

Out of Court Resolutions Scrutiny Panel Terms of Reference

1. INTRODUCTION

1.1. The Scrutiny Panel will conduct reviews of criminal cases concluded by way of an 'out of court disposal' under the following National crime outcomes.

- Outcome 2 – Youth caution / conditional caution
- Outcome 2A – Alternate offence - Youth caution / conditional caution
- Outcome 3 – Adult caution / conditional caution
- Outcome 3A – Alternate offence - Adult caution / conditional caution
- Outcome 8 - Community Resolution
- Outcome 22 - Diversionary, educational or intervention activity, resulting from the crime report, has been undertaken and it is not in the public interest to take any further action which are subject to a police or CPS decision not to charge.

The intention is to increase public understanding, confidence and trust in this method of case disposal.

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 random selection of anonymised cases that have been resolved by use of an out of court disposal. Its aim is to determine whether the method of disposal is considered appropriate, based on a review of the information/ evidence available to the decision maker at the time.

2.2. In reviewing a case, the Panel will discuss and agree a categorisation against three options:

Use of OoCD 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

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. It is not to apportion blame.

2.4. Panel members will not disclose details of cases reviewed with individuals outside the meeting other than in accordance with agreed feedback as directed by the chair of the Panel. A confidentiality agreement will be signed at the meeting.

3. PANEL MEMBERSHIP

- Magistrate x 3
- OPCC representative
- Crown Prosecution Service
- Police (Inspector level and a representative of the Interventions Team).
- Youth Justice Service (where appropriate)
- Restorative justice
- Independent Advisory Group

A suitable delegated representative should attend in the absence of a panel member. A minute taker will also be in attendance.

4. CHAIRPERSON

4.1. Chairperson will be from the PCC's office and will ensure each panel member has the opportunity and time to provide feedback and views. 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.

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. FINDINGS and FEEDBACK

6.1. When feedback is identified, the panel member for that agency will be responsible for bringing this to the attention of the relevant personnel within their own organisation. Feedback can be written or verbal depending on the circumstances and whatever is appropriate for that particular case.

Scrutiny panel findings will be recorded in writing and shared with all panel members. Constabulary representatives will identify operational implications and feedback through appropriate internal mechanisms reporting (by exception) to the Police and Crime Commissioner where appropriate.

6.2. Following the Panel meeting a report for publication to internal and external stakeholders will be provided by the minute taker and approved by the Chairperson. Results will be published on the PCC website.

6.3. The findings will also be shared with the Local Criminal Justice Board and Ethics Panel and the annual criminal justice conference.

6.4 The report will contain:

- The purpose of the OoCD Scrutiny Panel
- The criteria set for that particular scrutiny panel
- The total number of cases considered at that Scrutiny Panel
- The numbers and percentages of each categorisation

- A summary of the Panel's findings in respect of the cases considered.

7. SELECTION of SAMPLE CASES

7.1. At the conclusion of each meeting the Chairperson may identify a theme by crime category and/or disposal method for the following meeting to scrutinise.

7.2. The panel will examine disproportionality in respect of OoCDs issued to BAME communities and females. This can be done through an annual thematic review.

7.3. A pre agreed number of randomly selected cases that meet the criteria set at the previous meeting will be identified. This list will comprise of only unique reference numbers that will be forwarded to the chair three weeks in advance of the meeting, the chair will select the cases to be considered by the scrutiny panel, or delegate the responsibility to an appropriate member of the panel.

7.4. The Police will then produce summaries of the anonymised cases upon the agreed OoCD Scrutiny Panel Form.

7.5. The panel will have the opportunity to ask for further detail if required.

7.6. Cases for consideration will be distributed prior to the meeting to secure email addresses with protective markers.

- Offence Type
- Disposal Type
- The evidential test- Outline of circumstances
- Offender history
- Rationale and public interest test
- Views of the victim and effect on the wider community (as available to the investigator at the time)

8. THE PANEL MEETINGS

8.1. At the meeting the Chairperson will conduct a discussion to ascertain a consensus of Panel Members categorisation of each case.

8.2. Meetings will be held quarterly. There will be three to consider adult cases in each of the Local Policing Units and one county-wide youth panel.

9. Governance

9.1 The Terms of Reference will be reviewed annually by the OPCC and panel members. Should any member wish to propose changes they should give notice of at least three months to allow for consultation.

Version Control

Author	Version	Date
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