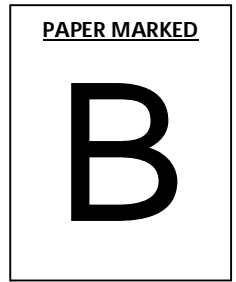


**POLICE AND CRIME
COMMISSIONER FOR
LEICESTERSHIRE**

**ETHICS, INTEGRITY AND
COMPLAINTS COMMITTEE**



Report of	OFFICE OF CHIEF CONSTABLE
Subject	CRIMES AGAINST OLDER PEOPLE
Date	FRIDAY 20 TH MARCH 2020, 2PM
Author	DCI LUCY BATCHELOR – SERIOUS CRIME – ADULT SAFEGUARDING

Purpose of Report

1. The purpose of this report is to provide a summary of the key findings relating to Crimes Against Older People following the HMICFRS inspection report published in 2019 and the force response to the recommendations made.

Recommendations

2. The Committee is recommended to discuss the contents of the report and appendix.

Ethical Dilemmas

3. Currently the police do not have an agreed definition of when a person would be considered an older person. The CPS currently use 65 which is being considered by the NPCC to be an appropriate age bracket to use to provide a nationally agreed definition. Accompanying this debate is the issue of whether age alone makes a person vulnerable. The current Adult At Risk definition used by Leicestershire Police is:-
4. **An adult is 'at risk' if, because of their situation *and / or* circumstances, they are unable to take care of or protect themselves or others from harm, abuse or exploitation.**
5. **Situation** would include environment, employment, family and other relationships, crime and anti-social behaviour levels, and a range of other situational factors.

6. **Circumstances** would include personal factors such as mental ill health, learning disability, physical disability, physical ill health, age and alcohol or drug dependency.
7. Under current force guidance age alone would not make an individual vulnerable but would be considered holistically taking into account the situation and circumstances of the individual.
8. The committee are asked to consider the NPCC view that 65 is an appropriate age to be considered as an older person and the force's current approach to identifying adults at risk where age alone is not a defining vulnerability factor.

Background

9. On the 16/07/19 HMICFRS released a thematic inspection report in to crimes against older people. Leicestershire Police were not one of the inspected forces however a number of causes of concern and areas of improvement have been identified by HMICFRS for the police and CPS to consider.
10. The purpose of this report is to provide a summary of the key findings and a local assessment of our current performance against the areas of concern identified. Appendix A contains a spreadsheet identifying the causes of concern and areas for improvement, HMICFRS recommendation, an assessment of our local position and any local recommendations. A green status indicates no further action is required at this time, and amber relates to a need for further action.

Body of report

11. Key points from the inspection:
 - There is no national police focus on older victims, many of whom are vulnerable
 - It is critical that the police have consistent and effective arrangements to make sure people are kept safe
 - The police are usually good in their initial dealings with older victims
 - Investigations are often not good enough
 - There is little evidence that the police are routinely assessing victim's needs
 - The police and the CPS are often poor at dealing with the complex needs of vulnerable older victims
 - Crime allocation policies are often not sophisticated enough
 - Systems to refer victims to support services remain patchy
 - The police and the CPS need to work together better
 - HMICFRS have concerns about adult safeguarding arrangements
 - The report should be the catalyst for wider improvement
12. In summary I believe the inspection can be split into two areas of focus. Firstly the identification of vulnerability and the referral process to partner agencies and secondly, the quality of needs assessment for older victims and the provision of appropriate support through the criminal justice system.

13. The first theme is an area where in my assessment we can be satisfied that our current systems and processes place the force in a strong position. In the most recent PEEL Inspection, HMICFRS commented that officers and staff have a good understanding of vulnerability and the referral system is well embedded.
14. The second theme which is more focused on investigations, the criminal justice process, use of special measures and intermediaries is the area where I have assessed our focus should be. An audit is planned to provide an evidence based understanding of our current approach and the application of appropriate support, use of intermediaries and special measures.
15. A detailed assessment of the causes for concern and areas for improvement with a local assessment is contained with the attached Appendix A. The force's Crimes Against Older People working group will continue to progress this delivery plan and assess the guidance from NPCC as this is produced and released to forces.

Implications

Financial: No current identified financial implications

Legal: Compliance with Hate Crime policy and statutory requirement to identify and share safeguarding concerns with Local Authorities where needs for care and support are identified.

Equality Impact Assessment: Not required at this time

Risks and Impact: Risk associated with quality of investigation, risk of repeat victimisation and reputational risk to the force.

Link to Police and Crime Plan: Vulnerability Protection and Victim Services

List of Appendices

A – HMICFRS Recommendations, National Update and Force Assessment

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The poor relation – The police and CPS response to crimes against older people – Causes for concern and Areas of Improvement

Action No	CAUSES FOR CONCERN	HMICFRS recommendation	Local position	Local recommendation
1	<p>For NPCC and CPS: The police and CPS response to crimes against older people is not as co-ordinated and effective as it could be. This is partly because there is no joint agreed definition of what constitutes an older victim and no co-ordinated approach to the response to these crimes.</p>	<p>Within 6 months, the NPCC lead for adults at risk and the CPS should agree a joint and simple definition of what constitutes an older victim and take a co-ordinated approach to understand and respond to the problem.</p> <p>National Update: NPCC agree CPS definition (65 +) is fit for purpose, and are seeking agreement across the NPCC, with caveat that age alone is not an automatic trigger as there are a number of other factors which would be assessed to consider whether a person is at risk.</p>	<p>The force has a clearly defined and embedded definition of vulnerability which aligns with the CoP. Age is a factor in assessing vulnerability does not on its own mean there are needs for care and support.</p>	<p>Await agreed definition.</p>
2	<p>For NPCC and CoP: The police don't always consider that they need to tell the CPS of adjustments victims need to be able to give their best evidence. This is because there is little guidance for officers about how and when they should do this.</p>	<p>Within 6 months, the NPCC lead for case file quality should with the CoP to produce guidance for officers which should be given to chief constables</p> <p>National Update: CoP will not be producing guidance and will ask forces to</p>	<p>Victims needs should be assessed routinely as part of VCOP and through MG2 Special Measures</p>	<p>VCOP delivery plan in place with identified force lead. Compliance in relation to older people to form part of planned audit.</p>

		ensure officers are familiar with special measures Requirements		
3	<p>For NPCC: Older people are not sufficiently recognised as a group of vulnerable people by the police, and so there is little co-ordination of activity to make sure that older people are given the best service.</p>	<p>Within 6 months, the NPCC leads for adults at risk, age-related matters and the vulnerable people portfolio should develop a strategy for how the police service should respond to the problems faced by older people, and agree who should be responsible for it.</p> <p>National Update NPCC lead - strategy is being developed through the National Vulnerability Action Plan.</p>	<p>The force uses the CoP definition to identify vulnerability and the PPN system to share information with partner agencies. We have been assessed by HMICFRS as good in this area.</p>	<p>No further activity required until the strategy is received and a further assessment undertaken at this point.</p>
4	<p>For NPCC: Current systems of crime allocation used by police forces don't always consider the needs of victims and the complexities of cases.</p>	<p>Within 6 months, the NPCC lead for crime investigation should with other interested parties to review current allocation processes, and recommend systems that more easily help forces to allocate an appropriate investigative response.</p> <p>National Update: The NPCC lead is setting up a task and finish group to</p>	<p>The force currently uses THRIVE to assess crime and within this the vulnerability of the individuals involved to determine what further activity is required. During the PEEL Inspection the Crime Bureau were noted as making correct decisions regarding investigations</p>	<p>In the new Target Operating Model, crime allocation will be based on a THRIVE approach. The most complex and serious matters involving older people, for example complex care home investigations would be investigated by CIT, other matters will be investigated by local CID,</p>

		examine resource allocation and make recommendations to Chief Constables.		and in the least complex cases by NPO's.
5	For NPCC: Some older victims of crime aren't being helped to give their best evidence, because the police don't always make effective use of the registered intermediary scheme.	Within 3 months, the NPCC lead for adults at risk should remind chief constables that it is important that officers consider whether a registered intermediary can help victims to give better evidence.	The force has access to intermediaries, however further assessment is required to understand how effectively they are being used.	Promotion of intermediaries undertaken through the Investigative Interview Group. Questions regarding use of intermediaries to be included within planned audit.
6	For NPCC: The police don't consistently assess the needs of victims as set out in the relevant codes of practise. The needs of victims aren't always met, and the CPS aren't always given the right information to tailor the help it offers to the needs of the victims.	Within 6 months the NPCC lead for victims and witnesses should establish good ways for police forces to conduct a victim needs assessment. This should include whether the assessment should be completed when officers first meet victims and witnesses, and whether there are benefits in providing assessment to the CPS and other appropriate organisations. National Update: Ministry of Justice review of the Victims' Code and the Criminal Justice Board deep dive in to engagement with victims and witnesses are due to conclude in early 2020 and	Officers should assess victim needs as part of the VCOP and MG2 Special Measures process.	No immediate action, but await guidance from NPCC.

		the NPCC Victim and Witness portfolio lead felt it was prudent to wait for the outputs from these work streams before making recommendations.		
7	For CoP: Victims may be put at risk because officers aren't given guidance and training in how to keep adults safe.	As a matter of urgency, the College of Policing should develop guidance and training for officers involved in adult safeguarding arrangements. National Update: Work ongoing to develop a response.	The ongoing PVP programme and inputs delivered to teams have already addressed this.	Remit to EMCHRS once training package is created to assess whether this is required for Leicestershire.
8	For Chief Constables: The police don't consistently assess the needs of victims as set out in the relevant codes of practise and so the needs of victims aren't always met.	Within 6 months, chief constables should make sure that victim needs assessments are always completed National Update: Ministry of Justice review of the Victims' Code and the Criminal Justice Board deep dive in to engagement with victims and witnesses are due to conclude in early 2020 and the NPCC Victim and Witness portfolio lead felt it was prudent to wait for the outputs from these work streams	Officers should assess victim needs as part of VCOP and MG2 Special Measures	Planned audit to be undertaken of crimes against older people to establish current position and learning.

		before making recommendations.		
9	For Chief Constables: Chief Constables don't understand well enough the current demand for adult safeguarding arrangements, and haven't considered the likely future demand and the implications for forces.	Within 3 months, chief constables should conduct analysis of the current and future demand for adult safeguarding, including the gap in knowledge that may exist from those cases where referrals aren't made because of errors or omissions. This analysis should be incorporated into force management statements	This has been completed through the Force Management Statement and is monitored through the Serious Crime Performance Meeting and through Multi-Agency Audits reporting to the Safeguarding Adults Board for LLR.	Force Management Statements have recently been reviewed in preparation for FMS3.
10	For Chief Constables: Some victims may not be receiving support services, and some support services don't work as well as they could. This is because the police don't always refer victims when they should, support services don't have ready access to police information and witness care arrangements are sometimes provided separately.	Within 6 months chief constables should work with police and crime commissioners and their mayoral equivalents and other relevant organisations, to review whether victim support services can be provided in a better way.	Victim First is the current OPCC commissioned service for victim support. They provide support to all victims who have consented to the referral. They will consider onward support and referrals, but is not a bespoke older person's service.	No further action required
11	For Chief Constables and NPCC: Some adults who need safeguarding are being put at risk because the police aren't	Within 3 months, chief constables should ensure that adult safeguarding referrals are always made when appropriate, with effective	The force has well established processes for the referral of adults at risk.	No further action required at this time. Review Adult Safeguarding Hub processes once advice received from NPCC.

	always referring cases to partner organisation, and there are no effective measures to ensure that referrals have been made.	processes in place to make sure this happens. The NPCC lead for adults at risk should advise chief constables as to how this is best achieved.		
12	For the CPS, CoP and NPCC: Some vulnerable and intimidated witnesses may not always be provided with sufficient reassurance and confidence to provide in court. This is because the current CPS guidance on special measures is out of date and sets out a position that contradicts current practise in relation to special measures meetings and there is no clear guidance for the police on special measures meetings.	Within 6 months, the CPS should review its guidance about special measures. The CPS should also work with the CoP and the NPCC, so that special measures meetings are offered to victims and witnesses when appropriate. National Update: This is a CPS recommendation.	Vulnerable and intimidated witnesses should be identified through the VCOP process.	No further action as await audit result and updated CPS guidance on special measures

Action No	AREAS FOR IMPROVEMENT	Local picture	Local recommendation
13	For the NPCC: Within 6 months, the NPCC lead for adults at risk should conduct a national survey to improve the understanding of any barriers, or enablers, to effective adult safeguarding that exist. Analysis of what works best should be used to help forces to respond effectively to adult safeguarding.	National Update: The survey is currently being conducted through regional representatives and feedback will be provided to Chief Constables.	Await result of national survey

<p>14</p>	<p>For the NPCC: Within 3 months, the NPCC lead for case file quality should remind chief constables to make sure a victim personal statement is included within the initial submission to CPS or to record the reason for the absence of a victim personal statement on the pre-charge advice form.</p>	<p>This will form part of new MG3 through PTPM</p>	<p>File quality issues are monitored through the PTPM.</p>
<p>15</p>	<p>For the NPCC: Within 3 months, the NPCC lead for adults at risk should produce a guide template for forces for safeguarding referral forms that can be adapted for local circumstances, so it is easier for officers to include all necessary information.</p>	<p>The current processes are linked into NICHE and PRONTO and the current PPN process is nationally agreed.</p> <p>National Update: Creating a uniform template for all forces is not possible. However best practise is being considered through the national group.</p>	<p>No further action required at this time.</p>
<p>16</p>	<p>For Chief Constables: Within 6 months, chief constables should find good ways to assess the current demands on the police made by older people. These assessments should include a prediction of future changes in demand, account for the work of other organisations, and be incorporated into FMSs.</p>	<p>FMS has been completed including the demand into ART and PPN's are monitored through the Serious Crime Monthly Performance Meeting</p>	<p>No further action, already addressed above in review of FMS.</p>