



west midlands
police and crime
commissioner



Agenda Item 06

**JOINT AUDIT COMMITTEE
29 September 2021**

HMICFRS UPDATE

1. PURPOSE OF REPORT

To provide members of the Committee with oversight of HMICFRS Inspection activity and recommendations.

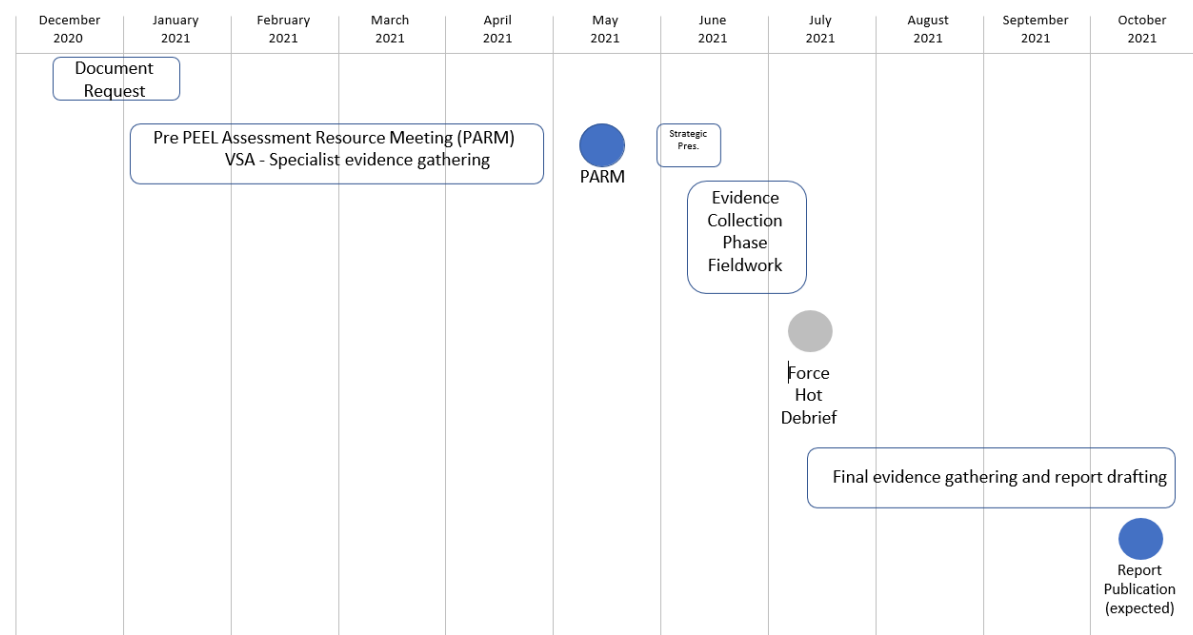
2. WEST MIDLANDS POLICE PEEL INSPECTION

The PEEL inspection programme is an assessment of the police effectiveness, efficiency and legitimacy (PEEL) of police forces in England and Wales. In 2018, HMICFRS developed its approach to PEEL with the introduction of the Integrated PEEL Assessment (IPA) programme.

The PEEL assessment framework is structured to focus on three principal areas:

1. An operational assessment – how well services are provided?
2. An organisational assessment – how well the police force is run?
3. A service user assessment – the outcome from the perspective of those receiving the services.

The timeline for the current West Midlands Police PEEL Inspection is as follows:



PEEL 2021 was the new HMICFRS approach to inspection. Planning for the process began in November 2020, data collection commenced in February and concluded in August 2021. A large number of thematic and specialist inspections ran concurrent to PEEL. Quarterly data collections also fell in this period creating significant workload for force.

The HMICFRS attended force on 7th June for a Strategic Briefing and the on-site evidence gathering phase ran from 14th June -28th July. There was a highly collaborative approach across all departments to achieve the HMICFRS returns within tight time scales, attend all the evidence gathering sessions and promote the innovative work in force.

The hot debrief summary was presented to the Force Executive in late July, some headlines of which were as follows:

- Victim service assessment (VSA) – really good progress since the 2018 crime data integrity (CDI) assessment.
- Public treatment / Prevention and deterrence / Disrupting serious organised crime (SOC) – good strategic leadership and use of data/evidence to drive decision-making and engagement.
- Managing Offenders and Suspects – all previous areas for improvement appear to have been met.
- Investigations – an area of vulnerability for the force, which the force recognises and has improvement initiatives in place to address.

The full report is currently being compiled with the anticipated date of early November to force and national publication.

The new PEEL process will allow for continuous improvement in force supported closely by the HMICFRS Force Liaison Lead.

3. THEMATIC INSPECTIONS

A National Thematic Inspection is an in-depth examination of a specific policing matter. These matters are usually identified through HMICFRS monitoring processes or as a result

of a commission from the Home Secretary. Thematic Inspections tend to identify areas of strong or weak practice in specific forces, but result in recommendations that are relevant to the police service as a whole. Fieldwork for the National Thematic Inspections usually take place in about six forces, but it can involve all 43 forces in England and Wales.

Since the last JAC report was produced there have been no direct National Thematic Inspections of West Midlands Police.

4. **PUBLISHED INSPECTION REPORTS**

Since the last JAC report the following six National Thematic Inspection reports have been published by HMICFRS. West Midlands Police contributed to these inspections via data submissions, but was only inspected as a noted force in the review of Fraud (A time to choose).

Where recommendations have been made, these have been incorporated into the recommendations register and shared with Portfolio Leads for ownership and management through the existing governance structures. Recommendations are regularly reviewed in conjunction with the HMICFRS Liaison to ensure progress has been made and where learning recommendations embedded.

The State of Policing report has also been published. This is Her Majesty's Chief Inspector of Constabulary's report to the Secretary of State under section 54 (4A) of the Police Act 1996. It contains his assessment of the efficiency and effectiveness of policing in England and Wales, based on the inspections carried out between March 2020 and March 2021 which have previously been reported to the Joint Audit Committee.

Interim report: Inspection into how effectively the police engage with women and girls – 7th July 2021

HMICFRS conducted a preliminary thematic inspection of violence against women and girls resulting in an interim report. Further work will continue by HMICFRS throughout 2021 to consider the views of women and girls with a final report in September 2021.

The interim report considered *how can the police better protect women and girls?*

This was and will continue to be assessed through three major pieces of work:

1. A review of all existing HMICFRS inspection evidence, and progress made against past recommendations.
2. Lived experiences work with women and girls themselves.
3. New thematic inspection activity.

The report found that there have been improvements in the police response to violence against women and girls (VAWAG). However, there needs to be a radical and bold shift in thinking about how to tackle crimes that disproportionately affect women and girls. This should be supported with multi-year, sustained funding, backed by solid evidence, and structured through an overarching governance system and framework, which may need a statutory footing. Specific elements of action for the recommendations have been suggested

by HMICFRS which are similar to some of the measures suggested in the reports on Hestia's super-complaint on modern day slavery and Domestic abuse during the pandemic – both outlined in the previous JAC report.

Three early recommendations have been set by HMICFRS.

- I. There should be an immediate and unequivocal commitment that the response to VAWG offences is an absolute priority for government, policing, the criminal justice system, and public sector partnerships. This needs to be supported at a minimum by a relentless focus on these crimes; mandated and clear responsibilities; and sufficient funding so that all partner agencies can work effectively as part of a whole-system approach to reduce and prevent the harms these offences are causing.
- II. The relentless pursuit and disruption of adult perpetrators should be a national priority for the police, resourced with the appropriate level of capability and capacity.
- III. Structures and funding should be put in place to make sure victims receive tailored and consistent support.

WMP is already working towards these via its Violence and Intimidation Against Women and Girls Board and the associated three-year strategy and delivery plans that are currently being finalised.

An inspection of the National Crime Agency's crime reduction (investigating offences relating to organised crime) function – 13th July 2021

This inspection looked at the non-specialist National Crime Agency investigation teams based at branch offices across the UK and added to the findings of previous inspections of the NCA and other aspects of the serious and organised crime system.

The inspection found that investigators within the NCA worked hard, showed resilience and flexibility, often in difficult conditions. HMICFRS found a sense of purpose to target those causing most harm and to bring them to justice but found that the level and quality of equipment and access to investigative tools varied across the country. In some places it was inadequate. Processes for recording and reporting progress across multiple IT platforms were inefficient and often detracted from the management of operational work, mainly due to a lack of funding in systems. There needed to be consistent investment throughout the command to bring it up to the same standards as police forces.

Thirteen recommendations were identified with two causes for concern.

The recommendations relevant to force for monitoring will be allocated and monitored as per the comments below:

Recommendation 1: By 30th November 2021, the NCA, in consultation with regional organised crime units (ROCU), forces and the Home Office, should consider if the NCA should manage the reactive demand generated by seizures at the border.

Recommendation 3: With immediate effect, the NCA must ensure all officers have access to a radio during operations, or when dealing with suspects, and that they have the knowledge and confidence to log on to them correctly. Consideration should be given to making radios personal issue to officers on the front line.

These recommendations sit under the Force Executive Team Security Portfolio and will be managed within ROCU and Intelligence business areas.

Neurodiversity in the criminal justice system: A review of evidence – 15th July 2021

In December 2020, the Lord Chancellor and Secretary of State for Justice commissioned HM Inspectorate of Prisons and HM Inspectorate of Probation, with support from HMICFRS, to undertake an independent review of neurodiversity in the criminal justice system (CJS).

The review focused on four main themes:

- screening to identify neurodivergence in CJS service users;
- adjustments that have been made to existing provision to support those with neurodivergent needs;
- programmes and interventions which have been specifically designed or adapted for neurodivergent needs; and
- training and support available to staff to help them support people with neurodivergent needs.

The inspectorates worked with two service user organisations to understand service users' views resulting in reports that described the lived experiences of those with neurodivergent conditions within the CJS.

The review found evidence of good local partnerships and heard about many simple adjustments that could easily be made to support neurodivergent people in the criminal justice system. However, it was clear that such provision is patchy, inconsistent and uncoordinated, and that too little has been done to understand and meet the needs of individuals.

The report concludes that with more effective assessment of need, adaptation of services and better training of staff it is possible to support those with neurodivergent conditions, wherever they are in the criminal justice system.

Six short recommendations are made, of which five directly apply to police:

- I. A common screening tool for universal use within the CJS should be introduced, supported by a detailed information sharing protocol between agencies to make sure that necessary adjustments and support are provided throughout the case.
- II. Screening data should be systematically collected and aggregated to provide a more accurate assessment of the prevalence of neurodivergence to inform needs analysis and service planning at all levels of the CJS.
- III. A programme of awareness-raising and specialist training should be developed. Frontline staff should receive broad-based, mandatory training to raise

awareness of neurodivergent conditions and how they impact on communication. The programme should be developed and delivered in consultation with people who have personal experience of neurodivergence.

- IV. Adjustments to meet the needs of those with neurodivergent conditions should be made throughout the CJS. Collaboration is required to anticipate needs and make adjustments accordingly. Simple and largely low-cost changes to create neurodiversity-friendly environments, communications and staff culture should be made immediately.
- V. CJS agencies should work with other statutory and third sector organisations to understand and meet the needs of neurodivergent individuals in the community, prevent offending and support rehabilitation.

These recommendations sit within the Criminal Justice business area under the Force Executive Team Crime Portfolio for recommendation progression and monitoring. Work has already commenced led by the Force Mental Health lead.

A joint thematic inspection of the police and Crown Prosecution Service's response to rape – Phase one: From report to police or CPS decision to take no further action – 16th July 2021

HMICFRS shared the first phase of the police and Crown Prosecution (CPS) response to rape report with a phase two report anticipated in winter 2021. The report considers the response, decision making and effectiveness of the police and CPS at every stage in a case of rape, and focuses on cases that result in no further action. In summary, the report found that whilst there were effective individuals and teams in every police force and CPS area, many failed to put the victim at the heart of the investigation. Further work is required to meet the national focus of government, policing and the CPS to provide focus, clarity and commitment to building strong victim focused cases.

13 recommendations resulted from the inspection, of which 11 are/will be relevant for action by WMP.

- I. Immediately, police forces should ensure information on the protected characteristics of rape victims is accurately and consistently recorded.
- II. Police forces and support services should work together at a local level to better understand each other's roles. A co-ordinated approach will help make sure that all available and bespoke wrap-around support is offered to the victim throughout every stage of the case. The input of victims and their experiences should play a central role in shaping the support offered.
- III. Police forces should collect data to record the different stages when, and reasons why, a victim may withdraw support for a case. The Home Office should review the available outcome codes so that the data gathered can help target necessary remedial action and improve victim care.

- IV. Immediately, police forces and CPS Areas should work together at a local level to prioritise action to improve the effectiveness of case strategies and action plans, with rigorous target and review dates and a clear escalation and performance management process. The NPCC lead for adult sexual offences and the CPS lead should provide a national framework to help embed this activity.
- V. Police forces and the CPS should work together at a local level to introduce appropriate ways to build a cohesive and seamless approach. This should improve relationships, communication and understanding of the roles of each organisation. As a minimum, the following should be included:
- considering early investigative advice in every case and recording reasons for not seeking it;
 - the investigator and the reviewing prosecutor including their direct telephone and email contact details in all written communication;
 - in cases referred to the CPS, a face-to-face meeting (virtual or in person) between the investigator and prosecutor before deciding to take no further action; and
 - a clear escalation pathway available to both the police and the CPS in cases where the parties don't agree with decisions, subject to regular reviews to check effectiveness, and local results.
- VI. The police and the CPS, in consultation with commissioned and non-commissioned services and advocates, and victims, should review the current process for communicating to victims the fact that a decision to take no further action has been made. They should implement any changes needed so that these difficult messages are conveyed in a timely way that best suits the victims' needs.
- VII. Police forces should ensure investigators understand that victims are entitled to have police decisions not to charge reviewed under the Victims' Right to Review scheme and should periodically review levels of take-up.
- VIII. Immediately, the College of Policing and the NPCC lead for adult sexual offences should review the 2010 ACPO guidance on the investigation of rape in consultation with the CPS. The information contained in available guidance must be current to inform effective investigations of rape and provide the best service to victims.
- IX. The Home Office should undertake an urgent review of the role of the detective constable. This should identify appropriate incentives, career progression and support for police officer and police staff investigators to encourage this career path. It should include specific recommendations to ensure there is adequate capacity and capability in every force to investigate rape cases thoroughly and effectively.
- X. The College of Policing and NPCC lead for adult sexual offences should work together to review the current training on rape, including the Specialist Sexual Assault Investigators Development Programme (SSAIDP), to make sure that there is appropriate training available to build capability and expertise. This

should promote continuous professional development and provide investigators with the right skills and knowledge to deal with reports of rape. Forces should then publish annual SSAIDP attendance figures, and information on their numbers of current qualified RASSO investigators.

- XI. The College of Policing, NPCC lead for adult sexual offences and the CPS should prioritise action to provide joint training for the police and the CPS on the impact of trauma on victims, to promote improved decision-making and victim care.

These recommendations are managed by Head of the Public Protection Unit within the Force Executive Team Crime Portfolio.

A shared confidence: sensitive intelligence – A summary of how law enforcement agencies use sensitive intelligence – 29th July 2021

West Midlands Police was an inspected force for this report in January 2021.

There are 14 recommendations in the report and are all addressed to partner organisations. However, there are two that forces need to monitor:

Recommendation 1:

By 31st December 2021, the National Police Chiefs' Council lead for the Police National Database should give guidance on access permissions in relation to sensitive intelligence. Chief Constables should comply with that guidance.

Recommendation 2:

By 1st July 2022, the National Police Chiefs' Council lead for serious and organised crime should set standards to make sure that each regional sensitive intelligence unit has full and ready access to all intelligence systems of each force in their region. Chief Constables should comply with those standards.

These recommendations will be monitored within ROCU under the Force Executive Team Security Portfolio.

A review of 'Fraud: Time to choose' – A revisit of the 2018 fraud inspection to assess progress of the recommendations and areas for improvement – 5th August 2021

HMICFRS inspected the effectiveness and efficiency of the police response to fraud, including online fraud. In doing so, they assessed whether:

- law enforcement has a well-designed strategy for tackling fraud;
- organisational structures provide the necessary capacity, capabilities and partnerships;
- victims of fraud receive a high-quality response.

The inspection included fraud against individuals and businesses but not fraud against those public authorities that have responsibility for dealing with fraud against their own organisations.

The inspection found that:

- The law enforcement response to fraud is disjointed and ineffective.
- Roles and responsibilities are not clear.
- There are pockets of good prevention work.
- Existing organisational structures are not working well.
- Vulnerable victims receive a good service but most victims do not.

The Inspection made two recommendations to forces:

Recommendation 1:

By 30th September 2021, chief constables should make sure that their forces are following the guidance issued by the National Police Chiefs' Council Coordinator for Economic Crime about fraud-related calls for service.

Recommendation 2:

By 31st October 2021, chief constables should adopt the guidance issued in September 2019 by the National Police Chiefs' Council Coordinator for Economic Crime that was aimed at improving the information given to victims when reporting fraud.

A Force review has taken place and the guidance has been embedded in relevant departments. These will be submitted to HMICFRS this month for compliance and sign off.

A duty to protect: Police use of protective measures in cases involving violence against women and girls – 24th August 2021

This report was published by HMICFRS in response to a super-complaint. The second part of this report is due to be published in September.

This was a joint inspection with HMICFRS, College of Policing and Independent Office for Police Conduct and is the third publication within the super-complaint category. West Midlands Police were not part of the fieldwork for this, however force's data from the Victim service assessment (VSA) / Crime file review has been used as source material and consequently may include the WMP VSA data.

The main findings from the report identified factors which impacted upon police use of protective measures, in cases involving violence against women and girls, as:

- Failure to impose and extend pre-charge bail.
- Use of Non-Molestation Orders – Poor communication to police, poor or late recording on systems.
- Lack of understanding about the civil court process.
- Failure to use Domestic Violence Protection Notices (DVPNs) and Domestic Violence Protection Orders (DVPOs) – applications are low in a number of forces.
- Failure to apply for restraining orders.

There are seven recommendations for the force which cross business areas. These are held by Criminal Justice and PPU to collaboratively respond under the Force Executive Team Crime Portfolio. These are also managed in the Violence and Intimidation Against Women and Girls Board.

- I. Chief constables, in conjunction with the NPCC lead for bail, should implement processes for managing RUI. This is to ensure, as far as is possible, that investigations are conducted efficiently and effectively, thereby supporting both victims of crime and unconvicted suspects.
- II. Chief constables should ensure data is gathered on the use of voluntary attendance to elucidate patterns of use, particularly in relation to the types of cases, so that voluntary attendance is only used in those cases where it would be an appropriate case management tactic.
- III. Chief constables should introduce processes to ensure that in all pre-charge bail cases where bail lapses, the investigator in charge, assess whether pre bail-charge needs to continue. Where the suspect is not charged, the decision to extend or terminate bail should be recorded with a rationale.
- IV. Chief constables should review and if necessary refresh their policy on how the force processes notifications of NMOs, so officers can easily identify if an NMO exists.
- V. Chief constables should, until Domestic Abuse Protection Orders (DAPOs) replace Domestic Violence Protection Notices (DVPNs) and Domestic Violence Protection Orders (DVPOs) in their force: review, and if necessary refresh their policy on DVPNs and DVPOs, and in line with the overarching recommendation:
 - i. ensure that there is clear governance and communication to prioritise their use when these are the most appropriate tools to use;
 - ii. monitor t use to ensure effectiveness; and
 - iii. ensure experience and lessons learned on using DVPN/DVPOs informs the use of DAPOs.
- VI. Chief constables should assure themselves that:
 - a. their officers are fully supported in carrying out their duties to protect all vulnerable domestic abuse victims by:
 - i. ensuring their officers understand the suite of protective measures available (including new measures such as DAPOs);
 - ii. ensuring officers are aware of referral pathways to third-party support organisations which are available to protect vulnerable domestic abuse victims; and
 - iii. ensuring their officers have guidance and support on how to choose the most appropriate response for the situation; and
 - b. governance is in place to monitor the use of all protection orders and to evaluate their effectiveness, including by seeking the views of victims.
- VII. Chief constables should consider what legal support they need to use protective measures (if they don't already have this) and secure this support. The NPCC should consider whether regional or national legal (or other) expertise could be made available, so forces can easily access specialist support and can maximise efficiency and consistency.

This report is submitted for the information of the Committee. The Committee are asked to note the contents of the report.

CONTACT OFFICER

Name: Inspector 6828 Rachel Jones-Burns

Title: HMICFRS Force Liaison Officer

BACKGROUND DOCUMENTS