

**Summary Information**

<b>Module Code</b>	7215PS
<b>Formal Module Title</b>	Disclosure
<b>Owning School</b>	Justice Studies
<b>Career</b>	Postgraduate Taught
<b>Credits</b>	10
<b>Academic level</b>	FHEQ Level 7
<b>Grading Schema</b>	50

**Module Contacts**

**Module Leader**

Contact Name	Applies to all offerings	Offerings
Colin Davies	Yes	N/A

**Module Team Member**

Contact Name	Applies to all offerings	Offerings
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**Partner Module Team**

Contact Name	Applies to all offerings	Offerings
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**Teaching Responsibility**

<b>LJMU Schools involved in Delivery</b>
Justice Studies

**Learning Methods**

Learning Method Type	Hours
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Online	21
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### Module Offering(s)

Offering Code	Location	Start Month	Duration
APR-MTP	MTP	April	12 Weeks
JAN-MTP	MTP	January	12 Weeks
SEP-MTP	MTP	September	12 Weeks
SEP_NS-MTP	MTP	September (Non-standard start date)	12 Weeks

### Aims and Outcomes

<b>Aims</b>	<p>Breakdown of delivery hours per week. There will be 21 hours of total delivery for this Module. This will include 3 hours online presentations per week for each of the 7 topics. Additional direct contact is made as and when required between the Student and Module and / or Programme lead. The specific module will be open to all Students. This programme will critically examine the principles of disclosure, taking the student through a structured, methodological process, discussing the common law principles that apply, the statutory law as set out in the Criminal Procedure and Investigations Act 1996 and the supporting Code of Practice. The module will explore the role and responsibilities of investigators, disclosure officers and the Senior Investigating Officer, the disclosure tests contained within the legislation and the requirements placed on the prosecution and the defence. It will also evaluate the disclosure tests within Criminal Procedure and Investigations Act 1996 and the requirements placed on the prosecution and defence. There will be a focus on managing disclosure in complex cases, the scheduling of material, dealing with sensitive material, the application of Public Interest Immunity (PII) and considerations around third party material. The module will examine how the Investigating Officer (IO) and/or Senior Investigating Officer (SIO) will implement and develop strategies to deal with unused material, it will also deal with strategic issues including the role of the Crown Prosecution Service as the prosecuting authority. The module will pay special attention to how the Investigative team and the CPS should deal with product generated covert activity including interception, surveillance, covert human intelligence Sources (CHIS) and handling national security related claims for public interest immunity. Proper disclosure is of fundamental importance to ensuring successful prosecution of investigations involving intelligence and covert activity. Effective disclosure can protect both the rights of suspects and sources. It can avoid contributing miscarriages of justice (as was seen in the Birmingham 6 and Guildford 4 trials). Correct disclosure can protect sensitive methodology for existing and future operations. Finally if disclosure undertaken in adherence to the law can assist in maintaining public confidence in the judicial system. The Crown Prosecution Service's own manual for its prosecutors laid out the following potential consequence of getting disclosure wrong</p> <ul style="list-style-type: none"> <li>• the accused may raise a successful abuse of process argument at the trial;</li> <li>• the prosecutor may be unable to argue for an extension of the custody time limits;</li> <li>• the accused may be released from the duty to make defence disclosure;</li> <li>• costs may be awarded against the prosecution for any time wasted if prosecution disclosure is delayed;</li> <li>• the court may decide to exclude evidence because of a breach of the CPIA or Code of Practice, and the accused may be acquitted as a result;</li> <li>• the appellate courts may find that a conviction is unsafe on account of a breach of the CPIA or Code of Practice; or</li> <li>• disciplinary proceedings may be instituted against the prosecutor or a police officer.</li> </ul> <p>The module will enable students to develop an advanced and critical knowledge of key methodological issues. Students will critically assess these provisions in the context of debate around human rights provisions (i.e. Article 2 - right to life, Article 5 – right to liberty, Article 6 - right to fair trial and Article 8 – right to privacy) The curriculum will allow students to generate a critical appreciation of the complexities of disclosure and the handling of sensitive material. The module will use real world examples to advance a student's critical appreciation of the logistical, political and legal issues related to the application of effective disclosure.</p>
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## Learning Outcomes

After completing the module the student should be able to:

Code	Description
MLO1	Demonstrate a critical awareness of the impact and influence policy has, and continues to have, on professional practice in covert investigation and specialist intelligence within the context of, national security, law enforcement and counter-terrorism (Programme Specification Learning Outcome 1)
MLO2	Demonstrate a critical appreciation of the influences and drivers of policy and practice change in the broad areas of covert investigation and specialist intelligence (Programme Specification Learning Outcome 2)
MLO3	Apply major theories and concepts to the study of covert investigation and specialist intelligence studies (Programme Specification Learning Outcome 3)

MLO4	Articulate arguments and conclusions based on evidence and that are subject to a well- developed critical appraisal and imaginative judgement (Programme Specification Learning Outcome 10)
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## Module Content

<p><b>Outline Syllabus</b></p> <ul style="list-style-type: none"> <li>• Introduction to the disclosure of Unused Material</li> <li>• What constitutes unused material</li> <li>• The nature of sensitive material</li> <li>• Complex cases and third-party material</li> <li>• Defence disclosure, defence applications for disclosure and the continuing duty of disclosure.</li> <li>• Consequences of failures in disclosure and key partners.</li> <li>• Best practice in managing disclosure relating to serious organised and terrorism investigations.</li> </ul>
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## Module Overview

<p><b>Additional Information</b></p> <p>Corresponding CPD Module: 7117PSCP  Outline Core Topics  Development of Disclosure rules  LEARNING OUTCOMES: 1,2,3  Approaches to Disclosure - International comparisons  LEARNING OUTCOMES: 1,2,3,4  What constitutes Unused material?  LEARNING OUTCOMES: 1,2,3,4  The nature of sensitive unused material  LEARNING OUTCOMES: 1,2,3,4  Complex cases and Third party material  LEARNING OUTCOMES: 1,2,3,4  Defence disclosure, Defence Applications for Disclosure and the Continuing Duty of Disclosure  LEARNING OUTCOMES: 1,2,3,4  Public Interest Immunity  LEARNING OUTCOMES: 1,3,4</p>
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## Assessments

Assignment Category	Assessment Name	Weight	Exam/Test Length (hours)	Learning Outcome Mapping
Report	2,500 word assignment	100	0	MLO4, MLO3, MLO1, MLO2