



CROWN PROSECUTION SERVICE – ADVOCATE PANEL AND SPECIALIST ADVOCATE PANEL SCHEMES

DESCRIPTION OF LEVELS

1. Applicants will apply to join the CPS Advocate Panel at one of four levels and /or the Rape and Child Sexual Abuse List ('the Rape List').
2. Applicants will apply to join the CPS Specialist Advocate Panels at one of three levels – levels 2, 3 and 4 – with the exception of the Counter Terrorism Panel for which levels 3 and 4 apply only.
3. The levels and the competencies required are based upon the historical and established CPS Competency Framework for the admission and grading of advocates.
4. An extract of the Competency Framework is attached to help candidates understand the requirements and relativities of the four levels.
5. The selection criteria used for the Advocate Panel process are based on the established Competency Framework.
6. Candidates should refer to all of the guidance available before completing their application form.



EXTRACT

COMPETENCY FRAMEWORK FOR ADMISSION AND GRADING OF ADVOCATES ON THE ADVOCATE PANEL LIST

LEVEL 1

This is the entry level for CPS work.

Qualification

Applicants will, at the time the application is considered, be members of the Bar who have reached the fifth month or their first six months of pupillage; have been offered a tenancy in a Chambers (or been registered as a sole practitioner) and have taken their first steps in advocacy. Alternatively, applicants will be qualified solicitors with a certificate to practice as an advocate in the Higher Courts.

Applicants will have demonstrated an understanding of:

1. the appropriate skills of advocacy and written work;
2. adequate preparation for court;
3. ethical standards and the principles of disclosure;
4. the exercise of sound judgement;
5. an acceptable court manner towards the bench, opponents, victims and witnesses;
6. a current knowledge of the values and beliefs of diverse communities, appropriate and consistent with the requirement for effective working relationships within diverse communities;
7. the professional relationship between the advocate and the CPS, including the Bar Standards, whether holding an original brief or a return from another, *and*
8. Suitable court dress.

Applicants should have attended a Criminal Advocates' Human Rights Course, or otherwise be able to demonstrate an ability to deal with human rights issues as they apply to criminal cases.

Experience

No experience of prosecuting is required. Applicants will usually have undertaken some criminal prosecution or defence work.

Competence

To maintain Level 1 classification applicants must be able to conduct to an acceptable standard a range of magistrates' court and Youth Court prosecutions up to and including a whole day's list and to conduct simple mentions, straightforward guilty pleas, committals for sentence and appeals in the Crown Court. Applicants must have an expert up-to-date legal knowledge relevant to such prosecutions and demonstrate appropriate standards of oral and written advocacy. Applicants should be able to demonstrate that they are able to work well with others in this range of prosecutions.

Training



Applicants should provide evidence that they have undertaken sufficient and relevant training courses during the year to satisfy the Continuing Professional Development requirements of their professional body, if required.

Awareness of CPS Policy

Applicants should have an awareness of CPS Policy applicable to prosecuting at Level 1 in respect of:

1. Victims and Witness Code
2. Statutory Charging
3. Hate Crime and Domestic Violence
4. Custody Time Limits
5. The Prosecutors' Pledge



LEVEL 2

This level is the natural progression for the advocate who has consistently demonstrated an ability to handle Level 1 work.

Qualification

Applicants will (generally) have been Level 1 prosecutors working to the standard required with confidence and the professional skill appropriate to a new practitioner. Applicants will have demonstrated an ability to examine and cross-examine witness and to address the Court effectively on matters of law and procedure.

Experience

Advocates will generally have demonstrated professional competence in a variety of prosecution or defence work in the magistrates' and Crown Courts and will have been successful in the standard of work required of prosecutors at Level 1. Applicants will usually have conducted somewhat heavier cases for the defence or by way of return as a prosecutor.

Competence

As Level 2 prosecutors applicants will be required to perform any of the work of a Level 1 prosecutor, and in addition all straightforward non-jury work in the Crown Court and jury trials including theft, deception, assault (ABH and Section 20 GBH), burglary (not in aggravated form), possession of drugs and non-fatal road traffic offences. Applicants will also have undertaken more challenging Youth Court prosecutions and be aware of the requirement to deal with such cases in an appropriate and sensitive manner. Applicants must have expert up-to-date legal knowledge relevant to such prosecutions and demonstrate appropriate standards of oral and written advocacy (including ability to deal with complicating factors such as special measures, expert evidence, significant disclosure/PII issues, and complex points of evidence or law) and should have demonstrated the potential to appear as a junior in appropriate cases. Applicants should be able to demonstrate that they are able to work well with others in this range of prosecutions. Applicants should also have sufficient knowledge of the Proceeds of Crime Act 2002 to be able to deal with any confiscation issues raised in Level 2 prosecutions.

Training

Applicants should provide evidence that they have undertaken sufficient and relevant training courses to satisfy Continuing Professional Development requirements during the year.

Awareness of CPS Policy

Applicants should have an awareness of CPS Policy as with Level 1 but at the level required for prosecuting at Level 2 and in addition of CPS Policy on:

1. The prosecution of Rape and Sexual Offences.
2. Proceeds of Crime Applications



LEVEL 3

Appointment to Level 3 represents a significant elevation in terms of the complexity and challenge of casework.

Qualification

Applicants will generally have significant experience undertaking Level 2 standard work with ethical soundness, and skill. Applicants will have shown an appreciation of the public but independent role of the prosecutor by consistently providing sound advice (including advice on plea or the basis of plea) and by demonstrating effective advocacy skills so as to serve the interests and administration of justice. Applicants will have established a reputation for effective advocacy with and without a jury, and have acquired a thorough working knowledge of the rules of evidence.

Experience

Applicants will have significant experience either prosecuting or defending as well as demonstrating the potential to carry out more serious work. Applicants will have a successful track record known to professional colleagues, the CPS and the bench.

Competence

Level 3 prosecutors will be required to undertake any of the work of a Level 2 prosecutor and also to conduct jury trials in more serious and onerous prosecutions including fraud (non special casework cases), serious assaults (Section 18), complex robberies, driving offences involving death, child abuse and trials involving child victims and witnesses, rape and indecency cases, video-link cases and multi-handed prosecutions of up to four defendants. Level 3 prosecutors will also be expected to conduct straightforward appeals in the Divisional Court and Court of Appeal. They will also be expected to prosecute serious and complex Youth Court matters. Applicants must have expert up to date legal knowledge relevant to such prosecutions and demonstrate appropriate standards of oral and written advocacy. Applicants should be able to demonstrate that they are able to work well with others in this range of prosecutions. Applicants should also have sufficient knowledge of the Proceeds of Crime Act 2002 to be able to deal with the confiscation issues raised in Level 3 prosecutions.

Training

Applicants should provide evidence that they have undertaken sufficient and relevant training courses to satisfy Continuing Professional development requirements during the year, and (in order to be instructed in prosecutions of Sexual Offences) that they have received the approved training on the prosecution of rape and sexual offences.

Awareness of CPS Policy

Applicants will be aware of CPS Policy as at previous levels but at the level required for prosecuting at Level 3.



LEVEL 4

This level is reserved to advocates of exceptional, substantial experience and ability and should not be regarded as a mere career progression.

Qualification

Applicants will have substantial experience of conducting Level 3 standard cases. They will have established themselves as leaders in the field of criminal advocacy in all but the most serious junior cases in the Crown Court. Applicants will have demonstrated consistently and over a long period an ability to exercise sound judgement, to prepare thoroughly and to exercise the highest professional standards.

Experience

Level 4 advocates will have an established reputation for excellence among court users, including the bench. Applicants will usually have had experience of conducting sensitive, public interest or other difficult cases with the same objectivity and sound judgement which marked their other work. Applicants will generally have handled prosecutions involving a number of defendants and demonstrated an ability to adapt to the exigencies of a multi-handed trial. Applicants will almost certainly have taken returns at Level 4, or equivalent, and have conducted them to a standard commanding respect. They will probably have defended with or without a leader in Level 4 cases and have conducted appeals in the Divisional Court or the Court of Appeal (Criminal Division).

Competence

Level 4 advocates will be asked to take all cases in the criminal calendar in the Crown Court and beyond, whatever the issues and whatever the number of defendants. They will be expected to handle serious, novel and difficult points of law and fact, sometimes in opposition to leading counsel for the defence. They will be expected to demonstrate a consistently high quality of work whether working alone, with a second junior, or when leading. In addition, they will have shown their ability in relation to sensitive witnesses (e.g. where special measures employed) and in handling complex witness issues. They must have expert up-to-date legal knowledge relevant to such prosecutions and demonstrate appropriate standards of oral and written advocacy. They will be expected to handle a wide range of Appellate and Administrative Court work. They should be able to demonstrate that they are able to work well with others in this range of prosecutions. Applicants should also be able to deal with the most complex issues involving confiscation orders under the Proceeds of Crime Act 2002.

Awareness of CPS Policy

Applicants will be aware of CPS Policy as at previous levels but at the level required for prosecuting at Level 4.

Training

Applicants should provide evidence that they have undertaken sufficient and relevant training courses to satisfy Continuing Professional development requirements during the year, and (in order to be instructed in prosecutions of Sexual Offences) that they have received the approved training on the prosecution of rape and sexual offences.



In addition to the Competency Framework

Rape and Child Sexual Abuse List

Reserved for advocates at level 3 or 4 who have received CPS accredited training in respect of rape and serious sexual abuse casework and can demonstrate the experience and ability to undertake cases which exhibit the characteristics of this type of offending. Applicants will often have undertaken prosecution work short of rape in the Youth Court and will have skilfully dealt with the sensitivities of vulnerable witnesses and defendants in that venue.

Qualification

Applicants will have demonstrated a high standard of ability as criminal advocates to reach level 3 or 4. In addition they will have experience of conducting sensitive cases with vulnerable witnesses and defendants in the Crown Court, magistrates' courts and the Youth Court. They will have developed a good understanding of the issues concerned with rape and serious sexual offence prosecutions to enable them to deal with the sensitivities of these cases to the highest professional standards.

Experience

Rape List advocates will have established a reputation for excellence among court users, including the bench in dealing with sensitive casework involving vulnerable victims. Applicants will usually have had experience of conducting sensitive or other difficult cases with a sexual element with objectivity, sound judgement and with an excellent approach to victim and witness care. Applicants will have handled prosecutions involving vulnerable victims in a contested trial. Applicants will almost certainly have had experience of defending cases of this nature and will have conducted them to a standard commanding respect.

Competence

In the context of rape prosecutions, applicants will be able to demonstrate a high degree of knowledge of:

- Myths and stereotypes, and Consent
- Medical and forensic evidence in rape cases
- The law as contained in the Sexual Offences Act 2003 and other relevant legislation
- Recent developments in case law
- The experience of victims – impact of rape trauma and vulnerable victims
- CPS policy including the CPS/Police joint national rape protocol
- Forensic science in relation to DNA and rape
- CPS commitments to victims and witnesses, and
- Best practice regarding out of court work

In addition, they will have demonstrated their ability in relation to sensitive witnesses (e.g. where special measures employed) and in handling complex witness issues. They must have expert up-to-date legal knowledge relevant to such prosecutions and demonstrate appropriate standards of oral and written advocacy.

Awareness of CPS Policy

Applicants will be aware of rape and serious sexual abuse CPS Policy relevant to their level.

Training

Applicants should provide evidence that they have undertaken sufficient and relevant training courses in relation to the prosecution of rape and sexual offences.