

**Agenda Item 5**

**JOINT AUDIT COMMITTEE**

**8<sup>th</sup> June 2017**

**HMIC INSPECTIONS UPDATE**

**1. PURPOSE OF REPORT**

- 1.1 To provide members of the Committee with oversight of HMIC recommendations.

**2. BACKGROUND**

- 2.1 HMIC were in force during the week of 22 May 2017, conducting fieldwork for the Spring PEEL inspection, looking at efficiency, legitimacy and leadership. Following the Manchester attack and the resulting activity, the inspection was suspended and will be completed on a number of separate days between now and the end of July. A hot debrief will be arranged in due course.
- 2.2 Work is already underway in relation to the Autumn PEEL inspection, which will look at effectiveness and leadership. HMIC inspectors will be in force during the week commencing 19 June, reviewing crime files as part of the Autumn PEEL process. They will be looking at the following categories of crime:
- Stalking and harassment
  - Assault and wounding
  - Rape and attempted rape
  - Theft from the person
- 2.3 There will follow a series of data and document requests, insight visits and the fieldwork stage at some time during the period September – November.
- 2.4 We are still awaiting the introduction of the HMIC Recommendations Register.

### **3. Inspections completed since the previous committee**

#### **3.1 Crime Data Integrity**

The force has been subject to a short notice inspection of crime data integrity. Auditors from HMIC visited the force for three weeks from 27 March, and examined over 1500 incident logs and crime reports.

#### **3.2 The headline crime recording rate was found to be in the region of:**

- Violence offences: 77.91%
- Sexual offences: 91.41%
- All crime: 83.78%

#### **3.3 Fieldwork was undertaken during the week commencing 24 April and involved reality testing around the force and interviews with key officers and staff. A hot debrief took place on 4 May, and a number of issues were raised that are likely to be areas for improvement in the report.**

#### **3.4 The force is expecting the report for pre-publication checks during August, and the report should be published in early September.**

### **4. Inspection reports received since the previous committee**

#### **Custody**

#### **4.1 The force has received the draft report of the joint inspection of custody that was conducted by HMIC with Her Majesty's Inspectorate of Prisons in February.**

#### **4.2 The report contains five recommendations arising from causes for concern and a further 34 areas for improvement. In the case of 2 of the recommendations and 13 of the areas for improvement, there was continuity with the findings of the last such inspection that took place in 2010. The highlighted issues have been shared with the Criminal Justice Department who are looking at them.**

### **5. Outstanding recommendations currently assessed as Red**

#### **5.1 There is currently 1 recommendation graded as Red.**

- (i) The following recommendation from the PEEL Effectiveness Report in 2015 is currently shown as Red. It has been re-graded to Red as the same recommendation features in the 2016 PEEL Effectiveness Report.

"The force's response to domestic abuse is a cause of concern to HMIC. The force policy allowing an officer discretion to complete a DASH risk assessment in some crimes and incidents does not provide confidence that risk is always assessed appropriately. This relates to one of the recommendations from HMIC's report on its domestic abuse inspection in 2014 that still needs to be implemented. In cases where a DASH risk assessment is not completed the officer should record their assessment on the crime management system. HMIC found inconsistency in the recording and a lack of effective supervision to ensure this takes place. There are examples of inappropriate downgrading of risk, even when the DASH assessment was used.

To address this cause of concern, HMIC recommends the force should immediately take steps to ensure that:

- there is effective supervision of the initial risk assessment process, specifically on recording on the crime management system"

## 6. Overview of reports for review

### 6.1 Domestic Abuse

In addition to the recommendation mentioned above, there are two other HMIC reports that contain recommendations for the force concerning domestic abuse:

**"Everyone's Business: Improving the Police Response to Domestic Abuse"** was published on 27 March 2014.

This is a national report contains eight recommendations either for all forces or for West Midlands Police specifically:

1. The force to apply a definition for a domestic abuse 'repeat victim' and 'vulnerable victim' to ensure it consistently identifies those most at risk and provide the appropriate service.

This recommendation has been addressed and archived.

2. The force to introduce quality assurance processes in the control room to ensure victims receive an appropriate and consistent service to all reports of domestic abuse

This recommendation has been addressed and archived.

3. The force to implement a robust quality assurance process that provides consistent reviews of standard risk assessments.

This recommendation has been addressed and archived.

4. The force to communicate the DASH risk assessment policy and ensure it is understood and complied with.

This recommendation has been superseded by the Red recommendation shown above from PEEL Effectiveness 2015 (and subsequently 2016).

5. The force to conduct qualitative reviews of domestic abuse incidents, including non-crime and between family members other than intimate partners or ex-partners, to establish whether the current ratio of just over five per cent of victims with high risk status is accurate.

The force has recently conducted a large audit for domestic abuse non-crime incidents (over 300 cases) and is addressing the learning that came from that.

The Public Protection Unit conduct an audit of DA investigations and routine crime audits have continued after TS 1 – of which many of the crimes examined were domestic abuse – but not exclusively. This will continue with a focus on domestic abuse.

6. The force engages with partners and reviews the arrangements for MARAC co-ordinators and administrators across the force area to provide a consistent service

This recommendation has been addressed and archived.

7. Every force in England and Wales should establish and publish an action plan that specifies in detail what steps it will take to improve its approach to domestic abuse; drawing on relevant knowledge acquired or available from other sources such as CPS scrutiny panels and MARAC self-assessment and with reference to all relevant domestic homicide reviews and IPCC findings.

This recommendation has been addressed and archived.

8. Chief constables should review how they, and their senior officers, give full effect to their forces' stated priority on domestic abuse. This should consider how action to tackle domestic abuse is prioritised and valued, and how staff are given the appropriate level of professional and conspicuous support and encouragement. Where the review identifies shortcomings, the chief constable should ensure the implementation of prompt, adequate and effective remedial action which should be included in the action plan.

This recommendation has been addressed and archived.

**“Increasingly everyone's business: A progress report on the police response to domestic abuse”** was a national report forming a re-examination that was published on 15 December 2015.

There are three all forces' recommendations from this report that are relevant to West Midlands Police, which are on-going.

## 1. Update of forces' domestic abuse action plans

“Every police force in England and Wales should update its domestic abuse action plan; determine what more it can do to address the areas for further improvement highlighted in this report and specified below; and publish its revised action plan accordingly:

- Understanding and identifying risk: Pending completion of the College of Policing's review of the evidence base for risk assessment in cases of domestic abuse (Recommendation 6 in Everyone's business), forces should ensure that their arrangements for assessing and managing risk are well understood and appropriately used by officers and staff across the force, are being put into practice and are supervised effectively. Once the College of Policing research is published in early 2016, forces should further review their guidance to officers and staff.
- Prioritising and allocating domestic abuse investigations: Domestic abuse cases should be prioritised and allocated for investigation on the basis of risk and there should be a clear allocation and prioritisation policy for high, medium and standard risk cases. Forces should ensure their arrangements for doing so are effective.
- Safeguarding victims at medium and standard risk: Recognising the dynamic nature or risk in domestic abuse situations, forces should ensure that there is appropriate safeguarding in place for victims at medium and standard risk throughout their involvement with the police with referral routes to partner organisations and early access to specialised support and advice where appropriate.
- Views of victims: Forces should have in place processes to seek regularly the views of victims of domestic abuse and to act on this feedback by incorporating changes into policy, practice and learning and development activities. These approaches should be reconsidered when the Home Office issues its guidance on obtaining the views of victims.
- Training: It is important that officers and staff understand the dynamics of domestic abuse and that their attitudes and behaviours reflect their knowledge. Forces should consider how best to ensure that officers and staff are able to identify and understand the wide range of violence, behaviours and different perpetrators that fall under the definition of domestic abuse through training, learning and development activities. They should also ensure that their officers and staff demonstrate understanding and supportive attitudes and behaviours towards victims. In particular, forces should improve understanding and appreciation of the dynamics of domestic abuse, particularly in relation to coercive control. These activities should include the personal experiences of victims and the participation of local specialist domestic abuse organisations wherever possible. Training should be face-to-face (supported by but not substituted by e-learning). The College of Policing is researching approaches to training that support improvement in attitudes and behaviours. Once this research is complete and training developed as a result, forces should specify how it will be given priority and/or incorporated into their existing training programmes.

To ensure consistency, the College of Policing and the national policing lead on domestic abuse have agreed to provide further advice on the revisions to the existing action plans as soon as possible. The College of Policing and the national policing lead on domestic abuse should provide feedback on this work to the National Oversight Group.

Chief officers in each police force should continue to oversee and ensure full implementation of these action plans and offer regular feedback on progress to their police and crime commissioner. This should be a personal responsibility of the chief constable in each case.”

Domestic abuse features in the Force Vulnerability Delivery Plan that is considered by the Vulnerability Improvement Board on a bi-monthly basis. The Plan is owned by Head of Public Protection and the Board is chaired by the ACC (Crime).

## 2. Force Progress Review

Chief constables should review the progress made by their forces in giving full effect to their forces' stated priorities on domestic abuse. Every force in England and Wales should undertake a clear and specific assessment of its own progress in respect of domestic abuse, potentially through peer review, which should include reference to the following:

- the force's updated action plan on domestic abuse;
- the force's culture and values;
- the force's performance management framework;
- the force's approach to the use of data and evidence of what works in support of the development of a learning organisation;
- the reward and recognition policy in the force and the roles and behaviours that this rewards currently;
- the selection and promotion processes in the force;
- the messages and communications sent by the senior leadership team to the rest of the force about tackling domestic abuse;
- the development opportunities for officers and staff in the force; and
- force policy on how perpetrators and victims of domestic abuse who are employed by the force are managed.

Chief constables should as soon as practicable take whatever further action is necessary to build on the progress made in giving effect to their forces' stated priorities on domestic abuse. This should include action to raise awareness of domestic abuse to instil a deeper understanding of and commitment to addressing the often complex needs of victims of domestic abuse. Chief constables should also take steps to support, encourage and conspicuously value officers and staff who exemplify this understanding and commitment.

## 3. Innovation & establishing evidence-based good practice

Innovative practice in forces to tackle domestic abuse should be encouraged but it should be informed by robust, independent evaluation which demonstrates the effectiveness of that practice, particularly in terms of safeguarding people at risk of harm. Working in consultation with partners, forces should assess the available evidence that supports innovative practice before it is implemented and ensure that safety planning is built into any new practice from the outset.

Where there is little or no available evidence, forces should be clear about the thinking behind the innovative practice and should carry out a thorough evaluation of the practice, ideally supported by the College of Policing, as quickly as possible.

Perpetrator programmes including integrated offender management: Reducing offending by perpetrators will save potential victims from abuse and help to reduce the demand on forces. As part of updating their action plans, forces should use the soon to be published research carried out by the College of Policing on perpetrator programmes and summary of existing initiatives to inform the development of their own programmes.

## 6.2 Child Protection

There was a National Child Protection Inspection of West Midlands Police, the report of which was published on 28 October 2014.

There are eight recommendations for the force from this inspection.

1. West Midlands Police immediately ensures that there are procedures in place to:
  - escalate any concerns about an incident involving children at risk if, for whatever reason, police have been delayed in attending the incident or alleged crime; and
  - ensure that the incident is not downgraded without proper justification, and the appropriate checks have been made on the welfare of the child.
  
2. West Midlands Police immediately:
  - takes steps to ensure that children receive the right level of service irrespective of the team to which the case is allocated;
  - develops a force-wide good practice regime aimed at improving the standards of investigation;
  - takes steps to improve staff awareness, knowledge and skills in these types of investigations;
  - takes steps to reduce the delays in analysis of material sent to the high-tech crime unit; and
  - initiates discussions at a senior level with the CPS to address the delays in charging decisions.
  
3. West Midlands Police takes immediate steps to:

- ensure that police officers and staff understand the significance of drawing together all available information from police systems to improve their risk assessments;
  - ensure that all relevant information is properly recorded and readily accessible in all cases where there are concerns about the welfare of children and, as a minimum, provides guidance to staff on: what information (and in what form) should be recorded on systems to enable good quality decisions; the importance of sending the information to the correct police department and/or relevant partner agency; 31 the value and relevance of ensuring that records are made promptly and kept up to date; and
  - ensure that managers carry out quality assurance checks on records and provide feedback to police officers and staff. We recommend that West Midlands Police takes immediate action to review its plans for identifying, disrupting and prosecuting perpetrators involved in child sexual exploitation.
4. West Midlands Police ensures that officers always record their observations of a child's behaviour and demeanour in domestic abuse incident records, so that a better assessment of a child's needs can be made.

HMIC have found that this recommendation has been achieved.

5. West Midlands Police undertakes a review of the CRU to ensure that:
- the unit is fulfilling its purpose to receive, assess and coordinate multi-agency activity to safeguard children effectively;
  - background checks, initial assessments and strategy discussions between agencies take place in good time and do not leave children at risk; and
  - there is supervisory oversight at a senior level to ensure that the unit is working properly and that any problems are speedily resolved. We recommend that West Midlands Police:
    - ensures that MARACs record what safeguarding action has been taken, and what actions are planned for the future;
    - provides information (e.g. history of abuse, number of children in the family) to other agencies before the MARAC takes place;
    - identifies the range of responses and actions that the police can contribute to multi-agency plans for protecting victims and children in high-risk domestic abuse cases; and
    - improves the timeliness for screening domestic abuse cases in Birmingham.
6. West Midlands Police takes steps to improve practice in cases of children who go missing from home and those who are assessed as absent. As a minimum, this should include:
- improving staff awareness of their responsibilities for protecting children who are reported missing from home and assessed as absent – in particular, in those cases where absences are a regular occurrence;
  - improving staff awareness of the significance of drawing together all available information from police systems better to inform their risk assessment;



- improving senior management oversight to ensure that supervisors are fulfilling their responsibilities;
- identifying the range of responses and actions that the police can contribute to multi-agency plans for protecting children in these cases;
- ensuring that, when police officers and staff recognise a risk and consider that other agencies are not meeting their responsibilities, they raise the issue with managers to ensure that the risk is addressed and know how to escalate their concerns; and
- at a senior level, initiating discussions with the local authorities and children's home providers so that risks to children who are looked after are properly addressed.

Recommendation 6 is also subject of a recommendation in the 2016 PEEL Effectiveness Report. These recommendations are covered in the Vulnerability Improvement Delivery Plan. There is demonstrable progress in this area, with the introduction of the Locate Team showing a personalised and professionalised approach to the question of missing people of all ages.

7. West Midlands Police undertakes a review (jointly with children's social care services and other relevant agencies) of how it manages the detention of children. This review should include, as a minimum, how best to:

- improve custody staff awareness of child protection and of the standard of risk assessment required to reflect the needs of children and the support they require at the time of detention and on release;
- assess at an early stage the likely need for secure or other accommodation and work with children's social care services to achieve the best option for the child;
- ensure that custody staff comply with statutory duties and complete child detention certificates if children are detained in police custody for any reason;
- ensure that custody staff make a record of all actions and decisions on the relevant documentation; and
- work with local authorities to ensure that no child who is looked after by the local authority is refused accommodation by them.

8. West Midlands Police:

- records the views and concerns of children;
- records any available outcomes at the end of police involvement in a case;
- informs children, as appropriate, of decisions made about them; and
- ensures that information about children's needs and views are made available on a regular basis for consideration by the police and crime commissioner.

6.3 In 2015, there was a re-inspection of the force's approach to child protection and the report from this was published in December of that year.

This report contained a further two recommendations for the force:

(i) We also recommend that West Midlands Police takes immediate steps to ensure that officers and staff within specialist child protection teams have received the

necessary training to enable them to investigate the full range of child abuse offences.

- (ii) We further recommend that, within three months, West Midlands Police takes steps to eradicate the backlog in the HTCUC and continues to work with the CPS to reduce timescales for charging decisions.

The progress against these recommendations is documented in the Vulnerability Improvement Deliver Plan.

#### 6.4 Rape

In October 2016, HMIC published Local Area Data for the West Midlands on behalf of the National Rape Monitoring Group – comprising representatives from: academia; National Police Chiefs' Council; College of Policing; Crown Prosecution Service; Her Majesty's Crown Prosecution Service Inspectorate; Home Office; local policing bodies; Mayor's Office for Policing and Crime; Ministry of Justice; the voluntary sector.

This is an annual publication and contains the following points under the sub-title of 'Framing the Right Questions.

- What action is being taken to understand the nature and scale of rape in local communities, as well as regional and national trends?
- When forces are compared with each other, why are there wide variations in the data?
- How is targeted prevention work being taken forward?
- What action is being taken by the police and other agencies to encourage victims of rape to come forward?
- Do staff understand that victims may have been selected because of their individual or situational vulnerability, for example, learning difficulties or incapacitation due to alcohol or drugs?
- How are resources deployed to tackle rape effectively and efficiently?
- What are the training and experience profiles of staff who are required to deal with rape? In particular, do/will staff receive training on the issue of consent?
- What intelligence analysis takes place on rapes, in particular on transferred or cancelled rape offences?
- What checks are in place to ensure that all reports of rapes are being recorded properly and on a timely basis, regardless of how they come to the attention of the force and fully in accordance with the National Crime Recording Standard?
- Are police decisions to take no further action being appropriately taken and reviewed?
- Does officer training include contributions from survivors of rape and specialist support agencies such as Rape Crisis and sexual assault referral centres (SARCs) and the Survivors Trust?
- Do victims in this local area have access to the specialist services of an Independent Sexual Violence Advisor (ISVA)?

- What do victims think of the services they receive? How do their views influence the way victims are treated?
- Are investigations and prosecutions sufficiently robust?
- Are cases being referred to the CPS appropriately for early investigative advice, and then charging having been properly assessed by police decision makers as meeting the referral criteria outlined in the 5th edition of the DPP's Guidance on Charging?
- What processes are in place to manage disclosure requests and information sharing between the different agencies?
- What constructive changes can be made to reduce and avoid delays in court hearings?
- What are prosecution teams doing to support the use of special measures in court, intermediaries and support techniques such as pre-trial therapy, for vulnerable victims?
- Are there systems to ensure compliance with all current policies and procedures across the criminal justice system?
- What action has been taken to implement new policy initiatives to improve the criminal justice response to rape?
- What partnership arrangements are in place to support victims of rape?
- What measures can criminal justice agencies take to explore how data could be collected to reflect the experience of victims, as well as for performance management and administrative purposes?
- What good practice exists that can be shared more widely?

These have previously been recorded as recommendations on the tracker, but they are not formal HMIC Recommendations. Instead they are indications of suggested good practice that the force takes into account in addressing and investigating allegations of Rape.

As such they are not now being routinely updated and will not be monitored by the HMIC team.

- 6.5 A copy of the most up to date version of the Vulnerability Improvement Plan accompanies this report, however it should be noted this reflects the current position and does not detail all of the work that has been completed in pursuance of the Plan.

## 7. RECOMMENDATIONS

- 7.1 The Committee to note the contents of the report.

### **CONTACT OFFICER**

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### **BACKGROUND DOCUMENTS**

Vulnerability Improvement Delivery Plan