A guide to setting up hate crime scrutiny panels
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PART 1: BACKGROUND

Introduction

1.1 The success of the CJS rests on the willingness of people to report crime, make statements and attend court. How fair people perceive the CPS to be, and how people experience the CPS, will influence their decision to play their part at each stage in the prosecution process. We can change perceptions of the CPS by opening up the CPS decision making process to external scrutiny. We can improve people’s experiences of the CPS by learning from that scrutiny and improving the way we work. Building public trust and confidence in the justice system underpins our commitment to community engagement. Hate crime scrutiny panels will take the community engagement agenda onto a new level of involvement and accountability.

1.2 In recent years the CPS has increasingly opened its doors to the public, last year culminating in the successful completion of three community engagement pilots. The impetus to roll out Hate Crime Scrutiny Panels across all Areas is based on the success of the community engagement pilot in West Yorkshire. One aspect of the pilot involved the commissioning of an independent evaluation of the existing West Yorkshire Race Hate Crime Scrutiny Panel. Hull University published their evaluation in June 2006. The report concluded:

> In establishing the scrutiny panel CPSWY has broken new ground in improving accountability and transparency in the handling of racially aggravated cases, and this can only work towards improvement in the relationship of the CPS with the Black and minority ethnic communities in the Area. All those interviewed and taking part in the focus group generally viewed the Scrutiny Panel as a beneficial initiative and appreciated the motivation required by the CPSWY. (See appendix 1 for more information about the origins of the West Yorkshire panel)

1.3 Whilst the Hull University report made many recommendations for improvements, overall, it was a resounding endorsement of the concept of scrutiny panels as a meaningful method of engagement. Since the report, the remit of the West Yorkshire panel has been extended to cover homophobic crime as well as racist and religious crime. We now want to repeat that success story across the country and realise the following benefits:
1.4 Benefits for the CPS:

- spotlighting performance in a traditionally low profile poor performing part of the Service
- contributing to achievement of PSA targets on offences brought to justice and on public confidence
- identifying learning points to inform service improvements

1.5 Neil Franklin, CCP for West Yorkshire who led in the development of the first scrutiny panel has commented:

“The CPS West Yorkshire Race Scrutiny Panel is a radical way of identifying weaknesses in the way we do a key part of our business. It has enabled us to learn about how we handle hate crime, how we can do it better and how, as a result, we can build community confidence.

How have we done? In the two and a half years since the panel was formed, we have progressively reduced unsuccessful outcomes in hate crime and increasingly more victims are coming forward. The increase in race crime handled by the Area is, I am convinced, a consequence of the fact that we are seen by our Black and minority ethnic communities to be totally committed to the effective prosecution of such offences and are prepared to hold ourselves to account for the way in which we act on their behalf. Our lawyers are far more confident about handling hate crime, buoyed by the knowledge that their approach has strong support from informed representatives of the community”.

1.6 Benefits for communities:

- raising awareness of how CPS handles hate crime cases
- building an appreciation within communities of both the limitations with which the CPS operates and the opportunities to enhance the CPS response to hate crimes
- helping to raise public confidence in the criminal justice system

1.7 Ebrahim Dockrat, the independent facilitator of the West Yorkshire panel comments:

The mechanisms under which the West Yorkshire panel operates clearly demonstrates openness and transparency, making the CPS more locally accountable, decision making more exposed to scrutiny, which in turn makes the CPS more visible to the community. This can only lead to improving public confidence. The impact of our work in West Yorkshire over the last two years has markedly changed and improved the CPS’s outcomes on hate crime. What we have achieved here I believe,
is a landmark in CPS and community engagement work which can be used as an effective model for other CPS Areas.'

1.8 At the first CPS community engagement conference in November 2006, we set out the way forward for community engagement. This new community engagement agenda was further reflected in the business planning guidance for 07/08. The way forward includes:

- the setting up of Hate Crime Scrutiny Panels across all Areas
- a ring fenced budget for community engagement in each Area
- the establishment of Equality and Diversity and Community Engagement officers within each Area Group to support Areas
- targeted training on community engagement - the first regional workshops taking place in May 2007
- the development of Community Involvement Panels at Area Group level (See separate guidance)

1.9 Areas and Area Groups will also be able to draw on the support of the EDU regional Project and Performance advisors in relation to this range of community engagement initiatives.

1.10 Our aim is to have panels up and running by the last quarter of 07/08. It is more important that the panels are set up with firm foundations than that they are set up quickly. Panels that function badly may damage community confidence rather than raising it.

1.11 This guide provides information on how to establish HCSPs. It draws extensively on the West Yorkshire experience and builds on it. The precise format and content of panels may vary from Area to Area as the demographic context suggests, but all Areas will need to put in place the same fundamental building blocks if the panels are going to be successful and sustainable.

1.12 The basis of those building blocks is explained in this guide. These are minimum standards, Areas may want go beyond the minimum and extend the structure and operating protocols of their panel as local circumstances require. The guide provides models for various governance and administrative arrangements – again, these are intended as models which each Area may want to modify and expand on to meet local needs.

1.13 Whilst some local variations in panel arrangements may be necessary, a balance must be struck between the need to accommodate flexibility and the need for consistency of standards across the CPS.

1.14 As panels are developing at different stages across the Areas, we will monitor good practise and disseminate this through an occasional ‘HCSP Advice Note’ series.
Purpose of hate crime scrutiny panels

1.15 HCSPs are a practical and effective way of bringing transparency and accountability to the Service. Their purpose is to:

- Bring members of local communities into the CPS to jointly review finalised hate crime files
- Raise awareness and learning amongst communities of how and why prosecution decisions are made
- Increase learning amongst CPS staff on how cases might be handled better
- Increase learning for other parts of the CJS
- Increase the confidence of communities thereby encouraging victims and witnesses to come forward to report incidents of hate crime and stay with the legal process to its conclusion
- Ultimately, to contribute to the reduction in hate crime attrition rates

Objectives

1.16 Through the scrutiny of randomly selected finalised hate crime files panels will:

- Increase the understanding of communities in terms of the CPS decision-making processes in relation to hate crime
- Increase the understanding by the CPS of how the decision making process can be improved from a community perspective
- Identify issues, common themes, and trends in the decision making process, looking in particular at the impact of decision making on diverse communities
- Make reports and recommendations to the local CPS Area Management
- Inform CPS lawyers, and where possible, other agencies, of relevant learning arising from the review and scrutiny of case files
- Improve the Area’s performance on hate crime by the panel acting as a critical friend in relation to hate crime training, development and delivery
- Identify good practice and lessons learnt
- Share learning within the Area to further improve performance on tackling hate crime

Critical success factors

1.17 If the HCSPs are effective what will success look like?

- Attrition rates for hate crimes will be reduced
Working relationships between the CPS and community partners in tackling hate crime will be improved
The competence of the CPS in handling hate crime cases will be improved.

Relationship to other scrutiny panels

1.18 In many Areas, different types of scrutiny or involvement forums already exist. These may be organised by CJS partners such as the police and the LCJBs. Whilst such panels work in different ways with different levels of engagement, we intend the CPS Hate Crime Scrutiny Panels to complement and enhance the work of these panels, and it is important for the CPS to continue to contribute to such forums. However, these existing forums cannot provide the level and depth of scrutiny of the CPS that the new CPS panels are designed to provide. The CPS panels will spotlight CPS practices and processes and therefore they will not duplicate the functions of existing forums which have a wider remit. It is important for the CPS to both support our partners in their scrutiny initiatives whilst at the same time placing our own Service under focussed scrutiny.

Options for panel format

1.19 In taking account of the wide variation in demography and geography across the Areas we recognise that ‘one size’ will not fit all in terms of this initiative. We also accept that to an extent, through local consultations, as part of the preparation for HCSPs, local communities will have views about what they feel will work best in their Area. In setting up panels, each Area will need to take account of these views before deciding the structure and format of their Area panel.

Option 1. An inclusive panel set up to review cases related to

1.20 An inclusive panel would cover all elements of hate crime

- Racist and religious hate crime
- Homophobic hate crime
- Disability hate crime
- Domestic violence

Advantages:
- Key sections of the community subjected to hate crime have an opportunity to improve the Service
- There is equity of consideration for all strands of hate crime
- The panel will be able to address the interplay and complexities between the effects of multiple hate crimes e.g. domestic
violence involving disabled people, crimes involving both racist and homophobic elements.

Disadvantages:
- If cases are scrutinised proportionally, DV cases would dominate the HCSP scrutiny agenda at every meeting, which would risk losing the interest of panel members who might be more focussed on other hate crimes.
- Initially there may be few if any disability hate crime cases to scrutinise pending full implementation and awareness raising amongst disabled people and partner agencies of the recently published CPS policy on disability hate crime— thus stakeholders representing disability interests on the panel may lose interest in attending meetings.
- In some Areas there may also be few homophobic or transphobic hate crimes to scrutinise.

Option 2. Multiple panels for different hate crimes:

1.21 Under this option one panel would be set up for racist and religious crime, homophobic crime and disability hate crime and another panel would be set up for domestic violence. There are already structures in place in Specialist Domestic Violence Court (SDVC) Areas to look at live cases, whilst the police in the 30 CPS Areas with SDVCs manage multi agency risk assessment case conferences. A CPS DV scrutiny panel looking at lessons from finalised cases would complement the work of these existing forums.

Advantages:
- Ensures that domestic violence does not dominate panel agendas resulting in less time for the scrutiny of other hate crimes.
- Domestic violence given prominence proportional to the number of cases

Disadvantages:
- Increases resource requirements.
- Fails to take account of more than one type of hate crime against the same victim

Option 3. Incremental approach

1.22 An incremental approach would involve setting up a panel following an Area audit/self assessment looking at which community relationships are at their most developed, which community relationships are at their weakest and also taking into account circumstances in some Areas where there are no links with communities for whatever reason e.g. organised community groups to support the victims of hate crime do not exist. The audit would also take a closer look at where there are the greatest levels of unsuccessful prosecution outcomes. Following
the audit, valid business reasons may suggest that panels focus on one or more types of hate crime initially.

Advantages:
- The rationale for the establishment of panels is linked to the Area Performance Review of the hate crime performance measure
- Allows a degree of flexibility by recognising that relatively less diverse rural Areas may want to focus limited resources on the most pressing local hate crimes
- An incremental approach allows sufficient time to build up solid community relations where they do not exist already. Again, this particularly advantages those Areas where there are few or no community groups

Disadvantages;
- Could cause resentment amongst those communities affected by hate crimes that are not immediately subject to scrutiny.
- Could be perceived to create a hierarchy of hate crime priorities
- Loses the value of consistency across the CPS Areas.

Option 4. Areas pooling resources to run a shared panel

1.23 Smaller Areas with less diverse, low density populations, may find it difficult to reach relevant community groups. They may also face capacity issues in servicing a HCSP. In such circumstances, it may be appropriate to merge with an adjacent Area (or part of an adjacent Area) to form a joint panel that reviews a sample of cases from both Areas. If this option is chosen, Areas should only merge with Areas in their Area Group.

Advantages:
- Provides a realistic option for smaller less well resourced Areas.

Disadvantages:
- Runs the risk of smaller Areas in such a partnership losing a sense of ownership of the process.

It will be important to rotate the location of the panel meetings between Areas to ensure that a sense of co-ownership is developed.

Settling on the format

1.24 All these options have their merits. Options 1 and 2 allow for the most inclusive panels and for panels that cover all CPS Areas. However, local circumstances may legitimately lead an area to options 3 or 4.
PART 2: SETTING UP AND RUNNING A PANEL

Phase One: Getting started

2.1 Systematic project planning will be critical to the successful establishment of scrutiny panels. The success of the panel is dependent on many variables, some of which are external to the organisation. The project planning stage should identify those external factors and weight them for risk.

2.2 The planning will include the following key stages:

- project initiation
- mapping relevant community organisations
- building up relations with organisations that may be a source of potential panel members
- conduct selection process in this order
  - the independent facilitator
  - the panel members
  - the independent lawyer
- provide induction and training

Project initiation:

2.3 A project initiation document needs to be drawn up which will identify:

- objectives
- scope
- deliverables
- desired outcomes
- constraints
- dependencies
- assumptions
- risk factors,
- quality planning
- governance
- project team
- project plan
- timeline

2.4 In developing the project initiation document, Areas should contact the EDU Project and Performance Adviser (PPA) for the region for further advice and guidance, and submit the last draft of the document before finalisation to the PPA for consideration and comment.
Communication strategy

2.5 The development of a communication strategy should be integrated into the project initiation process. The strategy should include building staff awareness (and commitment) and promoting the panel externally. The Area will also need to be proactive with the media, where possible negotiating supportive publicity and planning rebuttal processes in the event of adverse coverage or misrepresentation.

2.6 Internally, staff need to understand the rationale and benefits of the HCSP for the Service so that the notion of scrutiny becomes an embedded part of the CPS organisational culture. This is important in order that learning from the panel case reviews is seen as constructive and is acted upon. In addition, when staff are taking part in other forms of community engagement they need to be able to promote and explain the work of the panel to the wider public.

2.7 Building awareness for staff can take the form of:

- Articles in the local Area newsletters
- Information incorporated into local induction
- Discussions at team meetings and team away days
- Lunch time seminars
- Information incorporated into local community engagement training
- Information leaflet produced specifically about the panel
- Regular information updates on staff notice boards
Phase Two: Recruitment to the panel and capacity building

2.8 Lessons from the West Yorkshire HCSP have shown how important it is to get the membership right. Panels can sit for whole days at a time, sifting through large files often dealing with complex cases. It can be demanding work requiring focus, concentration and sound analytic skills. Panel members also need to be both constructive and challenging.

2.9 There needs to be a variety of expertise on the panel reflecting the diversity of the different types of hate crime the panel is going to scrutinise. Importantly, the role of the external panel members is to contribute to the work of the panel through their professional expertise in supporting victims and witnesses of hate crime; they are not on the panel to ‘represent’ any particular communities.

Panel composition

2.10 The structure of panels may vary from Area to Area, but as a minimum and based on the West Yorkshire model, it is recommended that the panel consists of:

- An independent facilitator from the community who chairs meetings
- Sufficient community members who have experience of providing support directly or indirectly to victims and witnesses of hate crime and who reflect the various strands of hate crime under scrutiny
- The Chief Crown Prosecutor
- One independent legal advisor (either external to the CPS or a CPS lawyer from another CPS Area within the Area Group on a mutual peer review basis)
- A panel support officer (the Area Group Equality and Diversity and Community Engagement officer)
- Any other CPS personnel or personnel from partner agencies as required e.g. the police, the LCJB.

The role of the independent facilitator

2.11 The scrutiny panel requires an approach to facilitation which is neutral and inclusive of all members and which enables participants to contribute fully through questions and discussion. The neutrality of this role is crucial to ensure that there is free and fair contributions from all panel members. The independent facilitator should:
- Meet with the CPS representative before each meeting to discuss and agree the timing and format of the meeting, e.g. the amount of time to allocate to each case file, time needed for asking questions and discussion of findings, agreeing next steps etc
- Stress the need for members to read the information provided in order that they come fully prepared for each meeting
- Make an effort to put participants at ease so that the process does not intimidate either the community representatives, or CPS staff
- Ensure meetings are conducted in a way that is respectful of difference within diversity and that all contributions are valued
- Ensure that all members of the panel have an opportunity to voice concerns about cases they are reviewing
- Ensure that panel members, especially CPS personnel, do not use jargon and that necessary technical/legal terms are explained.
- Ensure all panel members have understood all the relevant information about the case before completing the pro-forma
- Help the scrutiny panel to adhere to the key processes identified e.g. selection of files, scrutiny of files, lessons learnt from files and dissemination of lessons learned
- Follow through recommendations and action points raised during the meetings with CPS representatives
- Assist the CPS in handling any contentious issues raised by panel members or their organisations
- Act as an ambassador for the panel
- Contribute to the promotion of the work of the panel, both internally within the CPS and externally throughout the Criminal Justice System
- Act as critical friend to the CPS.

2.12 Because the role of the facilitator is pivotal to the smooth running of the panel, from year 08/09 and beyond the Equality and Diversity Unit will look at ways of enabling facilitators within a region or country wide to share experiences and learning.

The role of panel members

2.13 The role of the panel members is to:

- Participate actively in the assessment and scrutiny of case files
- Complete a HCSP case review proforma (see appendix 3) at the end of each case
- Raise any concerns that they may have in relation to the cases which are being presented
- Engage constructively with all panel members
- Recognise the value of contributions from different parts of the community
- Provide feedback to their communities on the work of the panel
- Contribute to internal CPS learning activity as appropriate
o Comply with the protocols of panel meetings and with the code of conduct.

The role of the independent legal advisor

2.14 It is important that the lawyer who presents the cases to the panel and helps the members find their way through the case papers operates in a way that is open and transparent. This role can be fulfilled either by commissioning an external lawyer (either a barrister or solicitor) who has the experience and training to present the cases to the panel and guide the panel through the legal technicalities of the case, or by CPS lawyer from another Area within the same Area Group or neighbouring Area Group. The independent legal advisor will need to be available for at least a day prior to each meeting of the panel in order to prepare the cases.

2.15 The independent legal advisor will:

o Prepare the cases for presentation in advance of the meeting
o Inform the CPS before the meeting how long each case will take to present and discuss with the facilitator the timing and format of each meeting (e.g. the amount of time allocated to each case file, questions, discussion of findings, agreeing next steps etc)

o Alert the CPS to any potential issues in order for the CPS lawyers to review the case file in advance of the meeting and establish the reasons for the action taken by the CPS case lawyer. This is to facilitate open and frank debate with as many potential questions answerable at the panel meeting as possible. In this way it should be possible to conclude the scrutiny of each case on the day and not defer matters to the next meeting
o Present the cases in an open and transparent fashion
o Raise any concerns that they may have in relation to the cases which are being presented
o Draw upon their expertise to advise the panel of relevant case law which could have had an impact on a case but was not used
o Together with the facilitator ensure that all panel members have understood all the relevant information about the case before completing the case review pro-forma.

2.16 See appendix 2 for a job description and person specification for the position of Independent Legal Advisor.

The role of the Chief Crown Prosecutor

2.17 The role of the Chief Crown Prosecutor is to:

o Represent the Area Management Board on the panel
- Enable a speedy response to any urgent problems identified, ensuring a “top down” approach which reaches staff at all levels
- Agree on action to be taken to rectify any identified problems
- Enable a smooth flow of information between Area Management Board and the panel
- Feedback issues raised by the panel to the appropriate Prosecutor
- Ensure consistency of approach to hate crimes across the Area.

The role of the Area panel support officer

2.18 The experience of the West Yorkshire panel has shown that effective support for the panel is important. It is also labour intensive. Advice and support should be drawn from the Area Group Equality and Diversity and Community Engagement Officer. Their input will need to be supported administratively at a local level. (In relation to support for the West Yorkshire panel the current Equality and Diversity officer has access to a half time A2 assistant who acts as a single point of contact for the panel members.)

2.19 Areas can also draw upon strategic advice from the Project and Performance Advisors from the Equality and Diversity Unit to ensure consistency and alignment with national agendas, particularly in getting the panels successfully off the ground.

2.20 The support for the panel will involve:

- Supporting and advising the panel members
- Liaison with senior management and the independent facilitator regarding the agreed flow of business
- Input into shaping and defining the approach to the scrutiny process
- In conjunction with senior management taking forward the resulting policy, practice and performance issues which arise as a result of the scrutiny process
- Liaising with scrutiny panel members regarding availability for the purposes of training and meetings.

2.21 The Area Group Equality and Diversity and Community Engagement officer will also need local administrative assistance in relation to:

- Organising scrutiny panel meetings
- Distributing agenda, minutes, anonymising and photocopying of cases
- Provision of cases to the independent legal advisor
- Maintaining contact with the panel members and sharing relevant documents/reports etc of interest to members
- Taking notes/minutes of meetings
- Organising catering arrangements for meetings
- Payment of expenses
In Wales, organising the translation of documents or the provision of an interpreter at panel meetings if requested.

Finding panel members

2.22 Finding the right members is crucial to the success of the panel. Where possible, Areas should prepare the ground by building relationships with local groups (where they exist), becoming familiar with the way such organisations support victims of hate crime and getting to know the people who are involved in providing the support. In this way, the Area will become familiar with the types of organisations that will be able to contribute effectively to the panel. The following is a check list of steps that need to be taken.

- Relevant local voluntary and community organisations should be approached to nominate a representative and a substitute/deputy.

- The best source of members will be through those sections of the voluntary and community sector that either directly or indirectly supports victims of hate crime, covering all the areas of hate crime the panel is going to review. Areas should already have an up to date local database of such groups which is a requirement under the Community Engagement Measure in the Area Performance Review system.

- In the more urbanised Areas there is likely to be a number of relevant groups to contact, less so in rural Areas. However, many Areas will have within their boundary branches of the following established organisations:
  - Race Equality Councils
  - Race Equality Networks
  - Harassment panels
  - Councils for voluntary service
  - Women’s Aid
  - Stonewall or other LGBT support networks
  - Disability support networks,
  - MIND
  - Scope
  - CABs
  - Community Safety Partnerships

- In addition, other partner agencies may have lists of relevant local organisations e.g. Local Strategic Partnerships, Community Empowerment Networks.

- Where Areas do not find any support organisations within their boundaries, they could approach organisations in adjacent urban
Areas who may be able to help with community contacts in their Area. (i.e. In some rural areas, whilst established support ‘groups’ as such, may not exist, members of the community in such areas may still be in touch with support groups in urban areas nearby.)

- In some rural Areas where there are no support groups, it may be necessary to advertise for members of the panel through leaflets distributed in public places such as libraries, community centres, hospitals, surgeries, places of worship. (See appendix 5 for the text of a leaflet)

- Alternatively, where local organised groups do not exist, Areas may wish to advertise for panel members in the local paper. If this option is chosen, it will be important to liaise with the editor in advance and seek to place an ‘advertorial’ which involves the advertisement being accompanied by an article explaining the purpose of the panel in more detail. This may help to avoid any adverse publicity or misunderstanding about the role of the panel.

- In the search for suitable groups and networks it is important to try and reach beyond those groups with whom the Area traditionally consults, both in terms of different organisations and in terms of those who have traditionally been less well represented in consultation.

2.23 By way of example, the groups represented on the West Yorkshire Scrutiny Panel were:

- Calderdale Hate crime partnership
- Kirklees Council safer communities unit
- Wakefield hate incident group
- Bradford Hate Crime Alliance
- Leeds Racial Harassment Project.

2.24 West Yorkshire is an area with a richly diverse mix of communities. In some Areas there will not be such an extensive range of established groups to approach.

2.25 In such areas, more intensive outreach work will be needed to form scrutiny panels. For guidance on outreach including outreach in rural areas refer to section E of the CPS Community Engagement Handbook on the Infonet.

http://infonet.cps.gov.uk/consump/groups/equalityanddiversity/docume
Panel member specification

2.26 A specification for the post of panel member should contain the following elements. Areas may want to expand on this specification to reflect local circumstances:

- Experience directly or indirectly of advising and supporting victims and witnesses of hate crime [specify]
- Willing to work constructively with the other members of the Panel
- A commitment to working in a way that respects difference and values diversity
- Understanding of institutional discrimination within the criminal justice system and how this impacts on community trust and confidence in the CJS
- Ability to bring relevant expertise and experience to the panel in relation to supporting victims and witnesses of hate crime
- Willing to complete a register of interests (if such interests relate to paid work the member provides to any other relevant agencies and such work is likely to be of material relevance to the member’s role on the panel.)
- Willing to sign a declaration of confidentiality and maintain confidentiality
- Willing to undergo a security check to achieve security clearance.

Selecting panel members

2.27 Selection should be based on the criteria in the specification. The following process should be followed:

- Invite nominations for panel members (and a deputy) from relevant organisations. Potential nominees should be sent:
  - the nomination form, (see appendix 4)
  - the panel member specification, and
  - information that explains the role of the CPS and the role of the HCSP

- Nominations should be selected by a panel consisting of the independent facilitator, and the CCP, the Equality and Diversity and Community Engagement Officer and the regional Project and Performance Advisor.

- Successful nominees are advised that they have been selected and that a security check will be undertaken.
After security checks are complete all new panel members, including deputies, should be invited to an Area introductory meeting which can be used to explain in more depth what the panel is, how it will work and to answer any concerns members may have. It can also be used to assess training needs.

Finding the independent facilitator

2.28 Areas will need to approach the same sources for community contacts to find the independent facilitator as they do for other members of the panel (see above.) In addition, Areas may want to approach public organisations that are not necessarily directly responsible for supporting victims of hate crime e.g. local authorities via the Chief Executive and Local Strategic Partnerships via their lead official.

2.29 The independent facilitator will need to be selected before the other panel members are selected as she or he will be asked to sit on the selection panel for the other members of the panel.

The independent facilitator specification

2.30 A specification for the post of independent facilitator should contain the following elements. Areas may want to expand on this specification to reflect local circumstances:

- Experience of chairing meetings in a complex and challenging environment in an objective and decisive way
- Ability to analyse complex documents and summarise contents quickly and clearly
- Willing to work constructively with the other members of the Panel
- A commitment to working in a way that respects difference and values diversity
- Understanding of institutional discrimination within the criminal justice system and how this impacts on community trust and confidence in the CJS
- Ability to work in a promotional capacity inside and outside the CPS on behalf of the panel
- Willing to complete a register of interests (if such interests relate to paid work the member provides to any other relevant agencies, and such work is likely to be of material relevance to the member’s role on the panel.)
- Willing to sign a declaration of confidentiality and maintain confidentiality
- Willing to undergo a security check to achieve security clearance.
**Selecting the independent facilitator**

2.31 Selection should be based on the criteria in the specification. We recommend that a standard CPS job application form be used or a simplified adaptation of the form. The following process should be followed:

- Invite applications for the post of independent facilitator from relevant organisations. Potential applicants should be sent:
  - the application form (appendix 4)
  - the independent facilitator specification, and
  - information that explains the role of the CPS and the role of the HCSP

- Applicants should be selected by a panel consisting of the CCP, the Equality and Diversity and Community Engagement Officer and other colleagues as an Area requires

- The successful applicant is advised that they have been selected and that a security check will be undertaken and references taken up.

- After security checks and references have been cleared, the independent facilitator should be invited to an introductory meeting which can be used to explain in more depth what the panel is, how it will work and to answer any concerns the independent facilitator may have. It can also be used invite the facilitator to take part in the selection process for the panel members and for the independent legal advisor.

**Finding the independent legal advisor**

2.32 There are two main options:

- Seek a CPS lawyer from another Area; this could work through a peer review arrangement, whereby both Areas exchange lawyers to sit on their respective panels. This may appear a more cost-effective option, but a legal advisor from within the CPS might not be perceived as wholly independent, from the perspective of the community.

- Seek a lawyer eternal to the CPS – in which case the Area could approach local chambers, or look for lawyers who are part of the Court service. This option has the advantage of securing a wholly independent lawyer. (This is the option taken by West Yorkshire)
Selecting the independent legal advisor

2.33 As the legal adviser is required to have formal qualifications a full job description and person specification is provided in appendix 2. The Standard CPS job application form should be used if the Area has decided to appoint an external lawyer. If the Area has decided to seek a lawyer from another Area, a much simplified application form should be used.

2.34 As a minimum, the selection panel should consist of the CCP, the independent facilitator, the Equality and Diversity and Community Engagement officer, and the regional Project and Performance Advisor.

2.35 The process should follow that set out above for the independent facilitator excluding unnecessary procedures in the case of internal CPS lawyers.

Training and induction of panel members

2.36 To be able to contribute effectively to the work of the panel, members will require induction and training. Each Area will need to assess the training needs of the panel members they have drawn together. As a minimum, induction should include:

- An understanding of the CPS hate crime policies, the Code for Prosecutors, the Prosecutors Pledge, the Victims Code
- An understanding of how serious and sensitive hate crime cases should be handled by reference to the report into the handling of the racist murder of Anthony Walker
- An understanding of the Charging Programme
- An understanding of the No witness, No justice Minimum requirements
- The opportunity to shadow a CPS lawyer, visit a charging centre and a court
- The opportunity to meet the local hate crime co-ordinators
- An understanding of how the panel will operate
- An understanding of the CPS equality and diversity policy and strategy
- An understanding of the how the CPS relates to the rest of the CJS
- An understanding of language and terminology that respects diversity.

2.37 As new CPS policies and guidance are developed panel members will require on going training.
2.38 Training and induction should be planned in consultation with the Area Group Equality and Diversity and Community Engagement officer. Strategic advice can also be drawn from the relevant EDU Project and Performance Advisor.
Phase Three: Panel operating procedures, monitoring and review

2.39 Set out below are general guidelines for operating procedures, monitoring and review. The guidelines are largely based on what has been tried and tested in West Yorkshire. It is important that Areas (and panels once established) have ownership of their panel, and as such, there may be local variations to panel operating procedures.

Model terms of reference

2.40 The CPS Area Hate Crime Scrutiny Panel is a mechanism for ensuring transparency and accountability in decision making in the area of racist and religious crime, homophobic crime, disability hate crime and domestic violence. [Specify] The panel aims to contribute to raising the trust and confidence of our key stake-holders and communities. This will be achieved by raising the awareness and understanding of the decision-making processes of the CPS through the scrutiny of randomly select finalised case files, and acting on learning points that emerge from that scrutiny.

Aims:
- To widen the understanding of the decision-making processes in the handling of hate crime cases
- To review and scrutinise randomly selected finalised hate crime case files.
- To identify issues, common themes, trends in the decision making process, looking in particular at the impact of decision making on diverse communities of interest.
- To make reports and recommendations to the CPS Area Management Board in connection with learning
- Through the CCP, to inform other agencies of relevant learning arising from the review and scrutiny of case files
- To improve the Area’s performance on hate crime [specify] by the panel acting as a critical friend in the area of hate crime training, development and delivery

Membership:
- Membership of the HCSP consists of organisations which are represented by the named panel member, or in Areas where membership is not drawn from a specific organisation, the individual is the member
- Initially, membership of the HCSP will be offered for a period of two years, subject to review after 12 months. This review will give members the opportunity to withdraw from the panel if they so wish or to discuss any specific issues in relation to their continuing membership
Membership may be extended beyond two years if it is considered to be for the benefit of the panel. Members may self-terminate their membership of the panel at any time.

The independent facilitator will sit for a period of 3 years and then be subject to an annual review. She/he may be reselected to sit for a further 2 year period.

Should a member move out of the Area or leave for any other reason their deputy will be invited to join the panel and a new deputy sought.

Model code of conduct

2.41 Set out below are key elements of a model code of conduct:

- All members must complete a register of interests if such interests relate to any paid work they provide to any CJS agencies or other relevant agencies if that work is likely to be material to their role on the panel.

- Members should not use their position on the panel to further or advantage their pecuniary or other interests. Any contravention of the above will call into question the member’s suitability to remain on the panel. Apparent breaches of this protocol should be notified to the independent facilitator and the CCP who will bring the matter to the attention of the Panel with a proposed course of action e.g. de-selection of member. (This excludes any work the CPS commissions specifically to promote the concept of HCSP to other parts of the CJS and beyond.)

- Any engagement with the media on matters relating to the business of the panel will be undertaken by the CCP and/or with their agreement, by the independent facilitator, where possible in consultation with the panel members.

- Members must attend 75% of panel meetings, where possible.

- Members must always behave in a way that:
  - acknowledges the value of people’s different view points and interests
  - supports the principles of equality and diversity
  - challenges discrimination and prejudice.
Confidentiality

2.42 The core principle underpinning the relationship between panel members and the CPS is that it is built on mutual respect, and on trust and confidence, which in turns facilitates openness, frankness and transparency. This applies to everyone concerned with the panel. Any breach of confidentiality should be brought to the attention of the independent facilitator; any breach of confidentiality by the independent facilitator should be brought to the attention of the Chief Crown Prosecutor.

De-selection

2.43 Opening up the process of prosecution for public scrutiny is a significant step for the CPS, and as such, maintaining the integrity of the panel is a paramount consideration. Members of the panel must have trust in the process of scrutiny and in each other. Breaches in trust need to be dealt with quickly and openly. Panels once established may want to develop their own criteria for de-selection, however, as a minimum de-selection should be considered on the grounds of:

- Breach of confidentiality
- Failure to adhere to the code of conduct
- Failure to take forward actions allocated to them
- Failure to participate actively in the work of the group
- Failure to attend meetings

2.44 If a member is put forward for de-selection the panel needs to arrive at a consensus about that member’s de-selection, taking into account advice from the facilitator and the CCP.

Remuneration and expenses

2.45 The only paid members of the panel will be the facilitator and the independent legal advisor where the lawyer is commissioned externally. Rates to be negotiated locally in line with CPS agency rates.

2.46 For all external panel members the payment of expenses will endeavour to cover costs (travel, childcare, etc.) of panel members attending meetings. Travelling expenses will be payable on confirmation of members’ attendance at meetings (recorded in meeting minutes) and other expenses e.g. childcare, meals, should be paid upon production of receipts. (CPS terms and conditions should apply.) The payment of expenses will remain subject to constant review to ensure that they continue to be ‘fit for purpose’.
2.47 If a group represented on the panel is wholly voluntary and their nominee is an unpaid volunteer, loss of earnings may be covered for attendance at meetings, subject to resources.

**Frequency of meetings and quorum**

2.48 The West Yorkshire panel has 4 scrutiny meetings per year. In addition, two extra days are allocated to accommodate panel development needs such as training sessions or for meetings in order to discuss operational aspects of the panel. Depending on the levels of hate crime in an Area and the format of the panel, panels may decide to have more or fewer meetings than the West Yorkshire panel.

2.49 Areas will need to set an agreed quorum before the first review meeting.

**Selection of cases**

2.50 It is important that this process is seen as fair and objective so that panel members will have confidence that the cases being reviewed are a random reflection of the CPS case work for the Area. This can be done in two stages:

- **Stage one:** Different members of the panel will in turn randomly select up to 7 cases from CMS. Normally only 5 cases will be looked at in a day, with two in reserve in the event that the selected cases are reviewed quicker than estimated. There will need to be a stratification of the selection so that a balance of cases are considered for review reflecting the different hate crime categories the panel has been set up to scrutinise.

- **Stage two:** The randomly selected cases are then discussed with the selector and the independent legal advisor in order to ensure that the 7 cases will provide learning for the panel e.g. cases that are straightforward are not likely to provide effective learning.

**Presentation of case files**

2.51 The panel will need to work on files that are as comprehensive and as accessible as possible:

- The panel administrator must ensure that the case paper work is presented in an accessible and sequential format.
Each panel member will be given a photo copy of the case files at the start of the meeting (these files should not be taken out of the meeting room).

These files should be made available for inspection in CPS offices by members of the panel at least one week prior to the scrutiny meeting.

In the normal operation of the panel, the names of victims and witnesses do not need to be erased from the file as panel members will all sign a declaration of confidentiality. However, when relevant and possible, the identification of victims and witnesses should be anonymised. This requirement should not arise in many cases as all panel members will have signed the document of confidentiality.

**Process of case review**

2.52 The independent legal advisor will:

- Introduce each case, summarising what happened, highlighting any areas of concern she or he may have.
- Answer any legal questions that members of the panel raise.
- Ensure every member is asked for their views of the case processes and that these are addressed.

2.53 The panel members will:

- At the end of each case review complete a case review proforma. All proformas will be handed to the facilitator at the end of the meeting.

**Minutes of review meetings**

2.54 Minutes of the meeting should summarise the content of each case reviewed, lessons learnt, and actions to be undertaken. The minutes should not identify any parties to the cases reviewed in order that the community panel members can share the outcome of panel meetings to a wider community audience.

**Learning from file reviews**

2.55 Each scrutiny session will provide lessons for the future that need to be captured and acted on.

- Feedback to lawyers whose cases have been reviewed. The CCP will feedback to lawyers whose cases have been scrutinised. This should
be a constructive, developmental, learning process separate to performance development reviews. As part of this learning, Area lawyers can be invited to observe future sittings of the panel.

- Feedback to other CPS lawyers and other staff: It is important to share learning points with all Area staff. Local Area newsletters or staff bulletins should be used for this purpose. Learning may also be communicated directly with the relevant CPS team e.g. the Witness Care Unit. Staff should also be encouraged to sit as observers on future panels.

- Area Management Boards and the Area Group Strategy Board: Boards should be given quarterly reports on:
  
  (a) the outcomes of the scrutiny panels in terms of lessons learnt and good practice
  (b) actions taken to disseminate good practice and publicise the improvement to the Service as a result of the panel
  (c) how the panel is improving performance at an organisational level.

Quarterly reports should also form part of the portfolio of evidence provided to the regional Project and Performance Advisor for the biannual community engagement assessment of the Area Performance Review Process.

- Feedback to other CJS partners: the CCP will need to liaise with LCJB members in order to develop a protocol for the feedback of learning to CJS partners.

**Monitoring and review**

2.56 An annual report on the outcomes of the panel in terms of actions implemented following review meetings and other aspects of the effectiveness of the panel should be provided to the Equality and Diversity Unit Project and Performance Advisor each year at the end of Quarter 4 starting in 08-09. The Equality and Diversity Unit will provide a template for recording the information required for this annual review. This should be correlated to the Area’s performance in reducing unsuccessful outcomes in hate crime cases. This will be used by the EDU to publicise lessons learnt across all Areas and to disseminate information about best practice.

2.57 Two years from the first business meeting of the panel, an independent review should be conducted to evaluate:

- How effective the panel has been in opening up the CPS to scrutiny of its decision making
The extent to which there has been any correlation between the work of the panel and the levels of successful prosecution for hate crimes
- how effective the panel is perceived to be by all panel members
- whether current operational protocols are adequate to maximise efficiency
- whether any difficulties have arisen in terms of breaches in the code of conduct.

2.58 For reference see the independent evaluation report into the CPS West Yorkshire HCSP by the University of Hull, June 2006 (available from The Equality and Diversity Unit).
Appendix 1. The West Yorkshire Story – CPS West Yorkshire Race Scrutiny Panel

Community Engagement for CPS West Yorkshire is based on the firm belief that it can and does add huge benefits to our core business, helping us to improve service delivery and employment.

Fundamentally, clear leadership and commitment to community engagement from the CCP and ABM are the key requisites for instilling confidence, commitment and buy-in to this key area of our work, both in terms of all our staff and the diverse communities we serve. This is coupled with the ability to take risks, be innovative, and be challenging in the types and forms of community engagement undertaken. It is these factors which have defined CPS West Yorkshire as a cutting edge CPS Area in terms of community engagement.

The development, sustainability and maintenance of the CPS West Yorkshire Race Scrutiny Panel, has been possible through the recognition of 3 key areas;

• An effective infrastructure for Community Engagement;
• Leadership;
• Involving Critical Friends.

Developing the Infrastructure

CPS West Yorkshire worked hard to develop an effective infrastructure for community engagement, this was achieved through the development of a range of interventions which the Area developed which ranged from; developing a community engagement strategy and action plan within which all community engagement activity is based and commissioning Hull University to undertaken extensive research into the census data into religion, ethnicity and age at ward level within which we have based community engagement activity. Having an effective infrastructure for community engagement has given the area the basis within which to develop and enhance diverse and innovative methods for community engagement.

Leadership

Leadership from the CCP and ABM has been critical to ensuring that initiatives such as the development, delivery and sustainability of the Race Scrutiny Panel is taken seriously by all staff and most importantly by the communities and stakeholders we serve. CPS West Yorkshire ensured that when difficulties arose which could potentially jeopardise the development, delivery and sustainability of the scrutiny panel, that we discussed with, listened to and took forward the recommendations and views of all our stakeholders. This has ensured that our key stakeholders have confidence in and commitment to the Race Scrutiny Panel. Fundamentally, CPS West Yorkshire recognised that in order to ensure public trust and confidence in the
Race Scrutiny Panel, we sometimes have to relinquish our power, by working with and involving critical friends through listening to and taking on board the advice and professionalism of our staff.

**Involving Critical Friends**

In establishing the infrastructure and ensuring that our activity was maintained and sustained. Through developing and cultivating relationships with stakeholders and diverse communities of interest. CPS West Yorkshire created an effective platform within which to go onto the most difficult yet most rewarding stage; the involvement of Critical Friends.

The involvement of critical friends can only really been attained if the Leadership is wiling and able to relinquish power to incorporate the views of external people. These views may make the Area and key decision makers feel uncomfortable, but they are key to ensuring that the Area can become a world class prosecuting authority.

The Race Scrutiny Panel, was developed as a result of listening to the concerns and issues around our prosecution decision making by our key stakeholders – racial harassment projects in West Yorkshire. In developing the infrastructure for the panel we consulted both internally and externally and committed to externally evaluating the project in one year. To ensure confidence in the process we decided to appoint an externally appointed facilitator as the Independent Chair of the Panel.

This has been a rewarding and effective method of community engagement which has contributed to improving CPS decision making in the prosecution of racially aggravated crime, (see graph below) most importantly it has contributed to improving confidence in CPS decision making.

**Conclusion**

CPS West Yorkshire has over the years become more confident and innovative in the community engagement which it has undertaken. We have ensured that our activity spans the full range of community engagement from basic information giving to participation in decision making.

Critically, we have recognised that we constantly need to review, evaluate and monitor community engagement activity undertaken, continue to be challenging and be challenged, to ensue that we do not become complacent. By involving critical friends and listening to and acting upon the issues, needs and concerns of the communities we serve. Whilst never failing to recognise that the community within - our staff, hold a wealth of information and experience within which we can harness to improve both service delivery and employment.
CPS West Yorkshire

Figure 1. Racist and religious crime attrition rate trend November 04 - March 07
Appendix 2. Model job description and person specification for the independent legal adviser

All forms will require CPS branding and can be adapted to local circumstances

<table>
<thead>
<tr>
<th>JOB DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Role Title</td>
</tr>
<tr>
<td>Reports to</td>
</tr>
<tr>
<td>Department/Division</td>
</tr>
<tr>
<td>Date completed</td>
</tr>
</tbody>
</table>

Role Purpose
To present case files to the CPS Area Hate Crime Scrutiny Panel in an open and transparent manner ensuring that the panel understands all relevant legal points in order to make an informed recommendation on how handling of the case could have been improved, where appropriate and identifying examples of good practice.

<table>
<thead>
<tr>
<th>Area of Accountability</th>
<th>Accountabilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case work preparation</td>
<td>• Alerting the CPS Area to potential concerns likely to be raised by panel members in order for CPS to scrutinise the case files in advance of the meeting and explore the reasons for any action taken.</td>
</tr>
<tr>
<td></td>
<td>• Identify key issues for the panel.</td>
</tr>
<tr>
<td>Case work review</td>
<td>• Reviewing files provided by CPS xxx to present them to the Hate Crime Scrutiny Panel identifying where decisions could have been made differently.</td>
</tr>
<tr>
<td></td>
<td>• Flag cases which are inappropriate for scrutiny to the Independent Facilitator and the Area support officer to the panel.</td>
</tr>
<tr>
<td>Legal advice</td>
<td>• Pilot the Hate Crime Scrutiny Panel through the case facts and key points, advising the Panel on decisions which could have been made differently and the potential outcome of those decisions.</td>
</tr>
<tr>
<td>Advocacy</td>
<td>• Presenting files to the Hate Crime Scrutiny Panel.</td>
</tr>
</tbody>
</table>

The Key Decision Making Areas in the Role
Applying code tests to determine the suitability of CPS decisions;

The Role Dimensions
• Caseload – x per year over x days
<table>
<thead>
<tr>
<th>Who</th>
<th>Purpose</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Crown Prosecutor</td>
<td>To ensure the smooth running of the panel meetings and the swift response to potential questions raised by the panel</td>
<td>N/A</td>
</tr>
<tr>
<td>Equality &amp; Diversity and Community Engagement Officer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Race Crime Specialists</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Homophobic Crime Specialists</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disability Crime specialists (when in post)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Domestic violence Specialists</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project and Performance Advisors</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Panel members</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## PERSON SPECIFICATION

<table>
<thead>
<tr>
<th>Role Title</th>
<th>Independent Legal Advisor</th>
<th>Reports to</th>
<th>CPS xxx Hate Crime Scrutiny Panel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department/Division</td>
<td></td>
<td>Date completed</td>
<td></td>
</tr>
</tbody>
</table>

### Skills

<table>
<thead>
<tr>
<th>Diversity Awareness &amp; Management</th>
<th>Criteria</th>
<th>Method of Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Considers the impact of decisions on different communities</td>
<td></td>
<td>Application Form, Interview &amp; In tray exercise – written</td>
</tr>
<tr>
<td>• Demonstrates awareness of the CPS's Equality &amp; Diversity Policy and wider Diversity issues</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Demonstrates a comprehensive understanding of the CPS policies on Hate Crime.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Achieving Results</th>
<th>Criteria</th>
<th>Method of Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Analyses reasons for success and failure and ensures advice is given.</td>
<td></td>
<td>Application Form, Interview &amp; In tray exercise – written</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Communication &amp; Negotiation</th>
<th>Criteria</th>
<th>Method of Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Drafts full, clear and concise reports.</td>
<td></td>
<td>Application Form, Interview &amp; In tray exercise – written</td>
</tr>
<tr>
<td>• Communicates clearly, concisely, confidently and assertively.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Sets out arguments clearly and logically; persuades and influences others.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Reasoning &amp; Decision Making</th>
<th>Criteria</th>
<th>Method of Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Thinks strategically and sees wider importance of the issue in hand</td>
<td></td>
<td>Application Form, Interview &amp; In tray exercise – written</td>
</tr>
<tr>
<td>• Shows sound judgement, reaching balanced and unbiased view</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Balances the needs of the public, police, victims, witnesses, defendants etc.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Specialist Skills and Knowledge</th>
<th>Criteria</th>
<th>Method of Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Understands legal procedures and processes.</td>
<td></td>
<td>Application Form, Interview &amp; Written case Study</td>
</tr>
<tr>
<td>• Provides informed advice.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Demonstrates awareness of the Code for Crown Prosecutors</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Qualifications

<table>
<thead>
<tr>
<th>Qualifications</th>
<th>Methods of Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Academic:</strong></td>
<td></td>
</tr>
<tr>
<td>Law degree</td>
<td>Application Form</td>
</tr>
<tr>
<td>or</td>
<td></td>
</tr>
<tr>
<td>Common Professional Examination</td>
<td></td>
</tr>
<tr>
<td><strong>Professional:</strong></td>
<td></td>
</tr>
<tr>
<td>Legal Practice Course</td>
<td></td>
</tr>
<tr>
<td>or</td>
<td></td>
</tr>
<tr>
<td>Bar Vocation Course</td>
<td></td>
</tr>
<tr>
<td>and</td>
<td></td>
</tr>
<tr>
<td>Have completed the relevant pupillage and training contract</td>
<td></td>
</tr>
</tbody>
</table>

### Knowledge & Experience

<table>
<thead>
<tr>
<th>Knowledge &amp; Experience</th>
<th>Methods of Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>• A qualified Barrister or Solicitor</td>
<td>Application Form</td>
</tr>
<tr>
<td>• Minimum of 5 years experience in the practice of criminal law.</td>
<td>Application Form</td>
</tr>
<tr>
<td>• A good working knowledge of the criminal justice system, criminal law and procedure and its practical application</td>
<td>Interview</td>
</tr>
<tr>
<td>• Maintaining up to date knowledge of relevant legal matters</td>
<td>Interview</td>
</tr>
<tr>
<td>• Basic IT skills – word processing, e-mail</td>
<td>Application Form</td>
</tr>
</tbody>
</table>
### Appendix 3. Model case review pro forma

<table>
<thead>
<tr>
<th>Monitoring Criteria</th>
<th>Yes</th>
<th>No</th>
<th>Other Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. At key stage review was there sufficient evidence in accordance with the Code Evidential Test?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. If the case needed strengthening, was appropriate advice given to the Police?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Was the review decision in accordance with the Code Public Interest Test?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Was CPS policy in relation to this category of case applied (including Charging Standard?).</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Did the charging lawyer record her/his consideration of victim and witness needs on the MG3?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. If pleas were accepted to lesser offences, was this justified?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. If the case was dropped/discontinued, was the decision in accordance with the Code?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. If an acquittal was foreseeable, did the CPS take appropriate action to strengthen the case or drop it sooner?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. If the charge was substantially altered or dropped, was an appropriate letter sent to the Victims?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. If the case was substantially altered or dropped was the victim offered a meeting with the prosecutor? (Except in DV cases when it is not a required due to volume.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. If a meeting was requested by the victim, did it take place?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. Was the communication to Victims of charges being substantially altered or dropped in accordance with timescales set out in the Victims Code of Practice?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13. If there was avoidable delay, was appropriate action taken to avoid or reduce the delay?</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Issues identified**

**Recommendations**

**Actions**

**Completed by**

**Date**
Appendix 4. Model nomination and application forms

All forms will require CPS branding and can be adapted to local circumstances

<table>
<thead>
<tr>
<th></th>
<th>CPS Area Hate Crime Scrutiny Panel Community Member Nomination form</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Name and full contact details</td>
</tr>
<tr>
<td>2</td>
<td>Name and address of nominating organisation</td>
</tr>
<tr>
<td>3</td>
<td>Name and contact details of your nominator - if applicable (self nominations are accepted.)</td>
</tr>
<tr>
<td>4</td>
<td>Name and contact details of nominee/deputy (delete as appropriate)</td>
</tr>
<tr>
<td>5</td>
<td>What is the role and function of your organisation</td>
</tr>
<tr>
<td>6</td>
<td>What is your role in the organisation you represent?</td>
</tr>
<tr>
<td>7</td>
<td>Explain how you are able to satisfy the requirements of the panel member specification</td>
</tr>
<tr>
<td>8</td>
<td>Do you give your consent to the CPS undertaking a security check on you? YES/NO</td>
</tr>
<tr>
<td>9</td>
<td>[Use the CPS recruitment equality monitoring process – see below for the standard text]</td>
</tr>
</tbody>
</table>
| 10| Declaration  
   I declare that the information I have given is, to the best of my knowledge and belief, true and complete.  
   Signature  
   Date |
| 11| Please return this form to xxx by xxx.  
   If you have any queries please contact xxx |
|   | CPS Area Hate Crime Scrutiny Panel  
<table>
<thead>
<tr>
<th></th>
<th>Independent Facilitator Application Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Name of your voluntary organisation or current employer</td>
</tr>
<tr>
<td>2</td>
<td>Name, status and contact details of a referee: (A colleague from the voluntary or community sector or from your current employer)</td>
</tr>
<tr>
<td>3</td>
<td>If you belong to a voluntary or community sector organisation please describe your role in that organisation</td>
</tr>
<tr>
<td>4</td>
<td>Explain how you are able to satisfy the requirements of the independent facilitator specification:</td>
</tr>
<tr>
<td>5</td>
<td>Do you give your consent to the CPS undertaking a security check on you? YES/NO</td>
</tr>
<tr>
<td>6</td>
<td>[Use the CPS recruitment equality monitoring process – see below for the standard text]</td>
</tr>
</tbody>
</table>
| 7 | Declaration  
I declare that the information I have given is, to the best of my knowledge and belief, true and complete.  
Signature  
Date |
| 8 | Please return this form to xxx by xxx.  
If you have any queries please contact xxx |
Equality Monitoring

Nationality and ethnic background

**Section A: Nationality**

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>(A)</td>
<td>British or Mixed British</td>
</tr>
<tr>
<td>(B)</td>
<td>English</td>
</tr>
<tr>
<td>(C)</td>
<td>Irish</td>
</tr>
<tr>
<td>(D)</td>
<td>Scottish</td>
</tr>
<tr>
<td>(E)</td>
<td>Welsh</td>
</tr>
<tr>
<td>(F)</td>
<td>Or any other (specify)</td>
</tr>
<tr>
<td>(X)</td>
<td>I do not wish to disclose my nationality</td>
</tr>
</tbody>
</table>

**Section B: Ethnic background**

<p>| | |</p>
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Asian (A)</td>
<td>Bangladeshi</td>
</tr>
<tr>
<td>(B)</td>
<td>Indian</td>
</tr>
<tr>
<td>(C)</td>
<td>Pakistani</td>
</tr>
<tr>
<td>(D)</td>
<td>Any other Asian Background (specify)</td>
</tr>
<tr>
<td>Black (E)</td>
<td>African</td>
</tr>
<tr>
<td>(F)</td>
<td>Caribbean</td>
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<tr>
<td>(G)</td>
<td>Any other Black Background (specify)</td>
</tr>
<tr>
<td>Chinese (H)</td>
<td>Any Chinese Background (specify)</td>
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<tr>
<td>Mixed Ethnic Background (I)</td>
<td>Asian and White</td>
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<tr>
<td>(J)</td>
<td>Black African and White</td>
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<tr>
<td>(K)</td>
<td>Black Caribbean and White</td>
</tr>
<tr>
<td>(L)</td>
<td>Any other Mixed Ethnic Background (specify)</td>
</tr>
<tr>
<td>White (M)</td>
<td>Any other White background (specify)</td>
</tr>
<tr>
<td>Any other Ethnic Background (N)</td>
<td>Any other Ethnic Background (specify)</td>
</tr>
<tr>
<td>(X)</td>
<td>I do not wish to disclose my ethnic background</td>
</tr>
</tbody>
</table>

**Disability**

The Disability Discrimination Act 1995 (DDA) defines a disabled person as someone with a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

Do you consider yourself to be disabled as defined in the DDA? [ ] Yes [ ] No

If you are disabled, as defined by the Act above, please give details of any arrangements or considerations we need to take account of to enable you to participate in the Hate crime Scrutiny Panel.

**Gender**

What do you consider your gender to be? [ ] Male [ ] Female

**Age**

Date of birth
Appendix 5. Draft text for outreach leaflet

Will you help us to prosecute hate crime?

- Do you have experience of helping to support victims of hate crime such as racist crime? [specify others as appropriate]
- Have you had an interest in equality issues?
- Do you want to improve the prosecution of hate crimes?
- Do you think you could make a contribution?

If you have answered yes to these questions, then CPS [Specify Area] wants to hear from you.

A panel is being set up to scrutinise how the CPS has handled hate crime cases in the recent past. We want people with the right experience from different sections of the community to be part of that panel. We want people who are prepared to be constructive and challenging. We will provide training and we will pay expenses. Will you give ....days of your time per year to help this panel succeed?

For further information and a nomination form contact…………………………..

Closing date for receipt of nomination .............
1. **The LCJB has its own scrutiny forum – why do we have to have one as well?**

The CPS needs to put its own house in order. We need to focus on improvements that will increase successful prosecutions. This requires focused work of the sort only CPS HCSPs can offer.

2. **In the light of current budget constraints why is the CPS investing so much into developing these panels when we are struggling to meet our current prosecution case load?**

The CPS has prioritised this work for the following reasons: Whilst the CPS has made some progress in community engagement it has started from a low base line. To be a world class prosecution service - which is our common goal – we must be an engaged Service. To be disengaged and aloof from the communities we prosecute amongst, risks prosecuting without consent and undermines the rule of law. The available evidence indicates that most of our community engagement to date has been at the level of imparting information - now we need a step change and a move on from imparting information to involving communities in publicly accounting for and scrutinising our performance. It is in this way that we will build a valued and trusted public service amongst all communities.

3. **Why is the CPS setting up both HCSPs and community involvement panels (CIPs) - can’t we have one panel for everything?**

These panels are designed to address different but complementary aspects of our work. The HCSPs are focused on individual cases and on improving case work handling. They are pitched at the Area level. The CIPs are strategic panels pitched at the Area Group level and are consultative, focussing on high level performance and on Area Group strategy, planning and delivery.

4. **For 2007/8 do Areas have to continue to develop other community engagement activity as well as set up a HCSP?**

Yes. HCSPs are a very important and specialised form of effective community participation, but it does not mean that other activities such as meetings with minority groups and contributions to events staged by other CJS agencies, should not continue.

5. **Why are we only scrutinising how we handle hate crimes – isn’t this a form of discrimination?**

We are focusing on hate crimes because they have some of the highest attrition rates compared to most other crimes. (Hate crime lags 20% behind
overall crime prosecution rates.) It is not about favourable treatment but about accounting for performance and ensuring our practices do not disadvantage sections of the community.

6. If we include domestic violence cases for scrutiny won’t DV dominate because there are so many cases of DV compared to other hate crime?

Some Areas are already planning to have separate DV panels, or Violence against Women panels which will involve DV. Totally integrated panels with DV may need to meet more often so that sufficient cases of all types are looked at.

7. How do I attract members of the community to join the panel?

You need to spend time planning how you are going to reach and select members, mapping what contact lists you already have and what contact lists other agencies might have. You need to spend time becoming familiar with organisations and building up relationships with community groups that might be a potential source of panel members. The Equality and Diversity and Community Engagement officers and the Project and Performance advisors will be able to advise you.

8. What do I do if I just cannot get enough community organisations to nominate a member for the panel?

You have the option of setting up a joint panel with an adjacent urban Area (it should be within the same Area Group) where there are likely to be more voluntary and community sector support groups for the victims of hate crime.

9. How do I make sure that the panel does not degenerate into a challenge and defence mode?

The purpose of the panel is to constructively challenge the CPS, therefore it is important that the CPS panel members do not automatically react in defensive mode. The objective is to learn what we might do better. To achieve this it will be important that these messages are delivered through staff awareness activities. Similarly, the training and induction provided for the panel needs to reflect the importance of working in partnership around the HCSP table.

10. What is the relationship between the HCSP and the Community Engagement measure?

When scrutiny starts to result in material changes in work practise, this will contribute to the Area’s achievements at the higher levels of the measure. However, the panel should be considered as one key form of community engagement. Other community engagement activity is expected to continue.
11. Will an Area automatically move to green on the CE measure if a panel is set up?

No. Setting up HCSPs is part of the process of scrutiny. The results of scrutiny need to be translated into changes in practice before an Area can fully meet the requirements of the community engagement Area Performance Review measure. In addition, to reach green it will be important for Areas to undertake other types of community engagement apart from setting up HCSPs and evaluating their impact.

12. Whilst the HCSP worked well in West Yorkshire, how can we be sure this one size fits all approach will demonstrate the same business benefits in other CPS Areas?

In providing a guide to the setting up of HCSPs we have tried to provide Areas with model terms of reference, model roles for members, etc. in recognition of the fact that Areas will want to contextualise their panels to an extent, and to any extent, we have tried to allow for this – the guide does not present a one size fits all rigid prescriptive formula. In terms of business benefits - the independent evaluation of the West Yorkshire model by Hull University and separately by the Community Development Foundation (as part of the evaluation of all the community engagement pilots) suggests that scrutiny panels can bring real benefits, at the same time there is no evidence to suggest that they will not work elsewhere.

13. We have already developed our HCSP model and have begun establishing links with relevant communities does this good work now have to be lost?

The Guide as issued can be applied to work underway as well as to Areas just starting up. It will take a number of months and a lot of ground work to get panels in place, no advance work will be wasted. Remember, panels do not need to have their first business meeting until Q4 07/08

14. The development of HCSPs has a number of implications for rural areas where population density is low and communities are less diverse. What extra support will be available to help such Areas?

We have addressed questions of outreach in rural Areas in the CPS Community Engagement handbook on pages E7 and E8. This includes a list of potential contacts in rural Areas.
Appendix 7. Contacts and further guidance

Contacts: Project and Performance Advisors

This list is valid until the beginning of July 2007 when there will be a reallocation of some Areas between the PPAs. You will be notified of this by the Equality and Diversity Unit

Chris Jones
Tel: 01267 242 148
Email: chris.jones@cps.gsi.gov.uk
Wales and South West includes:
North Wales, Dyfed Powys, South Wales, Gwent, West Mercia, Gloucestershire, Avon and Somerset, Wiltshire, Devon and Cornwall and Dorset.

Dr Bernard Horsford
(Two days – variable)
Tel: 020 7710 3434
Email: Bernard.horsford@cps.gsi.gov.uk
East and South East includes:
Cambridge, Hampshire, Kent, Norfolk, Northamptonshire, Surrey.

Jay Modhwadia
Tel: 07733 318 148
Email: jay.modhwadi@cps.gsi.gov.uk
North East and East Midlands includes:
Northumbria, Durham, Cleveland, North Yorks, West Yorks, Humberside, South Yorks, Nottinghamshire, Lincolnshire, Leicestershire and Warwickshire.

Joanne Anderson (maternity cover for Leona Vaughn)
(Three days – variable)
Tel: 0151 966 6829
Email: joanne.anderson@cps.gsi.gov.uk
North West and West Midlands includes:
Cumbria, Lancashire, Greater Manchester, Merseyside, Cheshire, Derbyshire, Staffordshire and West Midlands.

Nicola Perkins
(Monday, Tuesday, Wednesday)
Tel: 020 7029 4581
Email: nicola.perkins@cps.gsi.gov.uk
East and South East includes:
Suffolk, Beds, Herts, Essex, Thames Valley, Sussex.
Contacts: Policy Advisor (Community Engagement)

Ellen Reynolds
(Monday to Thursday)
Tel 077 666 026 52
Email: ellen.reynolds@cps.gsi.gov.uk

Further guidance

The following documents are available under the headings “publications on community engagement” from the Equality and Diversity home page of the Infonet, which is accessible from the Infonet home page.

- Evaluation of the West Yorkshire Crown Prosecution Service Scrutiny Panel, (2006), The University of Hull
- Community Engagement in the CPS: Good Practice Summary and the Way Forward (2006) CPS
- Community Engagement Strategy: in touch with the people we serve (2006). CPS

Our Infonet site is currently being undated, if you have any difficulty downloading these documents please contact the Equality and Diversity Unit on 020 7796 8790 or 7796 8157

CPS
Equality and Diversity Unit
May 2007