

National Law Enforcement Data Programme:

LEDS Future Inspection regime

Discussion Document

Final

20 September 2018

This Document has been written with the aim of stimulating discussion on the role of inspections for LEDS. It is not intended to be viewed as current Home Office policy or intention. It is to be circulated to Law Enforcement Governance bodies and Civil Society Organisations for reflection.

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1. This discussion document seeks to emphasise the role of inspection in maintaining and improving police and law enforcement, by not just ensuring performance against a given standard, but by also questioning those standards and the ways of working. It outlines potential changes to the inspection regime and the relationship of that regime to the public. It describes where some of those likely improvements might be brought about. Finally, it summarises the high-level changes required in the current inspection regime to bring about change.
2. The responses to significant public enquiries such as Climbie, Soham, Lawrence and Pelka argue that law enforcement must adopt a more engaged role in helping communities accommodate social change and better reflect the changing nature of crime. The proportionate exploitation, protection and sharing of data where it is necessary in the context of helping communities is critical to that aim. The serial criticisms of law enforcement after major public enquiries will continue until the lack of a joined-up data response is achieved.
3. While some might argue that this vision for law enforcement and policing is too bold the reality is that there is a direction of travel which involves data being used more ambitiously than is the case now. Part of setting that expectation over how joined-up data will come from inspections that are external to each organisation.
4. HMICFRS is an inspectorate. It inspects organisations that use the PNC and PND against the current versions of the respective Codes of Practice. While inspection will not, of itself, modernise the use of data by police and other law enforcement partners it will set baselines across all forces for how they use information. Inspection will also examine whether forces are using the information they have access to in order to improve their organisational performance. Specifically, the types of responses necessary to achieve the full range of benefits that LEDS is being established to create.
5. Conversely, an inspection of any particular organisation will not guarantee improvements around specific topics (thematic improvements). This might mean that organisations do not have the capability to make best use of a particular type of information, this would best be uncovered through a thematic inspection. These thematic inspections combined with transparency could provide the impetus for change.
6. There is an important caveat to the last sentence. The current round of HMICFRS inspections is driving improvements beyond the organisation level, for example on PNC data quality where the very publication of results of the HMICFRS visit causes change. Such changes aren't quick and aren't always consistent but they do need to be understood and captured.
7. A viable inspection regime needs to be broader than LEDS. It needs to be a part of a holistic thematic inspection in which each user organisation is clear on how their use of data affects their operational, tactical and strategic responsibilities both within individual organisations and across multiple organisations. This might be for instance on responses to Modern Slavery. An inspection at any level of a LEDS user organisation should identify where data is not used effectively and systemically challenge each organisation to improve performance.
 - a. At the strategic level - ensuring the organisation is defining its strategy, direction, and is making decisions to allocate its resources to pursue a data driven strategy - forming long term partnerships with different organisations, understanding changing patterns of demand and implementing strategies to meet this,

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- b. At tactical levels - i.e. the short-range planning (up to one year) emphasising the current operations of various parts of the organisation – exploring new, and redefining existing, arrangements and processes, and,
 - c. At operational levels – linking the strategic goals to tactical outcomes through interim steps – understanding the current position in relation to operational use of data, where this can be improved and where the end position in terms of data usage is likely to be.
8. Put simply, an inspection should be able to recommend that two organisations work together to resolve problems. The inspection should define what the timeframe for improvements is and within existing and new oversight arrangements the report should have sufficient weight to drive change.
9. Change is constant and constant challenge is needed to ensure that LEDS and the user organisations use data in step with social and legal change. The challenge should leave all parties confident in the face of inevitable scrutiny and critique, and hungry for warranted self-examination, self-reinvention and innovation. All organisations should accept the periodic intervention of external agents as the inspection reports can bolster an organisation's internal process reviews. Inspection can create a strong reform culture in the absence of which organisations become both dependent upon and vulnerable to external scrutiny. In place of challenge and change to customary practice, organisations and services are left with ad hoc updating of processes and continuing self-defence.
10. The key here is to drive change not only by looking at performance against a set of static indicators, but also the desire and drive to test and change those indicators. The inspection of the performance of those providing LEDS (as a service) becomes paramount. Two further thoughts spring from this;
 - a. the creation of a list of suggested improvements to be provided by LEDS (as a service), and agreed by LEDS User organisations and relevant policy, regulatory and oversight bodies as required improvements. Topics from these suggested improvements to be selected by HMICFRS as part of a thematic report. The proposition here is for an explicit linkage between inspection and oversight and user organisational change.
 - b. The notion that inspection of LEDS itself needs to be defined and brought into the routine regime. This is explored more fully in the paragraphs below.
11. LEDS will provide a service to process the data provided to it by other organisations under the control of the LEDS user organisations. The performance of LEDS will have a material impact on operational performance and therefore its role in the outcome of operational incidents of the type mentioned in Paragraph 1 will be reviewed. Ahead of any such eventuality it is essential to better understand the range of bodies that might review LEDS and seek to establish reciprocal trust and expectations.
12. It is to be expected that most of the interactions with oversight bodies will follow routine complaints, but, will also occur after deaths following contact with law enforcement. Those inspections are conducted, in large part by independent bodies such as, the Independent Office for Police Conduct (England and Wales), Police Investigations and Review Commissioner (Scotland), Police Ombudsman for Northern Ireland, and in certain circumstance Coroners, will seek information or make recommendations.

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13. Regulators will also have a role in the performance of LEDS duties. Most notably the Information Commissioner's Office, but also the Biometrics Commissioner, the Forensics Regulator and, to a significantly lesser extent, the Surveillance Camera Commissioner and the Investigatory Powers Commissioner. The Regulators and Commissioners will have common and conflicting aims. Work should be undertaken to agree how and in what circumstances each organisation might take primacy in an investigation.
14. Additionally, we should look now to understand and agree the interests of the Regulators and Commissioners and how they might be invited to reflect upon the inspection work programme. One example of this was the interplay between the former Interception of Communications Commissioner's Office (IOCCO) and the Information Commissioner's Office (ICO). Both operating independently from the each other and the Home Office, but with the ability to coordinate inspections and provide public commentary on their findings as appropriate.
15. It follows in such a complex regulatory landscape that some detailed forward publication of the planned inspections together with a report into the finding and directions for the future would be needed. This might take the form of an annual public report specific to LEDS. The report might cover;
 - a. The use of data by LEDS organisations including those that don't use their data well in comparison to other organisations,
 - b. The provision of the service by LEDS,
 - c. Quality of data uploaded including examples of data not being uploaded
 - d. Currency of data uploaded including examples of data being unduly delayed
 - e. Departures from the Code of Practice or areas where the Code of Practice might need to be changed or further clarified,
 - f. Significant or systemic areas of data sharing opportunities missed in comparison to the behaviours expected,
 - g. Role Changes for Commissioners or regulators and interactions with HMICFRS,
 - h. Data protection breaches brought to the attention of the Information Commissioner's Office and reports on the mitigations and remedial actions,
 - i. Noteworthy practice that should be disseminated,
 - j. Areas of concern including suggestions for changes to training,
 - k. Future thematic inspection plans.
16. In summary this discussion document is suggesting;
 - a. Thematic inspections in addition to organisation specific inspections should be conducted. Those thematic inspections to be chosen independently by HMICFRS but delivered against a workplan with input from governance, oversight bodies and LEDS,
 - b. Versatile Management Information functionality should be built into LEDS that specifically meets the needs of those thematic inspections,
 - c. That consideration to the interface between HMICFRS as the inspection body and the LEDS Live Service, Policy team is defined to ensure faster and more holistic change,
 - d. An understanding of which inspection organisation would take primacy for inspections of LEDS (as a service) in the event of an enquiry,
 - e. An annual workplan of inspections is published and followed up with an annual report,
 - f. Explicit mapping between inspections, governance and oversight with required resources.

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