

CILEx Law School Specialist Course in Disclosure



This course is designed for Disclosure and Investigation Officers. It is also highly relevant for Evidence Assessors and Decision Makers and staff in criminal justice units and prosecutorial agencies involved in considering material in criminal investigations.

What is the course syllabus?

The course will focus on the role of the Disclosure or Investigation Officer in order to ensure full compliance with disclosure requirements under CPIA legislation. The chapter headings and key aims are listed overleaf.

How difficult is the course?

The course is set at approximately A level standard. This is the same level as the well-established Certificate in Criminal Justice Administration which we offer for police staff.

How is the course delivered?

The course is delivered by distance learning. Students receive a CILEx Law School course manual written specially for the Disclosure course, three assignments and a student handbook including administrative information.

Students are also given a password to the course-specific Student Area on the website, where they can access course materials; take and submit their assignments; and pose academic queries to the forum tutor. Telephone support is also available during office hours from CILEx Law School's academic team.

Each assignment is designed to help students not only to work through and understand the various chapters in the course manual, but also to relate their study to their working environment. The first assignment takes the form of an online multiple choice test, which must be taken under supervision. The two remaining assignments require students to submit written answers.

How long is the course?

We recommend a minimum of 60 hours of study. Students have one year within which to submit their assignments, but most students will find that they can complete the course within a six-month period.

How is the course assessed?

Students obtain a mark for their online test and written assignments, and the marks on these contribute to the overall mark for the course. The written assignments are submitted to a tutor for marking and comment, and students receive valuable feedback on their work. Two assignments can be re-submitted once if not passed at the first attempt. CILEx Law School will award a Certificate to students passing all three assignments within the one-year period.

How do I apply?

An application form is available on the course page in the Public Sector section of the CILEx Law School website at www.cilexlawschool.ac.uk or contact Tracey Pedder at CILEx Law School on 01234 844300 to request an application form.



CILEx Law School

College House, Manor Drive
Kempston, Bedford MK42 7AB
DX: 124782 KEMPSTON 2

T. 01234 844300

F. 01234 841373

E. cja@cilexlawschool.ac.uk

www.cilexlawschool.ac.uk

CILEx Law School Specialist Course in Disclosure

The Law Relating to Disclosure and Codes of Practice

- 1.1 Introduction
- 1.2 The common law duty of disclosure of unused material
- 1.3 The Criminal Procedure and Investigations Act 1996
- 1.4 Changes with the Criminal Justice Act 2003
- 1.5 The Code of Practice
- 1.6 Attorney-General's Guidelines on Disclosure
- 1.7 The Judicial Protocol on Disclosure of Unused Material in Criminal Cases
- 1.8 The Criminal Procedure Rules 2015
- 1.9 The CPS Disclosure Manual
- 1.10 Prosecutions and the decision on charging
- 1.11 Private prosecutions
- 1.12 Summary

Key aims – to enable you to:

- understand the law relating to disclosure;
- understand and apply the Codes of Practice relating to disclosure;
- understand the extent of police disclosure officers' and investigators' duties in line with disclosure legislation;
- understand the impact of human rights legislation.

Disclosure by the Prosecution

- 2.1 Introduction
- 2.2 Types of offence
- 2.3 Disclosure by the prosecution
- 2.4 The responsibilities of the disclosure officer
- 2.5 Third party disclosure
- 2.6 Summary

Key aims – to enable you to:

- understand the regulations and guidelines relating to disclosure;
- understand what is meant by the prosecution's duty to disclose;
- be aware of the issues about venue for trial relating to summary, either-way and indictable – only offences;
- understand the duties and functions of the Disclosure Officer;
- identify third party disclosure.

The Disclosure Schedules

- 3.1 Introduction
- 3.2 The disclosure schedules
- 3.3 The disclosure record sheet
- 3.4 Sensitive material
- 3.5 Consequences of non-disclosure
- 3.6 Summary

Key aims – to enable you to:

- understand the rules and guidelines relating to the Disclosure Schedules;
- understand and meet the required disclosure standard;
- understand the ongoing duties and functions of the Disclosure Officer.

Disclosure and Review of Unused Material

- 4.1 Introduction
- 4.2 What constitutes unused material
- 4.3 Financial investigations
- 4.4 Problems with unused material
- 4.5 Post-conviction disclosure
- 4.6 Summary

Key aims – to enable you to:

- understand the continuous duty to disclose in accordance with legislation, regulations and guidelines;
- distinguish between sensitive and non-sensitive material;
- understand what is meant by continuously liaising with other police and investigation officers and the prosecution.

Sensitive and Public Interest Immunity (PII) Material

- 5.1 Introduction
- 5.2 Claiming public interest immunity
- 5.3 Making a public interest immunity application
- 5.4 Consideration of the PII application
- 5.5 PII and special advocates
- 5.6 Review of a public interest ruling
- 5.7 How to store sensitive and highly sensitive material
- 5.8 Summary

Key aims – to enable you to:

- identify and fully understand current relevant legislation, policies, procedures, Code of Practice, AG's Guidelines and Judicial Protocol relating to conducting criminal investigations in relation to disclosure;
- understand what is meant by Public Interest Immunity (PII);
- applying the rules relating to sensitive and non-sensitive material;
- determine whether unused material is likely to satisfy the disclosure test.

Disclosure by the Defence

- 6.1 Introduction
- 6.2 Disclosure by the defendant
- 6.3 The defence statement
- 6.4 Time limits
- 6.5 Response to the defence statement
- 6.6 Statutory requirement to notify the prosecution of intended witnesses
- 6.7 Expert evidence
- 6.8 Defence disclosure provisions not yet in force
- 6.9 s8 application by the defence for specific disclosure
- 6.10 Unauthorised use of disclosed material
- 6.11 Summary

Key aims – to enable you to:

- understand the regulations and guidelines relating to disclosure by the defence;
- understand the duties and functions of the Disclosure Officer in relation to the defence.

Hearsay and Bad Character Evidence

- 7.1 Introduction
- 7.2 The rules of evidence
- 7.3 Hearsay
- 7.4 Bad character
- 7.5 Summary

Key aim – to enable you to:

- understand the basic rules of evidence in relation to hearsay evidence, bad character evidence and their disclosure in criminal proceedings.



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