

**Dame Vera Baird QC**

**Victims' Commissioner for England and Wales**

Office of the Victims' Commissioner for England and Wales  
5<sup>th</sup> Floor, 70 Petty France  
London SW1H 9EX

e: [victims.commissioner@victimscommissioner.org.uk](mailto:victims.commissioner@victimscommissioner.org.uk)

26 January 2021

Kevin McGinty CBE  
Chief Inspector  
HMCPsi  
sent by email

Dear Kevin

**HM Crown Prosecution Service Inspectorate (HMCPsi) - statutory  
consultation on the 2021-22 draft business plan.**

Thank you for your letter of 5 January asking for my comments on your draft business plan for 2021-22.

Having read your proposals, particularly those specifically relating to victims and witnesses, I very much welcome your commitment to undertake an inspection looking at the level of service the CPS provides to victims and witnesses throughout the court process. This is important given the mounting evidence that victims are becoming increasingly disillusioned with the criminal justice process, as evidenced by the threefold increase in the proportion of prosecutions that are not pursued following a decision by the victim to withdraw their support.

In the past year my team has undertaken two on-line victim surveys and received nearly 1,000 responses. We received a lot of feedback relating to the CPS and we would be very willing to discuss these findings with your inspectors as part of this inspection.

More specifically, I particularly welcome any plans you might have to look at CPS compliance in speaking to witnesses at court and that it is envisaged the inspection would include interviews with witnesses. Anecdotal evidence suggests the quality of the interaction is variable and this qualitative feedback can only be picked up by engaging with witnesses.

You might consider whether you extend this inspection to look at how the CPS communicates with victims prior to the trial, for example, explaining decisions in respect of charging or whether to accept a plea bargain. An exchange of correspondence between me and the CPS suggests that all too often the communication of sensitive and quite technical decisions in respect of plea bargains are being delegated to police officers, who may not be best placed to provide accurate and informed advice.

I also welcome the proposal to undertake an inspection on domestic abuse and the domestic abuse best practice framework, looking at the quality of CPS decision making in domestic abuse casework. You suggest this could include looking at the support given to victims and I would hope this would be a critical part of methodology for this inspection. In framing the remit for this piece of work, I would strongly urge you to consult with the Domestic Abuse Commissioner, Nicole Jacobs.

I would particularly wish to see an inspection of all aspects of the Victims Right to Review, including decision making methodology, the communication with victims, the consideration of victim representation (where this is a feature) and the approach to the ratio in *R(FNM) v DPP (2020) EWHC 870*. I would very much welcome your thoughts on this proposal.

Furthermore, and in light of the ICO report published last summer, I think the time must be right for an inspection into the role of the CPS in digital download and the obtaining of third party material, in particular if and how the procedures set out in *Stafford* is being observed by CPS and how else the CPS approach the question of ensuring relevant and appropriate approach to this material.

I will await the consultation in respect of plans for joint inspections.

In line with my usual practice, I will be placing a copy of this letter on my website.

Yours sincerely

A handwritten signature in black ink, appearing to read 'V Baird', with a stylized flourish at the end.

**Dame Vera Baird QC**  
**Victims' Commissioner for England and Wales**

**cc: Mrs Stollery**