



College of  
Policing

# Brief

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Issue 2 | February 2023

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



**Serious violence**  
duty changes



**R. v Carrick**  
sentenced to life



**Vaping stricter**  
regulations on  
underage sales



**Security vetting**  
NAO investigation



The College of Policing Brief is a scanning publication intended to capture and consolidate key criminal justice issues, both current and future, impacting on all areas of policing.

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

Any enquiries regarding this publication or to request copies in accessible formats please contact us at [brief@college.pnn.police.uk](mailto:brief@college.pnn.police.uk)

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# Editorial

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Dear readers,

Welcome to the February edition of College Brief, your monthly update of what's new in the policing and criminal justice field, produced by the Legal Services team at the College of Policing.

In this month's edition:

- The Hillsborough Families Report
- Chinese surveillance technology
- New DNA breakthrough
- Firearms licensing guidance consultation

To find out more about the College and what we do, including information on the policing education qualifications framework (PEQF) training, please visit the [College of Policing website](#).

We hope that our publication supports police officers and staff in their work. We are always looking for ways to get better at what we do, so please [get in touch](#) if you have any feedback or ideas for future content.

Thank you for reading,

**The Legal Services Team**

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# College news

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## **The Hillsborough Families Report**

Leaders from the College of Policing and the National Police Chiefs' Council (NPCC) have apologised to the Hillsborough families for the failures made during and after the Hillsborough disaster. The apology is part of a national police response to a report by the Right Reverend James Jones on what can be learned from the disaster. The police response includes a commitment to avoid similar failures, embed strong ethical values and ensure there is humanity and humility in the police response to public tragedy. Changes include a Charter for Families Bereaved through Public Tragedy, new national guidance for family liaison officers and updated disaster victim identification authorised professional practice (APP). All police forces in England and Wales have signed up to the charter, agreeing to acknowledge when mistakes have been made and not seek to defend the indefensible.

Read more: [\*\*National police response to the Hillsborough Families Report\*\*](#)

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## Police Race Action Plan

The Police Race Action Plan, which aims to improve outcomes for Black people working in or interacting with policing, has received mixed feedback on its potential impact on racial inequality in policing. The NPCC and independent stakeholders and experts collaborated to develop the plan and published a draft in May 2022. A recent survey gathered over 5,000 responses from across policing and the general public to gauge levels of confidence in the commitments made by the plan. The survey revealed a divide among respondents on whether the plan would have a positive impact, with those of a Black or mixed Black heritage tending to have less confidence in the plan than those of a White background. Respondents who were undecided about the plan's potential impact emphasised the importance of following through on the plan's commitments to improve policing for Black people. The feedback is now being reviewed, alongside the Our Black Workforce survey results, – a Police Uplift Programme survey of Black police officers and staff – to inform any necessary changes to the plan before its final publication this spring.

Read more: [\*\*We Are Listening to Improve Policing For Black People\*\*](#) and [\*\*Police Race Action Plan survey results published\*\*](#)

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# Legal updates

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## Bills

### **Public Order Bill**

The Public Order Bill, which includes new offences related to public order and changes to stop and search powers and the delegation of police functions, faced scrutiny on the second day of the report stage on 7 February. Amendments were discussed regarding clauses 10, 11, 15, 16, 18 and 19 of the bill, offering an opportunity for a close examination of the legislation and potential changes. Among the proposed changes is a provision for serious disruption prevention orders and proceedings by the Secretary of State relating to protest-related activities. The third reading, the final chance to amend the bill, took place on 21 February.

Read more: [Public Order Bill - Parliamentary Bills](#) and [Public Order Bill: factsheet](#)

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### **National Security Bill**

The National Security Bill aims to address threats to national security from espionage, sabotage and persons acting for foreign powers. It also includes provisions for the extraterritorial application of Part 2 of the Serious Crime Act 2007, the award of damages in national security proceedings and the availability of legal aid for those connected with terrorism. The bill was subject to a line-by-line examination during the final day of the committee stage on 18 January, where amendments to clauses 77, 82, 89 and 95 were discussed. The report stage, offering another chance to closely scrutinise the bill and make changes, is scheduled to begin on 1 March.

Read more: [National Security Bill - Parliamentary Bills](#)

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## Statutory instruments

### **Circular 001/2023: Police Regulations 2003 amendments**

This circular sets out amendments made to Annexes F, I and U under the Police Regulations 2003 to implement changes to police pay, temporary salary and allowances.

Read more: [\*\*Circular 001/2023: Police Regulations 2003 amendments\*\*](#)

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### **Youth Justice and Criminal Evidence Act 1999 (Commencement No. 30) Order 2023 (SI 2023/100)**

The Youth Justice and Criminal Evidence Act 1999 includes a provision, section 28, which permits video-recorded cross-examination and re-examination of witnesses in court. If a witness has given a video-recorded interview as evidence-in-chief under section 27 of the Act, the court may direct that any further questioning of the witness also be video recorded and admitted as evidence.

Article 2 of this Order made provision for section 28 of the Act to come into force on the 1 February 2023, in so far as it is not already in force with regards to witnesses eligible under section 16 or 17(4) of the Act in relation to proceedings before the Crown Court sitting at any location in England or Wales.

Read more: [\*\*The Youth Justice and Criminal Evidence Act 1999 \(Commencement No. 30\) Order 2023\*\*](#)

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## **Criminal Legal Aid (Remuneration) (Amendment) Regulations 2023 (SI 2023/97)**

These Regulations amend the Criminal Legal Aid (Remuneration) Regulations 2013 to allow for a fee payable to a trial advocate in cases where a special measures direction requires the use of video-recorded cross-examination or re-examination under the Youth Justice and Criminal Evidence Act 1999. The amendment took effect from 1 February 2023.

Read more: [\*\*The Criminal Legal Aid \(Remuneration\) \(Amendment\) Regulations 2023\*\*](#)

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## **Police and Criminal Evidence Act 1984 (PACE) Code A**

The Police and Criminal Evidence Act 1984 (PACE) Code of Practice has been updated and the new version, PACE Code A, took effect from 17 January 2023. The code covers police powers to stop and search persons and vehicles, and the requirements for officers to make a record of a stop or encounter. The updated version was published following a statutory consultation and replaces the previous version, which was issued in 2015.

Read more: [\*\*PACE Code A 2023\*\*](#)

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## **PACE 1984 (Codes of Practice) (Revision of Code H) Order 2023 (SI 2023/141)**

PACE Code H focuses on the detention, treatment and questioning by the police under terrorism legislation. The Secretary of State has revised this code to reflect updates to primary legislation made by the Police, Crime, Sentencing and Courts Act 2022 and the Counter-Terrorism and Border Security Act 2019. The revised code has also been updated with other minor updates to ensure terminology is up to date with wider legislative changes. The Order has been approved by each House of Parliament and is now in force as of 10 February 2023.

Read more: [\*\*The Police and Criminal Evidence Act 1984 \(Codes of Practice\) \(Revision of Code H\) Order 2023\*\*](#)

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# Before the courts

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## **Jones (Appellant) v Birmingham City Council and another (Respondents)**

The Policing and Crime Act 2009 and the Anti-social Behaviour, Crime and Policing Act 2014 provide the power to obtain gang-related injunctions in the United Kingdom. These injunctions are intended to prevent gang-related violence and anti-social behaviour.

In the case of Jones v Birmingham City Council, the question arose as to whether Part 4 of the Policing and Crime Act 2009, which introduced gang injunctions, was incompatible with Article 6 of the European Convention on Human Rights (ECHR). Article 6(1) of the ECHR guarantees an individual's right to a fair trial.

The appellant argued that while the injunctions were obtained through civil proceedings, Article 6 of the ECHR required the allegations on which the injunctions were based to be proven to the criminal standard of beyond reasonable doubt, rather than the civil standard of on the balance of probabilities as specified by the legislation.

However, both the High Court and the Court of Appeal held that there was no incompatibility. The Court of Appeal, in particular, held that gang injunction proceedings were not criminal in nature and did not trigger the bringing of a criminal charge for the purposes of Article 6 of the ECHR. The court also held that the requirement for the court to address the issues on the balance of probability did not breach Article 6.

The appellant appealed to the Supreme Court on the basis that Article 6 of the ECHR requires that the allegations be proved beyond a reasonable doubt. However, the Supreme Court upheld the decision of the lower courts and dismissed the appeal. Proceedings for gang-related injunctions were not proceedings in respect of a criminal charge and therefore did not engage ECHR Article 6(1), 6(2) and 6(3). The requirements of fairness in Article 6(1) did not require the application of the criminal standard of proof in such proceedings.

Read more: [\*\*Jones \(Appellant\) v Birmingham City Council and another \(Respondents\)\*\*](#) and [\*\*Jones v Birmingham City Council \[2018\] EWCA Civ 1189\*\*](#)

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## **R. v David Carrick**

David Carrick, a former Metropolitan Police Service (MPS) officer, has been sentenced to life in prison for 49 offences against 12 women, including 24 counts of rape, along with charges of controlling and coercive behaviour, sexual assault and false imprisonment. He was sentenced at Southwark Crown Court on 7 February and will serve a minimum of 30 years behind bars. Carrick was dismissed from the MPS last month.

Read more: [\*\*R. v David Carrick sentencing remarks\*\*](#)

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# In focus

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## Changes to the Serious Violence Duty

### What is the duty?

The Police, Crime, Sentencing and Courts Act 2022 (PCSC Act), which came into force in October, placed a new legal requirement on specified authorities for a local government area to collaborate and plan to prevent and reduce serious violence. Local authorities, the police, fire and rescue authorities, specified criminal justice agencies and health authorities are required to work together to formulate an evidence-based analysis of the problems associated with serious violence in a local area. These requirements include identifying the kinds of serious violence that occur in the area, the causes of that violence (insofar as it is possible to do so) and to prepare and implement a strategy for preventing and reducing serious violence in the area. The legislation grants these authorities the power to share data and information with each other for the purpose of preventing and reducing serious violence, which will allow the relevant services to work together to target their interventions.

Local areas can be flexible in deciding the geographical extent of their partnership and local areas will be encouraged to use existing multi-agency partnerships where possible.

### Why has it been introduced?

Incidents of serious violence have increased sharply since 2014, with offences involving knives or sharp implements increasing by 84% between 2014 and 2020. The collaborative approach of multi-agency working is designed to assist in understanding and addressing what causes someone to commit violent crime in the first place. The duty aims to ensure that agencies are focused on their activity to address violent crime while providing sufficient flexibility so that relevant organisations work together in the most effective local partnership for any given area.

### What are specified authorities expected to do?

Once a partnership structure has been identified by the specified authorities, the core elements of the duty are as follows.

- Understand local issues: So that the kinds of serious violence that occur in their areas can be identified; the partnership should work together to establish a local 'strategic needs assessment'.

- Preparation, publication and implementation of a strategy: The partnership must collectively develop a strategy which should outline the multi-agency response that the partnership will take to address the drivers identified in the strategic needs assessment.
- Review: Once a strategy has been prepared and published, it must be kept under review at least on an annual basis. This should consider how the interventions and solutions have impacted on serious violence within their area.

### **How will partnerships be monitored?**

Having completed the core duties as above, partnerships are expected to self-monitor and collectively evaluate the impact and effectiveness of the local strategy. Discretionary powers to monitor the performance of the local partnership and its shared objectives are available to police and crime commissioners, the Mayor's Office for Policing and Crime and the Common Council of the City of London. Government departments may also monitor progress in relation to the duty requirements.

Where the Secretary of State considers that a specified authority has failed to discharge certain duties imposed under the PCSC Act 2022, the Secretary of State may issue directions to the responsible authorities for the purpose of securing compliance with the duty (section 18 of the PCSC Act 2022). This direction can be enforced by a mandatory order, which is an order granted on application to the Administrative Court in England and Wales to compel a public body to comply with a legal duty. The Secretary of State must obtain consent of the Welsh Ministers before giving a direction to a devolved Welsh authority.

### **Closing**

The Serious Violence Duty is a further development of the current Government's programme to tackle serious violence. An evaluation published at the end of January 2023 revealed that approximately 136,000 violent offences have already been prevented by a network of Violence Reduction Units (VRUs), hotspot policing and the recruitment of 20,000 additional officers. The Government hopes to build on this success by the legal obligation for multi-agency working provided for by the Serious Violence Duty.

Read more: [\*\*Serious Violence Duty - GOV.UK\*\*](#)

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## **Review into the process of police officer dismissals: terms of reference**

The Home Office has released guidance detailing the terms of reference for an internal review into the process of police officer dismissals. The review aims to ensure that the process of dismissing police officers is fair and effective and that the public can have confidence that those who fall far short of expected standards can be removed from policing. The review is expected to be completed in approximately four months.

Read more: [\*\*Police officer dismissals review: terms of reference\*\*](#)

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# Consultations

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## **Firearms licensing guidance – have your say**

We are inviting feedback on updated guidance for firearms licensing. The consultation period closes on 10 March 2023.

The updated guidance is aimed at providing fair, transparent and consistent services to the public while ensuring their safety. Statutory guidance from the Home Office in 2021 led to these updates, and they were also updated before the full coroner’s inquest into the Plymouth shootings. The guidance focuses on the strategic planning, resourcing, performance, roles and responsibilities and suitability assessment processes of firearms licensing. We encourage feedback from those in the police, law enforcement and members of the public.

Guidance document: [\*\*Firearms licensing: Authorised professional practice consultation\*\*](#)

Read more: [\*\*Firearms licensing guidance – have your say\*\*](#)

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## **Strengthening the law enforcement response to serious and organised crime**

The Home Office seeks comments on proposals to introduce new offences that will criminalise the making, modifying, supplying, offering to supply and possession of articles for use in serious crime. The proposals are aimed at strengthening how law enforcement agencies, including the National Crime Agency (NCA), confront serious and organised crime. In addition, the government is planning to adopt the ‘Clear, Hold and Build’ multi-agency partnership tactic to combat crime, following reports of success in the pilot area. The government also intends to publish a new strategy in 2023 to update the Serious and Organised Crime Strategy that was published in 2018. Comments on the proposals will be accepted until 21 March 2023.

Read more: [\*\*Strengthening the law enforcement response to serious and organised crime\*\*](#)

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# Policing

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## News

### **All police officers and staff in England and Wales to be checked against Police National Database for intelligence and allegations**

In a move to increase accountability and transparency, all police officers and staff in England and Wales will undergo checks against the Police National Database (PND). The checks will identify any intelligence or allegations that require further investigation. The NPCC Chair has written to chief constables asking them to take immediate action to enable the checks to be completed by 31 March across the country. This decision follows concerns about the conduct of police officers and staff and the need for greater oversight and accountability in policing.

Read more: [\*\*All police staff records to be checked for allegations and intelligence by March\*\*](#)

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### **Chinese surveillance technology**

The Biometrics and Surveillance Camera Commission (OBSCC) raised concerns about surveillance cameras used by some UK police forces. The OBSCC commissioned a survey, which received responses from 39 out of 47 policing bodies. The results from the survey suggest that at least 18 respondents use external camera systems produced by companies such as Huawei, Hikvision, Honeywell and Nuuo. Additionally, at least 24 respondents use internal camera systems from these companies and 11 respondents use ANPR systems with similar equipment.

Read more: [\*\*UK policing 'shot through' with Chinese surveillance technology\*\*](#)

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## Clear, Hold, Build

Police across England and Wales will adopt a new 'Clear, Hold, Build' approach to tackle serious and organised crime, according to the Home Office. The multi-agency partnership tactic, which was designed by the Home Office and backed by the NPCC, has already been successfully trialled in West Yorkshire, where a significant drop in burglaries, drug offences and anti-social behaviour was reported in the pilot area. Under the approach, police will first clear an area of gang members, then maintain their grip on the location and finally work to build the community into a more prosperous area, less susceptible to the influence of crime groups. The government has also launched a consultation on potential new laws to criminalise items strongly suspected of facilitating serious crime, such as digital templates for 3D-printing firearms components and sophisticated encrypted communication devices.

Read more: [Government announces crackdown against organised criminal gangs](#)

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## The Angiolini Inquiry

On 7 February, the Home Secretary expanded the terms of reference for the Angiolini Inquiry to include the case of former PC David Carrick. The Angiolini Inquiry will focus on the criminal behaviour of David Carrick and the decision-making around his police vetting, according to the newly released terms of reference. The inquiry will look at any issues related to Carrick's conduct that were known or raised by his colleagues, his abuse of police powers and witness intimidation, and the impact of police treatment on his victims. Home Secretary Suella Braverman welcomed the investigation and expressed her commitment to uncovering how Carrick was able to remain in the force for so long. The inquiry will take place alongside other investigations by the Angiolini Inquiry and is set to begin shortly.

Read more: [The Angiolini Inquiry](#) and [Angiolini Inquiry to investigate David Carrick](#)

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## **PEEL Assessment Framework 2023-2025**

The HMICFRS has published a new framework for its police effectiveness, efficiency and legitimacy (PEEL) programme for the 2023-2025 cycle. The framework is designed to assess each police force in England and Wales, giving graded judgments across several core questions to help inspectors make consistent assessments and for forces to understand how they are being graded. The criteria are based on existing national standards and guidance, College of Policing authorised professional practice (APP) and evidence from research. The assessments are not intended to be prescriptive or exhaustive, but rather to provide a clear and transparent evaluation of police forces.

Read more: [\*\*PEEL Assessment Framework \(PAF\) 2023-2025\*\*](#)

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## **UK to ban 11 lethal synthetic opioids to curb rising overdoses**

The government announced that it will ban 11 synthetic opioids, following a recommendation by the Advisory Council on the Misuse of Drugs (ACMD). The drugs, which can be more potent than fentanyl, have been linked to rising overdose deaths in other countries and were found to be mixed into other pills sold on the street in the UK. One of the drugs, isotonitazene, was responsible for 24 fatalities in the UK in 2021. The ACMD has recommended that all 11 narcotics be placed in Class A, and their possession will now be illegal. Those who supply the drugs will face up to life in prison, an unlimited fine or both. The move aims to protect lives and curb the rising overdose epidemic.

Read more: [\*\*Synthetic opioids will be banned as government acts to stop drug deaths\*\*](#)

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## **PFEW Pay and Morale Survey**

The results of the Police Federation of England and Wales's (PFEW) Pay and Morale Survey 2022 have been released. The survey found that nine in 10 officers feel financially worse off than they did five years ago, and nearly one in five plan to resign within the next two years due to reasons including pay and conditions.

The majority of officers (83%) reported being dissatisfied with their overall remuneration, including basic pay and allowances. Nearly one in five (19%) respondents said they never or almost never have enough money to cover all their essentials. The survey highlights the urgent need for the government to address the concerns of police officers and take action to improve their pay and morale.

Read more: [\*\*Pay and Morale Survey finds policing rests on a knife edge\*\*](#)

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## **Vaping: Tackling underage sales**

The Local Government Authority (LGA) has called for stricter regulations on the display and marketing of vaping products in a bid to tackle the rising number of stores selling vapes to children. The marketing of vapes with designs and flavours that could appeal to children, particularly those with fruity and bubblegum flavours and colourful, child-friendly packaging, has raised concerns among councils. The LGA recommends plain packaging and out-of-sight storage of vapes behind the counter, mandatory age-of-sale signage on vaping products, a ban on free samples of vaping products and sanctions for breaches, similar to tobacco display regulations. Councils have improved enforcement activity to deal with a rise in shops selling vapes to underage customers, with the Chartered Trading Standards Institute reporting a significant increase in underage vape sales last year.

Read more: [\*\*Vapes need to be 'out-of-sight and out-of-reach' to tackle underage sales - LGA\*\*](#)

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# Reports

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## **Home Office policy paper sets out guidelines for interventions with perpetrators of domestic abuse**

The Home Office has released a new policy paper, written by professors from Durham University and London Metropolitan University, which outlines principles and practice guidelines for interventions with perpetrators of domestic abuse. The paper includes seven standards and practice guidelines to ensure that interventions are commissioned and delivered effectively, with a priority on enhancing the safety and freedom of all victim-survivors, holding perpetrators accountable while treating them with respect and offering opportunities for change. The guidelines also emphasise the importance of delivering interventions equitably and ensuring that staff are skilled and supported in responding to domestic abuse. Monitoring and evaluation of interventions will also take place to improve practice and expand the knowledge base.

Read more: [\*\*Standards for domestic abuse perpetrator interventions\*\*](#)

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## **Home Office report finds Investigatory Powers Act 2016 to be effective, but in need of review and potential reform**

A Home Office report has assessed the effectiveness of the Investigatory Powers Act 2016. It concluded that the Act has achieved its aims of consolidating existing powers related to communications data, interception of communications and equipment interference, as well as enhancing oversight and safeguards for their use. The report also notes that further years of operation will be required to keep the Act under review. It added that more substantial reform may be necessary in the future due to the unpredictability of technological developments and the need to balance protecting national security, as well as tackling severe crime with evolving data collection and storage requirements.

Read more: [\*\*Report on the operation of the Investigatory Powers Act 2016\*\*](#)

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## **Biometrics and Surveillance Camera Commissioner's report highlights the abolition of the role and continued success of the National Security Determinations system**

The Biometrics and Surveillance Camera Commissioner's 2021 to 2022 report on biometrics and surveillance cameras has highlighted the potential abolition of the role following the removal of the current duty of the Secretary of State to publish a Surveillance Camera Code of Practice in the upcoming Data Protection and Digital Information Bill.

The report also notes the continued success of the National Security Determinations (NSD) system, which empowers chief police officers and others to make decisions on the retention of biometric material, and the resolution of a large backlog of biometric material shared with the UK by other jurisdictions. The report also highlights improvements in the use of powers under section 63G of PACE 1984.

The government has welcomed the report's recommendations for a national cadre of chief officers to improve the consistency of all NSDs. It will consider any recommendations made by the Independent Reviewer of Terrorism Legislation in relation to material obtained from INTERPOL by the NCA and shared with Counter Terrorism Policing.

Read more: [\*\*Biometrics and Surveillance Camera Commissioner: report 2021 to 2022\*\*](#)

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## **National Audit Office investigates the performance of UK Security Vetting**

Following on from their investigation into national security vetting in 2018, The National Audit Office conducted an investigation, looking specifically at the role of UK Security Vetting Service (UKSV).

UKSV manages several types of security clearances, with the most complex being Developed Vetting (DV) which provides individuals with access to sensitive government information and assets.

As part of this investigation, the National Audit Office investigated the performance of the UKSV. The investigation looked at the progress made by UKSV in improving its performance levels since the merger of previous vetting services in 2017, performance and the steps being taken to modernise and reform the service.

Read more: [\*\*Investigation into the performance of UK Security Vetting\*\*](#)

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## **Independent Review of Prevent**

The Government has accepted all the recommendations made in the Independent Review of Prevent (HC 1072) by William Shawcross. The review concluded that while the threat from terrorism is becoming more complex, Islamist terrorism remains the primary threat, with the extreme right becoming an increasing concern. The report recognised the need for the Prevent strategy to better understand the ideology and individual agency of people who willingly support terrorism. The report also highlighted the need to recognise and tackle the disinformation and demonisation around Prevent and to protect frontline staff against intimidation. The government response to the review (HC 1073) includes commitments to update Prevent duty guidance, ensure a greater understanding of antisemitism and create an independent standards and compliance unit to raise concerns about Prevent activity.

Read more: [\*\*Independent Review of Prevent's report and government response\*\*](#) and [\*\*Government acts to overhaul Prevent in the fight against radicalisation\*\*](#)

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# Criminal justice news

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## **Funding to help to keep at-risk teens away from crime and anti-social behaviour**

Over 200 grassroots organisations across England and Wales have been awarded money from the government's £5 million Youth Justice Sport Fund to run local sports schemes, such as football and kayaking. The aim is to prevent at-risk teens from getting involved in criminal activity and reduce the cost of youth crime, which currently amounts to £1.5 billion a year. Research shows that 80% of prolific adult offenders started their criminal path when they were young. Therefore, it is critical to steer more young people away from lawbreaking. The announcement was made by Deputy Prime Minister Dominic Raab during a visit to one of the projects that received funding, ThruLife, at a school in Tottenham, north London. This funding is expected to help thousands of young people and have a positive impact on their future.

Read more: [\*\*Youngsters to take up football, boxing and rugby in £5 million bid to cut crime\*\*](#)

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## **New Better Case Management Handbook published to improve efficiency and access to justice in Crown Courts**

The Judiciary of England and Wales has published a revised and updated Better Case Management (BCM) handbook following work by the Crown Court Improvement Group. The handbook reminds practitioners of BCM principles and identifies good practices to improve access to justice and increase the efficiency of Crown Courts

The Courts expect these principles to be applied by practitioners to the conduct of cases in the Crown Court. The Crown Court judiciary will also focus on effective Plea and Trial Preparation Hearings as the foundation of good case management.

Read more: [\*\*Better Case Management Revival Handbook – January 2023\*\*](#)

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## **Crown Court backlog hits record high as the number of outstanding cases increases by 69%**

The Law Society has drawn attention to Ministry of Justice court statistics showing a sharp increase in the number of outstanding Crown Court cases lasting more than two years. The figures reveal a 69% increase, with 4,893 cases outstanding. This is the highest number recorded since reporting began in 2014. The Law Society has proposed a five-point plan to tackle the backlog, including an increase in criminal defence rates by a minimum of 15%. It also warns that the backlog poses a significant threat to the justice system and that urgent action is needed to ensure timely access to justice for all.

Read more: [\*\*Record number of cases waiting 2+ years in criminal court queue\*\*](#)

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## **Crown Prosecution Service explores disproportionality in charging decisions**

The Crown Prosecution Service (CPS) has launched a programme of research to identify, understand and tackle disproportionality in its charging decisions.

The University of Leeds was commissioned to examine the outcomes of CPS charging decisions and identify whether disproportionate outcomes were arising from demographic factors. The study of almost 195,000 cases has found that people from minority ethnic backgrounds are significantly more likely to be charged than a White British person for a similar offence.

This pattern was relatively consistent across England and Wales, with White British suspects having the lowest charge rate of 69.9%, compared with mixed heritage suspects who had a charge rate of between 77.3% and 81.3%.

It has not been possible to identify what factors are causing this disparity from the studies conducted to date. The CPS has created an Independent Disproportionality Advisory Group to oversee further comprehensive research and ensure quality assurance and scrutiny of its findings. Work to understand the disparity found in the Leeds

University research has already begun. It has included breaking down the result by geographic region to determine whether factors such as local demographics and training offered to prosecutors, could be having an impact.

Read more: [\*\*CPS action to understand disproportionality in charging decisions\*\*](#)

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## **Children born as a result of rape to be officially recognised as victims of crime**

The government announced that children born as a result of rape will be recognised as victims of crime and entitled to better support from criminal justice agencies. This change, to be included in the Victims Bill, will make England and Wales one of the first countries in the world to enshrine in law that individuals born from these circumstances should be treated as victims in their own right.

Currently, the lack of explicit reference to such individuals in the Victims' Code makes it difficult for them to claim support and entitlements, including access to information about their cases. The government's move follows a recommendation from the Justice Select Committee, which fed back on the draft bill in September 2022. The legislation is designed to put the needs and voices of victims at the heart of the justice system and increase agency accountability for the service they provide to them.

Thousands of children are estimated to be conceived from rape each year in the UK, and the government is committed to ensuring they receive the support they deserve. The amendment will clarify that these children are entitled to support from criminal justice agencies, such as the police and courts, and will help to ensure that they receive the recognition and assistance they need.

Read more: [\*\*Law to recognise children born as a result of rape as victims for the first time\*\*](#)

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## Care Quality Commission recommends improvements to support services for survivors of human trafficking and modern slavery

The Care Quality Commission (CQC) has released a publication outlining recommendations for safehouse and outreach support services in England and Wales. The inspection was carried out at the request of the Home Office, in line with the new Modern Slavery Victim Care Contract (MSVCC), to ensure that survivors of human trafficking and modern slavery receive safe and effective care and support. The publication recommends improvements, including managing out-of-hours and night-time admissions to minimise risk and reviewing records and case management systems to better understand the needs of dependent children and associated risks.

Read more: [Services for survivors of human trafficking and modern slavery](#)

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## Restorative Practice (incorporating Restorative Justice Services) Policy Framework

The Ministry of Justice and HM Prison and Probation Service have released a joint policy framework aimed at helping prison and community practitioners, including victim liaison officers, to engage with restorative justice services. The guidance is designed to ensure that all practitioners understand their professional responsibilities when referring to and assessing suitability for restorative justice services. It will also provide support for regional commissioning of services, which should be evidence-informed and provide positive outcomes to victims, offenders and the wider public.

The framework will provide guidance on how restorative practice can be incorporated into day-to-day interactions with victims accessing the Victim Contact Scheme, as well as for people on probation or in prison. This is a significant step towards improving the use of restorative justice services, which have been shown to have positive outcomes for both victims and offenders.

Read more: [Restorative Practice \(incorporating Restorative Justice Services\) Policy Framework](#)

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## New DNA breakthrough

The Criminal Cases Review Commission (CCRC) has referred rape and assault convictions to the Court of Appeal after new DNA testing revealed a potential alternative suspect. An individual was sentenced to life imprisonment in 2004 but was released from prison on licence in December 2020 after serving 17 years. The CCRC instructed experts to obtain a DNA profile on the victim's clothing, which matched another man on the National DNA Database. The CCRC believes there is a real possibility that the Court of Appeal will quash the initial convictions based on this new evidence.

Read more: [\*\*New DNA breakthrough leads to rape and assault conviction being sent back to the Court of Appeal\*\*](#)

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## Formal support needs of adult victim-survivors of sexual violence

The Ministry of Justice has published four reports that examine the formal support needs of adult-victim survivors of sexual violence. The reports include a literature review of existing evidence, survey findings, qualitative research and a summary of findings and recommendations. The research programme was conducted to fulfil a commitment in the Rape Review Action Plan to examine the support needs of adult-victim survivors of sexual violence.

The reports provide key recommendations such as improving referral pathways, inclusiveness of support services, commissioning a range of support services that meet victim-survivor needs, ensuring victims have the option to access group and peer support, improving monitoring and evaluation of support, and increasing public and victim awareness of support services.

The research indicates that there is a need for more comprehensive support services to meet the needs of victims of sexual violence. The reports provide insights that can help in shaping policies and practices that are more victim-centred and evidence-based.

Read more: [\*\*Formal support needs of adult victim-survivors of sexual violence\*\*](#)

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# Criminal justice reports

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## **Parole system in England and Wales: Review and reforms**

This briefing from the House of Commons Library examines the parole system in England and Wales, covering the Parole Board, the parole process and recent reforms. The briefing provides an overview of the 2018-19 reforms on transparency and reconsideration, following some notable cases. The report also discusses the 2022 root and branch review of the system, which has proposed further reforms, some of which require legislation. This briefing provides a comprehensive review of the current state of the parole system in England and Wales and highlights the ongoing efforts to improve the process, transparency and outcomes for all involved.

Read more: [\*\*The Parole System of England and Wales – Research Briefing\*\*](#)

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## **An analysis of 12-to-18-year-olds' perceptions of their experiences in secure training centres and young offender institutions**

A new report from the HM Inspectorate of Prisons reveals that children in custody feel 'safer than ever before' in UK young offender institutions (YOIs) and secure training centres. However, the report also highlights the ongoing issue of inadequate education for children post-pandemic, along with isolation from family and friends. This report emphasises the need to maintain contact with families and friends where it is safe to do so, as this is a crucial factor in improving outcomes on release and reducing the risk of reoffending. Notably, the number of children who reported feeling unsafe in YOIs fell to 25%, the lowest figure recorded since the question was introduced in 2001.

Read more: [\*\*Children in custody 2021-22 – An analysis of 12-18-year-olds' perceptions of their experiences in secure training centres and young offender institutions\*\*](#)

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## **Commission on Young Lives calls for national ‘Sure Start Plus for Teenagers’ to tackle youth exploitation**

The final report of the Commission on Young Lives discusses the imperative to address the growing problem of teenagers becoming involved in criminal exploitation, gangs and serious violence. The report recommends the implementation of a national plan called ‘Sure Start Plus for Teenagers’, which proposes the creation of a network of intervention and support. This new network would be the centrepiece of a range of recommendations to the government, the police, schools and others, aimed at tackling problems in children’s social care, education, family support, children’s mental health and criminal justice systems. The report warns that the current systems are failing to protect some of the most vulnerable children and allowing criminals and abusers to groom thousands of young people in England into county lines, gangs and criminal activity.

A House of Lords Library article, published in January 2023, examines the report and the government policies in the areas concerned. This report highlights the need to take urgent action to address the growing problem of youth exploitation and gang activity and to provide the support necessary to protect the most vulnerable young people in the country.

Read more: [\*\*Commission on Young Lives publishes its final report \(thecommissiononyounglives.co.uk\) and Commission on Young Lives: National plan for vulnerable young people\*\*](#)

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## About the College

We're the professional body for the police service in England and Wales.

Working together with everyone in policing, we share the skills and knowledge officers and staff need to prevent crime and keep people safe.

We set the standards in policing to build and preserve public trust and we help those in policing develop the expertise needed to meet the demands of today and prepare for the challenges of the future.

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