



College of  
Policing

Front-line  
Review

Stop and search  
Extensions  
proposed

Victims  
Strategy  
published

# Digest | September 2018

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



**Modern Slavery** UK leads charge

**Crisis in custody** Cuts affecting service

**ESN** Roll-out scheduled for emergency services

**County lines** New centre opens

**BetterEvidence**™  
for **BetterPolicing**

The Digest is a primarily legal environmental scanning publication intended to capture and consolidate topical and key issues, both current and future, impacting on all areas of policing.

During the production of the Digest, information is included from governmental bodies, criminal justice organisations and research bodies. As such, the Digest 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 [www.app.college.police.uk](http://www.app.college.police.uk)

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# Introduction

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Dear readers,

An enormous thank you to those of you who took the time to complete our reader survey last month. We are compiling the results and are scheduled to meet with our design team to help build a brand new format for the publication to be launched in January 2019. Watch this space! Thanks also to those who have submitted entries for our naming competition, we've had some great ideas submitted. To reassure our long standing subscribers, the Digest will remain in essence, the same publication with the same focus on content and the same commitment and diligence to its drafting for the service of our members. However, now in its 17<sup>th</sup> year, it well deserves a make-over! We really hope that you'll like the new look.

This month's edition includes articles on the government's new Victims Strategy, cooperation amongst states towards combating crime as an international priority and financial sustainability of police forces. Our case summary feature is the case of Big Brother Watch and Others v UK, an important judgement regarding surveillance regimes.

Thanks for reading,

The Legal Services team

For subscription requests, further information or to send us ideas on what you'd like to see in upcoming editions, please contact us at:

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# Legislation

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## Bills before Parliament

### Offensive Weapons Bill

A bill in relation to corrosive substances, bladed articles and firearms.

The bill completed committee stage on 11 September 2018 and will have its third hearing on 15 October 2018.

Find further information [here](#).

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### Voyeurism (Offences) (No. 2) Bill

The bill will make certain acts of voyeurism, notably 'up-skirting', an offence.

First reading took place on 6 September 2018 and starts the bill on its journey through the House of Lords. Second reading is scheduled for 23 October 2018.

Find further information [here](#).

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### Counter-terrorism and Border Security Bill

The bill will facilitate a number of provisions to counter-terrorism including enabling people at ports and borders to be questioned for national security purposes.

First reading took place on 12 September 2018. Second reading is scheduled for 9 October 2018.

Find further information [here](#).

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### Crime (Overseas Production Orders) Bill

The bill will make provision for overseas production orders.

Line by line examination took place on 10 September 2018. Report stage is scheduled for 22 October 2018.

Find further information [here](#).

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## Mental Health Units (Use of Force) Bill

This is a private member's bill. It will principally lay out provisions regarding the oversight and management of appropriate use of force in mental health units. It will also make provision for the use of body worn cameras by police officers while performing certain duties in mental health units.

Second reading took place on 7 September 2018. Committee stage is yet to be scheduled.

Find further information [here](#).

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## Courts and Tribunals (Judiciary and Functions of Staff) Bill

The bill will alter the functions of court and tribunal staff to maximise court resourcing including optimising use of judicial expertise.

Committee stage took place on 10 July. Report stage will take place on 16 October.

Find further information [here](#).

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## Domestic Violence and Abuse Bill

The Home Office has launched a consultation on best practice to tackle domestic abuse. Draft legislation has been discussed by the Commons Select Committee and will be introduced in the autumn. Other non-legislative policies will also be discussed.

Find further information [here](#).

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# Statutory Instruments

## SI 2018/960 The Prison and Young Offender Institution (Amendment) (No. 2) Rules 2018

This instrument amends the Prison Rules 1999 and the Young Offender Institution Rules 2000 which define 'specified drugs' in the Prisons Act 1952. Section 16A of the 1952 Act allows a prison officer to require a prisoner provide a sample for detecting specified drugs. This instrument amends the definition of 'specified drug' to include additional chemical compounds such as a mixture of psychoactive substances, prescription only and pharmacy medicines.

Find further information [here](#).

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## SI 2018/961 The Magistrates' Courts Warrants (Specification of Provisions) (Amendment) Order 2018

This instrument amends the Magistrates' Courts Warrants (Specification of Provisions) Order 2000 to extend the type of warrants which can be executed by civilian enforcement officers and approved enforcement agencies. The changes will accommodate the new types of warrant introduced since the 2000 order.

Find further information [here](#).

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## SI 2018/997 The Police and Firefighters' Pensions (Amendments) Regulations 2018

The regulations make amendments to a number of instruments regarding pensions for police officers and firefighters notably:

- the Police Pension Regulations 1987
- the Police Pension Regulations 2006
- the Police (Injury Benefit) Regulations 2006
- the Police Pension Fund Regulations 2007
- the Police Pensions Regulations 2015

The changes follow incompatibilities of existing requirements with the ECHR.

Amendments include:

- Changes to the 2006 and 2015 regulations to remove the requirement for a nomination form if other underlying conditions already exist and are met. Death grant payment will be made to surviving cohabiting partners if conditions are met. Scheme managers will determine eligibility. If a death grant has already been paid to the deceased's estate, a qualifying cohabiting partner may now be entitled to a second death grant.
- If an officer is currently excluded from the 'Mandatory Scheme Pays' arrangement, qualifying officers may have the right to use 'Voluntary Scheme Pays'. Qualifying officers may request the pension scheme to pay (from an entry threshold of £1,000), an Annual Allowance tax charge on pension income accrued above that person's HMRC Annual Allowance limit. Corresponding deductions will be made from that person's pension benefits.
- Officers who joined the pension scheme via the 2015 regulations will have the same access to benefits under the Injury Benefit Regulations as those who joined on earlier pension schemes.
- A reduction in payment under injury pension, if a pension is also payable under the relevant police pension scheme.
- Improved transparency for any pension payments and contributions under the 2015 regulations.
- Change to the 2015 regulations to include: opening balances held in pensions are revalued according to the changes in prices from the previous year, allowing qualifying

members to include NCA service in Northern Ireland as part of their scheme, allowing members on certain types of unpaid leave to make extra contributions to make that time pensionable and ensuring that there is no compromise to pension benefits if a member moves from another scheme to the 2015 scheme.

Find further information [here](#).

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## Acts

### Assaults on Emergency Workers (Offences) Act 2018

The act makes provisions for offences committed against emergency workers or those assisting them, while performing their duties.

Find further information [here](#).

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## Case law

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### Big Brother Watch and Others v the United Kingdom ECHR 299 (2018)

The case involved complaints forwarded by journalists and rights organisations (16 applications in all) about three surveillance regimes:

- 1) bulk interception of communications
- 2) intelligence sharing with foreign governments
- 3) obtaining communications data from communications service providers.

Points 1 and 3 above have a statutory basis under the Regulation of Investigatory Powers Act 2000 (RIPA 2000). The new Investigatory Powers Act 2016 (IPA 2016) has now introduced significant amendments. As IPA 2016 had not come into effect at the time of application, this case is reviewed under IPA 2000.

The applications were lodged after whistle-blower, Edward Snowden (a former US National Security Agency contractor) exposed intelligence sharing programmes between the US and the UK. The applicants believed the nature of their operations meant that it was likely their communications had been intercepted and obtained. They based their argument on breaches of the European Convention on Human Rights (ECHR), namely Article 8 (right to respect for

private and family life and correspondence), Article 10 (freedom of expression), Article 6 (right to a fair trial) and Article 14 (prohibition on discrimination).

#### The Article 8 argument

- The relevant legislation for bulk interception is section 8(4) of RIPA 2000. The court viewed that this was not *per se* a violation of the convention, as countries are granted a wide margin of appreciation as to what might be deemed necessary to protect national security. This is not an unlimited discretion and must meet the requirements set out in [Weber and Saravia v Germany](#). The Court found that whilst the UK was not abusing these powers, there was inadequate oversight of selection and search processes, in particular for selecting internet bearers for interception and in the choosing of selectors and search criteria to filter and select intercepted communications. The court also identified that there were no safeguards for the selection of related communications data even though this data had potential to reveal a great deal of information about a person. As such, section 8(4) failed to meet the Convention's 'quality of law' requirement and any interference done under it could not be 'necessary in a democratic society'. Violation found.
- For the acquisition of data under Chapter 2 of RIPA 2000, following a recent UK judgment on incompatibility of a similar legal provision in IPA 2016 to Article 8, it then follows that this too is incompatible. Violation found.
- No shortcomings were identified in respect of the UK's intelligence sharing protocol being laid out sufficiently in both law and codes of practice. No violation found.

#### The Article 10 argument

- The absence of safeguards for circumstances where journalistic material could be taken for inspection and for the protection of confidentiality, impacts on the freedom of the press. Violation found.
- There were safeguards for requests for data from communications service providers but these were only applied when the request's purpose was to uncover the identity of a journalist's source. They did not apply in every case. Consequently, Chapter II of the regime is seen as a violation of Article 10.

#### The Article 6 argument

- The applicants argued that the Investigatory Powers Tribunal (IPT) lacked independence and therefore an absence of impartiality. The court deemed that the IPT had utilised their powers in the applicants' own case and had acted to ensure fairness. No violation found.

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

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# Policing practice

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## Crime

### National County Lines Coordination Centre opens

County lines crime relates to the supply of drugs from cities to market towns, coastal and rural locations by predominantly young people, using mobile phone lines. Gangs and criminal networks use violence and intimidation to establish and maintain markets, with the county lines model also involving modern slavery and child exploitation.

Recent analysis conducted by the National Crime Agency (NCA) indicates that there are more than 1,000 county lines currently in operation. To counter this, a new multi-agency centre was developed to tackle county line drugs crime and is now operational. The centre is formed of experts from the NCA, police and organised crime units and will work to develop intelligence on the complex problem and action plans against the worst offenders. It intends to work with partners in government, education, health, social care and education to negotiate broader issues. At present, there are 200 active investigations on county lines but the new centre will facilitate further investigations and allow forces to intensify operations.

Find further information [here](#).

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### CPS release guidance on prosecuting crimes against older people

The Crown Prosecution Service have released new prosecution guidance on crimes against older people. The guidance acknowledges broader social issues such as societal stereotypes of older people as 'easy targets' and ageism or prejudice being potential motivators. The Code for Crown Prosecutors guides prosecutors to regard any offence motivated by discrimination as increasing the likelihood of a prosecution. The guidance articulates commitment to entitling those with dementia, fluctuating capacity or other age related conditions with the same rights held by all victims and witnesses and goes on to say that it will not make assumptions regarding reliability or credibility of a victim affected by any of these factors.

The guidance will also ask officers to highlight if a person may have been targeted because of actual or perceived age related vulnerability. If so, these circumstances will be presented to the court as an aggravating factor in a prosecution.

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

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## Operational

### New county lines guidance published

The Home Office has published updated guidance on county lines, identifying signs in potential victims and any need for further action.

The guidance is aimed at policing partners, local authorities and the voluntary sector.

Find the guidance [here](#).

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### Proposal to extend stop and search

New Home Office proposals indicate that stop and search powers will be extended. Existing provision allows for stop and search of those suspected of carrying a corrosive substance with intention of causing injury. The extension to the power will further enable preventative action by allowing stop and search anyone suspected of carrying a corrosive substance in a public place. The move acknowledges the gravity of crimes involving corrosive substances and that acid is as lethal as any knife or firearm. It follows the introduction of the Offensive Weapons Bill in Parliament this year. The Defence Science and Technology Laboratory have been commissioned to develop a portable testing kit to test suspected corrosive substances on the street.

Extension to stop and search is also being considered in relation to misuse of drones and laser pointers. Hostile drone activity creates risks to national infrastructure, defence and other sensitive sites and large scale events where there is likely to be a large crowd of people. In 2017, there were 93 incidents of drones coming close to manned aircraft. There have been 1,000 incidents of lasers being pointed at aircraft since 2010. Extended stop and search powers will prevent offences under the Laser Misuse (Vehicle) Act 2018, Air Navigation Order 2016 and Prisons Act 1952, and are designed to aid effective enforcement.

Find further information [here](#).

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### Roundtable held on effectiveness of stop and search

The Centre for Crime and Justice Studies held a roundtable on the effectiveness of stop and search and included their ongoing analysis of criminal justice policy developments. Speakers included Professor Bradford of University College London and Katrina Ffrench, Chief Executive at Stopwatch. Discussion centred upon Professor Bradford's research which comes from ten

years of crime data obtained from 32 boroughs in London and covers topics such as ethnic disproportionality, effects on deterrence and 'back-fire effects'.

Find out more about the event and a link to Professor Bradford's presentation [here](#).

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### New direction for Emergency Services Network

The Home Office plans to set a new strategic direction for the Emergency Services Network (ESN). The service will benefit from a new mobile-based network in 2019. The project will allow emergency services to use a dedicated 4G network to dramatically change mobile working, particularly in remote areas and peak times in network congestion. Priority will be given over commercial users and will replace the current radio based network, Airwave, saving the state £200 million a year.

Forces and other emergency teams will be able to follow preferences on which parts of the ESN network they choose to use. Services will be introduced in phases throughout the year and will include a 'push to talk' utility. This will be capable of turning mobile phones into emergency service radios with data capability, air to ground communications apps, and other messaging and data services. Communication will be possible even on the London Underground.

Find further information [here](#).

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### Victims Strategy published

A new cross-government Victims Strategy sets out a criminal justice system wide response to improving the support offered to victims of crime and incorporates actions from all criminal justice agencies, including the police, CPS and courts.

The Victims Strategy includes the following key commitments:

- strengthen the Victim's Code and explore victim-focused legislation, including strengthening the powers of the Victim's Commissioner and delivering a Victims' Law
- hold agencies to account for compliance with the Victims' Code through improved reporting, monitoring and transparency
- develop the role of the Independent Public Advocate for bereaved families
- abolish the rule which denied compensation for some victims who lived with their attacker prior to 1979 and consulting on further changes to the Criminal Injuries Compensation Scheme.

The Strategy also sets out how the government will:

- improve support for all victims of crime whether or not they report the crime
- improve victim support after a crime has been reported
- better support victims through the court process
- make sure victims understand a court's decision, the implications for them and for the offender.

Find further information [here](#).

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## Diversity

### Inquiry into victim access to justice

The Equality and Human Rights Commission have launched an inquiry into whether the changes in legal aid provision have prevented victims of discrimination accessing justice. Funding for discrimination cases can now only be accessed via the Legal Aid Agency's telephone gateway. Since the gateway's introduction, the initial legal aid provision for discrimination cases has dropped by nearly 60 per cent. The operator has reportedly processed over 18,000 discrimination cases since 2013 but only 16 of those cases were referred for face-to-face advice between 2013 and 2016. No cases were referred between 2016 and 2017. Other research indicates that the gateway could act as a barrier for those affected by disability or with limited English language skills.

The inquiry will examine:

- how discrimination cases are funded by legal aid
- how many people receive funding for discrimination claims
- barriers to accessing legal aid
- whether individuals experience specific difficulties in accessing support because of a protected characteristic or language or literacy difficulties
- whether a mandatory telephone gateway is appropriate
- whether the existing legal aid system adequately supports effective access to those experiencing discrimination
- barriers that could be removed.

Find further information [here](#).

More information about the legal aid scheme and its compatibility with human rights can be found in [our article](#) about the Joint Committee on Human Rights review of human rights enforcement in the UK.

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# Police

## Front line policing review

Officers and staff will be given the opportunity to forward ideas for change and improvement to shape the future of policing as part of the Home Office's review of front-line policing. The review will ask for feedback on access, availability and experience of support and development and wants to ensure that front-line, operational experience informs decision making and government policy. Pay, resourcing or demand will not be included as this is seen as work already in action by the National Police Chiefs Council (NPCC) and partners.

Feedback will be collected via digital channels, in-force communications, staff associations and partner networks. Initial information collection will then be supported by regional face-to-face focus groups. Findings are to be published in spring 2019 and will include next steps and policy recommendations.

Find further information [here](#).

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## National Audit Office report on financial sustainability of police forces

The National Audit Office (NAO) has published its second report on the financial sustainability of police forces in England and Wales.

Key findings include:

- commissioners receive 19 per cent less funding than they during 2010-2011
- funding reductions are felt differently across forces with forces whose commissioners receive a higher proportion of their funding from central government experiencing the greatest cuts
- the police funding formula used to calculate how much money a force will receive from central government funds does not take into account the nuanced and complex demands on police time
- signs are emerging that forces are finding it harder to deliver an effective service.

The NAO report indicates that the Home Office has taken a 'light touch' approach to overseeing forces' financial sustainability. This approach has led to its inability to grasp a true understanding of the demands for police services and associated costs. The NAO goes on to claim that current funding distribution methods are ineffective and are incompatible with the changing nature of policing. They conclude that the Home Office management of the policing system is not good value for money.

The report's recommendations include:

- greater clarity of accountability relationships

- improving the quality of the data exploring demands on police resources to better understand if current funding is sufficient to support an effective police service
- development of an overall strategy for policing with long term view setting and certainty on future funding
- identify which policies and programmes are best delivered locally or nationally.

Find further information [here](#).

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## Cuts to policing and effects on custody

Delegates at the Police Federation's (POLFED) annual National Custody Seminar discussed the detrimental effects of policing cuts on custody services. Statistics from the National Audit Office's report on the financial sustainability of policing reveal that the arrest rate has fallen to 14 per 1,000 population for the year ending March 2018, from 17 per 1,000 in 2014-2015. The 14 days taken to charge a suspect for an offence has increased to 18 days for the year ending March 2018.

The annual Pay and Morale Survey by the Police Federation of England and Wales (PFEW) has revealed that 22.5 per cent of custody officers want to be redeployed to a different job within policing. This compares to only 2.5 per cent of firearm officers and 8 per cent of detectives. 72.2 per cent of officers not in custody roles stated that they would not want such a role.

Within the survey 58 per cent of custody officers stated low personal morale and 50 per cent, a discontentment at training opportunities. The high risk nature of the job and other factors are contributors to reduced personal morale to those in post. The increase in the number of vulnerable detainees placed in custody, rather than being managed by the NHS or social services due to their decreased budgets, has led custody lead Andy Ward to state that the risk to individual custody officers of being blamed for organisational failures can lead to their role feeling 'like the worst job in policing'.

Find further information [here](#) and [here](#).

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## Issues with chief officer recruitment and tenure

The Association of Police and Crime Commissioners, the NPCC and the College of Police will be holding roundtable meetings to discuss the issues surrounding chief officer recruitment and tenure. Fewer chief officers are applying for chief constable roles and those in role do not stay in the role for as long as before. Interviews have been commissioned with retired chief constables, serving chief officers and commissioners to obtain different perspectives to feed into the review.

Find further information [here](#).

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### Baseline Survey report published

The London Mayor's Office for Policing and Crime (MOPAC), working in partnership with the Open University's (OU) Centre for Policing Research and Learning, launched the Baseline Survey to determine if forces were prepared for the changes to training and learning needed to implement the Policing Vision 2025. The survey aimed to gather attitudes about training, learning and development, drawing together information to understand changes in practices and beliefs over time and determining how forces could be supported to implement the 2025 vision. Survey results have now been compiled into a report and forces have been invited to review the report and consider ways to support workforce transformation. MOPAC and OU will add support by producing tools, frameworks and models.

Find further information [here](#).

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### Inconsistency in complaints handling

The Independent Office for Police Conduct (IOPC) has stated that, although there has been a fall in the number of complaints against police, there is inconsistency among the police forces of England and Wales in how they manage complaints. The main inconsistency is the proportion of complaints formally investigated by forces and those investigated by less formal means such as 'local resolution'. Some forces use formal investigations in the majority of cases, whilst others utilise local resolution more frequently. The proportional use of local resolution by forces ranged from 10 per cent to 75 per cent in 2017-2018.

Other pertinent statistics published in relation to police complaints for England and Wales in 2017-2018 include:

- the total number of complaints recorded declined by 7 per cent to 31,671
- there was a small reduction in the number of allegations made within complaints, from 279 allegations per 1,000 employees in 2016-2017 to 274 in 2017-2018
- the two most common, broadly-defined categories of complaints made against police were 'other neglect or failure of duty' (39 per cent of complaints) and 'incivility, impoliteness and intolerance' (12 per cent of complaints).

The IOPC plans to introduce a number of changes to the complaints system in 2019, to simplify the complaints' system. In relation to the current, broadly-defined categories, improvements are planned to make them more specific so that it is clearer what the complaint is about. The

IOPC will also ensure that all complaints are recorded, including those addressed outside of the formal system.

Find further information [here](#).

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## Criminal justice system

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### 'Calais' leave introduced

A new form of leave will be available to unaccompanied children transferred from France to the UK after the clearance of the Calais camp in 2016. A total of 549 of the 769 children moved from the settlement were reunited with family already in the UK. 'Calais leave' will permit those who qualify, the right to study, work, access public funds and health care and apply for settlement after ten years. The initiative is available to those who transferred between October 2016 and July 2017 and were under eighteen at the time and with family connections in the UK. The initiative starts in autumn 2018.

Find further information [here](#).

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### Inquiry launched into the right to family life

The Joint Committee on Human Rights has launched an inquiry into how the human rights of children whose mothers are in prison are protected. The inquiry is based on research indicating that even short periods of imprisonment of a child's primary carer can have negative impacts on a child, such as forced removal from their home, disruption and other issues such as impact on schooling, health and emotional and behavioural problems. Where a child whose father is imprisoned typically remains with their mother, only 5 per cent of children whose mother enters prison remain in the family home during the imprisonment term and only 9 per cent are cared for by their fathers. The inquiry will consider existing processes and infrastructure in parallel with ECHR Articles 8 (private and family life), 2 (non-discrimination), 3 (best interests of the child), 12 (respect for views of the child) and 20 (children deprived of family environment).

The Committee will discuss:

- whether human rights are adequately accommodated in current sentencing guidelines and practice
- whether there should be a stronger presumption against custodial sentences for primary carers with dependent children

- whether current legislation for safeguarding children whose primary carer is in prison is sufficient
- which are the most appropriate non-custodial sentencing options are for primary carers.

The Committee has invited submissions from interested groups and individuals.

Find further information [here](#).

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### IPCO response to use of juvenile CHIS

Police use of juveniles as covert human intelligence sources (CHIS) was recently debated in Parliament. Further clarification was requested by the Joint Committee on Human Rights, including a request for further guidance from the Investigatory Powers Commissioner's Office (IPCO) in respect to the number of juveniles being used as CHIS. IPCO confirmed that any investigation into such a matter would consider the following:

- details of recruitment with particular focus on previous criminal involvement
- risk assessment and welfare management
- the nature of the tasking involved, for example potential danger and exposure to criminal circles that that tasking has facilitated.

IPCO are now undertaking further investigation into the matter.

Find the IPCO response to the Committee [here](#).

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### Additional funding to support children affected by domestic abuse

Research has indicated that 1 in 5 children have witnessed or been exposed to domestic abuse. Those worst affected are 4 times more likely than other children to perpetuate the cycle of harm and commit an act of domestic abuse in later life. An additional award of £163,000 has been granted to Operation Encompass, a system which supports children attending school following a domestic abuse incident. Following an incident, a school's safeguarding team will be contacted by the police. The team are then placed to support the child with informed and appropriate help. The additional funding will allow roll out of the scheme from 33 forces to all forces, and complete an audit of existing intervention processes for children in these circumstances.

Find further information [here](#).

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## Child abuse image offences recorded every 23 minutes

The NSPCC's #WildWestWeb campaign has highlighted the need for social media networks to be held accountable for protecting the children using them. The campaign has revealed a near 25 per cent rise in the number of child abuse image offences in the UK in 2017-2018 compared to the previous year. On average, that is one offence every 23 minutes – 22,724 in total. In addition the campaign has calculated that 2 per cent of schoolchildren (an average of 1 in 50) have sent nude or semi-nude images to an adult.

In light of this the #WildWestWeb campaign is calling on the government to:

- create a tough independent regulator to hold social networks to account, implementing child safety rules to tackle grooming and to cut off the supply of child abuse images at the source
- create safe accounts for children
- action the implementation of detailed reporting by social networks on how they are ensuring child safety.

Find further information [here](#).

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## Independent Reviewer of Terrorism Legislation responds to government

The Independent Reviewer of Terrorism Legislation (IPTL), Max Hill QC, has answered the government response to his reports produced earlier in the year. There was agreement on:

- the remit of the Joint Terrorism Analysis Centre extending to the threat from domestic terrorism, drawing from IPTL concerns regarding the growth of extreme right wing terrorism
- introducing greater clarity around the use of schedule 7 powers
- careful consideration prior to transporting detainees large distances.

Disagreement was had on the following points:

- the government rejected the IPTLs reasoning that certain terrorism offences had decreasing relevance
- reconsideration of bail before charge for Terrorism and Crime Act detainees.

Find further information [here](#).

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## Crime cooperation placed as international priority

The investigation and prosecution of international criminals was discussed by the Attorneys General of the UK, Australia, Canada and New Zealand. The meeting confirmed a renewed

commitment to share best practice in investigation and prosecution and dealing with complex and cross-border issues. The group also discussed the over-representation of ethnic minorities in the criminal justice system and tasked a working group to study breaking the cycle of harm, victimisation and offending for indigenous peoples and ethnic minorities.

Find further information [here](#).

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## Home Secretary reaffirms relationship with Pakistan

Cooperation on combating organised crime, terrorism and corruption was agreed by the Home Secretary and Pakistani ministers on a recent visit to Pakistan. There will be a new partnership between the two countries to tackle illicit crime. A total of £500,000 in funding will be given to Pakistan to assist in their pursuit of money launderers and asset recovery. The Home Secretary also attended a roundtable meeting on forced marriage, and visited schools supported by UK funding.

Find further information [here](#).

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## UK to lead charge on modern slavery

The UK continues to lead international efforts against modern slavery and plans to galvanise international action at the United Nations General Assembly (UNGA). Combining the leveraging potential of £600 billion in purchasing power, the UK, US, Canada, New Zealand and Australia will work together to prevent forced labour in public and private supply chains.

Modern slavery is purported to have entrapped 25 million people worldwide and costs the UK economy up to £4.3 billion a year. Each instance accrues an estimated cost of £330,000 for covering the costs of support, law enforcement and lost earnings. The cost to the victim in terms of emotional and physical harm is insurmountable.

The UK will commit support to protecting up to 800,000 people vulnerable to modern slavery in areas of conflict such as Africa, by providing other forms of livelihood and protecting children. Working in collaboration with UNICEF, up to 400,000 children in Ethiopia, Somalia and Sudan who are at risk of slavery will be supplied with birth registration documents and other measures to reduce the likelihood of their being taken for forced labour or into forced marriages.

A total of 77 countries have now endorsed the UK led 'Call to Action' against modern slavery, an increase of 40 from the previous year. Further action to encourage the remaining countries to join will take place at UNGA.

Find further information [here](#).

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## Cannabis based products defined for medicinal use

Collaboration between the Home Office, the Advisory Council on the Misuse of Drugs, the Department of Health and Social Care and the Healthcare Products Regulatory Agency has led to the identification of products containing cannabis to be legally available for medicinal purposes.

There will be three requirements for products before prescription is possible:

- the product is or contains cannabis, cannabis resin, cannabidiol or cannabidiol derivatives
- the product must have been produced for medicinal use by humans
- the product must be regulated as a medicinal product or an ingredient of a medicinal product.

This does not affect the current government stance on recreational use of cannabis.

Find further information [here](#).

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## Full video hearings pilot results published

A pilot testing full video hearings has produced positive results. Involving eight cases at a first-tier tax tribunal, hearings took place over the internet with all parties logging in from a location of their choice. Appellants welcomed not having to travel, with one avoiding the need for an international flight to attend the hearing in person. There is still work to be done in terms of ensuring the technology is secure and reliable and further consideration also needs to be given to pre-hearing support for parties. Despite this, the pilot indicates a very real potential for change in the future landscape of the criminal justice system. Further pilots are scheduled.

Find further information [here](#).

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## Government response to Human Rights report

The Joint Committee on Human Rights launched an inquiry into the UK's enforcement of human rights in December 2017. The government has now published its response to that report.

In response to the recommendation of:

- a wider evaluation of access to legal justice, the government agreed to consider how best to empower people via support through the criminal justice system, the court system and alternative resolution methods

- widening the eligibility criteria for legal aid, the government will await the results of the review of the current capital eligibility test
- urgent reform of the Exceptional Case Funding scheme to ensure that human rights cases are supported, 2018 purportedly saw the highest number of grants under the scheme but that training and guidance would continue to be improved to ensure effective access to aid
- better use of the amicus curiae system to support the court and unrepresented individuals, £6.5 million has been invested since 2015 to support unrepresented people and improved training of the judiciary to support litigants in person
- review of the Mandatory Telephone Gateway and legal aid availability for discrimination and education matters, the government would continue to review policy and confirmed that in terms of ongoing telephone services, there are three discrimination providers and two special educational need providers to give advice to clients
- review of whether immigration cases which engage the Article 8 ECHR right to private and family life could make legal aid available via the means and merits test, it was confirmed that unaccompanied children fall into the scope of legal aid and that under current legislation, legal aid is available in all cases where there is a risk of a human rights breach.

Find the full response [here](#).

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## Report published on male self-harm in prison

Following an increase in self-harm incidents in prison (306 incidents of self-harm per 1,000 male prisoners in 2015, an increase of 90 per cent from 2006), the Ministry of Justice have published a report on self-harm in prison committed by adult males. The review investigates the characteristics and motivations which drive behaviours and what approaches could be adopted to reduce or manage the behaviour.

Key themes include:

- self-harm should be distinguished from suicidal behaviour with evidence suggesting differences in severity, method and intent ought to be considered when assessing the spectrum of behaviours in prison
- self-harm is typically used as a coping mechanism with emotional distress
- those who self-harm are more likely to be involved in disciplinary acts in prison
- knowledge and attitude of staff towards self-harm, notably on perceptions of 'genuineness' or 'manipulation' may influence self-harm.

Recommendations include:

- further staff support and learning
- development of intervention strategies
- further research into risk and protective factors.

Find further information [here](#).

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## Review of Criminal Injuries Compensation Scheme

Victims' access to compensation via the Criminal Injuries Compensation Scheme is undergoing review to accommodate the ever changing nature of crime. Compensation is one of the many ways victims are supported: other mechanisms include rehabilitation, psychological care and out-reach support. A total of £150 million was paid to victims in 2017-2018.

The review will look at:

- time limits for applications (currently no later than 2 years after the incident) and whether this is reasonable given that victims of child sex abuse may delay reporting
- removing the 'same roof rule' (the rule preventing applicants access to compensation if under the same roof as their assailant)
- defining crimes of violence for compensation entitlement and whether this should be broadened to include sexually exploitative behaviour
- terrorism and whether the scheme is suitable for victims of terror attacks
- sustainability and affordability of the scheme.

Find further information [here](#).

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## New sentencing guideline for child cruelty offences

On 6 September 2018 the Sentencing Council published a new guideline on the sentencing of those found guilty of child cruelty offences. Three offences were covered:

- cruelty to a child
- causing or allowing a child to die or suffer serious physical harm
- failing to protect a girl from the risk of female genital mutilation (FGM).

It is the first time that guidance has been issued for the last 2 points above. The guidance also revises the 2008 guidance for the offence of cruelty to a child.

Additional factors, introduced in these guidelines include:

- new aggravating factor in cases of the offender blaming others for the offence
- high culpability for offenders 'with professional responsibility for the victim', such as teachers or sports coaches
- guidance for the court when thinking about whether to impose custody in cases where the offender is the parent or sole carer for the victim and/or other children.

Find further information [here](#).

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