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Ethics and Transparency Panel
Annual Report

26th June 2024

Annual Report – Out of Court Resolutions

Report Date	2nd May 2024
Report Author	Paul Brown (YMCA) – Out of Court Resolutions Panel Chair
Security Classification	Not protectively marked

Purpose of Report

1. As an advisory body to the Police and Crime Commissioner (PCC), the Ethics and Transparency Panel is required to provide assurance to the Commissioner that ethics and integrity are embedded within Leicestershire Police and that the highest levels of professional standards and delivery of policing services to the public are being upheld, adding value beyond audit and scrutiny.

2. The Chair on behalf of the Out of Court Resolutions Panel (OOCR), brings this report to outline for the Ethics and Transparency Panel the key findings, notable practice, and areas for improvement found in the Out of Court Resolutions Panel, and how the OOCR panel are fulfilling their duty through the scrutiny of policies and procedure through the dip-sampling of Out of Court Resolutions. The purpose of this report is to highlight the work of the Panel for the year June 2023-May 2024 for the consideration of the Ethics and Transparency Panel, enabling the Panel to identify recommendations for the PCC.

Request of the Panel

3. In their role to identify areas for improvement with the use of Out of Court Resolutions, the Chair on behalf of the Out of Court Resolutions Panel requests that the Ethics Panel considers the contents of this report. The Panel would specifically like to ask the Ethics Panel their opinion on the following questions;
    a. Are the Ethics and Transparency Panel in agreement with the Out of Court Resolutions Panel on the identified areas for improvement?
    b. Would the Ethics and Transparency Panel be willing to present the recommendations outlined in their annual report to the PCC?

Summary of findings

Quantitative (YTD)

1 (Appropriate and consistent with Police policies and/or the CPS Code for Crown Prosecutors)	1
2 (Appropriate but with observations)	8
3 (Inappropriate and inconsistent with Police policies and/or the CPS Code for Crown Prosecutors)	6
4 (Panel fails to reach a conclusion)	0

Qualitative (YTD)

4. Previous Meetings

4.1 For a number of reasons, there has been a gap in the panel meetings, with the last meeting being held in November 2022. This was mainly due to a change of personnel and restructuring within the OPCC. The coordination and facilitation of the meetings was taken on by the OPCC Evaluation and Scrutiny Officer, Clare Hornbuckle at the beginning of 2024. As such, the first meeting under the new structure was held in March 2024 and was chaired by myself Paul Brown, CEO of YMCA Leics. The panel is made up of a number of representatives and agencies in both the statutory and voluntary sector including Criminal Justice, Local Authority, Police, Victim First and Turning Point.

4.2 Out of Court Resolutions (OOCRS), previously named Out of Court Disposals, have recently moved to Layer 0 – Prevention and Partnerships of Leicestershire Police's new layered approach to policing. A summary of this was provided to the OOCR panel in March, outlining that this change will improve the overall partnership approach to OOCRs across Leicester, Leicestershire and Rutland, and that there will be a more enhanced overview of OOCRs in this Layer 0 under the co-ordination of Grace Strong, seconded from the Violence Reduction Network to oversee this change. Short term challenges of this change did however impact the OOCR panel, who were assigned a Force lead at short notice before the panel, resulting in an inability to present 15 youth cases to the panel in March due to limited capacity.

5. Areas of concern

5.1 The format of the meetings includes papers being circulated by the responsible officer which sets out a number of cases that have been chosen at random to present to the panel. These cases are usually broken down in to two key areas; adult cases and youth cases. On average, the panel are presented with 30 cases (15 youth and 15 adult) which they have the opportunity to feedback on from their organisational perspective.

5.2 From the initial meeting, consideration needed to be given to the fact that the lead inspector had limited time in order to produce the materials, therefore it was recognised and accepted that there may have been limitations in what was being presented.

5.3 Following the panel meeting, there were a number of observations which fell in to category 3, being inappropriate and inconsistent with Police powers and/or the CPS code for prosecutors. There were several cases where the panel felt there was a lack of rationale from the officer, a resolution for domestic abuse incident had been authorised by a Sergeant where it should have been authorised by an Inspector,

possession of a Class A drug where a community resolution was not seen as sufficient and it should have potentially come to Court and a lack of rationale and update from officers. Although these were concerns, the panel was satisfied that the Lead Inspector would feedback to ensure that processes were being followed.

5.4 The common themes were that no supervisory involvement or consultation, inappropriate signposting eg self-referral to GP, there was not a strong enough response for severity of crime and serious safeguarding issues not considered (eg DA and Mental Health concerns).

5.5 From a positive perspective, there were eight cases which the panel felt were appropriate but with some observations. However, as already mentioned, this was the first meeting for some time and officers may not have had the opportunity to have all the information to hand to facilitate the panel.

6. Areas of notable practice

6.1 In relation to successes, it was noted that officers were receptive of the panel's comments and in more than one case, shared their own thoughts in relation to standards of practice. There is now a much-enhanced system of tracking officer feedback collected during the panel meeting created by the Evaluation and Scrutiny Officer in consultation with the Force lead, Inspector Marc Crisp. This spreadsheet is managed and reviewed by both the Force and OPCC and tracks the stages of relaying officer feedback in relation to each individual case, both in recognising good work of the officer, or relaying recommendations for acceptance. Previously, feedback was not tracked or monitored and there was no way of capturing these outcomes from the panel.

6.2 This new system enhances the immediate outcomes from the panel on a clear, auditable system and demonstrates Leicestershire Police's receptiveness to feedback both positive and negative, and willingness to improve practice where identified. This document will be presented at each panel going forwards to provide updates against the findings from the previous panel.

6.3 What was also successful was the partnership between the OPCC, the Force and both statutory and voluntary partners. The first meeting of 2024 under the new ownership of the OPCC was very well attended by many partner organisations, in line with the refreshed terms of reference which places stronger emphasis on attendance and finding substitute attendees if unavailable. In March, all members contributed to the conversation and there was consensus agreement with the findings.

6.4 It was also noted that from a Force perspective, officers had limited time to produce the materials but had been open and transparent in their presentation of the cases.

7. Challenges faced by panel

7.1 A key challenge for the March panel, as mentioned in the opening section of this report, is the timing of the movement of OOCRs to the prevention Layer 0. The finalisation of the movement occurred 1 week prior to the March OOCR scrutiny panel, which resulted in a very late appointment of a lead Inspector from the Force to provide scrutiny cases to the panel. The appointed Inspector did a highly commendable job of providing 15 adult cases to the panel for scrutiny, however due to time pressures, 15 youth cases had to be postponed with the ambition of re-introducing these in the September panel.

7.2 Historically, there has been relatively poor attendance from legal advisors and local authority criminal justice. Clare Hornbuckle was advised at the beginning of 2024 that local authority criminal justice did not have the capacity to attend the panel.

7.3 Legal advisory bodies are routinely invited and this will continue for each meeting including the upcoming meeting in September 2024. To mitigate the risk of under-representation from legal bodies, Clare Hornbuckle will send a separate invitation to these bodies in advance of the September meeting, emphasising the value of their contributions and importance of attending if available.

8. Key successes of the panel

8.1 We have changed the process of reviewing cases during the meeting, by placing an onus on members to read and familiarise themselves with securely circulated panel cases prior to the meeting, with an idea of classification in mind for the meeting. This enhanced process reduces the responsibility on the officer presenting the cases to go through each one in detail during the meeting which was what happened previously. This change has had a positive impact and has enabled business to be progressed more efficiently.

8.2 The OPCC have facilitated ‘on-boarding’ sessions held virtually for new members to introduce them to case formats and how to scrutinise which have been well-received by panel members. This has enabled new panel members to hit the ground running and contribute valuable input from their first session.

8.3 It is pleasing to see the openness and transparency between the partnerships and the opportunity to have open debate and discussion without any agency feeling defensive or that they have been particularly scrutinised. All members are empowered with the knowledge that each of the organisations that they represent have valuable insights which are unique to their organisation and that their views and opinions are always welcome during the panel.

8.4 Overall, my feeling is that the panel support the out of court resolutions and value the opportunity to comment on cases.

Summary

9.1 It is the opinion of the Out of Court Resolutions Panel that the Force are effective at dealing with Out of Court Resolutions at the time of writing this report. The reasoning for this is both historical and current and that within my role as Chair there has never been any hostility or defensive perspective from officers and there has always been a willingness to accept feedback and recommendations for change.

9.2 Some areas of concern have been identified, and these are included within the recommendations section of this report. This is the first instance of areas of concern in this panel and therefore this does not affect my overall impression that the Force is effective at dealing with OOCRs, particularly given the mitigating circumstances in relation to the movement to Layer 0 and the change of lead officer for the panel. This is further supported by the significantly improved monitoring system for officer feedback which reflects Leicestershire Police's willingness for transparency and improvement.

9.3 For the last meeting on 7th March 2024, we were not provided with any youth cases, purely due to time constraints. It has been agreed that this will be rectified at the next meeting.

Recommendations

The Out of Court Resolutions Panel makes the following recommendations…

- Present to the CC that there should be a refresher training roll-out Force wide for officers on the appropriate handling of Out of Court Resolutions. While there were some identified mitigating circumstances for this panel, ultimately some behaviours and practices of officers were avoidable with appropriate training, and more positive classifications could be made in future. This training should include: appropriate times to issue out of court resolutions, authority to issue OOCRs and when an officer should seek authority to issue and OOCR, importance of victim consultation and appropriate frequency of victim consultation in compliance with VCOP.
  This should be handled sensitively, in a way that does not create fear of using OOCRs, but encourages best practice.
- Propose to the CC that sufficient resource in the form of an Inspector and Sergeant/PC from Layer 0 is allocated to the OOCR panel to allow the Force time to prepare cases for consideration and ensure that youth cases can be reviewed again in September 2024. Currently Insp Crisp leads but requires support to generate 30 cases for review (15 adult and 15 youth).

---------- **End of Report** ----------

Sign: _____

Name: _____

Date: _____