



CROWN PROSECUTION SERVICE – ADVOCATE PANEL SCHEME 2016

SELECTION CRITERIA: THE RAPE AND SERIOUS SEXUAL ABUSE LIST ('the Rape List') – Updated July 2018

Introduction

1. Entry to the Advocate Panel specialist Rape List is restricted to Level 3 and 4 advocates through an application process and is open to appropriately qualified barristers and solicitors who have a Higher Courts Advocacy qualification.

The Rape List

2. This specialist list is 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.
3. Applicants will have demonstrated a high standard of ability of criminal advocacy to reach level 3 or 4. In addition they will have experience of conducting sensitive cases with vulnerable witnesses in the Youth Court and Crown 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.
4. 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.
5. Applicants will already have demonstrated a range of competencies to an excellent standard to have been appointed at level 3 or 4.
6. In addition, in order to score very highly for the Rape List, applicants will need to demonstrate a range of competencies specific to rape and serious sexual abuse casework to a high standard, including:



Consent, Myths and Stereotypes

- Good awareness of the experience of victims and the impact of rape trauma
- An understanding of the changing nature of sexual behaviours and encounters and the role of technology
- Knowledge of myths and stereotypes
- Knowledge of consent issues
- Ability to deal with vulnerable victims
- Best practice regarding out of court work

Awareness of CPS Policy in relation to Rape

- An appropriate understanding of CPS policy on rape and serious sexual abuse relevant to their level
- The substantive law as contained in the Sexual Offences Act 2003 and other relevant legislation
- CPS commitments to victims and witnesses
- Recent developments in case law
- Familiarity with the CPS/Police joint national rape protocol
- Disclosure of information in cases of alleged child abuse and linked criminal and care directions hearings

Disclosure

- Familiarity with key areas, including reasonable lines of enquiry
- Awareness of guidance relating to digital communications evidence

Medical and Forensic Evidence

- Good knowledge of forensic science in relation to DNA and rape
- The role of Sexual Assault Referral Centres
- The use of medical and forensic evidence in sexual assault cases

Evidence of competency

7. Applicants should provide details of their knowledge, skills and experience on the application form under each heading. They should provide relevant examples based on sensitive sexual offence related criminal casework.
8. When providing evidence to support their application, applicants should clearly state what role they played. For example, if they were led, what was their contribution to the case? Examples can be given of difficulties faced and how they were overcome.

References

9. Applicants for the Rape List should provide one reference. Referees will be asked to consider the competencies of the applicant against the Rape List selection criteria under the following headings:
 - a. Their role and knowledge of the applicant's work



- b. Legal decision making and case strategy
- c. Advocacy
- d. Interpersonal skills
- e. Additional information

Training

10. Applicants should provide evidence that they have undertaken sufficient and relevant CPS accredited training courses in relation to the prosecution of rape and sexual offences. The training should have been completed within the last three years to be relevant for new applicants.
11. It is the responsibility of individual advocates to ensure they have completed accredited training in accordance with these requirements.
12. Advocates must undertake accredited refresher training. If this does not occur, then advocates will lose the ability to prosecute rape cases. Advocates who have been on the 2012 Panel Rape List but have not had refresher training in the last four years will be expected to undertake such training by the end of 2017.
13. Accredited training can be completed in one of the following ways:
 - Attendance at a training seminar that has been accredited by the CPS;
 - Attendance with colleagues at an event where a recording of an accredited training seminar is viewed and discussed and the event has been approved by the Bar Council (and CPS) for the purpose of Continuing Professional Development;
 - Exceptionally, and with the specific approval of a Circuit Leader, viewing a recording of an accredited seminar in circumstances where it is unreasonable to expect attendance at an organised event or seminar.

Process of Accrediting a Course

14. For a course to be accredited, the following must occur:
 - The CPS must be contacted prior to the holding of the seminar/course, and a copy of the timetable and any pre-reading, or presentations must be sent to the relevant Policy lead on rape;
 - If the course meets the criteria, then it will be accredited;
 - If the course doesn't fulfil the criteria, the CPS will inform the course providers with details on where the course can be improved;



- In such circumstances, once amendment has been made, the course can be re-submitted for accreditation;
- A member of the CPS must attend any live event for the purposes of quality assurance;
- If after attending an event, the CPS believes that the content of the course fell below the required standard, then the course organisers will be informed immediately in order to consider how matters can be rectified;
- Once a course has been held, a list of attendees must be sent to the relevant CPS Policy lead on rape. This list will then be distributed to CPS Areas;
- CPS accreditation will be valid for four years. After that, the course must be re-evaluated.

Mandatory areas for inclusion in seminars – 2018/19

- The substantive 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, myths and stereotypes, vulnerable victims
 - CPS policy including the CPS/Police joint national rape protocol, CPS commitments to victims and witnesses
 - Best practice re: out of court work; digital prosecuting
 - Section 41;
 - Dealing effectively with rape myths and consent issues at court
 - Reasonable lines of enquiry and communications evidence
15. Completion of CPS e-learning on Consent in Sexual Cases and Coercive and Controlling Behaviour is also required, but can be undertaken as separate training courses. These courses can be accessed via the [CPS Prosecution College](#).

Policies and Protocols

16. Counsel will be expected to be familiar with the following policies and protocols which can be accessed via the following links. Pre-course instructions should contain links to these documents:

<http://www.cps.gov.uk/publications/agencies/>

- ACPO-CPS Joint protocol on the investigation and prosecution of allegations of rape 2015



- 2013 Protocol and good practice model ("2013 Protocol"): Disclosure of information in cases of alleged child abuse and linked criminal and care directions hearings

Other guidance

<http://www.cps.gov.uk/publications/prosecution/index.html>

- Policy for prosecuting rape
- Victims and Witnesses
- CPS Errant Conduct and Poor performance Guide

Prosecution Guidance

- Child Sexual Abuse
- Rape and serious sexual offences guidance
- Guide to “reasonable lines of enquiry” and Communications Evidence
- Care and treatment of victims and witnesses
 - Code of practice for victims of Crime
 - Victim’s Right to review
- Controlling or coercive behaviour in an intimate or family relationship

CPS Toolkits

- Consent toolkit for advocates on consent
- Vulnerable Victims Toolkit
- Psychological evidence toolkit for prosecutors (when published)
- Same sex violence toolkit (when published)
- Digital media toolkit (when published)

Other toolkits

- Toolkits developed by [The Advocates Gateway](#) (TAG) at The Inns of Court College of Advocacy, (ICCA) which provide advocates with general good practice guidance when preparing for trial in cases involving vulnerable witnesses.