

The Rt Hon Priti Patel MP
Home Secretary
Home Office
2 Marsham Street
London

Our ref:TP/VS

27 May 2021

Dear Home Secretary

RE: HMICFRS Inspections: Policing in the Pandemic (*published April 2021*).

Thank you for the opportunity to comment on these inspection reports, one of which relates to the pandemic and the second relates to the impact on custody during the pandemic. While the inspections are not specifically about Suffolk Constabulary, some of the recommendations identified fall to be addressed by Chief Constables. These are highlighted in the attached response from Suffolk Constabulary, along with the action being taken.

The inspection on custody is relevant to my role to provide an Independent Custody Visitors Scheme. Throughout the pandemic my office has worked with volunteers and custody staff to ensure safe practices. I have been reassured that the Test, Track and Trace process is being followed by the force and Independent Custody Visitors.

Independent Custody Visitors are aware of the changes from 17 May with regard to custody records whereby children and vulnerable adults should no longer receive remote legal advice in interviews. This must now be in person. Any other adults must give informed consent to receiving remote legal advice and this must be recorded in the custody record. This is routinely checked by Independent Custody Visitors.

I will continue to review progress against the recommendations through my oversight role in holding the Chief Constable to account.

Yours sincerely



Tim Passmore
Police and Crime Commissioner

Suffolk Constabulary Response to the HMICFRS Inspection: Policing In The Pandemic

On Tuesday 20th April 2021, HMICFRS released 2 reports in response to the way in which the Police Service has responded to policing the coronavirus pandemic.

The 2 reports were titled:

- Policing in the Pandemic – The Police response to the coronavirus pandemic during 2020
- Custody Services in a COVID 19 environment

During 2020 the HMICFRS inspected several forces in respect of how they were responding to the changing legislation, changing landscape, and keeping their organisation safe and COVID secure.

Norfolk Constabulary was one of those of the forces inspected and due to the collaborative nature, and joint Command Structure (Gold) being in place, under Op Response, Suffolk Constabulary had early access to the findings which meant that those findings could be progressed through a Joint Action Plan.

Both reports made recommendations.

Policing the Pandemic – The Police response to the coronavirus pandemic during 2020

The document identified some headline findings which are worthy of note, as these led to the recommendations:

Dedication and commitment

We are grateful for the exceptional dedication and commitment of people in all parts of policing. Officers and staff, special constables and volunteers responded quickly and well to keep people safe and to deal with crime. This included being exposed to even greater risk than usual, adapting to significant changes in their ways of working, and adopting entirely new roles and responsibilities.

Responding to difficult circumstances

Policing has again demonstrated its capacity for responding in an emergency. At both a national and a local level, police leadership relied upon its tried and tested knowledge, structures and processes to address enormous difficulties. Where previous experience or existing measures didn't meet the problem, new solutions were quickly developed.

Adaptability

Forces had to prioritise the potentially conflicting aims of public service and the welfare of their workforces. Through innovation, flexibility and adaptability, forces generally, successfully maximised the protection of staff while minimising the effect on public service.

Assessing risk and planning

Police forces had correctly recognised a flu pandemic as the highest national risk. But they had often viewed it as primarily a risk for health services, not policing. As a consequence, forces had planned in greater detail for other risks, such as terrorism and flooding, in the list of national priorities. However, they quickly and effectively adapted – and continue to adapt – their assessments and their planning.

Communication and change

Governments had to respond quickly, focusing on keeping people safe. Despite close working between the Home Office and national policing leaders, communication about restrictions and regulations was often at short notice and subject to change. Policing faced an extremely difficult situation of fast-paced announcements. At times, the introduction of, and variation to, new legislation and guidance affected the police service's ability to produce guidance and to brief staff. This inevitably led to some errors or inconsistencies in approach. In this context, policing at all levels did very well to operate coherently and to maintain public support and consent.

Enforcement activity

To secure public compliance with coronavirus rules, forces adopted the Four Es approach of engaging, explaining and encouraging before enforcing the legal requirements. Forces have on occasion encountered difficulties in correctly enforcing the coronavirus regulations, as opposed to securing compliance with guidance. Forces were generally effective in their public engagement about enforcement. We found that they worked hard to communicate about the Four Es with staff, the public and other organisations.

Better use of technology

Most forces improved their use of technology as they adapted their working practices. A significant shift towards remote working has generally been very successful. Benefits have included reduced travel time for officers and staff, and improved attendance (by the police and other organisations) at meetings, which should allow more coherent and robust decision-making. These are examples of changes that could offer long-term benefits to police effectiveness and efficiency.

Long-term impact of decisions

However, other changes resulted in a reduced service in some areas of police work. For example, to reduce the risk of infection, some forces increased the number of crimes they decided not to investigate because they were unlikely to be solved, and reduced their in-person visits to registered sex offenders. While these may have been sensible decisions at the beginning of the pandemic, forces should keep these changes under review and consider the effect on the public of permanently adopting any of them.

Test, track and trace

Officers and staff in some forces did not appear to follow the national requirement for self-isolating for test, track and trace. We were concerned about this, as was the national policing lead for this area, who wrote to forces to make sure they were clear about the requirements

on them. Forces must follow the guidance and self-isolation directions when members of the workforce come into contact with someone with coronavirus symptoms.

Criminal justice system

Existing problems in the criminal justice system, such as court delays and backlogs, were exacerbated. Policing, other criminal justice bodies and governments all need to work together to ensure the system can recover from the extreme pressures caused by the pandemic.

Recommendations

1. Managing Registered Sex Offenders

Forces must immediately make sure that officers understand and correctly implement the guidance for managing registered sex offenders during the pandemic.

Response

During first lockdown March 2020, the public protection unit adopted a risk-based approach to managing registered sex offenders within the community. Visits were based on a risk-based assessment, and where risk was deemed to be acceptable some offenders were managed by telephone. Although staff were rotated within the work place and home working, VISOR was only accessed from a networked police system within police premises. As soon as the national lockdown restrictions were eased in May 2020 visits of registered sex offenders within the community resumed.

2. Legislation & Guidance

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

Response

Changes to Health Regulations, changes to legislation and new guidance have come into the Force through a number of ways. In the early days of the pandemic this did not always come to Police prior to the changes coming into force. As a result the Op Response team had to translate the changes into guides for Officer's pending official notification through Op Talla and/or the College Of Policing. This was recognised as an issue and the College, in conjunction of Op Talla, ensured that the legislation and guidance was issued to forces in advance of the changes. To ensure this reaches our staff this is managed through Op Response Bulletins, Athena Briefings and guidance on the Op Response intranet site. Through the Op Response structures any technical changes are done as soon as practical.

3. Test, Track & Trace

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.

Response

Upon receipt of a positive test result, the individual must contact the Workplace Health COVID-19 team immediately or complete an isolation form. The team will then contact the individual and start our internal test and trace process. This includes establishing whether the employee was at work during the previous 48 hours before symptoms started or at any time since symptom onset. This timeframe is based on the question that the NHS Test and Trace service will ask. Details of non-police contacts can be passed direct to the NHS Test Trace service without delay.

If the employee was not involved in policing activity during the last 48 hours before their symptoms started (or since symptom onset) they will enter the usual NHS Test and Trace process.

If the employee was involved in policing activity during the last 48 hours before their symptoms started (or since symptom onset) their police contacts will be logged and contacted and advised to isolate if they meet the criteria determined by the NHS. Their case will also need to be considered to ensure that there are no operationally sensitive implications for the Police. The Workplace Health COVID-19 team will triage this contact and refer to the Senior Medical Advisor (SMA) for the Test and Trace Service for sensitive cases.

This process has been in place since NHS test and trace was developed and has been working well.

4. Custody records

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.

Response

Custody sits within Joint Justice Command and as a result Suffolk benefitted from the HMICFRS inspection carried out in Norfolk. This meant that actions were able to be adopted and implemented quickly. As a result, all detainees are informed of their Legal rights and the following documented on all custody records:

“I recognise my requirement under the revisions of Code C to obtain consent from the suspect/appropriate adult (if applicable) and solicitor before the remote link is used. I have spoken to the detainee/their appropriate adult and consent has/has not been given for the interview to proceed through the means of remote legal representation in accordance with the terms agreed by the NPCC, Law Society, CPS, CLSA and LCCSA”

5. Overall scale and impact of changes

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.

Response

Suffolk was able to implement changes to how we worked quickly through the Op Response Silver structure. However, it was recognised that this would not be a sustainable model and as such the changes required review. This included the use of “agile working” and Suffolk able to identify the benefits of this through the Op EVOLVE team. Op EVOLVE was able to identify the long-term sustainability of some of the changes made such as home working, agile working, changes to the estate and best use of technology with a view of workforce modernisation.

As a result of this work, and similar work in Norfolk, this morphed into the Modern Workplace Board, looking how the future of both Constabularies would benefit from these changes.

Currently the Op Response team is in the process of handing over some of this work including, the future of agile working and estate management, over to the Modern Workplace Board so that the Op Response Team can focus on operational delivery.

To supplement the “Policing In The Pandemic 2020” report HMICFRS produced a second document specific to Custody.

Custody Services In A COVID 19 Environment

This report supplements the wider inspection with more detailed findings on how custody services operated in a COVID-19 environment. It aimed to:

- increase the police service’s national and local understanding of how custody services operate in a COVID-19 environment;
- show how services have been/are affected and how police forces are responding; and
- establish what improvements forces and the wider Criminal Justice System can make.

As a result, some further recommendations were made to help ensure that data from Custody processes were captured and used. They recommended that forces:

6. Track the numbers of detainees with, or suspected of having, COVID-19

Response

This already captured within current Custody processes.

7. Record and monitor the length of time detainees remain in police custody, and any additional detention times due to waits for virtual remand hearings;

Response

Norfolk & Suffolk have used Virtual Remand Hearings for 5 years and as such no additional time per se has been spent in police custody above pre pandemic processes.

Resources are in place and costed to manage this demand (until April 2023) subject to scoped options beyond this.

8. 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

Response

This is already in place and captured through Athena Custody.

9. Record the use of bail and released under investigation and assess any increases in pre-charge bail.

Response

Levels of Released Under Investigation and Bail per month are routinely captured and monitored via the Joint Justice Strategic Command performance meeting, and will be also monitored via Managing Offenders Sub Group feeding into the Investigative Improvement Board.

Within both documents there are further recommendations which are aimed at National bodies such as Local Authorities or the NPCC.

Any additional learning from within either report will be overseen by the Op Response structure and progressed through an action plan as appropriate.