



CROWN PROSECUTION SERVICE – ADVOCATE PANEL SCHEME 2016 - 2020

Advocate Panel Members' Commitment

1. All advocates appointed to the 2016 Panel, by invitation or application, will commit to meet the expectations CPS has of its Panel members. The initial expectations are outlined below but could be subject to change. Any change will be published by CPS on its web-site and on the External Prosecution College. Panel members will also be advised of any significant changes by email. Failure to comply with the expectations could result in removal from the Panel.
2. The Panel members' commitment applies to advocates whilst acting for CPS and, more generally, in their capacity as Panel members.
3. Advocate Panel members will commit as follows:

Casework Quality

1. To be familiar with and comply with the requirements of the Code for Crown Prosecutors
2. To meet CPS Casework Quality Standards, in particular the presentation standard: <https://www.cps.gov.uk/publication/casework-quality-standards>
3. To act in accordance with the Farquharson guidelines [<https://www.cps.gov.uk/legal-guidance/farquharson-guidelines-role-prosecuting-advocates>] on the role of the prosecution advocate, or any other guideline or standard agreed between the CPS and Bar Council. Panel Members are reminded it is the duty of prosecution advocate to read the Instructions expeditiously and to advise or confer with those instructing on all aspects of the case well before its commencement. The prosecution advocate will respond within five working days of receiving instructions, or within such period as may be specified or agreed where the case is substantial or the issues complex.
4. On receipt of instructions the prosecution advocate will consider the papers and advise the CPS (in writing, or orally in cases of urgency). Where appropriate, an advice can be provided as a list of bullet points in the body of a secure email. The advocate should advise that the case is satisfactory and no further work is required, or where:
 - The prosecution advocate takes a different view to that expressed by the CPS (or where applicable a previous prosecution advocate) on acceptability of plea
 - The indictment as preferred requires amendment



- Additional evidence is required
 - There is an evidential deficiency (which cannot be addressed by the obtaining of further evidence) and, applying the Code for Crown Prosecutors, there is no realistic prospect of conviction; or the prosecution advocate believes it is not in the public interest to continue the prosecution
 - In order to expedite and simplify proceedings certain formal admissions should be made
 - The prosecution advocate, having reviewed previous disclosure decisions, disagrees with a decision that has been made; or is not satisfied that he or she is in possession of all relevant documentation; or considers that he or she has not been fully instructed regarding disclosure matters
 - A case conference is required (particularly where there is a sensitive issue e.g. informant, PII, rape etc.)
 - Parameters on acceptable plea(s) are required
 - The presentation of the case to the court requires special preparation of material for the jury or presentational aids.
5. Except for overnight returns, to acknowledge receipt of instructions and advise CPS of their contact details.
 6. To comply with duties requiring action or compliance from the prosecution advocate, in particular:
 - i. Judges' orders
 - ii. Criminal Procedure Rules
 - iii. Case management requirements, including engagement with advocates representing the defence
 - iv. Timescales in relation to appeals or potential appeals
 7. To secure appropriate level security clearance, as required for advocates undertaking specialist organised crime work, particularly terrorism
 8. To ensure the approach to prosecuting is efficient and effective, minimizing unnecessary or avoidable cost to the public purse.
 9. To provide an adverse case report as required in RASSO or other cases.
 10. For counsel, to comply with the security arrangements agreed between the Law Officers' Departments and the Bar, in particular the Attorney General's



Guidelines on Information Security and Government Work. Solicitor advocates will also be expected to comply with these principles.

Advocacy

11. To meet the National Standards of Advocacy published on the CPS web-site [<https://www.cps.gov.uk/legal-guidance/national-standards-advocacy>].
12. To follow CPS policy guidance and legal policy in relation to advocacy and the prosecution function.
13. To comply with the CPS advocacy assessment process and be available for assessment, if required
14. To follow agreed procedures and guidance on the care and treatment of victims and witnesses, particularly those who may be vulnerable or have special needs. To ensure professional and sensitive interaction with victims and witnesses as an essential part of the role of the prosecution advocate.
15. To follow policy guidance available on the CPS web-site particularly in relation to speaking to witnesses at court.
16. To pay particular attention to the appropriate and timely handling of cases where a custody time limit applies, and to announce the agreed CTL during each hearing.
17. To announce their attendance to CPS staff, or sign-in, on each occasion when attending court.
18. To inform CPS without delay when they are likely to be unavailable to undertake a prosecution or have conflicting diary clashes. The early notification of unavailability is particularly important in complex or serious cases with a fixed trial date.

Communication and digital working

19. To meet any requirement for digital working agreed with the Bar Council and published on the CPS web-site (in due course).
20. To maintain an active secure email account and keep CPS informed of the secure email address and contact details at all times
21. To have access to a secure operational email account, which must:
 - (i) be able to send and receive emails, which may contain sensitive information, over the Government Secure Intranet
 - (ii) be used as the address by which the CPS will serve or make available evidence and communicate electronically



- (iii) be capable of being used to work electronically within the criminal justice system and with other criminal justice agencies. This means (without limitation) that the system must be able to connect to any standards based video link conference system (i.e. IP (internet Protocol) based system).
 - (iv) be capable of being accessed and used remotely (for example at courts and police stations).
- 22. To comply with the requirements of digital working, including use of the Digital Case System in the Crown Court and to complete and return the Hearing Record Sheet (HRS) within 24 hours of the conclusion of a hearing. Notwithstanding completion of the HRS, matters of urgency must be reported to a CPS representative without delay.
- 23. When the CJS Common Platform becomes available in a court centre to register for, obtain and use a CJS CP digital identity and use the platform to:
 - a) Access evidence that is served or made available direct on the platform
 - b) Undertake any case progression activity, as required.
 - c) Serve any documents required on the court or parties
 - d) Make any applications to court

Professional Conduct and training

- 24. To meet the requirements of their professional regulator, in particular to hold a current practising certificate
- 25. To act and behave at all times in accordance with CPS Values
- 26. When instructed by CPS, to refrain from commenting on cases inappropriately, or criticising those instructing inappropriately, including through social media
- 27. To advise CPS of any arrest on a criminal charge, caution, conviction or referral to a disciplinary tribunal.
- 28. To undertake mandatory training requirements as determined by CPS and published on the CPS web-site and External Prosecution College.

Administration

- 29. To advise CPS of a material change in circumstances; for example change of chambers / business address, contact details, withdrawal from practice etc.
 - 30. To comply with CPS remuneration and billing arrangements
4. If applicants are unclear about the requirements listed above, or require further information, they should contact Advocate.Panels@CPS.gov.uk.