

Summary of Points for Publication

The Prosecution Oversight Panel (POP) reviewed 24 case files in advance of the meeting on 1 June 2017.

The files reviewed included: one complex case, four cases where the defendants were acquitted after trial, three cases where the defendant was convicted after trial, two cases where the defendants pleaded guilty prior to trial, three cases where an adult written caution was issued, one case where a complaint from an MP was received, nine cases where no prosecution was advised and one youth referral.

The POP felt that the decision-making in 14 of the 24 cases required no further consideration at the meeting. The decision-making in these cases was uncontroversial, consistent and appropriate. The POP decided to focus on 10 of the 24 cases at the meeting. Again, there was good consistency in decision-making across these 10 cases. These cases were selected for further discussion due to either the complexity of the case, the outcome (acquittal following trial) or some other feature that was considered worthy of further interrogation and/or discussion.

The RSPCA, being a private prosecutor is under no obligation to apply the CPS Code for Crown Prosecutors (the Code). However, we note that the RSPCA takes an approach to prosecution as defined by the Code, namely to determine firstly, whether there is sufficiency of evidence to prosecute and secondly, whether it is in the Public Interest (PI) to do so. The POP approves of the approach adopted by the RSPCA. To provide a solid framework for the continuation of sound decision-making and transparency, the RSPCA would benefit from ensuring that the Case Managers are uniformly recording that they have: the evidence to meet all elements of the offence and address any possible defences and that they have weighed up the PI considerations before commencing a prosecution. There were some minor inconsistencies in the decision advice documents that we reviewed. Those inconsistencies were not so significant to lead the POP to disagree with the recommended course of action. Those inconsistencies will be addressed by further training of the Case Managers and the creation of improved decision advice templates. We note that both are matters which are already in progress.

The POP were pleased to learn that an RSPCA prosecution policy has now been prepared in draft form. The POP will review the policy prior to the next meeting. Once implemented this policy should also help to achieve greater consistency in decision-making around the PI considerations specific to RSPCA cases.

The POP observed numerous occasions where the RSPCA has taken a measured approach to prosecution. Where alternative disposal (such as a caution) or no prosecution was the appropriate outcome, that course of action was taken. It was clear to the POP on this occasion that the RSPCA understands that criminal prosecution should be a tool of last resort when compliance cannot otherwise be achieved or the seriousness of the case warrants such action being taken.

It was also good to see one occasion where a referral to an RSPCA prevention programme adviser was made in circumstances where the POP agree it would have been inappropriate to prosecute a youth offender.

The POP was pleased to learn that in a number of areas where minor improvements could be made that steps have already been put in place to make those improvements: for example, training programmes to ensure front-line staff dealing with defendants with mental health issues are adequately supported, developing good working relationships and flow of information to the police, and improved training and supervision to Case Managers to ensure a consistent and high standard of decision-making.

Overall, the POP felt a high standard of decision-making was being achieved and the appropriate course of action was undertaken in the cases reviewed for the meeting on 1 June 2017.