

Reforms to Historic Role on way

*Foreword from
the Attorney General*

In the last newsletter we asked for your participation in the consultation on the role of the Attorney General. I am pleased to tell you the *Governance of Britain White Paper* was published on the 25th March and as part of it the suggested reforms on the role of the Attorney General. So why did we need to examine the Law Officers' role and make it fit for purpose in the 21st century, and for the future?

For a number of years there have been perceived tensions between the various functions of the Attorney General – being a Minister and a member of the

Government, being guardian of the public interest independently of government, and superintending the prosecuting authorities. Because of the multi-faceted nature of the Attorney General's role questions were being asked about whether there is the possibility or perception of conflict between the Attorney General's role as chief legal adviser to Government, and as guardian of the public interest, as well as that of a political Minister who attends Cabinet.

We had 52 written responses to the consultation, on top of which we ran a number of focus groups and seminars where we got down to the nuts and bolts of these issues. A variety of people attended these meetings including representatives of the prosecuting authorities, MPs, members of the House of Lords and academics with an interest in constitutional and legal issues. As you can imagine we heard views from across the spectrum – but with some consistent views and themes which are the basis for the changes that we are proposing.

Many commentators favoured little if any change. In particular most people favoured the Attorney General remaining the chief legal adviser to the government. There was however strong support for the notion that the Attorney General's role should be clarified therefore providing greater transparency to the office. Additionally there was support for change to the Attorney's role in relation to individual prosecutions.



Baroness Scotland

So what are these intended changes and what do they mean?

- **Power of direction** – the relationship between the Attorney General and the prosecuting authorities will be recalibrated in a significant and substantial manner. In particular the Attorney will cease to have any power to take decisions in an individual case, except in certain exceptional cases (see below).
- **Redefining relationship with prosecutors** – There will be a protocol – which will be publicly available – which will set out how the Attorney and prosecutors are to exercise their functions in relation to each other.

In this Issue

- CPS Excellence Awards
- Plea negotiations
- Pro Bono
- New SFO Director Appointed
- Solicitor General visits Sweden
- International Women's Month
- Speeches
- Parliamentary Matters
- Contact Details

- **National security cases** – the Attorney will have a very limited power of direction in relation to individual cases – exercisable only in exceptional cases where it is necessary to give a direction to safeguard national security. The Attorney will have to report to Parliament every time this power is used.
- **Consent** – the Attorney will be giving up consent functions in determining whether a particular prosecution should be brought – except in certain limited cases. The Attorney will also cease to have the power to stop a trial on indictment (*nolle prosequi*).
- **Accountability to Parliament** – the Attorney's accountability to Parliament will be enhanced by a number of measures to improve transparency, including the requirement to prepare a protocol as to the relationship with the prosecuting authorities, and a requirement to provide Parliament with an annual report on the exercise of the Attorney's functions.
- **Role as guardian of the rule of law** – the Attorney General's oath will be amended to require the post-holder to "respect the rule of law". This change will re-emphasise the basis on which the Attorney gives legal advice and exercises

functions in the public interest, rather than on the basis of political convenience or party loyalty.

- **Attendance at Cabinet** – The Prime Minister has confirmed that Baroness Scotland is to continue to attend Cabinet on a regular basis. This reflects the Prime Minister's view that the Attorney's personal experience will provide a valuable contribution to Cabinet discussions.

No change is proposed to the role of the Attorney as the Government's chief legal adviser.

The whole consultation process has been a fascinating one. It brought home to me how little understood our role is. That is why we are taking particular steps to improve transparency. In some areas we asked what we felt was a simple question about the role, but because of its complex nature we found there to be many more questions by way of answers than there were actual answers! I am immensely proud to be in charge of these important changes which I truly believe strengthen the role, and safeguard the rule of law.

In particular I welcome the changes to the oath that the Attorney General must make on taking up of the office. This may seem a small change, but its significance must not be underestimated. This change rightly puts the rule of law at the heart of the Attorney's role. It is essential



for good government that any actions that are taken are lawful and the Attorney General has a key role in this process.

So what's next?

Now that we have announced the results of the consultation, and the way forward as it is spelt out in the *Governance of Britain* paper one might well ask what happens next. This is not the end of the process. The changes to the role I have set out will now go through a rigorous process of pre-legislative scrutiny. I am firm that this is my vision for the role of the Attorney General – but I am equally aware that this must be scrutinised at many different levels before we see any legislative change. In the meantime we will be continuing business as usual and I hope that I am able to speak to many of you about these exciting new changes in the months ahead. ■

CPS Excellence Awards

High achievers within the Crown Prosecution Service were honoured for their success by the Attorney and Solicitor General, at an awards ceremony held at Dover House, Whitehall, last month.

the 42) performing areas with awards.

Speaking at the awards ceremony, Baroness Scotland expressed her delight: *"I am immensely proud to be giving these awards. It is my belief that we should always strive to be the very best that we*



The Solicitor General chats to (L to R) Stephen Wooler, HM Chief Inspector HMCPSI and Jerry Hyde, Deputy Chief Inspector.

can and these five award winners are certainly demonstrating that the CPS are improving year on year. There are still challenges for us to tackle – we know that we must focus on our commitment to victims and witnesses, especially to vulnerable witnesses – and we must be robust in

our prosecutions. All in all I am delighted to be able to give these awards – both to the five areas and also to the two areas who have gone from low ratings and made leaps and bounds in the right direction."

The five CPS areas given the accolades are; South Yorkshire, Norfolk, Lincolnshire, Warwickshire and Humberside. Devon & Cornwall and Cumbria are being given awards for having most improved over the past year. ■



The Attorney General presents awards to (L to R) Colin Chapman, former CCP, Jaswant Narwal present CCP and Darren Burrows, all of CPS Lincolnshire.

The first ever Attorney General's Excellence Awards, were set up to reward Crown Prosecution Service (CPS) areas that had improved greatly over the past 12 months – especially areas that had 'jumped up' several grades.

Based on the HM Crown Prosecution Service Inspectorate (HMCPSI) overall performance assessments, the Attorney General presented the top five (out of



The recent opening of the Omagh Chambers of the Public Prosecution Service in Northern Ireland was performed by the Attorney General. ■

The Fraud Review

Tackling fraud – plea negotiations

As ministerial champion for the UK's first ever national anti fraud strategy, the Attorney General has just announced a cross Government consultation on a framework for 'plea negotiations' in fraud trials.

The Fraud Review recommended the creation of a family of institutions and measures. A framework for plea negotiations is just one strand of this grand plan. Particularly difficult to detect, fraud cases are also complex to investigate and expensive to present. The plea negotiation framework is designed to encourage the prosecution and the defence to talk to each other at the earliest possible stage.

Jointly announced by the Attorney General and Stephen Hockman QC -- ex chair of the Bar Council, a framework for plea negotiating would make a reduction in long expensive fraud trials, mean less strain to victims and witnesses (caused by delays), make potential savings to prosecution and legal aid resources, and pave the way for earlier justice and compensation for victims.

Additionally it would benefit businesses, banks and the individual taxpayer and provide certainty and fairness to defendants.

On launching this 'first step of many' Baroness Scotland said, "*I am immensely pleased to be announcing this consultation. Plea negotiations are an integral part of the recommendations of the Fraud Review, and to have a transparent framework of principles that lawyers and courts could work from would make a real difference.*

This is not about mirroring the United States' system of 'plea bargaining'. Clearly the US system would not work within our own legal system, but I believe the framework this group has produced could show us exactly how we might achieve early pleas and shorter, less expensive fraud trials".

Stephen Hockman QC, former Chair of the Bar Council who led the working group responsible for devising the framework said: "*I consider that there are clear advantages in offering the parties in serious fraud cases the opportunity to consider reaching a court-sanctioned agreement at the earliest possible stage. There are large financial savings to the public purse that can be made by early disposal of even a few serious fraud cases.*

The changes which we have proposed are modest and evolutionary. They are designed principally to

encourage the prosecution and the defence to talk to each other at the earliest possible stage. They aim to facilitate the attainment of a transparent plea agreement for presentation to and consideration by the court, whose powers of disposal remain entirely unaffected."

Meanwhile the other members of the 'fraud family' are also making progress. The National Fraud Strategic Authority (NFSA) which will review the anti-fraud measures across the public and private sector and devise a national strategy to coordinate activity is looking to launch this summer. Between April and October this year the National Fraud Reporting Centre (NFRC) and the National Lead Force will also be opening for business. The NFRC's role is to absorb and analyse all fraud data, thus creating focussed intelligence packages for the National Lead Force (City of London Police) and others to investigate.

Each of these aspects of the Fraud Review is designed to work with the others – they cannot work alone. If approved – a plea negotiation framework, along with associated work on extended court powers and a Financial Court will establish the ideal environment in which the National Fraud Strategic Authority can fight fraud.

The consultation is set to last 12 weeks and is available on the Attorney General's website:–

www.attorneygeneral.gov.uk

Pro Bono Matters

Co-ordination of important pro bono work both here and abroad is being taken forward by separate international and domestic committees, chaired by Baroness Scotland.

Progress was reported at recent meetings on a range of initiatives whereby lawyers work on a voluntary basis for those who cannot afford legal representation. On the international front a database, presently showing 108 pro bono projects across 78 countries, is being developed for use by the legal sector. As an example, training modules produced by City law firms to help legal counterparts in Tanzania are to be launched in May, and support is to be given to the start up of a new law school there.

Through the Justice Assistance Network, which pools public sector resources and improves links with the private sector to bolster legal assistance for developing countries, a course is being developed to train government officials and others to work in foreign jurisdictions. And a dedicated website to come on stream shortly, hosted by the University of Birmingham, will help co-ordinate the network's resources.

Domestically, regional legal support trusts are being set up to provide an infrastructure for allocation of donations by the Access to Justice Foundation,

which will help fund future pro bono projects in the UK.

And preparations are also beginning for the annual National Pro Bono Week which this year will run from 10-15 November. Information about pro bono work can be found at www.probonouk.net. ■

New GLS agenda set to build bridges and create a diverse workforce

Jonathan Jones, the Government Legal Service's (GLS) lead officer for diversity, addressed members of the Part-Time and Flexible Working Forum last month to discuss the steps being taken to make the GLS more diverse. Jonathan, Director General at the Attorney General's Office, is currently looking at policies and practices across GLS teams in relation to flexible working, and working on an analysis which it is hoped will contribute to cohesive GLS policies and promote best practice in this area.

The GLS diversity agenda has the aim of making the GLS more representative of the public, ensuring that it draws on the widest possible pool of talent when recruiting and pro-

moting lawyers, and ensuring and that working patterns and practices mean that the GLS can attract applications from the widest possible range of candidates.

An end of year report carried out by the GLS revealed that whilst women are strongly represented in the GLS (61% made up for qualified lawyers and legal trainee lawyers) only 13% are recorded as being from an ethnic background.

In a different forum, under the Attorney General's Pro Bono Coordinating Committee, the GLS Diversity Network is working together with the Law in Schools Sub-Committee to coordinate and promote the delivery of public legal education, to raise the awareness of young people about legal rights and responsibilities and to build bridges between the legal profession and young people from disadvantaged backgrounds to raise aspirations.

This work, carried out on a pro bono basis, will take place at schools and community centres across the UK. The aim is to work with the broadest range of stakeholders and in partnership with existing educational establishments. It is hoped that the initiative will also facilitate the provision of advice and encouragement for those who need it in considering entry to the legal profession.

The GLS Diversity Network is already an established player in this field and is placed to make a valuable contribution to the work of the Sub-Committee. ■



**SERIOUS
FRAUD OFFICE**

New SFO Director appointed

Baroness Scotland has appointed Richard Alderman to succeed Robert Wardle as Director of the Serious Fraud Office on April 21. Mr. Alderman is currently the Director of the National Teams and Special Civil Investigations at HM Revenue & Customs.

She said: "I am sure all at the Serious Fraud Office are delighted that someone with such experience and strong expertise in complex fraud investigations will be leading them in to the future".

Richard's current role has involved responsibility

for 3000 staff who carry out specialised tax investigations. He is a barrister with extensive experience of complex financial investigations from this role and from his previous posts at Inland Revenue.

As Director of the Revenue's Special Compliance Office from 2003 to 2005, he was responsible for all their criminal investigations. These included cases similar in weight and complexity to the workload of the SFO. Richard is 55 years old and is married with one daughter.

Before taking up post, Richard has answered a few questions for this newsletter:

Was director of the SFO a specific job that you had wanted for some time?

"Very much so. The work of the SFO is fascinating and the quality of colleagues who work there is very high. It is a great privilege to be asked by the Attorney to lead the SFO at this very important time."

What do you think your priorities will be in taking up post?

"I want to meet as many people in the SFO as I can before 21 April and this is being arranged. I also want to meet key external stake-

holders because their views on what we do and how we do it are very important to me. And I want to spend time looking at how we in the SFO are contributing to the Fraud Agenda and how we play our role here."

What do you think about the SFO's public profile?

"The public profile is high because of the significance of what the SFO does.

An important part of my role will be to work with the media in order to explain what we are doing and how successful we are. For instance the SFO has had significant success in court in recent cases."

What particular skills and experience will you bring to the position?

"I have been responsible for offices dealing with the investigation of complex financial fraud as well as prosecutions, and have lots of experience of this. I have also been involved in leading specialist organisations through times of considerable change.

My time in the Attorney General's office was also a key time in my own development because it gave me experience of working very closely with the Law Officers." ■



Vera Baird's ministerial visit to Sweden

As part of the Government's commitment to combat commercial sexual exploitation, Solicitor General Vera Baird visited Sweden last October to explore the preventive measures already put in place there to tackle human trafficking and street prostitution.

The visit coincided with the launch of Operation

Pentameter 2, an initiative set up to tackle human trafficking, rescue and protect victims, and to bring perpetrators to justice.

Over the next 6 months Vera, along with Home Office Minister Vernon Coaker and Deputy Minister for Women and Equality Barbara Follett, will visit a number of "source" countries to see how the problem is being tackled internationally. *"This is a global issue"* she explains, *"and it is important that we identify and address the root causes of trafficking, and build capacity to deal with organised crime."*

"Our strategy around prevention and supporting women out of sex work is well-developed following the consultation the Home Office held some years ago," says Vera. *"However, the vile slave trade of trafficking people for sex is fed by demand. If we can find further ways of deterring pun-*



Vera Baird

ters, we can undermine the market and limit the harm. So we are travelling to see how neighbour countries have dealt with this problem, while appreciating that we will have to find British solutions in the end."

Vera recently gave a speech at South Bank University to explain the Government's determination to tackle demand for prostitution and trafficking for the purposes of sexual exploitation. ■

International Women's Month

Both Law Officers have taken part in activities during International Women's Month, and Baroness Scotland jointly announced £1m funding to tackle domestic and sexual violence. The new money will go towards independent sexual violence advisers across the country and funding for organisations such as Relate, Rape

Crisis and The Survivors' Trust. She also pledged further support for specialist domestic violence courts, most of which are achieving highly successful prosecution rates of over 70 per cent.

To celebrate International Women's Day on March 8 the Attorney and Solicitor General attended the PM's reception at No.10. Vera Baird participated in a Commons debate and Baroness Scotland introduced the Westminster launch of a report on forced marriage, based on a case study in Luton, at which she welcomed the work of a national steering group on forced marriage and

honour-based violence. The Attorney has reaffirmed her commitment to oversee a first class prosecution service which treats the victims of domestic violence as a priority.

In her foreword to the official International Women's Month magazine, Baroness Scotland said: *"Women have worked hard over the last 20 years to achieve levels of social and economic freedom that have never been seen before. All women have their own goals, whether it is to improve their own life, the life of their family or to make their mark on the world. An aspiration all women should share is to be the best they can be."* ■

Speaking Out

The Attorney General has addressed the Criminal Bar Association and the University of Birmingham Law School on the rule of law and reforms to her role. She was a key speaker at the Wilton Park Conference, where she gave a UK perspective of the Caribbean looking to the future.

She has also spoken to staff audiences throughout the Government Legal Service including the Department for Transport and the Department of Communities and Local Government.

The Solicitor General has recently given speeches at the Crown Prosecution Service's Racist & Religious Crimes Policy conference and was a key speaker at London Metropolitan University to discuss preventative measures to tackle rape and sexual assault. She also gave a speech at the third annual 'No Witness No Justice' conference in Birmingham. She applauded dedicated witness care workers across England and Wales who are responsible for a vast improvement in the way witnesses are supported throughout the criminal justice system.

Copies of speeches from both the Attorney General and Solicitor General can be found on our website. ■

Parliamentary Matters

In sessions of oral answers in the Commons, Vera Baird has responded to questions on the future role of the Attorney General, on prostitution and kerb-crawling, detaining terrorist suspects without charge, bail, victim impact statements, prosecuting fraud, the law on transnational bribery, and the CPS's handling of crime scene profiles sent by the Dutch authorities.

In the Lords, Baroness Scotland has sought on behalf of the Government to extend the powers of CPS designated case workers through a clause in the Criminal Justice and Immigration Bill. ■

YouTube slot for Attorney

An interview with Baroness Scotland will feature on YouTube as part of a project to promote interest in the important work of the House of Lords.

Soon to run on www.uk.youtube.com/ukparliament (end of April), the initiative aims to engage a wider public with the role and relevance of the Lords. The Attorney, interviewed on the Lords Terrace against a backdrop of the river, spoke enthusiastically about her own experience in Parliament. The project coincides with the 50th anniversary of the Life Peerages Act 1958, which brought in women to the House of Lords for the first time. ■



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Senior Staff moves

Lorraine Rogerson, is the newly appointed Director of Policy and Administration at the Attorney General's Office.

Firstly, where have you come from and what experience will you be bringing to the Attorney General's Office?

"Most recently, I was the Director, Policy for the Border and Immigration Agency.

I reshaped the Agency's policy function, bringing it closer to operations, introducing project management disciplines and a new flexible resourcing model, embedding a new policy making standard, and I was head of profession for policy in the Home Office. We took forward some significant reforms to the border and immigration business, delivering several key strategy documents, including a new framework for earned citizenship, and took forward the implementation of the new points based system which I designed initially in 2005. I have worked in

the Home Office for a long time, and have some experience in criminal justice, crime reduction and corrections, including being the bill manager for the Criminal Justice Act 2003, doing "what works" in prisons and probation, and developing and implementing the first UK Anti-Drugs Strategy in 1998 – 9."

What was it that most appealed to you about the Attorney General's Office?

"Moving from a large Department to a small one. The opportunity to develop my "persuading and influencing" skills by taking forward an extremely important agenda which is entirely dependent on others for delivery...."

What do you think will be your greatest challenges?

"Delivering through others!"

And is there any one area that you are most looking forward to working on?

"I am looking forward to all of it. This is a key point in

the history of the role of the Attorney. I am looking forward to helping to take the relationship between the Attorney General and the prosecutors into a new, transparent and clear place. I like to ensure policy is delivered and am excited about working with the prosecutors. I enjoy working across the criminal justice system to create system-wide improvements. The National Fraud Strategy is very exciting. And so far everyone in the AGO has been very welcoming and helpful."

What/who inspires you?

"I am inspired by public service (sorry!).

I like to be part of making a difference."

How do you unwind after a long day at the office?

"When the evenings are lighter I may go to tend my allotment. I like to eat and drink a glass of wine with friends."

If you could give one piece of advice what would it be?

"Don't be afraid to ask for help." ■

Senior Staff moves

Just before she leaves her post as the Director of Policy and Administration at the Attorney General's Office to become the first Chief Executive of the new Supreme Court of the United Kingdom, Jenny Rowe, tells us about her new appointment.

Why is there a need for a new Supreme Court?

"The new court is an important addition to the Judicial System because it will add clarity to our constitutional arrangements and will achieve a visible separation of the judiciary, the legislature and the executive."

What attracted you to this new role?

"I liked the idea of being involved in establishing something that is new and at the heart of our constitution."

What are the main responsibilities of your new role?

"To ensure that there is an efficient and effective system to support the Court in carrying on its business



The new UK Supreme Court

(Constitutional Reform Act 2005). The Court itself won't be operational until October 2009, so until then, I will be involved in the detailed planning for the Court and be located between the Judicial Office of the House of Lords and the Ministry of Justice."

What particular skills and experience will you bring to the position?

"I bring wide-ranging experience of the justice system and of working with the senior judiciary."

What do you think the biggest challenges will be?

"Getting the organisation-

al/staffing structures right."

What motivates you in your career?

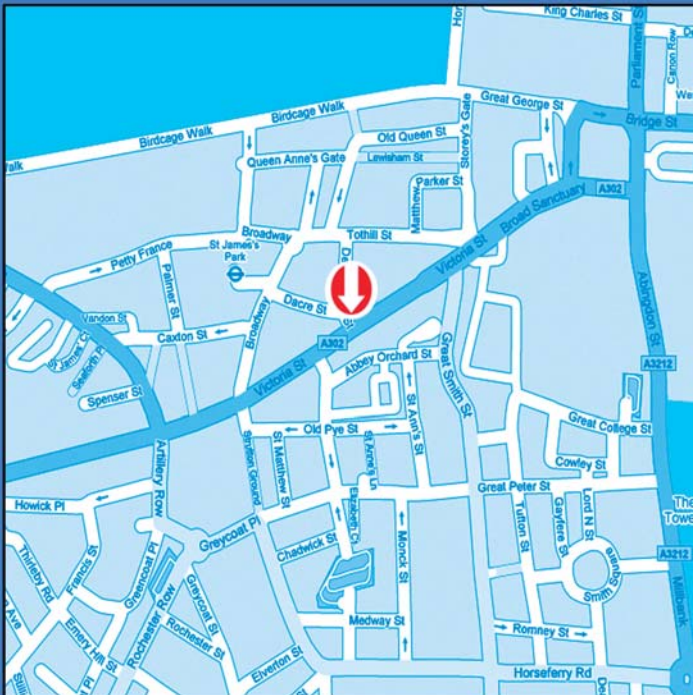
"I'm constantly motivated to deliver to the best of my ability."

How do you unwind when you're away from the office?

"I enjoy travelling, going to the opera, reading, visiting museums and galleries and watching cricket. I am also a Trustee of the Royal British Legion."

What will you miss most about the AGO

"The people – and being part of an exciting new phase in the development of the office." ■



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