



CPS Advocate Panel Scheme 2016 – 2020

## **CROWN PROSECUTION SERVICE – ADVOCATE PANEL SCHEME 2016 - 2020**

### **APPLICATION PROCESS – NEW JOINERS / UPGRADES / TEMPORARY MEMBERS (Updated July 2018)**

1. This document describes the separate **CPS Advocate Panel** processes applicants must follow in respect of the **General Crime and Rape and Child Sexual Abuse List ('Rape List')**:
  - A) **Permanent membership** – applications to join the General Crime list as a permanent member at levels 1 to 4
  - B) **Upgrading** – applications from existing members to upgrade their level on the General Crime list
  - C) **Rape and Child Sexual Abuse List** – applications to join the ('Rape List' at levels 3 and 4
  - D) **Temporary membership** – applications to join the CPS Advocate Panel General Crime list as a temporary member at levels 2 to 4.
  - E) **Further information** – in respect of the following:
    - References
    - Submission of applications
    - Number of Regional lists
    - Equalities Monitoring
  
2. This document does not relate to the **CPS Specialist Panels 2018-22** for which separate arrangements are in place. For further information, please visit the [CPS website](#).

#### **Introduction**

3. All advocates appointed to join the Panel must meet the assessment criteria for levels 1 to 4 for the 2016-2020 Panel and agree to abide by the Advocate Panel Members' Commitment.
4. Applicants who join will be appointed for the duration of the Panel. The current Panel is expected to run for four years from 2016 to 2020. CPS has discretion to amend the duration but will only do so in consultation with the Bar Council and Law Society.
5. An annual application/upgrade window will be open in September each year, although CPS can hold the window at another period at its discretion.
6. The application and upgrade process will be open and transparent and provide equal opportunity for all applicants. There will be no quotas in respect of gender, ethnicity, sexuality, age or disability for candidates being appointed onto the Panel.



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### A) Permanent Membership – Applications to join the Advocate Panel

7. Applicants applying to join the Panel must complete an application form. There are three application forms for the Advocate Panel, as follows:
  - Application form for level 1 General Crime
  - Application form for level 2, 3 and 4 General Crime
  - Application form for the Rape and Child Sexual Abuse List ( 'Rape List')
8. Applicants must use the approved forms containing the descriptor 'CPS Advocate Panel Scheme 2016 – 2020'. Barrister applicants should quote their unique 5-digit Bar reference number.
9. New applicants must determine which level they wish to apply for and apply for one level only. For levels 2, 3 and 4 the application will automatically be considered for the next level down if it is unsuccessful at the level they applied for.
10. Applicants must carefully consider which level to apply for based on their own assessment of their ability and experience.
11. Applications will be assessed on the content of the written application form, examples of work and written references. There will be no interview or other test as part of the assessment process.
12. It is important that applicants take time and care when completing their application form. In doing so, applicants should refer to all of the available guidance.
13. Please note:
  - Incomplete or late applications will not be assessed
  - Paper submissions are not acceptable
  - Word limits must be observed
  - Sensitive identifying case information should not be included
14. Each applicant applying to join the Panel must submit, in electronic form only, an application form together with supporting material, where required, and the required number of completed references, as set out below. A separate application form is required for the 'Rape List'.
15. Secure email addresses, such as the CJSM network ([www.cjsm.net](http://www.cjsm.net)), are desirable for the application process, although not essential. All successful applicants must sign-up to use secure email as a condition of being appointed to the Panel. CJSM accounts should be accessed regularly to ensure they are not disabled allowing for communications from the CPS to be received.
- Pre-Qualification Questions
16. All new applicants must answer pre-qualification questions as part of the application process.



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17. The pre-qualification questions require new applicants to disclose details and dates of:
  - criminal investigations, charges or prosecutions relating to them;
  - criminal convictions, cautions, reprimands and out of court disposals recorded against them;
  - disciplinary findings found against them by their professional body or Regulator;
  - civil proceedings for negligence or breach of trust, and
  - instances where the CPS has deemed it necessary formally to remove instructions from them.
  
18. The pre-qualification questions also require disclosure of allegations which are pending resolution.
  
19. The CPS reserves the right not to accept or further consider applications where, in the view of the CPS, the CPS or other criminal justice participant would not have adequate confidence in the applicant's judgement or integrity if the applicant was appointed to the Panel, based on the answers to the pre-qualification questions or resulting enquiries. There is no right of appeal against such a decision.
  
20. In this respect the CPS will assess the level of confidence likely to be held in the applicant by;
  - victims and witnesses
  - the general public
  - CPS
  - courts
  - other practitioners, and
  - the police
  
21. In assessing public confidence, the degree of media interest and notoriety arising from any incident or behaviour listed in the pre-qualification questionnaire will be taken into account.
  
22. In respect of the pre-qualification issues, including unresolved allegations, all factors will be considered including:
  - nature and seriousness of the allegations;
  - the age of the allegations;
  - individual's age at time of allegation;
  - circumstances of victims;
  - level of sentence or potential sentence, and
  - appeal procedures.
  
23. If the application is accepted and proceeds to a full assessment, the answers to pre-qualification questions will play no part in the assessment of the application.



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### Applications to join at Level 1

24. Applications to join the current Panel at level 1 can be submitted any time, provided the applicant meets the qualification requirement and, for barristers, has reached the fifth month of the first six months of pupillage.
25. An application to join the Advocate Panel at Level 1 consists of the following documents:
- ✓ Completed Level 1 application form
  - ✓ A reference from an appropriate referee
  - ✓ Completed Equality Monitoring form
26. Applicants for level 1 should provide one reference. An appropriate referee might be a pupil master, head of chambers or a chambers advocacy trainer who has seen the applicant perform advocacy.

### Applications to join the Advocate Panel at Level 2, 3 or 4

27. New applicants can apply to join the current Panel at levels 2, 3 or 4 during the annual application window but can only make one joiner application within a three year period. If unsuccessful at these levels, applications for Level 1 are accepted at any time throughout the year.
28. **Level 2** – an application to join the Advocate Panel at Level 2 consists of the following documents:
- ✓ Completed Level 2, 3 or 4 application form
  - ✓ References from two (2) appropriate referees
  - ✓ One (1) recent example of drafting e.g. skeleton argument, advice
  - ✓ Completed Equality Monitoring form
29. Level 2 applicants should provide two references. There is no requirement to submit a judicial reference in support of applications to join at Level 2.
30. **Level 3** – An application to join the Advocate Panel at Level 3 consists of the following documents:
- ✓ Completed Level 2, 3 or 4 application form
  - ✓ References from two (2) appropriate referees
  - ✓ One (1) recent example of drafting e.g. skeleton argument, advice
  - ✓ Completed Equality Monitoring form
31. Level 3 applicants should provide two references with at least one from a member of the full-time judiciary.
32. **Level 4** – an application to join the Advocate Panel at Level 4 consists of the following documents:
- ✓ Completed Level 2, 3 or 4 application form



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- ✓ References from three (3) appropriate referees
  - ✓ Two (2) recent examples of drafting e.g. skeleton argument, advice
  - ✓ Completed Equality Monitoring form
33. Level 4 applicants should provide three references. At least one reference, but no more than two, should be from members of the full-time judiciary. Applicants with significant prosecuting experience should provide at least one reference from an instructing lawyer. However, if you have not undertaken a significant amount of prosecuting work and are unable to supply such a reference, this does not prevent you from applying.

### **B) Upgrading – Applications for upgrading to levels 2, 3 or 4**

34. Members of the Panel can apply to be upgraded by one level, to level 2, 3 or 4, during the annual window using the Upgrade Application Form.
35. Applicants who are successful in their upgrade applications will be permitted to apply to upgrade their level again within the three years or thereafter if they feel they meet the selection criteria for the level to which they wish to upgrade.
36. Applicants who are unsuccessful in their upgrade application will be required to wait three years from the date of the unsuccessful application before submitting a further application to upgrade their level.
37. An application to upgrade to Level 2, 3 or 4 consists of the following two documents:
- ✓ Completed upgrade application form
  - ✓ One (1) *optional* new supporting document from a single author (see para 40)
38. Applicants must complete the Upgrade Application Form. The form has sections in relation to the five selection criteria and maximum words counts will apply.
39. The process for upgrading requires applicants to provide demonstrable evidence of improvement since being appointed to their current level and how they now meet the selection criteria for the next level in relation to:
- Advocacy
  - Advisory work
  - Experience of dealing with PII issues and Disclosure of unused material
  - Other relevant knowledge, skills and experience
  - Appreciation of the role of a Panel advocate
40. Applicants may optionally submit **one** new supporting document with their application for upgrading. The document must be submitted by the applicant with their application form and must only be a single document from one author e.g. a



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letter of support, an example of written work, a reference etc., but it must not be a compendium of documents.

41. Since applicants for upgrading will have met the application requirements for their existing level and will be known to the CPS, an abbreviated application process will apply for the upgrade exercise. This removes the need for applicants to provide details of pre-qualification issues, education, and reduces the requirement for references in support of the application.

### **C) Rape and Child Sexual Abuse List ('Rape List')**

42. Advocate Panel members applying to upgrade from level 2 to 3 may also consider applying to become a member of the 'Rape List' at level 3. Any applicant in this position should also complete the 'Rape List' application form and provide the necessary evidence and reference for the 'Rape List' selection exercise.
43. Existing members of the Panel at levels 3 or 4 can apply to become a rape specialist by submitting the 'Rape List' application form at any time during the year.
44. Please note, unsuccessful applicants to the 'Rape List' will be permitted to re-apply but no sooner than six months from the date of the original assessment. Future applications should take into account any feedback provided. The three year policy for New Joiner and unsuccessful upgrade applications does not apply to applications to join the 'Rape List'.
45. New appointments to level 4 and to the 'Rape List' will be for an initial 12-month probationary period. The probationary period can be extended at the discretion of the CPS. Appointment to level 4 and the 'Rape List' will be confirmed by the Circuit Advocate Liaison Committee (CALC) at the conclusion of the probationary period; otherwise the advocate will revert to level 3 or be removed from the 'Rape List'.
46. Members of the 'Rape List' should undertake CPS accredited RASSO refresher training at least every 4 years and dates of training should be clearly endorsed by the applicant on their application form. Thereafter, once refresher training is completed, Panel members should email the [Advocate Panel mailbox](#) to confirm the date the training was completed. Please see the Selection Criteria for the Rape List document for more information.

### **D) Temporary Membership**

47. In addition to the annual process, applicants can apply for temporary membership of the Advocate Panel between 1 November and 31 July each year. Temporary membership will automatically expire when results are announced following the next annual application window exercise. Applicants should submit full applications during the September application window to secure permanent membership to the



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- current panel. Applicants will only be able to apply for temporary membership once.
48. Temporary membership of the CPS Advocate Panel is open to solicitors and barristers who would ordinarily be eligible to apply to join the Advocate Panel.
  49. Temporary membership is not open to advocates who had previously applied to join the Panel but were unsuccessful, to existing Advocate Panel members seeking temporary membership at a higher level or to advocates who have previously held temporary membership during the currency of the 2016-2020 Panel.
  50. The process provides eligible solicitors and barristers with the opportunity to join the Advocate Panel on a temporary membership basis until they can formally apply at the next annual application window.
  51. Applicants can apply for temporary membership to the Panel at levels 2, 3 or 4.
  52. The temporary membership process is aimed at active criminal advocates who can demonstrate good cause to join the Advocate Panel at the level sought. In this context, the opportunity for temporary membership would generally apply to those advocates who can clearly demonstrate that they have been undertaking regular criminal advocacy at the level sought within the last 12 months but are changing roles and moving into self-employment, joining a solicitor's firm or other organisation where access to the Panel is required. For example, an experienced Crown Advocate leaving the CPS to join the self-employed Bar might benefit from temporary membership until a full application can be made at the next application window.
  53. Applicants for temporary membership will complete and submit a Temporary Membership Application providing evidence of their contact details, professional qualifications and pre-qualification issues. The form is available on the [CPS website](#). The applicant will provide evidence of their recent experience in advocacy and evidence to support the self-assessment of the advocacy level being sought.
  54. Temporary membership will only be considered for applicants who meet the eligibility criteria for the Advocate Panel.
  55. Applications for temporary membership will be assessed by a two-person panel consisting of a member of CPS and a representative of the Bar Council. Both members will need to agree that temporary membership is appropriate. There is no appeal against a decision not to award temporary membership.
  56. A supporting statement or reference from a previous employer or advocacy assessor is desirable. If necessary, the two-person panel can seek further information or references to support application for temporary membership.
  57. The provision of temporary membership will have no bearing on any later assessment to join the Advocate Panel.



58. Persons appointed to the Advocate Panel on a temporary membership basis will be required to comply with the requirements of the Advocate Panel and meet the Advocate Panel Members' Commitment.

**E) Further Information**

References

59. New applicants should secure and submit references in accordance with the guidance. Although not an exhaustive list, the table below provides examples of appropriate referees at each level.

Level 1	Level 2	Level 3 and 4 / Rape List
<ul style="list-style-type: none"> <li>• Pupil Master</li> <li>• Heads of Chambers</li> <li>• Chambers Advocacy Trainers</li> </ul>	<ul style="list-style-type: none"> <li>• Pupil Master</li> <li>• Heads of Chambers</li> <li>• Chambers Advocacy Trainer</li> <li>• Instructing Solicitors</li> <li>• Leading or opposing Advocates</li> <li>• Instructing members of the CPS or other prosecuting authorities</li> <li>• Advocacy Assessors</li> </ul>	<ul style="list-style-type: none"> <li>• Current or retired members of the full-time judiciary</li> <li>• Members of the part-time judiciary</li> <li>• Heads of Chambers</li> <li>• Instructing Solicitors</li> <li>• Leading or Opposing Advocates</li> <li>• Instructing members of the CPS or other prosecuting authorities</li> <li>• Advocacy Assessors</li> </ul>

60. **PLEASE NOTE: It is the applicant's responsibility to ensure that all references are submitted to the CPS in accordance with the guidance no later than the deadline date.** The Advocate Panel team will not contact referees to request or chase references on behalf of the applicant. Accordingly, applicants should ensure that potential referees are given sufficient notice (28 days) of what they are required to provide and the date the applicant requires the reference.
61. An instructing member of the CPS may compose a reference for an Advocate Panel applicant. However, any reference provided by an instructing member of the CPS will be considered an organisational reference, and not a personal one. The draft reference must be referred to either the Area CCP / Head of Casework Division, or someone delegated by the CCP / Head of Casework Division, for approval. Applicants should confirm with the CPS member of staff that they have submitted the reference to the Advocate Panel mailbox.
62. Information for referees can be found in the Explanatory Note to Referees document.

Submission of applications

63. The application form and all supporting documentation, including references, should be submitted in electronic form.
64. References can be sent separately to the application but the applicant should provide the name of the person/s providing the reference and should contact the referee and the [Advocate Panels mailbox](#) prior to the close of the application window to ensure the reference has been submitted.



Number of Regional Lists

65. There will be six regional circuit lists which will form the 2016-2020 Panel, as follows;

Circuit	CPS Areas
Midland Circuit	<ul style="list-style-type: none"><li>▪ CPS East Midlands</li><li>▪ CPS West Midlands Region</li></ul>
North Eastern Circuit	<ul style="list-style-type: none"><li>▪ CPS North East</li><li>▪ CPS Yorkshire &amp; Humberside</li></ul>
Northern Circuit	<ul style="list-style-type: none"><li>▪ CPS Merseyside &amp; Cheshire</li><li>▪ CPS North West</li></ul>
South Eastern Circuit	<ul style="list-style-type: none"><li>▪ CPS East of England</li><li>▪ CPS London North</li><li>▪ CPS London South</li><li>▪ CPS South East</li><li>▪ CPS Thames &amp; Chiltern</li></ul>
Wales and Chester Circuit	<ul style="list-style-type: none"><li>▪ CPS Cymru-Wales</li></ul>
Western Circuit	<ul style="list-style-type: none"><li>▪ CPS South West</li><li>▪ CPS Wessex</li></ul>

66. Applicants applying for a particular Circuit list should select one which best suits their practice.

67. Where there is good reason to do so, applicants can apply for a place on a second Circuit list. For example, applicants might live on a border between two Circuits or may regularly undertake work on another Circuit.

68. For applicants applying to join the Wales and Chester Circuit list it is desirable, but not essential, to be able to speak Welsh and conduct proceedings in Welsh. The application process requires applicants to declare their ability to speak / conduct proceedings in Welsh.

Equalities Monitoring

69. The Advocate Panel arrangements follow the fundamental principles of the Equality Act 2010 and our Public Sector Equality Duty (PSED). Accordingly, all applicants to join the Advocate Panel are required to complete an Equality Monitoring Questionnaire.

70. The Duty covers age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, gender and sexual orientation and to a limited extent marriage and civil partnership referred to in the Act as 'protected characteristics'.

71. The general equality duty is set out in section 149 of the Equality Act and requires that public bodies, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimization
- Advance equality of opportunity between different groups
- Foster good relations between different groups



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72. In order to demonstrate compliance with the PSED the CPS is charged with taking reasonable and practicable steps to show due regard to the need to advance equality of opportunity. We are also required to publish relevant and proportionate information to demonstrate compliance.
73. One of the ways the CPS meets this duty, is by collecting and analysing data on the protected characteristics of applicants to the Panel. This enables us to identify whether groups with protected characteristics are proportionately represented and take action where a group(s) is underrepresented.
74. Whilst we have a statutory obligation to do this, we believe there is a strong link between a diverse workforce and inclusive culture, public trust and confidence in the CPS. Our approach also supports the government social mobility agenda, which welcomes applicants from all backgrounds.
75. The data we collect is used for statistical analysis and will not be linked to individual applicants or have an impact on whether or not they are successful in their application. All applications will be judged solely on merit.