



west midlands
police and crime
commissioner



Agenda Item 06

**JOINT AUDIT COMMITTEE
28 March 2024**

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 and National Recommendations

Following the 2023 PEEL inspection HMICFRS placed WMP into Engage status due to the identification of 4 Causes of Concern. The final report was published on 22nd December 2023. WMP continue to actively engage with HMIIC to implement and report on the necessary improvements being made. We anticipate HMICFRS to return into force in the mid to latter part of this year to conduct some further inspection activity and report on our progress to date. As part of this 'Enhanced Monitoring' CC Guildford presented our progress at the Police Performance Oversight Group (PPOG) chaired by HMI Cooke in January 2024. The Chief Constable is due to present to PPOG again in May 2024. In addition to this we are providing monthly updates to Strategic Police and Crime Board which will provide more detail around specific activity taking place in response to the Cause of Concern.

Recommendations, Causes of Concern and Areas for Improvement

Since the last JAC, in addition to the PEEL report, there have been a number of national thematic reports published and recommendations have been issued from these.

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 the Engage status.

The force will continue to concentrate upon the Causes of Concern, Recommendations and Areas for Improvement held on the HMICFRS Portal. There is now a renewed focus on all of these through the DCC HMIC Oversight Board which is held on a monthly basis and began in its new format early 2024. We have gone from a position where we held open recommendations from 2014 that are now closed and our oldest is from 2021.

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

	Open	Closed	Total
Cause of Concern	8	23	31
Recommendation Level 1	0	2	2
Recommendation Level 2	24	40	64
Recommendation Level 3	35	3	38
Recommendation Level 4	23	0	23
AFI Level 1	0	6	6
AFI Level 2	20	3	23
AFI Level 3	19	1	20
AFI Level 4	0	0	0
AFI Closed before Levels	36	13	
Recommendation Closed before Levels	76	54	

5 level 3 AFI's and 9 level 3 recommendations remain open on the HMICFRS portal, although self certification has been submitted. These will not be closed on the HMICFRS portal until a further inspection has taken place. These will undergo quarterly review at the relevant FET HMIC day/s to ensure the position has remained or improved from the point of submission.

Total submissions for closure since change of HMIC process (August 2023):

Closed (since Aug 2023)	Total Number submitted
AF1 Lv3	7
AF1 Lv2	6
Recommendation Lv4	0
Recommendation Lv3	25
Recommendation Lv2	48

3. National Published Reports and Recommendations

- I. **An inspection of the effectiveness of the police and law enforcement bodies' response to group-based child sexual exploitation in England and Wales – Published 8th December 2023**

The purpose of this inspection was to establish how well the police and law enforcement bodies understand and respond to group-based child sexual exploitation.

Points covered included:

- The nature and scale of offending
- Quality of investigations and wider outcomes
- Attitudes to victims
- Partnership working

The police service has taken steps to improve its response to child sexual exploitation over the years with strategic assessments being used to help senior leaders understand the nature and scale of these issues and inform the development of force priorities. However, progress remains slow and the report found that forces were using different definitions to tackle group-based child sexual exploitation – leading to difficulties in understanding the true nature and scale of group-based child sexual exploitation. Inconsistencies were found in how forces analysed and developed intelligence in this area and none of the forces inspected had a problem profile specifically for this offending.

The quality of criminal investigations is inconsistent, albeit generally better when specialist officers took charge on the investigation due to their training and skill set. Despite efforts to avoid criminalising children unnecessarily, evidence of victim-blaming language was still found. Generally it was found that forces were not always doing enough to disrupt the threat of group-based child sexual exploitation by not involving partner agencies.

There were a total of 9 recommendations and 1 Area for Improvement of which 4 recommendations and 1 AFI were applicable for West Midlands Police;

Recommendation 2

By 31 December 2024, all chief constables should make sure that their forces have problem profiles for child sexual exploitation, each of which should include an assessment of the nature and extent of group-based child sexual exploitation. This should include relevant data from partner agencies and should be updated frequently, at least annually.

Recommendation 4

By 31 December 2024, all chief constables and the relevant business user groups for police record management systems should make sure there are sufficient measures in place to identify group-based child sexual exploitation.

Recommendation 8

By 30 June 2024 all chief constables of forces that are yet to receive the Hydrant Programme's continuing professional development offer should arrange it.

Recommendation 9

With immediate effect, all chief constables should take effective steps to eradicate victim-blaming language in their forces.

Area for Improvement 1

All chief constables should work with their statutory safeguarding partners to review, promote and make sure that relevant group-based child sexual exploitation disruption and prevention initiatives are implemented effectively in their forces. This should include consideration of options such as the advice given in the Home Office disruption toolkit and an Operation Makesafe (a national police initiative to raise awareness of child sexual exploitation in the business community) type of approach.

II. Report on the Criminal Justice Alliance’s super-complaint; Section 60 of the Criminal Justice and Public Order Act 1994 & Independent community scrutiny of stop and search – Published 15th December 2023

This was an inspection following a super-complaint made in May 2021 by the Criminal Justice Alliance (CJA) raising concerns about ‘harm caused by ‘suspicion-less’ stop and searches and inadequate scrutiny of stop and search powers’.

The inspection found that forces take different approaches when deciding whether to use S60, taking into account the impact on the community and on their crime fighting efforts. There is a lack of clarity about what constitutes success after a S60 authorisation and there are different approaches to evaluating its use. All of these factors mean that forces don’t always know if their use of S60 has caused more harm than good.

None of the forces spoken with could fully explain why the police’s use of S60 results in disproportionality. Forces may recognise the effects of disproportionality on people and communities but it needs to be taken more seriously as self-defined ethnicity data remains missing from large numbers of stop and search records.

Overall it was found that forces were using S60 authorisation to address serious violence and that senior leaders generally understood the need to use it legitimately, proportionately and where necessary. Additionally a strong commitment to independent scrutiny of stop and search was found through community scrutiny panels.

Ten recommendations were made in the report of which six were applicable for West Midlands Police;

Recommendation 1

By June 2024 chief constables should make sure their forces review the content of training on section 60 of the Criminal Justice and Public Order Act 1994 and how they provide it. The review should consider current national police curriculum requirements and the adequacy of force training for;

- Officers who may be required to authorise section 60s; and
- Officers who may be required to conduct section 60 stop and searches.

The review and any associated actions should be proportionate to each force’s use of section 60

Recommendation 3

By 14 June 2024 chief constables should make sure briefing and debriefing arrangements for their force’s activities under section 60 of the Criminal Justice and Public Order Act 1994 are thorough and in line with Police and Criminal Evidence Act 1984 Code A and authorised professional practice content and guidance. Chief constables must make sure section 60 authorisation briefings are recorded. This may be as a written briefing. But formal verbal section 60 authorisation briefings should be given on audiovisual devices such as body-worn video or approved handheld communication devices. They should be capable of being recorded as part of the policing operation and be subject to scrutiny.

Section 60 briefings to officers who are required to use their stop and search powers should include information on:

- The relevant law and guidance;
- The particular grounds for authorising the use of section 60 stop and search powers;
- All relevant and current information and intelligence;

- The geographical area covered and time limitations authorised;
- All relevant community information (including policing history) and any community impact assessment;
- How any debriefing and force learning will be conducted; and
- The importance of recording all section 60 stop and search encounters on body-worn video in their entirety

Recommendation 4

By 14 June 2024 chief constables should make sure all officers who may exercise stop and search powers understand and comply with their responsibility to safeguard children who are stopped and searched.

In doing so, chief constables should make sure that:

- In line with the national policing curriculum, officers undertaking searches are appropriately trained to take the necessary steps to minimise any emotional harm that may be caused through these encounters
- Their force has processes in place to assist appropriate safeguarding referrals when children are stopped and searched; and
- There is robust checking and assessment of all such searches that takes account of the safety and welfare needs of the child

Recommendation 5

By 14 June 2024 chief constables should make sure forces effectively communicate with communities and interested parties on the police use of section 60 stop and search powers.

This should include:

- Making sure communications reach the communities most likely to be affected by the section 60 authorisation and checking their communication strategies were effective;
- Publicising details to inform the public, give reassurance and maximise any deterrent effect; and
- Reporting back to communities and interested parties on operational outcomes.

Recommendation 7

By June 14 2024 chief constable should satisfy themselves that their force gives community scrutiny panels (or their equivalents) all relevant information to help them scrutinise police stop and searches and other police actions arising from section 60 authorisations. This should include:

- The grounds and underlying reasons for the authorisations;
- Any recordings of briefings;
- Written records of searches;
- Information about the outcomes of searches; and
- Body-worn video footage of entire encounters.

In addition, chief constables should satisfy themselves that their force incorporates feedback from community scrutiny panels (or their equivalents) when evaluating and improving the force's use of section 60.

Recommendation 8

By 14 June 2024, chief constables and where applicable police and crime commissioners (or equivalents) should make sure their forces work in partnership with community scrutiny panels (or their equivalents) to:

- Review panel membership and vetting arrangements to remove any unnecessary barriers to recruiting panel members

- Promote the recruitment of culturally diverse members, with a particular focus on representing, involving and retaining those from under-represented communities and young people
- Promote the representation, involvement and retention of those who have been stopped and searched
- Make sure the force gives community scrutiny panels information on the police use of force, including handcuffing, relevant to the police use of stop and search powers
- Make sure they support and help community scrutiny panels to review section 60 authorisations, searches, community impact assessments and associated complaints
- Give members appropriate training and support to help them effectively carry out their role scrutinising all stop and searches, taking account of the effect the role could have on them; and
- Provide the right level of police representation at panel meetings to support and advise as required and to make sure the panel's feedback helps to improve both individual officer and organisational learning

III. Meeting the Needs of Victims in the Criminal Justice System

Published on 19th December 2023

This was a joint inspection by HMICFRS, MHCPIS and HMI Probation, aimed to assess how well the criminal justice system meets the needs of victims, from when a victim reports an offence to after the offender has been convicted.

Points covered included:

- National and local oversight arrangements
- The Investigation stage
- The prosecution Stage
- The post-conviction.

The police, CPS and Probation service all have policies, procedures and guidance in place that have been drafted to comply with the Code of Practice for Victims of Crime in England and Wales but the inspection found that none of the three organisations had an effective way of measuring how well they meet the needs of victims. National oversight wasn't working as it should with insufficient accurate data reporting and too much focus on processes which didn't always result in the best experience for victims. Criminal justice bodies need to work more collaboratively and focus on the quality of their contact with victims.

High workloads compounded with inexperienced police officers and ineffective supervision were all having a negative impact on the ability of police forces to investigate the type of crimes subject of this inspection. Victims needs assessments for victim were not always being completed and when they were completed, often lacked important details. The quality of case files being sent to CPS needed to improve. A lack of knowledge in the Probation Service about the Victim Contact Scheme was found.

There were a total of six recommendations made of which one was applicable to West Midlands Police;

Recommendation 3

By 31 December 2024, the College of Policing should work with the National Police Chiefs Council and chief constables to develop minimum standards for the completion of victim needs assessments. These should include standards for timeliness of completion and clarity on the information to be recorded.

IV. WMP PEEL

Published 22nd December 2023

The report found 4 Causes of Concern for West Midlands Police. Three of which are within the Public Protection portfolio; Online Child Sexual Exploitation Team (OCSET), Sex Offender Management (SOMS) and Multi-Agency Risk Assessment Conference MARAC. A further cause of concern was raised regarding Investigations.

Cause of Concern 1

The force needs to make sure it carries out effective investigations which lead to satisfactory results for victims

Cause of Concern 2

The force needs to make sure its multi-agency risk assessment conferences work effectively to keep vulnerable people safe.

Cause of Concern 3

The Force doesn't manage the risk posed to the public by registered sex offenders Effectively

Cause of Concern 4

The force doesn't manage the risk posed by online child abuse offenders effectively.

In addition there were 16 Areas for Improvement also noted of which we have already submitted four for closure. Considerable improvements have been made in our response to calls for service as we now answer the phone much quicker enabling the right resource to be sent appropriately. Three out of the four Causes of Concern we have made significant progress against within the Public Protection portfolios since the time of the inspection. Sustained improvements are being reported on a weekly basis. The fourth cause of concern which relates to Investigations will take much longer to finalise due to the far reaching scale of the task across the organisation, however, we are pleased to report that outcomes have already significantly improved meaning we are securing the right result for more victims and bringing more offenders to justice.

4. Inspection Activity

Since the last JAC, WMP has hosted the following inspection activity in force; (Reports due Mid 2024)

- a) 8th January – 12th January – **Professional Standards: Pilot Inspection** (This was a one week proof of concept PSD inspection. Due to being a pilot there will be a grading issued, however, the report will not be formally published)
- b) 4th March – 22nd March – **JTAI Serious Youth Violence**. This has been commissioned to focus on Coventry with inspection activity being undertaken by HMICFRS, HMI Probation, OFSTED and CQC.

Forthcoming HMICFRS Activity & Inspections

There are no confirmed inspection dates to report at this time.

<p>CONTACT OFFICER</p> <p>Name: T/Chief Inspector Fiona Fletcher</p> <p>Title: HMICFRS Force Liaison Officer, Strategy, Delivery and Assurance</p>
--

<p>BACKGROUND DOCUMENTS</p> <p>None</p>
