



House of Commons  
Justice Committee

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**The Crown Prosecution  
Service: Gatekeeper of the  
Criminal Justice System:  
Government Response to  
the Committee's Ninth  
Report of Session 2008–09**

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**Second Special Report of Session 2009–10**

*Ordered by the House of Commons  
to be printed 12 January 2010*

## The Justice Committee

The Justice Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Ministry of Justice and its associated public bodies (including the work of staff provided for the administrative work of courts and tribunals, but excluding consideration of individual cases and appointments, and excluding the work of the Scotland and Wales Offices and of the Advocate General for Scotland); and administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and the Serious Fraud Office (but excluding individual cases and appointments and advice given within government by Law Officers).

### Current membership

Rt Hon Sir Alan Beith MP (*Liberal Democrat, Berwick-upon-Tweed*) (Chairman)  
David Heath MP (*Liberal Democrat, Somerton and Frome*)  
Rt Hon Douglas Hogg MP (*Conservative, Sleaford and North Hykeham*)  
Siân James MP (*Labour, Swansea East*)  
Jessica Morden MP (*Labour, Newport East*)  
Julie Morgan MP (*Labour, Cardiff North*)  
Rt Hon Alun Michael MP (*Labour and Co-operative, Cardiff South and Penarth*)  
Robert Neill MP (*Conservative, Bromley and Chislehurst*)  
Dr Nick Palmer MP (*Labour, Broxtowe*)  
Linda Riordan MP (*Labour and Co-operative, Halifax*)  
Virendra Sharma MP (*Labour, Ealing Southall*)  
Andrew Turner MP (*Conservative, Isle of Wight*)  
Andrew Tyrie MP (*Conservative, Chichester*)  
Dr Alan Whitehead MP (*Labour, Southampton Test*)

### Powers

The committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via [www.parliament.uk](http://www.parliament.uk).

### Publication

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House.

All publications of the Committee (including press notices) are on the internet at [www.parliament.uk/justicecom](http://www.parliament.uk/justicecom)

### Committee staff

The current staff of the Committee are Fergus Reid (Clerk); Dr Sarah Thatcher (Second Clerk); Gemma Buckland (Committee Specialist); Hannah Stewart (Committee Legal Specialist); Ana Ferreira (Senior Committee Assistant); Sonia Draper (Committee Assistant); Henry Ayi-Hyde (Committee Support Assistant); and Jessica Bridges-Palmer (Committee Media Officer).

### Contacts

Correspondence should be addressed to the Clerk of the Justice Committee, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 8196 and the email address is [justicecom@parliament.uk](mailto:justicecom@parliament.uk)

## Special Report

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1. The Justice Committee published its Ninth Report of Session 2008-09, *the Crown Prosecution Service: gatekeeper of the criminal justice system*, on 6th of August 2009 (HC 186).
2. We received a response from the Government on 6th January 2010.
3. We made the following comments about the performance of the Attorney General's Office in this regard in our report of our work in Session 2008-09:

"...we wish to record our dissatisfaction with the timeliness of replies to our reports from the Attorney General's Office. We reported on certain provisions within the draft Constitutional Renewal Bill in June 2008 but did not receive a substantive response until July 2009, more than 12 months later. We recognise that some Government responses to select committee reports are sensibly deferred if they relate to major initiatives or proposals which are being finalised within a reasonable timeframe. However, in this instance we see no case for delaying a substantive response for over a year.

As an isolated incident this might not have drawn comment but our concerns have been exacerbated by another delay; this time in the Attorney General's response to our report on the work of the Crown Prosecution Service, published in August 2009, to which a reply was not received until 6 January 2010. Moreover, in the intervening period the Attorney General asked us to hold a pre-appointment hearing for a new HM Chief Inspector of the CPS, a task we are prevented from undertaking as effectively as we would wish without the Government's response to our report in this area. The absence of a Government response also reduces the value of debate on a report in the Chamber or Westminster Hall and makes it more difficult to secure time on the floor of the House to follow-up these important issues. The Attorney General should bear in mind that, by long-standing convention, government departments have agreed that replies to select committee reports should be made within two months of publication. The performance of the Attorney General's Office in replying to our reports has been poor and has hindered our work."<sup>1</sup>

4. We welcome the thorough response we have now received from the Government to our conclusions and recommendations on the Crown Prosecution Service. That response, and a letter from the Solicitor General relating to its submission, are appended below.

# Appendix 1

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## Letter to the Chairman of the Committee from the Solicitor General

I am writing to you, in the Attorney General's absence abroad, to send you the Government's Response to the Committee's report on the CPS, "The CPS; Gatekeeper of the Criminal Justice System".

As the Attorney General said when she wrote to you in November to explain why our Response was delayed, we very much welcomed the thoughtful and comprehensive nature of your Inquiry. Like you, we believe that the prosecutor plays a pivotal (and often under acknowledged) role in the Criminal Justice System and has, potentially, a greater role to play in the future.

Whilst I very much regret that it was not possible to send the Response to you before now, I hope that you will agree that the document reflects a substantial number of very recent developments. In consequence, an earlier version would have been incomplete and therefore potentially misleading. My officials have sought to keep the Committee informed during this time.

The Attorney General, the Director of Public Prosecutions and I share a commitment to the delivery of consistent and high quality prosecution services to the public, and are proud of the improvements which have been made to date. There remain a number of challenges to the CPS, and to the delivery of effective prosecution services as a whole. The Committee's careful consideration is of value to the Government and to the services themselves as they continue to enhance their performance.

*Vera Baird QC MP*  
*Solicitor General*

*5 January 2010*

## Appendix 2

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### Government response to the Justice Committee Report: The Crown Prosecution Service: gatekeeper of the criminal justice system

The Government very much welcomes the Justice Select Committee's Report: *The Crown Prosecution Service: Gatekeeper of the Criminal Justice System*<sup>2</sup> and is very grateful to the Committee and all those who gave evidence to the Committee. The Committee's findings about the increasing importance and wider contribution of the prosecutors to the delivery of criminal justice are in step with our strategy to deliver much more effective, outward-facing, responsive public prosecution services, which is being led by the Attorney General and the Directors of the prosecuting departments.

There were some key developments in this direction during the course of the Committee's inquiry:

- the decision in April 2009 to merge the CPS with the Revenue and Customs Prosecutions Office to create a more flexible and resilient service, better placed to deal with serious organised crime;
- a revised Prosecutors Convention, signed by 16 prosecuting authorities in April 2009<sup>3</sup>;
- Attorney General's Guidance on Plea Discussions in Cases of Serious or Complex Fraud in March 2009<sup>4</sup>;
- the launch of a community prosecutor approach;
- joint CJS inspectorates' thematic reports on Statutory Charging<sup>5</sup> and on victims and witnesses<sup>6</sup>
- publication of a report on the CPS' progress in implementing its Capability Review<sup>7</sup>
- publication of a Protocol setting out the relationship between the Attorney General and prosecuting departments to safeguard independence and ensure accountability, in July 2009<sup>8</sup>; and
- the publication in July 2009 by the Director of Public Prosecutions (DPP) of *Setting the Standard: a new vision for the delivery of a public prosecution service.*<sup>9</sup>

And since the publication of the Committee's report there have been further developments:

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2 House of Commons Justice Committee, *The Crown Prosecution Service: Gatekeeper of the Criminal Justice System* Ninth Report of Session 2008–09

3 Prosecutors' Convention, April 2009

4 Attorney General's Guidelines on Plea Discussions in cases of serious or complex fraud, issued 18th March 2009

5 Criminal Justice Joint Inspection (HMCPSI, HMIC), *The joint thematic review of the new charging arrangements*, November 2008

6 Criminal Justice Joint Inspection, *Report of a Joint Thematic Review - Victim And Witness Experiences In The Criminal Justice System*, May 2009

7 Cabinet Office Civil Service Capability Reviews *Crown Prosecution Service: Progress and next steps* July 2009

8 Protocol between the Attorney General and the Prosecuting Departments, July 2009.

9 *The Public Prosecution Service – Setting the Standard*, July 2009





























