

Draft Scoping Document

Domestic Abuse follow up Inspection

Background

In March 2023 HMCPsi published a report *“The service from the CPS to victims of domestic abuse – a thematic inspection of the handling by the Crown Prosecution Service of domestic abuse cases in the magistrates’ courts”*.

We found that the CPS recognised domestic abuse as a priority area of work and was working closely with the police on a joint plan to improve the handling of domestic abuse cases and the victim experience. We found that there were some positive aspects to the quality of casework and the service provided to victims, but also that there were areas that required improvement to ensure that strong cases are built and that victims receive an effective service and appropriate support.

The report made the following recommendations:

1. By March 2024 the CPS to introduce a system for domestic abuse cases that identifies any summary time limit applicable on receipt from the police at pre-charge and ensures that the case is progressed effectively and efficiently within that summary time limit.
2. By July 2023 the CPS to implement a process where, on a domestic abuse case where the summary time limit is due to expire within eight weeks, all communications with the police, including any pre-charge advice or decisions are clearly marked with the relevant summary time limit.
3. By December 2023, the CPS to have communicated the need for prosecutors to review the risk assessment in all domestic abuse cases before completing the pre-charge decision (unless there are specific factors in the case such that the decision to charge cannot be delayed) and that where the risk assessment has been omitted in the file provided, or is referenced simply by level (standard, medium or high), the full risk assessment is requested. This approach to be embedded by March 2024.
4. By December 2023, the CPS to embed a process to ensure that in all magistrates’ court domestic abuse cases involving a Newton hearing or trial, all up-to-date relevant information about victims, including information relevant to ancillary orders, is requested in a timely manner for the sentence hearing.

5. By December 2023 the CPS to develop a consistent approach to trauma training across violence against women and girls (VAWG) casework that reflects engagement with specialist VAWG organisations, and which focuses on how understanding trauma can improve casework and the service to victims of domestic abuse.
6. From July 2023, the CPS to ensure that a minimum of one IQA per year is conducted on a domestic abuse case for prosecutors dealing with magistrates' court domestic abuse cases.

HMPCSI will conduct a short follow up inspection to assess the extent to which these recommendations have been successfully implemented by the CPS

For the March 2023 report, HMPCSI conducted on-site work (focus groups and interviews) in six CPS Areas: East of England, East Midlands, West Midlands, North East, South East and Wales. Inspectors examined a total of 300 recently finalised magistrates' court files flagged as domestic abuse, selecting 50 cases from each of the six Areas. The file sample included cases where the decision was made to take no further action.

Inspection Question

Has the CPS successfully implemented the six recommendations made in HMPCSI's report "*The service from the CPS to victims of domestic abuse*" published in March 2023.

Methodology

The inspection will be conducted by way of an examination of domestic abuse magistrates' court files and interviews, focus groups and observations. A question set and accompanying guidance for the file examination has been prepared and will be shared with the CPS. Due to the narrow nature of the questions and focus on compliance with the recommendations it is not considered that there is a need for a consistency exercise with the CPS.

The recommendations can be assessed in the following way:

Statutory Time Limits (STLs)

1. *By March 2024 the CPS to introduce a system for domestic abuse cases that identifies any summary time limit applicable on receipt from the police at pre-charge and ensures that the case is progressed effectively and efficiently within that summary time limit.*
2. *By July 2023 the CPS to implement a process where, on a domestic abuse case where the summary time limit is due to expire within eight weeks, all communications with the police, including any pre-charge advice or decisions are clearly marked with the relevant summary time limit.*

CPS guidance for identifying and managing STLs was published on the CPS intranet on 23 August 2024¹. The guidance is not limited to domestic abuse cases and all cases with an STL are to follow the same process.

The guidance sets out how cases that are identified by the police as being subject to a STL are to be identified on CMS.

The guidance sets out how STL cases where the STL expiry date is less than 8 weeks are to be identified.

Compliance with the guidance can be assessed through a targeted file examination of domestic abuse cases where there is an offence subject to an STL. Of files selected, a proportion (50%) of those should have an STL that expires within 8 weeks of either referral from the police or the CPS decision to charge, to assess the second recommendation.

Some of the CPS guidance can only be assessed where a case has yet to receive a charging advice. Therefore, there will be examination of files where charging advice has been provided and those awaiting a review.

On site interviews can further evidence prosecutors and operational delivery staff understanding of the new process.

In addition, Charging Managers are required to keep STL logs. There is to be further endorsement on these logs of those cases subject to an STL which expires within 8 weeks. These will be requested from Areas to ensure compliance with the guidance, which can also be tested through interviews with managers.

The six Areas subject to the file examination are an equal mix of the Areas that were assessed in the March 2023 report and Areas that were not assessed in the original inspection, to ensure that there has been compliance nationally.

Risk Assessments

3. *By December 2023, the CPS to have communicated the need for prosecutors to review the risk assessment in all domestic abuse cases before completing the pre-charge decision (unless there are specific factors in the case such that the decision to charge cannot be delayed) and that where the risk assessment has been omitted in the file provided, or is referenced simply by level (standard, medium or high), the full risk assessment is requested. This approach to be embedded by March 2024.*

In agreement between the CPS and the police, from 1 September 2024, it became mandatory that every domestic abuse file was to include the full risk assessment document (DASH/DARA) at the point of submission to the CPS.

¹ [Statutory Time Limit \(STL\) - Process guidance](#)

Between 1 June and 31 August 2024, the police were embedding this process.

Guidance has been produced as to the process to be taken by the CPS where the full risk assessment has not been provided, including rejection at triage stage on green charging cases². This became mandatory from 1 September 2024 and Areas were encouraged to follow the process between 1 June and 31 August 2024.

Compliance with the above can be assessed through file examination, using the same files that are being assessed for recommendations 1 and 2 that have had a review carried out. This would test whether the police are providing the full risk assessment as required and if not, whether the CPS are following the process regarding file acceptance and requesting the document. The file examination will also assess whether there is evidence that the prosecutor has reviewed the risk assessment and referred to any issues arising from it in the pre-charge case analysis.

On site interviews with prosecutors and operational delivery staff can also provide evidence as to whether the requirement at triage is understood and being implemented, and whether prosecutors are routinely reviewing the document as part of their pre-charge analysis. Interviews with legal managers can provide further evidence as to how the guidance has been communicated to staff and what assurances are in place to ensure that it is being followed.

Victim information

- 4. By December 2023, the CPS to embed a process to ensure that in all magistrates' court domestic abuse cases involving a Newton hearing or trial, all up-to-date relevant information about victims, including information relevant to ancillary orders, is requested in a timely manner for the sentence hearing.*

There is no specific guidance or process in this regard.

Conviction after trial (CAT) files are to be examined for each of the six Areas to assess whether following conviction, updated information was requested in a timely manner. On site interviews with prosecutors conducting domestic abuse trials in the magistrates' courts can also be used to test whether the requests are being made. These files would solely be read in regard to this recommendation and not recommendations 1-3; it is unlikely that there would be finalised CAT files that were submitted for PCD on or after 1 September 2024.

VAWG training

- 5. By December 2023 the CPS to develop a consistent approach to trauma training across violence against women and girls (VAWG) casework that reflects engagement with specialist VAWG organisations, and which focuses on how understanding trauma can improve casework and the service to victims of domestic abuse.*

² [Domestic abuse case files – new process for risk assessments](#)

In May 2024 a meeting was held with the CPS and HMCPSI to review recommendations. This confirmed that a domestic abuse trauma training course had been developed with specialist organisations to focus on understanding how trauma can improve casework and the service to victims of domestic abuse. This was being delivered to all prosecutors in a rolling programme

Headquarters and CLTT can be asked about the training and the stage of the rollout. The training brief and details of the rollout programme will be requested, and these documents reviewed.

On site interviews can provide evidence as to whether prosecutors have had training and if they are of the view that it has helped inform and improve their casework

IQA

6. *From July 2023, the CPS to ensure that a minimum of one IQA per year is conducted on a domestic abuse case for prosecutors dealing with magistrates' court domestic abuse cases.*

Headquarters can be asked to provide evidence that this requirement has been communicated across Areas and that IQAs at the required frequency are being carried out.

CPS Areas to be assessed

It is proposed that the following Areas are assessed in the follow up inspection:

- North East (assessed in initial inspection)
- East Midlands (assessed in initial inspection and has a specialist domestic abuse team)
- Wales (assessed in initial inspection)
- Mersey-Cheshire
- London North
- Thames and Chiltern

CPS Areas have been selected to ensure that there is a geographical spread and a mixture of police forces that are served by Areas (including the Metropolitan Police as the largest police force). Assessment of Areas that were inspected as part of the 2023 inspection and Areas that were not enables assessment of how well the new guidance and processes have embedded nationally, from those Areas that may be more engaged with the recommendations having been assessed previously and those that have not. Selection of Areas also takes into consideration the wider HMCPSI inspection programme and where onsite activity is likely to take place in ongoing and upcoming inspections.

Four of the above Areas will be visited for interviews, focus groups and observations. Undertaking onsite inspection at all six Areas is unlikely to be an efficient use of inspector resource and enough evidence should be gathered through the file

examination of all six Areas and interviews, focus groups and observations four Areas. It is proposed that these Areas are North East, East Midlands, London North and Thames and Chiltern, providing a fair geographical spread.

File examination

We will examine files from six CPS Areas. In each Area we will examine:

- Twelve files in relation to recommendation 1
- Six of the above twelve files in relation to recommendation 2
- Six of the above twelve files in relation to recommendation 3
- Three conviction after trial files in relation to recommendation 4

The files assessing recommendations 1, 2 and 3 should be submitted by the police for a charging decision on or after 1 September 2024. Half of these files will have had a charging review carried out and half will be awaiting review.

The conviction after trial files should be finalised in Q2 of 2024-25.

Interviews/focus groups/observations

It is proposed that interviews, focus groups and observations are undertaken at four of the CPS Areas subject to file examination; two Areas that were inspected as part of the 2023 inspection and two Areas that were not. Short, targeted focus groups with prosecutors would enable testing of their awareness of the processes in place. It is anticipated that for each visited CPS Area there shall be two small focus groups of prosecutors who undertake magistrates' court domestic abuse work. Targeted focus groups and observations with operational delivery staff would further test compliance with the processes that have been recently introduced. Interviews with legal and operational delivery managers will be able to provide understanding as to how the new guidance has been embedded across the teams.

Other evidence and guidance can be provided by Headquarters or CLTT if applicable; it is unlikely that interviews will be required but if they become necessary, they can be held remotely.

On site visits will be able to be carried out in one day per Area.

Document request

The following documents will be requested from each of the six CPS Areas, CPS Headquarters and CLTT and will be analysed as part of the inspection:

- STL logs kept by each of the six CPS Areas
- Training brief of trauma informed training
- Details of the rollout of the trauma informed training programme
- IQA records
- Any further local or national guidance relevant to the six recommendations

Timescales

The follow up inspection will be carried out by one inspector. It is anticipated that on site activity and file examination will be completed by the end of November 2024 and the final report published Spring 2025.