



**MULTI-AGENCY  
OUT OF COURT RESOLUTIONS  
SCRUTINY PANEL**

**Terms of Reference**


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## Panel Membership

	<p><b>Office of Police, Fire and Crime Commissioner</b></p>
	<p><b>Cumbria Constabulary</b></p>
	<p><b>Magistrates</b></p>
	<p><b>Crown Prosecution Service</b></p>
	<p><b>Victim Support</b></p>
	<p><b>Cumberland Youth Justice Service</b></p>
	<p><b>Westmorland &amp; Furness Youth Justice Service</b></p>

	<b>National Probation Service</b>
<b>IAG</b>	<b>Cumbria Independent Advisory Group</b>

At least two agencies must attend to form the panel, and a suitable delegated representative should attend in the absence of a panel member.

## 1.1 Introduction

The intention of the panel is to provide transparency and accountability and increase public understanding, confidence and trust in how Cumbria Constabulary use out of court resolutions. There is a particular focus on the delivery of appropriate and proportionate justice and ensuring redress for victims of crime. It provides constructive scrutiny at an organisational and individual level to promote best practices, identify potential policy or staff development needs and more effective working practices between agencies. It works to ensure the voice of victims is heard through the out of court resolutions process and provide challenge where it appears not to have been considered.

The Panel will consider cases where the resolution method was determined by Cumbria Police. In reviewing a case, the Panel will discuss and agree a categorisation against five options:

- A. Appropriate**
  - a. and consistent with policy**
  - b. but inconsistent with policy**
- B. Inappropriate**
  - a. and inconsistent with policy**
  - b. but consistent with policy**
- C. Panel fails to reach agreement**

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. This may in exceptional circumstance result in the removal of a caution from an individual's record where it has been determined that there is insufficient justification for administering the original sanction.

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.

Decisions reached by the Panel on each case file are recorded, together with observations and recommendations to inform changes in Policy or Practice. The Panel also consider performance information regarding levels and use of out of court resolutions, and changes to legislation, policy and practice to support them in their role.

## 1.3 The Purpose

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.

The intention is to increase public understanding, confidence and trust in these methods of case resolution, and to maintain criminal justice partner confidence in the Constabularies use of discretionary powers.

To audit a selection of Out of Court Resolution cases to ensure they are appropriate, within guidelines and that the victim was consulted and their views taken into account where appropriate, and that the offender understood the process and understood the implications of the resolution.

Identify best practice (*examples of best practice and excellent decision making should be incorporated into future training*)

Examine the level and appropriateness of supervision (*Constabulary representatives are best placed to scrutinise and advise on this area*)

Identify areas in need of improvement and highlight these in clear recommendations in the Annual Report.

## **1.4 Chairperson**

The role of the Chair is to support the selection of cases for review (section 1.7 below), ensure each panel member has equal opportunity and time to provide verbal feedback and views, and facilitate the decision-making process (section 1.8 below). When there is mixed view, the case will be discussed with the aim of achieving a majority agreement and learning for members. When this is not achieved, the case will be recorded as 'Panel fails to reach a conclusion'.

## **1.5 Panel Responsibilities**

Cases discussed will remain confidential and not open to the public. Panel members must be aware of and comply with the Scrutiny panel Information Sharing Agreement (refer to Undertaking Confidentiality Form). They should not disclose details of cases reviewed to their own organisation unless it is an agreed action within the panel meeting, for a recognised 'policing purpose'.

## **1.6 Vacancies / Meeting Attendance**

Where a panel member cannot attend a meeting and makes their apologies, if possible they should organise for another suitable member of staff from their organisation to attend the meeting.

## 1.7 Case Selection

The Cumbria Police Information Management Unit is tasked to provide performance data on out of court resolutions to senior managers and the Office of the Police, Fire and Crime Commissioner.

Performance report requests vary in frequency, but for the purpose of this panel, the Information Management Unit will collate and analyse relevant data during the second week of **January, April, and October** leading to Panel meetings three times a year usually in **February, May, and November**.

Meetings may be conducted in person at police HQ or remotely via electronic means at the chair's discretion.

Given the volume of cases within scope of the scrutiny panel, a selection of the below resolutions will form the body of cases reviewed quarterly. This process begins with a list of data that is produced and distributed by the Out of Court Resolution Officer. This data is forwarded to a member of the OPFCC who presents this to the agreed representative from the scrutiny panel (not a member of the Constabulary). This individual will then select a minimum of 25 cases for review. This is then returned to the Out of Court Resolution Officer, who will then liaise with relevant police staff to ensure files and / or other relevant papers are available for the Panel meeting.

Categories of resolution offences.

- **Category A:** Offences with a classification that a member of the public *might* consider to be outside the scope of the OoCR framework, e.g.: serious assault; Domestic Violence incidents; burglary offences.
- **Category B:** Offences featuring offenders with previous out of court resolutions or criminal convictions<sup>1</sup>
- **Category C:** Any crime which has any Hate Crime or Domestic Violence marker associated with it.
- **Category D:** A selection of Community Resolution
- **Category E:** A selection of any out of court resolution where it is indicated that Restorative Justice has been utilised.
- **Category F:** A selection of youth and adult cautions not falling in above categories
- **Category G – Outcome 22 (Pathways)** A selection of outcome 22 resolutions (Diversionary, educational or intervention activity undertaken) not falling in above categories

Analysis of all cases reviewed by the panel throughout the year will be presented to via the Annual Report. Data charts and graphs are used within the report to reflect

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<sup>1</sup> Within previous two years

each type of resolution method used and whether the resolutions given were deemed appropriate or not by the panel.

## **1.8 Case Scrutiny Process**

Panel members are requested to review the cases prior to the meetings; this will ensure a punctual and timely meeting. The Constabulary representatives will verbally summarise each case and panel members will be able to discuss the merits and learning from each case. These cases will be de-personalised and redacted in an appropriate manner to avoid identification of individuals concerned.

At the conclusion of the discussion, the Chair should ask the Panel to consider the following points:

- The outcome should be proportionate to the crime.
- The expectations of the victim should be considered when deciding an outcome.
- The causes of the criminal behaviour should be considered, and any available intervention provided (i.e., substance misuse or mental health issues)
- The history of the offender must be considered.
- The community impact of crime should be taken into consideration.
- Compliance with force / CPS policy and procedure
- Rationale for decision and outcome
- Potential alternative options that may have been available.

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 the chair will record a finding of “Panel fails to reach agreement”.

The meeting note taker will record the outcome of each case and circulate to panel member post meeting (the meeting is also recorded).

It will be the responsibility of each panel member to feedback to their own organisation or agency on any learning, further intervention work or circulation of best practice. Reports generated by the panel meeting will be stored electronically by the Constabulary Out of Court Resolution Officer and representative of the Office of Police, Fire and Crime Commissioner.

## **1.9 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 undertaken by an officer / staff member of proportionate rank / role to the feedback required (identified in the meeting by Constabulary representatives in the meeting). Feedback can be written or verbal depending on the circumstances and whatever is appropriate for that



particular case. Written feedback is usually fed into the Central Repository, where the OIC can easily access any comments made and take on board considerations from the panel.

If the Panel identifies an action or decision taken that they consider being so poor that an individual's actions 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.

An overview of findings may be disclosed as a result of an FOI request.

## **1.10 Sharing the Panel Findings**

In February of each New Year an Annual Report will be compiled and presented to the panel, detailing the progress and approach undertaken by the Multi-agency Out of Court Resolution Scrutiny Panel. The Report will be compiled by the Office of Police, Fire and Crime Commissioners, a draft copy will be presented to the Commissioner and Cumbria Constabulary Chief Officers in January of each year, then to panel members for consideration and comments. The final agreed reported will circulated prior to the panel meeting in February of each year and shared with Safer Cumbria.

The report will contain key findings from the previous year's audit including.

- The number of Out of Court resolutions audit during the year
- The number of cases audited per category.
- Factors that contributed to an inappropriate and/or inconsistent resolution
- An overview of All Police resolution data for the year
- Recommendations for moving forward.

# Appendix A: Out of Court Resolution National Framework

## Youth:

- **Outcome 21** (not generally reviewed by the panel) -Further investigation, resulting from the crime report, which could provide evidence sufficient to support formal action being taken against the suspect is not in the public interest – police decision.
  - Recommended outcome by NPCC in relation to ‘sexting’ offences (without aggravating features)
- **Outcome 22** - Diversionary, educational or intervention activity undertaken.
  - May be undertaken by police staff, YOS or another agency. Only authorised by youth decision making panel
- **Community Resolution**
  - Police
  - YJS - Youth Triage
- **Youth Caution**
- **Youth Conditional Caution**

## Adult:

- **Community Resolution**
- **Outcome 22**
- **Simple Caution**

## Appendix B: OoCR Scrutiny Panel - Case Template

(DATE)

The Out of Court Resolution Scrutiny panel is an important tool for ensuring that the police are held accountable for their use of out of court resolutions (OoCRs), as well as providing assurance that difficult decisions to administer such resolutions are justified. The findings of the scrutiny panel can also offer an effective feedback mechanism to police forces (for organisational learning and to individual officers for training or development needs) as well as identifying examples of good practice.

In reviewing each resolution, the Scrutiny Panel will consider a number of points including compliance with force/CPS policy and procedure, the rationale for the decision and the outcome together with whether alternative options had been considered. The impact on the community will also be considered and whether the outcome was proportionate to the crime.

Date of Offence	
Crime Reference	
Offence	
Outcome	
Panel Reference	

**Brief Outline of Circumstances:**

**Outline of interview / admission:**

**Outline of any issues you feel are relevant to this case or impacted the decision making?**

**Decision Maker's Rationale:**

**How was the crime reported?**

- Via 999 – at time of / or immediately after incident
- Immediately by other method - email 101 or 101
- Delayed reporting
- Via third party

**Offender:**

**Age:**

**Previous offending history?**

*(Please attach a printout where pre-cons recorded on PNC, together with details below of offences where offender has outcome not on PNC – Community Resolutions / Triage)*

**If subject to a Community Resolution, Triage or referred other agency / panel to address behavioural issues.**

*– in relation to offence under scrutiny – provide details of*

**Conditions/agreement**

**Compliance**

**PATHWAYS Report:**

*Please provide summary of conditions/compliance/needs identified and signposting and interventions completed.*

**Victims Views and needs.**

**Victim in Case** Yes  N/A

Has a Needs Assessment and Risk Assessment been completed for this case? Yes

No

***If no, why?***

Has the victim been offered to make a Victim Personal Statement? Yes  No

***If no, why?***

Does the Victim require an enhanced service? Yes  No

**Vulnerable**

**Intimidated**

**Persistently Targeted**

**Victim of a Serious Crime**

Has the Victim(s) been regularly updated throughout the case? Yes  No

***If no, why?***

Was the Victim given a Community Remedy Document? Yes  No

**If no, why?**

Was the victim referred to Victim Support? Yes  No

*Any comments around the victim, their involvement in the case that you feel is relevant?*

Officer/Supervisor in Case

Completed by.....

Confirmed a true reflection by .....

Date .....



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is our priority

## Appendix C: Cumbria Constabulary Undertaking of Confidentiality

All members of the Out of Court Resolution Scrutiny Panel, by agreeing to be members also agree to this Confidentiality requirement.

The purpose of the scrutiny panel is to independently assess, scrutinise and quality control the use of OoCR of Cumbria Constabulary.

I understand that my part in fulfilling the Purpose means that I will have access to Cumbria Constabulary Police data and that such access shall include:

- a) The processing of information held on computer or displayed by some other electronic means,
- b) The processing of manually held information in written, printed or photographic form.

I undertake that: -

1. I shall not communicate to nor discuss with any person any personal details from the data except to those members involved in the panel. It is agreed that the findings of the panel can be shared with members of the organisation to which the panel member belongs. To aid this, a report of findings will be completed after each meeting.
2. I shall not retain, extract, copy or in any way use any of the Cumbria Constabulary data to which I have been afforded access during the course of my duties for any other purpose.
3. I shall not share, publicise or make public any data produced using Cumbria Constabulary data without the prior consent of the Cumbria Constabulary and Office of Police Fire and Crime Commissioner.

I understand that Cumbria Constabulary data is subject to the provisions of the Data Protection Act 1998 and that by knowing or recklessly acting outside the scope of this Agreement I may incur criminal and/or civil liabilities.

I undertake to seek advice and guidance from the named individual acting on behalf of the Cumbria Constabulary in the event that I have any doubts or concerns about my responsibilities or the authorised use of the data and/or aggregate data defined in the Agreement.

**By accepting the Terms of Reference and being part of the Out of Court Resolutions Scrutiny Panel, I confirm that I have read, understood and accept the above.**

Signed: .....

Date: .....