



Police and Crime Panel

Thursday 15th February 2024

Review of OPCC External Scrutiny

Purpose

1. To update the Police and Crime Panel on the recent Review of OPCC External Scrutiny undertaken and the agreed position with Durham Constabulary on existing and future external scrutiny panel arrangements.

Background

2. The OPCC carries out a wide-ranging programme of external scrutiny via groups and panels made up of partners and members of the community. The individual groups and panels scrutinise a wide range of topics in differing ways; for example, some look at process whilst others look at outcomes and quality of provision. All groups contribute to accountability and monitoring of the Police and Crime Plan.
3. It has also been acknowledged that Durham Constabulary can and do carry out their own internal assurance processes to learn and develop as an organisation, but the OPCC carry out their own independent scrutiny of the police. Effective and meaningful scrutiny is a key tool for the PCC in carrying out her duties and assists in holding the force to account and delivery of the Police and Crime Plan objectives.
4. The previous existing OPCC external scrutiny panels are outlined below:
 - External Strategic Scrutiny Governance Group
 - BUSS (BAME arrests, Use of Force, Stop and Search)
 - Youth Stop and Search Panel
 - Domestic Abuse
 - Rape
 - Complaints
 - Independent Ethics Committee
 - O OCD (Out of Court Disposal-Joint Panel with Cleveland OPCC).
 - Hate Crime
 - Independent Custody Visitors

5. As part of the review process, Sweety Sahani, Head of Business Services has:
 - a. examined all terms of reference and minutes of scrutiny panels.
 - b. sought views of each Chair of the current panels.
 - c. sought views from the respective OPCC and Force Leads for each panel.
 - d. Undertaken horizon scanning activities across other OPCC External Scrutiny Panels.
6. All the scrutiny panels have been examined to consider what works well and what needs to be improved.
7. In addition, Mrs Sahani has considered the Chairs of the scrutiny panels to check there is the independence required to fulfil this role. A review of current membership and future recruitment requirements has been considered to ensure there is balanced and diverse representation and no inadvertent exclusion of someone, for example, with 'lived experiences' who will benefit from being on a scrutiny panel.
8. A further review of the Terms of References for each panel will take place to ensure they remain fit for purpose, and they will be presented at each of the first panel meetings of 2024. Where the Chair has been in the role for two years or more, a vote will take place for the new Chair as outlined in each Terms of Reference. The main issue is to identify there is no conflict of interest for the Chair to ensure independence. A forward plan for each scrutiny panel will be developed with the Chair, Force and OPCC representatives and agreed with each panel.
9. In the main, it is being encouraged that scrutiny panel meetings are held face-to-face; however, some panel members have expressed a desire to continue with the option of virtual participation over Teams, which will be appropriately managed going forward. Historically, this presented a challenge during the pandemic phase around the secure sharing of police information for scrutiny purposes, but this issue has been successfully resolved following the Senior Information Risk Owner (SIRO) directive in 2021 for all identifiable personal data now being subject to redaction.
10. As a result of the redaction directive, there are no longer rigid vetting requirements for panel members (exception being Independent Custody Visitors). However, it is prudent to ensure appropriate due diligence checks are undertaken of panel participants with a minimum being PNC/PND/Red Sigma intelligence checks so that any associated risks with panel members can be considered and mitigated in a timely manner.
11. In any event, all visitors on scrutiny panels who attend Police Headquarters or other police buildings are supervised and adhere to confidentiality/conduct rules as specified in each of the Panel Terms of Reference and this will remain as a standing item on all agendas as a reminder.
12. Egress functionality is being explored with ICT so that scrutiny material can be shared with members safely and securely on laptops/tablets. This will mean that no paper records will be necessary, minimising the risk of unauthorised disclosure, loss, or compromise. It is acknowledged that failing to apply appropriate security control

measures can lead to reputational damage, loss of confidence, distress to victims in the scrutiny process which could undermine its benefits and purpose.

Benchmarking of other OPCC Scrutiny Panels

13. The following Force areas were considered as best practice following HMICFRS inspections due to some of their existing scrutiny arrangements around Police Powers and have therefore been considered with undertaking the Durham OPCC review.

- Great Manchester Police
- Surrey
- Avon and Somerset
- South Yorkshire
- Bedfordshire
- Essex
- West Yorkshire
- Sussex
- Thames Valley

14. The main findings were:

- To ensure recommendations and organisational learning from scrutiny panels are disseminated across the force.
- A need for more representation from younger people to seek their views and experiences.
- A need for regular monitoring of a comprehensive set of data on officers' Use of Force/ Stop & Search to understand if they are applying it proportionately and fairly.
- Frequency of Panels to be considered to maximise focused outcomes.
- To ensure representation is diverse and balanced across all communities.
- To ensure all relevant scrutiny panel information is available and accessible on OPCC website.
- To ensure appropriate training is delivered to all panel members.
- Robust challenging processes to further improve training to officers and to understand concerns from its communities.

Future Durham OPCC Scrutiny Panels

15. The review outlined many of the existing themed panels should remain, however there have been opportunities to streamline a few where there are common agendas. In addition, some panels have been recommended nationally by the Home Office/APCC/NPCC, for example:

- Custody Detention Scrutiny Panel
- Animal Welfare Scheme
- Community Scrutiny Panel- [Draft Community Scrutiny Framework: National Guidance for Community Scrutiny Panels \(accessible version\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/674422/Draft_Community_Scrutiny_Framework_National_Guidance_for_Community_Scrutiny_Panels_accessible_version.pdf)

16. The following outlines the agreed position under each Panel.

ESSGG

17. Historically, an External Strategic Scrutiny Governance Group (ESSGG) chaired by an Independent Chair sat as an oversight group with all the respective external scrutiny panel chairs to ensure shared themes and best practice were identified and any areas requiring improvement identified in HMICFRS inspections were escalated appropriately.
18. The ESSGG will be stood down and instead, a central repository will be developed through the OPCC Data and Intelligence Hub to ensure that the main trends, areas for improvement, best practice etc are collated.
19. A Scrutiny Annual Report will be produced by the OPCC and presented to members at a future panel meeting as part of the OPCCs Holding to Account Framework.

BUSS Panel (BAME Arrests, Use of Force and Stop and Search)

20. The OPCC BUSS Panel works with Durham Constabulary to test the proportionality, legitimacy, and necessity of the application of the above police powers. The Panel achieves this by scrutinising and dip sampling Use of Force and Stop/Search submissions. They use available information including electronic records and body-worn video and continuously consider the Black, Asian and Minority Ethnic (BAME) and protected characteristic experience throughout the cases they view (hypothetically if necessary). At the Panel's discretion, specific areas within police powers may be scrutinised e.g., vehicle search, taser, non-uniformed officer using powers etc.
21. The work of the panel has been highlighted as an area for improvement in the recent HMICFRS Peel Inspection and recommended to increase the frequency of meetings from the quarterly meetings that previously took place.
22. There are currently 10 members and there is balanced and diverse representation on the panel.
23. The frequency of the BUSS panel meetings will be increased from 4 to 6 per annum considering the area for improvement from HMICFRS.
24. The number of cases considered will be increased to provide a wider dip sample.
25. Further streamlined approaches with more digitisation of processes will be implemented- As well as using Red Sigma for Stop and Search scrutiny, panel feedback will be captured in real-time using Microsoft Team forms so that data can be captured and automatically produced as a report.

Youth Stop and Search Panel

26. This panel commenced as a pilot in March 2023 and was co-owned by the OPCC and Durham Constabulary. The last panel meeting took place in June 2023.

27. The purpose of the Panel was to:

- enable public scrutiny of stop and searches carried out on young people (under 18) providing an extra layer of transparency and legitimacy to their use.
- contribute towards improving 'local relationships by building confidence and restoring trust' as per the Police and Crime Plan 2021-24.

28. There are several existing groups running for young people whereby the OPCC can access their support on different issues including scrutinising of Force activities. Relationships have already started to develop with the Youth Council, Cadets, Mini-Police, with the intention of speaking to other groups including the Children in Care Council, Investing in Children and The Bridge Young Carers centre.

29. This pilot Youth Stop and Search Panel will now be discontinued, and a recruitment exercise will be undertaken to extend youth membership for other existing scrutiny panels.

Violence Against Women and Girls, Domestic Abuse and Sexual Violence Scrutiny Panel (VAWG, DA & SV)

30. This panel has been newly established (replaces the former separate Rape Scrutiny and Domestic Abuse Scrutiny panels) and aims to improve performance in the investigation of Violence Against Women, Domestic Abuse and Sexual Violence cases and the services offered by the Police and relevant partners to support victims. The Panel will achieve this by scrutinising current/recent cases and making recommendations as appropriate/relevant and will be more outcome focussed.

31. The Panel frequency will move to six times a year.

32. The panel will have a thematic focus-two times a year to scrutinise:

- Violence Against Women and Girls.
- Domestic Abuse.
- Sexual Violence.

33. The Panel currently has 14 members (7 for DA and 7 for SV) and the OPCC are currently recruiting to the Panel. An information sharing session took place on 5th December 2023 with current and prospective members where favourable feedback was given to the OPCC about the future arrangements of this panel.

34. The scope of the panel will cover:

- Domestic Abuse as defined by the [Domestic Abuse Act 2021](#).

- [Sexual Violence](#) which is any kind of sexual activity or act (including online) that was unwanted.
- Violence Against Women which does not fall within the scope of the above Panels. [Violence against women and girls \(VAWG\)](#) covers a range of unacceptable and deeply distressing crimes; these are crimes which disproportionately affect women and girls. However, men and boys can also be victims of violence and abuse.

35. Victim/Survivor(s) will be recruited onto this Panel to ensure those with “lived experience” can input directly and influence future practice. This follows best practice in how survivors are supported particularly by Safe Lives [About – Authentic Voice](#)

Complaints Scrutiny Panel

36. The Independent Complaints Scrutiny Panel scrutinise a proportion of public complaint cases and OPCC Complaint Reviews, each quarter, based upon a defined time or theme. The Panel provides feedback and identifies learning points for Durham Constabulary Professional Standards Department and the OPCC around the proportionality and the decision-making of complaint handlers, Investigators and Appropriate Authorities.

37. The Panel also consider the degree to which the outcome of the complaint is reasonable and proportionate and the degree to which the outcome is what could reasonably be expected based on the components of the complaint and the investigation. This provides added assurance that the right decisions are being made.

38. The Panel will meet four times per year (quarterly).

39. There are currently 8 members on the Panel and a recruitment exercise will be undertaken to ensure there is more balanced and diverse representation.

Independent Ethics Committee

40. The Durham Independent Ethics Committee is a forum for discussing ethical dilemmas in relation to policing and for providing advice on those dilemmas to Durham Constabulary. Members of the Committee act as ‘critical friends’ to the Force and through this role the Committee seeks to enhance the trust and confidence of the public in the ethical governance and actions of the Force.

41. In fulfilling these responsibilities, the Committee:

- Monitors the Force's alignment against its values and the National Police Code of Ethics.
- Analyses issues and provides advice on ethical dilemmas raised by the Force, by the OPCC, members of the public and members of the Committee.
- Raises and analyses issues of local and national public interest.
- Promotes the highest standards of ethical conduct.
- Provides a source of support to Senior Leaders and others.

- Interacts with other groups and committees when appropriate (e.g. Independent Complaints Scrutiny Panel, Joint Independent Audit Committee).

42. The areas where the Ethics Committee will provide added value include the following examples and agendas will be enhanced to reflect these areas:

Policy and Procedure:

- Articulate and promote the importance of ethics in all aspects of policing.
- Provide advice and support as the 'ethical conscience' and critical friend of the Force on the development of strategic direction.
- Influence ethical changes to organisational policies.

Decision Making

- Review the decision making of others and provide advice on the ethical nature of both the decision and the process taken to reach it.
- Provide support to senior leaders on:
 - Defining ethical outcomes.
 - Quality testing of decisions.

Leadership

- Anticipate ethical challenges facing the Police service and proffering opinion as to an appropriate way forward.
- Support and challenge the ethical conduct of leaders.

Culture

- Provide advice on whether Force values support the diverse nature of the policing environment.
- Support the development of the ethical culture of the Force.
- Influence police culture.

Conduct

- Consider potential and actual ethical conflicts in relation to matters such as procurement, hospitality, allowances/expenses and personal association.

43. The Panel will meet four times per year. (Quarterly)

44. There are currently 9 members on the Panel and a recruitment exercise will be undertaken to ensure more balanced and diverse representation, particularly youth representation.

Out of Court Disposal Scrutiny Panel (OoCD)

45. The OoCD panel was established collaboratively between Cleveland OPCC and Durham OPCC and was one of the first set up across the country in 2013. Membership is made up of a range of partner agencies allowing them to independently review a selection of anonymised cases that have been resolved by the police with an OoCD. From January 2024 the Panels have agreed to split and therefore Durham will have a separate one to Cleveland.

46. The aim of the panel 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. The panel cannot reopen a case and 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 the police with continuous improvement.
47. The intention of the panel is to provide transparency and accountability and to increase the public's understanding, confidence and trust in how both Forces use OoCDs, with particular focus on the delivery of appropriate and proportionate justice. Results are published on the OPCC website in a timely manner.
48. A new Terms of Reference is being developed for a Durham only panel.
49. A recruitment exercise will be considered (if necessary).
50. The panel will meet four times a year (Quarterly).

Hate Crime

51. This was a newly established panel to work with the OPCC and Durham Constabulary to improve performance in the investigation of hate crime cases and the services offered by the Police and relevant partners to support victims of hate crime. The Panel achieved this this by scrutinising current/recent cases and making recommendations as appropriate/relevant.
52. A decision has been made to discontinue this panel as many aspects of this scrutiny function overlapped with other existing internal and external scrutiny panels such as BUSS (Best use of Stop and Search), and other strategic and operational delivery groups such as Independent Advisory Group and the Joint Hate Crime Action Group. There is also a robust accountability process in place on how the PCC holds the force to account in areas such as disproportionality, community cohesion, Equality, Diversity and Inclusion, Police Race Action Plan etc.

Independent Custody Visitors Scheme (ICVS)

53. PCCs have a statutory duty and are expected to ensure:
 - That there is a robust and effective ICV scheme running in their area with appropriate resources and a nominated member of staff responsible for the scheme.
 - That regular visits take place in all areas of police custody, including terrorism detention.
 - That volunteers are trained and well-managed.
 - That the scheme manager gives the PCC regular reports on issues within custody and that they can identify issues and trends.
 - That the PCC has regular and formal opportunities to raise concerns with the police and that the police and partners deal with concerns raised by the ICVs.

54. A Review of this scheme has highlighted recent limited activity and commitment from several custody visitors and there is a need to reinvigorate this at a local level with planned recruitment to ensure active membership and focused outcomes.
55. The ICV Scheme Manager will compile an Annual Report to incorporate details of active members, number of visits to custody suites and findings. This will then be reviewed to ensure future active membership and focused outcomes.

Independent Custody Scrutiny Panel (ICSP)

56. This panel is being introduced. A draft Terms of Reference has been drawn up and a recruitment exercise will be undertaken with a particular focus on recruiting young panel members.
57. The Panel will bring together police and community representatives to scrutinise how police decisions are made in areas such as:
- strip searches
 - incidences/patterns of racial disproportionality or disparity
 - use of force
 - remand in custody
 - use of anti-rip clothing
 - responses to mental health
58. Once panel members are recruited, an appropriate training and awareness session will be arranged.
59. This new panel will come into operation for the move to the Investigative Hub and will be aligned to the work of the ICV Scheme.
60. Panel meetings will take place four times a year.

Animal Welfare Independent Visitors Scheme

61. The PCC met with the Dogs Trust-Animal Welfare Scheme Coordinator in early 2023.
62. Since its inception, Dogs Trust has supported Chief Constables and Police and Crime Commissioners to set up and run the Animal Welfare Independent Visitors Scheme for their force, through the provision of information, meetings and training for both police officers and Independent Visitors.
63. Dogs Trust ensures that the scheme is running in accordance with the guidelines they set out and awards those who are complying with the scheme with a certificate of compliance.
64. Only those forces that are members of the Animal Welfare Independent Visitors Scheme are allowed to adopt or rehome dogs from Dogs Trust.

65. The Scheme Visitors will attend the Barnes (Police Dog Section Unit) at least once per year and report on outcomes in the Scrutiny Annual Report.

ASB Scrutiny Panel

66. The panel will form part of and contributes to the anti-social behaviour strategy agreed by both Community Safety Partnerships in May 2023 and plays a key role in the multi-agency approach to tackling anti-social behaviour. The panel will act as the independent body for the ASB Case Review and Appeals process (formerly Community Trigger), which is now administered by the OPCC in its entirety. Terms of reference were agreed and the new three step tackling anti-social behaviour process agreed across both Community Safety Partnerships went live in July 2023.

67. The recruitment of community representatives to the panel will commence early 2024.

Next Steps

68. A further external scrutiny review will be carried out in 6 months' time to reassess the position in what panels work well and if any additional improvements are required.

Recommendations

69. The Police and Crime Panel are invited to note the report and provide comments.

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