



Strategic Policing and Crime Board

16 February 2021

Police and Crime Plan Priority: Regular Item

Title: Emergency Chapter Report – by exception

Presented by: Assistant Chief Constable Chris Todd

PURPOSE OF PAPER

1. Provide an update on the efficiency and effectiveness of the West Midlands Police (WMP) response to the COVID-19 national emergency.
2. To update regarding the organisational health of West Midlands Police in the recovery phase of the COVID-19 national emergency.

BACKGROUND

3. West Midlands Police (WMP) continues to prioritise the response to COVID-19, maintaining a major incident response in partnership with the Strategic Coordination Group (SCG).
4. This paper provides an update on a previous paper presented at the Strategic Policing and Crime Board on 19 January 2021.

COVID-19 RECOVERY – CRIME PATTERNS

5. Overall crime levels have continued to increase, December 2020 was the highest month since 2004. This has been predominately due to significant increases around recorded Domestic Abuse crimes and Harassment offences that now make up one in every five recorded crimes. A number of interventions to improve crime data integrity have pushed up volumes of recorded low level harm crimes. Traditionally the winter months see increases in Serious Acquisitive Crime however the Force is still meeting good reductions

in this area. Historically January is also a high month for reporting of Domestic Abuse so increases in recording do not entirely correlate with the circumstances of the pandemic.

6. The number of daily contacts with WMP relating to Covid-19 have increased by a further 100 records in this reporting period, to about 300. Operation Reliant is the force's response to Unlicensed Music Events (UME's), large house parties and unlawful activities in licensed premises, including Shisha lounges. A specific policing response under Operation Reliant has been in place and dedicated resources attend these calls for service. Officers are given guidance on engaging with the government guidance. The approach by West Midlands Police follows that of the National Police Chief's Council; namely the "four E's approach". With all COVID-19 regulations we will generally seek to engage, explain, encourage and enforce. Enforcement is the last option, with the vast majority of incidents attended not requiring enforcement activity.

WHAT IMPACT HAS THE REDEPLOYMENT OF OFFICERS AND STAFF IN RESPONSE TO THE COVID19 EMERGENCY HAD ON THE RECOVERY OF WMP?

7. There are no updates by exception reported, the position remains unchanged and as per the update in the January 2021 SPCB paper.

IMPLEMENTATION AND ENFORCEMENT OF COVID-19 REGULATIONS

8. Directions to leave can result in a number of outcomes including: dispersal, fixed penalty notice (FPN), summons or arrest.
9. There has been an increase in use of directions to leave since the start of the second lockdown on 4th November 2020 and this has continued through the current reporting period.
10. There have been a total of 36,737 directions to leave recorded between March 2020 and 25th January 2021 (this has increased by 6364 since the last paper in January 2021 – current average is approximately 250 a day). Figure 1 refers. One record is created per specific incident rather than per person engaged.



Figure 1 Direction to leave data from March 2020 to 25th January 2021

11. Of the 36,737 directions to leave given, 13% were dealt with by way of dispersal, 7% resulted in the issuance of fixed penalty notices or summons and 37 incidents (approximately 0.1%) resulted in arrest.
12. The baseline for assessing disproportionality is the 2011 census. We base ratios on the rate of an activity rate against the people the census says make up that ethnic group. Whilst the census has been updated with estimates since it was carried out, it is of course scheduled to be refreshed this year. It is acknowledged that more recent estimates show the demographics and population of the West Midlands to be far more diverse now than in 2011. Nevertheless our data shows that 22% of people engaged with were under 18 years of age, 29% aged 18 to 39 years, 27% aged 40 to 59 years and 22% were aged 60 years and over.
13. 2490 individuals have now been issued Fixed Penalty Notices (FPN's). 51% of FPN's have been given to White people, 26% to Asian people and 16% to Black people.
14. As indicated above, the data shows that directions to leave disproportionately impact young people. 25-39 year olds have received 40% of FPN's and 18-24 year olds have received 37% of FPN's. If this is compared to the census data the two age categories would need to be combined showing 18 to 39 years olds have received 77% of FPN's, which is 47% above the 2011 census data.
15. There have been 21 Super Fines issued since the legislation came into place, five of these have been issued for directions given since January.

Enforcement of International Traveller Quarantines

16. West Midlands Police have received 140 Quarantine referrals between 1st January 2021 and 20th January 2021. This equates to an average of seven per day. This is compared to an average of 15 per day in November/December 2020. The vast majority of outcomes involve the address being attended, checked and information fed back to Public Health England (PHE). The majority of people can be contacted when we attend, however there are also a number of no replies which are fed back to PHE to pursue following WMP system checks. Tighter restrictions around travel account for the recent increase in referrals with further border restrictions being finalised at the time of writing.
17. To date there has been one fine issued in relation to being found in breach of quarantine. The person arrived in England having been outside the common travel area and was required to self-isolate. This matter was dealt with at court and the defendant was given a fine of £1000, a victim surcharge of £100 and costs of £135.

Enforcement of Local Restrictions

18. Neighbourhood Teams, the Force Support Unit and the wider Operations department continue to utilise the 4E's when attending COVID breaches. This has been either during their everyday patrols or during force missions such as Op Reliant referenced above or more recently such as that of Op Houndsman, the anti-lockdown protest in Birmingham city centre on Saturday 16th January. It should be noted that there is no reasonable excuse allowed for protest under the current Coronavirus Regulations, unlike in some earlier iterations during 2020.

Large Scale and Local Vaccination Centres

19. There are currently 65 locations across the West Midlands that are offering vaccines in terms of Hospital locations, GP Surgeries and Health Centres. There is also 1 large Vaccination Site live now at Millennium Point with Black Country Living Museum due to go live at the time of writing followed by a further centres in February.
20. All local authorities now have testing facilities in place for their respective communities, each of which are supported by WMP neighbourhood teams. In addition each Neighbourhood Policing Unit now has an agreement in place with either the Local Authority, West Midlands Fire and Rescue Service (WMFRS) or both, for staff to attend

and undergo Lateral Flow Testing (LFT). Some positive results have been identified for two members of staff who were seemingly asymptomatic, thus aiding the prevention of wider contamination of the workforce.

WORKING AND OPERATING EFFECTIVELY WITH PARTNERS

Strategic Co-ordination Group and Tactical Co-ordination Group

21. There have been no changes to the operating arrangements with partners. The Strategic Co-ordination Group (SCG) and the Tactical Co-ordination Group (TCG) maintain a weekly rhythm with extraordinary meetings added as required. Chairing of the SCG remains with the Local Authorities and the TCG is chaired by a Health representative.

SPECIAL CONSTABLE BONUS ALLOWANCE

22. This position remains unchanged and has done since March 2020. 140 Special Constables have claimed the bonus allowance.

PERSONAL PROTECTIVE EQUIPMENT PROVISION

23. The revised National Police Chiefs Council (NPCC) Personal Protective Equipment (PPE) guidance stresses the importance of officers and staff using PPE when required to intervene with a member of the public inside their social distance regardless of whether they are displaying symptoms, or whether or not the officer is in uniform.

24. The guidance remains that in all scenarios, officers must have PPE readily available and as a minimum this should include a fluid resistant surgical mask (IIR) and gloves (non-latex). Further emphasis has now been placed on the additional use of goggles and aprons by operational staff. The revised guidance also now stipulates that staff within all work environments whether operational or not, should wear a fluid resistant surgical mask and no longer just a face covering. Face coverings do remain suitable however for the public at large and officers and staff when off duty or travelling to and from work.

25. The guidance for PPE is published on the WMP PPE portal, along with the responsibilities for line managers and individual officers and staff. A new version of this has been released this week (01/02/2021) leaders are now briefing this to their teams. Figure 2 shows the operational guidance for PPE.

26.

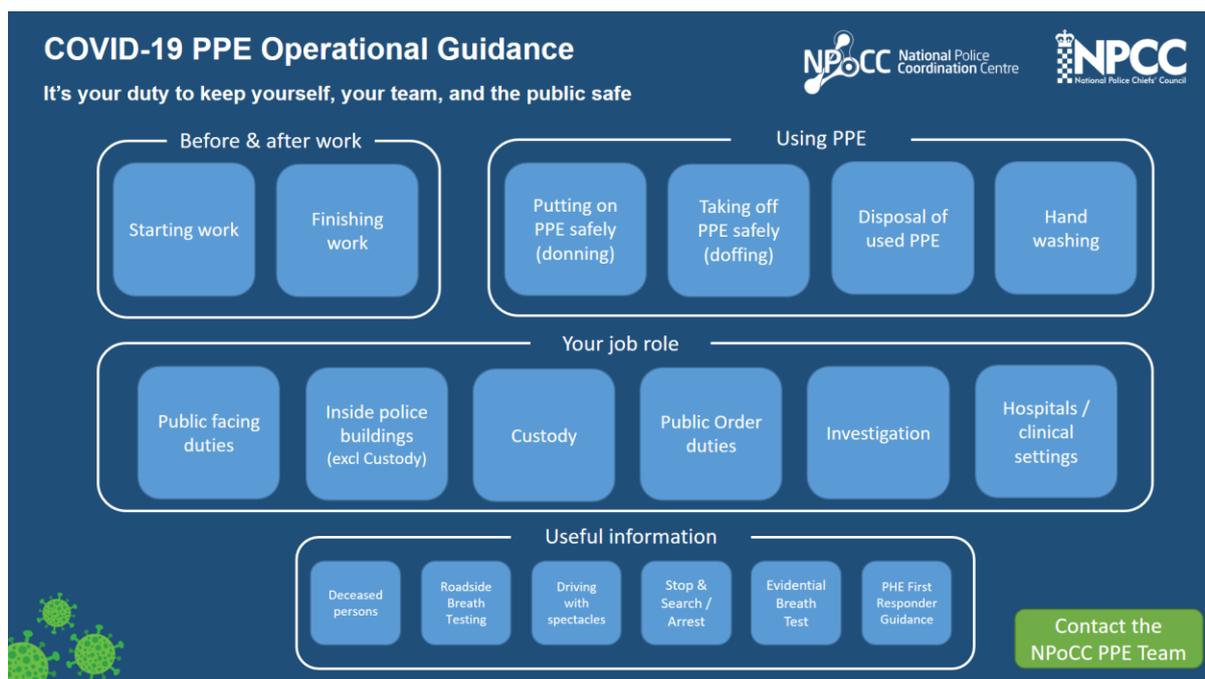


Figure 2 Personal Protective Equipment Operational Guidance

27. Providing the appropriate level of PPE to all officers and staff is a key priority for WMP. 10 million items of PPE so far have been distributed and there are a further 3 million items in stock.
28. WMP began planning and purchasing of PPE at an early stage and have therefore been in a strong position to respond to the changes in PHE/ NPCC guidance.
29. A weekly PPE update is provided to the force executive lead, detailing the current stock level for each item, expected consumption over the next twelve weeks, the quantity that is on order and when that order will arrive. Each item is then given an appropriate status: red, amber or green. This level of visibility provides ongoing assurance.
30. Strong supply lines have been developed with existing suppliers and through developing relationships with new suppliers. For the last 4 months the Force has been able to obtain 96% of its PPE needs from the national PPE policing stock. This means that as a Force we are spending very little on PPE.
31. Alongside the standard face masks we have also purchased transparent face covers to cater for lip reading and we have worked with staff networks to put in place solutions for those officers and staff that have turbans or longer beards.

32. Where staff and officers cannot wear face masks due to medical reasons we have secured a lanyard that makes it clear to others that the person wearing it cannot wear a face mask, so as to avoid unnecessary challenge.

WHAT IMPACT HAVE SICKNESS AND SELF-ISOLATION HAD ON THE OPERATIONAL EFFECTIVENESS OF WMP

33. The combined rates of sickness and abstraction through isolation peaked at 10.1% in mid-January 2021, but has now reduced back to the national average, which at the time of writing was 8.3%. These levels of abstraction have remained challenging but manageable through the support provided by the Resilience Cell.

WHAT ASSESSMENT HAS BEEN MADE OF THE EFFECTIVENESS OF THE COUNSELLING AND SUPPORT SERVICES AVAILABLE TO OFFICERS AND STAFF

34. There are no updates by exception reported, the position remains unchanged and as per the update in the January 2021 SPCB paper.

IMPACT OF COVID-19 TESTING ON OPERATIONAL EFFECTIVENESS

35. As highlighted at paragraph 18 above, testing has resulted in the identification of infections amongst staff who were seemingly asymptomatic, thus helping to potentially prevent wider contamination of the workforce. It has not resulted in unmanageable abstractions through isolation.

OPERATIONAL AND ORGANISATIONAL LEARNING

36. There are no updates by exception reported, the position remains unchanged and as reported in the January 2021 SPCB paper.

FINANCIAL ASSESSMENT

Impact of COVID-19 on the 2020-21 budget

37. The finance department has identified and reported actual and future planned costs associated with Covid-19 across the force since March 2020.

38. Table 1 below shows expenditure on Covid-19 from March to end of December 2020 and includes a forecast of expenditure in December 2020. This information is presented to the Secure and Sustain board on a weekly basis:

Category	2019-20 actuals (March) (£'000s)	2020-21 actuals (Apr-Dec) (£000's)	2020-21 est. for Jan to Mar 2021 (£000's)	Total expenditure Inc. estimates (£000's)	Comments
PPE equipment	939	1,445	60	2,444	This PPE is net of orders via National Procurement of £4.25m. All medical grade and non-medical grade PPE has now been reimbursed by the Home Office. Remaining costs includes future supplies of medical face masks in lieu of coverings per change to guidance
Officer and Staff pay costs	0	716	135	851	Officers and staff moved from posts including CWG planning, creation of MART team and work by Guardian team on Covid-19. Recent costs include POD track and trace roles.
Overtime pressures	65	1,644	1,239	2,948	Actuals on custody, intelligence cell, IT & D contingency, MART team, NPU PHLs, planning and patrols in hospitality sector. Costs now include the first month of enforcement patrols in October. December estimate includes £0.3m for enforcement work across the force. Note £1.8m has been received from HO to support this cost from October 2020 to March 2021 (£0.3m per month).
Temporary staff	0	584	60	644	25 additional staff for force Contact – were extended initially to 30 September and then to 31 December. PPU extension of temp staff contract to 30 December to clear backlog of DA cases. This may extend further to March following the second lockdown but with fewer resources.
Other non-pay	25	1,175	215	1,415	Costs include decontamination, clinical waste, screens for contact staff, and amendments/reinstatement of police buildings to make them Covid secure.
Loss of income	107	2,668	654	3,429	Loss of income at Airport and other force Operations including sporting events and dog sales, Police led prosecutions and traffic investigations, vehicle recovery and DBS. Airport income loss reduced from July as some limited operations recommenced.
Home working (laptops and devices)	533	286	162	981	3,650 machines purchased between March and May of which approx. 420 were directly related to supporting the forces Covid-19 response. Cost includes mobile devices and SIM cards for mobile data in laptops.
Budget savings	0	(1,037)	(346)	(1,383)	Savings in fuel (per BP fuel offer which ended on 8 th June) business travel and accommodation.
Total	1,670	7,481	2,179	11,329	

Table 1: Expenditure on Covid-19 from March to end of December 2020

39. The table highlights a number of areas for discussion. The overall cost of Covid-19 to the Force (excluding the national order of PPE) was £9.15m at the end of December and is expected to reach £11.28m by 31 March 2021.
40. Expenditure on PPE is now £2.38m. The national PPE order continues to provide for the majority of PPE requirements. Local PPE expenditure will be required to satisfy requirements for all colleagues to wear face masks in relation to the latest force guidance and this continues to be managed by the Shared Services team. The Home Office have now reimbursed the force £6.01m for all medical grade PPE purchased from March 2020 including the national order and a further £0.32m for non-medical grade PPE ordered at the start of the pandemic.
41. A loss of income of £0.1m was identified in March 2020 and this has grown to an estimated £2.78m by the end of December 2020. The loss of income for 2020-21 principally relates to Birmingham Airport, roads policing and vehicle recovery, events policing (football), dog sales and from the Criminal Justice processes.
42. The force has completed returns to the Home Office on income losses from April to July and August to November in which we are able to reclaim 75% of lost income where this is budgeted. The submitted claim for April to July recognised lost income of £1.11m which was then subject to a 5% deduction against budgeted values, resulting in a 75% claim of £0.72m which was paid in November. The claim for income losses between August and November was for £0.92m and this will be paid in January. A final claim for income losses between December 2020 and March 2021 will be completed at the end of March.
43. We have identified areas where the force has made savings as a result of reduced demand in some areas. Following BP's offer of free fuel for police vehicles during the early period of the pandemic, the Force has saved £0.2m on fuel costs for police vehicles. This offer has now been reintroduced for a further limited period and will be assessed in due course.
44. Efficiencies have also been noted in business travel and accommodation where savings of £0.84m have been identified from April to December. This level of saving is expected to continue for the remainder of the financial year and will help to offset some of the costs in the table above for which there is no current offer of compensation.
45. It is pleasing that the government has provided additional funding to Forces to cover the costs of medical grade and Non-medical grade PPE required in relation to COVID-19, 75% of lost income and enforcement activities. However, it is not yet clear whether the income loss recovery scheme will be extended into the next financial year or if additional surge funding to support enforcement activity will be forthcoming.

46. The table below shows the force's net costs in relation to Covid-19, after income received up to December has been applied.

Net position expected to 31 March 2021:

	Expenditure £'000s	Income £'000s	Net position £'000s
PPE (exl. National order)	2,444	(2,080)*	364
Overtime pressures	2,948	(1,846)	1,102
Other costs	3,891	(170)	3,721
Income loss	3,429	(2,220)	1,209
Budget savings	(1,383)	0	(1,383)
Total	11,329	(6,316)	5,013

Table 2 Net position expected by March 2021

*this is made up of £1.76m of income for medical grade PPE paid on 9th November and for non-medical grade PPE claimed but not yet paid of £0.32m

47. The table shows that after income has been received for PPE, surge enforcement patrol overtime funding and loss of income the force will have spent a net £5.01m in dealing with the impacts of Covid-19 from 01 March 2020 to 31 March 2021.

Impacts of Covid in 2021-22:

48. It is now clear that the impacts of the pandemic will be felt by the force beyond the end of the current financial year. In the budget setting process for 2021-22 we have incorporated those costs which are expected to continue into 2021-22 such as additional cleaning and decontamination. It is clear that the financial impact of the pandemic will continue into the next financial year and it can be expected that enforcement demands will increase once current restrictions are at some point relaxed. Retail, the nighttime economy and public events are all likely to draw significant increases in footfall, whilst it can be expected that some degree of restriction will still be expected of the public. We will continue discussions with the Home Office to maximise funding opportunities for the coming financial year.

PAYMENT OF FIXED PENALTY NOTICES BY WMP

49. Table 3 highlights the Fixed Penalty Notices (FPN's) scheduled to be paid as a consequence of a Single Justice Procedure (SJP) hearing at court.

Offence	Offence type	Court Date	Outcome
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Person arriving in England having been outside the common travel area to self-isolate	Regulation 2	14/01/2021	Dealt With - Fine £1000/Victim Surcharge £100/ Cost £135
Contravene direction given to wear face covering within, or leave, a relevant place in England.	Regulation 2	19/01/2021	Dealt With - £200 fine, £34 victim Surcharge, £66 costs to CPS
1. Participate in indoor gathering in England - coronavirus. 2. Participate in indoor gathering in England - coronavirus.	Regulation 2	14/01/2021	Next hearing date 11/02/2021
Contravene requirement imposed/direction given by a relevant person - coronavirus	Regulation 2	19/01/2021	Next hearing date 16/02/2021
Hold / involved in holding a rave type gathering of more than 30 people indoors during emergency period	Regulation Superfine	20/01/2021	Next hearing date 16/02/2021
1 On 24/10/2020 at Wolverhampton in the County of West Midlands held a party with 60 plus guests at your home address.	Regulation Superfine	14/01/2021	Next hearing date 08/03/2021
Obstruct person carrying out a function under the coronavirus no 4 regulations	Regulation 2	14/01/2021	Next hearing date 17/02/2021
1. Obstruct person carrying out function under regulations regarding face coverings in England 2. Enter / remain in relevant place in England without wearing a face covering	Regulation 2	07/01/2021	Next hearing date 21/05/2021
Hold/involved in holding a rave type gathering of more than 30 people indoors during emergency period - England	Regulation Superfine	19/01/2021	Next hearing date 28/05/2021
Participate in indoor gathering in England	Regulation 2	26/01/2021	Still awaiting court outcome
Participate in indoor gathering in England	Regulation 2	26/01/2021	Still awaiting court outcome
Contravene requirement imposed/direction given by a relevant person - coronavirus	Regulation 2	26/01/2021	Still awaiting court outcome
Hold / involved in holding a rave type gathering of more than 30 people indoors during emergency period - England	Regulation Superfine	26/01/2021	Still awaiting court outcome
Hold/involved in holding a rave type gathering of more than 30 people indoors during emergency period - England	Regulation superfine	27/01/2021	Still awaiting court outcome

Hold/involved in holding a rave type gathering of more than 30 people indoors during emergency period - England	Regulation 2	28/01/2021	Still awaiting court outcome
Contravene direction given to wear face covering within, or leave, a relevant place in England.	Regulation Superfine	28/01/2021	Still awaiting court outcome
Hold / involved in holding a rave type gathering of more than 30 people indoors during emergency period - England.	Regulation 2	28/01/2021	Still awaiting court outcome
Participate in indoor gathering in England - coronavirus	Regulation 2	28/01/2021	Still awaiting court outcome
Participate in indoor gathering in England - coronavirus	Regulation 2	28/01/2021	Still awaiting court outcome
Contravene direction given to wear face covering within, or leave, a relevant place in England	Regulation 2	02/02/2021	Still awaiting court outcome
Participate in indoor gathering in England - coronavirus.	Regulation 2	03/02/2021	Still awaiting court outcome
Participate in gathering in public outdoor place of more than two people in England	Regulation 2	09/02/2021	Still awaiting court outcome
Participate in indoor gathering in England - coronavirus	Regulation 2	09/02/2021	Still awaiting court outcome
Participate in indoor gathering in England - coronavirus	Regulation 2	11/02/2021	Still awaiting court outcome
Participate in indoor gathering in England - coronavirus	Regulation 2	11/02/2021	Still awaiting court outcome
Leave / were outside of place where living in England, without reasonable excuse - coronavirus.	Regulation 2	23/02/2021	Still awaiting court outcome
Participate in gathering in public outdoor place of more than two people in England	Regulation 2	16/02/2021	Still awaiting court outcome

Table 3 FPN to be paid as a consequence of Single Justice Procedure

50. The SJP court will only hear regulation 1¹ offences, regulation 2² offences including any Super fines will be heard in a Crown Prosecution Services court.

¹ **Reg 1** offences were the original covid fpn offences and covered such actions as follows: Contravene requirement to not participate in a gathering in public of more than two people – Coronavirus; Contravene requirement as to restriction of movement during emergency period – Coronavirus; Obstruct person carrying out a function under the regulations – Coronavirus; Contravene requirement from relevant person; Contravene a direction or fail to comply with instruction – Coronavirus

² **Reg 2** offences relate to failure to wear face masks in shops and on public transport as well as businesses remaining open, holding and attending gatherings of 30 or more people and failing to isolate after travel.

51. There are 21 Regulation 2 offences and 6 super fine cases listed in CPS court from the 14th January 2021 onwards.

52. There were 398 No. 1 and 2 regulations (up to 19th January 2021) and a total of 158 paid. There is a 28 day period within which the fine must be paid before further action is pursued through the courts. ACRO process such matters but there is a further delay beyond the 28 days during which ACRO collate the information before passing it on to WMP. This accounts for the variance between FPNs issued and fines currently being tracked. The data provided is from the latest communication dated the 19th January 2021.

53. It is further unknown when the defendant pays the full amount as there is no centralised method of tracking funds from central government back into the force account. This is then additionally compounded by the fact that defendants are able to pay the amount in weekly or monthly instalments. Collectively, these factors add to the variance described above.

54. 21 Superfines have been issued by West Midlands Police. ACRO data shows that none of those fines have been paid thus far:

- 7 have been processed to court
- 2 have been discontinued
- 1 has had an alternative charge laid
- 11 have been adjourned to future court dates.

55. New £800 fines have been introduced for those attending gatherings of more than 15 people. The large gathering offence is committed by any person attending a gathering in contravention of the TIER 4 gathering restrictions where it is more than 15 people and:

- Takes place in a private dwelling
- Takes place in educational accommodation, or
- Where it is a s 63 (1) type gathering

Anyone attending such a gathering may be issued an FPN. The FPN amounts £800, or £400 if paid within 14 days.

56. The NPCC has now issued a legal update for police forces which came into effect on 29th January 2021. 50 of the increased fines have already been issued from 29th January to 1st February 2021.

NEXT STEPS

The board is asked to consider this paper.

Authors: Chief Superintendent Richard North, COVID-19 Chief of Staff; Keith Trivett, Senior Accountant; Stuart Gardner, Senior intelligence Manager; Dean Sweet Assistant Director of Shared Services;