

Submission to the Home Office

Draft Community Scrutiny Framework: National Guidance for Community Scrutiny Panels

October 2023

'The police are experiencing one of their biggest crises in living memory. I can't recall a time when the relationship between the police and the public was more strained than it is now. The public's trust and confidence are unacceptably low. The fundamental principle of policing by consent, upon which the service is built, is at risk.'

**Andy Cooke QPM DL, His Majesty's Chief Inspector of Constabulary and
Fire & Rescue Servicesⁱ**

Introduction

1. The Criminal Justice Alliance (CJA) is a network of 200 organisations and academics working towards a fair and effective criminal justice system. We welcome the opportunity to respond to the Home Office's consultation on the Draft Community Scrutiny Framework: National Guidance for Community Scrutiny Panels (CSP). Our policy work in recent years has had a strong emphasis on policing and many of its current challenges such as Violence Against Women and Girls (VAWG), stop and search, victims, and the implementation of the Public Sector Equality Duty.
2. We would like to thank Montell Neufville (Chair of Bedfordshire, Cambridgeshire and Hertfordshire joint scrutiny panel), Desmond Brown (Growing Futures), and Phaniel Mutumburi (Ipswich and Suffolk Council for Race Equality (ISCRE)) for sharing their experiences as members actively involved in CSP arrangements in their localities.

Context and overview

3. Community scrutiny and accountability structures within local policing are critical to ensuring accountability, legitimacy, and transparency in the delivery of policing and to building trust and confidence. We welcome the Home Office (HO) drafting this national guidance to give much-needed recognition and direction.
4. In making this submission we want to acknowledge that there is a great deal in the draft guidance that we agree with and aligns with some of the best practices and proposals from our 'Stop and scrutinise' report (2019).ⁱⁱ More uniformity, however, is needed to inform the development of CSPs across the country. We support the direction of the seven principles outlined in the draft guidance and we hope that this will give CSPs greater respect and impact for the important function they carry out. We feel, however, that the consultation document should have given greater

credence to the current context of policing, a view shared by the Chief Inspector of Constabulary (as can be seen in the quote above).

5. The CJA and its members understand government recognition of this context to be crucial. While the CJA—as with many of its members— works with the police at delivery and policy levels across the country, it also supports and sometimes represents the interest of service users and communities such as victims, young people, racialised people, women who have been victims of VAWG, and people leaving custody. Many of these parties have some of the worst experiences with, and subsequently the lowest levels of trust, in policing.
6. The CJA believes effective community scrutiny can support efforts to rebuild trust amongst those communities. The CJA has drawn attention to stop and search, one of the most contentious policing issues, for more than six years, in which we've promoted for effective community scrutiny. We are currently leading a super-complaint 'More harm than good' seeking to repeal Section 60 stop and search powers.ⁱⁱⁱ His Majesty's Inspectorate of Constabulary Fire and Rescue Service (HMICFRS) will respond in the coming months.
7. In 2019 we published *Stop and scrutinise* which proposed recommendations to strengthen police scrutiny panels in relation to stop and search. The report published results from our survey of 42 stop and search CSP bodies and Police and Crime Commissioners (PCC) across the country. While some examples of good practice were identified, certain responses shed light on issues of accountability and representation: *'almost a third of respondent CSPs are not chaired by a member of the public, but instead by representatives from the police or the office of the Police and Crime Commissioner.'*
8. The CJA further found that while *'CSP membership needs to represent communities most affected by stop and search [...] a third of respondent CSPs do not monitor the demographics of their members and most CSPs only recruit new members 'as and when needed' rather than ensuring membership is periodically renewed.'*
9. The HO's guidance is a long overdue response to what *Stop and scrutinise* uncovered in 2019. Our hope is that the production of this guidance demonstrates much-needed support for CSPs.

General observations

10. The following subheadings will make general observations and suggestions with regards to the draft framework. We have had discussions with a select group of our members on the consultation and have incorporated their observations and comments into the following response.

Baseline national information on CSPs

11. In our discussions with CJA members- three of whom were actively involved in their local CSPs- there was a strong consensus for the production and publication of a standardised, annual set of performance indicators for CSPs. This was recognised as critical in improving the performance, and increasing the visibility, of CSPs. National

research/analysis in this area would be helpful. For instance, for HMICFRS to conduct a thematic review with recommendations to the various bodies involved.

National standards to complement the guidance

12. While we acknowledge the importance of giving local areas the freedom to construct arrangements most suitable to their needs, a national framework promoting best practices and setting minimum standards must be developed if the CSP is to become a body that can effectively scrutinise and promote accountability. In any other area of policing, this would be the norm.

Power balance

13. Our members understand there to currently be insufficient recognition of the power balance within CSP structures. This balance of power favours the police and the PCC; the CSP too often can be comprised of individuals with whom the police feel comfortable, and who invariably don't challenge the police. In order to address this risk, appointment processes must be made to be clear and transparent, and the Chief Constable (CC) and the PCC should be separated entirely.

Resources

14. These concerns about power imbalances cannot be effectively addressed without acknowledging the current lack of resources: effective scrutiny and accountability structures need funding. Ideally, everyone would be paid for their time. In the absence of resources for this, at the very least, the chair should be made a paid position.

15. That being said, the HO, CC and PCCs need to account for the optics of paid public officials seeking advice and guidance (often on highly complex and often volatile situations affecting community cohesion) from volunteers. One solution would be to facilitate membership of civil organisations via small grant funding. This would support engagement from target communities.

Representation

16. While the recent guidance recognises the importance of representation, our members felt there should be greater attention given to individuals from communities who had poorer experiences with policing.

17. Our members acknowledged that engaging these communities is getting harder due to macro trends, such as the cost-of-living crisis and post-pandemic challenges for civil society engagement. At the same time, it remains important to draw attention to the historical trend that lower levels of trust in policing amongst young people and some people from minority racial groups was a barrier to engaging these communities into CSP structures.^{iv} This requires greater recognition, discussion and understanding from all those involved in policing.

18. Our members proposed the use of local civil society organisations in supporting engagement with these communities. This has had a track record of success in their experience. Recruiting civil society/faith organisations as members and supporting

them with small grant funding to facilitate engagement with the CSP could be an effective method of building engagement. Accordingly, the Mayor's Action Plan to improve transparency, accountability, and trust refers to improving representation in CSP arrangements in the capital.^v

19. For example, we have been made aware of a stop-and-search scrutiny group that had utilised such a model involving local youth organisations as members and paying them to host the meetings with the police at youth centres. This changed the dynamics of the meetings and enabled young people who had experienced stop and search to be involved in the process.

Culture

20. The guidance makes scant acknowledgment of policing culture and how it needs to change if we are to build effective community scrutiny structures.
21. Our members raised concerns about the difficulties of working within a culture that does not value community scrutiny and has well-documented problems in relationships with and attitudes to minority communities. We need to encounter these challenges directly.
22. Our members offered examples of positive developments in the programmes of new officer training involving young Black people which had been jointly developed with the stop and search CSP and the constabulary. Such positive developments in this constabulary area would not have been possible without the commitment of a particularly supportive senior officer. The challenge is to establish a culture that can develop more officers of this ilk.
23. Progress in relation to community accountability and scrutiny structures all too often revolved around officers who had empathy and understanding of community perspectives and crucially had the vision to foresee a better outcome for the police from building on the work and relationships with the CSP. It was felt these officers were often in the minority within a culture that tended to resist accountability and scrutiny measures.
24. Dame Louise Casey's landmark review has brought the issue of policing culture into the fore.^{vi} All aspects of policing reform must address and integrate its recommendations.

Disproportionality

25. Despite the guidance being instigated by the recommendation of the Commission on Race and Ethnic Disparities, it makes little reference to and offers no practical guidance to ethnic disproportionality.^{vii}
26. Ethnic disparities in stop and search have been long noted; the reasons behind them contested for many years.^{viii} An effective CSP working with the CC and PCC can be a key driver in establishing a local response and /or plan to address and reduce ethnic disparities. Our stop and scrutinise report highlighted examples of best practice. We asked Montell Neufville, who has chaired CSPs for more than eight years, to detail the progress he has made in the Bedfordshire constabulary.

Case study: Reducing disproportionality and changing culture in Bedfordshire - The CSP and Constabulary working together.^{ix}

Reducing disproportionality has been the dominant question for policing with regards to stop and search powers for many decades. In carrying out my analysis of the data I found out the following:

- *London accounts for the most stop and searches of Black people in the country, making up more than 75% of cases.*
- *In my constabulary Bedfordshire and in the counties, a minute number of officers in proactive units (often gangs units) carry out a huge percentage of stop and search. In Bedfordshire, it was approximately 2% of officers conducting 35 - 40% of stop and searches.*
- *The next highest figure came from neighbourhood officers. Disparities occurred within these teams dependent on location and individual practice.*
- *Variations and inconsistencies in how the data is collected can contribute to inaccuracies.*
- *Some officers have a very low threshold for doing a stop and search, believing it can be based on something as ineffable as a 'hunch'. However, officers should form grounds to justify their decision to search under PACE codes.*

After engaging and discussing these issues with officers I devised a training programme. We delivered training to every front-line officer carrying out stop and search and discovered a range of issues, including all the previously, highlighted issues. Working with the force executive to closely monitor what officers were doing and how, with better supervision and linking back to the PACE codes and good practice, led to a huge reduction in stop and searches; from 8/9 times more likely to 2/3 times more likely in two years. It also led to a higher quality of the encounter, with officers conducting the searches in a more professional manner. Critical to this success was the leadership, engagement, and culture change across the force.

Montell Neufville

Chair of Bedfordshire Cambridgeshire and Hertfordshire joint scrutiny panel and former Chair Bedfordshire scrutiny panel.

27. This case study demonstrates that reducing disproportionality is achievable under the lead of committed CSP, CC and PCC leaders. Bedfordshire police was ranked as the best police force in the country as a key aspect of stop and search in 2021.^x A national performance framework holding case studies like Montell Neufville's as exemplary examples is essential to address ethnic disproportionality.

Proposed amendments

28. The following sub-sections refer to more specific amendments to the framework document. A summary table of the recommendations is at Appendix 1.

Executive summary

29. The Executive Summary (p. 7) highlights that the documents have been developed in consultation with statutory partners and community participants from diverse communities. It would inform the process and strengthen legitimacy of the guidance's community consultation if these participants could be detailed.
30. The executive summary further fails to detail how effectiveness will be measured. There is the need for, at the very least, the publication of suggestive measures to enable comparison across constabulary areas. We recommend consideration of the following: the number of complaints received, processed, and their outcomes; disciplinary proceedings commenced and outcomes; local police satisfaction survey data; outcomes related to the national joint Rape Action Plan; ethnic disproportionality indicators in relation to stop and search and police use of force (e.g. use of taser).^{xi}

CSP Functions

31. Under 'Key Principles' (p. 11), seven activities are detailed regarding what a CSP should do. To reiterate we welcome these principles. We would suggest the addition of the following: *'Give recognition and voice to those groups in the community who are experiencing disproportionately poorer outcomes from local police with a commitment to hear the lived experience of these groups.'*

Purpose and remit

32. Under 'Purpose and Remit', paragraph 1.1 (p. 13) states that *'[a]t the outset, setting the focus and purpose of a Community Scrutiny Panel (CSP) in a force area, is a decision for the PCC and the CC, made as far as possible with input from the local community'*. We would like to see this changed to include the CSP in this process and give recognition to the need to refer to the community scrutiny framework and best practices.

Disproportionality

33. Under 1.3 of 'Purpose and Remit' (p. 13) although disproportionality is mentioned we would suggest separate bullet points stating commitments to address disproportionality and to improve trust and confidence. There should also be a commitment to make meetings accessible to all communities and to hold meetings in community venues. We would also refer to the points raised earlier in this document from paragraph 25 on the issues of addressing disproportionality.

Governance

34. Paragraph 2.4 of 'Governance' (p. 14) focuses on the key leadership role of the PCC. We would like to see a clause included that offers PCC's the option to recruit a paid chair. A few models amongst local public bodies could provide a template—see Local Authority child safeguarding boards, for instance.

Panel membership

35. 'Panel Membership' (p. 18) details features and principles of panel membership. We believe that the panel chair should not be the local PCC. We therefore recommend the following addition to the guidance: the introduction of an independent recruitment process to recruit the Chair and the CSP members which include relevant stakeholders such as Local Authority representatives and a range of community representatives from civil society, local businesses, and faith organisations. The PCC and CC should be part of that process but in a minority.

Selection

36. Under 'Selection' (p. 18) we would like to include a clause outlining the role that youth panel should play in the selection process; ideally, making recommendations to the final recruitment panel. Youth panels are common practice in many Local Authority senior position appointment processes, and as a result make the process, and appointees, more representative and accountable.

Representation

37. Under 'Representation' (p. 20), we would like to propose a clause that explicitly details the need to seek representation from those groups and communities who have had poorer outcomes and relationships with the local constabulary, possibly through a representative civil society body. Regarding paragraph 14 of 'Representation', we would like to see a form of membership open for civil/faith/business organisation representation. As previously mentioned, such membership could be linked to small grant funding to facilitate engagement from disproportionately affected communities.

Vetting

38. 'Vetting' (p. 21) needs to demonstrate acknowledgment that the vetting process might be prohibitive for engaging people with lived experience of the criminal justice system. Convictions that are spent under the Rehabilitation of Offenders Act should not be a bar to membership, and other convictions should be judged on a case-by-case basis, judging the value of the individual to the panel relative to any risk they might pose. Ultimately, the vetting process should not block individuals who could make a valuable contribution. How the PCC and CC weigh up individual cases should be made transparent to the affected individual before the decision is made public.

Panel scope

39. 'Panel Scope' outlines the types of police and public interactions the CSP should scrutinise. Under 'Data-driven scrutiny' (p. 24) we would like a clause added to address the need to review complaints. This of course doesn't refer to individual cases but overall data and trends.

Complaints

40. Dissatisfaction with the police complaints system is historic. Despite progress, the Home Affairs select committee's 2022 inquiry report police conduct and complaints^{xii}

underlines that, *‘the feeling remains that some forces and officers treat complaints against them as challenges to their authority or matters to be sidestepped. Despite welcome reforms and improvements, sufficient of the submissions we have received for this inquiry demonstrate that the task of providing—and demonstrably providing—a fair, open and, above all, fully trusted mechanism to deal with misconduct remains, as yet, unfinished.’*

41. The CSP must have a greater role in assessing complaints data. Reviewing complaints in a local force area, for instance, must fall under the CSP’s remit. Concurrently, the CSP must be granted access to data relating to disciplinary processes and misconduct of officers in the constabulary.
42. This dataset, however, should be expanded. We recommend that this section includes a clause that highlights the necessity of consultative community forums and community surveys as valid sources of data. Such forums and surveys could be agreed at a local level and could then be resourced by the PCC.

Children and young people

43. Regarding ‘Children and Young People’ (p. 24), first and foremost, we would like ‘safeguarding’ inserted at the end of the title.
44. To clause 4.12 we would like to add the following sentences: *‘The PCC must ensure that measures are put in place to enable representation on the board to those groups of young people who are overrepresented in the criminal justice system and are disproportionately represented in police interactions such as stop and search and use of force. Recognising those groups of young people for example Black, Gypsy Romany traveller and, cared for young people, those excluded from school and those with neuro diversity conditions must be central to the CSP remit and child safeguarding duties.’*
45. This resounds with our earlier proposals concerning civil society membership, particularly from youth and children organisations. With Local Authorities already having standard consultation structures for groups like young people with care experience and young people working within local youth offending services, they could make a valuable contribution here.

Strip searches

46. This section is a welcome inclusion. The Children’s Commissioner for England and Wales launched her report Strip search of children in England and Wales in March 2023.^{xiii} The Children’s Commissioner stated: *‘I have talked to senior police officers, who have explained to me why it is sometimes necessary to strip search children for their own safety. I accept in certain, limited situations this may be necessary. My challenge in response is that if this intrusive and potentially traumatic power is necessary, then there must be robust safeguards. The additional complexity of conducting these searches during a stop and search should mean that there is a higher degree of scrutiny than if conducted in custody, not less. I do not see a working system of safeguards.’* These comments encapsulate and underline the need for a greater focus on the impact of police powers on children. Our proposals and recommendations duly recognise the importance of highlighting child safeguarding within the scrutiny framework.

Ways of working

47. Under 'Location and Venues' in 'Ways of working' (p. 31) we would include, as aforementioned, the use of open community venues where possible and appropriate.

Output

48. Section 7 'Output' (p. 33) should include a clause stating that the PCC should give the CSP a page on their website. The webpage could then make public minutes and action log of meetings, while displaying upcoming meetings, events and consultations. Where a recommendation from the CSP has not been taken forward, the CC should make public their reasons for not accepting the advice preferably by the force's website. This would increase civic engagement and transparency.

Terms of Reference

49. The terms of reference document provide a template for CSP's to adopt and/or amend reflecting the contents of draft community framework document. We would, therefore, want to see our recommended changes incorporated into the draft terms of reference.

Conclusion

50. The CJA welcomes the Home Office producing this draft guidance for police community scrutiny panels. We have made several amendments and recommendations which we hope will be taken into consideration. Crucially the framework must recognise the context in which these guidelines are being consulted on and the crisis of trust and confidence in policing as outlined by HM Inspector of Constabulary.
51. Building trust and confidence with all communities must be the priority but even more so for those historically lower levels of trust due to their experiences and history with policing. To enable CSPs to make a real contribution to efforts to rebuild trust and confidence this guidance must form part of a wider framework in which CSPs are empowered in their role to increase police accountability and transparency.
52. This will require local leadership from PCCs and the CC. It also demands central government and the Home Office establish a national framework that drives up the performance, consistency and effectiveness of CSP across the country.
53. Greater transparency and equity in policing are necessary if we are to rebuild public trust and confidence. Rebuilding trust with all communities, if possible, will demonstrate the change that has been long sought. It will redefine policing's relationship with the communities it serves, building legitimacy and improving societal outcomes.

The views expressed in this consultation response are not necessarily those of any individual member or funder of the CJA.

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References

- ⁱ HMICFRS, [State of Policing: The Annual Assessment of Policing in England and Wales 2022](#) (2023).
ⁱⁱ CJA, [Stop and scrutinise](#) (2019).
ⁱⁱⁱ CJA, [More harm than good](#) (2021).
^{iv} Sky News, [Nearly two thirds of Black teenagers don't trust police](#) (2022).
^v MOPAC, [Action plan-accountability trust and transparency in policing](#) (2021).
^{vi} Metropolitan Police, [The Baroness Casey Review](#) (2023).
^{vii} Gov.uk, [Commission on race and ethnic disparities report](#) (2021).
^{viii} Vomfell, L., Stewart, N. [Officer bias, over-patrolling and ethnic disparities in stop and search](#) (2021).
^{ix} Bedfordshire Police, [Stop and search record best in country](#) (2021).
^x Ibid.
^{xi} NPCC/CPS, [Joint rape action plan](#) (2022).
^{xii} Home Affairs Committee, [Police Conduct and Complaints](#) (2022)
^{xiii} Children's Commissioner, [Strip search of children in England and Wales](#) (2022).

Appendix 1: Summary table of recommendations

Section / page reference	Observations and Suggested amendments
Executive summary P. 7	<p>The Executive Summary (p. 7) highlights that the documents have been developed in consultation with statutory partners and community participants from diverse communities. It would inform the process and strengthen legitimacy of the guidance's community consultation if these participants could be detailed.</p> <p>The executive summary further fails to mention how effectiveness will be measured. There is the need for, at the very least, the publication of suggestive measures to enable comparison across constabulary areas. We recommend consideration of the following: the number of complaints received, processed, and their outcomes; disciplinary proceedings commenced and outcomes; local police satisfaction survey data; outcomes related to the national joint Rape Action Plan;^{xiii} ethnic disproportionality indicators in relation to stop and search and police use of force (e.g. use of taser).</p>
Key Principles P. 11	<p>Under 'Key Principles' (p. 11), seven activities are detailed regarded what a CSP should do. To reiterate we welcome these principles. Yet we would suggest the addition of the following: <i>'Give recognition and voice to those groups in the community who are experiencing disproportionately poorer outcomes from local police with a commitment to hear the lived experience of these groups.'</i></p>
Section 1 Purpose and Remit	<p>Under 'Purpose and Remit', paragraph 1.1 (p. 13) states that <i>'[a]t the outset, setting the focus and</i></p>

1.1 P. 13	<i>purpose of a Community Scrutiny Panel (CSP) in a force area, is a decision for the PCC and the CC, made as far as possible with input from the local community'. We would like to see this changed to include the CSP in this process and give recognition to the need to refer to the community scrutiny framework and best practices.</i>
Section 1 Purpose and Remit 1.3 P. 13	We would like to add a commitment to addressing disproportionality and improving trust and confidence in policing in the local area.
Section 2 Governance 2.4 P. 15	We would like to see a clause included that offers PCC's the option to recruit a paid chair. A few models amongst local public bodies could provide a template—see Local Authority child safeguarding boards, for instance.
Section 3 Panel membership 3.2 P. 18	CJA believes that the panel chair should not be the local PCC. An independent recruitment process should be instigated to recruit the Chair and the CSP members.
Section 3 sub-section selection P. 18	We would like to include a clause that a youth panel should form part of the selection process.
Section 3 sub-section representation P. 20	CJA would propose a clause that explicitly details the need to seek representation from those groups and communities who have had poorer outcomes and relationships with the local constabulary. We would like to see a form of membership open for civil/faith/business organisation representation.
Section 3 sub-section vetting P. 21	Convictions that are spent under the Rehabilitation of Offenders Act should not be used as a bar to membership and other convictions should be judged on a case-by-case basis, judging the value of the individual to the panel relative to any risk they pose.
Section 4 panel scope sub-section data driven scrutiny P. 24	We would like a clause added focused on the need to review overall data and trends regarding complaints and disciplinary proceedings of officers. We would recommend that this section includes a clause that highlights the necessity of consultative community forums and community surveys as valid sources of data.
Section 4 panel scope sub-section children and young people 4.12 P. 24	On the title we would like safeguarding inserted at the end. On clause 4.12 we would like to add the following sentences: <i>The PCC must ensure that measures are in put place to enable representation on the board to those groups of young people who are overrepresented in the criminal justice system and are disproportionately represented in police interactions such as stop and search and use of force. Recognising those groups of young people for example Black, Gypsy Romany traveller people, cared for young people, those excluded from school and those with neuro diversity conditions must be central to the CSP remit and child safeguarding duties.</i>

Section 6 ways of working sub section location and venues P. 31	We would recommend considering open community venues where possible to host meetings of the CSP. That won't be possible in all aspects of the CSP work for example reviewing BWV footage but where it is possible open public meetings should be the norm.
Section 7 Output P. 33	This section should include a clause stating that the PCC should give the CSP a page on their website. Minutes and action log of meetings should be made public via the web page and upcoming meetings, events and consultations displayed. A clause should be added that where a recommendation from the CSP has not been taken forward the CC should make public their reasons for not accepting the advice preferably by the force's website
Terms of reference	We would want to see the terms of reference reflect the suggested amendments that we have made.