

National Disclosure Improvement Plan

Progress update

Delivery of the commitments in the National Disclosure Improvement Plan

The National Disclosure Improvement Plan (NDIP) was published in January 2018, to bring together for the first time the shared commitment of our three organisations to make sustainable change to the way we exercise our duties of disclosure. The NDIP set out all of the measures proposed under one cross-organisational plan.

Collectively, we acknowledged that disclosure had been devalued within the culture of investigations. A mind-set had developed in which disclosure was viewed as a bureaucratic addendum to the investigation. Public confidence in the disclosure process was further undermined by a series of high-profile cases in which disclosure had not been done as it should and these brought into sharp focus the very serious consequences of not getting it right.

The NDIP has brought structure to our efforts to tackle disclosure performance, ensuring we are joined up and collaborative. Disclosure is the joint responsibility of the investigation and prosecution team, and none of us can begin to make substantial improvements without the close cooperation of the other. We have also had constructive engagement from across the criminal justice system, with our monthly National Disclosure Forum bringing together representatives from the independent bar, defence solicitors and the judiciary to discuss challenges and proposed solutions and we thank all those who have contributed. There is a real recognition that there has been a widespread problem with disclosure across the whole criminal justice process and a corresponding joint commitment to improvement and change.

The plan highlighted the key priorities to:

- strengthen the capacity of investigators and prosecutors in dealing with disclosure, with an emphasis on pursuing reasonable lines of enquiry, particularly in the context of significant volumes of communications and other digital material;
- improve capabilities by providing training that equips investigators to identify, review and record relevant material so that the prosecutor is able to make an informed disclosure decision;
- reinforce the messages on the “thinking approach” to disclosure by effective leadership both at the top of our organisations and by appointing disclosure champions to drive cultural change;
- ensure focused and continuous oversight and governance of the actions set out in NDIP to ensure progress and significant improvement.

We have provided regular [public updates on our progress](#) under the plan and the NDIP Board, chaired jointly by the Director of Public Prosecutions Alison Saunders and Chief Constable Nick Ephgrave, has overseen delivery of the actions on a monthly basis.

Overall progress on delivery

Significant progress has been made on implementing the 42 actions in the NDIP, with 40 actions having been delivered and the remaining 2 on track to be completed to their longer timescales. Joint CPS, College of Policing and police thematic working groups were established to focus on specific aspects of the NDIP, with each group assigned actions and recommendations that they were responsible for progressing.

Key actions included:

- implementation of the Disclosure Management Document in all rape and serious sexual assaults and other complex cases to ensure early and meaningful engagement between the prosecution and the defence;
- publication of National Standards on the quality and content of disclosure schedules and a third party material protocol and national forms and correspondence for the handling and recording of third party material;
- Regional Disclosure Conferences for police champions, training for all prosecutors and an enhanced online course for investigators.

Police forces and CPS areas have also agreed specific local improvement plans and appointed disclosure champions to act as a source of expertise and provide guidance and leadership at a local level.

Work is ongoing to deliver against the remaining actions in the NDIP. The next phase of disclosure improvements will be published later in the Autumn. This will include more comprehensive management and monitoring of disclosure performance throughout the course of the investigation and prosecution to assist in understanding whether problems have been addressed and where they continue to persist.

Key actions implemented

A full list of all of the actions under the NDIP is set out below but progress against key measures and initiatives is as follows:

Action: Develop best practice from the current CPS serious casework regime and extend this to other Crown Court cases. Disclosure Management Documents, which are routinely used in the casework divisions to identify the issues for the judiciary and the defence, will be used in all cases where there is a significant volume of material by March 2018.

Complete

It is essential that disclosure issues are addressed at the pre-charge stage where possible, particularly as to what should be considered a reasonable line of enquiry in each case. The CPS has developed best practice from the current serious casework process and adapted this to other Crown Court cases. Disclosure Management Documents are routinely used in terrorism, serious fraud and organised crime cases to identify the prosecution approach to the reasonable lines of inquiry, to digital and third party material and any other disclosure issues for the judiciary and the defence. They are now being used by the CPS in all rape and serious sexual offences (RASSO) and Complex Crown Court cases.

The updated training products from the College of Policing comprise a bespoke disclosure course that focuses on reasonable lines of enquiry and makes clear that disclosure is an integral part of an investigation from the start.

Action: Appoint CPS disclosure champions for the magistrates' court, the Crown Court and Rape and Serious Sexual Offences teams to work with those already appointed for Complex Casework Units in each Area by February 2018.

Complete

CPS Disclosure Champions have been established in all Crown Court and magistrates' court teams. These champions support Chief Crown Prosecutors to complete disclosure assurance, lead training in their Areas and drive forward the culture change in the organisation.

In addition to the CPS champions, the police have established a complementary network of champions. They are led at chief officer level in each force and work is coordinated by superintendents/chief superintendents. The College hosted a series of Regional Disclosure Events, enabling each force to nominate champions to receive updated information about the disclosure improvement initiatives and how to support their colleagues in dealing with disclosure issues in their investigations.

The champions' networks will work closely together, across organisations, helping to improve and maintain disclosure standards.

Action: Establish by March 2018 a jointly led police and prosecution-led national disclosure forum with representation from all agencies, including the judiciary and the defence community, to focus on practical action that can and should be taken to improve performance on disclosure and guard against disclosure failures.

Complete

Disclosure is a systemic issue across the whole of the criminal justice system, and there are important roles for the police, the prosecution, the defence and the court in ensuring it is done properly. We have engaged with criminal justice system stakeholders in regular meetings of the multi-agency National Disclosure Forum to ensure that improvements are working in practice. The Forum is encouraging discussion about what solutions look like for all parties involved, as well as generating feedback on the work underway to make sure we are getting it right.

These meetings include representatives from the Law Society, the Bar Council and Criminal Bar Association, defence solicitors and the judiciary and have successfully facilitated open discussions on these issues.

Action: Started work on a joint protocol to deal with the identification, handling and disclosure of third party material. This will be published by March 2018.

Complete

This Protocol draws together the agreement between the CPS and the police to use the standard correspondence and forms on a national basis regarding third party material. This includes a letter to be sent to third parties asking them to identify material they may hold, a pro-forma reply for third parties to use to respond, an index of material requested and a viewing log of the material inspected.

Action: Create national minimum standards on quality and content for the MG6 disclosure schedules. A memorandum of understanding between the police and the CPS will be published by March 2018.

Complete

A National Disclosure Standard has been published. This document contains a statement of the national standards for the completion of the MG6 schedules of unused material in the Crown Court and the Streamlined Disclosure Certificate for use in the magistrates' court and sets out the process for the provision of schedules. The Standard will be subject to annual review and can be amended to reflect any new practice.

Action: Review the current provision of disclosure training with the College of Policing and report by May 2018 with recommendations.

Deliver regional awareness workshops with the College of Policing to address disclosure issues highlighted in recent cases from March 2018.

Complete

In April, the College of Policing released new training for all forces to use. This training takes account of the ongoing and significant changes in disclosure practice as a result of the increasing use and relevance of digital media and material. In addition, the College has issued learning standards to assist forces to equip their officers with the knowledge they need to carry out their disclosure duties – the College training product supports those standards and forces are able to augment it with local training that takes account of specific criminal justice processes and working relationships in each area.

A number of events for disclosure champions were held across the country so that every police force and CPS Area has a cohort of well-informed individuals to assist colleagues to fulfil their disclosure duties. Over 800 officers from across forces attended these events.

Action: Establish a joint technology working group to explore the use of a range of digital tools to assist in the review of digital material by March 2018.

Complete

In February we established a cross-agency technology working group, with senior representatives from the CPS, Policing, Home Office, Courts & Tribunals Service and Attorney General's Office.

Group members have overseen successful delivery/progress of three major initiatives (actions 2, 4 & 7 in Annex A below), all of which are significant transformations in their own right as well as having a positive disclosure impact. Beyond that, the group's primary focus has been identifying new tools to assist with the disclosure challenge. After articulating problem statements and user requirements, the group liaised extensively across government, industry and academia to gauge the most pertinent opportunity areas.

The Group then commissioned two pilots of specific products with police forces – one an advanced search and analytics package particularly targeted at mobile phone downloads, and one an artificial intelligence tool to assist with the review of material. The pilots are designed not only to examine the individual products but also to explore the wider implications of "tools like these". Activities on both pilots are underway at the time of writing.

Progress against all of the actions is in Annex A.

Next steps

Public confidence in the system of disclosure needs to be rebuilt and this continues to be a priority for all three of our organisations, both separately and working together.


As we approach the completion of the actions under the NDIP, we are now moving into the next stage of our disclosure improvement. We are not complacent about the scale of the challenge and recognise that systemic change will require a significant investment of time and resource. The actions we have completed under the first phase of this plan mean we are well placed to make the cultural changes we know are required.

We will shortly be publishing our next phase of improvement measures in which we will reflect the Justice Select Committee's recommendations as well as a focus on ensuring that the measures we have introduced at a national level translate into improvements at a local level. We recognise that more work is needed in the magistrates' and youth courts and so we will also examine our processes and performance in these settings and develop bespoke improvement measures based on what we find.

NDIP Phase 2 will set the direction for continued progress and development in disclosure to ensure that it remains focused, relevant and is effective in bringing about lasting improvements and sustained change at a national and local level.



Nick Ephgrave
National Police Chiefs' Council



Mike Cunningham
College of Policing



Alison Saunders
Crown Prosecution Service

Annex A: Progress against the actions

Item	NDIP actions	Timescale	Status
CAPACITY			
1	We have started work on a joint protocol to deal with the identification, handling and disclosure of third party material. This will be published by March 2018.	March 2018	Complete
2	We have developed a modernised interface to sections of the CPS case management system to make it easier for all users to find, sort and classify evidential material. Rollout will commence in February 2018.	April 2018	Complete
3	We have reviewed the police HOLMES computer system to ensure it allows for the correct handling, storage and disclosure of sensitive material.	Complete	Complete
4	We have developed a business case for funding, and started design activities, for a police Digital Evidential Transfer System (DETS). This will be a single national repository for multimedia seized by the police. This is expected to begin with pilots in 2018 and be fully live nationally in 2020.	High Level Design by May 2018/Full rollout March 2020	Design complete, pilot planning ongoing, currently on track for 2020 rollout as planned
5	We will develop a joint protocol by March 2018 for the examination of digital media to include an agreement on each case between the disclosure officer and the prosecutor as to the reasonable lines of enquiry proportionate to each investigation.	March 2018	Complete A Working Group is evaluating data from the pilot before extending it to other casework types.
6	We will develop best practice from the current CPS serious casework regime and extend this to other Crown Court cases. Disclosure Management Documents, which are routinely used in the casework divisions to identify the issues for the judiciary and the defence, will be used in all cases where there is a significant volume of material by March 2018.	March 2018	Complete A Working Group is evaluating data from the pilot before extending it to other casework types.
7	We will provide all multimedia evidence from the CPS to the defence via direct electronic link by July 2018.	July 2018	Complete

8	We will develop a cadre of specialist and experienced disclosure experts in every force, available to conduct sampling, local training and assistance in complex cases from February 2018.	From February 2018	Complete
9	We will establish a joint technology working group to explore the use of a range of digital tools to assist in the review of digital material by March 2018.	March 2018	Complete
CAPABILITY:			
10	We have refreshed the CPS Disclosure Manual. This clarifies how contact with witnesses should be recorded and disclosed. This will be published by February 2018.	February 2018	Complete
11	We have provided all prosecutors with access to disclosure training via the Prosecution College.		Complete
12	We have initiated development of a suite of national standard forms covering third party material examination, retention and disclosure. These will be completed by June 2018.	June 2018	Complete
13	We have refreshed the online training 'Fair Investigations for Fair Trials' provided to officers via the College of Policing.		Complete We have developed a new course.
14	We will deliver additional mandatory disclosure training through Chief Crown Prosecutors to all prosecutors in their Area by September 2018.	September 2018	On track
15	We will create national minimum standards on quality and content for the MG6 disclosure schedules. A memorandum of understanding between the police and the CPS will be published by March 2018.	March 2018	Complete
16	We will review the current provision of disclosure training with the College of Policing and report by May 2018 with recommendations.	May 2018	Complete (see rec 13)
17	We will deliver regional awareness workshops with the College of Policing to address disclosure issues highlighted in	From February 2018	Complete

	recent cases from March 2018.		
18	We will review, together with the College of Policing, whether there should be a requirement for officers to hold a Licence to Practice in respect of disclosure by January 2019.	January 2019	On track
LEADERSHIP:			
19	We have established CPS national and Area disclosure champions for our most complex casework. The Area champions provide an assurance for their part of the business through supporting the Chief Crown Prosecutors to complete disclosure assurance, taking forward strategic discussions with investigators and supporting training in their Areas.	February 2018	Complete
20	We have appointed a NPCC lead for disclosure.	N/A	Complete
21	We will appoint CPS disclosure champions for the magistrates' court, the Crown Court and Rape and Serious Sexual Offences teams to work with those already appointed for Complex Casework Units in each Area by February 2018.	February 2018	Complete
22	We will implement pre-charge case assurance discussions led by senior CPS legal managers with prosecutors in cases where there are likely to be significant disclosure complexities from February 2018.	February 2018	Complete
23	We will develop a joint CPS/police disclosure improvement plan for each force and CPS Area reflecting local issues and national agreed priorities by February 2018.	February 2018	Complete
24	We will appoint a nominated disclosure champion in each force at chief officer level by February 2018.	February 2018	Complete
25	We will appoint force disclosure experts from each region to the National Police Disclosure Working Group by February 2018.	February 2018	Complete
26	We will appoint a tactical disclosure lead at chief superintendent/superintendent level in each force by February 2018.	February 2018	Complete

PARTNERSHIP:			
27	We have held a disclosure seminar bringing together senior figures from across the criminal justice system to put forward solutions to the practical challenges of getting disclosure right in all criminal cases.	N/A	Complete
28	We have reviewed and amended the CPS disclosure assurance reporting to enable more rigorous assessment of performance in CPS Areas.	N/A	Complete
29	We have agreed improvement plans in a number of CPS Areas and this is now to be extended to all forces and CPS Areas.	February 2018	Complete See item 23 of this table.
30	We will establish by March 2018 a jointly led police and prosecution-led national disclosure forum with representation from all agencies, including the judiciary and the defence community, to focus on practical action that can and should be taken to improve performance on disclosure and guard against disclosure failures.	N/A	Complete
31	We will establish by March 2018 joint local CPS/police disclosure forums, where they do not exist already, to discuss and agree local themes and joint solutions.	March 2018	Complete
32	We will establish criteria for the identification of appropriate cases that require examination by a joint CPS and police Case Management Panel where there are significant and complex disclosure issues by March 2018.	March 2018	Complete
33	We will repeat the disclosure seminar we held with senior figures from the criminal justice system on a bi-annual basis.	September 2018	The seminar took place on 19 September 2018.
GOVERNANCE:			
34	We have started work on a joint CPS/police review of national crime file standards which will incorporate disclosure issues and amendments to working practices.	March 2018	Complete
35	We have ensured that Individual Quality Assessments (IQA) in the CPS are completed by legal managers on a sample	February 2018	Complete

	of cases each month drawing out learning and good practice. We have also now implemented disclosure-themed IQA.		
36	We have set up CPS Area Casework Quality Committees (ACQCs) who give consideration to disclosure themes identified through the Individual Quality Assessment process.	February 2018	Complete
37	We will establish a quarterly review of progress against this plan by the Director of Legal Services and National Police Chiefs' Council Lead on Disclosure.	N/A	This plan has been reviewed on a monthly basis.
38	We will include disclosure monitoring as part of the performance framework of every force.	July 2018	Complete
39	We will introduce the revised disclosure assurance process in the CPS by February 2018. Compliance with the process will be assessed through the existing Area performance reviews.	February 2018	Complete
40	We will reflect any work/actions identified by ACQC in CPS Area action plans and themes identified will be escalated to the National Casework Quality Committee.	February 2018	Complete
41	We will use local police/prosecution team performance meetings will review progress against local action plans as a standing agenda item and review case-specific failures to ensure lessons are learned with immediate effect.	March 2018	Complete
42	We will ensure that delivery against the commitments in this plan will be overseen by the National Police Chiefs' Council, the Director of Public Prosecutions and the College of Policing.	N/A	The Delivery Board meets monthly.