



College of
Policing

Brief

Counter-terrorism legal changes →

Mobile phone data in rape trials →

Supers – prioritising wellbeing →

college.police.uk

ISSUE 04 | APRIL/MAY 2019

Updates in police law, operational policing practice and criminal justice, produced by the **Legal Services Department** at the College of Policing



Police pursuits
Law change
proposal



**Revised
PACE Codes**
Improving welfare



Call for evidence
violence against
shop staff



Child protection
reviews for forces



The College of Policing Brief is a scanning publication intended to capture and consolidate key criminal justice issues, both current and future, impacting on all areas of policing.

During the production of the Brief, information is included from governmental bodies, criminal justice organisations and research bodies. As such, the Brief should prove an invaluable guide to those responsible for strategic decision making, operational planning and police training.

The College of Policing is also responsible for Authorised Professional Practice (APP). APP is the official and most up-to-date source of policing practice and covers a range of policing activities such as: police use of firearms, treatment of people in custody, investigation of child abuse and management of intelligence. APP is available online at app.college.police.uk

Any enquiries regarding this publication or to request copies in accessible formats please contact us at brief@college.pnn.police.uk

© College of Policing Limited 2019

This publication is licensed under the terms of the Non-Commercial College Licence v1.1. except where otherwise stated. To view this licence visit college.police.uk/Legal/Documents/Non-Commercial%20College%20Licence%20v1-1.pdf

Where we have identified any third-party copyright information, you will need to obtain permission from the copyright holders concerned.

This publication is available for download at college.police.uk

Contents

ISSUE 04 | APRIL/MAY 2019

Editorial	5
Share with our community	6
College news	7
Launch of National Police Wellbeing Service	7

Legal updates

Statutory instruments 8

SI 2019/478 – The Data Protection (Charges and Information) (Amendment) Regulations 2019	8
SI 2019/485 – The Data Protection, Privacy and Electronic Communications (Amendments etc.) (EU Exit) (No. 2) Regulations 2019	8
SI 2019/780 – The Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019	9

Bills 9

Anonymity (Arrested Persons) Bill 2017-19	9
Emergency Response Drivers (Protections) Bill 2017-19	9
Offensive Weapons Bill 2017-19	10
Mental Capacity (Amendment) Bill 2017-19	10
Compensation Orders (Child Sexual Abuse) Bill 2017-19	10
Police Officer Training (Autism Awareness) Bill 2017-19	11

Acts 11

Animal Welfare (Service Animals) Act 2019	11
---	----

Before the court

Wilkinson, R. v [2019] EWCA Crim 723	12
R v Barnard [2019] EWCA Crim 617	13

Policing

News 15

‘Cracks widening’ within police forces	15
Police Pursuits: consultation response to trigger legal changes	15
Funding allocated to tackle serious violence	16
New posters for county lines awareness	17
NCA publish Annual Plan	17
Burglary taskforce chaired by Policing Minister	17
New Forensic Science Strategy	18

Operational 19

Updates to counting rules	19
Child exploitation disruption toolkit published	19
Updates to modern slavery referral forms	20
Update to RIPA guidance	20
Conclusion of PACE Codes C and H consultation	20

Home Office Circular 004/2019: Counter-Terrorism and Border Security Act	22	£4 million awarded to international anti-slavery projects	30
Home Office Circular 003/2019: Regulation 10B of the Police Regulations 2003	23	Mobile phone data required for rape prosecutions	31
Lessons Learnt	23	Reviews and reports	33
Child protection reviews for three police forces	23	Crime Outcomes in England and Wales 2017-2018	33
PEEL – group 1 force press releases	24	Government publish response to terrorism report	33
Our workforce	25	Diversity	35
Pensions updates	25	Law change to increase the dignity of women in custody	35
Mental Health Awareness Week	25	Gender-sensitive trauma approach guidance	36
Police Superintendents’ Association: ‘It’s time to put wellbeing at the top of our agenda’	26	Places of worship scheme open ahead of religious holidays	36
Criminal justice news		Fawcett Society comments on gender pay gap	37
Five groups to be awarded funding to tackle hate crime	27	Census of Local Authority Councillors	37
Terrorist jailed for football match massacre plan	28		
Extra support for witnesses	28		
Introduction of new online safety laws	29		
Coordination and unity plans revealed	29		
Call for Evidence – violence and abuse towards shop staff	30		

Editorial

Dear readers,

Welcome to the Brief, your monthly update of what's new in the criminal justice field, produced by the Legal Services team at the College of Policing.

This month's edition features articles on: updates in counter-terrorism legislation, PACE Codes C and H, the use of mobile phone data in rape trials, and a call for evidence on violence and abuse towards shop staff.

To find out more about the College and what we do, including initiatives such as our new wellbeing service, or a licensing opportunity to deliver our domestic abuse training, please visit the **College of Policing website**.

We hope that our publication supports our police officers and staff in their work. We are always looking for ways to get better at what we do, so if you have any feedback or ideas for future content, please **get in touch**.

Thank you for reading,

The Legal Services Team

[↑ Back to contents](#)

For subscription requests, further information or to send us ideas about what you would like to see in upcoming editions, please email us at:

brief@college.pnn.police.uk

Share with our community

There's lots of great work and innovation taking place across the police service, with some remarkable people working diligently to support and safeguard the communities they serve. The sharing of news can jump start collaboration and growth, so we want to hear from you.

We'd like to invite police officers and staff to contribute by including a monthly 'guest article' under one of the following categories:

Pride: Tell us something about your team or a project you're working on which has produced results that you're particularly proud of.

Innovation: New initiatives and projects, what worked and what didn't, and how you learnt from it.

Collaboration: Tell us about the relationships with other forces and external agencies which help your team.

Your team, our community: Diversity, equality, inclusion and key support mechanisms – that special team member whose hard work deserves recognition in the Brief.

Articles should be a maximum of 500 words. If you'd like to contribute, please email brief@college.pnn.police.uk and we'll provide you with the information you need.

We'd like to pick one article a month, and will ensure there is a wide variety of authors and forces. We will inform you in advance if your article has been chosen. We look forward to hearing from you.



College of Policing
Membership

BetterProfessionals
for **Better Policing**

Become a member today! Visit college.police.uk/membership to sign up for free

Enjoy **exclusive membership benefits** including:

- **Your membership profile:** A secure place to record your training, CPD and experience
- **Development support:** Career support, CPD opportunities, mentoring service and easy access to College training
- **Jobs Board:** Access to the only place to find all policing vacancies nationwide
- **Policing news:** Direct to your inbox every fortnight to keep you informed
- **Knowledge sharing:** Networking opportunities across all forces and over 26,000 fellow members

C9110418

College news

Launch of National Police Wellbeing Service

A National Police Wellbeing Service aimed at improving mental and physical health support for officers and staff has been launched.

The new service, which was launched on 30 April 2019, will include mental health outreach support for police officers and staff, as well as training and toolkits to improve the provision in individual forces. It is being introduced after research found that officers and staff, particularly those in frontline roles, did not have the time or consistent access to local support for their mental or physical wellbeing.

This service has received a £7.5 million investment from the Home Office's Police Transformation Fund, and has been overseen by the College, working closely with the National Policing Lead for Wellbeing, Chief Constable Andy Rhodes.

The **National Police Wellbeing Service** aims to:

- reduce stigma around seeking support or help
- improve knowledge, understanding of help and support available
- encourage people to support themselves and realise their own potential
- improve personal resilience and self-help skills
- improve morale and engagement – how people feel at work
- improve and build on the police service reputation as a good employer and a great place to work.

Access further information about the service [here](#).

[↑ Back to contents](#)

Legal updates

Statutory instruments

SI 2019/478 – The Data Protection (Charges and Information) (Amendment) Regulations 2019

This Regulation sets out a requirement for data controllers (individuals and organisations handling people’s personal data) to provide information, and pay a charge to the Information Commissioner’s Office (ICO). This instrument amends the Funding Regulations by introducing a new exemption for the processing of personal data by:

- Members of the House of Lords.
- Elected representatives, as defined in paragraph 23(3) of Schedule 1 to the Data Protection Act 2018 in connection with the discharge of their respective functions.
- Relevant processing undertaken by candidates (prospective and validly nominated) seeking to become elected representatives.

Access the full Statutory Instrument [here](#).

[↑ Back to contents](#)

SI 2019/485 – The Data Protection, Privacy and Electronic Communications (Amendments etc.) (EU Exit) (No. 2) Regulations 2019

This instrument uses powers under the EU (Withdrawal) Act 2018 to amend the Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 in order to correct deficiencies in EU-derived data protection legislation as a result of the withdrawal of the UK from the EU. This will ensure that the legal framework for data protection within the UK continues to function correctly after exit day.

Access the full Statutory Instrument [here](#).

[↑ Back to contents](#)

SI 2019/780 – The Criminal Justice (Amendment etc.) (EU Exit) Regulations 2019

These Regulations are made using powers in the European Union (Withdrawal) Act 2018. Its purpose is to address failures in retained EU law to operate effectively, and other deficiencies arising from the withdrawal of the UK from the EU by amending the domestic legislation which implemented five EU criminal justice measures.

Access the full Statutory Instrument [here](#).

[↑ Back to contents](#)

Bills

Anonymity (Arrested Persons) Bill 2017-19

This is a Bill to prohibit the publication of certain information regarding persons who have been arrested until they have been charged with an offence, setting out the circumstances where such information can be published without committing an offence.

The second reading, the general debate on all aspects of the Bill, took place on 1 March 2019. The committee stage, a line by line examination of the Bill, is yet to be scheduled.

The full Bill can be found [here](#).

[↑ Back to contents](#)

Emergency Response Drivers (Protections) Bill 2017-19

A Bill to provide protection for drivers of emergency vehicles (while responding to emergencies) from civil liability and criminal prosecution in specified circumstances, and to make related provisions about criminal proceedings and sentencing.

This Private Member's Bill's second reading has not yet been scheduled.

Access the full Bill [here](#).

[↑ Back to contents](#)

Offensive Weapons Bill 2017-19

This is a Bill to make provision for and in connection with offences relating to offensive weapons. Both Houses have agreed on the text of the Bill, which now waits for the final stage of royal assent when the Bill will become an Act of Parliament. A date for royal assent is yet to be scheduled.

Access the full Bill [here](#).

[↑ Back to contents](#)

Mental Capacity (Amendment) Bill 2017-19

A Bill to amend the Mental Capacity Act 2005 to define procedures whereby a person may be deprived of liberty if they lack capacity to consent.

The House of Lords considered and agreed to the Commons amendments on 24 April. The Bill now awaits Royal Assent – the final stage of a Bill’s passage through Parliament.

Access the full Bill [here](#).

[↑ Back to contents](#)

Compensation Orders (Child Sexual Abuse) Bill 2017-19

A Bill to require the Lord Chancellor to report on the use of compensation orders by courts for child sexual abuse offences.

The date of the second reading of this Private Member’s Bill is yet to be announced.

Access the full Bill [here](#).

[↑ Back to contents](#)

Police Officer Training (Autism Awareness) Bill 2017-19

A Bill to require police forces to train police officers in autism awareness. The date of the second reading for this private member's Bill, is yet to be announced.

Access the full Bill [here](#).

[↑ Back to contents](#)

Acts

Animal Welfare (Service Animals) Act 2019

An Act amending the Animal Welfare Act 2006 in relation to service animals to improve provision for acts of criminality against service animals.

Following agreement by both Houses on the text of the Bill it received Royal Assent on 8 April, the Bill is now an Act of Parliament.

Access the Act [here](#). Read about Finn, a police dog with Hertfordshire police whose story formed part of the argument towards the legal change, [here](#).

[↑ Back to contents](#)

Before the court

Wilkinson, R v [2019] EWCA Crim 723

The Solicitor General, under section 36 of the Criminal Justice Act 1988, has been granted leave to refer a sentence to the Court of Appeal which he considers to be unduly lenient.

The offender, Dean Wilkinson, was sentenced at the Crown Court in Newcastle Upon Tyne, on 21 January 2019. He pleaded guilty to a single offence of robbery at the first opportunity and was consequently sentenced to three years' imprisonment. At the sentencing, an order was made for the forfeiture of an axe used in the robbery.

The facts of the case are these. On 5 November 2018, a sports club in North Tyneside held a firework display to raise money. Following the display, members of staff were counting the takings (totalling £21,611) in the women's changing room when two men dressed in dark clothing, with hoods and scarves to conceal their identity, entered. Both of the men carried axes, but one held an axe above his head and shouted aggressively, "give me the money". The two men took the money and left. Wilkinson, who was one of the offenders, has been apprehended and £13,470 of the takings have been recovered. However, the remaining £7,061 and the other offender have not been found.

Wilkinson had been convicted on 30 previous occasions for a total of 72 offences. A pre-sentence report assessed him as posing a high risk of serious harm to the public and as having a high risk of re-offending.

For this particular theft, Wilkinson claimed that he was contacted by an associate who asked if he would like to make some money. He got into a vehicle and the associate provided him with a hat and gloves. He subsequently felt that he was unable to remove himself from the situation.

The sentence hearing acknowledged that the incident fell within category 2A of the Sentencing Council definitive guideline on street and less sophisticated robbery. There was high culpability, due to the production of a bladed article (an axe) to threaten violence, as well as the intention of causing, or causing other to fear, intermediate harm.

In mitigation, Wilkinson's counsel submitted that Wilkinson was not the organiser of the robbery, nor did he realise until at a later stage that he was involved in the plan to commit robbery. For the Solicitor General, a plethora of aggravating factors were submitted which increased the seriousness of the robbery. These included: Wilkinson's previous convictions, the targeting of large sums of cash, the fact it was group offending, Wilkinson's effort to conceal his identity, and that the offence was committed while on licence.

The Court of Appeal considered these submissions and agreed with the categorisation of the offending into the 2A guidelines. There were some discrepancies as to whether Wilkinson was given an axe, but the court held that it did not matter whether or not he actually had an axe – they accepted that the judge sentenced on the basis that he had. The court considered the evidence that suggests Wilkinson is attempting to change his attitude and lifestyle.

In conclusion, the court of appeal held that the judge was wrong to reduce the starting point from five to four years, with the guilty plea reduction. Contrastingly, the Court of Appeal held that the judge should have increased the starting point from five to no less than six years. Therefore, the court held that the three year sentence was unduly lenient and that it should be substituted for a prison term of four years and six months.

Access the full judgment [here](#).

[↑ Back to contents](#)

Barnard, R v [2019] EWCA Crim 617

This was a renewed application for leave to appeal against conviction on behalf of the applicant, Keeley Theresa Barnard, following refusal by the single judge. On 13 February 2018, following a trial in the Crown Court at Chelmsford, Barnard was convicted of murder.

On the evening of 10 August 2017, Margaret Simms, who was Barnard’s mother, was pronounced dead. A post-mortem examination of the 70 year old Alzheimer sufferer, revealed that the cause of death was manual strangulation, but that she had also suffered a “constellation” of injuries, including blunt force facial trauma and subsequent bruising to the neck with multiple fractures in that area.

Barnard, who had been drinking that evening, claimed that in the night she heard her mother choking, coughing, and making gasping sounds. She therefore assumed that there was a blockage and began to ‘manipulate or massage’ her mother’s throat, before attempting to perform CPR on her.

At trial, the applicant denied causing these injuries to her mother, and repeated an account she gave at arrest – in summary, that she had manipulated her mother’s throat and neck with her fingers to stop her from choking. The pathologist rejected this account and gave evidence that there had been sustained compression of the neck by manual means. They were specifically asked about the applicant’s account and said that it would not

explain the severity of the injuries to the victim who must have been alive when they were caused.

The judge reminded the jury of the pathologist's observations about the applicant's description of her actions, and the fact that they did not explain the sustained pressure applied to the victim's neck sufficient to have caused petechial haemorrhaging and fracture of the hyoid bone.

No contrary evidence was called.

In conclusion of the evidence, there had been a discussion about whether there was an evidential basis for leaving an alternative count of manslaughter for the jury's consideration. The judge acknowledged her obligation to direct the jury on an alternative verdict if the facts supported it, as did the prosecution, but they both ultimately concluded that there was no evidential basis for doing so. Therefore, the judge then stated that she would not direct the jury in relation to a verdict of manslaughter.

During the appeal, it was submitted that since Barnard had admitted some physical contact with her mother, which might have caused, or at least contributed to her death, but had denied any intent to kill, an alternative verdict of manslaughter should have been considered by the jury.

To support the above claim that manslaughter should have been an available option, the defence drew attention to background factors, such as: the applicant's previous good character, the involvement of alcohol, the fact that this was not a premeditated offence; and that Barnard had made it clear throughout that she did not intend to kill or cause very serious harm.

Although the applicant in this case accepted that she made physical contact with the victim, the Court of Appeal's view was that there was no evidential basis to support directing the jury in relation to an assault which may have carelessly or accidentally, caused Margaret Simm's death. The applicant's account of her actions did not explain the specific injuries, and thus the issue was straightforward, was the strangulation caused by her or someone else.

The Court of Appeal reaffirmed the single judge's view that there was a very remote theoretical possibility of the applicant strangling her mother without intending to cause serious harm. Consequently, the Court of Appeal refused the renewed application.

Access the full judgement [here](#).

[↑ Back to contents](#)

Policing

News

‘Cracks widening’ within police forces

HMICFRS’ report on the effectiveness, efficiency, and legitimacy of police forces within the first group of 2018/19 Integrated PEEL Assessment reports has been published. The report shows that police forces in general are providing a good level of service, but are doing so under high levels of pressure.

This pressure is affecting forces in different ways. The report suggests that there is uncertainty surrounding how long the forces will be able to maintain their current performance levels, given the current operational and financial context.

Access the full report [here](#).

[↑ Back to contents](#)

Police Pursuits: consultation response to trigger legal changes

The government have published their response to the 2018 consultation on laws surrounding police pursuits. Figures from 2016/17 indicated approximately 10,000 authorised pursuits. Whilst there is some provision for response driving in the Road Traffic Regulation Act 1984 and the Traffic Signs Regulations and General Directions 2016, legislation holds police drivers to the same offences of careless and dangerous driving as that of the general public. The leading case law is R v Bannister, which followed the tests for the offences of careless and dangerous driving in the Road Traffic Act 1988. Officers are at risk of being exposed to lengthy investigations and potentially prosecution, causing major upheaval for the officer and their force. The legal limitations also stunts forces’ abilities to respond to emergency and life threatening situations and tackle certain offence types such as motorcycle related crime.

These concerns triggered engagement with the College, POLFED and the CPS amongst other agencies, to review legislation, guidance and practice surrounding police pursuits. The consultation saw an overwhelming majority back proposed changes to the law to acknowledge the considerable level of

training and expertise required in response driving. As a result, changes to the legislative framework will aim to:

- introduce a new legal test so that an officer's driving is compared to that of a competent and careful police driver with the same level of training and performing the same role, rather than compared to a member of the public
- review current legislative exemptions to ensure that they are still fit for purpose
- ensure all changes apply to all officers trained in response driving, to cover those pursuing criminals and emergency responders.

Potential further action for agencies will include:

- the College and the police to revise and expand guidance on emergency driving and ensure consistent application
- the CPS to ensure that existing guidance is applied consistently
- ensuring that reforms bring investigations of this nature to an earlier conclusion.

Access the full consultation document [here](#).

[↑ Back to contents](#)

Funding allocated to tackle serious violence

£51 million of the £100 million serious violence fund announced by the government in March has been released to 18 forces in England and Wales. Chief officers will determine how the funds are used, but its main function is to increase visible policing in areas with high levels of violent crime. The Home Office intends to work closely with the police to assess the impact of the funding.

Access the full article [here](#).

[↑ Back to contents](#)

New posters for county lines awareness

With the aim of being used by social housing staff, the Home Office has issued posters which contain useful information for other agencies to raise awareness about the issue.

Access the poster [here](#).

[↑ Back to contents](#)

NCA publish Annual Plan

The NCA's operational priorities for 2019 have been published. These priorities include:

- enhancing intelligence in existing and emerging serious and organised crime threats and use that intelligence to drive responses
- operating proactively in high risk areas
- proactively sharing intelligence, assets and capabilities with partner agencies
- developing and delivering serious and organised crime capabilities
- equipping officers with the right skills, facilities and technology to cut serious and organised crime, and retain the trust of the public.

Access the full article [here](#).

[↑ Back to contents](#)

Burglary taskforce chaired by Policing Minister

On 29 April, the new Burglary taskforce had its first meeting, chaired by the Policing Minister, Nick Hurd. The taskforce is made up of police officers and staff, industry leads, charities such as Crimestoppers and Victim Support.

The purpose of the taskforce is to develop further action to combat these crimes and to agree upon future actions. Themes include making homes more secure, putting in procedures to stop criminals selling on stolen goods and improving the wider police and criminal justice system response.

Statistics recently published by the Home Office show that in England and Wales, burglary has dropped by 3 per cent when compared to the previous year.

During the first meeting, the scale of the threat of burglary and similar crimes was discussed, as well as methods to help reduce these crimes. The taskforce will meet every 6 months.

Access the full article [here](#).

[↑ Back to contents](#)

New Forensic Science Strategy

The Home Office has published a new action plan for improving forensic services in policing. The action plan is the product of a review conducted in association with the Association of Police and Crime and Commissioners and the NPCC. The plan is formed of 13 action points including:

- the government to continue support to give the Regulator statutory enforcement powers
- the Criminal Procedure Rules will change so that commissioning parties have a duty to disclose anything which might reasonably undermine an expert's opinion or their impartiality
- make the Forensics Capability Network (FCN) sustainable
- the FCN to develop a workforce strategy to preserve and develop skills across policing
- the Home Office to support to support police forces' participation in the FCN
- focus police efforts by creating a specialist scientific team and a Chief Scientist role to serve as an 'intelligent customer' for policing, coordinating research and development across policing, academia and industry.

[↑ Back to contents](#)

Operational

Updates to counting rules

The Home Office standard for the recording and counting of notifiable offences has been updated. A number of different rules and indexes have been altered, which include but are not limited to:

- offence classification index
- counting rules for fraud
- crime recording general rules
- counting rules for violence against the person
- counting rules for sexual offences
- counting rules for possession of weapons.

Access the full list of amended documents and the guidance itself [here](#).

[↑ Back to contents](#)

Child exploitation disruption toolkit published

The Home Office has published comprehensive and useful guidance for frontline staff who work to safeguard young children from sexual and criminal exploitation. The toolkit is an acknowledgement of how complex it can be to work in this area and presents many of the legal instruments and operational tools police and other safeguarding professionals need, as well as consolidating information on how to target specific risks. Some tools provided include:

- child abduction warning notices
- using the National Referral Mechanism
- slavery and trafficking risk orders
- sexual risk orders
- forced marriage protection orders
- civil injunctions.

The toolkit accommodates the varying factors in any scenario which necessitates a case by case review of potential actions. There are specific

sections on behaviour, and it identifies what may not at first glance appear to be related to exploitation. There is also provision for what professionals can do to disrupt activity in specific locations, such as the use of the Anti-social Behaviour, Crime and Policing Act 2014 to obtain information from a hotel believed to be used for child sexual exploitation. Coverage includes alternative options for professionals such as Drug Dealing Telecommunication Restriction orders and using the Fire and Rescue Services Act 2004. Learning is consolidated in a Best Practice section in the areas of multi-agency working and information sharing and intelligence and evidence.

Access the toolkit [here](#).

[↑ Back to contents](#)

Updates to modern slavery referral forms

Guidance on modern slavery and associated referral forms have been updated to reflect changes to the referral process.

Updated documents can be accessed [here](#).

[↑ Back to contents](#)

Update to RIPA guidance

The Home Office has amended their guidance on the Regulation of Investigatory Powers Act 2000.

The updated guidance can be found [here](#).

[↑ Back to contents](#)

Conclusion of PACE Codes C and H consultation

The statutory consultation on the revision of PACE Codes C (detention) and H (detention – terrorism) ran from the 21 August 2018 until 1 October 2018. The responses to the Home Office consultation, and revisions to the two PACE Codes have now been published.

The main purpose of revising PACE Code of Practice C and H, surrounds safeguards for menstruating detainees. In addition, further revisions have been made to improve the dignity, health, hygiene, and welfare of detainees. Following the consultation, the amended provisions include:

- Each female detainee shall be asked if they require or are likely to require any menstrual products whilst they are in custody. If they do, they must be told that they will be provided free of charge and that replacement products are available.
- Custody officers must determine whether each detainee wishes to speak in private with a member of custody staff about any matter concerning their personal needs relating to health, hygiene and welfare; if the detainee wishes, this member of staff may be of the same sex. These changes provide an opportunity for female detainees to raise issues about their menstrual needs and also for male and female detainees to raise issues relating to other hygiene needs such as incontinence and colostomy.
- Access to toilet and washing facilities must take account of the detainee's dignity. For example, in cells subject to CCTV monitoring, privacy in the toilet area should be ensured by any appropriate means and detainees should be made aware of this when they are placed in the cell.
- Strip searches and intimate searches of detainees must be conducted with proper regard to their dignity. This includes, in particular, the detainee's health, hygiene and welfare needs including menstruation.

The outcome of the consultation prompted some revisions to the initial proposals. In particular:

- (a) Strengthened wording to ensure that access to toilet and washing facilities take account of the detainee's dignity, and that detainees are always made aware that their privacy will be ensured whilst they use the toilet in cells subject to CCTV monitoring.
- (b) More explicitly setting out the needs of menstruating transgender detainees.
- (c) Further clarification of where detainee dignity/health, hygiene and welfare need to be considered by custody officers.

Access the full consultation response [here](#).

[↑ Back to contents](#)

Home Office Circular 004/2019: Counter-Terrorism and Border Security Act

The Home Office has published guidance on the application of the named Act, featured in last months' Brief and enacted on 12 April 2019.

The new Act was introduced following review of the UK's existing counter-terrorism strategy. The review was completed in the context of the terrorist attacks of 2017 and serves to ensure that law enforcement agencies have an adequate legislative framework to competently tackle terrorism.

Part 1 of the Act amends certain offences to update them for the digital age, reflect contemporary patterns of radicalisation and developments in the terrorist threat. It is now illegal to recklessly show support for, or publish images of flags, emblems or clothing in a way that suggests you are a member, or supporter of a **proscribed organisation**. Certain preparatory offences now carry a maximum sentence of 15 years. These offences include encouragement of terrorism and the dissemination of terrorist publications.

The Secretary of State is now authorised to designate an area outside of the UK associated with terrorism, which it would be an offence to enter or remain in without reasonable excuse. Limitations will be enforced if the Secretary of State is satisfied that it is necessary to protect members of the public from terrorism. An individual found to have entered or remained in a designated area, unless for a legitimate reason (such as being there involuntarily), could face up to 10 years in prison. The offence will not allow the retrospective prosecution of those who have already travelled overseas to fight and returned to the UK, but it will assist in a future conflict to which UK nationals or residents seek to travel.

Maximum penalties are increased for some offences and increases the number of offences which can fall under the scope of extended sentence provisions. Police powers are amended to strengthen investigative abilities and manage risk, strengthening notification requirements, updating biometric retention powers and clarifying that terrorist offences fall under the definition of crime for applications for Serious Crime Prevention Orders.

An article on the government response to the Independent Reviewer of Terrorism Legislation's review of counter-terrorism legislation can be found in the Review and Reports section.

Access the circular [here](#). Access an article about the changes [here](#).

[↑ Back to contents](#)

Home Office Circular 003/2019: Regulation 10B of the Police Regulations 2003

As featured in previous editions of the Brief, the College has worked with the invaluable support of participating forces, the Home Office, POLFED and other agencies to introduce changes to regulation 10B of the Police Regulations 2003 to improve forces' abilities to facilitate the return of talent to the police service. This circular clarifies certain particulars surrounding the logistics of the application of the determination, namely changes to Annex C (probation) and Annex OO (career breaks).

Access the circular [here](#).

[↑ Back to contents](#)

Lessons Learnt

Child protection reviews for three police forces

Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) has reviewed three police forces as part of a rolling programme of child protection inspections of all police forces in England and Wales. The three forces reviewed were:

Lancashire Constabulary: According to the HMICFRS, they have successfully implemented a range of measures to strengthen how they handle child protection issues. The inspection found that there had been a 'cultural change' across Lancashire Constabulary at all levels, and that child protection has been prioritised, meaning the force is well placed to tackle it.

Access the full report for Lancashire Constabulary [here](#).

Northumbria Police: Progress has been made, but there is still a substantial amount of work to do. The HMICFRS report states that there is 'continuing commitment' amongst officers and staff to their child protection responsibilities, but several specific recommendations have been made, particularly with regards to missing children. These recommendations include:

- additional training for staff to help them recognise and respond to risk more effectively
- a new initiative to share information with schools about children who go missing
- a project which focuses on the impact of domestic abuse on children.

Access the full report for Northumbria Police [here](#).

Bedfordshire Police: ‘Tangible steps’ have been taken to improve their child protection capabilities, but according to HMICFRS, there remains several areas of concern. Specific improvements include:

- enhanced training on child protection issues for officers and staff
- improved Force Contact Centre procedures for responding to missing children
- reviews of IT systems and other internal processes in order to identify potential problems
- upgraded information sharing practices and data.

Despite these recommendations, several serious issues remain. These include:

- inaccurate and inconsistent information recorded on children’s custody records, as well as a general lack of understanding about police custody rules for children
- high workloads combined with low staffing levels
- delays in sending referrals to the relevant local authority
- lack of police supervision in multi-agency safeguarding hubs.

HMICFRS will continue to regularly monitor Bedfordshire Police’s child protection capabilities.

Access the full article [here](#).

[↑ Back to contents](#)

PEEL – group 1 force press releases

HMICFRS have published their findings for the first 14 forces inspected in the PEEL: Police effectiveness, efficiency and legitimacy 2018/2019 assessment. There are 29 forces in England and Wales still awaiting to be inspected in the two subsequent groups. The findings of which, will be published following the inspections.

Access the assessment results [here](#).

[↑ Back to contents](#)

Our workforce

Pensions updates

Amendments have been made to the pensions calculator. Users should note that the calculator is intended for guidance purposes only and should not be used as financial advice.

Access the calculator [here](#).

The police pension administrator contacts list for England and Wales has been updated.

Access the list [here](#).

[↑ Back to contents](#)

Mental Health Awareness Week

This year's Mental Health Awareness Week will take place between 13-19 May 2019. The purpose of this week is to keep mental health issues on the agenda and to raise awareness and invite dialogue around a previously taboo subject. The theme this year will be body image, a topic of increasing significance with the prevalence of trolling and the use of the internet and other media to 'body shame' and create artificial expectations in society. The Mental Health Foundation will be undertaking a number of different projects, including a report on the link between body image and mental health, publishing practical tools and initiating online dialogues.

Further information, a supporter pack and promotional material can be found [here](#).

[↑ Back to contents](#)

Police Superintendents' Association: 'It's time to put wellbeing at the top of our agenda'

Paul Griffiths, President of the Police Superintendents' Association, has given his thoughts on prioritising the wellbeing of police officers and staff. His comments come ahead of the launch of the National Police Wellbeing Service.

Access his full statement [here](#).

[↑ Back to contents](#)

Criminal justice news

Five groups to be awarded funding to tackle hate crime

The Home Office has announced that five groups will benefit from the Hate Crime Community Projects Fund (HCCPF), a fund that has been running for three years, aimed at helping groups across the country to work closely with local communities to tackle hate crime. The fund was launched in 2016, as part of the Hate Crime Action Plan. The government committed £900,000 over three years to provide grants for local community organisations to help tackle all forms of the crime.

The five groups, who have each secured a part of the £346,000 fund are:

- **Protection Approaches** – who will work to provide training for frontline staff and raise awareness on how to report hate crimes in Newham, London.
- **The East European Resource Centre** – who will work with Eastern European communities in London, the West Midlands and Greater Manchester to help build an understanding of and resilience against hate crime and what to do if they have been a victim.
- **Nottingham BID** – will work on tackling hate crime in the night time economy, particularly in LGBT venues.
- **Barnardo's** – who will work to raise awareness of disability hate crime in schools in Gwent.
- **The Proud Trust** – who will work alongside the British Transport Police and major train companies to tackle LGBT hate crime on public transport, including awareness raising campaigns and outreach in schools.

Access the full article [here](#).

↑ [Back to contents](#)

Terrorist jailed for football match massacre plan

Shane Fletcher, a white supremacist, who had been planning a massacre at a football match in his hometown, has been sentenced to nine years' imprisonment. Fletcher had spoken of his unfounded hatred of Workington and how easy it would be to drive a van into people at an annual event. His diary contained written instructions on how to construct a pipe bomb and make improvised napalm. Other diary entries included his talk of 'obliterating everything' and 'destroying everyone'.

Fletcher was convicted in January, following a trial at Manchester Crown Court, on two counts of collecting or making information useful for terrorism and one count of soliciting to murder after he unsuccessfully attempted to recruit a friend to assist with the attack.

The defence attempted to portray Fletcher as a 'lonely attention seeker', instead of recognising the severity of his actions and his title as a white supremacist and terrorist. The prosecution argued that Fletcher was motivated by revenge and a hatred for Jewish and non-white people, who he blamed for his own faults, such as his isolated lifestyle and inability to find work. Analysis of Fletcher's diary and social media messages to his friends, in which he sends links to violent 'snuff movies' and brands Columbine killers as 'legends', formed a central part of the prosecution's case.

Access the full article [here](#).

[↑ Back to contents](#)

Extra support for witnesses

The Justice Secretary has declared that those who have witnessed serious acts of violence should be offered access to the same specialist support as victims. Mr. Gauke drew on evidence which indicates that being a witness to serious violence can lead to severe psychological trauma, potentially triggering a cycle of retribution and further acts of violence. New measures are now being considered, including:

- extending counselling to witnesses of murder or manslaughter
- specialist training for staff working at youth offender institutions to identify signs of past abuse, exploitation or serious violence

- a review of the Victim's Code to make it clearer to witnesses what support is available to them.

Access the full article [here](#).

[↑ Back to contents](#)

Introduction of new online safety laws

New online safety laws are set to be introduced that will place a duty of care on social media companies and tech firms, requiring them to protect their users and tackle illegal and harmful activity/content on their sites. Independent regulators will be appointed to enforce these standards, and will have substantial enforcement tools to ensure the companies are taking reasonable steps to keep their users safe. The government is still consulting on the regulator's powers, including issuing fines, blocking access to sites, and imposing liability on members of senior management.

A range of harms will be tackled as part of the Online Harms White Paper, such as inciting violence and violent content, encouraging suicide, disinformation, cyber bullying and children accessing inappropriate material. There will be strict requirements for companies to take even tougher action to ensure they tackle child sexual exploitation and abuse content.

The new proposed laws will apply to any company that allows users to share or discover user generated content or interact with each other online. This means a wide range of companies of all sizes are in scope, including social media platforms, file hosting sites, public discussion forums, messaging services, and search engines.

Access the full article [here](#).

[↑ Back to contents](#)

Coordination and unity plans revealed

Home Secretary Sajid Javid has called for a more uniformed, coordinated, and united approach to combat shared threats. Javid focused on the fact that more needs to be done across the global community to protect people from harmful online content and the disturbing and dangerous effects a viewer can experience after witnessing such content.

Javid stressed the urgent need to redouble efforts to address terrorist threats, urging tech companies to work together to tackle the exploitation of online platforms.

Access the full article [here](#).

[↑ Back to contents](#)

Call for Evidence – violence and abuse towards shop staff

The Home Office’s Call for Evidence on violence and abuse towards shop staff opened on 5 April 2019. The consultation is open to organisations and individuals who are able to contribute to the government’s understanding of the problem of abuse and violence towards shop staff in England and Wales. The consultation is particularly interested in hearing responses from retailers, trade associations, unions and those working in a retail environment.

Further information can be accessed [here](#).

[↑ Back to contents](#)

£4 million awarded to international anti-slavery projects

The Modern Slavery Innovation Fund (MSIF) supports international projects to trial new ways of stopping modern slavery. Recently MSIF has awarded up to £800,000 each to several projects across the world, including projects to protect vulnerable girls from trafficking in Ethiopia and improving care standards for victims of modern slavery in Nepal.

The first six projects chosen to receive £800,000 each are:

- **Anti-Slavery International.** To improve the working conditions of migrants working in Mauritius.
- **United Nations University.** To develop an online platform to gather global data to support modern slavery policy development.
- **Stronger Together.** To run workshops to raise awareness of modern slavery in South Africa.
- **The Freedom Fund.** To work in India and Nepal to enhance victim care of frontline workers.

- **Retrak.** Provides support and education to vulnerable girls in Ethiopia, who have been victims of, or are at risk of, child sexual exploitation or domestic servitude.
- **Ethical Trading Initiative.** To help inform workers in Malaysia about their rights, and provide access to remedies where they have suffered abuse.

The funding marks the second phase of the fund and will run until 2021. The first phase of the fund totalled £6 million and supported 10 projects between Spring 2017 and March 2019.

Access the full article [here](#).

↑ [Back to contents](#)

Mobile phone data required for rape prosecutions

The CPS have produced an article in relation to the widespread media coverage about how police and prosecutors use information from the mobile phones of people who report rape or other sexual offences.

The article highlights some serious inaccuracies in the media and online coverage, which, the CPS believe could deter some victims coming forward to report sexual offences.

The inaccuracies in the coverage include:

- Falsely reporting that all complainants in rape cases must automatically hand over personal on their phones, or run the risk of the prosecution being dropped. Mobile phone data, or social media activity, will only be considered by the police when relevant to an individual case.
- Wrongly suggesting that mobile phone data will be handed over to lawyers representing the suspect, so that it can be used unfairly to discredit the complainant. This is not the case; there is clear legal guidance to ensure that private information which does not assist the defence, or undermines the prosecution, is not disclosed to the defence.

However, for an investigation to proceed and be as fair as possible for both the complainant and suspect, all reasonable lines of inquiry must be pursued. This is not a new concept and there has been no policy or legislative change in this area. Mobile phones will not be required in every case, but when they are, there is clear guidance stating that only relevant material to a particular offence may

be pursued, to minimise any unnecessary intrusion. This principle applies to all offences and is not restricted to allegations of sexual offences.

The new consent forms being rolled out by the police are intended to achieve a national consistent approach, to ensure complainants are being treated in the same way by all forces. The forms are designed to bring clarity around the process and provide victims with an understanding of how their data might be used, so they can have the confidence to come forward and support a prosecution.

Access the full article [here](#).

[↑ Back to contents](#)

Reviews and reports

Crime Outcomes in England and Wales 2017-2018

The annual bulletin on outcomes that forces have assigned to offences recorded by the police has been published. Figures represent findings to March 2018.

Key findings include:

- 48 per cent of offences were closed with no suspect identified.
- The proportion of crimes which resulted in a charge/summons fell by 2 per cent.
- The proportion of offences that resulted in evidential difficulties increased by 3 per cent (the report indicated the potential link between this and the rising number of complex crimes and the increasing volume of digital evidence).
- It took forces an average of 6 days to assign outcomes.
- 638,882 fraud offences were recorded.

Access the full report and data tables [here](#).

[↑ Back to contents](#)

Government publish response to terrorism report

Following the terrorist attacks of 4 June 2017, the Prime Minister requested that a review of counter terrorism powers and legislation take place to ensure that law enforcement agencies had the tools and powers needed to safeguard the public. The Independent Reviewer of Terrorism Legislation (IRTL) was tasked to provide a report on the use of terrorism powers, the results of which would inform future approaches on counter terrorism and ensure the recent introduction of the Counter-Terrorism and Border Security Act is a fair and proportionate means of combating any future threats. The IRTL published their report in October 2018 and the government has now published its response, which includes commentary on:

- Operation MANTELIN (investigation of the Manchester Arena bombing):
 - the response welcomed the IRTL's conclusion that 'the police are to be commended on the thoroughness and rigour of an investigation which commenced as a possible manhunt, to

the extent that some considered the complexity and duration of Abedi's preparations to be beyond the capacity of a lone individual'. The flexible and careful approach taken towards managing resource and resilience was commended, but an assurance was given that these issues would continue to be reviewed on an ongoing basis

- it was agreed that the 14 day maximum period for pre-charge detention was sufficient
- it was forwarded that arrest of Subject G (described by the IRTL as a person 'being in the wrong place at the wrong time') was a lone incident and not an example of a systemic inappropriate response to arrests.
- Operation DATIVAL (investigating the London Bridge attack):
 - the response welcomed the IRTL's finding that the police had demonstrated speed and flexibility. Following their recommendation that arrest and search provisions should be improved, it was concluded that powers had been used effectively and efficiently. Assurance was given that further efforts would be made to work with the Security Service to review whether more detailed assessments of abscond risk was required. Personal service of refusals of variation requests to TPIM subjects were not seen as an appropriate use of police resources, though it was acknowledged that in some cases it would be necessary.

Access the full response [here](#).

[↑ Back to contents](#)

Diversity

Law change to increase the dignity of women in custody

Last year, the Independent Custody Visiting Association (ICVA) wrote to the Home Office over concerns of women being left without basic sanitary protection in police cells. Examples of this include: one force not providing tampons to women for safety reasons, female detainees being stripped of all clothing, and being placed in paper suits with no menstrual products or underwear being offered. Furthermore, there were concerns about the lack of hand-washing facilities and the use of CCTV in cells.

To read more about the changes to PACE, please go to the [article on page 20](#).

The changes will ensure that detainee dignity, health, hygiene and welfare products are considered when:

- providing access to toilet and washing facilities
- removal of a detainee's clothing is necessary for investigation
- allowing clothing and personal effects to be retained by detainees.

An updated notice will be given to detainees, informing them of their rights and entitlements whilst in police custody.

Access the full article [here](#).

[↑ Back to contents](#)

Gender-sensitive trauma approach guidance

The Centre for Mental Health and the Mental Health Foundation (in association with other agencies) have produced guidance on providing effective trauma informed care for women. The guidance follows concerns that many institutions can play a part in perpetuating trauma and causing further harm on vulnerable people. To be trauma informed, is to prioritise the needs of the individual above that of protocols when possible, not defaulting women's needs into pre-specified boxes and creating a culture of communication and true engagement. The guidance provides an exploration of trauma, its causes, its impacts and the role institutions can play and the different aspects of trauma informed care and provides resources for further learning.

Access the guidance [here](#).

[↑ Back to contents](#)

Places of worship scheme open ahead of religious holidays

From July 2019, religious organisations will be able to register their interest and submit applications to the Places of Worship Protective Security Scheme. This comes in the run up to a number of religious celebrations, including Passover and Ramadan.

The increased investment and scheduled improvements to the scheme were originally motivated by the Christchurch mosque attacks, which took the lives of 50 people. Since its creation in 2016, the scheme has provided over £1.5 million in grants for additional protection and security measures to places of worship across all major religions.

For the scheme's fourth year, the application process has been simplified and there has been a planned increase in funding. In addition to the scheme, the Home Office will be supporting Faith Associates, an organisation providing security training and advice to Muslim places of worship.

The full article can be accessed [here](#).

[↑ Back to contents](#)

Fawcett Society comments on gender pay gap

A year on from the first mandatory Gender Pay Gap reporting in April 2018, the Fawcett Society has reflected on what progress has been made and what has yet to be achieved. Their report on 2018's findings indicated that nearly eight out of ten employers had a median pay gap in favour of men, with the mean average of each organisation's median gap at 9.7 per cent. EHRC research indicated that although there had been action towards publishing data, only one in five employers had produced a subsequent action plan, and only 11 per cent had set themselves targets. The report makes recommendations on future initiatives, including:

- Legislate for businesses to present an action plan to close their gender pay gaps.
- Three yearly mandatory pay audits.
- Businesses to become real living wage employers (over 60 per cent of those earning less than the real living wage are women).
- Challenge the gender segregation of higher paying occupations.
- Increase the value placed on roles where women are highly represented, eg, care.

Access the full article [here](#).

[↑ Back to contents](#)

Census of Local Authority Councillors

May saw voting day for local council elections. The Local Government Association has published its eighth census of Local Authority Councillors in England. The census provides an overview of representation at local government and collected data between September and November 2018. All 17,770 councillors were requested to participate with 2,627 responding (a response rate of 15 per cent).

Key findings include:

- 68 per cent of councillors held a degree or equivalent qualification.
- The average age of councillors was 59 years, 43 per cent were aged 65 or over and 15 per cent were aged under 45.
- 96 per cent described their ethnicity as White, 2 per cent as Asian, and 1 per cent as Black.

- 88 per cent described their sexual orientation as heterosexual.
- 63 per cent of councillors were male.

Commentators have reflected on local government failing to adequately represent communities and the questions these figures pose about inclusion.

Access the full report [here](#).

↑ [Back to contents](#)

About the College

We're the professional body for everyone who works for the police service in England and Wales. Our purpose is to provide those working in policing with the skills and knowledge necessary to prevent crime, protect the public and secure public trust.

college.police.uk



Follow us
@CollegeofPolice