

# **Out of Court Disposal Scrutiny Panel**

## **Terms of Reference**

### **1 Aims**

- 1.1 To scrutinise, retrospectively, in an open and honest manner, Out of Court Disposals used within Gloucestershire Constabulary.
- 1.2 To improve and enhance consistency, transparency, and public confidence in the use of Out of Court Disposals.
- 1.3 To ensure victims are at the heart of the Constabulary's decision making in relation to Out of Court Disposals.
- 1.4 To ensure that victims are listened to and their concerns addressed throughout the victim's journey through the CJS.

### **2 Purpose**

- 2.1 To provide generalised feedback to the Constabulary on whether its use of Out of Court Disposals is appropriate and consistent with its own policies and procedures, along with those of relevant partner agencies (i.e. CPS Guidelines for Prosecutors).
- 2.2 To publicise the existence of the panel and any generalised outcomes of findings/recommendations/feedback to provide confidence and reassurance at the level of scrutiny within the Constabulary by criminal justice partners and the Office of the Police and Crime Commissioner.
- 2.3 To provide a brief report after each panel containing a summary of panel activity and its outcomes to be published via the office of Police and Crime Commissioner.
- 2.4 To provide a summary of the scrutiny activity to the Gloucestershire Bench on an annual basis.

### **3 Membership**

- 3.1 The Panel shall comprise of the nominated representatives of the following agencies in Gloucestershire:

Magistrates Bench (Chair)  
Crown Prosecution Service (Prosecutor)  
Her Majesty's Courts and Tribunal's Service (Legal Advisor)  
Young Support Team

- 3.2 Should any panel member not be able to attend a panel then, where possible, a deputy will be sent. Deputies should have the required knowledge and experience to be able to scrutinise files and provide feedback on behalf of their organisation.
- 3.3 Other agencies can be co-opted onto the board as required by the board.
- 3.4 The panel may, as required, invite the attendance of representatives of other agencies or organisations for specific agenda items, meetings or series of meetings. These invitees will not have voting rights.
- 3.5 The Chair and Deputy Chair will be appointed bi-annually by the members of the panel, at the last meeting prior to 1st April.
- 3.6 Appointments for 2013/15 are:  
Chair – Denys Young  
Deputy Chair – Louise Keeling

#### **4 Meetings**

- 4.1 The panel will convene quarterly; additional meetings will be scheduled at the discretion of the Chair.
- 4.2 The panel will independently and retrospectively scrutinise case files, selected by the Chair from an anonymised database, the number and focus of which will be agreed by the Panel at each meeting. The files will be presented to the Panel for scrutiny, and each member must scrutinise the case using his or her expertise and provide an honest and open analysis which he or she is willing to share with other panel members.
- 4.3 Discussions of cases and the Panels deliberations on cases shall be confidential and must not be discussed outside of the Panel meeting itself. Should a Panel member have personal knowledge of anyone involved in a case (excluding those who have professional knowledge of Police Officers and staff involved in cases) should declare that interest to the rest of the Panel and should not be included on the scrutiny of that case.
- 4.4 The Panel will decide, using the formal cautioning criteria, on the disposal of the case using the following options only:

1. Appropriate and consistent with Gloucestershire Constabulary policies / the CPS Code for Crown Prosecutors.
2. Appropriate with observations.
3. Inappropriate and inconsistent with policy.
4. Panel fails to reach a conclusion.

- 4.5 Unanimity of decision making will be sought wherever possible. Where a vote is required, each full member shall have one vote. Deputies will have voting powers. The independence of each member organisation will always be respected by the board. Where a unanimous decision cannot be reached a majority decision will prevail and in the event of a tie, the Chairperson shall have a deciding vote.
- 4.6 The agenda for board meetings will be drawn up at the discretion of the Chair. Members will be invited to submit agenda items and supporting papers 14 days prior to meetings.
- 4.7 Agendas and papers will be circulated where possible one week prior to board meetings.
- 4.8 Each board member is committed to effective delivery of agreed actions whether collective or individual.
- 4.9 The Panel will produce a generalised report after each meeting, summarising its findings and recommendations to the Constabulary.
- 4.10 The report will be published by the OPCC on its website.
- 4.11 An annual report will be prepared for presentation to the Magistrates Committee.

**5 Finance**

- 5.1 Funds allocated to the board will be utilised as determined by the board in accordance with the principles of proper stewardship of public funds.
- 5.2 Accounting procedures shall be in accordance with the financial regulations of the agency holding the budget on behalf of the board.

**6 Information sharing**

- 6.1 All partners will be signatories of the overarching information sharing protocol developed by the Police.

Signed .....

Agency.....

Date.....