

Report of: Panel Secretary

Date: 16 January 2017

DRAFT TERMS OF REFERENCE: SUPPORTING THE PCC'S WIDER CRIMINAL JUSTICE REMIT

1 Purpose

- 1.1 At the last Panel meeting in November, Panel Members agreed to undertake an inquiry into the wider criminal justice system and the PCC's role within it. This document sets out the draft terms of reference, to be discussed with the PCC at the meeting.

2 Reason for the Inquiry

The Duty to Co-operate

- 2.1 Under the Police Reform and Social Responsibility Act 2011, there is a reciprocal duty for the Police and Crime Commissioner and certain criminal justice bodies to co-operate in ensuring an efficient and effective criminal justice system:

Section 10 (3): ... make arrangements (so far as it is appropriate to do so) for the exercise of functions so as to provide an efficient and effective criminal justice system for the police area.

- 2.2 The Explanatory Note under this section states "It is anticipated that these arrangements will involve the agreement of a protocol or memorandum of understanding between the various bodies setting out the matters in respect of which they will co-operate and the means by which they will do so."
- 2.3 The criminal justice bodies included within this duty are the Chief Constable, Courts and Tribunal Service, Crown Prosecution Service, the Probation Service and prison providers. The statutory duty is flexible to allow working arrangements to develop in a way that is most meaningful locally, and to leave room for innovation.

The Police and Crime Plan

- 2.4 The WMPCC's Police and Crime Plan refers to the duty to co-operate. The PCC states:

I have a democratic mandate to ensure improved partnership working and overcome 'barriers' between police, Community Rehabilitation Companies, National Probation Service (NPS), the Crown Prosecution Service and the Courts Service. I will review current partnership arrangements and bring agencies together to ensure joined-up thinking in relation to outcomes.

- 2.5 The Plan goes on to say that "the current approach is failing to address wider issues: reducing reoffending, supporting economic development, supporting people with mental health needs, increased reporting of 'hidden crimes' and data-sharing to improve prevention."
- 2.6 The PCC therefore intends to "take a stronger co-ordinating and leadership role within the criminal justice system" (pages 33 and 34 of the Plan).

- 2.7 Beyond that, the WMPCC's Plan makes clear that effective partnership working is central to delivering the plan's objectives, in particular the two headline measures relating to increased reporting of 'hidden crimes' and low levels of reoffending (page 7 of the Plan). Related to reducing re-offending are substance misuse (pages 11 and 12) and better support for people with mental health needs (page 30).
- 2.8 The Police and Crime Plan is available at:
<http://www.westmidlands-pcc.gov.uk/media/435616/2016-2020-Police-and-Crime-Plan-digital.pdf>.

3 Potential Approaches and Areas of Questioning

- 3.1 There are a wide range of partnerships or areas of partnership that could be considered, so it is suggested that the Panel focus on those areas where most value can be added. Panel members could choose one of two approaches:
- The operational relationships between the relevant bodies: how are the bodies working together to meet performance targets and to ensure effective operation of the system. This would include the developing role of the Local Criminal Justice Partnership¹;
 - The broader agenda that the criminal justice partners contribute to: e.g. reducing offending (including help with employment, housing, substance misuse etc.), restorative justice, assisting victims etc.
- 3.2 If the latter approach is taken, then this could be examined through a case study such as re-offending or youth re-offending.
- 3.3 Some potential areas of questioning are set out in the draft terms of reference in Appendix 1.

4 Background Reading

- 4.1 To assist panel members, the following reports may be of interest:
- A recent inspection report which questioned the effectiveness of Local Criminal Justice Partnership arrangements: *A joint inspection of local criminal justice partnerships by HMIC, HMCPSI and HMI Probation*
<https://www.justiceinspectors.gov.uk/hmcpsi/joint-hmic-hmcpsi-and-hmi-probation-report-on-local-criminal-justice-partnerships/>
 - A thinktank report on devolution of the criminal justice system:
<http://crestadvisory.com/examining-justice-devolution/>.

¹ The criminal justice bodies included in the duty to co-operate – the Police, Prosecution, Courts, Youth Offending Teams, Prisons and Probation – often come together as a Local Criminal Justice Partnership. These are non-statutory bodies whose purpose is to bring together the partners at the right time, to agree shared priorities and work collectively to improve the effectiveness and efficiency of the criminal justice system in their areas. In the West Midlands, the LCJP had not been active for a number of years, until recently when the Chief Constable re-constituted the partnership.

5 For Decision

5.1 Following discussion and debate with the PCC and Chief Constable, members of the panel area asked to:

- Agree the focus of the inquiry, i.e.:
 - To consider relationships with key criminal justice agencies and how overall operation might be improved; or
 - To consider the case-study of youth re-offending; or
 - Another topic, to be agreed at the meeting.
- Agree potential witnesses and the timescale of the inquiry.

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Appendix 1: Terms of Reference

Purpose	To explore how the PCC and other criminal justice agencies are co-operating to ensure that there is an efficient and effective criminal justice system in the West Midlands
Suggested key lines of inquiry	<p>[To be determined following the meeting on 16th January:</p> <p>(1) If focus on operational relationships:</p> <ul style="list-style-type: none"> • Are there good bi-lateral relationships with all key partners? • Where are the weaknesses; what can be done to strengthen these areas? • What value would a functioning LCJB add? • What links are made with or through the West Midlands Combined Authority and how can this be improved? <p><i>or</i></p> <p>(2) If focus on case study of (youth) re-offending:</p> <ul style="list-style-type: none"> • How well are partners working together to improve meet youth justice outcomes and reduce youth offending? • Are there agreed priorities across the organisations? How are resources targeted? • What other models of partnership working with regard to youth re-offending are used in the UK, and what can be learned from these • What lessons have been learned from the Gangs and violence commission
Anticipated outcome	The Panel will produce a report with recommendations for the PCC.
Key witnesses/organisations	To be determined
Suggested timeframe	<p>It is proposed that all witnesses will be invited to submit evidence (via a letter sent following the Panel meeting in January).</p> <p>Selected witnesses will then be invited to the February and March Panel meetings. Draft recommendations will be agreed following that meeting.</p> <p>A report will then be agreed outside the meetings.</p>