

PFCC Decision Report

Report reference number: 039-23

Classification: Not protectively marked

Title of report: Access to HMPPS Data

Area of county / stakeholders affected: Countywide

Report by: Pippa Brent-Isherwood (Chief Executive and Monitoring Officer)

Chief Officer: Pippa Brent-Isherwood (Chief Executive and Monitoring Officer)

Date of report: 23 February 2023

Enquiries to: Pippa Brent-Isherwood (Chief Executive and Monitoring Officer)

1. Executive Summary

This decision report seeks the Police, Fire and Crime Commissioner's (PFCC's) approval to enter into a Memorandum of Understanding (MoU) with the Ministry of Justice in order to access key local statistics relating to offenders under the supervision of the Probation Service, with the aim of preventing and / or reducing crime and disorder and reducing reoffending. This discharges the recommendation arising from the PCC Review Part 2 to develop a memorandum of understanding on the relevant data to support the reduction of reoffending and provide confidence in local data sharing.

2. Recommendations

That the Police, Fire and Crime Commissioner (PFCC) for Essex:

- Enters into the Memorandum of Understanding (MoU) with the Ministry of Justice attached at Appendix 1 in order to access key local statistics relating to offenders under the supervision of the Probation Service;

- Nominates their Chief Executive and Monitoring Officer as their Business as Usual Contact and SRO;
- Nominates themselves, their Head of Performance and Scrutiny (Policing and Crime) and their Community Safety and Criminal Justice Manager as their nominated users (their “Designated Users”), and
- Authorises their Designated Users to sign the User Access Statement included as an annex to the attached MoU agreeing to the terms of use.

3. Background to the Proposal

Following completion of the PCC Review Part 2, His Majesty’s Prison and Probation Service (HMPPS) has worked closely with the Association of Police and Crime Commissioners (APCC) to finalise a Memorandum of Understanding on data sharing to aid the reduction of reoffending. HMPPS is now able to provide PCCs with access to its Performance Hub and the Segmentation Tool. The Performance Hub is a web-based corporate reporting service that provides staff from prisons, the Probation Service, the Ministry of Justice and associated organisations with data collection, validation, collation and reporting. The web-based Segmentation Tool provides additional population data on risk of reoffending, responsivity factors, and the criminogenic needs of the prison and probation caseloads. The data made available through these platforms covers probation and prison management information that can be utilised to inform local reducing reoffending priorities.

To gain access to the Hub and Segmentation Tool, the MoU attached at Appendix 1 needs to be signed and the PFCC needs to nominate Designated Users who will be granted access.

4. Proposal and Associated Benefits

Entering into the attached Memorandum of Understanding will facilitate local access to a range of local HMPPS datasets providing volume data on population, sentence management, effective outcomes, effective programmes and unpaid work, confidence and satisfaction at national and regional level, and some at probation delivery unit level. Through the Hub and Segmentation Tool, Designated Users will be able to access a frequently updated family of digital analysis / insights on probation and prison performance, which should lead to a better understanding of probation and prison outcomes to inform local reducing reoffending priorities. Access will be granted on a read only basis with no ability to edit the data, although Designated Users will be able to filter the dashboards in table or chart format or download the data into an excel spreadsheet for their own analysis.

Reducing reoffending is a shared interest for the PFCC and HMPPS, with the purpose of sharing data between them being to prevent and / or reduce crime and disorder and reduce reoffending. This discharges the recommendation arising from the PCC Review Part 2 to develop a memorandum of understanding on the relevant data to support the reduction of reoffending and provide confidence in local data sharing.

The intended benefits are to assist the work of the PFCC and HMPPS in developing and delivering their Police and Crime Plan and Regional Reducing Reoffending Plan respectively, as well as the LCJB plan. Participation will also improve accountability against measures which should lead to better delivery, use of resources, improved effectiveness, and efficiency. Use of the data could also inform the co-commissioning activity which is expected to contribute to rehabilitation and resettlement provision reflecting specific local needs.

The MoU will enable participants to monitor and improve probation and prison performance whilst reducing the risk of management information and data being released into the public domain unnecessarily outside of a valid Freedom of Information request.

5. Options Analysis

The PFCC could choose not to enter into the Memorandum of Understanding attached at Appendix 1 but would not then be able to access the listed data or utilise it for the purposes described.

6. Consultation and Engagement

No consultation or further engagement with staff, representative bodies or external agencies is required in relation to this decision.

7. Strategic Links

The Police and Crime Plan recognises partnership working as one of the building blocks of success in improving the safety of our communities.

The recommendations set out in this report link with the priority in the Police and Crime Plan to increase collaboration, and the specific commitment to build on the success of collaboration during the response to the COVID-19 pandemic, including by sharing data safely and effectively.

8. Police operational implications

There are no operational implications for Essex Police arising from this decision report.

9. Financial implications

There are no financial implications arising from this decision report.

10. Legal implications

Section 115 of the Crime and Disorder Act 1998 provides a lawful power for organisations to disclose data to a relevant authority where it is necessary or expedient for the purposes of any provision of the Act. For the purpose of this MoU, a relevant authority is any entity seeking access to MoJ data whereby the results of the statistics or research will support or provide evidence enabling the administration of justice, or the exercise of any functions of the MoJ.

As the platforms contain unpublished probation and prison data, the Association of Police and Crime Commissioners (APCC) has agreed a Memorandum of Understanding and terms of use between HMPPS and PCCs through engagement with the APCC Board and the APCC-HMPPS Steering Group. As there is no legal requirement to share HMPPS data with PCCs, the MoU is the vehicle for PCCs to access HMPPS data. The APCC has advised that lawyers have confirmed that the Memorandum of Understanding attached at Appendix 1 and the associated requirements of each signatory are reasonable and provide a mechanism by which PCCs can access unpublished performance data.

The General Data Protection Regulation (GDPR) 2018 and the Data Protection Act (DPA) 2018 place certain obligations on a Data Controller to ensure that any Data Processor it engages provides sufficient guarantees to ensure that the processing of the data carried out on its behalf is secure. The MoU attached at Appendix 1 ensures that there are sufficient security guarantees in place, and that the processing complies with obligations equivalent to those of the Third and Sixth Data Protection Principles. Everyone receiving access is expected to act within the spirit of the terms of use and not to release unpublished data into the public domain. Designated Users will be able to access the platforms directly and use the data within them. Other colleagues can view the data in meetings but cannot directly access it. Any data accessed must be redacted from meeting papers and minutes as it cannot be published in the public domain.

Designated Users will be required to sign a User Access Statement electronically agreeing to the terms of use. This is included as an annex in the attached MoU.

11. Staffing implications

There are no staffing implications arising from this decision report.

Familiarisation events hosted by the Ministry of Justice and HMPPS will be organised for the officers nominated.

12. Equality, Diversity and Inclusion implications

There are no equality, diversity and inclusion implications arising from this decision report.

13. Risks and Mitigations

The Hub and the Segmentation Tool are intended to provide internal performance management information not for publication. To do this effectively, timeliness is considered more important than complete accuracy. The performance data included therein is therefore not subject to full checks which would delay its inclusion on the Hub and the Segmentation Tool. For this reason, the accuracy of data from the Hub and the Segmentation Tool cannot be guaranteed, and such data should not be used in circumstances in which complete accuracy and certainty are required.

14. Governance Boards

The Memorandum of Understanding attached at Appendix 1 has been approved by the APCC Board.

15. Links to Future Plans

N/A

16. Background Papers and Appendices

Appendix 1 – Data Sharing Memorandum of Understanding

Report Approval

The report will be signed off by the PFCC's Chief Executive and Chief Finance Officer prior to review and sign off by the PFCC / DPFCC.

Chief Executive / M.O. Sign: 

Print: P. Brent-Isherwood

Date: 24 February 2023

Chief Financial Officer Sign: 

Print: Janet Perry

Date: 24 February 2023

Publication

Is the report for publication? YES NO

If 'NO', please give reasons for non-publication (Where relevant, cite the security classification of the document(s). State 'None' if applicable)

None

If the report is not for publication, the Chief Executive will decide if and how the public can be informed of the decision.

Redaction

If the report is for publication, is redaction required:

1. Of Decision Sheet? YES NO 2. Of Appendix? YES NO

If 'YES', please provide details of required redaction:

N/A

Date redaction carried out:

Chief Finance Officer / Chief Executive Sign Off – for Redactions only

If redaction is required, the Treasurer or Chief Executive is to sign off that redaction has been completed.

Sign:

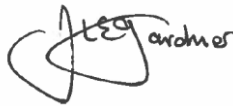
Print:

Chief Executive / Chief Finance Officer

Decision and Final Sign Off

I agree the recommendations to this report:

Sign:



Print: Jane Gardner

PFCC/Deputy PFCC

Date signed: 27 February 2023

I do not agree the recommendations to this report because:

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Sign:

Print:

PFCC/Deputy PFCC

Date signed: