

Witness Name: Nick Price
Statement No:1
Exhibits: 47
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THE UK COVID 19 PUBLIC INQUIRY

Witness Statement of Nick Price

I, Nick Price will say as follows:

1. I provide this statement on behalf of the Crown Prosecution Service ('CPS') in response to a request received on 6 December 2024 under Rule 9 of the Inquiry Rules 2006 in relation to Module 8 of the UK Covid-19 Inquiry, and in particular to examine what relevant information and/or material the CPS hold regarding the impact of the Covid-19 pandemic (the pandemic) on children and young people.

Authority of Witness

2. I have been Interim Director of Legal Services (DLS) at the CPS since May 2024. Prior to that, I was head of the CPS Special Crime and Counter Terrorism Division. I am one of two DLSS, and between us we have responsibility for line management of all Chief Crown Prosecutors (CCP's) nationally and have ultimate responsibility for casework quality.
3. At the time of the pandemic, I was the Head of the International Justice and Organised Crime Division and therefore a chief officer within the CPS. Although these matters are not within my direct personal knowledge, in order to assist the Inquiry, I have caused enquiries to be made in relation to the role of the CPS in the prosecution of the Covid Regulations relating to the scope of Module 8, namely Children and Young People. What follows is my understanding of events based on information collated from CPS employees and records.

Part A: Roles and Responsibilities of the Crown Prosecution Service

The CPS

4. The CPS is an independent Government Department and is the principal authority responsible for prosecuting criminal cases investigated by the Police and other law enforcement agencies in England and Wales.

5. The CPS was created by the Prosecution of Offences Act 1985 and is headed by the DPP. As the principal prosecuting authority in England and Wales, the CPS is responsible for:
 - a. advising the Police and other law enforcement agencies on cases for possible prosecution.
 - b. reviewing cases submitted by the Police or other investigative agencies.
 - c. determining any charges in all but minor cases.
 - d. preparing cases for court, and
 - e. presenting cases at court.
6. In particular, it is the CPS's responsibility to ensure that cases involving children and young people are handled with special consideration, given their age and vulnerability. The CPS works with stakeholders across the Youth Justice System to ensure fair and proportionate outcomes.
7. The CPS operates across England and Wales, with 14 regional teams prosecuting cases locally ('CPS Areas'). Each of these 14 CPS Areas is headed by a Chief Crown Prosecutor (CCP) who is responsible for the day-to-day operation of their Area, working closely with local police forces and other criminal justice partners. CPS Direct (CPSD) is a 'virtual' 15th CPS Area, operating nationally to provide 'out of hours' charging advice to the police and other investigators, which is also headed by a CCP.
8. The CPS also has Central Casework Divisions, the Special Crime and Counter Terrorism Division and the Serious Economic, Organised Crime and International Directorate, which operate with national remit to cover specific specialised casework and are led by CCPs.
9. CPS Areas and Divisions are supported by a central headquarters team which includes our Operations, Digital, Strategy and Policy, Finance, Human Resources and Communications Directorates and the DPP's Private Office.
10. All CPS Areas consist of a Magistrates Court Unit, Crown Court Units, Rape and Serious Sexual Offences (RASSO) Units and Complex Casework Units. Case involving children and young people are prosecuted across all of these teams and divisions.
11. All Senior Crown Prosecutors (SCPs) and Specialist Prosecutors (SPs) can make the decision to prosecute cases involving children. All SCPs have access to training that equips them to deal with standard cases involving children, including the decision to prosecute cases in Youth Courts and deal with cases involving children jointly charged with adults in the magistrates' court for summary offences, and in the Crown Court for either way and indictable only offences that will pertain to serious offences. However, in more serious or complex cases, oversight and mentoring will be sought from a Youth Justice Specialist. There is no specific guidance or criteria which determines when a case may require Youth Justice Specialist oversight. The decision as to whether the oversight of a Youth Justice Specialist is required will be made on a case-by-case basis, considering the facts and circumstances of the offence and the suspect or defendant.
12. Our CPS Areas and Divisions work with 43 police forces across England and Wales. Other investigative agencies that we work with include the National Crime Agency, HMRC, DWP, DEFRA, and the NHS Counter Fraud.

13. The CPS prosecutes criminal cases that have been investigated by the police and other investigative agencies in England and Wales. We are an independent non-ministerial department, and we make our decisions independently of the police or government. The CPS is superintended by the Attorney General for England and Wales, who is the cabinet minister with oversight of the CPS.
14. The CPS prosecutes cases where children and young people are either victims, witnesses or defendants. The nature and types of cases we prosecute range from anti-social behaviours, drug offences, theft and burglary offences, domestic abuse and sexual offences, offences against the person and homicide offences.
15. The CPS is a demand-led organisation and our role as prosecutors is separate to investigators, in that we prosecute only the cases that have been provided to us by an investigative authority. We do not begin or direct an investigation, and the decision to start an investigation and how an investigation is progressed is a matter for that investigative authority. The CPS may be asked to provide advice pre-charge on an investigation, particularly in complex cases. Prosecutors will advise on matters such as reasonable lines of enquiry, disclosure strategy and international legal considerations at this stage, but until a full file of evidence is provided in line with the Directors Guidance on Charging (which is addressed in further detail below), a file is not considered to be referred to the CPS.
16. Primarily, the Police are the authority responsible for investigating cases that are then prosecuted by the CPS. They are responsible for investigating a suspected crime, collecting evidence, and arresting or detaining suspected offenders. For less serious offences the police will make the decision about whether a suspect should be charged. For more serious offences the police will send the case to the CPS, and we will decide whether a suspect can be prosecuted.
17. In cases involving youth suspects, as the Legal Guidance on Children as suspects and defendants' (exhibited as NP/01 [INQ000598482] and NP/02 [INQ000598483])¹ states, the police issue Youth Cautions. They may so do on their own authority, save for cases which could only be tried in the Crown Court in the case of an adult, where the CPS must authorise the decision. They will usually in the first instance consider an out of court disposal unless the individual has already received one or more out of court disposals, the offences is serious, or the youth has not admitted the offence and no other resolution is appropriate. Therefore, in some youth cases, the CPS will not be involved in the decision-making process.

Charging decisions

The Code

18. All criminal prosecutions brought by the CPS are governed by the Code for Crown Prosecutors ('the Code'). This is a public document which is laid before Parliament. The current version of the Code was issued in 2018 and is exhibited as NP/03 [INQ000650444].

¹ The guidance in place was amended once during the Specified Period. From 1 November through to 28 April 2020 the Youth Offenders guidance exhibited as NP/01 was in place. The version of the guidance in place subsequently is exhibited as NP/02. The only change made to the guidance was an amendment to the reference "UKBA" to the "Home Office", as the UKBA had ceased to exist.

19. When a case passes to the CPS to prosecute, a CPS prosecutor will review the evidence to determine whether there is sufficient evidence of an offence and whether the alleged offending merits a prosecution and, if so, whether the correct charge has been applied to the offending. In cases concerning youth defendants, a prosecutor will also consider whether an out-of-court disposal is appropriate.
20. The Code provides guidance to prosecutors on the general principles to be applied when making decisions about prosecutions. Prosecutors may only commence a prosecution when the case satisfies either the Full Code Test, or in limited cases the Threshold Test. The tests are set out in Chapter 4 and 5 of the Code.

The Threshold Test

21. The Threshold Test is intended to apply to a very limited range of cases where the Full Code Test cannot be met but the overall seriousness or circumstances of the case justifies the making of an immediate charging decision, and there are substantial grounds to object to bail. There are five conditions which must be met in order for a suspect to be charged under the Threshold Test. They are:
 - a There are reasonable grounds to suspect that the person to be charged has committed the offence.
 - b Further evidence can be obtained to provide a realistic prospect of conviction
 - c The seriousness or the circumstances of the case justifies the making of an immediate charging decision
 - d There are continuing substantial grounds to object to bail in accordance with the Bail Act 1976 and in all the circumstances of the case it is proper to do so
 - e It is in the public interest to charge the suspect.
22. There must be a rigorous examination of all five conditions of the Threshold Test, and if any condition is not met, the suspect cannot be charged. The remand of children under the Threshold Test is exceptional given the high threshold required to remand a child in custody and the principle that custody should be a last resort. More information concerning the remand and bail of children in criminal proceedings can be found in the legal guidance on children as suspects and defendants' (already exhibited as NP/01 [INQ000598482] and NP/02 [INQ000598483]) and the legal guidance on Bail, which is exhibited as NP/04 [INQ000650433], NP/05 [INQ000650434] and NP/06 [INQ000650435].²

The Full Code Test

23. The Full Code Test has two stages: the first is the requirement of evidential sufficiency and the second involves consideration of the public interest. To satisfy the first stage, a prosecutor must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction. This means that an objective, impartial and reasonable jury (or bench of magistrates or judge sitting alone), properly directed and acting in accordance with the law, needs to be more likely than not to convict the defendant. It is an objective test based upon the prosecutor's assessment of the evidence (including any information

² Where guidance has been amended or updated, each version is exhibited sequentially with the oldest exhibited first (and the document numbered accordingly i.e. the first of the relevant versions being indicated by (1) in the document title on the exhibit list).

that he or she has about the defence). If the case does not pass the evidential stage, then consideration of the public interest does not arise.

24. Only once a case has passed the evidential stage may the prosecutor go on to consider whether a prosecution is required in the public interest. It has never been the rule that a prosecution will automatically take place once the evidential stage is satisfied. However, a prosecution will usually take place unless the prosecutor is sure that there are public interest factors tending against prosecution which outweigh those in favour.
25. The Code sets out some common public interest factors tending for and against prosecution. However, assessing the public interest is not an arithmetical exercise involving the addition of the number of factors on each side and then making a decision according to which side has the greater number. Rather, each case must be considered on its own facts and its own merits. It is quite possible that one factor alone may outweigh a number of other factors which tend in the opposite direction. Even where there may be a number of public interest factors which tend against prosecution in a particular case, the prosecutor should consider whether the case should go ahead but with those factors being drawn to the court's attention so that they can be reflected in the sentence passed.
26. Of particular relevance to this Module, one of the public interest factors that prosecutors must consider under the Code is the suspect's age and maturity at the time of the offence [4.14d]. This sub-section sets out a number of considerations that prosecutors should take into account in relation to age and maturity, which include:
 - a. Significant weight must be attached to the age of the suspect if they are a child or young person under 18.
 - b. Prosecutors should consider the suspect's maturity, as well as their chronological age, as young adults will continue to mature into their mid-twenties.
 - c. Prosecutors must consider whether a prosecution is likely to have an adverse impact on the future prospects of a child or young person that is disproportionate to the seriousness of the offending.
 - d. As a starting point, the younger the suspect, the less likely it is that a prosecution is required.
27. CPS prosecutors are very familiar with this public interest factor, which applies to all cases, including any offences under the Coronavirus Act or Coronavirus Regulations.
28. In cases where the victim is a child or youth, the public interest test asks prosecutors to consider the circumstances of the victim to assess the harm caused to that individual. The more vulnerable the victim's situation, or the greater the perceived vulnerability of the victim, the more likely it is that a prosecution is required.
29. The Code addresses the venue for trial in cases involving children and young people at paragraph 8.4:

Prosecutors must bear in mind that children and young people (under 18s) should be tried in the youth court wherever possible. It is the court which is best designed to meet their specific needs. A trial of a child or young person in the Crown Court should be reserved for the most serious cases or where the interests of justice require a child or young person to be jointly tried with an adult.

30. The general process for case selection, preparation and prosecution is as follows:
- a. Case Identification & Referral: The police or relevant authority refers the case to the CPS.
 - b. Review & Charging Decision: CPS prosecutors assess the evidence and determine whether to charge the suspect.
 - c. Court Proceedings:
 - Youth Court:** Most cases involving young defendants are heard here, with a focus on rehabilitation.
 - Crown Court:** For serious offences (e.g., murder, rape), cases will be sent to the Crown Court if they are Indictable Only, if in either way matters the Defendant has elected Crown Court trial, or to ensure there are adequate powers of sentencing.
 - d. Trial & Sentencing – The CPS presents evidence in court. If convicted, sentencing considers the young person's age and potential for rehabilitation.
31. The Code is supplemented by CPS legal guidance, which contains further evidential and public interest factors for specific offences and offenders. This guidance supports prosecutors to make fair, consistent charging decisions and is available for the public to view on the CPS website. There are a number of pieces of legal guidance which relate directly to children and young people, which are discussed further at paragraph 36 below.

Director's Guidance

32. Since 2004 the CPS has been responsible for providing authority to charge in all but minor cases, where the police can make the decision to charge. The DPP can issue guidance to the police in respect of the making of charging decisions. The first such Guidance, known as the Directors Guidance on Charging, was issued in May 2004, and explained how and in what circumstances the CPS would provide charging advice.
33. The current Guidance (the sixth Edition) was issued in December 2020 and was therefore applicable throughout the specified period. This is exhibited as NP/07 [INQ000650451]. The guidance sets out the roles and responsibilities of the police and prosecutors when seeking charging advice and details the type of charging decisions which the police can make themselves without the need for CPS authority. It sets out how and when advice can be sought from a prosecutor, and the material to be submitted to seek that advice. This material is called a full file submission and constitutes the required documentation that will lead a prosecutor to review a case.
34. Annex 1: The Division of Charging Responsibility sets out when the police can make charging decisions in cases with youth and adult defendants. The police may charge any summary only offence, any offence of retail theft provided it is suitable for sentence in the magistrates' court, or any either way offence anticipated as a guilty plea. The police cannot charge any Sexual Offences Act offence committed by or upon a person under 18.
35. During the pandemic, the new covid related offences which were developed were "summary only" offences. This means that, in line with the Director's Guidance on Charging (the fifth edition applied until 31 December 2020 and is exhibited as NP/08 [INQ000650450]), the police were authorised to charge all offences under the Regulations without CPS involvement.

Legal Guidance

36. The CPS produces legal guidance to support prosecutors to make fair, consistent charging decisions. The CPS has not produced any specialist guidance or instructions about prosecution decisions relating to children and young people during the specified period. There are a number of prosecution guidance documents which are relevant to how the CPS prosecute cases involving children and young people. This includes legal guidance on:
- a. Children as Suspects and Defendants, formerly known as the “Youth Offenders” guidance (already exhibited as NP/01 [INQ000598482] and NP/02 [INQ000598483]).
 - b. Conditional Cautioning Youth – DPP Guidance (exhibited as NP/09 [INQ000650445] and NP/10 [INQ000650446]).
 - c. Child Offenders – Associate Prosecutor Resource Pack 2024 (exhibited as NP/11 [INQ000650441]).
 - d. Special Measures (exhibited as NP/12 [INQ000650475] and NP/13 [INQ000650476]).
 - e. Safeguarding Children as Victims and Witnesses (exhibited as NP/14 [INQ000650473]).
 - f. Mental Health: Suspect and Defendants (exhibited as NP/15 [INQ000650465]).
 - g. Victim Communication and Liaison Scheme (exhibited as NP/16 [INQ000650477] and NP/17 [INQ000650478]).
 - h. Domestic Abuse (exhibited as NP/18 [INQ000650452], NP/19 [INQ000650453], NP/20 [INQ000650454], NP/21 [INQ000650455], NP/22 [INQ000650456] and NP/23 [INQ000650457]).
 - i. Child Abuse (exhibited as NP/24 [INQ000650436], NP/25 [INQ000650437], NP/26 [INQ000650438], NP/27 [INQ000650439] and NP/28 [INQ000650440]).
 - j. Child Sexual Abuse (exhibited as NP/29 [INQ000650442] and NP/30 [INQ000650443]).
 - k. Rape and Sexual Offences (exhibited as NP/31 [INQ000650469], NP/32 [INQ000650470], NP/33 [INQ000650471] and NP/34 [INQ000650472]).
 - l. Modern Slavery and Human Trafficking (also previously titled Human Trafficking, Smuggling and Slavery, exhibited as NP/35 [INQ000650463], NP/36 [INQ000650461], NP/37 [INQ000650462] and NP/38 [INQ000650466]).
37. The guidance the CPS issues to prosecutors is published on its website, for transparency. Our work on youth cases is guided by key legal principles that underpin our approach to this casework. The criminal age of responsibility of 10 (section 50 of the Children and Young Persons Act 1933), the need to have regard to a child’s welfare (section 44 of the CYPA 1933), the principle aim of youth justice to prevent offending by children and young persons (section 37 of the Crime and Disorder Act 1998), and Article 3 of the United Nations Convention of the Rights of the Child that states that “all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies the best interests of the child shall be a primary consideration”, are all elucidated within our guidance and training provided to prosecutors.
38. The CPS guidance on children as suspects and defendants (formerly known as Youth Offenders guidance) includes a long-standing recognition that considerations in relation to a child are different to adult offenders. Our approach stems from “Child First” justice, the principle that the children coming to the attention of the youth justice system are seen as children first and offenders second. In particular, there is a focus on diverting children

from the criminal justice system where that is appropriate, and when a prosecution takes place, expedition through the system. Public interest considerations mean having regard to all their circumstances, including the best interests and welfare of the child.

Area Youth Justice Leads

39. Cases involving children and young people are prosecuted across all the regional CPS Areas and Casework divisions. There is no separate division that solely deals with these cases. Each Area is asked to appoint one or more Area Youth Justice Leads (AYJL). During the Specified Period, these roles were called Area Youth Justice Co-ordinators (AYJC). Under the previous Youth Offenders Guidance and current Legal Guidance, it is a matter for the Area to decide what functions the AYJL/AYJC should carry out. The role of AYJL/AYJC will ultimately report to the Senior Leadership Team ("SLT") comprised of the DCCPs and CCPs in the relevant CPS Area who have oversight of the role. Arrangements for such processes will vary locally.
40. Under the Youth Offenders Guidance, this role included the following:
 - a. Being a 'Service Ambassador' providing advice to CCPs and DCCPs on youth matters and liaising at a strategic level on behalf of the CCP/DCCP with other agencies;
 - b. Being a focal point for advice on good practice within the Area;
 - c. Being the point of contact for CPS Headquarters;
 - d. Having responsibility for monitoring achievements against national and locally agreed targets in the magistrates, youth and Crown Court;
 - e. Co-ordinating the formulation and implementation of the training of other lawyers in the Area.
41. Under the current legal guidance on children as suspects and defendants, this role includes the following:
 - a. act as a conduit and focal point, relaying information, knowledge, expertise, and advice between Youth Justice Specialists in Area and from CPS Headquarters, and feeding back challenges, training, or guidance needs to Area and the centre.
 - b. support the delivery of training within the CPS Area.
 - c. ensure that the Area has a sufficient number of Youth Justice Specialists
 - d. monitor the quality of casework decision making involving child suspects and defendants; and/or
 - e. liaise at a strategic level on behalf of the CCP/DCCP with local agencies
42. The Area Youth Justice Coordinator should be:
 - a. a prosecutor of with sufficient expertise and capacity to fulfil the role.
 - b. familiar with the functions carried out by a Youth Justice Specialist; and
 - c. given sufficient time to fulfil their duties as AYJL
43. Under the Youth Offenders guidance, Youth Justice Specialists were referred to as Youth Offender Specialists. These roles are approved by the CCP/DCCP or Unit Head. The YOS should carry out the following functions and must be the following:
 - a. Undertake the review of files involving youth offenders and taking all major decisions in relation to those files;
 - b. Make regular appearances in the Youth Court;

- c. Together with the Area Youth Justice Co-ordinator, taking part in the formulation and implementation of the training of other lawyers.
 - d. To be approved as a YOS, a lawyer must: be a Senior Crown Prosecutor with adequate experience and appropriate skills; and undertaken the Youth Offender Training Course.
44. All Areas are encouraged to participate in local inter-agency groups with representatives from the youth and Crown Courts, Youth Justice Service managers, police, CPS, appropriate defence representatives and Victim Support Service co-ordinators. Whilst such participation is not a formal requirement, generally CPS Areas actively liaise with various external agencies to ensure effective prosecution of criminal cases and to advance joint working to improve criminal justice outcomes for victims and defendants. This collaboration includes working with police forces, Local Criminal Justice Boards, Youth Justice Services, Community Safety Partnerships and victims' services. Participation at these groups will vary across CPS Areas and will also be dependent on local resourcing.
45. There are regional differences in how cases involving children are managed nationally, which is largely dependent on the geographical size and caseload variation across the country. To give some examples of the regional differences:
- a. in larger geographical CPS Areas such as the East Midlands, which covers five police forces, there are dedicated youth specialist teams. This CPS East Midlands team was created in late 2020 / early 2021 and is made up of Senior Crown Prosecutors (SCPs) who are all Youth Justice Specialists (YJS) who review and prosecute the majority of cases in the Magistrates Court team. There is no specialist youth team in Crown Court or Rape and Serious Sexual Offence (RASSO) teams, but those teams do include SCPs who are either youth or RASSO specialists. Similarly, CPS South East set up a dedicated youth team around the same time period and had a Youth Specialist embedded within their RASSO team.
 - b. In CPS Mersey/Cheshire, between January 2020 and June 2022 Youth Justice Specialists (YJS) had sole responsibility for charging and review work involving children as defendants. Each specialist unit, e.g. Magistrates Court Unit, Crown Court Unit, RASSO and Complex Casework Unit had YJS's embedded, who had access to the Area Youth Justice Lead who was responsible for ensuring law, policy and best practice was followed at all times.
 - c. In CPS London South, whilst all prosecutors dealt with youth cases there was a core team of 7 or 8 prosecutors dealing with serious offences such as causing Grievous Bodily Harm, robbery, and drug supply.
 - d. In a smaller geographical area such as CPS Wessex, there is no dedicated youth team, but they maintained a number of prosecutors across the Area that are Youth trained.
46. The following table provides the names of all known Area Youth Justice Co-ordinators during the specified period:

CPS Area	Area Youth Justice Co-ordinator during the specified period
Cymru/Wales	Monique McKeivitt undertook the AYJC role from December 2021.
East Midlands	Joanne Renyolds was the AYJC. After the inception of the Youth Team, the Youth DCP assumed the responsibility of

	AYJL, and this was initially DCP Sally-Ann Flemmings before the current role holder Marianne Connally.
East of England	The AYJC rotated between DCPS on the magistrates' court unit at that time.
London North	From April 2022, the AYJC was Simma Khan (DCP) and Christopher Trotter (SDCP), prior to this the AYJC was Martha Godwin.
London South	Toks Adesuyan, SDGP
Mersey-Cheshire	Tammy Mitchell, between January 2020 and January 2021. Christopher Maloney between January 2021 and June 2022.
North East	Paul Clark, (now retired), was the AYJC at the time. Then it was Jonathan Moore in the Magistrates Court Unit.
North West	Area records do not date back to 2020. Danielle Allanson was the youth lead for the Magistrates unit. From 2022 there was also a Crown Court youth lead – Caroline Wilbraham. AYJC in 2022 it was Kerry Grieve.
South East	The Youth Offender Leads from the relevant period are no longer employed by the CPS; however, they were in post at the time.
South West	From June 2021 there was DCP lead who has since left the Area. There has been two further DCP leads since. The current DCP lead was appointed in February 2024 and therefore unable to comment on work from January 2020 to June 2022. There was a AYJC during part of the relevant period who is an SCP. This was from March 2020. The SCP was deployed to advocacy only.
Thames and Chiltern	Mutahir Ahmed – DCP, youth lead since November/December 2021. Prior to that, there was no DCP with Youth Offender role.
Wessex	Alun Morgan.
West Midlands	Unknown
York and Humberside	Julian Tanikal
CPS Direct	Nigel Creasy

47. The CPS uses a National Resource Model to calculate Area resource requirements, by role, based on the specific casework demands of the Area which includes volumetrics for Youth cases. This is a standardised way of measuring the resources needed to carry out work throughout the CPS. By monitoring how long tasks take and how many are processed, a CPS Area can obtain an overview of the resources needed for important functions and this is used in budget and recruitment discussions and planning. This is focussed more on calculating the number of prosecutors needed as a whole, and then local managers, with the AYJC/AYJL, have responsibility for ensuring sufficient numbers of youth specialist trained prosecutors are available and allocated to youth cases from the resource pool of the Area.
48. There is no fixed minimum number of YOS/YJS prosecutors in a CPS Area. Records are not kept of the specific numbers operating at any one point in time. All prosecutors in CPS Direct receive youth training so that they are all authorised to make all charging decisions in relation to children.
49. When a child turns 18, the general practice in the CPS is that cases are not reallocated once a child defendant turns 18. The YOS handling the case during their childhood would retain ownership thereafter.

Part B: Planning prior to the pandemic

50. The CPS Security and Information Assurance Division (SAID) has attended meetings with the Cabinet Office on pandemic preparation. These were before the Specified Period and were focused mainly on avian flu. These preparations would have been similar to the Covid-19 pandemic, namely the Civil Contingencies Act. CPS involvement was limited, the sessions were largely information gathering exercise led by the Cabinet Office and no documentation was provided to our knowledge.
51. SIAD do not hold records of any planning for children in the context of civil emergencies.
52. As far as SIAD colleagues can recall, between January and March 2020, the CPS was not asked by the UK Government to provide input or be consulted on planning for the possible impact of Covid-19 in relation to the prosecution of children and young people.
53. Colleagues from Private Office did attend a meeting of the general Public Sector Ministerial Implementation Group, within which Children in Care and Vulnerable Children was an agenda item led by the Department for Education and the Home Office. This was held on the 1 April 2020, which is out of scope for purposes of question 5, however is included in this statement as it falls within the scope of the wider Module. A presentation consisting of slides was presented, which is exhibited as NP/39 [INQ000650449]. This presentation is wide ranging, relating to children generally, and is not specifically related to the work of the CPS. The CPS do not hold any records of our involvement on this agenda item.

Part C: Charging Guidance

54. The CPS produced extensive legal guidance in relation to the new criminal offences in the Act and the Regulations, save for those contained in Regulations covering specific local areas, and some of those which would be prosecuted only by local authorities.
55. The legal guidance on the England Coronavirus Regulations can be found on the prosecution guidance page of the CPS website. CPS Cymru–Wales produced guidance on the Welsh Coronavirus Regulations (please see the schedule exhibited as NP/40 [INQ000650474] for all INQ references for these documents). This was published internally and was accessible to all CPS Cymru–Wales prosecutors. It was not published externally because it was not quality assured to publication standard.
56. The legal guidance on the Coronavirus Act and the various Coronavirus Regulations did not include any bespoke guidance in relation to children and young people. It was not considered necessary to specifically address children and young people in any of this guidance, as we already had overarching guidance on the principles to apply in relation to children and young people: as stated above, the Code has a section on the public interest in charging youths with a criminal offence; the guidance on Youth Offenders provides further detailed guidance on prosecuting youths; and the Interim Case Review Guidance directed prosecutors to actively consider whether prosecuting or continuing proceedings against young offenders during the pandemic was a proportionate response and, if so, advised that cases must be dealt with expeditiously and avoid delay.
57. The development of this guidance was carried out at far greater speed than usual, due to the changing nature of the pandemic and the Government response in laying new and amended Regulations.

58. Despite this, as a result of our close working relationship with the police and other Government departments, the CPS was able to produce and publish guidance at the same time, or shortly after, any new Regulations were brought into force. CPS prosecutors, the police and the public therefore had the benefit of this guidance from a very early stage, which was necessary given the frequency with which the Regulations were amended. However, the scale of this task should not be underestimated.

Interim CPS Charging Guidance

59. In addition to the bespoke guidance on the new offences in the Coronavirus Regulations and the Act, the CPS published two pieces of guidance (the Covid 19 Interim Charging Protocol and the Interim Case Review Guidance) to address the expanding pipeline of cases in the Criminal Justice System, caused by the pandemic. These pieces of guidance relate to all offences, not just offences under the Coronavirus Regulations and the Act. These two pieces of guidance are discussed further below.
60. At the start of the pandemic, the Lord Chief Justice announced that all Crown Court cases due to last three days or more, starting before the end of April 2020, would be adjourned, and that no new jury trials would start. It was immediately apparent that cases would not be able to progress through the courts in the normal way.
61. It was equally apparent that criminal activity would not cease, although some aspects would inevitably reduce. There was particular concern amongst all engaged in criminal justice (police, CPS, HMCTS and judiciary) that forcing everyone to stay at home would pose a significant threat of an increase in domestic abuse. There would also be threats posed by those who wished to take advantage of the crisis, particularly in on-line activity.
62. On 31 March 2020 we published the Covid 19 Interim Charging Protocol (exhibited as NP/41 [INQ000650448]) which became operational on 1 April. The Charging Protocol categorised cases as high, medium and low priority (based on a risk/harm approach) for charging decisions, to ease the pressures at Court, ensure that high priority cases were able to get to Court quickly and to enable all agencies to effectively deploy resources.
63. The rationale for choosing cases in each category is explained in the protocol itself. It focused attention on high-risk, high-harm cases and ensured they were prioritised. All 'coronavirus-related' cases were categorised as 'immediate' Category A cases for the purpose of obtaining a charging decision, whether suspects were to be kept in custody or released on bail. Examples of 'coronavirus-related' cases are provided in the protocol and include assaults on emergency workers as well as coronavirus-related dishonesty and fraud. This ensured those offences with coronavirus-related aggravated features were in the highest category for priority charging decisions, alongside those where the police or other investigators were seeking a charging decision followed by a remand in custody. High risk domestic abuse was also categorised as an "immediate" Category A type case. Other domestic abuse cases were categorised as a "high priority" Category B type case.

Interim Case Review Guidance

64. On 14 April 2020 we published the Interim Case Review Guidance, which is exhibited as NP/42 [INQ000650464]. The guidance addresses the public interest stage of the Full Code Test, one aspect of which is that when reviewing cases and making charging decisions prosecutors should consider whether prosecution is a proportionate response. The guidance sets out factors which may be applicable to this question, in light of the pandemic, in particular the expanding pipeline of cases causing delay to proceedings, and the impact of this on victims, witnesses and defendants.

65. By applying these factors, prosecutors were encouraged to consider whether there may be other courses which could be taken, such as an out-of-court disposal; and whether it may be appropriate to accept a guilty plea to some, but not all charges, or to a less serious offence.
66. We advised that the proportionality factor must be weighed with all other relevant public interest factors, such as the seriousness of the offence and the circumstances of and the harm caused to the victim, to form an overall assessment of the public interest. The guidance cautioned that: In the majority of cases, there will be no impact at all, and the public interest will lie with continuing the prosecution.
67. The guidance specifically addresses cases involving youth suspects during the pandemic and is not limited to the offences under the Coronavirus Act or Coronavirus Regulations but applies to all offending. The guidance states that one of the factors likely to be relevant to deciding whether prosecution or continuing proceedings is a proportionate response is the age and maturity of the suspect / defendant (reiterating the Code factor – see above) and advises that prosecutors should have regard to the CPS guidance on Youth Offenders. Moreover, the guidance cautions that: All cases involving youth offenders must be dealt with expeditiously and avoid delay, which has at its core the principle that there is little point in conducting a trial for a young offender long after the alleged commission of an offence when the offender will have difficulty in relating the sentence to the offence. To maximise the impact on the youth offender, the case must be dealt with as soon as possible.
68. Both the Covid 19 Interim Charging Protocol and the Interim Case Review Guidance applied to all Testing, Tracing and Isolation (“TTI”) related offences in the Coronavirus Regulations and the Act, in the same way as they applied to all other criminal offences.
69. In relation to considerations on separate interim charging guidance in relation to cases involving children and young people, a number of the key people involved in Interim Charging Protocol have since left the CPS. We are unable to comment on the grounds for issuing separate guidance, beyond the general point that these cases would have been prioritised on the basis of being either youth defendant matters or cases with young witnesses.

Part D: Prosecutions Review

70. When a case passes to the CPS to prosecute, a CPS prosecutor will review the evidence to determine whether there is sufficient evidence of an offence and whether the alleged offending merits a prosecution and, if so, whether the correct charge has been applied to the offending.
71. In early April 2020, following media reporting of cases which were incorrectly charged and convicted under the Act and/or Regulation we conducted an internal dip-sampling exercise on finalised cases. As a result, on 14 April 2020, we decided to launch a wholesale review of all finalised cases³ charged under the Coronavirus Act 2020 and the Health Protection (Coronavirus Restrictions) Regulations. This Review was conducted by our Compliance & Assurance Team (“CAT”) in the Operations Directorate. It aimed to address the public, ministerial and media concerns regarding the risk of

³ Finalised cases are cases where a prosecution has either been stopped or concluded with the defendant being found guilty, or where a guilty plea is entered and accepted.

miscarriages of justice occurring due to the confusion caused by the speed of implementation of the Act and the Regulations.

72. On a weekly basis from April 2020 until March 2022, CAT lawyers were provided with a list of all finalised cases charged under the Regulations or the Act. These cases were extracted from the CPS Management Information System (MIS). The lawyers manually reviewed every case to ensure the correct offences had been charged and prosecuted.
73. The terms of reference of this manual exercise only involved a review of the charges brought and did not include as part of its remit the manual collection of protected characteristics such as age (manually calculated from the date of birth to calculate the suspect's age at the time of charge or prosecution), ethnicity (a suspect's ethnicity is self-declared, optional and gathered by the police, so we do not always have the information on a case file) or sex/gender. To revisit the 2,607 cases manually to attempt to source this information would be significantly resource intensive.
74. Where an error was identified in a case where the defendant had pleaded guilty or was found guilty, the case was referred back to the local CPS Area to take remedial action. This was to ensure the case was re-opened and re-listed in court so that the error can be corrected (either by way of amending the charge or withdrawing the charge entirely).
75. The CPS published the results of these monthly reviews on its website every quarter and shared the information with the NPCC Charging lead.
76. Examples of the kinds of errors identified included:
 - Offending in England charged under Welsh Regulations (or vice versa)
 - Evidential issues, such as the charging of homeless people being outside without a reasonable excuse
 - Offences charged under s51/sch21 of the Coronavirus Act where there was no evidence that the defendant was potentially infectious (every case charged under the Act was charged in error)
 - Offences prosecuted under the wrong iteration of the Regulations (e.g. using repealed Regulations).
77. When the CPS began its monthly review of charges, a strong onus was placed on the police to put supervising officers in charge of decision-making at police stations and elsewhere, as any errors in the charging of Coronavirus offences under the Regulations or the Act are made initially at this point in the prosecution process. No statistical analysis was conducted which assists in determining to what extent this may have had an impact on the number of errors made at that stage of the prosecution process.
78. The examples given at paragraph 76 of the kinds of errors identified are provided for illustrative purposes and are not exhaustive. As the review did not categorise the error type, is not possible to specify how many cases fell under each illustrative example.
79. To mitigate the risk of incorrectly charged cases reaching court, the CPS put in place an internal safeguard: a 'triage check' which was carried out by a supervising lawyer (known as the Covid SPOC) on all charged cases before the first court appearance. This helped to ensure that any errors were identified immediately and amended. Using a supervising lawyer for this role allowed them to build up an understanding of the Regulations and common errors so that they can be easily identified and rectified.

80. Our data⁴ indicates that the CPS prosecuted 2607 cases under the various Regulations and 311 cases under the Act. It should be noted that this does not include cases which were finalised using the Single Justice Procedure⁵ ("SJP").
81. Of the 311 cases under the Act, every case was charged incorrectly. This was usually because the wrong legislation had been used; in many cases the conduct would have been an offence under one of the Regulations. Most of these errors were identified at Court and the offence was withdrawn, however, 53 cases were convicted in error and the case had to be returned back to the CPS Area to reopen and withdraw or amend.
82. In respect of the Regulations, 532 of 2607 cases were charged incorrectly. 425 were identified at Court and were withdrawn, 76 were identified upon review and had to be returned to Area. 12 resulted in not guilty pleas and 19 were miscellaneous, for example, the case was administratively finalised, or a warrant was issued.
83. Our checks indicate the majority of the covid offences were charged by the Police, as per the Directors Guidance on Charging (see above).

England & Wales combined total

Number of cases finalised (April 2020 to March 2022)	Number of cases charged by		Number of cases incorrectly charged by
Health Protection (Coronavirus Restrictions) Regulations	Police	2,514	520
	CPS	93	12
	Total	2,607	532
Coronavirus Act 2020	Police	298	298
	CPS	13	13
	Total	311	311

All other CPS Areas

Number of cases finalised (April 2020 to March 2022)	Number of cases charged by		Number of cases incorrectly charged by
Health Protection (Coronavirus	Police	2,283	469
	CPS	89	12

⁴ CPS management information is derived from the CPS case management system, and as with any large-scale recording system, data are subject to possible errors in entry and processing. The figures were provisional and subject to change as more information is recorded and quality assured by the CPS. This means that cumulative figures may not always match the sum of historic monthly published figures. Our data covers the number of offences rather than individual defendants. Official criminal justice outcome statistics are kept by the Ministry of Justice.

⁵ The Single Justice Procedure ("SJP") is outlined in section 16A of the Magistrates' Court Act 1980. It applies solely to summary only, non-imprisonable offences. A defendant must be 18 years or over when charged. SJP allows suspects to plead guilty by post and a single justice will determine the level of fine on the papers without a traditional court hearing. The CPS only become involved in the SJP if and when a defendant pleads not guilty, at which point the case will be passed to the CPS to prosecute.

Restrictions) Regulations	Total	2,372	481
Coronavirus Act 2020	Police	272	272
	CPS	12	12
	Total	284	284

CPS Cymru Wales

Number of cases finalised (April 2020 to March 2022)	Number of cases charged by		Number of cases incorrectly charged by
Health Protection (Coronavirus Restrictions) Regulations	Police	231	51
	CPS	4	0
	Total	235	51
Coronavirus Act 2020	Police	26	26
	CPS	1	1
	Total	27	27

84. Inevitably this was a resource intensive review process but given the volume of errors we were identifying – reflective of the complex legal landscape which emerged due to the volume of legislative amendments which occurred during the pandemic – it was a necessary action to maintain confidence in the criminal justice system.
85. CPS performance data is collated based on a defendant in a set of prosecution proceedings. A case may comprise one or more defendants therefore while it is possible to report age bandings, sex, self-declared ethnicity as provided by the police to CPS for individual defendants it is not possible to report this data by cases. This is also dependent on the defendants providing us with this information. It is also possible to report performance data with reference to a series of monitoring flags. These are applied to cases to indicate the type or nature of offending and as part of the suite of monitoring flags, a 'Coronavirus Offences' flag was implemented on the Case Management Information System during 2020 allowing us to report defendant level data as described above. Information collected by any monitoring flag is subject to the flag being accurately applied.
86. No data is held by CPS within the Case Management Information System indicating the socio-economic background of defendants or whether a child or young person was 'a looked after child'.

Part E: Interim CPS Case Review Guidance

Interim CPS Case Review Guidance

87. As set out above, the Code sets out how prosecutors make charging decisions. It also explains that the CPS has a duty of continuing review. This means that circumstances may change throughout the life of the case which impact on the application of the Code test. One aspect of the public interest test is that prosecutors should consider whether prosecution is a proportionate response.
88. Shortly after the Interim Charging Protocol was published, we decided that it was also necessary to have some legal guidance on the application of the Code to draw prosecutor's attention to the type of public interest factors which may be applicable when reviewing cases in light of the impact of the pandemic.
89. In developing this guidance, the CPS consulted with/ sought the views of AGO, NPCC portfolio leads and the College of Policing. We also informed HMCTS, Judicial Office and the CJSSC Silver command. The Guidance was ultimately approved by the DPP.
90. Before this guidance was published, we notified the AGO, HMCTS, Judicial office and the Covid-19 MOJ Response Programme at Silver Command. Discussions were held with the AGO, though no records of this have been identified, we have found a reference to the informal views of the AGO within a briefing. Advance notice of the guidance was given at a cross-justice communications call, and the guidance was shared with the cross CJS Gold and Silver Command and Victim and Witnesses Silver Group.
91. Key individuals involved in the guidance have since left the organisation. We have not identified any records of meetings held between these organisations specifically on this guidance, nor have we identified any records that relate to the consideration of separate guidance pertaining to cases involving youth Defendants. The public interest factors under the Code for Crown Prosecutors, and the Legal Guidance relating to Youth Defendants were all applicable during the Specified Period and provided the requisite factors for prosecutors to consider in these cases.
92. The Interim Case Review Guidance was published on 14 April 2020. It was publicly available on our CPS website. A notification was sent to all prosecutors by email on the day of publication. We also shared directly with key stakeholders and parliamentarians.
93. The Case Review Guidance clarified that when reviewing a case and considering the public interest, prosecutors should note:
- *The crisis is producing an expanding pipeline of cases waiting to be heard.*
 - *Criminal proceedings and case progression are likely to be delayed. Significant delay may impact adversely on victims, witnesses and Defendants, in some cases, may reduce the likelihood of a conviction.*
 - *Each case that is introduced into the system, or kept in the system, will contribute to the expanding pipeline and delay.*
94. By applying these factors, prosecutors were encouraged to consider whether there may be other courses which could be taken, such as an out-of-court disposal; and whether it may be appropriate to accept a guilty plea to some, but not all charges, or to a less serious offence.

95. We advised that the proportionality factor must be weighed with all other relevant public interest factors, such as the seriousness of the offence and the circumstances of and the harm caused to the victim, to form an overall assessment of the public interest (in accordance with the Code). The guidance cautioned that: *In the majority of cases, there will be no impact at all, and the public interest will lie with continuing the prosecution.*
96. The tables below show the number of defendants aged 17 and under, flagged with the Coronavirus Offences monitoring flag, where a decision to stop the prosecution in the public interest was made. It should not be assumed this decision was taken in line with the Interim Guidance.
97. CPS defendant data can be broken down by region (CPS geographical areas), age bandings, sex, self-declared ethnicity as provided by the police to CPS for individual defendants.

Area	2020-2021	2021-2022
Cymru Wales	1	0
Eastern	0	3
London North	3	2
London South	4	0
North East	1	0
North West	1	0
South East	1	1
South West	2	0
Thames and Chiltern	1	0
West Midlands	1	0
Yorkshire & Humberside	2	3
Total	17	9

Gender	2020-2021	2021-2022
Female	1	6
Male	16	3
Total	17	9

Age	2020-2021	2021-2022
10-13	0	2
14-17	17	7
Total	17	9

Ethnicity	2020-2021	2021-2022
A1 - Indian	1	0
A3 - Bangladeshi	1	0
M1 - White and Black Caribbean	1	0
M2 - White and Black African	1	0
M9 - Any Other Mixed Background	0	1
NS - Not Stated	7	1
W1 - British	6	6
W9 - Any Other White Background	0	1
Total	17	9

Out of Court Disposal	2020-2021	2021-2022
P85 TIC/Out of court disposal/Bind over more suitable	9	4
P86 Defendant circumstances - age/maturity or ill health	2	4
P87 Other charge/indictment, loss/harm minor from single incident, delay between offence/charge and trial	6	1
Total	17	9

98. No data is held showing Defendants with a mixed outcome where some charges are dropped but others result in acceptable guilty pleas. These are counted as 'guilty pleas'. We do not hold data on the length of time a defendant is remanded in custody or the likely sentence if convicted, or in relation to whether a case was not proceeded with because the Covid Pandemic was considered as extenuating circumstances in the public interest.
99. No data is held by the CPS within the Case Management Information System (CMS) indicating the socio-economic background of defendants or whether a child or young person was 'a looked after child'.
100. The following shows the data in relation to completed prosecutions where the defendant was aged 17 or under, flagged with the Coronavirus Offences monitoring flag. Completed prosecution outcomes comprise convictions (guilty pleas, convictions after trial and cases proved in the absence of the defendant) and unsuccessful outcomes (prosecutions dropped by the CPS, discharges, acquittals after trial and administrative finalisations). In accordance with the Full Code Test and as discussed above, if the case does not pass the evidential stage, then consideration of the public interest does not arise.

Area	2020-2021	2021-2022
Cymru Wales	8	1
Eastern	23	21
East Midlands	15	3
London North	23	4
London South	31	4

Merseyside & Cheshire	4	1
North East	6	2
North West	20	0
South East	10	6
South West	3	1
Thames and Chiltern	9	0
Wessex	3	1
West Midlands	11	3
Yorkshire & Humberside	27	5
Total	193	52

Gender	2020-2021	2021-2022
Female	54	22
Male	139	30
Total	193	52

Age	2020-2021	2021-2022
10-13	5	2
14-17	188	50
Total	193	52

Ethnicity	2020-2021	2021-2022
A1 - Indian	3	0
A2 - Pakistani	2	0
A3 - Bangladeshi	1	0
A9 - Any Other Asian Background	2	0
B1 - Caribbean	8	2
B2 - African	4	1
B9 - Any Other Black Background	12	1
M1 - White and Black Caribbean	5	0
M2 - White and Black African	1	0
M9 - Any Other Mixed Background	3	2
NP - Not Provided	24	7
NS - Not Stated	32	9
O9 - Any Other Ethnic Group	1	0
W1 - British	86	23

W2 - Irish	2	1
W9 - Any Other White Background	7	6
Total	193	52

Part F: Custody time limits

101. During the pandemic, the main CPS engagement in cross-government co-ordination was through the Criminal Justice System Strategic Command (CJSSC). The CJSSC was set up by the Ministry of Justice (MOJ) Departmental Operations Centre.
102. The role of CJSSC was to “take overall responsibility for the multi-agency management of an incident or crisis, establish a common policy and strategic framework within which each contributing agencies command function will operate.” The CJSSC was to feed directly into the General Public Services Committee, chaired by the Chancellor of the Duchy of Lancaster.
103. CJSSC ‘Gold Group’ included representatives from across CJS departments, including representatives from Public Health England. The CPS was represented by the Chief Executive Officer (CEO) Rebecca Lawrence, though executive Directors attended when the CEO was unavailable. Director of Legal Services Greg McGill attended on occasion. He also chaired the Custody Time Limits (“CTL”) Silver Group.
104. The work of this Silver Group was largely done via email and telephone conferences. Greg McGill and other members of the DLS Team who worked on the Prosecution of Offences (Custody Time Limits) (Coronavirus) Amendment) Regulations 2020 (**‘the 2020 Regulations’**) and the Prosecution of Offences (Custody Time Limits) (Coronavirus) (Amendment) Regulations 2021 (**‘the 2021 Regulations’**) have now left the organisation. This has inhibited our ability to respond in detail to the Inquiry’s Rule 9 Request in relation to the level of involvement or input the CPS had when the CTL Regulations were being introduced. We have been unable to locate minutes from this Silver Group that relate to discussions involving Custody Time Limits of children and young people. We understand that at the CJSSC, the Youth Justice Board would update on youth issues generally, and that the CPS representatives did not contribute to the issues they raised. We are unable to confirm what specific consideration was given to the impact on children and young people of extending the CTL, either during any CJSSC meetings or any other meetings the CPS may have attended relating to CTLs.
105. The decision to introduce the 2020 Regulations and 2021 Regulations was solely a matter for the government and Parliament. The CPS worked at pace to role out gateways and updated CTL Calculators to ensure that our prosecutors were applying the correct framework.
106. At the start of the pandemic and up to the end of November 2021, the Operational Assurance team were responsible for undertaking a weekly manual count of cases from CMS, which were subject to a CTL and had a trial date. The data initially combined adult and youth data, but from June 2020, so that the relevant cases could be expedited, the data was separated into adult and youth cases. The data was then shared with HMCTS. From December 2021, the reporting moved to fortnightly and continued up to the end of March 2022.
107. The CPS do not hold extracted data on the number of Defendants who had their CTL extended under the 2020 Regulations or 2021 Regulations. In line with the COVID retention guidelines, we have maintained the records compiled during this regular

reporting, however this does not break down into the requested categories and would not address which trials were held and what CTLs were extended.

108. To provide the Inquiry with the breakdown of CTL data, the CPS would need to manually check every CTL case listed on the 65 reports created throughout the two-year period. The total number of cases is currently unknown and would be significantly resource intensive. There would also be no guarantee that all of the requested information could be obtained.

Part G: Youth Court Proceedings

109. Cases involving children are treated as a priority by the CPS. During the initial stages of the pandemic the CPS prioritised remand cases. All other matters were adjourned (effectively) until the courts could be made safe. This included Youth Cases except for those who were arrested and held in custody to appear at court the next available day. There was no specific additional national CPS guidance setting out how to approach the prioritisation of cases beyond that contained in the Interim CPS Charging Protocol. Whilst the CPS can prioritise charging decisions, the subsequent listing of those cases once charged, and the progression of them through the courts and CJS is a matter for the judiciary, as discussed further below.
110. Once courts were made “covid safe” including observing social distancing and doing shorter lists, Youth Courts formed part of the first tranche of priority work once the courts were restored.
111. The HMCTS Note on listing in Magistrates’ Courts – COVID-19 refers to the Criminal Practice Direction on Listing (CrimPD XIII.A.1, which is exhibited as NP/43 [INQ000650468]) made clear that listing is a judicial responsibility and function. The note states that for day-to-day operations, the heads of Legal Operations would follow the guidance in the note and any local directions given by Presiding Judges of the Circuit. It then sets out a list of Priorities (Priority 1-3) which were given priority and in what order. Other than custody cases and certain other priority cases, youth cases were within Priority 2, which included any sensitive or high-profile cases and cases involving children and vulnerable witnesses and victims, and any serious and time-sensitive Youth Cases (e.g. where delay might mean a relevant age-threshold was crossed).
112. Representatives from the CPS attended the National Youth Court Working Group chaired by Mr Justice William Davis. The terms of reference (exhibited as NP/44 [INQ000576159]) stated that the agreed aims included understanding the volume and profile of cases, where backlogs might be, and identify options to increase volume; develop criteria for prioritising cases, minimising unnecessary child appearances at court, understanding operational impacts on each agency and working to mitigate operational impacts. Mr Justice Davis emphasised the need for a clear and consistent approach to prioritising the listing of youth cases in custody, on a national and regional level.
113. The CPS were members of the Technology Enabled Justice silver group, which was leading work across criminal justice agencies to ensure the best use of video hearings by all agencies. HMCTS’s initial priority during the pandemic was to deliver the CVP as a national solution for magistrates’ courts, and in particular to facilitate overnight remand hearings, which would have included youth cases and the youth court.
114. Existing internal groups continued to meet throughout the specified period. One such group was the Magistrates’ Court Working Group (“MCWG”), which took place monthly and was attended by legal managers of various levels of seniority from CPS Areas,

including representatives from the Operations Directorate. The group regularly discussed the impact of Covid-19 on the magistrates' court as well as the recovery response across the country.

115. At a meeting on 28 July 2020, the representative from CPS East Midlands conveyed concerns which had been expressed that youth defendants were not taking proceedings as seriously when parties appeared remotely. The minutes of that meeting are exhibited as NP/45 [INQ000650458].
116. As the backlog reduced, discussions took place at the MCWG about the fact that youth disposal rates were higher than receipt rate. This refers to the fact that cases were being progressed through the CJS at a higher rate than new cases were being received from the police.
117. The CPS ensured that prosecutors had the equipment and knowledge required for video hearings by enabling web cameras on over 1,000 frontline prosecutors' laptops and authorising the use of prosecutors' personal devices for court appearance as an interim measure, whilst this work was underway. The CPS increased network capacity to ensure our infrastructure supports increased video traffic and provided additional equipment to prosecutors working remotely, such as the provision of second screens.
118. To further support the use of virtual hearings, the CPS published a video hearing toolkit, established an internal network of practitioners with daily calls to share best practice, and disseminate training.
119. The CPS hold data on Defendants aged 17 and under however this does not indicate whether these defendants were prosecuted in a youth court. A youth may be prosecuted in an adult court if a co-defendant is an adult. The CPS would refer the Inquiry to HMCTS and the MoJ for figures on the number of Defendants prosecuted in youth courts.
120. The data on cracked, ineffective, vacated and effective trials is collated by HMCTS. The CPS do not hold the requested data on these queries.

Part H: Crown Court Proceedings

121. The CPS engagement with HMCTS on the prioritisation of youth Defendants during the specified period was undertaken primarily at a local level. The practice of local meetings varied across the CPS at which delays were discussed during this period, and this would include any concerns regarding timeliness of listing or court closures to ensure minimising delay wherever possible to vulnerable people including children.
122. An example of this can be seen in the North West, where during the Specified Period an internal note entitled "Review Process for CTL and Priority 2 Trials" (Guidance for MCU Lawyers on MRT and Advocates covering MRT work, which is exhibited as NP/46 [INQ000650459]) referred to the fact that they were preparing to prosecute custody trials and priority 2 trials listed for trial w/c 4 May 2020 onwards. This guidance states that Priority 2 cases are cases involving vulnerable victims, which are DA cases in the main and youth cases. The note refers to contact with legal advisors in HMCTS who were at the time reviewing these categories of work and managing across the area and were in contact with CPS and defence to robustly manage the cases.
123. The CPS holds data on defendants aged 17 and under which includes those proceedings completed at the Crown Court, including defendants flagged with the Coronavirus Offences monitoring flag. This information can be provided if required however we cannot provide a breakdown of this data as requested, in relation to who

had effective, ineffective and adjourned trials. The CPS would recommend that the Inquiry request this from HMCTS, who collate this data. HMCTS and MoJ hold the system of record regarding court proceedings.

Part I: CPS Caseloads

124. The CPS hold data showing prosecution caseload in Magistrates' Courts and at the Crown Court as a count of finalised defendants. The data can be broken down for each of the periods requested.

125. In relation to CPS Caseloads in the Magistrates Court, I provide the following information:

Overarching MC Cases	2019-20	April 2020 - June 2022	July 2022 - Sept 2024
Casework Divisions	229	307	610
Cymru Wales	27,039	52,815	50,449
Eastern	27,761	55,154	53,701
East Midlands	33,137	65,750	74,083
London North	32,625	67,646	57,768
London South	28,430	57,205	50,065
Merseyside & Cheshire	23,509	46,597	50,297
North East	20,606	43,602	43,006
North West	30,252	60,318	73,369
South East	19,750	43,062	46,448
South West	21,133	42,586	45,586
Thames and Chiltern	21,479	41,814	42,393
Wessex	21,297	37,246	39,694
West Midlands	42,166	71,089	71,207
Yorkshire & Humberside	39,596	82,881	88,421
Total	389,009	768,072	787,097

Offence Type	2019-20	April 2020 - June 2022	July 2022 - Sept 2024
A Homicide	32	102	92
B Offences Against The Person	91,956	185,008	172,939
C Sexual Offences	4,296	8,726	12,468
D Burglary	5,657	10,035	11,945
E Robbery	1,437	2,823	2,770

F Theft And Handling	53,315	74,569	94,585
G Fraud And Forgery	5,806	6,843	6,116
H Criminal Damage	17,119	33,693	30,788
I Drugs Offences	35,143	68,494	66,738
J Public Order Offences	35,101	66,718	64,869
K All Other Offences (excluding Motoring)	5,936	13,976	15,762
L Motoring Offences	100,533	223,585	228,853
Other - no category allocated	32,678	73,500	79,172
Total	389,009	768,072	787,097

Gender	2019-20	April 2020 - June 2022	July 2022 - Sept 2024
Female	59,593	112,775	120,805
Male	326,791	648,893	658,133
Unknown	2,625	6,404	8,159
Total	389,009	768,072	787,097

Age	2019-20	April 2020 - June 2022	July 2022 - Sept 2024
10-13	1,748	2,435	3,019
14-17	22,224	39,276	39,272
18-24	69,641	133,639	119,855
25-59	281,411	564,000	590,510
60-69	8,599	18,301	22,875
70-79	2,154	4,427	5,370
80+	643	660	887
Not Provided	2,589	5,334	5,309
Total	389,009	768,072	787,097

Ethnicity	2019-20	April 2020 - June 2022	July 2022 - Sept 2024
A1 - Indian	3,505	6,951	7,602
A2 - Pakistani	5,817	11,894	13,377
A3 - Bangladeshi	2,370	4,586	3,153
A4 - Chinese	0	386	581
A9 - Any Other Asian Background	5,253	10,954	9,598
B1 - Caribbean	7,761	13,580	10,389
B2 - African	8,722	16,897	14,552
B9 - Any Other Black Background	7,801	15,812	12,113
M1 - White and Black Caribbean	4,149	7,600	7,423
M2 - White and Black African	911	1,949	2,024
M3 - White and Asian	754	1,678	2,024
M9 - Any Other Mixed Background	2,414	5,302	6,069
NP - Not Provided	50,584	93,878	81,455
NS - Not Stated	61,527	118,425	123,018
O1 - Chinese	288	190	0
O2 - Arab	0	33	288
O9 - Any Other Ethnic Group	3,714	8,894	8,687
W1 - British	199,767	400,528	438,700
W2 - Irish	2,901	5,563	5,508
W3 - Gypsy or Irish Traveller	0	6	66
W9 - Any Other White Background	20,771	42,966	40,470
Total	389,009	768,072	787,097
Total amount of cases	2019-20	April 2020 - June 2022	July 2022 – Sept 2024
Not Flagged Coronavirus Offences	389,006	761,781	786,857
Flagged Coronavirus Offences	3	6,291	240
Total	389,009	768,072	787,097

126. In relation to CPS Caseloads in the Crown Court, I provide the following information:

Overarching CC cases	2019-20	April 2020 - June 2022	July 2022 - Sept 2024
Casework Divisions	1,065	1,052	1,596
Cymru Wales	3,749	7,346	8,461
Eastern	3,774	8,798	10,944
East Midlands	4,670	9,309	11,891
London North	5,520	12,804	16,709
London South	4,678	9,870	12,880
Merseyside & Cheshire	3,256	7,083	7,968
North East	3,392	6,890	7,428
North West	5,554	11,528	14,829
South East	3,729	7,854	9,826
South West	3,320	6,769	7,014
Thames and Chiltern	3,430	7,260	8,665
Wessex	3,070	6,051	6,310
West Midlands	6,454	11,576	14,274
Yorkshire & Humberside	6,376	14,774	16,054
Total	62,037	128,964	154,849

Offence Type	2019-20	April 2020 - June 2022	July 2022 - Sept 2024
A Homicide	1,213	2,651	3,091
B Offences Against The Person	17,863	39,923	52,862
C Sexual Offences	6,227	13,755	19,025
D Burglary	5,353	9,186	9,071
E Robbery	3,273	5,720	6,285
F Theft And Handling	2,620	4,765	5,002
G Fraud And Forgery	5,183	8,393	9,029
H Criminal Damage	1,110	2,352	2,839
I Drugs Offences	10,643	25,212	30,480
J Public Order Offences	3,886	7,609	7,597
K All Other Offences (excluding Motoring)	2,625	4,939	4,836
L Motoring Offences	1,315	2,895	2,684
Other - no category allocated	726	1,564	2,048

Total	62,037	128,964	154,849
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Gender	2019-20	April 2020 - June 2022	July 2022 - Sept 2024
Female	6,022	12,399	14,189
Male	55,836	116,147	140,047
Unknown	179	418	613
Total	62,037	128,964	154,849

Age	2019-20	April 2020 - June 2022	July 2022 - Sept 2024
10-13	27	35	45
14-17	1,962	3,717	3,649
18-24	15,909	32,174	36,112
25-59	41,716	88,374	108,950
60-69	1,509	3,037	4,005
70-79	502	1,035	1,344
80+	134	226	290
Not Provided	278	366	454
Total	62,037	128,964	154,849

Ethnicity	2019-20	April 2020 - June 2022	July 2022 - Sept 2024
A1 - Indian	471	937	1,298
A2 - Pakistani	1,334	2,512	4,124
A3 - Bangladeshi	518	1,017	1,395
A4 - Chinese	0	122	277
A9 - Any Other Asian Background	1,035	2,233	3,010
B1 - Caribbean	1,926	3,756	4,204
B2 - African	1,850	4,000	4,722
B9 - Any Other Black Background	1,862	3,981	4,949
M1 - White and Black Caribbean	935	1,732	2,272
M2 - White and Black African	190	429	590
M3 - White and Asian	122	338	550
M9 - Any Other Mixed Background	498	1,045	1,494
NP - Not Provided	6,364	12,522	12,768
NS - Not Stated	12,838	27,341	24,442

O1 - Chinese	123	68	0
O2 - Arab	0	10	72
O9 - Any Other Ethnic Group	717	1,762	2,664
W1 - British	27,773	57,461	76,077
W2 - Irish	424	896	1,062
W3 - Gypsy or Irish Traveller	0	6	7
W9 - Any Other White Background	3,057	6,796	8,872
Total	62,037	128,964	154,849

Total amount of cases	2019-20	April 2020 - June 2022	July 2022 - Sept 2024
Not Flagged Coronavirus Offences	62,037	128,455	154,767
Flagged Coronavirus Offences	0	509	82
Total	62,037	128,964	154,849

127. No data is held by the CPS within CMS indicating whether a Defendant was remanded or on bail, the socio-economic background of Defendants or whether a child or young person was a "looked after child".

Part I: Children and Young People as witnesses

128. Witness status flags' are applied to the data entry for a witness, viewable on our case management system. This includes a witness status flag for a child which would alert the prosecutor reviewing that file that the witness is a child, in addition to their date of birth or age on the face of their evidence. Where the victim is a child, the CPS would apply a "vulnerable/intimidated" victim monitoring flag to the case, as our flagging definition for a vulnerable victim includes all children. Again, this draws the prosecutor's attention to special considerations in relation to the victim and this monitoring flag is searchable for assurance and monitoring purposes, though it would also be applied to many cases with vulnerable adult witnesses. It would be standard practice to draw the age of a victim or witness to the court's attention in a case management hearing when listing a trial.
129. The CPS are party to a National Protocol, which is between the National Police Chiefs' Council, and HMCTS to expedite cases involving witnesses under 10 years of age. This was applicable during the specified period. Under this protocol, cases submitted for a charging decision should be identified as falling under its scope.
130. The DPP Max Hill KC signed on the 7th of April 2020 a Coronavirus Crisis Protocol for the Effective Handling of Custody Time Limit Cases in the Magistrates and the Crown Court, which is exhibited as NP/47 [INQ000650447]. This Protocol was between the Senior Presiding Judge, HMCTS and the CPS. This set out a temporary framework for the handling of CTL cases. The protocol stated that in listing trials, priority usually should be given to CTL trials over cases in which Defendants are on bail, save for exceptional cases such as those involving a young witness under the age of 10.

131. Under this protocol, and in line with our Legal Guidance, the CPS would always prioritise cases that involved children and young people as complainants or witnesses. The communication with HMCTS during the Specified Period would have incorporated the need to expedite priority cases, and this occurred at local and national level.
132. The CPS does not hold any data showing the number of cases where children or young people provided evidence at court, cases heard at court, cases adjourned, the reason for an adjournment or the length of time after an adjournment the case was relisted at court.
133. The CPS do hold very limited and incomplete data extracted from the Witness Management System (WMS), used by police administrative staff, showing the number of victims and witnesses by age banding, including those aged 17 and under. The data can be extracted for all offences and by the monitoring flag for Coronavirus Offences.
134. The data is incomplete, in that not every prosecution is channelled through a Witness Care Unit nor is the WMS used by every police force. Information on protected characteristics, such as age, is only recorded if it is known. No information is recorded as to whether a victim or a witness actually gave evidence. The CPS is not responsible for the quality of the data entered into and produced from the WMS; we only have access to this system.

Part J: Lessons learned

135. The CPS has not undertaken a review of the processes in place during the Specified Period which relates to children and young people. The principles and policies in place are all clear on the need to prioritise cases with either youth suspects or defendants, or children and young people who are complainants or witnesses. The national protocol signed by the DPP confirmed that these priority cases would be expedited by HMTCS.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

Signed:

Personal Data

Dated: 30 July 2025