

**National Review of
Local Strategic Involvement Panels
2012/2013**



Public Accountability and Inclusion Directorate

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1.0 Introduction

- 1.1 After every Local Strategic Involvement Panel (LSIP) each Area submits a feedback form to the Public Accountability and Inclusion Directorate (PAID). Feedback from Areas includes; issues identified; lessons learnt; and good practice as well as actions taken to address outcomes. Good practice and outcomes from Panels are included in the Annual CQS12 Community Engagement Standard good practice guide.
- 1.2 The Area feedback form also requests identification of issues to be considered at a national level. This report provides an overview of the issues that have been considered at a national level as a result of LSIP feedback for the period 2012/13.
- 1.3 CPS Areas have different names for their panels therefore for the purposes of this report we have named the CPS Area. Some panels are themed e.g. Violence Against Women and Girls Scrutiny panel therefore for the purposes of this report the term panel has been used for all types of panels.

2.0 Community Engagement

- 2.1 CPS East of England panel queried the rationale for the changes to the CPS Community Engagement Panel Structure and wanted to know what consultation took place at a national level prior to the decision being made. The proposal for the LSIP restructure was taken to the national Community Accountability Forum (CAF) to both inform and consult on the proposed changes. The review aimed to find the most effective way to structure the panels in a sustainable way. CAF were offered a number of options and chose the option that allowed areas flexibility by allowing stakeholders to set local priorities and scrutinise case files.
- 2.2 CPS North East panel requested more time for consultation on national business priorities. This request was escalated to the Refocusing the CPS team and although there is recognition of the desirability of consulting as widely as possible, timescales for sign off often make extensive consultation at a local and national level impossible in practice. CAF will therefore, continue to be the main public consultation group on national priorities.
- 2.3 CPS London panel requested guidance for use of Community Impact Statements (CIS). This guidance was developed and published on the CPS website:-
http://www.cps.gov.uk/legal/a_to_c/community_impact_statement_adult/index.html
- 2.4 CPS East of England panel requested clarification of the flow of information between LSIP and CAF:-

- As part of the review of CAF PAID, provide an update on CAF meetings in the CE Newsletter. The newsletter is circulated to Areas to forward onto their LSIP members each quarter.
- The papers for CAF go to Equality and Diversity Community Engagement Managers (EDCEMs) and if they choose they can forward them to LSIP members.
- An EDCEM attends CAF on a rota basis
- Several CAF members are also members of LSIPs and bring their experience of LSIPs to CAF discussions.
- From the VAWG assurance it is proposed that there is a two way feedback between Annual Performance Review process and LSIPs. It is suggested that CAF/LSIP feedback is organised and the VAWG Strategy Manager includes feedback to the VAWG External Consultation Group (ECG).

2.5 CPS Merseyside and Cheshire panel felt that consideration should be given to holding National Scrutiny Panel meetings outside of London. The purposes of National Scrutiny Panels (NSP) are to provide a response to issues that require a national perspective. NSPs can address issues whereby the occurrence of case work is low in the areas therefore a national perspective is required to provide a clearer picture. National Scrutiny Panels have taken place during 2012/13 on Teenage Relationship abuse and Transphobic hate crime. LSIPs provide local scrutiny and NSPs provide national scrutiny and are held at the head office in London.

3.0 Complaints Handling

3.1 CPS London panel discussed the CPS performance focus on timeliness of complaint responses rather than quality of the content and how the area learns from complaints outcomes. The Complaints handling process has been revised to reflect the introduction of the Victims' right to review scheme and the appointment of an Independent Assessor of complaints to replace the internal third tier review under the old complaints process. In addition to auditing the complaints process the IAC will also assist PAID in the development of a new monitoring process for complaints.

4.0 Policy Issues

4.1 CPS Wales panel considered flexibility around the conditional cautioning (CC) policy and requested that the disposal be available for domestic abuse and hate crime cases if considered appropriate. The Director's Guidance remains clear on the issue and there are currently no plans for amendment. Complete police discretion could risk inappropriate cases being considered for CC without CPS input. There are also issues more generally about out of court disposals and hate crime that relate to accessibility of courses, appropriateness of content, evaluation of impact and quality of practitioners that have yet to be

addressed through piloting. One national study also underlined the difficulty of sustainability and the question of transferability of courses/approaches from race hate to for instance disability or transphobic hate crime. The current conditional caution policy will continue currently, pending research in Wessex on the use of CCs in DV cases. The research is delayed due to low volume of cases so has been extended to report later in 2013.

- 4.2 CPS Merseyside and Cheshire wanted to raise awareness with other CPS Areas of the Merseyside and Cheshire Guidance for cases involving Facebook. CPS HQ launched guidance for cases involving social media in December 2012. There was a public consultation on the guidance which ended in March 2013. The Final guidance was launched in June 2013 [Guidelines on prosecuting cases involving communications sent via social media](#)
- 4.3 CPS London panel asked if there was a CPS Policy on Restorative Justice. The CPS supports the use of Restorative Justice (RJ) techniques at all stages within the Criminal Justice System (CJS), in line with the Ministry of Justice (MoJ) position; however to ensure public and practitioner confidence in RJ conferencing in domestic violence, rape, sexual offences and hate crimes the CPS recommends that any RJ conferencing is accredited and evaluated as safe for these particularly vulnerable victims.

5.0 Hate Crime

- 5.1 CPS North East panel reported that CPS policy states that victims of racially/religiously aggravated offences will be considered to be Intimidated Witnesses but that there is no similar statement in the Homophobic/Transphobic policy. Intimidated witnesses are defined by s17 Youth Justice and Criminal Evidence Act as those suffering from fear or distress in relation to testifying in the case. Victims of hate crime can be seen to fall into this category but are not by definition intimidated in all circumstances. It is for the police and CPS to make the case to the court and as such our policy and guidance should be clear as to who might be eligible. The new Association of Chief Police Offices (ACPO)/CPS minimum standards for Witness Care Units makes clear that the victims of hate crime will be considered as being in greatest need in relation to the support that can be made available. The Victim's Code due to be published by the Government, will take a similar line.
- 5.2 CPS East Midlands panel identified a number of issues to improve case handling such as; the need for better back ground information; improved communication with victims; the quality of case handling; better support for victims and witnesses and more understanding of the issues and impact of homophobic and transphobic hate crime. Panel felt that the issues were relevant to both victims of honour based offences and homophobic hate crime. The Strategy and Policy

Directorate (SPD) will be refreshing the policy/guidance on homophobic and transphobic hate crime which will provide an opportunity to address a number of issues raised.

- 5.3 CPS North East Panel requested that SPD request that Area Hate Crime Coordinators remind all lawyers that the policy in relation to referring religiously aggravated cases has changed and can now be dealt with in the Area in the same way as racially aggravated offences. This has been raised with SPD.
- 5.4 CPS Wales panel provided feedback to SPD in relation to the policy/guidance refresh on disability hate crime which is being progressed now that the joint thematic inspection report has been published. PAID is currently reviewing the DHC action plan in light of the report and has asked SPD for an updated timetable.
- 5.5 CPS Yorkshire and Humberside panel accepts the distinction that gender identity is not the same as sexual orientation therefore homophobia is distinct from transphobia and is looking at ways to monitor reported cases. The amendment to CJA 2003 introduces the statutory aggravating factor on the ground of transgender identity. The CPS will need further work to encourage confidence and reporting. This work has begun in part by the CAF Sub-Group on Transgender Equality. The revised Transgender Equality for Managers Guidance will be ready later in 2013 and support for prosecutors will be discussed with Leadership and Learning.
- 5.6 CPS North West and CPS West Midlands have developed and published various training materials for Hate Crime which have been circulated nationally and published on Area websites.
- 5.7 CPS North East panel welcomed and discussed the Transphobic Hate Crime Report. The panel consider that a separate policy on the prosecution of transphobic hate crimes would be helpful, provided that there was acknowledgement of the connectivity with homophobic hate crime. There has been no decision from SPD on the policy/guidance refresh; however it is under consideration whether an expanded document that deals with both types of hate crime appropriately whilst making clear the connections, particularly regarding evidence of offender's motivation would address the issue.
- 5.8 CPS Wales panel member Stonewall Cymru requested that hate crime data be presented in calendar year format rather than financial year. As the CPS is funded to deliver by financial year, all CPS data is reported on by financial year. The CPS are in discussion with Association of Chief of Police Offices (ACPO) on a range of data issues and an early suggestion from the police is that hate crime reporting might shift to financial calendar as it will add to increased understanding of hate crime across the CJS.

- 5.9 CPS Wessex panel reported that the defendants in a case of Homophobic abuse were subject to a restraining order; however as youths they were not named even though they were known to the victim. Consideration has been given by SPD and Prosecution Team colleagues as to whether there might need to be an exception akin to relevant bail conditions.
- 5.10 CPS South West panel requested when the Disability Hate Crime joint thematic inspection report would be published. The report was published on 21st March and PAID have now refreshed the Disability Hate Crime Action Plan in light of the report's findings. Many of the actions are already underway.
- 5.11 CPS Wales panel believe that conditional cautions could sometimes be the most effective way of dealing with some hate crime cases and could provide a better solution for some victims. The, law as it stands does not allow for conditional cautions to be given in hate crime cases.
- 5.12 CPS Yorkshire and Humberside panel have recognised the need for criminal justice agencies to link in with relevant agencies, e.g. housing providers, particularly in hate crime cases. Many of the cases they have scrutinised which did not result in a conviction would have been suitable for some kind of intervention by a non-CJS agency in order to provide support to the victim or reduce their risk of future victimisation. There are no formalised ways of referring cases that might support civil remedies. The issue has been raised with SPD for consideration for inclusion into refreshed policy/guidance.

6.0 Police Issues

- 6.1 CPS North West panel believes that the quality of victim impact statements needs to be looked at by the police. The Victim Personal Statement (VPS) scheme has been included in the revised Victims' Code which MoJ is leading on. MoJ will be conducting a public consultation on the revised Code - the consultation exercise is due to commence on 1 April 2013. MoJ are leading a review of the scheme to improve understanding of its purpose and increase the number of victims at the appropriate time who are able to make an informed decision about whether they wish to make a VPS, with a view to ensuring that the VPS will be offered in every case that proceeds.
- 6.2 CPS North West panel felt that it is important that Police check with the victim through the life of the case as to whether or not they want to make a victim impact statement. Further enquiries have been made with relevant national police leads and updates will be provided as and when received.

7.0 Victims and Witnesses

- 7.1 CPS Yorkshire and Humberside queried whether any CPS Areas had information sharing protocols with Social Services about information sharing and how information held by Social Services on victims or witnesses can be used in criminal cases. Current work is underway across government to see how information can be used in criminal cases in relation to Rape. CPS West Midlands has a current information sharing protocol in place with Social Services.
- 7.2 CPS Wessex panel stated that the special measures assessment form needs a larger box on how special measures will improve the quality of the evidence. A new format for the MG2 has expandable sections therefore the section on how Special Measures will improve the quality of the evidence can be fully utilised.
- 7.3 CPS London panel requested that a standard letter to counsel with instructions under special measures to be considered. Prosecuting Advocates' Instructions covers Special Measures.
- 7.4 CPS North West panel stated that it is important that if the uplift is asked for in court then it is clearly endorsed on the file. As part of the equality data strategy and assurance measures, work is underway to look at all aspects of s145/s146 uplift. CMS should be recording if first stage is flagged, second stage was evidence presented at court and third stage did the court agree. Courts have recently introduced their own system for recording and we are awaiting the first results.
- 7.5 CPS North West panel stated that if a delay takes place in the case such as an adjournment the reasons for this should be clearly explained in the letter to the victim or the witness in order to decrease their potential chances of no longer supporting the prosecution. Witness Care Units (WCUs) have obligations both under the Victims' Code and the Witness Charter to inform victims and witnesses of the outcome of any hearing. There is no minimum requirement which states that they must give the reasons for the delay. The level of detail they give may depend on the information that they are provided with either by the court (which has a statutory obligation under the Victims' Code to provide the hearing outcome to the WCU) or by the CPS advocate who was present in court. The purpose of the Direct Communications with Victims (DCV) scheme is to inform victims of CPS decisions to discontinue or to substantially alter a charge, which will not involve CPS giving reasons for any delay in the court proceedings.
- 7.6 CPS South West panel felt that it could be useful to share information of any training or awareness projects being undertaken by police to improve officers understanding of special measures and the importance of communicating identified needs in a timely way. The CPS are taking steps to establish a working contact with the newly

established College of Policing to develop joint training in relation to the use of special measures and developing the Navigators Workshop approach for police.

8.0 Violence Against Women and Girls (VAWG)

- 8.1 CPS North East panel raised a concern with PAID that the CPS is not monitoring rape cases by gender of victim. CPS is currently monitoring the gender of victims through Witness Care Units (WCUs) through the Witness Management System (WMS). For domestic violence (DV) the data is robust enough to publish but for rape it is not yet robust enough. In 2011-12 the recording of rape victim gender improved up to 75%, but was not robust enough to include in the VAWG crime report.
- 8.2 CPS Wales panel stated that the unifying of domestic violence definition in the Criminal Justice System (CJS) was launched. A CPS gateway was sent to staff to inform them of a new cross government definition of domestic violence implemented from April 2013. The definition includes 16-18 years olds as well as adults and addresses coercion and control.
- 8.3 CPS South West panel felt that there may be lessons to share on the multi-agency approach to prevention and improving prosecution processes that they are currently reviewing with participants. The Somalian anti-FGM female group leader in Bristol is shortly sharing the work they have done with government contacts because her work is seen as 'cutting edge' and the Area endeavour to continue to share information.
- 8.4 CPS South West panel suggested that it may be worth monitoring listings in SDVCs nationally if this work is not already underway in order to gain clarity as to partner's ability to continue with Specialist Domestic Violence Courts (SDVC) All SDVC information has moved to local monitoring as the number of courts makes it impossible at a national level.
- 8.5 CPS Yorkshire and Humberside panel suggested that the issues of rape victims giving live evidence versus evidence via video link/TV would benefit from further consideration at a national level. Currently Areas are being asked for their experience of ABE interviews and its impact on outcomes. Further information is requested currently as part of the development of RASSO Units across all CPS Areas. Counsel suggests that live evidence has a greater impact on the jury. Rather than assuming that rape victims will want these special measures, they should be given enough information about the options available to them in order to make an informed choice.
- 8.6 CPS Wessex panel wanted to escalate to PAID the need for education around healthy relationships to be on the school curriculum. CPS work on VAWG feeds into a wider cross-Government strategy. This

strategy's primary focus is on preventing VAWG from happening in the first place and includes a commitment to 'Identify new ways to educate children and young people about healthy relationships and sexual consent.' The CPS supports this focus on prevention and will continue to raise the importance of appropriate education through the cross-Government delivery board which includes membership of the Department for Education. Actions to prevent VAWG are outlined in the cross-Government action plan which was refreshed in March 2013.