



west midlands
police and crime
commissioner



Agenda Item 05

JOINT AUDIT COMMITTEE

28 September 2017

HMICFRS UPDATE

2. PURPOSE OF REPORT

To provide members of the Committee with oversight of HMIC recommendations.

3. BACKGROUND

Since the last meeting of the Joint Audit Committee, HMIC have taken responsibility for inspecting Fire & Rescue Services. Therefore the Inspectorate will now be referred to as HMICFRS.

Work continues on the HMICFRS recommendations register, which will be accessible to forces, PCC's and the public. It is not known when this will become available, but the last forecast was some time in the autumn.

PEEL

Insight work is underway for the Autumn PEEL Inspection looking at effectiveness with a number of visits having been made to the force during the summer. Inspectors will be in force for three days in the week commencing 25 September to conduct the main fieldwork for this inspection. HMICFRS are not inspecting WMP in all areas that were examined last year, but are focusing on Vulnerability, Serious & Organised Crime, and Specialist Capabilities.

4. Inspections completed since the last meeting

HMICFRS have completed all of the fieldwork involved in the Spring PEEL Inspection, examining efficiency, legitimacy and leadership, which was suspended following the terrorist attack in Manchester that occurred during the week of the scheduled fieldwork. A hot debrief for this inspection was held on 4 August.

The inspection report is currently being written and moderated within HMICFRS and it is anticipated that it will be published in late October or early November. The force should receive the report for pre-publication checks in late September or early October.

5. Inspection reports received since the last meeting

Custody

The report of the HMIC/HMIP Joint Inspection of Custody was published on 21 June, and was as described in the update for the last meeting following receipt of the draft report.

Stalking & Harassment

On 5 July, the report was published of a joint HMIC/HMCPSI inspection of the response of the criminal justice agencies to reports of stalking & harassment. WMP was not visited during this inspection; however there are four recommendations in the national report for the Police Service, as follows:

- 1. Chief constables should stop the use of Police Information Notices and their equivalents immediately.**
- 2. Chief constables should ensure that officers are aware of, and use appropriately, the powers of entry and search for stalking. Chief constables should also ensure that adequate records of these searches are compiled for audit and compliance purposes.**
- 3. Chief constables should work with criminal justice partners to identify what programmes are available to manage offenders convicted of harassment and stalking offences in their respective force areas. In the absence of such programmes, they should review whether interventions could and should be established. To chief constables and CPS Area leads.**
- 4. Chief constables and CPS Area leads should monitor and ensure compliance with the national stalking protocol.**

Disclosure

On 18 July, the report was published of the joint HMCPSP/HMIC inspection of disclosure in criminal cases. This was a national report and there are no specific recommendations for WMP, however WMP were one of seven forces visited during the fieldwork for the inspection.

There were five recommendations for all police forces arising from the inspection:

- 1. Immediately, police or CPS must correctly identify all disclosure issues relating to unused material at the charging stage and this must be reflected fully in an action plan.**
- 2. Within six months police forces should improve their supervision of case files, with regard to the handling of unused material. This process should be supported by the requirement for supervisors to sign the Disclosure Officer's Report each time this is completed**
- 3. Within six months, all police forces should establish the role of dedicated disclosure champion and ensure that the role holder is of sufficient seniority to ensure they are able to work closely with the CPS Area Disclosure Champions using the existing meetings structure to ensure that disclosure failures are closely monitored and good practice promulgated on a regular basis**
- 4. Within 12 months, the police and the CPS should review their respective digital case management systems to ensure all digital unused material provided by the police to the CPS is stored within one central location on the CPS system and one disclosure recording document is available to prosecutors in the same location**
- 5. Within six months, the CPS and police should develop effective communication processes that enable officers in charge of investigations and the allocated prosecutor to resolve unused material disclosure issues in a timely and effective manner**

Crime Data Integrity

On 7 September, HMICFRS published the report following their inspection of crime recording within WMP.

HMICFRS found that, overall, the force was Inadequate in relation to the points inspected. There are four recommendations and three areas for improvement highlighted in the report. This report is one of those identified for further scrutiny at this meeting.

5. Outstanding recommendations currently graded Red

There is one recommendation that is currently graded as Red:

PEEL Effectiveness 2016

Cause of concern

The force's response to domestic abuse is a cause of concern to HMIC. The force policy which allows an officer discretion to complete a DASH risk assessment in some crimes and incidents does not provide confidence that risk is always assessed appropriately. This is an enduring cause of concern from HMIC's report on vulnerability in 2015 and is one of the recommendations from HMIC's report on its domestic abuse inspection in 2014 that still needs to be implemented. In cases where a DASH risk assessment is not completed the officer should record an assessment on the crime management system. HMIC found that officers are not consistently completing a DASH in circumstances where force policy requires that they should do so. This means that some victims of domestic abuse who may be at risk of harm are not being appropriately risk-assessed.

Recommendation

To address this cause of concern, HMIC recommends the force should immediately take steps to ensure that:

- **there is effective supervision of the initial risk assessment process, specifically in relation to the completion of DASH risk assessment in appropriate cases.**

This recommendation is addressed by the force as part of the wider Vulnerability Improvement Delivery Plan, led by Chief Superintendent Bell. The latest progress update from the plan is as follows:

The Executive Team have now agreed to move towards a process where all domestic abuse is subjected to a DASH assessment. This new process will be implemented over the next 6-12 months as all forces await the new DASH form being prepared by the College of Policing. In the interim WMP will re-institute the DA dip sampling process to address any risk until the new process is implemented. Terms of reference agreed and task & finish group established.

6. Overview of reports for review

Integrity & Corruption

There are two reports containing recommendations that relate to these areas. The first was published in November 2014 and contains the following eight recommendations for the force:

- **Within six months, the force should ensure that it has communicated to all staff the requirements to comply with policies relating to notifiable associations, secondary employment, business interests and gifts and hospitality.**

This recommendation has been addressed and archived.

- **Within six months, force should ensure that it has a policy which informs staff of the gifts and hospitality that are appropriate to accept and why. The policy should include the requirement to register the value and description of all gifts and hospitality offered; including those declined. This should be communicated to all staff.**

This recommendation has been addressed and archived.

- **Within six months, the force should ensure it carries out regular audits of integrity related registers including gifts and hospitality, business interests, notifiable associations, expense claims, procurement activity and other records to identify potentially corrupt activity.**

Action in respect of this recommendation is complete, and it is awaiting sign off by HMICFRS in conjunction with the introduction of their recommendations register.

- **Within six months, the force should ensure it has formal arrangements for the oversight of integrity and corruption-related issues, with clear lines of reporting and accountability.**

This recommendation has been addressed and archived.

- **Within six months, the force should ensure all staff understand the support mechanisms available to those individuals reporting misconduct.**

This recommendation has been addressed and archived.

- **Within six months, the force should ensure that it has the proactive capability to effectively gather, respond and act on information which identifies patterns of unprofessional behaviour and corruption.**

This recommendation has been addressed and archived.

- **Within six months, the force should publish a policy which clarifies the position on suspension, resignation and retirement of officers under disciplinary investigation.**

This recommendation has been addressed and archived.

- **Within six months, the force should ensure it has an effective process to communicate to all staff, both locally and nationally identified lessons to be learnt on integrity and corruption.**

This recommendation has been addressed and archived.

In January 2015, HMICFRS published a national report in relation to integrity and corruption; this report made the following recommendations to all police forces:

- **With immediate effect, all forces should ensure that the initial assessment of all public complaints is conducted by a chief inspector or police staff equivalent in accordance with:**
 - **Police (Complaints and Misconduct) Regulations 2012, Regulations 30 and 33 – in respect of public complaints, and**
 - **Police (Conduct) Regulations 2012, Regulation 3(5) – in respect of internal misconduct reports.**

Action in respect of this recommendation is complete, and it is awaiting sign off by HMICFRS in conjunction with the introduction of their recommendations register.

- **By 31 August 2015, chief constables should review the number of officers and staff with protected characteristics who have formal allegations made against them, to ensure that force processes are operating without bias or discrimination.**

This recommendation is still being progressed towards sign – off. The matters subject of the recommendation are covered by the PSD Delivery Plan and scrutinised by the Deputy Chief Constable.

- **By 31 August 2015, all forces should have systems in place to publish the outcomes of all misconduct cases including those involving criminal and corrupt behaviour.**

Action in respect of this recommendation is complete, and it is awaiting sign off by HMICFRS in conjunction with the introduction of their recommendations register.

- **By 31 August 2015, all forces should have in place a confidential means of reporting wrongdoing, in which officers and staff have confidence.**

Action in respect of this recommendation is complete, and it is awaiting sign off by HMICFRS in conjunction with the introduction of their recommendations register.

- **By 31 August 2015, all forces should ensure that their policies on the acceptance of gifts and hospitality comply with the national guidelines. By the same date, all officers and staff should be reminded of the policies.**

This recommendation is still being progressed towards sign – off. Gifts and hospitality are recorded on a central recording system which subject to internal audit. The Gifts and Hospitality policy is in place and been embedded through 'message of the day' on the force intranet and 'dilemma of the month'.

- **By 31 August 2015, all forces should comply with national vetting policies.**

This recommendation is still being progressed towards sign – off. Vetting are better placed to deliver the requirements of the vetting policy following the uplift in staffing as shown below, however demand impacts upon capacity to deliver 'aftercare'. This is because the Force is currently recruiting police officers which need to be a priority due to the timescales of the process.

Between 1st March 2012 and 15th May 2017, 1,232 after care applications had been received, of which:

- 165 were processed between 1st March 2012 and 1st October 2016 with 2 pending; and
- 167 were processed between 1st October 2016 and 15th May 2017 with 897 pending.

These figures indicate that progress is being made, with similar amounts being undertaken in the 6 months Oct16-May 17 compared to the previous three years.

- **By 31 August 2015, in order to identify potential corruption, all forces should have systems in place to assess annually:**
 - **whether information on approved business interests remains up to date, and is appropriate;**
 - **where business interests have not been approved, that this decision has been complied with;**
 - **whether information in respect of notifiable associations remains up to date and is appropriate; and**
 - **registers concerning procurement of services.**

This recommendation is still being progressed towards sign – off.

- All officers and staff will undertake an Integrity Checklist discussion with their line manager every 12 months. This will be administered by each departmental Appropriate Authority to ensure local compliance. The Integrity Checklist includes a review of the Business Interest with the subject officer/ staff, which should be discussed with the line manager. The Line manager is best placed to assess any issues or changes with the BIs, and also to assess whether the BI remains appropriate given the officer/staff annual leave, sickness and performance. All changes to the BIs should be notified to PSD, including recommendations from AAs and line-managers that the support should be withdrawn due to performance, corruption or conflict of interest.
- The Line manager is best placed to assess any issues with BIs which have been refused but may be continued by the officer through an understanding of the annual leave, sickness and performance issues of the officer/staff which may signal non-compliance. Any suspicions of non-compliance with a refused BI will be reported to PSD.
- The Integrity Checklist includes a review of the vulnerable associations declared by the subject officer/ staff, which should be discussed with the line manager. Any changes to the information of the association should be sent to PSD for recording and further assessment.
- Registers concerning procurement of services do exist, (i.e we hold and maintain a central contracts register for the force). In addition, PSD, provide an overview of all gifts and hospitality that has been accepted along with details of any declarations of business interest so that we can cross reference them for potential conflicts against any force procurement activity.

- **By 31 August 2015, all forces should ensure they have the necessary capability and capacity to develop and assess corruption-related intelligence in accordance with the authorised professional practice.**

This recommendation is still being progressed towards sign – off. The CCU continues to operate in accordance with the APP.

A review of the capacity of the CCU will be incorporated into an extensive review of the WMP Professional Standards Department which is being undertaken Spring/Summer 2017. This review has now been authorised and is in the design stage through the WMP 2020 process.

In addition to considering what services are currently delivered by PSD and what a future service offer should look like, the review will examine the significant risks posed around corruption, and will ensure sufficient capability to address this threat supported with a strong preventative strategy.

- **By 31 August 2015, all chief constables should satisfy themselves that they have processes in place to ensure that investigations into misconduct by officers and staff resulting in “no further action” are fair and free of any form of discrimination.**

This recommendation is still being progressed towards sign – off. The force continues to review/dip sample cases where NFA is taken. The OPCC also has schedule of dip sampling of misconduct cases to provide additional scrutiny.

- **By 31 August 2015, all forces should ensure that there is sufficient analytical capability to analyse threats, risks, harms and trends in respect of misconduct, criminality and corruption in support of professional standards departments and anti-corruption units.**

Action in respect of this recommendation is complete, and it is awaiting sign off by HMICFRS in conjunction with the introduction of their recommendations register.

Crime Data Integrity

As mentioned above, HMICFRS completed an inspection of crime recording earlier this year and the inspection report was published on 7 September and contained four recommendations for the force.

The previous CDI inspection took place in 2014 and this contained five recommendations. Following the recent inspection, HMIC have confirmed that all of the 2014 recommendations have been either completed or superseded by new 2017 recommendations. All CDI recommendations are owned by the Force Crime Registrar.

2014 Recommendations – West Midlands Police

- 1. The force should take steps to ensure that reports recorded separately on other force systems (e.g. those used by the public protection teams) are recorded as crimes. The force should put in place proportionate and effective audit arrangements, through the FCR, to assure itself that reports held on these systems are properly recorded as crimes.**

Completed

- 2. The force should take steps to clarify and communicate to all staff that crime recording advice should only be sought from the CST to ensure consistency in advice and guidance.**

Completed

- 3. The force should take steps to quality assure and audit no-crime decisions to ensure that additional verifiable information has been properly considered. Harassment cases in particular should be subject to scrutiny.**

Completed

- 4. The force should review and assess the reporting and recording of shoplifting, including consultation with the business community, and implement a process that ensures HOCR and NCRS compliance with all reports of shoplifting. Clear and unambiguous guidance for officers and staff should form part of the force response to this issue. Within six months**

Superseded by recommendations in 2017 CDI Inspection Report

- 5. The force should conduct a training needs analysis of all staff involved in crime recording, and introduce an appropriate level of training for relevant identified staff to increase awareness and understanding of NCRS and HOCR to underpin ethical crime recording.**

Completed

2014 Recommendations – All Forces

- 6. All forces should ensure that in cases of out-of-court disposals where there is a victim, they consult the victim before making the decision to issue or effect the disposal, and make a record that they have done so;**

Completed

7. **All forces should ensure that on every occasion when the making of an out-of-court disposal is under consideration, the previous offending history of the offender is checked to ensure the offender is eligible for the disposal in question, and make a record that this has been done**

Completed

8. **All forces should ensure their auditing procedures in respect of reports of serious sexual offences, including rapes, are sound.**

Completed

9. **All forces should ensure that they have in place effective supervisory oversight of the making of crime-recording decisions to ensure compliance with the HOCR, whether those decisions are made by personnel in force control rooms and call-handling centres, or by members of specialist teams or officers or staff with routine contact with the public.**

Superseded by recommendations in 2017 CDI Inspection Report

10. **Forces should establish and begin operation of sound arrangements for the conferment upon force crime registrars of sufficient independence and authority, so as to ensure that high standards of adherence to the HOCR and NCRS are attained and maintained. In particular, such arrangements should provide that force crime registrars:**
(a) report directly to the deputy chief constable;
(b) have direct access to the chief constable; and
(c) are required periodically to report to the chief constable on crime-recording in the force."

Completed

11. **Forces should ensure that, in crime-recording:**
(a) the presumption that the victim should always be believed is institutionalised;
(b) all reports of crime are recorded as crimes at the earliest possible opportunity;
(c) decisions to record crime are not subject to undue operational or performance pressures; (d) practices such as investigate-to-record (where the recording of a crime is delayed until after an initial investigation of the complaint) are discontinued."

Completed

Recommendations – 2017

As these are very recent, there are no recorded updates as yet.

1. **Within six months, West Midlands Police should take steps to identify and address gaps in its systems and processes to ensure that when officers have attended incidents all reported crimes are recorded. This should include satisfying itself as to the effectiveness of its arrangements for the recording of crimes by officers through the crime service team. The force also needs to implement a consistent and structured approach to call-handling quality assurance processes that includes checking compliance with the National Crime Recording Standards.**
2. **Within three months, the force should review its operating arrangements to ensure that these arrangements secure the recording of all reported crimes at the first point at which sufficient information exists to make a crime-recording decision, and in any event within 24 hours of receipt of the report.**
3. **Within three months, the force should develop and implement procedures for the effective supervision of crime-recording decisions throughout the whole force.**
4. **Within six months, the force should put in place arrangements to ensure that:**
 - (i) **at the point of report, particularly in domestic abuse cases, greater emphasis is placed on the initial account of the victims;**
 - (ii) **where more than one crime is disclosed within an incident record, or identified as part of other recorded crime investigations, these are recorded.**

7. RECOMMENDATIONS

- a. The Committee to note the contents of the report.

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BACKGROUND DOCUMENTS