

Attendees	
Gregor McGill (Co-chair), Crown Prosecution Service	Amanda Pinto QC, Bar Council
Nick Ephgrave (Co-Chair), MET police	Richard Chown, Ministry of Justice
Kate Anderson, Crown Prosecution Service	Kerry Hudson, LCCSA
Jeremy Burton, Surrey police	Benjamin Holden, FCA
David Tucker, College of Policing	Daniel Bonich, CLSA
Richard Atkinson, Criminal Law Committee	Ceri Hopewell, SFO
Ian Kelcey, Law Society	Charles Dunbavand, HMRC
Janet Arkininstall, Law Society	Asia Schuler – note taker
Apologies	
Allison Hunter QC, Criminal Bar Association	Matthew Grist, Ministry of Justice
District Judge Karim Ezzat, Chief Magistrates office	Stella Curran, Home Office
Joanna Fiddian, HMCTS	Brendan Foreman, National Crime Agency
Mary Aspinall-Miles, Criminal Bar Association	Martin Huxley, National Crime Agency
Dominic Alexander, HMRC	Alyson Sprawson, Senior Presiding Judge office
Nick Sharp, HMRC	Isabel Wooton, Attorney General's Office

1. Welcomes and Introductions

The co-chairs, Gregor McGill, Director of Legal Services and Assistant Commissioner Nick Ephgrave welcomed members to the National Disclosure forum. The Forum in turn introduced themselves and the agency/department they were representing.

2. Magnet

Kerry Hudson outlined concerns raised by the defence community on the software pilot of Magnet.

Nick Ephgrave explained that there were currently three pilots running in parallel, one in the MPS one in, West Midlands and one with Surrey police, each looking at a slightly different product. In the KMPS, the product under test is called magnet. The software assists officers in searching for and organising electronic data and presenting it in chronological order (such as phone conversations).

The pilots were still in early days so there is not yet an indication of which software is the most promising.

Reassurance was given that any agreed software was not for the intended use of hiding material from the defence but would be able to help construct unused material and produce a report. A discussion was held on potential risks of Magnet including sharing of information, how material will be presented between the prosecution and defence, and the amount of reports produced and agreeing guidance across all forces.

The Forum agreed it would be useful to keep abreast of the pilot and awareness of the software.

ACTION: Contact Mark Gray, CPS Director of Digital Transformation, to enquire a facilitated presentation of the Magnet software for the NDIP National Disclosure Forum.

3. Rebuttable presumptions

Kate Anderson provided an update on behalf of the AGO. As part of the AGO review they will look at categories of material which will meet the disclosure test as part of rebuttable presumptions. Prior to consulting more widely with stakeholders in the summer, they will seek early comments from the Forum.

Nick Ephgrave raised a linked issue regarding the ability of forces currently to reliably redact material and how this might prevent the widespread introduction of a rebuttable presumption. To address this, the NDIP National Disclosure Delivery Board has commissioned a landscape review identifying no technological solution to assist in the redaction function. A team are currently looking at software to resolve this and therefore reducing associated risks with rebuttable presumptions.

4. Pre-charge disclosure engagement

The Forum discussed the work done so far to devise a suitable engagement process for both prosecution and defence but have encountered some difficulties.

It was agreed the Forum could suggest demonstrative examples of when pre-charge engagement is beneficial as representations to showcase its benefits. The Forum agreed the original working group would reconvene to progress this piece of work and report back to the next meeting.

ACTION: Pre-charge engagement working group to meet and report back at June's NDIP Forum.

A discussion was held on if CPS prosecutors should make contact with defence solicitors prior to a charge being made to explore reasonable lines of enquiry. It was acknowledged allocated prosecutors and defence may not always be identifiable at this stage although the CPS are committed to allocating cases. If Forum members experienced any difficulty in contacting prosecutors, this should be escalated to Gregor McGill.

Kate Anderson advised this issue will be taken forward with AGO through the AG guidelines but it was useful for the working group to convene prior in addition.

5. AOB

The issue of bail and being released under investigation was discussed. Nick Ephgrave advised guidance has been issued to all police forces.

ACTION: Secretariat to circulate police guidance on bail to NDIP Forum members.

The Forum discussed frequency of meetings and agreed to host meetings bi-monthly. The next meeting would be scheduled in June and have an update on the AG's review.

Nick Ephgrave updated the Forum on NDIP Phase 2. A joint progress report with CPS, NPCC and CofP will be announced shortly.

The meeting ended.