



HOUSE OF COMMONS

Justice Committee

Oral evidence: [Pre-appointment hearing for the Chief Inspector of His Majesty's Crown Prosecution Service Inspectorate, HC 578](#)

Tuesday 28 January 2025

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Members present: Andy Slaughter (Chair); Josh Babarinde; Pam Cox; Sir Ashley Fox; Warinder Juss; Tessa Munt; Mrs Sarah Russell.

Questions 1 - 35

Witness

I: Anthony Rogers, Government's preferred candidate for the Chief Inspector of HM Crown Prosecution Service Inspectorate.



Examination of witness

Witness: Anthony Rogers.

Chair: The Justice Committee is now in session for the pre-appointment hearing of His Majesty's Chief Inspector of the Crown Prosecution Service Inspectorate. As part of the pre-appointment process, we will be questioning Anthony Rogers. We are starting slightly later than usual, so apologies to anyone who was expecting us to be on sooner. We will get straight underway once we have done our declarations of interest. Could we go around the room, starting with Warinder Juss?

Warinder Juss: I am Warinder Juss, MP for Wolverhampton West. I am a solicitor and executive council member of the GMB trade union. I also have membership of various APPGs.

Mrs Russell: My name is Sarah Russell. I am a member of USDAW and Community, and I am a solicitor.

Pam Cox: I am Pam Cox. My interests are as declared. I would add on this occasion that I did write a report for Dame Vera Baird looking at the role of inspectorates supporting her as OVC.

Josh Babarinde: I am Josh Babarinde, the MP for Eastbourne. I do not have any interests to declare beyond what is in the register.

Chair: I am Andy Slaughter, the Chair of the Committee. I am a non-practising barrister. I am a patron of two justice-related organisations, The Upper Room and Hammersmith and Fulham Law Centre. I am a member of the GMB and Unite trade unions. Tessa, did you have anything?

Tessa Munt: I am Tessa Munt. I am the Member for Wells and Mendip Hills. I am a director of WhistleblowersUK, which is a non-profit-making organisation. I am the vice-chair of the APPG on whistleblowers.

Sir Ashley Fox: I am Ashley Fox, the Member for Bridgwater. My interests are as declared on the register.

Q1 **Chair:** Thank you very much. Welcome again, Mr Rogers. I will ask you a few preliminary questions and then I will hand over to my colleagues. Would you introduce yourself to the Committee and briefly explain your background?

Anthony Rogers: Yes. I am Anthony Rogers. I am currently—for the last 11 months—the interim Chief Inspector of the Crown Prosecution Service Inspectorate.

I started as a civil servant straight out of seminary in 1989, so I have been a career civil servant since 1989, apart from a period when I retired in 2016 and came back in 2018. I have held a number of posts across the civil service since 1989. I have been very lucky to work in a number of



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Government Departments: Inland Revenue; DSS as was; the Department for Work and Pensions; and the Land Registry.

I came to criminal justice in 2003, when I joined the inspectorate for the first time. I came to the inspectorate as a business management inspector, so I am not a lawyer. I left the inspectorate in 2012 as Deputy Chief Inspector to join the Crown Prosecution Service as its first head of compliance. The CPS was sick of the inspectorate telling it things it did not know, so it thought that it could use some of the best practice from inspection, hence why I joined the CPS. I then became area business manager for the largest of the CPS areas, CPS London. I left the civil service in 2016 and became a consultant for two years. Then, in 2018, I was reinstated into the inspectorate as Deputy Chief Inspector, and I was Deputy Chief Inspector there until I took up the interim post in 2024—11 months yesterday for that matter.

Q2 Chair: Thank you very much. His Majesty's Crown Prosecution Service Inspectorate, from here on in HMCPsi, is a public body that many people will not have heard about. Could you explain the significance of HMCPsi's role within the criminal justice system?

Anthony Rogers: The inspectorate inspects the Crown Prosecution Service statutory duty and the Serious Fraud Office. We got powers in 2013 to inspect the Serious Fraud Office. We are there to drive the improvement of the quality of legal decision making in casework across both those organisations. We produce evidence-based, published—all published—reports so that the public, yourselves and the Attorney General can hold both those organisations to account. We also provide recommendations to the directors of both organisations to allow them to drive change.

The inspectorate has existed since 2000. It is our 25th birthday this year, of which I am very proud. We have driven change and improvement across the criminal justice system, but we exist to assess the quality of the services provided by the Crown Prosecution Service and the Serious Fraud Office.

I also have a statutory duty to inspect with the other criminal justice inspectorates—police, probation and prisons—and I have to produce a statutory programme of joint inspection. I also have a very unique power, in that my Act gives me the power to inspect by invitation. The Chief Inspector can be requested by other prosecutorial bodies to inspect. Last year we completed an inspection of the Service Prosecuting Authority by invitation, and in May this year we will start an inspection of the Health and Safety Executive Legal Services Division. I will talk about that when you ask what my priorities will be for the coming years.

Q3 Chair: We will. Can you clarify one point? If you are appointed, do you have any plans to take on any professional or voluntary work commitments alongside the role of Chief Inspector?

Anthony Rogers: No, I don't.



Chair: That is helpful. I will hand over to my colleague Pam Cox.

Q4 **Pam Cox:** Thank you, Mr Rogers. Good afternoon.

Anthony Rogers: Good afternoon.

Pam Cox: One of the essential criteria for the role requires you to demonstrate exceptional organisational leadership and ability to develop strategic vision for an organisation—apologies if this sounds like a job interview now. How does your experience to date demonstrate your leadership capabilities? Could you set out your strategic vision for the inspectorate?

Anthony Rogers: Yes, I can. My CV, which I think you have had a copy of, shows that across my civil service career, I have been very lucky to run some very large organisations. I went into management leadership very early. I was a generalist civil servant. I have had posts that have given me 650 staff in 32 locations nationally in Inland Revenue, setting the direction for that organisation. I take it back every time to the values that I bring about public service making a difference. In terms of what my leadership looks like, it is engaging, open, transparent and honest, but driving people through the values that civil servants or public sector workers should have. When I was area business manager in the largest CPS London area, I had 600 staff in that role as well. Again, I was part of the senior team driving leadership as a leader of that organisation, motivating as you do through constant engagement and communication.

The strategic vision I have for the inspectorate going forward is threefold. I think that we need to be a solution to the pressures that are currently in the criminal justice system. Inspection can sometimes be more about expressing what is wrong and what needs to be fixed, and therefore making recommendations. I think that inspection can also be about how we spread best practice. The report you have in front of you, which I shared this morning and was published today, shows there is an area variation. There is something about making sure that what is best in certain places is spread and that we use that to help to ease the pressures, because the pressures are not going to be reducing.

I also think that the inspectorate, after 25 years of inspecting legal decision making, has a lot to offer on the back of the Horizon scandal. The public prosecution world looks a little bit to some like the wild west, which is why I am very interested to get into using our experience to help those who prosecute—public prosecutors and those outside my statutory remit—to understand what good looks like and how they can do that.

The inspectorate for a while—you also have a copy of our long list consultation—has engaged with the Victims' Commissioner, the London Victims' Commissioner and the Domestic Abuse Commissioner, as I would naturally with any programme. However, what we have not really thought through, I think, is what the experience of victims is, what victims should be thinking from a public prosecutorial place, and what our inspection



programme should look like. If I get appointed, one of my priorities will be to start working across the victims space. I have already started talking to the Stalking Consortium. I will move into that world with much more focus on trying to get the victims' voice into our inspection. I think that HMCPSI has been quite timid in that space in the last 25 years, if I am perfectly honest.

Q5 Pam Cox: I think victims would find that reassuring because many do feel let down by CPS and other elements of the justice system.

Another essential criterion of the role requires the person appointed to be able to handle the media, and deliver challenging and difficult messages. Can you give us an example of how you have dealt with that in the past? You might want to reflect on the situation with Helen Pitcher recently resigning as chair of the Criminal Cases Review Commission and how that was handled.

Anthony Rogers: I will give you an example first. Obviously, when being an inspector and setting out findings that are very uncomfortable—because quite often the findings are uncomfortable; evidence based, non-sensationalist, but ultimately uncomfortable—you are telling people that they need to improve. You will see, even in the report you have today, that 35% of casework could be done better. That is quite a difficult message for people who are working very hard.

The example is the Calocane inspection, where the three families were let down. They had lost all confidence in the criminal justice system and the system that they thought was there to help them. That was a very difficult inspection, in that we very rarely are ever asked to look at an individual case. In fact, it has only ever happened twice in the history of the inspectorate. In that case, we had families who had lost all confidence. I was leading that inspection. It happened as I took over to be Chief Inspector. What I did in that inspection was to ensure that before we did anything, we engaged the families. I took advice from the Victims Commissioner of a way to do it—the best way to approach it.

The messages at the end of that inspection were not messages the family wanted to hear. We found that the CPS had actually made the right decision about manslaughter. It was a question between expectation and understanding, which was very difficult. As non-lawyers, it is very difficult to understand how your children or father could be killed and it not be called a murder.

The day I published the report, I had the families back in and I sat with them for two and a half hours to explain our findings and what sat behind it. That did not go well with one of the families because they thought that we had let them down and we were part of the system. I think what they did appreciate, though, was the time and the fact that we were willing to call back on what the Law Commission had set out about the second tier—the difference between manslaughter and murder and that there should be a second element in that. Those meetings are hard. You are listening. You



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are empathetic. You are doing your best. You are explaining. However, you have to keep to the message, and the message in that inspection was that the CPS had not got it wrong. They obviously wanted to hear that and that was very difficult.

Thinking about Helen Pitcher, for me in this role, I am here to drive improvement across the criminal justice system. That is the whole remit of my role in the inspectorate. Looking at the Nolan principles around accountability and integrity, if I thought that I was getting in the way of making a difference or the inspectorate delivering, I would have to seriously consider my position. It could not be about me; it is about what the job is. My job is to make the criminal justice system better, and if I thought that I was getting in the way of that because of something I had done, or I had lost the confidence of the public or anybody, I would have to consider my position. I don't know if that answers your question.

Q6 Pam Cox: That answers my question. Thank you. This the last one from me. You have been interim Chief Inspector for nearly a year. If you are appointed, to what extent would you change your approach to the role?

Anthony Rogers: I have done a number of things in the last 11 months that I felt I could make the decision on because it would not tie the hands of a permanent appointment. I have not reached out too far into the world of public prosecutions. I have spoken to the Whitehall Prosecutors Group about the benefit of inspection and the benefit of assurance, but I have not reached out to try to, as I call it, cuddle them to get them to think about inspection. I have not gone too far into the world of victims yet. If I am appointed, I will make a move into that territory in a managed and effective way, with a stakeholder engagement strategy that I will be helped with by the Victims Commissioner, the London Victims Commissioner, the Stalking Consortium and others. For the last 11 months, I have held off being totally proactive there because it would not be right for me to tie the hands of somebody coming in behind me.

Pam Cox: Thank you very much.

Q7 Warinder Juss: Thank you, Mr Rogers, for coming here this afternoon. I am sure you agree that the CPS inspectorate has to be independent of Government. How would you ensure that that happens and how would you maintain your own personal independence from the Government?

Anthony Rogers: Independence for me, having been in the inspectorate for nearly 20 years, on and off, is one of the key roles—it has to be. I agree with you entirely. It is core to not only the inspectorate, but to what we do and to being able to speak truth to power. Interestingly, there is a protocol between the Chief Inspector and the Attorney General that sets out what independence is. For me, there are two clear red lines of what my independence would be, and I have taken this approach throughout my whole time in the inspectorate. This is the line that I would expect everybody to know.



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Our findings are our own. There will be no debate about what the findings are when we come to publish our reports. We will engage around the evidence. We will take further conversation and obviously listen to what the evidence may be if they think our findings are entirely wrong and the evidence points somewhere else. The day we come to publish the report and during the development of the report, those findings are independent. They are the inspectorate's findings based on the evidence and they will be published as they are found.

The other thing that I think is essential for public confidence purposes is that we decide when we are publishing the report. Inspectorates have to be firm with that. In HMCPSI, that is another red line for me. I will not be told and I will not enter into a No. 10 grid or any conversation about what the right day is to publish a report. We set the publication date and we take it. There are a number of issues like purdah that we need to think about. We were also publishing a report at the time when Her late Majesty was dying, and you have to then think about those issues. Ultimately, we will not be told that because it is bad for Government or bad for the news story we will not publish a report.

My own independence sits around those two red lines. The problem with independence is—I hear this a lot and I may talk about this later—it feels like there is a cloak of invisibility around the word. People use “independence” very freely, but what they really do not think of is what it means. Independence for me is not that anything I do cannot be challenged—it has to be. Independence is about where your red lines are, and they are my red lines. The inspectorate would not go anywhere else in terms of our independence because we have to work with people.

Q8 **Warinder Juss:** Thank you. That is helpful. Have you undertaken any political activity during the last five years and do you have any intentions or ambitions of engaging in any political activity in the future?

Anthony Rogers: No, I haven't. No, I don't.

Q9 **Warinder Juss:** Thank you. Finally for me, have you considered whether there is any conflict of interest that you may have? Have you also considered whether there may be any risk in the future of there being any conflicts of interest with yourself in doing the job that you would be doing?

Anthony Rogers: I do not think that there are any conflicts of interest that I have. I don't think I am conflicted in any way. I will become a public appointee on this. I am no longer a civil servant, so that conflict falls. I cannot see anything in the future that I would do that would bring that in. My guiding principles will be known and I would think about it. I would have to apply, and I would ask and I would seek permission if I was going to do anything, but I have no intention. This job will be big enough for me for the next five years.

I have been and I will be looking again to no doubt become a non-executive director of a charity. You will see in my CV I have done that a number of



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times. However, I probably would not do that in the world of criminal justice. I would do that somewhere else, just to make sure I was not conflicted.

Q10 Warinder Juss: Following on from your answer, in the very unlikely event of there being any conflict of interest in the future, how would you deal with that?

Anthony Rogers: I would consider whether I felt conflicted and then I would write to the appropriate channels and discuss it in a way against the expectations that would be set out for guiding public officials.

Warinder Juss: Thank you, Mr Rogers. That is all from me.

Q11 Josh Babarinde: Hi, Mr Rogers. Thank you for your answers so far. You have spoken a little bit or touched on some of your reflections on how the inspectorate works. You mentioned, for example, that over the last 25 years you do not think that there has been sufficient incorporating or embodying of the victim voice. You have also spoken about a handful of things that are working well. I wonder if you could tell us a little bit more about what works well and what does not overall in the inspectorate from your take.

Anthony Rogers: I think what works well is that we produce very high-quality, evidence-based reports, which people use to make a difference. When I say that, I know that those whom we inspect—the directors and the staff in the CPS—use them. I get that every day. Quarterly we meet. I think, therefore, that the inspectorate delivers a very high-quality product. I do not think that was always the case, and I also do not think the inspectorate always delivered reports that made a difference to the extent they do because we now think about where the value in our inspection lies.

Our reputation on the back of awareness around Calocane, across now not just the CPS and the SFO, is getting much higher. We are being asked to do a lot more work. Interestingly, this week I have been asked by the Albanian High Commission and the Office of the Director of Public Prosecutions in Kenya whether we can go and help them to develop inspection products because people see us as quite the unique organisation in terms of assessing the quality of legal decision making. There is no other organisation when you look across.

Our reputation is very high, and I think that the inspectorate staff are very good at what they do, so that is why we deliver that. I think that is what we do well.

Q12 Josh Babarinde: Reversing that a bit, you spoke about Kenya and Albania as examples of where they want to learn some of our practice. Is there anything from those jurisdictions—or, indeed, others—in the way that their inspectorates work that you feel you would like to pursue in this role?

Anthony Rogers: Yes. Last week I was in Glasgow, looking at the Scottish model over there—the Witness Gateway. I met with my Scottish



counterpart in her office last week. I thought that my inspectorate was small, but she has only four inspectors, which is a very interesting situation. I will talk about best practice in a moment, if I get a chance, depending on the questioning. I think the way that we look at inspection needs to focus on best practice. They do that much more. They are trying to set out best practice. They are trying to set out what is the best way of doing it. It is quite easy in Scotland, and I say this not because I want to make it more difficult for me, but they have one police force and they have one prosecutorial function. They have one computer system that works and speaks to each other. We deal in a world where there are 43 police forces, more than 43 systems and one prosecutorial organisation, the CPS. I do think that we can see things that others do, but best practice is one of those things I would like to start stealing with pride from Scotland and bringing here.

I would like to develop that because, in a time of pressure—I have spoken to the DPP about this—we have to find a way to take away the area variation you see in that AIP report, and say, “This is the best way of doing it; this is the most efficient; this is the most effective.” We also have to work out how we get into the inputs. How do we get into the fact that some areas have five police forces, not one? Some areas have three different computer systems from the police. That does drive the quality of legal decision making—it does. No matter what anybody says, all our reports for the last 25 years show that the inputs can have a major impact on the outputs. Best practice is something I am very interested in stealing from elsewhere.

Q13 Josh Babarinde: You spoke about times of pressure. There will be many more of those that come throughout the course of your prospective appointment. What do you think they might be? What are those key risks that you think may emerge over the course of your appointment and how will you manage them?

Anthony Rogers: Do you want the key risks in the inspectorate, or do you want the key risks of the environment of the criminal justice system?

Josh Babarinde: The inspectorate.

Anthony Rogers: The inspectorate key risks. You will not be surprised that the comprehensive spending review settlement will be a risk to the inspectorate. We are the smallest of the criminal justice inspectorates. Today I have 15 inspectors. I have a smaller budget now than there was for the first 14 years from the creation of the inspectorate. We are 50% smaller than we were in 2010. To do a meaningful programme of inspection with further cuts, there is an irreducible minimum. I have a statutory obligation to do CPS, SFO and joint inspection, so we cannot not do those. As we get into the CSR—now, I am not saying I need more money, but I would say a flat cash settlement would be a big risk for the inspectorate.

Public prosecution is a two-edged sword. It is a risk for the inspectorate in that people ask us to do much more, because they see how good we are



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at what we are doing. We have had 25 years' experience. There are quite a lot of people who would like us to get out there on the experience of Horizon, but it is a risk that we will have to start saying no and then those expectations are not met. I think that is a risk to the future of the inspectorate. I think that wider victim engagement can be a risk as well. If we raise the profile of the inspectorate, which I hope to do given my priorities, and then we do not meet those expectations, that could be a risk to the inspectorate.

I am very lucky as the chief inspector is responsible for developing his or her inspection programme, so you can pull back on your inspection programme to meet your statutory requirement to a minimum, but I am not quite sure that that is the best way of dealing with those risks. I suppose that I could be less ambitious in my vision for the next five years. I don't want to do that because I think the inspectorate has a lot it can give. I think that we can make a difference. However, I could do that and I suppose what I might do is not jump with my size 13s so quickly into one of those and wait to see what CSR is starting to look like.

They are the risks I see on the back of what we are trying to achieve over the next five years, I think.

Q14 **Josh Babarinde:** I have a final question. It taps into one of the comments that the Chairman made when asking his first question. He said that the inspectorate is not so well known among the British public. Can you tell us a little bit about what your reflections are on the public profile of the inspectorate and its reputation, and what work you might want to do around those things?

Anthony Rogers: It is quite interesting because I usually ask my family whether they have ever heard of us and the answer is no. However, I ask my family whether they have heard of the CPS and the answer is no. I think what happens is that, unlike the police inspectorate and the prison inspectorate, and even the probation inspectorate, fortunately for a lot of people there is very little interaction with the Crown Prosecution Service. There is therefore even less understanding that we exist.

You may have noticed over the last 11 months that I have been more in the press than probably most of the chief inspectors have been for the last 25 years, not because I want to make a name for me, but because I want people to understand that there is an inspectorate that, on their behalf, is looking at the quality of the service provided by a key service across the criminal justice system. I think that Calocane allowed us to raise our profile. That was an horrendous case but, in terms of our profile at HMCPSI, that was probably the highest profile moment in the history of the inspectorate. I have been there, as I say, since 2003 on and off.

My reflection is that because people do not understand that the CPS exists, they do not understand that the CPS inspectorate exists. We have a key role. I would say, though, that the last time that the chief inspector was called to this Committee as a witness alone was in 2017, so it is quite



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interesting to me that even this Committee does not take evidence from the chief inspector. I am not calling to come back if I get the job—

Josh Babarinde: Yes, noted.

Anthony Rogers: —but it is quite interesting. The police inspectorate is very well known because everybody knows what policing does. The prison inspectorate is well known because the reports for the last 30 or 40 years have said it is absolutely awful. They find a new adjective for awful all the time, and I talk to the chief inspector there about that. Probation with SDS40 is much more understood. We are not and we need to find a way to break through that. Hence why I am interested in victims' voice. Hence why I am interested in speaking out when I have evidence to support media headlines or media. I was in the Domestic Abuse Commissioner's press release this week around her report. They are the contexts, but that is about raising the profile of criminal justice and CPS in that.

I don't think we are there. I think we have more to do and a lot of people can help us, including this Committee.

Q15 **Chair:** Before I bring Sarah Russell in, you mentioned bilateral assistance or advice to Albania and Kenya. I am not talking about those countries particularly, but if that is something you are going to do, are there reputational risks? I think that HMPPS has fallen into that problem before. Secondly, even if there are not, are there capacity issues for you?

Anthony Rogers: There are capacity issues. We had a senior management team meeting last week. We were thinking about having a proactive international strategy to spread best practice. On the back of our programme and our resource issues, we are now going to be reactive. Rather than doing a two to three-day programme with both of those, which is what had been requested, we have offered a 90-minute presentation on the benefit of inspection and our products. Our methodology is transparent; it is there on our website. On the matter of capacity, we have considered that and it will be a reactive stance. I do not think that we could afford to do a lot of it. The problem with that is I quite like a customer development perspective for individuals in the organisation. It was a really good development.

Q16 **Chair:** It is a good thing to do. Does the inspectorate get paid for it?

Anthony Rogers: Kenya, before Covid, we were going to do it. FCDO was going to pay for it and we would have got the money to be able to backfill through us using inspectors. If it came like that, we would consider whether it was affordable and achievable.

There is always a reputational risk that you start working with countries where it is seen to be a risk, but with anything that spreads best practice around the world, UK plc would want to see that and the Government would want us to do that. I do think that there would be some that we would take advice on whether it was the right place to be going, having considered the



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request. There are some there I think I would not be going if it was requested.

Q17 Mrs Russell: To clarify something, I think at the beginning you said that you did not intend to take on any other voluntary roles, but I think that you also referred to potentially becoming a trustee.

Anthony Rogers: No, I was a trustee. If I was in the future asked to be a trustee, I would consider it. I am not saying I will do it, but I would consider it.

Q18 Mrs Russell: My question is about the quality of legal decision making. How do you ensure that your staff have the skills and experience needed to carry out the assessments of the legal decision making and how are those done?

Anthony Rogers: All my inspectors come into us usually via the Crown Prosecution Service or those we inspect, so they are all lawyers. They all have at least three years' PQE. They are trained when they come into the inspectorate to do what we do, which is file exam. The report you have in front of you was on the back of the examination of 1,240 files. They are taught how to turn an assessment that they did as managers, looking at quality, into a much more deep understanding of quality, which is the way we do it. They are given help, time and support around guidance. We have detailed guidance. In that report you have, each of the 60 questions will have detailed guidance behind it. We go through a whole rigour of internal quality assurance, consistency exercises, and individuals reading the same file coming together to talk about their findings.

I will make an offer to the Committee, and I offer it to everybody I meet: we have a session that we do with anybody who would like to come and see how we read a file, which takes an hour and a half. You are all very welcome to come to this and see how we read it. When people think we read a file and make a quality assessment, they literally think that we look at the legal decision making. We don't. We look at all the evidence across the file. We look at everything that the prosecutor would have seen and had—everything from the police.

We are very lucky because of all the CPS information we have access to. As we work off a CPS platform, we have access to the full case management system in the inspectorate, apart from those cases that are locked down for security reasons. We can access any case. We work through that case as if that inspector had been the prosecutor against the question set and the guidance. Then that inspector will make a judgment of whether they felt that the issue was fully met, partially met or not met, depending on what the guidance was. That then gives you a body of evidence—it is 60 questions over a number of files—to be able to give you an assessment like you have in that report in front of you of what we think the quality of legal decision making is by the CPS.

Q19 Mrs Russell: Is that judgment reached within an hour and a half?



Anthony Rogers: No, that judgment is reached within a day and a half. We do an hour and a half because we do two questions. When you come to see us, there are 60 questions an inspector goes through. The presentation is an hour and a half for two questions. We would take a member of the Committee through questions 4 and 5 usually, which is whether the core test was met and what the case analysis and strategy was like. They are two questions in our 60. That is not reached in an hour and a half. An inspector reading a Crown Court file gets a day and a half. A magistrates file they would probably get three quarters of a day, so they can read two files in a day and a half. If we are looking at a rape file, they get two days to read that rape file to make a judgment, per file.

Q20 **Mrs Russell:** Three years PQE is not a huge amount of experience, though.

Anthony Rogers: It is not.

Mrs Russell: Does that feel adequate?

Anthony Rogers: It feels adequate in terms of what I—we have been everywhere from seven, five, three. What I am looking for, though, are people—I say this in the job trawl in my bit—who are curious, who are lawyers, who are inquiring and who can ask questions, but who can also have open minds. I have never been told by anybody in my whole time in criminal justice that a person is a bad lawyer. What I have been told is their minds are closed sometimes. I think that three years is fine. If you think about it, with our quality measures internally and our guidance, we have senior inspectors, and we have a permanent ratio and an on-loan ratio. We have enough experience to be able to help people no matter—some would say that I may be a little bit close to the edge, but I think that three years is fine.

Q21 **Mrs Russell:** Turning to the CPS, do you have any concerns about its performance, or examples of good practice that you would like to highlight?

Anthony Rogers: In the report in front of you, the area variation is something that concerns me. In a national service, to see that level of variation—and that report is the second pass. We set a baseline in 2021 of the quality of legal decision making. We did the first pass in Covid and just after Covid when things were very difficult. We had hoped that that would have settled. Since then, there has been a Bar strike. The pressures are increasing. The backlog is growing. The criminal justice system is under great pressure. However, that area variation is something that is of concern to me. I have spoken to the DPP about that. He accepts that. He has a continuous improvement programme looking at what works best. Our focus on best practice will help that. There has to be something about who does it best, why they do it best and how you then get that across the 43, or the 14 CPS areas. So that worries me.

In terms of what I see that they do well, I know that people on this Committee may disagree, but I think that our findings around the changes that have happened in rape since 2019 show me that there has been an improvement through Sotaria, through the national operating model and



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through the handling. We see better quality of legal decision making in rape cases. Some of that is down to specialist police units, but generally where the CPS has gone in its journey since 2019, since that first rape inspection, which was very difficult for it, I think there has been an improvement. I see some best practice there.

The difficulty with that is how you then turn that into what I call volume crime. How do you go from a specialist unit into the more bulk crime? That sounds awful, and I am not degenerating that crime, but it is the volume crime. That comes as well as a result of the inputs sometimes. I think that engagement with policing is better in those cases. That is something that we have to think about. Certainly, the DPP and those who manage the CPS have to work out how to do that, but given the pressures, I don't know how that happens.

Chair: Are you finished there?

Mrs Russell: I have some follow-up questions, but if you have a follow-up question on that specific point, please go ahead.

Q22 **Warinder Juss:** Yes. Thank you, Mr Rogers. I suppose I should declare an additional interest. My wife is a RASSO senior prosecutor in West Midlands CPS. You mentioned at the beginning that you feel that 35% of the casework that the CPS does could be done better.

Anthony Rogers: Yes.

Warinder Juss: Have you formed some understanding as to how you will make that better? How do you think you would ask your inspectors to improve that 35% casework that you think should not be the standard that it ought to be?

Anthony Rogers: We do not set the standards; we inspect against the CPS's own standards and legal framework—the CPR rules. What we set out in our report, as you will see, is that there are areas that are doing 75% of casework to standard. There is a 25% gap with some doing it 50%, so that is an average figure. We set out in our first round of area reports on area inspection a number of aspects where we said that the CPS needed to improve, which would drive improvement in that figure. The first was improving the quality of case analysis and strategy. Quite often prosecutors do not understand what the case is, how they are going to take it to trial, what the issues are in the case and what they are trying to tackle. We see quite a lot of reciting the facts rather than thinking through what trial strategy is. We asked the CPS to focus and it has done quite a lot around case analysis and strategy.

One of the other weaknesses is around the handling of disclosure, and the thinking and approach to disclosure. Again, in our first cycle of inspection reports, we set that out quite collegially. It is not for me to manage the CPS. I don't manage the CPS; I provide evidence for it to hold to drive improvement itself. We have seen some of that landing between the first cycle and the report you have on your desk. However, what we have also



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seen in the same period is caseloads going up from 80 per prosecutor to, in some places now, 200 per prosecutor. Expecting anybody to deliver quality with that pressure is difficult. Everybody I meet in the CPS wants to deliver. They do an amazing job under very difficult circumstances. In fact, in the annual report I published in October, the first thing I said was about the dedication of everybody in that organisation in trying to deliver in nigh impossible—I have never seen it as bad and I have been around a long time. We have set out what it could do, but it is not for me to make that happen. It is for the DPP to make that happen.

Q23 **Mrs Russell:** To pick up on one of the points that you made there, you mentioned that you inspect against the CPS's framework.

Anthony Rogers: Yes, we do.

Mrs Russell: Do you have any input into that framework and do you think that is the right framework?

Anthony Rogers: The CPS sets its own standards and a lot of those standards come from the 28 days in which papers have to be served. They come from the Criminal Procedure Rules. The probation inspectorate does set some of the standards of the organisation it inspects. We don't. We never have. We do not have a role in that. We did have in 2003 to 2005 something called the Best Practice Committee, where we adopted the CPS file jacket. We used to go to 42 areas and see a different file jacket in every area. We felt the easiest way to get over the natural reticence of some to say mine is always the best was for the inspectorate to take that file jacket. This was the days of paper. We did for a while take ownership of some of its processes, the development of the file jacket, where the CTL stamp went on the front, what went on the left-hand tag, and what went on the right-hand tag, because we used to see 42 versions of the same thing all doing a similar job.

I do not think that HMCPsi, given its statutory remit, is the right place to do that. I don't think I have the resource to do that. However, we do inspect against its standards. There is not one standard. When we look at the quality of legal decision making, that is the inspectorate's. When we say that it is delivering a high-quality or a quality service, that is against its aspirations. The inspectorate obviously has inspectors who know what they are doing and what the standards are, because we have more staff from the CPS, but we do not set the standards. I am not quite sure that would be the place for the inspectorate.

Q24 **Mrs Russell:** What would you think of the suggestion that you are helping the CPS mark its homework against its own criteria?

Anthony Rogers: We are independent. We publish reports that are independent. I think the optic could be that we are helping them, but we are publishing independent reports that are evidence based and open to challenge. All the evidence is published in the back of the report, including all the file examination. I do not think that that challenge would be fair, but I can understand that the optic might appear that way. The way that



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we present our reports and the findings that we make—the negative findings that we often make in reports—would hopefully say that that is not the case.

Q25 Mrs Russell: Lastly, you led the inspection of CPS actions in the Valdo Calocane case, which you have referred to. What lessons can be learnt from that case about the treatment of victims in the criminal justice system?

Anthony Rogers: It was an horrendous case, and the issue in that case, which was outlined in the report—I have spoken to the previous Chair of this Committee about it on several occasions—is the difference between expectation and the reality of the system. As I said when I did the media on that, the families' expectations would never be met. I think that the CPS did not help itself by using the word "consulting" when it was not consulting. It was not consulting in that case. The decision on the evidence is its to make. The code is there. It was not a public interest decision. It was a core test decision against the evidential base. It raised the expectations with the families around, "What do you want?" by saying, "We are consulting."

I think there is a misunderstanding across criminal justice about the role of victims. I spoke to Sir Bob Neill at length about this and I have spoken to the Victims Commissioner at length about this. We now seem to have an Americanised view that I can have the charges withdrawn. I hear that a lot when I am out. I heard it last week when I was engaging with somebody: "I want to drop the case. I want the charges withdrawn." It is not as straightforward as that. The system is there.

There are a lot of victims who think that the CPS is theirs, like a defendant has a defence barrister or a brief. They think the CPS is theirs. There is a misunderstanding in that system. I talked to Sir Bob at length about it. I wonder whether citizenship classes should include trying to raise the profile of what being a victim is and the rights of victims. We have the victims court, which is very clear about what victims should expect, about communication and being kept in touch, and what they should expect with regard to victims' right of review. There is this disconnect between an expectation and the reality. We all, including you, have a role in trying to close that gap because it very obviously played out in the Calocane case. That was the learning from that case.

Q26 Tessa Munt: Thank you very much. I wondered how you might judge whether your performance as Chief Inspector and that of the inspectorate itself was a success.

Anthony Rogers: I have thought about this quite a bit. At the end of my five years, if we have delivered a number of products to allow public prosecutors to self-assess, improve their casework and improve public confidence, I think that would be no bad thing. That would be one element.



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If I had managed to get a much wider view of victims into inspection through the victims' voice and engaging much wider and if, therefore, people understood HMCPST existed to inspect on their behalf as well as for the Attorney and others to hold the CPS and SFO to account, that would also be a sign of success. If I had been able to work to reduce the pressures in efficiency by bringing best practice into inspection, rather than just saying, "This is a recommendation you should implement," I think that implementing those three things would be a sign of success.

In my business plans—I will have a business plan with my inspection programme every year—I would set a milestone to check whether I was on track to deliver those. I also think that if I leave the inspectorate better than I find it—an organisation I love very dearly—and left the inspectorate for the next chief inspector to be able to pick it up and take it to the next stage of its development, my five-year tenure would have been very successful.

Q27 Tessa Munt: Thank you. Can I take you back to the first of those? How will you measure perception of you and your organisation?

Anthony Rogers: I think what would become more obvious would be that people knew we existed and I would find much more public engagement with us. I get no public engagement now—none. Very rarely does anybody ever write. You have seen my long list. I have written to a whole host of people and I can guarantee that I will get five responses. It will be the statutory consultees that will respond. What I need to make sure is that, by the end, I am seeing a lot more engagement with HMCPST than I have. For me, that would probably be the first sign of a measure of success.

Q28 Tessa Munt: Is there anything else? Are there any other matters that concern you, your candidacy, your priorities and your future term as Chief Inspector, if that comes about, that we have not covered but you would like to point out to us as a Committee?

Anthony Rogers: I don't think so.

Tessa Munt: Thank you very much indeed.

Q29 Chair: There is one area that we have not talked about very much: the Serious Fraud Office.

Anthony Rogers: Absolutely.

Chair: That was not a trick question. Nevertheless, it has been going through some difficult times. What are the particular challenges of inspecting the SFO and what will you be looking for from it?

Anthony Rogers: Being honest, I came back in 2018 to the inspectorate. We got a statutory duty to inspect the SFO in 2013. We had managed to do one inspection before I had come back in 2018, and that was very difficult, in that it takes time to get those that you inspect used to being inspected. It is quite a unique thing. There is also a mindset that it is Ofsted. Everybody thinks inspection is Ofsted. It is not, but the principles



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of inspection are very clear. However, we all know teachers who have had an awful time with Ofsted.

Since 2018 we have developed a process and a system where the inspection strategy that will remain is that we will do one inspection of the Serious Fraud Office a year. It is now getting used to being inspected. I think there was a change of mindset in the Serious Fraud Office under Lisa Osofsky and since with Nick Ephgrave where they see inspection as helping to drive improvement. There was a much more defensive view of inspection prior to that.

I think that HMCPSP, like everything, needed to get used to inspecting the Serious Fraud Office. It is very different to the Crown Prosecution Service. Its cases are much more detailed. It is very easy for us to look at 100 magistrates court or Crown court cases in the CPS, but looking at an SFO case is not straightforward. We cracked that nut this year with the disclosure inspection that was published last May, where we looked at a failed case and a case that was done well so that we could see what the difference was and what best practice could be shared. That was a very long and detailed inspection. It took 50 inspector weeks just to examine two files at the highest level, and I mean at the highest level. Fifty inspector weeks is nearly £150,000 just to look at one, and that does not count how long it then took us to write the report and do that bit.

Q30 Chair: Do you have the levels of expertise you need within the inspectorate to do this?

Anthony Rogers: We do. I am about to commission—or it is in the long list—an inspection of DPAs and I have asked an ex-head of counter fraud in the CPS to come and help me work on that so that we can buy in expertise as well. The inspectorate needed to grow some experience, but also to grow some faith in itself, which we have done over the last five years. The SFO has been through a torrid time, but I have seen, since I did the first leadership inspection in 2018, that it is a changed and changing organisation. As I said to you when we met in October, I think, the SFO now has firm foundations. There is a much clearer view of assurance. There is a much more open view to stopping cases and challenging, and an acceptance of challenge. It is very difficult when you have been working on a case for five, six or seven years if somebody tells you to stop working on that case and they want to stop that case. I have seen that mindset change in the last six years.

Yes, we will do an inspection a year of the SFO and it will get more used to inspection. We get more used to it and more experienced, and I think our reports show that.

Q31 Chair: A more difficult relationship than with the CPS. I think that certainly outside observers, who clearly want the SFO to succeed, would look for some guidance from the inspectorate about whether it is doing the right things at the right time.



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Anthony Rogers: I think the relationship is on the back of the developing—relationships are people. I have been working with the SFO now for six years. I was responsible as deputy chief for the SFO relationship. It is a developed relationship. I would say my relationship with the SFO is as open and honest as it is with the CPS. It is now accepting that inspection is there to help. It was not always there; it is definitely there now. I think that Nick Ephgrave sees that relationship as essential.

It is more difficult to inspect because of the adversarial nature of the defence more than the SFO. When we engaged in the failed case, which was GRM02 in the SFO report, we found that the SFO relationship and the adversarial nature of the work and what it was up against makes its life so much more difficult. It made our life more difficult in that inspection because the defence would not engage with us. Trying to get underneath some of the issues, the difference is quite stark. I can understand why.

I don't think that our relationship with the SFO is difficult. Sometimes our relationship with getting behind some inspection that I would naturally get in the CPS is more of a challenge.

Q32 **Pam Cox:** I have a supplementary to that. Thank you for setting out your role in relation to the Serious Fraud Office. Does the SFO set its own inspection framework in the way that the CPS does?

Anthony Rogers: We test against its standards. The disclosure inspection was against the rules regarding disclosure. They are the standards. We will assess its guidance and see whether we think it is fit for purpose, but in that disclosure inspection we used CPIA as the standard for disclosure.

Q33 **Pam Cox:** I would be inclined to agree with my colleague's line of questioning here. It is interesting that the CPS and the SFO are setting their inspection frameworks and something like probation is not.

Anthony Rogers: No, sorry, I have misunderstood. We set the inspection framework. We set out the questions. We set out the criteria. We set out what the inspection will look at, but we will use CPIA as our assessment of what the quality of disclosure was, because there are obligations under CPIA. They do not set the frameworks. The inspectorate sets all inspection frameworks.

Pam Cox: Thank you for clarifying.

Q34 **Chair:** I am looking for any final questions from the Committee, but I have one final inquiry. You have talked a lot about the Calocane case and you said that that is very rare as an individual case.

Anthony Rogers: Yes.

Chair: Do you think it is going to become less rare? There are not a lot, thankfully, but these very serious cases that raise general points do come up. Some of them may get a lot less public attention, but they are still very important. Do you think that there is a role for you there in the future?



Anthony Rogers: I think what has happened is that historically the Government quite often jumps to, "Let's have a public inquiry. Let's have a judge-led inquiry." I was on Unaoil. That was the last time I was in front of the Justice Committee with the issue with the director and SFO. As our reputation has grown and we deliver, and we are seen to deliver and we are seen to be what we are, which is the authoritative voice around some of this, I think we are being thought about more often as a means to be part of that, rather than jumping to a judge-led inquiry or a public inquiry, where the independent inspectorate can look at that. I think that is right.

I think, though, if I am being asked to do that—you have to remember that as the Act set out, I define the programme of inspection. It is mine. That is what the Act says: the chief inspector sets his own programme. That is why I come out on consultation. That is why the long list. Nobody tells me what to put in, but every time anybody requests something, I would have to consider it. However, given our resource, I would have to take an inspection out to put an inspection in, and that can be a very difficult balance. I never put anything in a programme that does not add value—that will not make a difference.

We have had this before. In 2019, I was asked to do rape as an urgent inspection. The Centre for Women's Justice had taken the judicial review against the CPS. The CPS had lost all confidence in rape crisis and many in the third sector. The inspectorate was asked to do an inspection. We had to drop inspections to do that urgent inspection but, given the profile, we did that. The chief inspector made that decision at the time.

There are many cases where the inspectorate could do it. I am not always sure it is the right place to ask, but it is one place that can be asked. If it fits and we can do it, and we do it well, I think it probably would be incumbent on the inspectorate to do it. It goes back to the point of profile raising. We are here to do what we need to do to let others hold the CPS and the SFO to account.

Chair: Thank you very much for answering our questions.

Q35 **Warinder Juss:** Forgive me: apologies for going back to something that we have already discussed; it is for my own clarification and it might be my fault that I have not understood this properly. I am trying to understand the distinction between setting the standards and inspecting those standards. If we have the CPS setting its own standards—

Anthony Rogers: Can I give you a very quick answer to this? Can I give you the answer that I would like to give, which is please come and sit with us and do the presentation of how we inspect. That will make it abundantly clear how we do it. The standards that guide the delivery of the prosecutorial quality, and what should be served by when, and to whom, in the process, is set mainly in legislative frameworks, practice notes or guidance. If we are going to say that the CPS has met the timeliness of disclosure, we are going to use those.



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We set the standards. We assess that in a framework. Our questions and our guidance will say what fully met, not met and partially met is against those. If the expectation is that an MG3 by a CPS prosecutor includes full case analysis and strategy, looks at disclosure, has done a special measures application of when it should have been done and had thought about ancillary matters—that is the expectation of what that should do. Our assessment will be against that expectation because they are the standards that the CPS has set. Our judgment against that framework will be: has it done that? It is not for the inspectorate to set the CPS's standards because if I did that, we would end up in territory where we could never get through, which is if I would set higher standards or lower standards, because they are not my standards, they are the CPS's standards.

However, if you came and sat with an inspector and did it—I have obviously confused the Committee and I am sorry I have confused the Committee, but we do not set the standards that we inspect against. We set the framework we inspect against. We set the guidance and we set the measures, but we do not set the standards. Some of the standards are driven by frameworks and practice notes. Some of them are driven by what the CPS thinks good quality looks like.

Warinder Juss: Perhaps we should pay a visit sometime and see how these—

Anthony Rogers: Please do. Honestly, please do. My inspectors love doing it, they do.

Chair: Your ordeal is over for today, Mr Rogers. We are going to go into private session now to discuss your appointment. If you want to wait, if we are quick we will let you know. We will let you know either way, but feel free to wait or not, as you wish.

Anthony Rogers: I will hang around. Thank you.

Chair: As far as this public session goes, I am going to close it for today.

Anthony Rogers: Thanks for your time everybody.