



CROWN PROSECUTION SERVICE – ADVOCATE PANEL SCHEME 2016 - 2020

DETAILS OF THE SCHEME – GENERAL CRIME AND THE RAPE AND CHILD SEXUAL ABUSE LIST ('the RAPE List') (UPDATED JULY 2018)

Background

1. The CPS Advocate Panel ('the 2012 Panel') came into effect in February 2012 and the central Specialist Panels followed in April 2013.
2. The CPS Advocate Panel arrangements established a time limited list of quality assured advocates to undertake criminal prosecution advocacy for CPS in the Crown Court and Higher Courts.
3. The 2016 Panel will operate from 2016 to 2020. This document describes the aims and purpose of the 2016 Panel.
4. In addition to the General Crime and the Rape and Child Sexual Abuse List ('Rape List'), the CPS has separate arrangements relating to the central Specialist Panels, which run from 2018 to 2022 and relate to the following areas of casework:
 - Counter Terrorism Panel
 - Extradition Panel
 - Fraud Panel (including fiscal fraud)
 - Serious Crime Group Panel
 - Proceeds of Crime Panel

Aim

5. The aim of the Panel arrangements is to appoint advocates who have met the selection criteria and have relevant, up to date skills and experience. Any advocate appointed must be able to deliver high quality prosecution advocacy services and have a commitment to meet the aims and objectives of the CPS.
6. The CPS requires that all prosecution advocates provide advocacy services of the highest quality. This extends beyond technical ability and includes attitudes and behaviours. All advocates instructed by the CPS, whether in-house or external, will be expected to behave in accordance with published CPS values, which are:

To be independent and fair

- a. We will prosecute independently, without bias and will seek to deliver justice in every case.

To be honest and open

- b. We will explain our decisions, set clear standards about the service the public can expect from us and be honest if we make a mistake.

To treat everyone with respect

- c. We will respect each other, our colleagues and the public we serve, recognising that there are people behind every case.



To behave professionally and strive for excellence

- d. We will work as one team, always seeking new and better ways to deliver the best possible service for the public. We will be efficient and responsible with tax-payers' money.
7. The aim is for all new instructions, and returns, for Crown Court and Higher Court advocacy to be delivered to Panel members or in-house advocates at an appropriate level for the case.
8. Membership of the 2016 Panel will provide no guarantee of instruction but will provide advocates with a greater opportunity of prosecution work in accordance with CPS business need.
9. Notwithstanding the panel arrangements, CPS has discretion to instruct advocates off-Panel in accordance with current practice, for example, where CPS requires an advocate with particular skills, experience and availability.
10. There will be no restriction to the defence practice of any advocate appointed to the Panel.
11. The Advocate Panel process is open and transparent and provides equal opportunity to all applicants.

Exclusions

12. The 2016 Panel scheme will not apply to the following categories of advocate for whom different assessment and selection processes apply:
 - Junior and Senior Treasury Counsel
 - Queen's Counsel
 - CPS in-house advocates
13. For the avoidance of doubt, the scheme will apply to Treasury Counsel monitorees.

Transition to the 2016 Panel

14. Members of the 2012 Panel and the Rape list who had previously met the assessment criteria and had been actively undertaking prosecution work for CPS, thereby demonstrating that their skills and experience was up to date, were invited to join the 2016 Panel without the requirement to make an application.
15. Appointment by invitation was subject to members agreeing to comply with the Advocate Panel Members' Commitment. The invitation process concluded in June 2016. The Advocate Panel will next be refreshed in 2020.

Application Process

16. Applications to join the Advocate Panel at level 1 for General Crime can be made at any time.



CPS Advocate Panel Scheme 2016 – 2020

17. Applications to join the Advocate Panel at levels 2, 3 or 4, or upgrade a level can be made during the annual application window each September.
18. All applications must be submitted in accordance with the Application / Upgrade Process.

Probationary periods

19. All new appointments to level 4 and to the Rape List will be for a 12 month probationary period initially. 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); otherwise the advocate will revert to level 3 or be removed from the rape list.

Duration of 2016 Panel

20. The 2016 Panel will run from 2016 to 2020. CPS will have authority to adjust the period, but will do so in consultation with the Bar Council and Law Society.
21. Details regarding the arrangements for the 2020 Advocate Panel for General Crime and the 'Rape List' will be published in due course and be subject to discussion with the Bar Council and Law Society.

2016 Panel Numbers

22. The number of places at level 1 will have no limit. This will allow junior advocates the opportunity to try to secure and experience criminal prosecution work.
23. The number of places at levels 2 and 3 and for the 'Rape List' will have no limit but this can be revisited by local CALCs and a limit can be set in accordance with CPS business need. The business need will take into account potential future caseload, future court sittings, numbers of instructions anticipated, availability of in-house advocacy resource and historical data on the number of active external advocates.
24. The number of places at level 4 on the 2016 Panel will have no limit.
25. Advocates who successfully apply to join more than one Circuit list will be appointed at the same level for both.

Management of Circuit Lists

26. Each Circuit based list will be managed by the local Circuit Advocate Liaison Committee (CALC). Maintenance of the Advocate Panel and Specialist Panels will be managed by the Advocate Panel team and queries regarding the list should always be directed to the [Advocate Panels](#) mailbox.
27. The local CALC will convene on a regular basis. The Circuit Leader will be invited to join the CALC.
28. The role of the CALC will include performance management of advocates. CALCs can decide to remove or downgrade panel members in accordance with the [CPS Errant](#)



[Conduct and Poor Performance by External Advocates Guidance](#) re-issued in October 2017.

29. CPS will look critically at the performance of 2016 Panel members to make sure they meet the standards required, in terms of technical ability, outcomes being achieved and attitudes and behaviours. CPS will require advocates, particularly at level 4 and the 'Rape List', to consistently perform to a very high standard.
30. CPS will work closely with the chambers of any barrister appointed to the 2016 Panel to ensure chambers comply with the CPS Equalities and Diversity Expectations Statement - <https://www.cps.gov.uk/publication/cps-equality-and-diversity-expectations-statement-bar-2012> .
31. CPS will also work closely with barristers' chambers in relation to performance of chambers and counsel. Any performance issue in relation to an individual advocate will be raised directly with the advocate concerned and with the Head of Chambers or Senior Clerk.
32. In relation to solicitor advocates, CPS will be at liberty to alert a Senior Partner of a firm to any performance issue in relation to an employed advocate.