



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

### **ASSESSMENT PROCESS**

#### **Summary of Assessment Procedure**

1. Applicants will complete and return a standard application form via email and supply references. Application forms must be completed electronically.
2. Completed applications will be submitted to a central CPS email address

[Advocate.Panels@CPS.gov.uk](mailto:Advocate.Panels@CPS.gov.uk)

3. Applicants can apply for a place on up to two Circuit based Panels. Applicants will identify their preferred Circuit. Applicants will also identify their preferred Crown Court location.
4. Each Circuit based Panel will have a general crime list plus Rape and Child Sexual Abuse List ('the rape list'). Applicants can apply to join the general crime list and the rape list.
5. In addition, the scheme will provide for specialist Panels to be used by the CPS central Casework Divisions. The specialist Casework Division Panels will be:
  - Extradition Panel
  - Fraud Panel (including fiscal fraud)
  - Serious Crime Group Panel (including terrorism)
  - Proceeds of Crime Panel
6. The assessment boards will consist of members of CPS. Representatives of the Bar Council and Law Society will also be invited to take part in the assessment process. Each Assessment Board will be provided with copies of their allocation of applications, references and marking forms.
7. The Assessment boards will meet and agree a Chair for the session. The Assessment boards will score each candidate against the selection criteria. Once a score is agreed the Chair will complete an assessment form for each candidate.
8. Assessment board results are then grouped on a Circuit basis and presented at a moderating session. The Moderating Panel will review any anomalies and produce a consolidated list for the Circuit.



9. At the end of the moderating session the final results will be reported to the central contact point.
10. Assessment boards are asked to ensure they make a full and clear note of the evidence supporting their markings, remembering that applicants may be entitled to see comments under the Data Protection Act 1998. Comments on the assessment forms will be used as the basis for feedback to unsuccessful candidates.

### **Applicant Assessment / Marking**

11. Applications will be assessed against set criteria. Each criterion will be scored against the requirement for the level applied for and an overall score determined.
12. The criteria for assessment will fall under the following headings:
  - Advocacy
  - Advisory Work
  - PII and disclosure (levels 2, 3 and 4 only)
  - Other relevant knowledge, skills and experience
  - Understanding the role of the CPS Panel Advocate
13. Each criterion will carry equal weight.
14. Assessment boards will review each application against the criteria, which are particularised on the assessment form. The selection criteria need to be graded as to the level of skill/experience/response each applicant has, or has made, in relation to the type of work expected at that level. Assessment boards are asked to arrive at a points score within each level.
15. The response for each of the criterion will be scored between 0 and 30 points, providing an overall score against the five criteria between 0 – 150 points.
16. The grading should be based on the specific requirements of the selection criteria in the context of the casework for the level applied for. For example, overall advocacy experience markings would be awarded as follows:

***High (range 21 – 30 points)*** - applicant whose ability, knowledge and experience, as evidenced by the application form and references, is very strong in most or all of the competency requirements, relevant to criminal work at this level, spans a range of Courts and casework and demonstrates that lessons have been learned from that experience.



**Medium (range 11 – 20 points)** - applicant whose ability, knowledge and experience, as evidenced by the application form and references, is strong, spans a range of Courts and demonstrates that lessons have been learned, but could not be regarded as anything other than ordinarily strong at this level in most or all of these requirements.

**Low (range 0 – 10 points)** - applicant whose ability, knowledge and experience, as evidenced by the application form and references, clearly does not appear to meet one or more of the requirements (not plentiful or relevant, does not span a range of Courts and does not demonstrate that lessons have been learned).

17. Applicants are asked to reference their answers to criminal law. If they have no knowledge, skills or experience in this area they are invited to give examples of analogous knowledge, skills or experience or an aptitude to develop in this areas. Applicants who have failed to do so should receive fewer marks, proportionate to the relevance of the area(s) to the criteria.
18. Defence experience will carry equal weight to prosecution experience provided the applicant can demonstrate that their defence skills and knowledge are transferable to prosecution work.
19. Assessors and moderators need to be aware that:
  - I. The word limit on each section of the application form is deliberately very tight;
  - II. Applicants are expected to focus on their ability and experience and analyse it constructively;
  - III. Applicants should not get credit merely for listing cases or saying “I have been involved in...” This gives no basis for assessing their ability, achievements or potential;
  - IV. Applicants have been asked to select referees on the basis of who can say most about their competencies. Whilst references from instructing solicitors are helpful, do not overlook references from judges, leaders, opponents etc.
  - V. Applicants who have a predominantly defence practice should be able to demonstrate transferable skills and knowledge, and



VI. Applicants from a non-criminal background may not have direct experience of some of the more mainstream criminal skills, such as PII or disclosure. Assessors should be alert to the technical and intellectual demands of the sort of work undertaken and the capacity to adapt that to other areas if required.

20. Selection for Circuit based panels will be in two phases.

**Phase One**

21. Applicants must meet the minimum acceptable score in their assessment as follows:

- Level 1            40 points (out of a maximum of 120)
- Level 2            80 points (out of a maximum of 150)
- Level 3            80 points (out of a maximum of 150)
- Level 4            90 points (out of a maximum of 150)
- Rape List         50 points (out of a maximum of 90)

22. The same appointment threshold will be applied across all circuits.

23. Applicants scoring below the acceptable score will not be recommended for appointment, even if it means there is a shortfall in numbers of advocates.

**Phase Two**

24. Applicants at level 2, 3 or 4 who fail to meet the minimum acceptable score at the level applied for will be assessed at the next level down and re-scored against the criteria for that level.

25. Applicants scoring below the acceptable score at the next level down will not be offered a place on the Panel.

26. A score awarded for the preferred Circuit will be adopted by all other Circuits applied for. For example, if an applicant applies for the Northern and North Eastern Circuits, with a preference for the Northern Circuit and is scored 95 by the Northern Circuit assessors, then that score will also carry over for both circuits.

**Rape List Assessment**

27. Only advocates who have been assessed as being suitable for levels 3 or 4 will be considered for the rape list.

**Equality and Diversity**

28. The Advocate Panel selection process follows the fundamental principles of the Equality Act 2010 and our Public Sector Duty that everyone should be



treated fairly and equally and that there is no discrimination. It will do this by removing or minimising disadvantages experienced by people who share a relevant protected characteristic and take steps to meet the needs of individuals who share a relevant protected characteristic that places them at a disadvantage.

29. The Equality Act 2010 defines nine protected characteristics:
- Age
  - Disability
  - Gender reassignment
  - Marriage and civil partnership
  - Pregnancy and maternity
  - Race
  - Religion or belief
  - Sex
  - Sexual orientation
30. In the Equality Act, no one protected characteristic has a higher priority than any other.
31. In addition the CPS supports the government social mobility agenda and as such welcome applicants from all backgrounds.

**Conflicts of interest**

32. Where a member of the assessment panel knows an applicant well, belongs to the same chambers or firm, or has acted as referee they should excuse themselves from consideration of that application.