

Chief Constable's Report
to
Kent Police and Crime Commissioner's Performance and Delivery Board

INSPECTIONS, AUDITS & REVIEWS

1st December 2021

1. Strategic Overview.

Policing is an increasingly regulated public service and the overarching responsibility for governance is set out in the Police Reform and Social Responsibility Act 2011. The legislative framework is complemented by the Policing Protocol 2011 (which came into force in January 2012) and covers the scope of the Act and the specific responsibilities of the key stakeholders including both the Police and Crime Commissioner (PCC) and the Chief Constable. Amongst those responsibilities the protocol states the PCC should: 'scrutinise, support and challenge the overall performance of the Force' and the utilisation of Her Majesty's Inspectorate of Constabulary and Fire and Rescue Service (HMICFRS) inspections and other audits and reviews of the force enables the PCC to monitor specific areas of the force that are under third party scrutiny.

2. Aims of the report.

This report will record the key detail of the latest or ongoing inspections, audits or other reviews that have taken place during the period May 2021 to September 2021.

As requested by the Office of the Police and Crime Commissioner, a full update has been provided in respect of the HMICFRS publication 'The hidden victims: Report on Hestia's super complaint on the police response to victims of modern slavery'. All other updates provide a summary only.

Further detail on the reports and recommendations can be found on the HMICFRS website. The progress of recommendations is monitored through established governance and scrutiny processes with regular updates provided to the Deputy Chief Constable and Deputy Chief Officer. Formal sign off of recommendations will be undertaken by the force's HMICFRS Force Liaison Lead.

3. Her Majesty's Inspectorate of Constabulary and Fire and Rescue Service (HMICFRS).

The role of HMICFRS is to inspect and report on the efficiency and effectiveness of police forces and specified national police agencies. HMICFRS's overall objective is to provide, in the public interest, independent and professional assessments of police efficiency, effectiveness and legitimacy for the public, their elected representatives and the police.

3.1 HMICFRS Super Complaint Publication - The hidden victims: Report on Hestia's super complaint on the police response to victims of modern slavery

In December 2019, Kent Police were chosen as one of the forces to be reviewed as part of HMICFRS's investigation to inform the super complaint raised by Hestia. Hestia raised concerns about the police response to modern slavery and the impact this has on victims not engaging or supporting modern slavery investigations and prosecutions. The findings of this investigation were published on the Gov.Uk website on 26th May 2021.

The review found that whilst the policing response to modern slavery had improved, victims are not always made to feel safe and do not always get the support required. As a result, the report recommended that the Home Office, Chief Constables, the Independent Anti-Slavery Commissioner, Victims' Commissioners and the Crown Prosecution Service work together to better understand

Item 4

victims' experiences and what improvements they need to make. In total two actions and six recommendations were made; three recommendations were for Chief Constables which are detailed below with a brief summary of the current position.

1. Chief Constables to 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:

- easily access information and advice on modern slavery and human trafficking through their force systems;*
- identify possible victims of modern slavery;*
- 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;*
- know how to take immediate steps to make victims feel safe (including facilitating access to a place of safety, if necessary);*
- understand how to advise victims what support is available them;*
- understand the National Referral Mechanism and duty to notify requirement, and know how to make good-quality referrals; and*
- 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.*

The force has dedicated information pages for officers linked to Modern Slavery and Human Trafficking (MSHT). Officers are signposted to this detail during training inputs and courses. Officers continue to understand the MSHT signs, and this has contributed to the identification of victims and positive referral rates. Kent Police have several examples that demonstrate the recognition of victims as victims, as opposed to treating them as suspects initially. Reviews completed by MSHT detectives and monitoring of the crime recording standards continue to ensure that victims are identified, and the correct crimes recorded.

Kent Police have excellent working relationships with partners and the debrief learning cycle remains a continued focus to make the victims experience positive. The specialist MSHT unit continue to support victims by providing bespoke advice to victim's post-identification, helping them navigate services, benefits, and the advice they need across local or national providers.

Officers are trained to ensure a good understanding of the National Referral Mechanism (NRM) and the associated requirements and continued improvements in this area have been seen. Work is ongoing to ensure that the raising of section 45 defences continue to improve, and the force's County Lines Team ensure knowledge of current case law in this area remains up to date. Bi-monthly CPS chaired meetings continue to take place to ensure learning from cases of this nature are captured and cascaded.

2. Chief Constables to 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.

The MSHT Team was introduced in 2019 and investigates offences that have been identified as involving an organised crime group engaging in MSHT criminality; complex investigations involving multiple victims, suspects, venues etc; and all MSHT investigations that have been commissioned following a comprehensive intelligence research and development process. Kent has achieved several MSHT charges from both the MSHT Team and the County Line Teams. The force has an

Item 4

allocation model for offences of this nature, with governance of this model provided by the MSHT dedicated team reviewing initial referrals and providing investigative guidance.

- 3. Chief Constables, and Police and Crime Commissioners to 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 referrals.*

In partnership with 'Stop the Traffik' a debrief was conducted with a victim of sexual exploitation who never disclosed to police. The aim of the debrief was to understand what more could have been done to facilitate engagement and provide safeguarding. The learning from this has been developed and cascaded via the training delivered by the MSHT team.

The force, in liaison with partner agencies is aiming to deliver a Victim Navigator programme. This programme will greatly enhance the victim experience within the county with a single SPOC resource dedicated to managing victim care and support.

3.2 HMICFRS Publication – Review of policing domestic abuse during the pandemic

On 23rd June 2021 HMICFRS published the findings of their national thematic report entitled 'Review of policing domestic abuse during the pandemic'. The evidence collated in this report is taken from the wider 'COVID-19 - policing in the pandemic' inspection by HMICFRS of which Kent were one of nineteen forces visited. The report sets out three recommendations for the attention of Chief Constables.

In summary, HMICFRS reported that the police responded proactively to protect victims of domestic abuse, were proactive in keeping people safe and that police and partner organisations made good use of technology and innovated to support victims. HMICFRS were concerned about delays and backlogs in the criminal justice system and the number of occasions when victims do not support police investigations.

Kent feature positively in the report with three areas of good practice highlighted in respect of the Chief Constable's regular radio interviews; the introduction of proactive visits to domestic abuse victims to assess threat, risk and harm; and internal domestic abuse inspections being undertaken to identify any possible hidden harm.

Within the report, HMICFRS set out a number of performance data sets for both 2018/19 and 2019/20. The report erroneously stated that data was not available for Kent in respect of outcome rates 15 and 16 for domestic abuse related crime in the 12 months to 31 March 2020. This matter was queried with HMICFRS who confirmed this was an error on their part and the data was in fact provided to them within the deadlines requested. As a result, the report was updated and re-published.

3.3 HMICFRS Publication – A joint thematic inspection of the police and Crown Prosecution Service's response to rape – Phase one: From report to police or CPS decision to take no further action

On 16th July 2021 HMICFRS and HM Crown Prosecution Service Inspectorate (HMCPPI) published the findings of their national thematic report entitled 'A joint thematic inspection of the police and Crown Prosecution Service's response to rape – Phase one: From report to police or CPS decision to take no further action'. This is the first of two inspection reports that consider the response, decision-making and effectiveness of the police and CPS at every stage of a rape case. The second

Item 4

report, considering cases from charge to disposal, will be published at the end of 2021. The report provides thirteen recommendations, seven of which are for Chief Constables.

In summary, HMICFRS and HMCPSI concluded there needs to be an urgent, profound, and fundamental shift in how rape cases are investigated and prosecuted. Reviews and recommendations, whilst required in some areas to refine processes, will not alone address the underlying problems existing in the mindset of some police investigators and prosecutors towards rape cases.

3.4 HMICFRS Publication State of Policing: The Annual Assessment of Policing in England and Wales 2020

On 21st July 2021 HMICFRS published Her Majesty's Chief Inspector of Constabulary's report to the Secretary of State containing his assessment of the effectiveness and efficiency of policing in England and Wales based on the inspections HMICFRS carried out between March 2020 and March 2021. There are no recommendations made in this report; the force has reviewed to ensure any best practice and lessons learnt are identified.

The report concludes that for policing to be effective so to must other public services as they are key to the prevention of crime. The first duty of the police is a protective one and policing must exploit its greatest strength; the professionalism and dedication of its officers and staff, recruit the right people and identify and foster the development of future leaders.

3.5 HMICFRS Publication - A shared confidence: sensitive intelligence - A summary of how law enforcement agencies use sensitive intelligence

On 29th July 2021, HMICFRS published their thematic report entitled 'A shared confidence: sensitive intelligence - A summary of how law enforcement agencies use sensitive intelligence'. Kent were not inspected as part of this review. This inspection report was commissioned following the publication of the Anthony Grainger public inquiry in which attention was drawn to how intelligence is collected, analysed and disseminated. The report makes fourteen recommendations, all for leads within other agencies.

The inquiry chair, his Honour Judge Teague QC, stated he would produce a closed report, to deal with certain sensitive matters, which could not be made public. After discussions with officials from the Home Office, Investigatory Powers Commissioner's Office and other interested parties, HMICFRS agreed to undertake a thematic inspection of sensitive intelligence and this report is the outcome.

In summary, HMICFRS found some excellent work led by committed people working in a complex and difficult environment. However, examples of inconsistency in approaches to governance, IT and evaluation were also found. This inhibits effective use of sensitive intelligence and undermines the confidence between agencies that shared standards are recognised, applied and followed.

3.6 HMICFRS Publication - A review of 'Fraud: Time to choose'

On 5th August 2021 HMICFRS published the findings of their national thematic inspection entitled 'A review of 'Fraud: Time to choose'. The inspection looked to review progress against the recommendations and areas for improvement set out in their initial report 'Fraud: Time to choose – An inspection of the police response to fraud' published in April 2019.

In Kent, the recommendations and areas for improvement from the original inspection report had been assessed by HMICFRS and closed as complete. The report sets out a further three recommendations for the attention of Chief Constables.

Item 4

In summary, HMICFRS felt that not enough has changed and that capacity and capability in tackling fraud continues to be outweighed by the scale of fraud offences. Some improvements have been made in respect of the identification and mapping of fraud related organised crime groups (OCGs), but greater consistency was required. There is now a three-year national policing strategy for tackling fraud, but the inspection found that the amount of intelligence, investigation and prevention work required does not match the resource allocated to it.

3.7 HMICFRS Super Complaint Publication - A duty to protect. Police use of protective measures in cases involving violence against women and girls

On 25th August 2021 the HMICFRS published findings of their joint investigation with the Independent Office for Police Conduct (IOPC) entitled 'A duty to protect. Police use of protective measures in cases involving violence against women and girls'. This investigation was in response to a super complaint submitted by the Centre for Women's Justice. The Centre for Women's Justice were concerned that police are failing to use protective measures, namely bail, non-molestation orders, Domestic Violence Protection Notices (DVPN) and Domestic Violence Protection Orders (DVPO) and restraining orders, to protect women and girls. They worried that highly vulnerable people are not being safeguarded. The report makes fifteen recommendations, seven of which are for Chief Constables.

HMICFRS concluded that improvements in data collection are required on the use of protective orders and research conducted on what works. Police need to consider the full range of protective orders that may be available when making arrangements to keep victims safe. In addition, they should involve victims, recognising that some may be unwilling or unable to become involved in the process. Changes need to be made to the way the police, civil and criminal courts co-ordinate their work so that important information, and consequently victims' safety, does not fall between the gaps that currently exist in the system. A multi-agency, community response, tailored by forces and local authorities is the best way of providing better protection for women and girls.

3.8 HMICFRS Publication - National child protection inspection post inspection review

On 26th August 2021 HMICFRS published the findings following their revisit of the force's child protection arrangements entitled 'National child protection inspection post inspection review'. The inspection, which took place in March 2021, assessed the extent to which the force had made improvements against the seven recommendations from the initial child protection inspection report published in September 2019.

In summary, HMICFRS reported that the force had made strong improvements since its last inspection in 2019 with positive changes made to ensure children are kept safe. The way the force manages its control room was commended along with identification of risk and officer's initial response to incidents involving vulnerable children. In addition, the introduction of processes to notify local schools about children affected by domestic abuse was seen as positive and HMICFRS noted that investigations carried out by specialist child protection teams were well conducted. Some areas of improvement remain in order to provide consistently better outcomes for children focused on voice of the child, investigation standards, supervision and training.

The recommendations set in the 2019 inspection remain open. The findings of the report have been reviewed to ensure they are included within the Child Protection Action Plan.

3.9 HMICFRS Publication - National child protection inspection post inspection review

On 17th September 2021 HMICFRS published the findings of their national thematic report entitled 'Police response to violence against women and girls'. The report was commissioned in March 2021 by the Home Secretary and builds on the findings from the interim report published in July 2021. In addition to the four forces visited as part of this inspection (Kent was not an involved force) findings

Item 4

from previous HMICFRS publications such as PEEL, the national child protection inspections and thematic rape report have been utilised. The report sets out five overarching recommendations which span a range of agencies. Each recommendation sets out a number of actions for delivery. Chief Constables are responsible for two recommendations.

In summary, HMICFRS reported vast improvements in the police's response to violence against women and girls' offences (VAWG) over the last decade, including better identification of repeat victims and improved safeguarding measures. However, it also found several areas where the police need to improve, including the number of VAWG cases closed without charge, and gaps in the data recorded on VAWG offences. HMICFRS concluded that policing cannot tackle VAWG in isolation and that all agencies must take a fundamental new approach.

3.10 HMICFRS PEEL Inspection

HMICFRS undertake a regular assessment of all police forces in England and Wales known as PEEL (police effectiveness, efficiency and legitimacy). Using inspection findings, analysis and professional judgement they assess how good forces are in core areas of policing.

As part of the continuous assessment for PEEL and in addition to the regular, ongoing focus groups, reality testing and interviews, HMICFRS have undertaken specific inspection activity within the business areas detailed below. The findings from this activity will inform the wider PEEL assessment and inspection report due early next year.

- May 2021 – Serious and Organised Crime: inspecting how the force is structured to tackle serious organised crime and the underlying processes in place that enable this; developments since the last PEEL inspection 2017; and identification of any strengths, good practice or challenges. Informal feedback received from HMICFRS following this inspection was very positive.
- June 2021 – Victim Service Assessment (VSA) and Crime Data Integrity (CDI): inspection focuses on six key areas: call handling; deployment and response; crime recording; crime screening and allocation; investigations; and outcomes. The force received confirmation from HMICFRS that the CDI compliance rate for Kent Police was 96.71% which demonstrates a sustained performance level from the previous inspection in 2018 when the compliance rate was 96.6%.
- June 2021 - Armed Policing: reviewed how good the force is at protecting communities against armed threats. Informal feedback was provided to the force in the form of a 'hot-debrief' and this was extremely positive.
- July 2021 – Efficiency: reviewing how efficiently the force operates and how sustainable are its services to the public. Interviews were held with key stakeholders and analysis of data undertaken. Informal feedback was positive.

3.11 HMICFRS & HMIP Custody Inspection

HMICFRS and HMI Prisons (HMIP), supported by Care Quality Commission (CQC) undertook their joint unannounced inspection of Kent's custody services between 5th and 16th July 2021. The inspection was extensive and consisted of document requests, data submission, case audits, interviews, focus groups and check and observation visits to every custody suite over the two-week period.

At the conclusion of the inspection a 'hot debrief' was provided to the senior leadership team. The findings were broadly positive with some areas of improvement identified. The force awaits the final report however where necessary action has been taken to ensure continuous improvements.

Item 4

4. Internal and External Audit Functions.

4.1 Internal Audits. The latest audit plan covering the OPCC and Force for 2021/22 is shown in the table below and includes start dates where these are known.

Audit	Planned start	Sponsor(s)	Status
Risk Management (OPCC)	09/08/2021	Rob Phillips	DRAFT issued 22//10/21
Follow Up – Part One	17/08/2021	David Moran	DRAFT issued 07/10/21
Gifts & Hospitality	21/08/2021	Jon Armory	DRAFT issued 07/10/21
Estates Strategy – Operation Zenith	06/10/2021	Diane Brady	Fieldwork in progress
Debt Collection and Recovery	08/10/2021	Dave Mannion-Marshall	Fieldwork in progress
Health and Safety – Contractor	18/10/2021	Diane Brady	Fieldwork in progress
Pensions and Ill-Health Retirement (Joint)	08/11/2021	Kevin Kirby	Scope and timing agreed
General Ledger	09/12/2021	Matt Bridges	Scope and timing agreed
Capital Accounting and Fixed Assets	16/12/2021	Vanessa Winter	Scope and timing agreed
Payroll	05/01/2022	Dave Mannion-Marshall/John Stonestreet	Scope and timing agreed
Treasury Management	28/01/2022	Rob Phillips/Matt Bridges	Scope and timing agreed
Complaints (OPCC)	01/02/2022	Rob Phillips	Timing agreed
Follow Up – Part Two	01/02/2022	David Moran	Timing agreed
Procurement (Joint)	24/02/2022	Dave Mannion-Marshall	Timing agreed
Creditor Payments	24/02/2022	Dave Mannion-Marshall	Scope and timing agreed
Freedom of Information and Subject Access Requests	18/02/2022	Sponsor TBC	Timing agreed
Efficiency Savings	28/02/2022	David Moran	Timing agreed
Follow Up – Part Three	02/03/2022	David Moran	Timing agreed
Business Services – Property	18/03/2022	Dave Mannion-Marshall	Timing agreed
Annual Leave and Overtime	30/03/2022	Dave Mannion-Marshall	Timing agreed
Business Continuity and Disaster Recovery (Joint)	Q3/4	Sponsor TBC	Scope and timing to be agreed
IT Audit (Joint) – Airwave	Q3/4	Sponsor TBC	Scope and timing to be agreed
Grants (OPCC)	Q4	Rob Phillips	Scope and timing to be agreed

Contract discussion have meant that work did not commence until September and therefore no audits are fully complete at this time. Three reports are in draft at the time of writing this update.

Due to the delayed start to the programme this year, there are a number which have not yet commenced. Whilst no issues are foreseen in terms of the impact on the year end statement of accounts, it will be challenging to ensure completion of all the non-core financial audits.

4.2 External Audit.

Our auditors, EY, are reviewing information ahead of the final sign off for the 2020/21 closedown. The final date of the accounts is still to be confirmed. The remaining areas outstanding as at mid-October are estate asset valuations regarding PFI buildings (now progressed and nearly closed); pensions valuations (a national issue and not an area of concern in itself); and the auditors' opinion of Kent Police as a going concern, which continues to be discussed and is currently being led by the OPCC's CFO.

5. Summary.

The force welcomes and benefits from varying levels of scrutiny and governance. The force will continue to strive for further improvements. This demonstrates our commitment and drive to provide the very best service to victims, witnesses and the people of Kent. The extensive programme of internal inspections also reflects the force's commitment to provide a quality service across all of our business.