

Summary Report of the RSPCA Prosecution Oversight Panel Meeting of 23 July 2020

A total of 18 cases were provided to the Prosecution Oversight Panel (POP) members in advance of the meeting. Following the POP's pre-review procedure, 7 cases were selected for review at the meeting. Such cases comprised: 5 No Proceedings (1 involving publicity); 1 Adult Written Caution (AWC); and 1 complex case involving Level 4 counsel. In addition, the POP reviewed a complaint made by the Prosecutions department to the CPS regarding the CPS's decision to take over and then discontinue a case.

The POP recognised that the Prosecutions department had been affected by developments related to COVID over the past several months, including but not limited to the furloughing of several members of the Prosecutions department and the application by the Prosecutions department of interim guidelines issued by the CPS for the COVID period. The effects included a decrease in the volume of cases prosecuted and certain changes in the approach to prosecution decision-making.

On the whole, the POP considered that the prosecution decisions made in the cases reviewed were fair and appropriate and were based on a correct application of the CPS Code test, and the quality of the prosecution decision-making as reflected in such cases continues to be of a high standard. Areas of excellence identified in this case review included: (i) there were two instances where appropriate decisions were made to obtain independent advice with regard to application of the CPS Code test; (ii) the handling of a complaint made to the CPS demonstrated the experience and expertise of the RSPCA in prosecuting animal welfare cases; (iii) a No Prosecution decision in a case involving considerable publicity was handled well and demonstrated the independence of the Prosecution function; and (iv) there were certain examples of good practice in the drafting of Decision Advice and preface reports.

It was noted that the quality of the Decision Advice and Inspectorate reports needs to be more consistent, particularly with regard to avoiding use of emotive, subjective language and summarising and analysing the evidence instead of merely listing it. The POP expressed its continued concern regarding the lack of sufficient training for Inspectors (including both for induction and for updates), which is understood to be due to lack of resources, and emphasised the importance of such training. The POP was pleased to hear that there are plans to modernise certain of the Prosecution department's practices and make the case management process more efficient.

It was noted that a number of items on the POP's recommendations/actions list continued to remain outstanding (which is understood to be due to the challenges over the past several months related to COVID), and such items will be reviewed at the next POP meeting.