
Out of Court Disposal Scrutiny Panel Terms of Reference

1. Introduction

The panel will conduct reviews of criminal cases concluded by way of 'Out of Court Disposal' (OoCD) within the jurisdiction of British Transport Police (see [Appendix A](#) for the current British Transport Police OoCD framework) The intention is to determine whether the method used is considered appropriate, increasing transparency and public confidence.

The Scrutiny Panel is not a forum to retrospectively appeal or amend case outcomes. Panels are not to re-judge cases but to assess the process applied and identify best practice and appropriate feedback to assist with organisational learning and continuous improvement.

The Terms of Reference are to be regularly revisited to ensure it is current and relevant.

2. Purpose

The purpose of the Scrutiny Panel is to independently review a selection of cases resolved by way of OoCD. Its aim is to determine whether the application is considered appropriate, based on the information and evidence available to the decision maker at the time

When reviewing a case, the panel will discuss and agree a categorisation of the case outcome against five options:

- Appropriate
- Appropriate with observations
- Inappropriate
- Panel fails to agree
- Not enough information

Unless a decision is found to be unlawful, the panel will not change the outcome of the case. Where appropriate, the panel can provide feedback at an organisational level or individuals of the agency concerned.

Feedback should be constructive, promote best practice and identify areas for policy development or training requirements.

Membership

- BTP Head of Justice Solutions (Chair)
- BTP Justice Solutions Representative
- BTP Independent Advisory Group (IAG) Member
- BTP Divisional (Operations) Representatives
- British Transport Police Authority Representative
- Crown Prosecution Service Representative
- Adult Magistrate
- Youth Magistrate
- Court Legal Advisor
- Youth Offending Team Representative
- Youth Justice Board Representative
- Victim Services Representative
- Panel Administrator

Additional membership considerations:

- Network Rail Representative
- Train Operating Company Representative
- Rail Staff Representative

Chairperson

The role of the chairperson is to support the selection of cases for review, and facilitate the discussion and decision making process within the panel, ensuring each panel member has the opportunity and time to provide feedback and views.

Absences and Vacancies

A suitable delegate representative should attend in the absence of a panel member. Where a permanent vacancy on the panel arises, it will be the responsibility of the agency that has the vacancy to work with the panel administrator to identify and provide a suitable replacement.

Case Sample Selection

Per quarter BTP administers approximately 250 OoCDs for adult and youth offenders which consist of disposals by way of Community Resolution and Conditional Caution. This includes cases referred to CPS/ proceeding to prosecution, but returned to BTP for an Out of Court Disposal to be administered.

A selection of cases will be a sample of concluded OoCD issued within the preceding quarter. It will include all types of disposal for both adult and youths. The selection of cases will be made by the panel administrator who will arrange for the relevant files to be obtained.

In addition the panel administrator will collate supplementary information illustrating the total number of cases disposed of by OoCD for that quarter, by which means disposed, including a breakdown of those disposals issued to those from an ethnic minority, children, and females. This data will provide contextual detail and enable the panel to monitor the overall OoCD practice in line with National Police Chiefs' Council (NPCC) recommendations (the revised NPCC guidance can be found [here](#)). Case samples can be developed over time to incorporate area issues and monitor certain offences or disposal types as the panel sees fit.

In addition, any suitable Victim Right to Review (VRR) cases may be selected to be considered by the panel.



The Panel Meeting

Meetings are to be held on a quarterly basis. Prior to the meeting the panel administrator will prepare the case file and share securely with all attendees. The timescales associated with the panels are as follows;

Weeks before the meeting	Activity
7	Cut off for case file selection
5	Share redacted files with Chair
4	Chair to provide feedback
2	Redacted files shared with attendees

Cases will be sanitised of confidential information and be allocated a unique panel reference number to assist identification. Case packs will include;

- Offence type
- Case circumstances
- Victims views
- Summary of the previous convictions of the offender
- Outcome (disposal type) and decision makers rationale

All case material for review will be anonymised and subsequent discussion will remain confidential. Panel members will not disclose details of cases reviewed to their own organisations or individuals outside panel meetings.

In determining the final outcome / feedback, the Chair will attempt to arrive at a consensus. Where this is not possible, 'the panel fails to agree' will be the appropriate classification.

Findings and Feedback

When feedback is identified, the panel member of the relevant agency will be responsible for bringing it to the attention of the relevant personnel. Where the feedback is for police officers or staff this will be taken to the individual concerned, as well as their supervising Officer / Manager (as applicable), plus the specific point of contact for the relevant BTP Division or Department. Written feedback will be provided on a feedback form (an example of which can be found below at [Appendix B](#)).

Themes identified in each case review will be recorded on a feedback spreadsheet which will form the basis of more focused Forcewide guidance as a result of any learning points or best practice identified. This will be done after the January and July panels and will be shared with Divisional contacts and departmental leads.

The following additional work will take place internally to highlight points of note arising in the panel:

- a quarterly OoCD Bulletin will be produced and sent to police decision-makers. This will include general panel feedback
- a “Tip of the Week” will appear on the Force OoCD Community Yammer page which often will highlight an issue identified in the panel (Yammer is an internal “social network” to which all officers and staff have access and is used as a tool for communicating messages forcewide).

Any specific points the panel note which needs to be shared more urgently will be sent via the BTP Divisional points of contact. If the panel identifies an action or decision pursued to be so poor that it may constitute an act of misconduct, the Chairperson will refer the case to the relevant agencies’ Professional Standards Department to be considered for further action.

Sharing Panel Findings

It will be the responsibility of each panel member to take appropriate notes to feedback to their own organisation on any learning, intervention work and circulation of best practice relevant to that agency. A summary of the cases and the panel findings will be collated into a report which will be shared with all attendees, which can also be disseminated within their organisation, to develop knowledge and practice. This summary report will also be uploaded to the British Transport Police external facing website for public access.

Annual Review

Each year a review will be undertaken to ensure that the use of OoCD has been proportionate across ethnic groups and genders.




APPENDIX A

Adult Out of Court Disposal Framework		
Community Resolution	Conditional Caution	
Youth Out of Court Disposal Framework		
Youth Caution	Community Resolution	Conditional Caution



APPENDIX B

		OFFICIAL
BRITISH TRANSPORT POLICE		
Out of Court Disposal Scrutiny Panel Feedback Form		
Panel Date:	Disposal:	OIC:
URN:	Division:	Decision-Maker:
Overall Panel Decision		
Appropriate & consistent with guidelines / policy	<input type="checkbox"/>	
Appropriate but with observations	<input type="checkbox"/>	
Inappropriate & inconsistent with guidelines / policy	<input type="checkbox"/>	
Panel fails to agree on appropriateness of decision	<input type="checkbox"/>	
Not enough information	<input type="checkbox"/>	
Specific Feedback from the Panel		
Learning Points/Good Practice		
Learning Points:		
Good Practice:		



Thematic Feedback								
	GP	LP	N/A		GP	LP	N/A	
Offence Type Identified	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Victim Interaction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Decision to Issue OoCD for Offence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Offender Circumstances	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Rationale Recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Authority Required	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Admissions/Responsibility Acceptance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Disposal Selection	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Evidence & Public Interest	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Record Completion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Gravity Matrix Use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Youth Process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

GP = Good Practice; LP = Learning Point/s; N/A = Not Applicable

Guidance Notes

What is the Scrutiny Panel?

A body which meets quarterly to provide independent oversight of BTP OoCD use by reviewing a “dip-sample” selection of cases concluded by OoCD issued within the preceding quarter. It includes all types of disposal for both adult & youths. Panel membership includes Magistrates’ court, YOT, CPS, BTP’s Independent Advisory Group, & victim support agencies representatives. The role of the panel is to ensure appropriate & proportionate OoCD’s, consistent with national & local policy, & consider the victims’ wishes (where appropriate); case outcomes are not retrospectively amended.

What is this form & how will it be used?

This form has been designed to simplify & standardise the process of giving feedback to those officers & staff involved in cases where an OoCD was issued. Page 1 shows the overall decision and whether the Panel or Justice Team highlighted anything, including areas of good practice and/or learning points. The table on Page 2 captures key thematic considerations for OoCD and how they apply to the case. These can be tracked over time to identify where wider learning may be needed or where good work should be promoted and celebrated.

Why is the feedback important?

Feedback from the forum leads to valuable feedback on suitability, highlights best practice, & provides individual & organisational learning, whilst increasing transparency, understanding & confidence in OoCD use.

Thank you for taking the time to read through this feedback form. If there are concerns with any of the contents, then please contact Justice Solutions (justice.solutions@btp.police.uk).