



Joint Audit and Standards Committee HMICFRS Update – July 2021

Author:	Insp 1175 Martyn KENDALL
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Summary

This report provides an update with regards to the following HMICFRS publications and highlights the recommendations and AFI that have been provided to forces, nationally.

The relevant publications are:

- Disproportionate Use of Police Powers: A spotlight on stop and search and use of force.
- Getting the Balance Right: An inspection of how effectively police deal with protests.
- Policing in the Pandemic: The police response to the Coronavirus pandemic and Custody in a Covid-19 environment.
- Hestia's super-complaint on the police response to victim's on modern slavery.

This report highlights the planned self-assessment work in preparation for the next PEEL inspection process, as well as the HMICFRS policing inspection framework for 2021/2022

This report also provides an updated position in relation to the appointment of a new Force Liaison Lead (FLL) for Warwickshire Police.

Disproportionate Use of Police Powers – A spotlight on stop and search and use of force

On Friday 26th February 2021, HMICFRS published their report *Disproportionate Use of Police Powers – A Spotlight on Stop and Search and the Use of Force*.

The thematic inspection found that people of BAME origin were more likely to be subject to stop and search than white people, with black people proportionately the most likely demographic to be subject to stop and search.

Warwickshire police has been specifically mentioned in the report under the section: *Positive Practice: Stop and Search Training*.

- *Warwickshire Police introduced additional reviews by an inspector of every stop and search record, giving officers individual feedback, which it has been reported led to improved consistency and quality.*

Whilst this was highlighted as evidence of good practice, the force no longer conducted a 100% review of stop and search records. At present approximately 10% of records are reviewed.

The report highlights that black people were more likely to be subject to use of force, including the drawing of Taser (not discharged) as well as being more likely to be subject to compliant handcuffing or have a spit or bite guard applied to them than a white person.

The report does not draw conclusions as to why this is the case, as there are clearly numerous factors which could be of influence, however calls for forces to do more to understand this disproportionality.

There are a number of recommendations that have been provided to all forces in relation to increasing their understanding and justifying their actions.

The recommendations have been allocated to the appropriate governance boards for assessment of the current force position.

A summary of the report has been produced and has been embedded below.



Disproportionate
Use of Police Power:

A copy of the full report can be downloaded via the below hyperlink:

<https://www.justiceinspectorates.gov.uk/hmicfrs/publications/disproportionate-use-of-police-powers-a-spotlight-on-stop-and-search-and-the-use-of-force/>

Getting the Balance Right: An inspection of how effectively police deal with protests

On Thursday 11th March, HMICFRS released the thematic publication, '*Getting the balance right? An inspection of how effectively the police deal with protests*'.

This report was a response to a request from the Home Secretary to conduct an inspection of how effectively the police managed protests; balancing the economic impact on people's daily lives with the right for people to gather and express their views. This has become more pertinent, in light recent events and the recent publication of the report into the Met Police's response to the vigil for Sarah Everard.

As part of the process, ten police forces, with recent experience of protest were inspected. Additionally, the inspectorate consulted a wide range organisations (including certain protest groups), as well as surveying over 2000 members of the general public, to obtain their view on the policing of protests.

Despite Warwickshire's recent protest experience, specifically related to HS2, the force was not subject to inspection activity.

Additionally, there is no specific mention of Warwickshire police within the report, although there are references to HS2 and the tens of millions of pounds that protest activity has cost the companies involved in its ongoing construction. The report singles out the work of Thames Valley Police and British Transport Police in support of this policing activity.

Op Cobb (Badger cull), which Warwickshire police participated in, features as a case study within the report and is highlighted as a good example of national police planning, although does not mention any

specific force involved. The report praises the coordinated and inclusive approach. Although the cull is a divisive and emotive subject, it was reported that people on all sides of the argument understood the opposing position and effective working relationships were formed.

The report concludes that the police are not striking the correct balance on every occasion. The report states that the balance can tip too readily in favour of the protesters. This is often the case because the police not accurately assess the level of disruption caused, or likely to be caused by protest activity.

As a result, the report makes 12 recommendations and highlights four areas of improvement. Only five of these are relevant to police forces.

A copy of the full report can be downloaded via the below hyperlink:

<https://www.justiceinspectorates.gov.uk/hmicfrs/publications/getting-the-balance-right-an-inspection-of-how-effectively-the-police-deal-with-protests/>

Policing in the Pandemic – The police response to the Coronavirus pandemic

On Tuesday 20th April, HMICFRS released the publication, which looked at the policing response to the pandemic between March and November 2020. Evidence was gathered remotely, by use of video conferencing technology, but also by way of a data return, which all forces contributed to.

There is no specific mention of Warwickshire police, however Warwickshire was not one of the forces that was subject to virtual in-force activity.

Additionally, there was an additional report, which formed part of the overall publication. This report looked at custody services within a Covid-19 environment. Whilst Warwickshire was not one of the inspected forces, the contents of the report has particular relevance as Warwickshire is part of the next tranche of forces that will be subject to a custody inspection (dates are unknown at this time).

A number of recommendations were made in both the policing response to the pandemic, but also with regard to the specific custody report.

With regards to the specific custody report, the following conclusions were drawn and can be used to influence relevant improvement activity.

- The police service is generally responding well to the problems COVID-19 presents and acted quickly to manage demand in custody suites and make them as safe as possible for staff, detainees and visitors.
- Forces are enhancing their approach to risk assessment, where further challenges are presented by way of building layout and difficulties in maintaining social distancing.
- Caring for detainees and looking after their welfare is largely unchanged and support from mental health services to help frontline officers deal with people with mental ill health, on the street and

in custody, is largely being maintained. Some forces have even reported improved joint working in response to the pandemic.

- Forces face significant problems arising from the use of virtual legal advice and representation for detainees rather than solicitors attending in person, in accordance with the temporary interview protocol. It has cost, capacity and demand implications. In addition, forces' lack of information to show how detainees have received their legal rights while in custody may have implications for the Criminal Justice System.
- Virtual remand hearings, on the whole, seemed to operate effectively. However, they also had significant cost, capacity and demand implications for forces
- Forces are not doing enough to assess how COVID-19 is affecting custody services. While sickness and absence levels among officers and police staff are closely monitored, other areas are not being monitored. For example, forces are not tracking the number of detainees entering custody who have, or who are suspected of having, the virus. Nor are they monitoring how much longer detainees are spending in police custody because they are waiting for virtual remand hearings. This is important information – as the pandemic continues it would help forces resource their custody services appropriately.

A copy of both full reports can be downloaded via the below hyperlinks:

<https://www.justiceinspectorates.gov.uk/hmicfrs/publications/the-police-response-to-the-coronavirus-pandemic-during-2020/>

<https://www.justiceinspectorates.gov.uk/hmicfrs/publications/custody-services-in-a-covid-19-environment/>

Hestia's super-complaint on the police response to victim's on modern slavery

On Wednesday 26th May HMICFRS released a report resulting from the super-complaint made by the charity *Hestia*, in relation to the police response to victims of modern slavery. '*The hidden victims: Report on Hestia's super-complaint on the police response to victims of modern slavery*'.

Hestia are a London based organisation who support adults and children in times of crisis, which includes victims of modern slavery, women and children who have experienced domestic abuse, young care leavers and older people.

Using the 2017 HMICFRS report as a benchmark, HMICFRS found that the police approach to modern slavery has improved. Officers are better at identifying cases and are referring more cases to the NRM. Officers that were spoken to understood the importance of this area of policing.

Despite this, the evidence from *Hestia* showed that there were still challenges with regards to providing victims with a supportive and consistent experience.

A key theme that permeated through significant parts of the report is the need for police to understand the victim's experience and calls upon the police, as well as other agencies and organisations to gather and assess data related to the victim experience.

HMICFRS have made a number of recommendations, one of which relates to both Chief Constables and Police and Crime Commissioners:

- **To chief constables, and police and crime commissioners:**
Work together to understand the support needs of victims of modern slavery crimes. They should provide appropriate support within their respective remits to augment the national provision so that victims feel safe and empowered to remain involved in any investigations. This should focus on what support should be available before and after National Referral Mechanism (NRM) referral as well as alternative provision available for those declining NRM referral.

A copy of the full report can be downloaded via the below hyperlink:

<https://www.justiceinspectorates.gov.uk/hmicfrs/publications/report-on-hestias-super-complaint-on-the-police-response-to-victims-of-modern-slavery/>

HMICFRS Inspection Programme and Framework for 2021/2022

In April 2021, HMICFRS released their policing inspection programme and framework consultation, which details the planned activity for business year 2021/2022. Whilst it does not provide a timetable for this activity, it does provide detail around the planned thematic inspection areas and commissioned reports.

PEEL Programme

The PEEL programme has recently re-started, after having been delayed due to the ongoing pandemic. In addition to the focussed inspection activity, forces will be subject to continuous inspection activity and provided with a graded judgement on the key areas. The timetable for this activity has been published. These judgements will be produced every two years and the programme will continue to be developed as the process continues forward.

The core questions will remain the same and are aligned, where possible, with the structure of the FMS.

Before carrying out fieldwork, the inspectorate will review in detail the local policing body's police and crime plan, to ensure clarity of established local priorities.

National Thematic Inspections and Rolling Programmes

Elements of these thematic areas may be integrated into the PEEL inspection programme or form part of the criminal justice joint inspection plan. Regardless, these are likely to be the key areas that will form part of the inspectorate's focus for the next 12 months.

- Rape
- Domestic Abuse

- Digital Forensics
- Advancing equality, diversity and inclusion in policing
- Ethnic disproportionality in the criminal justice system
- Serious youth violence

It must be noted that this is not an exhaustive list and further thematic areas may be included.

Vulnerability and Child Protection Inspections

Whilst these areas are a significant part of both the PEEL process and the proposed thematic inspections there are 3 rolling child protection inspection programmes, 2 of which are relevant to forces in England.

- **National Child Protection Inspections (England & Wales)**

These examine the efficiency and effectiveness of the police at each stage of their interaction with children. Whilst graded judgements are not provided, the reports will provide a blueprint for effective and efficient practice.

It is planned that during 2021/22, the inspectorate will conduct six inspections, four re-inspections and further follow-up work. The forces due to be inspected are not recorded in the report. The inspectorate will also publish a separate report collating and expanding on their findings related to the police approach to preventing and tackling online child sexual abuse and exploitation.

- **Joint Targeted Area Inspections (JTAI)**

This is joint activity with Ofsted, the CQC and HMI Probation to examine how local authorities, police, probation and health services work to help and protect children.

Each cohort of six inspections contains a 'deep dive' theme. In 2021/22 this theme is likely to be *domestic abuse* and the *exploitation of children*. This is yet to be confirmed, but will be finalised as the relevant agencies return to normal inspection activity.

Violence against Women and Girls

The inspectorate inspects the police's approach to tackling and preventing crimes which disproportionately affect women and girls. This is as part of the PEEL process and child protection inspection programmes.

In 2021/22 the inspectorate plan to publish spotlight or thematic reports on how the police tackle domestic abuse and rape. The inspectorate will also continue to monitor progress against pre-existing recommendations in relation to harassment and stalking, honour based abuse, forced marriage and genital mutilation.

Additionally, the home Secretary has commissioned the inspectorate to conduct an inspection of the quality and effectiveness of interactions between the police and women (victims, offenders or witnesses), with a focus on the experience of women and girls.

Super-Complaints

Funding has been provided for the team to investigate super-complaints and it is expected that further complaints will be received during 2021/22, although these may potentially be different to previous complaints and may require a different investigative approach.

Planned Self-Assessment Work

As has previously been reported, Warwickshire is due to be subject to a full PEEL inspection from w/c 9th May 2022. In addition to this period of in-force activity there will be other activity in the lead up to this date, which will form part of the continuous inspection process. This will involve data collections, interviews and focus groups, as well as a host of other activity.

To enable forces to engage in the necessary preparatory work for this continuous inspection process, the inspectorate has provided forces with the *PEEL Assessment Framework* (PAF), which provides the core questions, the relevant topic areas and the characteristics of good.

A copy of the PAF is embedded below and contains the 12 core questions, along with the individual topic areas and characteristics of good.



Annex A - PAF for
forces.pdf

A self-assessment process has been devised and is awaiting approval at the next Warwickshire Assurance Board on Wednesday 23rd June.

This process will allow the force to assess its current performance against the PAF and to target improvement activity against the characteristics of good. The intention will be for the force to have made not only demonstrable improvements against the PAF, but also to demonstrate to the inspectorate a culture of reflection which is utilised to improve its service to the public and communities of Warwickshire.

In the PEEL reports each core question will be graded separately and an additional grading of '*adequate*' has been added, which provides a more nuanced assessment of performance.

The new judgement criteria is recorded below:

Outstanding	Substantially exceeds the characteristics of good performance.
Good	Demonstrates substantially all the characteristics of good.
Adequate	The force has demonstrated some of the characteristics of good performance, but we have identified areas where the force should make improvements.

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Requires Improvement	The force has demonstrated few, if any, of the characteristics of good performance and we have identified a substantial number of areas where the force needs to make improvements.
Inadequate	We have concerns and have made recommendations.

This grading process will also be used in the self-assessment process, to ensure consistency.

A collection template has been designed for each core questions and the responses will be tracked on an improvement tracking document.

The intention will be to allocate strategic leads to each core questions, with tactical leads selected for each topic area. Each topic area will be dealt with at the relevant governance board, which will feed into the Warwickshire Assurance Board for review and assurance that the relevant improvement activity is being undertaken.

The timetable for this activity is recorded below and will allow 6 months to implement improvement activity prior to the PEEL inspection w/c 9th May 2022.

Initial Review of Self-Assessment Proposal	Self-Assessment Template Completed by	Update on Implementation of Improvement Activity	Review of Progress of Improvement Activity	In-Force PEEL Inspection Activity
WAB - 24th June 2021	WAB – 17th September 2021	WAB – December 2021	WAB – March 2022	9th May 2022

Appointment of new Force Liaison Lead (FLL)

A reported on in the previous paper for JASC (March 2021), Gary Ashton will be stepping down as Force Liaison Lead (FLL) for Warwickshire police and will be replaced by Andy Jolley from 28th June.

Initial meetings have been held with Andy Jolley, however he is currently in the process of completing the final stages of the PEEL inspection process for Gloucestershire police. Once this has been completed, arrangements will be made for a formal meeting so that a fuller overview of the force can be provided and to discuss the progress against current recommendations and areas for improvement.

Report respectfully submitted for consideration.

Martyn Kendall
Inspector 1175
HMICFRS Force Liaison Officer for Warwickshire Police