



HM CPSI

HM Crown Prosecution
Service Inspectorate

A follow-up inspection of the quality of casework in the Service Prosecuting Authority

December 2025

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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.

Our vision

We are part of the solution to improving the Criminal Justice System through high quality inspection.

We have four priorities to enable us to deliver this vision:

- We hold the CPS and SFO to account for what they deliver (we make recommendations that drive improvement)
- Victims will be at the heart of inspection (where we can, we will use victim experience in our inspection)
- Using our 25 years of experience we will help public prosecutors improve (their legal casework)
- Inspection will identify and spread best practice

Our values

We act with **integrity**, creating a culture of **respect**, drive **innovation**, pursue **ambition**, and commit to **inclusivity** in everything we do.

Contents

1. Chief Inspector's Foreword.....	5
2. Context	7
Context	8
The 2024 inspection	8
The follow-up inspection.....	8
Methodology	8
Headlines.....	9
3. Progress against recommendations.....	16
Recommendation one	17
Recommendation two.....	18
Recommendation three	19
Recommendation four	21
Recommendation five.....	23
Recommendation six.....	24
Recommendation seven.....	25
Compliance issue	26
Annex A - Glossary.....	28
Annex B - Case file examination dip sample data	36

1. Chief Inspector's Foreword

When we inspected the Service Prosecuting Authority (SPA) in 2024, we made seven recommendations which we believed would help the SPA further improve the standard of legal decision-making. At the time of publication of the 2024 inspection report, the Director Service Prosecutions (DSP) was keen for HM Crown Prosecution Service Inspectorate (HMCPSI) to assess whether the action he committed to when accepting the seven recommendations had not only been delivered, but if they had positively impacted the service delivered by SPA. This follow-up inspection sets out our findings of that recent follow-up activity.

The 2024 inspection highlighted that the SPA delivers high-quality legal decisions. The seven recommendations highlighted best practice that we saw in other places that we thought would be of benefit to SPA. It is therefore pleasing that this follow-up finds that six of the seven recommendations have been achieved. Not only has the senior team in SPA ensured that action has been delivered to implement the recommendations, but they have ensured that assurance work has been implemented to ensure that the changes embed and result in a positive impact on the quality of casework.

Given the strength of leadership we reported in the 2024 inspection, the findings of this follow-up are not surprising. The clear determination of the DSP and his senior team for high-quality delivery is highlighted by our findings in this follow-up activity. As the new Director takes up the reins of the SPA, she can be assured of the firm foundation that sits behind the ethos of casework quality in the decisions made by the organisation.



Anthony Rogers
His Majesty's Chief Inspector

2. Context

Context

The 2024 inspection

2.1. HM Crown Prosecution Service Inspectorate (HMCPSI) conducted an inspection of the quality of casework in the Service Prosecuting Authority (SPA) in 2024¹. It was an inspection carried out at the invitation of the Director Service Prosecutions (DSP) in post at that time, Jonathan Rees KC, under section 6(1) of the Crown Prosecution Service Inspectorate Act 2000. This section allows HM Chief Inspector to provide assistance to other public authorities for the purpose of the exercise by that authority of its functions.

2.2. Our overall inspection findings were positive. We saw evidence of prosecutors analysing cases effectively and setting out case strategies in their legal decision-making, of the right person being prosecuted for the right offence and of good casework grip. Timeliness and case progression were also strong in most cases, and we saw evidence of clear assurance mechanisms that added value and led to improvement.

2.3. As in all organisations, we identified some areas where the SPA could make changes to further improve the quality of their casework. We drew on our 25 years' experience of inspecting the Crown Prosecution Service (CPS) and other prosecuting authorities to make seven recommendations. We also identified a compliance issue.

The follow-up inspection

2.4. The SPA confirmed it had taken action to progress each one of the seven recommendations by 31 March 2025.

2.5. This follow-up inspection, again at the invitation of Jonathan Rees KC, DSP at the date of the commissioning of this inspection, is to assess the progress made against those recommendations.

2.6. We assessed whether each recommendation had been achieved or not achieved.

Methodology

2.7. We examined progress against each of the seven recommendations and the single compliance issue. For each recommendation, we made a judgement as to whether it has been achieved or not, using evidence gathered in the inspection

¹ [SPA-report-An-inspection-by-invitation-of-the-quality-of-casework-in-the-Service-Prosecuting-Authority-3.pdf](#)

from an examination of case files, review of documents, and interviews and focus groups. We also comment on progress of the compliance issue.

2.8. For each recommendation we obtained an update and documentation from SPA.

2.9. We attended their base, RAF Northolt, and carried out a series of interview and focus groups. We interviewed the DSP and the Deputy DSP and conducted focus groups with prosecutors and managing prosecutors.

2.10. We also dip sampled randomly selected cases to assess whether there was evidence of impact relating to the specific aspects of casework set out in the recommendations.

2.11. Our case file dip sample was carried out whilst on-site at RAF Northolt as part of our interview with the Deputy DSP to obtain evidence of impact on casework quality. During the interview he accessed the Central Information Management Application (CIMA), the SPA's case management system.

2.12. We selected cases from the list, including some live cases.

2.13. We dip sampled 21 cases in total.

2.14. The inspection was led by Deputy Chief Inspector, Lisa Morris, assisted by senior legal inspector, Colin Darroch. Business support was provided by Sharmin Nehar.

Headlines

2.15. Of the seven recommendations we made in 2024, we assessed six as achieved and one as not achieved.

Recommendation one
By the end of March 2025, the Service Prosecuting Authority (SPA) is to amend the template Commanding Officer (CO) referral letter to align with the guidance set out in the Manual for Service Prosecutors (MSP).

2.16. In our 2024 inspection, we found that although the Manual for Service Prosecutors (MSP) clearly set out an expectation that the letter from the prosecutor referring the case back to the Commanding Officer (CO) would include the wording, "Having reviewed the evidence in the case I have concluded that the most

appropriate charge would be...”, this was not consistently reflected in the cases we examined.

2.17. In this follow-up we found that the SPA had recently revised the template CO referral letter, and it included clear guidance outlining what the prosecutor should consider as helpful to include within the letter.

2.18. Four of the cases we dip sampled included referrals back to the CO. The revised template letter had been used in all four cases and included the relevant information that would be helpful for the CO to consider when deciding how to deal with the case.

2.19. We therefore assessed this recommendation as **achieved**.

Recommendation two

By the end of March 2025, the Service Prosecuting Authority (SPA) is to embed a process for ensuring that post-charge decisions are recorded in the case analysis. By the same date, the SPA is to ensure that post-charge decisions are subject to a second lawyer check, which should also be recorded in the case analysis so there is a full record of decision-making and assurance.

2.20. The documents we examined in this inspection included notes from a Town Hall² in March 2025 where clear instruction was given that where further review work is undertaken it must:

- be recorded on the case analysis form as an addendum
- be dated
- be subject to a second lawyer check that must also be dated.

2.21. The SPA has updated their case analysis templates for all casework, including rape, sexual offences and domestic abuse (RASODA) cases to include a section headed ‘Where a post charge review is required, enter addendum case analysis and second lawyer check here’ to serve as a prompt in every case.

2.22. The prosecutors we spoke to during this follow-up inspection were clearly aware of the need to ensure that, where additional reviews post-charge were undertaken, they needed to be set out clearly and subject to the same second lawyer check as the decision on charge.

² A team meeting for the whole of SPA.

2.23. In the dip sample, we saw a further review within the relevant section of the template that was dated and subject to a dated second lawyer check in three out of the four cases where this was required. In the remaining case, there was a reference to a second lawyer check, but no actual second lawyer check endorsed on the case analysis.

2.24. We therefore assessed this recommendation as **achieved**.

Recommendation three

By the end of March 2025, the Service Prosecuting Authority (SPA) is to mandate the completion of disclosure management documents (DMDs) in all Court Martial casework for schedule 2 offences or cases investigated by the defence serious crime unit.

2.25. The SPA delivered a disclosure training course for prosecutors on 6 March 2025. The PowerPoint slides to accompany the training were sent to all prosecutors in advance of the training and the DSP requested that all prosecutors read the training slides and confirm in writing that they had considered them prior to the training course. The training course materials set out clearly that disclosure management documents (DMDs) were mandatory in all Court Martial casework for schedule 2 offences and for any cases investigated by the defence serious crime unit.

2.26. This instruction has also been included in the disclosure induction training for new prosecutors joining the SPA.

2.27. In the cases we examined with the dip sample, all schedule 2 cases and those investigated by the defence serious crime unit have disclosure management documents.

2.28. We therefore assessed this recommendation as **achieved**.

Recommendation four

By the end of March 2025, the Service Prosecuting Authority (SPA) is to provide training to all prosecutors, and ensure that all prosecutors joining are effectively trained on the following aspects of disclosure: a. the approach to dealing with defence statements b. the importance of scheduling all unused material on the relevant schedules c. the drafting of meaningful disclosure management documents (DMDs) d. the consideration and appropriate endorsement of the schedule 6C relating to non-sensitive unused material, and schedule 6D relating to sensitive unused material.

2.29. The SPA developed and delivered a bespoke disclosure training session to all prosecutors in March 2025. The training was delivered by senior leaders and senior prosecutors with extensive casework experience, including the DSP and Deputy DSP. The training materials were thorough and clear, covering all the aspects set out in the recommendation.

2.30. The SPA also mandated attendance on a recent joint training course on disclosure with the military police. Those we spoke to were extremely positive both about the content of the course and the opportunity to engage with the military police to improve shared understanding of disclosure.

2.31. As we set out in our 2024 report, the turnover of prosecutors is high given that many military postings are for two years. The SPA has included this disclosure module into the induction training to capture new prosecutors to the team.

2.32. We therefore assessed this recommendation as **achieved**.

2.33. Disclosure remains a focus for the SPA. The SPA uses individual quality assessments (IQAs) as part of their assurance of casework quality. IQAs are an assessment by a manager of a case or piece of work that a prosecutor has done. The SPA recently conducted a thematic round of IQAs focussing on the disclosure of unused material.

2.34. We examined the handling of disclosure in the cases we dip sampled to assess the impact of the training the SPA has undertaken on the handling of unused material in its casework.

2.35. We saw evidence of impact of the training in some improvement in the endorsement and updating of 6C schedules and endorsement of the disclosure record sheet. Although we saw improvement, more needs to be done to ensure this

is consistent and that all matters are properly considered, addressed and recorded. Our findings in the dip sample accord with the findings from the SPA's IQAs and we heard of ongoing work to support, develop and improve disclosure handling.

Recommendation five

By the end of March 2025, the Service Prosecuting Authority (SPA) is to ensure that prosecutors record in their case analysis their considered view on the applicability of special measures and any other ancillary matters intended to support victims and witnesses.

2.36. The cases that the SPA deals with where special measures are most commonly required are those involving vulnerable victims of domestic or sexual abuse. There is a specific RASODA case analysis template that prosecutors are required to use to record their reviews and decisions in these cases. That template includes an instruction requiring the prosecutor to list the witnesses required and any special measures that the witness has either requested, or where this information is not contained on the file submitted by the military police, that the prosecutor considers may be required.

2.37. In addition, it also instructs the prosecutor to identify if a needs analysis has been completed, and to take action to ensure this is done if an analysis is not on the case file. It also prompts the prosecutor to ensure that any special measures applications are prepared and made at the first hearing in the court marital, the plea and trial preparation hearing.

2.38. In our 2024 inspection, we found that the SPA was proactive in identifying and applying for appropriate special measures post-charge, but not at the pre-charge stage, where it might provide earlier assurance to a vulnerable victim about the support they could expect should they be required to give evidence at trial.

2.39. In our dip sample, we saw that reviews in cases involving vulnerable or intimidated victims included reference to special measures. These were often brief, but this appears consistent with SPA practice and met the standard expected by the Deputy DSP.

2.40. We therefore assessed this recommendation as **achieved**.

Recommendation six

By the end of March 2025, the Service Prosecuting Authority (SPA) is to mandate the sending of a letter to the complainant(s) in all cases where a charge has either been dropped or substantially altered, providing an explanation for the decision.

2.41. The MSP has been amended, setting out clearly that victims must be informed post-charge where a case has been dropped or the charge substantially altered. The MSP did not specifically set out whether this was done verbally, either in person or on the telephone, or that it should be followed up in writing. The Deputy DSP confirmed he would add this into the MSP as a result of this follow-up inspection.

2.42. Prosecutors told us that there was a clear expectation that victims would be informed of any changes to their case and they would write to them to set this out. One prosecutor told us of a case they had dealt with the previous day where they had made the decision to drop the case. They had a telephone conversation with the victim, in the presence of the victim liaison officer, to explain the decision to drop the case. The prosecutor confirmed that this had been followed up in writing.

2.43. In our case file sample, we saw letters that had been sent to victims where the case had been concluded, explaining the decision. Due to the limited file sample available, as they were drawn from cases finalised since 1 April 2025, we were unable to assess whether this practice has fully embedded in matters where the case continues but a charge or charges have been substantially altered.

2.44. We found that this is clearly the expectation and so we assessed this recommendation as **achieved**.

Recommendation seven

By the end of March 2025, the Service Prosecuting Authority (SPA) is to ensure that all casework decisions, case materials, and the handling, receipt and service of those materials are consistently and fully recorded in the appropriate place on the SPA's case management system.

2.45. The documents we examined included an email from one of the managing prosecutors to all prosecutors dated 26 March 2025. This set out an instruction

given to all prosecutors at a recent Town Hall that all documents in a case must be uploaded to the SPA's case management system, CIMA. This included correspondence, evidence, document produced during court proceedings, defence statements and DMDs.

2.46. We heard from both prosecutors and managing prosecutors that they were aware of the requirement to record everything on CIMA but acknowledged that this did not always happen due to time pressure and work constraints.

2.47. CIMA has its limitations, which we explored in our 2024 inspection. Materials need to be uploaded to the system, which is not intuitive. It is difficult to identify many documents from the labelling, which means that they must be opened to check what they are. In addition, prosecutors communicate with others in the case including colleagues, victim liaison officers, the police, the defence and the court, by email. These cannot be generated and sent from CIMA and so must be uploaded from personal Outlook accounts. This can be slow and can work as a disincentive to ensuring all prosecutors' material is kept on CIMA.

2.48. In our dip sample of case files, we noted that there was a clear improvement in recording of reviews and second lawyer checks as set out above. However, we saw a mixed picture in relation to the uploading of key documents. We saw cases where all documents appeared to be present, but several other cases where it was clear that emails, defence statement, disclosure record sheets and DMDs were not present. In many cases, although there was a disclosure record sheet, it was often not a complete record of disclosure actions.

2.49. The SPA has invested in the development of a new case management system that we were told would be implemented in December 2025. This system has been designed with significant input from the Deputy DSP to make it as intuitive and easy to use for prosecutors and caseworkers. We were told that the system would allow for task management, easier interrogation and that some actions and elements would not be able to be completed unless certain mandatory steps had been registered. We were told that it is anticipated that when operating at its full capability, emails would also be generated and sent from the systems as well as received into it. The SPA hopes that this will support more efficient working and improve the recording of casework decisions and actions on cases.

2.50. Given our findings, we assessed this recommendation as **not achieved**.

3. Progress against recommendations

3.1. Of the seven recommendations made in 2024, we assessed six as achieved and one as not achieved.

Recommendation one

By the end of March 2025, the Service Prosecuting Authority (SPA) is to amend the template Commanding Officer (CO) referral letter to align with the guidance set out in the Manual for Service Prosecutors (MSP).

3.2. In our 2024 inspection, we found that although the Manual for Service Prosecutors (MSP) clearly set out an expectation that the letter from the prosecutor referring the case back to the Commanding Officer (CO) would include the wording “Having reviewed the evidence in the case I have concluded that the most appropriate charge would be...”, this was not consistently reflected in the cases we examined.

3.3. There are risks to not providing this information:

- the CO could review the case and charge offences that the Service Prosecuting Authority (SPA) had concluded did not meet the two-stage test set out in the Code for Crown Prosecutors; either that there was not sufficient evidence for a realistic prospect of conviction or that it was not in the public and/or Service interest to prosecute. In addition, a defendant can elect their case is heard in the Court Martial despite it being referred by the SPA to be dealt with by the CO. This has the potential to result in a case returning to the SPA on a charge that the prosecutor had previously decided should not proceed
- that the CO would not benefit from the prosecutor’s consideration of available offences in cases where multiple potential offences could be considered.

3.4. As we said in our original inspection, it is important that the CO’s discretion should not be restricted; this is adequately safeguarded by the need for the CO to obtain their own legal advice prior to deciding how to deal with a particular case. The benefit of providing the additional information in the referral letter outweighs any risk to the independence of the decision-making by the CO. The CO is clearly not bound by the views of the prosecutor but can now be fully cognisant of them when making their own decision.

3.5. A new template referral to the CO letter has been drafted that aligns with the guidance in the MSP. All those we spoke to in interviews and focus groups were aware of the new template and had used it. Some expressed the view that they welcomed the opportunity to provide more information in the letters to CO, and they felt it added more value.

3.6. Four of the cases we examined were ones that had been considered by the SPA and referred back to the CO to deal with. The template letter had been used in each of these cases and tailored to the details of the specific case. Each of these letters clearly set out relevant information that would be helpful to the CO when considering how to deal with the case.

3.7. We therefore assessed this recommendation as **achieved**.

Recommendation two

By the end of March 2025, the Service Prosecuting Authority (SPA) is to embed a process for ensuring that post-charge decisions are recorded in the case analysis. By the same date, the SPA is to ensure that post-charge decisions are subject to a second lawyer check, which should also be recorded in the case analysis so there is a full record of decision-making and assurance.

3.8. Evidence of the actions taken to implement this recommendation was provided in the form of a set of Town Hall notes, containing an item specifically focused on the requirement to ensure that post-charge decisions are assured in the same way as pre-charge decisions.

3.9. The Town Hall took place on 21 March 2025, and included a clear instruction that where further reviews are undertaken post-charge, the review must:

- be recorded on the case analysis form as a separate addendum
- be dated
- be subject to a second lawyer check which must also be recorded on the addendum and dated.

3.10. The SPA has updated the case analysis templates used in all types of casework, including rape, sexual offences, and domestic abuse (RASODA), to

include a section headed, 'Where a post charge review is required, enter addendum case analysis and second lawyer check here' to serve as a prompt in every case.

3.11. This was followed up in an email to all prosecutors dated 26 March 2025, confirming that any post-charge review must be recorded as an addendum on the case analysis, with a second lawyer check.

3.12. The prosecutors and managing prosecutors we spoke to confirmed they were all aware of this requirement and confirmed that they were adhering to it. This included prosecutors who had been in the SPA prior to our original inspection in 2024, and some who had joined more recently. One prosecutor in the group cited a specific example which was one we saw in our file examination dip sample.

3.13. In our dip sample, there were only four cases that required further reviews post-charge. Of these, three were fully recorded in the designated addendum space on the case analysis template and fully endorsed with a dated second lawyer check. The remaining case was assessed as partially meeting the requirement, in that the post-charge review was properly recorded and there was a reference to a second lawyer check, but no actual second lawyer check was endorsed on the case analysis.

3.14. It is critical that key decisions in cases are clearly recorded. It assists when dealing with complaints, correspondence, victims' right to review requests, and assuring legal decision-making. It has added importance for the SPA, given the turnover of prosecutors on two-year postings, making it imperative for the effective and efficient progression of the case that a new prosecutor taking over a case understands the decision-making.

3.15. We found that the recording of reviews has improved. There is a now a consistent and clear approach, and we saw good evidence of this in the casework dip sample.

3.16. We therefore assessed this recommendation as **achieved**.

Recommendation three

By the end of March 2025, the Service Prosecuting Authority (SPA) is to mandate the completion of disclosure management documents (DMDs) in all Court Martial casework for schedule 2 offences or cases investigated by the defence serious crime unit.

3.17. The SPA had already identified the handling of unused material as an aspect of casework that required further improvement when we published our original report.

3.18. The Deputy Director Service Prosecutions (DSP) confirmed that the SPA had developed a comprehensive internal disclosure training course for all prosecutors. This included all the elements we set out in recommendations three and four of our 2024 inspection.

3.19. The training was developed and delivered by senior leaders in the SPA, led by the Director, highlighting the commitment to improvement.

3.20. The SPA mandated the training for all prosecutors, with an in-person course held on 6 March 2025.

3.21. It was clear from the interviews with the DSP and Deputy DSP that, as well as the training materials we saw, the prosecutors were instructed that disclosure management documents (DMDs) were mandatory in all Schedule 2 offences and also in cases investigated by the defence serious crime unit.

3.22. The training also covered the importance of DMDs and how they should be completed. This was reinforced in an email to all prosecutors from the RASODA lead confirming the changes and that completion is mandatory in the specific categories of cases.

3.23. We also heard from the RASODA lead that a specific session has been delivered by the SPA to the judiciary, at the request of the Judge Advocate General. This aimed to enhance their understanding of what information DMDs are likely to contain and how this can assist in the court management of the disclosure process which is extremely positive.

3.24. A template DMD has been put onto the SPA's case management system, the Central Information Management Application (CIMA), as a prompt and to make it easier for prosecutors to complete in relevant cases. This was commented upon positively by prosecutors in the focus group.

3.25. All the prosecutors we spoke to confirmed that the training had been delivered and they were aware of the types of cases where completion of a DMD is required.

3.26. Although this recommendation was about mandating the completion of DMDs to increase their use in more complex cases to assist effective and efficient case progression, we included an assessment of impact of this in the dip sample of cases we examined.

3.27. We found good evidence that this is starting to embed in casework. Of the six cases we examined where a DMD was required, we saw four cases where a DMD was present on the case file and appeared to be well completed for the relevant case. In the remaining two cases, although there were DMDs on the file, in one there was only an entry relating to a single phone call which clearly did not adequately deal with all the relevant elements of the unused material. In the final case, the DMD covered some but not all of the relevant lines of enquiry.

3.28. We therefore assessed this recommendation as **achieved**.

Recommendation four

By the end of March 2025, the Service Prosecuting Authority (SPA) is to provide training to all prosecutors, and ensure that all prosecutors joining are effectively trained on the following aspects of disclosure: a. the approach to dealing with defence statements b. the importance of scheduling all unused material on the relevant schedules c. the drafting of meaningful disclosure management documents (DMDs) d. the consideration and appropriate endorsement of the schedule 6C relating to non-sensitive unused material, and schedule 6D relating to sensitive unused material.

3.29. As set out above at paragraph 3.18, detailed disclosure training took place on 6 March 2025. All the specific aspects referred to in recommendation four were included.

3.30. All prosecutors were required to attend the training session and to confirm in advance that they had read the materials provided to support it. Those who were unable to attend the session were also required to confirm that they had received and read the materials.

3.31. We heard from the Deputy DSP that the elements of this training session have been included in the disclosure training aspect of the induction for all new prosecutors, supporting ongoing compliance and improvement.

3.32. We were told that as well as the internal training that was delivered, all prosecutors have been required to attend joint in-person training with the military police. This was welcomed by those we spoke to, who said the training was well-delivered and enhanced by being in collaboration with the police.

3.33. We therefore assessed this recommendation, which was to provide comprehensive disclosure training to existing prosecutors, and those joining in the future, as **achieved**.

3.34. The SPA has conducted internal quality assurance on disclosure, to assess the impact of the training and to identify where further support and improvement may be needed. This has been conducted via their individual quality assessments (IQAs), which are the SPA's tool for assuring its legal decision-making and casework quality. While many IQAs will be conducted on general casework, the SPA focused their most recent on disclosure. The IQAs were conducted with rigour, and although the assessments demonstrated a mixed picture in some aspects of compliance and quality, they clearly evidence the SPA's commitment and approach to improving the handling of unused material.

3.35. We spoke to prosecutors and managing prosecutors about how feedback is given on disclosure issues. We heard of one-to-one coaching-style conversations either at pre-charge stage, as part of the second lawyer check, or in the general ad hoc conversations with line managers about casework. If specific needs are identified, we were told that these would be followed through with additional support and coaching either by the line manager, the RASODA lead or the Deputy DSP. We also heard of the 'open door' supportive approach of senior lawyers in the SPA. This included an example from one prosecutor who had a particularly challenging disclosure issue to deal with at trial, who felt able to contact the Director for advice when others were unavailable.

3.36. The findings of the IQAs conducted internally by the SPA were echoed in our dip sample findings. We saw some excellent examples of disclosure in the cases we sampled, as well as others where improvement was required. Of the eight cases where disclosure fell to be addressed, three were dealt with well. These cases had appropriate endorsements on the non-sensitive schedule of unused material, clear entries on the disclosure record sheet evidencing disclosure decisions and actions, with the defence statement addressed well and in a timely manner. In some of these cases, the prosecutor had also identified missing items and asked police to add to them to the schedule. Four cases had some elements properly completed but with some omissions, which were often the sensitive disclosure schedule not being considered or endorsed, or some missing entries on the disclosure record sheet. The final case had several issues, including limited or no entries on the disclosure record sheet, absence of the defence statement and non-endorsement of the sensitive schedule of unused material.

3.37. We saw no evidence of miscarriages of justice resulting from the disclosure issues we identified.

3.38. Although the training has been completed in accordance with the recommendation, the SPA will want to continue with their ongoing work to embed and improve the consistent quality of disclosure handling. Senior leaders may want to consider carrying out disclosure targeted IQAs on a more regular basis to assure themselves of the impact of the work they are doing to improve this crucial aspect of casework.

Recommendation five

By the end of March 2025, the Service Prosecuting Authority (SPA) is to ensure that prosecutors record in their case analysis their considered view on the applicability of special measures and any other ancillary matters intended to support victims and witnesses.

3.39. In our 2024 inspection, we found that the SPA consistently addressed special measures to offer meaningful support to victims and witnesses at the post-charge stage. We saw that applications were routinely made at the first plea and trial preparation hearings (PTPH) at Court Martial, and these were usually granted. The most common special measures sought were screens and the use of video recorded evidence to be used as evidence in chief at trial.

3.40. The recommendation was made to ensure that victims and witnesses could be reassured, at the earliest stage, of the support they might reasonably expect by way of special measure, to assist them in giving their best evidence. Early consideration may allow victims and witnesses to feel more able to continue their support for a prosecution.

3.41. We saw that the case analysis template witness table has been amended to include a column that prosecutors should complete at the pre-charge stage, setting out whether and what special measure are required for each witness. The template also instructs the prosecutor to identify if a needs analysis has been completed and whether any further action is required to make the special measures application at trial.

3.42. All those we interviewed were aware of the need to consider special measures at the pre-charge stage. During our case analysis dip sample, we examined seven cases where special measures fell to be considered. This was done in all seven cases. Although some of the endorsements on the template were

relatively brief, this was consistent with the expectations and standards set by the SPA and the practice of Judges at the PTPH.

3.43. We saw little evidence of consideration of ancillary orders on the cases we examined at the pre-charge stage. The orders available on conviction in the Service justice system (SJS) are different to those available in the civilian criminal justice system (CJS). An example of this is restraining orders; these are not available in the SJS, because often the victim and defendant will still be required to work in proximity with each other. The Deputy DSP explained that consideration of whether such an order would be proportionate and necessary on conviction would form part of the decision-making around jurisdiction, where the nature of the offence is capable of being heard either in the SJS or the CJS. He was able to show us a case where this was considered in making the decision about jurisdiction.

3.44. We therefore assessed this recommendation as **achieved**.

Recommendation six

By the end of March 2025, the Service Prosecuting Authority (SPA) is to mandate the sending of a letter to the complainant(s) in all cases where a charge has either been dropped or substantially altered, providing an explanation for the decision.

3.45. We found in our 2024 inspection that the overall service the SPA provided to victims was good.

3.46. We identified that the service could further be enhanced through adopting best practice developed at the Crown Prosecution Service (CPS) by following up conversations with victims where their case has been dropped or the charges faced by the defendant substantially altered, with a letter explaining the reasons for the decision being made. Often, it is difficult for victims at a later date to remember all the information from a conversation, especially when it relates to an unfamiliar situation.

3.47. We were advised that the MSP has been updated to reflect this requirement.

3.48. On examining the relevant paragraph, we noted it clearly required for a victim to be informed where a case has been dropped or a charge altered, but that

it did not go on to specifically require that this should be followed up in writing after a conversation. The Deputy DSP agreed to amend the wording.

3.49. The nature of the sample of cases we were able to access within the required time period limited our ability to assess the consistent impact of this on casework. We saw evidence of good quality letters in some cases, demonstrating an awareness of the need to write to victims. This was borne out by prosecutors in the focus groups, who provided examples of conversations with victims and letters they had sent.

3.50. We therefore assessed this recommendation as **achieved**.

Recommendation seven

By the end of March 2025, the Service Prosecuting Authority (SPA) is to ensure that all casework decisions, case materials, and the handling, receipt and service of those materials are consistently and fully recorded in the appropriate place on the SPA's case management system.

3.51. The SPA has clearly mandated that all documents and material in a case, including correspondence, evidence, documents produced during court proceedings, defence statements and DMDs must be uploaded to CIMA. This was reinforced in an email to all prosecutors dated 26 March 2025.

3.52. Our file examination dip sample demonstrated an inconsistent approach to uploading documents and we saw several cases with clearly incomplete audit trails.

3.53. As we set out in our original report, good record-keeping is vital for many reasons, including the handover of cases (which, given the SPA resourcing model, happens fairly regularly), complaints handling, consideration of cases in accordance with the victims' right to review (VRR) scheme, IQAs and defence challenges at Court Martial.

3.54. The senior leadership team advised that a case management system to replace CIMA is due for implementation in December 2025. The Deputy DSP explained that he has been heavily involved in the development of the system to make it more intuitive and easier to interrogate. There will be task management functionality that will make it easier to identify where actions remain to be completed on a case, and it will also provide a folder structure that will make it

easier to identify where mandatory items have not been uploaded. This should address some of the issues with ensuring clear and comprehensive audit trails. Without doubt, the current CIMA system makes it difficult to identify documents if they are uploaded on a case separately and it is time-consuming to locate specific documents.

3.55. It is hoped that as the new system develops, it will allow for emails to be sent to and from cases directly, obviating the need for prosecutors to use personal Outlook email addresses. Again, this will improve the quality of audit trails.

3.56. In our file sample, we found that all but three of the cases we examined had obvious missing items.

3.57. The Deputy DSP was clear about the expectation that all material should be uploaded to CIMA. In our interviews and focus groups, prosecutors were clearly aware of the need for and the importance of clear audit trails. However, they accepted that this did not always happen due to time pressures and work constraints. They were welcoming of the new system as a way of supporting them to improve this aspect of their casework.

3.58. We therefore assessed this recommendation as **not achieved**.

Compliance issue

3.59. We made a single compliance point in our original report, which was to ensure that witness statements and exhibits identified in the initial submission to the SPA as evidence, but which were later considered by a prosecutor to be unused material, should consistently be referred back to the police. They should be added onto the unused material schedules and disclosed as required, to properly discharge disclosure obligations.

3.60. In our file examination dip sample, we saw examples of prosecutors identifying different items of unused material that needed to be added to the schedules and one specific example of a case where unused statements had not been scheduled. In that case they were added to the 6C.

3.61. We also saw letters sent to the defence accompanying initial disclosure which set out additional material that was not scheduled, so that the defence were aware of the existence of the material.

3.62. Prosecutors told us they were aware of the need to get material properly scheduled, but it was not always possible to send cases back to the police to do this due to time pressures. They all understood that it was important for the defence to be aware of the existence and nature of all non-sensitive unused material. To address this, some said that they added the items to the letters they

send to the defence. Others added the items to the schedules themselves (with permission from the disclosure officer).

3.63. It is hoped the joint training will address some of the omissions from the original schedules sent through by the police and that the SPA will continue to assure this aspect of disclosure through IQAs.

Annex A

Glossary

Ancillary orders

As well as imposing a sentence, the Judge Advocate may impose orders on a defendant. A Service compensation order, for example, requires a defendant to pay a sum of money to the victim. These are known as ‘ancillary orders’.

Armed Forces Act 2006

The Service Prosecuting Authority (SPA) was created by the Armed Forces Act (AFA) 2006. It fused the three separate Army, Royal Navy and Royal Air Force prosecuting authorities into one single SPA. The AFA 2006 not only introduced the single authority, but it made a number of fundamental changes to the way that Service justice is delivered.

Attorney General

The main legal advisor to the Government. The Attorney General (AG) superintends the SPA.

Bad character/bad character application

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.

Basis of plea

Sets out the basis upon which a defendant pleads guilty to an offence.

Charge Sheet

The document that contains the charge or charges faced by the defendant at trial in the Court Martial. Similar to the indictment in the Crown Court.

Code for Crown Prosecutors

The Code for Crown Prosecutors 8th edition (‘the Code’) was issued in October 2018 by the Director of Public Prosecutions under section 10 of the

The Service Prosecuting Authority: a follow-up inspection

Prosecution of Offences Act 1985. The SPA applied the Code to all decisions to prosecute.

It sets out the two-stage test for prosecutors to establish whether there is sufficient evidence for a realistic prospect of conviction and whether it is in the public interest to prosecute. In Service cases, the prosecutor must also then go on to consider the Service interest when considering the public interest test. This requires the SPA to consider whether a prosecution is required in the Service interest.

Commanding Officer

The chain of command in the military Services. The Commanding Officer (CO) is responsible for discipline and welfare and retains power to deal with certain offences.

Compliance issues

Issues where the inspected body is not complying with its own policy, guidance or operating procedures.

Court Martial

The Court Martial is a standing, permanent court established by the Armed Forces Act 2006. It is similar in its sentencing powers and procedure to the civilian Crown Court. It has jurisdiction to try any Service offence including criminal conduct and disciplinary offences, although it predominantly deals with serious cases. A Court Martial is presided over by a civilian judge known as a Judge Advocate.

Defence statement

A written statement setting out the nature of the defendant's defence. Service of a defence statement is part of the process for 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 that ought to be disclosed.

Defendant

Someone accused of and charged with a criminal offence.

Deputy Director Service Prosecutions (DDSP)

The Deputy works to the Director Service Prosecutions (DSP) but is a member of the Services; the current Deputy is a Commodore in the Royal Navy.

Director Service Prosecutions (DSP)

The DSP is head of the SPA and is a civilian.

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

The Disclosure Management Document (DMD) sets out the approach of the police and prosecution to the disclosure of unused material in a case. It may, for example, explain the parameters used by the Service police to search data held on a mobile phone or other digital device (such as the dates used, or key words). It may cover what action 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

The Disclosure Record Sheet (DRS) sets out the chronology of all disclosure actions and decisions, and the reasons for those decisions. It is an internal SPA 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.

Domestic abuse

Domestic abuse (DA) is defined as any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over. Specifically, between those who are, or have been, intimate partners or family members, regardless of gender or sexuality.

Individual quality assessment

An individual quality assessment (IQA) is an assessment of a piece of work done by a prosecutor. The assessment will be carried out by a manager and feedback on the assessment given to the member of staff. SPA also use IQAs to identify areas for improvement and training needs across the whole organisation.

Judge Advocate

The role of the Judge Advocate in the Court Martial is to give directions and rulings on law and procedure. At the conclusion of the evidence, the Judge Advocate sums up and advises the board (military personnel) on matters of law.

Judge's order

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.

Manual of Service Law

The Manual of Service Law (MSL) is a guide to the Service justice system to which all Service personnel can refer.

Manual for Service Prosecutors

The Manual for Service Prosecutors (MSP) contains internal guidance for SPA prosecutors issued by the Deputy DPS.

Offer no evidence

Where the prosecution stops the case, after the defendant has pleaded not guilty, by offering no evidence (ONE). A finding of 'not guilty' is then recorded by the court.

Plea and Trial Preparation Hearing

The first hearing at the Court Martial is a Plea and Trial Preparation Hearing (PTPH). 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.

Rape and serious sexual offences

Allegations of rape and serious sexual offences (RASSO) perpetrated against men, women or children. In the SPA, the prosecution of RASSO cases is undertaken separately from other cases, in rape and sexual offences and domestic abuse (RASODA) teams.

Rape and sexual offences and domestic abuse lead

The SPA appoints a lead prosecutor to oversee casework relating to allegations of rape and serious sexual offences and domestic abuse.

Recommendation

This is normally directed towards an individual or body and sets out steps necessary to address a significant weakness relevant to an important aspect of performance (i.e. an aspect for improvement) that, in the view of the inspectorate, should attract highest priority.

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.

Service civilian court

The Service civilian court has similar powers to a magistrate's court and applies to civilians who are subject to Service discipline, or dependents of Service personnel resident overseas (e.g. in Germany or Cyprus). It consists of a Judge Advocate sitting alone trying cases.

Service justice system

The Service justice system (SJS) provides the legal framework to allow the Armed Forces to operate under a single system whether in the UK or overseas. It mirrors the civilian criminal justice system as closely as possible, but also includes offences unique to the Armed Forces, such as desertion, absence without leave or misconduct.

Service police

The three Service police forces, namely the Royal Navy Police, the Royal Military Police and the Royal Airforce Police.

Special measures

There are a range of special measures to help vulnerable or intimidated witnesses in criminal trials to give their most accurate and complete account of what happened. Measures include the facility to give evidence via a live TV link to the court, to give evidence from behind screens in a courtroom and the use of intermediaries. A special measures application is made to the court within set time limits and can be made by the prosecution or defence.

Strengths

Strengths are aspects where the body being inspected performs particularly well. They are usually characterised by consistently good work achieved by operating or applying existing systems and processes.

Summary Appeal Court

The Summary Appeal Court decides appeals from summary hearings. It is conducted by a Judge Advocate accompanied by two Service members. It is modelled on an appeal from the magistrates' court to the Crown Court.

Summary hearing

The AFA 2006 allows the CO of an accused soldier to investigate and deal with certain military and criminal offences. This is known as summary hearing.

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.

Victim Personal Statement (VPS)

A Victim Personal Statement (VPS) gives victims the opportunity to explain to the court how a crime has affected them. If a defendant is found guilty, the court will take the VPS into account when deciding on an appropriate sentence.

Victim Liaison Officer

A Victim Liaison Officer is appointed at the point of reporting a serious offence.

Victims' Code

The Code of Practice for Victims of Crime in England and Wales sets out a victim's rights and the minimum standards of service that organisations must provide to victims of crime. Its aim is to improve victims' experiences of the criminal justice system by providing them with the support and information they need.

Victims' Right to Review (VRR)

The Victims' Right to Review (VRR) scheme provides victims of crime with a specifically designed process to exercise their right to review certain 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 applies to decisions made by every 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.

Annex B

Case file examination dip sample data

Case file examination dip sample data

Case ID	Rec. one	Rec. two	Rec. three	Rec. four ³	Rec. five	Rec. six	Rec. seven	Compliance Point
Case 1	NA	✓	NA	✓	NA	✓	✓	✓
Case 2	✓	NA	NA	NA	NA	NA	NA	NA
Case 3	NA	Partial evidence	NA	NA	NA	NA	X	NA
Case 4	No Further Action (NFA)							
Case 5	Out of scope							
Case 6	Out of scope							
Case 7	NA	NA	NA	X	NA	NA	X	NA
Case 8	NFA							
Case 9	✓	NA	NA	NA	NA	NA	NA	NA
Case 10	✓	NA	NA	NA	NA	NA	NA	NA
Case 11	NA	✓	✓	Partial evidence – 6D not endorsed, Disclosure Record Sheet (DRS) not complete	✓	✓	Partial evidence	NA
Case 12	NA	NA	Partial evidence	Partial evidence – 6D not endorsed, DRS not complete	✓	NA	Partial evidence	NA
Case 13	✓	NA	NA	NA	NA	NA	NA	NA
Case 14	NA	✓	✓	Partial evidence – 6D not endorsed	✓	NA	Partial evidence	✓
Case 15	Out of scope							
Case 16	NA	NA	✓	✓	✓	NA	✓	NA
Case 17	NFA							

³ Recommendation three as to deliver training. This data is a dip sample to assess the impact of the delivery of the training and so is relevant only to illustrate as a gauge of how well the disclosure training has embedded into casework.

The Service Prosecuting Authority: a follow-up inspection

Case 18	NA	NA	✓	Partial evidence – 6D not endorsed	✓	✓	Partial evidence	✓
Case 19	NFA							
Case 20	NA	NA	Partial evidence	NA – Guilty plea	✓	NA	X – although Guilty plea, audit trail not complete	NA
Case 21	NA	NA	NA -	✓	✓	✓	✓	NA

NFA cases

These cases were those that the Service Prosecuting Authority (SPA) has reviewed and decided to take no further action (NFA), including not referring back to the Commanding Officer. They did not assist us when assessing the recommendations.

Out of scope

Although these cases had been finalised in the requisite period prior to our follow-up inspection, the key aspects of work on the case occurred prior to the 1 April 2025 and so were out of scope as they would not reflect the changes made in response to the recommendations.

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