



National Disclosure Improvement Plan

Phase Three

Review

Reflect

Refresh



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Foreword

“Disclosure is a vital part of every investigation and the preparation of every case for prosecution and trial.”

The opening line of the last phase of the National Disclosure Improvement Plan (NDIP) remains as relevant and significant now as it was back in 2018. In the three years since the launch of the National Disclosure Improvement Plan, we have seen a continued commitment to joint improvement from the Police, the CPS, and the College of Policing at both a strategic and an operational level. Working together is the only way to deliver lasting improvements and embed the cultural changes required to get disclosure right.

In March we published the outcome of the [Second Phase of NDIP](#) and outlined the actions which have been taken over the last two years.

Whilst we have seen many improvements to the way disclosure is managed, especially by specialist teams and units, the findings in the recent Her Majesty’s CPS Inspectorate (HMCSI) reports on disclosure remind us that areas remain where we need to do more.

The actions and activity in this third phase of the improvement plan will focus on the volume investigations and prosecutions that make up the vast proportion of our work in the Magistrates’ and Crown Courts.

This phase will also build on the good work delivered under previous phases of this joint plan, to sustain improvements through the consolidation of, and compliance with, the new disclosure guidance and regimes – particularly those recently introduced by the Attorney General.

The approach to successfully meet the challenges remains clear – joint and closer collaboration is key in ensuring that the lasting changes required to improve are made.



Nick Ephgrave
National Police Chiefs’ Council



Bernie O’Reilly
College of Policing



Max Hill
Crown Prosecution Service

Background

The National Disclosure Improvement Plan (NDIP) initially established a Joint National Disclosure Improvement Board. Over the last three years the scope and remit of this Board has expanded to incorporate joint work on Rape and Serious Sexual Offences (RASSO) and case progression.

With this expanded remit the Board has refreshed its vision, now recreating itself as a Joint Operational Improvement Board (JOIB). In this new format the JOIB provides the oversight and direction for the joint plans to improve RASSO, case progression and disclosure. This unique position allows the JOIB to focus on specific issues, utilising one or more of the improvement plans to deliver the changes required.

NDIP remains the definitive joint plan to improve the way we handle disclosure, with this third phase building on the foundations previously laid. This, along with the changes made to the Attorney General's Guidelines, has provided the tools and framework needed to bring about improvements in the way we handle disclosure.

Whilst the recent reports by HMCPSI on the handling of disclosure have generally found improved compliance with the *process* of disclosure by both investigators and prosecutors, recommendations have been made to **ensure sustained improvements** to the quality of disclosure work – especially in volume casework. Implementing these recommendations and embedding the changes made by the Attorney General's Guidelines, supported by the 6th Edition of the Director's Guidance on Charging (DG6), will be a key aspect of this phase of the plan.

The development of the key themes and priorities for this phase has been led by our frontline prosecutors and investigators who have been involved in the operational delivery of NDIP I and II to ensure that its focus reflects, and addresses, the operational context in which it operates.

Themes and areas of focus for NDIP Phase Three

This phase of NDIP will focus upon embedding the changes which have been developed utilising the tools and frameworks now in place, rather than developing new solutions. It will focus upon **three overarching themes**:

Review: Ensuring that what is in place is working effectively; assessing and identifying areas where further improvement activity is required to bring about changes; identifying good practice and, where appropriate, developing this nationally.

Reflect: Ensuring that the good work developed under NDIP I and II is embedded in our daily working practices; using data insights and performance tools to improve compliance with the new regimes.

Refresh: Ensuring training and guidance remains up to date; where further improvement activity is necessary, develop specific actions to deliver the changes required.

The key **areas of focus** will be on improving communication, promoting closer working and delivering continued improvement.

Communication: Actions to promote effective communication between investigators and prosecutors, within and between our respective organisations, within disclosure networks and with key stakeholders.

Collaboration: Actions to improve how we can jointly improve the quality of investigations, prosecution reviews and action plans, promoting a thinking approach to disclosure by investigators and prosecutors alongside developing effective case analysis and case theory.

Continuous Improvement: Actions that allow good practice as well as issues and challenges to be identified, promoted and shared to inform wider improvements. Ensuring that what is working well locally can be identified and shared nationally.

There is overlap across these three areas and many of the actions and improvement activities will apply equally and have an impact in other areas of focus.

Communication

Effective communication between the investigator and prosecutor is central to improving the quality of our decision making and casework. It allows for disclosure issues to be raised early and managed proactively. Effective communication is required within our teams to develop a learning culture.

Improving how we communicate is a key area of focus for the plan. It provides a strong foundation for the successful implementation of the operational improvements required.

The increasing complexity and scope of investigations, the corresponding amount of material to be reviewed and the changes brought about by the Attorney General's Guidelines on Disclosure, are all changing the way cases are progressed. Effective communication is crucial in ensuring that the issues in the case can be identified, lines of enquiry are understood and clear actions plans are agreed.

For volume cases in the Magistrates' and Crown Court that are not dealt with by a specialist unit, the method of communication between the Police and the CPS is often the digital exchange of documentation and information. There is little, if any, opportunity for direct dialogue.

The benefits of early engagement and direct communication are readily apparent. This plan intends to encourage that approach wherever possible. The way in which the Police, CPS and College have adapted and developed video conferencing over the period of the pandemic represents a real opportunity to translate this way of working into our volume casework.

Effective communication requires mechanisms within our organisations to explain, appraise and feedback to each other. The same applies equally with our stakeholders. NDIP I and II provided the structures and tools to promote engagement with the Judiciary, the Criminal Bar and the defence community. Given the significant roles they each occupy in the disclosure process, effective and ongoing communication with these parties is a continuing feature of NDIP.

New and ongoing improvement activity:

In order to promote and encourage direct communication between prosecutor and investigator, we will review current working practices when multiple action plans are set without a decision to charge, to improve communication at this critical stage in a case. **(Review, Refresh)**

To expand upon the use of video conferencing platforms, we will identify opportunities to facilitate and promote early and direct engagement between investigators and prosecutors on suitable Magistrates' and Crown Court cases. **(Review, Refresh)**

We will continue to promote engagement with key stakeholders through the National and Regional Disclosure Forums, especially in relation to the expansion in the use of Disclosure Management Documents (DMDs) in Crown Court and Magistrates' Court cases. **(Review / Reflect)**

We will assess the effectiveness of national, regional and local structures which provide Police and CPS with a forum to feedback, discuss and deliver improvements in disclosure. **(Review / Refresh)**

More widely, we will commence work to explore the barriers to communication that will inform future work to improve communication including looking at the Behavioural Science that impacts on communication between investigators and prosecutors. **(Review / Refresh)**

Collaboration

NDIP has always recognised the interdependencies between our organisations. Only by working together to collectively overcome obstacles will we deliver sustainable change.

Collaboration between our organisations, both nationally and locally, has been the catalyst for many of the improvements under NDIP to date. Continued joint working will be even more important as we embed the changes in the Attorney General's Guidelines.

The HMCPSI reports recognise that, notwithstanding the initiatives in place under NDIP, the quality of the submissions from the Police and the initial CPS reviews require further improvement. This is a key area of focus for this phase of NDIP.

Alongside the revised CPIA Codes of Practice and DG6, the introduction of the Attorney General's Guidelines on Disclosure on 31 December 2020 heralds a significant shift in the way that investigators provide material to prosecutors and how we approach disclosure. The overriding objective of the changes is to ensure disclosure issues are identified and addressed as early as possible. Successfully implementing and embedding the changes will require the joint commitment of the CPS, Police and the College of Policing.

The actions under NDIP I and II have seen real improvements in the way our specialist teams and units handle disclosure. This phase will seek to replicate activity that has brought those improvements and translate them, wherever possible, to our volume and priority investigations and casework.

New and ongoing improvement activity:

We will deliver a series of disclosure focussed National Workshops to Legal Managers, Police Supervisors and Disclosure Champions to promote and develop proactive disclosure in volume crime. This will help to enhance the training in place around the Investigative Management Document (IMD), reasonable lines of enquiry, DMDs and embed the importance of developing case theory, identifying issues and maintaining a thinking approach. ***(Reflect / Refresh)***

We will ensure that existing guidance and toolkits are regularly updated and reflect recent changes, including the introduction of the Attorney General's Guidelines. ***(Review / Refresh)***

We will monitor and support the successful implementation of the Attorney General's Guidelines on Disclosure. ***(Review / Reflect / Refresh)***

We will showcase tools, guidance and activities which have been developed under the NDIP programme in a Joint National Disclosure Week to celebrate our achievements and share best practice. ***(Review/Refresh)***

Continuous Improvement

To deliver sustainable change we need to improve the way we share good practice, ideas and innovative approaches. We need to continually take what works well locally and share this nationally.

This area of the plan will focus on activity to ensure that the structures and relationships in place are effective in identifying and promoting good practice that allow us to individually, and collectively, continue to improve.

One of the key initiatives of NDIP has been the development of a network of Disclosure Champions within the Police and CPS. This network is utilised extensively to support local, regional and national actions in order to deliver strategic priorities. Ensuring the effectiveness of this network to deliver disclosure improvements and share good practice is a significant area of focus for this plan.

This approach acknowledges that there is much good practice that exists locally, which can provide significant operational improvements in the way that we handle disclosure. The plan intends to look to introduce actions to nurture and develop good practice so that local initiatives can be identified and shared nationally.

New and ongoing improvement activity:

We will support and enhance the use of the current networks of local Disclosure Champions, ensuring they have a clear focus on developing and sharing good practice. **(Review/Refresh)**

We will review existing disclosure assurance processes to ensure they support and oversee the development of good practice. **(Review / Refresh)**

We will develop a joint national communications strategy for NDIP to enhance awareness of good practice, both locally and nationally. **(Review / Refresh)**

We will explore digital opportunities to improve joint access to training material and guidance. **(Refresh)**

We will undertake a review of current Police Key Performance Indicators for Disclosure and consider the extent to which they provide data to accurately inform future improvement activity. **(Review/Refresh)**