



STRATEGIC POLICING AND CRIME BOARD
7th January 2014

**Report from the Deputy Chief Constable.
Specific Reference is made to the
Organisational Change and Legal Services
Portfolios.**

PURPOSE OF REPORT

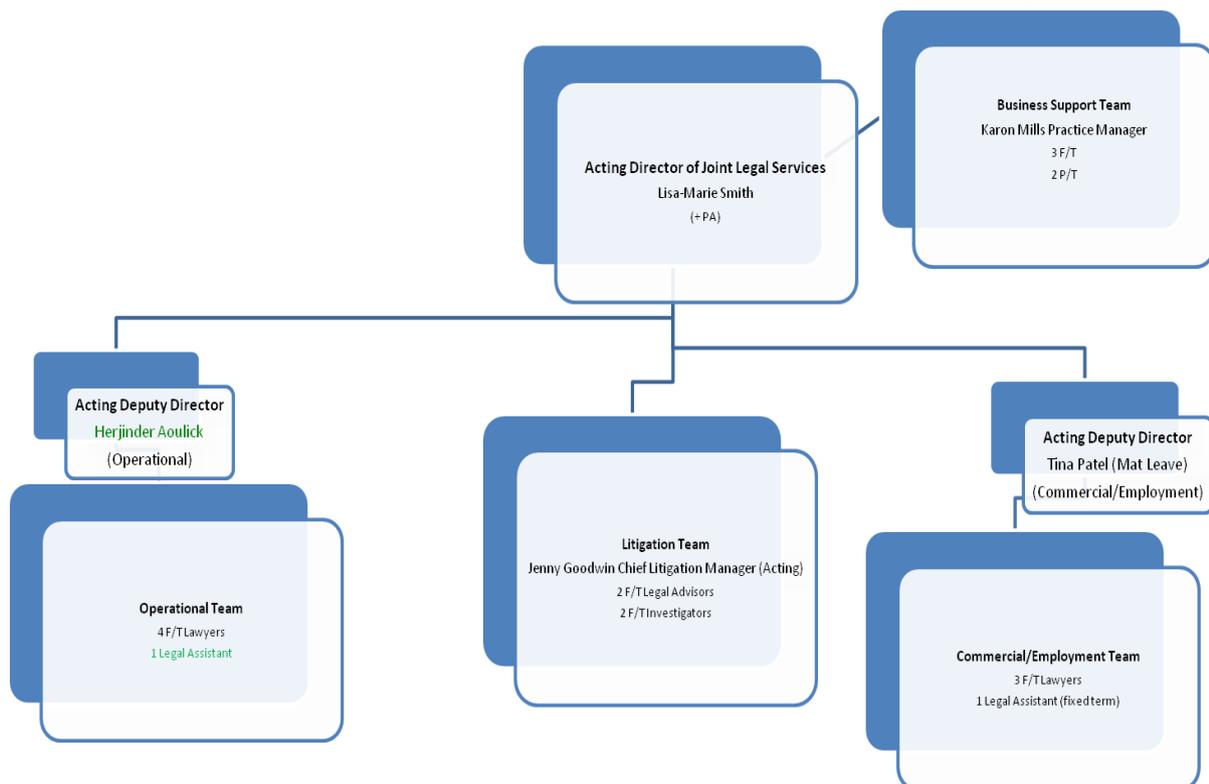
1. The purpose of this report is to provide Members of the Strategic Police and Crime Board with an overview of the portfolio of the Deputy Chief Constable of West Midlands Police. The outline request specifically required an overview of Legal Services and Organisational Change Programmes both of which are key aspects of the Deputy Chief Constables portfolio.

EXECUTIVE SUMMARY

2. Legal Services continue to deliver bespoke legal advice and legal representation to West Midlands Police and Staffordshire Police through a collaborative model. The current departmental structure and the status of current performance are outlined in this paper.
3. Organisational Change Programmes continue to be conceived, designed and implemented (**See Figure 2** – Organisational Change Process) against a backdrop of change in the public sector and against a backdrop of a strong desire by West Midlands Police to operate efficiently whilst delivering cost savings outlined in the Comprehensive Spending Review. West Midlands Police has a mature and well embedded change programme that is overseen by the Organisation Change Board and the Project Managers Office. The key facets of the change programmes, the design and aims of those programmes and the governance of those change programmes are outlined in this paper.

LEGAL SERVICES

4. Outline the structure (See Figure 1 below – also Appendix One for pictorial structure) of Legal services including information on the collaboration with Staffordshire.
5. Provide a summary of the number of civil claims against the police this year and also in the previous five years. The analysis should include the following categories:
 - Police malpractice
 - Loss or damage to property
 - Employer liability
 - Details of the total compensation paid in each of the above categories
 - Details of compensation paid for forced entry and damage to property
 - Information on topical issue including information on claims involving the use of stop and search, the use of Taser, dog bites, the use of CS Spray and any other topical issues
 - Pro-active work of the department (including work on licenses, injunctions etc.)
 - Overview of employment tribunals – number of cases, costs to the Force/PCC and any emerging trends
 - How does Legal Services provide ‘learning the lessons’ advice to the Force?



Colour indicates Staffordshire employees

Figure 1

Outline of the structure of Legal Services including information on the collaboration with Staffordshire.

6. Legal Services is the first department to provide services collaboratively between Staffordshire and West Midlands Police and has been in existence since January 2012. It is based in two locations with two lawyers working from Staffordshire Headquarters and the remaining 20 posts which include specialists in employment, commercial and litigation based at Civic House in Central Birmingham.
7. The Department has a combined annual budget of £766,400 which breaks down as follows:
 - In respect of West Midlands - £636,400
 - In respect of Staffordshire - £130,000

The following detail relates to the work undertaken on behalf of West Midlands Police only.

Civil Claims

8. The work undertaken by the Civil Litigation Section comprises of the defence of civil claims brought against the Chief Constable for malfeasance including false imprisonment and false arrest and damage to property these are public liability claims.
9. Employers Liability claims are not currently dealt with by Legal Services and are managed by external solicitors appointed by the force insurers.
10. In the period 4/12/07 – 4/12/12 the Legal Services Department:
 - Received 571 malpractice claims
 - Paid damages on 157 claims in that period
 - To a total value of £541,397.85.
11. In the last twelve month period (November 2012 -December 2013) the Legal Services Department has received:
 - Received 124 new claims
 - Paid damages on 36 claims
 - To a total value of £211,358.00.
12. In respect of claims for forced entry and loss or damage to property for the period of 4/12/07–4/12/12 the Legal Services Department received:
 - 134 forced entry claims
 - 379 loss and damage claims.
 - Damages were paid in respect of 129 of these claims
 - To a total value of £114,713.89.
13. In the last twelve month period (November 2012 -December 2013) the Legal Services Department has received:
 - 11 claims for forced entry
 - Paid £1,750 in respect of 1 claim.
 - Received 47 claims for loss or damage
 - Paid damages of £22,730.07 in respect of 20 claims in the last 12 months.

14. The force has defended claims arising from dog bites and the discharge of Taser arms. However, extrapolating the data is problematic as these claims may be litigated as part of other headline claims such as wrongful arrest.
15. In respect of claims recorded in the last twelve month period (November 2012 -December 2013) by the Legal Services Department as solely dog bite case there were:
 - 7 claims
 - 37 claims in the preceding 4 year period.
16. The number of claims concerning the deployment of Taser and CS/ incapacitant spray remain relatively low with:
 - 3 In the last twelve month period (November 2012 -December 2013)
 - 8 in the preceding 4 years.
17. The Government has introduced some significant changes to this area of work with the introduction of the Jackson Reforms. These changes are intended to reduce the legal costs of defending and litigating claims by for example removing success fees for those lawyers who are providing advice under a Conditional Fee Arrangements. It is hoped that these changes will have a positive impact by reducing the costs associated in defending these claims. At the time of writing the full impact of those reforms are difficult to assess.

Operational/Pro-active work of the Department (including work on licenses, injunctions etc)

18. The Legal Services Department have a team of Operational lawyers based at both offices who are engaged in the proactive work of the Department for example orders to protect the vulnerable. Examples include:
 - Forced Marriage Protection Orders
 - Sexual Offences Prevention Orders
 - Injunctions to Prevent Gang Related Violence
 - Orders to tackle organised criminality such as legal work to recover criminal assets through Proceeds of Crime Act applications.
19. In 2013 the Legal Services Department were instrumental in obtaining the force's first Brothel Closure Order. To strengthen the forces position upon preventative policing measure the Legal Services Department has provided training on applying for Gang Injunctions, Forced Marriage Protection Orders and using police powers in relation to licensed premises.
20. The team is currently considering the use of Domestic Violence Prevention Orders which are due to come in to force in March 2014 and the changes to Anti-social behaviour legislation under the Anti-Social Behaviour Policing and Crime Bill expected to receive Royal Assent in the summer of 2014.

Overview of employment tribunals – number of cases, costs to the Force/PCC and any emerging trends.

21. In 2012-2013 the net costs to the force for employment tribunals was £438,402.15. One case accounted for £85,323.42 of those costs.
22. In 2013-2014 the net costs to the force for employment tribunals was £458,819.09. The same case highlighted above accounted for £124,441.88 (to date) of those costs. There are matters ongoing with this case and the Legal Services Department are in the process of recovering those costs. As a consequence further details cannot be released as that would be prejudicial to this process.

How do legal services provide 'learning the lessons' advice to the Force?

23. The Legal Services Department is represented at a variety of meetings and boards where it can influence 'learning the lessons' arising from the cases it deals with in the Department. For example the Legal Services Department attends the Organisational Change Programme Board (OCB) to advise on legal matters. The Legal Services Department have also provided legal and contractual support regarding the IIP programme and will continue to do so as design moves towards implementation.
24. The Appropriate Authorities meeting which regularly discusses the complaints received at LPU is attended by the Litigation Manager to advise on trends and provide advice. Where appropriate the Department will use the force intranet to put out messages concerning recent cases and where it is felt officers need advice or helpful reminders. Feedback is also given to Learning and Development where there is evidence to suggest reinforcement or clarification of powers is necessary or there has been changes to legislation or case law that need to be highlighted in their training.

ORGANISATIONAL CHANGE

- Outline of the various organisational change programmes, key deliverables (service improvements and/or savings) and proposed timelines
 - Governance structures and where applicable links to the Board
 - Resourcing structures
 - Dependencies on ICT, resources and other HR matters
25. To satisfy the above request this paper will outline the broad themes of Organisational Change in the context of West Midlands Police at a strategic and local level; give an overview of how the Organisational Change Board (OCB) oversees the change process by outlining its strategic aims and terms of Reference. The section regarding organisational change will outline the status of current change programmes and conclude with an executive summary of two major components of organisational change for West Midlands Police namely the Service Transformation Team (STT) work stream and the Innovation and Integration Partner (IIP) work stream.

What is Organisational Change?

26. A number of organisational change programmes are being undertaken, which will result in significant change for the Force, affecting all aspects of its structure and organisation. Organisational Change represents the end to end process for delivering strategic change and the realisation of associated benefits (**See Figure 2 – Page 7**). It consists of a series of stages, or sub processes, supported by a single governance structure operating under a set of 'business rules'.

27. Its basic aim is to ensure that change is driven by, and aligned to, the strategic goals of West Midlands Police and is delivered effectively and consistently through a range of programmes and projects – thereby optimising the use of resources while maximising the return on investment.
28. Organisational change is any change that impacts on the organisation; this could be at a strategic level or a more local level.

Strategic Change

- It meets a strategic objective set at Command Team level
- It delivers significant cost and/or service quality benefits and/or risk mitigation force-wide
- It defines priorities for all contributing/enabling functions (including Information Technology (IT), Human Resources (HR), and Finance)
- It changes the forces service delivery model including resource allocation or usage.

Opportunity Change (Local)

- It is limited to a single function or Local Policing Units (LPUs)
- It provides a local tactical benefit or risk reduction
- Resource (Finance, IT, HR or local staff) are readily available to deliver it
- It is deliverable in a short timeframe
- It enhances current service delivery while reducing (or does not increase) costs
- It does not cut across know strategic change plans
- It does not increase service risk.
- It is usually owned locally.

ORGANISATIONAL CHANGE PROCESS



Figure 2
6

Organisational Change Board (OCB) - Terms of Reference

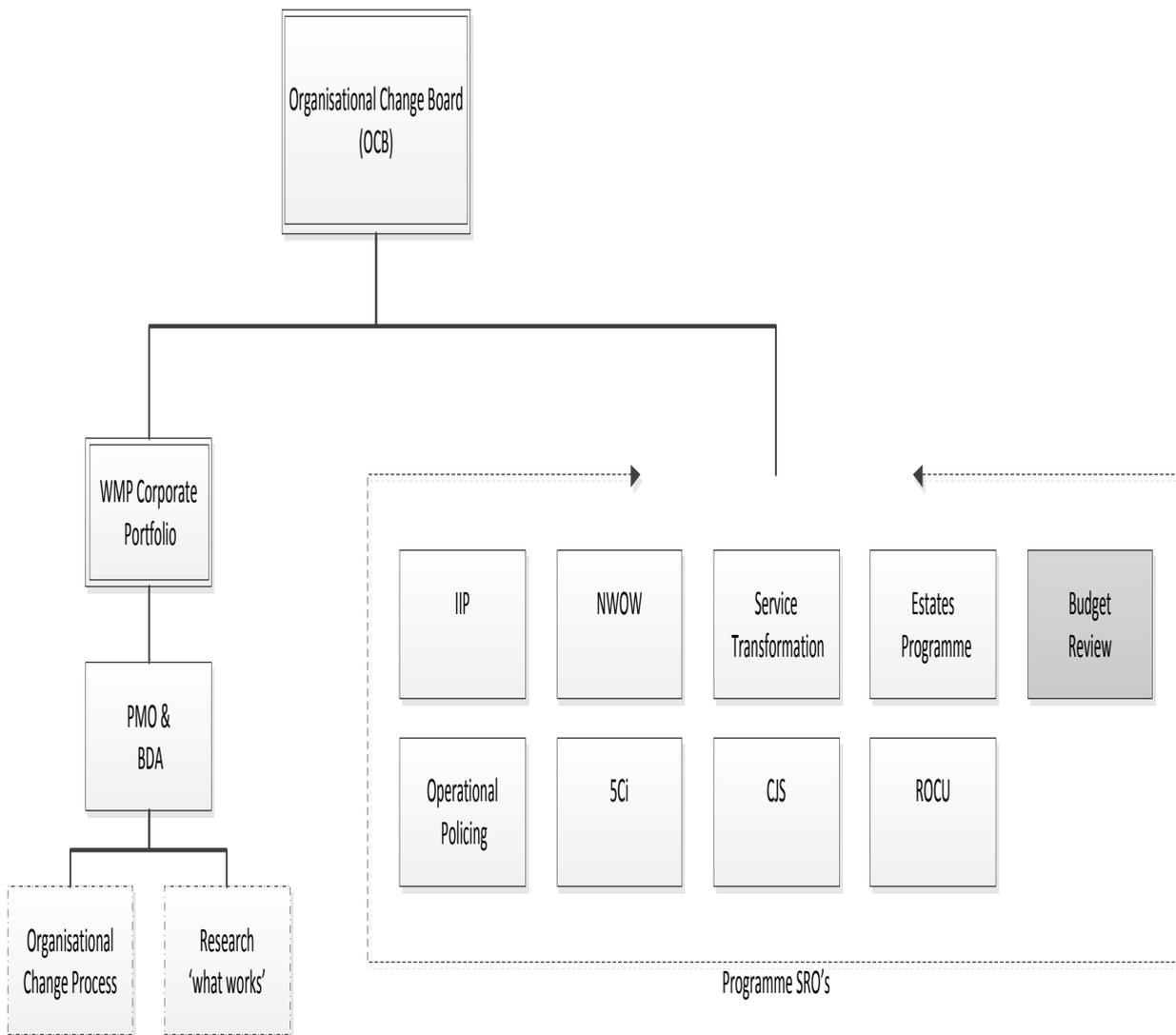
29. OCB at the highest level will provide leadership and governance to ensure the Force change portfolio is in line with the strategic direction of the Force, and is supported by culture and behaviour. Decisions made at OCB will set the direction of the change strategy and include the initiation of major change programmes.

Objectives

30. OCB's objectives are to:

- Set and agree the Force's change strategy
- Ensure the progress of change is communicated to the rest of the Force through an effective communication strategy
- Provide a governance framework, capacity and capability to deliver the strategy
- Review the performance of programmes and projects, making decisions to ensure the change strategy remains focussed on organisational goals. Reviews will consider:
 - The achievement of benefits compared to the cost of programmes and projects
 - Interdependencies, risks and issues at a strategic level within WMP as well as within policing nationally and among our partners
 - Where appropriate, closure of programmes and projects
- Review Organisational Change Process decisions
- Assign, agreement and sign off of Senior Reviewing Officers (SRO) with clear responsibilities and agreed methodologies

Governance Structure of OCB (Figure 3) – See below



Glossary of Terms used in Figure 3 above

- PMO – Project Management Office**
- BDA – Business Design Authority**
- IIP - Innovation and Integration Partner**
- NWOW – New Ways of Working**
- 5Ci – Project name to deliver hub based Contact Centres**
- CJS – Criminal Justice System**
- ROCU – Regional Organised Crime Unit**
- SRO – Senior Reviewing Officer**

Structure and Governance

- OCB will be chaired by the DCC and attended by all Command Team members. Other attendees will be:
- Head of Business Transformation
- PMO Lead and/or Business Design Authority Lead
- Head of Legal Services / HR / ICT / Procurement
- Corporate Communications
- Office of PCC
- Non-Command Team SROs as required
- Senior leader representation

Timeframes & Reporting

- OCB will meet on a monthly basis
- Decisions and actions only will be captured by the PMO and circulated within a week of the meeting occurring
- The agenda will be signed off 1 week prior to the meeting by the chair
- Any items requesting to be on the agenda need to be provided to the PMO before this time with supporting documentation, any items after this will be carried forward for the next meeting
- Meeting packs will be collated by the PMO and distributed no later than 3 days prior to the meeting
- Presentations that are to be given need to be provided to the PMO 2 days prior to the meeting

Change Portfolio

31. West Midlands Police is continuing to deliver portfolio of change consisting of programmes and projects in order to deliver invest to save programmes and force transition / transformation projects.
32. The force change portfolio is owned and governed by the OCB which is Chaired by the Deputy Chief Constable and attended by Command Team members. They oversee major change and commissioning ensuring that resources are used effectively. Programmes and projects are managed to exacting standards and through the adoption of best practice from other public service and private sector providers.

Status of Current Programmes

Strategic Programme	Status
<p>5Ci (Delivery of Hub based call/contact centres)</p>	<p>This programme remains on target to deliver the scheduled benefits of £3.9million for the non-emergency Contact Centres by the end of the financial year 12/13.</p> <p>New Contact Centres in Lloyd House and West Bromwich opened in November 2013</p> <p>Recruitment for the Front Offices is progressing to plan. Police Officer preferencing process is underway; for their reassignment back to Local Policing Unit Teams (by 31st March 2014)</p>
<p>Criminal Justice Services</p> <p>PentiP – is the programme that manages the processing of Fixed Penalty Notices for West Midlands Police.</p>	<p>Stop and Search – New training package developed and first training session has taken place.</p> <p>PentiP – HR update development has been completed and successfully deployed in the Central Ticket Office (CTO)</p> <p>PentiP – Searching e-learning package now available force wide.</p> <p>Custody New Build – Planning permission obtained for Central Birmingham Site.</p> <p>Custody New Build – Costs continue to be determined for the Western site, between Wilmot Dixon and Property Services.</p>
<p>Innovation & Integration Partner</p>	<p>To procure an Innovation and Integration Partner (IIP- see appendix two) who will be embedded within West Midlands Police to support the implementation of future business change and to procure an ICT Implementation partner either as the prime contractor or in a managed agent capacity.</p> <p>Evaluations and moderation completed. Three bidders identified to move to competitive dialogue; Accenture, Capita and KPMG. Two unsuccessful bidders were; Deloitte and IBM.</p>
<p>Service Transformation Team</p>	<p>Option 2 (see appendix two) was presented at the Command Team Meeting on 01.11.13</p> <p>The project has now moved into Process Solution Design (PSD) phase which is where the detailed design for the new Operating model takes place</p> <p>The governance structure has been revised with a single LCT weekly meeting that includes PPU, FCID and LPU representation</p> <p>Completing the consultation with HR, Federation and LCTs on the role profiles and shift patterns for the PSD phase and also to inform officers involved in the Preferencing Process for the new model</p> <p>The Preferencing Process is scheduled to commence on 06.01.14 and be completed by 31.03.14 so officers are given sufficient notice ready for implementation in June 2014</p>

	<p>Preferencing will involve proactive communication with officers affected both before and during, that includes Floor-walking, blog, Newsbeat article and posters Detailed Communication Strategy has been developed now that Option 2 (explained later in this paper) has been agreed which includes a single Intranet site for the programme supplemented by Newsbeat (internal communication publication) articles The STT is undertaking a scoping exercise in respect of Serious and Organised Crime Unit (SOCU) to understand how SOCU and Emerging Trends will be integrated in the new model.</p> <p>Continued to support the Sandwell Multi Agency Service Hubs (MASH) programme and now have an understanding of the hidden demand within Child Abuse as a result of the Sandwell dip sampling work The Sandwell MASH went live on 18 November 2014 with agreed Public Protection Units (PPU) resources Have had meeting with Birmingham City Council to discuss the design specification of the future MASH</p>
<p>Operational Policing Programme</p>	<p>Roles and Responsibilities have been articulated. Programme Planning has commenced. Further identification of 'High-level' benefits has been captured. Webpages for Programme developed and ready to launch.</p> <p>Troubled Families (across all Operating Policing Programme (OPP) strands) and Demand Management (Location strand) mandates to be submitted for decision at December 2013 OCB.</p>

FINANCIAL IMPLICATIONS

33. Many of the change programmes will realise cost and efficiency savings in the coming years. Some of which have been articulated within this paper. The scale of any financial implications to the IIP process will not be known until the Competitive Dialogue process concludes and the preferred bidder is chosen.

EQUALITIES IMPLICATIONS

34. None

LEGAL IMPLICATIONS

35. The legal implications of West Midlands Police taking on an Innovation and Integration Partner are wide ranging and complex. Again the full scale of those complexities will not be known until the final decision on partnering are made. However those complexities are apparent to Innovation and Integration Partner Team. The expertise within that team both senior police officers, financial experts and private sector consultants works closely the Legal Services Department to work through those complexities.

T/DCC Sharon Rowe

Appendix One – Structure of Legal Services Department



Apendix Two - Service Transformation and Innovation and Integration Partner (IIP)

Service Transformation – Current deliverables and Work streams

On the 11th November 2013 the Service Transformation Board, chair by DCC Rowe, met to consider the options presented to it by the Service Transformation Team. The Opportunity Assessment had outlined areas that could be improved by the force in PPU and Investigations, these focused on improving service delivery, looking at the crime continuum and maximising the capability across the force to reduce crime.

The Board decided that option 2 would best address the issues identified.

‘Option 2’ Model

Abuse Teams will be locally based, but centrally owned (by PPU), they will retain all of the current areas of responsibility in relation to child abuse but will have an expanded remit in relation to sexual offences only, i.e. not just familial abuse or persons in positions of trust but will also incorporate ‘acquaintance’ type sexual offences which, with increased focus on issues such as Child Sexual Exploitation (CSE), we recognise that a better service to victims can be provided by using specialist child abuse officers, rather than handing off to other teams on the basis of it not being ‘familial’. The teams will be strengthened in recognition of the current and predicted demand.

Alongside them will be newly formed dedicated Domestic Abuse Teams (again locally based, centrally owned by PPU), which will look at all domestic abuse within one team, covering all elements from prevention, safeguarding, investigation and offender management – again recognising that currently victims, dependent upon crime type, can be dealt with by different teams, with our safeguarding teams being the ‘glue’ that holds it all together. In the new model with all domestic abuse in one place then those teams will get a holistic overview. There will be an emphasis on these teams working very closely with the child abuse teams, particularly in relation to joint screening and Multi Agency Risk Assessment Conference (MARAC).

There will continue to be a Central Referral Unit (CRU) – again strengthened – and it will act as a dedicated referral department for all types of vulnerability. The CRU will also be able to support MASH development in those areas wishing to develop this model of operation. As part of this there will be a dedicated professional case conference team capability.

The management of CSE will be a central function, but it is intended to provide both a ‘local capability’ for victim identification/safeguarding/prevention, working with local partners, as well as a central capability for those proactive investigations working in collaboration as PPU with Force Crime Teams that would also use the same tactics against organised crime.

There will also be a stronger dedicated team for Vulnerable Adult Abuse, building on what presently exists. It will be responsible for all elements from safeguarding through to investigation. This will be centrally owned by PPU but also centrally based as current reporting volumes favour the central approach.

There will be 3 dedicated ‘Sexual Offences Teams’ (SOTs) across the Force area (purely for ‘stranger’ attacks) as most other sexual offences will be within the Domestic Abuse teams or Child Abuse Teams. Sex Offender Managers will sit alongside these teams.

The Homicide team will now investigate all deaths, including child homicide. This team will be supported by a dedicated file preparation capability. They will be based in one location and service demand from across the force area. The team will be owned by Force CID but will have close working ties to the PPU due to the nature of the work being undertaken in respect of child homicide enquiries.

All Violent crime (excluding domestic abuse and domestic abuse homicide) will now be investigated at hubs across the force area. These teams will investigate the totality of violent

crime offences from Common assault (Section 39 of the Offences Against the Person Act) up to Attempted Murder. They will comprise of both Police Constables and Detective Constables working alongside each other to manage crime and vulnerability in this area. The teams will be under the governance of Force CID.

Locally all Volume and Acquisitive Crime (Theft, Robbery and Burglary) will be investigated on LPU based teams. This is a change to our current working practices for Acquisitive Crime. The return to the local for this crime category will be supported by the development and implementation of a robust Level II tasking process. This process, chaired by Assistant Chief Constable Crime, will see series and serious linked offences identified and passed on to the force Serious, Organised and Complex Crime Unit (SOCU). The SOCU will be supplemented with an Emerging Trends capability to enable it to meet this extension in its current remit.

Option 2 also see the development of the force Review capability. This team will now manage all Domestic Homicide Reviews, Serious Case Reviews, Case Homicide reviews, Missing Person reviews, and unsolved stranger rape offences. All of the teams are being 'built to demand' in line with the detailed work that has taken place within the Service Transformation project in regard to understanding task time and work design.

Given the scale of change and investment of resource moving from other areas of policing this is a complex piece of work that affects a high volume of officers and has multiple interdependencies on issues such as estate, HR, and Learning and Development provision.

Innovation and Integration Partner (IIP)

In December 2013 Police and Crime Commissioner announced his decision to proceed to the next stage of the procurement process to identify an Innovation and Integration Partner (IIP) for West Midlands Police.

The three bidders proceeding to the next stage are (in alphabetical order):

- **Accenture**
- **Capita**
- **KPMG**

To arrive at this position, bidders initially completed Pre-Qualification Questionnaires and then submitted outline proposals. This provided WMP the opportunity to evaluate the expertise of prospective partners.

From Monday 13 January 2014, the final three bidders will commence 'Competitive Dialogue', during which their bids will be developed to achieve the best possible outcome for West Midlands' communities. Competitive dialogue is an intensive process that will engage members of the Command Team, West Midlands Office for Policing and Crime, the Technology Task Force, senior leaders and Legal Services. At the end of competitive dialogue the Commissioner will oversee the award of the contract to the successful bidder. It is estimated that the contract will be signed towards the middle of 2014.

The Innovation and Integration Partner work stream is at a crucial stage in the Organisational Change Process as the Competitive Dialogue focuses upon three preferred bidders. This is a seminal work stream for UK Policing both locally and nationally that will have a huge impact upon the future service delivery and operating models of West Midlands Police.