



Disclosure ref: 3 Sent: 20th January 2020

Freedom of Information Act 2000 Request

The breakdown of offences from cases that have been dropped due to a failure in disclosing evidence in for the 2018-19 financial year

Request

In a previous FoI response supplied to me [Ref: XXXX] you provided a table showing the number of cases in that had been dropped by the CPS over a failure to disclose evidence. Could you now supply a similar table but for the 2018-19 financial year?

In addition of those cases that were discontinued due to a failure to disclose evidence could you please break these down into the types of offences under broad categories such as violence, sexual, fraud, or any classification that you already use?

Response

Please see attached spreadsheet the first tab of data attached (plus caveats) shows the Principal Offence Category (POC) and the number of non-conviction outcomes allocated the primary reason “E44 - disclosure issues with the police or CPS”, for the period April to September 2018.

The second tab on the attached spreadsheet shows the number of non-conviction outcomes allocated the primary reasons ‘E44’ and ‘D, due to disclosure issues with the police/CPS/third party/public interest immunity’. This is because the list of reasons for non-conviction outcomes was revised during October 2018 and the data cannot be separated in smaller time periods.

The third tab on the attached spreadsheet is a summary table that shows the POC non-conviction outcomes allocated the primary reason ‘D’ from the period November 2018 to March 2019.

It should be noted that the non-conviction disclosure reasons data is for all non-conviction outcomes where primary reasons apply not simply where the prosecution was dropped. This is in line with the data sent to you last year.

The CPS periodically reviews and improves our lists of data, including reasons for non-conviction outcomes, to ensure they are fit for purpose. In October 2018 the CPS reviewed the non-conviction



outcome reasons with the aim of increasing the detail of disclosure reasons. In line with good practice we reviewed the full list to ensure that the overall number of reasons remained at a manageable level. To this aim we amalgamated a number of reasons to form the new list while adding new disclosure reasons.

The Crown Prosecution Service (CPS) reviewed and revised the list of reasons for non-conviction outcomes and a new list of reasons was implemented during October 2018. As a result of this, reason 'E44 – disclosure issues with the police or CPS', was decommissioned and no longer exists. The old 'E44' reason code had a narrower definition and was only used when the main reason for non-conviction was due to a failure to provide disclosure. The new disclosure reason codes have a wider interpretation and use. The new codes should be used where non-conviction was the result of an issue with disclosure even if it was not due to a failure to disclose. Therefore the new disclosure non-conviction data is not comparable to the previous E44 reasons and no comparisons should be made between the two different data sets.

Under Section 16 of the FOI Act we have an obligation to advise what, if any, information may assist you with your request. Data on disclosure issues as a reason for non-conviction is included within the joint National Disclosure Improvement Plan (NDIP), which came into effect during 2018. Please note that the new disclosure reason data within this report starts from November 2018 to enable an accurate comparison due to the reasons noted above. Please refer to the link below (pages 10 and 11):

<https://www.cps.gov.uk/sites/default/files/documents/publications/NDIP-Progress-Report-January-2020.pdf>

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