

Warwickshire Joint Audit and Standards Committee Report Summary

Meeting Date 26 September 2023

Subject: Analysis and Service Improvement – Assurance and Audit Plan update

Contact details: Steven Russell, Director of Data, Strategy and Technology

Purpose of the report:

This report provides an overview of progress with the Force Crime Data Integrity and Assurance Audit Schedule.

Findings and recommendation from recent audits that have been presented to the Performance and Assurance Board are also outlined.

Recommendation:

That the current progress of the audit schedule is noted along with the findings of recent audits.

Background:

A proposed audit schedule was presented and accepted by Performance Assurance Board in March 2023. The audit schedule contains 2 types of audit activity:

1. Crime Data Integrity (CDI). These audits follow the methodology detailed in the Home Office Data Quality Assurance Manual (DQAM) and are used to test compliance with Home Office Counting Rules (HOCR). The audit themes are selected by the FCIR based on a risk assessment of CDI vulnerabilities.
2. Assurance audits commissioned by Warwickshire Assurance Board. These are audits of operational records to assess compliance with force policy, procedure and guidance.

The findings from these audits are presented to the Performance and Assurance Board with a number of recommendations. If agreed, a senior manager is appointed to provide a management response detailing the proposed activity to be undertaken in response to the recommendation.

Executive summary:

The FCIR now produces a summary report of audit findings and risk to each Performance and Assurance Board together with the detailed audit reports.

The reports presented to Performance and Assurance Board in March and September 2023 are attached.

The progress against the current audit schedule is detailed below:

Warwickshire Audit & Assurance schedule for 2023 - 2024												
Scheduled audits	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
	Planned		In Progress		Complete		Paused					
	Assurance		CDI									
Dedicated Decision Maker (DDM) Out of Court Disposals Referrals												
Requests to review												
Filed Reported Incident of Rape N100/1 (CDI)												
Reported Incidents of Modern Slavery (N200s)												
CDI/ VSA Audit												
Cancelled Crime (CDI)												
Classification - Modern Slavery - Audit recorded offences, intelligence logs. (CDI)												
Out of Court Disposals - Community Resolution, Cautions, (CDI)												
Outcomes 1- 18 (Excluding OOCd) 20 - 22 (CDI)												
Classification - Harassment, Malicious Communications, Breach of Orders - Audit recorded offences (CDI)												
Other Recording Routes - HAU, SOH, Contact Us (CDI)												
ASB Personal - (CDI)												
Assurance - Child Protection Investigations												
Assurance - Indecent Image of Children Investigations												
Assurance - Handling of Covert Product												
Assurance - Use of Bail and Voluntary Interviews												



Force Crime Registrar update for Performance and Assurance Board

Author:	Andy Shipman - Force Crime Registrar
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Introduction

This report provides an update on recent changes to Home Office Counting Rules (HOCR), a summary of progress against the Audit Schedule and recent findings from completed audits.

Changes to HOCR

Following an NPCC review of HOCR ministerial approval was given for changes to HOCR from 1 May 2023:

- The removal of Section 5 Public Order Act from the notifiable offence list. The aim is to remove some of the burden of crime recording while maintaining the use of the power where appropriate.
- Clarification around the recording of Malicious Communications to emphasise the evidential threshold for the offence to be committed and recorded around the criteria of 'grossly offensive'.
- The removal of the exception to the Principal Crime Rule for stalking, harassment and controlling and coercive behaviour. In 2017 HOCR was amended to require the recording of the most serious notifiable crime in addition to either of the 3 behavioural crimes that were reported at the same time involving the same victim and suspect. The changes in 2017 were made following a HMICFRS thematic inspection of stalking and the finding that the offence was not always recognised and HOCR at the time meant the offence was rarely recorded. The changes to HOCR have not resulted in a significant change to the investigation of these offences and has created the burden of recording additional investigations.
- Further clarification on the criteria for cancelling crimes on the basis of additional verifiable information (AVI)

Initial analysis indicates that the overall impact of the changes on recorded crime compared to 2022-2023 are potentially:

- A reduction in total recorded crime of 2%. This includes malicious communications, Section 5 public order and other notifiable crimes that would not be recorded due to stalking, harassment and controlling and coercive being the principal crime recorded.
- A reduction in recorded malicious communications of at least 19%
- The de-notification of Section 5 Public will result in 3% reduction in public order offences.

There is a Phase 2 review of HOCR to be conducted during the year, the Policing Minister has yet to agree the programme but in scope are:

- The 22 outcomes, whether they are fit for purpose, properly understood and applied consistently.
- The findings from Op Soteria on crime recording particularly around 3rd part professional reports when victims have disclosed offences not necessarily expecting it to be disclosed to police.
- The impact of the Inquiry into Child Sexual Abuse (ICSA) recommendation to require persons involved in safeguarding to have a legal duty to report if they suspect abuse.
- The recording of self-generated indecent images of children.
- The review of the National Standard of Incident Recording (NSIR).

Audit Schedule Progress

The current 2023-2024 audit schedule has commenced with the planned audits completed.

Audits Completed

The following audits have been completed since the last Assurance Board.

Child Protection Investigations Audit

A monthly review of a small sample of investigations has continued supported by a feedback process.

Indecent Images of Children (IIOC) Investigations Audit

A sample of 5 investigations is reviewed each month with the findings discussed at a monthly OCSET meeting chaired by T/DCI Nailor.

There is a process in place to review the findings and for further action to be undertaken if required.

Assistance has been provided in the development of an audit framework to monitor the pilot on improving the investigative response to investigations involving youth produced self-generated imagery.

Filed Reported Incident of Rape N100/1s

Following an audit conducted in February 2023 a quarterly review was added to the audit schedule. The previous audit identified some risks around the recording of reported incidents of rape from the initial identification of the requirement to record through to the need to provide sufficient information to support filing without recording a notifiable crime.

Of the 19 filed investigations there were none that required reclassification to a substantive offence of rape but there were 2 missed offences of sexual activity.

There was sufficient rationale recorded to justify the filing of the 19 investigations. There were some delays noted with investigations due to resource issues as well as some errors around the alleged offence locations.

Errors have been addressed.

Reported Incidents of Modern Slavery N200s

A quarterly review of N200s has been included in the audit schedule due to errors identified in a recent audit.

In obtaining the sample for the audit it was identified that there were no records in Athena for March and April. Contact with FIB confirmed that due to leave and capacity there was a backlog of N200s received from the Single Competent Authority (SCA) that had not yet been processed.

This will mean a delay in recording and non-compliance with HOCR. A further member of staff is being trained in FIB to manage referrals from the SCA.

Of the 10 records that were reviewed there had been an improvement in referrals by IMU staff to the DDMs as required by a working practice. There was one N200 that required reclassification to a Modern Slavery crime due to positive reasonable grounds decision and 4 had incorrect offence locations recorded.

The errors have been addressed.

VSA Investigation Audit

The full report for this audit will be presented at the meeting, it was circulated to the Chief Superintendent Protective Services and Local Policing in April.

This audit aims to replicate the Victim Services Assessment (VSA) conducted by HMICFRS in February 2022. A sample of 90 incidents that resulted in the creation of a notifiable crime investigation record were reviewed. They comprised 30 each of the following initial incident categories;

- violent crime
- sexual crime
- other crime

For each incident and investigation the following aspects were assessed;

- Call Handling – including call recordings; THRIVE and other risk assessments; identification of vulnerability; safeguarding considerations; and initial call grading.

The audit found an improvement in the recording and application of THRIVE from the HMICFRS audit.

With the identification and recording of vulnerability it was noted that there was some inconsistency in the checks that were undertaken and the written assessment of the information.

The auditors noted from listening to the calls that all call handlers were polite and professional.

- Resource and Deployment – including resource allocation; timeliness of response/attendance; delays and downgrading; and deployment supervision

The allocation of resources to incidents was found to be appropriate but a significant number of incidents were attended outside of the recognised timescales.

Where there was a delay less than half of the callers had been contacted.

Appropriate supervision was apparent in most incidents.

- Investigation – including crime allocation; supervision; victim needs assessment; victim engagement; and crime outcomes

The investigations reviewed had been allocated appropriately in accordance with the crime allocation procedure.

Similar to the HMICFRS audit it was noted that around 77% of investigations had appropriate investigative opportunities taken. It was noted that 15 out of the 90 investigations were delayed without reasonable explanation.

An improvement in the supervision of investigations was found.

HMICFRS identified that Initial Victims Needs Assessments (INVAs) were not always completed. This audit found an improvement but there was a significant variability between the offence types ranging from 83% for violent crime to 37% for sexual offences. An improvement in compliance with victim contact in line with the agreed contract was found but there is still room for improvement.

There was limited consideration of ancillary orders or evidence led prosecutions on appropriate investigations.

The audit found that incorrect outcomes had been applied to 22% of applicable investigations, and this was also an issue previously commented on by HMICFRS.

Classification audit

This audit report has been circulated to Chief Superintendent Local Policing and Protective Services.

HMICFRS have highlighted a trend among some police forces of unnecessary over-recording of crimes. They have found this to be more prevalent in respect of some behavioural crimes including:

- Malicious Communications
- Affray
- Section 5 Public Order Act
- Threats to Kill
- Harassment/ Stalking
- Controlling and Coercive Behaviour

This audit examined an small sample of investigations to assess whether there was an indication of over-recording.

In addition to checking whether investigations were correctly classified the auditors also applied the other HOCR tests that form part of the HMICFRS CDI methodology: timeliness, whether the correct number of crimes were recorded and application of outcomes.

The audit did identify some over and under recording of offences but not in substantial numbers, in both cases around 5% of the sample. The over recorded offences were predominantly Malicious Communications and Section 5 Public Order where the key elements of the offences were not established. In addition, the audit also identified that there were some investigations

where insufficient information about the offence had been captured to be confident that the classification was correct.

The other HOCR checks identified issues that have been identified in recent incident to crime audits:

- Timeliness – there are still occasions where the processes to ensure the prompt recording of offences are not being followed. For example, OCC staff not emailing the IMU when a diary appointment has been arranged. There were also delays noted in the recording of offences reported via Single Online Home.
- Application of Outcomes – There is still a persistently high error rate in outcomes applied by sergeants. The auditors noted that when officers had requested an incorrect outcome the sergeants did not correct the error.
- The positive impact of the IMU through the QA process in spotting and correcting errors continues to provide an important CDI 'safety net'.

In terms of the 2 recommendations, the first relates predominantly to the OCC and IMU around ensuring processes are followed to ensure reported crimes are recorded within 24 hours. The second relates to the correct application of outcomes, in particular outcomes 15 & 16 are scrutinised by HMICFRS as part of the VSA audits with a requirement for proper review and documented rationale before filing.

Cancelled crime audit

This is an annual audit to check whether crimes have been cancelled correctly in accordance with HOCR. All cancellations except for rape and homicide are undertaken by the Designated Decision Makers (DDMs).

There are 5 categories of cancelled crime:

C1: Transfer – crime occurred in another force's area

C2: Additional Verifiable Information (AVI) determines that no crime occurred

C3: Duplicate – crime already recorded

C4: Recorded in error

C5: Self Defence – regarding specified recorded assaults

- Almost all victims were informed, in applicable cases, when recorded crimes were transferred/cancelled, and this represents a significant improvement compared to previous such audits
- Clear additional verifiable information (AVI) was evident in almost all applicable cases, and this also represents a significant improvement compared to previous such audits
- 68 of the crimes reviewed were transferred/cancelled without delay, but delays were evident in 53
- Management of the crime transfer/cancellation process by Investigation Management Unit (IMU) and Designated Decision Makers (DDMs) was generally good but some confusion was noted with regards to the application of C3 and C4 cancellations

A meeting has been arranged with the DDMs to debrief the findings.

Audits in progress

In accordance with the audit schedule currently the following audits are in progress:

Handling of Covert Product. This audit is commissioned by ACC Gardner through the Data Safeguards Steering Group. The purpose is to review how product from the Covert Authorities Bureau (CAB) and the Communications Data Investigation Unit (CDIU) is handled, stored, shared and retained. The handling of covert product is an element of inspections carried out by the Investigatory Powers Commissioner's Office (IPCO).

Crime Data Integrity. This is an audit of a large sample of reported incident of violence, sexual and other offences to assess whether all reported offences were correctly recorded as notifiable crimes.



Force Crime Registrar update for Performance and Assurance Board

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Introduction

This report provides a summary of progress against the Audit Schedule and recent findings from completed audits.

Audit Schedule Progress

The current 2023-2024 audit schedule has commenced with the planned audits completed.

The Out of Court Disposal (OOC) audit was planned for August but due to the recent implementation of the 2 Tier approach to OOC it is proposed that it is postponed until the change has been embedded. There is a quality assurance mechanism in place with the DDMs referring to the FCR any disposal that they consider does not meet national or Force guidance. There are points of contact on the policing areas who will direct any further required action.

Audits Completed

The following audits have been completed since the last Performance and Assurance Board.

Child Protection Investigations Audit

A monthly review of a small sample of investigations has continued supported by a feedback process.

The audit has developed with the Head of Public Protection selecting a theme for each month's audit.

- May, sexual assault investigations retained by Patrol and PIU.
- June, investigations conducted by Patrol and PIU involving offences of neglect.
- July, low level inter-familial assault offence investigations undertaken by Patrol and PIU.

The audit methodology broadly reflects the VSA questions used by HMICFRS with additional elements included to assess the 'Voice of the Child' and 'Victim Blaming' language.

There continues to be learning identified from each of these audits and there is a process in place for the findings to be fed back to officers.

Indecent Images of Children (IIOC) Investigations Audit

A sample of 5 investigations is reviewed each month with the findings discussed at a monthly OCSET meeting chaired by T/DCI Nailor.

There is a process in place to review the findings and for further action to be undertaken if required.

Assistance has been provided in the development of an audit framework to monitor the pilot for Op Guarding that is aimed at improving the investigative response to investigations involving youth produced self-generated imagery. A review was undertaken of the PIUs use of the audit framework to assess whether the assessments reflected the expected standards.

This is a relatively complex area of work and the new processes a departure from the previous policing response to these reported incidents. The findings have been presented to the tactical group and in some instances remedial action was required to ensure an appropriate investigative response.

Filed Reported Incident of Rape (N100/1s)

A quarterly audit of filed N100s has been scheduled to ensure compliance with HOCR.

15 investigations filed between April and July were reviewed. There were 2 N100s that should have been recorded as rape offences as there had been victim confirmation that the offence had occurred. The two detective sergeants finalising the investigations have been provided feedback and the investigations correctly classified.

There were no other significant issues identified with the investigations reviewed.

Reported Incidents of Modern Slavery (N200s)

This further audit examined 37 classified N200s from 22 February to 30 July 2023. There has been a general improvement in the recording and reclassification of these investigations when reasonable grounds decisions had been received from the Competent Authority.

There was also improved compliance by the IMU staff in registering an interest for the DDMs to review the investigations. 29 of the investigations had a record indicating the DDMs had been involved in reviewing the investigation and this has assisted with the accuracy of recording.

There were 3 investigations that should have been recorded as a notifiable offence of Modern Slavery because the police had submitted the NRM. A further 2 required reclassification to a different N200 classification.

A significant issue with timeliness was identified, 28 of the investigations were recorded outside of 24 hours. This was established by reviewing when the email from the Competent Authority was received in force and when the investigation was recorded. Earlier in the year there had been resourcing issues in FIB and in some instances it was many weeks from receipt of the notification until recording, the timescales have now reduced but there are still delays. The majority of these investigations relate to reports of modern slavery that occurred outside the UK and have been reported by victims who are now housed in accommodation in Warwickshire. However, this late reporting will still attract criticism from HMICFRS if identified during a CDI/VSA audit.

Crime Data Integrity (CDI) Audit

The full report of this audit will be presented at the meeting, it has been circulated to Chief Superintendent Local Policing and Operational Communications.

The audit involves a sample of incidents opened with crime related opening codes in STORM to assess whether they contain reports of notifiable crimes and if so have they been correctly recorded in compliance with HOCR. The audit broadly follows the methodology used by HMICFRS as part of the CDI audit.

The findings are broadly the same as the last audit.

- 455 crime-related incidents were reviewed
- 407 crimes were disclosed and 386 (95%) of these had been recorded at the time of the audit, but 21 (5%) hadn't. The most common reasons for crimes not being recorded was attending officers not recognising/recording crimes (12)
- 325 (84%) of the 386 were recorded within 24 hours, but 61 (16%) were recorded late. The most common causes of crimes being recorded late were diary response procedures not being correctly implemented (26); and delayed responses to other (non-diary) incidents (20)
- 364 (94%) of the crimes recorded were correctly classified at time of audit and 22 (6%) were incorrectly classified
- In addition to the 386 crimes recorded, a further 19 had been unnecessarily over recorded and 3 of these were related to the recent changes to the Home Office Counting Rules for Recorded Crime (HOCR) regarding the recording of course of conduct offences
- 290 crimes had identified personal victims and the self-defined ethnicity (SDE) was recorded for 205 (71%), but was not recorded for 85 (29%). The sexual orientation was recorded for just 14 (5%). There is no bespoke Athena field for the recording of victims' disabilities, but details of disabilities were recorded in the Victim Information field for 7 victims, although disabilities were evident within other incidents and/or investigations
- 36 crimes had been closed with incorrect HOCR outcomes, and the outcome most often incorrectly applied was Outcome 16 (20)

VSA Investigation Audit

The full report for this audit will be presented at the meeting.

This audit aims to replicate the Victim Services Assessment (VSA) conducted by HMICFRS in February 2022. A sample of 90 incidents that resulted in the creation of a notifiable crime investigation record were reviewed. They comprised 30 each of the following initial incident categories;

- violent crime
- sexual crime
- other crime

The audit tracked a victim's journey, from initial crime reporting to investigation outcome, in respect of 90 crime-related incidents. In the vast majority of instances call handlers acted politely, appropriately and ethically; and used clear unambiguous language without apparent bias

- Initial call grading prioritisation was found to be appropriate in almost all incidents
- In most incidents there was evidence to show consideration of the needs of callers/victims; and also to a structured approach to risk assessment
- His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) highlighted timely response as an area for improvement, and this audit found that attendance

targets were only met in respect of approximately one third of the incidents attended, and in none of the sexual incidents graded for Priority response

- HMICFRS has previously highlighted that the force needs to improve how it identifies repeat or vulnerable victims, and some improvement was noted during this audit
- The audit found that more callers were being given advice in respect of evidence preservation and/or crime prevention compared to previous audits
- Almost all crime investigations were allocated appropriately, and effective supervision was evident in respect of approximately two-thirds (62), but was not evident in respect of the other 28
- Good engagement with victims was evident on most investigations
- HMICFRS expect that reported crimes be investigated quickly, proportionately and thoroughly, but the audit found investigative opportunities not pursued in 31 investigations, and inappropriate delays in 20
- HMICFRS have highlighted that an initial victim needs assessment (IVNA) is not always carried out at an early stage, and this audit found that this was the case in respect of approximately one-third of the investigations reviewed
- Incorrect outcomes had been applied to 27 of the 72 crimes filed at the time of the audit

Handling of Covert Product Audit

This audit was commissioned by ACC Gardener through the Data Safeguarding Board, it examines the handling of covert product from the Covert Authorities Bureau (CAB) and telecommunications product from Cyccomms. This is an area of focus by the Investigatory Powers Commissioner's Office (IPCO) and commented on in previous inspections.

Similar to the previous audit, findings indicate that products produced as a result of covert authority applications to the Covert Authorities Bureau (CAB) are generally stored and handled in compliance with the requirements of the Investigatory Powers Act 2016 and accompanying Code of Practice (IPA).

However, the audit found evidence of non-compliance in respect of the handling and storage of products produced as a result of applications for communications data via the Cyccomms system. Where the data stays within the Cyccomms system, compliance is controlled and managed by the communications data SPOCs. However once data is downloaded and/or copies made by the applicants the handling of the product is not always controlled and in accordance with the recent changes to process with the introduction of the G Drive folders for storage.

Audits in progress

In accordance with the audit schedule currently the following audits are in progress:

Incident recorded as ASB - Personal. Previous force audits have identified a risk of under recording of notifiable crimes.

HMICFRS continue to report that forces are failing to identify notifiable offences such as harassment and public order and as consequence not responding appropriately to risk.

