

## ETAP Review of CISP (Commissioner's Independent Scrutiny Panels) Stage 2 Autumn 2023

### What did we review and why is this important?

In 2021 the new Staffordshire Commissioner (SC) set up a project to examine the effectiveness of Safer Neighbourhood Panels (SNP), which had been established in 2016.

This led to the replacement of SNPs by Commissioner's Independent Scrutiny Panels (CISP) to deliver changes needed to develop good practice in Staffordshire. An earlier ETAP Review looked at how that plan was implemented, how that process of change was handled and what was delivered.

This second stage Review examined the operation of the three CISPs from 1<sup>st</sup> April 2022 to 31<sup>st</sup> July 2023. Each Panel covers one area of policing practice:

- **Stop Search – is the Force compliant with best practice.**
- **Use of Force – where force is used, is it compliant and justified.**
- **Custody & Detention – with a focus on different themes, mental health, for example.**
- **Strip Search (this Panel has only recently been set-up, so is outside the scope of this review).**

This is an important area because effective independent local scrutiny should support the building of public confidence in our local police service.

### How did we go about the review?

We held a briefing session with the Staffordshire Commissioner's Office (SCO) Director of Governance & Assurance where we agreed the scope of the review and tested our understanding of the issues to make sure that our review would be informed and add value. At this session we were provided access to all of the relevant documentation associated with the >12months of CISP operation.

The SCO provided us with the following documentation:

- The link to the SCO web page where reports are published.
- Scoping documents.
- Scrutiny dates since CISP Commencement for cross-checking of reports – 15 Months Approx – April 2022 to July 2023.
- Minutes / Action Note evidence of CISP report discussed at Force Working Groups or Emails from lead officers confirming where action has been taken through an operational meeting.
- Scrutiny tracker document tracking the recommendations made by the Panel, the Force response(s), and 12-month follow-up.

Following our review of this documentation, we held a meeting with the SCO Assurance Manager. From the documentation we prepared fifteen questions which were sent to SCO Assurance Manager prior to this meeting, and we asked during the meeting for an overview of the end-to-end process.

This meeting was comprehensive and allowed us to produce our first draft report. Following this first draft, we followed this with a meeting as ETAP members only.

The focus of the Review covered:

- Did the scrutiny undertaken by the panels match the scope?
- Have the Panels considered relevant Force or National Focus pieces?
- Are all reports publicly available on the SCO website?
- Were recommendations made (if necessary), were these initially acknowledged by the Force within the report and are the report findings/recommendations being discussed at the relevant Force Working Group or Operational Management Meetings?
- Have recommendations made been tested at later scrutiny for completion?

ETAP members are not 'experts' or 'auditors'. We are a panel of independent local individuals appointed by the SCO to bring transparency and openness to the workings of the SCO, Staffordshire Police Force and Staffordshire Fire and Rescue Service.

Two ETAP members, Jane King and Craig Brown, worked on this review.

## What did we find?

The processes for each of the three panels we reviewed are similar.

- Each panel has a clear scoping document, outlining the;
  - Purpose of the panel;
  - Information needed, and;
  - Desired outcome of the panel.
- While the *Desired outcome of the panel* is not formally measured against, it was clear to us from both the documentation and from our meetings with the SCO that the Panels are successfully delivering against these desired outcomes.
- Members of CISP are on-boarded through a robust induction session, including Equality, Diversity and Inclusion (EDI) training, knowledge training (legislation), and mental welfare training due to the sensitive and sometimes distressing topics covered by CISP. Refresher training is also offered for longer-standing members of the panel.
- We found that the recruitment for CISP was successful, with no current vacancies.
- Meetings for each panel are held quarterly. Each meeting has a pre-meeting which is held two weeks before the main meeting. All pre-meets are held virtually via Microsoft Teams apart from the Custody Panel where the pre-meeting is held face-to-face.
- The option to hold these meetings either virtually or face-to-face is left to panel members to decide. This allows for flexibility.
- At the pre-meeting, the SCO provides to the Panel the list of all relevant events that have occurred in the preceding three months. So, for instance, the list of all Stop Search recordings that have occurred over the preceding three months is provided to the panel to select from.

- Panel members will select ten separate instances to review at the main panel meeting. The selection of ten can either be randomly selected, or can have a particular focus, such as females, or ethnic minorities.
- The Assurance Manager then requests from the Force the video footage of the selected instances in preparation for the main meeting.
- There isn't a formal Service Level Agreement (SLA) for the Force's provision of the requested footage / information. However, we were told that there has never been a problem with "non-response" to a request from the Panel to the Force. Additionally as the scope is built with the Force Leads, the documentation required to deliver the scope would be agreed as part of this process.
- There are occasions where information or footage isn't available for the selected cases to review. These are;
  - Plain clothes officers, who do not wear body-worn cameras.
  - Failure to press the camera button correctly.
  - Equipment technical failure.
- At the main Panel meeting, the members review the footage and complete a form as to whether the officer(s) have followed best practice, and whether the relevant law(s) have been followed. For instance, for stop search the panel considers whether the officer(s) have followed the GOWISELY and JOG procedure to ensure that interactions with the public are professional. The panel will discuss this with attendees from the Force where they are also able to ask questions. Force attendees include relevant Lead Officers.
- Where questions cannot be answered by the Force at the Panel meeting itself, these are taken away to be answered, usually within a two-week timeframe.
- The Assurance Manager then produces a written report which is distributed to panel members for review, following which it is then passed to the Force. The report makes recommendations where necessary.
- To ensure that the recommendations made from the panel in meetings and in their reports are actioned, an Excel-based tracker is maintained by the Assurance Manager for each panel, which contains the date(s) of the recommendation(s), the Force response(s), and the review/status after 12-months.
- The panel will also highlight and commend demonstration of good practice, and this is fed back to the officers involved.
- Where sensitive information and data is shared at CISP meetings and pre-meetings, appropriate practices are in place to ensure security and sensitivity of information and data is not compromised, such as by shredding documentation.

In terms of the focus of the Review, we found that:

- **Did the scrutiny undertaken by the panels match the scope?** Yes, this is well-evidenced and documented.
- **Have the Panels considered relevant Force or National Focus pieces?** This needs further clarification.
- **Are all reports publicly available on the SCO Website?** Yes, reports are uploaded promptly.
- **Were recommendations made (if necessary), were these initially acknowledged by the Force within the report and are the report**

**findings/recommendations being discussed at the relevant Force Working Group or Operational Management Meetings?** Yes. Relevant Leads attend the panels and feedback on panel findings. This includes identifying examples of good practice – which are shared with individuals through positive feedback, as well as issues which need to be resolved.

- **Have recommendations made been tested at later scrutiny for completion?** Yes, recommendations are tracked and tested through later scrutiny.

## What questions/advice do we have and what is the SCO response

We have been able to draw good information from the documentation alongside the sessions with the SCO. We do still have questions, observations and advice as follows;

1. Whilst there are trackers in place for the specific recommendations made for each Panel, we recommend that each Panel produces an annual summary report evidencing their impact against their objectives and scope.

*SCO Response:*

*The panels will look to introduce trackers after the end of this schedule of meetings. This should be published April/ May 2024.*

2. The current process for written reports is for the Assurance Manager to write the report, which then gets sent to the Panel for review.
  - a. This presents a business continuity challenge, in terms of when the Assurance Manager is away from work, but we were informed that there is sufficient cover in the SCO to handle this.
  - b. The rationale for the SCO writing the reports is not entirely clear, insofar that we were not entirely clear why panel members don't write reports rather than a permanent member of the SCO staff.

*SCO Response:*

*The Chairs of SNP (who built CISP processes with the SCO in workshops) saw the removal of report writing as a positive, as timeliness in the office receiving the report (if at all) was an issue or they didn't have skill set to write a report. In terms of business continuity, we have other members of staff in the SCO who can produce the reports, if needed.*

3. It was not clear as to whether panel members must attend a minimum number or % of meetings, and if so what the implications for low attendance are.

*SCO Response:*

*As part of the Induction process, Panel members are informed that they must attend at least 75% of all interim & main meetings. Attendance Lists are completed at all meetings but not formally monitored. The SCO will arrange for this to be added to the CISP database and attendance formally monitored.*

4. Not all of the panels have chairs. It is not entirely clear the rationale as to why some panels have chairs and others don't. Who fulfils the duties traditionally associated with that of a panel chair where there is no chair? Does the SCO not see this as inconsistent or a risk to achievement of the Panels' scope?

*SCO Response:*

*Initially all panels did have Chairs. Churn has meant that only Custody have a current Chair. Panel members on Use of Force and Stop Search felt they didn't have the skills to undertake the chair role when the existing chair left. It was agreed to run the panel on a collective basis with draft reports going to all members to have an input and understand what would be involved for a future panel chair. The custody Chair has always ensured that the rest of the panel have input on draft reports. The recent recruitment drive concludes at the end of November with Induction training for new members and updated Knowledge training for all members. The panels will then be fully staffed and at this point it will be an opportune time to elect new Chairs.*

5. Attendance at meetings is not tracked. Whilst we were assured that attendance has been very good from both Panel members and Force representation, there was one occasion at the Custody panel meeting where there was no Force representation. We would recommend strengthening this with a register or formal quorum for meetings.

*Attendance Lists are completed at all meetings but not formally monitored. The SCO will arrange for this to be added to the CISP database and attendance formally monitored. The quorate is usually 4 panel members, which has been met. It is also acknowledged by the SCO that on occasion operational policing must take precedence and as a result Lead officers may need to be elsewhere.*

6. Regarding the sample selection of ten instances/recordings for the panels to review, it would be useful to understand to what extent current local or national events guide what the Panel prioritises.

*SCO Response:*

*The panel are aware of national issues and do ask to focus on certain areas within their remit. Stop Search focussed on Disproportionality within Stop Search as a result of recent articles in the media. The Force were keen to focus on this too. Use of Force Panel have focussed on Taser as a Use of Force following articles on the use of taser in the Metropolitan Force. The Force have also asked the Stop Search panel to undertake a scrutiny on the use of Section 60 powers for Stop Search. This is a power that is not often used in Staffordshire. The panel were asked to undertake a scrutiny of the issuing of a Section 60 order – a power that hadn't been used for 4 years at that point. The Custody Panel are looking to focus on women in custody as a new topic. Interestingly the Force Lead has also indicated that focus on women in custody would be good as the Force has updated its policy on Women in Custody. Further discussions on the actual scope of the scrutiny are due to take place in the new year (2024).*

7. During the process to set-up the CISPs it was identified that the previous SNPs were not as diverse as the community they served. We were assured that, thanks to successful recruitment campaigns, that the CISP make-up is now far more representative of the community. However, we have not seen any formal evidence to support this.

*SCO Response:*

*A table has been shared with ETAP breaking down the panel by age, ethnicity, gender, sexual orientation, religious belief/faith, and disability. Reviewed against both the SNP and external demographics data for Staffordshire, it is shown that CISP is far more diverse than the SNP, and now reflects more closely the makeup of the Staffordshire community.*

8. On the tracker, where the Force's response is reviewed after 12-months, how is this review carried out?

*SCO Response:*

*Now that we are in the second year of CISP, it is usual at the beginning of a scrutiny meeting to review the report from the 12 months previous to assess what has been achieved, changed, and/or not progressed. The Tracker on the database reflects this (this was shared with ETAP).*

9. It's encouraging to see that Force engagement with CISP has been very good. However, we were unclear on what, if any, mechanism was in place if for any reason this engagement subsided.

*SCO Response:*

*There is a formal escalation route available via the SCO Senior Leadership Team through to the Strategic Governance Board (SGB) if required.*

**Follow-up actions**

1. ETAP to revisit the *Strip Search* panel 12 months from the date of this report, to review its implementation and effectiveness.
2. ETAP to revisit all CISPs in 12 months to test;
  - a. Recent recruitment drive (carried out Nov-23).
  - b. Introduction of meeting attendance tracking.
  - c. Introduction of annual review.
  - d. Election of chairs to all panels, following recruitment, and how well this has worked.

**Date for further review/checking on completion**

November 2024.