

Scoping Document

An Inspection of CPS preparation of Crown Court casework for Plea and Trial Preparation Hearings

A. Introduction

In our 2026–27 business plan¹, we set out our intention to inspect the effectiveness of the Crown Prosecution Service’s (CPS) preparation of Crown Court casework for the Plea and Trial Preparation Hearing (PTPH). The inspection will examine whether CPS action from receipt of a case in the Crown Court unit to the conclusion of the first substantive PTPH supports efficient Crown Court casework, including the timely allocation and instruction of Crown Advocates and external counsel.

The PTPH is a pivotal case-management hearing. It should enable an informed plea to be taken and, where a case is contested, identify and narrow the real issues, secure appropriate directions, address witness, victim and disclosure matters, and establish a realistic route to trial. Effective and efficient preparation before the hearing can reduce avoidable adjournments and delay, making best use of court time.

B. Background and context

Crown Court caseload and efficiency

The Crown Court continues to operate under significant caseload pressure, with the outstanding caseload having increased substantially over recent years. At the end of March 2026, the open caseload stood at 80,061 cases which is more than double the pre-pandemic level of 37,964 cases. The Government and criminal justice agencies are considering and implementing a range of measures intended to increase capacity and improve the progression of cases, including additional sitting days. The precise policy landscape will continue to evolve during the inspection. This inspection will not seek to assess the causes of the backlog, the adequacy of those wider measures or any prospective reform. Instead, the inspection will focus on an area within the CPS’s direct influence: whether effective preparation before the PTPH supports the efficient use of existing Crown Court capacity, and reduces avoidable adjournments, repetition and delay.

¹ [2026-27-Business-plan.pdf](#)

Better Case Management and the Crown Court Operating Model

Better Case Management requires the parties to prepare cases robustly from the outset, identify the real issues early, engage meaningfully and comply with directions. The PTPH is intended to translate that early work into effective Crown Court case management through an informed plea, clearly defined issues and a workable timetable to trial. The Crown Court Operating Model is intended to support this by front-loading relevant activity and carrying information and case-management products from the magistrates' courts into Crown Court preparation. The routes by which a case reaches the Crown Court differ, including cases sent or allocated for trial, cases subject to different charging tests and whether the defendant is on bail or in custody. The nature and extent of the post-sending review should reflect that route and the work already undertaken.

The inspection will establish the route by which each sampled case reached the Crown Court, what information and Better Case Management products were available on receipt, and whether subsequent CPS activity was appropriate. The earlier stage will be captured through a small number of primarily process-based questions; the qualitative assessment will begin with receipt and review in the Crown Court unit. The inspection will not assess the quality of charging decisions or magistrates' courts casework as a separate phase.

The CPS is exploring greater use of paralegal staff to support the efficient preparation of Crown Court cases, including work undertaken before the PTPH. The inspection will set out the relevant national change arrangements and describe any operating model encountered in the selected Areas where this assists understanding of roles, handovers and efficiency. As implementation is at an early stage and is not consistent nationally, HMCPSI will not assess the paralegal expansion programme or draw conclusions about its effectiveness. Any evidence encountered will be treated as contextual information or intelligence for future work.

Advocate allocation and instructions

The CPS instructs both internal Crown Advocates and external counsel to prosecute Crown Court cases. The advocate should be allocated in sufficient time, at a suitable level, and provided with clear, accessible and current instructions. Effective instructions should add value beyond summarising the papers by setting out the prosecution's position, relevant issues and risks, acceptable pleas, disclosure position, applications, witness and victim considerations, any custody time limits or bail conditions, outstanding work, proposed directions and any decisions or authority required at the hearing. The inspection will examine whether allocation and instruction arrangements equip the prosecution to assist the court effectively at the PTPH.

The focus on briefing arrangements is not intended to assess the quality of advocacy. It will test when an advocate is allocated, whether changes before the PTPH are managed, and whether the information supplied enables proper preparation prior to the PTPH.

Wider returned-brief issues and compliance with the requests for advices on evidence are better examined through any later follow-through phase because their impact commonly emerges closer to trial.

C. Out of Scope

The inspection will not assess:

- Judicial decision-making or any matters within the responsibility of the judiciary;
- Advocacy quality;
- HMCTS/police/defence performance except as context only where necessary to assess the CPS response and contribution;
- Charging quality;
- Magistrates' courts casework as a separate phase;
- Post PTPH case progression;
- Cases handled by specialist units or teams, including RASSO, Complex Crime and homicide cases.

D. Inspection question

Is the Crown Prosecution Service's preparation for Plea and Trial Preparation Hearings (PTPHs), including the instruction of advocates, effective in supporting efficient Crown Court casework?

E. Objective

To assess whether the CPS's preparation of Crown Court cases and instruction of advocates for PTPH are timely, effective and efficient, and whether that work equips the prosecution to assist the court at the first substantive PTPH by taking informed positions on plea, identifying and narrowing the real issues, addressing disclosure, victim and witness requirements, securing workable directions and supporting case progression without avoidable delay.

F. Inspection criteria

The inspection will aim to answer the inspection question by assessing the following four criteria:

Criteria 1: Case ownership and post-sending review

- Post-sending, does the CPS act promptly and proportionately to allocate prosecutor and paralegal case ownership, identify what preparation is required and carry out an effective, proportionate post-sending review before the PTPH?

Criteria 2: Preparation and service of case management materials

- Are the relevant case-management materials accurate, complete and served in time to support an effective PTPH?

Criteria 3: Pre-PTPH engagement

- Does the CPS engage effectively with the defence, HMCTS and others in advance of the PTPH to narrow issues, secure necessary information and support effective progress of the case at PTPH?

Criteria 4: Advocate allocation and instructions

- Are advocates at the appropriate level allocated in good time and given clear, tailored instructions that enable proactive preparation to support an effective PTPH?

Overall, the inspection will examine cases that have had a substantive PTPH and assess the CPS's activity from the post-sending receipt of the case in the Crown Court unit up to the PTPH itself. We will consider whether assurance, governance and stakeholder relationships have helped to address issues identified across the inspection criteria and whether that has led to improvement. The overall judgement on whether CPS action is effective in supporting efficient Crown Court casework will be drawn from the evidence across all criteria. It will not be treated as a separate scored file-examination question.

Findings will distinguish matters within the CPS's control, shared dependencies and external constraints, and will not attribute to the CPS matters which it could not reasonably control.

G. Methodology

Stage 1: National landscape and selection of Areas

HMCPsI will issue a concise structured survey to all 14 CPS Areas, using Microsoft Forms where practicable so that responses can be collated, filtered and analysed consistently. The survey will focus on gathering key contextual information such as local PTPH listing arrangements, any local practice or initiatives additional to national requirements which are intended to support effective PTPH preparation, together with any local risks or pressures impacting upon PTPH preparation to help inform the selection of Areas for fieldwork. Areas will not be asked initially to provide extensive supporting papers, although HMCPsI may request specific documents where a response identifies a relevant local process or practice that requires further examination.

The survey returns, together with available workload and performance information, will be used to select five Areas for fieldwork. Cymru-Wales is expected to be included because it was an early adopter of the paralegal expansion project and the Chief Crown Prosecutor Crown Court lead is based there. Its inclusion will allow the inspection to consider national leadership alongside operational practice. HMCPSI will engage with the CPS after considering the survey returns and before confirming the remaining Areas, while retaining responsibility for the final selection.

We may undertake a preliminary dip sample, subject to capacity, to test whether relevant magistrates' courts Better Case Management material is routinely completed and adds value to subsequent Crown Court preparation. If undertaken, we would draw a small number of indictable-only or otherwise suitable non-threshold cases from several Areas and use a small question set. The questions would establish the current expected standard, whether the relevant product exists, the extent of prosecution engagement and whether the information is used after sending. The purpose is to decide whether the core inspection should marginally extend backwards to include the relevant element of the Crown Court Operating Model. If the work demonstrates little or no added value, the core inspection will remain focused on receipt in the Crown Court unit and the preliminary evidence may nevertheless inform a finding about unnecessary process or duplication.

Stage 2: File examination and fieldwork

The methodology will include the following:

1. File examination of cases that have had a substantive PTPH

HMCPSI will examine 100 cases: 20 from each of the five selected Areas. Areas and case categories will be selected purposively to provide contrast, with individual cases then chosen randomly within the agreed categories. The sample will include guilty and not guilty pleas entered at PTPH, and at least two-thirds of the sample will comprise Full Code Test cases, with the remainder comprising Threshold Test cases. The sample will comprise recent cases with a completed first substantive PTPH, will focus on mainstream Crown Court unit work and will include both bail and custody cases. It will be qualitative and illustrative rather than statistically representative.

The file examination will use a focused question set. It will distinguish compliance, timeliness, quality and efficiency, and assess whether the preparation equipped the prosecution to assist the court at the PTPH. The question set will be piloted and refined before the full examination begins. We will require access to media sharing platforms and CCDCS.

2. In-court observation

Inspectors will undertake visits to Crown Court centres to observe some PTPHs in the five CPS geographical Areas selected following stage 1. These will be PTPHs in different cases to those within our file examination. The observations will not extend the inspection beyond the exclusions set out in section C.

Court observations will primarily be used for context, engagement and triangulation. Inspectors may record factual operational matters, such as whether the instructed advocate was present, had access to the papers and appeared able to address the listed issues, but will not rate advocacy or attribute the conduct of the hearing to an individual.

Inspectors will seek to engage with those who receive CPS instructions regarding the timeliness, accessibility and practical value of instructions. Defence engagement may also be sought opportunistically at court (or through tightly focused written approaches to local practitioners) recognising the practical limits on securing unpaid participation. Inspectors may also meet the resident judge or relevant judiciary to understand the local context. All engagement will make clear that the inspection concerns CPS preparation and efficiency, not judicial decision-making or the professional quality of advocacy.

Dependent on Crown Court PTPH listing practices in the Areas we select, visits may require more than one day in some locations and will be planned using the Area returns and the most recent available lists.

3. Interviews and focus groups

Area:

- Deputy Chief Crown Prosecutor or other senior operational lead responsible for Crown Court work
- District Crown Prosecutors – Crown Court
- Senior Crown Prosecutors - Crown Court
- Area paralegal staff will be included only where they have a material role in the local process.

Operational delivery staff and HMCTS case-progression staff will not form routine interview groups. Instead, the national return will identify the arrangements in place, and any targeted contact will follow only where it is likely to add evidence.

National:

- CCP legal lead responsible for Crown Court casework – Jenny Hopkins.
- Deputy Director of Operational Delivery – Emma Tebbutt.

4. Document review

Inspectors will review relevant national policy, guidance, operating models, standards for Better Case Management products and advocacy instructions.

Area document requests will be kept to the minimum necessary to answer the inspection criteria.

H. Proposed timescales

The inspection will commence in early October 2026, and we will publish the inspection report in spring 2027.

I. Future inspection

Subject to the findings from this inspection and future business planning, HMCPSI may undertake a separate second phase in 2027–28. That work could use a smaller follow-through sample to examine whether preparation and directions at the PTPH were sustained through later case progression, with a particular focus on victims and witnesses, disclosure, advice on evidence, counsel continuity, cracked or ineffective trials and the management of cases affected by the Crown Court backlog. Its design would take account of any material changes to prosecution disclosure guidance or the operating landscape. No findings about those later stages will be made in this inspection.

J. Equality Risk Assessment

A preliminary evaluation of the need for an equality impact assessment (EIA) 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 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.

The potential impact of the inspection will be kept under continuous review. This includes ongoing consideration of any known protected characteristics within the inspection team itself.