

Independent Scrutiny into CPS handling of the related prosecution in
R (on the application of B) v DPP (2009) EWHC 106 (Admin)

RESPONSE OF CPS LONDON TO THE REVIEW

1. The findings of Ms. Mari Taber of **MIND in Kingston**, the Independent Scrutineer, were published on 25th September 2009. Dru Sharpling CBE, Chief Crown Prosecutor for London has been greatly assisted by the review findings and recommendations. The full findings of the Review can be viewed at www.cps.gov.uk. Particular gratitude is due to Ms. Taber for the frank appraisal and advice she has given to CPS London during the review period, enabling the early implementation of improvements to address the treatment of complainants with mental health issues.
2. The recommendations made to CPS London in the review are:

The first recommendation:

Awareness training on mental health issues must be designed and delivered to prosecutors to raise levels of understanding so that appropriate decisions are made and communicated throughout the progress of a case.

The second recommendation:

Guidance should be issued to prosecutors on how best to progress criminal prosecutions involving a victim or witness with mental health issues to include information about the instruction of psychiatrists (and other relevant experts) and subsequent use of experts' reports when making case decisions and considering the presentation of prosecution evidence in the case.

The third recommendation:

The CPS should consider a pilot exercise with police colleagues in which information about the mental health issues affecting victims and witnesses is given greater prominence in case preparation. The best practice learning derived from such a pilot should be adopted more generally across London.

The fourth recommendation:

Existing guidance should be reinforced so that victims and witnesses with mental health issues receive high quality communications in compliance with the DCV scheme.

3. CPS London recognises that the lessons to be taken from the Review may be of wider application to prosecutors nationally. The Review and this Response have been passed to the Chief Executive to ensure that wider dissemination can take place if appropriate. Additionally, colleagues with over-arching responsibility for national delivery and policy have been alerted early to the Review findings. CPS London has in turn been greatly assisted in making an early start to implement the Review recommendations by the timely publication of two public policy statements, which have been brought about in the course of continuous national policy development and improvement and happened to be published during the Review period. These public policy statements were issued by the Director of Public Prosecutions on the 3rd August 2009. These are published on the CPS website under the titles "Supporting Victims and Witnesses with Mental health Issues" and "Supporting Victims and Witnesses with a Learning Disability". These have been drawn to the attention of all Prosecutors nationwide and are of great assistance to CPS London in bringing home the key messages of the second and fourth Recommendations.
4. Also in response to the second and fourth recommendations of this review, a CPS London Casework Circular number 4 of 2009 entitled "Witnesses with Mental Health Problems/ Learning Disabilities" has been issued, reinforcing that national guidance. The ongoing CPS initiative "Direct Communication with Victims" has been the fulcrum of CPS compliance with the Victims Code, and work is underway in CPS London to ensure that the specific needs of victims with mental health issues are brought into sharper focus in the delivery of that part of our service. Each of these strands is being embedded in our training programmes. This answers to the first recommendation.
5. Additionally, in response specifically to the third recommendation, CPS London has approached its Metropolitan Police Service partners with a view to initiating a pilot exercise to determine the most effective ways of capturing and sharing information about mental health issues affecting complainants and witnesses. It is recognised by CPS London that there are important lessons in this Review for us and that sharing those lessons with our partner agencies on the London Criminal Justice Board can only enhance the level of service delivered to victims and witnesses in the Capital who have mental health issues.