



#### **AGENDA ITEM 5**

# JOINT AUDIT COMMITTEE 29 June 2023

# **Risk Management Update**

#### 1. PURPOSE OF REPORT

1.1. To provide members of the committee with oversight of the risk registers for the Chief Constable and the Police and Crime Commissioner. The report also provides an update on developments in the organisational risk processes of the force.

## 2. BACKGROUND

- 2.1. Since the last Committee, the Strategy, Delivery & Assurance department has continued to develop the force's risk identification, management and reporting processes.
- 2.2. The development of this area of work has led to the Risk Team reporting more detail and management of risk in both force and departmental governance boards.
- 2.3. As always, we continue to monitor the external environment through horizon scanning within the Risk Team, ensuring we are able to capture any material risks that could impact the force's risk profile.

#### 3. ORGANISATIONAL RISK MANAGEMENT IN WEST MIDLANDS POLICE

- 3.1. As the Strategy, Delivery & Assurance Department continues to embed risk management processes in WMP, a summary of our forward plan and activities undertaken over the last quarter are listed below:
- 3.2. Strategy, Delivery & Assurance have made good progress to implement the recommendations made in the Internal Audit report on the force's Risk Management approach. Work continues in line with our action plan to ensure the recommendations are implemented within the agreed timescales.
- 3.3. Our Organisational Risk & Issue Management Policy and Procedural Guidance has been drafted and currently out for force wide consultation in line with our policy processes. The Policy details

- corporate definitions, roles & responsibilities, processes, escalation, de-escalation and governance oversight.
- 3.4. The Risk Team have defined and established an organisational Risk Appetite Statement which is currently in draft and with key internal stakeholders. Once this has been finalised, the Risk Team will further develop Risk Appetite statements which focus and sit across each of the Portfolio areas.
- 3.5. WMP now has an enterprise risk management-based approach to capture and report risks/issues. This work is being improved as we embed the culture into the organisation. The Risk Team have started to use the centralised risk register to identify and report on interrelations between not only other risks but also between key stakeholders within force, strategic objectives and other reporting functions (e.g. HMIC, Organisational Learning, IOPC). Whilst this work is still being developed and progressed, we hope to get to achieve this in the coming months.
- 3.6. The delivery plan for developing the risk maturity is on track, the team are currently drafting the risk assurance mapping and looking to implement peer reviews in the future and reporting of compliance.
- 3.7. The current Excel based central risk register will act as a temporary measure whilst work is progressed to create and develop an online SharePoint Risk Hub. By utilising SharePoint and its functionality, improvements in efficiency and resilience into the risk management team i.e. automation functions like email reminder workflows will be realised. The SharePoint Risk Hub is currently being built, the Risk Team will require to test the system prior to go live. Updates and progress relating to the development of this will be shared through this report in coming months.
- 3.8. Four members of staff from SDA have enrolled and commenced the IRM enterprise risk management course and continue this. The new members of team (Assurance Lead and Risk Manager), have now been in post for three months.
- 3.9. The Risk Team have worked to develop training material which will be used to train all department leads, risk owners and identified Special Point of Contact (SPOCs) for each department. Training is due to be rolled out in due course and a further update can be provided for the next committee meeting.

#### 4. NEW CORPORATE RISKS

Two risks have been raised to corporate level during this quarter.

#### OFFICER AND STAFF RIGHT TO WORK CHECKS

HIGH

WMP has historically not had a process that accurately records the documents evidencing the right to work status of employees who are non-British nationals, those with dual citizenship or whose birthplace was outside of the UK. This is standard practice, and work has begun to rectify this issue.

- 4.1. A process has been established for new hires to ensure all data related to right to work status is captured and is reportable going forward.
- 4.2. CoreVet data suggests there are just under 700 existing officer and staff records that require further checks in relation to right to work status and associated documents.
- 4.3. Work is underway to conduct further checks in order of priority, however this is taking longer than anticipated due to pre-existing high demand for service in the force vetting department.

#### **MENTAL HEALTH DETENTIONS**

**HIGH** 

There is a risk that legally permissible detention times are expiring before transfer to healthcare can be completed and as a result:

- WMP will be forced, frequently, to choose whether to Breach the law by exceeding the legal limitations established under the Mental Health Act (MHA) or,
- Comply with the law and release an individual who may pose a risk to themselves or others.
- After the 24hour detention period it is unclear what powers we can use for use of force. Risk of corporate and personal liability for the officers involved.
- The current legal opinion would suggest that either scenario leaves the force liable to legal challenge and impacting significantly on public confidence.
- 4.4. Continued detentions are still being authorised, there are concerns around the use of force and powers after the 24 hours have passed.
- 4.5. Joint Legal Services have approved an operational guidance document which addresses the conflict between Section 136 and PACE which has been shared with the department to ensure that officers have a good understanding of the legal position on the Mental Health Act. Work is progressing to identify partnership stakeholders with view to forming Section 136 working group.

#### 5. CRITICAL RATED CORPORATE RISK UPDATE

5.1. There are no corporate risk scores that reflect a critical rating, other than the new risk that is mentioned in section 4.

#### 6. INCREASED CORPORATE RISK SCORES

6.1. During the last quarter, no corporate risk scores have been increased.

## 7. REDUCED CORPORATE RISK SCORES

# OPERATIONS RESILIENCE UNIT (ORU) TEAM BUILD & UNDER RESOURCED

**MEDIUM** 

Severe limitations to WMP's ability to meet statutory obligations under the Strategic Police and Crime Plan, CONTEST, Civil Contingencies Act 2004 and National Guidance due to:

- Manchester Arena Inquiry recommendations are key delivery and current capacity does not allow for these to be actioned in a timely way.
- A lack of robust planning updates and proactive approach to learning lessons from testing & exercising.
- Some ORU functions have single staffing therefore creating a single point of failure and no resilience e.g. Testing & Exercising Manager; CBRN officer.
- Transient workforce resulting in a lack of experience, mature knowledge of portfolios and understanding of the wider WMP response to incidents.
- 7.1. Risk score reduced from high to medium in May 2023 following review and update by the risk owner.
- 7.2. The ORU are now up to strength following a successful recruitment cycle. Training is scheduled to be delivered to the new members of staff over the coming months.
- 7.3. Risk will be re-assessed in the Autumn of 2023, following the completion of staff training.

7.4. As a result of the latest mitigation, the risk owner has requested de-escalation from corporate to departmental level. This request will be considered by the next Operations Governance Board and Tactical Board.

#### 8. CORPORATE RISKS UPDATE

Updated information has been provided for the risks listed below.

Note: The sensitive risk remains static and is reflected in the Sensitive Risk Report.

#### FINANCIAL MANAGEMENT

**HIGH** 

There is a risk that WMP's finances are not sustainable over the medium term and/or efficiency savings required may adversely impact the operational services.

- 8.1. The Chief Constable and senior members of the Finance and Commercial force departments met with representatives from the Home Office in May to discuss the unique nature of the funding for West Midlands Police and the funding pressures the force is facing.
- 8.2. Conversations with the Home Office will continue as the force start to plan for the 2024/25 financial year.

## PLATO EMBEDDED LEARNING - MAJOR INCIDENT READINESS

**MEDIUM** 

Failure to deliver the national PLATO training and operational responder expectations with competing demand and rate of staff changes. Due to a lack of local ownership there is a risk that annual refreshers will not be scheduled for CPD days within departments.

- 8.3. A force PLATO day with key stakeholders is scheduled in June where updates will be shared. Plans will then be updated and a subsequent training exercise will then follow.
- 8.4. There is a requirement to increase the force 'train the trainers' capability in line with ORU staffing and changes to staffing in the Local Policing Areas (LPAs) following the launch of the new force operating model in April 2023.
- 8.5. The JOPS 3 training programme and Manchester Arena Inquiry actions will pose a greater PLATO training challenge between July October where the process will be initiated again from National Armed Policing.

#### **RECRUITMENT & RETENTION - UPLIFT**

**HIGH** 

There is a risk of being unable to recruit staff across the Force in a timely manner and aligned with the strategic workforce planning requirements which could mean that WMP will not be able to recruit and retain sufficiently skilled people to deliver our service. There is a risk that a number of student officers have been identified as potentially being at risk of dismissal due to repeated failures of university modules.

- 8.6. The risk owner has been contacted to provide an update on the final recruitment figures for the Police Uplift Programme (PUP) now that the recruitment phase has concluded. A final update will be provided in the next JAC risk management update report.
- 8.7. Earlier this year, the force remained on track to achieve Uplift targets. Two internal intakes were scheduled for March (Q4) in addition to external intakes to deliver the required number of new students and ensure the force achieved its uplift target. This includes the additional 60 short term officer posts linked to time limited Home Office funding.

- 8.8. Police Officer numbers will continue to be monitored by the Home Office through 2023/24. We have a recruitment plan in place through 2023/24 to ensure that the force continues to maintain uplift levels.
- 8.9. We have put in place an attraction plan for year 1, 2 and 3 university students studying for their Policing degree to showcase the WMP offer which focuses on a specialist career in either operations or investigation.
- 8.10. Retirements and resignations for Police Officers currently remain within the forecast and will continue to be monitored.
- 8.11 Police Staff vacancy levels continue to rise with some difficulty in recruiting into specialist areas. Succession planning is being undertaken across all enabling functions to understand key risks and ensure that appropriate plans are in place.

## **CORPORATE HEALTH, SAFETY & WELLBEING**

**MEDIUM** 

There may be an increase in employee related physical health, mental health and wellbeing issues.

- 8.12. In terms of physical health and safety, improvements have been made in relation to the sharing of related data by using Microsoft Teams functionality.
- 8.13. Performance is closely monitored by the team. Presentations have been delivered to senior leaders highlighting the importance of compliance and the reporting of information has improved.
- 8.14. Work continues to raise the profile of Health and Safety across the force, to digitise reporting tools and to build strong relationships with colleagues in Corporate Asset Management to ensure issues are managed effectively.
- 8.15. With regards to wellbeing, a support package focused on resilience and coping with organisational change has been launched to support with the introduction of the new operating model.
- 8.16. The Occupational Health team have made positive progress in reducing the backlog of referrals and have flexed their offer to the organisation to support with the Police Uplift Programme (PUP).
- 8.17. Work is underway to devise a trauma informed/awareness delivery plan.

## MANAGING THE COMPLEXITY OF VULNERABILITY

HIGH

Increased identification of vulnerability in demand, and hidden crimes (includes child exploitation, modern day slavery, human trafficking, domestic abuse, missing people). Challenge to the Force to manage complexity. The response levels impact on the forces capacity to prevent and respond, providing the delivery of an effective service to those in need.

- 8.21. The force has a Vulnerability strategy that covers all strands of vulnerability. Each strand is led by a senior leader reporting into the Vulnerability Improvement Board which is chaired by the Crime ACC who monitors activity across all strands.
- 8.22. All Force Contact staff now receive mandatory vulnerability training upon induction into the department. The Domestic Abuse Support Desk in the control room is being utilised to assist with Domestic Abuse related calls.

- 8.23. Control Works builds in greater requirements for assessment and recording of rationale at initial contact. The Service Improvement Team in Force Contact have a revised service offer that now includes dip sampling to ascertain compliance levels across THRIVE. This evaluates that contact handling staff are performing all of the necessary checks (connect, compact etc) and then this additional information is utilised to regrade/assess the THRIVE assessment. The dip sample from 1st February to 12th February 2023 found that 98% of the cases were compliant (872 incidents 17 incidents missed the THRIVE assessment).
- 8.24. Within the Public Protection Unit (PPU) work is ongoing under the E2E Programme and is currently assisting with the restructure of Adult Complex and also the Decision-Making Framework. Both parts of this work are focused on reducing demand and improving efficiency. For Adults at Risk we are looking at developing a central system for when officers refer people for support as this is not currently recorded on a central system. Staff from the major crime team build is set to see 21 officers move into Adult Complex to create a non-recent Rape & Serious Sexual Offence (RASSO) team. The team will review cases recently reported but where the offences occurred historically.
- 8.25. The force continues to host the regional MARAC function which is currently under review and will be subject to significant change and improvement during 2023. MARAC volumes are exceptionally high and have caused immense stress upon resources across the partnership, in addition to creating unsatisfactory delays for victims. After an in-depth review commissioned by the OPCC, MARAC will be moving to a triage model which seeks to minimise the duplication of discussion and the unnecessary referring of cases into MARAC where appropriate safeguarding is already in place.
- 8.26. Structured debriefs for recent operations involving vulnerability have provided recommendations and organisational learning which will be incorporated into learning logs.

#### **WORKFORCE REPRESENTATION**

**MEDIUM** 

Failure to attract, recruit and retain a diverse and representative workforce and not being in a position to effectively support staff from under-represented groups with their progression within the organisation risks our ability to build a workforce that is truly representative of the West Midlands.

- 8.27. The latest data from March 2023 shows that the number of officers who identified as being part of an ethnic minority group fell by approximately 15% per intake and the number of officers who identified as female decreased by around 35% per intake.
- 8.28. It is believed the decrease is due to all eligible candidates being offered a position with WMP during the end of uplift (PUP) and finalising the last intakes.
- 8.29. Current initiatives to treat this risk include outreach work to re-engage with force ambassadors to increase internal representation and referrals into the force as well as targeted community events as a priority for 2023-24 to help increase both representations.
- 8.30. Representatives from the Diversity and Inclusion department are scheduled to meet with the Risk and Assurance team in June to discuss the latest data and how this long-term issue will continue to be managed.

#### 9. CORPORATE RISK MOVEMENTS AWAITING APPROVAL

#### **CONNECT OFFICER BRIEFING**

HIGH

There is a risk that via CONNECT we are unable to effectively brief our officers for their tours of duty; therefore, we are unable to supply them with the required knowledge and updates.

- 9.1. Briefings via CONNECT are to be improved through configuration and light training. CONNECT is only to be used for audit and storage of items (i.e. DV arrest and suspect ID). Officers and staff will be able to search for items but it is not fit for purpose as a briefing module.
- 9.2. All critical daily briefings will be delivered through a new Briefing App designed and produced by Force Intelligence and IT&D. It was piloted in Coventry NPU and received positive feedback from users. Force-wide roll out of the app commenced on the 1<sup>st</sup> of March and is available across all desktops and mobility devices.
- 9.3. The app has been developed at pace and is a first version of the product, updates are planned to enhance its capabilities which will incorporate feedback received from the force-wide rollout. IT&D are currently working on a phase 2 launch to allow a deep link into CONNECT.
- 9.4. In light of the launch of the new app, this risk will be recommended for closure at the next Crime Governance Portfolio Board.

## **CRIMINAL JUSTICE SERVICES (CJS) LEGITIMACY**

HIGH

Due to the COVID Pandemic, the Crown Courts nationally now have a substantial backlog of cases. In West Midlands the backlog is currently 2300 cases. Only an estimated 10% of cases are currently being heard at Crown Court which will further incrementally increase the back log. Cases we are charging now are anticipated to be heard in 2025. Serious impact on victim/witness engagement with the police both reporting crime and remaining invested in the process knowing that their case will not be heard till 2025 onwards. Serious impact on the reputation of WMP, our legitimacy and the trust and confidence the public has in us.

- 9.5. As of the 9th January 2023 the backlog in the Crown Court stood at 1260 cases (pre-COVID the backlog number was around 600.) Of the 1260, there are 70 Class 1 (Murder / Manslaughter), 203 Committal for sentence, 88 Appeals.) The backlog has stabilised now and is slowly improving. Some of this is due to efforts by HMCTS to list more trials.
- 9.6. Magistrates Courts are in a better position. Under normal operating conditions the aim is for 80% of trials to be listed within 8 weeks and 100% of trials listed within 12 weeks. This target is being achieved in all West Midlands Magistrates Courts with the exception of Coventry.
- 9.7. Coventry are currently listing into June (rather than end of March beginning of April). Extra courts are being put on to assist with bringing this timeframe down. All other cases listings i.e. GAP/NGAP are being listed on target.
- 9.8. There is little more we can do at present and the backlogs have continued to reduce. It is something that we are able to track through Crime Governance Board using the new Criminal Justice dashboards, however they are not necessarily depict the current status as the data is often a few months behind.

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- Transient workforce resulting in a lack of experience, mature knowledge of portfolios and understanding
  of the wider WMP response to incidents.

- 9.9. Risk score reduced from high to medium in May 2023 following review and update by the risk owner.
- 9.10. The ORU are now up to strength following a successful recruitment cycle. Training is scheduled to be delivered to the new members of staff over the coming months.
- 9.11. Risk will be re-assessed in the Autumn of 2023, following the completion of staff training.
- 9.12. As a result of the latest mitigation, the risk owner has requested de-escalation from corporate to departmental level. This request will be considered by the next Operations Governance Board and Tactical Board.

## 10. CLOSED AND DE-ESCALATED CORPORATE RISKS

## CYBER SECURITY HIGH

Cyber-attack, hardware failure, loss of IT systems via IT services provider or other data security breaches

- 10.1. Risk approved for de-escalation from corporate to departmental level in May 2023. Tests and mitigation treatments are continuing.
- 10.2. Cyber security for the force is a constant and enduring risk and is subject to close monitoring by IT & Digital and reporting to the Force Executive Team.
- 10.3. This risk can be re-escalated should there be any changes to the risk environment.

#### WMP SERVER CAPACITY

**MEDIUM** 

Due to server capacity issues of the WMP website the site can be prone to crashing. When this occurs the live chat function is unavailable. The live chat function is a method of communication enabling members of the public to report crimes 24 hours a day. Should a major incident occur and members of the public redirected to the website, the total number of people accessing the site would cause the website to crash. The live chat function would be unavailable and other means of contacting the Force would also be unavailable. The public would not be able to contact the force or report crimes or any other issues.

- 10.4. Risk approved for de-escalation from corporate to departmental level in April 2023 following the move to the AWS Public Cloud platform.
- 10.5. Risk has been highlighted as suitable for closure as AWS has successfully mitigated the issue through increasing capacity and resilience.
- 10.6. Closure request will be considered by the June Portfolio Board. Outcome will be included on the next JAC Risk Management Update.

#### **DEMAND MANAGEMENT**

**HIGH** 

Identified problems with the ability of WMP to manage incoming demand through 999, 101 and digital channels, requiring significant strategic review of the operating model, resourcing arrangements and systems and processes.

There is a risk that the Force fails to respond to and manage the effective and efficient policing requirements of the region.

10.7. Risk approved for de-escalation from corporate to departmental level in April and approved for closure from the force risk register in May 2023.

- 10.8. Closure approved following the successful implementation of treatments such as the staff bank scheme to ensure staffing levels are sufficient on a daily basis and the introduction of new technical methods to monitor demand which enables to effective management of resources.
- 10.9. There is ongoing governance and performance management through Silver and Gold groups.

#### 11. POLICE AND CRIME COMMISSIONER - RISK MANAGEMENT

#### Methodology

11.1 The Committee is aware the PCC's risk register is based on the risks associated with the functions of the PCC and the risks associated with the delivery of the police and crime plan, which are referred to a topical risks.

#### Risks - the Functions of the PCC

11.2 The table below details the risks to the West Midlands Police and Crime Commissioner relating to the functions of the PCC.

PCC Function	WMPCC Risks
Secure an efficient and effective police force for their area	Arrangements in place do not secure an efficient and effective police force for the West Midlands
Appoint the Chief Constable, hold them to account for running the force, and if necessary dismiss them	The PCC does not hold West Midlands Police to account effectively
Set the police and crime objectives for their area through a police and crime plan	The priorities and actions of the Police and Crime Plan are not delivered
Set the force budget and determine the precept	The resources of the PCC are not sufficient to deliver the police and crime plan and for West Midlands Police to operate
Contribute to the national and international policing capabilities set out by the Home Secretary	West Midlands Police does not contribute to national and international policing capabilities
Bring together community safety and criminal justice partners, to make sure local priorities are joined up	Lack of effective partnerships

## **Topical Risks**

11.3 The topical risks relating to the delivery of police and crime plan have been determined through the monitoring of the delivery against the police and crime plan. The delivery plan details all the actions required to deliver the PCC's police and crime plan that was finalised in October 2021. The current number of actions in the delivery plan is 322 and the Senior Management Team within the OPCC regularly review the delivery plan and RAG rate each action. The areas of the plan currently classified as red are detailed below.

Area	Detail
Vulnerability and Public Protection improved outcomes in the criminal justice system, and quality of investigations	Significant challenges in WMP mean performance in this area is still below the national average. The committee is aware this is a priority for improvement across a number of vulnerability strands, including RASSO, Child Abuse, Domestic Abuse etc.
West Midlands Police - reduced theft of vehicles	Theft of motor vehicles has seen a significant increase compared to 2019/20 and is at a higher rate than most similar forces.
Disproportionality in policing - workforce	Achieving a target of 1,000 officers extra from under represented groups by 2025 is being progressed but still below target. Also, progression of under represented groups in the workforce.
Disproportionality in policing - stop & search	Black and Asian people are still significantly more likely to be stopped than white people.
Stop and search - positive outcome	Performance target relating to stop and search.
Accessing police services	Performance around answering and responding to calls for service. (Although improved since the last reporting period, performance will continue to be monitored to ensure improvements are sustained.)
Resources	Long term funding, introduction of green agenda, funding crime prevention activities.

## **OPCC Risk Register**

11.4 The risk register included in the attached appendix details the risks of the OPCC based on the above methodology. The scoring of risks is based on the Impact and Likelihood as set out in the table below.

lm	pact
••••	paoi

VERY HIGH (V)	5	10	15	20	25
HIGH (H)	4	8	12	16	20
MEDIUM (M)	3	6	9	12	15
LOW (L)	2	4	6	8	10
NEGLIGIBLE	1	2	3	4	5
LIKELIHOOD	VERY RARE	UNLIKELY	POSSIBLE	LIKELY	VERY LIKELY

## Likelihood

11.5 It is important to note that the topical risks from the police and crime plan have not been scored.

## **Commentary on Risks**

- 11.6 Each section of the police and crime plan is supported by a number of measures that will be monitored through the Commissioner's term in office. This will be through regular performance reporting to the Strategic, Policing and Crime Board and other governance arrangements. These include PCC and Chief Constable meetings where performance of the Force is discussed on a monthly basis. Where there are performance concerns, there are deep dives to understand the issues.
- 11.7 The performance report to the Strategic Policing and Crime Board in May 2023 is available through the links below.

SPCB-23.05.2023-Agenda-Item-7-Performance-Report.pdf

#### SPCB-23.05.2023-Agenda-Item-7-Appendix-A-PCP-Scorecard.pdf

## SPCB-23.05.2023-Agenda-Item-7-Appendix-B-Performance-Report-PCC-Statement.pdf

The performance report provides an overview of performance against the National Crime and Policing Measures in a format used as West Midlands Police's (WMP) official statement on performance and activities undertaken. This statement is published along with a statement from the Police and Crime Commissioner, as well as a Police and Crime Plan Key Performance Indicator (KPI) scorecard for measures where data is available.

- 11.8 A reason for the mitigated scores in the PCC's risk register being relatively high is the current position of West Midlands Police in terms of performance measures that are in the police and crime plan. This is reflected in commentary on the topical risks.
- 11.9 One risk has increase in score during the reporting period:
  - The resources of the PCC are not sufficient to deliver the police and crime plan and for West Midlands Police to operate This continues to be the highest risk for the PCC, and the risk score has increased during this reporting period due to continued significant cost inflation and anticipated pressure resulting from potential pay settlements. The significant inflation pressures also impact on energy and fuel prices, and general inflation costs. This continues to create increasing financial pressure in the current financial year and in future years. Work is being undertaken to manage the financial position of the PCC, including delivering the budget for 2023/24 and balancing the medium-term financial plan.
- 11.10 Three risks have reduced in score relating to the following:
  - The arrangements for securing an efficient and effective police force for the West Midlands - Performance around answering and responding to calls for service has improved since the last reporting period. Performance will continue to be monitored over the next quarter and if improvements are sustained, this RAG rating will be revised.
  - The arrangements for holding the Chief Constable to account The Committee are aware that a new Chief Constable was successfully appointed and onboarded into WMP. The holding to account arrangements between the PCC and new Chief Constable are now fully established and have embedded well.
  - The contribution to national and international policing capabilities Governance arrangements are also working well in relation to national and international policing capabilities, which has seen the integration of Special Branches into the CT network and extensive action planning around the outcomes arising from the Manchester Arena Bombing.

#### 12. RECOMMENDATION

12.1 The Committee to note the contents of the report and appendices.

### CONTACT OFFICER

Name: Fiona Pook

Title: Head of Performance & Assurance

Name: Lynn Joyce

Title: Interim Chief Finance Officer

#### **BACKGROUND DOCUMENTS**

Risk Appendix 1 – Force risk register Risk Appendix 2 – PCC Risk register