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Sir Robert Neill MP
Chair, Justice Select Committee
House of Commons London SW1A 0AA

Dear Sir Bob,

25 August 2020

Thank you for your letter of 31 July following up on some issues raised during my appearance before the Committee on the 21 July. I was very grateful for the opportunity to appear before the Committee to set out my priorities as Attorney General and answer the Committee's questions. Please find below further information which I undertook to provide to the Committee.

Fixed Penalty Notices

The committee asked that we provide the data on the outcome of the remaining fixed penalty letters. The latest data available shows:

- 8,930 (7,375 England, 1,555 Wales) have paid a Fixed Penalty Notice
- 8,954 (8,325 England, 629 Wales) have not paid and therefore fall to be considered for prosecution
- 1,287 (England and Wales) have not paid but remain within the payment period.

The NPCC will continue to collate and analyse data on fixed penalty notices and the prosecutions to follow from them.

Disclosure Guidelines

My public consultation on the revised version of my Guidelines and the related CPIA Code of Practice closed on 22 July. The CPIA Code of Practice, which will reflect the changes made in the Guidelines to ensure consistency and clarity, will be laid in Parliament on 10 September 2020.

I will publish my revised Guidelines once the revised Code of Practice and Statutory Instrument come into force, or by December 2020, whichever is the later date. Our aim is that both the Code and the Guidelines will come into effect on the same day to ease the transition for operational partners.

Signing off at regular intervals

The Committee's 2018 report on disclosure recommended that, as a demonstration of an ongoing responsibility for disclosure, the Attorney General should personally sign off the Guidelines on

disclosure at regular, defined intervals, either stating that they remain sufficient, or noting amendments.

I agree with this approach and I am committed to signing off my Guidelines annually. My decision will be made publicly on the AGO Gov.uk website, confirming whether the principles are still up to date and sufficient.

In order to ensure this decision is made in the most effective way, I believe that there should be continuous collaboration with criminal justice partners and stakeholders who are affected by my Guidelines, and that there should be a fair representation across the system in making this decision.

My officials lead a disclosure sub-group of the National Criminal Justice Board for the purposes of my Guidelines, which bring together victims' representatives, defence practitioners, operational partners and other stakeholders. I propose that both this disclosure sub-group and the wider National Criminal Justice Board are the most appropriate forums through which to co-ordinate this work. The combination of these groups will allow each component of the criminal justice system to be represented and to raise any concerns before my decision is made.

The Government Asset Recovery Action Plan

The Committee queried the Serious Fraud Office's (SFO) integration into the Government's Asset Recovery Action Plan. I believe that the SFO is sufficiently integrated into the Plan. Prior to its publication in July 2019, the SFO reviewed and contributed to the development of the Plan, included detailed engagement on the Law Commission's ongoing review of the confiscation process.

The SFO's integration into the Plan is also demonstrated by its use of civil recovery, new powers, and international engagements which are consistent with the actions set out in the Plan. Similarly, its increasingly proactive approach to the enforcement of orders, use of new methods, and more effective use of Suspicious Activity Reports further demonstrates clear alignment with the Plan. The SFO is continuing to engage and contribute to the Law Commission review, as well adopting case work through its partnership with the National Economic Crime Centre.

The SFO also participates in several governance forums that oversee asset recovery and the delivery of the Plan. This includes the Strategic Asset Recovery Group – previously known as the Senior Operational Practitioners' Group – which is a multi-agency group focussed on asset recovery performance and co-ordination.

The Committee also suggested that there is a case for greater transparency over the specific contribution of the SFO to asset recovery in Government statistical bulletins.

I am pleased to note that there is already a significant degree of transparency and publicly available data regarding the SFO's contribution to asset recovery. As of last year's report, the Home Office's annual Asset Recovery Statistical Bulletin now includes asset recovery performance data for specific agencies, including the SFO. Last year's Bulletin, which was published in September 2019 and covers the financial years ending 2014 to 2019, can be found on GOV.UK¹:

In addition, information on the SFO's contribution to asset recovery is also available in the data tables included in the "Proceeds of Crime Section" of the SFO website², and the SFO's Annual Report and Accounts.³

¹ <https://www.gov.uk/government/statistics/asset-recovery-statistical-bulletin-financial-years-ending-2014-to-2019>

² <https://www.sfo.gov.uk/about-us/>

³ <https://www.sfo.gov.uk/publications/corporate-information/annual-reports-accounts/>

As set out in the Asset Recovery Action Plan, the Government wants to ensure even greater transparency on asset recovery performance and we will be ensuring that future iterations of the Statistical Bulletin respond to feedback from interested parties including the Committee.

I know the SFO would welcome a visit by you or other Committee members to discuss your thoughts on agency's asset recovery work and wider business.

Private Prosecutions

You asked whether the data available on the total number of private prosecutions is available, rather than the number of private prosecutions referred to the CPS, which has already been provided to the Committee. I can confirm that data, having further checked, is only available for the number of private prosecutions referred to the CPS and not for the total number of private prosecutions.

Release Under Investigation (RUI)

The Committee also asked how the CPS are addressing the backlog created by release under investigation and how charging decisions can be speeded up to enable the through flow of case work into the court. (Q48)

As you know release under investigation is a matter for the police. However the CPS has effectively made use of the time and resources freed up due to the criminal justice system's reduced ability to sit courts during the pandemic. Her Majesty's Crown Prosecution Service Inspectorate recently commended how the CPS has invested the spare capacity created to address charging backlogs and to get on top of case progression and preparation, so that when cases are listed, they are effective.

The closure of courts during the Covid 19 pandemic has not affected the capacity of the CPS to provide charging decisions when requested from the police. The CPS provides charging decisions 24 hours per day seven days per week. Outside normal office hours, this has always been provided by CPS staff working from home, and the organisation's IT and case management system are therefore designed to be used not just for charging decisions made in CPS offices, but also from home.

As part of the CPS response to Covid 19 the CPS and the NPCC agreed an interim charging protocol setting out how cases should be managed by the police and the CPS; identifying three categories of cases and ensuring the prioritisation of the right cases. The protocol was designed to ensure that the right cases are prioritised for early court hearings whilst recognising that limited court time may mean longer periods from charge to court for other cases.

Due to this work I am confident that the CPS has put itself in a strong position to tackle charging backlogs going forwards.

I hope this further information is of assistance to the Committee.

*Yours sincerely
Jella Braverman*

**RT HON SUELLA BRAVERMAN QC MP
ATTORNEY GENERAL**