

<b>For Consideration</b>	
<b>Public/Non Public*</b>	<b>Public</b>
<b>Report to:</b>	<b>Police and Crime Panel</b>
<b>Date of Meeting:</b>	<b>19<sup>th</sup> December 2016</b>
<b>Report of:</b>	<b>Paddy Tipping Police and Crime Commissioner</b>
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<b>Agenda Item:</b>	<b>6</b>

## **POLICE AND CRIME COMMISSIONER'S UPDATE REPORT – to September 2016**

### **1. PURPOSE OF THE REPORT**

- 1.1 This report presents the Police and Crime Panel (Panel) with the Police and Crime Commissioner's (Commissioner) update report.
- 1.2 In accordance with section 13 of the Police Reform and Social Responsibility (PR&SR) Act 2011 and subject to certain restrictions, the Commissioner must provide the Panel with any information which the Panel may reasonably require in order to carry out its functions. The Commissioner may also provide the Panel with any other information which he thinks appropriate.
- 1.3 This report provides the Panel with an overview of current performance, since the last report in November 2016 which focused on data to August 2016. This is the third report relating to the Commissioner's refreshed Police and Crime Plan (2016-18) which includes minor amendments to performance measures and the RAGB rating.
- 1.4 It should be emphasised that the action taken by the Chief Constable may be the result of discussions held with the Commissioner during weekly meetings. The Commissioner is briefed weekly on all performance exceptions by his office staff which is then discussed with the Chief Constable the same week.

### **2. RECOMMENDATIONS**

- 2.1 The Panel to note the contents of this update report, consider and discuss the issues and seek assurances from the Commissioner on any issues Members have concerns with.

### **3. REASONS FOR RECOMMENDATIONS**

- 3.1 To provide the Panel with information so that they can review the steps the Commissioner is taking to fulfil his pledges and provide sufficient information to enable the Panel to fulfil its statutory role.

## 4. Summary of Key Points

### POLICING AND CRIME PLAN – (2016-18)

#### Performance Summary

- 4.1 Performance against refreshed targets and measures across all seven themes is contained in the Performance section of the Commissioner's web site to June 2016.<sup>a</sup> This report details performance from 1<sup>st</sup> April to 31<sup>st</sup> September 2016.

#### Reporting by Exception

- 4.2 The Commissioner's report focuses on reporting by exception. In this respect, this section of the report relates exclusively to some performance currently rated red i.e. significantly worse than the target (>5% difference) or blue, significantly better than the target (>5% difference).
- 4.3 The table below shows a breakdown of the RAGB status the Force has assigned to the 22 targets reported in its Performance and Insight report to September 2016. In previous reports there were 33 measures reported on but this year only measures with specific targets will be assigned a RAGB status.<sup>bc</sup>
- 4.4 It can be seen that 14 (64%) of these measures are Amber, Green or Blue indicating that the majority of measures are close, better or significantly better than the target. Currently 32% (7) of targets reported are Red and significantly worse than target.

KEY to Performance Comparators							
Performance Against Target		Jun-16	% of Total	Aug-16	% of Total	Sep-16	% of Total
<input checked="" type="checkbox"/>	Significantly better than Target >5% difference	7	32%	3	14%	1	5%
◆	Better than Target	4	18%	4	18%	5	23%
±	Close to achieving Target (within 5%)	8	36%	9	41%	8	36%
<input checked="" type="checkbox"/>	Significantly worse than Target >5% difference	3	14%	5	23%	7	32%
<input type="checkbox"/>	No Longer Measured	0	0%	1	5%	1	5%
Total		22	100%	22	100%	22	100%

- 4.5 One measure i.e. the 'Percentage of victims and witnesses satisfied with the services provided in Court', taken from the Witness and Victim Experience Survey (WAVES) is no longer active and therefore it is not possible to report on this measure.

<sup>a</sup> <http://www.nottinghamshire.pcc.police.uk/Document-Library/Public-Information/Performance/2016/Performance-and-Insight-Report-to-September-2016.pdf>

<sup>b</sup> A number of performance measures are monitor only and it has been agreed that it is not appropriate to assign a RAGB to such measures unless the measure is + or – 10%.

<sup>c</sup> New RAGB symbols have been used for this report in case readers are limited to black and white print.

4.6 The table below provides an overview of one target (5%) graded blue.

<input checked="" type="checkbox"/>	Objective / Target – RAGB Status Blue	Jun-16	Aug-16	Sep-16
	1. A reduction in the number of non-crime related mental health patients detained in custody suites	80.00%	94.10%	94.10%

4.7 The table below provides an overview of the 7 targets (32%) graded red.

<input checked="" type="checkbox"/>	Objective / Target RAGB Status Red ●	Jun-16	Aug-16	Sep-16
	1. 90% of victims of crime are completely, very or fairly satisfied with the service they have received from the police	83.70%	83.00%	82.80%
	2. A 10% increase in the number of POCA orders compared to 2016-16	-3.70%	-16.80%	-21.00%
	3. Increase BME representation within the Force to reflect the BME community (11.2%)	4.50%	4.50%	4.50%
	4. An increase in the Early Guilty Plea rate compared to 2015-16 (Magistrates Court)	N_Avail	-6.60%	-6.60%
	5. An increase in the Early Guilty Plea rate and be better than the national average (Magistrates Court)	N_Avail	-9.90%	-9.90%
	6. <b>New:</b> A reduction in the number of repeat victims of domestic violence compared to 2015-16	2	-35	17
	7. <b>New:</b> An increase in the positive outcome rate for Victim-Based Crime where Threat, Harm or Risk is high e.g. serious sexual crime	-0.80%	-3.50%	-5.10%

4.8 Panel Members require the Commissioner's update report to:

1. Explain the reasons for improved performance and lessons learned for blue graded measures and
2. Reasons/drivers for poor performance and an explanation as to what action is being taken to address underperformance in respect of red graded measures.

4.9 The Force has provided the following responses to these questions in sections 5 and 6 below.

5. <input checked="" type="checkbox"/>	<b>Blue Rated Measures (significantly better than Target &gt;5% difference)</b>
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**BL1. A reduction in the number of non-crime related mental health patients detained in custody suites - Improved Performance and Reason/Lessons Learned**

5.1 This measure is the same as the previous report in that one person has been presented to custody as a first place of safety this year (in April 2016). This compares to a total of 17 in the same period of last year. In the current year-to-

date period, a total of 154 people were taken to the section 136 mental health suite, meaning that detainees at custody account for less than 1% of all mental health patients dealt with.

- 5.2 As previously reported, this significant improvement in performance is a direct result of the introduction of the Street Triage Team which has previously been reported on.

<b>6. Red Rated Measures (● significantly worse than Target &gt;5% difference)</b>
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**R1. 90% of victims of crime are completely, very or fairly satisfied with the service they have received from the police**

- 6.1 Performance remains stable over the last year and the most recent figure of 82.8%, covering satisfaction for incidents reported in the 12 months to July contrasts with 85.4% for the same period last year. Current performance is outside of expected bounds, with performance in the last six months notably different to the previous trend, which had remained stable for more than eighteen months.
- 6.2 In terms of the aspects of satisfaction, Ease of Contact and Treatment remain high in the mid-nineties (96.8% and 94.0% respectively) for overall satisfaction, and these positions are unchanged from the figures reported last month. Follow up remains the aspect that shows the lowest level of satisfaction at 71.7%, a reduction of 0.5% on last month's position. This is a significant reduction on last year when this aspect was 76.2%.
- 6.3 Victim Satisfaction performance was discussed in detail at the October Force Performance Board meeting. Kept Informed is the key driver behind the declining trend in overall satisfaction, and it was noted that this effect is not limited only to Vehicle Crime, with victims of Burglary and Violence offences also less satisfied with this aspect than they were a year ago. Reassuringly however, the Force performs well compared to peers, with performance above the average for its Most Similar Group of forces for overall satisfaction and kept informed. In order to address the low ratings for kept informed, the Force will be reviewing its victim updates process to ensure that officers are providing timely updates to victims in line with the Victim's Code of Practice. The Force is also exploring opportunities to work with colleagues at Nottingham University to conduct more detailed analysis of victim satisfaction.

**R2. A 10% increase in the number of POCA orders compared to 2015-16**

- 6.4 The Force recorded 13 fewer Confiscation and Forfeiture Orders year-to-date compared to last year, this equates to a reduction of 11%, placing the Force 21% below the 10% increase target. It should be noted that any decision to apply for an order is made by the Crown Prosecution Service and not the Police. A decision to grant an order is one for the court alone.
- 6.5 An order is not granted until sentencing and in many cases there can be a gap of many months between point of arrest and an order being granted.

- 6.6 In the current year-to-date period the Force has recorded 10 offences of profiting from or concealing knowledge of the proceeds of crime. POCA orders will be generated from a number of other offences types however, not just from these.
- 6.7 Performance information for the value of orders is currently unavailable.

**R3. Increase BME representation within the Force to reflect the BME community (11.2%)**

- 6.8 There has been no deterioration in this measure, but recently under the Force's revised RAGB rating it is rated red because the 11.2% representation as defined by the 2011 Census has not been achieved. BME headcount is 4.8% for Police Officers and 4.3% for Police Staff and overall its 4.5%. When the Commissioner took office in 2012 representation was 3.7% so there has been an improvement overall. Austerity and the 2 year recruitment freeze has hampered progress in this area although there have been improvements with representation with Police Cadets (26%) and Special Constables (8%).
- 6.9 The Commissioner has been working closely with the BME Steering Group since 2013 and established a BME Working Group to advance BME recruitment and selection, BME advancement and retention as well as other issues which may adversely affect attraction of BME candidates, i.e. stop and search and diversity training of officers. Members were provided with a case study on this work listed at [Appendix A](#) of the 18<sup>th</sup> April 2016 Panel meeting.
- 6.10 To achieve an 11.2% BME representation an additional 144 BME police officers would need to be recruited. The Commissioner is working closely with the Chief Constable with a view to commence recruitment of Police officers in January 2017. Prior to this a range of positive activity will be undertaken to attract applicants from BME communities under Operation Voice which will include talent spotting, buddying, awareness events, marketing publications. The Chief Constable and Commissioner attended a Police Recruitment event on 8<sup>th</sup> October 2016 at which various members of the BME communities attended.

**R4. New: An increase in the Early Guilty Plea rate compared to 2015-16 (Magistrates Court)**

**R5. New: An increase in the Early Guilty Plea rate and be better than the national average (Magistrates Court)**

- 6.11 These measures fall under THEME 2 of the Commissioner's Police Crime Plan (2016-18) to 'Improve the efficiency, accessibility and effectiveness of the criminal justice process' the strategic activity which was submitted as a separate agenda item at the previous Panel meeting.
- 6.12 Data for this measure is released quarterly and so the information is the same as the previous Panel report.
- 6.13 Both Crown and Magistrates Courts are recording a reduction in Early Guilty Plea rates in quarter one compared to last year, and rates remain below the national average.

- 6.14 Crown Court performance appears relatively stable with a rate of 34%, which is less than 1% below the rate recorded in the same period of last year. The national average for Crown Court for quarter one is 38.9%, meaning that Nottinghamshire is performing below the national average.
- 6.15 The Magistrates Court rate has deteriorated by the greater amount, with an early guilty plea rate of 61.1%, compared to 67.7% in the previous year. Nottinghamshire is recording a rate significantly lower than the national average for Magistrates Court (71.0%).
- 6.16 There are a number of factors that would influence the early guilty plea rate in the Magistrates' Court. The East Midlands region is working with the Efficiency and Effectiveness Board to look at these issues in the round. They may relate to file quality, to Non electronic IDPC<sup>d</sup>, defence practitioner's understanding around Transforming Summary Justice (TSJ), lawyer reviews being timely, or robust court management. All of these issues feature in the Court Observations Action plan (managed via the East Midlands Criminal Justice Board [EMCJB]) borne out of a series of observations we led earlier in the year which have proved very useful in understanding key system wide issues.
- 6.17 In Nottinghamshire the Force is about to launch a performance model that will see files checked against an agreed set of questions, staff allocated to 'fix' issues before submission and immediate feedback to officers upon review. Alongside that a whole series of officer in the case (OIC)/Sgt based data will become available to operational supervisor to manage not just staff but the particular issues that reflect file quality. This was scheduled to go live mid-October in Nottinghamshire. The Force is also now feeding back to operational teams weekly reviews by the Crown Prosecution Service as part of the National Case Quality Assessment. As previously stated file quality is but one issue and the Action Plan contains actions for each agency so that the whole system improves going forward.
- 6.18 The Force is currently awaiting guidance on when quarter two figures can be published. This is likely to be one quarter in arrears, but an update will be provided in next Panel report.

### **Holding the Chief Constable to Account**

- 6.19 The Commissioner is represented at the key Thematic, Partnership and Force Local Performance board meetings in order to obtain assurance that the Force and Partners are aware of the current performance threats, and are taking appropriate action to address the emerging challenges. Should there be any issues of concern these are relayed to the Commissioner who holds the Chief Constable to account on a weekly basis.
- 6.20 In addition, the Commissioner meets regularly with the Head of Investigations and Intelligence and Head of Operations to gain a deeper understanding of threats, harm and risk to performance. The last meeting was held on 22<sup>nd</sup> September 2016.

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<sup>d</sup> IDPC is colloquially known as information and evidence in the case.

- 6.21 Panel Members have asked if a case study could be prepared for each meeting. Previous case studies relating to (1) Shoplifting, (2) the Victims Code, (3) Improving BME Policing Experiences, (4) Hate Crime and Knife Crime (5), Stop and Search have been prepared. For this meeting, a case study has been prepared in respect of Rural Crime (see **Appendix A**).

### **NCRS Compliance**

- 6.22 At the Panel meeting of 7<sup>th</sup> November 2016, Members requested that the Commissioner provide an update on compliance with NCRS (National Crime Recording System) which continues to be a local and national risk to performance.
- 6.23 In 2014, the Commissioner requested that the internal Auditor Baker Tilly examine the issue of noncompliance and one of the Auditor's recommendations made following the audit in May 2014<sup>e</sup> included increasing officer awareness of the NCRS rules through training:

*"It is considered that with the benefits of proposed governance arrangements and training around NCRS compliance that the theory of 'right first time' can be applied and as such should reduce this particular resource constraint". (Page 2).*

*"Mandatory training around the requirements of the NCRS should be completed with Police Officers, across the Force as soon as possible. The training should consider the content and application of the rules". (Recommendation 3.5.1).*

- 6.24 The Force provided this extensive training in 2015 to frontline officers and developed an informative web site in order to mitigate the risk so as "to get it right first time" in line with the auditor's inspection report and in doing so released officers and staff (the checkers) to other risks and challenges associated with the requirement to find £12m annual savings.
- 6.25 Unfortunately, quarterly dip sampling overseen by the Force Crime Registrar identified that despite the extensive training, compliance rates had not improved as expected. In response, the Force took a decision to review all incidents initially going back to April 2016 which has identified a significant number of incidents which did not comply with the NCRS classification. Most have now been correctly reclassified which has led to an increase in the overall reported crime levels (as of 10<sup>th</sup> November 2016 it is +4.8%).
- 6.26 HMIC undertook crime recording inspections in 2015 and similar inspections are currently in progress in 2016. A number of forces have already been graded inadequate by HMIC due to compliance rates of less than 95%. For example, Staffordshire was recently graded Requires Improvement (with 91% compliance), Greater Manchester Inadequate (with 86% compliance – rounded), and Sussex Good (with 95% compliance – rounded). For the first time, inadequate crime

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<sup>e</sup> <http://www.nottinghamshire.pcc.police.uk/Document-Library/Public-Information/Meetings/Audit-and-Scrutiny-Panel/17th-June-2014/Item%2014%20-%20Internal%20Audit%20of%20Crime%20Recording%20undertaken%20by%20Baker%20Tilley.pdf>

recording compliance will feed into HMIC PEEL assessment grading's. A recent dip test by the Force Crime Registrar reveals 100% compliance and it is hoped that the interventions put in place will maintain this high standard.

- 6.27 Despite the increase in overall crime attributable to the recent back record conversion, nevertheless, the most recent national crime data identifies that the increase in Nottinghamshire since April this year is still one of the lowest nationally. It is estimated that the increase in crime due to the reclassification of a large number of crimes will still leave the Force in a strong position nationally. Furthermore, by undertaking this process the Force is well placed for the HMIC inspection which is believed to take place around January 2017. Most importantly, this process will ensure that any victims requiring further support are identified and action is taken.
- 6.28 Although the Force sought to ensure that officers "get it right first time", it was clear to Chief Officers that additional solutions above and beyond the training were now required. Feedback from senior Police Officers indicate that the rules are very complex and that officers are often confused as to how to finalise an incident. This is the same view expressed nationally.
- 6.29 To prevent this issue arising again, in the short-term, the Force has increased the monitoring of crimes especially high risk crimes. In the very near future a technological solution will be implemented i.e. a newly created web form will allow specific teams to create crimes as soon as possible after the call is received by the call handler. Whilst this might result in more incidents being recorded as crimes (and then reclassified) it will be much more effective in improving NCRS compliance rates and most importantly that victims will receive subsequent support at the time or shortly after the call.
- 6.30 The Commissioner remains concerned about the NCRS rules and has recently written to the Chief HMIC Tom Windsor; the following extract summarises his view:

*"I have also mentioned the need to reduce bureaucracy and would like to take the opportunity to ask that HMIC finds or recommends a way in which the NCRS rules can be debated in public. I know this will not be the first time you have heard this but I do believe that given the depth of ill feeling nationally, that a review would be helpful (one way or another) in determining whether some of the rules really serve the best interest of the public. No one would disagree that ensuring that victims are protected is paramount, but I hear both locally and nationally of examples where incidents that are devoid of victims or witnesses have to be recorded as crimes under the rules, which is a waste of police resource as the time filling in forms could be better spent supporting known victims or witnesses.*

*I accept that officers need to record incidents ethically and note that HMIC is doing a good and robust job in driving compliance up nationally. I know that HMIC don't make the rules but check to see which forces are following them. Nevertheless, I believe that the pendulum has swung too far in the wrong direction and believe that undertaking a review involving both public and operational officers at all levels is needed to address this issue once and for all."*



- 6.31 The table below provides a breakdown of the additional incident types now recorded as crime as of 11<sup>th</sup> November 2016. Overall, in respect of victim-based crime there were 1134 (65%) incidents converted to crimes.

Violence Against the Person	926	53%
Public Order Offences	449	26%
Sexual Offences	139	8%
Miscellaneous Crimes	72	4%
Rape	47	3%
Arson and Criminal Damage	31	2%
Other	75	4%
<b>Total</b>	<b>1739</b>	<b>100%</b>

### **Early Guilty Pleas and Digitalisation**

- 6.32 At the Panel meeting on 7<sup>th</sup> November 2016, Members requested an update on the work around Early Guilty Pleas and digitalisation in Courts.
- 6.33 The East Midlands Criminal Justice Services (EMCJS) FIT process is now live (i.e. quality assurance process for initial files) and EMCJS is reporting into each Force, including Nottinghamshire on a weekly basis in respect of file quality down to individual level including a report on supervisors. This has now been running for approximately three weeks and themes/trends are being identified and forwarded in terms of general file quality issues at team and individual level.
- 6.34 These are also being fed into local Performance meetings and being reviewed at EMCJS Board level. Although it is probably too early to see improvement in the national statistics it is expected that feedback at this level and to managers in forces will see an upturn in performance in Q4 data.
- 6.35 A more detailed explanation of activity and progress will be available once Q4 data has been analysed. It should be emphasised that the early guilty plea rate is in fact an indicator of system wide performance and as such the Force continues to work with CJS partners to improve Court case management and the provision of Initial Details of the Prosecution Case (IDPC) and CPS review timeliness through the Efficiency and Effectiveness Board of the EMCJB.
- 6.36 The Force is working closely with the national Digital First team to ensure staff knowledge and access to the national products (currently in various phases of pilot) is maximised to reduce deployment time and to enable staff to recognise potential benefits and structure accordingly. A Business Requirement will be presented to Assistant Chief Officer lead (ACO) in the very near future.

### **Activities of the Commissioner**

- 6.37 The Commissioner continues to take steps to obtain assurances that the Chief Constable has not only identified the key threats to performance but more importantly that swift remedial and appropriate action is being taken to tackle the

problems especially in the Priority Plus Areas in the County and High Impact Wards in the City. Key activities are reported on the Commissioner's web site.<sup>f</sup>

## DECISIONS

- 6.38 The Commissioner has the sole legal authority to make a decision as the result of a discussion or based on information provided to him by the public, partner organisations, Members of staff from the Nottinghamshire Office of the Police and Crime Commissioner (NOPCC) or Chief Constable. The Commissioner's web site provides details of all significant public interest decisions.<sup>g</sup>
- 6.39 Panel Members have previously requested that the Commissioner provide a list of all forthcoming decisions (Forward Plan) rather than those already made. This Forward Plan of Key Decisions for the OPCC and the Force has been updated and is contained in **Appendix B**.

### 7. Financial Implications and Budget Provision

- 7.1 Attached as **Appendix C** is the latest quarterly outturn budget report which was submitted to the Commissioner's Strategic Resources & Performance Committee on 9 November 2016.

### 8. Human Resources Implications

- 8.1 None - this is an information report.

### 9. Equality Implications

- 9.1 None

### 10. Risk Management

- 10.1 Risks to performance are identified in the main body of the report together with information on how risks are being mitigated.

### 11. Policy Implications and links to the Police and Crime Plan Priorities

- 11.1 This report provides Members with an update on performance in respect of the Police and Crime Plan.

<sup>f</sup> <http://www.nottinghamshire.pcc.police.uk/News-and-Events/Latest-News.aspx>

<sup>g</sup> <http://www.nottinghamshire.pcc.police.uk/Public-Information/Decisions/Decisions.aspx>

## **12. Changes in Legislation or other Legal Considerations**

12.1 None that directly relates to this report.

## **13. Details of outcome of consultation**

13.1 The Deputy Chief Constable has been sent a copy of this report.

## **14. Appendices**

A. Case Study – Rural Crime

B. Forward Plan of Key Decisions for the OPCC and the Force

## **15. Background Papers (relevant for Police and Crime Panel Only)**

- [Police and Crime Plan 2016-2018 \(published\)](#)

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