



ORIGINATOR: Assistant Chief Constable
Gareth Wilson, Joint Justice Services Lead

DECISION NO. 20-2013

REASON FOR SUBMISSION: FOR DECISION

SUBMITTED TO: POLICE AND CRIME COMMISSIONER

SUBJECT: POLICE LED PROSECUTIONS (COURT PRESENTATION) – JOINT SELF-FUNDING MODEL

SUMMARY:

1. Norfolk and Suffolk Constabularies have been selected as national pathfinder sites to develop 'police prosecutions' which means that the police, as opposed to CPS, will be authorised to present 'specified proceedings' at court and receive the associated costs. Specified proceedings are currently non-contested traffic offences, but the Home Secretary has recently announced an extension of the scheme to include lower level crime and ASB offences.
2. This proposal, which has been agreed by the Joint Chief Officer Team (JCOT), is to develop a joint self-funding model within Norfolk and Suffolk by employing six police presenting officers with the expenditure offset by the anticipated income received.
3. The purpose of this paper is to seek approval from the Police and Crime Commissioners, in accordance with Financial Regulations, for the proposal and agreement to commence recruitment and training of the six police staff posts across Norfolk and Suffolk.

RECOMMENDATION:

It is recommended that:

1. The Police and Crime Commissioner approve the Constabulary to introduce the proposed self-funding model of police led prosecutions within the existing joint Norfolk and Suffolk Criminal Justice Department.

APPROVAL BY: POLICE AND CRIME COMMISSIONER

The recommendations above are approved.

Signature *Tina Parnham*

Date 25/03/2013

1. KEY ISSUES FOR CONSIDERATION

- 1.1. Recent changes to legislation provide opportunities for the police to undertake the role of presenting low level, non-complex and non-contested cases in court. These will be mainly traffic cases, but the Home Secretary has now announced an extension of the scheme to include lower level crime and ASB cases. The police will receive costs for undertaking this work (expected minimum £85 per case but subject to the discretion of the Bench).
- 1.2. Norfolk and Suffolk has been identified as one of the national pathfinder sites (with six other forces) with the aim of improving the efficiency and effectiveness of the CJS. Most pilot areas are now operational, and Norfolk and Suffolk want to commence presentation of traffic cases including proof in absence and exceptional hardship hearings as soon as practicable.
- 1.3. Suffolk, and to a lesser degree Norfolk, has undertaken similar work in court relating to some traffic offences but the scope has now been extended as a result of the change in legislation and the national pathfinder status. The staff time spent in court previously was limited and absorbed within existing roles and, broadly, staff were present to respond to any questions which may arise from the Bench. The new Police Led Prosecution concept, being led by the Home Office, is moving from a relatively passive role to an active role with staff required to do more work preparing case files, and extending the role to include prosecuting hardship cases and proof in absence (previously undertaken by CPS). This will require staff, with the appropriate level of skill, to be dedicated to the role, and suitably trained to undertake Police Led Prosecutions in court.
- 1.4. Income budgets have previously been set for Suffolk (£190k) and Norfolk (£127k – based on lower volumes of cases in Norfolk).
- 1.5. A self-funding model is proposed comprising six dedicated police presentation officers (police staff) who will present non-contested cases at court and be awarded costs.
- 1.6. The number of presentation officers required has been calculated on the basis of caseload (mostly traffic cases with an extension to certain lower level crime and ASB cases); court throughput; and court coverage (six courts across Norfolk and Suffolk). The six staff would have the capacity to deal with specified traffic offences, which will be extended to include lower level crime cases after six months. To ensure a prudent approach is made towards recruitment, the employment will be phased. Four members of staff will be employed immediately and after assessment of caseload, the remaining two will be selected, should the assessment prove this necessary.
- 1.7. An attrition rate of 30% non-payment of costs for traffic and 40% for crime has been assumed. This attrition takes account of those people who do not finally pay the costs awarded by the Court.
- 1.8. A contingency has been built in to cover any future closure costs such as redundancy.
- 1.9. The pilot schemes will be evaluated nationally and a framework has recently been agreed with ACPO, Home Office, CPS and the Ministry of Justice.
- 1.10. The scheme will be led by CJS working with key partners through the LCJB including the Courts and CPS (who have been closely involved in developing the proposal).

- 1.11. The initiative is part of the National CJ Efficiency Programme with benefits including reduction in not guilty pleas and unnecessary adjournments and trials; more efficient use of court time / listings; reduced police officer attendance at court; move to digital presentation with reduced case content and simplification of case build; dedicated courts for these proceedings (agreed with Courts for traffic cases) will reduce time and cost; CPS lawyers will be redirected to contested and complex cases.
- 1.12. Taking account of the fact that this initiative has 'pathfinder' status and that the self-funding model is based upon predictive financial outcomes, no recommendations have been made regarding the disposal of any surplus income. A full report will be prepared for the OPCC (Norfolk) and OPCC (Suffolk) at the end of year one outlining the actual financial outcome and make recommendations as to how this might be used.

2. FINANCIAL IMPLICATIONS

- 2.1. A financial model is attached at Appendix A and has been quality assured by the Joint Head of Finance. The key points arising are:
- Income – predicted income is shown for traffic cases, £656k, and expansion to include specified crime / ASB cases, £198k. This is £854k in total (full year). This has been apportioned 56:44 in accordance with the normal collaborative agreements.
- 2.2. This will cover:
- Expenditure – staffing and associated revenue costs £212k, which has similarly been apportioned 56:44 (adjustment for part year costs in Year 1).
 - One off costs of £100k (contingency) and £10k training in year one.
 - A first year surplus of £17k is forecast for Suffolk.
 - If case numbers remain the same the annual surplus in year 2 and beyond is forecast to be £93k for Suffolk.
 - The projections built in for non-payment of costs are 30% for traffic cases and 40% for crime cases are realistic.

3. OTHER IMPLICATIONS AND RISKS

- 3.1. The proposal is part of a national pilot with six other forces (Essex, West Yorkshire, Nottinghamshire, Lincolnshire, Hampshire and Kent) and will be subject to evaluation. There is the possibility that the pilot will not be successful and the scheme may not continue, but there has already been changes to the legislation to allow this to take place and the Home Secretary has recently announced an extension to the offence types which are 'specified' to include lower level crime and ASB – there is, therefore, a low risk of the scheme not continuing into the future.
- 3.2. The scheme is based on a self-funding model and there is a risk that the income will not cover the expenditure, for example a reduction in cases. The ongoing position will be closely monitored, adjustments can be made to the staffing levels if necessary and a contingency is built into the financial model to cover closure costs if this becomes necessary.


PUBLIC ACCESS TO INFORMATION: Information contained within this submission is subject to the Freedom of Information Act 2000 and wherever possible will be made available on the Police and Crime Commissioner's website. Submissions should be labelled as 'Not Protectively Marked' unless any of the material is 'restricted' or 'confidential'. Where information contained within the submission is 'restricted' or 'confidential' it should be highlighted, along with the reason why.

ORIGINATOR CHECKLIST (MUST BE COMPLETED)	PLEASE STATE 'YES' OR 'NO'
Has legal advice been sought on this submission?	Yes – proposal discussed with Legal Services
Has the PCC's Chief Finance Officer been consulted?	No – However, ACO Phillip Clayton has been involved in JCOT discussions and financial model quality assured by Joint Head of Finance.
Have equality, diversity and human rights implications been considered including equality analysis, as appropriate?	Yes
Have human resource implications been considered?	Yes
Is the recommendation consistent with the objectives in the Police and Crime Plan?	Yes
Has consultation been undertaken with people or agencies likely to be affected by the recommendation?	Yes – CPS and Courts
Has communications advice been sought on areas of likely media interest and how they might be managed?	Yes – through national pilot (lead force is Lincolnshire)
In relation to the above, have all relevant issues been highlighted in the 'other implications and risks' section of the submission?	Yes

APPROVAL TO SUBMIT TO THE DECISION-MAKER

Chief Executive

I am satisfied that relevant advice has been taken into account in the preparation of the report and that this is an appropriate request to be submitted to the Police and Crime Commissioner.

Signature:  Date **25 March 2013**

Police Court Presentation Officers – Joint Self-Funding Financial Model**INCOME**a. Total traffic cases to court (2011/12)

Suffolk 5,938
 Norfolk 5,673
 Total 11,611

b. Anticipated income

Based on total 11611 traffic cases at £85 per case LESS 5% of cases being contested (that will go to CPS) and 30% non payment of awarded costs:

Total cases 11611 (less 5% less 30%) = 7,721
 Costs at £85 per traffic case = £656k (combined)

c. Lower level crime / ASB cases (based on 2011/12 estimates)

Suffolk 1,728
 Norfolk 2,155
 Total 3,883

d. Potential further income

Based on 3883 crime cases from specified offences (non contested) at £85 per case with 40% reduction for non payment of awarded costs:

Total cases 3883 (less 40%) = 2,330
 Costs at £85 per crime case = £198k*

e. Total anticipated income – combined Norfolk and Suffolk**Year 1**

Traffic cases = £656k
 Crime /ASB cases* = £ 99k
 Total = £755k

Year 2 and beyond

Traffic cases = £656k
 Crime /ASB cases = £198k
 Total = £854k

f. Apportioned income

Income apportioned at 56:44 ratio based on agreed collaborative model

Norfolk estimated income Year 1 = £423k
 Norfolk estimated income Year 2 = £478k

Suffolk estimated income Year 1	=	£332k
Norfolk estimated income Year 2	=	£376k

*For Year 1 it is expected that presentation of crime cases will commence after 6 months.

EXPENDITURE

Full year costs

a.	Six FTE Scale 6 presentation officers	=	£192k
b.	IT / transport	=	£20k

Total annual revenue costs	=	£212k
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Revenue expenditure apportioned 56:44

Norfolk	=	£119k
Suffolk	=	£93k

First year costs

For the first year, it is anticipated that 4 FTE staff will be employed for the first six months, then a further 2 FTE staff will be employed during the second six months to undertake additional work in relation to crime / ASB cases as the scheme expands.

c.	Four FTE scale 6 presentation officers (12/12)	=	£128k
d.	Two FTE scale 6 presentation officers (6/12)	=	£32k
e.	IT / transport	=	£17k

Total first year revenue costs	=	£177k
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Revenue expenditure apportioned 56:44

Norfolk	=	£99k
Suffolk	=	£78k

f.	One off training / accreditation costs	=	£10k
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(also apportioned 56:44)

CONTINGENCY

As this is a self-funding model with some low risks that income may not be sufficient to meet expenditure, there needs to be some financial provision made to a contingency fund for exit costs which is estimated at £100k (one off).

SURPLUS

COMBINED	YEAR 1		YEAR 2	
	£'000	£'000	£'000	£'000
Income				
Traffic	-656		-656	
Crime	-99		-198	
	<u> </u>	-755	<u> </u>	-854
Expenditure				
Staff		177		212
Sub-total		<u> </u>		<u> </u>
		-578		-642
Requirement to meet current income budget				
		<u> </u>		<u> </u>
Combined Income budget		317		317
One-off Costs				
Set-up contingency		100		
One-off training		10		
		<u> </u>		<u> </u>
Forecast Surplus		<u><u> </u></u>		<u><u> </u></u>
		-151		-325

NORFOLK	YEAR 1		YEAR 2	
	£'000	£'000	£'000	£'000
Income				
Traffic	-368		-368	
Crime	-55		-111	
	<u> </u>	-423	<u> </u>	-479
Expenditure				
Staff		99		119
Sub-total		<u> </u>		<u> </u>
		-324		-360
Requirement to meet current income budget				
		<u> </u>		<u> </u>
Income budget		127		127
One-off Costs				
Set-up contingency		56		
One-off training		6		
		<u> </u>		<u> </u>
Forecast Surplus		<u><u> </u></u>		<u><u> </u></u>
		-135		-233

SUFFOLK	YEAR 1		YEAR 2	
	£'000	£'000	£'000	£'000
Income				
Traffic	-289		-289	
Crime	-44		-87	
	<u> </u>	-333	<u> </u>	-376
Expenditure				
Staff		78		93
Sub-total		<u> </u>		<u> </u>
		-255		-283
Requirement to meet current income budget				
		<u> </u>		<u> </u>
Income budget		190		190
One-off Costs				
Set-up contingency		44		
One-off training		4		
		<u> </u>		<u> </u>
Forecast Surplus		<u> </u> <u> </u>		<u> </u> <u> </u>
		-17		-93

