



Michael Todd QC
Chairman of the Bar Council
General Council of the Bar
289-293 High Holborn
London
WC1V 7HZ

21 March 2012

Dear Michael

RE: TRANSITION OF THE PROSECUTION FUNCTION OF THE DEPARTMENT FOR WORK AND PENSIONS TO THE CROWN PROSECUTION SERVICE

The Attorney General wrote to you yesterday to formally notify you of the transfer of prosecution functions from the Department of Work and Pensions (DWP) and the Department of Health (DoH) to the CPS with effect from 1 April 2012.

This transfer of responsibility will have an impact on employed barristers who work for both DWP and DoH on prosecution functions and we are managing the transition of those staff into the CPS as smoothly and sympathetically as possible.

The transfer will also impact on self-employed barristers whose practice includes DWP and DoH instructions. In anticipation of this decision we held a productive meeting with Max Hill QC and Stephen Hockman QC and have agreed to hold an exercise to top-up the CPS Advocate Panel. This additional exercise will provide a route to the Advocate Panel for advocates who were on the Attorney General's Unified List and were undertaking work for DWP/DoH but did not apply for the Advocate Panel. Any applicants who are successful in the top-up exercise will be able to continue to receive instructions in respect of DWP/DoH prosecutions. We will provide Max and Stephen with a draft application form and guidance, for comment, this week.

From 1 April 2012 any new instructions will be issued from CPS using either the CPS graduated fee scheme or very high cost case scheme. We will be undertaking a review of the legacy casework we are inheriting from DWP and DoH with a view to planning a transition from legacy fee schemes to CPS fee schemes in due course. We would be willing to discuss the results of the review with representatives of the Remuneration Committee of the Bar Council if that would be helpful.

The work on the transition will be led by Simon Clements, Head of the Welfare, Rural and Health Prosecutions Division within CPS.

I am keen that the transitional arrangements are managed as smoothly as possible taking into account the impact on the Bar and to that end Simon Clements and I would be very happy to meet to discuss any particular issues that you may wish to raise.

In the meantime we will be contacting barristers presently instructed by DWP/DoH with information of the new contact details of their instructing lawyer and caseworker with effect from 1 April 2012.

A copy of this letter has been sent to Max Hill QC, Chairman of the Criminal Bar Association.

Yours are
Mike

MIKE KENNEDY CBE
Chief Operating Officer