



CROWN PROSECUTION SERVICE – SPECIALIST ADVOCATE PANEL SCHEME

DETAILS OF THE SCHEME (Updated July 2018)

Background

1. The CPS Advocate Panel for general crime came into effect in February 2012 and was followed by the introduction of four central Specialist Panels in April 2013.
2. The CPS Advocate Panels 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 2018 Specialist Panel will operate between 2018 and 2022. This document describes the aims and purpose of the 2018 Specialist Panel

Aim

4. The aim is to appoint advocates to the 2018 Specialist Panels who have met the respective 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.
5. The 2018 Specialist Panels will consist of:
 - Counter Terrorism Panel
 - Extradition Panel
 - Fraud Panel (including fiscal fraud)
 - Proceeds of Crime Panel
 - Serious Crime Group Panel
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 relating to specialist casework to be delivered to Specialist Panel members or in-house advocates at an appropriate level for the case.
8. Membership of the 2018 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 2018 Specialist Panel process will be open and transparent and provide equal opportunity to all applicants.

Exclusions

12. The 2018 Specialist 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.

Invitation to the 2018 Specialist Panels

14. Members of the 2013 Specialist Panels were invited to join the 2018 Specialist Panels at their existing level i.e. the level at the time of invitation, without the requirement to make an application. Invitations to join the newly created Counter Terrorism Panel were sent to existing Serious Crime Group Panel members previously instructed by the CPS Counter Terrorism Division.
15. Appointment by invitation was subject to members agreeing to comply with the Advocate Panel Members' Commitment where the advocate had not previously done so, in accordance with the general crime Panel arrangements. The invitation process concluded in March 2018. The Specialist Panels will next be refreshed in 2022.



Application and Upgrade Process

16. Applications to join the Extradition panel at level 1 can be made at any time.
17. Applications to join one or more of the Specialist Panels at level 2, 3 or 4, or upgrade can be made during the annual application window each September as follows:
 - Counter Terrorism Panel – levels 3 and 4 only
 - Extradition – levels 2, 3 and 4
 - Fraud Panel – levels 2, 3 and 4
 - Proceeds of Crime Panel – levels 2, 3 and 4
 - Serious Crime Group Panel – levels 2, 3 and 4
18. All applications must be submitted in accordance with the Application / Upgrade Process.
19. Where an advocate wishes to apply to join more than one Specialist Panel, or upgrade on more than one Specialist Panel, a separate application form must be submitted addressing the selection criteria relevant to the specific Panel and level being applied for.
20. There is no requirement for members of a Specialist Panel to also be a member of the general crime Panel, the 'Rape List' or any of the other Specialist Panels.
21. The level at which an advocate successfully applies to join a Specialist Panel shall be specific to the Panel applied for and will not apply to membership of any other CPS Panel, unless the relevant selection criteria is similarly met when applying for another panel.
22. 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. 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.

Duration of 2018 Panel

23. The 2018 Specialist Panels will run from 2018 to 2022. CPS will have authority to adjust the period, but will do so in consultation with the Bar Council and Law Society.
24. Details regarding the arrangements for the 2022 Specialist Panels will be published in due course and be subject to discussion with the Bar Council and Law Society.

2018 Specialist Panel Numbers

25. The number of places on the Specialist Panels will have no limit but this can be revisited by CPS 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.

26. Due to the serious and complex nature of casework undertaken by the Central Casework Divisions and CPS Proceeds of Crime the entry level for the Fraud, Proceeds of Crime and Serious Crime Group panels is level 2. Entry level for the Counter Terrorism Panel is level 3. Entry level for Extradition is level 1.

Management of Specialist Panels

27. Each of the Specialist Panels will be managed by the Court Business Unit in conjunction with the Central Casework Divisions and CPS Proceeds of Crime as follows:
- Counter Terrorism Panel – Counter Terrorism Division
 - Extradition Panel – International Justice and Organised Crime Division
 - Fraud Panel (including fiscal fraud) – Special Fraud Division
 - Proceeds of Crime Panel – CPS Proceeds of Crime
 - Serious Crime Group Panel – Special Crime Division and Organised Crime Division
28. CPS Proceeds of Crime and the Central Casework Divisions will work with Circuit Advocate Liaison Committees (previously JASCs) in respect of the performance and conduct of advocates, in accordance with the Errant Conduct and Poor Performance Guidance issued in October 2017
[\[http://www.cps.gov.uk/Publications/Prosecution/index.html\]](http://www.cps.gov.uk/Publications/Prosecution/index.html).
29. CPS will look critically at the performance of 2018 Specialist 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, to consistently perform to a very high standard.
30. CPS will work closely with the chambers of any barrister appointed to the 2018 Specialist Panels 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.