

**PROCESS TO ENABLE EXTERNAL PROSECUTION ADVOCATES TO SEEK  
INSTRUCTIONS FROM THE CROWN PROSECUTION SERVICE PRIOR TO A  
HEARING, WHILST AT CROWN COURT**



## **Introduction**

1. The Crown Prosecution Service (CPS) is committed to adhering to the principles set out in the Better Case Management Revival Handbook, published by the Senior Presiding Judge in January 2023.
2. Key principles of Better Case Management (BCM) include case ownership, the duty of engagement, participation from everyone, earlier resolution of pleas, as well as ensuring that there are fewer and more effective hearings.
3. In order to achieve these aims, it is recognised that there must be an identified process in place to enable external advocates to obtain instructions from the CPS on the day of a hearing, whilst the advocate is at court. This document sets out that process.
4. In this process “external advocates” refers to any barrister or solicitor agent who is instructed to prosecute a case by the CPS, who is not an employee of the CPS.
5. The objectives of this process are to:
  - Reflect BCM principles.
  - Set out the respective responsibilities of the CPS and external advocates in relation to provision of instructions on the day of a hearing whilst advocates are at court.
  - Prevent delay, inefficiency, ineffective hearings, and unnecessary adjournments.
  - Establish a robust, minimum operational process to enable external advocates to be able to take instructions whilst at court.
  - Set out an effective escalation process.
  - Achieve a consistent approach to contacting and communicating with the CPS.
  - Reflect the Advocate Panel Members Commitment and the Service Level Agreement – External Advocates: Magistrates Court.
6. A copy of this process will be shared with Resident Judges.

## **Operational Process**

7. External advocates are encouraged to raise any concerns relating to casework prior to the hearing date where possible, in accordance with the Advocate Panel Members Commitment. Where an advocate recognises an issue, they should bring this to the attention of the CPS immediately and should not wait until the date of the hearing to contact the CPS to obtain instructions.
8. The CPS acknowledges that there will be occasions when this is not possible, and therefore the following process should be followed when instructions on casework are required whilst the

advocate is at court (set out below and at Annex 1). It should be noted that this process sets out minimum expectations, some Areas will have additional measures in place to enable advocates to seek instructions.

9. CPS paralegal representatives present at court (including the CPS Court Manager) are available to provide assistance in making contact with the CPS in order to take instructions.
10. The reviewing lawyer's name and contact telephone number is contained within the Instructions to Counsel document. The allocated paralegal officer's name and contact telephone number is also provided within the document. Alternatively, a court based CPS paralegal representative will be able to provide the name and contact telephone number of the reviewing lawyer.
11. In the first instance, the advocate should attempt to contact the reviewing lawyer to seek instructions.
12. If the reviewing lawyer is absent or unavailable, external advocates should contact the duty prosecutor. A nominated duty prosecutor will be appointed by the Area each day and will be able to make casework decisions in the reviewing lawyer's absence.
13. The duty prosecutor can be contacted via the paralegal officer named within the Instructions to Counsel document, or via the Area's Crown Court Unit telephone number which is [.....]. Alternatively, a court-based CPS paralegal representative will be able to provide the name and contact telephone number of the duty prosecutor. The duty prosecutor's information will be made available to court-based CPS paralegal representatives by local arrangements.
14. CPS Areas will also circulate an up-to-date telephone list to Chambers and to HMCTS on a bi-monthly basis; contact details can also be found here.

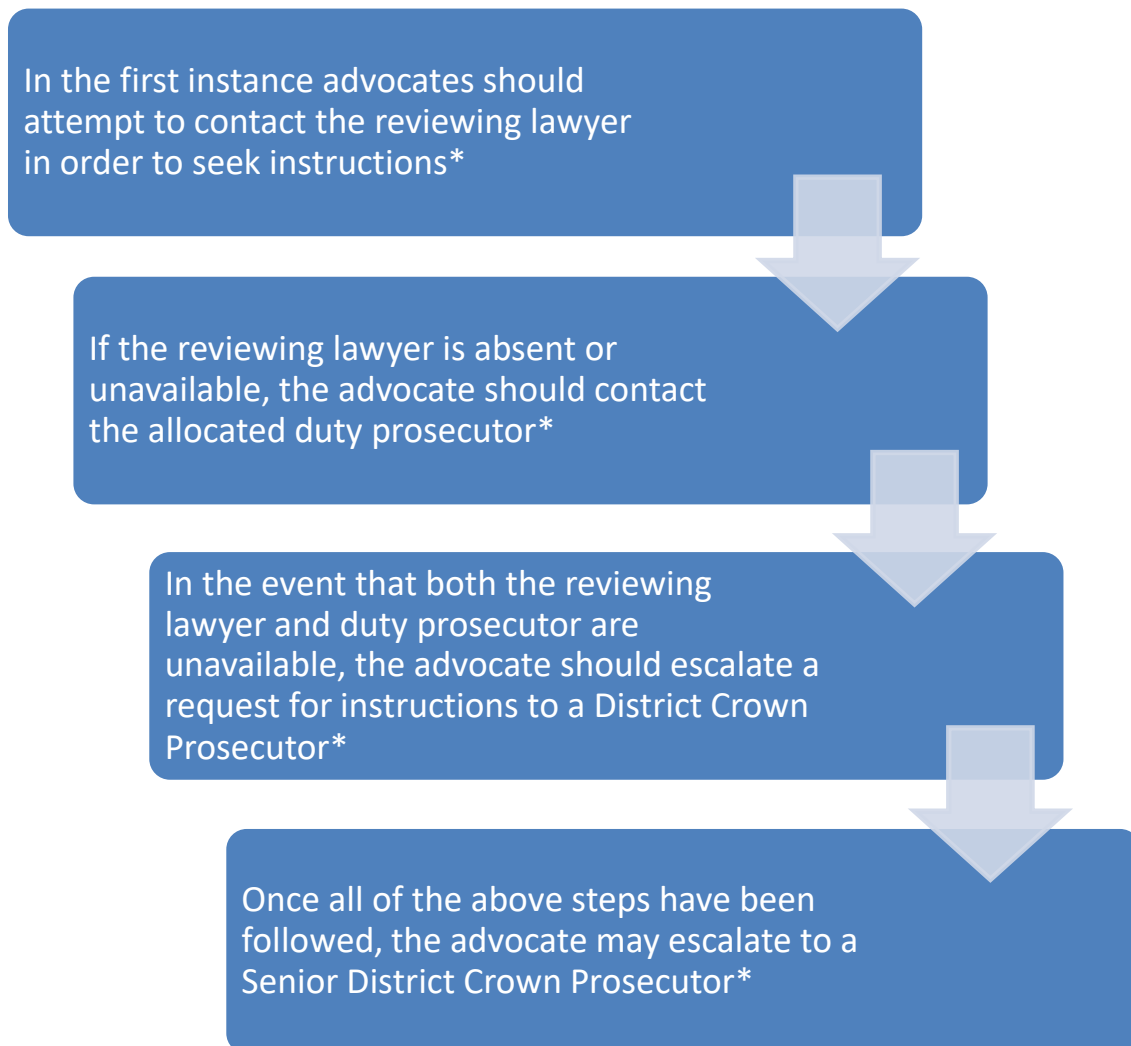
### **Escalation Process**

15. In the event that the reviewing lawyer and duty prosecutor are both unavailable, external advocates should seek instructions from a District Crown Prosecutor (DCP). Contact details of the DCP can be obtained from CPS court-based paralegal representatives or from the telephone list.
16. Once all other avenues have been exhausted, external advocates may escalate their request to a Senior District Crown Prosecutor (SDCP).

### **Monitoring and Review**

17. The following person(s) are responsible for the implementation, monitoring and compliance of the arrangements set out in the process:  
[XX for the CPS XX Area - *specify level*]
18. A review of this process will be conducted periodically.

**ANNEX 1 : Escalation process to be followed by external advocates in order to obtain instructions from CPS from Crown Court**



\*Advocates should note that the Instructions to Counsel document contains contact details for the reviewing lawyer and the paralegal officer. CPS paralegal representatives present at court, (including the CPS Court Manager) are also available to provide further information, contact details, and assistance if the reviewing lawyer is unavailable. A telephone list detailing CPS contact details has also been circulated to Chambers and to HMCTS.