



Police and Crime Panel

Date Monday 1 February 2016
Time 10.00 am
Venue Committee Room 1A, County Hall, Durham

Business

Part A

**[Items during which the Press and Public are welcome to attend.
Members of the Public can ask questions with the Chairman's
agreement]**

1. Apologies for Absence
2. Substitute Members
3. Declarations of interest, if any
4. Minutes of the meeting held on 8 January 2016 (Pages 1 - 6)
5. Consultation on Council Tax Police Precept 2016-17 - Report of the Police and Crime Commissioner (Pages 7 - 12)
6. Report of the Rape Scrutiny Panel (Pages 13 - 28)
7. Office of the Police and Crime Commissioner Restructure - Report of Chief of Staff (Pages 29 - 34)
8. PCC Decision Records - Report of Chief of Staff (Pages 35 - 38)
9. Such other business, as in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom
Monitoring Officer

County Hall
Durham
22 January 2016

To: **The Members of the Police and Crime Panel**

Durham County Council

Councillors J Allen (Chairman), J Armstrong, D Boyes, P Brookes, S Forster,
A Hopgood and P May

Darlington Borough Council

Councillors I Haszeldine, S Harker (Vice-Chairman) and B Jones

Independent Co-opted Members

Mr N J H Cooke and Mr D K G Dodwell

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DURHAM COUNTY COUNCIL

At a Meeting of **Police and Crime Panel** held in Committee Room 1A, County Hall, Durham on **Friday 8 January 2016 at 1.00 pm**

Present:

Councillor J Allen (Chairman)

Durham County Council:

Councillors J Armstrong, P Brookes, A Hopgood and P May

Darlington Borough Council:

Councillor S Harker (Vice-Chairman)

Independent Co-opted Members:

Mr N J H Cooke and Mr D K G Dodwell

1 Apologies for Absence

Apologies for absence were received from Councillors Boyes, Forster, Haszeldine and Jones.

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of interest

There were no declarations of interest.

4 Minutes

The Minutes of the Meeting held on 20 October 2015 were confirmed as a correct record and signed by the Chairman.

The Chairman referred to the Police and Crime Panel Development Session which was held on 3 December 2015 and thanked all members who had attended and all staff from the Police and Crime Commissioners' (PCCs) office who had contributed to the success of the Session.

Councillor Armstrong informed the Panel that, while he had been unable to attend the Session, he had been fully briefed on its content by the Overview and Scrutiny Officer. The Overview and Scrutiny Office added that an evaluation pack from the Session would be circulated in due course.

The Chairman reported that the Session had been well received but that in hindsight a wider audience could have been invited to attend.

Mr Dodwell referred to page 2 of the Minutes and informed the Panel that 'his Parish Council' should read 'the Association of Parish Council's'.

The Panel reported that it was good to receive feedback on all points raised at the previous meeting by email so soon after the meeting and thanked the PCC and his office for producing this information.

Councillor Hopgood referred to page 2 of the Minutes and asked for an update on PCSO powers to issue fines. The PCC replied that he had responded to a Government consultation on PCSO powers and had included this as part of the response.

The Overview and Scrutiny Officer informed the Panel that the following feedback had been circulated:

- A further breakdown of the figures for domestic abuse, as requested by Councillor Hopgood;
- Details of schools which had not attended the Wisedrive event as requested by Councillor Hopgood;
- The Crime Pic questionnaire referred to at Minute Number 7;
- Information on Neuro Linguistic Programming and Mindfulness training referred to at Minute Number 8.

5 Consultation on Council Tax Police Precept 2016/17

The Panel considered a report of the Police and Crime Commissioner (PCC) which provided information about his proposals to consult on an increase in the policing element of the Council Tax precept for 2016-17 (for copy see file of Minutes).

Mr Dodwell referred to the proposed precept increase of 1.98% and asked why this was the maximum increase, when Darlington Borough Council was proposing an increase of 3.99%. The Assistant Chief Executive, Durham County Council replied that changes to local government finance for this year gave councils the opportunity to raise an extra 2% precept to support adult social care.

Councillor Harker informed the Panel that there was an expectation from government that PCCs would raise their precept by 2% and this should be stressed during consultation on the precept. The Assistant Chief Officer confirmed that this expectation had been mentioned in the Comprehensive Pending Review announcement.

In reply to a request from Councillor Armstrong, the PCC agreed to provide Members with details of the 'Community Days' he would be undertaking during his consultation.

Councillor Brookes informed the Panel that he was supportive of the proposed increase, adding that it was unfortunate the increase could not be larger without the need for a referendum. He understood that the PCC needed to operate within Government rules and also understood the risks associated with a referendum.

The PCC informed the Panel that he had sent a letter to the Home Office highlighting that the yield from the precept in County Durham and Darlington was one of the worst in the Country. The Assistant Chief Officer informed the Panel that the 10 lowest precepting PCCs could increase their precept by £5, but Durham was the 15th lowest. However, some of the lowest precepting PCCs were in areas of high property values, and therefore had disproportionately high yields. The PCC's letter to the Home Office was to highlight this anomaly and to take into account the low Council Tax base. The PCC agreed to circulate a copy of his letter to the Home Office to Panel Members.

Councillor Armstrong informed the PCC that he was pleased that the proposed precept increase was being taken to AAPs and added that he would be recommending the 1.98% to his AAP. He referred to paragraph 7 of the report which stated that each additional increase of 1% raised approximately £260,000, yet in paragraph 2.4 of the consultation document this figure was £250,000 and stressed the importance of consistency in the presentation of data.

Resolved:

- (i) That the intention to consult be noted;
- (ii) That a full report on the outcome of the consultation would be presented to the next Panel meeting on 1 February 2016 be noted.

6 Enhancing Collaboration between Durham Constabulary and Durham and Darlington Fire and Rescue Service

The Panel considered a report of the Chief of Staff which provided an update on work undertaken to enhance collaboration between the Police and Fire and Rescue Services (for copy see file of Minutes).

The PCC informed the Panel that there was no intention for the PCC to take on the role for the Fire and Rescue Service. He had held discussions with the Chair and Vice Chair of the Fire and Rescue Authority around enhancing collaboration with the intention to drive out efficiencies without changing structures.

Councillor Brookes referred to the prospect of elected mayors and asked whether this could lead to a change in arrangements in the future for both the Police and Fire and Rescue Services. The PCC replied that the Police and Fire and Rescue Services were not part of the currently proposed roles for the elected mayor, and if this was to change, would need to be backed by a business plan and discussions with the PCC. Feedback from both Durham County Council and Darlington Borough Council was that neither wanted these services to be part of the role of an elected mayor.

Mr Dodwell asked whether liaison took place with other PCCs about collaboration. The PCC replied that he met regularly with other PCCs to discuss such issues.

Councillor May informed the Panel that both the Police and Fire and Rescue Services had specific expertise in the service they provided and expressed concern that if services were combined too much then this expertise could be diluted. The

PCC replied that while there were clear parameters for combining services, some could be done jointly, for example, fire prevention and crime prevention.

Councillor Hopgood referred to paragraph 5 of the report and suggested that he chair of the Panel should sit on the Joint Strategy Board (JSB). The PCC replied that the JSB was made up of representatives of the governance structures of both services and the Panel had a scrutiny function rather than a governance function. Councillor Allen added there was a need to keep a clear separation between the two structures, because the more the Combined Fire Authority (CFA) and the Police and Crime Panel (PCP) were amalgamated, the more danger they would be seen as uniting. Meetings of both the PCP and the CFA were open to the public and any member of either group could attend meetings of the other.

Resolved:

- (i) That the progress made on enhancing collaboration be noted
- (ii) That the proposal for representatives of the Fire and Rescue Service to attend meetings of the Police and Crime Panel, to broaden understanding and share knowledge, be endorsed.

7 Q2 Performance Report 2015-16

The Panel considered a report of the Chief of Staff which provided the Quarter 2 Public Performance Report (for copy see file of Minutes).

The PCC presented the performance figures to the Panel. Referring particularly to speeding, the PCC informed the Panel that he had previously opposed fixed speed cameras. However, at a recent Association of PCCs meeting a presentation had been made regarding technology which provided the ability to measure the average speed of vehicles through communities, with an ANPR ability. Any development around this would be brought back to the Panel.

Councillor Hopgood referred to the police taking action when anti-social behaviour was reported by communities, however, when residents reported issues of speeding vehicles the police seemed to be unable to take such action because they had not witnessed the speeding. The PCC replied that where community groups felt that action was not being taken on reports made then this should be fed back to him and he would raise the matter with the police.

Councillor Allen informed the Panel that, over all, this was a pleasing report which highlighted positive achievements. She referred to Councillor Forster requesting that copies of the performance figures be placed in libraries for those who did not use computers and the PCC responded that this had been actioned.

Councillor Allen referred to the third bullet point on page 37 of the papers and suggested it might be useful to have a direct link to the Value for Money section in the report.

Councillor Hopgood, referring to anti-social behaviour, highlighted that the only increase was in Darlington and asked whether there was any specific reason for this. The PCC replied that if anti-social behaviour was reported, it must be

recorded, but sometimes this was just a lack of tolerance rather than anti-social behaviour. However, he had discussed this matter with the Chief Inspector at Darlington.

Councillor Brookes referred to the role being undertaken by Dr Joe Sullivan around Child Sexual Abuse mentioned on page 41 of the papers and asked, as Chair of the Corporate Parenting Panel, what was being done to protect children. The PCC replied that Dr Sullivan was providing training sessions to police officers and staff to raise awareness of abuse and to identify warning signs and respond appropriately. Details of this work would be provided to Panel members.

Resolved:

That the report be noted.

8 Update on Victims Commissioning and Funding

The Panel considered a report of the Head of Governance and Commissioning which provided an update on the application of victims commissioning and restorative justice funds in 2015/16 and the conclusion of the procurement exercise to select the provider of a victim needs assessment and referral service which would commence on 1 April 2016 (for copy see file of Minutes).

Councillor Allen informed the Panel that the victim needs assessment and referral service would provide better value for money through collaboration. The service was more targeted around the victim and this was welcomed.

The PCC thanked the Head of Governance and Commissioning and his team for the work done to get to this position.

Resolved:

That the report be noted.

9 PCC Decision Records

The Panel considered a report of the Chief of Staff which provided an update on the PCCs decision register from June to September 2015 and forward plan (for copy see file of Minutes).

Councillor Hopgood referred to the lease of part of the Framwellgate Moor section office and informed the Panel that this could lead to parking problems in the area. The Assistant Chief Officer undertook to investigate this and provide feedback.

Resolved:

That the report be noted.

10 HMIC inspections

The Assistant Chief Office provided the Panel with an update on the vulnerability inspection carried out by HMIC.

No forces were graded as outstanding, 12 forces, including Durham, were graded as good, 27 forces were graded as requiring improvement and 4 forces were graded as inadequate.

The key findings for Durham were as follows:

The Constabulary had:

- clear and consistently applied processes in place to identify repeat and vulnerable victims.
- robust supervisory processes in place.
- significantly invested in training staff, with over 1000 officers and staff trained in dealing with vulnerability.
- good risk assessments carried out and good understanding of the Victims' Code.
- well trained call handling staff.
- a clear commitment to tackle Child Sexual Exploitation via a strategy and action plan.
- close working arrangements with partners.
- made progress in areas such as conducting satisfaction surveys and preparing a domestic abuse problem profile.

In reply to a question from Councillor Allen about how call handlers defined vulnerability, the Assistant Chief Officer replied that call handlers were trained to identify vulnerability.

Resolved:

That the update be noted.

11 Spending Review outcome and update

The PCC provided the Panel with an update on the Spending Review outcome.

The PCC informed the Panel that Durham had been faced with a potential funding loss of £7m due to the government using incorrect data when using a new funding formula make grant allocations. He had immediately briefed local MP's and the matter was raised in the House of Commons where the Home Office admitted its mistake and had shelved the proposed new funding formula. The PCC informed the Panel that he had written to the Home Office suggesting that any review of the police funding formula be carried out by an independent body.

Councillor Allen informed the Panel that a lot of work had been done by the PCC, MPs and officers when the error came to light and that it could have been a different scenario for Durham had this not been picked up. Mr Dodwell added that it was important the work which had been undertaken on this was well recorded.

Resolved:

That the update be noted.

Police and Crime Panel

1st February 2015
(produced 21st January 2016)



Consultation on Council Tax Police Precept 2016-17

Report of the Police and Crime Commissioner

Purpose of report

1. The purpose of this report is to advise members of the Police and Crime Panel of my proposal for the policing element of the Council Tax Precept 2016 -17. Under Schedule 5 of the Police Reform and Social Responsibility Act 2011, the Police and Crime Panel is required to review the proposed precept, and to make a report on it (the panel are to determine the manner of this report). The report can include recommendations on the level of the precept. The panel has the power to veto the proposed precept, which requires a two-thirds majority in favour of a veto.
2. This report provides an update in relation to the consultation on my proposal, presents a summary of responses received so far and the expected outcome based on the feedback received. The papers for this meeting have been issued prior to the end of the consultation period but final results will be given at the meeting itself.

Background

3. I set out my proposals for the consultation on the policing element of Council Tax Precept for 2016-17 to members of the Police and Crime Panel at their meeting on 8th January 2016.

Precept Proposal

4. Subject to the conclusion of the consultation, I propose a precept increase of 1.98%.
5. A 1.98% increase will cost a Band D¹ property an additional 6p per week, which is £3.22 a year². However across County Durham and Darlington approximately 55% of households are categorised as 'Band A'. For a property in Band A the increase will cost an additional 4p per week, which is £2.15 per year². A full breakdown of what the increase means for each Council Tax Band is included in Appendix 2. This in turn will generate circa £520,000 for Durham Constabulary, which equates to the approximate annual cost of 11 police officers.
6. An increase of less than 1.98%, or keeping the precept at the current level, would result in a lower baseline going forward, meaning it would not be possible to recoup this money without a referendum. Each subsequent year's budget would be lower than it otherwise would be with the increase.

¹ Nationally, a typical Property in is classed as 'Band D'

² Does not equal 4 x 52 because figures are rounded.

7. An increase of 2% or more would require a referendum, costing around £750,000. Therefore I would need to increase it by more than 5% to recoup the costs in the first year. And if such a referendum was lost, then that £750,000 would be irrecoverable.
8. Durham Constabulary works hard to provide value for money for the people it serves. Delivering an efficient policing service is one of the four key objectives in my Police and Crime Plan. In the recent HMIC PEEL Efficiency inspection, Durham Constabulary was the only force in the country to be graded as outstanding for all three questions.

Consultation

9. As set out in my last report to the Police and Crime Panel the consultation went live on the 11th January 2016 and will close at 11.59pm on Wednesday 27th January 2016.
10. The consultation is running online, however hard copies are available from my office. It has been promoted by email, website, press release and through social media. The online survey sets out my proposal, details on what it would cost, and then asks respondents if they agree. Respondents are also given the chance to enter any additional comments that they may have. There is also the opportunity to download the detailed consultation document.
11. Details of the precept consultation have been widely circulated including to Elected Members, the County Durham Partnership, the Darlington Partnership, the Community Safety Partnerships, Town and Parish Councils, Area Action Partnerships (AAPs), the Voluntary and Community Sector, etc. for onward cascade and circulation. I am grateful to both Darlington Borough Council and Durham County Council as they have kindly included details of the consultation on their websites.
12. I have undertaken consultation with the public as part of my 'Community Day' programme. The Community Day programme includes street walkabouts and drop ins, attendance at several Area Action Partnership meetings in County Durham, and planned activity in Darlington. Where Area Action Partnership meetings did not fall within the consultation period the Coordinators have kindly shared details of the consultation with their Board and Forum Members. At all of the these events, members of the public have been invited to complete hard copies of the survey and signposted to my website to encourage them to share details of the consultation with colleagues

Responses

13. At the time of writing, the consultation is still live, therefore the information that follows is just a snap shot of the responses as of noon on 21 January 2016 and I will provide full details to the Police and Crime Panel at the meeting.
14. There have been 167 valid responses to the consultation. There have been 104 completed online and 63 hard copies. They have spanned across all twelve neighbourhood policing teams and all age groups from 18 – 75+ years.
15. The responses received to date are strongly in support of my proposed increase to the policing element of Council Tax Precept for 2016-17. **77.8%** (130 responses) agree that the precept should be increased by 1.98% and 22.2% (37 responses) believe that

it should remain at its current level. The summary of consultation results and a breakdown of respondents' demographics are show in Appendix 3.

16. The majority of free text comments as part of the consultation convey a belief that the increase is justified and respondents are happy to pay slightly more to ensure County Durham and Darlington remains a safe place.

Recommendations

17. The Panel is recommended to:
 - a. Note the current position of the consultation and the expected outcome;
 - b. Consider my proposal for a 1.98% precept increase;
 - c. Decide whether to veto my proposal.
18. This is with the understanding that the consultation is not yet complete, however, the consultation and responses will be finalised by the time of the panel meeting and I will be able to present the results in full at the meeting.
19. I intend to bring a report on the police budget to the next meeting of the panel on 3rd March 2015.

Ron Hogg
Police and Crime Commissioner

Appendix 1: Risks and Implications

Finance: The Council Tax Precept 2015-16 is to rise by 1.98% (as per main body of the report).

Staffing: No specific implications.

Equality and Diversity: No specific implications.

Accommodation: No specific implications

Crime and Disorder: The money received through the increase will be put towards reducing crime and disorder and ensuring matters are dealt with as efficiently as possible.

Children's Act 2004: No specific implications

Stakeholder/Community Engagement: Feedback on the proposed increase has been sought from the community.

Environment: No specific implications

Collaboration and Partnerships: No specific implications

Value for Money and Productivity: The precept increase proposed is the largest it can be without holding a costly referendum.

Potential Impact on Police and Crime Plan Priorities: No specific implications

Commissioning: No specific implications

Other risks: No specific implications

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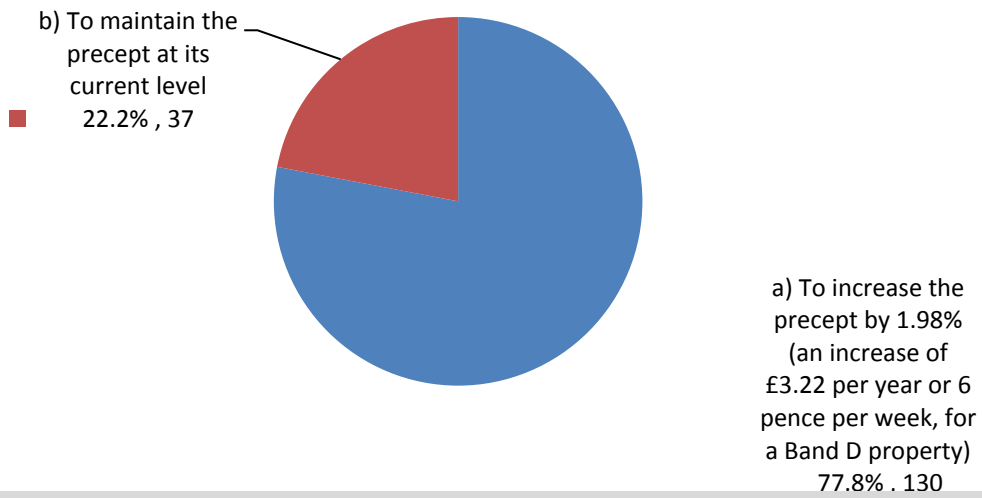
Appendix 2: Table Showing the Impact of the 1.98% Precept Increase by Council Tax Band

	Council Tax 2015-16	Council Tax 2016- 17	Increase per Year	Increase per Week
Band A*	£108.49	£110.64	£2.15	£0.04
Band B	£126.57	£129.08	£2.51	£0.05
Band C	£144.65	£147.51	£2.86	£0.06
Band D**	£162.73	£165.95	£3.22	£0.06
Band E	£198.89	£202.83	£3.94	£0.08
Band F	£235.05	£239.70	£4.65	£0.09
Band G	£271.22	£276.59	£5.37	£0.10
Band H	£325.46	£331.90	£6.44	£0.12

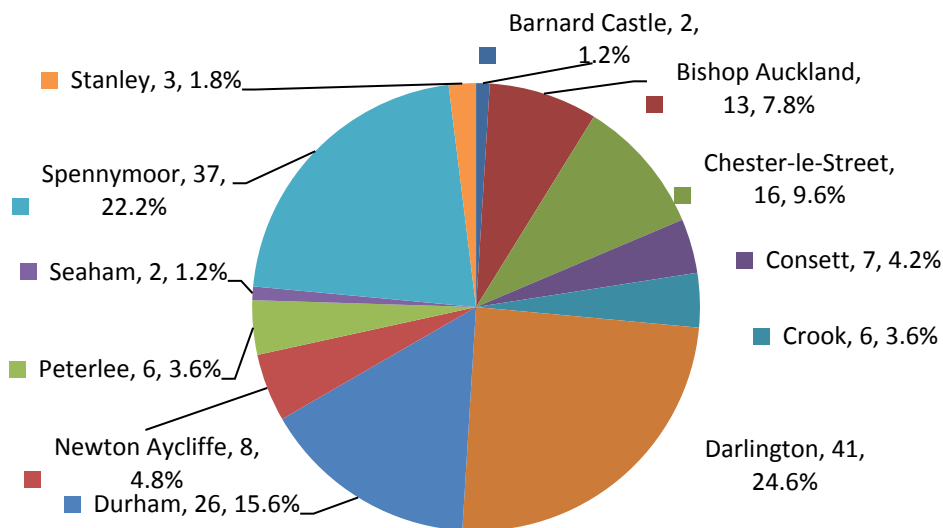
*55% of households in County Durham and Darlington are classed as Band A.

** Nationally, a typical Property in is classed as 'Band D'

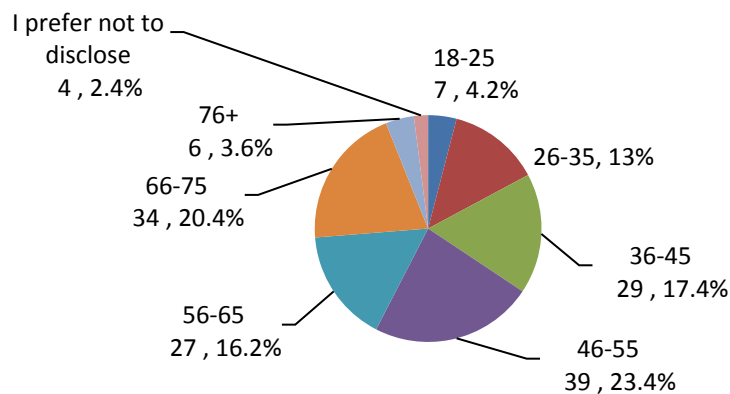
Which of these statements best describes your opinion?



Which area do you live in or closest to?



Age group (years)



Police and Crime Panel

1st February 2016

Rape Scrutiny Panel Report



Purpose of report

1. To update the Police and Crime Panel on work undertaken by the Durham Rape Scrutiny Panel.

Current Position

2. As part of the North East Violence Against Women and Girls (VAWG) strategy, the Durham PCC has established a Police Rape Scrutiny Panel to scrutinise case files which have failed to attain the requisite evidential level for prosecution or where prosecution has failed, and to look for lessons to learn.
3. This report details the first annual report of the Durham Rape Scrutiny Panel. It is a redacted version of the full report, suitable for public consumption. This has been done in order to:
 - avoid compromising the identity of the victims
 - protect the public
 - comply with Freedom of Information considerations
4. The full report has been shared with Durham Constabulary who are producing an action plan in response to the recommendations.

Recommendation

Members of the Police and Crime Panel are asked to:

- i) Note the contents of the report
- ii) Provide any comments and / or questions for the PCC

Contact: Stephanie Kili- Policy Adviser, Office of the Durham Police and Crime Commissioner, 03000266549

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Scrutiny Report

Durham PCC Rape Scrutiny Panel

November 2015



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1. Purpose of the Report

- 1.1 This is the report of the first performance scrutiny carried out by the Durham PCC Rape Scrutiny Panel. The purpose of this report is to inform members of the work being carried out in relation to the Durham PCC Rape Scrutiny Panel and to report on the schedule of recommendations that have been identified by the Panel to date.

2. Background

- 2.1 Crown Prosecution Service (CPS) Scrutiny Panels were rolled out nationally in 2007/2008 following a successful pilot in West Yorkshire. There is currently a CPS North East Violence Against Women (VAW) Panel which is proving to be successful in critically examining the performance of the Crown Prosecution Service in its handling of VAW prosecutions.
- 2.2 The North East developed the first ever regional strategy to tackle violence against women and girls ([North East VAWG strategy](#)). It was launched in late 2013 by the three regional Police and Crime Commissioners (PCC), Northumbria's Vera Baird, Cleveland's Barry Coppinger and Durham's Ron Hogg. Together they devised the 20-point plan to provide support and protect women and girls who are victims of violence or abuse of any kind.
- 2.3 The Durham PCC Rape Scrutiny Panel plays a key part in delivering the Violence Against Women and Girls strategy. Priority twelve of the Regional PCC Violence Against Women's Strategy states: 'We will establish a Police Rape Scrutiny Panel in each police area to scrutinise case files which have failed to attain the requisite evidential level for prosecution or where a prosecution has failed and look for lessons to learn.'
- 2.4 The Durham PCC Rape Scrutiny Panel follows the model successfully implemented by the Crown Prosecution Service. The Durham PCC Rape Scrutiny Panel was officially launched by Ron Hogg, Durham Police and Crime Commissioner, on the 14th November 2014.



3. Aim and Purpose

- 3.1 The development of this panel aims to provide independent oversight of rape investigations in Durham to identify best practice and opportunities for improved working practices, adding transparency to the investigation and ultimately improving conviction rates.
- 3.2 The Panel considers whether the service provided to victims is the best it can get with the aim of giving more victims the confidence to report rapes, knowing that they will get the support they need to go through the criminal justice system and bringing offenders to justice.
- 3.3 The Rape Scrutiny Panel critically examines cases and ensures that lessons are learned, leading to positive change when conducting future investigations. It scrutinises case files which have failed to attain the requisite evidential level for prosecution or where a prosecution has failed.
- 3.4 Whilst the panel focuses on the work of the police, it is inevitable that other agencies also come under the spotlight. The office of the PCC ensures that the recommendations for other agencies are also passed on.
- 3.5 The purpose of this work is to improve the performance of the police in the investigation of rape cases and the support offered to victims. The Panel provides independent oversight of rape investigations in County Durham and Darlington to identify best practice and opportunities for improved working practice and to improve the community's confidence. By developing trust and confidence in victims and more importantly the general public, who are the future victims, we will increase reporting rates, and thereby identify perpetrators and prevent further offending.

4 Membership

- 4.1 The Durham PCC was keen to ensure that panel members are independent and provide a real benefit to improve the community's confidence in the police to deal with such serious crimes and therefore increase reporting and improve the investigation of rape offences and the support offered to victims.
- 4.2 An extensive recruitment exercise took place in September 2014 in order to recruit panel members who have the knowledge and expertise in supporting victims of rape and sexual violence.



- 4.3 The panel consists of 10 specially-trained volunteers from the voluntary and community sectors, and from statutory organisations, with expertise and an understanding of the issues relating to rape and sexual violence and have experience of supporting victims and witnesses of rape.
- 4.4 Due to the fact that the panel considers real cases, there was a requirement for panel members to undergo the required police vetting check and security clearance. Panel members were also required to sign an undertaking of confidentiality.
- 4.5 Terms of reference for the Durham PCC Rape Scrutiny Panel were agreed by all panel members on the 28th January 2015, and these can be found in [appendix 1](#).

5 Methodology

- 5.1 The Rape Scrutiny Panel meets four times a year. The first meeting took the form of a training and development day. The training provided the Panel with an in-depth understanding of police policy and procedure in the investigation of rape and other serious sexual offences, and an understanding of the role and function of the Police and the Crown Prosecution Service. The National Crime Reporting Standard and the Criming Process was also presented to the Panel.
- 5.2 The Durham Constabulary '*Investigation of Rape and other serious Sexual Offences*' presentation was delivered at the second meeting. This provided the Panel with information about the Risk Assessments undertaken by Call Handlers at Durham Constabulary when the initial call is made to the police. The meeting day was used as a pilot exercise to help shape the future and success of the Rape Scrutiny Panel meetings. A case was scrutinised in order to give the panel a clear indication of time and points to cover.
- 5.3 The third meeting formally examined two case files where it had been judged that no crime had been committed, or which were said not to have achieved the required threshold of evidence to be sent to the Crown Prosecution Service.
- 5.4 The structure of future meetings was formally agreed. Three hours are set aside prior to the meeting for Panel Members to read case files and highlight questions so that the meetings can be conducted efficiently. Two cases are scrutinised at each Rape Scrutiny Panel meeting and the process includes viewing the 'Achieving Best Evidence' DVD and interviewing the Officer in



Charge. Details of the main findings and recommendations are summarised in the sections below and are reported to Durham Constabulary.

6. Recommendations

- 6.1 The body of this section details a summary of recommendations aimed at maintaining a consistent approach in rape investigations and victims care, made in light of the evidence gathered during the Rape Scrutiny Panel meetings
- 6.2 This section has been redacted pursuant to lawful and necessary exemptions within Sections 30, 31 and 38 of the Freedom of Information Act 2000. This is in line with data protection and confidentiality policies and the requirement to protect the public.
- 6.3 It is important to acknowledge that the Rape Scrutiny Panel agreed with the outcomes of all cases scrutinised. There are also numerous examples of good policy and practice identified throughout the evidence gathering sessions which are recognised as national best practice.
- 6.4 This section however focusses on the recommendations identified which provide a starting point to allow best practice to be maintained at all times. Equally, further exploration would help to confirm whether any issues identified in this sample are typical and therefore relate to current practice or whether they are specific to the individual cases examined. Any patterns appearing will be identified as the work of the Rape Scrutiny Panel progresses.

Recommendation 1

ABE interviews

Dip sampling of ABE interviews should be conducted on a regular basis within Durham Constabulary to ensure standardisation. As good practice, ABE training should also be reviewed regularly in line with any legislation/procedural changes.



Recommendation 2

Witness Assessments

The current assessment process should be reviewed, and witness assessments dip sampled. Comprehensive risk assessments should include third party verification of assessment and an assessment of mental health.

Recommendation 3

Soft Intelligence

There should be increased vigilance with respect to recording soft intelligence, and greater information sharing from other agencies.

Recommendation 4

Retraction Statements

In cases where the victim makes an informed decision to retract their statement, there should be thorough documentation of the retraction, which eliminates any possibility of misinterpretation.

Recommendation 5

Appropriate Adults

There should be a mechanism in place to ensure that appropriate adults are independent in the case, especially potential witnesses, or family members.



Recommendation 6

Intermediaries

The Ministry of Justice should review the availability of intermediaries and recruit a bank of trained local intermediaries to address the deficiency.

Recommendation 7

Training

There should be consistent and regular training on challenging rape myths and avoiding judgemental behaviours.

Recommendation 8

Evidence Gathering

CPS advice should be sought early to aid an investigation, and the investigation should be supervised by an officer of an appropriate rank.

Recommendation 9

Decision-Making Record

Where a decision is made not to proceed with a case, there should be recorded a written rationale, which is evidence based and avoids judgments.



7. Implementation of recommendations

- 7.1 In order to ensure that the recommendations made in this report are actioned, the Rape Scrutiny Panel is committed to monitoring progress against these recommendations. The report has been passed to Durham Constabulary, and the panel has requested regular updates.

- 7.2 The next step in this process is to discuss how the recommendations will be implemented with those persons responsible and the timescales for implementation. An action plan will be produced in due course.



Appendix 1

Durham PCC Rape Scrutiny Panel Terms of Reference

1. The Durham PCC Rape Scrutiny Panel (the Panel) will work with Durham Constabulary to improve performance in the investigation of rape cases and to improve the services offered by the Police to victims of rape. The Panel will achieve this by scrutinising current cases.
2. The Panel will be chaired by the CEO of the Rape & Sexual Abuse Counselling Centre [Darlington and County Durham].
3. The Panel will meet three or four times a year and dates will be decided by the Panel and agreed in advance, and will be chosen for the convenience of the maximum number of Panel members. The aim will always be to achieve 100% attendance of Panel members.

4. Membership

- a) Membership is for an initial period of two years, subject to review in December 2016.
- b) The aim is to ensure a fair representation of organisations working with victims of rape throughout County Durham. Should the Panel conclude that representation is not fair, then new members will be recruited by inviting applications from the targeted communities. Recruitment and selection of new members will be conducted by the Chair, the CPS North East Equality, Diversity and Community Engagement Manager and a representative from the office of the PCC.
- c) All members will co-operate with the PCC Office in obtaining DBS clearance in accordance with standard police vetting procedures. Members must notify the PCC Office of anything which may affect security clearance. At each Panel meeting, those present will sign a list of members attending the meeting, and in so doing will declare that they are not aware of any matters which have occurred since they last signed the declaration which may affect their security clearance.

5. Durham Constabulary commitments

The Police will:

- Make available for selection for scrutiny current rape files under investigation, primarily those that have been classified 'NFA' (no further action) and of any specific types requested by the Panel.
- Note all recommendations made by Panel members and act upon them whenever possible
- Provide performance data in relation to rape investigations at each Panel meeting



6. Durham PCC commitments

The PCC will:

- Reimburse Panel members' reasonable travel expenses for attending panel meetings and any other Panel business, upon production by the Panel member of a correctly completed expenses claim form and all required receipts.
- Endeavour to meet other Panel member reasonable expenses incurred as a result of attending Panel meetings or carrying out Panel business (e.g. childcare costs)
- Note all recommendations made by Panel members and act upon them whenever possible

7. Chair commitments

The chair will:

- Convene with Panel meetings three or four times a year on a date convenient to all Panel members or, if this proves impossible within a reasonable timescale, on a date convenient to the majority of Panel members
- Maintain a Schedule of Outcomes for the Panel, recording significant recommendations, actions taken and outcomes

8. Panel member commitments

Panel members will:

- Attend all Panel meetings unless there is good reason for non-attendance
- Feedback agreed messages from the Panel to their communities
- Feedback to their communities about the work of the PCC, the Police and the work of the Panel with a view to building confidence in the police amongst communities
- Treat all Panel members, all police staff and all guest speakers with respect
- Value diversity, and avoid any comments, statements or actions which may be offensive to other Panel members.
- In terms of conduct as a member of the Panel, individual members are expected to comply with professional standards relating to professional bodies of which they may be members as part of their professional role outside of the work of their Panel.

9. Conflict of interest

Panel members are expected to scrutinise cases objectively. It is understood that, through the nature of their work and their community contacts, Panel members may well know individuals affected by the cases the Panel is scrutinising – whether victims, witnesses or defendants. The following applies whenever a victim, witness or defendant in a case to be scrutinised is known to a Panel member:



- The panel member must notify the Panel Chair as soon as they realise that an individual involved in the case is known to them, and must not then read the rest of the file until a decision has been made
- The Panel will then consider whether there is a conflict of interest for that Panel member in discussing that case, and whether the member's ability to take an objective view of the case has been compromised. If deemed appropriate by the Panel, the member will absent themselves from the discussion of that case
- If the Panel member takes the view that there is a conflict of interest or their objectivity is compromised, then they should immediately stop reading the case, and should notify the Chair that they cannot be involved in the discussion of that case.
- If a Panel member finds discussion of a case too distressing, then it is agreed that the Panel member may leave the room until that discussion is concluded

10. Confidentiality:

All Panel members have signed a confidentiality agreement, confirming that they are subject to the Data Protection Act and the Official Secrets Act. It is important that Panel members do not discuss with anyone outside of the Panel the personal details of any victim, witness or defendant in any of the cases scrutinised. At the end of each Panel meeting key messages will be agreed by the Panel for dissemination amongst communities. At this point any doubts as to information to be disseminated can be discussed and resolved. If Panel members are in any doubt as to what information they should and should not disclose, they should seek advice from the Chair.

11. Police participation

Police representatives will be invited to attend the sessions in which files from their own investigation are to be scrutinised.

12. Member De-selection

A member may be de-selected from the Panel if they are reasonably believed to be in breach of the commitments set out above. A Panel member who fails to attend two consecutive meetings without offering an explanation and apologies will also be liable for de-selection. The following procedure will be followed in any instance where there is cause for concern in relation to a Panel member's conduct:

1. Any complaint about a Panel member's conduct should be addressed to the Chair of the Panel. Complaints may be made by another Panel member, by any member of PCC staff or Police staff, or by any member of the community who is concerned about the conduct of a Panel member. The Chair may also instigate this process if they have concerns of their own. The complaint need not be in writing nor in any specific format.



2. On receiving a complaint, the Chair will discuss it with a representative from the Office of the PCC to consider how best to ensure that the complainant and the Panel member concerned may be supported throughout the process.
3. The Chair will either have a discussion with the complainant to ensure that the nature of the complaint is fully understood and that the complainant is aware that the complaint is receiving full consideration.
4. The Chair will then meet with the Panel member who is the subject of the complaint, to explain the nature of the complaint and invite the Panel member to respond.
5. The Chairs and the representative from the Office of the PCC will then discuss how to resolve the matter. If it is the view of this group that the Panel member concerned has breached the Code of Conduct (as outlined in sections 8,9 & 10) and that their continued membership of the Panel will be damaging to the effective working of the Panel or to the Panel's reputation in the community, they may require the Panel member to leave the Panel. Any such decision will be explained to the Panel member, and confirmed in writing.
6. Any Panel member required to leave the Panel under this process who is dissatisfied with that decision, may contact the PCC to request a review of the decision.

13. Panel member concerns:

Any Panel member who has concerns about the running of the Panel should raise these with the Chairs or the representative from the PCC Office. The Chair and the representative from the PCC Office will then meet to discuss how best to address the concerns raised, and will provide a full response to the Panel member raising the concerns. If the Panel member remains dissatisfied, then he or she should follow the PCC complaints procedure, a copy of which will be supplied on request.

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Police and Crime Panel

1st February 2016

Report of Chief of Staff



OPCC Restructure

1. This paper sets out the new staffing structure and complement in the Office of the Police and Crime Commissioner.
2. On appointment in August 2014, I made a number of straightforward and immediate changes to the structure of the office and team members' responsibilities – clarifying roles and reporting lines – pending a broader review. The structure as it stood in the first part of 2015 is attached at annex 2.
3. In April 2015, I carried out a review of the functions of the office and put proposals to the PCC to ensure that the capacity and capability of the office is fit for purpose. The PCC approved these proposals, which were subsequently approved by the Police Staff Group.
4. Broadly, the review identified the following requirements:
 - Greater capacity and capability in our media and communications function – so that we can maximise potential for the PCC to hold the Constabulary to account, maximise his influence, and increase confidence in local policing
 - Greater capacity in our governance function – so that due diligence is applied to all aspects of business, including collaboration and commissioning arrangements, and improvements in the way that we manage information
 - Greater capacity in the office for strategic thinking and quality assurance, and to ensure work is done at an appropriate level (we need to ensure senior time is spent on senior tasks, and we have sufficient capacity at a more junior level)
 - Increase the capacity of the Chief of Staff (and indeed the rest of the office) to be outward facing, locally, regionally and nationally – so that we can increase our influence – including of Government policy.
5. I then identified the core functions of the office:
 - i. Office and financial management (including information, records and HR)

- ii. Governance (e.g. decision making, collaboration agreements)
- iii. Commissioning
- iv. Strategy and policy development and delivery
- v. Engagement and consultation
- vi. Media and Communications, including website
- vii. Accountability (of the Chief Constable and partners)
- viii. Complaints handling
- ix. Influencing national policy e.g. considering and responding to consultations
- x. Commissioning victims' services and restorative justice
- xi. Influencing the wider criminal justice system

6. I proposed allocating these functions into two broad categories, as below:

1. Commissioning and Governance	2. Policy and Communications
Office and financial management (including information, records and HR)	Strategy and policy development and delivery
Governance (e.g. decision making, collaboration agreements)	Engagement and consultation
Commissioning	Media and Communications, including website
Accountability (of the Chief Constable and partners)	Accountability (of the Chief Constable and partners)
Complaints handling	Influencing national policy e.g. considering and responding to consultations
Commissioning victims' services and restorative justice	
Influencing the wider criminal justice system	

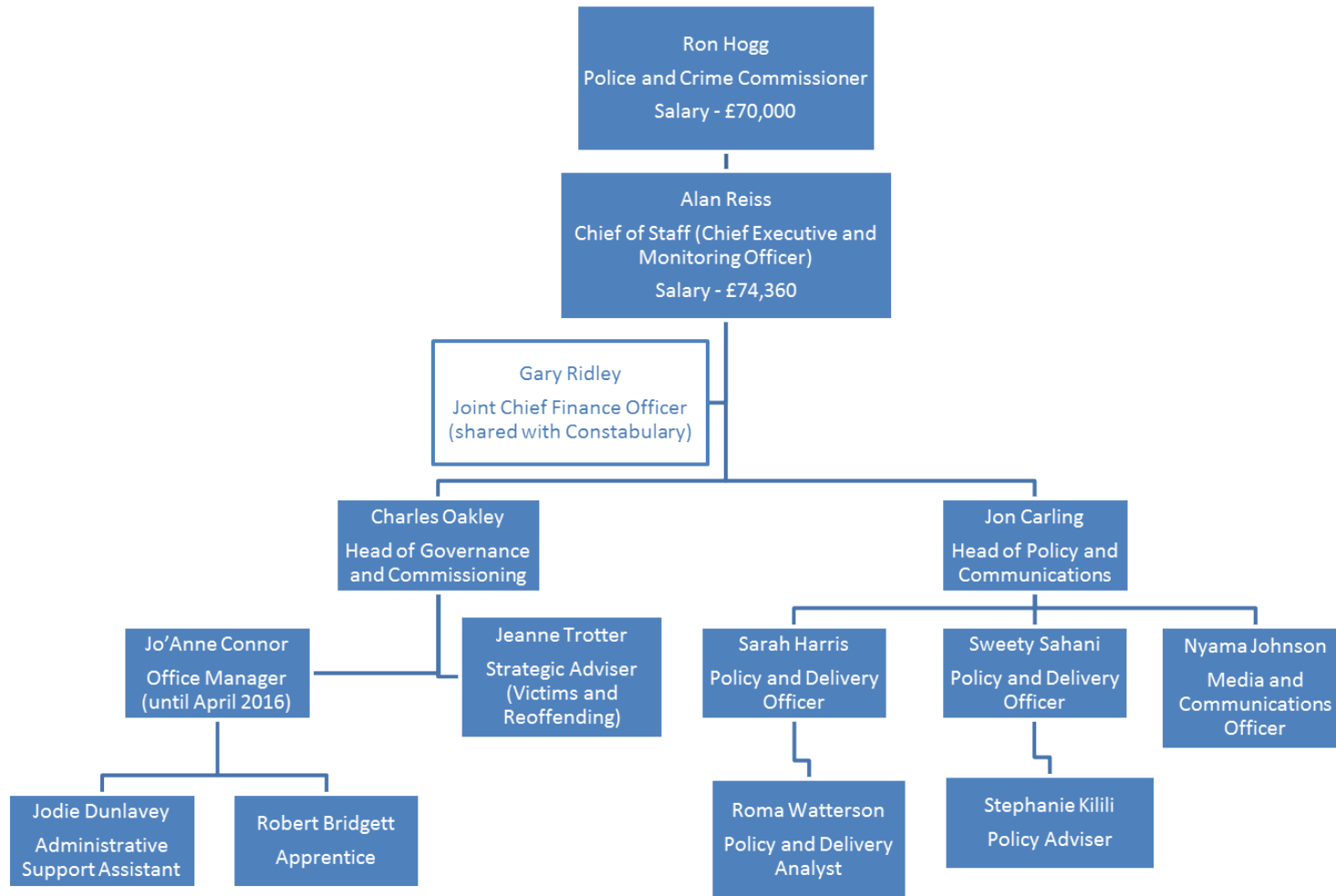
7. I therefore proposed two new senior positions, with team members reporting to them: the Head of Governance and Commissioning, and the Head of Policy and Communications.

8. In addition to the responsibilities in column 1 above, the Head of Governance and Commissioning is the Deputy Chief Finance Officer (deputy section 151 officer), which brings a greater degree of formality to the Joint Chief Finance Officer Protocol. This post is now filled by Charles Oakley.

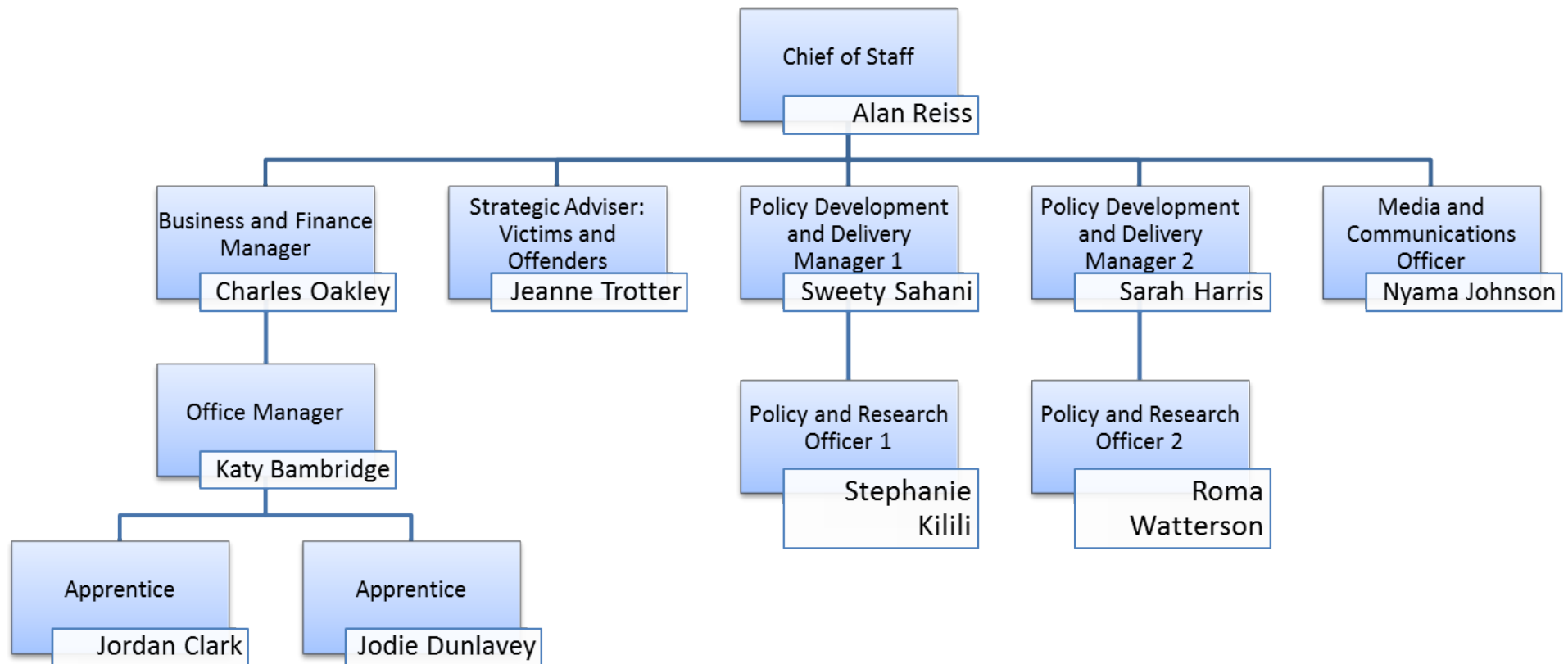
9. In addition to the responsibilities in column 2 above, the Head of Policy and Communications will be the Deputy Monitoring Officer, providing greater resilience to the office. This post has now been filled by Jon Carling, following open external competition. He began work on 4th January 2016.
10. All members of staff have been consulted on revised job descriptions and titles. All roles were evaluated using the Constabulary job evaluation process. None of the posts currently held by permanent members of staff had their grades revised.
11. Gary Ridley remains as the Joint Chief Finance Officer, reporting to me in respect of his functions vis a vis the PCC. The Joint Chief Finance Officer protocol is reviewed every 12 months, and was last re-approved by the Joint Audit Committee in the autumn 2015.
12. The new structure therefore is shown overleaf.
13. The Panel is invited to note the contents of the paper and ask any questions.

Alan Reiss
Chief of Staff

Annex 1: Office of the Durham Police and Crime Commissioner Organisation Chart – from January 2016



Annex 2: Previous structure (to July 2015)



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Police and Crime Panel**1st February 2016****PCC Decision Records****Report of Chief of Staff**

Purpose

1. To update Panel Members on the Police and Crime Commissioner's decision register (from January 2016) and forward plan.

Background**Decision Making Process**

2. Key decisions are made at an Executive Board comprising of the PCC, the PCC's Chief of Staff, the Chief Constable and the Joint Chief Finance Officer. Other officers of the PCC or the Chief Constable will attend as and when required. On occasion it is necessary to take decisions outside of this process for reasons of expediency, but all relevant parties are consulted and informed.
3. All key decisions are supported by a report setting out the decision required, all relevant factors to be considered, the outcome of any consultation undertaken and the risks and implications of the course of action being recommended.
4. An online record is maintained of all key decisions taken by the OPCC. This includes a link to any documents which are disclosable under FOI. This record includes decisions taken by the PCC or any person to whom delegated powers have been granted.
5. The PCC will consider holding public meetings when this will provide a means of consultation on decisions (i.e. precept consultation) where there is a clear interest in actively seeking views of the community.
6. The PCC may choose to delegate powers to any deputy appointed, his statutory officers or a senior member of police staff.
7. A record is kept of all decisions made under delegated powers detailing the factors taken into consideration, including any consultation carried out.

NOT PROTECTIVELY MARKED

8. Decisions to be made by the PCC will relate in the main to his statutory functions and financial responsibilities. A Forward Plan for key decisions to be taken over a 3 month period will be published on the PCC's website.

Generally Key decisions are likely to include:

- The preparation, drafting and issuing of the Police and Crime Plan
- Issuing the precept
- Adopting a Medium Term Financial Plan
- Commissioning of Services
- Preparation and issue of the Annual Report
- Any decision which is considered to be of significant public interest or impact either generally or on a particular locality
- Any decision which will incur revenue expenditure in excess of £100,000
- Any decision which will incur capital expenditure in excess of £100,000
- The approval of or adoption of strategies/policies
- Key procurement decisions
- Significant changes to the police estate
- Allocation of grants

Details of the Police and Crime Commissioner's Decision Register 2016 and Forward Plan can be found in Appendix 2.

Recommendation

That Panel Members note the contents of the report.

Alan Reiss

Chief of Staff

Appendix 1: Risks and Implications

Finance

Staffing

n/a

Equality and Diversity

n/a

Accommodation

n/a

Crime and Disorder

n/a

Children's Act 2004

n/a

Stakeholder/Community Engagement

n/a

Environment

n/a

Collaboration and Partnerships

n/a

Value for Money and Productivity

n/a

Potential Impact on Police and Crime Plan Priorities

n/a

Commissioning

n/a

Other risks

n/a

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Key Decisions

(Links to more detailed reports are available on the website)

Decision number	Decision taker	Subject
20160111 001/2016	PCC	Agreement to contribute to the N8 Policing Research Partnership (PRP) Project by signing the N8 Collaboration Agreement.
20160111A 002/2016	PCC	Consult on a 1.98% increase in policing precept for 2016-17.
20160111B 003/2016	PCC	Develop Pre-Sentence Court based Restorative Justice Provision
20160113 004/2016	PCC	Approval of the lease to Graham Asset Management of part of Framwellgate Moor Section Office
20160115 005/2016	PCC	Increase of salary of the post of Chief of Staff

Forward look:

The major upcoming decisions, prior to the pre-election period, include the revision of the medium term financial plan following the settlement, and the process for the allocation of the PCC Community Safety Fund through the County Durham Community Foundation.

The Panel should note that, urgent and necessary business notwithstanding, as far as possible decisions will be limited during the pre-election period.