

# AGO Business Plan 2019-20

#### **FOREWORD**

This business plan sets out the priorities for the Attorney General's Office (AGO) for the year 2019-20.

Like other departments, the AGO expects 2019-20 to be a busy and demanding year, as we support our Law Officers to play their part fully in the work of a new Government team with a clear and ambitious agenda. Our core purpose - making law and politics work together at the heart of the UK constitution – will be key to the delivery of that agenda.

The Law Officers continue to enable the delivery of a successful exit from the European Union by giving legal and constitutional advice within Government, supporting international negotiations, helping develop domestic legislation to implement the new arrangements, and preparing for strong future working relationships with international criminal justice operations. The AGO is ready to play a key role in delivering Brexit, supporting the Law Officers in exercising these functions and remaining agile and responsive to change as matters develop.

The AGO will continue to support the Law Officers' other advisory functions in government, including responding to issues of international law arising from global events. We have a central role in co-ordinating legal strategy across the national security community, including by supporting the Attorney General's participation in the National Security Council, and that of senior government lawyers in the National Security Council (NSC) Officials Legal group.

The Law Officers are looking forward to continuing to develop and strengthen their sponsorship relationships with the Crown Prosecution Service (CPS) and Serious Fraud Office (SFO) in line with the new frameworks agreed last year. The AGO, together with the CPS and the SFO, will work with our criminal justice partners to take forward government strategies to tackle priority areas, including organised crime and criminal finances, serious violence, and rape, to deliver justice and provide greater support for victims of crime. The Law Officers will also agree a sponsorship protocol with HM CPS Inspectorate (HMCPSI), and review the arrangements supporting their sponsorship relationship with the Government Legal Department (GLD).

The Unduly Lenient Sentence scheme draws an increasing number of referrals to the AGO. Victims, their families and members of the public are able to request a review of cases where they believe there has been gross error in the sentencing decision. Crimes covered by the scheme include murder, rape and child sexual abuse. In 2018, 99 criminals had their sentences increased after the intervention of the Law Officers' via the scheme. The AGO will continue to support the Law Officers to act in the public interest in this context and in their other public interest functions within the justice system.

Our people will be, as always, at the heart of delivery of our business plan. We are a small, diverse, and high-performing department where each individual has a crucial personal contribution to make to ensure our success. Together, we are proud to work as an efficient, multi-disciplinary and engaged team. We prioritise the Law Officers' professional and constitutional responsibilities, investment in colleagues' development

and wellbeing, and our AGO values of commitment to each other's success and to excellence in all we do. Our flexibility and resilience always shine through when responding to the pressing matters of the day. We have set ourselves high standards and I am confident we will continue to meet them in our professional, collegiate manner, as we enjoy working with our Ministers and colleagues from across government, contributing to public life, good government and the Rule of Law in the UK.

Rowena Collins-Rice Director-General

#### Who we are

The Attorney General's Office (AGO) is a ministerial department which supports the Attorney General and the Solicitor General (the Law Officers). The Law Officers are government ministers who:

- are the chief legal advisers to the government
- sponsor and are accountable to Parliament for the Law Officers' Departments, namely:
  - 1) The Crown Prosecution Service (CPS)
  - 2) The Serious Fraud Office (SFO)
  - 3) Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI)
  - 4) The Government Legal Department (GLD), which provides legal services to government
- perform other functions in the public interest, such as looking at sentences which may be too low these duties are independent of government.

#### **Our Structure**

### Attorney General's Office Structure



= Leadership = = Core teams = = Staff groups = = Arms length bodies

### **Our Vision**

The AGO's unique contribution to public life is making law and politics work together at the heart of the UK constitution. We do that through our stewardship of the public

interest in the Rule of Law, which is a fundamental principle of our unwritten constitution and a guarantee of our historic democracy and liberties.

We are a specialist ministerial department, supporting the Law Officers across the full range of their legal, government, and justice functions as a 'crack team of problem-solvers' helping deliver government policy. We are proud of our constitutional role, reputation for legal professional excellence and creativity, and sophisticated political and handling awareness.

Together, we work as a high-performing, multi-disciplinary, engaged and resilient team. We prioritise the Law Officers' professional and constitutional ethos, our team spirit and values, and our investment in individuals' development and wellbeing.

### **Our Values**

- We treat everyone with respect.
- We value each other and support personal development.
- We act with integrity in our work and our relationships.
- We work supportively, constructively and positively.
- We strive for excellence in everything we do.

### **Our Strategic Objectives**

- A. Helping deliver government policy in the context of the Law Officers' constitutional role in relation to the Rule of Law.
- B. Defining and delivering the Law Officers' public interest functions in the interests of the administration of justice.
- C. Sponsoring the Law Officers' Departments and connecting the work of the prosecutors with wider criminal justice policy.
- D. Ensuring a high performing and efficient Attorney General's Office which meets its legal and performance obligations.

## STRATEGIC OBJECTIVE (A): Helping deliver government policy in the context of the Law Officers' constitutional role in relation to the Rule of Law

#### **Actions**

- 1. Helping the Law Officers support the Prime Minister, the Cabinet and its committees in collective decision-making, working closely with all relevant departments.
- Supporting departments delivering the government's wider domestic and international objectives (in particular in relation to exiting the EU), including by providing risk-based Law Officer advice and by promoting awareness and understanding of legal and constitutional issues and their impact on government policymaking.
- 3. Supporting the Law Officers' role in promoting the Rule of Law within government and publicly and acting as stewards of the Law Officers' Convention.

- 4. Leading the Government Legal Profession, in particular by supporting the Treasury Solicitor, and working to enhance government lawyers' role as expert problem-solvers in the delivery of government policy.
- 5. Undertaking targeted engagement and outreach to support understanding of the work of the Law Officers and government legal community. Promoting Pro Bono, as the Government's champions, and Public Legal Education across Government.
- 6. Promoting the UK's distinct historical and contemporary leadership on the Rule of Law at an international level.

# STRATEGIC OBJECTIVE (B): Defining and delivering the Law Officers' public interest functions in the interests of the administration of justice

### Actions

- 1. Providing effective support for the Law Officers to deliver their statutory and common law public interest functions, including as Advocate General for Northern Ireland.
- 2. Supporting the Law Officers to identify and seek to address the causes of unduly lenient sentences.
- 3. Keeping under review the scope of the Attorney General's criminal and civil public interest functions including in relation to ensuring effective and efficient delivery of those functions.
- 4. Maintaining and improving AGO casework system improvements to ensure maximum efficiency.
- 5. Maintaining and enhancing relations between the executive and the judiciary, including through selective domestic and international advocacy by the Law Officers and intervening in proceedings where it is in the public interest; and by promoting engagement with the judicial leadership.

# STRATEGIC OBJECTIVE (C): Sponsoring the Law Officers' Departments and connecting the work of the prosecutors with wider criminal justice policy

### Actions

- 1. Improving the operation of sponsorship arrangements with the CPS and the SFO ("the prosecutors"), in line with the agreed Framework Agreements and, in particular, through the Ministerial Strategic Boards chaired by the Attorney General. Maintaining their proper operational independence and promoting their effectiveness, efficiency, Parliamentary and public accountability and reputations.
- 2. Improving sponsorship arrangements with HMCPSI and supporting the Chief Inspector to deliver his functions and to provide an effective contribution to enabling improvement in the efficiency and effectiveness of the prosecutors and enhancing the quality of justice.
- 3. Reviewing sponsorship arrangements with the GLD. Continuing to promote its effectiveness, efficiency, accountability and reputation.

- 4. Ensuring the development of robust criminal justice policy by representing the views of the Law Officers and supporting the relationship between policymakers in government and the prosecutors, in particular working with the Home Office and Ministry of Justice, to provide a more efficient, effective and accountable criminal justice system for victims and the public.
- 5. Constructively engaging with the legal professions, including the Bar Council (through the Attorney General's role as head of the Bar) and the Law Society, on a range of issues relating to the justice system.

# STRATEGIC OBJECTIVE (D): Ensuring a high performing and efficient Attorney General's Office which meets its legal and performance obligations

#### Actions

- 1. Providing effective governance and strategic leadership of the AGO through the Executive Board.
- 2. Ensuring effective financial planning and management of the AGO budget in accordance with government accounting rules and best practice.
- Providing a safe and secure working environment that protects our people, information and other resources, supports all areas of business, and implements innovative practice to enable effectiveness, resilience and wellbeing.
- 4. Attracting and developing talented people, and supporting staff engagement through our people plans. Investing in recruitment, induction and development of staff to create an office with clear leadership, and delivery through a diverse and inclusive workforce.
- 5. Reviewing and improving existing information management systems and designing and implementing new systems to capture expertise, knowledge, and experience, and provide storage and access to records that meets current and future needs.
- 6. Responding to all litigation and inquiries, as well as parliamentary, press, and public correspondence in line with our published standards and legal obligations.

### Annex A - Review of 2018-19

2018-19 was a significant and busy year for the Attorney General's Office (AGO). The AGO has delivered against its strategic objectives as a whole whilst ensuring that resources have been deployed to reflect emerging priorities.

July 2018 saw the departure of Rt Hon Jeremy Wright QC MP as Attorney General and the appointment of Rt Hon Geoffrey Cox QC MP in succession. Robert Buckland QC MP was Solicitor General throughout the reporting period. The AGO reviewed its strategic priorities with the new Attorney General and for the second half of the year gave particular focus to:

- A. Helping deliver government policy in the context of the Law Officers' constitutional role in relation to the Rule of Law The new Attorney General's Brexit work meant the AGO supporting significant work against this objective, including intensive Cabinet-level engagement on Brexit policy, legislation and negotiations. Parliamentary pressure on the Law Officers' Convention in this context has also made particular demands on the AGO's special role in supporting and explaining the Convention's important constitutional significance. On the wider international side, the Law Officers dealt with legal issues in the areas of trade, security and foreign policy.
- D. Sponsoring the Law Officers' Departments and connecting the work of the prosecutors with wider criminal justice policy The appointment of a new Director of Public Prosecutions and a new Director of the Serious Fraud Office provided the appropriate opportunity to update and strengthen the AGO's sponsorship relationships with the Crown Prosecution Service and Serious Fraud Office.

Throughout this period the AGO has operated as a high-performing, multi-disciplinary, engaged and resilient team. In the 2018 Civil Service People Survey, the AGO achieved an Engagement Index of 86%. The engagement result was the highest of any central government department for the second year running, an increase on last year's result of 2 percentage points.

The following table sets out the action we took and the outcomes we delivered against our strategic objectives for 2018/19.

ACTION	WHAT WAS THE OUTCOME?	
STRATEGIC OBJECTIVE (A): Helping deliver government policy in the context of the Law Officers' constitutional role in relation to the Rule of Law		
Supporting the Attorney General's role in promoting the Rule of Law within government and publicly.	The AGO worked across government on plans for new policy and legislation to ensure that Rule of Law factors were considered in formulating and finalising proposals, including in the context of EU Exit.	
2. Helping the Attorney General support the Prime Minister, the Cabinet and its committees; including the European Union Exit and Trade (Preparedness) Committee, the National Security Council (NSC), and Parliamentary Business and Legislative (PBL) Committee, in collective decision-making, working closely with all relevant departments.	<ul> <li>The Attorney General has attended and supported the work of the Cabinet, National Security Council, PBL and EUXT(DPLD)/(P) committees supporting collective decision-making across a range of issues including EU exit, justice, national security, and domestic legislation.</li> <li>The Solicitor General supported the Government as Bill minister leading on key clauses of the EU (Withdrawal) Bill through its Commons stages and responded for the Government in two Westminster Hall debates.</li> </ul>	

- 3. Supporting departments delivering the government's wider domestic and international objectives, including by providing contextualised, accurate, constructive and timely risk-based Law Officer advice, contributing to interdepartmental policy governance, and by promoting awareness and understanding of legal and constitutional issues, and their impact on government policymaking.
- Working closely with the Office of the Advocate General for Scotland, the AGO scrutinised 48 Bills in 2018 in support of the Law Officers' role on PBL Committee and worked with departments to find alternative solutions to legal difficulties in proposed legislation.
- The AGO has continued to Chair the National Security Council (Officials)(Legal)
  meeting, ensuring it is an effective mechanism for strengthening and systematising legal
  work in support of NSC decision-making which helps to ensure collaboration and
  coherence on cross-cutting issues.

- 4. In particular, working with relevant departments to support delivery of the government's priorities in relation to exiting the EU and negotiating a future agreement, delivering legislation that is clear, certain, and predictable, chairing a regular senior legal officials meeting in support of the National Security Council, and supporting the UK's devolution settlements.
- On EU exit, the Law Officers and officials have worked across Whitehall, including with the Department for Exiting the European Union, to support the management of legal risk, the superintendence of legal issues more generally, and matters relating to the Rule of Law.
- The AGO supported the Attorney General in the provision of his legal advice on the Withdrawal Agreement and in subsequent debates in the House

- 5. Leadership of the Government Legal Profession, working in particular to enhance government lawyers' role as expert problemsolvers in the delivery of government policy.
- Officials from AGO and the Office of the Advocate General for Scotland delivered regular training to lawyers across Government about the Rule of Law and how to work with the Law Officers when formulating legislation. We have provided training via the Introductory Course for Lawyers, the Bills Course for Lawyers and by visiting individual Departments.
- Following the establishment of NSC(Officials)(Legal) as a permanent part of the NSC structure, working with relevant departments, the AGO has embedded diversity and inclusion into the legal work in support of NSC decision-making, as well as gaining recognition from DNSA for NSC(O(L)'s work on counter-terrorism legal frameworks, continuing to ensure collaboration and coherence on cross-cutting issues.
- In November 2018, the Attorney General addressed GLD's all-staff conference.

<ul> <li>The AGO supported the Attorney General in his response to a Humble Address calling</li> </ul>
for the publication of his legal advice on the draft EU Withdrawal Agreement. The
Attorney made oral and written statements to Parliament reiterating the fundamental
importance of the Law Officers' Convention. The Director General wrote to all heads of
government legal teams drawing the Attorney's statements about the Convention to their
attention.

- 6. Stewardship of the Law Officers' Convention supporting the Law Officers' constitutional Rule of Law function in the context of collective Cabinet responsibility.
- We also supported the Attorney when he gave evidence about the importance of the Law Officers' Convention to the Procedure Committee in the context of its inquiry into the powers of the House of Commons to call for papers.
- Officials from AGO alongside officials from the Office of the Advocate General for Scotland have provided advice and regular training to Government lawyers about the Law Officers' Convention, including talks given on the Introductory Course for Lawyers and the Bills training course.
- We have worked to protect the Law Officers Convention in the context of Inspections by the Intelligence Services Commissioners.

STRATEGIC OBJECTIVE (B): Defining and delivering the Law Officers' public interest functions in the interests of the administration of justice

Providing effective support for the Law Officers to deliver their statutory public interest functions, including as Advocate General for Northern Ireland.	<ul> <li>The AGO managed a record volume of requests sent to the AGO (more than 1,000 for the first time) under the Unduly Lenient Sentence (ULS) scheme. The AGO publishes statistics on the scheme and more information is available </li></ul>
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3. Keeping under review the scope of
the Attorney General's criminal
and civil public interest functions
including in relation to ensuring
effective and efficient delivery of
those functions.

• AGO and Ministry of Justice officials are working closely together on proposals to extend the unduly lenient sentence scheme.

- 4. Implementing AGO casework system improvements to ensure maximum efficiency.
- The AGO agreed a new service level agreement with GLD for the handling of public interest casework. The agreement sets out principles to be applied when GLD manage cases on AGO's behalf, including (but not limited to) GLD providing AGO with high quality and timely advice.

### STRATEGIC OBJECTIVE (C): Performing a visible and effective role as a leader in the domestic and international legal community

- 1. Maintaining and enhancing relations between the executive, the judiciary and courts, including through selective domestic and international advocacy by the Law Officers and intervening in proceedings where it is in the public interest; and by promoting engagement with the judicial leadership.
- The Law Officers continue to constructively engage with the judiciary and legal professions on a range of issues relating to the justice system. AGO work with Judicial Office, the Bar Council, Law Society and other legal professions to support the Law Officers in this engagement.
- The Solicitor General conducted the advocacy on behalf of the UK in the case brought by Mauritius against the UK in the International Court of Justice.
- Engagement by the Solicitor General with the International Criminal Court has taken place, through meetings with the Registrar, President and Deputy Prosecutor of the Court.

2. Promoting the UK's distinct
historical and contemporary
leadership on the Rule of Law at
an international level.

- Throughout 2018, the AGO worked with our international counterparts Australia, United States, Canada and New Zealand ahead of the Quintet meeting in August of the Attorneys General. The meeting allowed for robust discussion on a number of issues of common interest as well as giving the Attorneys General the opportunity to hold separate bilateral talks with their counterparts. Additionally, the Attorneys General joined Ministers attending the annual Five Country Ministerial meeting for a joint discussion.
- In May 2018 the Attorney General delivered a speech on Cyber and International Law in the 21<sup>st</sup> Century
- Raising and maintaining the profile of the AGO through targeted engagement and outreach so that the work of the Law Officers and government legal community is well-understood and supported.
- The AGO has supported the Law Officers to attend and speak at a number of events, with the legal professions, wider Government and externally. The Solicitor General has undertaken specific engagement with universities and schools to promote public legal engagement and pro bono, as well as chairing panels of key partners in these areas in order to progress wider access to justice objectives throughout the year.

# STRATEGIC OBJECTIVE (D): Sponsoring the Law Officers' Departments and connecting the work of the prosecutors with wider criminal justice policy

- 1. Strengthening the effectiveness of the Law Officers' statutory superintendence functions in relation to the CPS and the SFO ("the prosecutors"), including by securing their proper operational independence and promoting their effectiveness, efficiency, Parliamentary and public accountability and reputations.
- The AGO, together with the Civil Service Commissioner, ran two open and competitive recruitment processes to allow the Attorney General to appoint a new Director of Public Prosecutions and a new Director of the Serious Fraud Office, following the completion of their predecessor's terms.
- The AGO agreed refreshed sponsorship arrangements with the CPS and SFO. New Framework Agreements have been published for both organisations and Ministerial Strategic Boards, which focus on strategy, finance and performance, were re-instated for both.
- Ministers held structured superintendence meetings with the Directors of both the CPS

and the SFO through the course of the year.

- AGO continues to support the Law Officers during oral questions in the House of Commons, with a variety of questions on the work of the CPS and SFO, including hate crime and modern slavery, economic and serious and organised crime as well as on topics as diverse as the prosecution of returning foreign fighters and Brexit.
- The Attorney General gave evidence to the Justice Select Committee on his role and in particular his superintendence responsibilities relating to the CPS and SFO.
- The Solicitor General gave evidence to the Treasury Select Committee's inquiry into
  economic crime, focussing on the role of the CPS and the SFO. The Director of the AGO
  gave evidence to the House of Lords Bribery Committee on the application of the Bribery
  Act by prosecutors.
- The AGO has introduced a systematic approach to feedback for CPS senior managers in respect of unduly lenient sentences and consent casework. This is being supplemented by a programme of Area visits and presentations to senior CPS managers and advocates by AGO officials.

2. Overseeing the relationship between policymakers in government and the prosecutors, particularly working with the Home Office and Ministry of Justice, to provide a more efficient, effective and accountable criminal justice system for victims and the public.	<ul> <li>In November 2018 the AGO published the Attorney General's disclosure review setting out a series of recommendations to improve disclosure in the criminal justice system. Throughout the year we worked closely with the police and prosecutors to address operational issues on disclosure.</li> <li>The Government response to the Call for Evidence on the Impact of Social Media on the Administration of Justice was published by the AGO in March.</li> <li>The AGO supported a number of cross-government strategies launched this year to help ensure that they are effective in providing a comprehensive response to UK justice and security priorities. This includes the Serious and Organised Crime Strategy, CONTEST, Serious Violence Strategy, Victims Strategy and the Violence Against Women and Girls Strategy Refresh.</li> <li>The AGO also contributed to the ongoing delivery of the cross-government strategies including the Anti-Corruption strategy and Economic Crime Reform Programme. On the latter we are further engaged in supporting the implementation of the National Economic Crime Centre.</li> <li>AGO also worked across Whitehall on a range of policy issues including, but not limited to, the implications of EU Exit for law enforcement and criminal justice, modern slavery, domestic abuse, and serious and organised crime. Where issues have been identified, we have worked across Government to deliver an effective response. For example, we have worked with the Home Office, MoJ, CPS and Cabinet Office Implementation Unit to</li> </ul>
	develop a review into declining outcomes for rape and serious sexual offences.
3. Supporting HMCPSI to deliver its functions and to provide an effective contribution to the Law Officers' statutory superintendence functions.	Engagement by senior officials and Ministers with the Chief Inspector has taken place throughout the year to ensure the recommendations of inspectorate reports are explored and implemented as necessary.

4. Supporting the Law Officers' sponsorship of the GLD, including by promoting its effectiveness, efficiency, accountability and reputation.	Engagement by senior officials and Ministers with the Treasury Solicitor and senior GLD officials has taken place throughout the year.		
STRATEGIC OBJECTIVE (E): Ensuring a high performing and efficient Attorney General's Office which meets its legal and performance obligations			
Providing effective governance and strategic leadership of the AGO through the Executive Board.	<ul> <li>The Executive Board meets regularly providing assurance and challenge to the organisation; monitoring progress against objectives; and managing departmental risk.</li> <li>Improved governance arrangements introduced supporting implementation of Board decisions and providing additional resilience in delivery for staff groups.</li> </ul>		
Ensuring effective financial planning and management of AGO budgets in accordance with government accounting rules and best practice.	The AGO met all financial requirements.		
Providing a safe and secure     working environment that protects     our information and supports all     areas of business.	The AGO working environment has met staff and security requirements. A review of physical security is currently underway following a change to the security risk profile for the department.		

4. Attracting and developing talented people, and supporting staff engagement through our people plan. Investing in recruitment, induction and development of staff to create an office with clear leadership, and delivery through a diverse and inclusive workforce.	<ul> <li>On recruitment the AGO has successfully implemented Success Profiles, supporting tailored recruitment campaigns for each role. We have also appointed recruitment leads to provide constructive challenge and support development of new ideas and processes to engage a diverse pool of applicants</li> <li>We have introduced blind recruitment to all campaigns to further support a diverse workforce and appointed two new Diversity champions who are working with staff groups across the department to implement a revised diversity and inclusion strategy.</li> <li>A new Learning &amp; Development programme was launched covering skills, area updates, and external speakers linked to identified development needs to broaden the understanding of all staff.</li> </ul>
<ol> <li>Designing and delivering an information management project to capture expertise, knowledge, and experience; and to provide storage and access to records that meets current and future needs.</li> </ol>	<ul> <li>The AGO Leadership Academy captures AGO expertise on a centralised intranet site, accessible to the whole office, providing a bank of knowledge and materials for all those seeking to develop their leadership skills now and in the future.</li> <li>The AGO has created a knowledge management bank on the shared drive to support development of all staff with the further development of "Know how" notes across all teams.</li> <li>We have introduced of an electronic library of Law Officer advice to support efficient access to information.</li> <li>We successfully implemented GDPR and are managing the new requirements.</li> </ul>
6. Responding to all litigation and inquiries; as well as parliamentary, press, and public correspondence in line with our published standards and legal obligations.	The AGO responded to: 179 PQs, answering 89% within the deadline; 328 MP letters, answering 82% within the deadline; 223 FOIs, answering 97% within deadline; and, 748 Cabinet write rounds.