

Crown Prosecution Service



CPS 2020 ADVOCACY STRATEGY

DELIVERING JUSTICE

CPS 2020 advocacy strategy

The Director's statement



The advocate's role is central to the work of the CPS and is inextricably linked with the priorities we agreed for each of the four pillars of [CPS 2020](#).

This strategy builds on our in-house advocacy capability, providing clearer career progression paths, underpinned by opportunities to develop new skills in both magistrates' and higher courts. It also provides a progressive basis on which to attract and recruit new talent. At the same time it recognises the need for strong and effective relationships with external advocacy providers and stakeholders, built on clear expectations and mutual understanding.

Our advocates play an invaluable part in delivering justice at court; through their communication with the defence, their decision making, support to victims and witnesses and assistance to Benches and Judges. Recognising their expertise, skill and dedication, this strategy outlines our commitment to delivering high quality, cost effective advocacy across the board.

Alison Saunders CB, Director of Public Prosecutions

INTRODUCTION

This strategy relates to all advocacy undertaken by the CPS. It describes our priorities and the principles we will be guided by.

Advocacy is a key function of our work. It is delivered by our own internal advocates, agent prosecutors or members of the self-employed Bar, representing the Crown. Every advocate plays an important role, and every advocate can make a positive difference in every hearing.

Instructing the right advocate for the right case underpins how we sustainably provide flexible, resilient and high quality advocacy, which delivers the best service for victims and witnesses and value for money. This strategy focuses on supporting and mentoring advocates and creating opportunities for career progression. This ensures that we nurture the development of high calibre advocates at all levels and that informed and effective succession plans are in place.

The strategy allows crown advocates to undertake the most complex magistrates' and youth courts cases as well as Crown Court work. We will explore opportunities for senior crown prosecutors (SCPs), with Higher Court rights of audience to appear as advocates in the Crown Court for certain case types. Maintaining effective partnerships with external providers and stakeholders is fundamental to the success of this strategy.

The principles set out here will guide the development of advocacy across the CPS. Its implementation will be governed by local business need.

The strategy is supported by a delivery plan and guide to advocate deployment which will include the advocate progression framework.

PRINCIPLES

We will deploy internal advocates, members of the self-employed Bar and solicitor agents in magistrates' courts, youth courts and the higher courts in accordance with three principles:

1. We will instruct the right advocate for the right case.
2. We will develop, support and mentor advocates, providing opportunities for career progression.
3. We will maintain effective partnerships with external providers and stakeholders.

1. We will instruct the right advocate for the right case

- The right advocate for the right case will be instructed to ensure we deliver justice through flexible, resilient and sustainable advocacy services, which create quality, value and the best service for victims and witnesses.
- All in-house and external advocates will deliver high quality advocacy.
- Advocacy managers will liaise with advocates to ensure effective allocation of cases, people to courts and time for case preparation.
- CPS advocates will be deployed as follows:
 - Legal trainees will continue to play a role in magistrates' courts and be encouraged and supported in accordance with their professional training plan. The Prosecutor Pathway Scheme, which incorporates the existing Legal Trainee Scheme, will provide the CPS with a larger number of qualified prosecutors who have the skills required by the business.
 - Associate prosecutors (APs) will continue in their current role for the immediate future. Court reform proposes changes in the way that criminal business is conducted and will impact on the AP role. As a result of these changes, we will review, and consult on, the future role for APs.
 - Crown prosecutors will conduct guilty anticipated plea (GAP), remand and trial courts in magistrates' courts. We will expand their role to include review and decision making (including discontinuance) in all cases including not guilty anticipated plea (NGAP) cases. Full training and support will be provided where required and appropriate.
 - Senior crown prosecutors (SCPs) will conduct some cases from the outset (charging) to conclusion. They will review, manage and make decisions in NGAP cases, conducting both contested and non-contested cases in magistrates' courts.

To further develop SCP advocacy skills we will consider their deployment in the Crown Court to conduct committals for sentence and appeals against conviction and sentence, where they have higher rights of audience.

- Crown advocates (CAs) will undertake the full range of review and advocacy work, including ownership of some cases from charge to trial.

In the Crown Court they will undertake trials, plea and other hearings including trial preparation hearings (PTPH) and will be supported and trained to undertake review work in serious and complex matters where there is a business need.

Where appropriate they will also conduct the most complex magistrates' court or youth court trials.

- Specialist (SPs) and senior specialist prosecutors (SSPs) advocacy roles in casework divisions and proceeds of crime will vary depending on the team, but generally, they will conduct magistrates' court advocacy and any preliminary hearings in the Crown

Court. Those SPs and SSPs with higher court rights may exercise these rights, where appropriate, in trial preparation, case management, appeal and extradition hearings.

- Senior crown advocates (SCAs) will review and take ownership of some complex cases from charge to trial. They will undertake advocacy in more serious Crown Court cases, continue to have a role in appeals and review unit work, and provide training and mentoring to other advocates.
 - Principal crown advocates (PCAs) will undertake advocacy in our most complex cases across Areas and casework divisions. Where appropriate, they will take ownership of cases from charge to trial. This provides a varied caseload which will develop their skills and knowledge. They will train and mentor reviewing lawyers and other advocates, provide leadership in advocacy and hold thematic expertise. We will put in place a structure that allows the most effective instruction of PCAs on a regional basis, ensuring that their experience and ability is available across a number of Areas.
- Advocates will progress cases and make decisions in accordance with the Code for Crown Prosecutors, the requirements of the Criminal Procedure Rules and the principles which underpin Transforming Summary Justice and Better Case Management.
 - All advocates will follow the Bar and Law Society standards, the National Standards of Advocacy, CPS Advocacy Principles and the Farquharson guidelines.
 - There will be effective clerking arrangements in each Area, with clerks appropriately trained, supported and developed.
 - Each Area will develop an annual Area advocacy plan, to support delivery of the advocacy strategy. There will be a consistent approach with the focus on quality, as well as efficiency.
 - Best practice will be shared across Areas to ensure consistency, quality and continuous improvement.

2. We will develop, support and mentor advocates, providing opportunities for career progression

- Every in-house advocate will have a development plan and performance will be regularly reviewed through Individual Quality Assessments (IQA), their Personal Development Review (PDR) and advocacy assessments.
- Advocates will cover a mix of cases which will include appropriately challenging and stimulating work. Talent will be identified and nurtured through development opportunities, providing those with potential for progression with the skills they need to do so.
- Development opportunities in complex casework will be made available – where this is possible and business needs allow – enhancing the experience of advocates and providing a direction for development into specialist areas of advocacy.
- Short term secondments for internal advocates to the self-employed Bar will be explored to further enhance advocacy skills. We will continue to support short term secondments between the self-employed Bar and the CPS.
- We will assess our future requirements and support QC sponsorship applications for suitably experienced prosecutors, where there is a business need for doing so.
- There will be annual advocacy conferences covering all areas of advocacy, including magistrates' court advocacy.
- We will provide high quality training to all our advocates. To support this, a fundamental review of the current advocacy training and assessment process (including training of Crown advocates) will be completed to ensure it is fit for purpose.
- We will increase the number of legal trainees including through greater opportunities for our own staff. The expanded Legal Trainee Scheme will provide a larger number of qualified prosecutors who have the skills required by the business.
- We will determine our requirement for PCAs, SCAs and CAs in line with our business needs and appointments will be made to these posts in accordance with our recruitment policy. We will assess and simplify our selection and training processes for CAs.
- Advocates will continue to work digitally and make use of new technologies wherever possible.

3. We will maintain effective partnerships with external providers and stakeholders

- We will continue to engage with our external partners and stakeholders to ensure our advocacy is always of the highest quality.
- The advocate panels will be maintained and refreshed at regular intervals.
- All panel members will agree to act in accordance with the advocate panel members' commitment, CPS equality and diversity policies and the obligations of their own professional body.
- We will consider extending the advocate panel members' commitment to agent prosecutors as an addition to the magistrates' court service level agreement.
- We will continue to support external advocacy assessments.
- We will continue to liaise and collaborate with HMCTS and other stakeholders – at national and local levels – regarding the vital link between advocacy and work in magistrates' courts and the Crown Court.
- We will maintain regular and effective engagement with the Judiciary and the external Bar in relation to all advocacy matters.
- The Joint Advocate Selection Committee (JASC) will continue to manage formal performance issues in relation to external advocates.
- We will continue to provide oversight of – and maintain the CPS schemes for payments to – external advocates, ensuring that the best value is achieved.
- We will extend the short term secondments between the self-employed Bar and the CPS to provide mentoring opportunities and further enhance advocacy skills.
- The external Prosecution College will be further developed, ensuring that key information, policy and learning material is available to external advocates in a single and accessible location.