

GBV 05

Communities, Equality and Local Government Committee

Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill :

Stage 1

Response from: Independent Police Complaints Commission

The IPCC and its remit

The IPCC's primary statutory purpose is to increase public confidence in the police complaints system in England and Wales. It is independent, making its decisions independently of the police, Government and interest groups. It investigates the most serious complaints and incidents involving the police, as well as handling certain appeals from people who are not satisfied with the way police have dealt with their complaint.

The IPCC was established by the Police Reform Act 2002 and became operational in April 2004. Since that time its remit has been extended to include:

- Police and Crime Commissioners and their deputies
- the Mayor's Office for Policing and Crime and his deputy
- the National Crime Agency (NCA)
- Her Majesty's Revenue and Customs (HMRC)
- the United Kingdom Border Agency (UKBA)
- certain non Home Office police forces (including the British Transport Police and the Ministry of Defence Police)

The majority of complaints against the police are dealt with by the relevant police force without IPCC involvement. However, certain types of complaints and incidents must be referred by the police to the IPCC, including when someone has died or been seriously injured following direct or indirect contact with police. The IPCC will then decide what level of involvement it should have in any investigation of the matter. It may conduct its own independent investigation, manage or supervise a police investigation, or decide the matter can be dealt with locally by the police without IPCC oversight.

The IPCC has extensive experience of conducting investigations in relation to allegations of domestic violence involving police contact where there is an allegation of police failure to protect the victim. Attached at Appendix A is a brief synopsis of recent cases that the IPCC has dealt with together with findings that we have reached.

The IPCC's comments on the consultation

The IPCC welcomes the positive action taken by the Welsh Government in introducing the Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill. We view this as a proactive step in combating all forms of gender-based, domestic and sexual abuse in Wales and particularly welcome the introduction of national and local strategies that will specify steps that need to be taken to improve the response of agencies at both a national and geographically specific level.

Appointment of a Ministerial Advisor

The appointment of a ministerial advisor is an encouraging step and should lead to increased co-ordination of resources and services. In addition, this will yield a more holistic view of the extent of domestic abuse in Wales and the problems and challenges facing both victims and agencies. We particularly welcome the research element of the role and our opinion is that this will uncover best practice in addition to highlighting failures and areas that require improvement.

We contributed to the consultation on the white paper in January 2013. One of the issues that we highlighted in our response was that the Bill would not cover non-devolved functions from the Home Office or Ministry of Justice which includes the police. The police are intrinsic to the prevention of violence against women yet fall outside of the full remit of the white paper.

The IPCC has responsibility for oversight of and confidence in the police complaints system and therefore has existing relationships with all four Welsh forces through our Commissioner for Wales and has established working relationships with the four Police and Crime Commissioners (PCC) in Wales.

Part of the IPCC's role is to promote good practice in policing by drawing out and feeding back learning arising from our work which could prove beneficial to the proposed advisor. Therefore, a good link between the IPCC and the advisor should be established at the outset. The IPCC is more than happy to meet with Welsh Government officials to discuss this further and to look at how we can work with this post holder.

National and local strategies

The development of an overarching national strategy for Wales and supporting local strategies is to be commended but we would be interested to learn more about how these would take account of and complement strategies and priorities developed by PCCs, police forces and other agencies not covered by the bill.

It would be helpful if these arrangements could be outlined to ensure transparency in the process, a common understanding of objectives and an avoidance of duplication of work.

We note that at Section 4 (4):

A local strategy may also include provision relating to specific action which the local

authority and the Local Health Board expect to be taken in relation to the local authority's area by—

(a) any public authority (other than a Minister of the Crown) with functions which are capable of contributing to the pursuit of the purpose of this Act, or

(b) any voluntary organisation or other person whose activities are capable of contributing to the pursuit of that purpose.

Our understanding is that this will include the police. This is tempered by S4 (5) which states that this must be with the agreement of the bodies involved but we would be interested to learn about the process of agreeing targets and actions.

The Bill does not describe in any great detail how the objectives will be monitored and what, if any, penalties will apply if targets are not met.

We would also be interested to learn whether action plans resulting from Domestic Homicide Reviews (DHR) would be incorporated into local strategies.

Statutory Guidance

We consider that the issuance of statutory guidance would be a positive step. We believe that the inclusion of training provision within statutory guidance is invaluable. Our learning from investigations has often highlighted lack of training for all levels of staff as a contributing factor. We would however caution that this should be a robust and ongoing programme, rather than a 'one-off' exercise.

Public education programmes are also an area that we are pleased to see within the guidance as lack of available information has featured in a number of DHRs.

Empowering staff to exercise their professional curiosity is a positive move and guidance on actions that should be taken in appropriate cases is commendable.

We are particularly pleased to see the inclusion of specific and explicit reference to information sharing protocols and co-operation between agencies. In our previous submission, we cited a large number of cases where information sharing had not occurred and women had not been referred to Multi-Agency Risk Assessment Conference.

**IPCC
September 2014**

Appendix A

Case 1:

<http://www.ipcc.gov.uk/news/ipcc-issues-findings-investigation-south-wales-police-handling-domestic-abuse-case>

A woman made an allegation that her partner had assaulted her causing bruising. Police could not locate the man. He had previously served a term in prison and was still on licence.

Three days later, the woman contacted police to say that the man had harassed her at her flat and was pressurising her to drop the charges against him. She was not at her property at the time of making the report. She stated that she felt it would be unsafe for her to return home.

The woman, along with her two young children, waited over two hours for a police response. She was taken to a police station where she made a statement.

An officer then drove her home.

Within minutes, the man had forced entry to the locked flat and attacked the woman with a hammer causing serious head injuries.

The investigation found that the force failed to access, and to process, relevant information appropriately, and did not make the woman aware of the risks that the man - who was a registered sex offender with a record of violence - presented to her and her young children.

The investigation also found that, following the initial assessment, while officers did conduct some area searches, an apparent lack of police activity at the offender's address indicated that officers made only limited efforts to apprehend a potentially violent sex offender. Police had correctly documented and recorded all the intelligence their databases held on the offender, but did not use that information well in dealing with the escalating situation. A notification to the Probation Service may not have prevented the serious assault, but it could have resulted in the offender's licence being revoked, and his swift return to custody.

Case 2: Joanna Michael

<http://www.ipcc.gov.uk/investigations/joanna-michael-gwent-police>

Joanna made an emergency call to the police requesting urgent assistance.

The call should have been routed to South Wales Police (SWP) but was mis-routed by the mobile phone mast system to Gwent Police.

The call taker at Gwent failed to take full details. They then contacted SWP on her behalf and advised the call handler at SWP that Joanna had been assaulted and that the perpetrator had threatened to return and assault them again. They did not however convey that the perpetrator's return was imminent, nor did they provide details of the perpetrator or the vehicle they were driving.

SWP entered Joanna's name incorrectly onto the log and downgraded the call from an immediate response (5 minutes) to a priority response (60 minutes).

The call was allocated to two officers who, given the grading of the call and lack of available information, checked the Police National Computer before attending the address.

14 minutes after the initial call, a further call was made in which Joanna was screaming. This call was again routed to Gwent.

Gwent contacted SWP and the call was re-graded as 'immediate'. Officers were immediately dispatched.

Two further calls were received from other parties in respect of the incident.

Police officers attended the address, arriving five minutes after the incident was graded as requiring an immediate response. Joanna was found murdered at the address.

The investigation found that the standard of call handling fell below the standard expected. It also found that call handling staff had not received specific training about domestic abuse, although the investigation was clear that this did not negate the basic requirement to obtain accurate and pertinent information from callers.

The mis-routing of mobile phone calls was also highlighted within the report with a recommendation that this should be addressed at a national level.