

Is there justice for the vulnerable?

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Introduction

Good morning, and thank you for the invitation to come and talk to you today.

I am extremely pleased to be at the Centre for Social Justice, along with my colleague, HMI Drusilla Sharpling, to speak on the issue of whether there is justice for the vulnerable.

As has been explained, HMI Sharpling is going to explain the findings from three HMIC inspections, all related to child protection. But before she does, I shall speak about how police forces in England and Wales should and must provide protection to those who are vulnerable.

Definition of vulnerability

The vulnerability of people to crime is at the very heart of what policing is all about. As we all know, the primary purpose of the police is to prevent crime and disorder and protect people, particularly the most defenceless and vulnerable in our society.

In a policing context, vulnerability isn't usually applied to every potential victim of crime, since everyone is a potential victim. In this context, it's used to describe a condition of heightened susceptibility to harm from crime, usually people who are in need of special care, support or protection because of their age or disability, or their risk of abuse or neglect.

History of vulnerability

How we as a society, and the establishments within it, protect those who are vulnerable is not a new debate.

Looking solely at the protection of children (who are amongst the most vulnerable, because they have the most to lose), let's consider some of the more recent history of child abuse.

In 1889, Parliament passed the Prevention of Cruelty to, and Protection of, Children Act. This was commonly known as the "children's charter". It enabled the state to intervene, for the first time, in relations between parents and children. Police could arrest anyone found ill-treating a child, and enter a home if a child was thought to be in danger. The Act included guidelines on the employment of children and outlawed begging.

Move forwards over three-quarters of a century, to the public inquiry in 1974 into the death of seven-year old Maria Cowell at the hands of her stepfather. The resulting report highlighted a serious lack of coordination among services responsible for child welfare. It led to the establishment of area child protection committees in England and Wales, which coordinate local efforts to safeguard children at risk.

Then followed the Children Act 1989 which provided that every child has the right to protection from abuse and exploitation, and then came the Protection of Children Act 1999 which was concerned with preventing paedophiles from working with children. And other measures and statutes followed.

But still the abuse continued.

Forward again, to a BBC headline from 2012: "Chances missed to help a child who was murdered by his mother and her partner after suffering 'terrifying and dreadful' abuse, a report has found."

This related to the case of four-year old Daniel Pelka.

A serious case review found Daniel was "invisible" at times and "no professional tried sufficiently hard enough" to talk to him.

He was starved and beaten for months before he died in March 2012, at his Coventry home.

The court heard Daniel saw a doctor in hospital for a broken arm, arrived at school with bruises and facial injuries, and was seen scavenging for food.

A teaching assistant described him as a "bag of bones" and the trial heard he was "wasting away". At the time of his death, Daniel weighed just over a stone-and-a-half (10kg).

And of course much more recently there have been the cases of very severe sexual exploitation of girls at the hands of gangs of men who have treated them as worthless as human beings, mere commodities to be passed around, assaulted and raped.

There are other examples I could have used.

This is not comfortable to read out to you, nor – I appreciate – to hear. Nor is it intended to be read as a history of establishment attempts and failings to protect the vulnerable. That would take far too long. But until every vulnerable victim is protected and kept safe from harm, the reality of what happens when this is not possible needs repeating.

What is common in the cases I mentioned - and in far more names, far more tragedies - is that the circumstances they contain are not new. Neglect, physical abuse, mental cruelty - these are not new problems. And they are not problems which will go away.

About HMIC

Familiarity with these problems must never be allowed to cause complacency. The cases of these individuals must stay in the spotlight. HMIC contributes to this through its reports.

It is timely here to emphasise that Parliament has established HMIC as an inspectorate, not a regulator.

A regulator has powers of intervention, direction and enforcement; an inspectorate has no such powers. Its authority – its capacity to be a catalyst for improvement – comes from the quality of its work and its voice. HMIC speaks directly and principally to the public, in terms that ordinary people can understand.

It is for others – principally chief constables – to act on HMIC's reports. Our reports also provide elected representatives – mainly police and crime commissioners and their London equivalents – with evidence, analysis, judgments and recommendations in relation to the efficiency and effectiveness of the police.

HMIC operates independently of the police, Ministers, police and crime commissioners, other players in the criminal justice system and all other outside parties.

That independence – conferred by Parliament – is both precious and essential, and it will never be compromised. It allows the public to know, and to trust. HMIC's statutory remit contains no political criteria; its objectivity requires no less.

But more importantly, the victims of crime require no less.

This is particularly true in the cases of vulnerable victims, including the victims of abuse, who can naturally shy away from and distrust any individual or organisation they see as 'establishment', if they have been let down by the instruments of the state in the past.

HMIC is now much more conspicuously separate from the police. There are six Inspectors of Constabulary, four of whom have backgrounds outside the police, all of them in the law.

HMIC's allegiance is conspicuously clear: it is to the law and to the public interest. It is to no other. And the law and the public interest demand the protection of all citizens, with special emphasis on people who are especially vulnerable and defenceless, including of course children.

HMIC's inspections on vulnerability

Over the last three years, HMIC has inspected from many angles the ways in which the police deal with vulnerability.

I shall focus on just some of these:

- in 2010 and 2012, we looked at how well police forces in England and Wales understood and responded to **anti-social behaviour**; this involved the largest ever survey of ASB victims, and in 2010 concluded that, while there were professional and motivated officers working on tackling the problem, more needed to be done to identify vulnerable and repeat victims (we found that progress had been made on this in 2012);
- in 2011, HMI Sharpling led a review of the **police response to rape cases**.; this found that, while the service provided to rape victims was improving, rapists could be convicted more quickly and more successfully if the police and the Crown Prosecution Service made better use of intelligence;
- for instance: the review found that forces did not fully understand the potential use of partial DNA samples in eliminating suspects or directing investigations;

- they did not regularly check records about foreign nationals - even though this information is available to all forces through Interpol - to help identify a pattern of offending by a foreign national or make links across offences here and abroad;
- in 2014, HMI Sharpling led an inspection on the use of section 136 of the Mental Health Act 1983 which provides that, if an officer believes that someone is suffering from a mental disorder in a public place, and that person is in immediate need of care or control, the officer has the authority take the person to a “place of safety”, so that his or her immediate mental health needs can be properly assessed; I know the Centre for Social Justice has also examined this issue;
- use of section 136 should only be on an exception basis; but we found it was happening regularly, with more than 9,000 people detained in police custody under section 136 in 2011/12.

In many of the cases we reviewed for the section 136 inspection, the reason why police custody was used as a place of safety was not always properly documented in police custody records.

Although they had not committed a crime, those detained under section 136 who were taken to a police station were generally treated like any other person in respect of the booking-in procedure; risk assessment; and, ultimately, being locked in a cell (rather than being taken to another part of the station).

We recommended (amongst other things) a reduction in the amount of time someone detained under section 136 could be kept in police custody.

It is therefore good news that on 27 May 2015, the Home Secretary announced that a new Policing Bill will include provisions to cut the use of police cells for section 135 and 136 detentions, reduce the current 72-hour maximum period of detention for the purposes of medical assessment, and continue to improve outcomes for people with

mental health needs by enabling more places, other than police cells, to be designated as places of safety.

In 2014, we also published the results of a major inspection into the police response to domestic abuse.

Some of the statistics quoted in that report are stark and startling:

- In the UK, one in four young people, aged 10 to 24, reported that they experienced domestic violence and abuse during their childhood (Radford L, Corral S, Bradley C et al (2011) *Child abuse and neglect in the UK today*. London: NSPCC)
- Forces told us that crime relating to domestic abuse constitutes some 8 per cent of all recorded crime in their areas, and one-third of their recorded assaults with injury.
- Evidence indicates that in 90 per cent of domestic assaults, children are in the same or next room (Hughes, H. *Impact of spouse abuse on children of battered women*. In Violence Update, 1 August 1992, pp. 9–11.)

I want to pause on this last statistic for a moment, as it has far-reaching implications.

Research shows that, as adults, children who have witnessed violence and abuse are more likely to become involved in a violent and abusive relationship themselves. Children tend to copy the behaviour of their parents. Boys learn from their fathers to be violent to women. Girls learn from their mothers that violence is to be expected, and something you just have to put up with.

Several studies also reveal that children who witness domestic violence are more likely to be affected by violence as adults – either as victims or perpetrators (Brown,

Brett V., and Sharon Bzostek, 'Violence in the Lives of Children', Cross Currents, Issue 1, Child Trends DataBank, August 2003.)

Domestic abuse, in summary, is a significant and severe child protection issue.

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Other work included our report 'Mistakes Were Made', an examination of how the police handled allegations against Jimmy Savile of abuse; an inspection from earlier in this year on the treatment and identification of vulnerable people in police custody; joint inspections examining the treatment of offenders with learning disabilities in the CJS, and examining responses to children and young people who sexually offend, of appropriate adult provision and the experience of young victims and witnesses in the CJS.

The list goes on.

And this work continues. Our inspection staff are currently in forces conducting an assessment of the police's response to vulnerability in the round.

Summary of inspection findings

What did our previous inspections find?

It is estimated that the public only report just over a quarter of incidents of ASB to the police – about 28 per cent. Even this low reporting rate led to around 3.5 million calls to police in 2009-10. By way of comparison, around 4.34 million crimes were recorded in the same period (HMIC ASB report, 2010).

The number of arrests of children fell by 24 per cent between 2011/12 and 2012/13. This continued the downward trend seen since the peak in arrests in 2006/07 (Vulnerability in Police Custody, 2015).

On average, the police receive an emergency call relating to domestic abuse every 30 seconds (Domestic Abuse, 2014).

But more widely than this, we found a mix of consistency and inconsistency.

The inspections found consistency across England and Wales in there being many extremely hardworking, dedicated officers, devoted to improving the often piteous plight of the vulnerable.

The inspections found huge inconsistency of the treatment of vulnerable victims by the police.

Let me reiterate this – inconsistency in the treatment of victims; not just in how systems and processes to identify and support the vulnerable are established and run (although we found this too), but in the experiences of the police of a young mother who hands herself into the police because she is hearing voices in her head and doesn't know where else to go, or of a three-year old who has been physically abused by those who should offer him nothing but love, or of an elderly person on the receiving end of sustained ASB, who is too afraid to step outside their front door.

Again, none of this is comfortable for us to think about. But as members of the community, it is imperative that we do – all – think about it, and talk about it, and that we at HMIC advance and promote improvements to the service provided to the vulnerable by police officers and staff.

A difficult job

I have acknowledged before – and it certainly bears repeating – the difficult and hugely important job of the police. Police officers and staff see people at their very worst, and often at their most desperate. The public has very high expectations of how they respond. And those dealing with vulnerable victims have to deal every day with stories and circumstances with which many ordinary citizens would be unable to contend.

It is worth emphasising here that this includes not just vulnerable victims, but also vulnerable offenders (the 2014 report, Girls in the CJS, adds to the examples of this I gave before).

Not all those who are vulnerable are grateful for support – nor of course should they have to be – but I would like to emphasise that the police have both to confront and comfort vulnerability far more frequently than most of us. They have to find ways to support those who want no support, who are kicking and spitting and fighting against it with all their might, as well as the crying toddler who has got lost in a shopping centre.

As mentioned a few minutes ago, HMIC's inspections without fail find evidence of very dedicated and professional staff, going above and beyond for victims.

And I should like to take this opportunity to thank those dedicated and professional individuals, working with and for those who are vulnerable in the most difficult, sensitive and distressing of circumstances, taking great personal responsibility for those whom they are helping.

The community is very much in their debt for the arduous work they do, and the successes they have.

Support must be provided to allow officers/staff to protect the vulnerable

So this is a difficult landscape, and a distressing one. Difficult, and distressing: these adjectives have several things in common:

- both are true;
- neither is going to change.

It is imperative therefore that forces do all they can to provide the best care and service to the vulnerable, so that justice may be done, if it can be done. In too many reports – including the domestic abuse report from 2014 – we have reported that

these dedicated officers are doing a good job *in spite of* their circumstances, rather than *because of* them.

Partnership working

Another 'in spite of' relates to inter-agency working.

Given the significant interdependency of the different agencies and institutions concerned with the prevention of crime, it is undeniable that appreciable limitations on the resources available to them will have consequential adverse effects on the efficiency and effectiveness of the police.

However, it must always be remembered that, once a crime has been committed, it is the police who bear the responsibility of investigating the crime, apprehending the offender and taking the case to the appropriate point in the criminal justice system.

Prevention

It is unsustainable for any police force to decline to attend at and properly investigate crimes of a serious nature, such as burglary or domestic violence.

Moreover, the trust and responsibility which the community has given to the police go much further than an expectation that the police will react to reports of crime.

Many crimes are unreported, sometimes because victims are vulnerable or otherwise afraid. Examples include so-called honour-based violence, forced marriage, FGM, domestic violence, sexual offences, and offences against children.

I want to pause here, because I believe that one of the most significant problems faced by society – and therefore its police – is unreported crime.

Of course, this makes it impossible accurately to measure the size of the problem.

However, two of the most important are crimes against vulnerable people, and crimes committed online and using modern communications technology.

One has been corroding society and destroying lives for many generations; the other is new, growing and presents very significant dangers of another kind; both are the subject of two of the HMIC inspections HMI Sharpling will talk to you about in a few minutes.

It is the responsibility of the police proactively to look for these crimes, and to devise and implement measures designed to increase the confidence of victims in reporting crimes and giving evidence. It is for the police also to persuade those who erect and maintain barriers which prevent victims appealing for and receiving help that they will be pursued and prosecuted.

Those who knowingly and deliberately create or tolerate the conditions in which crimes are committed and victims are isolated from protection and justice should be

given the most potent grounds to fear the criminal law, operated and applied vigorously by the law enforcement institutions of the state.

Reactive policing is only a part of the function of the police, and chief constables, police and crime commissioners and others should never dismiss or disregard the imperative of keeping everyone safe, especially the silent, the fearful and the weak.

The police need to learn lessons from the past and improve the prevention and detection of such crimes. Forces need to recognise and protect children at risk and treat cases of child abuse and sexual exploitation as a strong indicator of an extremely serious and prevalent problem, rather than isolated incidents to be investigated and brought to justice.

We are under no illusion about the operational difficulty of investigating child sexual exploitation, but of all cases involving vulnerable victims, those involving children deserve the most assiduous and urgent attention.

Not least, this is because the true scale of this type of offending is still to be measured. What we have so far seen is only the tip of an iceberg.

Mainstreaming child protection

What can HMIC do to help with this?

HMIC has a duty to inspect and report. But let me be absolutely clear that it is not our job simply to enter a force, ask if it has a policy for attending cases of child neglect, and give them a clean bill of health if they say yes. We do much more than that. We inspect; we get the evidence; we check; we analyse, we form judgments and we report in public.

We play our part in helping to protect children by asking the difficult questions, by triangulating the evidence, by showing that behind every misrecorded crime is a victim who may not get the support he or she needs and, so far as we can, by listening to and repeating and amplifying the voice of the victim.

I should like to announce today our commitment to providing child victims with a louder, clearer voice, a better opportunity to be heard, for their plight to be discovered, understood and properly dealt with.

The duty on us is to lend the authority and strength of our voice to their true expression of the desperate circumstances of their suffering.

It is for us to shine a light into the dark corners and onto the dead ends of systems that sometimes let them down.

From this year, every HMIC inspection will ensure that relevant aspects of child protection are considered. In addition to our specialist national child protection inspections and the joint inspections of child protection we carry out with Ofsted and other inspectorates, every HMIC inspection will consider the implications for children.

Child protection is complex and multi-faceted. It touches virtually all aspects of policing, from the very local – through, for example, neighbourhood officers' awareness of the presence of registered sex offenders on their patch – to national and international specialist work to tackle the radicalisation of children and young people.

We have already taken steps to ensure child protection is at the heart of what we do, and are currently working to ensure that inspection work in the vulnerability part of our annual all-force inspection programme has a strong focus on forces' management of missing and absent children investigations, and on their preparedness to tackle child sexual exploitation.

Police processes and systems should never leave vulnerable children lost in bureaucracy (at best), and vulnerable to further abuse (at worst).

The sufferings of children, and the risks that other children will endure them in the future, are of the highest and gravest concerns of the whole community.

It is the duty of every member of that community, particularly the police and the other agencies of the state, to intensify their efforts to ensure that everything is done to

rescue children from the perils of abuse, sexual exploitation and neglect which are so prevalent in society, risks which are intensified by the dark applications of modern technology. Their cries are the indictments of us all.