



west midlands
police and crime
commissioner



Agenda Item 07

**JOINT AUDIT COMMITTEE
30 March 2023**

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 & NATIONAL RECOMMENDATIONS

The force has received confirmation of the next PEEL inspection. HMICFRS will be commencing PEEL activities¹ in March and the fieldwork² will take place on W/C 11th September 2023.

There is a new PEEL Framework which has reduced the questions from twelve to nine questions;

- How good is the force's service for victims of crime?
- How good is the force at treating the public fairly, appropriately, and respectfully?
- How good is the force at preventing and deterring crime, antisocial behaviour (ASB) and vulnerability?
- How good is the force at responding to the public?
- How good is the force at investigating crime?
- How good is the force at protecting vulnerable people?
- How good is the force at managing offenders and suspects?
- How good is the force at building, developing, and looking after its workforce and encouraging an ethical, lawful and inclusive workplace?
- How good is the force at planning and managing its organisation efficiently, making sure it achieves value for money both now and in the future?

The framework that underpins the question set has added emphasis to recruitment, retention and performance management and the rest has the same themes as previously. There will also be an online workforce survey created by HMICFRS this will be hosted on WMP systems. The survey is an additional tool to the PEEL inspection to gather more evidence in addition to the focus groups and interviews carried out by HMICFRS.

¹ PEEL Activities include interviews, focus groups and attending force meetings

² Fieldwork – a group of HMICFRS inspectors will dedicate 1 or 2 weeks to do reality testing in force

The Strategy, Delivery and Assurance department has communicated the framework to the force and disseminated a self assessment framework to create a baseline readiness profile. This will allow us to timetable continuous improvement activity throughout the PEEL period. Continuous assessment activities will begin in force in March 2023 through HMICFRS attendance at meetings, early discussions and document reviews.

The PEEL planner is currently being compiled with HMICFRS to ensure a comprehensive review of the force whilst taking every opportunity to address outstanding recommendations.

Recommendations, Causes of Concern and Areas for Improvement

Since the last JAC, HMICFRS has reconfigured the process of designating gradings for Causes of Concern (CoC), Areas for Improvement (AFIs) and Recommendations at Levels 1-4 within each category.

Where recommendations were identified as level one, these were closed automatically by HMICFRS and it was for forces to decide whether to manage these outside the HMICFRS portal.

The closure process has now altered, allowing the Chief Constable or their nominated deputy greater powers to close AFIs and Recommendations.

Level 1 – Closed and archived by HMICFRS.

Level 2 - Forces are able to close records when they have completed the work, including uploading a letter signed by the Chief Constable.

Level 3 - Forces self-certify that the recommendation is complete, including uploading a letter signed by the Chief Constable.
HMICFRS follow-up/ verification via the next relevant planned inspection.

Level 4 - No force self-certification.
HMICFRS follow-up work conducted via further bespoke fieldwork, with additional support / inspection when appropriate. In most cases this will be for forces moved to Engage.

Moving forwards the force will concentrate upon the CoCs, Recommendations and AFIs held on the HMICFRS Portal however other recommendations such as those from super complaints will be held separately in force.

The current figures held for WMP on the HMICFRS Portal are :

	Open	Closed	Total
Cause of Concern	2	21	23
Recommendation Level 1	0	2	2
Recommendation Level 2	31	0	31
Recommendation Level 3	29	2	31
Recommendation Level 4	0	0	0
AFI Level 1	0	6	6
AFI Level 2	6	0	6
AFI Level 3	3	0	3
AFI Level 4	0	0	0
Recommendation Closed before Levels	0	280	280

3. **National Published Reports and Recommendations**

During the last reporting period three reports have been published.

1.) How the police respond to victims of sexual abuse when the victim is from an ethnic minority background and may be at risk of honour-based abuse: Report on Tees Valley Inclusion Project's super-complaint

Published on: 16 December 2022

In August 2020 HMICFRS received a super-complaint from the Tees Valley Inclusion Project (TVIP), relating to the police response to victims of sexual abuse from ethnic minority backgrounds who may be at risk of honour-based abuse. TVIP identified nine features of policing that have caused significant harm to victims:

- Overuse of voluntary suspect interviews.
- Failure to consider honour-based abuse as a concomitant safeguarding concern following sexual abuse reporting.
- Failure to keep victims informed following the report of sexual abuse.
- Failure to provide information during the prosecution process.
- Failure to discuss special measures and other protective measures with victims/survivors.
- Lack of empathy from the police.
- Ineffective and inadequate use of police resources.
- Disproportionate focus on community impact.
- Failure to understand the retraumatizing effect of the prosecution process.

In December 2022, HMICFRS, the College of Policing and the Independent Office for Police Conduct (IOPC) published their report in response to the super-complaint. The following recommendations were made to Chief Constables or equivalents, Police and Crime Commissioners, and the National Police Chiefs' Council.

1.) The Risk of Honour Based Violence

Chief Constables update their sexual abuse policies to include the risk of honour based abuse. The college of policing will also update their policies.

2.) Cultural Awareness

Chief Constables should make sure that:

- 1.) Officers and staff are aware of the demographics of the communities they police, understand the nuances of different cultures and have time to learn about those communities.
- 2.) Independent advisory groups or equivalent groups reflect these demographics.
- 3.) Forces work with the local communities they police to prepare up-to-date information on culture and religion and ensure officers have access to it*.
- 4.) Investigations consider any extra factors that might be relevant because of the culture and background of the victim or suspect.

The information in the third point must include:

*The potential risks of honour-based abuse that some victims of sexual abuse face and any additional challenges and pressures relating to re-traumatisation that victims of sexual abuse from different ethnic minority backgrounds may experience.

3.) *Data*

Chief Constables must prioritise work on understanding crime data in relation to sexual abuse and honour-based abuse. Tackling violence against women and girls is to become a strategic policing requirement in 2023. Forces should pay due regard to all elements of violence against women and girls, including honour-based abuse.

4.) *Victim support*

Both Police and Crime Commissioners (PCCs) and Community Safety Partnerships include a consultation process as part of their work to identify their priorities. PCCs should ensure this consultation process is inclusive and representative of the whole community before commissioning services for victims.

PCCs should work with local police, safeguarding partners and specialist support organisations to understand the needs of ethnic minority victims of sexual abuse who may be at risk of honour-based abuse. PCCs should consider these needs when commissioning local support services. The aim of this is to give victims the confidence to report incidents, to feel safe and empowered, and to stay involved in any investigation and prosecution.

West Midlands Police have accepted all recommendations from this report.

2.) Second Report - NPCC Further response to the Police Perpetrators of DA.

Updated 27th January 2023

HMICFRS, the College of Policing and IOPC collaborated on the investigation of a super-complaint made in March 2020 under s.29A of the Police Reform Act 2002 by the Centre for Women's Justice relating to police perpetrated domestic abuse (PPDA), i.e. domestic abuse that by, or involving, police officers or staff.

Eleven overarching concerns were raised in the report:

- Difficulties in reporting
- Failures in investigations

- Improper manipulation of police processes
- Improper responses to complaints and concerns
- Accused officers personal links with others in the force
- Accused officers using their police knowledge, status and powers
- Improper decisions on criminal charges
- Incorrect approach to misconduct investigations and decisions
- Abused women arrested
- Employment difficulties for women who are police officers
- Workplace victimisation of women who are police officers

The NPCC responded to this report and has subsequently published a further response reviewing the recommendations made to Chief Constables:

Recommendation 1 – To Chief Constables

Chief Constables should ensure that both live police perpetrator domestic abuse (PPDA) cases and those closed within the last 12 months (ending 30 June 2022) are audited. Appropriate action should be taken where they find cases were not treated appropriately as complaint and conduct matters and investigated accordingly.

Chief Constables should write, via NPCC, to the College of Policing, IOPC and HMICFRS within six months explaining how, following their case audit, their force has or will improve the response to PPDA allegations.

Recommendation 2 – To Chief Constables

Chief Constables should make sure they have plans in place to ensure PPDA allegations are investigated (both in terms of the criminal investigation and misconduct response) by someone with no prior connection to any of those involved in the allegations. Rationales for investigation ownership decisions should be fully recorded.

Recommendation 3 – To Police and Crime Commissioners, Ministry of Justice (MoJ) and Chief Constables

Police Crime Commissioners, the Ministry of Justice (MoJ) and Chief Constables (CC)s should make sure their provision of DA support services and guidance is capable of meeting the specific needs of all non-police and police victims of PPDA. CCs must ensure they provide accessible information for all non-police and police victims on how they can report PPDA and access confidential support (including external agencies, e.g. Refuge 24 hour helpline) - CCs should also ensure accessible information is provided on how allegations will be investigated to ensure confidentiality and independence from the alleged perpetrator.

WMP have accepted all recommendations from this report.

4. Forthcoming Inspections

West Midlands Police have been notified of two inspections taking place in force and two notifications of national activity

- **5th – 9th June 2023 – WMP PEEL Inspection Activity**

Managing Suspects and Offenders, PEEL Question 7.2. MOSOVO and teams will be exclusively inspected.

- **10th – 14th July 2023 - HMICFRS Inspection of Serious Organised Crime inspection (SOC)**

HMICFRS inspect regional organised crime units (ROCU) and each of the forces that form part of that region. Graded judgements and findings will be published in a regional SOC report. Relevant findings and gradings will be published on the HMICFRS website linked to force PEEL reports 2023.

- **Super-complaint on the police response to stalking assessed as being eligible to be investigated.**

In November 2022, His Majesty's Chief Inspector of Constabulary and senior representatives from the Independent Office of Police Conduct (IOPC), and the College of Policing received a super-complaint submitted by the Suzy Lamplugh Trust, on behalf of the National Stalking Consort about the police response to stalking. HMICFRS, the IOPC and the College of Policing have assessed the super-complaint as being eligible to be investigated. This investigation will be conducted in 2023.

- **Home Secretary's commission for rapid review of vetting and counter Corruption.**

HMICFRS have been commissioned to carry out an urgent review of the police services's progress on vetting, misconduct and counter corruption against the recommendations made in the 2022 thematic report – An inspection of vetting, misconduct and misogyny in the police service. WMP have returned the rapid report assessment of progress within the identified timeframe and await further communications from HMICFRS.

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BACKGROUND DOCUMENTS