

# On the Horizon



Week ending 22 February 2018

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**WEST YORKSHIRE  
POLICE**

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<u>Protect the vulnerable</u>	<u>Attack criminality</u>	<u>Reduce crime</u>
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## Protect the vulnerable

### Revised Guidance and Framework for Joint Targeted Area Inspections in 2018

Information Source: [www.gov.uk](http://www.gov.uk) via NSPCC CASPAR email alert

Ofsted, with the Care Quality Commission, HMICFRS and HMI Probation has released a revised guidance document covering the latest round of joint targeted area inspections (JTAs).

During 2018, a further sample of JTAs into the response of local agencies to child sexual exploitation and children missing from home, care or education will be conducted and extended to cover those associated/involved with gangs, who are at risk of exploitation. Also, JTAs include an evaluation of the multi-agency 'front door' for child protection, i.e. when children at risk of harm first become known to local services.

The aim will be to identify whether agencies have made further progress since the 2016 round of inspections. According to the joint inspectorate, the change is in response to an increasing awareness of the risks associated with exploitation for criminal purposes, particularly involvement in county lines drug dealing.

Further updates to the guidance include:

- Learning derived from previous JTAs;
- Consideration of the role of schools; and
- References to Local Safeguarding Children Boards being replaced by the term local safeguarding arrangements - this will reflect changes being implemented through provisions in the Children and Social Work Act 2017.

This document should be read alongside, *Joint targeted area inspections - Inspection framework and guidance (January 2018)*. A revised version replaced the last edition issued in April 2017 and details of changes are listed in the document. It is used by inspectors conducting JTAs and designed to support consistency between inspections whilst allowing for flexibility to respond to the individual circumstances of the local area.

### Recent Research Report and Briefing Papers on Child Sexual Exploitation

Information Source: University of Bedfordshire via NSPCC CASPAR email alert

Several new documents were recently published by the Institute of Applied Social Research and International Centre for Researching Child Sexual Exploitation, Violence and Trafficking at the University of Bedfordshire.

#### ***Evidence based models of policing to protect children from sexual exploitation, by Debra Allnock, Jenny Lloyd and Jenny Pearce***

This report followed a piece of research, the first of its kind, conducted between 2015 and 2017 and funded by Norfolk Constabulary (with support from the force's CC Simon Bailey who is the NPCC Lead for Child Abuse) and Investigation and the KPMG Foundation.

The team considered how eight selected police forces in England have structured their responses to child sexual exploitation (CSE) and the features of these responses in terms of outcomes for victims. It aimed to improve multi-agency working with the police in order to prevent CSE.

Involving 30 interviews with members of CSE teams in the forces and six other stakeholders, findings included:

- Currently, there is limited knowledge about 'what works' in the policing of CSE, in terms of documenting models/structures for responses or inspections into this specific matter.

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- There were problems with data sources and other complexities which arose from the lack of the lack of uniform, consistent data on the disruption and prosecution of CSE.
- The models of structures deployed for policing CSE by the eight forces varied, with four being identified and these are subject to change and evolution. It wasn't possible to determine how representative these models are across England and Wales.
- Responsibility for supporting CSE victims also varied; again four different models had been established.
- Several effective features were identified which may result in more positive inspection results, e.g. (*not an exhaustive list*):
  - A good understanding of the CSE threat via problem profiles;
  - Strong police leadership of the management of cases;
  - Sufficient funding for resource-intensive policing including disruption and evidence gathering; and
  - A specialist (usually voluntary sector) CSE service to work with victims in partnership with the police.

Seven recommendations were made by the report, summarised as:

- The findings and summary points should be mapped against the new National Vulnerability Action Plan 2017-19 (issued in September 2017) which includes those affected by CSE and fed into training initiatives arising.
- The National Lead for Child Abuse and Investigation should organise an event or an open, transparent process for CSE police leads to consider the report's findings.
- CPS should improve their recording of CSE cases and work towards matching their records with those of the police.
- Forces should draw on the findings to map their response to CSE and use the summary lessons learned to inform their developing practice.
- The College of Policing should meet with the research team to clarify how findings can be incorporated into training and development programmes and refreshed guidance such as the APP on CSE.
- The CSA Centre of Expertise, National Response Unit and College of Policing should produce a briefing/guidance paper drawing on this report's findings, specifically to address the absence of guidance on disruption of potential CSE offenders.
- A full dissemination strategy (*for this report*) should be developed by the Centre and the NPCC Lead.

Four briefing papers, all of which relate to the Alexi Project which evaluated a new model of tackling CSE across England, by Dr Julie Shuker and Dr Julie Harris were also recently published as follows:

- ***The Children and Social Work Act (2017) - The role of voluntary sector CSE services in new safeguarding arrangements.*** Considers the policy and practice implications arising from an evaluation of the 'Hub and Spoke' model of CSE service development under the Alexi Project for the new arrangements being implemented during 2018/19.
- ***The role of the voluntary sector in protecting children from sexual exploitation***, which highlights evidence on the role of the voluntary sector in responding to CSE within the 50 Local Authorities which operated the hub and spoke model was operated during the Alexi Project.
- ***The challenge of outcomes measurement in CSE services*** - this paper refers to a key finding from analysis of data from the hub and spoke services that suggested services struggled to evidence their 'top level' outcomes, due to challenges around measuring impact.
- ***Voluntary and statutory sector partnerships in local responses to CSE*** - focuses on evidence that the centre believes can support development of effective partnerships for the above purpose.

Note - the main evaluation report for the Alexi Project was published in December 2017 and covered in an earlier edition of *On the Horizon*.

## Safeguarding Adults Review into Allegations of Mistreatment of Vulnerable Adults at Mendip House (Somerset)

Information Source: Somerset Safeguarding Adults Board via National Autistic Society email alert

A review was commissioned by Somerset Safeguarding Adults Board in March 2017 in the wake of a multi-agency safeguarding inquiry into allegations of mistreatment by several members of staff of residents at the Mendip House care home for adults with autism run by the National Autistic Society (NAS), near Highbridge in Somerset.

These allegations were made by whistle-blowers during May 2016 and none of those living at the home, which was closed in November 2016, were from Somerset.

After being involved in the investigation, during the same month, Avon and Somerset Police confirmed at the Strategic Safeguarding Board there was no likelihood of any criminal prosecution taking place. An internal NAS inquiry resulted in a number of staff being dismissed.

The report highlighted weaknesses in the system by which Local Authorities making care place placements for adults outside of their area monitor care being provided. According to SSAB, the findings and recommendations cover important national learning for the commissioning and monitoring of out of area placements in residential care homes, including:

- A consultation should be held on the regulation of the commissioning of care placements with the aim of ensuring there is clear responsibility for Local Authorities and Clinical Commissioning Groups to actively monitor the quality of care provision.
- A way of working should be agreed so that information about grievances, discipline and complaints can be shared with the Care Quality Commission and pooled with Local Authority safeguarding and 'soft' intelligence from the police and other agencies.

## NSPCC Assesses Progress against Recommendations of the Byron Review

Information Source: National Society for the Prevention of Cruelty to Children (NSPCC) CASPAR email alert

During 2008, Professor Tanya Byron published, *Safer children in a digital world – The Report of the Byron Review*, which made a total of 38 recommendations to the Government on how to keep children safe online, including proposals for strategic objectives for safety on the internet. Also, the then Government published an action plan for this report in summer 2008.

NSPCC recently reviewed progress made over the subsequent decade factoring in political change and technological developments. It found only 13 of the recommendations have been fully implemented, e.g. the creation of the UK Council for Child Internet Safety and improved collaboration on the issue between Government departments, with much remaining outstanding. Of the other recommendations:

- 11 were not implemented;
- Seven only partially acted on; and
- In relation to four, the landscape has changed too much for them to accurately assessed.

Therefore, the charity is calling for a range of actions to be taken and introduced through the Government's new Internet Safety Strategy which was consulted on in a Green Paper late last year. Its report, which includes a foreword by Professor Byron, argues a set of minimum standards accompanied by a statutory code of practice for online providers should be issued. These standards should:

- Outline processes and procedures, including preventative measures, to ensure online platforms safeguard children effectively;
- Provide clear and consistent definitions of online abuse and exploitation; and
- Have clear, transparent processes for reporting, moderating and removing content from sites etc.

### Recent Paper from Police Foundation on the Law Applicable to 'Sexting' Cases

Information Source: Police Foundation website via email alert

At the end of January 2018, a new paper, *Perspectives on Policing Paper 4 - A sexting surge or a conceptual muddle? The challenges of analogue law and ambiguous crime recording*, by Gavin Hales was published by the Police Foundation.

The problems of applying the law in cases involving 'sexting', i.e. the practice of children and young people sending sexually explicit messages and/or images and understanding police data on this issue are considered. It does so by discussing whether a meaningful line can be drawn from data published in 2017 by NPCC showing an increasing number of such cases and underlying social issues, including how:

- Sexting is changing over time; and
- The police service is responding.

Four factors that contribute to a "conceptual muddle" are outlined in detail, namely:

- Antiquated/outdated legislation that didn't anticipate digital technology which enables sexting to take place; complex and ambiguous police crime recording, counting rules and related practices;
- Attempts to avoid the unnecessary criminalisation of children and young people; and
- The issue of the publication of crime data accompanied by limited detail/context and without appropriate caveats.

Gavin Hales asks whether the law on indecent images of children, The Protection of Children Act 1978, as amended (*PNLD [doc ref S23](#)*) should be updated in order to include some specific exemptions applicable to children.

Such changes would reflect the contemporary environment and avoid logically counter-productive consequences, e.g. risks around young people being deterred from reporting cases where images they took of themselves are involved.

### Launch of Definitive Guideline on Overarching Principles for Sentencing of Domestic Abuse Cases

Information Source: Sentencing Council website

On 22 February 2018, the Sentencing Council published a revised definitive guideline covering the overarching principles for sentencing domestic abuse cases.

A draft of the document was subject to an earlier public consultation between March and June 2017. It will come into effect on 24 May 2018 for cases sentenced on or after that date involving all offenders aged 16 and older, regardless of the date the offence(s) was committed. Replacing an earlier version from 2006, the principles relevant to the sentencing of cases involving domestic abuse are identified, i.e. for a range of violent offences and/or those involving controlling or coercive behaviour and covers:

- Assessing seriousness of the offending.
- Non-exhaustive lists of aggravating and mitigating factors.
- Other factors influencing sentence, e.g.:
  - The guideline states provocation is no mitigation within a domestic context, except in rare circumstances;
  - Consideration of the interests of any children affected; and
  - That offences involving serious violence, or where the emotional/psychological harm caused is severe, a custodial sentence will be warranted in the majority of cases.
- Restraining Orders made under section 5 of the Protection from Harassment Act 1987 - *PNLD doc refs [D2794](#) and [D24777](#)*).
- Victim personal statements (VPS) - advising Sentencers that the absence of a VPS should not be taken to indicate the absence of harm.

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For the first time, the guidelines include a reference to the increasing amount of abuse perpetrated through the use of technology, e.g. by email/text, on social media, or tracking devices fitted to victim's car.

Also, proposed new guidelines for a series of 'intimidatory' offences such as harassment, stalking, disclosing private sexual images ('revenge porn') and threats to kill are included, to be followed by definitive guidelines in summer 2018.

Whilst there is no specific offences of 'domestic abuse' the guideline refers to the following current non-statutory definition which also includes so-called 'honour' based abuse, female genital mutilation and forced marriage, as:

"Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but it not limited to: Psychological, physical, sexual, financial or emotional".

Published alongside the definitive guideline was the summary of responses to the consultation on the draft version. As a result of feedback received, a number of amendments were made which reflected points made on particular matters, e.g. the additional guidance on restraining orders, new guidance on VPSs and the information on technology use by perpetrators.

It is expected the Government will be introducing a major new Domestic Abuse Bill, probably later this year, which among other things, will for the first time create a statutory definition of such abuse.



## Attack criminality

### Additional Revised Guidance Relating to Proceeds of Crime Act 2002 Published

Information Source: Home Office website

Further to a large number of recently issued Statutory Instruments, Codes of Practice and Home Office Circulars on amendments to the Proceeds of Crime Act (POCA) 2002 and some counter-terrorist legislation made by the Criminal Finances Act 2017 covered in recent editions of On the Horizon, another guidance document is now available.

The short six page document was issued under Section 2A of POCA, which allows the Government to provide guidance on the use of powers in the Act. Although mainly intended for use by the relevant authorities to which it is applicable (*i.e.* NCA, SFO, FCA, HMRC, CPS and Public Prosecution Service Northern Ireland), the Home Office recommends other agencies that are, or could be, involved in asset recovery and financial investigation under POCA 2002 should be aware of this guidance, including in particular the police.

In general, it states:

- Relevant authorities, all law enforcement agencies, financial investigators and prosecution agencies should be considering asset recovery and financial investigation action in every case of identified criminality; and this should not limited to cases where there is early suspicion of seizeable assets.
- These powers should also be at an early stage in every case, including non-conviction based forfeiture, civil recovery and taxation action.
- Other powers not provided in POCA that could results in the disruption of the flow of criminal assets, denial and recovery of the proceeds of crime should also be considered, e.g. real time taxation under VAT and PAYE, bankruptcy/insolvency procedures etc.

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- Authorities should ensure they have routes of engagement and points of contact with all law enforcement and prosecution agencies for the provision of advice and operational support.

The latest version replaces one issued in November 2009 and reflects a series of new powers for these purposes and amendments to existing powers which were made by the Criminal Finances Act 2017.

### **Prime Minister's Speech to Munich Security Conference on Future of UK/EU Security Cooperation Post-Brexit; and Statement by Director General of National Crime Agency**

Information Sources: Prime Minister's Office website and National Crime Agency

In a major speech to the Munich Security Conference held on 17 February 2018, Prime Minister Theresa May outlined the Government's position on the future of Post-Brexit UK/EU security and crime cooperation. The conference was attended by representatives from over 70 countries.

Key points included:

- There is an intention to continue and expand close, practical cooperation with the EU and other international institutions including an unconditional commitment to maintaining European security through a "deep and special partnership".
- Ways in which the UK has led in terms of shaping practical and legal arrangements underpinning internal EU security cooperation were highlighted, e.g.:
  - Around 10,000 people have been extradited to EU States from the UK under the European Arrest Warrant (EAW) - for every person arrested on an EAW issued by the UK, eight arrests are made in the UK on those issued by other States; and
  - The UK is one of the largest contributors of data, information and expertise to Europol, with Operation Triage which involved UK law enforcement working extensively with the agency and the Czech Republic to tackle human trafficking for labour exploitation being noted.
- It is recognised there is no current security arrangement between the EU and a third country of the depth and breadth of current UK/EU cooperation; however the precedent of other types of such comprehensive and strategic relationships on other matters like trade shows it is possible. Also, there is no legal or operational reason why an agreement on internal security could be reached.
- A new Treaty, as referred to in the Security, law enforcement and criminal justice future partnership paper issued September 2017, is proposed to underpin the relationship which would be subject to specific criteria being met, namely:
  - Preservation of operational capabilities.
  - Being respectful of the sovereignty of both UK and EU legal jurisdiction, e.g. when participating in EU agencies, the UK will respect the remit of the European Court of Justice.
  - Agreement of a strong and appropriate form of independent dispute covering all areas of the future security partnership.
  - Recognition of the importance of comprehensive and robust data protection arrangements, including seeking a bespoke arrangement to reflect the UK's very high standards.
  - An ability to ensure arrangements have the capacity to move with and adapt to changes in the nature of the threat being faced.

On the same day as the Prime Minister gave the above speech, NCA Director General (DG) Lynne Owens issued this statement in which she expressed the benefits to law enforcement agencies across Europe of being able to work together closely and at speed to share intelligence, biometrics and other data. Also, the DG is confident the Government are taking these requirements into account.

Included with the statement was an operational example highlighting the benefit of international law enforcement cooperation, covering a joint operation to dismantle the Avalanche network which was responsible for cyber attacks causing an estimated hundreds of millions of euros worldwide. This involved agencies from across Europe coordinated through a command post hosted at the Europol headquarters.



## Reduce crime

### Study Examines Changes in Officers' Perceptions of Their Role during Early Years of Service

Information Source: Police Foundation website

A further recent document released by the Police Foundation was, *Perspectives on Policing Paper 3 - From crime fighting to public protection - The shaping of police officers' sense of role*, by Sarah Charman of the Institute of Criminal Justice Studies, University of Portsmouth.

Findings are presented from a research study that examined new police officer recruits' evolving attitudes to their role. A sample of officers were followed through the first four years of service to examine how and in what ways those subject to the study adapted to their new identity as officers.

According to the author, public sector cuts impacting on health, social care and mental health services in addition to those affecting the police service have increased the prominence of the range of non-crime related activity the police engage with.

A key finding was views change considerably during the first four years in post, in particular a significant change was noted from perceiving the role as a crime fighter to one of having a wider community safety purpose. These perceptions were altered by both length of service and the changing realities of police work during the period of austerity.

The paper concludes by suggesting a confusion between the cultural symbolism of the role of the police and the reality of actual policing could potentially create a vacuum in the understandings of new officer recruits which police cultural characteristics could fill.



## Provide reassurance

### Landmark Supreme Court Ruling on Responsibility and Liability of Police Investigations (Victims of John Worboys)

Information Sources: Supreme Court, BBC News and National Police Chiefs' Council (NPCC)

In *Commissioner of Police of the Metropolis (Appellant) v DSA and another (Respondents) (2018) UKSC 11*, the Met Commissioner's appeal against an earlier court decision that the force had breached the ECHR article 3 rights of DSD, a female victim of John Worboys, by failing to conduct effective investigations into sexual assaults committed by Worboys was rejected by the Supreme Court (SC).

The SC ruled the state was obliged under ECHR art.3 (*the right not to be subjected to torture or to inhuman or degrading treatment – see PNLD [doc ref D1683](#)*) to conduct an effective investigation into crimes involving serious violence to persons, whether carried out by state agents or individual criminals.

The Met appealed against a decision by a lower court to award the victims compensation on the basis the force failed to believe their reports, causing them mental harm and breaching their human rights.

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In what Liberty described as a landmark ruling, a BBC News article on the ruling suggested this is highly significant for victims of serious violent crime because it means forces may face such actions whenever they fail to properly investigate serious cases and could lead to further claims from other victims.

Therefore, additional rigour would be placed on the police to do so. Prior to this ruling, the police could not be found to be negligent for generally failing to identify and apprehend an unknown suspect.

NPCC stated the ruling is important in terms of clarifying responsibility and liability for police investigations and the full implications for future investigations will now be considered.

Full details, including the judgment and a press summary are available on the [Supreme Court website](#).

### Association of Police and Crime Commissioners Letter to House of Commons Justice Committee Regarding New Inquiry into Disclosure of Evidence in Criminal Cases

Information Source: Association of Police and Crime Commissioners (APCCs) website

APCCs lead on victims PCC Vera Baird (Northumbria) and deputy lead PCC Marc Jones (Lincolnshire) have circulated a joint letter to Bob Neill MP, Chair of the House of Commons Justice Committee, copied to the Attorney General, regarding the committee's recent announcement on 25 January 2018 of an inquiry into the above issue.

Whilst being welcomed, the letter called for the remit to be extended to:

- Cover non-disclosure not just in sexual offence cases, but also other crime types, due to disclosure failures also leading to the collapse of recent trafficking and fraud cases;
- Take account of wider factors around digital material;
- Undertake a detailed assessment of claims that CPS is under-resourced; and
- In relation to rape and other sexual offences, consider the risks to undermining of complainants' rights under Article 8 ECHR from current disclosure practices and the concern action to improve disclosure following recent case failures will exacerbate the situation.

According to the Committee's pages on the Parliament website, the full terms and reference and a call for written evidence for this inquiry will follow in due course. However, it will not consider individual cases.



## Other documents

### Proposals to Enable Drivers to Report Collisions Online or by Telephone

Information Sources: Department for Transport (DfT) and National Police Chiefs' Council

The DfT recently launched a consultation on providing a new option to enable drivers involved in road traffic accidents to report these online, by telephone to forces or through any other suitable electronic or digital media, in addition to existing arrangements.

Currently, under section 170 of the Road Traffic Act 1988 (PNLD [doc ref D3050](#) and [D3088](#)), such collisions must be reported to the police in person within 24 hours of it taking place to a police station or an officer, if the police do not attend at the scene.

Roads Minister Jesse Norman announced the move at the National Roads Policing conference held on 30 January 2018. According to the DfT, the aim is to:

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- Lessen the burden on motorists in terms of complying with the law around accidents, e.g. reducing the need for people to take time off work to visit a police station to make these reports; and
- Free up police resources; and
- Enable highways authorities to access accurate and up to date collision information, allowing councils to better plan safety improvements to roads over a shorter timescale.

Over 130,000 accidents involving personal injury are reported to the police each year, mostly recorded by an officer attending at the scene (*which may not be necessary*), with a further 55,000 damage only incidents reported by people attending at police station helpdesks. The public are already able to report crimes online to most forces.

Also, the Minister announced the updated Collision Reporting and Sharing System (CRASH), being developed by the Department of Transport will be made available to forces free of charge for use by officers via an app on handheld mobile devices. CRASH provides the facility to complete accident details at a scene, using accurate location data. At present, some forces including West Yorkshire use an alternative system for collision reporting.

The closing date for responses to this consultation is 24 April 2018.