



CROWN PROSECUTION SERVICE – SPECIALIST ADVOCATE PANEL SCHEME 2018 - 2022

APPLICATION / UPGRADE PROCESS – SEPTEMBER 2018 WINDOW

1. This document describes the separate **CPS Specialist Advocate Panels** processes which applicants must follow in respect of:
 - A) **Permanent membership** – applications to join the five Specialist Panels
 - B) **Upgrading** – applications from existing members to upgrade their level on the Specialist Panels
 - C) **Further information** – in respect of the following:
 - References
 - Submission of applications
 - Equalities Monitoring
2. This document does **not** relate to the **CPS Advocate Panel for General Crime and Rape and Child Sexual Offences List** for which separate arrangements are in place. For further information, please visit the [CPS website](#).

Introduction

3. All advocates applying to join a Specialist Panel or upgrade their level must meet the selection criteria relevant to each of the five Specialist Panels.
4. All applicants appointed to the Panel must agree to abide by the Advocate Panel Members' Commitment.
5. Applicants who join will be appointed for the duration of the Panel. The 2018 Specialist Panel is expected to run for four years to 2022. CPS has discretion to amend the duration but will only do so in consultation with the Bar Council and Law Society.
6. An annual application/upgrade window will be open in September each year. The CPS can hold the window at another period at its discretion.
7. The application process will be open and transparent and provide equal opportunity for all applicants. There will be no quotas in respect of gender, ethnicity, sexuality, age or disability for candidates being appointed onto the Panel.

A) Permanent Membership – Applications to join the Specialist Panels

8. Applicants applying to join one or more Specialist Panel must complete and submit a separate application form for each, relevant to the corresponding selection criteria. There are five Specialist Panels, as follows:
 - Counter Terrorism Panel – levels 3 and 4 only
 - Extradition Panel – levels 1, 2, 3 and 4
 - Fraud Panel (including fiscal fraud) – level 2, 3 and 4
 - Proceeds of Crime Panel – levels 2, 3 and 4



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- Serious Crime Group Panel – levels 2, 3 and 4
9. Applicants must use the form containing the descriptor 'CPS Specialist Advocate Panel Scheme 2018 – 2022', selecting from the dropdown menu the Panel to which they are applying.
 10. New applicants must determine for each application which level they wish to apply for and apply for one level only. For levels 2, 3 and 4, the application will automatically be considered for the next level down if it is unsuccessful at the level they applied for.
 11. Applicants must carefully consider which level to apply for based on their own assessment of their ability and experience.
 12. Applications will be assessed on the content of the written application form, examples of work and written references. There will be no interview or other test as part of the assessment process.
 13. It is important that applicants take time and care when completing their application form. In doing so, applicants should refer to all of the available guidance.
 14. Please note:
 - Incomplete or late applications will not be assessed
 - Paper submissions are not acceptable
 - Word limits must be observed
 - Sensitive identifying case information should not be included
 15. Each applicant applying to join the Specialist Panels must submit, in electronic form only, an application form together with supporting material, where required, and the required number of completed references. A separate application form is required for each Specialist Panel. Applicants must also complete and submit an Equalities Monitoring Questionnaire.
 16. Secure email addresses, such as the CJSM network (www.cjsm.net), are desirable for the application process, although not essential. All successful applicants must sign-up to use secure email as a condition of being appointed to the Panel. CJSM accounts should be accessed regularly to ensure they are not disabled allowing for communications from the CPS to be received.

Pre-Qualification Questions

17. All new applicants must answer pre-qualification questions as part of the application process.
18. The pre-qualification questions require new applicants to disclose details and dates of:
 - criminal investigations, charges or prosecutions relating to them;
 - criminal convictions, cautions, reprimands and out of court disposals recorded against them;



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- disciplinary findings found against them by their professional body or Regulator;
 - civil proceedings for negligence or breach of trust, and
 - instances where the CPS has had to formally remove instructions from them.
19. The pre-qualification questions also require disclosure of allegations which are pending resolution.
20. The CPS reserves the right not to accept or further consider applications where, in the view of the CPS, the CPS or other criminal justice participant would not have adequate confidence in the applicant's judgement or integrity if the applicant was appointed to the Panel, based on the answers to the pre-qualification questions or resulting enquiries. There is no right of appeal against such a decision.
21. In this respect the CPS will assess the level of confidence likely to be held in the applicant by:
- victims and witnesses
 - the general public
 - CPS
 - courts
 - other practitioners, and
 - the police
22. In assessing public confidence, the degree of media interest and notoriety arising from any incident or behaviour listed in the pre-qualification questionnaire will be taken into account.
23. In respect of the pre-qualification issues, including unresolved allegations, all factors will be considered including:
- nature and seriousness of the allegations;
 - the age of the allegations;
 - individual's age at time of allegation;
 - circumstances of victims;
 - level of sentence or potential sentence, and
 - appeal procedures.
24. If the application is accepted and proceeds to a full assessment, the answers to pre-qualification questions will play no part in the assessment of the application.

Applications to join the Extradition Panel at level 1

25. Applications to join the current Extradition Panel at level 1 can be submitted any time, provided the applicant meets the relevant selection criteria.
26. An application to join the Advocate Panel at Level 1 consists of the following documents:
- ✓ Completed Level 1 Extradition Panel application form
 - ✓ A reference from an appropriate referee



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- ✓ Completed Equality Monitoring form
27. Applicants for level 1 should provide one reference. An appropriate referee might be a head of chambers, chambers advocacy trainer or a CPS lawyer who has seen the applicant perform advocacy.
- Applications to join the Specialist Panels at Level 2, 3 and 4
28. New applicants can apply to join the current Specialist Panel at levels 2, 3 or 4 during the annual application window but can only make one joiner application within a three year period. If unsuccessful at these levels, applications for Level 1 on the Extradition Panel only are accepted at any time throughout the year.
29. **Level 2** – an application to join the Specialist Panels at Level 2 consists of the following documents:
- ✓ Completed Level 2, 3 or 4 application form
 - ✓ References from two (2) appropriate referees
 - ✓ One (1) recent example of drafting e.g. skeleton argument, advice
 - ✓ Completed Equality Monitoring form
30. Level 2 applicants should provide two references. There is no requirement to submit a judicial reference in support of applications to join at Level 2.
31. Level 2 applications are not accepted in respect of the Counter Terrorism Specialist Panel
32. **Level 3** – An application to join the Advocate Panel at Level 3 consists of the following documents:
- ✓ Completed Level 2, 3 or 4 application form
 - ✓ References from two (2) appropriate referees
 - ✓ One (1) recent example of drafting e.g. skeleton argument, advice
 - ✓ Completed Equality Monitoring form
33. Level 3 applicants should provide two references with at least one from a member of the full-time judiciary.
34. **Level 4** – an application to join the Advocate Panel at Level 4 consists of the following documents:
- ✓ Completed Level 2, 3 or 4 application form
 - ✓ References from three (3) appropriate referees
 - ✓ Two (2) recent examples of drafting e.g. skeleton argument, advice
 - ✓ Completed Equality Monitoring form
35. Level 4 applicants should provide three references. At least one reference, but no more than two, should be from members of the full-time judiciary. Applicants with significant prosecuting experience should provide at least one reference from an



instructing lawyer. However, if you have not undertaken a significant amount of prosecuting work and are unable to supply such a reference, this does not prevent you from applying.

B) Upgrading – Applications for upgrading to levels 2, 3 or 4

36. Members of a Specialist Panel can apply to be upgraded to level 3 or 4 during the annual window using the Upgrade Application Form.
37. 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.
38. 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.
39. An application to upgrade to Level 3 or 4 consists of the following two documents:
 - ✓ Completed upgrade application form
 - ✓ One (1) *optional* new supporting document from a single author (see para 42)
40. Applicants must complete the Upgrade Application Form. The form has sections in relation to the five selection criteria and maximum words counts will apply.
41. The process for upgrading requires applicants to provide demonstrable evidence of improvement since being appointed to their current level and how they now meet the selection criteria for the level applied for in relation to:
 - Advocacy
 - Advisory work
 - Experience of dealing with PII issues and Disclosure of unused material
 - Other relevant knowledge, skills and experience
 - Appreciation of the role of a Panel advocate
42. Applicants may optionally submit one new supporting document with their application for upgrading. The document must be submitted by the applicant with their application form and must only be a single document from one author e.g. a letter of support, an example of written work, a reference etc., but it must not be a compendium of documents.
43. Since applicants for upgrading will have met the application requirements for their existing level and will be known to the CPS, an abbreviated application process will apply for the upgrade exercise. This removes the need for applicants to provide details of pre-qualification issues, education, and reduces the requirement for references in support of the application.



C) Further Information

References

44. New applicants should secure and submit references in accordance with the guidance. Although not an exhaustive list, the table below provides examples of appropriate referees at each level.

Level 1	Level 2	Levels 3 and 4
<ul style="list-style-type: none"> • Heads of Chambers • Chambers Advocacy Trainers • CPS Lawyer 	<ul style="list-style-type: none"> • Pupil Master • Heads of Chambers • Chambers Advocacy Trainer • Instructing Solicitors • Leading or opposing Advocates • Instructing members of the CPS or other prosecuting authorities • Advocacy Assessors 	<ul style="list-style-type: none"> • Current or retired members of the full-time judiciary • Members of the part-time judiciary • Heads of Chambers • Instructing Solicitors • Leading or Opposing Advocates • Instructing members of the CPS or other prosecuting authorities • Advocacy Assessors

45. **PLEASE NOTE: It is the applicant’s responsibility to ensure that all references are submitted to the CPS in accordance with the guidance no later than the deadline date.** The Advocate Panel team will not contact referees to request or chase references on behalf of the applicant. Accordingly, applicants should ensure that potential referees are given sufficient notice (28 days) of what they are required to provide and the date the applicant requires the reference.
46. An instructing member of the CPS may compose a reference for an Advocate Panel applicant. However, any reference provided by an instructing member of the CPS will be considered an organisational reference, and not a personal one. The draft reference must be referred to either the local Area CCP, or someone delegated by the CCP, for approval. Applicants should confirm with the CPS member of staff that they have submitted the reference to the Advocate Panel mailbox.
47. Information for referees can be found in the Explanatory Note to Referees document.

Submission of applications

48. The application form and all supporting documentation, including references, should be submitted in electronic form.
49. References can be sent separately to the application but the applicant should provide the name of the person/s providing the reference and should contact the referee and the [Advocate Panels mailbox](#) prior to the close of the application window to ensure the reference has been submitted.

Equalities Monitoring

50. The Advocate Panel arrangements follow the fundamental principles of the Equality Act 2010 and our Public Sector Equality Duty (PSED). Accordingly, all applicants to join the Advocate Panel are required to complete an Equality Monitoring Questionnaire.



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51. The Duty covers age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, gender and sexual orientation and to a limited extent marriage and civil partnership referred to in the Act as 'protected characteristics'.
52. The general equality duty is set out in section 149 of the Equality Act and requires that public bodies, in the exercise of their functions, have due regard to the need to:
 - Eliminate unlawful discrimination, harassment and victimization
 - Advance equality of opportunity between different groups
 - Foster good relations between different groups
53. In order to demonstrate compliance with the PSED the CPS is charged with taking reasonable and practicable steps to show due regard to the need to advance equality of opportunity. We are also required to publish relevant and proportionate information to demonstrate compliance.
54. One of the ways the CPS meets this duty, is by collecting and analysing data on the protected characteristics of applicants to the Panel. This enables us to identify whether groups with protected characteristics are proportionately represented and take action where a group(s) is underrepresented.
55. Whilst we have a statutory obligation to do this, we believe there is a strong link between a diverse workforce and inclusive culture, public trust and confidence in the CPS. Our approach also supports the government social mobility agenda, which welcomes applicants from all backgrounds.
56. The data we collect is used for statistical analysis and will not be linked to individual applicants or have an impact on whether or not they are successful in their application. All applications will be judged solely on merit.