



Justice Committee

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By email only

10 December 2024

Dear Stephen,

EVIDENCE SESSION – 3 DECEMBER

Thank you very much for giving evidence to the Committee last week and for staying late to make up time lost to a division. The Committee found it to be a very interesting and useful session and your evidence was clear and detailed. As I mentioned at the end of the session, I am writing with a list of the questions that we did not manage to cover in the time we had and I would be grateful if you could provide written responses to these.

Remaining questions

Custody Time Limits

1. How many custody time limit (CTL) failures have there been in the year to date, and how does that compare with previous years? How many were there when you worked at the CPS?
 - Why doesn't the CPS publish data on CTLs and CTL failures?
 - What are the implications and risks of CTL failures, and what are the factors that lead to them?
2. The Lady Chief Justice told us that it takes up to half a day of prosecutors' time to prepare a CTL extension. How do high volumes of CTL cases affect prosecutors' workloads and other casework?



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Charging decisions, case building and the relationship with the police

3. In January, the inspectorates published interim findings from their inspection of joint case building by the police and CPS.¹ They identified inadequate IT, inexperienced personnel and cultural differences as factors which can exacerbate poor communication and damage effective case building. How do you plan to address these problems?
 - They also found a “pervading lack of understanding of each other’s roles” between police officers and CPS lawyers. What can be done about that?
 - On a basic level they found that “there is little personal contact in most cases between police officer and prosecutor, either by phone, face-to-face or virtually”. Can you explain why that is so?
4. The requirement for the police to redact information from files before sending them to the CPS contributes to tensions in the CPS-police relationship. How could the burden on the police in this respect be eased?

Disclosure

5. Thinking back to when you were a criminal defence solicitor, what were the biggest issues facing the CPS with regard to disclosure? Is that still the case?
 - In January 2020, HMCPSP said that for Crown Court cases, “case preparation, and thus the handling of disclosure, is also often undermined by under-resourced CPS staff who are struggling to cope with the sheer volume of work”.² What is the position of CPS staff working on disclosure now?
 - Could you update us on the progress of the National Disclosure Improvement Plan?
6. How well are the police and CPS working together on disclosure now?

Economic crime

7. The CPS Economic Crime Strategy two-year progress report refers to “public concern about the declining number of criminal justice outcomes for victims of economic crime”. Could you expand on this?

¹ Criminal Justice Joint Inspection, [Joint case building by the police and Crown Prosecution Service: interim findings from phase 1 of a joint inspection](#), January 2024

² HMCPSP, [Disclosure of unused material in the Crown Court](#), January 2020



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- As you know, we also scrutinise the work of the Serious Fraud Office. Could you explain how the CPS's fraud casework and its approach to tackling fraud differs from the SFO's?
- How are you ensuring that prosecutors have the ability and resources – and in particular the technology – to keep pace with the changing nature of economic crime?

Comments from defence barristers

In addition, I have received some correspondence from criminal defence barristers responding to the points you made in your evidence about fees and hearings. Firstly, they were concerned by your suggestion that the legal aid fee structure incentivises defence barristers to allow cases to run longer than they should do in order to obtain higher fees. They stated that there is no longer an incentive to do this following the removal by the Criminal Legal Aid Remuneration Regulations 2013 of the scale of increasing fees closer to trial, with the cracked trial fee equalising with the trial fee and payable on change of plea whenever it takes place.

Secondly, they stated that, following the inception of the Better Case Management protocol, Plea and Trial Preparation Hearings in the Crown Court take place earlier than the previous Plea and Directions Hearings and before the full prosecution case is served. Defence lawyers are therefore expected to advise on pleas, and defendants to decide on pleas, without the full evidence. In such circumstances, defence lawyers are advised to wait and see what the prosecution can prove before advising their clients. The barristers who have written to us argue that this is quite proper and does not amount to allowing cases to run on.

I would be grateful if you could let me know your thoughts on these points.

It would be very helpful if you could write back with your response by 6th January. In the meantime, I believe you will be writing to us to clarify and provide further information / data in relation to several matters raised during the session.

Yours sincerely,

Andy Slaughter MP
Chair, Justice Committee