

Agenda Item 07

JOINT AUDIT COMMITTEE

6th December 2018

HMICFRS UPDATE

1. PURPOSE OF REPORT

To provide members of the Committee with oversight of HMICFRS recommendations.

2. BACKGROUND

Since the last Committee the focus has been on preparation for the Integrated PEEL Assessment (IPA) and the Crime Data Integrity inspection fieldwork.

Work to review all recommendations is ongoing and a number were reviewed as part of the IPA. Unfortunately it is too soon to understand the outcome of this review, a further update will be provided to the next committee.

Inspections completed since the last meeting

Crime Data Integrity

Since the previous committee meeting the fieldwork for the Crime Data Integrity has been completed. It took place in force 1-3rd October. The report is due imminently for factual accuracy check and is due for publication in January 2019. A further update will be given at the next audit committee.

Integrated PEEL Assessment (IPA)

Fieldwork for the IPA took place in force over a two week period from 12th November. The report will be subject to national moderation before being published with all other reports from tranche one in March 2019.

Inspection reports received since the last meeting

None received

Outstanding recommendations currently graded Red

There are no recommendations currently graded as red.

Overview of reports for review

PEEL Legitimacy 2017

This report relates to the Legitimacy strand of the PEEL Inspection of West Midlands Police which took place in May 2017.

The legitimacy inspection focussed on three questions:

| Questions | Grading |
|---|----------------------|
| To what extent does the force treat all the people it serves with fairness and respect? | Good |
| How well does the force ensure its workforce behaves ethically and lawfully? | Requires Improvement |
| To what extent does the force treat its workforce with fairness and respect? | Requires Improvement |
| Overall Grading | Requires Improvement |

No recommendations were made in this report but a number of areas for improvement were highlighted.

To what extent does the force treat all the people it serves with fairness and respect?

Area for improvement:

The force should ensure that all members of the workforce understand the concept of unconscious bias and realise how it can undermine good decision making, and support them in providing a bias-free service.

In response to the AFI West Midlands Police have a variety of learning materials for staff. The delivery of Unconscious Bias training is through an NCALT training package available to all staff.

There are a number of materials on the force intranet site available to all staff to support their learning of Unconscious Bias and enable them to refresh their knowledge of Unconscious Bias.

The NCALT package is accessible to all using the approved NCALT links.

To date 4798 WMP staff have completed the NCALT package. This is treble the number of staff that had completed the package at the time of this HMICFRS inspection.

Unconscious Bias training is already a pre-requisite of certain roles such as assessors.

Face to face training was provided to senior leaders and key roles within force such as CTU staff.

Area for improvement

The force should ensure, in respect of the use of force, that:

- **frontline officers and staff have a thorough understanding of the fair, legal and professional use of coercive powers particularly in relation to handcuffing and conducting strip searches of people in custody;**

This is part of the standard officer Personal Safety Training. The force uses learning from the scrutiny process of use of force to inform training and officer conduct. Officers will be debriefed as part of the scrutiny process to aid learning.

- **officers and staff routinely record all use of force;**

Use of force has been recorded since January 4th 2018, following development of the use of force app. Processes are in place around dip testing P1 logs (immediate calls for service), accident report, complaints data etc. to ensure officers are compliant. WMP are also in contact with other similar forces to check our data as benchmarking.

- **it introduces processes to enable effective and robust scrutiny of data; and**

The scrutiny process for use of force is aligned to the stop and search scrutiny process where the public dip test records. These will be presented to the panel at the next meeting with the UOF record, BWV (if available), statements, PNB and custody recorded will be presented to the officer and their supervisor for learning and if necessary any misconduct matters.

- **it uses individual and organisational learning from the scrutiny of information and data about the use of force to improve the way the workforce treats people.**

WMP analyse any high users of force and any members of the public who have force used on them repeatedly. This allows for any patterns to be identified and if required intervention, learning etc. This process was designed in conjunction with the WMP fairness in policing team.

How well does the force ensure its workforce behaves ethically and lawfully?

Area for improvement

The force should ensure that its published gifts and hospitality register is routinely kept up to date.

This area for improvement is complete and has been closed by HMICFRS.

Area for improvement

The force should review how it promotes access to its complaints system (including the distribution of printed information about how to make a complaint), in line with IPCC statutory guidance, the support it is able to offer people who may need additional assistance to make a complaint, and how it promotes the complaints process in communities that have less trust and confidence in the police.

Following a review information leaflets have been updated and circulated to all front offices so that literature is available explain the complaints process. The website has also been updated for online access.

Area for improvement

The force should improve the quality and timeliness of updates to all complainants and other parties involved, in line with IPCC statutory guidance.

Investigations teams within PSD have been restructured as part of the on-going business transformation review. As a result, 67% of subjects are updated within the requisite 28 days, up from 62% in 2016. 63% of complainants are updated within 28 days, up from 58% in 2016. However, whilst the timeliness of updates is clearly improving across all areas, it should also be noted that the reform of investigation teams has resulted in a greater number of cases being resolved within PSD rather than by appropriate authorities elsewhere. Within PSD alone therefore, the percentages are significantly higher at 79% for both complainants and subjects. Therefore as the trajectory to move more cases into the department for resolution continues upwards, the overall timeliness of updates can be expected to continue to rise in direct correlation.

Area for improvement

The force should ensure that all allegations which meet the mandatory criteria for referral to the IPCC are so referred.

All referrals are made to the IOPC in line with the mandatory criteria.

Area for improvement

The force should ensure it introduces a robust process for effective vetting 'aftercare' arrangements so that all members of the workforce have up to date vetting checks.

All officers and staff within WMP have been subject to vetting checks. In terms of aftercare it is recognised that there are delays in some vetting renewals due to demand. This is well understood and is being prioritised on a risk basis to ensure that the risk is managed appropriately. This situation is being closely monitored and will be resolved within three years.

To what extent does the force treat its workforce with fairness and respect?

Area for improvement

The force should ensure it has effective arrangements in place to support all individuals involved in any grievance and ensure that all grievances are properly identified, investigated and speedily resolved.

A new grievance policy has been launched to support staff in resolving situations where they feel that they have been unfairly or unreasonably treated. It sets out that complaints will be taken seriously and grievances will be dealt with in a supportive way.

Area for improvement

The force should ensure that its supervisors are able to recognise warning signs, intervene early and provide support to members of the workforce whose wellbeing is at risk, and the force should ensure that its workforce is aware of the wellbeing support that is available and how to access it.

WMP have developed a mental health awareness training programme which is now embedded as part of our "Ticket to Lead" leadership development programme for supervisors (staff and officers) either in post or newly promoted. In addition to this we continue to provide a mental health input to areas of the force who potentially face traumatic situations (one off critical incidents or who are exposed to traumatic events regularly). We have continued to educate around BWELL our employee assistance programme and more latterly TRiM. TRiM is providing the mechanism to ensure early intervention. We are also undertaking role risk assessments so that we are in a better position to identify those at very high risk to further support supervisors and staff/officers.

BWell, our employee assistance programme was launched in June 2017. We have and continue to promote this extensively force wide through our intranet, on our wellbeing portal, via wellbeing events at various locations, on induction and as part of our training programmes. In its first year the EAP service has supported over 12% of the workforce; the national take up of an EAP scheme is normally around a 3%-6%, which suggests our efforts to promote the service and the quality of the support received has been effective thus far. The service provides confidential telephone counselling services 24/7 everyday of the year, face to face counselling, CBT and Specialist information covering work and personal concerns.

Our 60 Force Chaplains also promote the wellbeing offering. We have also developed an App which is a direct link to the BWell service and is on all mobile devices for officers. Occupational Health has increased its resources and as a result we have seen a significant reduction in waiting times for appointments. The recently launched Wellbeing portal has simplified access to Occupational Health services for all and is also a point of reference for signposting other wellbeing support and lifestyle services. Our Health and Fitness advisors have set up the "WMP Healthy Lifestyle Scheme" which can be accessed individually or on referral from a supervisor.

PEEL: Police Legitimacy 2016 – A National Overview

This national report was published in December 2016 and the findings were based on inspections carried out between March and July 2016. The inspection was based on the same question set as outlined above.

Cause for concern

HMIC is concerned that some police counter-corruption units do not have the capability or capacity to seek intelligence on potential abuse of authority for sexual gain. This means that forces are not able to intervene early to safeguard potential victims and tackle unacceptable and potentially corrupt behaviour.

Recommendation

To address this cause of concern, HMIC recommends that:

- Within six months, all forces should have started to implement a plan to achieve the capability and capacity required to seek intelligence on potential abuse of authority for sexual gain. These plans should include consideration of the technology and resources required to monitor IT systems actively and to build relationships with the individuals and organisations that support vulnerable people.

A robust process is in place to identify those at most risk. Through this process suspect officers have now been identified and are under investigation by the CCU. The remaining cohort are being triaged by CCU investigators for assessment with POD representatives and line managers for appropriate action plans to be delivered. Whilst the high risk individuals are already under investigation, the second level of triage is to be finalised by 1/01/18. Referrals are now being made in all relevant cases as recommended.

Cause of Concern

HMIC is concerned that some forces are failing to comply with current national vetting policy. This means that these forces are employing individuals who have not undergone even basic vetting checks, which represents a significant risk to the integrity of the organisation.

Recommendation

To address this cause of concern, HMIC recommends that:

1 - Within six months, all forces not already complying with current national vetting policy should have started to implement a sufficient plan to do so.

2 - Within two years, all members of the police workforce should have received at least the lowest level of vetting clearance for their roles.

- Recommendation 1 is now fully compliant

- Recommendation 2 All officers and staff within WMP have been subject to vetting checks. In terms of aftercare it is recognised that there are delays in some vetting renewals due to demand. This is well understood and is being prioritised on a risk basis to ensure that the

risk is managed appropriately. This situation is being closely monitored and will be resolved within three years.

Cause of Concern

HMIC is concerned that forces do not recognise the problem of abuse of authority for sexual gain as a form of serious corruption. This means that this understanding is not always being reflected in the force's IPCC referral decisions, and there is no clear picture of the scale of the problem throughout police forces.

Recommendation

To address this cause of concern, HMIC recommends that:

1 - Within three months, all forces should complete a retrospective review of allegations and consider referrals to the IPCC.

2 - Within three, forces should establish effective procedures to identify all future allegations of abuse of authority for sexual gain as serious corruption matters and make appropriate referrals to the IPCC.

A review was undertaken of all allegations on Centurion (PSD) and IBase (CCU) to retrospectively identify any cases which should be referred to IPCC. The method used key word searches and reviewed allegations which fell into the category of authority for a sexual purpose category. These were then manually reviewed to see whether they met the relevant criteria and if so, were they/should they have been referred to the IPCC. The review was undertaken as an action under the WMP Sexual Predator 4P Plan that and has been signed off as completed.

All matters for assessment of complaints or conduct in WMP are routed through the Appropriate Authorities (AAs) in the Professional Standards Department. The AAs have been trained and are fully aware of the mandatory criteria for referral to the IPCC for matters of serious corruption / abuse of authority in accordance with Police (Conduct and Misconduct) Regulations 2012 and IPCC Statutory Guidance to the Police Service 2015 for abuse of position for a sexual purpose/inappropriate emotional relationship. This includes the amendment to the Regulations that took effect on 22 May 2017 issued by the Home Office where the abuse of position for a sexual purpose is specifically identified as a serious corruption matter to be referred.

In February 2018 the force reported that both actions from this recommendation had been completed. A 3-year retrospective review identified 9 cases which had not been referred to the IPCC which should have been at the time they were recorded. Each of these were discussed with the IPCC and none were required to be further referred as all were closed investigations and were outside of the review criteria.

This area will be revisited within the 2018 IPA inspection, including discussion with the IOPC (formerly IPCC) to establish the effectiveness of current processes.

3. RECOMMENDATIONS

The Committee to note the contents of the report.

CONTACT OFFICER

Name: Kath Holder

Title: Risk and Organisational
Learning Manager

BACKGROUND DOCUMENTS