

CBA “DIVERSITY MASTERCLASS: THE FUTURE OF THE CRIMINAL BAR”

DIVERSITY IN TREASURY COUNSEL APPOINTMENTS

18TH AUG 2022.

Treasury Counsel (TC) pathway assessment panel.

1. Why was the TC pathway set up?

- 1.1. The CPS, AGO and First Senior TC recognised the need to demystify TC recruitment and improve diversity within the ranks of TC by encouraging applications from advocates from non-TC chambers across all Circuits, and from advocates from underrepresented groups.
- 1.2. A decision was made to set up a process by which persons with potential and a desire to conduct the level of work allocated to the TC room, can access support, get a better understanding of TC work, before they made an application to become a Treasury Counsel monitree. Hence the title, “TC Pathway”.
- 1.3. The pathway was developed in consultation with the Bar Council, CBA, WICL and has the support of the Circuit Leaders
- 1.4. It has been running since January 2022 for the first eight participants and seeks to deliver the following five desired outcomes:
 - Demystify the TC recruitment process
 - Identify potential future TC applicants from non-TC chambers and underrepresented groups.
 - Build greater awareness of prosecution work and the opportunities this can bring amongst talented advocates from underrepresented groups.
 - Provide opportunities and support for talented and ambitious advocates across all Circuits
 - Instil a better understanding of the standards and skills required of TC amongst potential applicants, particularly those in non-TC sets.

- Facilitate engagement between potential TC applicants and key stakeholders
- 1.5. The support which will be given to those who are successfully appointed on the TC Pathway, include, mentoring by Junior TC, activities which offer insight into the work undertaken by TC's and engagement with key stakeholders.
- 1.6. Improvement in diversity of the TC room is at the core of this new process. The TC Pathway is a 12month positive action scheme for advocates who have potential to become Treasury Counsel in the future - particularly those from underrepresented groups, or who may not, ordinarily, see themselves as Treasury Counsel.
- 1.7. This process specifically targets underrepresented groups, so that the TC pathway allocated places to reflect communities served by our prosecuting authority.
- 1.8. Underrepresented groups: Females, Black Asian or minority ethnic background, LGBT+, persons who self-declare to be from lower socio-economic background and those with disability or long-term health condition.
- 1.9. *“Given the nature of their work, it is vitally important that the brightest and best applicants are attracted to become Treasury Counsel, regardless of background or where they may be based”.* (Words for Assessors on individual assessment forms—taken from CPS Treasury Counsel webpage).
- 1.10. The TC pathway is supported by Max Hill QC DPP, the CPS and the Attorney General.

2. Purpose of an assessment panel is twofold.

- To consider applicants who have potential to become TC Monitories (two-year period) before being considered by panel, for recommendation to the Attorney General to become Junior TC.
- To select a diverse number of those applicants.

3. Eligibility Criteria.

- 3.1. Experience and qualities – summary of your work as advocate, prosecuting or defending. Set out your best qualities which would be good for Treasury counsel

- 3.2. “Pivotal moment”— difficult areas of law difficult issue in a case –set out challenges then explain and illustrate how you dealt with them. set out what you learnt from the experience, say how you improved your skills because of those difficulties.
- 3.3. Aspirations. Set them out and say how becoming TC can help you realise those aspirations.

4. Who was on the Inaugural panel November 2021?

Oliver Glasgow QC—First Senior Treasury Counsel and member of the Treasury Counsel recruitment committee.

Jessica Walker CPS—Unit Head, Serious Economic Organised Crime and International Directorate in CPS HQ

Tarka Jayaratne – Lawyer, Public Law and Litigation Team at the AGO

Anesta Weekes QC. CBA representative.

5. The applications (with references).

Total of 18 – the Diversity within the 18.

- 47% female
- 41% black Asian or minority background
- 12% -LGBT+
- 50% --those who self-declared they are from a socio-economic background
- 12%--persons with disability or long-term health condition.

Diversity in circuits.

4 circuits are represented

Plus 4 CPS in-house advocates.

6. THE ASSESSMENT FORMS FOR PANEL MEMBERS.

- 6.1. Written warning in forms—*“when assessing applicants panel members should remember that they are considering applicants who have the potential to become Treasury Counsel in the future”*

- 6.2. Eligibility criteria—(1) not based in same chambers as current member of TC and (2) have minimum 7yrs advocacy experience/ CPS advocate panel level 3 equivalent for Defence.
- 6.3. Allocation –panel reminded of the % of underrepresented groups.
- 6.4. Experience and qualities---panel should use a fair comparator. Look at the level of experience and work given to level 3 advocates.
- 6.5. Consider some of the skills and experience that a monitoree must demonstrate on application.
 - Capacity to manage competing and demanding deadlines.
 - Experience of prosecuting large complex cases—crime and other areas of law.
 - Ability to provide first class advice on legal, procedural and evidential issues.
 - Understanding the impact of criminal justice in our diverse society.

7. OUTCOME OF THE PANEL CONSIDERATION AND DELIBERATION OF APPLICATIONS.

- 7.1. There were a number of applicants who were not successful in achieving a place on the TC pathway for one important reason: they were already able to demonstrate their ability and standard of skills required to apply to become monitored.
- 7.2. This fact was an important one because TC pathway is specifically designed to provide those who do not yet have the required ability and skills but demonstrate potential. In addition, if such a person is within an underrepresented group, their eligibility is increased.
- 7.3. Panel to review the process each year to make sure it is fit for purpose.
- 7.4. Those in charge of the TC pathway have agreed that feedback is important from those who took part in the 12 months of activities and mentoring from a junior TC. This will assist with an evaluation of the process so improvement can be made where necessary.
- 7.5. The TC pathway is an excellent, positive, fresh approach to ensure that the TC room becomes and remains a diverse work environment.
- 7.6. It is very important that members of the CBA, who consider that they have potential to become a TC monitoree, who may be in one of the listed underrepresented groups, should make an application to the TC pathway.

8. Treasury counsel Zoom seminar-- description of TC and the kind of work they do. 2021 --find this at cps.gov.uk

I encourage you all to spare a little time to go to the CPS website to listen to this seminar if you are interested in applying for TC or know someone who is interested.

Speakers at that Zoom seminar—summaries only.

Max Hill QC—DPP.

Fact that seat of TC is in London. Current TC instruct in Newcastle, Preston etc. 2 years monitoring—to ensure turn over.

It does require you to appear at the Central Criminal Court

Work includes –Homicide Team—case work division-Counter Terrorism—serious sensitive case work.

Public confidence and ensuring the communities we serve see themselves reflected in those who prosecute is of great importance to the TC pathway and the future of the Room.

Looking for equality, inclusive practice and behaviours, an ongoing commitment to the CPS.

CPS is one of the most diverse departments in the Civil Service with BAME representation in London Areas is – 55% and 29% nationally.

Advocacy—new CPS Briefing Principles – overriding objective is to instruct the “right advocate for right case” but there is also a wider duty to build the skills, experience and diversity of the Advocate Panel, providing equality of opportunity.

“My practice came on leaps and bounds—upward change of gear”

Oliver Glasgow QC.

- Perception, we only do Homicide and terrorism, but we also do FSO regulatory bodies. Ofsted—therefore, we look for talent from across country. We recruit from far and wide.
- We recruit the best possible candidates.
- What skills sets are required? --Excellent analytical skills –tactical skills, sound judgement, strong excellent advocacy skills. Talent and commitment/willingness to learn.

- Application form to become a monitree. Evidence based examples of requisite experience---details significant cases last 3 years-say why important—details of judge and court in which you appeared. Written work, skeleton legal argument. Next interview—series of problems –to test your legal and analytical skills. Demonstrate you can think through problem explain your method of dealing with problem.
- Monitoring ---briefed on cases from specialist cases---accessed by lawyer you act for –by judges/and your monitoring support. Feedback is collated---anonymous doc sent to final stage.
- Committed to represent communities---therefore need a more diverse number of applicants. Not a bar to your application if you don't have TC in your set or that your set is out of London or that you are not from one of the well-known universities.

MRS JUSTICE CHEEMA-GRUBB—what is required to apply for Treasury Counsel.

- First class brain
- Appetite for hard work. integrity.
- Don't need to be-- connected/male/Heterosexual.
- Focus on what you can offer.
- Be aware of what is going on around you in relation to law.
- Example of new Encro-chat case from court of appeal---a need to keep up to date in all your practice areas.

RECORDER OF THE CENTRAL CRIMINAL COURT.

- Yes we do look to TC and rely upon them in all our case in which they appear. TC Must be on top of their game.
- What do I do if I am asked to speak about and TC candidate? I give Constructive criticism.

Anesta Weekes QC.