

Justice Committee

Oral evidence: [The Work of the Crown Prosecution Service](#), HC 574

Tuesday 21 November 2017

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Members present: Robert Neill (Chair); Mrs Kemi Badenoch; Ruth Cadbury; Bambos Charalambous; David Hanson; Gavin Newlands; Laura Pidcock; Victoria Prentis.

Questions 1 - 147

Witness

[I](#): Alison Saunders, Director of Public Prosecutions, Crown Prosecution Service.

Written evidence from witness:

Examination of witness

Witness: Alison Saunders.

Q1 Chair: Good morning, Director. Thank you very much for coming to give evidence to us. As you know, we have to start with formal declarations. I am a non-practising barrister and consultant to a law firm.

Victoria Prentis: I am a non-practising barrister and am married to a practising barrister. I was at the Treasury Solicitor's department for 17 years, during which time I conducted litigation on behalf of the Crown Prosecution Service from time to time.

Bambos Charalambous: I am a solicitor. I was once a trainee with a law firm that did criminal law.

Chair: We have given away our previous convictions.

Alison Saunders: I shall remain silent about mine.

Chair: As I say, Director, thank you for coming to see us. Before we start, can I also thank you for your response to the Committee on the consultation on legal guidance on secondary liability? We are grateful to you for that and we look forward to seeing how the matters you set out develop. Perhaps we can come back in due course, if need be.

Alison Saunders: Absolutely. When the consultations close, we will obviously look at our guidance, as the letter says, and come back to you.

Q2 Chair: Thank you very much. Your contract goes to October 2018, and you have been in post for some time. Going forward, what are your top priorities? We have seen the latest reports from the CPS and from the inspectorate. What are the top priorities between now and then, beyond or otherwise?

Alison Saunders: Top priorities beyond then are delivering on our business plan, which is 2020. For me, that has been quite a game changer for the service, because it is something we consulted staff about. It is very much bottom up, as opposed to just imposing priorities. It is very important that we deliver on that, both for the staff and for the good of the service.

Casework is obviously a big priority, as is delivering on some of the inspectorate recommendations; looking at the stalking recommendations and at disclosure and making sure that we do something about that. Disclosure is particularly difficult because it is very ingrained. It is not just the CPS but systemic across the CJS. I want to make sure that we deliver on that.

We must continue the work we have done around staff engagement. That has been a real positive for me. When you look at the way the service has developed, despite the cuts and a 30% reduction in staff, we have an engagement score that is higher than ever before. More staff fill out our staff survey. Our average working days lost have been reduced and are



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below the civil service average. We are delivering much better results in most areas, or they are at least staying the same, despite all of that. That is a real testimony to the staff, their dedication and hard work.

That is a very long way of saying that the priorities are set out in 2020, but particularly for me it is around delivering on the casework side of things. I think we are in quite good shape around most other things.

Q3 Chair: We are going to come back to that in a moment, and to some other issues. You mentioned things are more bottom up than top down. Does that indicate that there is a top-down culture in the CPS at the moment?

Alison Saunders: No. I think it shows exactly not.

Q4 Chair: Why did you make the point that you wanted to make it more bottom up?

Alison Saunders: The 2020 plan is very much around listening to staff. I go out on regular visits around the country. I am currently in the process of going around the country, so I can talk to you about train timetables to almost anywhere in the country. It is very much an organisation where we listen to our staff and make sure that is reflected in the work we do. They know what goes on daily. They are in court. They are doing the work. They have ideas that we should not ignore. That is very much what 2020 is about. It is capturing all of that and putting it into a business plan.

Q5 Chair: You have significant staff numbers—3,000-plus full-time equivalents. Why did Nick Folland, the chief executive, leave?

Alison Saunders: He was quite an experiment for us. He was somebody completely outside the civil service and the CPS. He came to us and brought us some real change and difference. He made the decision that he was going to move on, and I respect that decision. We are now in the process of reviewing our top team before we go out to another competition.

Q6 Chair: You took the decision that it was worth bringing in someone from outside. He was there for only about 18 months and then he went. Are you thinking of changing your mind? Do you think you do not need somebody from outside?

Alison Saunders: No, not at all. The review is looking at what we need, because at the same time as we advertised for the last chief executive we also changed quite a number of our senior posts. We have a director of business services and a director of legal services, which were different from what we had before, which was one chief operating officer. We are just doing a sense-check around our senior team to see what we need.

Q7 Chair: Understood. Will you be doing an interim appointment?



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Alison Saunders: We have an interim, who is starting at the beginning of December. She is currently the chief executive at the IPCC, so she knows something about the criminal justice system, which is good. She is coming to us on secondment from the Department for Education for six months.

Q8 **Chair:** When do you think you will be able to come to a decision on whether or not you have a permanent replacement?

Alison Saunders: The timetable for the review and the terms of reference have been agreed between me and the Attorney General's office. The timetable is that they will report to me by Christmas.

Q9 **Laura Pidcock:** You talked quite a lot about knowing what members of staff think. What do you think members of the public's main perception is of the CPS? Can you mention what you think are their main frustrations with your service?

Alison Saunders: I think there is still misunderstanding about what the CPS does. We have been working very hard to try to put that right, but members of the public still mix us up with the police and the courts. They are not entirely sure about the boundaries. We have been working very hard to try to do that.

We do surveys of victims and witnesses. We are currently just about to launch our second survey, which will report next May, and will give us an idea about whether we have improved or not. We did a short survey with victims and witnesses after we started the initiative of talking to witnesses at court. What we found was that satisfaction went up from 60% to about 90%. That was good because bringing that policy in was not without controversy. I was sure it was the right thing to do, and it seems that it was. For people who have been directly impacted, it seems to have been good, but there is a lot more we can do about explaining the work we do so that people have confidence.

Q10 **Laura Pidcock:** Say they did understand the role of the CPS. What do you think would still be their main frustrations?

Alison Saunders: I hope that there would be decreasing frustration. We do a lot with community groups. They come in and look at our casework and talk to us about what might be the community's frustrations or what they think would be good. Sometimes, there is still something about the way we write our letters and correspondence—being empathetic. We have done quite a lot of training for staff around that.

There are things like working with the inspectorate around stalking and making sure that we get it right in every case. We have been working with groups such as the Susie Lamplugh Trust and Paladin to help us understand what we should be doing and how we should be doing it better.

Q11 **Mrs Badenoch:** Going back to your CPS 2020 plan, which you mentioned



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earlier, it had four strategic objectives and 18 measures set out over the next three years. You have met around half of those, most not really relating to case management. Setting case management aside—we will come to that in more detail in a moment—more generally speaking, how will you be making improvements in this area?

Alison Saunders: It obviously goes to 2020, so we have tried to work in chunks along the way. We have set some really stretching targets. Some might say they are too stretching within the organisation, but I think it is important that we have that stretch. The executive team look at it on a monthly basis, but we do an in-depth look at it every quarter. That will continue through until 2020. It is pleasing to see that, in the first quarter of this year, we look as though we are meeting the targets we had not met at the end of last year, or at least they are on an improving trend.

Q12 **Mrs Badenoch:** Do you feel that some of the targets were too stretching?

Alison Saunders: Some certainly were.

Q13 **Mrs Badenoch:** Which ones?

Alison Saunders: Some of the targets around the attrition rate of ineffective trials. We have seen that some of the witness issues for the cases are proving quite intractable. They are quite difficult. For example, we know that on domestic abuse, where we have cases that are ineffective, 54% of that is down to witness issues. That is quite a lot. It is not something we can control; some of it is about what others can help us to control. There is quite a degree of influence that we need to do.

Q14 **Mrs Badenoch:** When you say others, could you be more specific?

Alison Saunders: In domestic abuse particularly, which is now one of our biggest categories of cases—especially in the magistrates courts—there is a whole range of issues why people might disengage from the process. Sometimes it is because of the delay in the process. Some of that might be around the time it takes to investigate, the time it takes to charge and the time it takes to get to court, particularly as more and more postal requisitions are being used. What we know is that, as those numbers have gone up, so the numbers of failures to appear at the first hearing have gone up.

The quicker you can get cases to court, the more people will engage. There are things like the use of IDVAs—independent domestic violence advisers. We know from research we have done that the use of those really helps people to stay in the criminal justice process; they support people and keep them engaged. The provision of them around the country is quite patchy. Some of that is down to local commissioning.

There is court listing, and getting it through, as well as all the things we do about making sure that we work with the police to use things like body-worn cameras and 999 tapes so that we do not have to have



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victims there at all. That would be the ideal—that we can prosecute many of those cases without having to call on witnesses to come.

- Q15 **Mrs Badenoch:** Looking at the performance measures you have already met—this is the opposite of the previous question—do you feel that you can set more demanding targets in those areas?

Alison Saunders: I think so. We have to be realistic about some of them and about how much, but there are things like judges' orders. We just missed them at the end of last year, but now we are hitting that target. We should never really not be hitting a judge's order, so that is one where we should be pushing it right up to 100%. There are others where it will be more challenging.

- Q16 **Mrs Badenoch:** If we were to have this meeting again this time next year, out of those 18 we would be looking at more than half.

Alison Saunders: Yes.

- Q17 **Mrs Badenoch:** That's good. Moving on to case management, there was a report in *The Times* of the CPS allocating complex cases to underqualified or underperforming lawyers. How do you respond to those claims?

Alison Saunders: It is like anything you read in the press; I would qualify some of the reporting. That was a very old and slightly stale case, which came from a particular perspective. We are very careful, and we have issued a revised advocacy strategy this year, one of the principal tenets of which is making sure that we get the right advocate for the right case, whether it is an internal or external advocate. That is very much what our advocacy strategy is about.

When I visit courts and go round the country talking to judges, what I am not hearing from them is any distinction between in-house and external advocates. They say we instruct some really good people, be they internal or external, but equally we have some people, both internal and external, who might need development, so we are looking again at our advocacy training. We have a conference both with our magistrates and with our Crown court staff in the next few months, looking at the training needs of all our staff.

We also do regular quality assurance. Managers go into court to look at our in-house advocates, to assess them to make sure we know what level they are at and what type of case to match them to. We do the same with external advocates. They are on a panel where we have a grading structure, so we know how to match the advocates with the cases.

- Q18 **Mrs Badenoch:** I know you said that the article in *The Times* was looking at it from a certain perspective and it is a bit old, but since 2012, of the 123 lawyers who committed misconduct at the CPS only 15 were dismissed. What assurances can you give us that you have the right calibre of prosecutors? I hear what you are saying about recruitment, and



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having external advocates and a quality assurance process, but that is a very small number in terms of misconduct and dismissals.

Alison Saunders: It may be, of course, looking at it from a different angle, that what we want to do, if we have staff who have training or development needs, is to work with them to make sure they stay in employment and we get them up to the right level. Not all of it will be dismissible: "You're never going to be able to do this job." Some of it will be around training and helping them to improve so that we can then keep them in the service as valuable employees. Where we cannot, we will move through to dismissal.

Sometimes people decide to leave of their own volition. I do not know from those figures whether there is any link to people who may have left the service. Some will have done that rather than go through the whole process. We have very robust policies for both performance management and misconduct, which match civil service policies. We follow those through, because you need to be fair to the employee as well as to the service, and make sure that we are delivering a service for the public.

Q19 **Mrs Badenoch:** Reading between the lines of that story, it seemed as if there was a bit of a staff morale issue. I do not know if any of my colleagues are going to touch on that later, but it seemed to be part of what was causing the problem.

Alison Saunders: There was a particular difficulty. Some of that story seemed—we think—to come from an employment tribunal. The service was successful in defending the employment tribunal. It was some time ago. As far as staff morale is concerned, the best thing I can do in assessing staff morale is visit around the country and talk to staff; you get a feel when you go into the office about what it is like. There is also the civil service staff survey. That is a civil service-wide staff survey. We have just had the results, and we have gone up by 2%. We are now at 61, which is the highest the service has ever been.

Q20 **Mrs Badenoch:** Sixty-one?

Alison Saunders: Sixty-one per cent.

Q21 **Mrs Badenoch:** My final question is about the risks you identified—the capacity and capability to deliver an effective service, increasing workload and casework quality. How are you managing those risks at the moment?

Alison Saunders: The increasing caseload is around certain types of cases. We find a very different mix of cases. What might be described as the lower end volume, easier to prosecute type cases have very much disappeared from the system. We are now prosecuting more complex cases. Taking the youth court as an example, we are prosecuting significantly fewer youths. That is good, but what we are prosecuting them for are much more serious sexual or violent offences. That goes throughout the range of casework. We are 31% up on fraud cases. Rape



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and serious sexual assault have gone up. We are prosecuting more terrorism cases than ever before.

It is about making sure that we have people trained to deal with those cases, and in the right places. We got caught out on rape and serious sexual assault a couple of years ago, when we did not have enough people. We are now making sure that we move people around and train them so that we have people ready to do that, and we have more flexibility. We are learning lessons from our previous experiences.

- Q22 **Chair:** Can you help me, Director? You said some of these matters are old and stale. You have been in post now for over four years. The article that was referred to by Mrs Badenoch was over the past five years, so it covers the bulk of your term in office. The CPS has paid some £440,000 in voluntary redundancy payments to nine staff who committed misconduct, including three senior prosecutors. Did you sign those off?

Alison Saunders: I do not sign them off myself.

- Q23 **Chair:** You are aware of them, I take it.

Alison Saunders: I am aware of them. We make sure that we comply with civil service policy, so nothing we do is not compliant with civil service policy. That is reassuring for me, and it is one of the things we check. Those who have been subject to any form of disciplinary matter are less than 1% of the total who have gone under voluntary exit. We are very strict about our criteria for those who are able to go under that policy.

- Q24 **Chair:** Do you think it is appropriate to give someone a redundancy payout, despite its being found that they have brought the CPS into serious disrepute?

Alison Saunders: I do not know the details of those individual cases.

- Q25 **Chair:** I am sure you checked them out when you saw them in the newspaper.

Alison Saunders: That one in particular I did. I was aware of it, and certainly there are some instances when it is better for people to exit the service through those means, but it is all in compliance with civil service policies.

- Q26 **Chair:** I understand that, but the Crown Prosecution Service—given its role in administering justice—has to be particularly careful in the standards it sets, in terms of public perception.

Alison Saunders: We do, and that means we also have to be particularly careful about the standards we set on how we deal with staff and making sure that we comply with policies.

- Q27 **Chair:** Since 2012, there have been 123 people with misconduct found against them but only 15 dismissed. Do you think that is a rigorous approach to these matters?



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Alison Saunders: I would be concerned if we had many more staff we were dismissing for that. What I would hope is that our standards and values, which are very clear across the service, are maintained on a daily basis. It would be exceptional that they were not.

Q28 **Victoria Prentis:** What sort of misconduct were they in fact dismissed for? Can you give us some examples?

Alison Saunders: I cannot off the top of my head, I am sorry. I am sure that we could furnish you with some details afterwards.

Q29 **Chair:** A particular person was referred to in *The Times* report—a former employee—who was working in the CPS until March 2015, so that is not stale. This is somebody who was criticised by a judge in a high-profile case in 2013. You know the person concerned. In 2014, they were allowed to conduct an attempted murder trial, despite the fact that they had failed an advocacy assessment. What on earth is somebody who has failed an advocacy assessment doing going out as the advocate in such a serious case? Why did that happen?

Alison Saunders: I would not have put him in that case myself. Let me say that.

Q30 **Chair:** What steps did you take to deal with the people who did?

Alison Saunders: It would have been dealt with internally. We would make sure that we were talking to those who clerked our advocates, be they internal or external, to make sure that they were putting the right people in place. I cannot talk to you about the details of that particular case, but that is what we would do. Again, that is what we have made very clear through our refreshed advocacy strategy. We must have the right advocates in the right case.

At the same time, we need to manage those people to find out if there are performance issues—if there is a development need. That does not mean to say that you put them back into a case when they have not gone through any form of training or they do not have some support or mentoring. Just because they have failed one advocacy assessment does not immediately mean that we would drill them out of the service. It is about finding out if there is something we can do to help them to develop and get back on the road, or whether it is something that means they should not be doing advocacy any more.

Q31 **Chair:** If one case is lost due to inadequate advocacy, there is no coming back from that. The injustice is done on that occasion. It does not matter that they might pass a subsequent assessment.

Alison Saunders: That is right. Again, it is about balance. We should not be putting people into cases they are not equipped to deal with, whether they are internal or external. It is not fair to them, to the victims or anyone in the system. It is about making sure that we do not do that.

Q32 **Chair:** Did you see the letter from Judge Anthony Morris that was sent to



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the CPS?

Alison Saunders: I cannot recall. I am sorry.

Q33 **Chair:** When a senior circuit judge who has tried an attempted murder case writes to the CPS concerning the instruction of inadequate advocates creating difficulties, surely it ends up on your desk as the DPP, doesn't it?

Alison Saunders: It may. I am really sorry but I just cannot remember. I do not want to mislead the Committee in any way. I would expect that that letter provoked a reaction both from the local managers and anyone else who has seen it. We should be making sure that we take action on those issues. That is why we talk to judges all the time. We should not be waiting for letters from them. All my staff at senior levels are expected to talk to their resident judges on a regular basis. We have managers in courts who are there, available, so that if there are any issues with any of the advocates, be they internal or external, we can deal with them.

Q34 **Chair:** The suggestion was made that in some cases people who were not adequate were being instructed in serious cases to avoid equal employment or equal pay claims being brought by the more junior staff. That clearly would be a grossly improper way to manage an organisation if it was right, wouldn't it?

Alison Saunders: Absolutely, and I do not think that is right at all. It is about making sure, as I keep repeating, that we have the right advocate for the right case.

Q35 **Chair:** Indeed. But the concern that arises from all of this, which is picked up frequently, is that there is not enough rigour in the quality management of advocacy and case management in the CPS.

Alison Saunders: I think there is. I would certainly dispute that around advocacy particularly, because we do quality assessments. We talk to the judiciary. Certainly when I was talking to the judiciary on my recent visits I was not getting what we might perhaps have got previously, which was a sense that our in-house advocates were not as good as external advocates. That is not what I get any more at all. Indeed, I am frequently asked if we can make sure that we have our in-house advocates in court because they can make decisions; they know the cases backwards because they are able to access our case management system. It has actually reversed quite considerably.

Q36 **Chair:** You say that you frequently visit the courts. How often do you do a list yourself in the magistrates court?

Alison Saunders: I do not.

Q37 **Chair:** When did you last?

Alison Saunders: I have not done a list as DPP, so it would have been when I was chief. There are pros and cons. A lot of people think it would be a good idea to go out and do that. I think sometimes you might be a bit of a target for everybody there. I can find out far more by sitting at



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the back of the court watching what is going on and talking to advocates who are in the courtroom, and indeed talking to the judiciary—magistrates and lay magistrates as well as employed judiciary.

Q38 **Chair:** A lot of the pressure is on the advocate when they are on their feet, isn't it, which you can only do if you are the person there?

Alison Saunders: Yes. I talk to them about their cases and what I have seen, and do reports back to the chief in the area.

Q39 **Chair:** How often do you do those visits?

Alison Saunders: I do not do them on a regular basis. I do not have a rolling programme. I have recently been to both magistrates and Crown courts. My visits to the area mean that I get to talk to, and make a point of talking to, not just the judiciary but the police and the local police and crime commissioners when I am out, so that I get a picture of what is going on.

Q40 **Chair:** You said every now and again in December 2015. Is it more than that now?

Alison Saunders: I go when I can. I have been quite recently, in the last couple of months, to both magistrates and Crown courts. As I said, I go out twice a year to areas and visit every single area, in order to do that.

Q41 **Gavin Newlands:** You will be aware of the criticism in the recent HMIC and HMCPSP report. They found that prosecutors were charging stalking offences as harassment. What do you think has been the cause of the CPS's poor performance in handling those specific offences?

Alison Saunders: To be fair, the inspectorate was not completely negative about the CPS role. There were some good points. We have accepted every single recommendation that the inspectorate put forward from that report. We are working with police colleagues in order to make sure that we pursue those recommendations. We are already at the point where, by the end of this month, we will have issued new guidance to prosecutors, to give them a real sense about what the differences between stalking and harassment offences are, and what they should be looking at. It is not just narrowly focusing on the actual incident, which I think is sometimes the case, but looking for the wider context—was there a relationship; have there been other incidents; have there been restraining orders or previous complaints—so that we understand better what stalking is about and reflect that in the charges.

That training and new guidance will come out by the end of the year. The training will be mandatory for all prosecutors, so everyone should be trained next year. As I said previously, we are talking, and have talked, to organisations such as Susie Lamplugh and Paladin. They help us both with our training and with making sure we have the guidance right, and have understood some of the nuances that prosecutors ought to understand.



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Q42 **Gavin Newlands:** Just to be clear, will all training be completed next year?

Alison Saunders: Yes.

Q43 **Gavin Newlands:** Moving on to conviction rates themselves, June's figures show that there was an unsuccessful outcome in 26% of sexual offences cases. Why do you think sexual offences have the highest level of unsuccessful outcomes, and what are you doing at the moment to reduce it?

Alison Saunders: They are very difficult cases to prosecute. They tend to be cases where you have no other witnesses and they are dealt with in private, so they are quite difficult cases for us to prosecute, and potentially for tribunals to decide on. We have been working very hard with our rape and serious sexual assault prosecutors. We have specialist prosecutors who are trained, and we have advocates on our list, both internal and external, who are on the list because they have done training.

We have been working very hard with police colleagues to see what we can do to present the strongest possible cases, dealing with some of the mis-types and stereotypes that still exist, answering some of the criticisms and highlighting the successes. They are some of our most difficult cases to prosecute, I am afraid. We have been criticised for bringing some before the courts where there have been acquittals. My own view is that that is the system working. If we only brought cases that we were going to succeed in, we would be criticised for being risk averse.

Q44 **Gavin Newlands:** Obviously I accept some of the points you are making. Judges are often criticised for not being trained appropriately in this area. Do you think training could be improved for prosecutors? Could it happen more regularly?

Alison Saunders: I think we have done a lot on the training front. We are probably as good as we have ever been on that. Prosecutors are trained to take into account the context and actually how things might appear, so that we do not fall into either conscious or unconscious bias. If a victim has not fought back and you thought they should, that is actually just a reaction. It happens. It is not always fight or flight. We have done a lot around mis and stereotypes, making sure prosecutors do not succumb to that. We have done a lot around making sure that they understand the context and that they challenge the police to make sure they have all the evidence.

We still find difficulties where we have to get third-party material. That can cause some delays. Again, delays play a part in making sure that we keep witnesses and victims engaged throughout the process, so there is probably more we can do around that, but I think the training is really excellent, both taking into account the context and how to deal with witnesses and victims.



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Q45 Gavin Newlands: There is a surprising reduction in domestic abuse referrals from the police. What work are you doing with the police to increase the number of referrals?

Alison Saunders: We are working with them, first, to try to understand why, because until we understand why it is happening we cannot really make any plans for what to do about it. We found that it happened last year and it has happened again this year, despite an increase in reports to the police.

I am concerned about why the referrals to us should be going down. We have done some work where we identified that there are about nine police forces where it is particularly an issue. We are working with both HMIC and the police colleagues involved to try to understand why those nine forces have seen a reduction.

Q46 Gavin Newlands: Last month, the CPS was again criticised by the UKSA for publishing misleading statistics on the number of rape convictions. First of all, how would you respond to those criticisms? How will you go about rebuilding trust between the CPS, stakeholders and the general public?

Alison Saunders: We have reissued our report. On our website the report has been reissued with very clear caveats. We had caveats about our statistics. Our statistics are there primarily for our case management purposes. MOJ publishes the official statistics on these issues. We have always caveated ours. What we accept is that we did not perhaps caveat them enough and did not put them up front. If you look at the report on the website now, it very clearly caveats in a number of places the statistics for rape. We count cases that come in as rape even if the conviction later is for something different. It is important for us to do that for case management purposes, so that we understand that these cases should go to our specialist units and should be treated as such throughout the life of the case.

We also count things differently from the MOJ, not just in that area but in different areas. We count offences and they count cases. It is very clearly caveated. What I think is important is that we have been counting this in the same way for the last 10 years. What is important for me is that it has been consistently counted by us and it can show the trends, which are encouraging.

Q47 Gavin Newlands: In terms of increasing conviction rates in this area, do you think that increasing the scope, or in fact defining domestic abuse in law—as is planned in Scotland in the Domestic Abuse Bill going through the Scottish Parliament—would help, or would that present its own challenges? With the upcoming domestic violence and abuse Bill in the new year, as promised in the Queen's Speech, what needs to change in our approach at all levels in order to increase conviction rates for domestic abuse?



Alison Saunders: A definition may help. Of course, the devil is always in the detail, so it depends on what the definition is. A definition that we all work to may help. We already have that to some extent, in that we and the police have agreed a definition of domestic abuse.

We have been doing some work with the National Criminal Justice Board, looking at a study about what works in domestic abuse cases and what does not. To some extent, it is not rocket science. Some of it is around making sure that cases are dealt with very quickly. Sometimes we still see delays, such that people disengage with the process because they want to get on with their lives, or the relationship may have resumed. We must make sure that they have the support they need—things like the independent domestic violence advisers.

We must make sure that we get the cases to specialist courts that understand some of the issues. In some of the magistrates courts, where they put timescales on them, we can get to trial within six weeks. That helps, and that works, as does knowing that officers have body-worn video that captures not just the defendant but sometimes the complainant—the victim—as well. We prosecuted a case not long ago where the daughter called the police. There was a violent domestic incident. The victim was in the street bleeding from her injuries. She did not want to give a statement to the police. The daughter did not want to give one. There were two officers. One was able to capture the defendant, who made some incriminating comments on the video. The other was able to capture the demeanour of the victim and injuries to the victim. We were able to use that and the 999 call, so we did not have to rely on the victim. We obtained a conviction in that case.

We are learning more as we go along about the sorts of things that we might use in order to get it before the courts. There is lots that we can do that does not necessarily need legislation, but there may be legislative things as well that would be useful.

Q48 Gavin Newlands: Lastly, I have a question on witnesses and victims. In terms of the witness care project or review, will you be looking into the resourcing of those units following the concerns raised in various reports about the CPS's handling of witnesses?

Alison Saunders: Most of the witness care units now are entirely police-run witness care units. We obviously do some work and liaise very closely with them from the service. We are working with the police to see what we can do to make sure that there are no gaps and that we are not duplicating some of the work. We are concerned that, if we do not look after the witnesses and do not get them to court, we end up not being able to prosecute. That is particularly acute in domestic abuse cases.

Q49 Bambos Charalambous: I have a couple of follow-up questions. On the issue about the conviction rate for sexual offence cases, do you have a way of dealing with historical sexual child abuse cases, and are there steps afoot to deal with any upcoming issues when there is a multitude of



cases?

Alison Saunders: Yes. Part of the reason we have increased our rape and serious sexual assault unit staffing is the increase in cases that we have seen coming through. We are now satisfied that we have the right numbers in the units and that everybody is trained. What we are seeing is that in sexual offences and child abuse cases the conviction rate has increased. It is at our highest ever rate, both in the number of cases going through the system and the number being successfully prosecuted. We do not separate the numbers of historical child abuse cases, but anecdotally it appears that those cases are more successful than some other more recent types of rape cases.

Q50 **Bambos Charalambous:** Following up on domestic abuse, some areas are looking at having a domestic abuse register, whereby people can be registered if they have been convicted of domestic abuse in the past. Is that something you would support?

Alison Saunders: People's convictions are convictions. I suppose it depends what you use that for and how it is used. It is probably not really a matter for me, because what I am concerned about are the prosecutions and getting them through the court.

Q51 **Bambos Charalambous:** I was thinking more about warning potential victims by allowing them access to the register.

Alison Saunders: Again, there will be all sorts of issues for other people, such as data and how it is accessed and who by. It is not really a matter for me.

Q52 **Laura Pidcock:** I have a practical point. My local police station talked about the frustration sometimes, particularly in domestic violence cases, of having to submit evidence online through a portal. The human touch is lost. Trying to convey how credible and reliable a witness will be can be very easily lost in that system. How would you respond to that?

Alison Saunders: They can talk to prosecutors. We are now, rightly, so reliant on the online world, because it makes things much more efficient, faster and effective, that we sometimes forget that we can talk to people. I would tell them to talk to their local CPS. We have domestic abuse specialists who can come and talk to them and do a surgery type thing, for example. It does not have to be on each individual case. If they have a particular case, they can talk to the CPS lawyer. If they feel that they are not getting charging decisions because we are not recognising the credibility, there is an appeal route as well. It is very rarely used by the police, but they can appeal the decision and talk to a more senior prosecutor.

Q53 **David Hanson:** I want to move on to some general issues about staffing numbers and staffing capabilities. I noticed in your annual report, which we touched on earlier, that you said there were "insufficient numbers of people in the right roles and with the necessary skills and knowledge to



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deliver services in an effective manner.” How do you plan to assess what kind of cases are coming up and whether or not the mix of staff needs to change?

Alison Saunders: Working out what is coming in the future is quite difficult for us. We are very reliant on talking to policing colleagues about trends that we see coming through. We are still planning on more counter-terrorism cases coming through, more sexual offences coming through and more fraud. They are the ones where we are particularly seeing numbers increase, and where we think they will continue to do so.

We have been doing some targeted recruitment campaigns for our specialist fraud division, which is a headquarters division. We have just done some internal and external recruitment. We think we have our numbers right on the RaSSO cases—rape and serious sexual assaults; we have put in almost half again the number of prosecutors around the country, but we are keeping an eye on that. On counter-terrorism, we have already done some recruitment and increased the size of our counter-terrorism division.

Q54 **David Hanson:** On counter-terrorism, this time last year, you told us that you were expecting to have about 18 special prosecutors, and you had allocated around £4.4 million for that. What is the number today?

Alison Saunders: I cannot tell you, because we are in the process of recruiting some more. It is more than that, I think, because we have seen the numbers continue to go up.

Q55 **David Hanson:** What is the target for the total number of counter-terrorism prosecutors?

Alison Saunders: I would have to come back to you. Again, I want to make sure I have got the figures right. We have now gone to two teams, whereas before we were only one.

Q56 **David Hanson:** We had two teams last year in December. You told us that last December.

Alison Saunders: Sorry. The teams are bigger. We have just completed the last recruitment phase and got prosecutors in. There is a bit of a delay in getting them in, because they have to be security cleared. We are just about to launch another campaign, looking for eight more.

Q57 **David Hanson:** I only mention that because the figures we have show a 68% rise in arrests for terrorism and alleged charges. You had an anticipated 18 this time last year, and you have had a 68% rise in caseload potentially in the last 12 months, so I am just getting a flavour of where we are trying to end up with the numbers, and whether the numbers are sufficient for the capability you will require.

Alison Saunders: They are and we are working very closely on that. Of course, not all those will translate into prosecutions. Even when they have not translated into prosecutions—for example, the Manchester



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bombing or the London Bridge attacks—prosecutors were involved for pretty much 24-hour days, for days on end, advising the police, even though it did not result in prosecutions. We know that, resourcing-wise, we need more prosecutors, which is why we are doing our recruitment campaign.

We are very closely linked with the police when they make more bids for terrorism. What I am pleased to see now, which we have not always seen in the past, is recognition that it will translate into at least criminal justice advice, if not criminal justice outcomes. Therefore the resourcing is a constant.

Q58 David Hanson: How is the recruitment campaign being undertaken?

Alison Saunders: It is an advert out, both internally and externally, to prosecutors who may want to come into the counter-terrorism division. Because we had issues in some areas of the country in relation to recruiting, we did quite a lot of research work into why that was and why people were not applying in particular areas, or what it was about the service. The research showed that some people did not realise that we were recruiting because we had not been for such a long time; and there was something about making sure that our brand, our ethos and what we stood for was clearer, so we have completely revamped our recruitment process and the advertising literature that goes with it. We have started to use that, and you will see it in use far more, because it will be consistent in every single campaign.

Q59 David Hanson: Just so I am clear, are those posts likely to be permanent posts, not fixed term to meet current demand?

Alison Saunders: Yes.

Q60 Victoria Prentis: You may have to come back to us, but can you tell us how many staff you currently have working on RaSSO units?

Alison Saunders: I will come back to you. I know we have increased it by 48%.

Q61 Victoria Prentis: That is a start. Since the very critical report in 2016.

Alison Saunders: Yes.

Q62 Victoria Prentis: It's gone up by 48%. Are those largely internal appointments?

Alison Saunders: Yes; pretty much all will have been, because I do not think we recruited directly.

Q63 Victoria Prentis: Has that caused you difficulties in other areas of your service?

Alison Saunders: It means that we have had to backfill elsewhere.

Q64 Victoria Prentis: You have less experienced prosecutors elsewhere in



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the service.

Alison Saunders: Yes.

Q65 **Victoria Prentis:** Is that something that worries you?

Alison Saunders: Yes and no. There is a big training. One of the things we have been doing is increasing the number of our own legal trainees. Yesterday, we started 44 new legal trainees, which is the highest we have ever had. That means we are really investing in the future of the service. We find that our legal trainees have been excellent, and they have gone on to really great positions in the service.

Q66 **Victoria Prentis:** In the Government legal service we always found that the quality of our trainees was exceptional. Do you view that as a way forward, and do you want to increase that number? Forty-four is not many compared with the number of staff you employ overall.

Alison Saunders: It is not many, but it is probably the single highest figure for legal trainees with any company or equivalent. I would love to increase it. It is a highly competitive competition. We had thousands who applied in order to get that 44. As you indicated, the quality is always very good.

Q67 **Victoria Prentis:** We are concerned about quality, of course, and you must be very concerned about the quality of your lawyers. A senior Crown court judge explained that RaSSO units did not have sufficient lawyers, or lawyers of sufficient calibre. How do you feel you have addressed that? Obviously, these trainees will take years to be of the calibre we need to staff those units.

Alison Saunders: They will. We have introduced a number of things to assist. First, there will be more training. We have increased the numbers who go into RaSSO. They have all been trained and we are continuing to train them.

Q68 **Victoria Prentis:** Do you check their quality?

Alison Saunders: Yes.

Q69 **Victoria Prentis:** How do you do that?

Alison Saunders: We do it in a number of ways. If they are advocates, we watch what they are doing and do an assessment.

Q70 **Victoria Prentis:** Do they know you are going to be there?

Alison Saunders: Not always, no. If they are doing review work, we have a process called casework quality assurance. Managers pull cases. We have changed it, so that it is live cases and not completed cases. They look at them. There are a number of standard questions that they go through such as, "Is the review right? Have we dealt with disclosure? Have we dealt with the witness issues? Have we dealt with the correspondence?" That gets fed back to the lawyer on an individual basis.



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We can use that to assess their quality and their development needs, if they need more training.

Q71 Victoria Prentis: Is that done on a spot-check basis as well, occasionally?

Alison Saunders: Yes, it is. We may do a thematic, so managers may decide to do domestic abuse cases one month and then a different type of case another month, or target particular individuals if they have concerns about them. What we have also done for RaSSO, which is really important, is to introduce staff rotation and staff movement policies. They are currently out for consultation. One of the reasons people did not want to go into RaSSO units was that they felt they were stuck; they would get in there and never get out again. While some people never want to get out, because they love the work and are passionate about it, other people did not want to do that. We have introduced career movement principles, which are very much around the business needs of the service as well as individual development, so we are making sure we have trained lawyers in all areas. You learn skills in the RaSSO team that you can then take elsewhere. We can have extra people to flex.

What we have also done specifically for RaSSO—I was extremely concerned about people who were dealing with a diet of work that is really tough and emotionally quite harrowing at times—is to introduce a wellbeing package, which I am pleased to say has been recognised externally in an awards thing. It is really important, because it gives them the opportunity to take up, whenever they want to, workplace wellbeing. They can phone somebody external and talk to them and have counselling sessions. Managers and others are trained to spot stress. They are trained to spot the signs, and we make sure that everybody has conversations at least once a year. That is mandated.

Q72 Victoria Prentis: Do you get the impression that the harrowing nature of the work was putting lawyers off going into RaSSO?

Alison Saunders: I think some of it does. People are worried. They did not want to go into RaSSO teams because they felt they would get stuck; because of the work; and because they were worried whether they had the right skills. The career movement principles are very much around making sure that we help people before they go into units; it is planned, and they are not just suddenly plucked to go in there. Therefore, we can train them before they get there.

Q73 Victoria Prentis: Do you know what proportion of rape cases are now prosecuted by a specialist?

Alison Saunders: All of them are.

Q74 Victoria Prentis: It was only in the 2016 report that it was found that 62%—

Alison Saunders: They are all now dealt with by a rape specialist.



Q75 **Victoria Prentis:** Are you confident that that is an accurate figure?

Alison Saunders: Yes.

Q76 **Victoria Prentis:** Are they all dealt with by specialist units?

Alison Saunders: Yes. Rape cases should all be. The only exceptions will be if they are cases that should be dealt with in headquarters by a specialist crime team. They will go there; it is not a RaSSO unit but they have specialist prosecutors to deal with it.

Q77 **Chair:** We all appreciate the particular difficulty and sensitivity around RaSSO and related cases, and the difficulties there are when sometimes a case is brought that ultimately results in acquittal. We have heard that the acquittal rates are generally higher in these sorts of cases. You talked about that on Radio 4 in October. I am just looking at the phrase you used. We understand what you were trying to get to. You said that "an acquittal doesn't mean there has been a false allegation. What it means is the defendant has been found innocent, but it doesn't...mean that there is a false allegation." I have never heard a practising lawyer refer to somebody who has been found not guilty as being found innocent. Would you rephrase that, upon reflection?

Alison Saunders: They are found not guilty.

Q78 **Chair:** There is a big difference, isn't there?

Alison Saunders: You are innocent until proven guilty. That is a fundamental tenet of our law.

Q79 **Chair:** It is the sort of phrase my clients tended to use, but never a practitioner.

Alison Saunders: But our constitution is that you are innocent until proven guilty. It is really important. There is a misunderstanding about this. There is a sort of rhetoric that has grown up that, if somebody is acquitted, the accusation must be false. That does not happen in other cases. You can have a theft where somebody is acquitted but it does not mean that the theft did not take place, and likewise with an assault. We know that false accusations in rape and serious sexual assault cases are very rare. Where we have evidence of that we will prosecute, and we do prosecute.

Q80 **Chair:** One of the problems, of course, is that very often there is an allegation. I am sure that what you were seeking to say was that it does not mean there was not an allegation that should properly be put before the court.

Alison Saunders: Absolutely.

Q81 **Chair:** And the fact that the jury concluded on the burden of proof beyond reasonable doubt—

Alison Saunders: That is absolutely their job to decide.



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Q82 **Chair:** And then they found somebody not guilty. Do you think the DPP has to be particularly careful and precise in the language around these matters, because it is such a sensitive debate?

Alison Saunders: Possibly. I should be absolutely careful and I am quite often taken to task if I use victims too much or complainants too much. What I am very clear about is that an acquittal is not a failure, and it is absolutely our criminal justice system working.

Chair: That is something we can all agree on.

Q83 **Victoria Prentis:** I want to move on to staff morale. You spoke very positively earlier about your sickness rates being lower than the civil service average. Looking at it from a Government legal service point of view, your sickness rates are really not good. Why do you think that is? Why do your lawyers get sicker than other Government lawyers?

Alison Saunders: I do not know what other Government lawyers' sickness rates are.

Q84 **Victoria Prentis:** They are several points below yours. They are several days fewer a year than your average.

Alison Saunders: We have been on a decreasing trend for sickness rates for a couple of years. We are at the lowest we have ever been, at 6.7 average working days.

Q85 **Victoria Prentis:** Do you have a problem with people on long-term sickness?

Alison Saunders: That has reduced considerably. Again, that was part of our issue, and it tended to skew the figures quite a lot. We have done a lot of work on making sure that our policies, and the application of the policies, are such that we can help those people either to return to work or to exit the service. I think it is a reducing trend. Likewise, stress in the workplace has been a reducing trend.

Q86 **Victoria Prentis:** Do you do an on-the-day, back-to-work assessment?

Alison Saunders: Yes.

Q87 **Victoria Prentis:** Do all managers carry that out?

Alison Saunders: Yes.

Q88 **Victoria Prentis:** Has that in itself been successful?

Alison Saunders: I think it has been, and the wellbeing policies we have introduced across the service have also been quite successful.

Q89 **Victoria Prentis:** Moving on to the staff survey—again you spoke positively—have you considered the rest of the Government legal service responses in comparison to yours? They were much better, particularly with regard to people's appreciation of their managers.



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Alison Saunders: Yes. We are a very different organisation. We are much more diverse around the country, and disparate from that point of view. We are still bigger, possibly, than the Government legal service.

Q90 **Victoria Prentis:** Do you think staff respect their managers?

Alison Saunders: I think they do. That has always been one of our positives. It has been one of our more highly marked bits—our immediate managers—and what has been good is to see the increase from where we came. We have increased by seven percentage points over the last two years, which I think is quite significant.

Q91 **Victoria Prentis:** But you are still 7% below the Government legal service.

Alison Saunders: We are, but we will catch them up soon.

Q92 **Victoria Prentis:** How?

Alison Saunders: We will continue doing what we are doing, and analysing the data and finding out what it tells us. It has been no coincidence—I would say that—that since we have been doing 2020, and have been having conversations, there has been higher visibility—

Q93 **Victoria Prentis:** Of senior staff.

Alison Saunders: Of senior staff. Our staff engagement scores have gone up. It is not just senior staff; those conversations are happening all the way through the organisation. It has been quite a culture change, in a way—

Q94 **Victoria Prentis:** Forgive me, but do you feel that in the last two years there has been a major culture change?

Alison Saunders: I think more than that, because it builds up. It does not just switch overnight. It has built up, but the change in the staff survey over the last two years has been particularly noticeable. That is when we had our biggest increase. It is about continuing to do that and working out what more we need to do to make sure that the sick absence goes down. If you have people at work and they are happier people who want to be at work, your engagement scores should go up as well. It is about what more we need to do.

Q95 **Victoria Prentis:** Do you know what your turnover rate is?

Alison Saunders: It is 6.8%. It is less than that when you disaggregate the non-legal staff. It is less for legal staff.

Q96 **Victoria Prentis:** You would expect that.

Alison Saunders: Of course, staff turnover is not always bad. It is people going on to be promoted and developed elsewhere.

Q97 **Victoria Prentis:** Yes; some of us leave the Government legal service.



Alison Saunders: For the better.

Q98 **Victoria Prentis:** Can you explain the sort of reasons for the 44 exit packages that you agreed in the last year? Not all of them, just give us a flavour.

Alison Saunders: It has mainly been where we have not replaced people, when we have reorganised or when there have been personal things. Some of it concerns compassionate issues, where people have moved on because of personal issues.

Q99 **Victoria Prentis:** Are you confident that you are attracting the highest calibre individuals?

Alison Saunders: Yes. I can be confident about that because, from talking to those who do recruitment, we do not just take anybody; it is quite competitive and, even though we may not fill gaps, we do not take people just so that we have people in place; and because in our induction I try to see every single new recruit, particularly legal recruits. I go along to their first induction day to talk to them. What is interesting, going round the table, is just how many experienced practitioners in the criminal justice system, particularly from the defence community, are crossing over to the CPS.

Q100 **Victoria Prentis:** What do you think attracts them to come to work for you?

Alison Saunders: When I talk to them, a number of them say it is around personal reasons. They do not want to do duty solicitor type stuff. They are also at the stage of their career where they think we offer them a far better career progression and development path, because you do not stay at the same level but can move up through the ranks and do different things. Some of them are really excited by perhaps being able to go into our headquarters divisions. Some of them have been surprised about things we can offer them, such as international postings. We have 38 prosecutors abroad. It is just the difference in the variety of work. Some of them do not want to do defence work any more.

Q101 **Chair:** Sometimes, perhaps, it is because they are squeezed by the fixed fee system.

Alison Saunders: Sometimes it is, yes.

Q102 **Victoria Prentis:** Do you think you have got better at selling the CPS as a good employer?

Alison Saunders: We are now, and that has been part of the research we did. We have some very new campaigns, which are very much about what we do, and our ethos about delivering justice.

Q103 **Victoria Prentis:** Is that something you have taken from the Government legal service in part? That was certainly how we used to recruit very good people.



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Alison Saunders: Part of it is looking at other Government Departments, but part of it is looking at it ourselves and doing some internal research as well.

Q104 **Victoria Prentis:** There is always going to be a difficulty. Most really good-quality lawyers could probably earn more elsewhere, if we are honest.

Alison Saunders: Yes.

Q105 **Victoria Prentis:** Have you talked generally to the civil service about pay and conditions? Is that a continuing conversation?

Alison Saunders: It may be different on the Government legal side because you are dealing with a different type of private sector, but for the criminal sector some of our lawyers are paid—

Q106 **Victoria Prentis:** Better with you.

Alison Saunders: Reasonably well compared with some of the defence equivalents.

Q107 **Victoria Prentis:** About how many posts do you have vacant at the moment?

Alison Saunders: We are currently recruiting for about 180 lawyer posts.

Q108 **Victoria Prentis:** And you are fairly confident that you will be able to fill them.

Alison Saunders: Certainly from the ones we have been doing so far, yes. It is fair to say that we still have pockets where it is difficult. London and the south-east are always difficult. What we have been doing there, what some of the electronic work—the digitalisation—has allowed us to do, is to have units where we can get good recruits, so that is what we have been doing. For example, London has a review team that sits in Sheffield or Leicester. I have been to their office. You walk in and they have posters up of London. It looks as though their window looks out at Tower Bridge. They do London work. Likewise, we have lawyers in Wales doing work for London and the south-east, and the north-east.

Q109 **Chair:** Director, earlier you made the very important point that an acquittal is not a failure of the system. I think we would all say that is absolutely right. The merits have been heard and then the tribunal of fact has come to a conclusion. Of course, where a case is discontinued, or there is a judge-ordered acquittal, that is a more troubling matter in a sense. I notice from the figures that nearly 10% of cases in the magistrates court are discontinued. They have gone through all the initial vetting; there has been a review process and a decision to charge. Why is it so high, given that the cost involved in actually getting there has been thrown away?



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Alison Saunders: Some of those may not have gone through the process of review right at the beginning. Some of them may be police-charged cases in the magistrates court. It is quite different in the magistrates court.

Q110 **Chair:** Do you know what percentage that might be?

Alison Saunders: I do not, but we can come back to you with a breakdown.

Q111 **Chair:** That would be helpful to have; thank you.

Alison Saunders: If they are police charged, we review them when they get to court. Of course, sometimes things change. Sometimes evidence will change as it goes through the court. People decide to disengage and we may decide not to force them to come to court in some cases. There will always be a percentage of discontinued cases. It is about getting them down as low as we possibly can.

This is where some of the issues around disclosure in the more serious cases come in. We have been talking about making sure that we do as much as we can before we charge. There is always tension between how much you need—making sure you have every i dotted and every t crossed—before you get into court, and making sure that we do not delay when we think we have enough for a charge. That is where we need to be really clear about where the bar is set.

Q112 **Chair:** I will come back to that in a second. There are also some statistics for judge-ordered acquittals in the Crown court. They are about 11%. Do you have a sense as to what the reasons are? What percentage of those are because there was an evidential failure, and they just simply did not come up to scratch, or were there other reasons?

Alison Saunders: The judge-ordered acquittals will be ones where we primarily ask, so it is our discontinuance in the same way. It is the judge-directed ones that concern me particularly, because they are the ones where the judges have disagreed with our decisions and think that they should stop them.

Q113 **Chair:** Or they have failed at half-time.

Alison Saunders: That still remains much lower, but we need to be really careful that we do not get cases into the Crown court system, because by the time you are there it is more expensive. It is more time consuming for everyone. What we want to do is reduce delays in the Crown court. If lists are being blocked with cases, we should not be doing that.

Q114 **Chair:** How many of these failures to get further down the track, either through judge-ordered discontinuance or through the ruling at half-time—for want of a better word—stem from failures in disclosure?



Alison Saunders: Disclosure is one of our biggest things, but the biggest reason tends to be witnesses disengaging from the process—witness issues. Sometimes they cannot attend. Sometimes they disengage. That is our biggest issue. Disclosure is an issue, particularly in the Crown court. It is not so much in the big, serious cases. It takes time and lots of hearings, but, as Richard Horwell indicated in the Mouncher report, we are doing well with the bigger cases where it is more complex. We have a whole regime of disclosure and documentation—processes that mean that we can be reassured about the way we deal with disclosure there. The disclosure report highlighted that we need to do more around disclosure across the board.

Q115 **Chair:** What about disclosure in the magistrates court?

Alison Saunders: I do not think disclosure in the magistrates court is such an issue. If you are talking about disclosure for unused material—

Q116 **Chair:** Or undermining material.

Alison Saunders: Undermining material or unused material. We have a streamlined process in the magistrates court where the police present a streamlined disclosure certificate. We give that to the defence, and only if there are issues do we then go on and deal with the application.

Q117 **Chair:** What about your performance on the obligation to disclose the summary statement of evidence in the case? Is that satisfactory in the magistrates court?

Alison Saunders: I think you are talking about the initial disclosure of the prosecution case document, which is not unused. That is the used material.

Q118 **Chair:** But all of these are part of the system for keeping people informed, aren't they?

Alison Saunders: They are; absolutely. Certainly when the inspectorate came back to look at Transforming Summary Justice, which this is all part of, they were reassured about our performance, which had increased. There were still pockets where we could do better, and there are things we can do with our other partners.

For example, if we can disclose before the first date of hearing, that really helps, but we only know in about 20% of cases who the defence representative is. If we know that, we can get the material to them before the first date of hearing. If we do not, it tends to be later—at the first date of hearing.

Q119 **Chair:** The inspectorate report said that 39.9%—nearly 40%—of papers were not served on the defence, in accordance with the transforming justice guidelines. Was most of that 40% because you did not know who the defence solicitors were?



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Alison Saunders: That is the majority of reasons why we cannot serve it. We serve it through secure electronic means in advance. We know that we only find out in about 20% of cases, so the papers will be there electronically on the first date of hearing. We can do it in advance in the majority of cases, if we know who to give it to. Indeed, I was talking to a defence advocate last week, and her view was very much that it would help if some of her colleagues notified the prosecution. She had no reason to say this to me, but she said that when she did, she always got the papers before the first date of hearing.

Q120 **Chair:** Do you have much dealing with the Criminal Law Solicitors Association?

Alison Saunders: We do. I sit on the criminal procedure rules committee, where they are represented. We have had separate meetings with them. They write, not irregularly, with anecdotal cases where things have gone wrong. A lot of them are cases where we get it wrong. I am not saying that we are perfect or that we get it right in every single case. There is certainly more we can do. What we have not yet cracked with the defence is getting early engagement, which would help the system. We have the papers there to be able to send them through electronically, in the majority of cases, if we know who to send them to.

Q121 **Chair:** Have you looked at the survey that the Criminal Law Solicitors Association did among its members?

Alison Saunders: We are due to have a meeting early next year to talk through some of it, yes.

Q122 **Chair:** These are professional people. They are not a lobby group. When 98.65% of their respondents say that they have had problems with disclosure, and 90.5% say that it occurs very often, that is a collapse of confidence in your system, isn't it?

Alison Saunders: What you also need to look at are the figures from the magistrates courts and the number of early guilty pleas. We know that the rate for guilty pleas at first date of hearing has consistently gone up since we have been operating Transforming Summary Justice. We know that the numbers of cases going through to trial, and therefore the delays across the magistrates court, have gone down.

We have agreed at the criminal procedure rules committee and elsewhere what we should be serving. We have some very robust discussions there, as well as around the country when I visit the courts, and a lot of the magistrates and justices' clerks tell me that they have the papers there and we do serve them. Sometimes it is around the quality of the summaries. We need to make sure that they are right. What we have agreed is that, where we use statements, we make sure that they are always served; otherwise we will not use them.



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There are other indicators across the system that tend to show that it is working. If we are not providing the material for the first date of hearing, it seems odd that the guilty plea rate at that hearing has gone up.

Q123 Chair: Forgive me, but the gap between your perception that it appears to be working for the various reasons you have set out and a 98% perception the other way seems to me to be beyond anything that can credibly be explained away by the reasons you have just given us.

Alison Saunders: I cannot talk about why they have that perception. What I can tell you about is what we are doing. I am certainly not sitting here saying that everything is perfect, but our systems are built around making sure that we have those papers and they are there ready to be disclosed before the first date of hearing if we know who we should be disclosing them to. It is obviously in a very low percentage of cases that we are able to do that because we do not know who it is. I do not know why that is. Obviously the more we can do to talk to the defence profession and encourage communication, the better. There is obviously a perception gap, so the more we can do to talk to them and work through it, the better.

Q124 Chair: A comment like "Late, incomplete or non disclosure is now the norm at the Magistrates' Court. The CPS routinely ignore CPR directions" would be a matter of concern to you, even if it happened in a small minority of cases, wouldn't it?

Alison Saunders: It would be, and from all our performance indicators that is absolutely not what I think is happening. There is obviously a perception gap, and obviously we need to talk to the defence community about why they think that.

Chair: Whether it is a perception gap or a perception chasm, we will have to see.

Q125 Ruth Cadbury: I have a very simple follow-on question. You have acknowledged that there is a perception gap and that a conversation needs to happen. Have you not started those conversations?

Alison Saunders: Yes. Sorry; if I say it needs to happen, it is because we have a meeting coming up early in the new year. We have regular meetings with the Law Society and others, likewise at local level. I understand why this happens, but there are lots of avenues at local level where defence representatives can engage with their local CPS. A lot of this is about discussions that should be happening at local level. It does not always happen because the defence community tend not to be represented in those engagement meetings, even though they could be. We have talked about this with the Criminal Law Solicitors Society. Sometimes it is because—I understand this entirely—the defence community are working very hard and doing lots, and going along to those meetings is not something that is part of their routine, even if we put them at the end of the court day.



Q126 Ruth Cadbury: Do you have any kind of concept of how far you might want to move towards closing that perception gap, and by when?

Alison Saunders: I would love to close it very shortly, because it is a continuing dialogue from the defence side. What is difficult to understand is that, when we look at all the performance indicators and what is actually happening on the ground, it is not reflected in anything else we see. It is about trying to close that perception gap and understanding what they feel they are not getting but feel they should be getting. Certainly in the majority of cases that come through, the digital system allows us to pick up performance data in a way we have never been able to do in the past.

Q127 Bambos Charalambous: On that last point, there was criticism in the joint report about the digital system and the effectiveness of the system. Is there a better way of working with the police, the CPS and court users to allow a better flow of information?

Alison Saunders: We have made huge strides around the digital process. Pretty well every single piece of information from the police now comes through digitally. There are bits that are particularly an issue for us, the courts, the defence and the police around things like body-worn cameras and ABE interviews that cannot come across electronic links because of their size—they crash our system. We are piloting with the Met in London a system that allows body-worn camera and CCTV to be uploaded so that we can see it. That means we can get it to the courts and the defence. We also have some pilots elsewhere in the country to do that.

Q128 Bambos Charalambous: Another criticism has been about having just one generic email address for all users. That would obviously cause a bottleneck. Is there a better way of allowing access, maybe trusting defence barristers to liaise better and make it more effective? If it is harder for them to access material and to communicate, it just delays things more.

Alison Saunders: I am not entirely sure what the issue is there. At the Crown court, with the DCS, where all the material is stored, the defence can access it as well as the judge and the prosecution. That is working very well and has been a real development, led by the courts. Individuals need to get their password and they need a secure CJSM email address in order to do that.

Q129 Bambos Charalambous: I think it is the stage before that.

Alison Saunders: If they are asking us for material, they come through to a central email address. The reason for that is that, when it was an individual email address, the concern was that people were not always at their desk and not always doing things, so it was better to do it through a central one. If there are any delays, they need to take them up with their local CPS so that we do not have bottlenecks. We make sure that the emails are gone through quickly and responded to quickly.



Q130 **Bambos Charalambous:** Do you think there could be a better system than just having one generic email address? There might be instances, through nobody's fault, when a large number of cases are all dealt with by one CPS branch.

Alison Saunders: The way we need to do that is to make sure that we have a better way, which I hope is what happens in most cases, and that we have people looking at it regularly, so there are not bottlenecks and we get through the work that is there. If it is electronic, if there is a bottleneck in one particular area, we can move work around. Managers should know what is going on in order to do that.

Q131 **Bambos Charalambous:** You may have touched on this previously. How do you monitor disclosure obligations and bad character applications?

Alison Saunders: We do not monitor use of previous convictions—section 41—as such. We have done some recent research into some of the issues there. It will get picked up through the core quality assessment work. There is no programme as such to do it routinely; managers look at individual cases and individual lawyers, and assess the quality. They pick up those issues with them.

Q132 **Chair:** Before we leave this for the final topic, the Attorney General's guidelines say that every defence statement should be reviewed by the allocated prosecutor before being sent to the police. What is your level of compliance with that?

Alison Saunders: It is low.

Q133 **Chair:** How low is low?

Alison Saunders: I am not sure exactly how low it is. Partly it is the tension between making sure that we do things quickly and making sure that we get them right. What has happened—the practice that has grown up—is that, as a defence case statement comes in, it is sent straight to the police force so that they can have a look at it and start to think about it. That does not always help, because sometimes they will wait for the lawyer to review it and then send it to them with, "Can you have a look at X, Y and Z, because we need to find this or the other?", or indeed to send it back to the defence, if it is a defence case statement that does not trigger disclosure because it is not full enough or satisfactory. We are working both with the Attorney's office and with prosecutors to make sure we get that right.

Q134 **Chair:** They are there to be complied with, aren't they?

Alison Saunders: Yes.

Q135 **Chair:** They are not just a nice to do. Perhaps you could write to us, Director, with the exact figure for non-compliance. The final thing I want to raise on that is whether perhaps it is time to revisit the criminal procedure rules and strengthen the sanctions for non-compliance for any party. Sometimes it can be the defence at fault as well. Should we be



looking at that again?

Alison Saunders: We have had that discussion at criminal procedure rules on a number of occasions. It is difficult. From an entirely selfish perspective, in some ways it is very easy to sanction the CPS by awarding costs or doing something else. What is difficult when you sanction the CPS is that, if you do not allow us to bring evidence before the courts, it may be the victim or the complainant in the case who is actually disadvantaged. How do you sanction the defence? Do you sanction the defence lawyer? Is it their fault? Do you sanction the defendant? What do you do? Do you say he cannot run his defence?

Q136 **Chair:** Wasted costs orders are there in criminal cases to change behaviour by the parties' legal representatives.

Alison Saunders: They are, but there are always arguments about, "We couldn't get into prison to see our client," or, "We weren't able to do this." It is a discussion we continue to have. Of course, as you say, there are sanctions already. There are costs and there are things around admissibility of evidence. It is about working to make sure that we improve the system and we continue to do so. Changing criminal procedure rules to say that we will not rely on statements in sentencing, unless we have given them to the defence and they have had the opportunity to see them, all adds to the compliance.

Q137 **Chair:** The Boardman case in 2015—over two years ago—highlighted concerns about the disclosure regime in the Court of Appeal. I do not get a sense of urgency about trying to improve this. What steps are you taking?

Alison Saunders: Certainly for disclosure, there is a degree of urgency. The report was quite forceful about the failings from the CPS and the police. It is a systemic failing that has been there for some years. Certainly you can take it from me that there is urgency to do something about it.

Q138 **Bambos Charalambous:** My first question is about maturity. Have you conducted any further research into the consideration of maturity, as proposed in our report on young adults in the criminal justice system? Have you done any further research on that?

Alison Saunders: We have not done any further research. However, it is part of the code, so it is something that prosecutors should be taking into account. There has been research done previously, particularly around 18 to 24-year-olds and how that might impact. We have agreed to extend our training, which we are currently rolling out, albeit at the moment just for our new specialists, to include 18 to 24-year-olds and considerations that they might need to take into account. We will be looking to extend that more widely.

Q139 **Bambos Charalambous:** How do you assess the impacts of that training?



Alison Saunders: We always evaluate our training. It is not just around whether they enjoyed the training and did it feel good. It is around managers looking at what happens afterwards on cases. It is difficult to know how, and we do not have any way in which we can evaluate the impact of the code and how prosecutors take maturity into account, apart from when managers look at cases and have a discussion with individuals.

Q140 **Bambos Charalambous:** Moving on to the Lammy review, there were four recommendations for the CPS. They concerned collecting data on ethnicity; joint enterprise; how the modern slavery legislation could be better applied; and the redaction of personalised information. What changes are you proposing to take that forward?

Alison Saunders: We are certainly looking at joint enterprise, and, in the same way as we have with this Committee, we have sent David Lammy our consultation document on our updated guidance. We are looking at how we can incorporate his points on that. We will be coming back to him once we have completed the consultation around joint enterprise.

On race-blind prosecutions, we said that we will have a look at them. It is quite difficult, because he says in his report that we do well on our decision making. For me, it was reassuring to see his confidence in our decision making, which was not discriminatory. We know that because of the figures we have. What I do not want to do is to throw the baby out with the bathwater, and not have those figures because we have made them race blind. If we were to make them race blind, somebody would have to redact them, and in order to get the data we would have to put them back in. That is quite a lot of resource for something we are recognised as doing well on. We really need to think about that quite carefully and have a look at it.

Q141 **Bambos Charalambous:** Going back to joint enterprise or secondary liability, are you proposing to change any guidance on that?

Alison Saunders: Following Jogee, we revised our guidance, and it has been out to consultation. We are looking at the consultation responses. We have done some round tables with academics and others to have a look at the guidance as well, to see how we change it.

Q142 **Bambos Charalambous:** I want to ask a question about how you monitor hate crime. There have been some disputes from organisations like the Campaign Against Antisemitism. They dispute the CPS figures. Do you have a way of monitoring hate crime? How do you monitor that, and do you have confidence in the public perception of that?

Alison Saunders: We make sure that hate crime cases are flagged. We have got much better at flagging hate crime cases right from the beginning. That is important for our case management purposes so that we know they are properly dealt with. We also have hate crime specialists; they may not always prosecute them, but they look at them



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and dip into them. They also give advice. The number of hate crime cases being flagged has been going up. That is important because we then look at whether or not we get sentence uplift. That was one of the targets from last year that was quite stretching. When we did not achieve it, we were on an upward trajectory. Looking at our quarter two figures for this year, we think we have hit it because there are now over 55% of hate crime uplifts.

We do not break down cases into anti-Semitism, race or any other type of religion. We do not recognise some of the figures that have been bandied around. We think we have prosecuted far more. We work with community partners to make sure that we get feedback from them about the way in which we are performing, and to understand some of the issues we need to take into our policies.

Q143 Laura Pidcock: Following on from the hate crime stuff, all the evidence shows that hate crime in our society is on the rise. I am sure the CPS have said that there is a fall in the number of prosecutions for hate crime. How do you square those two? I will come on to ask about disaggregating data according to ethnicity, but on that first point what do you say about the rise of hate crime in society but a fall in prosecutions?

Alison Saunders: What we saw last year was a fall in the number of referrals from the police to us, which was similar to domestic abuse where reports had gone up but referrals to us had gone down. Last year was the first time it had gone down. We think that some of the reports where we have seen an increase will come through this year. We anticipate that this year the number of referrals to us will go up. There is a slight delay. Probably post some of the terrorist incidents last year, when hate crime spiked, they will come through, because there is a bit of a delay, with the investigation and the cases coming through the court process. I anticipate that there should be a nudge up this year. If there is not, I would be increasingly worried about it, particularly if it looks like a trend over two years. We are talking to police colleagues to try to work out if there is anything happening that we do not quite understand.

Q144 Laura Pidcock: Can you elaborate on the point that Bambos raised? You talked about not capturing the different kinds of hate crime. Do you separate, say, disability and then the different ethnicities? Do you capture that data?

Alison Saunders: We do. Sometimes the police flag it for us and we know that it has been an issue. Where we can, if we have reliable data, we will highlight it. But if we cannot, we do not. We work with police colleagues to really try to make sure that the performance around flagging up different types and ethnicities, particularly in disability, is highlighted.

Q145 Laura Pidcock: I think that is really crucial for communities to get justice. Some communities do not feel that justice is ever served. If we do not have any data on Gypsy, Roma or Traveller communities, on anti-



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Semitism, or on any oppression, how will we know? That is really important.

Alison Saunders: I appreciate that. Sometimes it is just difficult to get that data. Obviously, we do not want to make assumptions. If there are racially or religiously aggravated offences, we can tell that we have prosecuted those. There is not a disability one as such—an aggravated offence—so it makes it more difficult.

Q146 **Ruth Cadbury:** You have undertaken significant spending reductions over recent years—seven years, I think. In real terms, your spending looks flat across the rest of the department’s plans. How much more can the CPS be cut and still meet performance expectations?

Alison Saunders: I would be extremely worried if we had any more cuts. As you say, we have taken a 20% cash cut, which is 30% in real terms. We have reduced staffing by 30%. We have been able to do that because we have reorganised the way we operate. Digitalisation has meant quite significant savings for us. There has been a reduction in some caseloads, which meant that there has been some flex. There is always a little bit more you can do, but I really do not think there is much more we can do. I would be extremely worried if we had any more cuts.

Q147 **Ruth Cadbury:** You have a relatively high capital spend planned. There is not a lot of detail in your annual report. Could you give us some detail about that capital spend? What is it going to be focused on? To what extent is it for the challenges around the court reform programme?

Alison Saunders: I think it is about £7 million in our current budget. It is there for three things. One is a technology refresh. We have issued all our staff with updated laptops and tablets, which has been a real boon. That has helped with efficiency of working and has meant we can do flexible working for staff, which in turn reduces some of the pressure on our estate.

Some of it is for an upgrade to our case management system. We are not at the point where we could switch over to common platforms, so we need to work on some upgrades in our case management system. The last thing that capital is for is for some of the moves. For example, we are moving out of one building in Pimlico into Petty France next year. We are just about to do that, so it is for that move, and depreciation and things.

Chair: Director, thank you very much. There has been a wide range of questions, but we are grateful to you for your time and for your evidence. It is good to see you. The evidence session is concluded.