

An inspection of the assurance systems for Custody Time Limits by CPS Areas

Scoping Document

A. Introduction

HMCPSI last conducted a full inspection¹ of how the CPS manages Custody Time Limits (CTLs) four years ago. Since then, the number of cases subject to CTLs has significantly increased due to the backlog of trials in the Crown Court. As of July 2025, over 11,500 defendants are subject to CTLs.

This rise has been accompanied by an increase in CTL failures—from 7 in 2020–21 to 42 in 2023–24, and 26 in 2024–25. In response, the HMCPSI Business Plan for 2025–26 included a thematic inspection of CTLs.

Adherence to CTLs is critical—not only for public safety but also to protect the fundamental rights of defendants. Remanding individuals in custody affects their liberty, and any failure to comply with statutory time limits risks undermining legal integrity and public confidence in the justice system.

B. Background

The 2021 HMCPSI inspection focused on CTL management during the COVID-19 pandemic. It found that the CPS adapted well to the pressures and changes brought about by the pandemic. Applications to extend CTLs were generally of good quality.

However, the inspection identified three key areas for improvement: i) inconsistent completion and submission of Hearing Record Sheets by agents and counsel, ii) poor use and updating of the CTL case progression log², iii) lack of recording actions taken during the 28-day review³ process on the Case Management System (CMS). These findings formed the basis of the three recommendations of the report.

A follow-up inspection⁴ was conducted in 2023, after the CPS reported that these recommendations had been addressed. The report, published on 30 November 2023, aimed to assess whether the recommendations had been successfully implemented and embedded.

At the time, over 10,000 defendants were subject to CTLs. While CTL cases remained a priority, the volume made them challenging to manage. The inspection found improvements in the completion of Hearing Record Sheets but also found that only 15% of CTL case progression logs

¹ <https://hmcpsi.justiceinspectorates.gov.uk/report/cps-handling-of-custody-time-limits/> 16.12.21

² The CTL case progression log provides a written record of all events and actions that occur throughout the life of the case.

³ The 28-day review process occurs when CTL cases have 28 days or less to trial date or expiry of the CTL and are then subject to weekly reviews to manage and monitor the case.

⁴ [CPS Handling of custody time limits – follow-up inspection – HM Crown Prosecution Service Inspectorate](https://hmcpsi.justiceinspectorates.gov.uk/report/cps-handling-of-custody-time-limits-follow-up-inspection-hm-crown-prosecution-service-inspectorate/)

were being kept up to date. Additionally, the 28-day review details were still not routinely recorded on CMS.

The follow up report concluded with a now combined recommendation that the CPS:

- i) embed the consistent use and updating of the CTL case progression log by 31 December 2023, to include recording the weekly assurance review on CMS, and
- ii) by 31 March 2024, develop a system of assurance to evidence improvement and monitor compliance with CTL policies.

In July 2025, the CPS published an analysis by the Operational Assurance Team of the monthly Level 1 CTL assurance system⁵. Conducting the assurance exercise to assess progress on the 2023 inspection recommendation. This analysis showed that the CPS had established governance systems at Area level to supervise and manage CTLs. The report also evaluated Area performance on compliance with the national standards through monthly dip samples that are now mandated for all CPS Areas. The dip samples examine cases on i) actions to be taken after the first hearing when a defendant is remanded into custody, and also at ii) the 28-day review stage, to establish whether the case is being progressed effectively and that the case progression log is being updated.

The report found that the national standards post first hearing were consistently being implemented.

In relation to case progression at the 28-day review stage the report found that the CPS were setting target dates for action plans on CTL cases. However, the identification of cases as CTL cases within correspondence to the police was less consistent. The updating and endorsement of CTL case progression logs also remained inconsistent.

These findings indicate that there are still issues in relation to the effectiveness of case progression on CTL cases and the consistent completion of case progression logs.

What also has to be noted is that the number of defendants subject to CTLs has continued to increase. The number of defendants subject to a CTL in July 2025 being in excess of 11,500. With CTL caseloads continuing to rise, the pressure on CPS to manage these cases effectively has intensified.

Variation in CTL management practices across Areas is evident.

One example of this is the reporting of CTL issues through the CPS internal CTL App. Areas are expected to log issues with CTLs on cases into the App thereby identifying the issue and the

⁵ [First line assurance checks- Level 1](#) – a series of mandatory monthly assurance checks undertaken by Areas and casework divisions.

appropriate action taken as a result. The reporting function then assists managers and staff to highlight any areas of difficulty and arrange additional training where required. Examination of the App has revealed a wide variation in practice between Areas. For example, the West Midlands Area is responsible for approximately 50% of all the case progression issues reported on the App. This suggests a significant level of under reporting by other CPS Areas.

Another example is the monitoring processes each CPS Area operates. In accordance with the operational guidance Areas must complete outstanding case progression actions on cases subject to a CTL a minimum 28 days before expiry or trial. This is assured through the completion of a Weekly Assurance Report and Certificate by a senior manager. However, it is known that this document is completed differently by Areas some of whom use it to report additional checks at different stages of the case.

This supports pre-inspection discussions with CPS Operational and Legal Assurance who believe that there is variation between Areas as to how CTLs are managed. Concerns have been raised that as CTL failures or near misses arise, Areas adapt their individual CTL processes in response.

It is important to assess whether recent changes by individual Areas align with national standards for the management of CTLs, and whether they involve disproportionate effort with limited impact. This variation warrants investigation to identify good practices that could be shared and adopted nationally, and to determine whether some Area-specific processes offer limited benefit in reducing the risk of CTL failure.

C. The inspection question

To what extent are CPS assurance processes for Custody Time Limits (CTLs) consistently applied across Areas and do they assist in progressing cases effectively and reduce the risk of CTL failures?

D. Objective

To identify and evaluate the assurance processes CPS Areas use to provide surety that national standards for CTL management are implemented consistently and effectively.

To identify whether variations in practice between Areas align with national standards.

To assess if those assurance practices are proportionate to the risks they aim to mitigate.

To highlight examples of good practice that could be adopted more widely.

To examine how CPS nationally maintains oversight of CTL standards and ensures that learning from issues is shared and embedded across Areas.

E. Inspection criteria

We will assess the following:

1. Policy

Is the CTL policy for the assurance of CTLs well understood and applied?

Criteria

- i) Do staff understand their roles and responsibilities under the policy?
- ii) Is the CTL policy applied consistently across Areas?

2. Management and Assurance

Are the processes for the management and assurance of CTLs proportionate and effective in supporting compliance and oversight?

Criteria

- i) Is time spent on CTL assurance proportionate and effective?
- ii) How well do Area assurance processes contribute to identifying and managing CTL risks?
- iii) Have lessons learned, from CTL failures and near misses, led to sustained improvements in CTL management?
- iv) Is the role of Area CTL champion clearly defined and understood?
- v) Are CTL Champions proactive in identifying risks and implementing mitigation strategies?

3. Variation

To what extent is national CPS policy and guidance for the assurance of CTLs applied consistently across Areas?

Criteria

- i) What explains the variation in reporting on the CTL Assurance app across Areas?
- ii) What factors contribute to differences in CTL failure rates between Areas?
- iii) How do CTL assurance practices differ across Areas, and are these differences justified?
- iv) Are identified differences aligned with National Standards?
- v) Are variations in practice proportionate to the level of CTL risk in each Area?

4. National

How effectively does CPS national oversight support consistency, learning, and improvement in CTL management across Areas?

Criteria

- i) Are mechanisms in place to consistently identify and share good practice across Areas?
- ii) How effectively does national CPS scrutinise Area performance and provide constructive challenge?
- iii) Is learning from CTL failures or near misses embedded into national policy or guidance?
- iv) How does national oversight contribute to reducing variation and improving CTL outcomes?

F. Methodology

This inspection will comprise a questionnaire sent to each CPS Area, a review of relevant documents from all 14 CPS Areas and on-site attendance at all 14 CPS Areas to conduct interviews and focus groups with relevant staff.

In addition, we will request a limited number of documents and undertake a small number of interviews with CPS Headquarters staff.

The questionnaire will be sent to the Area CTL Strategic Champions, to obtain early copies of each Area's written CTL standards and CTL strategy together with details of any additional assurance checks that are undertaken on CTLs at different stages of a case.

Document request

We will examine documents relating to the following:

- i. CPS Headquarters relevant national legal and operational guidance (where not available on CPS intranet),
- ii. Operational and Legal Assurance dashboard, to identify issues relating to CTL failure rates and CTL Assurance App reporting,
- iii. Agenda, supporting documents and minutes of the last two national CTL forum meetings,
- iv. Legal Assurance reports written for the two most recent CTL failures, up to the end of Q1 2025-26, for each of the 14 Areas,

CPS Areas

- v. Responses from Area Strategic Champions to HMCPSI questionnaire,
- vi. Area CTL written standards and CTL strategies,
- vii. The Weekly Assurance Reports relating to RASSO, Crown Court and Magistrates Court Unit files, for week commencing 14 July 2025,
- viii. Area CTL assurance level 1 dip sample reports/spreadsheets for each Area, for July and August 2025,
- ix. Copies of the two most recent CTL failure reports completed by Area, up to the end of Q1 2025-26.

On-Site Phase

Interviews

In all 14 CPS Areas the on-site stage will involve interviews with the following key personnel:

- Area Chief Crown Prosecutors or Deputy Chief Crown Prosecutor,
- the Area CTL Strategic Champions, (if not DCCP)

Case conversations with DCPs

The examination of the different Weekly Assurance Reports will assist in identifying variations in CTL management and assurance between Areas and in identifying examples of good practice and near misses. We will identify 2 or 3 cases for each Area that evidence good practice or near misses. Where possible we will then have a focused interview with the DCP with responsibility for managing that CTL as to what occurred with that case and any lessons learned and actions implemented as a consequence. We will notify Areas in advance of the DCP to be interviewed and cases we wish to discuss.

Real time observations

In addition, whilst on-site in Area we will carry out real time observations of the CTL assurance process, observing DCPs as they complete their 28-day CTL review. DCPs will need to be present in the CPS office on the day we attend and ready to complete their 28-day CTL review and weekly assurance review report.

The interviews focused on individual CTL cases and the real time observations will explore the challenges posed by those cases, how they were addressed, and how the cases were managed and escalated where appropriate with the aim of identifying good practice and lessons learned. These will be limited to a maximum of three per Area.

Observations of CTL forums

Where individual Areas hold CTL Forums/Meetings of Area CTL Champions take place during the period of this inspection, inspectors will gather further evidence as appropriate by attending those meetings remotely.

National interviews

We will hold interviews with key leads for CTLS as follows:

- National CTL lead
- Head of Legal Assurance Team
- Head of Operational Assurance Team

G. Resources

The lead inspector, supported by an additional inspector, will conduct the document examination, on-site inspection and conduct interviews with CPS staff.

H. Timetable

The scope of the inspection will be sent for comment to the CPS at the start of September 2025. The inspection will then be commissioned immediately thereafter, commencing with the document examination and on-site work being conducted consecutively for each Area during October- December. Inspectors will spend a day in each Area, with 2 or 3 Areas visited each week. Publication of the report is planned for early 2026.

I. Equality Impact Assessment

A preliminary evaluation of the need for an equality impact assessment (EIA) has been undertaken. We have considered the effect that this inspection is likely to have on disadvantaged groups or individuals with a protected characteristic. Considering the nature of the inspection and the methodology to be used for the inspection, there is no indication that any protected groups are likely to be impacted by the outcome of the inspection. As a consequence of no impacts being identified whilst screening this inspection, it is not anticipated that a full EIA will be required. This will, of course, be kept under review throughout the course of the inspection.

J. Risks

It is recognised that CTLS take up a large amount of time of CPS managers, who work under considerable pressure. The scope has been drafted to minimise the time that will be required of individual managers in CPS Areas. The CTL Strategic Champion questionnaire, for example will reduce time required of managers during the on-site phase. As there is no file examination, the inspectors will not be examining CTL cases on CMS and minimising the risk of the inspection preventing urgent casework from being conducted by Area staff.

K. Wellbeing

Inspectors will be supported throughout the inspection, and we will comply with the HMCPSI internal well-being programme.

L. Provisional report structure

Chapter 1 – Summary

Chapter 2 – Context and Background

An outline of the national standards and the ongoing impact of the backlog upon CPS with the continued and increasing number of CTLs. CPS response to the 2021 inspection and follow-up.

An outline of the role of Area CTL Strategic and Operational Champions. An analysis of the differential rates of CTL failures against CTL caseload between Areas.

Chapter 3 – Framework and Methodology

Outline of the framework and the methodology.

Chapter 4 – CTL Policy

Outline of evidence and findings in response to Policy sub-question and criteria.

Chapter 5 –Assurance of CTL cases

Outline of evidence and findings in response to Assurance of CTLs sub-question and criteria.

Chapter 6 – The impact of variation between Areas

Outline of evidence and findings in response to Area valuation sub-question and criteria. Identifying good practice and concerns that arise from the variation.

Including outline page per Area of the variations between them.

Chapter 8 – The national overview of CTLs

Outline of evidence and findings in response to National overview and supervision of CTLs sub-question and criteria. How effective is CPS nationally in holding Areas to account and also in identifying good practice and risk?

Appendices

Inspection Framework

Casework Examples identified whilst on Area.

Giles Bridge

2 September 2025