

# HMICFRS

**Statutory Requirements for Police and Crime Commissioners and Chief Constables to respond to HMICFRS reports.**

Owner	OPCC
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Security classification	Official
Disclosure under Freedom of Information Act?	Yes
Risk Rating	Low
Equality Analysis	Low

## 1. Introduction

His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) independently assesses the effectiveness and efficiency of police forces and the fire & rescue services. In doing so, HMICFRS has a responsibility to publish its inspection reports, frequently making recommendations with a view to improving service delivery.

Police and Crime Commissioners (PCCs) have a statutory responsibility under 'Section 55 Police Act 1996', and 'Section 37(2) Policing and Crime Act 2017', to respond to such inspection reports and to publish certain information.

This standard operating procedure (SOP) between the Office of the Police and Crime Commissioner (OPCC) and Warwickshire Police is intended to provide a robust, proportionate, effective, and efficient mechanism to comply with this legal requirement.

## 2. HMICFRS

Depending on the severity of matters found by HMICFRS, it may provide suggested areas for improvement (AFI), causes for concern, and recommendations. AFIs will not be accompanied by recommendations. A recommendation will always accompany a cause for concern.

## 3. Legislation

Under the relevant legislation, PCCs shall prepare comments on the HMICFRS report, to include: -

- a) The PCC's comments
- b) Any comments submitted by the chief officer of police, and
- c) Any response the PCC has to the comments submitted by the chief officer of police

If the HMICFRS report includes a recommendation, the comments of the PCC must include an explanation of: -

- a) The action the local policing body has taken, or proposes to take, in response to the recommendation, or
- b) Why the local policing body has not taken, or does not propose to take, any action in response.

The PCC's response must be published within 56 days from the date of publication of the report, in such a manner as appears to the PCC to be appropriate.

The PCC must also send a copy of the response to: -

- a) HMICFRS
- b) Secretary of State for the Home Office

## 4. HMICFRS reports

The requirement applies to any report published under section 55(1) of the Police Act 1996. This includes: -

- National thematic reports
- Force-specific reports
- Joint inspection reports that have been published by HMICFRS

## 5. Police super-complaints

On 1 November 2018, 'The Police Super-complaints (Designation and Procedure) Regulations 2018' came into effect permitting HMICFRS to undertake inspections in relation to 'super-complaints'. A super-complaint is a complaint made by a designated body that sets out the feature, or combination of features, that in the opinion of the designated body appears to be significantly harming the interests of the public.

Although the reports published by HMICFRS in respect of super-complaints fall outside the legislative requirement of s55 reporting, occasionally there are recommendations made by HMICFRS that are applicable to PCCs and where a response is requested to be provided.

## 6. Prioritisation

HMICFRS has recently adopted the following principles for the prioritisation of recommendations made in connection with its inspection reports: -

- **Level 1:** Closed and archived by HMICFRS.
- **Level 2:** Forces can close records when they have completed the work, including uploading a letter signed by the Chief Constable.
- **Level 3:** Forces can self-certify that the recommendation is complete, including uploading a letter signed by the Chief Constable. HMICFRS follow-up / verification via the next relevant planned inspection.
- **Level 4:** No force self-certification. HMICFRS follow-up work will be conducted via further bespoke fieldwork, with additional support / inspection when appropriate. In most cases this will be for forces moved to 'Engage'.

## 7. Warwickshire Procedure

Following agreement between the PCC and the Chief Constable, a SOP two-tier approach has been adopted in Warwickshire to effectively navigate and manage the

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significant volume of HMICFRS reports and super-complaints that are published with accompanying recommendations, AFI's, and causes for concern

This approach seeks to provide a more proportionate investment by the OPCC and Warwickshire Police in fulfilling their responsibilities under s55, through an assessment of the complexity, seriousness, and significance of the HMICFRS report to Warwickshire Police.

### 7.1. Tier 2: National thematic reports

The adopted SOP for HMICFRS Level 1 and Level 2 recommendations is that: -

1. The report is welcomed and HMICFRS is thanked for its production,
2. Unless otherwise stated, the default position is that any AFIs, causes for concern, and recommendations are accepted by Warwickshire Police,
3. The report is added to the OPCC spreadsheet tracker. The entry includes a summary of the main findings of the report, together with a listing of the AFI's, causes of concern, and recommendations, for ease of reference.
4. The tracker is shared with Warwickshire Police for noting and for the addition of any comments, should the chief constable wish to do so.
5. The AFI's, causes of concern, and recommendations are added to Warwickshire Police's own HMICFRS tracker, where each is allocated to a senior officer to lead on its progression.
6. The governance arrangements for the HMICFRS AFI's, causes of concern, and recommendations are provided by the Force Assurance Board, which is chaired by the Deputy Chief Constable and at which the OPCC are represented.
7. The HMICFRS lead from the force's Service Improvement Unit subsequently consults with the HMICFRS force liaison lead (FLL), who is responsible for the relationship with that force or service, to monitor progress and provide 'sign-off' when the AFI's, causes of concern, and recommendations have been satisfied.

### 7.2. Tier 1: Force specific / Notable reports.

In the case of HMICFRS Level 3 and Level 4 recommendations, or where the report is considered to be of particular significance or importance, then the same process as Tier 1 is followed. A specific s55 response to the report is additionally provided in the form of a formal letter to HMICFRS and the Secretary of State for the Home Office.

The response is therefore more comprehensive, and greater scrutiny and governance arrangements may be adopted to ensure that the findings of the report are given greater weight and a higher priority - principally achieved through the 'holding to account' Governance and Performance Board held between the PCC and chief constable.

### 7.3. Publication

All OPCC responses to HMICFRS reports published under s55 are sent via the HMICFRS Monitoring Portal to the HMICFRS and the Secretary of State in accordance with the requirements of the legislation. The responses are also published on the OPCC website.

## 8. Revision Record

Date of change	Nature of revision
10 February 2024	Reformatted: OPCC corporate branding.