



Service Prosecuting Authority
RAF Northolt, West End Road, Ruislip, Middlesex HA4 6NG

Email: SPA-External@mod.gov.uk

CASEWORK QUALITY STANDARDS

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Introduction

1. These standards set out the benchmarks of quality that we strive to deliver in prosecuting service offences before the Service Courts. The standards are an important way in which we can demonstrate our values of treating everyone with respect, being independent and fair, being honest and open, behaving professionally and striving for excellence.

Overarching principles

2. All work undertaken by the SPA must be:
 - a. Fair to victims and witnesses and in accordance with the Armed Forces Code of Practice for Victims of Crime.
 - b. Fair to suspects and defendants.
 - c. Proportionate to what is required to achieve a just outcome.
3. Prosecutors must make decisions in accordance with:
 - a. The law.
 - b. The Code for Crown Prosecutors.
 - c. Guidance issued by the Attorney General.
 - d. Relevant policies and guidance issued by or on behalf of the DSP.

Standard 1 - Victims and witnesses

4. Service offences have an impact on individuals, Service communities and overall operational effectiveness; our handling of allegations of such offences also has an impact. This standard covers our responsibilities in this respect.
5. The benchmarks of quality are:
 - a. Treating victims and witnesses with respect and understanding.

- b. Prosecuting in a way that is fair to all and reflects the wider public (including the Service) interest.
- c. Taking account of the rights, interests and needs of victims and witnesses.
- d. Taking necessary steps to secure victim participation, where appropriate, and protecting their rights in the court process.
- e. Consulting, where it is appropriate to do so, in order to make properly informed decisions
- f. Making correct, properly reasoned decisions which can be explained to and understood by those affected.
- g. Communicating effectively so that victims, witnesses and the military chain of command are given the right information at the right time.
- h. Challenging court decisions, including by way of appeal or review, where appropriate.

Standard 2 - Legal decision making

- 6. This standard covers three areas of work:
 - a. Advising the Service police.
 - b. Deciding whether to direct charges.
 - c. Making and reviewing decisions in cases where a charge has been directed.
- 7. The benchmarks of quality, in these areas of work are:
 - a. Giving advice which contributes to the investigation reaching a proper and timely outcome.
 - b. Giving timely and effective advice.
 - c. Correctly applying the law and the Code for Crown Prosecutors, in each case.
 - d. Making timely decisions as to whether or not to prosecute, including whether to continue to prosecute.
 - e. Making decisions which are properly informed, reasoned and take account of key evidence, unused material and the likely issues.
 - f. Formulating a prosecution strategy and ensuring that decisions taken in accordance with the strategy contribute to the effective conduct of the case through to a just outcome.
 - g. Considering and recording decisions in a way which is accurate and proportionate so that our position is clear, can be understood by others, and is capable of withstanding challenge.

- h. Reviewing any decision to prosecute on being aware of any change in circumstances that occurs as the case develops, including what becomes known of the defence case.

Standard 3 - Case preparation

- 8. This standard covers the work involved in preparing cases for court.
- 9. The benchmarks of quality are:
 - a. Thinking ahead, anticipating and resolving issues.
 - b. Taking all appropriate steps to ensure that the right information is available to the advocate and/or decision-maker at the right time, so that progress is made.
 - c. Communicating effectively and promptly with victims, witnesses, the police, the courts, defendants and their representatives and others who rely on us.
 - d. Complying with our procedural obligations such as those relating to disclosure, and those set out in the Armed Forces Court Martial Rules, and holding other parties to account.
 - f. Ensuring that the prosecution complies with all relevant court directions.
 - e. Continually reviewing the custody status of defendants.
 - f. Recording what we have done, promptly, in a way which is accurate and proportionate, so that our position is clear and work is not duplicated.

Standard 4 – Advocacy

- 10. This standard covers the work of prosecutors at court; this is not limited to appearances in trials but includes all written and oral representations.
- 11. The benchmarks of quality are:
 - a. Taking control of the case, commanding the confidence of the court and being decisive and proactive.
 - b. Assisting the court throughout the proceedings, including sentence, being fair and professional at all times.
 - c. Preparing properly so that each hearing can be suitably progressed.
 - d. Engaging with defendants and their representatives fairly and effectively.
 - e. Effectively engaging with victims and witnesses.
 - f. Understanding and properly representing the interests of victims, witnesses and the public, including the views of the chain of command where appropriate (e.g. whether there is an intention to retain or discharge a convicted defendant).
 - g. Making custody applications where it is appropriate to do so, taking account of the risk posed to victims, the public and the course of justice.

- h. Anticipating and responding effectively to challenges.
- i. Presenting the prosecution case clearly, professionally, effectively and persuasively.
- j. Recording court hearing events, outcomes and actions, promptly, in a way which is accurate and proportionate, so that our position is clear and work is not duplicated.

James Farrant
Commodore Royal Navy
Deputy Director of Service Prosecutions