic collision cases were not excluded.

RASSO files included offences involving child victims, but all domestic abuse RASSO cases had adult victims. No more than two cases were possession of indecent images, and no more than two cases were ones involving a non-police decoy or child sex abuse vigilante in child-grooming or meeting cases.

Table 19: File sample structure

Outcome	Magistrates' courts	Crown Court	RASSO	Total
Late guilty plea	6 (20%)	10 (25%)	5 (25%)	21
Guilty plea at NGAP hearing	3 (10%)	4 (10%)	2 (10%)	9
Conviction after trial	7 (23%)	8 (20%)	4 (20%)	19
Discontinued/Judge ordered acquittal	6 (20%)	7 (17%)	3 (15%)	16
No case to answer/Judge directed acquittal	1 (3%)	2 (5%)	1 (5%)	4
Acquittal after trial	4 (13%)	5 (12%)	3 (15%)	12
Live cases	3 (10%)	4 (10%)	2 (10%)	9
Total	30	40	20	90
<i>Police charged</i>	2 (max)	0	0	
<i>CPS Direct charged</i>	4 (max)	6 (max)	2 (max)	
<i>Youth cases</i>	3			

The categories in italics in Table 19 were not additional files but contributed to the total volume of cases. Where there were no Judge directed acquittal or no case to answer outcomes finalised during the quarter preceding the file examination, acquittals after trial were substituted in order to maintain the balance between successful and unsuccessful cases.

Occasionally, it may have been necessary to exceed the maximum numbers of CPS Direct charged cases to avoid selecting older cases, but this was at the discretion of the lead inspector.

Sensitive/non-sensitive split

Of the standard magistrates' court and Crown Court file samples, 20% were sensitive cases and half of these were domestic abuse allegations.

Table 20 sets out the mandatory minimum number of sensitive case types included in our magistrates' court and Crown Court samples. As far as possible, they were evenly split between successful and unsuccessful outcomes.

Occasionally, it may have been necessary to exceed the minimum numbers in certain categories of sensitive casework to avoid selecting older cases, but this was at the discretion of the lead inspector.

Table 20: Minimum sensitive case types in sample

Case type	Magistrates' courts (30)	Crown Court (40)	RASSO (20)	Total (90)
Domestic abuse	3	4	2	9
Racially or religiously aggravated (RARA)	1	1	0	2
Homophobic/elder/disability	1	1	0	2
Sexual offence (non-RASSO)	1	2	0	3
Total	6 (20%)	8 (20%)	2 (10%)	16 (17%)

If there was no RARA case available, another hate crime category file was substituted.

Annex F

Scoring methodology

The scores in this inspection are derived solely from our examination of the casework quality of 90 Area files: 30 magistrates' court cases, 40 Crown Court cases and 20 rape and serious sexual offences (RASSO) cases.

We based our evaluation of casework quality on two key measures: added value and grip. We define added value as the Crown Prosecution Service (CPS) making good, proactive prosecution decisions by applying its legal expertise to each case, and grip as the CPS proactively progressing its cases efficiently and effectively.

We used our file examination data to give scores for added value and grip, which are set out as percentages. They were obtained by taking the questions that feed into each aspect³¹ and allocating:

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

We then expressed the total points awarded as a percentage of the maximum possible points. Not applicable answers were excluded.

To help evaluate added value and grip, we also scored the five casework themes and sub-themes in each of the three casework types (magistrates' court cases, Crown Court cases, and RASSO cases):

- pre-charge decisions and reviews
 - compliance with the Code at pre-charge
 - selection of charge(s)
 - case analysis and strategy
- post-charge decisions and reviews
 - compliance with the Code post-charge
 - case analysis and strategy
- preparation for the Plea and Trial Preparation Hearing in the Crown Court

³¹ See annex G for which questions contributed to each of the casework themes.

- disclosure
- victims and witnesses.

The scores for these themes were obtained by taking the answers for the questions that feed into the theme. We allocated:

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

We then expressed the total points awarded as a percentage of the maximum possible points. Not applicable answers were excluded.

For the casework themes and sub-themes, we have reported the percentages, but have also used a range of percentages (see Table 21) to convert the percentage into a finding of fully, partially, or not meeting the expected standard for the theme or sub-theme overall.

Table 21: Conversion of percentages into ratings

Rating	Range
Fully meeting the standard	70% or more
Partially meeting the standard	60% to 69.99%
Not meeting the standard	59.99% or less

A worked example

Relevant questions

For the victims and witnesses aspect of casework in the magistrates' courts, we took the answers from the following nine questions:

- Q17: Steps were taken to achieve best evidence by making appropriate applications for special measures (including drafting where a written application is required).
- Q33: Steps were taken to secure best evidence by correct and timely warning of witnesses.
- Q34: Steps were taken to secure best evidence by addressing correspondence from the WCU and any witness issues in a timely manner with effective actions.
- Q55: The prosecutor consulted victims and witnesses where appropriate (includes STWAC).
- Q56: The victim's wishes regarding VPS were complied with.
- Q57: The prosecution sought appropriate orders to protect the victim, witnesses and the public.
- Q58: There was a timely VCL letter when required.
- Q59: The VCL letter was of a high standard.
- Q60: The CPS MG3 actively considered relevant applications and ancillary matters designed to support victims and/or witnesses.

File examination results

This data is fictitious and used only to demonstrate the scoring mechanism. For the 30 magistrates' court files, we scored the relevant questions as set out in Table 22.

Table 22: Worked example scores

Question	Answer	All cases
Q17: Steps were taken to achieve best evidence by making appropriate applications for special measures.	Fully meeting	13
	Partially meeting	7
	Not meeting	5
	Not applicable	5
Q33: Steps were taken to secure best evidence by correct and timely warning of witnesses.	Fully meeting	23
	Partially meeting	5
	Not meeting	1
	Not applicable	1
Q34: Steps were taken to secure best evidence by addressing correspondence from the WCU and any witness issues in a timely manner with effective actions.	Fully meeting	8
	Partially meeting	10
	Not meeting	9
	Not applicable	3
Q55: The prosecutor consulted victims and witnesses where appropriate (includes STWAC).	Fully meeting	3
	Partially meeting	4
	Not meeting	3
	Not applicable	20
Q56: The victim's wishes regarding VPS were complied with.	Fully meeting	17
	Partially meeting	3
	Not meeting	4
	Not applicable	6
Q57: The prosecution sought appropriate orders to protect the victim, witnesses, and the public.	Fully meeting	16
	Partially meeting	5
	Not meeting	4
	Not applicable	5
Q58: There was a timely VCL letter when required.	Fully meeting	5
	Partially meeting	4
	Not meeting	4
	Not applicable	17
Q59: The VCL letter was of a high standard.	Fully meeting	3
	Partially meeting	3
	Not meeting	3
	Not applicable	21
Q60: The CPS MG3 actively considered relevant applications and ancillary matters designed to support victims and/or witnesses.	Fully meeting	11
	Partially meeting	7
	Not meeting	5
	Not applicable	7
Total for all above questions	Fully meeting	99
	Partially meeting	48
	Not meeting	38
	Not applicable	85

Excluding the not applicable answers leaves 185 answers. The maximum score possible would therefore be 370 points (185 answers × 2 points per answer) if all answers were “fully meeting the standard”.

The score for this fictitious Area is calculated as follows:

- Two points for each case assessed as fully meeting the expected standard = 198 points
- One point for each case assessed as partially meeting the standard = 48 points
- Total (198 + 48) = 246 points
- Expressed as a percentage of 370 available points, this gives the score as 66.5%. When the ranges are applied, 66.5% (60% to 69.99%) gives an overall rating of partially meeting the required standard for this casework theme.

Annex G

Casework themes

Table 23: Casework themes

No.	Question	Casework theme	Included in added value or grip?
1	The CPS decision to charge was compliant with the Code test.	Pre-charge: Code compliance	Added value
2	The CPS decision to charge was timely.	Not applicable (NA)	Grip
3	The most appropriate charges were selected on the information available to the prosecutor at the time.	Pre-charge: Selection of appropriate charges	Added value
4	The CPS MG3 included proper case analysis and case strategy.	Pre-charge	Added value
5	The CPS MG3 dealt appropriately with unused material.	Pre-charge	Added value
6	The CPS MG3 referred to relevant applications and ancillary matters.	Pre-charge	Added value
7	There were appropriate instructions and guidance to the court prosecutor contained in either the MG3 or the PET/PTPH form created with the MG3.	Pre-charge	NA
8	The action plan was proportionate and met a satisfactory standard.	Pre-charge	Added value
9	The police file submission complied with the National File Standard for the type of case.	NA	NA
10	The police file submission was timely.	NA	NA
11	The CPS used the NFQ assessment tool in the review document to identify and feed back to the police on any failings in the file submission.	NA	NA
12	All review decisions post-charge applied the Code correctly.	Post-charge: Code compliance	Added value
13	The case received a proportionate initial or post- sending review including a proper case analysis and case strategy.	Post-charge: Case strategy	Added value

No.	Question	Casework theme	Included in added value or grip?
14	The initial or post-sending review was carried out in a timely manner.	NA	Grip
15	Any decision to discontinue was made and put into effect in a timely manner.	NA	Grip
16	Any pleas accepted were appropriate, with a clear basis of plea.	Post-charge: Case strategy	Added value
17	Steps were taken to achieve best evidence by making appropriate applications for special measures (including drafting where a written application was required).	Victims and witnesses	Added value
18	In CC cases (including RASSO cases before the CC), there was a high-quality review to coincide with the service of the prosecution case and initial disclosure (at stage 1 set at PTPH).	Post-charge: Case strategy (CC and RASSO only)	Added value
19	In all cases (MC, CC and RASSO), any reviews addressing significant developments that represented a major change in case strategy (and additional to those reviews considered in Qs 13 and 18) were of high quality and dealt appropriately with the significant development(s) in the case.	Post-charge: Case strategy	Added value
20	The CPS made appropriate and timely decisions about custody and bail throughout the life of the case.	Post-charge: Case strategy	Added value
21	The prosecutor prepared the case effectively to ensure progress at court at the first hearing(s) – which in the MC is the NGAP hearing for bail cases and the second hearing in custody cases, and in the CC the PTPH – to include as a minimum any acceptable pleas or no acceptable pleas, and completed the PET/PTPH forms.	Preparation for PTPH	Grip
22	Any hard media was shared via Egress with all parties before the NGAP hearing or PTPH.	NA	Grip

No.	Question	Casework theme	Included in added value or grip?
23	In CC cases (including RASSO cases before the CC), a properly drafted indictment was prepared.	Preparation for PTPH	Added value
24	In CC cases (including RASSO cases before the CC), the draft indictment and key evidence was served in a timely manner for the PTPH.	Preparation for PTPH	Grip
25	In CC and RASSO cases, a clear instruction to advocate document was prepared.	NA ³²	No
26	In CC cases (including RASSO cases before the CC), the advocate was instructed at least seven days before the PTPH.	Preparation for PTPH	No
27	In CC cases (including RASSO cases before the CC), the duty of direct engagement was carried out.	Preparation for PTPH	No
28	In CC cases (including RASSO cases before the CC), the DDE was uploaded to DCS.	Preparation for PTPH	No
29	In CC cases (including RASSO cases before the CC) and the youth court where counsel is instructed, if there was no advice on evidence covering all necessary issues, this was chased.	NA	Grip
30	In RASSO cases, a conference with the trial advocate, OIC and any expert witnesses took place.	NA	Grip
31	There was timely compliance with court directions or Judges' Orders.	NA	Grip
32	Appropriate applications (eg BCE, hearsay) were used effectively to strengthen the prosecution case.	Post-charge: Case strategy	Added value
33	Steps were taken to secure best evidence by correct and timely warning of witnesses.	Victims and witnesses	No

³² We are not able to differentiate between crown advocates and Counsel in many casefiles.

No.	Question	Casework theme	Included in added value or grip?
34	Steps were taken to secure best evidence by addressing correspondence from the WCU and any witness issues in a timely manner with effective actions.	Victims and witnesses	Grip
35	New material received from the police was reviewed appropriately and sufficiently promptly with timely and effective actions taken in response.	NA	Grip
36	Correspondence from the court and defence was reviewed appropriately and sufficiently promptly with timely and effective actions taken in response.	NA	Grip
37	Requests to the police for additional material or editing of material were timely, and were escalated where appropriate.	NA	Grip
38	There was a clear audit trail on CMS of key events, decisions and actions, with correct labelling of documents and appropriate use of notes.	NA	Grip
39	In relevant cases, a DMD was completed.	Disclosure	No
40	The DMD was completed accurately and fully in accordance with the guidance.	Disclosure	Added value (RASSO only)
41	The police complied with their disclosure obligations.	NA	NA
42	The prosecutor complied with the duty of initial disclosure, including the correct endorsement of the schedules (but not including timeliness of disclosure).	Disclosure	Added value
43	If Q42 is PM or NM, the most significant failing was:	NA	No
44	The prosecution complied with its duty of initial disclosure in a timely manner.	Disclosure	No
45	The prosecutor complied with the duty of continuing disclosure (but not including timeliness of disclosure).	Disclosure	Added value
46	If Q44 is PM or NM, the most significant failing was:	NA	No

No.	Question	Casework theme	Included in added value or grip?
47	The prosecution complied with its duty of continuing disclosure in a timely manner.	Disclosure	No
48	Sensitive unused material was dealt with appropriately.	Disclosure	Added value
49	Third-party material was dealt with appropriately.	Disclosure	Added value
50	In CC cases (including RASSO cases before the CC), late defence statements were chased.	Disclosure	No
51	Inadequate defence statements were challenged.	Disclosure	Added value
52	The defence statement was reviewed by the prosecutor and direction given to the police about further reasonable lines of enquiry.	Disclosure	Added value
53	The disclosure record on Modern CMS was properly completed with actions and decisions taken on disclosure.	Disclosure	No
54	The CPS fed back to the police where there were failings in the police service regarding disclosure.	Disclosure	No
55	The prosecutor consulted victims and witnesses where appropriate (includes STWAC).	Victims and witnesses	No
56	The victim's wishes regarding VPS were complied with.	Victims and witnesses	No
57	The prosecution sought appropriate orders to protect the victim, witnesses and the public.	Victims and witnesses	Added value
58	There was a timely VCL letter when required.	Victims and witnesses	No
59	The VCL letter was of a high standard.	Victims and witnesses	Added value
60	The CPS MG3 actively considered relevant applications and ancillary matters designed to support victims and/or witnesses.	Pre-charge Victims and witnesses	Added value

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