

**To:** Joint Audit Committee  
**From:** Organisational Improvement Centre – Governance & Organisational Learning  
**Date:** July 2021  
**Subject:** Overview of HMICFRS publications – April 2021 to June 2021

**Purpose:**

The purpose of this paper is to provide an overview of inspection reports published by HMICFRS between April 2021 and June 2021.

**Overview of HMICFRS publications:**

**1. Policing in the pandemic – The police response to the coronavirus pandemic during 2020**

- 1.1. On 20<sup>th</sup> April 2021 HMICFRS published: [“Policing in the pandemic – The police response to the coronavirus pandemic during 2020”](#).
- 1.2. The inspection sought to assess how policing: 1) understood and prepared for the potential and actual impact of the pandemic; 2) responded initially and continues to respond to the pandemic; and 3) is evaluating the response to the pandemic, establishing what is and is not working and is using this to shape how the police service operates in such circumstances. HMICFRS took a snapshot of policing and assessed what happened from March to November 2020. Overall, HMICFRS found that the police reacted well to the difficult circumstances presented by the pandemic.
- 1.3. To help forces in their continuing response, HMICFRS made five recommendations. They will assess the progress against these recommendations in their future inspection work. HMICFRS will also review force management statements to see how forces are planning to use resources differently.
- 1.4. Recommendation 1: Forces must immediately make sure that officers understand and correctly implement the guidance for managing registered sex offenders during the pandemic.
- 1.5. Recommendation 2: Forces must immediately make sure they can manage their responses to changes in coronavirus-related legislation. They must ensure frontline officers and staff are clear about the difference between legislation and guidance.
- 1.6. Recommendation 3: Forces must immediately put in place a policy to make sure that they follow the guidance and self-isolation directions when members of the workforce come into contact with someone with coronavirus symptoms.
- 1.7. Recommendation 4: Forces must immediately make sure that they clearly and consistently record on custody records information about how/when/if detainees are informed of the temporary changes to how they can exercise their rights to legal advice and representation.

The record must make clear how any consents are obtained about the way in which legal advice and representation are provided.

- 1.8. Recommendation 5: Within six months, forces must assess the sustainability of any temporary measures introduced during the pandemic that change the way they work. They must understand positive, negative and unintended consequences of the scale and impact of the changes before determining if any of these new ways of working should continue.
- 1.9. Progress against these recommendations will be tracked via the Constabulary's Business Assurance Meeting.

## **2. Custody services in a Covid-19 environment**

- 2.1. On 20<sup>th</sup> April 2021 HMICFRS published: "[Custody services in a Covid-19 environment](#)".
- 2.2. This report supplements HMICFRS' wider Covid-19 inspection with more detailed findings on how custody services operated. The report aims to: 1) increase the police service's national and local understanding of how custody services operate in a Covid-19 environment; 2) show how services have been/are affected and how police forces are responding; and 3) establish what improvements forces and the wider Criminal Justice System can make.
- 2.3. To assist forces in their continuing response to the Covid-19 pandemic, HMICFRS made four recommendations.
- 2.4. Recommendation 1: Forces must immediately make sure that they record clearly and consistently on custody records information about how/when/if detainees are informed of the temporary changes to how they exercise their rights to legal advice and representation. The record must make clear how any consents are obtained about the way in which legal advice and representation are provided.
- 2.5. Recommendation 2: To help clarify the custody information that forces collect and use, we recommend that forces: 1) Track the numbers of detainees with, or suspected of having, COVID-19; 2) Record and monitor the length of time detainees remain in police custody, and any additional detention times due to waits for virtual remand hearings; 3) Record and monitor the way in which detainees receive their legal rights, and how many receive them by virtual means rather than a solicitor attending in person; and 4) Record the use of bail and released under investigation, and assess any increases in pre-charge bail.
- 2.6. Recommendation 3: The police service should evaluate the advantages and disadvantages of using virtual remand hearings. It should use this information to help the wider Criminal Justice System learn from its experience and develop better working arrangements that meet the needs of justice and make best use of public money.
- 2.7. Recommendation 4: The NPCC, working with the National Health Service (NHS), should consider how to minimise the risks of spreading the virus in the community when releasing

detainees with, or suspected of having, COVID-19 and what arrangements can help achieve this.

- 2.8. Progress against these recommendations will be tracked via the Constabulary's Business Assurance Meeting.

### **3. Report on Hestia's super-complaint on the police response to victims of modern slavery**

- 3.1. On 26<sup>th</sup> May 2021 HMICFRS published: "[The hidden victims - Report on Hestia's super-complaint on the police response to victims of modern slavery](#)".
- 3.2. 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. HMICFRS, the College of Policing and the IOPC are responsible for assessing, investigating and reporting on police super-complaints. They have collaborated on this investigation and on drawing conclusions.
- 3.3. In May 2019 Hestia made a super-complaint to HMICFRS about the policies and practices of all police forces in England and Wales with respect to the standard of support that victims of modern slavery receive. The super-complaint raised several concerns about the police response to modern slavery, including how police identify, deal with and support victims of modern slavery, and how modern slavery crimes are investigated. Overall, HMICFRS, the IOPC and the College of Policing found that while the police response to modern slavery has improved, victims are not always made to feel safe and do not always receive the appropriate support.
- 3.4. To improve outcomes for victims and the overall approach to tackling crimes of modern slavery, HMICFRS, the College of Policing and the IOPC set out two actions and six recommendations.
- 3.5. Action 1: The College of Policing will review and update its Authorised Professional Practice Major investigations and public protection on modern slavery as soon as possible and amend relevant content in other guidance as part of its regular updating processes.
- 3.6. Action 2: HMICFRS will consider how inspection activity can be used to further promote improvements in the investigation of modern slavery cases.
- 3.7. Recommendation 1: To the Home Office - In consultation with chief constables, the Independent Anti-Slavery Commissioner, Victims Commissioners, the Crown Prosecution Service, voluntary agencies that provide support to victims, and others as appropriate, commission work to: a) better understand the victim experience of the police response to modern slavery and the wider response from immigration and other law enforcement agencies; and b) assess the extent and nature of poor victim experiences (from first contact with the police, through to investigation and prosecution stages where these occur) to understand and identify how they can be improved. The work commissioned should seek to result in recommendations for specific actions that will further improve victims' experiences. The Home Office should publish the findings of this work.

- 3.8. Recommendation 2: To chief constables - Assure themselves that police officers and staff (including non-specialist staff, as appropriate) are supported through access to learning, specialist policing resources and victim support arrangements, so that officers and staff are able to: a) easily access information and advice on modern slavery and human trafficking through their force systems; b) identify possible victims of modern slavery; c) recognise that victims of modern slavery should not be treated as criminals in situations where they have been forced to commit an offence by their exploiters; d) know how to take immediate steps to make victims feel safe (including facilitating access to a place of safety, if necessary); e) understand how to advise victims what support is available them; f) understand the National Referral Mechanism and duty to notify requirement, and know how to make good-quality referrals; and g) ensure that the statutory defence (provided by section 45 of the Modern Slavery Act 2015) for victims of slavery and exploitation who are compelled or coerced into committing offences by their exploiters is considered in all cases to protect victims from prosecution.
- 3.9. Recommendation 3: To chief constables - Assure themselves that their resources are being deployed to enable effective investigation of modern slavery offences (which may, for example, involve taking account of high levels of vulnerability and organised crime group involvement). They should assure themselves that their crime allocation processes direct investigations to the most appropriately skilled individuals and teams.
- 3.10. Recommendation 4: 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.
- 3.11. Recommendation 5: To the Home Office - Assure themselves that the support mechanisms provided by bodies under government funding are consistently making available high-quality provision for victims of modern slavery.
- 3.12. Recommendation 6: Monitoring of recommendations – a) Home Office to provide a report to Her Majesty’s Chief Inspector of Constabulary on progress in implementing its recommendations within six months of the date of publication of this report; b) National Police Chiefs’ Council to collate Chief Constables’ progress in reviewing and where applicable implementing their recommendations and report these to Her Majesty’s Chief Inspector of Constabulary within six months of the date of publication of this report; and c) Association of Police and Crime Commissioners to collate Police and Crime Commissioners’ progress in reviewing and where applicable implementing their recommendations and report these to Her Majesty’s Chief Inspector of Constabulary within six months of the date of publication of this report.
- 3.13. Progress against these recommendations will be tracked via the Constabulary’s Business Assurance Meeting.

#### 4. Review of policing domestic abuse during the pandemic

- 4.1. On 23<sup>rd</sup> June 2021 HMICFRS published: "[Review of policing domestic abuse during the pandemic](#)".
- 4.2. The review looks at how the police responded to the challenges of the Covid19 pandemic placed on preventing and responding to domestic abuse. HMICFRS sought to assess how lockdown restrictions affected: 1) the way in which victims contacted the police or other organisations for help and support; 2) forces' ability to respond effectively to risk; 3) the data reflecting the prevalence of domestic abuse; 4) whether criminal justice processes were affected (in terms of closures of buildings and courts); 5) how organisations worked effectively together to safeguard victims and their families; and 6) the innovations that developed to make sure systems and processes could continue effectively. Overall HMICFRS found that the police responded positively to prevent domestic abuse and protect victims during the Covid-19 pandemic, however they still have some concerns about how the police responds to domestic abuse longer-term.
- 4.3. As a result of the findings, HMICFRS made three recommendations aimed at ensuring forces continue to respond to the challenges of policing domestic abuse during the pandemic and beyond.
- 4.4. Recommendation 1: We recommend: 1) that if forces continue to adopt online contact methods in respect of victims of domestic abuse, they should immediately introduce an effective supervision and monitoring framework. This framework should assess the suitability of such contact methods, ensuring that victim needs are at the forefront of decisions around their use and appropriate onward action is taken in all cases; and 2) that forces immediately review their use of a telephone-based initial response to any domestic abuse incidents and crimes and ensure that it is in accordance with the strict parameters set out by the College of Policing.
- 4.5. Recommendation 2: We recommend that forces immediately review their capacity to provide ongoing support and safeguarding to victims of domestic abuse whose case is awaiting trial at court. This should: 1) ensure there are sufficient resources available to maintain contact with victims to keep them up to date with the progress of their case; and 2) enable the offer of access to specialist support services as well as opportunities to address concerns victims may have regarding continuing to support a prosecution through the delays.
- 4.6. Recommendation 3: We recommend that all forces immediately review their use of outcome 15, outcome 16 and evidence-led prosecutions. This to ensure that: 1) domestic abuse investigations guarantee all attempts to engage victims are explored, and that all possible lines of evidence are considered so that in all cases the best possible outcomes for victims are achieved; 2) there is regular and effective supervision of investigations that supports the above point to be achieved; and 3) the use of outcomes 15 and 16 is appropriate, and the reasons for using them, including auditable evidence of victim engagements, are clearly recorded.

4.7. Progress against these recommendations will be tracked via the Constabulary's Business Assurance Meeting.

## 5. Interim Report: Inspection into how effectively the police engage with women and girls

5.1. On 7<sup>th</sup> July 2021 HMICFRS published: "[Interim report: Inspection into how effectively the police engage with women and girls](#)".

5.2. In March 2021, the Home Secretary commissioned HMICFRS to inspect the effectiveness of police engagement with women and girls. This interim report sets out findings and recommendations from one part of the inspection, which focuses on how effectively the police respond to violence against women and girls (VAWG) offences. HMICFRS agreed to publish this before their final report to inform the government's considerations as part of its forthcoming VAWG strategy update. The final report will be published in September 2021.

5.3. Overall HMICFRS have found that the police have made vast improvements over the past 10 years in how they respond to and investigate VAWG crimes. This has been achieved against a backdrop of increased reporting (some of historic crimes), the continuing effects of austerity on policing and partner agency budgets, and the introduction of new crime types, such as coercive control. The police should continue to build on these improvements. However, although the focus of this inspection has been on the policing response, HMICFRS have concluded that improving the police approach – and making recommendations aimed solely at this – isn't sufficient. Significant, system-wide reform to the response to crimes that disproportionately affect women and girls is required to safeguard victims and help prevent further offending.

5.4. HMICFRS set out three overarching recommendations in this interim report and some specific steps they consider necessary to achieve these.

5.5. Recommendation 1: There should be an immediate and unequivocal commitment that the response to VAWG offences is an absolute priority for government, policing, the criminal justice system, and public sector partnerships. This needs to be supported at a minimum by a relentless focus on these crimes; mandated and clear responsibilities; and sufficient funding so that all partner agencies can work effectively as part of a whole-system approach to reduce and prevent the harms these offences are causing.

5.5.1. (Short-term) The Home Office should add the policing of VAWG to the SPR. This will give a clear signal that the government sees VAWG as a priority and that sufficient capabilities are in place to tackle it. It would also help chief constables and PCCs to balance national and local priorities.

5.5.2. (Short-term) The Home Office should make sure that VAWG is a priority for the ministerial chaired crime and policing performance board. It should introduce a new Home Secretary-led board to provide clear governance for the VAWG strategy and for the urgent improvements needed.

- 5.5.3. (Medium-term) The Home Office and other government departments should place a statutory duty on all appropriate partner agencies to collectively take action to prevent the harm caused by VAWG.
- 5.5.4. (Medium-term) In doing this, consideration should be given to whether this could be included in any existing duties and how those for safeguarding children will interact and complement the changes.
- 5.5.5. (Medium-term) The Home Office should agree with other government departments the measures and actions that each partner agency needs to implement both at a national and local level to encourage joint responsibility in tackling VAWG. This may need a new statutory framework.
- 5.5.6. (Medium-term) The National Police Chiefs' Council (NPCC) and the Home Office should jointly appoint a full-time national policing coordinator to lead on all police activity related to VAWG. The lead should act as a point of contact for each police force, work closely with the College of Policing to make sure best practice is identified and communicated, ensure progress is monitored, act as the 'voice of policing' at cross-sector national discussions, and regularly report to the Home Secretary.
- 5.5.7. (Medium-term) The Home Office and other government departments should agree sustained, multi-year funding to support collaboration between agencies, where they have joint responsibilities.
- 5.5.8. (Medium-term) The College of Policing and the NPCC should establish mechanisms and processes to allow rapid and consistent sharing of evidence, information and evaluation on new and effective ways of working in response to VAWG offences, and methods that improve VAWG investigation. This should include input from partner agencies and assess specific actions or skills which could be used to develop a minimum standard for VAWG crimes, to improve the consistency and quality of outcomes for victims.
- 5.5.9. (Medium-term) If this minimum standard is established (and depending on whether and how other agencies need to act), the Home Secretary should consider whether it is appropriate to use her power under Section 53A of the Police Act 1996 to require police forces to adopt the procedures and practices it sets out.
- 5.5.10. (Medium-term) As per the recommendation in the government's 2021 report 'The end-to-end rape review report on findings and actions', the Home Office should implement a 'score card' for measuring improvements in performance in the criminal justice system for all crimes that disproportionately affect women and girls. This should be developed with input from victim representatives.
- 5.6. Recommendation 2: The relentless pursuit and disruption of adult perpetrators should be a national priority for the police, resourced with the appropriate level of capability and capacity.
- 5.6.1. The Home Office and the NPCC should review police capability and capacity to relentlessly pursue and disrupt the perpetrators of VAWG offences and enhance these, as necessary.

- 5.6.2. The NPCC and the Home Office should review whether the '4Ps' approach used for counter-terrorism and serious and organised crime should be adopted for policing VAWG.
- 5.6.3. The Home Office should carry out an urgent review of the role of the detective constable. This should establish appropriate incentives, progression and support for both officer and staff investigators to encourage this career path. It should include specific recommendations to make sure there is adequate capacity and capability in every force to thoroughly and effectively investigate VAWG offences.
- 5.6.4. The Home Office, together with the Ministry of Justice, should improve the evidence it has about perpetrators. This includes considering how to consistently evaluate the effectiveness of perpetrator programmes and use models to plot a perpetrator's progress through the system more effectively.
- 5.7. Recommendation 3: Structures and funding should be put in place to make sure victims receive tailored and consistent support.
- 5.7.1. The Home Office and other government departments should provide funding so that an independent advisor/advocate is available to support victims of domestic abuse and sexual violence as they go through the criminal justice system (and should consider this for victims of other crimes that disproportionately affect women). This support should be designed in consultation with the victim and should continue after a perpetrator is released from prison.
- 5.7.2. All police forces should ensure information on the protected characteristics of victims is accurately and consistently recorded.
- 5.7.3. The Home Office and the NPCC should introduce a single national survey to measure victim satisfaction. This should allow for both local and national quality assurance, as well as the identification of any emerging issues, risks or variables that need further action to resolve. Police forces and partner agencies should have clear responsibilities in supporting victims through every stage of the case. The victim's voice should play a central role in shaping this, and their individual needs should be understood and addressed throughout.
- 5.8. Progress against the recommendations will be tracked via the Constabulary's Business Assurance Meeting.

## 6. Recommendations

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