Thank you for your letter of 7 January 2019 concerning the Crown Prosecution Service superintendence and disclosure.

I am happy to respond on both points now and to provide any further detail that would be useful when I appear before the committee on the 23 January 2019.

Superintendence

In response to your inquiry to clarify what is meant by “superintend” in the relationship with the CPS, I welcome the opportunity to outline what I expect this strengthened superintendence to look like in practical terms. Our statutory superintendence functions in relation to the public prosecution departments include securing their proper operational independence, and promoting their effectiveness, efficiency, effective governance and Parliamentary and public accountability.

The prosecutors are key partners in delivering the Government’s objectives. The prosecutors must also be prudent custodians of public money and behave with integrity, honest and transparency.

There is rightly public and Parliamentary scrutiny of the prosecutors and if they fall short of expected standards I, as the Attorney General, can be called to account for oversight. As ministers, the Solicitor General and I are ultimately responsible to Parliament for the independence, effectiveness and efficiency of the prosecutors. As such, my department needs to sponsor them, including supporting and challenging them.

My aim is to ensure a consistent approach to AGO oversight of the prosecutors across their governance, strategy and delivery.

My appointment and the recruitment of new Directors of both the SFO and CPS provided an opportunity to clarify our superintendence and sponsorship relationships with the prosecutors. A Protocol governing our relationship was created in 2009 but the organisational relationships have developed and evolved over the past 10 years such that the Protocol needed review. Therefore, I have been working with the CPS and SFO to modernise the sponsorship arrangements, in line with Cabinet Office guidance. I am grateful
to the Director of Public Prosecutions and the Director of the SFO for their commitment and engagement to the work, both personally and through their teams. Our joint aim is to produce a framework that results in a greater understanding of roles and responsibilities and provide additional insight into the challenges faced by both organisations.

In practice this will take the form of a new Framework Agreement for both the CPS and SFO, due to be published shortly, with supporting guidance and additional meeting and reporting structures. As part of this I am convening regular Ministerial Strategic Boards for each organisation for the purpose of strategic oversight by the Ministers and the Directors. I will be happy to provide further detail on this on the 23rd January.

Disclosure Review

I am pleased that you welcome my review's conclusion that disclosure should be overseen by the Criminal Justice Board. Difficulties with disclosure are long-standing and cannot be remedied in isolation; it is a cross-system issue requiring cross-Government co-operation as well as broader co-operation with operational partners.

I am committed to holding the leaders of the criminal justice system to account for delivering in their respective areas on disclosure. However, while I intend to be a visible leader on this issue I am clear that this is a joint responsibility. I superintend the prosecutors, the Home Office is responsible for setting national policing policy while chief constables retain responsibility for the direction and control of police forces, accountable to Police and Crime Commissioners, and the Ministry of Justice protects and advances the principles of justice including through its sponsorship of HMCTS. All are accountable in their own areas for disclosure. The Criminal Justice Board brings together Ministerial and other partners and is the right place for joint oversight to happen.

The Committee has recently heard from the Police and the Director of Public Prosecutions, each accounting for progress of disclosure in their area. I am happy to provide an update on my Review, which seeks to set out cross Government work in this area.

I look forward to appearing before the Committee on 23rd January.