

Scoping Document

Inspection of CPS Individual Quality Assessments (IQAs)

A. Background

IQA is the CPS's main first line assurance tool for assessing the quality of its casework and improving the quality of service provided. IQA sits in the assurance framework under level 1 as an Area tool for assessing quality. Assessments are carried out by legal managers selecting cases of individual prosecutors and assessing the quality in accordance with the IQA guidance available on the CPS intranet.

IQA is designed to drive improvements in two distinct but connected ways: Firstly, via direct feedback between the legal manager and prosecutor, and secondly, data obtained from IQA assessments, both at national and Area level, identifies general standards and themes and any need for additional quality assurance, further or updated guidance, and/or training to bring about improvement.

HM CPSI last inspected the IQA regime in 2018, when we identified a lack of robustness in some assessments conducted by legal managers compared to the same assessments conducted by inspectors. In 2018, findings suggested that the CPS managers were not always giving the necessary feedback, and more could be done to ensure the accuracy of data. Since the 2018 report, the CPS has revised and refreshed its quality assurance regime. IQAs are still carried out by District Crown Prosecutors (DCPs), but there is also a requirement for Senior District Crown Prosecutors (SDCPs) (or equivalent) and/or Deputy Chief Crown Prosecutors (DCCPs) to quality assure assessments through dip sampling a percentage of DCPs' IQA assessments.

During the Area Inspection Programme (AIP), we heard from CPS managers in all Areas that one of the main ways they assessed the quality of legal decision-making was through the use of IQAs. Given that the recent Area and thematic inspections have identified a need for the CPS to improve the quality of its legal decision making and casework, this inspection will assess the effectiveness of the IQA regime, and how it is used to deliver improvements in casework quality, as well as the effectiveness of the quality assurance carried out by SD CPs and DCCPs.

The IQA regime

The CPS updated the IQA process and guidance on 1 October 2021 (a revised regime) and the IQA application was updated on 3 October 2022. Further minor changes to the guidance were made on 1 July 2023. The system continues to include two distinct elements - one relating to casework and the other to advocacy- that use different sets of questions.

IQA assessments are carried out by DCPs who are required to carry out one non-advocacy (casework) assessment per prosecutor every quarter. DCPs responsible for advocates are required to carry out two advocacy assessments per prosecutor annually.

The overall purpose of IQA is to:

- ensure that casework management and decisions match CPS standards and values
- enable managers to provide advice and support to their prosecutors, and
- encourage managers and prosecutors to work together to improve the quality of service provided.

The CPS refreshed its IQA guidance in October 2021, when the revised regime was introduced. The guidance advises DCPs to take a staged approach, as follows:

- Stage 1 - review the file and assess the quality of the casework against the question set
- Stage 2 - hold a meaningful conversation with the prosecutor that ensures good quality feedback is given, the prosecutor's perspective is sought, and any necessary lessons are learned
- Stage 3 – identify any actions for the case that the prosecutor will need to address if the case is to proceed effectively
- Stage 4 – follow up on the IQA, to ensure that any identified actions have been addressed in good time
- Stage 5 – prosecutor feedback. This is optional but the prosecutor should complete this within seven days of the IQA being closed.

The guidance also advises that Areas may undertake themed IQAs and stresses the importance of using the assessments to identify learning and actions for the Area as a whole, not only individuals.

Since October 2022, the IQA application allows DCPs to add comments to explain their assessments. Under the guidance, DCPs are required to record issues to address and comments explaining their reasoning and not just to record a yes or no assessment of whether the standard has been met for a particular IQA question. Prosecutors are also able to use the tool to record their comments in response to the assessment and the feedback provided to them. However, this is not a mandatory requirement under the guidance.

DCCPs in each Area take the lead on monitoring and are responsible for reporting to the Chief Crown Prosecutor on casework quality. To ensure that assessments are robust and consistent, CPS policy requires SDCPs and/or DCCPs to dip sample 10% of IQAs undertaken in their Area each quarter. The guidance states: 'The size of this sample must be 10% of all the IQAs undertaken for each of the two categories in any quarter.' The guidance does not set any requirement that each DCP has a minimum number of their IQAs dip sampled. This quality assurance requirement was introduced to enable senior managers to identify areas for improvement and good practice in all aspects of casework, as well as ensuring that the quality of assessments made by DCPs is monitored and assured, and that any development needs are addressed.

The current IQA guidance does not require DCCPs and SDCPs to record comments in relation to each IQA standard when carrying out their quality assurance and does not address how and when the dip sampler should provide feedback to the DCP. However, the IQA application does require that comments are included for an IQA to be marked as having been dip sampled.

B. Inspection Question

To what extent do individual quality assessments (IQAs) carried out in Areas support the CPS aims of continuous improvement and delivering high quality casework?

C. Objective

To assess the effectiveness of the IQA quality assurance process in supporting the CPS aims of continuous improvement and delivering high quality casework. To do this we will examine non-advocacy IQAs that have been quality assured by SDCPs or DCCPs. We will:

1. review and assess the quality of IQAs completed by DCPs – which will form part of the SDCP/DCCP (10%) Area check - against CPS IQA guidance (October 2022/July 2023 as appropriate)

2. review and assess the comments made by SDCPs and DCCPs (if recorded) on the corresponding quality assurance dip sample against CPS IQA guidance (October 2022/July 2023 as appropriate)
3. assess the effectiveness of the Area in using IQAs and quality assurance findings (including good practice) to identify and address individual development needs
4. assess the effectiveness of the Area in using IQAs and quality assurance findings (including good practice) to identify themes to allow it to improve the quality of its casework, share best practice and celebrate success.

D. Inspection Criteria

The aim of this inspection is to answer the overarching inspection question at **B** above, and the following sub-questions:

1. Is the IQA process carried out by DCPs accurately identifying compliance and non-compliance with CPS standards and values?
 - a. Are DCPs making reasonable assessments in line with benchmarks of quality set out in CPS standards and values when identifying compliance with those standards?
 - b. Are DCPs making reasonable assessments in line with benchmarks of quality set out in CPS standards and values when identifying non-compliance with those standards?
2. Is the IQA process being carried out by DCPs in accordance with CPS guidance to ensure accountability and development for individual prosecutors?
 - a. Are DCPs recording focused and constructive comments when identifying compliance with benchmarks of quality to ensure that good practice is noted and the prosecutor can understand what went well and can build on that good practice?
 - b. Are DCPs recording focused and constructive comments when identifying non-compliance with the benchmarks of quality and issues to address?
 - c. Are DCPs identifying actions required to progress the case effectively to assist individual development and improve casework quality?
 - d. Is there evidence that DCPs are holding conversations with prosecutors following IQA assessments?
 - e. Are those conversations being recorded on the IQA application?

3. Is the dip sampling quality assurance carried out by DCCP/SDCPs promoting accountability and assisting DCPs to develop?
 - a. Are enough IQAs being quality assured?
 - b. Are quality assurance findings recorded on the IQA application?
 - c. Is the quality assurer providing focused and constructive comments to the DCP to ensure the right lessons are learned and good work noted?
 - d. Are the comments/feedback recorded on the IQA application?
 - e. Where the quality assurer identifies issues in the quality of the original IQA, are effective actions being taken to develop the DCP to ensure that the quality of IQAs improve?
 - f. Are actions recorded on the IQA application?
4. Is the data and information provided by the IQA process being used effectively to embed good practice and identify and address aspects for improvement in Area casework?
 - a. Are emerging themes from IQA being identified?
 - b. Is good practice being identified?
 - c. How effectively is the Area using data and information emerging from IQA to improve casework quality, including through CQB, APR and Area communications, and sharing across the legal cadre?
 - d. How does Area measure the effectiveness of learning and actions arising from casework issues identified by IQA?

E. What is in scope?

The inspection will examine 15 cases from each of the 14 CPS Areas. The cases will be drawn from the magistrates' court and Crown Court teams, as these cases form the greatest volume of work done by the CPS. We will examine 10 magistrates' court cases and five Crown Court cases from each Area, and each case will have been the subject of a non-advocacy IQA by a DCP and have been quality assured by a DCCP or SDCCP.

The inspection will not examine advocacy IQAs as these are largely based on observations in court, which we would not be able to assess retrospectively against the DCP's assessment. The inspection will also not examine IQAs carried out on Area RASSO units, CCUs or specialist divisions. We will be carrying out thematic reviews of the CPS's

handling of rape cases and the governance of the Serious Economic Organised Crime and International Directorate (SEOCID) later in 2024/25.

F. Methodology

File examination

Examination of 15 files from each of the 14 Areas (10 magistrates' and five Crown cases). Each IQA will have been carried out after 1 November 2022, to ensure that we can assess how well the refreshed CPS IQA guidance published in October 2021 is being applied by Areas and we will select the most recently completed to get the most up-to-date position. We will use the IQA application (to which inspectors will have access) to identify files that fit the criteria, i.e., a non-advocacy IQA assessment carried out by a DCP that has been quality assured by a DCCP or SDCP. We will then identify the cases that will comprise the file sample for each Area randomly from the case list.

The file examination will be based on the requirements set within the IQA guidance and be limited to the aspects assessed by DCPs. This will allow us to assess and make findings regarding the quality of the IQA carried out and the quality of the subsequent assurance exercise. To facilitate this, we will:

1. determine and record whether we agree with each answer recorded by the DCP in the first instance. We will then look at the comments made by the DCCP/SDCP when dip-sampling the IQA. This will allow a high-level assessment to be made of the robustness of the quality assurance process
2. where our assessments differ from those of the DCP and subsequently by the DCCP/SDCP, determine and record the relevant IQA category/categories (charging and review; case progression; victims and witnesses; disclosure; international) and the reasons for the difference
3. use a short set of questions to assess the quality of the written feedback given to DCPs regarding their original IQA. This will allow an assessment to be made of the value being added to the IQA process by SDCP/DCCPs.

Our approach will require HMCPSI to have access to CMS and the IQA application on which the records of IQAs and the corresponding quality assurance dip sampling can be found.

In the event that no comments have been recorded by the DCP or DCCP/SDCP quality assurer on the IQA application tool, we will provide the relevant URN(s) to the Area to allow the Area to provide us with any documents that demonstrate that comments and

feedback were provided by the DCP to the original prosecutor or by the DCCP/SDCP to the DCP.

Information from Area

Four CPS Areas will be chosen to provide additional information.

We will use the IQA application to gather data to show the number of non-advocacy IQAs carried out on the magistrates' court and Crown Court teams over the previous 12 months against the total number required under the CPS guidance, which is one assessment per quarter on each crown prosecutor or senior crown prosecutor in a non-advocacy role. We will work with CPS Operational Assurance to ensure that data is verified before using it in any final report.

We will use the IQA application to gather data relating to the number of quality assurance dip samples for non-advocacy IQAs that have been carried out on the magistrates' court and Crown Court teams over the previous 12 months against the total number required under CPS guidance (requirement 10% per quarter). We will work with CPS Operational Assurance to ensure that data is verified before using it in any final report.

Document review

Examination of the following documents requested from each Area:

- Minutes of the previous three Area casework quality boards or equivalent
- Any Area reports detailing IQA performance within the magistrates' courts and Crown Court units prepared since April 23
- Any Area reports detailing IQA performance in respect of thematic reviews of particular aspects of casework prepared since April 23
- Any team briefings since April 23 where IQA themes have been discussed
- Any Area communications since April 2023 where IQA themes have been highlighted.

Interviews and focus groups for magistrates' courts and Crown Court prosecutors (two focus groups per Area)

- Focus group of senior crown prosecutors and crown prosecutors (4-6 participants)
- Focus group of district crown prosecutors (4-6)
- Interview with senior district crown prosecutors for the magistrates' court unit and Crown Court unit
- Interview with deputy chief crown prosecutor with lead responsibility for IQA

- Interviews with CPS headquarters personnel with responsibility for IQA development and how it assists with Area Performance Reviews
- National interviews with Director of Operational Change and Delivery, Deputy Director Operational Performance, and those involved in the development of the IQA application and feedback to Areas.

G. Timetable

The provisional timetable indicates that the inspection will take approximately six months from commencement to publication:

Pre-inspection stage

- (pre-inspection stage)– request for documents, information and self-assessment from Areas to be provided.

Document reading stage (2 weeks)

- (Two weeks) - document reading (including completion of EEN for each Area) and a consistency exercise with CPS representatives to be held.

File examination, onsite stage and QA stage (eleven weeks)

- (Seven weeks) - file examination of 210 cases, (including internal HMCPSI QA by way of dip sampling).
- (One week) – completion of internal QA in preparation for onsite stage.

Onsite stage (two weeks)

- onsite stage (two Areas per week).

It is anticipated that the file reading and onsite stages will be interleaved.

Post-onsite stage, including report publication (eight weeks)

- emerging findings, report writing, CPS comments and report finalised.
- report publication