# Crown Prosecution Service

## Supplementary Estimate 2019-20

## Memorandum

## 1 Overview

### 1.1 Objectives

The Crown Prosecution Service (CPS) prosecutes criminal cases that have been investigated by the police and other law enforcement agencies in England and Wales. The CPS is a non-ministerial department, and makes decisions independently of the police and government.

The CPS has a duty to ensure that the right person is prosecuted for the right offence, and to bring offenders to justice wherever possible.

The CPS:

- decides which cases should be prosecuted;
- determines the appropriate charges in more serious or complex cases, and advises the police during the early stages of investigations;
- prepares cases and presents them at court; and
- provides information, assistance and support to victims and prosecution witnesses.

Prosecutors must be fair, objective and independent. To charge someone with a criminal offence, prosecutors must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction, and that prosecution is in the public interest.

### 1.2 Spending controls

The CPS' net spending is broken down into a several different spending totals, for which Parliament's approval is sought.

The spending totals which Parliament votes are:

- Resource Departmental Expenditure Limit ("**Resource DEL**")- a net limit comprising day-to-day running costs including prosecution costs, costs of confiscating proceeds of crime and capacity building in the Criminal Justice System less income received primarily from costs awarded to CPS in court and the Recovered Assets Incentivisation Scheme
- Capital Departmental Expenditure Limit ("**Capital DEL**"): - investment in capital equipment primarily for IT and Estates
- Annually Managed Expenditure ("**AME**"):- write-offs and changes in allowance for irrecoverable debts; provisions and other non-cash costs falling in AME

In addition, Parliament votes a net cash requirement, designed to cover the elements of the above budgets which require the CPS to pay out cash in year.

## 1.3 Comparison of net spending totals sought

The table below shows how the net spending totals sought for the CPS compares with last year:

| **Net Spending total**<br><br>**Amounts sought this year**<br><br>**(Supplementary Estimate 2019-20)** | | **Difference (+/-)**<br><br>**Compared to original budget last year**<br><br>**(Main Estimate 2019-20)** | | **Difference (+/-)**<br><br>**Compared to final outturn last year**<br><br>**(Outturn 2018-19)** | |
|---|---|---|---|---|---|
| | | **£ m** | **%** | **£m** | **%** |
| Resource DEL | 557,940 | +16,680 | 3.1% | +56,865 | 11.3% |
| Capital DEL | 2,800 | 0 | 0.0% | -5,747 | -67.2% |
| AME | 5,950 | +3,000 | 101.7% | +3,022 | 103.2% |

A breakdown of spending and income within the net total is shown in section 2.1.

## 1.4 Key drivers of spending changes since last year

The net Resource DEL has increased by £16.680m (3.1%) from the original budget, made up of the following items:-

- Funding totalling £18.000m received from HMT which contributes towards:
  - Increase in the CPS Graduated Fee Scheme, used to calculate fees when using the criminal bar, from September 2019
  - Building additional prosecutorial capacity to cope with increased demand expected from the recruitment of 20,000 new police officers
  - Improved performance in meeting CPS statutory disclosure obligations encompassing advising law enforcement agencies on the scope of investigation, pursuing all reasonable lines of enquiry and dealing with the growth in digital evidence.
- Funding received from DFID as part of the financial year 19/20 Conflict Security and Stability Fund allocations to CPS totalling £1.069m.
- Funding received from MOJ for the 19/20 Emergency Workers costs totalling £0.667m.
- Funding received from FCO for overseas platform charges totalling £0.328m
- Budget Surrender of (£3.000m) for Non-Cash Depreciation.
- Budget transfer to AGO of (£0.384m) as part of a shared IT service to AGO

The net capital DEL budget remains unchanged.

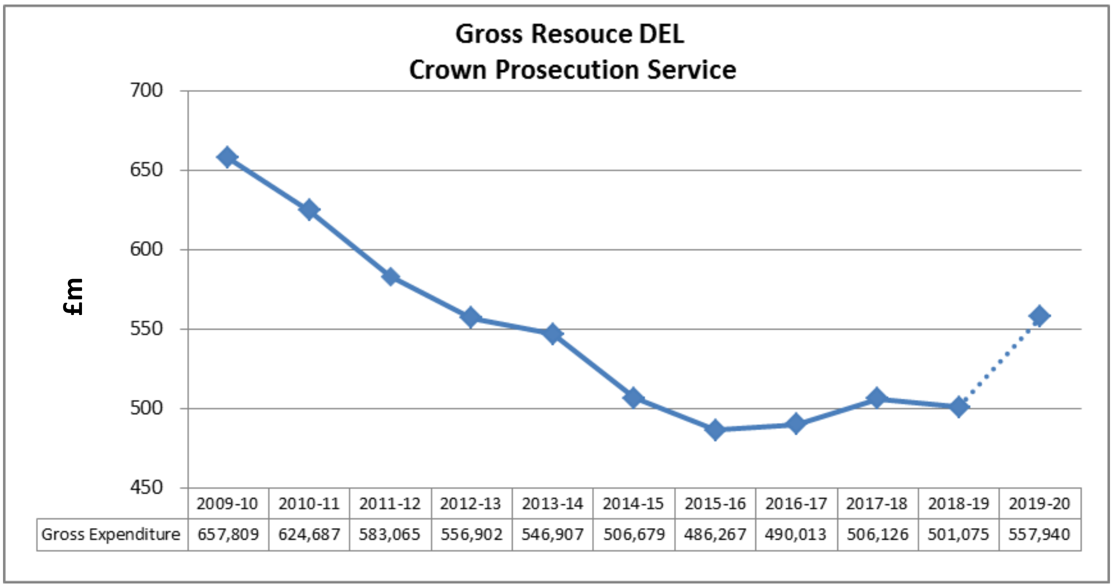
AME has been increased by £3.000m. This reflects additional non-cash AME to cover an allowance for impairment of receivables on expected losses basis and additional dilapidation provisions for buildings transferring to the Government Property Agency.

## 1.5 New policies and programmes; ambit changes

The CPS has not made any changes to its ambit in 2019-20.

## 1.6 Spending and income trends

The chart below shows overall Resource DEL spending since 2009-10, plans presented in Estimates for 2018-19, and current future spending plans.




Increased Resource DEL in the Main Estimate for 2019-20 was driven primarily by:-

- Increase in employer's pension contributions £13.0m
- Increase relating to dilapidation costs on properties £12.4m
- CPS costs arising from EU exit preparations £2.1m
- 2nd year of agreed pay award £6.0m
- Introduction of pre-recording of evidence for vulnerable witnesses £1.8m

## 1.7 Administration costs and efficiency plans

Administration costs sought have reduced since the Main Estimate.

| **Spending total**<br><br>**Amounts sought this year**<br><br>**(Supplementary Estimate 2019-20)** | | **Difference (+/-)**<br><br>**Compared to orginal budget last year**<br><br>**(Main Estimates 2019-20)** | | **Difference (+/-)**<br><br>**Compared to final outturn last year**<br><br>**(Outturn 2018-19)** | |
|---|---|---|---|---|---|
| | | **£ m** | **%** | **£m** | **%** |
| Administration costs | 33,778 | -384 | -1.12% | 5,148 | 17.98% |

Administration costs have increased this year compared to Outturn 2018-19, mainly due to: -

- Budget exchange of £1.350m from 18-19.
- Funding received from HMT for increased Pension contributions totalling £1.212m.

## 1.8 Funding: Spending Review and Budgets

The Crown Prosecution Service (CPS) obtains its net funding requirement from HM Treasury through the Estimates. During 19/20, the CPS received additional funding relating to the increase in the

Graduated Fee Schemes as well as supporting the recruitment needs for additional Prosecutors, following the announcement in 2019 for 20,000 additional Police Officers to tackle crime. The CPS also receives income from a number of sources primarily from Costs awarded to CPS in court and the Recovered Assets Incentivisation Scheme.

### 1.9 Other funding announcements

Spending announcements made during the year not listed at Annex B relate to reallocated money within existing planned limits, rather than "new", additional money.

## 2 Spending detail

### 2.1 Explanations of changes in spending

*Resource DEL*

The table below shows how spending plans for Resource DEL compare with last year.

| | | Resource DEL | | | | |
|---|---|---|---|---|---|---|
| | | 2019-20 Supplementary Estimate budget sought | 2019-20 Main Estimate budget sought | change from last year | | is change significant? |
| Subhead | | £m | £m | £m | % | see explanation, note number |
| A | Central Services | 34.778 | 35.162 | -0.384 | -1.092% | |
| B | Legal Services | 587.162 | 570.098 | 17.064 | 2.993% | 1 |
| | **Gross expenditure** | **621.940** | **605.260** | **16.680** | **2.756%** | |
| A/B | Income | -64.000 | -64.000 | 0.000 | 0.000% | |
| **A** | **Net expenditure** | **557.940** | **541.260** | **16.680** | **3.082%** | |

Note 1: Legal Services increase mainly reflects £18.000m of additional funding received from HM Treasury, split as follows:

- £5.000m for the additional Prosecutor recruitment, to improved performance in meeting CPS statutory disclosure obligations and to build additional capacity following the announcement in 2019 of 20,000 additional Police Officers to tackle crime, which is expected to increase demand on the CPS..
- £13.000m relating to the increase in fees payable to the criminal bar from September 2019 following the interim revisions to the CPS Graduated Fee Schemes.

*Capital DEL*

| | | Capital DEL | | | | |
|---|---|---|---|---|---|---|
| | | *2019-20 Supplementary Estimate budget sought* | *2019-20 Main Estimate budget sought* | change from last year | | is change significant? |
| Subhead | | £m | £m | £m | % | see explanation, note number |
| B | Legal Services | 2.800 | 2.800 | 0.000 | 0.000% | |
| | **Gross expenditure** | **2.800** | **2.800** | **0.000** | **0.000%** | |

*AME*

| | | AME | | | | |
|---|---|---|---|---|---|---|
| | | *2019-20 Supplementary Estimate budget sought* | *2019-20 Main Estimate budget sought* | change from last year | | is change significant? |
| Subhead | | £m | £m | £m | % | see explanation, note number |
| E | CPS Voted AME Charges | 5.950 | 2.950 | 3.000 | 101.695% | 2 |
| | **Gross expenditure** | **5.950** | **2.950** | **3.000** | **101.695%** | |

Note 2: AME has been increased by £3.000m. This reflects additional non-cash AME to cover an allowance for impairment of receivables on expected losses basis and additional dilapidation provisions for buildings transferring to the GPA.

## 2.2 Restructuring

The CPS does not intend to carry out any restructuring in 19/20.

## 2.3 Ring fenced budgets

Within the totals, the following elements are ring fenced i.e. savings in these budgets may not be used to fund pressures on other budgets

**Resource DEL**

| **Ring fenced budgets**<br><br>**Amounts sought this year**<br><br>**(Supplementary Estimates 2019-20)** | | **Difference (+/-)**<br><br>**Compared to original budget last year**<br><br>**(Main Estimate 2019-20)** | | **Difference (+/-)**<br><br>**Compared to final outturn last year**<br><br>**(Outturn 2018-19)** | |
|---|---|---|---|---|---|
| | | **£ m** | **%** | **£m** | **%** |
| Depreciation | £ 6,131 | -3,000 | -32.9% | 881 | 4.1% |

## 2.4 Changes to contingent liabilities

There is no change to Contingent Liabilities.

# 3 Priorities and performance

## 3.1 How spending relates to objectives

CPS's Expenditure under subheads A, B and C in the Estimate is in support all of the department's key objectives:

- Delivering high quality casework
- Improving public confidence
- Continuous improvement
- Supporting the success of our people

## 3.2 Measures of performance against each priority

As a non-ministerial department the CPS is not covered by a single departmental plan. However we do publish an annual business plan which sets out the department's focus against each of four strategic objectives: delivering high quality casework; improving public confidence; continuous improvement and supporting the success of our people. For each of these objectives, the CPS is continuing the work started in previous years in line with our published strategy.

Our Key Performance Priorities and means of achieving them are as follows:-

**High Quality Casework**

The CPS aims to deliver justice through excellent, timely legal decision making, casework preparation and presentation by:

- Ensuring the criminal justice system is fair to all parties by implementing the second phase of the joint police and CPS national disclosure improvement plan
- Working in close partnership with the police to improve the effectiveness and efficiency of prosecutions by improving file quality
- Improving the quality of our casework and decision making through a comprehensive training programme for prosecutors
- Working collaboratively with criminal justice system partners to jointly improve case progression

**Public Confidence**

The CPS aims to ensure decisions are open and transparent, and that the public trust they are fair and deliver justice by:

- Building trust and public understanding of our role across all communities and continue to develop creative ways to explain our work locally and nationally
- Meeting the obligations of the Victims' Code by engaging appropriately with victims and witnesses
- Improving capability through sharing good practice and reacting quickly to disseminate the details of what has been learned
- Contributing to Government priorities such as tackling violent crime, modern slavery and domestic abuse and the EU Exit through effective collaborations with partner agencies
- Building trust and understanding of our work among partners through strategic stakeholder and parliamentary engagement

**Continuous Improvement**

The CPS aims to continue to digitise and modernise the way they work, supporting a flexible workforce and delivering swifter justice, fewer hearings and more effective trials by:

- Ensuring digital receipt of files for pre-charge decisions and enhanced efficiency through an improved charging model jointly with the police
- Continuing to work closely with other criminal justice system agencies to explore and pilot how technology can improve the way we deliver our disclosure obligations
- Contributing to modernisation of the criminal justice system by collaborating with partners on the design and introduction of reforms to court systems and processes
- Streamlining case preparation through the improved sharing of digital case information and by continuing to drive the fast, safe digital transfer of multi-media evidence

- Building on the successful ICT modernisation programme by continuing to improve and future-proof our technology

**Success of our People**

The CPS aims to attract and retain the best people and be recognised for our investment in staff, training and skills by:

- Reflecting the community we serve by further developing our inclusive culture and diverse workforce
- Ensuring we are resourced appropriately across all functions and geographical locations by attracting, recruiting and retaining people with the skills and capability to deliver high quality services
- Fostering a culture of learning that offers all employees the learning opportunities and personal support required for their career development.

To view our latest performance results, please see the Crown Prosecution Service Annual Report and Accounts for 2018-19. https://www.cps.gov.uk/publication/cps-annual-report-2018-19

# 4. Other information

## 4.1 Additional specific information required by the select committee

No additional information has been requested by the Select Committee

# 5. Accounting Officer Approval

This memorandum has been prepared according to the requirements and guidance set out by HM Treasury and the House of Commons Scrutiny Unit, available on the Scrutiny Unit website.

The information in this memorandum has been approved on behalf of the additional Accounting Officer, Rebecca Lawrence, as well as Christopher Sharp, Finance Director.

Rebecca Lawrence

Additional accounting Officer

Crown Prosecution Service

27 January 2020