

Scrutiny & Accountability Board

Escalations

Microsoft Teams

7 December 2021

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| Attendees |  |
| Police & Crime Commissioner Team |  |
| Laura Armitt (LA) - | Executive Advisor & Support Officer to Deputy Police & Crime Commissioner |
| Helen Bennett (HB) | Mental Health Consultant |
| Suzi Graham (SG) | Policy and Research Officer |
| Hannah Jenkins-Jones (HJJ) | Strategic Lead (Scrutiny, Assurance & Equality) |
| Lee Jones (LJ) **(CHAIR)** | Chief Executive |
| Sarah Mahon (SM) | Engagement and Assurance Officer |
| Charlotte Meller (CM) | Policy Officer |
| Nia Scourfield (NS) | Governance Support Officer |
| Jade Theaker (JT) | Policy Officer (Criminal Justice) |
| Jayne Woodward (JW) | Strategic Lead (Quality, Standards & Compliance) |
| South Wales Police |  |
| Detective Chief Inspector Eve Davies (ED) | Public Protection Manager |
| Chief Inspector Dave Gordon (DG) | Head of Criminal Justice |
| Chief Superintendent Joanna Maal (JM) | Head of Corporate Services |
| Assistant Chief Constable David Thorne (DT) | Head of Specialist Crime |
| Carol Woodward (CW) | Assurance & Inspection Manager |

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| No | Item | Content |
| **1.** | **Introductions & Apologies** | * 1. LJ welcomed attendees and introductions were made. |
| **2.** | **Minutes of previous Deep Dive meeting: Knife Crime** | 2.1 The minutes of the previous meeting were agreed as a true record. It was agreed that the actions and recommendations would be dealt with outside of the meeting. |
| **3.** | **Business Assurance Report: Conclusions and Recommendations from Knife Crime Deep Dive** | 3.1 HJJ provided a summary of conclusions and recommendations following the Deep Dive meeting on Knife Crime, highlighting in particular the difficulty of needing to improve communication and engagement with the public on this subject, and finding a balance between doing this and not wanting to raise fear levels. HJJ outlined all the recommendations, most of which highlighted the need for further joint working between the Violence Prevention Unit, the Force and Commissioner’s team, with a focus on communication and education. HJJ suggested that the Partnerships Board should be used to take much of the work forward and to ensure other agencies were engaged in knife crime prevention and accountability.  3.2 DT agreed that the recommendations would be managed through the Gold Group meetings and that the force would continue to work in partnership with the Violence Prevention Unit, the Commissioner’s team, and other partner agencies.  3.3 JM shared that a Community Tensions and Engagement Group was being established in the new year. This would highlight and focus on areas that were deemed medium or high risk and establish what engagement was being undertaken or would be undertaken to mitigate the risks. This could be an additional avenue for the governance around this area of work.  3.4 HJJ suggested that the recommendations should be reworded to reflect and include the groups referred to during the board’s discussions.  **(1) ACTION - HJJ to update the recommendation wording.** |
| **4.** | **Mental Health Markers – Concerns and Recommendations** | 4.1 HB presented her report, following her dip sample of mental health marker usage across the force. The report highlights the subsequent concerns and recommendations around mental health markers and provided a background on the current situation. HB shared that there were approximately 80,000 mental health markers in place and that certain individuals on the system had more than one marker, with no time limits and no review dates. HB shared that most markers were placed on a person’s record during arrival into custody and most people were not known to mental health services, as they were self-diagnosed. There was often no evidence in place to assess why these markers were put in place.  4.2 HB emphasised that Mental Health markers had a significant impact on different aspects of individuals’ lives and freedom, including employment, enhanced vetting checks, insurance and buying a property. HB highlighted that the issue had an impact on young people in particular as the markers stayed on their record.  4.3 HB referred to the national decision-making model in relation to the application of Mental Health markers and felt that this was not being followed. HB stated that there was no process in place for review of markers, and that markers were allocated to individual police officers for reviewing and queried what would therefore happen when a police officer moved to another role or retired. HB felt that a dedicated department or team should be established to review markers and that the police system (NICHE) should flag when a review was due.  4.4 HB referred to a recent joint thematic review of Criminal Justice for individuals with Mental Health needs and disorders. This stated that a review system for Mental Health Markers should be in place by 2023. The  4.5 ED agreed that there was a need to streamline and filter markers, to accurately reflect a person’s Mental Health state and emphasised that markers were placed on a person because of risk and safeguarding. ED suggested that the PNC (Police National Computer) Bureau compare markers on their system with the markers on NICHE as part of their role, however, acknowledged that removing markers prematurely could also be a risk to the force. ED felt that further training on markers could be considered in the future.  4.6 HJJ queried whether custody staff should be made aware of the long-term personal implications of mental health markers when they are placed on someone’s record, as they become disclosable, for example, for enhanced DBS checks. She also asked what the threshold was for placing a marker in relation to Mental Health when booking a person into custody – for example, did a person have to answer yes to any mental health related question for a marker to go on? Or did a marker only go on if a certain number of answers were given or a high level of concern was raised. HJJ also asked how South Wales Police compared to other forces in relation to the number of markers in use and she also referred to the ethnic disproportionality within the number of markers on the system and the disproportionate impacts on ethnic minorities referred to in HB’s report. ED felt that the application of markers was subjective, especially within custody, as a person could be feeling suicidal when they arrived in custody. ED pointed out the difficult balance to be had as officers had been criticised for not putting markers on the system in the past.  4.7 HB confirmed she was aware that other forces were experiencing the same problem in relation to the number of markers and was aware that a review of all current markers would be very time consuming. HB therefore suggested that a system should be established to review how markers are placed going forward, and to consider reviewing existing markers on people as their records are accessed e.g. to consider if they could be removed. She also suggested a RAG rating system, which she explained was in her report.  4.8 LJ asked who had responsibility for oversight of this work in terms of governance and review. HB stated that there was a group formed within the Public Protection Unit and Niche. They met to discuss some of the issues, although progress was slow due to Covid-19.  4.9 DT acknowledged the need for senior governance of this area of work, and the need to consider legal advice and a view from the College of Policing. DT queried whether a bespoke group for governance was required or whether it would sit under an existing group. JM felt that the work could be considered through the Data Assurance Group and highlighted that other flags would need to be considered as well as Mental Health markers, including other agency markers such as the Ambulance Service. It was agreed that consideration would be given to how this would be taken forward, with a need to report back to the Board.  **(2) ACTION – Force to identify an appropriate governance route for this work to be taken forward.**  **(3) ACTION – The National Decision making model and the thematic review of ‘criminal justice for individuals with mental health needs’ to be considered in taking this work forward. Commissioner’s team to forward the relevant information.**  **(4) ACTION – Force update to be provided at the next Escalations meeting in 2022.** |
| **5.** | **Out of Court Disposal Scrutiny Panel Findings** | 5.1 JT outlined her report, which highlighted some issues that had arisen following case reviews in the Adult and Youth Out of Court Scrutiny panel. There were several re-occurring issues that required further scrutiny and had therefore been escalated this Board. JT shared that the purpose of the panels was to determine whether the method of disposal was appropriate in individual cases reviewed and for the panel to provide feedback to promote best practice.  5.2 JT highlighted issues from the panels, which included the lack of recording of rationale for an out of court disposal use on NICHE, which was a key piece of information to allow the panel to scrutinise the outcome and asses if it was appropriate and consistent with developing policies. JT shared two case studies as examples, and stated that the panel had noted that in these and several other cases there was no clear rationale for the use of an out of court disposal. JT felt that this was a particular issue within Youth panels.  5.3 The second issue highlighted by JT was the use of street restorative disposals and stated that in the last panel in September, no restorative interventions took place for 6 out of the 8 cases that were considered. JT shared the recommendations within the paper, which included that the police should provide information around the minimum standard for recording rationale for issuing an out of court disposal or any other type of disposal. It was agreed that these concerns should be highlighted to relevant leads within the force and that the Scrutiny and Accountability Board should continue to be a route where findings from the panel are raised and escalated.  5.4 JM acknowledged that this was an area of focus for the force and shared that guidance on this subject was being reviewed including restorative justice data.  **(5) ACTION - DG to feed discussions back to Superintendent Ough and a progress update to be reported back to the next Escalations meeting.**  **(6) ACTION – Out of Court Disposal Panel updates to be discussed in future Escalations meetings where required.** |
| **6.** | **Update on Victims Code Compliance** | 6.1 DG provided an update on the Victims Code delivery plan and scoping work, including an update on what the force had done in the last two years to improve their compliance against the Code. This work included a new recording mechanism on NICHE, bespoke training for officers around the Victims Code, and producing a Victims Strategy alongside the Commissioner’s office.  6.2 DG discussed how the force would continue to improve compliance on various aspects of the Victims Code including reviewing the force model for victim contact and establishing a victim information pack. DG also highlighted that the South Wales Witness Care Unit recently submitted a bid to run a pilot for a new role – a Special Measures Advocate, who would identify cases eligible for a special measures application.  6.3 JW shared that the Commissioner’s office received several complaints from victims on a regular basis. These included not being kept updated or informed, especially when officers were on leave. She queried how the force were was managing expectations in terms of victim feedback. JW felt that a centralised resource was a good idea, which could fill in the gaps that were currently visible in respect of victim updates. JW also referred to a surge in referrals to South Wales Victim Focus and queried whether the demand was being managed by Victim Focus and how they were coping with the number of referrals.  6.4 JM referred to JW’s query on complaints and stated that victims rang the Public Service Centre for updates, which was creating additional demands and that this was an action being considered in the Focus on Victims board.  6.5 DG assured JW that there was regular contact between the force, the Commissioner’s team, and Victim Focus, and discussions were ongoing regarding how demand was being monitored and addressed. DG stated that there was always a delay between a referral and support services contacting victims, due to the high demand of referrals. DG also shared that the force graded each referral in order that Victim Focus were able to prioritise contact.  6.6 JW queried if there was a timeframe for this work and if the force was satisfied with the progress being made and targets being met in relation to these issues. DG referred to the Delivery Plan and stated that he was pleased with the recent progress, including the development of the Victims Information Pack, which he felt would help manage expectations. |
| **7.** | **HMICFRS Update** | 7.1 CW confirmed that the PEEL inspection was the current focus within the team and referred to the upcoming thematic inspections in January. |
| **8.** | **Any Other Business** | 8.1 CW stated that there was no update in relation to Automated Facial Recognition (AFR) and the national progress update would be shared during the next Escalations meeting in March 2022. |

**Action Table -**

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| **Number** | **Action** | **Owner** |
| (1) | HJJ to update the Knife Crime deep dive recommendations wording to reflect and include the groups referred to during the board’s discussions. | Hannah Jenkins-Jones |
| (2) | Force to identify an appropriate governance route for the work on Mental Health markers to be taken forward. | Force Lead |
| (3) | The National Decision-making model and the thematic review of ‘criminal justice for individuals with mental health needs’ to be considered in taking the work on Mental Health markers forward. Commissioner’s team to forward the relevant information. | Force Lead/ Commissioner’s team |
| (4) | Force update on Mental Health markers to be provided at the next Escalations meeting in 2022. | Force Lead |
| (5) | DG to feed discussions back to Superintendent Ough in relation to Out of Court Scrutiny Panels and a progress update to be reported back to the next Escalations meeting. | Dave Gordon |
| (6) | Out of Court Disposal Panel updates to be discussed in future Escalations meetings where required. | All |