

TRANSFORMING SUMMARY JUSTICE: An inspection assessing the effectiveness and efficiency of the CPS's preparation of magistrates' courts cases for first hearing in accordance with the ten principles of Transforming Summary Justice

SCOPE

A. Introduction

This inspection aims to assess how effective and efficient the Crown Prosecution Service (CPS) is in preparing magistrates' courts cases for first hearing in accordance with the ten principles of Transforming Summary Justice (TSJ).

B. Background

TSJ was launched in June 2015 with the commitment of key criminal justice partners to improve the effectiveness, efficiency and timeliness of magistrates' courts cases. During the global Covid-19 pandemic, reduced court sitting capacity and increased caseloads made it harder to apply TSJ consistently. TSJ was therefore reviewed and refreshed in July 2023. Key criminal justice partners involved in delivery of TSJ include:

- HM Courts & Tribunals Service (HMCTS)
- the Crown Prosecution Service (CPS)
- police forces (including case-file preparation and, where applicable, police charging)
- the judiciary (magistrates and District Judges)
- the defence community (defence solicitors and advocates)

TSJ's aims were to reduce delay and to increase the proportion of cases resolved at the first hearing. It is underpinned by ten principles, which set expectations for preparation, attendance and case management with early case preparation being fundamental to effective delivery.

The *Independent Review of the Criminal Courts*, published by Sir Brian Leveson¹, and its recommendation to increase magistrates' sentencing powers has been acted upon by the government and is likely to result in an increase of magistrates' courts' sentencing powers (to 18 months, with provision to extend), which in turn is likely to result in a greater number of cases being concluded in the magistrates' courts. This heightens the importance of effective and efficient first-hearing preparation, case management and early resolution. The role the CPS plays in this early stage is pivotal hence the inclusion of this inspection in our 2026-27 business plan.

¹Sir Brian Leveson, *Independent Review of the Criminal Courts* (Parts 1 and 2, 2025–26)
<https://www.gov.uk/government/publications/independent-review-of-the-criminal-courts-part-1>
<https://www.gov.uk/government/publications/independent-review-of-the-criminal-courts-part-2>

The inspection will cover CPS activity from case receipt and triage up to and including the first hearing in the magistrates' court. This includes CPS-charged and police-charged cases, encompassing both case preparation and in-court delivery. Domestic abuse (DA) cases will be in scope.

C. Out of Scope

Effective delivery of TSJ depends on inter-agency cooperation, particularly with HMCTS, the police and defence practitioners. Inspectors will record factual observations about other agencies only where necessary to assess the CPS response and contribution.

Youth court work, 'red' charged and overnight cases, and activity beyond the first hearing in the magistrates' courts are out of scope, as is the quality of pre-charge legal decision-making.

Matters that are the responsibility of the judiciary are not in scope and will not form any part of the inspection.

D. The Inspection Question

Does the CPS progress cases effectively and efficiently in accordance with the principles of Transforming Summary Justice?

E. Objective

To assess how effective and efficient the CPS is in progressing cases in accordance with TSJ principles.

F. Inspection criteria

The inspection criteria are defined by the ten principles set out in TSJ which are:

1. Quality assured Police files
2. Anticipated Plea hearings
3. Brigading cases
4. Optimum bailing patterns
5. Early and effective case preparation
6. The right personnel at the hearing
7. Disclosure of unused material
8. Clear expectations of effectiveness at first hearing
9. Clear expectations of trial readiness
10. Clear expectations of governance

Overall

This inspection will examine charged cases listed for first hearing in the magistrates' courts and CPS activity from receipt of the case from the police to the first hearing itself.

Pre-First Hearing Preparation

Operations Delivery

- Do operational delivery (OD) staff follow the CPS 'Charging' and 'Charge to First Hearing' National Operating Models (NOMs), including relevant Standard Operating Procedures (SOP)

step-by-step guidance, so that cases are triaged and routed promptly to the appropriate reviewing lawyer in time for the first hearing? **TSJ 1**

- Do OD staff identify missing material, administrative defects or file quality issues at an early stage and take timely action to resolve or escalate them? **TSJ 1**
- Where optimum bailing patterns are not used is this highlighted to police and to managers? **TSJ 4**

Prosecutors

- Do prosecutors prepare cases for the first hearing in accordance with the CPS 'Charging' and 'Charge to First Hearing' NOMs, including relevant SOP step-by-step guidance. **TSJ 5**
- Do prosecutors identify evidential, procedural or file quality issues at an early stage and take timely action to address them before the first hearing? **TSJ 5**
- Where cases are miscategorised, do prosecutors highlight the issue and take steps to address before the hearing with HMCTS and the police? **TSJ 2**
- Do prosecutors consistently set out sufficient information to court advocates to enable them to progress the cases? **TSJ 5**
- Are Preparation for Effective Trial (PET)/ and Better Case Management (BCM) forms completed on all relevant cases? **TSJ 5 and 9**
- Is the Initial Details of the Prosecution Case (IDPC) prepared and served in sufficient time and quality to support first hearing decision-making and case management. **TSJ 5**
- Is there proportionate and timely compliance with relevant requirements for disclosure in magistrates' courts cases to allow cases to be progressed effectively at first hearing? **TSJ 7**

At first hearing

- Do prosecuting advocates have the information and decision-making authority needed to progress cases effectively? **TSJ 6**
- Are cases presented and progressed effectively at first hearing? **TSJ 8**
- Are PET forms and any necessary applications completed or BCM forms accurately and in time to support effective case management at the first hearing? **TSJ 8 & 9**
- Are hearing outcomes and directions are recorded fully and accurately on HRS. **TSJ 9**

Governance

- Does the CPS have effective national and local governance arrangements to support TSJ delivery and continuous improvement, including oversight of Director's Guidance Assessment (DGA) outcomes and effective use of performance measures and dashboards? **TSJ 10**
- Does the CPS use assurance effectively to improve effectiveness of magistrates' courts case progression? **TSJ 10**
- Where improvement is needed, does the CPS use governance arrangements to support timely action and joint working with relevant partners? **TSJ 10**

G. Methodology

The methodology will include the following:

- 1) File examination of charged cases listed for First Hearing, and where possible followed by observation of those cases in court.
- 2) Survey of governance and assurance arrangements at a local level.
- 3) Interviews/structured discussions with key CPS staff and stakeholders at court.
- 4) Discussions with key staff at local and national level with responsibility for TSJ.

File examination and in court observation

Inspectors will examine police and CPS charged Guilty Anticipated Plea (GAP) and Not Guilty Anticipated Plea (NGAP) cases listed for first hearing and will record their observations in response to a set of questions. The question set is divided into two main sections:

- I. **Pre-court file examination**, including OD triage, National File Standard (NFS) checks against the CPS's own standards, and the sufficiency and quality of the reviewing lawyer's preparation to enable the court advocate to present the case effectively and efficiently; and
- II. **In-court observation**, covering GAP, NGAP, following through the court hearings for the cases examined.

Selection of Files

The files selected will match the cases appearing on the HMCTS published court lists for the GAP and NGAP court selected for site visits. It is recognised that lists may change in the period leading up to, and including on, the day of the hearing. Inspectors will adapt to any such changes, as an advocate would be expected to do.

Selection of Site Visits

We will observe the GAP and NGAP courts listed in a minimum of one magistrates' court in each of the 14 CPS geographical Areas, where appropriate and subject to listing availability. Site selection includes courts serving metropolitan and urban areas in order to provide broad geographical and operational coverage, enabling inspectors to assess variations in practice, quality of preparation, and any correlation with differences in effectiveness and efficiency.

Based on information provided by CPS Areas about listing patterns and likely case volumes, the table below sets out the courts currently proposed for visit. This may be extended to additional courts to reflect changes in listings, including variations in the volume of cases listed on the dates scheduled for inspection activity. CPS Areas will be notified of any further court observations arranged in addition to those identified below:

Area	Magistrates' Court centre
CPS Cymru Wales	Cardiff
CPS East of England	Chelmsford
CPS East Midlands	Northampton
CPS London North	Willesden

CPS London South	Croydon
CPS Mersey Cheshire	Liverpool
CPS North East	Teesside
CPS North West	Manchester
CPS South East	Guildford
CPS South West	Bristol
CPS Thames and Chiltern	St Albans
CPS West Midlands	Birmingham
CPS Wessex	Southampton
CPS Yorkshire and Humberside	Bradford

Number of Files based on Site Visits

The figures below provide a broad indication of the potential number of files that may fall within scope for examination and observation, based on the example maximum number of slots set out in the Revised TSJ Characteristics 2023.

- NGAP: up to 15 cases per court observed
- GAP: up to 25 cases per court observed

Interviews and structured discussions with key CPS staff and stakeholders

We will interview prosecutors at court and other court users (stakeholders) :

Court Observation:

- 1) Court advocates** – inspectors will ask a short set of questions at court where it is appropriate to do so. We recognise that advocates will be engaged in court business, so the questions will be brief and focused on their day-to-day experience of preparing and presenting TSJ cases and timed to ensure that it does not impede court business or place undue pressure on the advocates.
- 2) Stakeholders**- this may include legal advisers, ushers, probation officers and defence representatives, where necessary and appropriate. There will be no fixed set of questions. Inspectors will speak to stakeholders only where these assists understanding of usual court practices or helps answer the court observation-based question set, for example whether pre-court briefings usually take place or whether there were issues with court preparation, such as the quality and service of the IDPC, that may not be apparent from court observation alone. No judgements or findings will be made about stakeholders. The

purpose of these discussions will be to help assess how the CPS advocate responds and contributes to first-hearing effectiveness and efficiency.

Governance

We will obtain evidence of governance and assurance on the effectiveness and efficiency of magistrates' courts cases and the operation of the TSJ principles at a local and national level through a survey to all 14 CPS Areas.

The survey will cover how the Areas deal with internal governance and assurance of the CPS approach, and how they deal with cross criminal justice governance and assurance with partners including the police and HMCTS.

Virtual interviews will be conducted with TSJ local leads as necessary following receipt of the survey results.

We will also carry out interviews with those responsible at a national level for TSJ delivery and assurance.

H. Timeline

The inspection will commence in June 2026. Publication is planned for late 2026/early 2027.

I. Equality Impact Assessment

A preliminary evaluation of the need for an equality impact assessment has been undertaken. The potential effects of the inspection on disadvantaged groups or individuals with protected characteristics have been considered. Based on the nature of the inspection and the methodology to be used, there is no indication that any protected groups are likely to be impacted by the outcome. As no impacts were identified during the screening process, a full equality impact assessment is not anticipated to be required. This position will be kept under review throughout the course of the inspection.