

To: Joint Audit Committee
From: Organisational Improvement Centre – Governance & Organisational Learning
Date: 21st January 2021
Subject: Overview of HMICFRS publications – October 2020 to January 2021

Overview of HMICFRS publications:

1. An inspection of the National Crime Agency’s relationship with regional organised crime units

- 1.1 On 12th November 2020, HMICFRS published “[An inspection of the National Crime Agency’s relationship with regional organised crime units](#)”.
- 1.2 HMICFRS sought to establish how effectively the National Crime Agency (NCA) works with the regional organised crime unit (ROCU) network. It is a largely encouraging report, which found that the NCA and ROCUs work well together in some areas of law enforcement. However, the NCA and ROCUs could work together better to reduce the risk of serious and organised criminality.
- 1.3 HMICFRS made seven recommendations for the NCA and Home Office to improve how well the NCA works with the ROCU network. The findings from the report were shared with the Head of Crime and Director of Intelligence for their consideration.

2. Pre-charge bail and released under investigation: Striking a balance

- 2.1 On 8th December 2020, HMICFRS published a thematic inspection report “[Pre-charge bail and released under investigation: Striking a balance](#)”.
- 2.2 This was a joint thematic inspection led by HMICFRS and supported by Her Majesty’s Crown Prosecution Service Inspectorate (HMCPSI) which assessed: the effectiveness of leadership and governance in supporting the implementation of the legislation on pre-charge bail/RUI; the effectiveness of police forces in identifying and managing the vulnerability and risk associated with victims of crime where the suspect has been RUI; the effectiveness of police forces and the CPS in prosecuting cases where pre-charge bail/RUI is used; the impact of pre-charge bail/RUI on the timescales of the justice process from investigation to conclusion; the effectiveness of understanding at a strategic level of the use of pre-charge bail/RUI; and good practice and areas for improvement. They inspected how six forces and CPS areas used bail and RUI in 2019. Fieldwork was due to continue in 2020, however was curtailed due to Covid-19 restrictions. The report sets out the findings and makes 10 national recommendations aimed at improving police and CPS practice. 2 of the recommendations were addressed to chief constables.
- 2.3 HMICFRS recommended that forces should develop processes and systems to clearly show whether suspects are on bail or RUI. This will help them to better understand the risk a suspect poses to victims and the wider community and will help to increase safeguarding.

- 2.4 HMICFRS also recommended that forces should record whether a suspect is on bail or RUI on the MG3 form when it is submitted to the CPS. This should be regularly checked and any changes in bail or RUI provided to the CPS. The CPS should work with the police to ensure this information is provided.
- 2.5 The Constabulary provided an initial response to these recommendations as follows - The Constabulary uses the Athena system for recording whether suspects are on bail or released under investigation (RUI). There is an established process for recording bail, however Athena does not currently cater in full for the changes introduced by the Policing and Crime Act 2017, including recording RUI. Whilst an interim solution has been developed for forces in the Athena consortium to enable the recording of RUI, there are some flaws in the data because of the way RUI is dealt with in the system. Data relating to the use of bail and RUI is included in the monthly Force Performance Board Review for scrutiny and oversight. This will continue to be reviewed whilst the Constabulary awaits enhancements to the Athena system to better measure and report on bail and RUI. In relation to MG3 forms, this recommendation has been reviewed with forces in the East of England and work is in progress to ensure information on whether a suspect is on bail or RUI is routinely provided to the CPS via the MG3 checklist.
- 2.6 Progress against these recommendations will be tracked via the Constabulary's Business Assurance Meeting.

3. Feeling heard: partner agencies working together to make a difference for children with mental ill health

- 3.1 On 9th December 2020, Ofsted published a national Joint Targeted Area Inspections (JTAI) report "[Feeling heard: partner agencies working together to make a difference for children with mental ill health](#)". The report sets out the most significant findings from six JTAs of how multi-agency partnerships identify and respond to children with mental ill health in order to help improve practice, knowledge and understanding. It is based on inspections carried out between September 2019 and February 2020.
- 3.2 Together with the Care Quality Commission (CQC), HMICFRS and Her Majesty's Inspectorate of Probation (HMI Probation), Ofsted reviewed the practices of individual agencies, as well as the effectiveness of multi-agency working arrangements, including children's social care, health services, youth offending services, schools and the police. The findings consider the extent to which agencies work collaboratively with partners to identify children experiencing mental ill health, as well as how they intervened early to support these children and get them the help that they needed when problems arise.
- 3.3 The findings have been shared with the Heads of Protecting Vulnerable People and Partnerships & Operational Support to review the lessons in the context of local policies and working practices for identifying and supporting children with mental ill health.

4. An inspection of the service provided to victims of crime by Greater Manchester Police

- 4.1 On 10th December, HMICFRS published "[An inspection of the service provided to victims of crime by Greater Manchester Police](#)". As part of the development of the PEEL inspection

programme, HMICFRS have introduced a new assessment focused on the experience of the service provided by forces to victims of crime. This is known as the 'Victim Service Assessment' (VSA). This report on Greater Manchester Police provides an insight into the new VSA process and highlights some areas for consideration including call handling; deployment of resources; crime recording; screening and allocation; investigation and outcomes.

- 4.2 The findings have been shared with the Head of Crime to review the lessons in the context of local policies and working practices in readiness for the forthcoming Victim Service Assessment of Cambridgeshire.

5. Safe to share? Report on Liberty and Southall Black Sisters' super-complaint on policing and immigration status

- 5.1 On 17th December 2020, HMICFRS published their first super-complaint report: "[Safe to share? Report on Liberty and Southall Black Sisters' super-complaint on policing and immigration status](#)". Super-complaints provide a voice for designated bodies to raise concerns on behalf of the public about patterns or trends in policing that are, or appear to be, significantly harming the interests of the public. In December 2018, Liberty and Southall Black Sisters put forward a super-complaint to HMICFRS about the treatment of vulnerable victims and witnesses of crime with insecure immigration status. It focuses on how information about them is passed to the Home Office for immigration enforcement. It concerns two features of policing: 1) The police passing victim and witness data to the Home Office for immigration enforcement purposes; and 2) The operation of and/or perception of a culture of police prioritising immigration enforcement over the investigation of crime and safeguarding.
- 5.2 HMICFRS, the College of Policing and the Independent Office for Police Conduct (IOPC) are responsible for assessing, investigating and reporting on police super-complaints. They have collaborated on the investigation and on drawing conclusions. The report raises concerns that may not otherwise have been a focus of their combined work.
- 5.3 The inspectorates made 8 recommendations, 4 of which were addressed to chief constables.
- 5.4 It is recommended that, as an interim measure, pending the outcome of recommendation 2, where officers only have concerns or doubts about a victim's immigration status, they immediately stop sharing information on domestic abuse victims with Immigration Enforcement. Instead, police officers should link the victim to a third party that can provide advice and assistance, as set out in recommendation 4 (on the creation of safe reporting pathways). This applies where police officers have doubts about a victim's immigration status, not where they have evidence that an offence has been committed. The College of Policing will immediately develop guidance for the police service to clarify this aspect of practice.
- 5.5 It is recommended that, with reference to recommendation 1, and in consultation / collaboration with local or national specialist organisations, chief constables should take steps to ensure that all migrant victims and witnesses of crime are effectively supported through safe reporting pathways to the police and other statutory agencies. They should: 1) ensure there is a proper policy and practice framework in place for officers to work within;

2) Develop victim and witness support policies that reflect the characteristics of the safeguarding protocol set out in recommendation 3; 4) Promote understanding among police officers and staff to differentiate between responses to victims of modern slavery / human trafficking and victims of domestic abuse; 5) Promote awareness within the forces of any existing pathways to specialist organisations for supporting victims with insecure immigration status; 6) Ensure the policy and practice framework is adopted by all officers and staff who come into contact with victims of crime; and 7) Promote police engagement in regular outreach community work, as highlighted as good practice in this report.

- 5.6 It is recommended that, with reference to recommendation 1, pending the developments outlined in other recommendations, and in consultation / collaboration with local or national specialist organisations, chief constables and police and crime commissioners should take steps, through the appropriate channels, to promote migrant victims' and witnesses' confidence in reporting crimes to the police through safe reporting pathways, without fear of prioritised immigration control.
- 5.7 It is recommended that all recipients of recommendations from this investigation provide an update to HMICFRS on progress in implementing these recommendations within six months of the date of publication of this report.
- 5.8 The recommendations are currently under review by the Head of Crime and an update on progress will be provided to HMICFRS within six months as per the recommendation above.

6. Impact of the pandemic on the Criminal Justice System

- 6.1 On 19th January 2021, HMICFRS published a joint inspection report "[Impact of the pandemic on the Criminal Justice System](#)". The report sets out a cross-system view of how the Covid19 pandemic has affected the work of the police, prosecutors, prisons, probation and youth offending teams. It highlights the successes, the challenges and the continuing impact the CJS faces. The inspection evidence establishes that there remain very significant strains on the CJS.
- 6.2 The report includes risks facing the CJS as it continues to respond to and recover from the pandemic. Most significant is the growing backlog of cases in the courts and the consequential effect this has on other agencies.
- 6.3 The findings have been shared with the Assistant Chief Constable and staff involved in Covid19 recovery and learning to consider and review the cumulative impact of these changes on the police service, and CJS as a whole.

Recommendations:

It is recommended that the Joint Audit Committee note the content of this paper.