



HMCPSI

HM Crown Prosecution
Service Inspectorate

CPS Direct

An inspection of the quality and timeliness of charging decisions made by the CPS's out-of-hours service.

September 2025

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Who we are

HMCPSP 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.

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1. Chief Inspector's foreword

Chief Inspector's foreword

Crown Prosecution Service Direct (CPSD) plays a critically important role not only within the CPS but within the Criminal Justice System (CJS) as a whole. It supports policing and the courts through making decisions to charge some of the most serious offences, mostly while the suspect is in police custody. The delivery of the service out-of-hours (overnight and during bank holidays and weekends) supports the effective operation of the CJS.

CPSD, unlike the 14 geographic CPS Areas, only deals with cases at the point of charge. They receive cases from across all 43 police forces in England and Wales and must deal with a wide variety of case types and offences. Many of the cases they deal with are those where the custody clock is running and suspects are being held in custody whilst the police seek a charging decision. CPSD operates against an agreed service level agreement (SLA) with the police of three hours to make charging decisions for priority cases.

We last inspected charging in 2020 and CPSD specifically in 2015. Much has changed since these last inspections: CPSD is now entirely an out-of-hours service, there is an SLA in place for custody and non-custody cases and the case mix received by CPSD has substantially changed. This is due to the changes to out-of-hours cases received being more complex, and there being a large proportion that are domestic abuse related or which involve serious sexual offences.

In view of the critical role that CPSD play, it is reassuring that the findings of this inspection highlight a number of strengths in the handling of cases by CPSD prosecutors. Our findings show that CPSD prosecutors are getting many of the fundamentals right. Decisions are correct, instructions to those colleagues who will be appearing in court at the first hearing are strong, with good consideration of bail and custody. We also found well-reasoned rationale for those cases where the prosecutor decided the suspect should not be charged.

In our case sample, we found that over 60% of cases were charged within the three hours as set out in the SLA with the police and over 80% were charged within four hours of first contact. We understand that there needs to be a clear SLA for the timeliness of charging decisions, especially given that in priority cases the custody clock is running. However, given the complexity of some cases received, it is questionable whether it is realistic for all cases to be subject to the same SLA.

Our findings do however highlight some issues that need to be improved. The quality of case analysis and strategy is not always well considered. Some cases we

examined did not clearly articulate the strengths and weaknesses in the case or did not identify all reasonable lines of enquiry. CPSD assurance processes are strong and the senior management team's own analysis of quality had already identified this as a weakness and were taking steps to improve.

One of the tensions between policing and the CPS is the quality of prosecutor action plans. Our recent joint inspection¹ of case building articulates the issues, highlighting some weaknesses with the CPSD's use of action plans. In some cases, we saw template action plans that did not capture the issues in the case. Templates can be helpful as prompts, but they can also lead to an unthinking approach. Getting action plans correct and for them to contain enough information for them to be helpful to police officers who are charged with taking the action will lead to better and more collaborative relationships.

This inspection highlights the good work that CPSD prosecutors do and the strong leadership that has a focus on quality. The recommendations we make when implemented will lead to improvement and I am sure will help CPSD enhance what is already a strong service to criminal justice.



Anthony Rogers

His Majesty's Chief Inspector

¹ Joint case building by the police and Crown Prosecution Service - <https://hmcpsi.justiceinspectorates.gov.uk/report/joint-case-building-by-the-police-and-crown-prosecution-service-2/>

2. Summary

What this report is about

2.1. This inspection assessed the quality and timeliness of charging decisions made by Crown Prosecution Service Direct (CPSD). We last examined CPSD decision-making as part of our overall charging inspection in 2020.

2.2. CPSD is the national out-of-hours charging service. It currently operates continuously outside normal office hours — 5 pm to 9 am on weekdays, 24 hours a day at weekends and on bank holidays. Local CPS Areas are responsible for charging cases during normal office hours.

2.3. Two-thirds (66.3%) of the out-of-hours priority files dealt with by CPSD between April 2024 and March 2025 were reviewed under the Threshold Test (TT)². The files making up the balance were reviewed under the Full Code Test (FCT).

Table 1 : CPSD

CPSD data - Threshold Test vs Full Code Test ratio	2024-2025
TT decisions	39,485
% of decisions recorded on the TT	66.3%
FCT decisions	20,013
% of decisions recorded on the FCT	33.6% ³

2.4. Charging is the gateway to a suspect being prosecuted in the criminal courts. Ensuring that decisions to charge or take no further action against a suspect are both legally sound and timely is vital to an effective criminal justice system.

2.5. When making those decisions, prosecutors review the evidence gathered by the police and decide whether the suspect should be prosecuted, applying the two-stage test set out in the Code for Crown Prosecutors: whether there is a realistic prospect of conviction and whether it is in the public interest to prosecute. In addition, prosecutors should set the parameters for how each prosecution will proceed. Making the right decision at the outset of the case is

² Two types of test for determining whether a case should proceed, as set out in the Code for Crown Prosecutors. The Full Code Test should be applied where the suspect is not in police custody. The Threshold Test is used where the suspect is in custody and enquiries are not complete, but the police will be asking the court to hold the suspect in custody after charge.

³ Please note that HMCPSI's house style is to round to a single decimal place. For this reason, not all percentages will total 100%.

crucial, because delay or error at this stage will have a negative impact on victims, witnesses and defendants later.

2.6. Since our last thematic charging inspection in 2020, CPSD's remit has significantly changed from a 24-hour responsibility for suspects in police custody to a primarily out-of-hours service. There is still a small amount of assistance provided for non-custody cases (both during the day and out-of-hours) which amounts to one-tenth of the total workload. This inspection therefore revisits CPSD's core function: delivering high quality and timely charging advice under the Code for Crown Prosecutors, within the context of these structural changes.

2.7. To allow us to make our assessment, the scope of the inspection included three overarching questions:

- **Quality:** Do CPSD charging decisions consistently meet the CPS's legal and policy standards?
- **Timeliness:** Are urgent charging decisions delivered within agreed SLAs, despite high demand and challenges around file quality?
- **Assurance:** Is CPSD's internal quality assurance regime effective in identifying weaknesses and driving improvement?

Key findings

2.8. CPSD continues to provide generally high quality and timely charging decisions, maintaining performance levels that are comparable – and in some instances superior – to those in CPS geographical Areas. CPSD prosecutors need to be able to deal with the full range of offences that might be referred out-of-hours, including offences that are often dealt with by specialist prosecutors in CPS Areas, such as rape and serious sexual offences, fraud and homicide. The key findings from our file examination of 150 cases were:

- correct application of the Code for Crown Prosecutors is strong. In 83.6% of cases, CPSD prosecutors applied the FCT or TT correctly, including giving a full rationale for all five conditions being met where the TT was used
- charge selection is generally strong. Nearly four out of five charged cases featured proportionate charges that adequately reflected the facts and afforded proper sentencing powers to the courts. This performance is strong given the variety of often complex cases dealt with in the high-pressure, out-of-hours context in which CPSD operates
- instructions to prosecutors at court were appropriate. In three-quarters of cases, CPS prosecutors provided clear and well-structured guidance on all

key issues that applied. This is important as it assists with the smooth progression of these cases through the court process, contributing to efficiency and effectiveness once the case is passed to CPS Areas

- the standard of decisions and instructions on whether defendants should be kept in custody or granted bail were good, as more than three-quarters of cases met the standard expected. This is especially important as the nature of cases CPSD makes decisions on are often the most serious, involve the most prolific and dangerous offenders or involve the most vulnerable and intimidated victims and witnesses
- the explanation of the decision not to prosecute was set out clearly and cogently to the victim. Prosecutors made decisions to take no further action in over just over nine out of every ten cases we examined
- in cases where the police disagreed with a charging decision, CPSD handled those appeals on shift at the time in a prompt manner.

2.9. The quality of police file submissions remains a persistent issue for CPSD. The nature of CPSD work means that they deal with all 43 police forces and other law enforcement agencies. As a result it is difficult for them to significantly influence any one police force or agency. In our file examination, only around two in five police file submissions met the jointly-agreed National File Standard, forcing CPSD to spend significant time triaging and feeding back deficiencies. Despite this, CPSD demonstrated robust and proactive feedback to police in over 80% of deficient submissions, allowing them to progress the cases and helping to improve future file quality. We were told by CPS senior management that as part of their governance mechanisms, they share performance data at the Joint Performance Board and directly to Chief Constables.

2.10. We also identified some aspects of casework decision-making that require improvement.

2.11. There are two main aspects which, if improved, would allow CPSD to have a more effective grip and add more value to cases:

- **Case analysis and strategy:** Fewer than half of the cases we assessed included an adequate case analysis and clear prosecution strategy
- **Action plans:** Fewer than half of the action plans we examined in our case file sample were of a satisfactory standard. There were several reasons for this, including the use of generic template action plans. Using generic templates resulted in actions that were not explained to the police officer, did not have completion dates that were thought through and, in some cases, included unnecessary actions. Our findings are similar to those found during CPSD's

own internal assurance. To address the problem, CPSD have launched a 'Chat Not Cap'⁴ initiative to increase conversations between prosecutors and police officers, with the intention of avoiding action plans going back and forward between them.

2.12. The timeliness of CPSD charging decisions has shown a significant improvement over the last two years. The service level agreement (SLA) between the CPS and police forces states that all priority cases, irrespective of complexity, volume of material to be considered or numbers of suspects, will be reviewed by a prosecutor and a decision made whether to charge, take no further action or set an action plan for additional enquiries to be carried out, within three hours of receipt. In the cases we assessed, CPSD met its three-hour SLA in just under two-thirds of cases. CPSD's performance information covering the period April 2024 to March 2025 showed a comparable performance, with two-thirds of cases meeting the three-hour time limit. June 2025 data showed a dip in performance down to 59.9% due to increased volumes, but this returned to normal levels with 64.1% in July 2025 and 67.7% in August 2025.

2.13. Overall, in our judgement, while bearing in mind that all different types of cases – no matter the seriousness, complexity or volume of materials – are given the same three-hour target under the SLA, this is good performance. We were told that between January to July 2025, an average of 813 charging decisions per month were requested with less than three hours (and often less than two hours) remaining before the suspect had to be released from custody. The range was from 753 cases in February to a peak of 884 cases in June. Despite this avoidable pressure from the police, we found that CPSD were still providing good performance. We found no evidence in the cases we examined that where the SLA was not met, that any CPSD delay impacted on the police's ability to charge a suspect within their allowed period for custody.

2.14. CPSD's performance data is of necessity largely manually created. This is for two reasons. Firstly, that the CPS's case management system (CMS) is based upon the unique reference numbers (URNs) that identify which police force the case originated from. These are automatically linked to the relevant local CPS Area on CMS. There is no CPSD monitoring flag or similar to allow for any automatic identification of cases where the pre-charge decision was made by a CPSD prosecutor. Secondly, data around volumes and timeliness is recorded on spreadsheets, as the systems CPSD use do not automatically populate with this information. CPSD manually records on a spreadsheet the time it takes for each of the three steps they have to carry out within the 3-hour SLA: triage, allocation and pre-charge review. Triage time is shared routinely with the police, but we were told that issues with the accuracy of the data (given it is inputted case by

⁴ 'Chat not Cap' initiative is the expectation for the prosecutor to speak with the officer rather sending a Case Action Plan

case by individuals is less often shared but is used internally to help with resource planning. Better accuracy in the data inputting would provide better evidence of where there are issues in the process, assisting efficiency within CPSD but also providing information that CPSD can rely upon to engage with police colleagues around timeliness and the SLA.

2.15. We heard from CPSD leaders that where there are issues with timeliness, it is often as a result of high case volumes coupled with police file issues exerting pressure on turnaround times. In addition, we were told that the police frequently refer cases which are particularly complicated, and which should be referred to CPS Areas for early advice in accordance with Annex 6 of the Director's Guidance on Charging 6th edition. This is an issue senior leaders in CPSD have repeatedly sought to address with the police via the joint operational improvement board⁵. Inevitably, complex cases, often resulting from lengthy investigations and involving planned arrests will take significantly longer than three hours to deal with diminishing the time available for CPSD to deal with the cases correctly referred. CPSD's indicative figures, adjusted to exclude Annex 6 cases and cases where the time between referral and the expiry of the PACE clock was under three hours, show that shows an average improvement on timeliness of 14 percentage points. For example, in July 2025 the SLA compliance figure was 64.1%. CPSD's indicative adjusted figure was 78.5%.

2.16. Another issue identified was where files submitted by the police are not compliant with the required National File Standard (NFS). These files can either be rejected for the police to then rectify or accepted as non-compliant and for the work to remedy the deficiencies to be done during the period of time CPSD has to deal with the case. The driver for CPSD accepting non-compliant files is the need to progress serious or sensitive cases where a suspect needs to be kept in custody. However, this remedial work can be time-consuming and delay the prosecutor being able to properly review the case. This in turn can lead to breaches of the SLA. CPSD collates data on the volumes of cases submitted by the police that do not comply with the NFS. However, they do not currently have the ability to identify what volume of those cases are rejected and what volume are accepted and progressed as non-compliant. This is information that would assist in joint operational improvement meetings to address police file quality and the impact on the SLA.

2.17. Senior police personnel, senior CPSD leaders and CPSD prosecutors we spoke to during the inspection were in favour of consideration of a more nuanced SLA. This might include an SLA sliding scale depending on case details, including consideration of the complexity of the offences, number of offences and number

⁵ This board comprises senior leaders from CPS and NPCC to address joint working including charging.

of defendants. In our opinion that would appear to be a sensible approach if it can be achieved to the satisfaction of all parties.

2.18. CPSD's internal assurance of quality and timeliness is embedded and increasingly effective. CPSD employs a structured quality assurance regime, including dip-sampling and managerial oversight, which has contributed to good performance as outlined in the inspection's strengths.

2.19. We identified that case analysis and strategy, and the quality of action plans, needs to improve. These align to issues CPSD had identified through their own first-line assurance work. There is work ongoing to improve these issues which we set out later in this report, but the systems alone will not lead to an improvement. Consistent and robust implementation by managers of these quality assurance regimes is needed for a sustained improvement in the future.

Our Judgement

2.20. The central question for this inspection is:

- "Is CPS Direct (CPSD) delivering good quality and timely charging decisions?"

2.21. In our judgement, the public can be assured that CPSD is consistently making the right decisions to charge or to take no further action on cases. They are performing well and delivering good quality in several crucial aspects of their work. but there are some aspects requiring improvement that would subsequently improve the overall prosecution process. The decisions they make are timely in the vast majority of cases, despite the pressure on them as an on demand, national, out-of-hours service.

Recommendations, good practice and strengths

2.22. We make the following two recommendations.

Recommendations	
1	By December 2026 CPS Direct to consistently provide to the National Joint Charging Board a breakdown of the National File Standard non-compliant files that were rejected at triage and those that were accepted with remedial work carried out during the CPSD three-hour SLA period. [Paragraph 5.11]
2	By September 2026, CPS Direct to have improved the quality of the case strategy and analysis in their pre-charge reviews and the quality of action plans. By December 2026, the CPS to have carried out assurance to evidence improvement. [Paragraph 5.33]

2.23. We define a compliance point as an aspect where improvement is required but where there is an adequate system or process in place.

Compliance Point

CPSD to improve the accuracy of the data collected in respect of the timeliness of allocation and prosecutor review parts of the service level agreement.
[Paragraph 7.24]

2.24. We define 'good practice' as an aspect of performance or activity that demonstrates an innovative or creative approach and that leads to a positive change, improved quality or better performance, or represents value for money.

Good Practice

Crown Prosecution Service Direct (CPSD) introduction of a 'Chat Not Cap' initiative whereby prosecutors are expected to speak to police officers in all priority cases submitted for a charging decision unless any queries are limited and could be dealt with by email. [Paragraph 5.57]

2.25. We define strengths as aspects where CPSD performs particularly well.

Strengths

Crown Prosecution Service Direct (CPSD) identifies and feeds back to the police where there is non-compliance with the National File Standard (NFS).
[Paragraph 5.7]

Prosecutors apply the correct test under the Code for Crown Prosecutors.
[Paragraph 5.13]

Prosecutors provide a clear rationale for applying the Threshold Test (TT).
[Paragraph 5.14]

Prosecutors provide detailed reasons for a decision not to prosecute that allows the police to explain the decision clearly and cogently to the victim.
[Paragraph 5.68]

Prosecutors provide appropriate instructions and guidance to assist a prosecutor at court to progress the case efficiently. [Paragraph 5.71]

Legal managers assess appeals from the police against prosecutor charging decisions in a timely manner. [Paragraphs 7.26 and 7.75]

3. Context and background

Background to the inspection

3.1. The Crown Prosecution Service (CPS) operates across England and Wales, with 14 regional Areas prosecuting cases locally, and two national Central Casework Divisions.

3.2. CPS Direct (CPSD) is primarily an out-of-hours service that works through the night, at weekends and bank holidays to provide charging decisions to the police on cases where a suspect cannot be released on bail. These tend to be cases that would be dealt with by the geographical Areas rather than the specialist casework divisions. Once a decision to charge has been made on a case by CPSD, it is passed on to the relevant CPS Area to take local responsibility for the progression of the case through the courts.

3.3. In addition, CPSD also manages a Central Prosecution Team (CPT) that assists the Areas in dealing with cases on weekdays in normal office hours where Areas need some additional resource to manage volumes or backlogs. There are also arrangements in place for CPSD out-of-hours prosecutors to assist CPS Areas with charging decisions at times when they have spare capacity. CPSD has worked hard to transform their service and aligns its service provision more closely with CPS Areas and Directorates, thereby providing the Service overall with a dynamic charging service. This has enabled CPSD and the Areas to provide a 'surge response' when required for high volumes of police referrals, for example, during the serious public order incidents across the country following the Southport murders in 2024.

3.4. The CPT and any arrangements for CPSD to assist CPS Areas with their own charging cases are outside the scope of this inspection.

Previous inspections

3.5. We have inspected charging decisions made twice in the last ten years.

3.6. In May 2015 a joint HM Crown Prosecution Service Inspectorate (HMCPSI) and HM Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) inspection of the provision of charging decisions⁶ was published. At that time, CPSD operated around the clock and took the majority of CPS charging decisions,

⁶ Joint HMCPSI/HMICFRS inspection of the provision of charging decisions
<https://webarchive.nationalarchives.gov.uk/ukgwa/20240605044751/https://www.justiceinspectorates.gov.uk/cjji/inspections/joint-inspection-of-the-provision-of-statutory-charging/>

including those made during normal office hours. Local CPS Area prosecutors only provided charging advice in a limited category of cases.

3.7. The inspection scrutinised how well the police and the CPS ensured that quality charging decisions were made under the system that existed at the time. It concluded that the timeliness and quality of charging decisions needed to improve.

3.8. Since then, there have been significant changes to the operation of charging, most notably the staged return of daytime charging (9am to 5pm) to local CPS Areas, with CPSD retaining responsibility for out-of-hours charging.

3.9. As part of the return of daytime charging to Area, a new charging model was introduced. The model introduced a two-tier prioritisation method. Between 9am and 5pm on weekdays, CPS Areas became responsible for handling cases where the suspects were in custody and which required an immediate charging decision (termed 'red' cases) and cases where a suspect was on police bail (termed "green" cases). Outside those hours CPSD has responsibility for immediate charging decisions in 'red' cases.

3.10. In 2020, in light of the return of daytime charging responsibilities to CPS Areas, HMCPSI undertook a further inspection of charging decisions⁷ made by prosecutors in the 14 geographical CPS Areas and CPSD.

3.11. The inspection found that the public could have confidence that the CPS was making decisions in compliance with the Code for Crown Prosecutors to charge or to take no further action, but that they could have less confidence that those decisions were being adequately thought through.

3.12. The 2020 inspection identified that there was room for improvement in respect of the quality of prosecutors' legal analysis, timeliness of decision-making and familiarity with both the CPS's own policies and the Director's Guidance on Charging. However, we did note that the quality of charging decisions made by CPSD was better, sometimes significantly so, than those made in the 14 geographic CPS Areas.

3.13. Whilst inspectors found variation in levels of performance across the 14 CPS geographical Areas, they found that the overall quality and timeliness of charging decisions made by CPSD was better, sometimes significantly so, than those made in Areas.

⁷ Charging Inspection 2020 - <https://hmcpsi.justiceinspectorates.gov.uk/report/charging-inspection-2020/>

This inspection

3.14. This inspection focused solely on charging decisions that CPSD made on cases referred to it by police between 5pm and 9am on weekdays and at any time during the weekends and bank holidays. Priority charging decision cases are also called 'red cases'.

3.15. Throughout this report we have not compared the data collected from our file analysis with the data published in the 2020 charging inspection. It became obvious that due to significant changes in approach between cases examined in 2020 and changes in our own methodology that any direct comparison of performance would be unhelpful and unfair. We therefore have not set out any judgements comparing current performance with what we found and reported in 2020.

3.16. We have made some limited comparisons with the more recent data collected in our Area Inspection Programme (AIP) reports^{8 9} which assessed the performance of CPS Areas. However, we have only done so where it related to the charging process and where it was appropriate to do so in light of the methodology used in each inspection.

CPSD resources

3.17. CPSD is led by a Chief Crown Prosecutor (CCP), supported by the Area Business Manager (ABM) who has responsibility for the business and operational delivery functions.

3.18. The staffing is split between legal and operational delivery staff.

3.19. As of 17 July 2025 the total number of legal staff working in CPSD is 215, including the CCP. Senior management includes one Deputy CCP and three Senior Deputy Crown Prosecutors (SDCPs).

3.20. Twenty-two DCPs manage 162 Senior Crown Prosecutors (SCPs) in the out-of-hours team that deal with 'red' priority cases as their primary area of work. Twenty-six legal staff are engaged with other areas of work.

3.21. There 75 staff members in the operational delivery team, including the ABM, supporting the legal staff.

⁸ Area inspection programme: Composite report of the baseline assessments of the 14 Crown Prosecution Service Areas in England and Wales -

<https://hmcpsi.justiceinspectorates.gov.uk/report/area-inspection-programme-composite-report-of-the-baseline-assessments-of-the-14-crown-prosecution-service-areas-in-england-and-wales/>

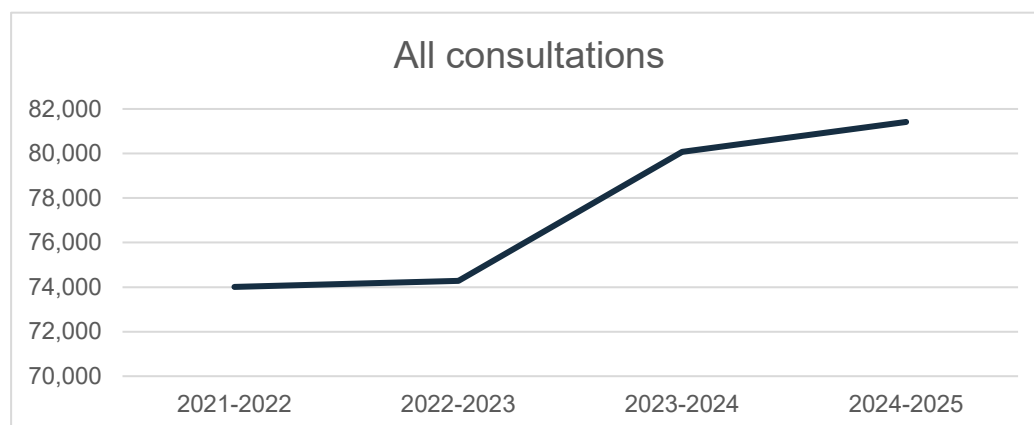
⁹ Area Inspection Programme - <https://hmcpsi.justiceinspectorates.gov.uk/report/area-inspection-programme-2/>

CPSD caseload

3.22. CPSD total consultations have steadily increased over recent years, as highlighted in the below chart.

Table 2 : CPSD total consultations

	2021-2022	2022-2023	2023-2024	2024-2025
All consultations	74,009	74,287	80,081	81,417



3.23. CPSD data for April 2024 to March 2025 shows that 66.9% of cases were completed within the three-hour priority service level agreement (SLA). This is comparable to the 62.7% of cases we found to be within the SLA for our case sample. 86.3% of cases were completed within four hours.

Table 3 : CPSD data - SLA compliance

SLA compliance (First consultations only, excl merged cases and PRFI)	2024-2025	%
Total consultations	55,153	100.0%
Timely consultations <3 hours	36,916	66.9%
>3 hours and <4 hours	10,712	19.4%
>4 hours	7,525	13.6%

Table 4 : CPSD data – Priority Offence Categories

Principle Offence Categories - Priority cases	2024-2025	%
A Homicide	669	1.1%
B Offences Against the Person	38,692	65.0%
C Sexual Offences	3,293	5.5%
D Burglary	3,625	6.1%
E Robbery	1,849	3.1%
F Theft and Handling	1,069	1.8%
G Fraud and Forgery	1,063	1.8%
H Criminal Damage	1,632	2.7%
I Drugs Offences	4,809	8.1%
J Public Order Offences	1,597	2.7%
K All Other Offences (excluding Motoring)	787	1.3%
L Motoring Offences	243	0.4%
R Undefined	189	0.3%
TOTAL	59,517	100.0%

CPSD consultations Domestic Abuse (DA) and Rape flagged - Priority	2024-2025	%
Rape flagged	1,738	2.9%
DA flagged	32,853	55.2%

3.24. Our inspection of 150 files showed that 54.7% cases had a Threshold Test (TT) applied, with 45.3% of case applying the Full Code Test (FCT). This is less than the CPSD data received for the period April 2024 to March 2025, which shows 66.3% of cases applying the TT.

4. Framework and methodology

Inspection framework

4.1. The framework for this inspection consisted of an overarching question and three sub-questions.

4.2. The overarching question was: 'Is Crown Prosecution Service Direct (CPSD) delivering good quality and timely charging decisions?'.

4.3. The three sub-questions were:

- 'Is CPSD delivering charging decisions that meet the CPS's own expected standards?'
- 'Is CPSD providing timely charging decisions?'
- 'Is CPSD's quality assurance regime effective in driving improvement?'

4.4. The inspection framework is set out in full in annex A.

Methodology

4.5. This inspection focused on the performance of CPSD and comprised a combination of file analysis, documentation review and fieldwork interviews.

File examination

4.6. Inspectors examined 150 finalised and live files where the charging decision was made between 1 July 2024 and 31 January 2025. Wherever possible within the file sample criteria, we examined the most recent cases to capture current practice. The criteria were as follows:

- 100 cases where CPSD prosecutors made the decision to charge
- 25 cases where CPSD prosecutors declined to charge but set an action plan for police to carry out further investigation. If police responded to the action plan within the time that the defendant is in custody out-of-hours, the CPSD would revisit the case. Otherwise, the local CPS Area would take over the conduct of the case
- 25 cases where CPSD decided that no further action should be taken.

4.7. The file examination questions used by inspectors was designed to make a meaningful assessment of the current quality and timeliness of CPSD charging decisions. The full question set and file examination results are set out in annex B.

4.8. The file sample covered casework concluded, or destined to be concluded, in the magistrates' courts and Crown Court. The files selected covered the full range of criminal offences, including rape and serious sexual offences (RASSO).

4.9. In line with our methodology, we held a consistency exercise for our inspectors and representatives from CPSD using the question set and guidance. Our file examination assessments were then subject to internal quality assurance, which included data checks and dip-sampling. Dip samples were then checked to ensure consistency of approach.

Documentation review

4.10. We analysed a selection of documents relevant to the operation of CPSD, its quality assurance processes and the process by which police can appeal a decision whilst a suspect remains in custody. We analysed CPSD performance data.

Fieldwork interviews

4.11. We interviewed senior members of staff from CPSD and CPS Headquarters and held focus groups with a selection of CPSD managers and prosecutors. We interviewed the National Police Chiefs' Council (NPCC) lead for charging.

4.12. This inspection was led by legal inspector, Daniel Caan. He was assisted by legal inspectors Justine Allan, Giles Bridge, Helen Lee and Lauranne Middleton and two associate inspectors James Jenkins and Sue Gallon. The inspection was supervised by Colin Darroch, Senior Legal Inspector.

5. Casework quality

Legal decision making

Police File Quality

5.1. Police file quality is a long-standing national issue. It is one that we have reflected on regularly in previous reports, most recently in our case building report produced jointly with His Majesty's Inspectorate of Constabulary Fire and Rescue Services (HMICFRS)¹⁰.

5.2. During our interviews with Crown Prosecution Service Direct (CPSD) staff, we heard frequent concerns about the quality of case files provided by the police. The concerns related to missing items that were required under the agreed National File Standard (NFS¹¹) or investigations that had not exhausted all reasonable lines of enquiry.

5.3. CPSD data from April 2024 to March 2025, for 'red' priority cases handled out-of-hours, shows that CPSD triaged 19.5% as non-compliant with NFSs. Those cases are divided between:

- **Rejected cases** – where the file standard is not met. Crucial information or documents are missing, meaning that the case cannot be reviewed in accordance with the Code for Crown Prosecutors and therefore cannot be allocated. These cases are returned to police for correction and must be resubmitted
- **Non-compliant cases** – where the file standard is not met but accepted on triage by CPSD. Some material is missing, but the cases can still be allocated. The missing items are requested from the police while the prosecutor begins their review.

5.4. Although CPSD collates data on files that do not comply with the national file standards, they do not routinely share the volumes distinguishing the volumes of rejected cases as opposed to the volumes of non-compliant cases that are not rejected. Routine sharing of this data with individual forces and at strategic charging meetings would help to address these issues and the impact they have on CPSD being able to meet the 3-hour SLA in a greater percentage of cases.

¹⁰ [Joint case building by the police and Crown Prosecution Service – Criminal Justice Joint Inspectorates](#)

¹¹ Director's Guidance on Charging 6th edition. Annex 5. <https://www.cps.gov.uk/legal-guidance/directors-guidance-charging-sixth-edition-december-2020-incorporating-national-file> standard

5.5. Our file examination found that fewer than half (42.7%) of the police file submissions complied with the NFS, which is substantially worse than the CPSD data from April 2024 to March 2025. Our figure does not include police file submissions which are rejected by CPSD triage due to an unacceptable level of non-compliance.

Table 5: Police file quality

Police compliance with National File Standard	Yes	No
The police file submission complied with National File Standards for the type of case	42.7%	57.3%
The CPSD identified and fed back to the police on any failings in the police file submission	80.2%	19.8%

5.6. Our file examination also showed that CPSD identified the issues and fed back to the police in the majority (80.2%) of police submissions that had failings (including both rejected and non-compliant cases).

5.7. The failings were either identified and fed back at initial triage or later by the prosecutor when they were considering the case. This robust approach shows that CPSD take every opportunity to support the police's efforts to improve file quality. This is a strength.

Strength

Crown Prosecution Service Direct (CPSD) identifies and feeds back to the police where there is non-compliance with the National File Standard (NFS).

5.8. As CPSD is a national service which deals with all police forces across England and Wales, it is individual CPS Areas that hold the direct stakeholder relationship with the relevant police forces to improve on issues such as file quality. CPSD legal managers therefore carry out stakeholder engagement across all police forces and CPS Areas. Members of the senior legal team at CPSD – such as the Chief Crown Prosecutor (CCP), Deputy CCP, Senior District Crown Prosecutor (SDCP) are each aligned to a CPS Area and the police forces that feed into that Area and engage with the relevant police forces to address the themes arising from file deficiencies on cases submitted to CPSD.

5.9. CPSD has introduced clear governance mechanisms, with performance being shared at the National Joint Charging Board (NJCB) and with individual performance shared directly with Chief Constables. The latter is also shared with Area CCPs to ensure that they can also discuss CPSD related matters in their regular liaison meetings with Chief Constables.

5.10. CPSD senior managers attend their relevant local Joint Operational Improvement Meetings (JOIMs¹²) with the police and the Chief Crown Prosecutor (CCP) of CPSD also attends the NJCB where they present CPSD data on police file quality and raise issues in order to improve performance. This allows CPSD to address issues operationally and strategically, locally and nationally.

5.11. In addition, CPSD liaises with the National Police Chiefs' Council (NPCC) lead for charging. They provide more thematic feedback on trends such as reasons for triage failures, general file quality issues and feedback on file quality for specific types of offending such as domestic abuse. As mentioned above if CPSD were share the data on volumes of rejected cases and volumes of non-compliant cases with the police, it would assist to drive improvement in file quality which would also have a positive impact on timeliness.

Recommendation 1

By December 2026 CPSD to consistently provide to the National Joint Charging Board a breakdown of the National File Standard non-compliant files that were rejected at triage and those that were accepted with remedial work carried out during the CPSD three-hour SLA period.

Application of the correct Code test

5.12. The Full Code Test (FCT) and Threshold Test (TT) are two types of test for determining whether a case should proceed, as set out in the Code for Crown Prosecutors (the Code¹³). Normally, prosecutors must only start a prosecution when a case has passed both stages of the FCT. The exception is when the TT may be applied. The TT is used in limited circumstances where the suspect is in custody and enquiries are not complete, but the police intend to ask the court to hold the suspect in custody after charge. There are five conditions set out in the Code which allow this to happen:

- first condition: there are reasonable grounds to suspect that the person to be charged has committed the offence
- second condition: further evidence can be obtained to provide a realistic prospect of conviction

¹² The CPS and police have regular meetings known as Joint Operational Improvement Meetings (JOIMs) to discuss performance data and key aspects to create agreed solutions that impact on casework quality

¹³ The Code for Crown Prosecutors - <https://www.cps.gov.uk/publication/code-crown-prosecutors>

- third condition: the seriousness or the circumstances of the case justifies the making of an immediate charging decision
- fourth condition: there are continuing substantial grounds to object to bail in accordance with the Bail Act 1976 and in all the circumstances of the case it is proper to do so
- fifth condition: it is in the public interest to charge the suspect.

Table 6: Application of the correct Code Test

	Yes	No
The Crown Prosecution Service pre-charge decision applied the correct Code test, full (FCT) or threshold (TT)	83.6%	16.4%
In TT cases, were the reasons for applying that test set out fully?	83.8%	16.3%

5.13. We examined 146¹⁴ cases where a Code test was applied to reach a decision to either charge, action plan or drop the case. In 122 cases (83.6%) the correct code test was applied. This is a strength.

Strength

Prosecutors apply the correct test under the Code for Crown Prosecutors.

5.14. In most cases where the TT was applied, prosecutors provided their rationale for applying it and addressed all five conditions. The level of detail ranged from bullet points to a full explanation, but overall, they were clear and easy to follow. In 67 cases (83.8%) the correct code test was applied. This is a strength.

Strength

Prosecutors provide a clear rationale for applying the Threshold Test (TT).

5.15. In a number of cases, either the wrong test was applied or not all the threshold test conditions were addressed.

5.16. Senior managers told us that they are aware of this issue and that they intend to create a standardised review template, to assist prosecutors to address key issues for a good quality review, including the TT conditions. We were informed by some prosecutors that they used their own individual templates as

¹⁴ 146 cases were considered out of 150, as 4 answers were marked NA due to the circumstances of the case.

an aide memoire to remind themselves. CPSD will want to ensure that any template sets out prompts rather than standard paragraphs to ensure that prosecutors think about cases as opposed to using a template which comes with risks. We were told that CPSD legal managers include the assessing of prosecutors' rationales for applying the TT as part of the quality assurance system.

Charge selection

5.17. In our file examination, we also assessed whether prosecutors had chosen appropriate and proportionate charges when deciding to prosecute. The facts and circumstances of each case are different and there are often several charges that can be considered and selected by the prosecutor.

5.18. Our findings demonstrate 79.6% of cases met the required standard.

Table 7: Charge Selection

	Yes	No
Charge selection was appropriate and proportionate	79.6%	20.4%

5.19. The majority of CPSD cases are charged applying the TT where the evidence is not finalised and further enquiries are outstanding. This contrasts to the majority of CPS Areas' charging decisions under the FCT where the evidence is settled. CPSD also deal with a high proportion of rape and serious sexual offence (RASSO) cases. In these cases, selecting charges can be complicated. Different offences may be relevant depending on the date of the offence(s) or the age of the victim. Older allegations need particular care if they span the transitional provisions and changes to offences in the Sexual Offences Act 2003.

5.20. This means that in the majority of cases, including RASSO cases and even in cases where the evidence is not complete, CPSD prosecutors correctly selected charges that adequately reflected the criminality and gave the court sufficient sentencing powers.

5.21. Where the custody clock for a suspect is about to expire and continued detention is justified, a senior officer is allowed to make an emergency charging decision on any case, subject to immediately referring it to a prosecutor for ratification of the offence charged¹⁵.

¹⁵ Paragraph 4.35 Director's Guidance on Charging 6th edition - <https://www.cps.gov.uk/legal-guidance/directors-guidance-charging-sixth-edition-december-2020-incorporating-national-file>

5.22. During our file examination, we found examples of cases where the police had used their emergency charging powers. However, on subsequent review by CPSD the cases had to be either discontinued or the charges had to be changed. CPSD added value by checking and correcting charges where police had made the wrong decisions.

5.23. Whilst performance was strong, we saw examples where prosecutors could add more value by assisting the police with the specific wording of charges in cases where the charge was more complicated, thus ensuring that the charge is correct from the outset.

The standard of charging advice

5.24. The standard of the pre-charge decision review is a vital component of how a case is prosecuted. A good quality review at this stage ensures that the correct decision to prosecute is made. In addition, it should address all the significant issues in the case to enable the prosecution to be proactive from the first court appearance, thereby ensuring that the case proceeds as efficiently as possible thereafter.

5.25. To address our findings and weaknesses we have identified during inspections, the CPS has developed and rolled out a 12-month national programme aimed at improving case strategy, outlining aspects of casework that would lead to the improvement of the quality of review and decision-making. The programme focused on ten case strategy principles that are the responsibility of a prosecutor when developing a case strategy. The CPS developed these principles to help prosecutors understand how to build strong cases from the outset, how to consistently apply the Code and how to properly record legal decision-making.

Case analysis and strategy

5.26. Prosecutors are expected to provide a clear, structured and coherent written record of their decision which demonstrates:

- the factual basis on which the case is to be prosecuted if the decision is to charge
- that they have made a properly informed and reasoned decision, taking into account all relevant material and identifying evidential strengths and weaknesses
- what the prosecution trial strategy will be, if the decision is to charge.

5.27. Failing to express what the prosecution case is at an early stage makes it harder to secure an early guilty plea and can result in more cases having to be prepared for trial. CPSD play a crucial role with the considerable impact they have at the early stages of the cases, as they are the gateway to the prosecution lifecycle for a large volume of cases.

5.28. Just under half the cases that we examined (48.0%) met the CPS's own expectations for what a good case analysis and strategy should include.

Table 8: Case analysis and strategy

	Yes	No
The CPSD MG3 review included a proper case analysis and case strategy	48.0%	52.0%

5.29. We found an inconsistent approach to the quality of analysis and strategy. Senior managers told us there is ongoing work to improve this crucial area of work, including:

- delivering a case study of what a good case analysis and strategy includes, and sharing good practice review examples in prosecutor meetings
- promoting and encouraging prosecutors to view or listen to relevant podcasts on case strategy which have been released by the CPS nationally
- conducting detailed internal assurance, utilising the Individual Quality Assessment (IQA) thematic and sharing the results with prosecutors and highlighting areas for improvement
- undertaking local case management panels on cases post-charge, to support embedding case strategy principles in casework. The panels involve a meeting on a charged case a few weeks after the initial decision when the case has been through the first hearing at court. The prosecutor and legal manager review and discuss the case, to highlight good practice from the reviews, and identify where the reviews could be improved. These panels are used to identify themes
- the inclusion of case strategy as a standing agenda item on the CPSD Casework Quality Committee (CQC)
- case strategy now being a standing agenda item with legal managers on the CPSD Legal Leadership Forums (LFF), to highlight current work and obtain further ideas to help embed the principles.

5.30. We saw numerous examples where prosecutors outlined a comprehensive case strategy, were clear about what additional work was required to be completed and set a staged action plan to help police prioritise their activities, adding real value to those cases.

5.31. However, in the cases we assessed as not meeting the required standard, we identified several common failings with the case analysis and strategy. These included:

- A failure to analyse the essential elements to be proved for each offence. The evidence was often not linked to those elements of the offence to show how they were to be proved. In addition, it was often the case that where the essential elements of an offence were omitted, so was an explanation of the charges selected
- a lack of clear legal analysis to highlight the strengths and weaknesses of a case to support the decision to charge, to recommend no further action or to set an action plan. This included failing to assess the evidence in the case, likely defences and the impact of any undermining unused material
- a lack of clarity surrounding the evidence relied on by the prosecution as its case and how the prosecution intended to put its case
- a failure to identify which reasonable lines of enquiry (RLOE) would strengthen the case
- a lack of clearer, strategic considerations on how to counter the weaknesses in the evidence that were identified, in addition to countering any likely defences and any undermining unused material.

5.32. We were informed by prosecutors that time pressures impacted on the quality of case strategy and there was a tension between compliance with the time allowed under the service level agreement (SLA) over the quality of review. We discuss this in more detail in Chapter 7, but identifying the factors which increase the overall time taken to complete the reviews, and working to reduce those time pressures in priority cases, will have the effect of allowing prosecutors more time to focus on case analysis and strategy.

5.33. Our findings demonstrate that improvement is required in the quality of case analysis and strategy in pre-charge decision reviews. This will ensure prosecutors provide a clear, structured and coherent written record of their decision. This in turn will increase the value they add to the prosecution process.

Recommendation 2

By September 2026, CPS Direct to have improved the quality of the case strategy and analysis in their pre-charge reviews and the quality of action plans. By December 2025, the CPS to have carried out assurance to evidence improvement.

Compliance with CPS policy

5.34. We considered whether relevant CPS policies were applied at the pre-charge stage. Examples of relevant policies include domestic abuse, hate crime, youth offenders, and victims and witnesses with mental health issues and/or learning disabilities.

5.35. We found that compliance with CPS policy and guidance was strong. In nearly three quarters (72.2%) of relevant cases, the appropriate policy was applied by prosecutors. In addition, youth suspects were identified in 100% of cases.

5.36. In most of the cases where we found where there was no evidence of compliance, it related to domestic abuse policy. By way of example, in cases where the victim of domestic abuse was reluctant to give evidence often consideration of a witness summons, or an evidence led prosecution (without victim attendance at court) was not addressed.

Consideration of unused material

5.37. In all criminal cases, disclosure must be carried out in accordance with the Attorney General's Guidelines on Disclosure 2022¹⁶ and revised Codes of Practice under Criminal Procedure and Investigations Act 1996¹⁷ and the Director's Guidance on Charging 6th edition¹⁸.

5.38. For the purpose of decision-making at the charge stage, key evidence must always be considered alongside any other information that may have a bearing on the evidential or public interest test and, in particular, any unused material which may undermine the prosecution case or assist the defence. This includes RLOE.

¹⁶ Attorney General's Guidelines on Disclosure -

<https://www.gov.uk/government/publications/attorney-generals-guidelines-on-disclosure>

¹⁷ Criminal Procedure and Investigations Act 1996 (section 23(1)) Code of Practice -

<https://www.gov.uk/government/publications/criminal-procedure-and-investigations-act-1996-section-231-code-of-practice>

¹⁸ Director's Guidance on Charging, sixth edition, December 2020, incorporating the National File Standard - <https://www.cps.gov.uk/legal-guidance/directors-guidance-charging-sixth-edition-december-2020-incorporating-national-file>

This ensures that any undermining material, or material that may assist or potentially assist the defence, is considered when deciding whether there is a realistic prospect of conviction and, in the event of a decision to charge, is considered as part of the trial strategy. It also ensures that anything which may require early disclosure after charge, such as material that may assist a defendant in making a bail application, is properly handled.

5.39. The nature of the cases CPSP are responsible for means that few of their cases had unused schedules available. This is largely because they are custody cases, often where the TT was applied. In those cases, the prosecutor is expected to identify whether any existing unused material meets or may meet the statutory test for disclosure as well as identifying any material that meets the test for common law disclosure. The prosecutor is also expected to consider any potentially undermining material when considering the strength of the evidence and address it within their case strategy.

5.40. In most cases, this was carried out in a broad way by certifying that the prosecutor had not identified any material that met either test correctly in the context of the cases. We therefore looked for evidence that the charging prosecutor had instead turned their mind to the issue of unused material, bearing in mind the nature of the case, the quality of what was provided by the police and which Code test was applied.

5.41. We assessed that in roughly two thirds (65.8%) of CPSP's decisions, we found that the prosecutor had met the requirements regarding unused material.

Table 9: Disclosure

	Yes	No
The MG3 review dealt appropriately with unused material	65.8%	34.2%

5.42. When assessing the handling of disclosure, we found no significant difference between cases where the TT and the FCT was applied.

5.43. In the one-third of cases where disclosure was not handled well, we saw failures to consider material, especially rebuttable presumption¹⁹ items that had been submitted, or to identify RLOE in RASSO cases. We also found cases where the prosecutor asserted that unused material had been considered but gave no

¹⁹ A concept introduced by the Director's Guidance 6 (<https://www.cps.gov.uk/legal-guidance/disclosure-manual-chapter-1-introduction>). Rebuttable Presumption material is a list of items such as crime reports, investigation logs, CCTV etc., where CPS/police are required to start on the basis that these items will be disclosable to defence. This presumption which can be rebutted with a considered application of the disclosure test.

detail of the items that had been reviewed or any conclusion reached regarding their disclosure.

Pre-charge action plans

5.44. Where prosecutors identify further RLOE, they should set these out in an action plan. This allows for actions to the police to be prioritised and timescales set to make sure that all appropriate avenues of investigation have been completed, including those that may point away from a prosecution. We found action plans to be of varying quality. Overall, we assessed action plans as reaching a satisfactory standard in just under half (47.8%) of cases.

Table 10: Standard of action plans

	Yes	No
The action plan was proportionate and met a satisfactory standard	47.8%	52.2%

5.45. We saw cases which had clear, well thought-out and structured action plans which would assist police and CPS Areas in early case building and/or preparing the ground for case progression in accordance with case management principles, including in some domestic abuse cases. However, this was not consistent.

5.46. The key aspects that led to action plans being assessed as unsatisfactory included:

- a lack of prioritisation, including applying a blanket 14-day target date for all actions, irrespective of what they were, was a common theme which was particularly ineffective in cases such as domestic abuse where delay is linked to victim attrition and where many of the individual actions we saw ought to have been capable of swifter responses. Target action plan dates generally and in particular for domestic abuse cases need individual thought and clearer prioritisation
- unnecessary actions, including cases where the lines of enquiry identified were sometimes disproportionate. As a result, unnecessary actions were created which would not fundamentally progress the prosecution case
- incorrect or lack of rationale, including cases where prosecutors delegated decision-making to the police in the action plan, rather than providing a clear view of whether or not an action was a RLOE. Similarly, sometimes when an action was created there was not a clear rationale for it. Weaker action plans

featured over-reliance on templates or standard lists without adequate tailoring. This was often the case where telephone analysis or forensic evidence was required.

Case Study

The police were on patrol when they saw the suspect in a car which had previous associations with drug dealing. The suspect appeared to hide something in the footwell of the car. Upon arrest a quantity of drugs, phones and cash were recovered.

In a prepared statement the suspect said he was being coerced into selling drugs against his will.

The prosecutor provided the police with an action plan in which there were requests for material that would not take the prosecution case any further, and appeared to be generic, lacking clarity or any explanation for the requests. This included requests for forensics on the drug wrappings, cash and phone when the suspect had admitted possession of these items. The action plan also missed items that were required including a streamlined forensic report confirming the nature of the drugs recovered.

The lack of focus within the action plan wasted time and resources for the police and CPS Area dealing with the case post-charge.

5.47. During our focus groups, prosecutors recognised that action plans are a significant part of what they do and that when done well, they can strengthen cases by identifying RLOE that the police may not have progressed. Some prosecutors said that they try to speak to the officers to discuss what is realistic when setting action plans. This approach provides an opportunity to add value and make a difference, both in terms of the officer understanding what is required, why and by when, and a dialogue about whether the line of enquiry is reasonable. Where this approach is adopted, it allows for a closer working relationship between prosecutors and the police and avoids unnecessary action plans being created.

5.48. We were informed that internal assurance undertaken by CPSD had shown similar findings. These included that generic action plans were often used, action plans were not always linked to identified issues in the case and there were often unrealistic timescales on action plans from lawyers, including on forensic-related actions and phone download timeframes. We were told there was a lack of knowledge in CPSD on realistic time frames for the police to complete some common actions, particularly if they involved liaison with third parties such as for forensic examination. Legal managers stated they were trying to develop their lawyers' knowledge where they could, but they did not always have clarity on all timescales themselves. These are issues that CPSD needs to address urgently.

5.49. Feedback from the police was that action plans would often benefit by having more detail around individual actions, including what specifically was missing from the file provided. From the police perspective, an action plan has a dual purpose of both getting a case file to the correct standard and being developmental for officers to improve their submissions for the future. Poor quality action plans can therefore have a negative impact on future performance.

5.50. Our findings demonstrate that significant improvement is required in the quality of action plans to ensure prosecutors consistently provide clear, well thought-out and structured actions that assist the police and CPS Areas in early case building and case progression. This in turn will increase the efficiency of cases as they enter the criminal justice system.

Communication

5.51. Effective communication between police officers and CPS lawyers prior to charge allows queries or progress on issues to be completed much more efficiently. For example, a single phone call from prosecutor to police officer, can often resolve issues and any misunderstandings instead of wasting time and effort on multiple written action plans and responses going back and forth.

5.52. We were informed that a two-action plan cap initiative, namely 'Chat Not Cap' had been launched to increase conversations between prosecutors and officers to avoid action plans going back and forth between them. Prosecutors are now expected to speak to police officers in all priority 'red' cases unless it is not necessary, as any queries are limited and could be dealt with by email. The written decision of whether a call is not necessary should be endorsed on the file by the prosecutor. If the officer cannot be contacted, then the decision is endorsed to the effect, with details of the attempts made.

5.53. This initiative is aimed at supporting better decisions, as prosecutors can quickly ascertain further information or obtain material which may not have been sent with the file.

5.54. The expectation is the same in rejected cases, to ensure that officers understand why the case cannot be charged as a priority case. Whilst this increases case handling time, CPSD have implemented this to make the consultation more effective.

5.55. We encourage this approach to more effective pre-charge joint working, through case conversations between police and prosecutors. This was the focus in our joint case building report²⁰. Agreeing actions in a conversation and then

²⁰ [Joint case building by the police and Crown Prosecution Service – Criminal Justice Joint Inspectorates](#)

recording them, so they are fully understood before the police receive the written action plan, improves effective communication and helps to build stronger cases.

5.56. However, the police told us that they find it difficult to get a telephone number to reach prosecutors, whilst prosecutors told us that they often either have no number for an officer, or they could not reach an officer on the number provided. This issue needs to be resolved to improve communication between officers and prosecutors and for the 'Chat Not Cap' initiative to be successful at improving the efficiency of working together, resolving actions required and producing timely charging decisions.

5.57. We consider the 'Chat Not Cap' initiative to be an example of good practice.

Good Practice
Crown Prosecution Service Direct (CPSD) introduction of a 'Chat Not Cap' initiative whereby prosecutors are expected to speak to police officers in all priority cases submitted for a charging decision unless any queries are limited and could be dealt with by email.

Trial applications

5.58. When assessing decisions to charge, we looked at how well prosecutors considered applications for defendants' bad character²¹ and for hearsay²² evidence to be admitted in evidence to strengthen the prosecution case.

5.59. We considered what was reasonable to expect of a prosecutor in the context of the particular case, which charging test was being applied and the stage the investigation had reached. We assessed whether the prosecutor had applied their mind to the relevant issues and how they would be taken forward, especially in the case of those pre-trial applications that require early notification regardless of whether an application was merited in the end. For example, if a suspect had a long list of previous convictions, we expected the prosecutor to have considered whether a bad character application ought to be made, and to have provided an argument for their conclusion.

²¹ "Bad character" includes evidence of, or a disposition towards misconduct ("commission of an offence or other reprehensible behaviour" (s98 Criminal Justice Act 2003))

²² "Hearsay" means a "statement not made in oral evidence that is evidence of any matter stated." (Section 114(1) Criminal Justice Act 2003). Hearsay evidence is inadmissible in criminal proceedings except where there is some statutory provision which renders it admissible or where a common law rule making it admissible is preserved by section 118 CJA, or by agreement of all parties to the proceedings, or where the court is satisfied that it is in the interests of justice for it to be admissible (section 114(1) CJA 2003)

5.60. Overall, fewer than half the cases we assessed (45.0%) met the expected standard for relevant applications.

Table 11: Court Applications

	Yes	No
CPSD MG3 review considered relevant applications, notices and ancillary matters	45.0%	55.0%

5.61. There was a pattern showing a lack of understanding and confidence in applying the law relating to the admissibility of evidence. When considering bad character, we found there was still an emphasis on the propensity gateway²³, and not identifying and relating bad character to live issues in the case. There was a failure to adequately distinguish the roles of each separate offender and the difference in the bad character evidence for each suspect.

5.62. Prosecutors informed us they would welcome more positive feedback from CPS Areas on the outcome of cases where CPSD had identified such applications. This feedback would be useful in allowing prosecutors within CPSD to understand better how their decisions at the charge stage impact at trial. Managers should consider how this can be put into effect.

Victim support and ancillary matters

5.63. We also assessed whether prosecutors considered relevant applications and ancillary matters to support victims and witnesses. These might include special measures, compensation or restraining orders.

5.64. We considered what would reasonably have been expected of the prosecutor at the stage the investigation had reached and given which charging test was being applied. We assessed whether the prosecutor had applied their mind to the relevant issues and how they would be taken forward, especially in the case of those pre-trial applications that require early notification. We saw some excellent examples of prosecutors actively addressing relevant application and ancillary matters to support victims.

5.65. Overall, just under two-thirds of the cases (62.5%) met the expected standard to consider relevant applications and ancillary matters to support victims and witnesses. This means that in those cases, relevant applications were accurately identified and actions to progress them were clearly set out. For example, identifying and requesting details to assist with applications for special measures, compensation or restraining orders, especially in cases of domestic

²³ There are seven gateways to the admissibility of a defendant's bad character under s101 (1) CJA 2003, with propensity to commit an offence being only one.

abuse and requesting victim personal statements to be read out in court at sentence. Given our assessment that in one-third of cases more could be done to support victims and witnesses, CPSD will want to continue to focus on this aspect of their casework.

Table 12: Victim support

	Yes	No
The CPS MG3 review actively considered relevant applications and ancillary matters to support victims and witnesses	62.5%	37.5%

Case Study

The victim and suspect were in a relationship which had broken down and was characterised by a history of domestic abuse.

As the victim prepared to go to work, the suspect attended her house and gained entry, causing damage in the process. The suspect assaulted the victim and then initiated sexual activity which she acquiesced to through fear. The victim alleged rape.

When the suspect was arrested, he provided a prepared statement: admitting the damage, claiming the injuries were self-inflicted and that sexual intercourse was consensual.

The prosecutor completed a detailed and thorough case analysis which correctly applied legal guidance, policy and authorised appropriate charges.

Within the analysis, the prosecutor correctly highlighted that a special measures live link for the victim was appropriate and requested additional material to support other applications to assist her in giving evidence. The prosecutor requested a victim personal statement and addressed the need for a restraining order on conviction. In addition, the prosecutor requested that the police offer the victim the service of an independent domestic violence advocate (IDVA), to support her throughout to court process. This was important given that she had previously withdrawn her support from prosecutions. This was a good example of the prosecutor proactively considering relevant applications and ancillary matters to support the victim.

Victim Communication

5.66. It is important that any CPSD decision not to prosecute sets out the reasoning in such a way as to allow the police to explain the CPS's decision clearly and cogently to the victim. Much depends on the nature and complexity of

the case, and when we made an assessment, we considered what was reasonable to expect in the circumstances.

5.67. In nearly all cases (92.3%) where there was a decision to take no further action that qualified for the Victims' Right to Review (VRR) scheme, we found that there was enough information for the police to explain the decision to the victim.

Table 13: VRR explanations

	Yes	No
If the CPS decision was no further action in respect of a qualifying decision, was there sufficient information in the MG3 review to enable the police to clearly explain the reasoning to the victim for the purpose of Victims' Right to Review (VRR)?	92.3%	7.7%

5.68. This is a strength.

Strength

Prosecutors provide detailed reasons for a decision not to prosecute that allows the police to explain the decision clearly and cogently to the victim.

Instructions to prosecutors

5.69. We considered various factors when assessing the standard of overall instructions and guidance for the court prosecutor in an MG3 review. These included:

- where the case was to be heard, if there was a choice of venue
- the acceptability of any pleas
- what should be included in the initial details of the prosecution case to be served upon the defence
- matters relevant to effective trial management in cases
- relevant applications to be made in the event of a guilty plea.
- instructions to disclose any unused material early in the proceedings.

5.70. We found that three-quarters (74.8%) of cases met the standard for instructions to prosecutors.

Table 13: Instructions to prosecutors

	Yes	No
There were appropriate instructions and guidance to the court prosecutor contained in the MG3 review (or any Preparation for Effective Trial (PET) form created with the MG3 review).	74.8%	25.2%

5.71. This means that prosecutors were providing clear and well-structured guidance on all key issues that applied. In particular, we found that venue representations were specific on all defendants with arguments supporting the representations set out. This is a strength.

Strength

Prosecutors provide appropriate instructions and guidance to assist a prosecutor at court to progress the case efficiently.

Bail and custody

5.72. CPSD mostly advise upon cases where suspects are in custody and immediate charging decisions are required. Those suspects, once charged, are usually held in custody by the police until a court hearing to decide whether they should remain in custody or be granted bail. Therefore, the quality of instructions CPSD provide to the court prosecutor on custody or bail is very important and can have a significant impact on victims.

5.73. We assessed whether the prosecutor had set out clearly:

- the objections to bail, and provided supporting arguments clearly and coherently in accordance with Bail Act 1976's principles
- why the prosecution should not seek a remand in custody, provided the arguments for this, and set out clearly why conditional or unconditional bail is appropriate
- whether a bail appeal was appropriate in the event that bail was granted by the court.

5.74. Overall, the standard of instructions on bail were good, with more than three quarters of cases (77.7%) meeting the expected standard.

Table 14: Custody/bail instructions

	Yes	No
There were appropriate instructions to the court prosecutor on custody or bail contained in the MG3 review	77.7%	22.3%

5.75. Although this is good, more needs to be done to ensure instructions are clear on the reasons for a remand in custody so that prosecutors in busy remand courts can focus on the key issues to ensure appropriate representations and applications are made.

Case Study

The victim called the police to her home, stating her ex-partner was refusing to leave. Earlier that evening, he had texted her and then gained entry to her property whilst she was in bed. Once inside the property he had insulted her, caused damage, woken her children and subsequently assaulted her in an attempt to prevent her from contacting the police. When the police arrived, the victim was found distressed and crying in the street.

The suspect was arrested. He was a prolific offender with repeated offences on bail.

The prosecutor authorised several charges against the suspect. The review included specific instructions for the first hearing, setting out in detail the objections to bail and authorising an immediate appeal if the court decided to grant bail.

At court, the suspect was granted bail and the advocate immediately lodged a notice of bail appeal. The suspect was subsequently remanded in custody.

The CPSD prosecutor provided clear instruction and proactively anticipated what may happen at court. This resulted in a suspect being kept in custody and removing his opportunity to commit further offence(s) against the victim until he was sentenced.

5.76. In those cases which did not meet the standard, it was generally because prosecutors had listed the objections to bail but with no or little reference to the facts of the case or the circumstances of the defendant, or there was a lack of reference to dates of previous offending when it was relevant.

The impact of good legal decision making

5.77. To assess whether the CPS are making a difference and if the quality of legal decision-making provides the expected benefits – such as aiding the effective and efficient handling of the case, ensuring the justice process and support for victims is fair – we have developed two questions that assess the overall handling of the case. In shorthand we use the terms ‘added value’ and ‘grip’ when making an assessment.

5.78. When assessing 'grip', we assessed how proactive, efficient and effective CPSD were at handling a case before charge.

5.79. We assessed CPSD as having a good grip in just over one third (36.0%) of their cases and a fair grip in just under half (46.7%).

5.80. A case was with 'good' grip was defined as one that covered all necessary aspects of the case proactively, efficiently and effectively whilst the suspect was in custody, relating to the efficiency of the charging process and how proactive the prosecutor was in laying the groundwork for the case to be built and/or progressed effectively. This included in relation to compliance with the Victims' Code, or to be finalised without charge. Any failings or omissions were unlikely to materially impact on the effectiveness or timeliness of the prosecution, or on the quality of service to victims and witnesses. A case assessed as 'fair' is where the failings or omissions have the potential to materially impact the case. Those assessed as 'poor' have fundamental errors or omissions, or several errors or omissions which cumulatively have the potential to materially impact case negatively.

Table 15: Grip

	Good	Fair	Poor
The CPS exercised sound grip at the charging stage	36.0%	46.7%	17.3%

5.81. Cases were generally gripped efficiently in terms of being triaged quickly and dispatched for allocation, alongside appropriate instructions to the court advocate on custody and bail. However, the quality of action plans was a significant reason behind many of the weaker findings for grip, especially where they may have not assisted the police in building stronger cases (where actions were missing) or in focusing resources appropriately (where requests were unclear or unnecessary).

5.82. We were told by senior managers that prosecutors could be risk-averse in making decisions to take no further action (NFA) on cases and that they often sent action plans when they could and should have decided to take NFA on a case. Some cases in our file examination analysis supported this, which again is evidence of a lack of grip by delaying a decision and creating additional work for the police.

5.83. 'Added value' is the difference made by CPSD prosecutors through good, proactive prosecution decision-making. This includes legal quality of reviews, including strategic thinking, Code test decisions and disclosure decisions. We considered whether prosecutors added legal value by properly considering the issues or if they simply processed the case.

5.84. We found that CPSD were good at adding legal value to one-third (33.3%) of their cases and fair at adding value in a similar number of cases.

5.85. A case with 'good' added legal value was defined as one that covered all necessary aspects of the case proactively, efficiently and effectively whilst the suspect was in custody relating to the legal quality of reviews, including strategic thinking, Code test decisions and disclosure decisions. Also included was whether the prosecutor's review covered all necessary aspects of the case and included a well-reasoned explanation for the evidential and public interest decisions. Additionally, any failings or omissions were unlikely to materially impact on the effectiveness or timeliness of the prosecution, or on the quality of service to victims and witnesses. A case assessed as 'fair' is where the failings or omissions have the potential to materially impact the case. Those assessed as 'poor' have fundamental errors or omissions, or several errors or omissions which cumulatively have the potential to materially impact case negatively.

Table 16: Added legal value

	Good	Fair	Poor
Overall legal value added by the CPS	33.3%	33.3%	33.3%

5.86. The main reason why cases were marked as poor or fair on added value was where the quality of case strategy fell below the standard as identified previously in this chapter. Fair cases needed better case strategy/analysis to make them good. In addition, inspectors found cases completed in under 90 minutes tended to be poor in both grip and added legal value; there seemed to be a correlation between the amount of time spent by prosecutors reviewing a case and its quality

5.87. In the best cases, we found that added value and grip were both good. We have made a recommendation at paragraph 5.33 that CPSD improve the quality of case analysis and strategy in pre-charge decision reviews to ensure prosecutors provide a clear, structured and coherent written record of their decision. This should lead to a significant improvement in the value CPSD adds to the prosecution process.

Case Study

The victim was a child. The suspect was her stepfather.

The victim made a complaint to her mother that the suspect had behaved inappropriately towards her. The allegations included sexual assault.

There was a significant delay in this being reported to the police, at least in part, because there was a history of local authority involvement with the family, and the mother was concerned that her children may be taken from her care. Once a complaint was made to the police, the suspect was arrested but denied the allegations in interview and blamed the mother for turning his stepdaughter against him.

The CPSD prosecutor authorised charges against the suspect and there was good evidence that legal value was added. The case was complicated and involved serious sexual abuse over a considerable period of time. The charges selected were correct and there was a clear case theory dealing with assumptions and misconceptions regarding delays in the complaint and the inaction by mother.

Unfortunately, that legal value was let down through a lack of grip in the case. Despite social services' involvement being known, this was not properly addressed in the prosecutor's review and no actions were set for the police to make enquiries with the local authority to identify any material in their possession which may have had an impact on the case. Failing to identify that action would result in a delay in obtaining the material until the CPS Area identified the omission. This had the potential to impact the effective and efficient progression of the case at court.

We assessed the grip in this case as "fair" and the added legal value as "good."

6. Training and Assurance

6.1. We considered if Crown Prosecution Service Direct's (CPSD) legal training and assurance regimes were effective in driving improvement.

Training

6.2. CPSD uses a new starter checklist for all new staff. This is sent to all new starters and their line managers. Similar arrangements are in place for staff who are moving roles. The checklists are designed to assist staff and their managers by providing a structured approach to induction during the initial months of their employment.

6.3. Prosecutors described a bespoke induction process tailored to their previous experience. Recent recruits who joined from outside the CPS spoke extremely positively about their individual induction process.

6.4. Prosecutors joining from external organisations follow the established national CPS Senior Crown Prosecutor (SCP) induction programme. The only amendment is that, following the SCP Induction, CPSD ensures there is a period of four weeks where external starters undertake case studies involving charging decisions, supervised by a legal manager. This involves the new prosecutors reviewing previously charged cases and then comparing their charging decision to the original. This is then discussed with their manager as a learning opportunity. The new prosecutors are provided with detailed feedback and guidance on their charging decisions. Prosecutors we spoke to found this process to be extremely effective.

6.5. If successful, the new prosecutors then shadow an established prosecutor on some of their shifts and are assigned to a 'buddy', namely, a more experienced lawyer that acts as a first point of call and mentor to the new prosecutors.

6.6. This 'buddying' approach allows new prosecutors to move on to independently reviewing cases in less time than may have been the case and those prosecutors we interviewed were enthusiastic about this. They described how their confidence built during the induction programme, and they valued their induction time.

6.7. CPSD are aiming to improve their induction process further by arranging for new prosecutors to shadow a court prosecutor and to assist them in understanding what a pre-charge review needs to include in order for it to assist a prosecutor at court and show the impact of their work on front-line prosecution.

6.8. The CPS Learning Services (CLS) runs a general prosecutor induction programme. Some of the modules contained within the programme are CPSD-specific and focus on strategic priorities. For example, there are modules dealing with CPSD disclosure in pre-charge decision cases, and CPSD introduction to domestic abuse and evidence-led prosecutions. The training is mandatory for those prosecutors who are new to CPS, but for existing CPS prosecutors transferring into CPSD from elsewhere within the organisation, these courses are discretionary. However, it is expected that their completion should be discussed and agreed between the legal manager and prosecutor as part of their development plan, based on their previous experience.

6.9. CPSD continue to work with CLS to ensure training is appropriate for the CPSD role specifically and that the training allows them to utilise their staff on shift as soon as reasonably possible.

6.10. CPSD prosecutors are required to have the ability to review all different types of cases and, therefore, they are trained to deal with a wide range of casework from rape and serious sexual offences (RASSO) to homicide in addition to general crime. When training is delivered, it is done by a combination of trainers from the CLS and legal leads within CPSD. Each legal manager within CPSD is given an area of law to lead on. They become the legal lead in that subject and are responsible for updates and training to the team, including being the point of call when lawyers have a query relating to that subject area.

6.11. Ongoing training for established prosecutors is delivered in various ways: via monthly updates, weekly bulletins, team meetings, attending training courses and email. It was clear from our interviews that lawyers are aware that there were various sources from where training could be sought and that there were events which linked with the organisation's priorities and learning gaps. Changes in policy and law are communicated to the team.

6.12. In addition to formal training, all prosecutors are provided with several aide memoires to assist them in structuring their approach to charging. These include:

- guidance on handling related cases involving the same suspect
- charging framework, which is designed to assist prosecutors in completing the case management system (CMS) charging review and reflects the Individual Quality Assessment (IQA) process. It is designed to ensure that the prosecutor considers all relevant information before reaching a decision
- CPSD approach to priority case 'red' rejections, in a document which sets out the approach that CPSD should take when accepting or rejecting 'red' cases

- CPSD approach to Guilty Anticipated Plea (GAP) cases, in a document which sets out the proportionate advice required on a GAP case with a view to streamlining time spent on the case
- case strategy principles, in a document that is an annotated review template which provides prompts for prosecutors to assist them in producing a well-structured charging document that contains a good quality case analysis and trial strategy.

6.13. Prosecutors described the support from managers and colleagues as being 'brilliant' and that 'buddy' or mentor roles were carried out well. It was also clear that prosecutors felt supported by their shift leads, line managers and colleagues if they were struggling with a niche or difficult decision.

6.14. Induction, training and support is a vital component of creating effective work throughput. Our inspection found that the level of CPSD induction, training and staff support was good. Our file examination showed a need to ensure effective induction was translated into work. Many aspects of the good quality of training were evidenced in the good reviews we saw, but there were still some aspects related to poor quality of case strategy as outlined in our recommendations which needed additional work.

Quality Assurance Processes

6.15. In common with the CPS nationally, CPSD uses Individual Quality Assessments (IQAs) as its main assurance tool for assessing the quality of its legal decision-making and case progression.

6.16. In addition to IQAs, CPSD managers prepare legal performance and casework quality reports for consideration by the CPSD Casework Quality Committee (CQC) and undertake separate regular checks on the triage of files and the creation of action plans by prosecutors.

Individual Quality Assessments

6.17. The Individual Quality Assessment (IQA) is the main vehicle used by CPSD to quality assure the decisions and explanations made by prosecutors when dealing with cases submitted by the police and thereby to assess and identify areas for improvement.

6.18. In addition to these regular IQAs, CPSD has a policy that where a CPS Area raises an issue with a CPSD charging decision, then that case will also be subject to the completion of a separate IQA.

6.19. CPSD's own assurance work has highlighted areas for improvement that mirror those we found in some case analysis and strategy and action plans. To reflect the importance of casework strategy and the ongoing issues that CPSD have identified, legal managers completed an exercise in February 2025 where they added additional case strategy questions to their IQAs with the intention of a more detailed assessment. The results were analysed by a team of managers, to provide feedback to senior management identifying where improvements were needed. For example, the consideration of evidence-led prosecutions in domestic abuse cases. CPSD has planned to repeat this exercise in the future as part of their regular assurance of their casework.

6.20. Findings from IQAs have been reinforced by the delivery of training sessions to ensure that prosecutors know what is expected of them.

6.21. CPSD recognises that, until more recently, the first-line legal managers were not challenging quality sufficiently through the IQA process. As a result, they introduced a programme of workshops, casework quality discussions and clear messaging to improve the quality of oversight.

6.22. As part of our inspection, we did not assess the quality of IQAs undertaken. However, senior managers expressed a view that they are now adopting a more robust approach to IQAs within CPSD.

6.23. CPSD recognises the drawbacks with the current IQA system. The guidance issued for managers carrying out IQAs is generic for all types of casework. They would advocate for a bespoke quality assurance system in the future, allowing them to concentrate on CPSD casework issues and adopting some of the approach they used in the February 2025 exercise as discussed at paragraph 6.19.

Legal performance and casework quality reports

6.24. CPSD's Performance Manager produces monthly reports which are created using the data from the daily performance dashboard (and provided to the Senior Management Team). This allows the SMT to consider which areas need improvement and focus.

6.25. A Senior District Crown Prosecutor (SDCP) produces a quarterly Legal Performance Casework Quality (LPCQ) report. The LPCQ reports are considered by the CQC, which is chaired by the Chief Crown Prosecutor (CCP). These consider the quality of legal decision-making including IQAs, appeals, victims' right to review (VRR), complaints, police inspector referrals and conviction rates. Once themes are established and any weaknesses in performance are identified, a plan is made to tackle and improve the theme. CPSD revisit these themes three months later to ensure that improvements have been made.

6.26. We were provided with minutes from three CQC meetings. At one of those meetings 'IQA and casework learning and performance' was an agenda item. The report detailed that the focus for that month's IQA was case strategy and charging decision and that 27% of assessments were rated as not meeting the standard, which was up from 19% the previous month. Whilst accepting that these figures are slightly better than our own findings in respect of CPSD case strategies as outlined in Chapter 5, it shows that CPSD quality assessment processes are identifying weaknesses in their own legal decision making.

6.27. The CQC agreed with the need for a training session at a CPSD legal leadership forum to help managers identify and address these issues which it appears had been raised before on more than one occasion. They intended to introduce a system whereby legal managers reviewed each other's IQAs as a peer review.

6.28. There were several other key issues identified from the report which reflected some of our findings, including a need to ensure that all necessary actions were included in actions plans and that the guidance on drafting action plans was not always being followed. Again, this reflects our findings from our file examination referred to in chapter 5.

Triage Quality Check

6.29. In order to ensure that the police are complying with the national file standard (NFS) and that CPSD are identifying correctly when they fail to do so charging managers complete a Triage Quality Check (TQC) check on operational staff. They assess a minimum of five cases per manager per week, i.e. 20 per month. District Business Managers then complete spot checks on a sample of those TQCs. Where issues are identified feedback is provided and in addition any best practice/good ideas are also identified and shared with the team.

6.30. To support this work, CPSD have recently made changes to their internal guidance to ensure timely full triage, and delivered training to ensure all staff understand the requirements of the NFS.

Action plan checks

6.31. CPSD recognises the importance of ensuring action plans set by prosecutors on cases are proportionate and effective in assisting the police and CPS Areas in case building. This enables those cases to progress effectively once they enter court. It is important that the actions created are thorough but concise, with prioritised and realistic timescales. Whilst they assure the quality of actions through the completion of IQAs, they also assure the number of actions created by prosecutors through a separate process.

6.32. A spreadsheet is maintained analysing the number of actions created on average by each prosecutor. This allows them to identify and focus their attention on any prosecutors who consistently sets a large or small number of actions. Managers are then able to focus on whether there are too many or too few actions and whether they are proportionate to the case. This is then fed back to prosecutors to improve performance.

6.33. File quality improvements from the police rely on senior relationships within case progression joint governance meetings and developing better personal relationships at operational level. Those relationships are well developed and allow more collaborative joint working pre-charge.

6.34. This is one of the reasons why the 'Chat Not Cap' initiative referred to in paragraph 5.57, that we have identified as good practice, is so important in improving communication between the police and CPSD prosecutors. It not only addresses the issues in the specific case but also leads to the development of better working relationships leading to more effective joint working in the longer term.

7. Casework Timeliness

Introduction

7.1. Crown Prosecution Service Direct (CPSD) provides urgent charging advice to 43 police forces and other law enforcement agencies in cases where a prosecutor must make the charging decision in accordance with the Director's Guidance on Charging – 6th edition (DG6) and a remand in custody is being sought for a suspect between the hours of:

7.2. weekdays: 5pm to 9am (i.e. overnight)

- weekends and Bank Holidays: 24-hour coverage.

7.3. These are referred to as priority 'red' cases.

7.4. During standard office hours, local CPS Areas handle priority 'red' cases.

7.5. The police and CPS have agreed a service level agreement (SLA) that all priority 'red' cases will be reviewed by a prosecutor within three hours of receipt, irrespective of whether this is by Area prosecutors during the usual office hours day or by CPSD prosecutors outside of those hours. The time starts from when the police request is received by the CPS case management system (CMS). The clock stops at the point the prosecutor sends a decision in writing (via an MG3 review) to the police via CMS.

7.6. Compliance with the SLA and the timeliness of charging decisions is important because when an individual is arrested, the police have a maximum of 24 hours to either:

- charge the individual
- release them without further action
- bail them pending further investigation
- extend the custody clock in certain situations, primarily for serious offences and when further investigation is needed.²⁴

7.7. In most cases where a charge is made, the defendant is bailed both pre-charge while the decision whether to charge is being made, and post-charge where the defendant has been charged and the case proceeds through the courts. That can be either on unconditional bail, where the only requirement is for the suspect or defendant to attend either the police station or court at a specified

²⁴ A superintendent (or higher rank) can authorise a 12-hour extension, bringing the total detention time to 36 hours. Any further extension requires an application to be made to a magistrates' court.

date and time, or conditional bail, where in addition to attending the police station or court the suspect or defendant must comply with certain conditions, often of residence, and non-contact with victims and witnesses.

7.8. However, in more serious or sensitive cases, and where there is a risk of the suspect absconding, committing further offences or interfering with the victim or witnesses, it may be more appropriate for the police to keep the suspect in custody and arrange for an application to the magistrates' court to remand the defendant into custody post-charge for the duration of the case. These are the priority cases that are referred to CPSD for charging decisions out-of-hours.

7.9. This structure ensures that urgent charging decisions can be made swiftly and consistently, regardless of the time of day or day of the week.

7.10. Within that overarching deadline, CPSD must complete three stages:

- triage, to check the police submission complies with the DG6 on charging and specifically the National File Standard (NFS)
- allocation, to allocate the case to a prosecutor

charging decision, which is the formal decision by the prosecutor to either charge, take no further action (NFA) or request further reasonable lines of enquiry (RLOE) be made in an action plan which must be set out in a review that is sent to the police.

Triage

7.11. When a case is referred to CPSD by the police, it undergoes an initial triage process. This step is crucial to ensure that the case is ready for legal review and decision-making.

7.12. During triage, CPSD operational staff carry out a series of checks to confirm that:

- all necessary documentation and evidence have been provided in accordance with DG6
- the case meets the criteria (i.e. a remand in custody is being sought)
- there is sufficient information to allow a lawyer to make an informed charging decision.

7.13. The possible outcomes from a triage are:

- Compliant, in which all required material is present. The case can be allocated to a prosecutor without further requests

- Non-Compliant, in which some material is missing but the case can still be allocated. The missing items will be requested from police while the prosecutor begins their review
- Rejected, in which crucial information or documents are missing, preventing allocation. The case is returned to police for correction and must be resubmitted
- Green Case, in which the case was incorrectly submitted as a 'red' case (e.g., the defendant is on bail). These are returned to police with instructions to submit the case to their local CPS Area.

7.14. Once completed, the triage decision is sent from the triage team via email to a charging managers' email group inbox.

Allocation

7.15. Once triage is complete, the case is then allocated to a CPSD prosecutor.

7.16. The charging manager reviews the triage decision and, if it is not rejected when a prosecutor becomes available, forwards a triage allocation email to a prosecutor's personal Outlook inbox and imports that email into the case management system (CMS) so there is a permanent record of the triage decision in CMS. Legal managers are not usually involved in the allocation process. CPSD prosecutors are expected to deal with a wider range of offences than Area prosecutors and therefore can deal with any issue that arises out-of-hours. Legal managers are consulted by charging managers if a particularly complex case is submitted, such as homicide.

Charging decision

7.17. The prosecutor begins a review of the case. They apply the Code for Crown Prosecutors and assess whether there can be a properly justified application for a remand in custody. They then set out their decision as to whether to charge, take NFA or set an action plan for further RLOE to be carried out.

7.18. The formal decision together with the reasons is always recorded in the MG3 review. For expedition, this can also sometimes be communicated in shorthand by email or verbally to the police to avoid delays while the MG3 review is completed.

7.19. The MG3 review is then dispatched to the police. At that point, the clock stops and the amount of time taken for that decision is recorded.

7.20. This structured approach ensures that only fully-prepared cases reach prosecutors, enabling timely and effective decision-making during critical out-of-hours periods.

Accurate recording of time taken

7.21. CPSD can record the time taken to triage a case but is unable to easily differentiate between the time taken on allocation and on review. CPSD records the time taken to triage a case and the time of allocation to a prosecution on an allocation spreadsheet. Some of the above steps are automatically recorded on CMS and some of the steps are recorded manually by CPSD. In theory the spreadsheet should show the actual time taken for triage, allocation and prosecutor review. However, the performance team do not rely on the allocation spreadsheet when analysing performance data for triage time, allocation time and prosecutor time, because

- it is prone to human error in the entry of data
- the CPS IT systems (MIS and CMS) available to the performance team are not compatible with the manual allocation spreadsheet that is created.

7.22. Whilst the triage time is accurately recorded, allocation time and lawyer time are not considered to be accurate and therefore not used by CPSD in their performance reports. Instead, the two separate times are collated into a single post triage time unit.

7.23. This is a source of some frustration within CPSD, and senior leaders are in discussion to update the Caseworks app to include options to enter timing data as a case progresses. If this is done, the ability to differentiate between triage, allocation and prosecutor review would assist in understanding where there are delays in cases.

7.24. It would be of significant benefit to CPSD if they were able to improve the accuracy of the recording of how long the allocation process takes and any delays in completing it. This would enable CPSD to differentiate between allocation and prosecutor review time in a manner similar to their approach to triage. In turn this would afford them a full understanding where any delays occur and enable them to manage the whole process more effectively from triage to completion of prosecutor review. It would more accurately highlight peaks of work where allocation takes longer as there are no free prosecutors to take the next case and highlight the instances where prosecutors have little or no time left within the SLA to complete their review at the point of allocation. This will provide a richer source of data to assist in effective planning and identify whether the reason for any breaches of the SLA result from allocation delays or prosecutor reviews.

Compliance Point

CPSD to improve the accuracy of the data collected in respect of the timeliness of allocation and prosecutor review parts of the SLA.

7.25. The district business manager and senior charging manager sometimes assist operational delivery staff if there is a significantly busy shift. They can see if a shift is picking up pace and reallocate to meet demands of work. The focus on shift is getting cases in, triaged and to prosecutors as soon as possible. Everybody in the system is acutely aware of the SLA, and that a suspect and victim are awaiting a decision behind that.

7.26. Operational delivery shift leads have a management chat set up with business managers, where they discuss any appeals from the police against charging decisions²⁵. These must be allocated to legal managers for review. Operational delivery staff contact the legal manager on shift (the Shift Lead) to make sure they are dealt with as soon as they are received. Our file examination data shows that this is a strength, with 1.3% of the cases we examined appealed by police and 100% of those appeals dealt with in a timely manner. Shift Leads can monitor the mailbox of cases awaiting allocation. If all lawyers are going off shift in 60 minutes, leaders might flag smaller matters that can be completed in 60 minutes, so the prosecutor does not overrun their shift, but cases continue to be progressed, especially where Police and Criminal Evidence (PACE) clocks are running.

Allocation Process

Allocation Prioritisation

7.27. When a case reaches the allocation stage, the charging managers must decide which case to allocate first and to which prosecutor. This is allocated according to the following priority order:

1. a suspect in police custody with less than three hours left on their custody clock. A charging decision needs to be made before the custody clock expires. This is the highest priority to allocate
2. cases received after 5am but which have been charged already by the police using their emergency powers and the defendant kept in custody. These cases require a prosecutor to approve the police charge²⁶ before the morning court appearance (usually 10am)

²⁵ Police have an option to appeal a prosecutor charging decision they disagree with. This could be for selected charge or if the prosecutor decided that the suspect should not be charged. If a decision is appealed by police, a CPS legal manager will review the case and make a decision to uphold, reject or agree in part with the appeal.

²⁶ Where the custody clock a suspect is about to expire and continued detention is justified, a senior officer is allowed to make an emergency charging decision on any case, subject to immediately referring it to a prosecutor for ratification of the offence charged. Paragraph 4.35 Director's Guidance on Charging 6th edition - <https://www.cps.gov.uk/legal->

3. homicide cases and complex Annex 6 cases. The charging manager speaks to the legal manager who is leading the shift to decide to which lawyer the case should be allocated due to their sensitivity
4. all other cases are allocated in order of time that the request was received from the police. Cases are allocated randomly to any available lawyer on shift, subject to the following:
 - a. rape and serious sexual offences (RASSO): at the time of inspection there were a small number of CPSD prosecutors who had not completed the steps to acquire the specialism to advise upon RASSO cases due to the time they had been at CPSD
 - b. youth cases: at the time of inspection there were a small number of CPSD prosecutors who had not completed all the steps to acquire the specialism to advise upon cases involving youth suspects
 - c. short PACE clock, i.e. under three hours left on PACE clock: there were a very small number of lawyers who were not trained at the time of inspection to take these urgent referrals. These were mostly new starters, given an opportunity to become accustomed to being on shift and the pace of work.

Allocation Mechanism

7.28. The current system used by CPSD to allocate cases to prosecutors is an IT system called Cirrus. This was originally used for police telephone referrals and is not designed to be an allocations tool but has been adapted for that purpose. It is used by CPSD for prosecutors to notify others on their shift whether they are available for allocation or whether they are currently reviewing a case. Operational staff use this as an indicator for when a prosecutor can be allocated a new case.

7.29. As referred to above, CPSD is currently in early discussions to build in an allocation mechanism directly into the Caseworks app, which is the next generation of case management software being used by CPS and is anticipated as being a more efficient method than CMS.

7.30. Once triage is completed, the triage team emails a copy of the completed form to the charging managers. This is checked by the duty charging manager

and, in accordance with the prioritisation procedure, allocated to the next available lawyer shown as available on the Cirrus system.

7.31. Charging managers told us that the huge volume of priority cases being handled, which at the time of inspection was on average 6,000-7,000 cases per month, places a burden on the triage time. Although CPSD record triage time, they are not recording the time taken to allocate the case to a lawyer. This time can sometimes be over an hour and is currently merged, in their view, unfairly into the lawyer time taken by CPSD statistics. As previously stated, a clearer understanding of how long it takes to allocate a case would help to clarify whether a breach of an SLA time was due to delay in allocation, prosecutor review or a combination of both.

Timeliness of charging decisions

7.32. For a charging decision to be considered timely it has to be made within the three-hour SLA. It is important to recognise that the three hours allowed is a uniform time span that applies to all cases irrespective of the nature of the offence, the volume of material submitted, complexity or the time at which they are submitted to CPSD. In addition, as outlined above, it is not limited to the time the case is with a prosecutor to make a decision but includes the time taken to triage the case and then allocate it to an available prosecutor.

7.33. CPSD has an internal target to achieve SLA timeliness in 70% of cases at the time of inspection. However, this figure is being reconsidered in light of the high number of complex cases that CPSD receives that should have been referred to Area prosecutors.

7.34. In our file sample we assessed the overall timeliness of each of the 150 cases we considered.

Table 17: Timely charging decisions

	Yes	No
Was the Crown Prosecution Service (CPS) charging decision completed within the set timeframes?	62.7%	37.3%

7.35. We found that in just under two thirds of cases (62.7%), CPSD completed their charging decision within three hours of receipt of the case from the police and just over one third of cases were completed in excess of three hours.

7.36. We checked our findings against CPSD internal data on the same cases to ensure there was no significant disparity in how the timing was calculated. This showed that CPSD data calculated SLA compliance on those cases as 61.3%, virtually identical to our findings.

7.37. Of the remaining 37% of cases that were in excess of three hours, 22% took between three and four hours, 12% of cases took over four hours and 3% of cases took over six hours. Therefore, whilst 37% of cases took longer than the SLA target, the majority of those were completed within 4 hours and therefore approximately 85% of charging decisions were provided by CPSD within four hours.

7.38. CPSD collates its own overall performance information data for timeliness of charging. The most recent data up to end of Q4 24/25 is as follows:-

Table 18: CPSD data on service level agreement (SLA) compliance

Was the Crown Prosecution Service (CPS) charging decision completed within the set timeframes?					
23/24 Q3	23/24 Q4	24/25 Q1	24/25 Q2	24/25 Q3	24/25 Q4
49.8%	57.5%	63.1%	64.6%	70.1%	68.8%

Table 19: Month on month data for 2025/26 is as follows:

April 25	May 25	June 25	July 25	August 25
67.9%	66.6%	59.9%	64.1%	67.7%

7.39. These figures up to Q1 of 2025/26 are broadly in line with our findings for the cases we assessed.

7.40. CPSD accepts that the figures quoted above are not completely reliable because:

- if there is a CMS outage²⁷ the timings are not recorded properly, on either submission time or completion time
- the MIS computer system incorrectly calculates timing for approximately 15 cases per month. By way of example, on occasions this has incorrectly recorded a case as taking 200 hours. CPSD are unable to correct such timing errors in MIS, which distorts the figures and gives the impression of poorer performance than is actually the case. However, as the average number of monthly priority 'red' cases is approximately 6,000-8,000, the effect of 15 cases with incorrect timings is minimal.

²⁷ A CMS outage is where there is an issue with the CPS case management system for a period resulting in it not working. While it is being fixed by the IT team, prosecutors use alternative systems to progress their caseload, such as using email to receive evidence from and for communication with the police.

7.41. The CPSD performance manager checks all priority cases where timing shows in excess of ten hours and highlights this to managers, but cannot change the data figures that MIS reports.

7.42. We were told by prosecutors that they sometimes had sufficient time on shifts to review the cases they received, but on other occasions they received cases that had already breached or were close to breaching the SLA. In those instances, they felt under added pressure and tried to balance this with the knowledge that the consequences of any errors they made could be significant. We were told that between January to July 2025, an average of 813 charging decisions per month were requested with less than three hours (and often less than two hours) remaining before the suspect had to be released from custody.

7.43. Prosecutors indicated that they took compliance with the SLA seriously and in most cases they felt able to comply. They were reluctant to reduce the quality of their reviews to meet the timescales. They accepted that on occasion they were more concise and proportionate in their review to fit the time they had. Prosecutors were always conscious of the amount of work outstanding on a shift and how busy a shift was, as hourly bulletins were sent from the operational delivery staff.

7.44. In our discussion with the National Police Chiefs' Council (NPCC) Police Lead, they indicated that the revised charging model has seen an improvement in the timeliness of decisions made by CPSD. In their view, the new charging system is much better at delivering timeliness overall. They recognised that not all police files submitted to CPSD met the NFSs expected, that this impacted on timeliness and that there was ongoing work with CPSD to improve this further.

7.45. Senior managers told us that timeliness is much better now than previously, as CPSD is more adequately resourced with 63 additional prosecutors recruited since April 2023. At the time of this inspection, there were 162 prosecutors (including those working part time) in CPSD. This converts to 135.5 total full time equivalent (FTE) prosecutors. There is a target of 143 FTE prosecutors which CPSD hopes to reach following a recent recruitment campaign.

7.46. In interviews, CPSD managers expressed the view that the three-hour SLA time limit is insufficient, as triage combined with allocation can take up a significant proportion of time, leaving prosecutors with less time to review the cases. We were told that triage is now taking around ten minutes, but allocation is still taking up time as there are not always prosecutors available to take the cases.

7.47. We found examples of cases which took considerably over the SLA three-hour time but were necessary and deserved in the context of the case.

Case Study

The victim was the young daughter of the suspect. The allegations were that he had been sexually assaulting her over a period of time.

The evidence was complex and comprised video recorded evidence from the victim and evidence of recent complaints to several family members, some of whom had kept notes of the complaint. In addition, there was a historical complaint of sexual interest in young girls.

The victim's mother alleged that the suspect had been controlling and coercive during their relationship and some of the behaviour mirrored actions he had attempted on her.

The suspect denied the allegations claiming the victim had been coached by her mother.

In this case, there was a detailed and thoughtful review by the prosecutor, resulting in a difficult selection of charges; as a consequence, it took approximately five hours. This was entirely justified by the detail contained within the final decision which helped the case to progress through the criminal justice system as efficiently as possible.

This case should not have been submitted to CPSD as it fell within the Annex 6 definitions where early advice from CPS Areas is recommended.²⁸

Impact of breach

7.48. We considered the impact of charging decisions made outside the SLA. In none of the cases we assessed in our file sample where the charging decision was made outside the three-hour timeframe, did we see any risk that the custody clock would expire before the suspect was charged or released.

7.49. The NPCC Police Lead advised us that late decisions do have an impact on individual police officers, especially because by their very nature these cases are usually being dealt with at weekends or in the early hours. We recognise this but we have no way of assessing any impact on police overtime or deployment. As previously discussed, improperly requested Annex 6 complex cases and late submissions by police with less than 3 hours remaining before the suspect has to be released impact the timeliness of CPS decisions.

7.50. We did find evidence of good working relationships between the police and CPSD prosecutors in several of the more complicated and time-consuming cases we assessed. In those cases, there was more likely to be communication

²⁸ Annex 6 - Director's Guidance on Charging, sixth edition, December 2020 - <https://www.cps.gov.uk/legal-guidance/directors-guidance-charging-sixth-edition-december-2020-incorporating-national-file>

between the prosecutor and police officer and where there was delay in the MG3 review being provided to the police and the custody clock was nearing its end, the prosecutor communicated effectively with the police to let them know what charges would be authorised. This allowed the police to ensure that the charges could be preferred within the custody clock whilst they awaited the formal documentation being sent.

7.51. Our inspectors found that where cases were dealt with in one to one-and-a-half hours, they tended to be less well considered in terms of case analysis and strategy and the quality of action plans. We saw some evidence from our file examination that this could occur where a prosecutor review was rushed in order to meet the SLA.

Common factors impacting on timeliness

7.52. There are several factors that impact on the timeliness of charging decisions. The main ones are:

Communication

7.53. As outlined previously on the more routine cases it is apparent that there are still issues over communication between the police and prosecutors. Often this can be as simple as one or other being unreachable by phone as either the police or prosecutor contact details are not exchanged in the manner anticipated. Triage ensure that all files have a police contact number on file, but prosecutors told us that even where a number is provided, they often cannot reach the officer on the number provided. Conversely, police told us that their officers will often not receive a contact number for prosecutors to discuss the case. We were told that an alternative agreed route for contact has been agreed whereby officers email into a mailbox that is continuously monitored. Requesting a call back from a prosecutor. That request is then passed by a manager to the prosecutor to contact the officer to resolve the query. This has been implemented to avoid prosecutors trying to deal with queries while dealing with new cases within the limited time frame of the SLA. This is something that CPSD and the police will want to keep under review to ensure that early case conversations can be had where required to ensure effective and early case building and progression. Both the police and CPSD at a senior level confirmed they had a good working relationship and were listening to each other's concerns and working together effectively.

7.54. As we have referred to previously, there is evidence that prosecutors are on occasions communicating verbal decisions to enable the police to charge a suspect in a timely manner. This is a good example where good communication by prosecutors can help the police although it is recognised that it has no impact on the formal three-hour SLA time limit. Those cases will still be shown to be in breach of the SLA as that is not finalised until the formal written decision has been provided.

Resourcing

7.55. CPSD recognise there are issues in complying with SLA at peak times, due to prosecutor resourcing. Although the peak times for police referrals are not fixed with each day varying randomly, they are often highest during weekdays between 5pm and 3am. They also increase due to random public events such as protest marches which often take place at weekends.

7.56. The rota team work hard to make sure there are the right spreads of people at the right times but can never predict an influx of cases on the task list when work picks up speed, although we were told that shift staff react quickly to that. Between 5pm and 8pm is when most lawyers join the shift, which is also when CPSD have the most cases leading to being their busiest time period.

7.57. Senior management told us that CPSD has an "SOS" WhatsApp group which they use in the case of a busy shift to see if anyone off shift is available to assist. Uptake is positive. Legal and operational delivery staff both use it. People will come on shift early or do overtime or work on their rest day. This showed that staff were working well together as a team. Managers told us that everyone works well to try to deal with issues, when pressures arise.

File quality

7.58. In the cases we assessed, only 42.7% of files submitted by the police complied with NFSs. Poor police file submission quality impacts timeliness negatively.

7.59. There are a proportion of cases which CPSD do not reject due to failures in police file quality but instead still allocate to a lawyer to prepare whilst the outstanding material is requested. CPSD managers encourage operational delivery staff and prosecutors to reject cases where quality is poor, but they have to balance this with the need to make a charging decision, especially in more urgent serious cases such as domestic abuse and rape. Chasing material in poorly prepared file submissions takes up valuable lawyer time and impacts on the quality of the review when trying to comply with the SLA. There is an inevitable tendency to do the best with poor files and where possible make a decision to charge. Whilst we understand the reasons for doing this it can lead to prosecutors spending considerable time chasing that outstanding material from the police, which is not a good use of resources and contributes to breaches of the timeliness SLA.

7.60. Senior leaders in CPSD are of the view that CPSD is accepting too many poor quality files, thus not complying with their own guidance and file standards because of a disposition to accept cases and attempt to rectify, rather than rejecting outright cases as not DG6-compliant under the charging model. The work undertaken more recently on making triage more robust has helped SLA compliance.

Technology

7.61. As reported in the recently published joint inspection on police CPS case building²⁹ the bandwidth through the two-way interface (TWIF) system is a frustration. By way of example, video evidence is often needed by CPSD but difficult to send. This causes problems especially in the early hours of the morning as front-line officers do not have any administrative support to assist them. We were informed that there can often be significant delays for files to pass through the computer systems and that this causes unnecessary delay.

7.62. This can vary between police forces as they do not operate a uniform IT system. This was an issue we explored in our joint case building inspection published in July 2025 where we made a recommendation that the National Criminal Justice Board should create a viable plan for securing a national joint police and CPS digital case file management system or multiple, but fully-compatible, systems. CPSD must deal with all police forces and systems that adds to the technical issues faced.

Case type & size

7.63. The Director's Guidance on charging 6th edition³⁰ sets out a list of cases which must be referred to the relevant CPS Area or Casework Division for a charging decision. They include:

- cases involving a death
- rape or other serious sexual offences (RASSO) cases
- modern slavery and human trafficking cases, including cases involving exploitation where charges under the Modern Slavery Act 2015 are under consideration e.g. in the context of "county lines" supply of controlled drugs
- investigations into an institution with multiple victims and/or suspects
- cases where the issues or scale of material make it likely that a prosecutor's review would take significantly more than 90 minutes
- cases with multiple suspects, meaning consideration is likely to take significantly more than 90 minutes

²⁹ Joint case building by the police and Crown Prosecution Service - <https://hmcpsi.justiceinspectorates.gov.uk/report/joint-case-building-by-the-police-and-crown-prosecution-service-2/>

³⁰ Annex 6 – Director's Guidance sixth edition - <https://www.cps.gov.uk/legal-guidance/directors-guidance-charging-sixth-edition-december-2020-incorporating-national-file>

- cases involving a Memorandum of Understanding (MOU) which requires early consultation (e.g. Joint MOU on undercover operatives)
- cases involving requests for International Letters of Request, European Investigation Orders and other Mutual Legal Assistance
- cases with extensive volumes of electronic data, multimedia evidence or third-party material
- large scale fraud cases
- cases arising from major police operations including public disorder, public protests or other civil events
- cases where the preservation of assets through “Restraint” may be required. These should be referred to CPS Proceeds Of Crime unit regardless of case type, size or complexity.

7.64. In addition, DG6 sets out a list of types of cases where, if early advice was not required, it is important that the relevant CPS Area or Casework Division is contacted to discuss referral arrangements, particularly if an immediate charging decision is needed. These include:

- cases with vulnerable victims who may require the support of intermediaries
- cases with a significantly complex legal element
- highly sensitive cases, including those involving social media, that must be referred to CPS headquarters
- cases where witnesses are eligible for the special measure, involving early visually recorded cross-examination in the Crown Court.

7.65. DG6 also makes it clear that the police must consult with local CPS Areas to agree the management of charging decisions arising from any pre-planned operation or demonstration. It also sets out that local CPS Areas are responsible for coordinating and making the charging decisions in relation to these cases irrespective of when the cases are ready for a charging decision. This precedent remains in place unless the Chief Crown Prosecutor for CPSD and the Chief Crown Prosecutor for the relevant CPS Area have reached a formal agreement to depart from this arrangement.

7.66. CPSD senior managers informed us that they receive a number of these types of cases without warning, either from the police or CPS Areas. We were told of cases that were referred to CPSD where it was clear that there has been extensive local CPS Area interaction with the police.

7.67. By way of example, on average CPSD charges 35% of all rape cases, and the average time to charge a rape case is six-and-a-half hours, which is three-and-a-half hours in excess of the SLA time limit. In accordance with DG6, CPSD should only rarely receive rape cases submissions, and certainly not those where the arrest is pre-planned, as this can be done in such a way that the charging decision can be delivered during normal office hours by the local CPS Area.

7.68. CPSD managers told us that if Annex 6 were removed from their work, they would meet the SLA in 90% of cases. They identified 155 Annex 6 cases in March 2025 which, in their view, should not have been submitted to CPSD. We understand that this issue has been escalated to the national joint operational improvement board comprising senior leaders from the NPCC and the CPS.

7.69. During our file examination, we came across cases which fulfilled the Annex 6 criterion and supported the views given by CPSD senior managers. The CPS will want to ensure that this issue is addressed urgently to ensure that CPSD has the capacity to deal with the cases that should be referred to it and that cases are referred to Area specialists, particularly RASSO cases, so that Area prosecutors have conduct of the case from the outset, including the decision to charge, charge selection and case and trial strategy.

7.70. Those we spoke to in CPSD at all levels told us that a more nuanced and pragmatic SLA time limit would be more practical and that they would welcome reconsideration of this. This could consider complexity of the offences, number of offences, victims and defendants, and volume of material as part of that consideration. We spoke to the police lead who agreed that they would be open to discussion to agree a more nuanced reconsideration of the SLA and recognise that one size does not fit all cases. The more sophisticated data disaggregating triage, allocation and prosecutor review times would help inform any discussions on this issue.

Timeliness of Appeals

7.71. Where CPSD either refuses to charge a case submitted by the police or chooses a charge which the police do not believe to be correct, the police officer then has an option to appeal the decision. They do this by providing a written explanation of why they consider the prosecutor made a mistake in their assessment of the evidence and the decision reached.

7.72. In this situation, a legal manager from CPSD considers the police officer's appeal grounds and reads the lawyer's rationale for not charging the defendant. The manager then either upholds the lawyer's decision, overturns it or overturns in part if there are multiple offences in the case.

7.73. Of the 150 cases we assessed, only one case was appealed. It was dealt with promptly and overturned in part.

7.74. CPSD does not report on the timeliness of dealing with appeals, as they are all dealt with during the shift in which the appeal is made.

7.75. We assessed the timing of the last nine appeals on CPSD decisions prior to 31 January 2025. Across the nine appeal cases, the longest time the appeal took was 181 minutes (however, this was a case where fresh evidence was obtained which altered the available evidence from the original decision) and the shortest was 11 minutes. The average process time per appeal was 74 minutes. We regard this as a strength.

Strength

Legal managers assess appeals from the police against prosecutor charging decisions in a timely manner.

CPSD daily performance dashboard

7.76. CPSD captures and monitors a significant amount of performance data on a daily basis which is contained within a CPSD daily performance dashboard.

7.77. The dashboard provides a clear, high-level picture of daily performance in respect of workload, timeliness, average time for decision-making, types of cases, decision rates, Resource and Efficiency Measures (REMs), appeals and workforce. It contains additional supporting data that allows comparisons to be made between the data for the particular day and that for previous days and months. The dashboard is sent to all managers including the Senior Management Team (SMT). It is used to give an oversight to managers of performance generally and which aspects of work require attention. It is discussed regularly at SMT meetings.

7.78. We found that the CPS IT systems are inadequate to cater for CPSD requirements, which are unique to that of CPS Areas. Examples of this included:

- inability for CMS to identify which cases are reviewed by CPSD staff, without a manual input by prosecutor on the pre-charge decision form, which is prone to human error
- inability for CMS to accurately record time the triage started
- inability for CMS to record the allocation time separately
- inability for CMS to record the lawyer reviewing time separately
- MIS errors in recording the SLA for some consultations.

7.79. CPSD triage and performance teams have attempted to overcome the above weaknesses, using manual input into spreadsheets which is prone to human error.

Quality Assurance Judgement

7.80. We found that senior leaders in CPSD take a proactive approach to understanding the quality of their casework. They identified a need to be more robust in their Individual Quality Assessments (IQAs), adding additional case strategy questions to their assessments, and have undertaken additional assurance work on triage and action plans.

7.81. This has provided them with detailed information about areas for improvement, to allow them to focus development either across all CPSD prosecutors or target where improvement is required. We saw evidence of further assurance working that will assess the impact of their actions in the coming months.

Annex A

Framework

The framework for this inspection consisted of an overarching inspection question and three sub-questions. There were criteria for each sub question.

The overarching question was: "Is Crown Prosecution Service Direct (CPSD) delivering good quality and timely charging decisions?"

The three sub-questions were:

1. Is CPSD delivering charging decisions that meet the CPS's own expected standards?
2. Is CPSD's quality assurance regime effective in driving improvement?
3. Is CPSD providing timely charging decisions?

The criterion for the sub-questions were:

1. Is CPSD delivering charging decisions that meet the CPS's own expected standards?
 - a. Are prosecutors applying the correct Code test when making charging decisions?
 - b. Is the quality of legal analysis consistent with CPS national casework standards, including compliance with the Code for Crown Prosecutors (8th edition)?
 - c. Are prosecutors providing evidence of a well-defined case strategy in their charging decisions?
 - d. Are prosecutors setting necessary and proportionate action plans for police?
 - e. When charging, are prosecutors selecting charges that adequately reflect the evidence and the alleged criminality?
 - f. Are prosecutors correctly applying CPS and Attorney General's guidance when considering the unused material position at the pre-charge stage?
 - g. Are prosecutors demonstrating awareness of and compliance with the Victims' Code?
 - h. Are prosecutors adding legal value and demonstrating grip in their MG3 reviews?

2. Is CPSD's quality assurance regime effective in driving improvement?
 - a. What processes are in place to ensure that prosecutors who join CPSD (from CPS Areas or externally) are trained to deliver good quality charging decisions?
 - b. What quality assurance processes are in place to assess performance and identify areas for improvement?
 - c. Are these processes effective and being used to drive individual and collective improvement?
3. Is CPSD providing timely charging decisions?
 - a. Are prosecutors providing charging decisions within the three-hour deadline for 'red' cases?
 - b. Where a decision is made outside this timescale, what is the impact?
 - c. What issues affect timeliness and how are these identified and addressed?
 - d. How effectively does the CPS manage its resources to deliver timely charging decisions and handle police appeals?

Annex B

File examination question set and data

This table excludes 'not applicable' results.

HMCSI house style is to round figures to a single decimal point so where percentages are cited, they may not total 100%.

QUESTION	ANSWER	ALL CASES
01. The police file submission complied with National File Standards (NFS) for the type of case	Yes	42.7%
	No	57.3%
02. The Crown Prosecution Service (CPS) identified and fed back to the police on any failings in the police file submission	Yes identified and fed back at triage	59.3%
	Yes identified and fed back at triage and by the prosecutor	9.3%
	Yes identified and fed back by prosecutor	11.6%
	No identified but not fed back	1.2%
	No not identified or fed back	18.6%
03. The CPS pre-charge decision applied the correct Code test, full (FCT) or threshold (TT)	Yes	83.6%
	No	16.4%
04. Charge selection was appropriate and proportionate	Yes	79.6%
	No	20.4%
05. Was the CPS charging decision completed within the set timeframes?	Yes	62.7%
	No	37.3%
06. In TT cases were the reasons for applying that test set out fully?	Yes	83.8%
	No	16.3%
07. The CPS Direct (CPSD) MG3review included a proper case analysis and case strategy	Yes	48.0%
	No	52.0%

CPS Direct - An inspection of the quality and timeliness of charging decisions made by the CPS's out-of-hours service.

08. The MG3 review dealt appropriately with unused material	Yes	65.8%
	No	34.2%
09. Youth suspects were identified clearly in the CPS MG3 review	Yes	100.0%
	No	
10. Relevant CPS guidance was applied at the pre-charge stage	Yes	72.2%
	No	27.8%
11. The CPSD MG3 review considered relevant applications, notices and ancillary matters	Yes	45.0%
	No	55.0%
12. The CPS MG3 review actively considered relevant applications and ancillary matters to support victims and witnesses	Yes	62.5%
	No	37.5%
13. If the CPS decision was No Further Action (NFA) in respect of a qualifying decision, was there sufficient information in the MG3 review to enable the police to clearly explain the reasoning to the victim for the purpose of Victims' Right to Review (VRR)?	Yes	92.3%
	No	7.7%
14. There were appropriate instructions and guidance to the court prosecutor contained in the MG3 review (or any Preparation for Effective Trial (PET) form created with the MG3 review).	Yes	74.8%
	No	25.2%
14.1. There were appropriate instructions to the court prosecutor on custody or bail contained in the MG3 review	Yes	77.7%
	No	22.3%
15. The action plan was proportionate and met a satisfactory standard	Yes	47.8%
	No	52.2%

CPS Direct - An inspection of the quality and timeliness of charging decisions made by the CPS's out-of-hours service.

16. Rate the overall quality of the MG3 review including action plans	Good	32.7%
	Fair	42.7%
	Poor	24.7%
17. Was there evidence on the file that showed the police had appealed any aspect of the charging decision?	Yes	1.3%
	No	98.7%
18. Was the appeal dealt with promptly?	Yes	100.0%
	No	
19. Was the original decision upheld?	Upheld	
	Overtaken in part	50.0%
	Overtaken	50.0%
20. The CPS exercised sound grip at the charging stage	Good	36.0%
	Fair	46.7%
	Poor	17.3%
21. Rate the overall legal value added by CPS	Good	33.3%
	Fair	33.3%
	Poor	33.3%

Annex C

Glossary

Action plan

A list of actions that the Crown Prosecution Service (CPS) lawyer has asked the police to complete before the lawyer can make a decision about whether to advise charging the suspect. Examples of frequently occurring actions include obtaining a statement from a witness, obtaining medical records, or providing a list of previous convictions for a witness.

Applications or ancillary matters

Matters about which the prosecution can ask the court to make orders – for example, to admit a piece of evidence that would otherwise not be allowed, to allow a witness to give their evidence from a different venue by video-link, or to make orders at sentencing preventing the defendant from contacting the victim.

Attorney General

The chief legal advisor to the Government, who also oversees the Crown Prosecution Service, the Serious Fraud Office (SFO), HM Crown Prosecution Service Inspectorate (HMCPSI) and the Government Legal Department.

Case management panel (CMP)

A discussion held between the lawyer and their manager(s), or between managers, to discuss progress on a case and determine what other work needs to be done. The panel may review whether the decision to charge was correct or, if there has been a significant change in the case, whether it still ought to proceed.

Case management system (CMS)

An IT system for case management used by the CPS, which records most of the details of cases and provides management information and data. Through links with police systems, the case management system receives electronic case material. Such material is intended to progressively replace paper files.

Charge

The process by which the allegation is put to a suspect by the police at the police station, and also the formal record of the allegation. The charge is then sent to the court, which sets the first hearing date for the case. Another common way of notifying the defendant that they are being accused of a criminal offence is by a summons, which is usually sent through the post.

Chief Crown Prosecutor (CCP), Deputy Chief Crown Prosecutor (DCCP), Senior District Crown Prosecutor (SDCP), District Crown Prosecutor (DCP)

Management roles in the CPS in descending order of seniority. The Chief Crown Prosecutor is the legal head of a CPS Area.

Code for Crown Prosecutors

A public document, issued by the Director of Public Prosecutions, which sets out the general principles CPS lawyers should follow when they make decisions on cases. It contains a test for establishing whether a prosecution should take place, which has two stages: evidential and public interest. This means that a case should only proceed where there is sufficient evidence to provide a realistic prospect of conviction and it is in the public interest to prosecute the suspect.

Consultation

When the police ask the CPS to give advice about whether there is enough evidence to prosecute and whether a prosecution is in the public interest. Consultations may be by phone, in person or by the police sending the papers electronically and the CPS lawyer reviewing them.

Conviction rate

The proportion of the cases charged by the CPS resulting in the defendant pleading or being found guilty.

Counsel

A barrister who has been asked to advise on a case and/or present it at court.

Crown Prosecution Service (CPS)

The main public agency for conducting criminal cases in England and Wales, responsible for: prosecuting criminal cases investigated by the police and other investigating bodies; advising the police on cases for possible prosecution; reviewing cases submitted by the police; determining any charges in more serious or complex cases; preparing cases for court; and presenting cases at court. It has been operating since 1998 and is headed by the Director of Public Prosecutions.

Crown Prosecution Service Direct (CPSD)

The CPS Area that provides charging decisions on priority cases, mostly out of office hours. It enables the CPS to provide charging decisions at any time of the day or night, all year round.

Custody Time Limit (CTL)

The length of time that a defendant can be kept in custody awaiting trial. It can be extended by the court in certain circumstances.

Director of Public Prosecutions (DPP)

The head of the CPS, with personal responsibility for its staff and the prosecutions it undertakes every year. The role was created in 1879, and the current holder is Max Hill QC.

Director's Guidance on Charging

Guidance issued by the Director of Public Prosecutions to the CPS and police. It sets out the arrangements for joint working between police officers and prosecutors during the investigation and prosecution of criminal cases.

Disclosure

The criminal law (Criminal Procedure and Investigations Act 1996) lays down specific steps the police must take to retain and record information, documents or other materials that are relevant to an investigation but which are not going to be part of the prosecution case (which is collectively called the 'unused material'). The police must reveal relevant unused material to the CPS, who then have to disclose to the defence anything that undermines the prosecution case or assists the defence.

Domestic abuse and domestic violence

Domestic abuse is abuse that occurs in relationships or between family members. Domestic violence is one type of domestic abuse, but domestic abuse also includes other types, such as emotional abuse (like controlling behaviour, isolating and belittling) or threats and intimidation.

Evidence-led prosecution

Prosecuting a case without evidence provided by – or withdrawn from – the victim. This can be for several reasons and is often found in domestic abuse cases where the victim reconciles with the suspect, or is afraid of them. In such circumstances, an assessment is made if there is sufficient ancillary evidence to prosecute the case, which could come from witnesses, CCTV or other sources.

Full Code Test (FCT) and Threshold Test (TT)

Two types of test for determining whether a case should proceed, as set out in the Code for Crown Prosecutors. The Full Code Test should be applied where the suspect is not in police custody. The Threshold Test is used where the suspect is in custody and enquiries are not complete, but the police will be asking the court to hold the suspect in custody after charge.

Gatekeeper

Someone in a police force who checks the documents prepared by the case officer to make sure they are all there and meet the standard required to be submitted to the CPS. Not all police forces have gatekeepers.

Grip

What needs to happen on a case for it to be managed effectively and efficiently. It includes, but is not limited to:

- making sound decisions at the right stages in the case
- building a strong case by working with the police to get the right evidence
- weighing up the impact of any unused material (see *Disclosure*)
- taking account of victims' and witnesses' needs
- preparing the prosecution case and sending it to the court and defence in good time for them to play their part.

His Majesty's Crown Prosecution Service Inspectorate (HMCPSI)

Set up in 2000, HMCPSI inspects the work carried out by the CPS and other prosecuting agencies. The purpose of our work is to enhance the quality of justice

and make an assessment of prosecution services that enables or leads to improvement in their efficiency, effectiveness and fairness.

His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS)

Established in 1856, HMIC (as it was then) oversees, inspects and reports upon the efficiency and effectiveness of all Home Office police forces, as well as other forces and agencies by invitation. From 2017, it extended its responsibility to the inspection of fire and rescue services in England and became HMICFRS.

Individual quality assessment (IQA)

The process the CPS uses to assess casework done by a prosecutor on a case or the advocate at court. This is a set of questions, which the manager goes through, covering the full range of work that might need to be done. The process calls for feedback to be provided to the prosecutor or advocate, and for themes identified by managers to feed into improvement work across the Area.

Joint Operational Improvement Meeting (JOIM)

A meeting where police and CPS managers assess problems with past cases or themes to create agreed solutions. These are then monitored with recorded data over time to see if the solutions are working. An example is the data from assessments by CPS prosecutors which are made on all police submissions to flag if the police submission was compliant with national file standards.

Local Case Management Panel (LCMP)

A discussion held within a local CPS unit between the lawyer and their manager(s), or between managers, to discuss progress on a case and determine what other work needs to be done. The panel may review whether the decision to charge was correct or, if there has been a significant change in the case, whether it still ought to proceed.

Manual of Guidance Forms (MG3, MG6)

Standard forms included in the police and CPS manual of guidance for how the police should build a file to send to the CPS. The MG3 review is for the police to summarise the case, and for the CPS to record its charging decision. The MG6 series of forms relates to unused material (see *Disclosure*).

No further action (NFA)

When a criminal allegation has been reported to the police, the police may decide at any stage during an investigation that there is insufficient evidence to proceed, so they will take no further action. Alternatively, they may refer a case to the CPS who may advise the police that no further action should be taken, either because there is not enough evidence or because a prosecution is not in the public interest.

Police file submission

When the police send a set of papers to the CPS to consider charge, or after charge, for the trial.

Rape and serious sexual offences (RASSO) units

Units composed of specialist rape prosecutors and other members of the team, organised by the CPS to build and share experience.

'Red' Cases / Priority Cases

Cases which are subject to the SLA time prioritisation. See below SLA.

Reasonable lines of enquiry (RLOE)

When conducting an investigation, the Code of Practice on disclosure says that the police investigator "should pursue all reasonable lines of inquiry, whether these point towards or away from the suspect. What is reasonable in each case will depend on the particular circumstances". The CPS has issued guidance on reasonable lines of enquiry and communications evidence³¹.

Service level agreement (SLA)

The service level agreement (SLA) box refers to the CPS agreement with police that all 'red' cases will be reviewed by a lawyer within three hours of receipt.

Threshold Test

See Full Code Test.

Triage

In the context of this report, triage is a check carried out by a member of CPS staff, usually an administrator, to make sure that what the police have sent to the CPS includes the right documents and other items. In this context, it is a check for the presence of the required material, not the quality of their contents.

Unused material

See Disclosure.

Victim Communication and Liaison scheme (VCL) and enhanced service

A CPS scheme under which victims are informed of decisions to discontinue or alter substantially any charges.³² The CPS must notify the victim of a decision to drop or substantially alter a charge within one working day for vulnerable or intimidated victims (the enhanced service) and within five working days for all other victims. In some case categories, the victim will be offered a meeting to explain these decisions. Formerly known as Direct Communication with Victims (DCV).

Victims' Right to Review scheme (VRR)

Under this scheme, victims can seek a review of CPS decisions: not to charge; to discontinue (or withdraw in the magistrates' courts) all charges, thereby ending all proceedings; and to offer no evidence in all proceedings.

³²³² Victim Communication and Liaison (VCL) Scheme: 15 October 2024

<https://www.cps.gov.uk/legal-guidance/victim-communication-and-liaison-vcl-scheme>

A guide to "reasonable lines of enquiry" and communications evidence: 2018

<https://www.cps.gov.uk/legal-guidance/disclosure-guide-reasonable-lines-enquiry-and-communications-evidence>

Disclosure Manual: Chapter 5 - Reasonable Lines of Enquiry

<https://www.cps.gov.uk/legal-guidance/disclosure-manual-chapter-5-reasonable-lines-enquiry-and-third-parties>

Paragraph 13 - Attorney General's Guidelines on Disclosure - 2024

<https://www.gov.uk/government/publications/attorney-generals-guidelines-on-disclosure>

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