

Press release: Creating a 'zero tolerance' culture for disclosure failings across the criminal justice system

The Attorney General, Geoffrey Cox QC MP, has today published the Government's Review of the efficiency and effectiveness of disclosure in the criminal justice system.

The Review found that the duty to record, retain and review material collected during the course of the investigation was not routinely complied with by police and prosecutors. Disclosure obligations begin at the start of an investigation, and investigators have a duty to conduct a thorough investigation, manage all material appropriately and follow all reasonable lines of inquiry, whether they point towards or away from any suspect. The Review found that this was not happening routinely in all cases. At the least this caused costly delays for the justice system and at worst it meant that cases were being pursued which the evidence did not support. The impact of these failings caused untold damage to those making allegations and those accused of them.

The Government's Review has concluded that to enable lasting change, there must be a 'zero tolerance' culture for disclosure failings across the police and the Crown Prosecution Service (CPS).

Commenting on the Review, the Attorney General, Geoffrey Cox QC MP, said:

For too long, disclosure has been seen as an administrative add on rather than fundamental pillar of our justice system. This ends now. My Review sets out practical recommendations and a clear plan of action which I will hold the leaders of the criminal justice system to account for delivering in their respective areas.

I want to thank all those who have contributed to this Review and for the action taken already to address this problem. I am confident that the leaders of the police and prosecution now understand the need for change and together we will make sure that public confidence in the disclosure system is restored.

Policing Minister Nick Hurd said:

Disclosure of evidence is crucial for confidence in police and our criminal justice system.

Police leaders have recognised there needs to be a change in

culture towards disclosure and I'm pleased to see they are already making strides in this area through the National Disclosure Improvement Plan.

The Home Office is also working with the police and partners across the criminal justice system to explore the analysis and sharing of digital evidence and the Government will convene a Tech Summit this spring to further help forces handle growing volumes of data.

The Government welcomes the steps already taken by the police and CPS to address the issues through the National Disclosure Improvement Plan and will work with each to ensure they lead to long term, effective and sustained change. HM Government, through the Attorney General and Home Secretary, will hold police and prosecution leaders personally responsible for this.

The Review found that this is a system-wide problem which needs a systematic response. The Criminal Justice Board, which the Attorney General sits on, will therefore take responsibility for strategic oversight of the collective response from all parts of the system – from police, to prosecutors to the judiciary.

The Review also found that police and other investigators could be better supported by technological advancements when reviewing and capturing digital evidence. To address this, the Government plans to convene a 'Tech Summit' in spring 2019 to help all 43 police forces in England and Wales handle the increasing volumes and complexity of this type of evidence. This will build on the work of the police and help to engineer a way forward with the help of private tech companies. Through the Police Transformation Fund, the Government is already investing in national work to support policing in its wider digital transformation.

While the underpinning legislation is still fit for purpose, the Government has concluded that the guidelines which support it need to be updated to meet the challenges of the rise of modern technology. This will happen through secondary legislation.

Finally, the work already started by the CPS to improve its data collection to capture the extent of the disclosure problems is essential. The Government will oversee the CPS's delivery of a new data collection regime which is fit for purpose.

Notes

1. The Review was announced on 11 December 2017, under the previous Attorney General Jeremy Wright QC MP. Liam Allan's case hit the headlines later in December.
2. Geoffrey Cox QC MP was appointed Attorney General for England and Wales on 9 July 2018.
3. The Review looked at disclosure of evidence across the entire criminal justice system and was launched before high profile disclosure failings in cases like Liam Allan's hit the headlines.

4. The Review examined existing Codes of Practice, Protocols, Guidelines and legislation as well as case management initiatives and capabilities throughout the criminal justice system, including the use of digital technology.
 5. Disclosure is the process in a criminal case by which someone charged with a crime is provided with copies of or access to material from the investigation that is capable of undermining the prosecution case against them and/or assisting their defence.
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The Attorney General, Geoffrey Cox QC MP, has today published the Government's Review of the efficiency and effectiveness of disclosure in the criminal justice system

Press release: Injury claims boss jailed after removing company funds before closure

Bury-based Darren Christopher Bullough appeared at Bolton Crown Court on Wednesday 14 November after he pleaded guilty to one count of fraudulently removing funds and another count of failing to provide company books and records to the liquidator.

The court heard that Direct Assist Ltd was first incorporated in June 2007 and was a personal injury claims management company with two registered offices in Bury and Bolton.

Darren Bullough (46) was the sole director but seven years later, the company struggled financially after they lost a client who was their main source of business. This resulted in a petition being lodged at court to wind-up Direct Assist in September 2014 in relation to a £658,000 unpaid tax bill.

However, following the petition to wind-up the company, a substantial amount

of money was removed from the company's accounts.

The company bank account was frozen to stop any more funds being removed, as well as preventing creditors losing out further, and after Direct Assist formally entered into compulsory liquidation in March 2015, an investigation was launched by the Insolvency Service.

Enquiries were made difficult as investigators could not find any evidence of company records from July 2013 onwards and this would have covered the period when the funds were taken.

However, investigators were able to discover that in the months before a winding-up order was made by the court resulting in the closure of Direct Assist, Darren Bullough fraudulently removed close to £51,000 between September and December 2014.

Around £28,000 went to family members, £3,600 worth of cash was removed from the company's bank account and £18,500 was spent on Direct Assist's credit card. Darren Bullough even made his first removal just one day after the winding-up petition was presented to the courts.

At court, Judge Stead also made a Disqualification Order for 7 years. The ban prevents Darren Bullough from directly or indirectly becoming involved, without the permission of the court, in the promotion, formation or management of a company.

John Fitzsimmons, Chief Investigator for the Insolvency Service, said:

"Darren Bullough was well-known as someone who led an extravagant lifestyle, spending money on expensive property and fast cars. But he recklessly removed funds from his business knowing that Direct Assist was in financial difficulty.

"We welcome the courts substantial sentence and their recognition of the severity of Darren Bullough's offences as not only was this money not his to do with as he pleased but by removing the funds, he denied payment that was rightfully owed to the company's creditors."

A disqualification order has the effect that without specific permission of a court, a person with a disqualification cannot:

- act as a director of a company
- take part, directly or indirectly, in the promotion, formation or management of a company or limited liability partnership
- be a receiver of a company's property

Disqualification undertakings are the administrative equivalent of a disqualification order but do not involve court proceedings.

Persons subject to a disqualification order are bound by a [range of other restrictions](#).

The Insolvency Service administers the insolvency regime, investigating all

compulsory liquidations and individual insolvencies (bankruptcies) through the Official Receiver to establish why they became insolvent. It may also use powers under the Companies Act 1985 to conduct confidential fact-finding investigations into the activities of live limited companies in the UK. In addition, the agency deals with disqualification of directors in corporate failures, assesses and pays statutory entitlement to redundancy payments when an employer cannot or will not pay employees, provides banking and investment services for bankruptcy and liquidation estate funds and advises ministers and other government departments on insolvency law and practice.

Further information about the work of the Insolvency Service, and how to complain about financial misconduct, is [available](#).

Media enquiries for this press release – 020 7674 6910 or 020 7596 6187

You can also follow the Insolvency Service on:

Press release: Injury claims boss jailed after removing company funds before closure

Personal injury claims boss jailed for 21 months after fraudulently removing company funds in the months before the courts would make a winding-up order resulting in the closure of the business.

News story: New online service launched for PIP appeals

Rollout of the new digital service in England and Wales will make the application process simpler, and reduce uncertainty while waiting for a decision by enabling people to track the progress of their case.

More than 2,600 applications have been received by the service so far. The number of appeals rejected because of errors in paperwork completed by appellants fell by 45%.

Throughout the development process, HM Courts and Tribunals Service (HMCTS) has worked alongside the judiciary, with members of the public and with the Department for Work and Pensions (DWP) to make sure users' needs are met.

Applicants who used the new service report back that it's easy to use and straightforward.

Comments from people lodging an appeal have included:

This is a totally new experience for me, and I never thought I could do it by myself, but I am so pleased at how easy it was." – Social Security and Child Support (SSCS) service user, September 2018

So straightforward and easy to use." – SSCS service user, July 2018

No glaring issues, all in all a pleasant and easy experience." – SSCS service user, August 2018

Regional Tribunal Judge Jeremy Bennett, Social Security and Child Support, London Region, said:

Those that have so far appealed online seem to find the system straightforward. The information provided on the online appeal form seems to be of a standard that allows judges to progress the appeals. The challenge is to find ways to make the online appeal form accessible to as many appellants as possible and to make it the appeal route of choice for SSCS appellants.

The service is part of HMCTS's ambitious £1bn programme of reform, which aims to bring new technology and modern ways of working to what is – and will remain – the best justice system in the world.