

2022-2027



# NPCC National Charging Strategy

**CC Nick Dean**

NPCC Portfolio Lead for Charging

# Contents

---

Foreword	Page 3
Governance	Page 5
Introduction/Context	Page 7
Current Landscape - Where we are	Page 9
Where we are heading	Page 10
The Charging Vision 2022-2027	Page 12
Delivering the Vision	Page 13
Success Factors	Page 14





# Foreward

## Chief Constable Nick Dean NPCC Portfolio Lead for Charging

As the NPCC Charging Lead I represent policing to ensure that the decision-making process to progress a case through to a charging decision is effective and ensures that such cases can be progressed through the Criminal Justice System efficiently. This ensures that the best possible service is delivered to victims and witnesses in order to maintain and enhance public trust and confidence. The journey of a case from crime being reported, to offender charged and being heard in court is not always a straightforward process and has become ever-more complex.

All criminal investigations can result in various outcomes, from community resolutions to a formal charge; all such outcomes are a fundamental part of the Criminal Justice System. The decision to charge an offender with an offence can either be made by the Police Service or the Crown Prosecution Service dependent upon the crime type and sentence available, however all decisions should be seen as a significant moment within the journey of a case.

Since 2002 the Crown Prosecution Service (CPS) have provided statutory charging advice. The Directors Guidance on Charging (6th Edition) provides the guidelines to police and prosecutors as to which cases need referral to CPS for a charge decision. The Guidelines also set out time frames for investigations to be referred through for decision-making and finally what material and information is required in order to make a charging decision.

As lead for the NPCC Charging Portfolio I work alongside the Crown Prosecution Service to ensure there is an effective Charging Model and Service Level Agreement (SLA) between the agencies for delivering efficient and effective charging decisions across criminal investigations. The objective is to agree a mutually serviceable and workable Service Level Agreement that works to both organisation's resource and demand constraints, by prioritising crimes which cause the highest harm and where swift justice is therefore necessary.

My vision as NPCC Lead for Charging is to improve the timeliness of charging decisions in the criminal justice system aligned to high harm and high risk matters that impact upon communities and are seen as a priority for police forces right across the country. Nationally the vision is aligned to the Violence Against Women and Girls Strategy, Government Beating Crime Plan, and maximising changes in legislation through the 2021 Police Crime, Sentencing and Courts Bill, via the effective use of pre charge bail periods.

We will continue to build relationships and work with police forces, CPS, and dependencies for charging to deliver this vision. We will support policing when implementing changes to future charging models so that practitioners are fully equipped with the knowledge and skills needed to carry out their jobs effectively and have the connections to have professional and productive relationships with CPS from strategic to practitioner level.



**Chief Constable Nick Dean**  
NPCC Portfolio Lead for Charging



# Governance

---

In the spring of 2021, the governance for this portfolio was reinvigorated in the form of a Joint National Charging Transformation Board. This is co-chaired by Chief Constable Nick Dean (NPCC) and Greg McGill Director of Legal Services (CPS).

## The aims and objectives of the Joint National Charging Transformation Board are:

- Providing strategic oversight and direction to national issues impacting on prosecution decisions, including timely decision making, quality file submissions and legal decisions, engagement and liaison, and to provide governance to the Charging Transformation Project;
- Decision making within existing departmental boundaries, escalating to other governance groups/boards as appropriate;
- Ensure effective communication is delivered within both agencies and;
- Provide project resource and stakeholder support to deliver objectives and effectively manage risks and issues.

## Governance for the portfolio is also provided through:

- Heads of Criminal Justice
- National Police Chiefs Council Criminal Justice Coordination Committee
- Joint National Charging Transformation Board and sub working groups
- Association of Police and Crime Commissioners (APCC)
- Local Criminal Justice Boards
- Joint Operational Improvement Meetings (JOIM's)
- Criminal Justice Action Group
- Joint Operational Improvement Board



# Introduction / Context

Historically, the Police Service was able to make charging decisions for all cases. However, since 2002 the Crown Prosecution Service have provided statutory charging to cases as instructed in the Directors Guidance on Charging.

The process of obtaining charging decisions has changed over the years, transitioning from Local CPS offices, through to the creation of CPS Direct (CPSD) resulting in the delivery of charging decision-making into a national function utilising both local and national services. There are also specialist prosecuting units with specialist prosecutors providing charging advice for Sexual Offence cases and Complex and Serious Crime.

The liaison between Police and CPS, whilst still strong, has also transitioned over time, from 'face to face' charging decision meetings, through to telephone consultations and more latterly to a digital process. Of course for those complex cases police and CPS prosecutors will always maintain the ability to hold face to face meetings.

Over time the Service Level Agreement on timeliness of decision making between the police and CPS has changed, in terms of what decisions can be made immediately, by either organisation and those that are made within a specified period. The current national landscape of the charging model and service level agreement between Police and CPS is a complicated picture due to a series of changes over the past 2 years.



## During 2017-2020 the NPCC Charging Portfolio led on a Digital Charging Pilot with 6 forces with 5 key principles:

- 1. One way into CPS** – there should be one route for police to submit cases to CPS for pre charge advice, and CPS should decide which of their departments deal with the case.
- 2. Method of submission** – digitally without calls and emails via the Two Way Interface Link (TWIF).
- 3. Local CPS** provide charging decisions for all cases in custody 'in hours', and all slow time/digital cases – resulting in CPSD only providing out of hours in custody decisions where required.
- 4. Consistency of submissions** – all forces use the same criteria to submit cases to CPS for an immediate charging decision where the offender is in custody.
- 5. Simplified terminology** – identifying simple and consistent terminology which can be used across agencies (red: in custody and immediate charging decision required; green: not in custody and charging decision required within SLA timeframes).

Lessons learnt from the pilot and some of the principles above will be incorporated into a future charging model currently being rolled out nationally.

The NPCC Charging Portfolio now seeks to agree a new approach to achieve greater certainty and assurance across England and Wales for the provision of charging. The new model will need to be beneficial for both the police and CPS in our current challenging resourcing environment, as well as deliver the service to the public, prioritising high harm and high risk cases.

# The Current Landscape

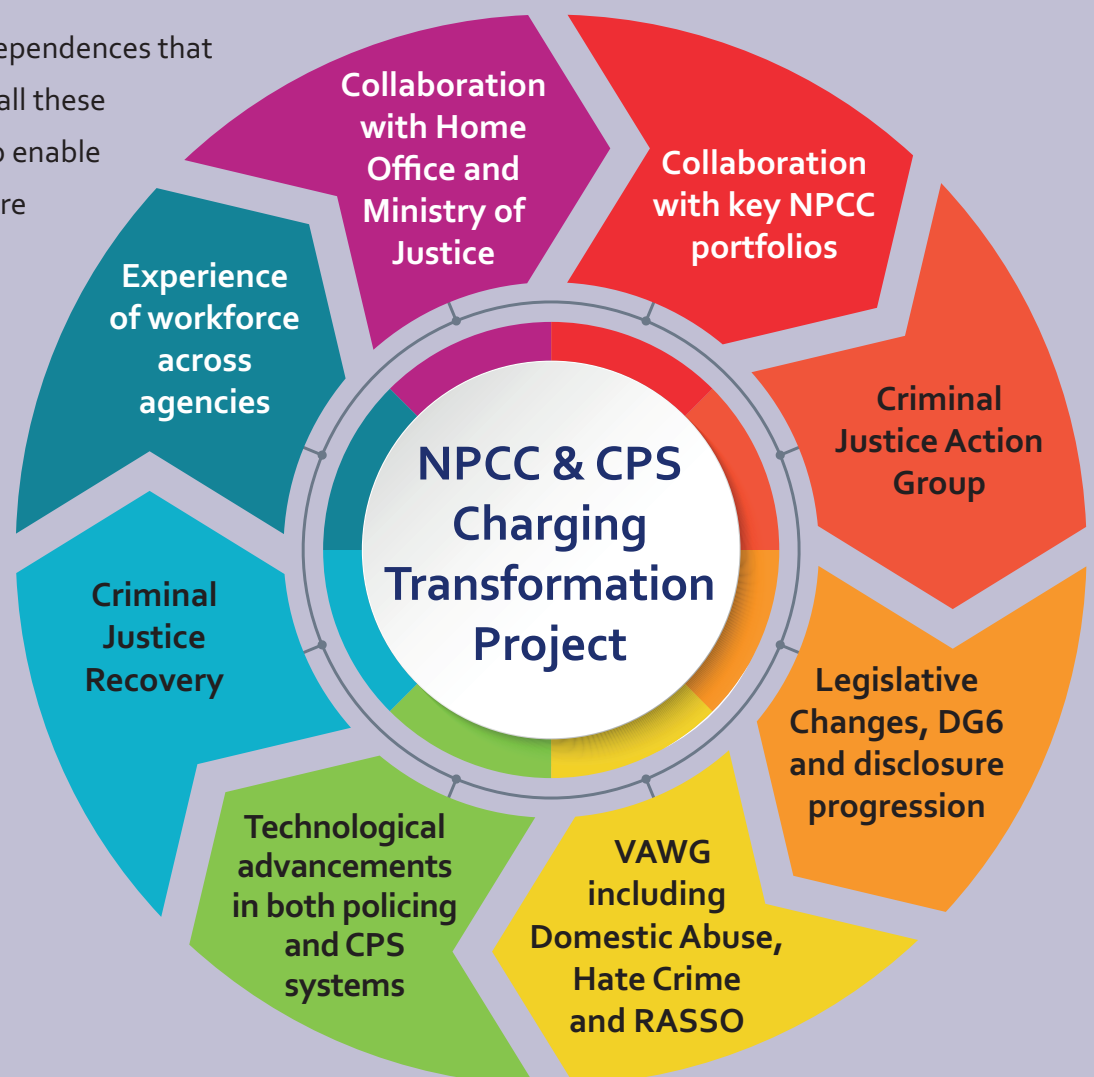
## Where we are

There have been changes in policing: national agendas, policing priorities, skill set and experience of a young workforce, crime types, digital material generated, national file standard, disclosure, Director General Guidance 6th Edition, Directors Guidance (Charging) Assessment.

The current charging landscape has become complex and there is no national consistency - some Areas/Forces operate a 5/28 day charging Service Level Agreements (SLAs), whilst others operate a 'red/green' 3 hour and 21 day SLA. CPS Direct operated the 'Summer Contingency' arrangements between July 2019 and 1 April 2020, and the current SLA is in fact an Interim Charging Protocol (ICP), which was implemented as a response to the Coronavirus pandemic.

In identifying the future charging model, consideration will be given to the learning identified in the Digital Pilot Evaluation, 2019 Summer Contingency Agreement and the Interim Charging Protocol.

There are various interdependences that impact on charging and all these need to be considered to enable development of the future charging model:



# Where we are heading

---

Since May 2021 NPCC Charging Portfolio and CPS have been working together to develop the future charging model that will become imbedded nationally so that all forces and CPS areas can work towards the same charging model.

There are agreed pre-conditions that have been agreed and need to be met to enable cases to be considered for charge via any new charging model between Police and CPS.

## Pre-conditions

- Submissions will be compliant with National File Standard (NFS) and with the Directors Guidance on Charging (DG6);
- Submissions will be submitted against the correct criteria for each category (Red or Green);
- Submissions will have the appropriate level of supervision and quality assurance provided by Police and CPS;
- Submissions will have specific rationales provided for rejections by CPS with bespoke action plans, where an action plan is required;
- There will be a clear governance structure and escalation process between both agencies;
- Submissions will be submitted digitally via TWIF only, where this is available to the force concerned;
- There will be effective communication between both agencies, with more focus on open and regular communication between the officer in the case (or if applicable CJ Case Builder), and the prosecutor, where required.

## Further developments to the model

In addition to the pre-conditions, the model will also adapt to progressive ways of working:

**Decision making by appropriate Area** - CPS Areas will be responsible for 'in office hours' charging decisions (between 0900-1659:59) and CPS Direct will be responsible for 'out of hours' charging decisions (between 1700-0859:59).

**Regular reviews and continual improvement** - The model will be formally reviewed on an annual basis using agreed criteria to monitor the performance and success of the model. This regular review will allow both agencies to continue improving the model and ensure it works efficiently in line with the vision of the portfolio.

**Risk Based Approach** - the model will be based upon high harm and high risk and will prioritise cases of this nature, both in and out of custody.



# The Charging Vision 2022-2027

---

The Vision of the Charging Portfolio is to develop and implement a national, consistent service level agreement alongside the Crown Prosecution Service, that prioritises high harm, high risk cases. The future charging models and SLA's need regular review to ensure they remain fit for purpose for both agencies and that decisions are made in accordance with relevant SLA's time frames.

To assist in its delivery, flexibility will be built into the model to allow for local prioritisation of certain high-risk cases alongside high-risk domestic abuse investigations, supporting the national Violence Against Women and Girls Strategy. Victim focus will be at the heart of the model, securing the best possible service to victims to protect them and improve confidence across the Criminal Justice System.

The charging model will seek to achieve the digital submission of all files for charging advice, with consistent submission of files that have met the National File Standards, including DG6 compliance. Policing has a critical role to play in ensuring that the supervision and quality assurance of files, to enhance case progression, are maintained to the highest standards.

As with any new model, governance will be key; this will be achieved through the Joint Charging and Transformation Board which has already assisted in securing a strong, professional approach to charging decision-making. This cooperation and joint endeavour requires effective communication, CPS and Police need to build professional and positive relationships locally from strategic leadership through to the practitioner level.

We all have a role to play in ensuring the Vision delivered.

# Delivering the Vision

---

## We will achieve this by:

- Helping forces to implement the NPCC Strategy for Charging and addressing any barriers forces have in implementing any future charging model arrangements.
- Leading on key issues for policing such as: resourcing, technology advancements and division of charging.
- Listening to what forces believe their training needs are and working with the College of Policing to provide guidance and learning standards to allow police to feel confident in their use of future charging models.
- Being flexible in developing an evidence base through the evaluation of what works with charging service level agreements to understand our needs and contribute to effective changes.
- Working collaboratively to ensure professional and positive relationships are built upon between police and CPS at a national and local level.
- Keeping alive to National Agendas, legislation changes and changeable demand in policing of high-risk matters.
- Continuing to work with the Crown Prosecution Service, Home Office, Ministry of Justice, and other key stakeholders as we continue to develop future charging models.



# Success Factors

---

The success measures will demonstrate the progress of the model and will equip the annual review of the model with the evidence to develop the model between both agencies.

The specific success measures will be based on:

- Maintaining victim engagement, satisfaction, and trust in the Criminal Justice System with decreased attrition rates due to time delays.
- Increased protection for victims ensuring the most vulnerable are safeguarded and robust swift action is taken against perpetrators.
- Improved Public Confidence in the Criminal Justice System.
- Police submitting good quality compliant files, through an efficient and effective mechanism to obtain timely prosecution decisions resulting in less action plans and reviews required at the pre-charge stage of the case journey.
- Improved timeliness of charging decisions by both Police and CPS so cases are progressed through the criminal justice system efficiently, with maximum benefit to victims and witnesses.
- Police having priority access to CPS Lawyers for those prosecution decisions which affect the most vulnerable and cause the most harm.
- Service Level Agreements between the Crown Prosecution Service and Police Service being adhered to.
- Professional working relationships between Police and CPS being continued and improved at all levels so that a joint approach is taken to service cases that cause the most risk and harm.



