



HM CPS

HM Crown Prosecution
Service

A follow-up inspection of the recommendations made in the 2020 joint inspection:

**‘Evidence led domestic
abuse prosecutions’**

October 2025

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Who we are

His Majesty's Crown Prosecution Service Inspectorate (HMCPSI) 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

Supporting victims who have experienced the trauma of domestic abuse must be a priority for the criminal justice system. The Crown Prosecution Service has a critical role to play ensuring that perpetrators are properly prosecuted and brought to justice. In 2020, jointly with His Majesty's Inspectorate of Constabulary and Fire Rescue Services, we inspected how policing and the CPS used 'evidence led' techniques in domestic abuse cases. In that inspection we made four recommendations that related directly to the CPS. This follow-up inspection assesses whether the CPS has implemented and improved its performance as a result.

Whilst there has been considerable activity since the original 2020 inspection, including comprehensive training on evidence led prosecutions and collaborative work with the police through the joint justice plan, our findings show a decline in the quality of legal decision making since 2020. This is concerning. Although increasing caseloads may in part have had an impact, given the high attrition rate in domestic abuse cases, the CPS must renew its focus to ensure that prosecutors consider an evidence led prosecution in every case, irrespective of whether at the time of the prosecutor's review the victim is supportive of the prosecution.

Through other inspection activity we are aware that the CPS is undertaking significant work to improve the quality of prosecutorial decision making in all cases. For the past 18 months the CPS has been running a programme of training to set out the principles of good quality case analysis and strategy. As part of this programme, one of core elements is how reasonable lines of enquiry and evidence can be used to strengthen cases. While evidence led prosecutions are particularly relevant to domestic abuse cases, the principle of considering if other evidence can be used to strengthen the case should be central to all good case strategies.

Whilst this report has specifically examined progress in domestic abuse cases our findings have wider implications. Using evidence led principles presents an opportunity for a cultural mindset shift in prosecution work more generally with more consideration of proceeding without the victim from the outset. We know that attending court and giving evidence is often retraumatising for victims; anything that can be done to reduce stress and upset would surely be of benefit. The CPS must think about how they can make sure that they think through whether evidence led principles may support other prosecutions and reduce the burden for victims. On that basis we make a new recommendation that applies to all casework.

It is encouraging that the CPS is committed to long term improvement in its legal decision making, however it is essential that these efforts begin to translate into measurable improvements in casework quality. Victims need to be supported, and justice must be delivered through consistently high-quality prosecutions.



Anthony Rogers
HM Chief Inspector

2. Context

The 2020 inspection

2.1 In January 2020, HMICFRS and HMCPsi published a joint report entitled ‘Evidence led domestic abuse prosecutions’.^{1,2,3}

2.2 We found that the Crown Prosecution Service (CPS) recognised domestic abuse as a priority area of work, and they had continued to commit resources, training and support to ensure that it was treated as such. We also found that CPS prosecutors had a good understanding of evidence-led prosecutions (ELPs) and understood that cases could proceed even where the victim was unsupportive.

2.3 However, the inspection found that the CPS did not always identify those cases where an evidence-led approach may be more effective, and that improvement was needed in the consideration of ELPs at both the charging stage and later post-charge review by prosecutors.

2.4 We also found that while both the police and the CPS had systems to identify domestic abuse cases, there was no system to isolate and identify ELPs separately. Without such a mechanism, neither the police nor CPS could effectively quality assure or learn lessons and share good practice specific to ELPs.

2.5 We found that training was in place for domestic abuse across both organisations, but due to other pressures uptake was variable. The CPS had specific e-learning on domestic abuse ELPs, but at the time of the 2020 inspection this was only mandatory for new starters, and we found that not all prosecutors had undertaken it.

2.6 The joint inspection report set out a total of eight recommendations, four of which were directed to the CPS:

- **Recommendation one:** Police supervisors and Crown Prosecution Service legal managers should maximise opportunities to share examples of good work and successful outcomes with their teams.

- **Recommendation two:** As well as the Crown Prosecution Service’s bespoke e-learning, which all Area prosecutors have to complete, the police and Crown Prosecution Service should ensure that refresher training in domestic abuse, and particularly evidence-led cases, is available to staff as appropriate.

¹ His Majesty’s Inspectorate of Constabulary and Fire and Rescue Services

² HMCPsi, ‘Joint Inspection evidence led domestic abuse prosecutions’, available at: <https://hmcpsi.justiceinspectorates.gov.uk/report/joint-inspection-evidence-led-domestic-abuse-prosecutions/>

³ An evidence-led prosecution is a strategy where the prosecution pursues a conviction using evidence other than a victim’s live testimony. This approach, while available in all prosecutions, is often used in domestic abuse cases and allows for successful prosecutions when a victim is unable or unwilling to participate in the legal process, relying instead on evidence such as body-worn camera footage, witness statements from police officers, CCTV, expert evidence, and medical reports to prove the abuser’s guilt.

- **Recommendation three:** Prosecutors should ensure that in all domestic abuse cases, they set out clearly at the charging stage whether an ELP is viable and, if so, define an effective prosecution strategy.
- **Recommendation four:** At review stage, prosecutors should, in all appropriate domestic abuse cases, clearly outline a strategy for proceeding with an ELP.

2.7 At the time of writing, the CPS continues to act on recommendation four. Recommendations one and two were closed as completed and the substance of recommendation three was subsumed, with the agreement of HMCPSI, into recommendation four so that the CPS's activities encompassed both pre- and post-charge reviews.

2.8 This report sets out the findings of a single agency inspection conducted by His Majesty's Crown Prosecution Service Inspectorate, assessing the progress against the recommendations for the CPS only. The remaining four recommendations from the 2020 report were directed to other organisations and so do not form part of this follow-up inspection.

2.9 Given the prevalence of domestic abuse, and in line with our inspection strategy, we decided that it was appropriate at this time to conduct a follow-up inspection to ascertain to what extent and how successfully the recommendations made in 2020 have been implemented by the CPS.

CPS legal guidance for cases involving domestic abuse

2.10 The CPS legal guidance on prosecuting cases of domestic abuse (DA) sets out that the prosecution strategy should, from the outset, consider the possibility of proceeding without the victim's support and that this should be clearly recorded within the pre- and post-charge reviews.⁴ Prosecutors should consider potential evidence other than that of the victim that can be adduced, including but not limited to 999 calls, body-worn footage, injuries seen by others, independent witness statements and telephone/digital evidence. Prosecutors should also consider whether any statements of the victim are admissible as evidence under the *res gestae* principle, section 118 of the Criminal Justice Act 2003.⁵ Basing a prosecution

⁴ CPS, 'Domestic Abuse', available at: <https://www.cps.gov.uk/legal-guidance/domestic-abuse>

⁵ 'Criminal Justice Act 2003', available at: <https://www.legislation.gov.uk/ukpga/2003/44/section/118>. *Res gestae* is a Latin term meaning 'things done'. It is defined in section 118 of the Criminal Justice Act 2003 as being a statement made by a person so emotionally overpowered that the possibility of concoction or distortion can be disregarded.

on these other sources of evidence, without the victim's evidence, is known as an evidence-led prosecution (ELP).

2.11 A victim may withdraw their support for a prosecution at any stage of the proceedings both pre-charge and post-charge. If, after considering a victim's reasons for retracting their allegation or withdrawal of support, the prosecutor decides it is inappropriate to force them to attend court to give evidence by seeking a witness summons or witness warrant, they have a duty to review the case and determine if there remains sufficient evidence, without the victim, to prosecute the case. Prosecutors must also consider whether there is sufficient evidence for an ELP even where the victim does not consent to engage with the process from the outset and so never provides a formal statement of complaint.

Methodology

2.12 We examined progress against each of the four recommendations. For each recommendation we make a judgement as to whether it has been achieved or not achieved, using evidence gathered in the inspection from a case-file examination, review of documents and interviews.

Recommendations one and two

2.13 To assess recommendations one and two we conducted an interview with one of the training managers from the CPS Learning Services Team (LST) who oversaw the roll-out of domestic abuse refresher training between November 2022 and the middle of 2024. We assessed relevant available CPS training in relation to ELPs. We also conducted an interview with the CPS policy leads for domestic abuse.

2.14 We also requested relevant documents from all CPS Areas including CPS Direct (CPSD), CPS Headquarters and the LST from the last 12 months.⁶ We requested that these include, for example, meetings where ELP was discussed and evidence of the sharing of good and practice and successful outcomes relating to ELPs.

Recommendations three and four

2.15 The 2020 inspection was conducted jointly with HMICFRS and examined 178 domestic abuse cases from the magistrates' courts units from four CPS Areas. In this follow-up we assessed similar cases from magistrates' courts units in all 14 Areas to ascertain whether a consistent and sustained improvement had been embedded across England and Wales in the consideration of ELP at both pre- and post-charge stages in domestic abuse casework.

⁶ CPS Direct (CPSD) provides charging decisions to police outside normal office hours.

2.16 The 178 cases examined in the 2020 inspection included an examination of 40 cases where CPSD prosecutors had decided to take no further action. Since 2020 the pattern of CPS charging has changed significantly with the introduction of a new charging model. These new arrangements mean that fewer pre-charge decisions are made by CPSD in domestic abuse cases, with more cases being dealt with by Area prosecutors. This means that very few decisions to take no further action are now taken by CPSD. Given that, in this follow-up inspection we selected the no further action (NFA) cases for our file sample from Area charged cases.

2.17 To assess progress against recommendations three and four we assessed 112 recently finalised domestic abuse cases from the magistrates' courts, eight from each of the 14 CPS Areas.⁷ Of those eight cases, two were cases where the CPS had decided to take no further action. The remaining six cases were a selection of charged finalised cases which included a mix of successful and unsuccessful outcomes.⁸ We selected at least two cases out of those six, where the victim had withdrawn their support after charge. This was to enable us to assess whether prosecutors considered ELPs both when it was a hypothetical scenario at pre-charge and when it was a reality post-charge.

2.18 To allow a direct comparison with our findings in 2020, several questions from the original question set were replicated in this case-file examination. This enabled us to make a specific judgement on whether performance has improved or declined.

2.19 The inspection team consisted of four legal inspectors. Jonathan Ellis led the inspection, assisted by Lauranne Middleton, Justine Allan and Joanne Milner. Rachael Pavion, senior legal inspector, supervised the inspection.

Headlines

2.20 Of the four recommendations made in 2020, we assessed two as achieved and two as not achieved.

Recommendation one
Police supervisors and Crown Prosecution Service legal managers should maximise opportunities to share examples of good work and successful outcomes with their teams.

⁷ Cases were finalised between December 2024 and March 2025.

⁸ A prosecution which results in a conviction is recorded in CPS data as a successful outcome. This can include guilty pleas, proving cases in defendants' absence and convictions after trial. A prosecution which does not result in a conviction is recorded in CPS data as an unsuccessful outcome.

2.21 In 2020 we found that the CPS could not distinguish ELPs from other cases flagged as domestic abuse, and this hampered their ability to share good work and success stories from these cases. These difficulties remain.

2.22 Nevertheless, we found evidence of significant work at both national and Area level to promote awareness of the need to properly consider ELP in all DA cases and to share good work and success stories. The Domestic Abuse Joint Justice Plan (DAJJP) was launched on 12 November 2024 by the CPS and the National Police Chiefs' Council, and this prioritises CPS and police working together to build effective ELPs and share good practice. We welcome this focus on joint working and the opportunities it has brought through conferences and workshops to share joint examples of good work and successful outcomes.

2.23 Overall, we therefore assessed this recommendation had been **achieved**.

Recommendation two

As well as the Crown Prosecution Service's bespoke e-learning, which all Area prosecutors have to complete, the police and Crown Prosecution Service should ensure that refresher training in domestic abuse, and particularly evidence-led cases, is available to staff as appropriate.

2.24 Since the 2020 inspection, the CPS has rolled out face-to-face domestic abuse refresher training to most of its prosecutors. We found the training materials to be of good quality and the sections on ELP detailed and comprehensive.

2.25 In this follow-up inspection we assessed the ELP-specific e-learning and found it to be of good quality, and we found evidence of significant take-up since its inception. However, we were told that since 2024 it is now only mandated for CPS legal trainees and pupil barristers, and that those who joined CPS having qualified elsewhere would not receive it. It is our view that ELP-specific e-learning should once again be mandated for all new starters, including those who join the service having qualified elsewhere.

2.26 We find that the recommendation has been **achieved**.

Recommendation three

Prosecutors should ensure that in all domestic abuse cases, they set out clearly at the charging stage whether an ELP is viable and, if so, define an effective prosecution strategy.

2.27 The CPS's domestic abuse legal guidance requires consideration from the outset of the possibility of proceeding without the victim's support, whether or not the victim is supportive of a prosecution at the charging stage. It requires that this consideration should be set out clearly in the review.

2.28 To permit a direct comparison with our findings in 2020 the question set we used included an identical question.⁹

2.29 In 2020, we found that ELP was properly considered in 103 out of 178 cases (57.9%). In 2025 we found that ELP was properly considered in 55 out of 112 cases (49.1%), a decline of 8.8 percentage points.

2.30 In the 57 cases we assessed as not properly considering ELP, there were 14 cases, almost a quarter, we assessed that could have proceeded on an evidence-led basis.

2.31 We found that consideration of an ELP was significantly better where either the victim had never supported the prosecution or had already withdrawn their support prior to the prosecutor's pre-charge review. This factor was also reflected in a higher level of consideration of ELP where a decision was made to take no further action.

2.32 Performance was weakest in cases where the victim was supportive at the time of the prosecutor's review. As we found in 2020, prosecutors remain reactive rather than proactive in considering ELP and as a result opportunities to build and present viable prosecutions are being missed.

2.33 Senior leaders in the CPS acknowledge that the work carried out following the 2020 report clearly has not been successfully embedded. They also suggest that since the 2020 inspection there has been significant recruitment and a large volume of new and relatively inexperienced prosecutors have joined the CPS, the majority in the magistrates' courts teams where the largest volumes of domestic abuse cases are dealt with. While this is the case – with substantial recruitment over the past few years – the rules of evidence and building effective cases is a basic requirement and as such our findings are concerning.

2.34 The CPS is carrying out a programme of work to improve the quality of legal decision making. The focus of that work is moving from establishing the ten principles of case analysis and strategy to translating those into meaningful reviews, setting out a clear strategy, including ELP in cases where it is relevant, including DA. This is a long-term approach that the CPS anticipates will bring longer-term improvements in the quality of their casework. We are supportive of this approach and understand that it will take some time for the programme to deliver the culture change needed to drive quality improvement.

2.35 Given the decline in performance between 2020 and this follow-up we assess recommendation three as **not achieved**.

⁹ The prosecutor properly considered progressing the case without the victim's support (pre-charge).

Recommendation four

At review stage, prosecutors should, in all appropriate domestic abuse cases, clearly outline a strategy for proceeding with an ELP.
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2.36 CPS legal guidance requires prosecutors to consider ELP at post-charge review where the issue has either not been properly addressed at charge or where there is a relevant change of circumstances (most usually the victim withdrawing their support).

2.37 As in our assessment of recommendation three we asked the same question as we had in 2020 to permit a direct comparison.¹⁰

2.38 In 2020, we assessed that in 82 out of 137 cases (59.9%) ELP was considered. In 2025 we found that in 40 out of 70 cases (57.1%) it was considered: a slight decline of 2.8 percentage points since 2020.

2.39 In addition, we found that not all cases where an ELP was considered post-charge included a proper, appropriate and proportionate rationale by the prosecutor. This would include where the prosecutor's review mentioned an ELP but did not record adequate reasoning explaining why an ELP was or was not feasible and set an appropriate strategy to pursue it. Of the 40 cases where ELP was considered, 32 had such a rationale recorded and eight did not.

2.40 We found that where the charging review did not include consideration of ELP it was unlikely that this would be remedied at the post-charge stage unless the victim retracted their support after charge.

2.41 We found that where a victim retracted after charge an ELP was much more likely to be considered, although we did see examples of where ELP was not considered following retraction.

2.42 As we found regarding recommendation three, prosecutors remain reactive rather than proactive in their consideration of ELP and so opportunities to build and pursue ELPs continue to be lost.

2.43 We therefore assessed recommendation four as **not achieved**.

2.44 To reflect our findings in relation to progress against both recommendations three and four, we make a new recommendation to drive improvement in quality:

New recommendation

By December 2026 the Crown Prosecution Service to improve consistency of reviews in relation to the consideration of additional reasonable lines of enquiry and opportunities to strengthen cases in all case types, but in particular in

¹⁰ The prosecutor considered the possibility of proceeding with an evidence-led prosecution (post-charge).

domestic abuse cases so that where appropriate and necessary, domestic abuse cases can proceed without calling the victim to give evidence.

By June 2027, the CPS is to have demonstrated improvement through internal assurance.

3. Progress against the recommendations

Recommendation one

Police supervisors and Crown Prosecution Service legal managers should maximise opportunities to share examples of good work and successful outcomes with their teams.

3.1 In 2020 the CPS did not distinguish evidence-led cases from domestic abuse in general and there were no mechanisms in place to measure the numbers or the effectiveness of ELPs. We highlighted the difficulty of both learning lessons and sharing good practice without the means to identify and analyse these types of cases at either a national or local level. We found that without a national flag for ELPs on the CPS case management system there was no easy way to identify them, and that this significantly inhibited specific quality assurance or sharing of good practice.

3.2 The overall position has not changed and the difficulties in identifying evidence-led cases among other cases flagged as domestic abuse remain. We were told that several Areas have introduced a local ELP flag, however the criterion for flagging is inconsistent. In some Areas the flag is applied to cases where the victim has never supported the prosecution, while in others it is used where a victim was initially supportive but later withdraws and then a witness summons is applied for. We were told by the national policy leads that there is no plan to introduce a national flag for evidence-led cases.

3.3 We found evidence in the last 12 months of significant efforts to promote awareness of ELP and to enable sharing of good work and successes. At a national level, the Domestic Abuse Joint Justice Plan (DAJJP) was launched on 12 November 2024 by the CPS and the National Police Chief's Council. ELP is one of the key strategic priorities in the DAJJP. The most relevant part of the plan as regards ELP is set out within Outcome 3.10:

“Prepare evidence-led prosecutions from the outset by capturing evidence of behaviours and the demeanour of victims and suspects, together with other supporting evidence for an effective prosecution.”

3.4 We were told that since the DAJJP's launch several practice-sharing events, knowledge events and conferences have been held where ELP has been specifically discussed and good practice shared. These events are attended by DA leads from all the CPS Areas and often with police counterparts. The DA leads are often legal managers, managing Crown Court and magistrates' courts teams dealing with domestic abuse cases. They are therefore well placed to cascade messages from these events to their teams.

3.5 Under the DAJJP, the CPS has set up a “DA Insights” process which require Areas to provide information to CPS Headquarters on good practice in their Area. The police and CPS are also required to complete self-assessment forms that refer specifically to ELP, to help identify local priorities and required improvement

activities. In addition, the CPS has a national DA forum where, we were told, good practice and success stories are shared between Area DA leads.

3.6 We found a clear focus on ELP at a national level and note that the full impact of the DAJP on casework quality may take more time to embed fully.

3.7 We found clear evidence of discussion and prioritisation of ELP at a strategic level and evidence of sharing of good work and successes between Area DA leads and senior managers.

3.8 In Areas we found that ELP is discussed regularly at management level both internally and with police managers and it is plainly treated as a priority. We found numerous examples of this in minutes provided from Case Quality Board meetings, legal leadership forums and minutes from strategic Joint Operational Improvement Meetings.

3.9 We also found a range of different methods by which Area legal managers and legal leads share good work and successes in evidence-led cases directly with their teams. These included:

- all staff calls
- team meetings and briefings
- DA newsletters to staff
- weekly roundups to lawyers
- updates in caselaw relevant to ELP
- a 'model review' of an evidence-led case being circulated
- ELP cases being used in local DA scrutiny panels

3.10 In one Area a baseline assessment of recently finalised ELP cases had been conducted in the early part of 2025 by an Area legal manager. This had identified good work, including where *res gestae* had been used successfully, and we were told that the Area was considering generating a newsletter to be shared with prosecutors and the police to publicise the good results.

3.11 It is clear from the documentation received that some Areas are currently much more proactive in sharing ELP good practice and successes with prosecutors than others. There was significant variation in the documentation provided, with some Areas plainly demonstrating good work and others providing much more limited information. It may be that some such work is occurring in these Areas but is not being recorded, for example, where such sharing is done through staff calls or team meetings where minutes are not routinely taken.

3.12 There is a need in some Areas to re-invigorate the methods by which good work and success stories are shared, to ensure consistency across the whole of CPS.

3.13 We also found from the documents provided that the focus both at national and local level is on working with police colleagues to improve the quality of

investigations and the quality of the police file submitted to CPS. This is plainly important and valuable work which should continue.

3.14 Overall, we assessed this recommendation as **achieved**.

Recommendation two

As well as the Crown Prosecution Service's bespoke e-learning, which all Area prosecutors have to complete, the police and Crown Prosecution Service should ensure that refresher training in domestic abuse, and particularly evidence-led cases, is available to staff as appropriate.

Domestic abuse refresher training

3.15 As noted in our 2023 domestic abuse inspection, the CPS rolled out a comprehensive in-person DA refresher course between November 2022 and the middle of 2024.¹¹ At the time of our interview with Learning Services (LST) we were told that 3,116 staff at all grades between Associate Prosecutor and Senior District Crown Prosecutor were recorded as having completed the training.¹²

3.16 The one-day course is based around a domestic abuse case study. The case study highlighted the key issues involved in ELP: it featured one victim who was non-supportive from the outset and another who was initially supportive but later withdrew their support. We found the training materials to be of good quality and that they covered the relevant issues thoroughly. One of the key messages was for prosecutors to understand the need to consider whether there was sufficient other evidence to proceed without the victim from the outset, even if the victim was supportive at that stage. The DA refresher training has a section dedicated to ELP considerations.

3.17 We were told that the relevant staff who have not completed the training are likely to be made up of Crown Advocates, who could not attend due to court commitments, and other members of staff on long-term absences either due to sickness or being on loan or secondment. The priority roll-out has now finished and it has been moved to business as usual, with new prosecutors completing the DA refresher approximately six to eight months after their induction training. We were told it is now delivered by two trainers from LST.

3.18 The LST has received positive feedback from the DA refresher training: an internal evaluation found that over 80% of those who did the training believed the

¹¹ HMCPSI, 'The service from the CPS to victims of domestic abuse', available at: <https://hmcpsi.justiceinspectorates.gov.uk/report/the-service-from-the-cps-to-victims-of-domestic-abuse-2/>

¹² The CPS employs approximately 3,500 legally qualified staff.

course had increased their knowledge and helped them understand the underlying concepts of ELPs. Most CPS Areas stated that they had seen an improvement in the quality of lawyer reviews for DA cases following attendance on the course.

E-learning modules

3.19 In the 2020 inspection we found that a number of centrally developed training packages were available to prosecutors via e-learning. These included domestic abuse training, which contained a distinct module about ELP.

3.20 In 2020 inspectors were told by prosecutors that the training was “variable”, and that beyond initial induction training for new prosecutors, which included the module on ELPs, there was no on-going mandatory training either in DA or ELP specifically.

3.21 During this follow-up inspection we were told that the CPS e-learning course for ELPs was released in March 2017 and was mandatory for all prosecutors to complete between March and June of that year. The course was then mandated for all new starters for both Crown Prosecutor and Senior Crown Prosecutor grades from 2017 to 2024.

3.22 At the time of our interview the LST informed us that the course had been completed 2,787 times since its inception in 2017. We were told that this figure may not be completely reliable for two reasons. Firstly, it is possible for the same individual to complete the course more than once. Secondly, that the total figure does not include those who had completed the course after September 2021 but had subsequently left the service, as their details will have been erased.

3.23 Nevertheless, it is clear that a significant number of prosecutors involved in the prosecution of DA cases have completed this specific training. Having examined the course, inspectors found that it provides a clear guide to the specific issues involved in the review of ELP cases.

3.24 We were told that since 2024 the course is no longer part of the mandated pre-course work for legally qualified new starters, but it remains on the required learning for new legal trainees. It is our view that those who have qualified elsewhere may have very little previous experience of this area of work and as such this course should be mandated for those who have joined the service post-qualification.

3.25 In addition to the above all prosecutors have access to Oracle Learn (the CPS training platform) and, in addition to the specific e-learning, there are several other modules that feature ELP in the context of other topics, for example, training that deals with case strategy. ‘Domestic Abuse drills’ is an advocacy course which is directed at new prosecutors and deals with the situation of what to do as the trial advocate if the victim does not attend court.

Local Area training

3.26 In the documents provided to us from CPS Areas there were examples of local training. Some of this was internal for Area prosecutors, but most of it was focused upon training the local police forces with the aim of improving their investigations and submissions as regards ELP. While there is plainly value in this work, given our findings, there is also a need to focus training internally.

3.27 We were told by the LST that it has no oversight or involvement in local Area training. Areas can simply put their own training on Oracle Learn and as such they are not subject to the same level of check and challenge and robust quality assurance that national products go through. This risks inconsistency of approach.

3.28 The national training made available to prosecutors, specifically the e-learning course and the DA refresher, are of good quality and enable the recipients to deal properly with ELPs. We also found that both have been delivered to most prosecutors who deal with domestic abuse cases.

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

Recommendation three

Prosecutors should ensure that in all domestic abuse cases they set out clearly at the charging stage whether an evidence-led prosecution is viable and if so define an effective prosecution strategy.

3.30 The CPS legal guidance on domestic abuse is clear that in all domestic abuse cases the prosecutor should consider, from the outset, the possibility of proceeding without the victim's support and this should be clearly recorded within the prosecutor's review. This applies even where the victim remains supportive at the time of the review. This expectation on prosecutors was confirmed in our interviews both with the domestic abuse national policy leads and the LST.

3.31 Prosecutors should consider potential evidence other than that of the victim such as 999 calls, body worn video (BWV), other witness statements and telephone/social media evidence where it is provided by police, and request such material when it is missing from the police file. Prosecutors should also consider whether any statements are admissible under the *res gestae* principle, section 118 of the Criminal Justice Act 2003.

3.32 We assessed this aspect in our original 2020 inspection and found that in 103 out of 178 (57.9%) relevant cases such consideration of ELP was recorded at the charging stage.

3.33 To make a direct comparison with the 2020 findings we have used the same question in our case file analysis as was used then and used the same yes/no answers.¹³ To assess whether this recommendation had been achieved, we set an improvement of 20% against our 2020 findings as the benchmark.

3.34 In this inspection we found that, of 112 cases examined, ELP was properly considered at pre-charge stage in 55 cases (49.1%) and not considered either at all or properly in 57 cases (50.9%). This is a decline of 8.8 percentage points.

3.35 All the cases in our file sample required an assessment of the viability of ELP according to CPS legal guidance. If an ELP was viable, the setting of an appropriate case strategy should be clearly recorded in the review.

3.36 Of the 57 cases assessed as not properly considering ELP at the charging stage, we found that almost a quarter (14 cases) could have been prosecuted on an evidence-led basis. Those 14 cases included nine where the victim continued to support the prosecution, and so the case proceeded with the victim's evidence. In the remaining five cases the CPS decided to take no further action at the charging stage or stopped the case at a later stage. These five cases represent a missed opportunity as if other sources of evidence had been considered and a clear strategy set, in our view, it was possible a successful outcome after trial could have been obtained.

Case study

The victim was assaulted in the street by his nephew who pushed him to the ground and then struck him numerous times to the head and body. This was seen by two independent witnesses, and photographs were taken of the injuries he received. The victim called 999 immediately after the incident and gave an account of what happened to a police officer recorded on their body worn camera soon after. In interview, while claiming he was defending himself, the defendant also admitted to landing several blows on the victim while he was on the ground. The victim provided a witness statement and was supportive of a prosecution at the charging stage.

The prosecutor did not address an ELP at all in the charging advice despite a number of obvious sources of evidence to pursue this. This issue was not identified later in post-charge reviews. Neither the victim nor the independent witnesses attended on the day of the trial, and the prosecutor offered no evidence without attempting to pursue an ELP, as there had been no thought given to the fact that the victim might withdraw, and that the prosecution could proceed on an ELP basis.

¹³ The prosecutor properly considered progressing the case without the victim's support (pre-charge) – see Appendix A.

Analysis of findings regarding consideration of ELP

3.37 Within our overall assessment we found that consideration of ELP by prosecutors was much better where the victim had either never supported a prosecution or had retracted their statement prior to the charging decision. There were 33 such cases in the file sample and we found ELP had been properly considered in 26 cases (78.8%).

3.38 We also found consideration of ELP was better in cases where the CPS advised no further action (NFA), where the victim was much more likely to be unsupportive from the outset. Of the 28 NFA cases examined (two per Area), in 17 cases (60.7%) ELP was properly considered.

3.39 Of the 84 charged cases we examined, there were 71 cases where the victim was supportive at the time of charge.¹⁴ In these cases, the consideration of ELP was significantly worse, with only 27 of those 71 cases (38%) containing reviews that properly considered ELP. In the remaining 14 cases ELP was either not considered properly or at all. Examples included cases where there was BWV and/or a 999-call recording that could support an ELP, but this was not considered as the victim had provided a statement and remained supportive.

3.40 What we can conclude is that prosecutors are much more likely to consider ELP when it is the only option, rather than considering it as a contingency in all cases as is required by CPS legal guidance. This is not a hypothetical exercise, as for a whole range of well-documented reasons a domestic abuse victim may withdraw support at some point in the process. It is therefore essential that where possible, early consideration of other available evidence is set out and a decision reached as to whether that other evidence would be sufficient, in the absence of the victim's evidence, for the case to proceed; and that, where necessary, further evidence is requested from the police to support this at an early stage. By doing this the prosecution can avoid being taken by surprise by a later retraction, which can occur very close to the trial date, or by the non-attendance of a victim at the trial itself and so being forced to drop the case.

3.41 We found evidence that the CPS is aware of these weaknesses. Documents provided by several CPS Areas showed there is an acknowledgement by CPS legal managers that some prosecutors are not consistently following CPS guidance as regards considering ELPs pre- and post-charge and would only consider ELP either if the victim had either never supported, or retracted pre-charge, or where they subsequently withdrew their support.

3.42 In addition to assessing whether ELP was addressed at the charging stage we also considered whether prosecutors requested further evidence not on the file provided by police on which an ELP could be built. We found that there were 33 cases where relevant material was missing from the police file, and in only 15 cases (45.5%) did the prosecutor request the relevant material as part of a strategy to pursue an

¹⁴ We examined 112 cases, of which 28 were NFAs.

ELP. In four cases (12.1%) such material was not requested at all. The material in these cases included BWV, 999 calls, independent witness testimony, phone/social media evidence, mobile telephone subscriber checks and doorbell footage.

3.43 In the remaining 14 cases the material (usually BWV and 999 calls) was requested by the prosecutor but not with a view to building an ELP but for another purpose, for example, so that the items could be assessed as unused material. In these cases, although the relevant material for an ELP might be on file we found that later consideration of ELP was poor in contrast to the cases where a request had been made as part of a strategy to pursue an ELP (see below under recommendation four).

3.44 Given the findings we assessed that recommendation three is **not achieved**.

Recommendation four

At review stage, prosecutors should, in all appropriate domestic abuse cases, clearly outline a strategy for proceeding with an ELP.

3.45 In 2020 we found that it was appropriate to consider proceeding with an ELP post-charge in 137 cases out of the total of 200 examined. In 82 of those cases (59.9%) ELP was considered at post-charge stage.

3.46 We also found in 2020 that, although legal managers believed that ELP should be addressed in all DA cases, the views of prosecutors on this issue were mixed, with some believing that ELP should only be considered in more serious cases.

3.47 The recommendation we made was to improve consideration of ELP at the post-charge review stage and ensure prosecutors always consider the possibility of an ELP and in appropriate cases, set a strategy to prosecute without the victim's evidence.

3.48 As with our assessment of recommendation three, to allow a direct comparison with the 2020 results we assessed whether recommendation four was achieved against the same question as in our 2020 inspection.¹⁵ To assess whether this recommendation had been achieved, we looked for a substantial improvement of 20% against our 2020 findings.

3.49 In this follow-up inspection, 84 of the 112 cases were charged and so fell to be considered for the consideration of ELP at the post-charge stage. We found that, of the 84 cases examined where charges were authorised, ELP should have been considered at the post-charge stage in 70 cases. The remainder were cases where

¹⁵ The prosecutor considered the possibility of proceeding with an evidence-led prosecution (post-charge).

the CPS had taken a decision post-charge to end the case, or where an ELP had been properly considered pre-charge, and nothing had changed between the pre- and post-charge reviews.

3.50 We found that, of those 70 cases, ELP was considered at post-charge stage in 40 cases (57.1%). This is a slight decline of 2.8 percentage points from our findings in 2020.

3.51 In addition to an assessment of whether the prosecutor considered the possibility of proceeding with an ELP post-charge, we also assessed whether the prosecutor had recorded an appropriate, proper and proportionate rationale in the cases where an ELP had been considered.¹⁶ We found that 32 out of 40 (80%) had such a rationale recorded and eight cases (20%) did not.

Analysis of findings regarding consideration of ELP

3.52 Where a victim retracted after charge, we found this mostly led to consideration of ELP. The victim retracted their support for the prosecution after the defendant had been charged in 28 of the cases we examined. In 26 of these cases (92.9%) an ELP was considered and in 20 of these cases (71.4%) an appropriate, proper and proportionate rationale recorded. In the other two cases an ELP was not addressed at all by the prosecutor.

3.53 Consideration was also good in the nine cases which needed review post-charge where the victim had never supported the prosecution or had retracted at the pre-charge stage: in eight out of nine cases ELP was considered and an appropriate rationale recorded in seven of these eight cases.

3.54 Again, as at the charging stage, consideration of ELP at post-charge review stage was weak in cases where the victim remained supportive. Victims remained supportive in 43 out of the 84 cases we examined where charges were authorised. Of those 43 cases, 33 required ELP consideration post-charge (the remaining ten were cases where it had been considered pre-charge and nothing had changed, or where a decision had been made post-charge to end the case). However, we found only six cases (18.2%) where ELP was considered, and an appropriate rationale recorded in five of those six. In the remaining 27 cases (81.8%) ELP was not considered. It is of note that in all 27 cases there had been no consideration of ELP at the charging stage, either.

3.55 We compared the 46 cases where charges were authorised and where ELP had not been considered properly or at all at the pre-charge stage, against the post-charge review to assess whether these failings were identified and addressed. In only 16 out of those 46 cases (34.8%) was ELP considered at post-charge review. In most of these instances (13 out of 16 cases) this consideration was triggered by the fact that the victim had retracted post-charge. In the remaining 30 cases, ELP was not

¹⁶ See Appendix A.

considered properly or at all at post-charge review, having been missed at the charging stage.

3.56 Our findings again point to the fact that prosecutors tend to be reactive rather than proactive in their consideration of ELP post-charge and consider it when it is the only option rather than looking to build a viable case without the victim's evidence from the outset.

3.57 When ELP is addressed proactively by the prosecutor and the case strategy includes a thinking approach, in those cases where the victim is initially supportive this can lead to a successful outcome, when the victim may later withdraw support.

Case study

Police were called to an incident where the defendant was alleged to have slapped his ex-partner across the face, causing reddening. The victim had called 999 and given an account of what happened and also given an account to police when they arrived shortly after, which was recorded on the officer's body worn video (BWV). She then provided a witness statement and was fully intending to support the prosecution and give evidence when the CPS provided charging advice.

The prosecutor advised charge and fully assessed the possibility of proceeding with an ELP if the victim withdrew support, by applying to admit the 999 call and BWV as evidence. When, shortly before the case was listed for trial, the victim indicated she would not attend court to give evidence the prosecutor was able to successfully admit the evidence as *res gestae* given that there had been a clear case strategy outlined at the initial stage by the prosecutor. Having used the other sources of evidence available, the defendant was convicted without the victim's live testimony.

3.58 In addition to the cases where the victim withdrew their support post-charge, we also assessed cases listed for trial and found seven cases where the victim had been warned but did not attend (51 cases of the 84 charged cases in our sample went to trial with the victim warned to attend).

3.59 Only one of these cases proceeded as an effective trial and resulted in a conviction, which is the example we set out in the case study above where an effective ELP strategy had been set in advance despite the victim's support. Of the remaining six cases, in three of them ELP had been considered adequately, and the trial advocate attempted to run them as evidence led. However, applications to adduce evidence under the *res gestae* principle were either refused by the court or defeated by a successful argument made by the defence to exclude that evidence.

3.60 Of the remaining three cases, in one case the victim did not attend due to health issues, and the prosecutor offered no evidence, with a restraining order being

granted on acquittal. We agree with the CPS that the case could not have proceeded as an ELP. In another case ELP had not been considered at charge but was considered after the victim retracted, albeit very late, some five months after the information had been received and only three days before the trial and so too late to request an exhibiting statement for the 999 call. In that case, the prosecutor wrongly decided that the case could proceed without the victim, based on the 999 call. On the day of the trial a different prosecutor rightly declined to make the application and offered no evidence. Where ELP is considered very late in the day the opportunity to undertake remedial work, source vital evidence and to make relevant applications will often be limited or have already been lost.

3.61 In the final case inspectors took the view that the trial could have proceeded on an evidence-led basis and that the prosecutor took the wrong decision to offer no evidence. ELP had not been considered in any of the reviews and when the victim and two other witnesses did not attend the trial the prosecutor offered no evidence. We took the view that the case could have been prosecuted based on an application to admit the 999 call and BWV footage as *res gestae*.

3.62 These examples highlight that in two out of the seven cases referred to above, the CPS missed opportunities to secure convictions by failing to properly consider ELP.

3.63 Given the findings above we find that the recommendation is **not achieved**.

3.64 We therefore make a new recommendation to supersede recommendations three and four, to drive improvement in consideration of ELP in all domestic abuse cases. In addition, we have included reference to all case types to reflect the fact that the principles of ELP are equally applicable to non-DA matters.

New recommendation
By December 2026 the Crown Prosecution Service is to improve consistency of reviews in relation to the consideration of additional reasonable lines of enquiry and opportunities to strengthen cases in all case types, but in particular in domestic abuse cases so that where appropriate and necessary, domestic abuse cases can proceed without calling the victim to give evidence. By June 2027, the CPS is to have demonstrated improvement through internal assurance.

Annex A

File examination data

Question	Answer	Volume	Percentage
Introductory question			
Did the victim retract at any point?	No	51	52.0%
	Yes	47	48.0%
Total		98¹⁷	
If 'yes', was this before the pre-charge decision was made or after?	After PCD	28	59.6%
	Before PCD	19	40.4%
Total		47	
Pre-charge decision			
The prosecutor properly considered progressing the case without the victim's support	No	57	50.9%
	Yes	55	49.1%
Total		112	
Did the prosecutor request further information from the police in relation to progressing evidence-led prosecution?	No – evidence requested but not in relation to progressing ELP	14	42.4%
	No – evidence not requested	4	12.1%
	Yes	15	45.5%
Total		33¹⁸	
If 'no', what should the prosecutor have requested?	Body worn footage	1	25.0%
	Other – detail in FRS	1	25.0%
	Other – multiple sources of evidence	2	50.0%

¹⁷ 14 cases out of the 112 were assessed as 'not applicable' (NA) as the victim had never supported the prosecution.

¹⁸ In the remaining 79 cases there was no outstanding material that needed to be requested.

Evidence-led domestic abuse prosecutions: a follow-up inspection

Total		4	
Post-charge			
The prosecutor considered the possibility of proceeding with an evidence-led prosecution	No	30	42.9%
	Yes	40	57.1%
Total		70¹⁹	
If 'yes' (to the above question), was an appropriate, proper and proportionate rationale recorded?	No	8	20.0%
	Yes	32	80.0%
Total		40	
Trial			
Did the victim attend the trial?	No	7	13.7%
	Yes	44	86.3%
Total		51	
Did the case proceed as an effective trial?	No	6	10.2%
	Yes	53	89.8%
Total		59²⁰	
If 'no', what was the reason?	Other	1	16.7%
	Victim DNA	5	83.3%
Total		6	

¹⁹ Out of the original 112 cases, 70 required consideration of ELP post-charge. The remaining 52 cases either involved a decision to take no further action, either at charge (28 cases) or where ELP had been properly considered and there was no change in circumstances requiring the issue to be assessed again (24 cases).

²⁰ Eight cases proceeded to trial on an ELP without requiring the victim to attend to give evidence.

Evidence-led domestic abuse prosecutions: a follow-up inspection

If not, could the prosecution have proceeded without the victim?	No	5	83.3%
	Yes	1	16.7%
Total		6	
Outcome			
What was the outcome of the case?	Acquittal at trial	13	11.6%
	Conviction at trial	38	33.9%
	Discontinuance/offer no evidence	33	29.5%
	No further action	28	25.0%
Total		112	

Annex B

Glossary

Area

The CPS is divided into 14 geographical Areas across England and Wales. Each Area is led by a Chief Crown Prosecutor, supported by an Area Business Manager, whose respective roles mirror, at a local level, those of the Director of Public Prosecutions and Chief Executive. Area Operations Centres provide Areas with administrative support. A 'virtual' 15th Area, CPS Direct, provides charging decisions to the police across England and Wales.

Associate Prosecutor (AP)

A non-lawyer employed by the CPS who conducts uncontested (guilty plea) cases at the magistrates' court on behalf of the prosecution. With additional training, APs can undertake contested (not guilty) hearings.

Body worn video (BWV)

A wearable audio, video or photographic recording system used to record events in which police officers or other law enforcers are involved.

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.

Casework Quality Standards

These standards set out the benchmarks of quality that the CPS seeks to deliver when prosecuting crime on the public's behalf. They cover treatment of victims and witnesses, legal decision making, casework preparation and advocacy.

Charging decision

A decision by the CPS (or the police in certain circumstances) whether there is sufficient evidence, and whether it is in the public interest, to charge a suspect with a particular offence. The process is governed by the Director's Guidance on Charging.

Code for Crown Prosecutors (the Code)

A public document, issued by the Director of Public Prosecutions, which sets out the general principles CPS lawyers should follow when they make charging decisions. Cases should proceed to charge only if there is sufficient evidence against a defendant to provide a realistic prospect of conviction and it is in the public interest to prosecute.

Conviction after trial

Where a case proceeds to trial and evidence is heard by the court, following which the defendant is convicted of some or all of the offences with which they were charged

CPS Direct (CPSD)

The 'virtual' 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.

Crown Advocate (CA)

A lawyer employed by the CPS who is qualified to appear in the Crown Court.

Crown Prosecutor (CP)

A lawyer employed by the CPS whose role includes reviewing and preparing cases for court and prosecuting cases at the magistrates' court. CPs can progress to become Senior Crown Prosecutors – see below.

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 1986 and is headed by the Director of Public Prosecutions.

Criminal Justice System (CJS)

The collective term for public bodies such as the police, the Crown Prosecution Service, the courts, HM Prison Service, the judiciary and the Probation Service, that work to uphold the law, take action against people who commit crimes and protect the innocent.

Defendant

Someone accused of and charged with a criminal offence.

Director's Guidance on Charging

Guidance issued by the Director of Public Prosecutions in relation to charging decisions. It sets out guidance for the police and CPS about how to prepare a file so that it is ready for charging, who can make the charging decision, and what factors should influence the decision. It also sets out the requirements for a suspect whom the police will ask the court to keep in custody to be charged before all the evidence is available, which is called the threshold test. The latest edition (the sixth, also called DG6) came into effect on 31 December 2020.

Disclosure/unused material

The police have a duty to record, retain and review material collected during an investigation that is relevant but is not being used as prosecution evidence, and to reveal it to the prosecutor. The prosecutor has a duty to provide the defence with copies of, or access to, all material that is capable of undermining the prosecution case and/or assisting the defendant's case.

Domestic abuse (DA)

Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass but is not limited to psychological, physical, sexual, financial and emotional. The CPS flag cases as DA irrespective of the age of the suspect or victim. Therefore, the descriptor is applied to a wider cohort of cases than the statutory definition.

Effective trial

A trial that goes ahead as a contested hearing on the date that it is listed.

Evidence-led prosecution (ELP)

An evidence-led prosecution is a strategy where the prosecution pursues a conviction using evidence other than a victim's live testimony. This approach, while available in all prosecutions, is often used in domestic abuse cases and allows for successful prosecutions when a victim is unable or unwilling to participate in the legal process, relying instead on evidence such as body-worn camera footage, witness statements from police officers, CCTV, expert evidence, and medical reports to prove the abuser's guilt.

Ineffective trial

A trial that does not go ahead on the trial date because of action or inaction by one or more of the prosecution, the defence or the court, requiring a further listing for trial.

Legal guidance

A digital workspace which contains the CPS's legal guidance for the prosecution of casework.

National Police Chiefs' Council (NPCC)

An organisation which brings together 43 operationally independent and locally accountable Chief Constables and their chief officer teams to co-ordinate national operational policing.

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.

Offer no evidence (ONE)

Where the prosecution offers no evidence in relation to an offence for which the defendant has been arraigned. This results in a finding of not guilty.

Pre-charge decision (PCD)

The process by which the police and CPS decide whether there is sufficient evidence for a suspect to be prosecuted. The process is governed by the Director's Guidance on Charging.

Review (initial, continuing, summary trial, full file, and so on)

The process whereby a crown prosecutor determines that a case received from the police satisfies, and continues to satisfy, the legal test for prosecution in the Code for Crown Prosecutors. One of the most important functions of the CPS.

Senior Crown Prosecutor (SCP)

A lawyer employed by the CPS with the necessary skills and experience to carry out the functions of reviewing and preparing cases for court and prosecuting cases at court. Senior Crown Prosecutors can also advise the police on charge. It is not a role that includes managing staff.

Senior District Crown Prosecutor (SDCP)

A lawyer employed by the CPS with the necessary skills and experience to progress to a more senior legal role. It is a role that includes managing staff.

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