
SUMMARY REPORT OF THE RSPCA PROSECUTION OVERSIGHT PANEL (POP) MEETING OF 25 APRIL 2022

General Matters

Hayley Firman (Head of Prosecutions) gave an update on casework activity since the previous meeting. The Panel was further briefed on the continuing planning for the proposal to transfer the Prosecutions role from the RSPCA to the CPS. The Head of the RSPCA Special Operations and a representative from the CPS (invited) observed the panel's deliberations.

It was outlined that there are three feasibility studies planned to explore different models.

Ms Firman confirmed that the training of inspectors is ongoing including looking at the specific needs of Crown Court cases following the increase in sentencing powers.

The leaflet drafted by the POP has been positively received from those in the field, but further development will be considered.

Panel members commented that the original focus of the POP had been to address a perception that some cases were being prosecuted when they should not have been. However recent panels had identified a greater concern that opportunities to bring justifiable prosecutions had been lost.

Case Review

A total of 20 cases were provided to the panel prior to the meeting, of which 9 were selected for review: 4 no proceedings (2 on evidential grounds, 2 on public interest grounds), 1 Adult Written Caution, and 3 convictions. The panel also reviewed a complex case and 2 complaints made by members of the public.

The panel's primary findings can be summarised as follows:

Good practice

- The panel were very pleased with some of the convictions which were the result of good work by investigators, decision makers and the prosecuting lawyers.
- The panel also commented positively on the structure and quality of decision advice reports (although in a minority of cases the verbatim repetition of evidence could have been avoided).
- Panel members were also very impressed with one veterinary expert report that was a model of clarity and provided comprehensive and persuasive evidence.

Areas for improvement:

- Several of the cases raised concerns around the timeliness and management of the investigations. Some of these issues were attributable to the pandemic, but not all.
- A common theme (and one identified at previous panel meetings) was the inclusion of some inappropriate or subjective comments in preface reports that went beyond factual and evidence-based analysis.

- Some concern was raised about the use of cautions and whether they were being used as a genuine alternative to prosecution or as a means of concluding a potentially difficult case.
- Another common theme from the cases involved suspects with mental health issues. The investigators and the decision makers need to be confident in dealing with these issues when they encounter them.

Review of the Actions and Recommendations document

It was agreed that Sue Murray and Hayley Firman will meet separately before the next meeting to prepare a draft revision of the Actions document and will then circulate it more widely for agreement.