



UK Government

Modernising the Criminal Disclosure Regime

The Government's response to Part One of the Independent Review of Disclosure and Fraud offences – Disclosure in the Digital Age and The Independent Review of the Criminal Courts Part II: Volume One, Chapter Five: Disclosure

July 2026

CP 1601



Government of the United Kingdom

Home Office

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Independent Review of Disclosure and Fraud
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Independent Review of the Criminal Courts Part II:
Volume One, Chapter Five: Disclosure

Presented to Parliament
by the Secretary of State for the Home Department
by Command of His Majesty
July 2026

CP 1601



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Government response to Part One of the Independent Review of Disclosure and Fraud Offences

Foreword

This Government response, and the actions we are committing to take to modernise the criminal disclosure regime, form part of the wider programme we are delivering to strengthen the criminal justice system from end to end.

In policing, the White Paper *From local to national: a new model for policing* sets stronger national standards through a new Police Performance Framework, brings specialist national capabilities under a single National Police Service (NPS), reforms the current police force model across England and Wales so regional forces can focus on the crimes that matter most to local communities, and bolsters our neighbourhood policing response. It is designed to remove fragmentation, drive consistency and deliver visible results.

The Government is also committed to reforming and modernising our criminal courts, to turn the tide on the Crown Court backlog and deliver swifter justice for all. We thank Sir Brian Leveson and his expert panel for the Independent Review of the Criminal Courts and acknowledge their

conclusion that financial investment and system efficiencies, whilst critical, are insufficient to bring down the delays – structural reform is also essential. We are therefore acting on all fronts – modernising court processes, legislating for proportionate structural changes, and investing at record levels in court capacity, technology, and the legal profession. Our ambition however goes beyond reducing delays: this is also about bringing our criminal courts into the 21st century and better balancing the rights of defendants with those of victims. Our full response to Sir Brian's review will be published in due course.

Within this wider programme of work, disclosure is central to fairness and timeliness. The digital age has transformed both the volume and complexity of material relevant to investigations, and we are addressing this reality by strengthening national specialist capability, including forensics, to reduce backlogs, standardise practice and deploy new tools across the country.

We are very grateful to Jonathan Fisher KC for his thorough Independent Review of Disclosure and Fraud Offences: *Disclosure in the Digital Age*. The Review reflects extensive engagement across the

system and offers a practical package to raise standards, embracing technology appropriately, strengthening case management with an Intensive Disclosure Regime for the most complex cases, and consolidating guidance and learning so that good practice is embedded consistently.

We also thank Sir Brian Leveson for his proposals related to disclosure, set out in Chapter Five of Part Two of his Independent Review. This response considers Sir Brian's proposals, alongside Jonathan Fisher KC's proposals, enabling the Government to evaluate and implement disclosure reform collectively, drawing on the findings of both Reviews.

In this response we set out how we will act to streamline and clarify end-to-end processes so that material is identified, handled and reviewed promptly and accurately. We will harness technology, including responsible uses of Artificial Intelligence-enabled tools and modern digital workflows, so that officers and prosecutors spend less time on avoidable administration and more time testing relevance and building robust, fair cases and with full respect for privacy and fairness.

We will strengthen training standards so that new officers in all major UK law enforcement agencies understand the role and importance of disclosure within the justice process and its centrality to the right to a fair trial. We will also drive collaboration across the system so that best practice in training and learning is shared, ensuring that investigators and disclosure officers across agencies meet a clear minimum learning standard. This will raise the baseline level of understanding, support greater consistency, and improve confidence in the effective handling of disclosure, so that all parties are clear on their respective roles and responsibilities.

We will focus on delivery. Where guidance and practice can go further, we will do so at pace with our partners across the criminal justice system; and where legislative change is required, we will bring forward proposals when parliamentary time allows. We will be transparent about progress, drawing on established justice and policing performance publications so the public can see the system improving.

We again thank Jonathan Fisher KC and Sir Brian Leveson and all those who contributed evidence to

their Reviews. We will work closely with legal practitioners, law enforcement, Prosecuting Agencies, HM Courts & Tribunals Service and the judiciary, to implement a disclosure regime that is transparent, modern and just, supporting a criminal justice system to deliver swift and fair outcomes for all.

Sarah Jones MP, Minister of State (Minister for Policing and Crime), Home Office

The Rt Hon Ellie Reeves KC MP, Solicitor General, Attorney General's Office

Sarah Sackman KC MP, Minister of State for Courts and Legal Services, Ministry of Justice



Home Office



Attorney General's Office



Ministry of Justice

Introduction

Origins

The disclosure regime, which applies to all criminal proceedings in England and Wales, was developed in response to longstanding concerns that failures to reveal material capable of assisting the defence or undermining the prosecution increased the risk of miscarriages of justice. Before the statutory reforms in 1996, repeated failures of disclosure had been exposed as a systemic weakness that contributed to several well-documented miscarriages of justice, prompting the Royal Commission on Criminal Justice and, in turn, the Criminal Procedure and Investigations Act 1996 (CPIA).¹ The Act provided a clear, structured framework to promote fairness and consistency, ensuring that cases are determined on a properly informed assessment of

¹ <https://www.gov.uk/government/publications/independent-review-of-disclosure-and-fraud-offences> Chapter 1 - A History of Disclosure and the Right to Fair Trial

the material generated by the investigation, rather than on whatever either party happens to deploy at trial.

What Is Disclosure?

The central disclosure duty is the process by which the prosecution provides the defence with material from the investigation that might reasonably be considered capable of undermining the prosecution case or assisting the defence case, even where that material is not relied upon as part of the prosecution evidence at trial.²

Properly handled, disclosure supports accurate decision-making at key points in a case (including charging, plea, and case management), helps avoid late disruption, and underpins confidence that outcomes are safe and just.

The Framework: Law, Rules and Guidance

The disclosure regime is principally established by the Criminal Procedure and Investigations Act 1996 (CPIA) and supported by the CPIA Code of

² <https://www.legislation.gov.uk/ukpga/1996/25/section/3>

Practice, which sets out how investigators must record, retain and reveal material obtained in a criminal investigation to the prosecutor. The Attorney General's Guidelines on Disclosure provide overarching, non--statutory principles for investigators, prosecutors and defence practitioners on the application of that regime across England and Wales, including in relation to digital material.

Court procedure and the management of disclosure within proceedings are reinforced through the Criminal Procedure Rules, including Part 15 (Disclosure), which sets out key procedural steps such as prosecution disclosure, defence disclosure and applications for public interest rulings. In practice, these requirements are further supported by agency guidance, including the Crown Prosecution Service (CPS) Disclosure Manual, which consolidates and operationalises the statutory and procedural framework for the prosecution.

Key Participants and Responsibilities

Disclosure is a shared process with distinct responsibilities. Investigators (most commonly the

police, but also other law enforcement agencies) must pursue all reasonable lines of inquiry, whether these point towards or away from a suspect, and ensure that material obtained or inspected during the investigation is recorded and retained in accordance with the CPIA Code of Practice. “Relevant material” is defined broadly: material may be relevant if it appears to an investigator, the officer in charge, or the disclosure officer to have some bearing on any offence or person under investigation, or on the surrounding circumstances, unless it is incapable of having any impact on the case.

The Code distinguishes the functions of the investigator, the officer in charge of the investigation, and the disclosure officer (who may be supported by deputy disclosure officers); where these roles are performed by different individuals, close consultation is required. The disclosure officer is specifically responsible for examining retained material, revealing material to the prosecutor, and certifying that this has been done.

A central practical feature of the regime is the handling of “unused material”, that is, material retained as relevant but not expected to form part

of the prosecution case. The Code requires such material to be listed on schedules, a process commonly referred to as scheduling, which creates a structured inventory so that prosecutors can decide what must be inspected and what may meet the disclosure test. In practice, the disclosure officer prepares a nonsensitive schedule (commonly the MG6C, ordinarily served on the defence) and a sensitive schedule (commonly the MG6D, not served on the defence), with each item described sufficiently to enable proper prosecutorial review; all relevant unused material must appear on one schedule or the other.

The scheduling process is also where items that may meet the disclosure test are identified and drawn to the prosecutor's attention for inspection and decision making, applying a "thinking" approach rather than a purely administrative one; where large quantities of material are described generically, items that might meet the disclosure test must still be identified and described separately.

Where necessary and lawful, the disclosure process may involve redaction (for example, to remove personal data or protect sensitive

information), consistent with the CPIA Code of Practice and the Attorney General's Guidelines. The schedules are submitted with the case file to the prosecutor to inform charging decisions and enable the prosecution to discharge disclosure obligations from the earliest stage.

Core Stages of Disclosure

Once a case proceeds, prosecutors must review the material and apply the legal disclosure test, disclosing to the defence any material that meets it, and keep disclosure under continuing review as the case develops. The defence plays an important role in identifying the issues in dispute, particularly through service of a defence statement where required, which assists the prosecution in focusing continuing disclosure and case preparation. The court oversees case management and, where necessary, determines issues such as whether material should be withheld on public interest grounds and on what basis, within the framework of the Criminal Procedure Rules (including Part 15).

Digital Material and Contemporary Pressures

The disclosure regime now operates in a context where the volume and complexity of digital material can be substantial. The Attorney General’s Guidelines and CPS guidance emphasise the need for a structured and proportionate “thinking” approach to digital material so that disclosure remains fair and workable while meeting legal obligations. These pressures have practical consequences: if material is not identified, organised and reviewed efficiently, disclosure failures can lead to delay and disruption and, at worst, the risk of unsafe outcomes that the regime exists to prevent.

Jonathan Fisher KC’s Independent Review and this Government Response

In light of these challenges, the Government commissioned Jonathan Fisher KC to undertake the Independent Review of Disclosure and Fraud Offences. Part One of this Review, *Disclosure in the Digital Age*, was published on 20 March 2025 and presented to Parliament (CP 1285). It sets out findings on the operation of the current regime and makes 45 recommendations aimed at

ensuring disclosure remains fair, effective and proportionate in the digital age. This document is the Government's formal response to the Review, setting out how the Government will take forward its recommendations within the existing statutory and procedural framework, and in partnership with criminal justice agencies and stakeholders.

Sir Brian Leveson's Independent Review of the Criminal Courts

Part II of Sir Brian Leveson's Independent Review of the Criminal Courts was published on 4 February 2026. This contains a chapter titled "disclosure," where he makes 10 recommendations for the disclosure regime.

Conclusion

As the Government considers the findings of both the Independent Review of Criminal Courts and Jonathan Fisher KC's disclosure review, it is necessary to ensure the Government can present a strategic and coherent package of disclosure reforms which will help to ensure that the justice system is fit for purpose. The Government is therefore including responses to the 10 recommendations made by Sir Brian Leveson

within this response to the Jonathan Fisher KC's review. Recommendations 81, 83, 84, 88, and 90 have been grouped with some of Jonathan Fisher KC's recommendations as they relate to the same area, whilst the other recommendations are addressed in in pages 135-146 of this response. The Government will publish its final response to Sir Brian Leveson's Review in due course.

Overview of Proposals

Part One of the Independent Review of Disclosure and Fraud offences

Jonathan Fisher KC's Independent Review sets out 45 practical recommendations to make criminal disclosure work in a new era of increasing volumes of digital material. The Review proposes keeping the core legal framework but makes it clearer and easier to use: it calls for improved access to guidance for all parties who interact with the regime such as law enforcement agencies, prosecutors, defence and the criminal courts.

The Review backs smarter use of technology, including advanced tools and Artificial Intelligence, to speed up and improve the accuracy of analysing and sorting investigation material so that relevant, disclosable items are found sooner, with standard digital workflows, common metadata schedules and auditable records, and always under human control. It proposes improvement on how cases are built: getting investigators, prosecutors and the defence to engage earlier so disclosure is considered from the start, raising

expectations that it will be discussed and progressed in detail before and at early hearings, and creating an Intensive Disclosure Regime for the most complex, data-heavy cases. Taken together, the recommendations aim to use new technology, better training and amended court processes to improve disclosure for both victims and defendants.

Principles

The Review recommended modernising the current disclosure regime so there is a clear line of sight through the process from the outset. It emphasised that the prosecution should explain early and openly how disclosure will be managed, the defence should engage constructively while protecting the rights of all parties, and judges should actively oversee case management. The objective remains fair trials that convict the guilty and acquit the innocent, with timely justice and, where doubt arises, an approach that avoids the risk of injustice.

The Review also stressed clarity and accountability: parties should have simple, authoritative guidance on their responsibilities;

clear timelines before, during and after hearings; and consistent training to support good practice. Courts should be able to hold both sides to account in a transparent way, and performance should be monitored through better data so the impact of any changes can be assessed over time. Finally, the Review highlighted efficiency and proportionality. Given constrained resources and the scale of digital material, it proposes pragmatic, flexible approaches that use secure, ethical technology to process, redact and schedule material more effectively, focusing effort on what truly matters in complex cases.

The Independent Review of the Criminal Courts Part II: Volume One, Chapter Five: Disclosure

In the disclosure chapter, Sir Brian notes that disclosure is one of the most critical yet complex and burdensome parts of the criminal justice process. He states that the current regime places significant pressure on police, prosecutors and the defence and that the volume of digital evidence, coupled with fragmented guidance and inconsistent practices, contributes to delays, ineffective trials, and risks fairness in proceedings. He also notes that Defence Case Statements are

frequently late or inadequate and that this undermines trial preparation and judicial case management.

Sir Brian makes recommendations which build on previous reviews, including Jonathan Fisher KC's review. Sir Brian recommends a renewed focus on the statutory CPIA 1996 framework, improved training across all agencies, and stronger judicial oversight. He also supports the use of technology, including AI tools, to streamline processes and emphasises that reform must be collaborative and states that disclosure should be embedded as a shared responsibility across all criminal justice agencies.

Recommendation 1

A Criminal Justice Digital Disclosure Working Group, comprising law enforcement, prosecution, defence and judicial representatives, should be created to consider:

- a. Existing advanced technological tools for the management of disclosure and evidential material across the criminal justice system and the functionality that these tools provide, including in facilitating access for the defence and judiciary.
- b. Metrics required to evaluate the accuracy, security and value for money.
- c. The skills and training required to operate such software.
- d. The degree to which all criminal justice partners can have confidence in such tools.
- e. The requirement to regularly review the use of such tools.

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Government Response

1. The Government agrees with the objective of this recommendation: as the criminal justice system adopts advanced technology to support material management and disclosure, this must be done in a way that commands confidence across all participants, protects fair trial rights, and delivers value for money.
2. Achieving that objective requires robust scrutiny of both tools and processes to ensure they are safe, effective and secure. Tools alone will not suffice; they must be supported by the right governance, skills and training so they are configured and operated competently.
3. We therefore agree to take forward recommendation 1, with modifications to avoid duplicating existing governance and to ensure the right bodies are involved. In line with the Review's emphasis on cross-system confidence, our first step will be to map the current groups and forums across the criminal justice system, identifying where functions already exist and where gaps remain.

4. To deliver the intended benefits while avoiding duplication, we consider a single forum, with two membership groups, to be most effective model.

5. **Strategic operational group (cross agency).**

A version of this forum for law enforcement and other operational stakeholders, providing a structured space for internal operational discussions on emerging tools and capabilities. Its remit will include horizon scanning; standards for deployment and configuration; operational learning; identification of common requirements across forces and agencies; and consistent approaches to assessing performance, security and value for money. It will also coordinate skills and training needs across organisations.

6. **Engagement group across the Criminal Justice System.**

A version of this forum bringing together law enforcement and prosecutors with judicial and defence representatives. Recognising that disclosure technology engages core trial

safeguards, this will promote transparency and a shared understanding of how tools are used (generally and, where appropriate, in specific contexts), support confidence in the integrity of processes, and help ensure the right to a fair trial is upheld as technology evolves.

7. Collectively, this forum will address this recommendation's subpoints (a)–(e): surveying available tools and functionality; agreeing metrics for accuracy, security and value for money; defining skills and training requirements; building confidence across partners; and establishing a regular review cycle.
8. Proposals on terms of reference, membership and reporting lines will be brought forward following the initial mapping exercise. The criminal justice engagement group terms of reference will be agreed with the senior judiciary to safeguard judicial independence.
9. In seeking to establish this forum, we will also consider the criminal justice system governance proposals from the Independent Review of Criminal Courts, to ensure that

development of new groups and structures are effective and coherent.

Recommendation 2

To support the wider use of advanced technology in the criminal justice system, a cross-agency protocol should be created, covering the ethical and appropriate use of artificial intelligence in the analysis and disclosure of investigative material.
(Page 134)

Government Response

10. The Government agrees with this recommendation. We strongly support the responsible exploration and adoption of advanced technology, including artificial intelligence (AI), to improve the efficiency and quality of investigative analysis and disclosure. The use of AI in this context must be lawful, fair and proportionate, and subject to robust governance, assurance and

transparency so that it commands confidence across the criminal justice system.³

11. We are already taking steps to ensure technology supports policing and law enforcement safely and at pace. As set out in the Police Reform White Paper, the Government will invest £115 million over the next three years to enable the rapid and responsible adoption of AI and automation by the police, including through a new National Centre for AI in Policing (Police AI) to identify, test and scale tools responsibly.⁴
12. We have also worked with the National Police Chiefs' Council and the Crown Prosecution Service (CPS) to develop a Joint Operating Procedure (JOP) that outlines a standardised

³ <https://science.police.uk/delivery/resources/covenant-for-using-artificial-intelligence-ai-in-policing/>

⁴ https://assets.publishing.service.gov.uk/media/69779267276692606c013862/260125_White_Paper.pdf (pages 84-86).

approach for police and CPS collaboration on the use of AI in the investigative process.

13. We will build on this work to develop a cross-agency protocol that will:
 - a. Set out core principles for responsible AI use in investigative analysis and disclosure, including appropriate human oversight, clear accountability, legality, proportionality, and safeguards to uphold fair trial rights.
 - b. Establish expectations for testing, assurance and recordkeeping, so that the use of AI tools is auditable, evidence based and capable of effective scrutiny, with attention to accuracy, security, explainability and bias monitoring.
14. Support consistent implementation through guidance and learning, so that the workforce has the skills and training to deploy and operate AI tools competently and in line with legal and professional obligations.
15. The protocol will be developed with operational partners, prosecutors, defence and the judiciary. It will enable cross agency

sharing of best practice and risk mitigations, and will be subject to regular review. Taken together, these measures will help ensure that AI-enabled innovation strengthens, rather than undermines, fairness, privacy and public confidence in the disclosure process.

Recommendation 3

To capture economies of scale and increase join-up, Law Enforcement should consider the benefits of a central technology procurement unit, which could negotiate on behalf of multiple forces who seek to procure a tool from the same provider.

(Page 135)

Government Response

16. The Government agrees with this recommendation. Capturing economies of scale in the procurement of technology is essential to securing better value for money, reducing duplication, and supporting consistent adoption of effective tools across policing and law enforcement.
17. This is why we recently published the Police Reform White Paper, which recognises that the current fragmented approach, where forces often procure technology separately, creates unnecessary cost and inhibits rapid national rollout. The White Paper commits to

a more coordinated approach, enabling technology and equipment to be procured nationally and “bought once” by the National Police Service on behalf of all, with savings reinvested back into frontline policing.⁵

18. The White Paper also sets out that the new National Police Service will provide a single source of strategic leadership and will be empowered to set mandatory standards in areas including technology and data. This provides a clear basis for ensuring that national procurement supports interoperability and consistent standards, alongside improved value for money.
19. We will therefore take forward this recommendation by developing a central procurement capability for relevant technology categories, aligned with the policing reform programme. This will include engagement with policing and Home Office

⁵ https://assets.publishing.service.gov.uk/media/69779267276692606c013862/260125_White_Paper.pdf Para 159, iii.

commercial functions and with policing leadership to agree requirements and standards, and to ensure appropriate governance, assurance and transparency. Our aim is to secure value for money, interoperability and consistent standards, while supporting innovation and competition and avoiding unnecessary duplication.

Recommendation 4

That a new governance model for digital forensics be created to streamline decision-making and standardise access to digital forensic capabilities in all investigations.

(Page 135)

Government Response

20. The Government agrees with this recommendation. Digital forensics is now fundamental to the investigation of modern crime, and a crucial initial step in the disclosure process. Therefore, a more coherent governance model is needed to streamline decision making and standardise access to capability.
21. As set out in the Police Reform White Paper, we have committed to creating a National Police Service to provide stronger national leadership and enabling services, including a new national forensics service. The White Paper also highlights the scale of current

pressures, noting that around 20,000 devices may be awaiting analysis at any time, and that nationally managed capability will support faster, more consistent rollout of new technologies and best practice.⁶

22. We will therefore take this recommendation forward through the policing reform programme, developing strengthened governance for digital forensics that avoids duplication, supports consistent national standards, and applies quality assurance and accreditation requirements in a proportionate and deliverable way.

⁶ https://assets.publishing.service.gov.uk/media/69779267276692606c013862/260125_White_Paper.pdf Para 159, iii.

Recommendation 5

Undertake a review of law enforcement and local police force access to secure platforms for the sharing of sensitive material.

(Page 135)

Government Response

23. The Government agrees with this recommendation. The ability for law enforcement agencies and police forces to share sensitive material swiftly and securely with prosecutors and other criminal justice partners is essential to effective investigations, timely charging decisions, and the fair and efficient progression of cases.
24. Consistent with the Police Reform White Paper's focus on strengthening national enabling capability, improving consistency, and equipping policing with the data and technology required to meet modern demands, the Government will undertake a review of current access to secure platforms

for the sharing of sensitive material across law enforcement and local forces.

25. This internal review will identify gaps, duplication and barriers to secure information sharing, and will inform options to improve interoperability, assurance and usability, so that sensitive material can be handled and shared appropriately, with robust safeguards and public confidence.

Recommendation 38 and 39

Consolidated Information and Guidance:

We are responding to recommendations 38 and 39 together as they both relate to the consolidation and collation of guidance and resources. We have placed the response to these recommendations here as several other recommendations in Jonathan Fisher KC's report make reference to the Consolidated Guidance proposed at recommendation 38.

Consolidate the Attorney General's Guidelines and Judicial Protocols into a refined single guidance document referenced in legislation. The Consolidated Guidance should cover:

- a. The principles that uphold the regime.
- b. Technical advice for investigators, prosecutors and defence professionals regarding the real-world application of the CPIA, Code and Criminal Procedure Rules.
- c. The Court disclosure process, including the Intensive Disclosure Regime pathway.

- d. The roles and responsibilities of all key parties including engagement expectation and judicial case management.
- e. Annex – Regional Judicial Practice Notes on Disclosure.

Investigators, prosecutors and defence professionals are to have regard to guidance throughout the course of the criminal case. In determining a disclosure issue, the court must consider whether the Consolidated Guidance, which was issued at the time, has been followed.
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A central GOV.UK depository webpage be created with links to the following:

- a. Criminal Procedure and Investigations Act.
- b. Code of Practice.
- c. Criminal Procedure Rules.
- d. [New] Consolidated Guidance.

That the Government archive GOV.UK links to outdated versions of the Code and Attorney General's Guidelines, that are still accessible.
(Page 170)

Government Response

26. The Government does not accept the recommendation to consolidate the Attorney General's Guidelines on Disclosure and Judicial Protocols into a refined single document referenced in legislation.
27. The Attorney General's Guidelines on Disclosure is guidance for prosecutors, investigators and defence practitioners on the application of the disclosure regime established by the Criminal Procedure and Investigations Act 1996. Any guidance issued by the Judiciary, by contrast, will relate to practical applications by the court. These documents service distinct functions and consolidation may cut across issues of independence. Stakeholders have also noted that consolidating guidance could make it more difficult to agree and implement timely amendments.
28. Whilst not advocating for consolidation of guidance that serves different purposes into a single document, we recognise the concern

underpinning the recommendation. As recommended, there are clear benefits to consolidating the guidance in one place, particularly in promoting consistency, ease of use and alignment across investigators and prosecutors.

29. To address this, the Government will develop a central GOV.UK depository webpage bringing together links to the key statutory framework and guidance on disclosure. Clear labelling will be used to ensure current versions of guidance are readily identifiable, including the Criminal Procedure and Investigations Act (CPIA), the CPIA Code of Practice, the Criminal Procedure Rules and the Attorney General's Guidelines on Disclosure. A central 'landing pad' will make navigation simpler, improve practitioner engagement with the current disclosure legislative regime, ensure there is one place for this information and improve the current digital framework by reducing the reliance on outdated or duplicated copies of guidance.

Recommendation 6

Make clear in Consolidated Guidance that the section 3 CPIA test is an objective assessment.
(Page 137)

Government Response

30. The Government recognises the importance of consistent application of the disclosure test in Section 3 of the Criminal Procedure and Investigations Act 1996 (CPIA) and accepts this recommendation. As the Government will not be progressing the recommendation to create Consolidated Guidance, this change will instead be made in the Attorney General's Guidelines.

31. This will compliment work that is already in progress to support consistent and thoughtful application of the disclosure test, such as the recently launched joint National Police Chief's Council (NPCC) and Crown Prosecution Service Disclosure Test Crib Sheet. The Crib Sheet was launched across policing in January 2026, providing a practical tool and clear and concise guidance to assist investigators and disclosure officers in their application of the disclosure test.
32. A 'disclosure health check' exercise has been launched by the NPCC, with results expected shortly, including looking at uptake of the Crib sheet and collation of feedback. The Government will work with the relevant organisations to assess the impact of this initiative and to determine if any further action is required to support officers' application of the test.

Recommendation 7

Identifying relevant material

Amend the Code of Practice, creating a new section, 'Reviewing Material', to make clear that technology can be used to identify material which may be relevant to an investigation (as defined in paragraph 2.1 of the Code of Practice) and that there is no duty for every item of prosecution material to be manually reviewed.

Identifying material that may meet the disclosure test

Amend paragraphs 7.2 and 7.3 of the Code to make clear that the duty on the disclosure officer to draw to the attention of the prosecutor material in possession that may meet the disclosure test does not require every item to be manually reviewed. In cases involving a large volume of material, a disclosure officer can be aided by technology to identify material that may meet the disclosure test.

Reviewing material for disclosure

Amend paragraph 10.2 of the Code to make clear that, in cases where the disclosure officer

has identified a large volume of material that may meet the disclosure test, the prosecutor can similarly be assisted by technology when reviewing the material for the purposes of determining whether it meets the disclosure test. None of the above affects the ability of the defence to object to the approach taken to identifying or reviewing such material and if the defence take objection, it should be raised at the earliest opportunity and be linked to the defence statement.

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Government Response

33. The Government agrees with this recommendation. The exponential growth in digital material means that, without safe and effective technological support, investigators and prosecutors risk being overwhelmed by volume, with consequential delay and disruption to the timely delivery of justice for victims and defendants.
34. We will therefore take this recommendation forward by updating the Criminal Procedure

and Investigations Act 1996 Code of Practice to make clear that technology may lawfully and appropriately be used to assist (i) the identification of potentially relevant material, (ii) the identification of material that may meet the disclosure test, and (iii) the review of large volumes of such material, without creating an expectation that every item must be manually reviewed in all cases.

35. In implementing this change, we will be clear that technology is an aid to compliant, “thinking” disclosure practice, not a substitute for legal duties or professional judgment. We will also ensure that the approach is underpinned by safeguards to maintain confidence and fairness, including: clear cross-system governance and transparency expectations (recommendation 1); a cross agency protocol on the ethical and appropriate use of Artificial Intelligence (AI) in analysis and disclosure (recommendation 2); and clearer expectations on redaction in a law enforcement context (recommendation 11).
36. In accepting these proposals, the Government also seeks to ensure that

defendants and their legal representatives receive relevant material more swiftly, enabling them to build their case at an earlier stage and helping to reduce delay. The Government is also considering those recommendations which call for greater transparency from the prosecution on the disclosure tools used during cases (see the response to recommendation 23 and 24 on pages 92-98).

37. The Government notes that Sir Brian Leveson has similarly emphasised the importance of using new technologies, including AI, to improve criminal justice processes, reflecting his Terms of Reference to consider how technology can improve the criminal courts (Part II Volume 1 of the Independent Review of the Criminal Courts, Foreword, para. 7). Sir Brian Leveson also addresses the impacts of technology on disclosure within his discussion of disclosure reform in Chapter 5 of Part II Volume 1 of the Independent Review of the Criminal Courts.

Recommendation 8 and Recommendation 84 (Part II Volume 1 of the Independent Review of the Criminal Courts, Chapter 5: Disclosure)

We are responding to recommendation 8 from Jonathan Fisher KC's Independent Review of Disclosure and Fraud Offences and recommendation 84 from Sir Brian Leveson's Part II Volume 1 Independent Review of the Criminal Courts together here as they both relate to the use of technology in the creation of schedules.

Independent Review of Disclosure and Fraud Offences

Recommendation 8 Section 6 of the Code of Practice should make provision for the use of technology to assist in the creation of modern, resource-efficient schedules.

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Part II Volume 1 of the Independent Review of the Criminal Courts, Chapter 5: Disclosure

Recommendation 84

The police, Crown Prosecution Service and other prosecution agencies deploy artificial intelligence summarisation tools to generate clear, context-rich summaries of material listed in disclosure schedules following successful pilots and a positive evaluation. (Page 334).

Government Response

38. The Government supports the objective of these recommendations. In cases involving large volumes of digital material, the manual preparation of schedule entries can impose a substantial administrative burden and divert resource away from effective case progression and “thinking” disclosure. The quality of current schedules can also vary significantly between agency and force.⁷

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<https://hmcpsi.justiceinspectorates.gov.uk/report/joint-case-building-by-the-police-and-crown-prosecution-service-2/> Page 89

39. Consistent with the Government's commitment in the Police Reform White Paper, we will use technology to reduce bureaucracy and support the efficient handling of material where it is safe and appropriate to do so. Our intention is to enable technology to assist investigators, disclosure officers and prosecutors in producing accurate, timely and informative schedules, so that professional time and expertise can be focused on analysis, relevance, and disclosure decisions rather than manual transcription.
40. We will therefore take forward recommendation 8 (and recommendation 84 of the Independent Review of the Criminal Courts⁸) with modifications. Specifically, we will work with law enforcement agencies and prosecutors to develop a technology-assisted approach to schedule creation on a piloted and phased basis. This will ensure that any

⁸ <https://assets.publishing.service.gov.uk/media/698208f58c1e89ed1e91bbc6/independent-review-criminal-courts-part-2-vol-1.pdf> Page 334.

tools introduced operate under appropriate human oversight, support rather than replace professional judgment, and are validated in operational conditions to ensure outputs are accurate, consistent and fit for purpose before any wider adoption.

41. As with earlier recommendations regarding the use of technology, implementation of these proposals will be supported by robust governance and oversight (recommendation 1); and guidance (recommendation 2).

Recommendation 9

Section 6(b) of the Code of Practice should be updated to allow the appropriate use of 'metadata schedules', in conjunction with descriptive schedules and block listing.

(Page 142)

Government Response

42. The Government agrees with this recommendation. In cases involving very large volumes of digital material, the ability to use structured metadata to support scheduling, alongside proportionate narrative description and, where appropriate, block listing, can reduce unnecessary administrative burden while improving consistency and usability for prosecutors and the court. It can also reduce delay by swiftly

providing the defence an overview of the unused material held by the prosecution.^{9 10}

43. This approach is already reflected in practice through the Attorney General's Guidelines, which were updated in 2024 with strengthened guidance on digital material, including an emphasis on effective strategies for block listing.^{11 12} However, as the Review identifies, the current provision within the Criminal Procedure and Investigations Act 1996 (CPIA) Code of Practice could be clearer and more consistently applied.
44. We will therefore take this recommendation forward by updating the CPIA Code of

⁹ <https://assets.publishing.service.gov.uk/media/698208f58c1e89ed1e91bbc6/independent-review-criminal-courts-part-2-vol-1.pdf>

¹⁰ <https://assets.publishing.service.gov.uk/media/698208f58c1e89ed1e91bbc6/independent-review-criminal-courts-part-2-vol-1.pdf>

¹¹ <https://www.gov.uk/government/publications/attorney-generals-guidelines-on-disclosure>

¹² <https://www.cps.gov.uk/prosecution-guidance/disclosure-manual-chapter-6-scheduling>

Practice to make clear that “metadata schedules” may be used appropriately, in conjunction with descriptive schedules and block listing, where this is a proportionate and reliable way of listing unused material.

45. To support consistent implementation, we will go further by setting out clearer expectations in accompanying guidance on when and how metadata schedules and block listing should be used, including safeguards to ensure that schedule entries remain sufficiently informative to enable effective prosecutorial review and meaningful scrutiny, and that the approach is applied in a “thinking” manner focused on the issues in the case.

Recommendation 10

In circumstances when a defendant has indicated that he/she is likely to plead guilty to an indictable only or either way offence unlikely to remain in the magistrates' court, the investigator, with the agreement of the designated prosecutor, should not have to produce a full schedule of unused material before a charging decision is taken. Section 6.4 of the Code of Practice should be updated to reflect this.

(Page 143)

Government Response

46. The Government supports the objective of this recommendation, which seeks to reduce the pre-charge scheduling burden in cases where a guilty plea is anticipated, including indictable-only cases. The intention is to ensure that disclosure activity at the pre-charge stage is proportionate and targeted, while maintaining fairness and ensuring that disclosure obligations are not

compromised. Any streamlined approach would operate only where it is appropriate to do so and subject to prosecutor agreement.

47. The Government recognises that the current approach can require the preparation of full unused material schedules at an early stage in cases that are unlikely to be contested. Taking this recommendation forward has the potential to reduce unnecessary duplication of work, better prioritise investigative and prosecutorial resources, and support the efficient progression of serious cases through the criminal justice system, without detracting from the rights of defendants or the integrity of proceedings.
48. We therefore commit to taking this recommendation forward through the most effective mechanism. This will likely include amendment to the Criminal Procedure and Investigations Act 1996 Code of Practice and/or the relevant guidance. Any changes will include appropriate safeguards to ensure that, where a defendant subsequently changes their indication of plea and enters a not-guilty plea, full scheduling will take place

at the appropriate stage and disclosure duties will be fully complied with.

Recommendation 11 and 12

We are responding to recommendation 11 and 12 together as they both relate to redaction.

Recommendation 11

The Information Commissioner's Office and National Police Chiefs' Council should issue guidance regarding redaction expectations in a law enforcement context. This change should be reflected in section 6(c) of the Code of Practice, single Consolidated Guidance, and in the College of Policing Learning Standards.

(Page 144)

Recommendation 12

There should be consideration of the establishment of a 'data bubble' between law enforcement and the Crown Prosecution Service so that data and information can be shared unredacted for the purposes of a charging decision.

(Page 144)

Government Response

49. The Government supports the intention of these recommendations, which is to significantly reduce the time police spend redacting casefiles before they are submitted to the Crown Prosecution Service (CPS) for a charging decision. The Government also recognises the importance of law enforcement having clarity over the redaction they are required to perform throughout the disclosure process.
50. Any criminal justice process must ensure personal data is handled appropriately and lawfully, maintaining victim and witness confidence and public trust. However, we also recognise the administrative burden that pre-charge redaction creates, and the government has given extensive consideration to how to reduce this through both legislative and non-legislative means. A 'data bubble', enabling law enforcement to share unredacted data with the CPS for the purposes of a charging decision, would require significant and unprecedented changes to the legislative framework,

including significant amendment to the Data Protection Act 2018 (DPA), Human Rights Act 1998 (HRA) and common law (specifically the tort of misuse of private information and the duty of confidentiality).

51. The current approach to casefile redaction (including rebuttable presumption material) is governed by the Attorney General's Guidelines (AGG) and the Director's Guidance on Charging (6th edition) (DG6), which frontload casefile preparation in the interests of timeliness, in readiness for onward sharing with the court and defence. The NPCC and CPS have already carried out extensive work to develop and issue simplified guidance and crib-sheets to aid officers when redacting casefiles, in line with the CPS National Police Chiefs' Council Joint Principles for Redaction.
52. Changing the current approach, with the aim of reducing the 'frontloaded' effort, would necessitate changes to the AGG, DG6 and consequential amendments to the joint principles for redaction. It would also entail a

revised process, with implications for roles, resourcing and IT systems.

53. We have therefore engaged CPS, AGO and NPCC in a programme of work focused on practical solutions that will make a tangible difference. This includes:

- a. **AI-enabled automation:** technology is key to reducing the burden, and we are working with policing to support their adoption of AI enabled redaction technology. The majority of forces now have AI enabled text redaction tools and we are now supporting forces to adopt audio visual multi media (AVMM) redaction technology in the most efficient way.
- b. **Process change:** We have engaged partners in a discovery exercise, commissioned through the Home Office's Accelerated Capabilities Environment (ACE), to explore options for a more efficient process, with the aim of reducing 'wasted' redaction effort. Subject to the outcome of this work, and should the NPCC and CPS agree to implement a revised process, they would need to amend the

'Joint Principles', and new guidance would need to be issued. It would not be for the ICO to issue such guidance, though operational partners may wish to consult them where appropriate.

- c. **Proportionate disclosure:** through casefile analysis we have established that a large part of the redaction burden is driven by the 'rebuttable presumption', and we have collaborated with operational partners to pilot a more proportionate approach (see following response to recommendation 81 from Sir Brian Leveson's Review).

Recommendation 81 (Part II Volume 1 of the Independent Review of the Criminal Courts, Chapter 5: Disclosure)

Subject to the outcome of the current reviews and pilots, I recommend that the model of 'rebuttable presumption' material being disclosed within the Attorney General's Guidelines on Disclosure be abolished. At the same time, a clearer, more consistent use of the existing framework set out in the Criminal Procedure and Investigations Act 1996 should be promoted.'

(Page 330)

Government Response

54. The Government accepts this recommendation in part. We agree that the current pilots testing a simplified approach to disclosure should inform decisions to be made regarding revision of the Attorney General's (AG's) Guidelines, including whether to abolish the rebuttable presumption model.

55. Two interrelated but distinct pilots are currently underway in the Southeast and Merseyside and Cheshire. These pilots are testing a simplified approach to disclosure, intended to reduce unnecessary redaction, improve efficiency, and support fair and timely progression of cases. They were established in response to concerns that changes made in 2020 to the AG's Guidelines and the Code of Practice on Disclosure, introducing the concept of rebuttable presumption, have not operated as originally intended.
56. The concept of rebuttable presumption was designed to support investigators and prosecutors by identifying categories of material that are likely to meet the test for disclosure and should therefore be scheduled, acting as a safeguard to ensure the revelation of commonly disclosable material. This remains the underlying intent of the current pilots.
57. Early indications from the Domestic Abuse Joint Justice Plan pilot in Merseyside and Cheshire suggest positive impacts, including time savings for the police and the Crown

Prosecution Service and a reduced redaction burden. In parallel, the Southeast pilot is testing a smaller, more tightly defined set of rebuttable presumption categories, retaining the safeguard element and also seeking to understand whether a different approach is needed for Rape and Serious Sexual Offence cases. It is therefore right that these pilots are used to inform further changes to be considered.

58. Full removal of this model from the AG's Guidelines might be an over-correction. There is a risk that disclosable material could be overlooked and lead to ineffective hearings, with potential risk to the fairness of proceedings and, in the worst cases, miscarriages of justice. For these additional reasons, this part of the recommendation is not accepted at this time.

Recommendation 13

Consideration should be given to whether the CPIA and Code of Practice obligations should apply to anyone undertaking a criminal investigation.

(Page 145)

Government Response

59. The Government recognises that criminal investigations in England and Wales are undertaken by a range of bodies beyond the police, including regulators, local authorities, charities, commercial organisations and private investigators. Where such investigations give rise to criminal proceedings, whether prosecuted by the Crown Prosecution Service or by way of private prosecution, the fairness of the process depends on the quality, completeness and integrity of the investigative material, including the

identification and handling of unused and disclosable material.

60. While the Code of Practice issued under the Criminal Procedure and Investigations Act 1996 formally applies to police officers, its principles set an important benchmark for good investigative and disclosure practice. In cases investigated outside policing, failures to meet equivalent standards can undermine confidence in prosecutions and risk unfairness to defendants.
61. The Government notes that positive steps have been taken within parts of the private investigation sector to raise professional standards, including through the development of the Association of British Investigators Code of Conduct. We will continue to consider whether there is a case for further regulation under the Private Security Industry Act 2001, taking care to ensure that any approach is proportionate and does not unduly restrict legitimate activity.
62. In relation to this recommendation, the Government accepts its intent and will keep the issue under consideration. This work will

feed into the Government's wider assessment of private prosecutions which is already examining safeguards, standards and oversight in this area. We will continue to monitor the quality of criminal investigations and subsequent prosecutions undertaken outside policing, including whether there is value in extending existing expectations or safeguards, as part of wider reforms, with the aim of ensuring that prosecutions brought in England and Wales are consistently fair and of high quality.

Recommendation 14 and 15

We are responding to recommendation 14 and 15 together as they both relate to the creation of learning standards.

Recommendation 14

All major law enforcement agencies should agree a national learning standard, for new officers, regarding content on the operation of the criminal justice system and the importance of disclosure. Each agency should ensure the required content be taught but be given the flexibility to do so within the context of their introductory training programmes. (Bronze)

(Page 147)

Recommendation 15

A cross-agency disclosure learning standard, for investigators and disclosure officers, should be created. The standard should cover:

- i. The role of an investigator within the criminal justice system.

- ii. Their obligations created by the Criminal Procedure and Investigations Act and Code of Practice.
 - iii. The practical application of the disclosure regime and use of technology in material management.
- b) Law enforcement agencies and police should record and report on training completion. (Silver)
(Page 147)

Government Response

63. The Government agrees with Recommendations 14 and 15. We recognise the importance of ensuring that officers and staff joining any major UK law enforcement agency receive a consistent core understanding of the criminal justice system, the right to a fair trial, and the central importance of disclosure, while allowing agencies to reflect their specific operational context within their own training arrangements.

64. We will therefore work to coordinate and bring together the College of Policing, law enforcement agencies, and police forces to agree a single, shared product setting out minimum learning standards. This will take the form of an agreed document describing the core topics and baseline level of understanding expected of new recruits (Bronze), as well as investigators and disclosure officers (Silver). This approach is intended to raise the overall standard, reduce disparities in understanding and application of disclosure obligations across agencies, and support the sharing of best practice, while leaving responsibility for training delivery and assurance with individual agencies

Recommendation 16

A Senior Disclosure Officer accreditation pathway, for use across law enforcement agencies, should be established to set consistent standards for officers managing disclosure in complex criminal cases. (Gold)
(Page 148)

Government Response

65. The Government agrees with the intent of Recommendation 16, which is to establish a sustainable pool of experienced and capable disclosure officers with the confidence and skills required to oversee disclosure in complex and largescale criminal cases. We recognise that this depends not only on initial training, but also on retention, practical experience, and opportunities for officers to develop and apply advanced disclosure skills over time. It is important that such roles are supported in a way that encourages

experienced practitioners to remain within disclosure focused functions.

66. However, the Government notes concerns raised by policing partners that a formal, mandatory accreditation pathway could be costly and, in some cases, disincentivising, and that a single model may not be suitable across all agencies. We therefore do not propose to establish a universal accreditation framework at this stage. Instead, we will explore proportionate alternatives, including the development of stand-alone modules or the integration of advanced disclosure and material management content within existing training frameworks.
67. This approach would support the development and retention of skilled disclosure officers, help increase the breadth of expertise across agencies, and enable mobility of experienced practitioners where appropriate, while retaining flexibility for specialist bodies, such as the Serious Fraud Office, to continue to design and deliver bespoke training aligned to their case complexity and operational needs.

Recommendation 17 and 18

We have responded to recommendation 17 and 18 together as they both relate to the review of training and learning standards.

Recommendation 17

Bronze and Silver training and learning standards, referred to earlier, should be reviewed and refreshed by the College of Policing at regular intervals. Law enforcement officers should be expected to undertake 'refresh training' at set intervals.

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Recommendation 18

There should be more stringent quality assurance regarding the delivery of disclosure learning by the College of Policing, Higher Education Institutions and other delivery partners. The results of these assessments should be shared with the National Police Chiefs' Council.

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Government Response

68. The Government agrees with the intent of Recommendations 17 and 18. We recognise that disclosure practice and processes will continue to evolve over time, including changes in how disclosure duties are discharged, and that minimum learning standards must remain current. We will therefore support, utilising insight from the College of Policing, periodic review and refresh of the agreed Bronze and Silver minimum standards, to ensure the products reflect current law, policy, guidance and operational practice, and do not embed outdated approaches.
69. Responsibility would remain with individual law enforcement agencies to determine how best to ensure officers and staff are aware of any updates and undertake refresher learning when required, taking account of role, experience and operational context rather than mandating uniform refresh cycles.
70. Alongside this, the Government agrees that the quality of delivery of disclosure learning is critical to ensuring that agreed standards

translate into effective practice and behavioural change. We therefore support strengthened quality assurance of training delivered by the College of Policing, higher education institutions and other delivery partners, with findings shared with the National Police Chiefs' Council to support continuous improvement, the sharing of best practice, and early identification of where delivery does not meet expected standards.

Recommendation 83 (Part II Volume 1 of the Independent Review of the Criminal Courts, Chapter 5: Disclosure)

The College of Policing and Crown Prosecution Service should co-develop training to deliver practical, scenario-based disclosure training that reflects operational realities. The Performance Oversight Board (as recommended in Chapter 3 (One Criminal Justice System)) should oversee, enforce and evaluate the effectiveness of this training.

(Page 333)

Government Response

71. The Government accepts the objective of this recommendation. We agree that disclosure training must equip investigators, disclosure officers and prosecutors not only with a sound understanding of the principles underpinning the statutory disclosure regime, but also with the practical skills to apply those principles consistently in day-to-day casework, so that

cases are progressed fairly and effectively and the right to a fair trial is upheld.

72. Building on the minimum learning standards set out at Bronze and Silver level, the Government will work with the College of Policing and the Crown Prosecution Service, and engage policing partners, to explore how existing disclosure learning can be strengthened through practical, scenario-based content that reflects operational realities. This will include consideration of how scenario-based learning can be incorporated within current training products and delivery arrangements (including blended and digital learning), and how best practice can be shared across agencies, while preserving flexibility for forces and specialist bodies to tailor delivery to their operational context.
73. The Government agrees that oversight and evaluation are necessary to ensure enhanced training translates into improved practice. In line with the need for streamlined and effective cross-system governance, we will consider how best to monitor and evaluate

any strengthened scenario-based training within the governance arrangements proposed in the Independent Review of the Criminal Courts. In the interim, officials will use existing cross-system forums to review progress and, where necessary, escalate issues through established senior governance routes, drawing on available performance information, inspection findings and operational feedback.

Recommendation 19 and 20

We have responded to recommendation 19 and 20 together as they are inter-linked, relating to the need for early and regular engagement between investigators and prosecutors on disclosure.

Recommendation 19

The Consolidated Guidance should include an expectation for an investigator to speak with a prosecutor at the pre-charge stage, and to agree on a disclosure strategy and reasonable lines of inquiry, in every case (excluding motoring offences).

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Recommendation 20

The Consolidated Guidance should set out an expectation that investigators and prosecutors, on complex cases or cases with large volumes of digital material, should meet at least quarterly to discuss disclosure approach.

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Government Response

75. The Government partially accepts these recommendations and agrees with the underlying objective of strengthening early and regular engagement between investigators and prosecutors to support effective disclosure decision-making and case progression. Criminal justice partners have expressed strong support for the intent of the recommendations, particularly where early engagement can add value in more complex cases.

76. However, the Government does not accept the recommendation that this engagement should be mandated through a prescriptive, blanket approach-such as requiring pre-charge discussions in every case or fixed-interval disclosure meetings. Stakeholders have highlighted that, given case volumes, a universal requirement would be disproportionate, place significant pressure on operational capacity and risk delaying case progression. It was also noted that not all cases require formal engagement on disclosure, and that fixed timescales risk creating artificial checkpoints and unproductive activity that do not reflect case need or add value.

77. The Government notes that significant work is already underway across the Crown Prosecution Service (CPS) and policing to embed the principles of early and effective engagement. This includes CPS guidance promoting a “one prosecution team” approach and early advice in appropriate cases; the use of Real Time Case Conversations to support early collaboration between prosecutors and investigators; joint initiatives under the Domestic Abuse Joint Justice Plan; strengthened Joint Operational Improvement Meeting arrangements for more complex cases; and existing assurance mechanisms, including case strategy and Disclosure Gateway Assessments, which provide oversight of disclosure practice.

78. Building on this existing work, the Government supports a more targeted and flexible approach to the application of the recommendations. Rather than applying universally, the approach will apply only to anticipated not guilty plea cases where an Investigation Management Document has been produced, ensuring that engagement is focused on cases where the nature and complexity of the issues mean that early and ongoing discussion is most likely to add value.
79. The timing, form and frequency of engagement will be guided by professional judgement rather than fixed timescales, with discussions taking place where needed to support effective disclosure decision-making and case progression. Where either the investigator or prosecutor identifies a need for engagement, there will be an expectation that this is addressed, supported by appropriate escalation and oversight arrangements. Effectiveness will be monitored through existing assurance and review mechanisms.

80. This approach is considered better aligned with operational realities while still delivering the intended benefits of improved collaboration and disclosure practice. The Government will continue to monitor implementation and will seek evidence of impact to inform any further action.

Recommendation 21

The Crown Prosecution Service should review, set out and communicate arrangements to assist investigators who seek urgent advice regarding disclosure matters in instances where they have been unable to contact the designated prosecutor.

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Government Response

81. Following engagement with the Crown Prosecution Service (CPS), the Government agrees in part with this recommendation, supporting its objective that investigators should be able to obtain timely advice on urgent disclosure matters where early engagement can help prevent issues later in the case.
82. However, as recognised in the Review, this issue only arises in a minority of cases. The Government therefore considers it is important to take a proportionate approach

that balances improved communications with the effective use of prosecutorial resource.

83. The CPS is embedding existing processes including adding prosecutors' contact details on the MG3 form used to record charging decisions and advice, to ensure investigators have a clear route back to the CPS if further input is needed. Areas are also monitoring compliance through routine dip sampling and are seeing greater consistency in how contact details are provided, making it easier for investigators to engage with prosecutors.
84. This work will sit alongside the Real Time Case Conversations guidance and ongoing case conversations in domestic abuse cases across CPS Areas ensuring improvements are part of the business-as-usual practice. This will reinforce the changes and support the intended improvements.
85. In addition to this, the CPS have established mechanisms through which investigators can raise urgent disclosure queries where necessary. These include Joint Operational Improvement Meetings, designated disclosure single points of contact, and clear routes to

contact CPS Area offices, CPS Direct, the Central Casework Division and the Proceeds of Crime Division, with contact details published on the CPS website to enable escalation where appropriate.

86. Further to this, the Government's partial acceptance of recommendations 19 and 20, which support strengthened early and regular engagement between investigators and prosecutors, will also help address this issue.
87. The Government will work with the CPS to keep existing arrangements under review, using evidence from the current embedding of agreed processes to inform any future refinements.

Recommendation 22, 30, 31, 32, 33, 34 and Recommendation 90 (Part II Volume 1 of the Independent Review of the Criminal Courts, Chapter 5: Disclosure)

We are responding to these recommendations together as they all link to the proposed Intensive Disclosure Regime put forward by Jonathan Fisher KC. Sir Brian Leveson also makes a recommendation pertaining to the Intensive Disclosure Regime in Part II Volume 1 of the Independent Review of the Criminal Courts, Chapter 5, which is included in this section.

Jonathan Fisher KC's recommendations relating to the proposed Intensive Disclosure Regime:

Recommendation 22

A revised system for judicial case management of disclosure should be put in place for Crown Court cases, including an Intensive Disclosure Regime for the most serious, complex, or otherwise difficult cases. This process should be set out in Criminal Procedure Rules, with any further detail added to the single Consolidated Guidance.

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Recommendation 30

Set out in Criminal Procedure Rules that having heard representations from the prosecution and defence at the PTPH, the judge has the discretionary power to designate a case an 'Intensive Disclosure Regime' case, including in instances where the prosecution has not applied for the provision.

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Recommendation 31

Once a case has been designated an Intensive Disclosure Regime case, make the following provisions:

- a. The prosecution will provide the court with an updated Disclosure Management Document containing full details regarding the configuration and operation of any advanced technology they have or propose to use, for material management and disclosure purposes.
- b. A judge may order the prosecution to provide further detail on matters within the Disclosure Management Document where required.

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Recommendation 32

Once a case has been designated an Intensive Disclosure Regime case, make the following provisions:

- a. The prosecution will provide the court with an updated Disclosure Management Document containing full details regarding the configuration and operation of any advanced technology they have or propose to use, for material management and disclosure purposes.
- b. A judge may order the prosecution to provide further detail on matters within the Disclosure Management Document where required.

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Recommendation 33

Extend current provisions, in the Criminal Procedure Rules, to oblige the defence, in Intensive Disclosure Regime cases, to respond to the Disclosure Management Document through a 'Response to Disclosure Management Document' (RDMD), mirroring the prosecutions' form. In doing so, the defence would be required to comment on matters such as:

- a. Identifying the trial issues (as they appear at that stage).

- b. Detailing their agreement/disagreements with the prosecution's disclosure approach, explaining their reasons with reference to CPIA obligations.
- c. Proposing further categories of material for review.
- d. Stating their agreement or disagreement with digital material search methods.
- e. Identifying other third parties with relevant material and address any scheduling issues.
- f. Agreeing material that does not require examination and search terms to be deployed for any electronic material.

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Recommendation 34

The Disclosure Management Hearing should be used by the judge, exercising their case management powers, to oversee the following:

- a. To resolve outstanding issues between prosecution and defence relating to disclosure strategy.
- b. Agree how the defence will be provided information about and possibly access to disclosure software tools used by the prosecution.
- c. That the lead Disclosure Counsel, Trial Counsel and the Disclosure Officer must attend the DMH.

d. Whether further DMHs are necessary.

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Part II Volume 1 of the Independent Review of the Criminal Courts, Chapter 5: Disclosure

Recommendation 90

Should the government implement Jonathan Fisher KC's recommendation on an intensive disclosure regime, and that the Lady Chief Justice should implement a Criminal Practice Direction setting out that the definition of cases within scope should be in line with that of section 29 of the Criminal Procedure and Investigations Act 1996.

(Page 348)

Government Response

88. The most complex and voluminous cases can present a significant disclosure undertaking. If improperly managed, disclosure issues in these cases can result in significant delays, cases failing, and miscarriages of justice. The Intensive Disclosure Regime (IDR) proposed by Jonathan Fisher KC, and endorsed and commented on by Sir Brian Leveson, seeks to

prevent these issues by proposing a new court pathway with additional case management requirements, new engagement obligations for the defence and prosecution, and a new hearing to focus on disclosure issues.

89. The Government recognises the benefits that this greater engagement and scrutiny of disclosure would have on cases with evidence which is particularly voluminous or complex. The IDR could be an important tool available to courts to prevent disclosure failures in such cases.
90. The Government notes the two approaches taken to define the scope of IDR by Jonathan Fisher KC and Sir Brian (recommendation 90 of the Independent Review of the Criminal Courts). Ensuring the right cases are captured in any new court pathway is crucial to ensure court resources are utilised effectively and that cases where the IDR would be beneficial are correctly identified.
91. The Government therefore commits to exploring a pilot of the new IDR pathway.

92. A pilot could allow for in-depth analysis of how IDR would work in practice, whether it improves efficiencies, and its associated costs. This may allow for a more informed decision to be made on the suitability of the IDR and support further roll-out of the IDR, subject to the outcomes of the pilot.
93. The Government is also aware of similar measures being used in Southwark Crown Court and will explore how this can be used to inform a pilot scheme of the IDR.

Recommendation 23

Update the Criminal Procedure Rules to include a requirement for the prosecution to provide the defence with a copy of the Disclosure Management Document (DMD), at least seven days before the Plea and Trial Preparation Hearing. In particularly serious, complex and/or voluminous cases, where this is not deemed possible, for the judge to set a timetable for service of the DMD. This new requirement should apply in full code test anticipated not-guilty plea cases and not in Threshold Test cases or guilty anticipated plea cases.

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Government Response

94. The Government recognises the importance of ensuring that all parties can engage meaningfully with disclosure at an early stage of proceedings. There is broad support across Government and operational partners for clear expectations on the timely provision of a

Disclosure Management Document (DMD) ahead of the Plea and Trial Preparation Hearing (PTPH), given concerns that late disclosure can undermine effective engagement and judicial case management.

95. This recommendation is closely linked to wider criminal courts reform proposals currently under consideration following the Independent Review of Criminal Courts (Part 1), including proposals relating to the timing and function of the PTPH. As decisions on those proposals have not yet been taken, the Government considers it premature to commit to a definitive approach on the timing of DMD provision at this stage.
96. Operational feedback indicates that while some prosecutors already provide a DMD sufficiently in advance of the PTPH, introducing a fixed legally binding requirement across the envisaged cases would represent a significant change, particularly for high-volume CPS casework. There are also risks that imposing a rigid deadline could incentivise the production of lower-quality

DMDs, potentially reducing rather than improving efficiency.

97. Subject to decisions taken on the relevant Independent Review of Criminal Courts (Part 1) recommendation, the Government considers that a pilot of CPS cases would be the most appropriate means of assessing the practical impact of the requirement. This would allow outcomes to be evaluated, including impacts on case progression, disclosure quality, and court efficiency, before any decision is taken on wider or statutory implementation.
98. Any such pilot would be contingent on and aligned with wider decisions to ensure coherence with wider criminal courts reform and to avoid the need for subsequent revision.
99. Subject to these decisions on wider court reform and the outcome of this pilot, the Government will invite the Criminal Procedure Rule Committee to consider amending the Criminal Procedure Rules to introduce this requirement.

Recommendation 24

Confirm the existing requirement that a Disclosure Management Document be prepared in all Crown Court cases. Extend requirements for the prosecution to provide details including but not limited to:

- a. Understanding of case issues.
- b. Reasonable lines of inquiry.
- c. Categories and volume of material in possession.
- d. Disclosure strategy.
- e. Approach to digital material and any potential video footage.
- f. Technology used and the steps taken to quality assure such tools.
- g. Approach to third-party material.
- h. Approach to scheduling material.
- i. Primary disclosure duty progression.
- j. Estimated time required to execute strategy.
- k. [Where relevant] Linked investigations.
- l. [Where relevant] Approach to obtain international material.

- m. Complexity of the disclosure issues.
- n. Whether, in the prosecution's opinion, the case should be considered for the Intensive Disclosure Regime.

Certification by [relevant officer] on the steps taken to ensure correct configuration and competent operation of any advanced technology used during the disclosure process.

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Government Response

100. The Government accepts the recommendation in principle, recognising the value of Disclosure Management Documents (DMDs) in supporting effective and proportionate disclosure in complex Crown Court cases. Existing guidance already makes DMDs mandatory in CPS Crown Court cases and their use is routine within the Serious Fraud Office (SFO). However, further consideration is required before confirming or extending requirements.
101. In particular, the Government will consider whether there is a demonstrable gap that requires formal confirmation of the existing

position, and the most appropriate vehicle for doing so. Any change should be evidence-based and proportionate; elected Crown Court cases should remain out of scope unless other complex criteria are met, reflecting current police practice and avoiding disproportionate operational burden.

102. The Government also agrees in principle with extending the information provided within DMDs, building on existing templates in the Attorney General's Guidelines. However, the detailed requirements proposed would need to be refined and applied flexibly, ensuring that only information relevant to the specific case is mandatory and that the framework remains agile.
103. Concerns raised by operational partners regarding personal certification of technology use are noted. Any transparency around the use of technology should be framed through reference to organisational wide assurance processes, rather than individual officer certification.
104. Further work will be undertaken with criminal justice partners to determine the scope, content and implementation of any changes, ensuring they support effective disclosure without creating unnecessary burden.

105. Implementation of this recommendation may require changes to the Criminal Procedure Rules. If this is the case once the Government has considered this further, it will invite the Criminal Procedure Rule Committee to consider this recommendation.

Recommendation 25

Set out in Criminal Procedure Rules the expectation that, at the Plea and Trial Preparation Hearing (PTPH) in all Crown Court cases, all matters in the Disclosure Management Document will be discussed – with particular focus on matters in dispute. That this process is overseen by the judge, utilising their case management powers, with the expectation of defence engagement.

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Government Response

106. The Government recognises the importance of resolving disclosure disagreements as early in the process as possible. Ensuring the Plea and Trial Preparation Hearing (PTPH) is effectively utilised to resolve disclosure issues prior to the commencement of the trial would prevent issues from arising during the trial and causing delays. Although discussing the Disclosure Management Document (DMD)

can already happen and is specified in Better Case Management Guidance, stakeholders highlighted that disclosure and the DMD can be overlooked at the PTPH. There could therefore be value in setting out that all matters in the DMD will be discussed at the PTPH.

107. However, this recommendation is dependent on the timing of both the service of the DMD and the PTPH, which are being considered as part of this response and the Government's response to the Independent Review of Criminal Courts respectively. As referenced in recommendation 23 above, the Government considers that the timing of the service of the DMD would require piloting subject to decisions on the relevant recommendations from Sir Brian's Independent Review of the Criminal Courts concerning the timing of the PTPH.
108. The Government will therefore invite the Criminal Procedure Rules Committee to consider implementing this recommendation, subject to decisions made on the timing of the

PTPH and the outcome of any pilot regarding service of the DMD as proposed above.

Recommendation 26

That the Criminal Procedure Rules be amended so that the following factors are considered when deciding whether to grant permission for the making of a late application under section 8 of the CPIA: a. If the material requested is necessary for a fair trial. b. The disclosure of the material would not be a breach of data protection legislation. c. The degree to which the defence has engaged with the Disclosure Management Document. d. Reasons for delay in section 8 application. e. The potential delay/disruption to trial.

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Government Response

109. The Government accepts that late disclosure requests may be necessary to ensure critical disclosure failings can be remedied. However, where used inappropriately, they can also have the effect of introducing significant delays to proceedings. Stakeholders

highlighted that this recommendation would incentivise earlier defence engagement and prevent unnecessary delays to trials.

110. The Government recognises the need to combat unreasonable applications from disrupting trials whilst maintaining an avenue for legitimate claims. The Government will therefore invite the Criminal Procedure Rules Committee to consider amending the Criminal Procedure Rules to include the factors in Recommendation 26 for judicial consideration when deciding whether to grant a late application under s.8 of the CPIA.

Recommendation 88 (Part II Volume 1 of the Independent Review of the Criminal Courts, Chapter 5: Disclosure)

We are responding to recommendation 88 from Sir Brian Leveson's Review here, as it relates to Jonathan Fisher KC's recommendation 26 above regarding new issues being raised later in a trial.

The Lady Chief Justice consider the implementation of a Criminal Practice Direction that empowers judges to prevent new issues from being raised at trial that were not raised or disclosed at the Plea and Trial Preparation Hearing, without good cause.

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Government Response

111. Facilitating and incentivising timely engagement with disclosure obligations where possible is crucial to ensure matters are not unduly raised late in proceedings causing delay. The Government therefore sees value in preventing new issues being

raised at trial that were not disclosed at the Plea and Trial Preparation Hearing (PTPH) without good cause. This is subject to the inclusion of safeguards and judicial oversight to ensure a defendant's right to a fair trial is protected where legitimate new issues are raised.

112. This recommendation is, in part, dependent on the timing of the PTPH. Sir Brian has recommended that the Government pilots a delay to the PTPH to test whether additional preparation time would improve the quality of the engagement between the defence and prosecutions and facilitate a more efficient and effective hearing.

113. Therefore, depending on the Government's approach to delaying the PTPH, the PTPH may not be the appropriate deadline to be utilised for this measure. The Government also notes that the Intensive Disclosure Regime (IDR) proposes scrutiny of disclosure after the PTPH. If the Government adopted the IDR, this could also mean that the PTPH is not the appropriate deadline to choose. To

clarify, the Government thinks that this recommendation should apply exclusively to disclosure issues.

114. The Government notes that this recommendation is for the Lady Chief Justice to consider, and that these changes could also be made via amendment to the Criminal Procedure Rules. Therefore, subject to decisions on the timing of the PTPH and the proposed IDR, the Government will invite the Lady Chief Justice to consider how best to implement this recommendation, either through changes to the Criminal Procedure Rules or Criminal Practice Directions, and with regard to the appropriate safeguards needed to protect the right to a fair trial.

Recommendation 27 and 35

We are responding to recommendations 27 and 35 together as they both concern judicial training.

Recommendation 27

A research study should be undertaken to determine whether there are any significant differences in decision making on disclosure between lay magistrates and district judges to determine whether there are any resulting training and development needs for magistrates.

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Recommendation 35:

I invite the Judicial College to consider specific training on judicial case management of disclosure matters, the Intensive Disclosure Regime, and the use of a new Consolidated Guidance (should these recommendations be accepted).

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Government Response

115. Judicial training is a matter for the independent judiciary and delivered through the Judicial College. It would therefore not be appropriate for the Government to respond to these recommendations.

Recommendation 28

Ensure officers, presenting material as part of a summary only magistrates' court case, are supported in their consideration of what material should be scheduled by the increased use of the MG6C or other template. This may include suggested categories of material or examples of the types of material typically disclosed in such cases.

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Government Response

116. The Government supports the intent of recommendation 28, recognising the challenges faced by officers in identifying and scheduling relevant material in summary-only magistrates' court cases. We agree that investigators would benefit from clearer, more consistent support and guidance.

117. However, we do not propose embedding this guidance within the existing MG6 forms, as these will be retired with the introduction of

the Digital Case File system. Instead, we will take forward the intent of the recommendation through alternative routes, including the development of supporting guidance in the short term and exploring how the functionality of the Digital Case File can provide structured prompts and assistance to officers in future.

Recommendation 29

Add wording to the Consolidated Guidance reminding investigators and prosecutors to apply the disclosure test to any material showing that a financial matter has impacted a decision to prosecute.

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Government Response

118. Whilst the Government agrees with the general premise of enhancing transparency of the disclosure regime, it is unable to accept this recommendation following careful consideration of advice received from operational agencies. We understand that the concern stems from a Local Authority prosecution¹³, in which proceedings were stayed due to improper financial influence arising from a misapplication of the Code for

¹³ (R v The Knightland Foundation & Jacob Friedman [2018] EWCA Crim 1860)

Crown Prosecutors, rather than a failure in disclosure obligations. Whilst the facts of this case are clearly concerning, there is limited evidence to suggest that it represents a more widespread issue.

119. The Government is concerned that the proposal could generate significant unintended consequences disproportionate to the extent of the issue, including exposing charging decisions in Proceeds of Crime Act cases to routine defence challenges. It also risks creating an inaccurate public perception that financial considerations improperly influence prosecutorial decision-making as standard.

120. In addition, the Code for Crown Prosecutors permits a prosecutor to select charges which allows a confiscation order to be made in appropriate cases, where a defendant has benefited from criminal conduct. Whilst selection of charges is different to the question of whether to prosecute, the recommendation may cause confusion for prosecutors about what is expected to be disclosed. A prosecutor can legitimately take

confiscation into account when selecting charges without the fact of that needing to be disclosed.

Recommendation 36

Where the Court of Appeal quashes a conviction for disclosure failings, the relevant prosecution authority should perform a review of the case to ascertain the reasons for the error(s). The result of the review should inform changes to internal processes if required. The potential impact of the failings in other cases, where convictions have been recorded, must be considered. Learnings from the failing should be passed to the College of Policing to update learning standards.

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Government Response

121. Following engagement with the Serious Fraud Office (SFO) and Crown Prosecution Service (CPS), the Government agrees with this recommendation. It is essential that where convictions are quashed due to disclosure failings, prosecution authorities take prompt and structured steps to understand the causes of those failings, to strengthen internal

processes where required, and to consider whether similar risks may arise in other concluded cases or live proceedings.

122. Prosecution authorities already undertake a range of case reviews and assurance processes. When a case fails due to disclosure, the CPS acts immediately and refers cases to the Director of Legal Services or in a monthly high risk case log return. They also use disclosure champions for wider dissemination to support a local or national response or review. Similarly, the SFO promptly carries out Case Learning Events following the conclusion of every case to identify learning points, wider impact across related cases and continuous improvements for future casework. When a case fails due to disclosure, it is immediately escalated and the SFO's subsequent review and response is led by the SFO Executive Committee.

123. We agree, however, that it is important that these arrangements are consistently applied and can inform both organisational improvement and system-wide learning. The Government welcomes further evidence from

Jonathan Fisher KC on any specific shortcomings that he assessed in existing processes so that we can focus efforts appropriately.

124. Prosecution authorities will continue to ensure that robust review mechanisms are in place where convictions are quashed by the Court of Appeal on disclosure grounds, including assessing whether issues may have implications beyond the individual case. Where appropriate, learning from such reviews will be used to strengthen internal assurance, casework supervision, and casework practices.
125. We also agree on the importance of sharing relevant learning to support improvement across the wider criminal justice system. Where disclosure failings identify issues of broader applicability, prosecution authorities will continue to work with others as appropriate, taking account of the distinct roles and remits of different organisations. Engagement with the College of Policing will take place specifically where a review

identifies a policing/training standards issue that merits curricular change.

126. These ongoing measures will help ensure that disclosure failures are addressed transparently and in a structured manner, that risks to other cases are identified and managed appropriately, and that learning is embedded to strengthen confidence in the integrity of the justice system.

127. The Government will also consider how this recommendation should apply to private prosecutors as part of the Government's wider consideration of reforms in this area.

Recommendation 37

Update the CPIA and Code of Practice to allow the prosecution, in a single defendant case, to hand back to a suspect/defendant material (or copies) they previously had access (i.e, they previously owned, held or controlled).

There should be no obligation for the prosecution to provide a schedule to the defendant, describing the items in the class of material returned.

In considering whether to use this provision, the prosecution should have regard to the following factors:

- a. The extent to which provision of the class of material may expedite case preparation by the defence and/or prosecution.
- b. The amount of material involved.
- c. The ease by which the material may be redacted for sensitive material, LPP or personal confidential information.
- d. The ability of the suspect/defendant to review the material.

- e. Whether the suspect/defendant and their legal representation wish to receive the returned material.
- f. The extent to which the order may affect the timing of trial.

If a class of prosecution material is provided, the prosecution duty to search for material that satisfies the section 3 CPIA test no longer applies. However, if the prosecution becomes aware of such material, they are obligated to highlight its existence to the court and defence, at the earliest opportunity.

At the PTPH both the prosecution and defence, within the context of a given case, can voice their support or concern regarding the use of this provision. The judge, having heard representation and in the interests of justice, can order the prosecution to return certain material or order the scheduling of items in instances where the defence are unable/unwilling to accept returned material.

Consolidated Guidance should set out that the above is designed to provide a degree of flexibility in large and complex cases.

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Government Response

128. The Government has considered recommendation 37 carefully and agrees with its underlying objective of reducing unnecessary administrative burden associated with the scheduling of material. We recognise that, in certain circumstances, the return of material or copies of material may support effective case preparation and the right to a fair trial, and existing law and guidance already provide for this in limited and controlled circumstances.
129. However, the Government notes significant challenges with the recommendation as drafted. In practice, the return of material, particularly digital material, would involve providing extractions or copies rather than the original devices. Under the current framework governing the extraction of electronic information, law enforcement agencies are required to take a targeted, proportionate approach to data extraction, download and retention. Providing a full copy of a digital device would typically require a complete extraction and review to identify criminal

content, sensitive material or legally privileged information. This would run counter to established statutory duties and guidance, which emphasise extracting only what is necessary to pursue reasonable lines of enquiry.

130. There are also substantial concerns about operational feasibility and consistency. Digital extraction backlogs already exist across law enforcement, driven by the scale and complexity of modern data. Introducing additional full extractions would risk exacerbating these pressures and impacting compliance with existing disclosure obligations and court timetables. Stakeholders also raised concerns about inconsistent court application, the risk of significant redaction burdens in practice, and the potential for this approach to be used as a proxy for broad disclosure requests.
131. For these reasons, the Government will not be taking forward recommendation 37 in its current form, as it is not compatible with the existing statutory framework. However, the Government notes that the actions it is taking

forward in relation to technology-assisted scheduling, including the use of tools and metadata to support more efficient, accurate and consistent scheduling, are intended to address many of the same pressures identified by this recommendation. These measures should significantly reduce the resource burden associated with scheduling material, while remaining consistent with data protection, disclosure obligations and the right to a fair trial.

Recommendation 40

Highlight in Consolidated Guidance, that where there is a disclosure failing by prosecution or defence, it is open to the Judge to require that the relevant legal representative, officer and/or legal aid contract manager, provide further explanation to the court either in writing or in person at a future mention.

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Government Response

132. The Government recognises the importance of ensuring compliance with disclosure requirements and timelines, as well as the need to hold non-compliant parties to account. However, as highlighted by Jonathan Fisher KC, there are important fairness, resourcing, and due process implications which must be taken into account when considering sanctions for non-compliance.

133. As mentioned in the previous section, the Government will not be taking forward the proposed consolidated guidance, so this cannot be used as a means to implement any sanctions measure. However, existing judicial case management powers could be utilised to action this measure.
134. Accordingly, whilst the Government recognises the need for greater compliance with disclosure, it is for the judiciary to decide how to best use their case management powers for this purpose.

Recommendation 41

The Ministry of Justice and the Criminal Legal Aid Advisory Board should consider whether current funding arrangements adequately support early engagement with the disclosure process and engagement with a new intensive disclosure regime. The application process for pre-charge engagement legal aid should be streamlined.
(Page 179)

Government Response

135. The Government agrees that criminal legal aid fee schemes should support early engagement with the disclosure process, and early preparation of cases more broadly. Payment for pre-charge engagement was introduced in 2021, though the Government acknowledges take-up remains low. The MoJ will consider how best to encourage take-up, including discussing it with the relevant subgroup of the Criminal Legal Aid Advisory Board (CLAAB).

136. Although providers are already able to ‘self-grant’ for pre-charge engagement, the MoJ will consider if there are opportunities to streamline the application process further with CLAAB. The Government therefore partially accepts this recommendation.

Recommendation 42 and 44

We are responding to recommendations 42 and 44 together as they both concern governance and oversight.

Oversight and Evaluation:

Recommendation 42

Establish a Disclosure Scrutiny Joint Committee, made up of representatives from the Home Office, Ministry of Justice, and Attorney General's Office, to monitor implementation of new disclosure policies.

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Recommendation 44

Appoint an individual responsible for oversight of the implementation of policy change, keeping under regular review the application of the disclosure regime in the criminal justice system, recommending any reforms which need to be made, and reviewing the quality of disclosure-related learning delivered by higher education institutes, law enforcement agencies and police forces.

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Government Response

137. The Government recognises the value in a coordinated, cross-departmental governance system with clear and appropriate accountability to ensure the disclosure regime is fit for purpose across the criminal justice system.
138. However, it is important to ensure that criminal justice system governance is streamlined and effective. The Government is currently considering the new governance structures proposed in the Independent Review of the Criminal Courts. Once the Government has decided how to respond to these recommendations, we will examine how best to implement this recommendation within that new structure.
139. In the interim, a nominated senior civil servant from each of the Home Office, the Ministry of Justice, and the Attorney General's Office will meet at regular intervals to review, discuss and scrutinise the implementation of new

disclosure policies. Operational partners will be invited to this group where relevant and if required, this cross-system group will escalate matters for consideration to the Criminal Justice Action Group – the senior official-level cross-CJS governance forum chaired by the MoJ Permanent Secretary.

Recommendation 43

There needs to be an improvement in the quality and type of data available regarding the performance of the disclosure regime in all parts of the criminal justice system. Additional data gathered should include but not be limited to:

- a. Law enforcement disclosure training compliance in reference to training and learning recommendations.
- b. Broad reasons for adjournments in both the magistrates' and Crown Court.
- c. Time and motion studies regarding law enforcement time spent undertaking disclosure in its various phases and a commitment to repeat the process after a set number of years.
- d. Quantitative assessments of IDR case progression.

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Government Response

140. The Government accepts the need for greater data availability. Ensuring greater high-quality data is available will allow for effective scrutiny and improvement of the disclosure regime, as well as for evaluation of the changes accepted in this response.
141. The Government will continue to examine any data initiatives arising from Sir Brian Leveson's Independent Review of the Criminal Courts alongside the recommendations accepted within this response, including quantitative assessments of any recommendations implemented.

Recommendation 45

The Law Commission's recommendation at paras 4.104 and 4.106 of its confiscation report should be reflected in the Consolidated Guidance. I invite the Criminal Procedure Rules to consider if, following receipt of the defence response to the statement of information under section 17 of POCA 2002, the prosecution should review disclosure and update the defence about the outcome of that new review.

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Government Response

142. The Government is committed to ensuring that the Proceeds of Crime Act 2002 (POCA) remains an effective and robust framework for the recovery of criminal assets, and that it continues to operate compatibly within a modernised disclosure regime. Criminal confiscation is the most frequently used asset recovery power and plays a critical role in

depriving offenders of the proceeds of their crimes.

143. While POCA and the Criminal Procedure Rules do not expressly require a further review of disclosure following receipt of the defence response to a statement of information under section 17, the Government notes that, as a matter of common law, the prosecution is likely already required to keep disclosure under review in confiscation proceedings, including after such a response. The Government also recognises, however, that disclosure obligations in confiscation proceedings are not articulated with the same statutory clarity as those under the Criminal Procedure and Investigations Act 1996.
144. The Government considers that this recommendation is not essential to the fairness or efficiency of confiscation proceedings. Nonetheless, the Government understands that the Criminal Procedure Rule Committee, which is independent of Government, may wish to consider the recommendation.

Response to the Part II Volume 1 of the Independent Review of Criminal Courts, Chapter 5: Disclosure Recommendations.

145. As noted to in the introduction, there are ten recommendations in the “Disclosure” chapter of part II of Sir Brian Leveson’s Independent Review of the Criminal Courts which have all been included within this response as they relate directly to the disclosure regime.
146. Sir Brian’s recommendations that directly relate to proposals raised in Jonathan Fisher KC’s Independent Review of Disclosure have been addressed earlier in this document. The remaining recommendations made in Sir Brian’s chapter on disclosure are responded to below.
147. The Government will publish its final response to Sir Brian Leveson’s Review in due course.

Recommendation 82

The Law Society and the Bar Council produce guidance on process and next steps where there have been failings in redaction of material disclosed to the defence. This should include the ethical considerations that must be taken when dealing with redacted or unredacted material.
(Page 330)

Law Society and Bar Council Response

148. As this recommendation is addressed to the Law Society and Bar Council, the Government will defer to those organisations to consider this independently.

Recommendation 85

The Criminal Procedure Rule Committee update the Criminal Procedure Rules to align with the Transforming Summary Justice Renewal Programme, which states that the Initial Details of the Prosecution Case must be served onto Common Platform a minimum of five days before the first hearing.

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Government Response

149. The Government sees value in the recommendation, with a modification. The potential benefits of this recommendation extend beyond the disclosure regime as setting Rules which could result in the defence being provided with the details of the prosecution case at an earlier time should generally facilitate improved defence preparedness for the first hearing. By setting firm timescales, this recommendation will set clear expectations from the prosecution and

ensure defence practitioners are engaged earlier, improving trial preparedness.

150. Stakeholders highlighted that whilst service of the Initial Details of the Prosecution Case (IDPC) often happens within this timeframe, there would be value in putting the timeframe into the Rules. Stakeholders also noted that flexibility may be required in some cases, such as when a defendant is charged and has their first hearing at the magistrates' court in less than five days. The Government will therefore invite the Criminal Procedure Rules Committee to consider implementing this requirement in a manner which facilitates flexibility where necessary.

Recommendation 86

The greater use of artificial intelligence tools to summarise the Initial Details of the Prosecution Case based on a set of standardised questions to facilitate His Majesty's Courts and Tribunals Service staff and other relevant partners in their preliminary reviewing roles. This should be subject to a successful pilot and evaluation before complete rollout

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Government Response

151. The Government accepts this recommendation and the principle of enabling court staff to understand the material issues of a case more efficiently and consistently in the early preparation of a case.
152. A pilot of an Artificial Intelligence (AI) tool exploring how AI-enabled assistance can support judicial decision making is underway. This pilot covers how AI can assist with case summarisation and early case triage.

Decisions on further expansion and rollout of
this tool are dependent on its evaluation.

Recommendation 87

The defence should be permitted to propose search terms for unused material, subject to any judicial decision. The prosecution should then disclose the results of those searches to the defence.

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Government Response

153. This recommendation is intended to strengthen confidence in the disclosure process by ensuring that the defence has a meaningful ability to scrutinise the prosecution's approach, particularly where technology or AI-assisted tools are used and may otherwise risk reducing transparency around decision-making. Existing frameworks already encourage some degree of early and constructive engagement between the defence and prosecution, including enabling the defence to propose reasonable lines of inquiry and search terms, as reflected in the

Attorney General's Guidelines and the Government's acceptance in principle of Jonathan Fisher KC's recommendations 23 and 24. These measures are intended to support proportionate disclosure and avoid late-stage disputes, while maintaining focus on fairness and the interests of justice.

154. Allowing the defence to scrutinise prosecutorial decisions on disclosure, where appropriate, could further incentivise early engagement and help prevent miscarriages of justice caused by non-disclosure. Operational stakeholders were broadly supportive of this recommendation but highlighted potential implications for resource demands and delays. They highlighted that to avoid this, implementation would need to ensure defence proposals are necessary, proportionate, and subject to robust judicial oversight.
155. The Government therefore accepts the principle that appropriate tools should be available to enable defence scrutiny of disclosure decision-making. However, further work is required to ensure that

implementation of such measures is carried out proportionately and effectively, including appropriate timelines, the exercise of judicial discretion, and how this would operate with Artificial Intelligence powered tools. This could be implemented by changes to the Criminal Procedure Rules or Criminal Practice Directions and the government would therefore invite the Criminal Procedure Rule Committee and the Lady Chief Justice to consider the most appropriate means of implementing this, with regard to the above considerations.

Recommendation 89

The College of Policing, Crown Prosecution Service and other prosecution agencies should conduct further work in promoting consistency in how existing guidance in rape and sexual offence cases is applied and interpreted across the criminal justice system through enhanced training.

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Government Response

156. The Government accepts this recommendation and supports the Crown Prosecution Service (CPS), the College of Policing and other prosecuting agencies in their work to promote consistent application and interpretation of guidance used in rape and sexual offence cases across the criminal justice system.
157. The CPS are strengthening and embedding work to address this including revised Rape and Serious Sexual Offence (RASSO)

prosecution guidance that reflects the higher threshold for requesting access to victim counselling records under the Victim Information Requests Code of Practice, supporting a more consistent, suspect centric and victim focused approach. They are also responding to the findings outlined in the HM Crown Prosecution Service Inspectorate report in July 2025 including the introduction of an enhanced assurance approach to provide greater oversight of legal decision-making, with a strong focus on victim safety and consistent use of protections and special measures. Learning will inform targeted training through the RASSO Case Strategy learning programme, ensuring guidance, training and onboarding are fully aligned and applied consistently in practice.

158. The Home Office continues to work with the National Centre for Violence Against Women and Girls and Public Protection to support police forces to ensure these cases are investigated using the latest guidance, including the new Code of Practice which came into force on 12 January 2026. Officers

also receive quality specialist training and
regularly learning events outlining the latest
developments in policy and practice.



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