Dear Mr Neill,

RE: EVIDENCE SESSION FOLLOW-UP

Thank you for your letter of 28 November 2017, on behalf of the Justice Committee.

I have provided further information on each of the areas you noted in your letter below and I am happy to answer any further questions.

1) a) What were the reasons for CPS staff dismissals since 2012?

The reasons behind the dismissal of the 15 lawyers since 2012 mentioned by the Committee include the following:

- Inefficiency arising from sickness absence;
- Gross misconduct;
- Serious negligence; and
- Conviction for a criminal offence.

Over the same period a further 73 employees who were not classified as lawyers were dismissed from the CPS for a range of reasons which included:

- Inefficiency arising from sickness absence;
- Failure to achieve necessary standards whilst on probation;
- Conviction for a criminal offence;
- Unauthorised absence; and
• Gross misconduct.

1 b) i) For staff who were found to have committed misconduct but where not dismissed, what sorts of misconduct had they committed?

For the period 2012/13 to 2016/17, the types of misconduct committed by lawyers include:

- Breach of confidentiality
- General misconduct
- Breach of security requirements
- Breach of the CPS ‘Dignity at Work’ Policy
- Dishonesty
- Professional negligence
- Refusal or failure to carry out a management request or instruction

In determining the level of misconduct, a manager is required to consider the available facts and determine a proportionate response to the behaviour under consideration. Clear guidance is provided to assist managers in their decision-making in the CPS’s Disciplinary Policy which fully complies with ACAS requirements. Managers are further supported by local Human Resource Advisors in their decision-making.

1 b) ii) What steps have been taken to address misconduct that didn’t lead to dismissal?

The following outcomes have been recorded for lawyers who have had a misconduct finding during the same period:

- 63% of cases concluded with either a Written or Final Written warning;
- 32% of cases concluded with no formal warning (In such circumstances an alternate outcome such as personal development/performance action plans may have been set).

The small number of remaining cases either resulted in employee resignation or have yet to formally conclude (e.g. for cases in late 2016/17 where witnesses or respondents have either been unable to participate or where appeals processes are yet to be exhausted).

2 a) How many Specialist Prosecutors do you employ for terrorism-related offences?

Our Counter-Terrorism Division currently employs 20 Specialist and Senior Specialist Prosecutors.
2 b) How has the number of Specialist Prosecutors changed over the last five years?

The table below shows the changes in Specialist and Senior Specialist Prosecutors in the CPS Counter Terrorism Division as at 31 October for each respective year:

<table>
<thead>
<tr>
<th>Year</th>
<th>Specialist and Senior Specialist Prosecutors in Counter Terrorism</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>11</td>
</tr>
<tr>
<td>2014</td>
<td>13</td>
</tr>
<tr>
<td>2015</td>
<td>12</td>
</tr>
<tr>
<td>2016</td>
<td>17</td>
</tr>
<tr>
<td>2017</td>
<td>20</td>
</tr>
</tbody>
</table>

2 c) How does the CPS expect the number of Specialist Prosecutors to increase in each of the next five years?

The CPS resource plans to 2020 indicate an increase in Specialist Prosecutors in the CPS Counter-Terrorism Division of eight. The CPS does not seek to predict caseload and consequential staff resource requirements beyond this time period.

3 a) How many staff work in the CPS’s RASSO Units and how has this number changed in each of the last five years?

The table below details the numbers of lawyers (FTE) working in dedicated RASSO Units between 2015 and 2017.

<table>
<thead>
<tr>
<th>Year</th>
<th>Prosecutors (FTE)</th>
<th>Managers (FTE)</th>
<th>Total (FTE)</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 2015</td>
<td>138</td>
<td>17</td>
<td>153</td>
</tr>
<tr>
<td>June 2016</td>
<td>185</td>
<td>28</td>
<td>213</td>
</tr>
<tr>
<td>May 2017</td>
<td>197</td>
<td>29</td>
<td>226</td>
</tr>
</tbody>
</table>

In 2015 all CPS Areas established dedicated RASSO Units given the increasing volume and complexity of reported crime in this area. Before 2015, these cases were not dealt with by dedicated units.

3 b) How does the CPS expect the number of staff employed in RASSO Units to change in each of the next five years?

The CPS regularly reviews patterns of reported crime and seeks to deploy its staff flexibly to maximise efficiency and effectiveness of the prosecution process. Resourcing in RASSO Units is currently considered sufficient but this will be kept under regular review with each Area.

4. Nearly 10% of cases in the Magistrates’ Courts are discontinued. What are the reasons for discontinuance?

During the financial year 2016-17, a total of 9,030 defendants had their cases dropped*
in the magistrates’ courts. This accounts for 10.0% of the total defendants prosecuted over the same period. The highest incidence of reasons as to why cases were dropped concern the failure of the victims or witnesses to attend the proceedings.

<table>
<thead>
<tr>
<th>Dropped Reason</th>
<th>Volume</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Victim &amp; Witness Reasons</td>
<td>4,282</td>
<td>47.4%</td>
</tr>
<tr>
<td>All Other Evidential</td>
<td>2,489</td>
<td>27.6%</td>
</tr>
<tr>
<td>All Other Public Interest</td>
<td>1,936</td>
<td>21.4%</td>
</tr>
<tr>
<td>Other</td>
<td>323</td>
<td>3.6%</td>
</tr>
<tr>
<td>Total Dropped</td>
<td>9,030</td>
<td></td>
</tr>
<tr>
<td>Total Prosecutions</td>
<td>90,358</td>
<td></td>
</tr>
</tbody>
</table>

*Dropped cases are those that are discontinued, prosecution offered no evidence, the prosecution stayed, withdrawn, the indictment stayed, and Lie on file.

5. What percentage of defence statements are reviewed by the allocated prosecutor before being sent to the police?

CPS is unable to obtain this information from its case management system. The Crown Prosecution Service (CPS) does not maintain a record of the percentage of defence statements which are reviewed by the allocated prosecutor before being sent to the police in the Casework Management System.

6. In what percentage of cases in i) the Magistrates’ Court; and ii) the Crown Court do the CPS disclose their papers to the defence a) at least five days before the first hearing; and b) between one and four days before the first hearing?

Under the principles of Transforming Summary Justice (TSJ), the CPS is committed to preparing and serving initial disclosure of the prosecution case (IDPC) 5 days before the first hearing for all cases, irrespective of whether they are destined for the Crown Court or not.

CPS is only able to provide IDPC in advance of the first hearing when defence representations are known. CPS found in approximately 80% of cases the defendant does not instruct representation in advance of the first hearing.

The CPS Compliance and Assurance Team monitor service of IDPC through a dip sample of approximately 600 cases each quarter across all CPS Areas. The following table outlines the position regarding service of IDPC on the court in Q2 2017/18.
CPS does not hold separate figures on the timeliness of service of papers on the defence in the magistrates’ court or Crown Court.

This data shows that the majority of cases are prepared and ready to serve on the defence at least 2 days before the first hearing, in compliance with Criminal Procedure Rule 8.2.

7. Could you provide us with a copy of the Victim and Witness Survey 2017 and the results of that survey?

The CPS published the results of its last full victim and witness survey in 2015. A direct follow up to this survey has been commissioned and, as I informed the committee in my evidence, we expect the results in May 2018.

The survey that we published results from in 2017 was specifically about the impact of the introduction of our Speaking to Witnesses at Court Guidance. The fieldwork was carried out on our behalf by the Court Based Witness Service and the results analysed by our Operations Directorate.

A copy of the 2015 Victim and Witness Survey and the final report from our 2017 survey on our Speaking to Witnesses at Court Guidance are enclosed with this letter.

Yours sincerely,

ALISON SAUNDERS
DIRECTOR OF PUBLIC PROSECUTIONS