



House of Commons
Justice Committee

Appointment of the Chief Inspector of the Crown Prosecution Service

Fifteenth Report of Session 2019–21

*Report, together with formal minutes relating
to the report*

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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

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[Dr Kieran Mullan MP](#) (*Conservative, Crewe and Nantwich*)

[Andy Slaughter MP](#) (*Labour, Hammersmith*)

The following were also Members of the Committee during this session.

[Ellie Reeves MP](#) (*Labour, Lewisham West and Penge*) and [Ms Marie Rimmer MP](#) (*Labour, St Helens South and Whiston*)

Powers

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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.

Publication

Committee reports are published on the Committee's website at www.parliament.uk/justicecttee and in print by Order of the House.

Committee staff

The current staff of the Committee are, Chloë Cockett (Senior Specialist), Mark Doyle (Committee Media Officer), Su Panchanathan (Committee Operations Officer), Tracey Payne (Committee Specialist), Christine Randall (Committee Operations Manager), Jack Simson Caird (Assistant Counsel), Holly Tremain (Committee Specialist), Ellen Watson (Second Clerk) and David Weir (Clerk).

Contacts

All correspondence should be addressed to the Clerk of the Justice Committee, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 8196; the Committee's email address is justicecom@parliament.uk.

You can follow the Committee on Twitter using [@CommonsJustice](https://twitter.com/CommonsJustice)

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Report

Chief Inspector of the Inspectorate of the Crown Prosecution Service

1. Her Majesty's Crown Prosecution Service Inspectorate (HMCPsi) inspects the Crown Prosecution Service and the Serious Fraud Office, for both of which organisations ministerial accountability rests with the Attorney General's Office. The inspectorate provides independently assessed evidence.
2. HMCPsi defines the purpose of its inspections as to drive improvements and build public confidence in the prosecution process. It seeks and provides independently assessed evidence, which: allow others to hold the CPS and SFO to account and inform debate about how they perform. The Inspectorate is not a regulator, however, and although it makes recommendations, it has no power to ensure that they are taken up by the CPS, SFO or others.
3. HMCPsi also inspects other prosecution services by invitation. In the past, it has inspected the Service Prosecuting Authority and assisted the Criminal Justice Northern Ireland Inspectorate in inspecting the Public Prosecution Service.

Chief Inspector

4. Her Majesty's Chief Inspector of the Crown Prosecution Service, the head of HMCPsi, is appointed by the Attorney General. This is a public appointment for a fixed term. The Chief Inspector acts independently of the Attorney General and of the Government, although the CPSi is not a legal or statutory entity and is treated as a Law Officers' Department and is an arms-length body of the AGO.
5. The operational relationship between the Attorney General and the Chief Inspector is set out in a protocol agreed between the Law Officers (the Attorney General and Solicitor General) and the Chief Inspector. Among key elements, the Government recognise the inspectorate's independence in exercising inspection functions. The inspectorate's annual budget is negotiated with the AGO, and the two bodies share a press office but have separate media and communications plans.
6. Kevin McGinty has been Chief Inspector since 2015, after a career at the criminal bar and, among other posts, as a legal advisor to the AGO and the Bank of England. His term ends on 31 March 2021. We pay tribute to Mr McGinty for the work he has done in the past six years and thank him for the strong and co-operative relationship he has established with the Justice Committee throughout his term of office. We hope to enjoy a similarly productive and collaborate relationship with his successor.

Government's preferred candidate

7. The Attorney General's Office announced on 4 January 2021 that the Government's preferred candidate to replace Mr McGinty from April is Andrew T. Cayley CMG QC. Mr Cayley was the only candidate who applied for or was interviewed for the post who was considered appointable.

8. The appointment is for four years, and renewable. The salary is £125,000 per annum for 36 hours a week. The inspectorate currently has 33 staff (3 Senior Management, 27 inspectors, and 7 corporate /support staff) with offices in London and York, and operates on a £3.1 million budget.

9. Mr Cayley was the Director of Service Prosecutions from 2013 to 2020. He led the Service Prosecuting Authority through major reforms and the Service Justice Review. From 2009 to 2013 he was the United Nations Chief International Co-Prosecutor of the Extraordinary Chambers in the Courts of Cambodia, the Khmer Rouge Tribunal. Here he was responsible for prosecuting the leadership of the Khmer Rouge for the genocide, extermination, and murder of up to two million of their citizens between 1975 and 1979. From 1995 to 2007, he was Prosecuting Counsel and Senior Prosecuting Counsel at the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Court (ICC). At the ICTY he was co-counsel in a case that secured the court's first conviction for genocide regarding events at Srebrenica in Bosnia-Herzegovina in July 1995; he also led for the prosecution in several other high-profile cases involving various aspects of the Yugoslav conflict. At the ICC, he led the investigation and pre-trial proceedings regarding allegations of genocide, crimes against humanity, and war crimes committed since 1st July 2002, in Darfur in the Republic of Sudan.

10. From 2007 to 2009, he defended Charles Taylor before the Special Court for Sierra Leone and Ivan Cermak before the ICTY. He first qualified as a Solicitor of the Senior Courts in 1989, transferring to the English and Welsh Bar in 2007. He is a Governing Bencher of the Honourable Society of the Inner Temple. He was appointed Companion of the Order of Saint Michael and Saint George for services to human rights and international criminal law in 2014 and appointed Queens Counsel in 2012.

Interests, conduct and political activity

11. In the declarations required to support appointment to a public office, Mr Cayley declared no conflicts of interest or previous conduct. Under the heading "significant political activity", he declared that he had, within the past five years, donated £10,000 to the Conservative and Unionist Party.

Conclusion

12. We are, on the basis of the discussion during the pre-appointment hearing and of our consideration of his CV, satisfied that Andrew Cayley QC meets the criteria necessary to fulfil the role of Chief Inspector of the Crown Prosecution Service and we endorse his appointment.

Annexe: Posts which are subject to pre-appointment hearings before the Justice Committee

Chair of the Judicial Appointments Commission

Chair of the Office for Legal Complaints

HM Chief Inspector of the Crown Prosecution Service

HM Chief Inspector of Prisons

HM Chief Inspector of Probation

Prisons and Probation Ombudsman

Chair of the Independent Monitoring Authority for Citizens' Rights Agreements

Appendix A: Correspondence between the Secretary of State and the Chair

Letter from Rt Hon Suella Braverman QC MP, Attorney General to Sir Robert Neill MP, Chair, Justice Committee, dated 1 June 2020

Dear Bob

Recruitment of Her Majesty's Chief Inspector of the Crown Prosecution Service

As per the Governance Code on Public Appointments and other supporting guidelines, I am writing to inform you of our plans to recruit the next Her Majesty's Chief Inspector of the Crown Prosecution Service (HMCICPS).

As you know, I am the Minister responsible for appointing the HMCICPS, a public appointment that is regulated by the Commissioner for Public Appointments and subject to pre-appointment scrutiny by the Justice Select Committee.

The term of the current HMCICPS, Kevin McGinty CBE, comes to an end on 31 March 2021. I attach the job description and role criteria that will be used to identify his successor. The post will be advertised on the Cabinet Office Public Appointments website.

I would be grateful if you could share any views you may have on the job description and role criteria by Monday 15 June. My officials will be in touch to agree a suitable date for the pre-appointment hearing.

Letter from Sir Robert Neill MP, Chair, Justice Committee to Rt Hon Suella Braverman QC MP, Attorney General, dated 12 June 2020

Dear Attorney General

Thank you for your letter dated 1 June regarding the recruitment of Her Majesty's Chief Inspector of the Crown Prosecution Service (HMCICPS).

The Committee are grateful to you for sharing the job description and candidate criteria. We consider that these are appropriate for the role and have no comment to make.

Appendix B: Recruitment pack for the Chief Inspector of the Crown Prosecution Service

We are looking for an outstanding individual for the post of

**Her Majesty's Chief Inspector of the Crown Prosecution Service Reference number:
PAT31762**

(please use the above reference in all correspondence)

Location: 102 Petty France, London, SW1H 9GL or Foss House, York, YO1 7PX

Term of appointment: Four years

Time commitment: Full time

Remuneration: £125,000 per annum, based on a working week of 36 hours

Closing date for applications is 9am on Monday 14 September 2020

Applications should be submitted to hmcpsi@moloneysearch.com

Alternative format versions of this candidate information pack are available on request, contact details as above.

All public appointments are advertised on the Cabinet Office's Public Appointments website (<http://publicappointments.cabinetoffice.gov.uk/>) and the Public Appointments Twitter feed (@publicappts).

1. Introduction

Dear Candidate,

Thank you for your interest in becoming Her Majesty's Chief Inspector of the Crown Prosecution Service. I welcome applicants from the widest possible field. Above all I am seeking applicants whose trustworthiness and integrity is matched by their high levels of competence and capability in leading and running a high-profile organisation.

You may already have some idea about the important work of the inspectorate and the following pages will tell you more about the inspectorate's purpose and the nature of the Chief Inspector's role.

The Government is committed to improving the criminal justice system and the Chief Inspector plays a central role in delivering this agenda through inspections of the public prosecutors. The inspectorate's work in identifying best practice and areas for improvement, and offering an independent level of assurance is crucial role in challenging poor performance and enhancing the quality of justice. The Chief Inspector is responsible for leading an independent inspectorate, holding responsibility for the production of all inspection reports including findings and recommendations, and providing independent assurance to the public and the Government on the effectiveness of public prosecutions. The Chief Inspector is the organisation's voice and spokesperson and is responsible for providing clear and visible leadership to staff.

I look to the Chief Inspector to provide objective and comprehensive findings and recommendations that we can use to improve the operation, efficiency, and effectiveness of the public prosecutors.

I am looking for an exceptional candidate to fill this significant statutory appointment. The next Chief Inspector will be expected to use their skills and experience to continue to build upon improvements made to the inspection approach by the current Chief Inspector and continue to strengthen the inspectorate. They will work to ensure that the inspectorate produces high-quality, evidence-based inspection reports, which can be used by the public prosecutors and the Attorney General's Office to improve performance.

This is a highly demanding and extremely rewarding role. It provides an excellent opportunity for the right candidate to contribute significantly to improvements in the delivery of essential public services.

If you believe you have the experience and qualities we are seeking, I do hope you will consider applying for this unique position.

Rt Hon Suella Braverman QC MP
Attorney General

2. About Her Majesty's Chief Inspector of the Crown Prosecution Service

Her Majesty's Chief Inspector of the Crown Prosecution Service is a public appointment made by the Attorney General. The Chief Inspector is a statutory office holder and is supported by an inspectorate: Her Majesty's Crown Prosecution Service Inspectorate

(HMCPSI). The inspectorate provides independently assessed evidence about the operation, efficiency, and effectiveness of the public prosecutors (the Crown Prosecution Service (CPS) and the Serious Fraud Office (SFO)). This work assists the Law Officers in the exercise of their superintendence and sponsorship functions in relation to the public prosecutors; assists the Directors of the CPS and the SFO in the exercise of their functions; and provides assurance to Parliament and the public about the operation of the public prosecutors.

The Chief Inspector and the inspectorate may inspect other prosecuting authorities by invitation, such as the Service Prosecuting Authority and the Public Prosecution Service of Northern Ireland.

The Chief Inspector is accountable to the Attorney General; however the independence of the Chief Inspector and the inspectorate from the public prosecutors and the Government is of fundamental importance.

The inspectorate is a member of the Criminal Justice Joint Inspectorate (CJJI). The CJJI is a non- statutory mechanism which exists to support all four criminal justice inspectorates (of Constabulary, Fire and Rescue Services; the Crown Prosecution Service; Prisons; and Probation) in the exercise of their co-operation functions to prepare and deliver an annual joint inspection programme. This joint inspection programme allows the inspectorates to produce a rounded examination of issues that cut across the criminal justice system.

The inspectorate currently has 33 staff (3 Senior Management, 27 inspectors, and 7 corporate / support staff) with offices in London and York, and operates on a £3.1 million budget.

For more information about the organisation and its programme of inspections please see:

[*Annual Report 2019 – 20*](#)

[*Business Plan 2020 – 21*](#)

[*Protocol between the Law Officers and HM Chief Inspector of the Crown Prosecution Service*](#)

3. The role of the Chief Inspector

Accountable to the Attorney General, the Chief Inspector will have a proven ability to act with integrity, high levels of personal and professional conduct, judgement, and credibility.

The Chief Inspector will work to ensure that the inspectorate produces high-quality, evidence-based inspection reports which are used to inform the improvement and accountability of the public prosecutors' strategies and activities by presenting evidence of good practice and issues to address.

The Chief Inspector is responsible for:

- The leadership, management, and overall performance of the inspectorate;
- The development and delivery of independent inspection programmes and methodologies to assess the operation, efficiency, and effectiveness of the CPS and the SFO (and other prosecuting authorities as required);

- Ensuring that inspection methodologies and expectations remain up to date and in line with best practice;
- Overseeing the publication of inspection reports and representing these reports publicly and in the media as required;
- Maintaining HMCPSP's membership of and participation in the CJI;
- Reporting to the Law Officers, giving evidence to Parliamentary Select Committees and corresponding with MPs as appropriate, drawing on evidence gathered during HMCPSP inspections;
- Accounting for the appropriate use of public resources in accordance with budgetary delegation arrangements.

Essential Criteria

Candidates will be able to demonstrate:

- Exceptional organisational leadership and ability to develop a strategic vision for an organisation;
- Robust financial management and experience of successfully balancing resource against competing priorities;
- Outstanding communication skills and an ability to handle the media, deliver difficult and challenging messages, and secure public confidence by demonstrating fairness, objectivity and transparency;
- An ability to be at ease with a variety of stakeholders including politicians, the staff of the public prosecutors and third sector organisations, to command the confidence of Ministers, and to build and maintain successful working relationships and partnerships with inspectorate partners to drive up the performance of the public prosecutors;
- An ability to process and interpret complex information and to offer well developed analytical reasoning to inform judgements based on evidence;
- An understanding or experience of the criminal justice system in the UK or comparable jurisdictions;
- Evidence of valuing and promoting diversity.

Desirable Criteria

The following criteria although not essential will also be taken into account by the selection panel:

- An understanding or experience of working in an inspectorate or regulator;
- An understanding or experience of the policy, political and media landscape in which the inspectorate works.

4. Pre-Appointment Scrutiny information

The preferred candidate for the post of Chief Inspector will be subject to scrutiny by the Justice Select Committee (“the Select Committee”) prior to appointment, and is appointed by the Attorney General.

Pre-appointment scrutiny is an important part of the appointment process for some of the most significant public appointments made by Ministers. It is designed to provide an added level of scrutiny to verify that the recruitment meets the principles set out in the Governance Code on Public Appointments.

The pre-appointment scrutiny aspect of the appointment has two parts.

First, information concerning the appointment and the Minister’s preferred candidate will be shared with the Select Committee. As part of this process you will need to be content for your name and your CV to be shared with the Select Committee as the Government’s preferred candidate. You may also be required to complete a pre-appointment hearing questionnaire which could include, among other things:

- declarations of any relevant potential conflicts of interest;
- what you see as the priorities and key risks for the organisation;
- questions about how you would lead the organisation and work with stakeholders; and
- your commitment to standards in public life and how you would handle being in the public eye.

Normally any information provided to the Select Committee by the Government or a candidate will be published.

Second, it is likely that the Select Committee will decide to call the Government’s preferred candidate to a public hearing before the Select Committee to answer questions relating to their suitability to the role. You would not be expected to have an in depth technical knowledge of how the body works or an exact plan of what you would do in the role, however you will be expected to provide a credible representation of your understanding of the work of the body and what your role in its future would be.

The Government is committed to making the public appointments process as accessible as possible so that no one is deterred from applying. The Department will provide support to you to help you prepare for the hearing and the clerks to the Select Committee will also be available to discuss with you how the hearing will run. You will also be supported by the Department in working with the Select

Committee should you require any adjustment to enable you to participate fully in the hearing process.

For more information about pre-appointment scrutiny, please see the ‘Cabinet Office Guidance: Pre- appointment scrutiny by House of Commons Select Committees’: <https://>

assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/771845/Cabinet-Office-Guidance-pre-appointment-scrutiny-of-public-appointments.pdf

The Liaison Committee also publishes guidelines to select committees for pre-appointment.

You may also find it helpful to review the Code of Conduct for Board Members of Public Bodies here: <https://www.gov.uk/government/publications/board-members-of-public-bodies-code-of-conduct> which sets out the expectations which the Government places on non-executive members of public bodies.

5. Other important appointment information

The Chief Inspector is required to adhere to the Terms of Appointment and, where appropriate, the inspectorate's terms of reference.

Tenure: Public appointments are offered on a fixed term basis. We do this to ensure that the leadership of our public bodies is regularly refreshed and Her Majesty's Crown Prosecution Service Inspectorate can benefit from new perspectives and ideas.

The appointment will run for 4 years with the possibility of reappointment for a further term subject to satisfactory appraisal and on advice of Ministers.

In line with the Governance Code for Public Appointments, there is a strong presumption that no individual should serve more than two terms or serve in any one post for more than ten years.

Time commitment and remunerations:

This is a full time role. The salary for this post is £125,000 per annum based on a working week of 36 hours. Remuneration is taxable and subject to National Insurance contributions.

The post is pensionable under the Civil Service Pension arrangements. Details of the pensions available can be found on the following website <http://www.civilservicepensionscheme.org.uk/>.

Annual leave allowance will be 30 days with pay. In addition, one privilege day and eight bank holidays are to be taken at fixed times of the year.

Location and Expenses:

The post-holder will be based at 102 Petty France, London, SW1H 9GL or Foss House, York, YO1 7PX. Travelling expenses may not be paid for journeys from home to the base inspectorate office, but travel and subsistence allowances may be payable when the Chief Inspector is required to travel and / or stay away overnight in the course of their duties on the same basis as that applicable to senior civil servants. These payments are taxable as earnings and will be subject to tax and national insurance, both of which will be deducted at source under PAYE before you are paid.

Performance Appraisal:

Under the current *Protocol between the Law Officers and Her Majesty's Chief Inspector of the Crown Prosecution Service*, the Attorney General meets the Chief Inspector at least twice a year to support and hold the Chief Inspector to account for the discharge of HMCPSI's functions.

The Chief Inspector is not subject to pay-related performance appraisals.

Standards in Public Life:

Public appointees are required to uphold the Committee on Standards in Public Life's Seven Principles of Public Life (see Appendix 1). You are also expected to adhere to the Code of Conduct for Board Members of Public Bodies.

6. Advisory Assessment Panel membership**The Panel will be:**

- Rowena Collins-Rice, Director-General and Legal Secretary to the Law Officers, Attorney General's Office (Panel Chair);
- Dame Patricia Hodgson, Senior Independent Panel Member;
- Sir Tim Holroyde, a judge of the Court of Appeal and Chairman of the Sentencing Council; and
- Drusilla Sharpling CBE, Independent Inquiry into Child Sexual Abuse panel member.

The Advisory Assessment Panel Chair will report to the Attorney General on the outcome of the interviews. This is a Ministerial appointment.

7. The appointment process and time line

The figure below sets out the key stages and timings in the process.

Advert Closing Date • Candidates to submit full applications (1. CV 2. personal statement; 3. supporting documents) by this date	9 am on Monday 14 September 2020
Sift • Panel will meet to assess the applications. Short list of candidates agreed.	Friday 9 October 2020
Panel Interviews • Shortlisted candidates will be interviewed by the Panel.	Friday 6 November 2020

Justice Select Committee Preferred candidate to appear before the Justice Select Committee.	Late December 2020 / Early January 2021 (<i>To be confirmed</i>)
Appointment Announcement Appointment letter and security check forms sent to successful candidate. Appointment publicly announced, and security checks started.	(<i>To be confirmed</i>)

Feedback: Please note that it may not be possible to provide specific, individually tailored feedback following the sift stage but we will provide, on request, feedback to those who are interviewed.

Interviews: If you accept an invitation to interview, we will take two references in advance of the interview. By providing the details of two referees you are consenting to us approaching them in this way.

If you are invited to interview and cannot attend the date offered, please advise us as soon as you can. It may be possible to arrange an alternative date at the discretion of the Advisory Assessment Panel.

Please note that we do not pay travel expenses to attend interviews.

The Attorney General may ask to meet each of the candidates before or after interview.

If called for interview the Advisory Assessment Panel will explore your experience and expertise to determine whether you meet the essential criteria for the role. You may be asked to start the interview with a short presentation. If required, this will be confirmed in your invitation to interview letter.

Security Clearance

For successful candidates, confirmation of appointment will be subject to basic clearance checks, covering confirmation of identity and right to work in the UK plus a criminal record check. This will involve completion of several paper and electronic forms and can take up to five weeks to process following completion of the forms.

The post also requires Security Clearance (SC) level and you will be asked to complete an online vetting form, which can take a further three months to complete the process. If you are called for interview and already hold current SC clearance please provide evidence when you attend for interview.

8. How to apply

To make an application, please send:

- A CV (**maximum two sides of A4**) detailing your qualifications, employment history and any appointments or offices you hold. Please also provide your preferred contact number and email address.

- **A personal statement (maximum two sides of A4)** providing evidence against the selection criteria and your suitability for the post, including evidence of leadership qualities. Please consider the role and criteria carefully in preparing your statements. Information from Advisory

Assessment Panels indicates that applications which offer specific and tailored examples against the criteria, making clear the candidate's role in achieving an outcome are often the strongest. Structuring the statement around the criteria using relevant headings also aids clarity.

Supporting Documents

Please also complete and return the following supporting documents:

- **Potential conflicts of interest:** if you have any interests that might be relevant to the work of Her Majesty's Inspectorate of the Crown Prosecution Service which could lead to a real or perceived conflict of interest if you were to be appointed, please provide details in your supporting documents.
- Given the nature of public appointments, it is important that those appointed as members of public bodies maintain the confidence of Parliament and the public. If there are any issues in your personal or professional history that could, if you were appointed, be misconstrued, cause embarrassment, or cause public confidence in the appointment to be jeopardised, it is important that you bring them to the attention of the Advisory Assessment Panel and provide details of the issue/s in your supporting letter on the relevant form. In considering whether you wish to declare any issues, you should also reflect on any public statements you have made, including through social media. The Advisory Assessment Panel may explore any issues with you before they make a recommendation on the appointment. Failure to disclose such information could result in an appointment either not being made or being terminated.
- Conflicts might arise from a variety of sources such as financial interests or share ownership, membership of, or association with, particular bodies or the activities of relatives or partners. If you need further advice, please contact hmcpai@moloneysearch.com
- **Note of public appointments:** please list any appointments currently held.
- **Referee details:** please give names/contact details of two referees (who will be contacted if you are shortlisted for interview).
- **The political activity declaration form:** in line with the Governance Code for Public Appointments, please detail any declared activity will be made public if you are appointed.
- **The equal opportunities monitoring form:** information is requested for monitoring purposes only and plays no part in the selection process. It will be kept confidential and will not be seen by the Advisory Assessment Panel.

Please send your CV, personal statement and supporting documents to: hmcpsi@moloneysearch.com quoting reference PAT31762 and the name of the post you are applying for in the subject line of your email. We will acknowledge receipt.

9. Diversity and equality of opportunity

We encourage applications from all candidates regardless of ethnicity, religion or belief, gender, sexual orientation, age, disability or gender identity. We particularly welcome applications from women, those with a disability and those from a black or ethnic minority background.

We would also particularly welcome applications from those currently working in, or with experience of, the private sector, and those who have not previously held public appointments. We want to explore the widest possible pool of talent for this important position.

Arrangements for candidates with a disability - Guaranteed Interview Scheme

There is a guaranteed interview scheme (GIS) for candidates with disabilities who meet the minimum selection criteria.

The Government Legal Department is a disability confident employer; further information can be found here <https://www.gov.uk/government/collections/disability-confident-campaign>

Adjustments: If you have a disability and require adjustments to help you if you are called to attend an interview or appointed, please contact: hmcpsi@moloneysearch.com to discuss further. Please quote PAT31762 in any correspondence.

10. Complaints Process

If you have a complaint about any aspect of the way your application has been handled, we would like to hear from you. In the first instance please write to or email the Policy & Sponsorship Team at the address or email address given below quoting the appropriate reference number.

Ben Williams, Head of Sponsorship, Policy & Sponsorship Team, Attorney General's Office, 102 Petty France, London, SW1H 9EA or Ben.Williams@attorneygeneral.gov.uk

Complaints must be received by within 12 calendar months of the issue or the closure of the recruitment competition, whichever is the later.

We will reply as quickly and clearly as possible to your complaint; within 20 working days of receipt. We will tell you if we cannot meet this deadline for any reason and provide an expected reply date.

Taking it further: If you are still concerned after receiving your reply you can write to: Commissioner for Public Appointments, Room G/8, Ground Floor, 1 Horse Guards Road, London, SW1A 2HQ.

The Commissioner for Public Appointments regulates and monitors appointments to public bodies to ensure procedures are fair. More information about the role of the Commissioner, the Governance Code for Public Appointments and the complaints process is available at <http://publicappointmentscommissioner.independent.gov.uk/>

Alternatively, please contact the Commissioner's office on 020 7271 6729 or 0207 271 0815 for a printed copy of the complaints process.

11. Checklist

Please refer to the table below to ensure you send us all the necessary information.

Documents to be completed and sent	Tick
Your CV	
Supporting Statement	
- Completed Supporting Documents - potential conflicts of interest; - public appointments held; - referee details; - political activity declaration form; and - the equal opportunities form.	

12. Your personal Information

In accordance with the Public Appointments Order in Council 2017 2(2), we will process your application in accordance with the EU General Data Protection Regulation (GDPR), the Data Protection Act 2018 and the Attorney General Office's Information Charter, which can be found at <https://www.gov.uk/government/organisations/attorney-generals-office/about/personal-information-charter>.

Your data will be held securely and access will be restricted to those dealing with your application or involved in the recruitment process. The Commissioner for Public Appointments, may also request access as part of a complaint investigation or review of the recruitment process. Your data will be stored for up to one year and processed for the purpose of the recruitment process, diversity monitoring and, if successful, your personal record. If appointed, your data will be stored for the duration of your tenure plus one year and may be shared with the organisation that you are appointed to, unless specifically requested otherwise.

Should you wish your data to be removed from our records, please write to:

The Information Manager, Attorney General's Office, 102 Petty France, London, SW1H 9EA Alternatively, please contact the Information Manager on 020 7271 2492

Appendix 1 - The seven principles of public life

All candidates for public appointments are expected to demonstrate a commitment to, and an understanding of, the value and importance of the principles of public service. The seven principles of public life are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix 2 – Guidance for those applying for a Public Appointment

When applying for a public appointment, we require three pieces of documentation: (1) **your CV**; (b) **supporting statement**; and (c) **supporting documents**.

This guidance gives some helpful tips on how best to present yourself to the panel who will be reviewing your application. There is no official or ‘correct way’ to write your CV or supporting statement, this is simply a guide that you may wish to refer to or use as a template.

1. CV

Here are a few pointers to keep in mind whilst writing or updating your CV:

- **Please write your name at the top.**
- **Do not write more than 2 pages:** we appreciate this may be a challenge and your achievements could spread across several pages. However, please appreciate that the panel may have a large number of applications to assess so brevity would be appreciated.
- **Avoid spelling and grammatical errors.**
- **Tailor it to the position you’re applying for:** make sure to draw attention to how you have met the essential and desirable criteria throughout your achievements in life. An opening paragraph at the top of the front page would be beneficial.
- **Use an updated CV:** explain what you are currently doing or what you most recently have done that fits to the role you are applying for, including dates of the positions you have held.
- **Avoid big blocks of solid text:** using bullet points will help those reading the CV.
- **Always explain what abbreviations stand for.**
- **Only include key information:** the panel do not need to know about your hobbies unless they specifically match the criteria of the role you are applying for. Personal details including name, address, phone number and email address should be included. There is no legal requirement for you to put your age, or any other protected characteristic (under the Equality Act 2010) on your CV.

2. Supporting Statement

Your supporting statement is an opportunity to prove to the panel your reasons for applying for the role as well as highlighting your skills and attributes.

- **Do not write more than 2 pages.**
- **Use models to help structure your paragraphs:** there are two models that you may find useful when writing your supporting statements:
 - **The WHO model:** What was your personal role? How you did it? And what was the Outcome?

- **The STAR approach:** situation (briefly describe the context and your role), task (the specific challenge, task or job that you faced), action (what you did, how and why you did it) and result (what you achieved through your actions).
- **Use the essential criteria as headings:** the essential criteria for roles can be found on the advert on the Cabinet Office website and within the candidate information pack. It is useful to the panel when assessing your application. For example:

Demonstrate intellectual capacity with the ability to make evidence-based decisions

You would write a paragraph using evidence from your current role or from recent examples of how you have demonstrated the ability to make evidence-based decisions whilst achieving goals.

You would then link this work to the public body you are applying for and how your work directly benefits the ALB and how you can be a part of the it's future with your skill-set.

3. Supporting Documents

- Please fill in the document honestly. If you are asked for an interview, due diligence checks will be performed the Executive Search firm and / or the Department.
- Although completing the diversity monitoring form is voluntary, it would greatly help the Department to build a world class organisation and recruit public appointees who are as diverse as the society they represent.

Appendix C: Information provided by the Attorney General's office about the recruitment campaign

Chief Inspector of the Crown Prosecution Inspectorate

Advertising: the role was advertised in both Law Gazette and Counsel magazine for 28 days. The Attorney General also wrote an op-ed for the Times about the role.

The panel was:

Shehzad Charania, Director-General and Legal Secretary to the Law Officers, Attorney General's Office (Panel Chair);

Dame Patricia Hodgson, Senior Independent Panel Member;

Sir Tim Holroyde, a judge of the Court of Appeal and Chairman of the Sentencing Council; and

Drusilla Sharpling CBE, Independent Inquiry into Child Sexual Abuse panel member.

Aggregate Diversity data: 30% Female, 20% BAME, 1 Guaranteed Interview Scheme. Overall there were 10 applications. 4 candidates were interviewed with 1 appointable candidate.

Campaign Timeline:

Campaign Launch: 27 July 2020

Advert closed – 14 September 2020

Shortlisting – 9 October 2020

Interview – 6 November 2020

Appendix D: Curriculum vitae: Andrew T. Cayley CMG QC

Andrew T. Cayley CMGQC

A senior international and domestic Queens Counsel with wide experience in public international law, public law, international criminal law, human rights, UK service law and English and Welsh criminal law. An outstanding communicator both with the media and across government with an excellent track record in managing mixed teams of lawyers and professional civil servants in public bodies both in the UK and overseas. The lead national lawyer for war crimes in the UK since 2014 working with the MoD, MoJ, AGO and FCO.

United Kingdom Director Service Prosecutions (DSP) 2013 to 2020. Fixed term appointment of five years extended by two years in 2018.

- Head of the of the Service Prosecuting Authority and public face of the tri-service body established in 2010 to prosecute members of the Royal Navy, Army and RAF for the most serious service offences including serious criminal and service disciplinary offences. Since 2014 implementing major structural and staffing reforms of the SPA.
- The DSP is a member of the Service Justice Board managing an annual budget of £5M and a staff of currently 52 service personnel and civil servants. Ensuring that cases are advised on, charged and brought to trial under constantly demanding timelines.
- Making prosecution decisions personally in the most serious and complex cases in the service justice system and for the past six years advising investigative teams of over a hundred service and civilian investigators on all the Operational Offending cases arising out of UK operations in Iraq and Afghanistan.

International Co-Prosecutor, Extraordinary Chambers in the Courts of Cambodia (ECCC), the Khmer Rouge Tribunal, 2009 to 2013.

- Based in Phnom Penh - International Chief Prosecutor of a UN backed court established to bring to justice former members of the Khmer Rouge on charges of genocide, crimes against humanity and war crimes.
- Co-managing an annual budget of US\$25M and staff of 60 international and Cambodian staff in a politically hostile domestic environment.
- Appearing as lead counsel before the Appeals and Trial Chamber of the ECCC and representing the court widely with the media. Representing the court personally with member UN states and international governmental organisations to raise money for the functioning of the court.

International Criminal Bar, 2007 to 2009.

- Appearing as international defence counsel in cases before the International Criminal Tribunal for the former Yugoslavia (ICTY) and the Special Court for Sierra Leone.

Senior Prosecuting Counsel, International Criminal Court, 2005 to 2007.

- Lead Counsel on the investigation and prosecution of members of the Lord's Resistance Army for crimes against humanity and war crimes committed in northern Uganda between 2002 and 2004, and on the investigation and prosecution of members of the Sudanese government, army and proxy forces for genocide, crimes against humanity and war crimes committed in Darfur, Sudan between 2003 and 2007.
- Leading a team of thirty investigators and prosecutors in a series of complex and large international investigations. Appearing as lead counsel in preliminary court hearings.

Prosecuting Counsel and Senior Prosecuting Counsel, ICTY, 1995 to 2005.

- Seconded as a prosecutor by the British army in 1995 to the United Nations and then appointed as UN prosecuting counsel in 1998.
- Counsel and Senior Counsel in nine cases over ten years involving genocide, crimes against humanity and war crimes in Bosnia- Herzegovina, Kosovo and Macedonia.
- Counsel in the only conviction for genocide at the ICTY for the mass killing of over 8000 men and boys at Srebrenica in July 1995.
- Lead counsel in the only successful prosecution of members of the Kosovo Liberation Army for crimes against humanity and war crimes.

Commissioned officer, British Army, 1991 to 1998.

- Infantry platoon commander, Belize Central America, then service as an army lawyer in Germany, United Kingdom and on secondment to the UN in The Hague Netherlands. Retired as a major in 1998.

Trainee Solicitor and Assistant Solicitor, 1987 to 1991.**Other professional and personal details**

- LL.B (Hons), LL.M. University College London, 1985 and 1986;
- Law Society's Solicitors' Final Examination 1988;
- Admitted Solicitor September 1989;
- Army officer training 1991;
- Transferred to the English and Welsh Bar 2007;

- Queens Counsel 2012;
- Developed vetting 2013;
- Appointed CMG in 2014 Birthday Honours List for services to international criminal law and human rights;
- Governing Bencher Honourable Society of the Inner Temple 2014.
- Governor of Brighton College and link Governor to the London Academy of Excellence in Stratford, a sixth form college established for able but underprivileged students from across London.
- I lecture widely on international criminal law, international humanitarian law and public international law to the Armed Forces, universities, schools and public bodies such as the CPS and organisations such as Chatham House.

Supporting Statement

Exceptional organisational leadership and ability to organise a strategic vision for an organisation.

- In 2017 a major judge-led review of the Service Justice System (SJS) was commissioned by the MoD. Two principal linked recommendations/observations of the review faced me as Director Service Prosecutions (DSP) and the Service Prosecuting Authority (SPA). First it was proposed that in the United Kingdom the SJS should lose jurisdiction over homicide and rape. Second it was observed that the experience levels of service prosecutors were variable and sometimes quite limited. The SJS losing jurisdiction over serious crime in the UK had to be avoided as it would have emasculated the whole system, but the SPA needed a new staffing model whereby it could competently deal with serious crime and maintain public confidence. I created a number of new permanent civilian prosecutor positions in the SPA employing experienced prosecutors from the CPS and the Criminal Bar. I brought in a Rape/Serious Sexual Offending specialist from the CPS as my Principal Legal Adviser. With this new staffing structure, and other measures, I successfully opposed the proposed loss of jurisdiction over serious crime. I publicly defended the SPA position over its jurisdiction in June 2020 in an interview with Joshua Rozenberg on Law in Action.
- In 2010 as the second Chief International Prosecutor of the Khmer Rouge Tribunal (KRT) I was faced with a UN voluntary funded court running desperately short of money, a young inexperienced legal staff, a pending major appeal and the commencement of the biggest international criminal trial since Nuremberg in 1945. A reorganizational vision was required. I restructured the Office of the Prosecutor making three divisional heads of my senior UN lawyers giving them each a team of ten lawyers and autonomy, appointed junior experienced international lawyers on short term contracts for the appeal and set strict timetables for all the staff which were reviewed each week. I led the appeal myself. I personally travelled across Europe, Asia and the US approaching governments

and inter-governmental bodies raising money for the court. Outcome was a successful appeal and the start of the first major trial. And financially the court survived as we received sufficient national voluntary contributions.

Robust Financial management and experience of successfully balancing resources against competing priorities.

- At both the KRT and the SPA I have been the budget holder for the office. This has involved the annual negotiation of budgets set against the tasks and priorities of each office. At the SPA, which is funded by the MoD, I was faced in 2014 with a 20% reduction in budget which involved the closure of an overseas office and the reduction of staffing levels from 75 service and civilian personnel to 52. The reduction in the SPA budget coincided with the withdrawal of UK forces from Germany, where a significant proportion of serious service crime was prosecuted, and a commensurate reduction in the number of armed forces personnel across all three services. I was required through change management to produce a new budget, then reduce SPA personnel by the elimination of 23 posts and reduce our general outgoings. All this had to be done by looking at our outputs and establishing a new structure to meet them.

Outstanding communication skills and an ability to handle the media, deliver difficult and challenging messages, and secure public confidence by demonstrating fairness, objectivity and transparency.

- In 2013, as the newly appointed DSP, I inherited from my predecessor an historic rape case of a servicewoman which was being reviewed by the CPS following the decision of the SPA in 2011 not to prosecute. The case had been poorly investigated by the service police and poorly advised on by the SPA. The victim had committed suicide in 2011. After the CPS review I made the determination to prosecute the case even without the victim as a witness. The case was even more demanding since Liberty was representing the victim's family. The media was naturally very interested in the case and they required careful handling. Ultimately, I went before the media, accepted that the case had been poorly handled by SPA, took personal responsibility for that, apologised publicly and to the family and then announced two individuals would be prosecuted which they ultimately were although both were subsequently acquitted after a full trial at court martial.

Stakeholder management skills, working with Ministers, public prosecution services and third sector organisations.

- As DSP since 2013 I have been the lead UK lawyer for considering criminal prosecutions against British service personnel in respect of allegations arising from their service in Iraq and Afghanistan. This has involved liaising and effectively communicating in respect of this work with MoD, MoJ (CPS), AGO and the Iraq Fatalities Investigations. Also, since the International Criminal Court (ICC) re-commenced a preliminary examination against the UK in respect of these allegations, arising from Iraq, I was required to liaise with the FCO and the ICC. Government departments and the ICC had differing priorities and I was still able to collaborate productively. This work has polarised

the media and I have been required to manage and communicate expectations with them. Ministers in the MoD, FCO and AGO have all been concerned and interested in outcomes. The outcomes have been a successful and thorough criminal process which is now largely complete. The preliminary examination of the ICC, I anticipate, should close this year.

Ability to process and interpret complex information and to offer well developed analytical reasoning to inform judgements based on evidence.

- As DSP In June 2020 I was asked by a judge to review a decision to prosecute a serious sexual assault case involving a 14 year old perpetrator and a 13-year-old victim. I needed to address his review within twenty- four hours. While the offence was made out the judge was questioning whether it was in the public interest to prosecute a young offender for such a serious offence. The judge was clearly against the prosecution. This involved a rapid review by me of a large amount of evidence in the case, together with a detailed study of national prosecution policy for these kinds of offences involving younger offenders. I defended the SPA's decision to prosecute the case in a two-page reasoned decision, linking evidence to policy, allowing the judge to understand and, in the end, accept our decision to proceed with the case.

An understanding or experience of the criminal justice system in the UK or comparable jurisdiction.

- Between 2013 and 2020 I have been the DSP with overall responsibility for charging and prosecuting service personnel with the most serious service offences, which includes all English and Welsh criminal offences. Unless otherwise specified the Court Martial follows Crown Court rules of procedure and law of evidence and national sentencing guidelines. The SPA applies the Full Code test of the CPS including an additional public interest element called the service interest.

Evidence of valuing and promoting diversity.

- Between 1995 and 2013 I worked with the United Nations and the ICC in an international and multi-cultural environment. In 2012, while working for the KRT, and required to appoint a new Senior Prosecutor, I applied UN policy whereby if the two top candidates are of equal merit appointment must be made of the individual from an underrepresented group within the UN. In November 2020 I am due to be replaced as DSP with the conclusion of my statutory term. In December 2020 I approached the PUS of the MoD with a view to actively encouraging suitably qualified individuals, who are underrepresented in the Senior Civil Service, to apply for the position of DSP. With the support of the PUS I wrote to representative organisations and groups of the UK legal profession explaining the role of the DSP, offering to personally speak to groups and encouraging a more diverse pool of applicants for the role.

Desirable criteria

- Over my seven years as DSP I have worked closely with HMCPSI with a view to further inspection of the SPA and have sought advice from them on reforms

to the SPA. I have also worked closely with two DPP's to ensure SPA policy was aligned with CPS policy, wherever possible, and also where service and civilian jurisdiction overlapped.

- As DSP, and following my seven years in the role, I have a firm understanding of the policy, political and media landscape in which the Inspectorate operates. The challenges the Inspectorate faces are much like the ones the SPA faces e.g. improving conviction rates in rape and serious sexual offence cases, reducing delay in cases, improving the care of victims and witnesses, professionalising public prosecutors, and increasing public confidence in the prosecution service.

Appendix 3 – Supporting Documents

CONFLICTS OF INTEREST AND PREVIOUS CONDUCT

Any interests or conduct issues detailed here may be explored with you during your interview to establish how you would address the issue(s) should you be appointed.

If you have any interests that might be relevant to the work of HMCPSI and which could lead to a real or perceived conflict of interest should you be appointed, please provide brief details below. This information may be shared with Cabinet Office in line with Section 9.1 of the Governance Code of Public Appointments 2017. All information provided by applicants will be handled in a manner consistent with GDPR 2018.

Do you consider yourself to have a real or perceived conflict of interest in relation to this role?

☒ no

☐ yes If yes, please provide brief details:

Conduct

If there is anything relevant to your suitability as a public appointee – for example any criminal convictions, bankruptcy or anything which could impact on public confidence on your suitability, please provide brief details below:

☒ no

☐ yes If yes, please provide brief details:

(Please tick the above box)

I confirm I have read and understood the sections in the candidate information pack on 'Standards in public life' and 'Political Activity'.	YES

Only the information provided in section 10 (Political Activity) below will be made available to the panel if you are called for interview.

10. Significant Political Activity

Significant political activity is defined as being employed by a political party, holding significant office in a party, standing as a candidate for a party in an election, having publicly spoken on behalf of a political party or having made significant donations or loans to a party. Significant loans and donations are those of a size which are reported to the Electoral Commission, in line with a central party's reporting threshold.

Have you undertaken any significant political activity for a political party in the past five years?

☐ No

☒ Yes

If yes, please indicate for which party/parties:

[] *If yes, please indicate the activity undertaken and for which party/parties:*

[] held office/employment [] public speaking [] stood for election

☒ made donations to a party (*if so, please say how much* £10,000)

[] any other political activity (*if so, please specify*)

Party/Parties: Conservative and Unionist

This diversity information is collected by government departments managing appointments to the board of public bodies, on behalf of the Cabinet Office and The Office of the Commissioner for Public Appointments (OCPA). This data will not be connected to your name when it is shared, it supplied anonymously. It is collected for the purposes of measures or decisions with respect to your application for a government public appointment.

OCPA collects diversity information in order to produce management information about the public appointments process, and the diversity of the field of applicants. It will be published on OCPA's website, in summary form, in order to enable government to meet its public sector equality duty under section 149 of the Equality Act 2010.

This data is collected and held on the basis that you consented to provide this information to departments alongside your application and you have not given notice that you do not wish for your data to be processed for this purpose.

This data may be held for up to 5 years by OCPA, Cabinet Office and the Government Department, who are controllers of the data. This data shared with Cabinet Office IT suppliers in order to securely collect and store data identified as data processors

Formal minutes

Thursday 14 January 2021

Members present:

Sir Robert Neill, in the Chair

Rob Butler	Kenny Macaskill
James Daly	Dr Kieran Mullin
Miss Sarah Dines	Andy Slaughter
Maria Eagle	

Draft Report (*Appointment of HM Chief Inspector of the Crown Prosecution Service*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 12 read and agreed to.

Annexe agreed to.

Four papers were appended to the Report.

Resolved, That the Report be the Fifteenth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That the provisions of Standing Order No. 134 apply to the Report.

[Adjourned till Tuesday 19 January at 1.45 pm]

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Thursday 14 January 2021

Andrew T. Cayley CMG QC

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the publications page of the Committee's website.

Session 2019–21

Number	Title	Reference
1st Report	Appointment of Chair of the Office for Legal Complaints	HC 224
2nd Report	Sentencing Council consultation on changes to magistrates' court sentencing guidelines	HC 460
3rd Report	Coronavirus (COVID-19): The impact on probation services	HC 461
4th Report	Coronavirus (Covid-19): The impact on prisons	HC 299
5th Report	Ageing prison population	HC 304
6th Report	Coronavirus (COVID-19): The impact on courts	HC 519
7th Report	Coronavirus (COVID-19): the impact on the legal professions in England and Wales	HC 520
8th Report	Appointment of HM Chief Inspector of Prisons	HC 750
9th Report	Private prosecutions: safeguards	HC 497
10th Report	Sentencing Council consultation on sentencing guidelines for firearms offences	HC 827
11th Report	Sentencing Council consultation on the assault offences guideline	HC 921
12th Report	Children and Young People in Custody (Part 1): Entry into the youth justice system	HC 306
13th Report	Sentencing Council: Changes to the drugs offences definitive guideline	HC 751
14th Report	Appointment of the Chair of the Independent Monitoring Authority	HC 954
1st Special Report	Prison Governance: Government Response to the Committee's First Report of Session 2019	HC 150
2nd Special Report	Court and Tribunal Reforms: Government Response to the Committee's Second Report of Session 2019	HC 151
3rd Special Report	Transforming Rehabilitation: Follow-up: Government Response to the Committee's Nineteenth Report of Session 2017–19	HC 152
4th Special Report	Coronavirus (COVID-19): The impact on probation systems: Government Response to the Committee's Third Report	HC 826
5th Special Report	Coronavirus (Covid 19): The impact on the legal professions in England and Wales: Government Response to the Committee's Seventh Report	HC 898
6th Special Report	Ageing prison population: Government Response to the Committee's Fifth	HC 976

Number	Title	Reference
7th Special Report	Court and Tribunal reforms: Further Government Response to the Committee's Second Report of Session 2019 and Coronavirus (Covid 19): The impact on courts: Government Response to the Committee's Sixth	HC 1008
8th Special Report	Coronavirus (Covid-19): The impact on prisons: Government Response to the Committee's Fourth Report	HC 1065