

**LEICESTERSHIRE**

**MULTI-AGENCY**

**OUT OF COURT RESOLUTIONS**

**SCRUTINY PANEL**

## **SCRUTINY PANEL – OUT OF COURT RESOLUTIONS**

### **1. INTRODUCTION**

- 1.1 The Scrutiny Panel will conduct reviews of criminal cases concluded by way of an 'out of court resolution'. The intention is to increase public understanding, confidence and trust in this method of case resolution.
- 1.2 The Scrutiny Panel has no referral or appeals capability. The purpose of the panel is not to re-judge these cases but to assess the process and identify any appropriate learning to assist with continuous improvement.

### **2. PURPOSE**

- 2.1 The purpose of the Scrutiny Panel is to independently review a selection of cases that have been resolved by use of an out of court resolution within Leicester, Leicestershire and Rutland. Its aim is to determine whether the method of resolution is considered appropriate, based on a review of the information/evidence available to the decision maker at the time.
- 2.2 The Panel may consider cases where the resolution method was determined by either Leicestershire Police or the Crown Prosecution Service. In reviewing a case, the Panel will discuss and agree a categorisation against four options:  
  
Use of OOCB is considered to be:
  1. Appropriate and consistent with Police policies / the CPS Code for Crown Prosecutors.
  2. Appropriate with observations.
  3. Inappropriate and inconsistent with policy.
  4. Panel fails to reach a conclusion.
- 2.3 The panel cannot change the outcome of the case, but where it is appropriate to do so, can give feedback at an organisational level or, where fitting to be conveyed to individuals of each agency involved in a particular case. The aim of providing feedback is to promote best practice and identify potential policy development or training needs for consideration by the force or other agencies.
- 2.4 Meetings will be held virtually **twice per year**. Dates and times will be circulated in advance. Cases discussed will be redacted and not open to the public. Panel members will not disclose details of cases reviewed to their own organisation or individuals outside the meetings.
- 2.5 Members should actively horizon scan for any legislative or contextual changes to their areas of scrutiny (Out of Court Resolutions, adult and youth), and discuss such changes as necessary during panel meetings led by the Chairperson.

### **3. PANEL MEMBERSHIP**

- Member of the Police and Crime Commissioners Office
- Magistrate
- HMCTS Legal Advisor
- Crown Prosecution Service.
- Volume Crime Unit Management / Crime Registrar.
- Youth Offending team (for youth panels when developed)
- Relevant voluntary sector representatives including victim services
- Probation
- Representative of the Ethics and Transparency Panel
- Note Taker

3.1 A suitable delegated representative should attend in the absence of a panel member.

### **4. CHAIRPERSON**

4.1 The panel will be chaired by an Independent Person. The role of the panel Chairperson is to ensure each panel member has the opportunity and time to provide feedback and views.

4.2 The Chairperson will be elected by fellow panel members and subject to review every 2 years. It is the role of the panel members to give personal views, not the Chairperson. The Chairperson after hearing all the panel members' views will decide on the appropriate category of a particular case. In the case of a disagreement, the chair will aim to achieve a majority agreement. If this is not achievable a recording of a category 4 will be made and no feedback given.

### **5. VACANCIES**

5.1 Where a vacancy on the panel arises, it will be the responsibility of the agency that has the vacancy to identify and provide a suitable replacement.

### **6. SELECTION of SAMPLE CASES**

- 6.1 For each panel, the Local Prevention Directorate will generate 15 adult cases from the previous 6 months to send to the administrator for circulation no later than 8 working days before the panel. At least 1/3 of all selected cases should relate to a domestic incident. The final cases may be from a selection of resolutions or may concentrate on thematic areas where directed by the panel.
- 6.2 The selection of the cases should be made at least 2 weeks before the panel meets. Once selected, Local Prevention Directorate will arrange for the relevant files to be obtained.
- 6.3 On receipt of cases, the OPCC representative should ensure that the selected set of cases are suitable for panel discussion, and do not require decision making beyond the scope of the panel.
- 6.4 The Local Prevention Directorate will provide data in a chart format showing the total number of cases disposed of in the time since the previous panel and by which means of resolution. The data chart will show both the actual number and percentage of each type of resolution method used, including cases where a charge was preferred. This data will provide some contextual detail and enable the Panel to monitor the use of out of court resolution over the course of time.

## **7. THE PANEL MEETING**

- 7.1 Prior to the meeting, the 15 selected cases will be shared with panel members electronically no later than 5 working days prior to the meeting. Panel members will have the opportunity to ask for additional detail during the meeting to assist them in determining their findings.
- 7.2 At the conclusion of the discussion the Chair should ask each Panel member to consider the following criteria and assign a category.
  1. If available, the views of the victim and offender
  2. Compliance with force / CPS policy and procedure
  3. Rationale for decision and outcome
  4. Potential community impact
  5. Circumstances and seriousness of the offence
  6. Potential alternative options that may have been available
- 7.3 In determining the final outcome, the Chair will attempt to arrive at a consensus. Where this is not possible, the Chair should aim to achieve a majority agreement. Where this is not achievable a finding of Category 4 should be used.
- 7.4 At the conclusion of the panel meeting, the Case Information Template will be completed recording the outcome of each case. It will be the responsibility of each panel member to feedback to their own organisation or agency.

## 8. SHARING THE PANEL FINDINGS

### 8.1 Findings and Feedback

- When feedback is identified the panel member for that agency will be responsible for bringing this to the attention of the relevant personnel. Where the feedback is for police officers or staff, this will be taken forward by the Leicestershire Police representative. Feedback can be written or verbal depending on the circumstances and whatever is appropriate for that particular case.
- if the Panel identifies an action or decision taken in a case that they consider to be so poor that an individual's action may constitute an act of misconduct, then the Panel Chairperson will refer the case to the relevant agencies Professional Standards Department for consideration as to further action if necessary

### 8.2 Governance

The governance of the OOCR panel will sit with the Office of the Police and Crime Commissioner's Ethics and Transparency Panel. One member of the Ethics and Transparency panel will attend each OOCR panel and verbally feedback findings throughout the year.

In collaboration with the Chair, the Office of the Police and Crime Commissioner representative will produce an annual report detailing the activity and findings of the OOCR panel, for the review of the Ethics and Transparency Panel. This will be considered annually, and the members of the Ethics and Transparency Panel will present any key themes or trends to the PCC to hold the Chief Constable to account.

### 8.3 Internal Communications

- OPCC Strategic Partnership Board
- Local Prevention Directorate (Force)
- Ethics and Transparency Panel verbal update by attendee

### 8.4 External Communications

- OPCC Website
- Local Magistrates Association
- Social media summarising findings of the panel

## **9. Operational Board**

- 9.1 Panel will meet on a 6 monthly basis to review any themes emerging and progress made against any recommendations or learning that has resulted from the scrutiny process.
- 9.2 The Operational Board will review terms of reference for Panels