

## **Scoping Document**

### **Area Inspection Programme Follow Up**

#### **A. Inspection**

This is a follow up inspection programme to the baseline inspection of CPS Areas published during 2021-22.

#### **B. Aims**

All 14 CPS Areas will be inspected in the Area Inspection Programme follow up (AIP2). As with the baseline inspection the focus will remain on casework quality, but it will be restricted to magistrates' courts and Crown Court casework, excluding Rape and Serious Sexual Offences (RASSO). The aims are:

- To re-assess the casework quality within each CPS Area following the baseline assessment.
- To compare the casework quality from this inspection to the baseline, identify where improvements have been made and/or performance deteriorated and thereby identify a direction of travel for each CPS Area.
- To provide sufficient evidence to enable HMCPsi to implement a targeted risk-based inspection approach to CPS Areas in the future by identifying those CPS Areas where casework quality has been assessed as not meeting the standard required, or performance is declining.

#### **C. Methodology**

- The inspection will replicate the baseline inspection to the extent that it will consist of a file examination of volume casework in the magistrates' courts and Crown Court teams in the 14 Areas.
- There will be two separate file samples:
  1. File sample for comparison with the baseline
    - This file examination will take place using the same bespoke question set as used in the baseline inspection to assess how the Area adds value through good proactive prosecutorial legal decision making and whether it grips its casework.
    - The number of files to be examined from each Area will be 60 (a total of 840 across all Areas). All those files will be assessed against the full question set. The inspection will examine 30 magistrates' courts cases and 30 Crown Court cases in each Area.

- The files to be examined will be randomly selected within the same parameters as used in the baseline inspection (such as outcomes and sensitive case categories) and using the same criteria.
- Wherever possible, the files selected will be from cases finalised in the three months before the on-site phase for that Area. No files will be selected which began in the pre-charge phase before the publication of the relevant Area's baseline AIP report. Within the parameters outlined, we will choose finalised files which began as recently as possible.
- As with the baseline AIP homicide cases will be excluded, but fatal road traffic collision cases will be included.
- This file sample's only other difference from the baseline inspection is that it will include finalised cases only.

## 2. Live files

- This file examination will consist of 20 live files (a total of 280 across all Areas). The files will be split as 10 magistrates' courts and 10 Crown Court files.
  - Only one aspect of these cases will be assessed namely case analysis and strategy including unused material in the pre-charge stage (Questions 1,4 and 5 from the baseline question set). This is a crucial aspect of CPS Area performance and was consistently poor across most CPS Areas in the baseline inspection. By choosing recent live files it allows any work undertaken by an Area to have the longest time to effect change in performance.
  - All files will have been identified as NGAP files and charged by the Area using the full code test within the three months before the on-site phase. Wherever possible within the parameters outlined, we will choose live files which began as recently as possible. Inspectors will not require access to CCDCS for the 10 live Crown Court files.
  - As above homicide cases will be excluded but fatal road traffic collision cases will be included.
- CPS headquarters will be requested to provide an overarching self-assessment on casework quality. It will primarily concentrate on action undertaken by the CPS since the baseline to improve their casework quality. To allow the inspectors to understand the context for the findings from the file analysis and the current CPS challenges it will also include other aspects such as staffing and caseload changes since the baseline, training delivered, quality assurance and stakeholder initiatives. This will be included in full in the final published report.
  - There will be no requirement for documents from the Areas, interviews with staff nor court observations.
  - Following the file examination, a meeting will take place with the CCP for each Area to discuss the findings.

## **D. Scoring**

- The scoring mechanism will reflect that used in the baseline inspection.
- The inspection will assess whether the Areas have 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 will be scored as percentages for each of the two types of casework examined within this inspection: magistrates' court casework and Crown Court casework.
- The inspection will assess how well the Areas met the standards against the question set covering the main themes.
  - Pre-charge decision making and review.
  - Quality of post-charge reviews and decision making
  - Preparation for the Plea and Trial preparation hearing
  - Disclosure
  - Victims and witnesses
- Those themes will be broken down as in the baseline AIP inspection and ratings will be applied– fully meeting the standard, partially meeting the standard, or not meeting the standard – and scored as percentages for each of the two types of casework examined within this inspection: magistrates' court casework and Crown Court casework.
- In addition to the scoring there will be a direction of travel indication showing whether Area performance in relation to the themes is improving or deteriorating.
- A realistic and proportionate approach to the assessment of volume casework has been explicitly set out in the question set guidance that inspectors will apply during their file examination, based upon the CPS's own casework quality standards.

## **E. Reports**

- One report will be produced which will use data tables and graphs to detail a selection of headline themes/sub-themes and the direction of travel. It will not compare Area performance, but will include data for all 14 Areas.
- Whilst the report will assess whether performance has changed and improvement made, it will not repeat the issues underlying that performance at length and in such detail as was done with the baseline and composite AIP reports.
- The narrative within the report will be more tailored and restricted to explaining the data, graphs etc.
- The report will include in full the CPS self-assessment provided.

## **F. Timescale**

- A pilot inspection of one CPS Area will be undertaken in Autumn 2023.
- Inspections of the other 13 CPS Areas will start early in 2024 and will be completed in one block. The aim is to complete inspections of all CPS Areas by May 2024 and to publish the report thereafter.

## **G. Resources**

- It is anticipated that this inspection programme will use a significant amount of HMCPSI resource over the period. A project plan for the whole programme is being prepared to ensure the most efficient use of resources to ensure it is completed within the time period specified.
- It is anticipated that legal inspectors, legal associates and colleagues from the business services team will be utilised. Due to the methodology, there is no obvious role for business management inspectors in this programme, although that will be kept under review.