

The Bichard Inquiry

Final Report

Report by Sir Michael Bichard's reconvened Inquiry to establish progress on delivering the recommendations made in his original report published on 22 June 2004.

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**UNIVERSITY OF THE ARTS
LONDON CAMBERWELL COLLEGE OF ARTS
CENTRAL SAINT MARTINS COLLEGE OF ART
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LONDON COLLEGE OF FASHION**

The Rt. Hon. Charles Clarke MP
Home Secretary
50 Queen Anne's Gate
London SW1H 9AT

Sir Michael Bichard

Rector

Date

15 March 2005

Reference

05031001

University of the Arts

London

65 Davies Street

London

W1K 5DA

United Kingdom

Telephone

020 7514 6002

Facsimile

020 7514 6236

Email

m.bichard@arts.ac.uk

Website

www.arts.ac.uk

Dear Home Secretary

Progress made on recommendations

You wrote to me on 22 December setting out the progress that government departments, the police and other agencies have made in response to the recommendations in my report.

I also received letters from Her Majesty's Chief Inspector of Constabulary, the National Society for the Prevention of Cruelty to Children, the Commission for Social Care Inspection, the Chief Constable of Humberside, a major IT provider, Ms Anne Campbell MP and a member of the public. I have sought to take into account their concerns in this response.

The Information Commissioner was kind enough also to let me see comments on the draft Information Code that you have issued for consultation.

I attach my report on the progress that has been made.

Impressive progress...

The first thing to say is that I am impressed by the progress made in the last six months. The response, as described in the progress report, has been positive and energetic and the results reflect well on all those involved. I agree with you that significant progress has been made.

Over and above the progress made against specific recommendations on which I comment below, I am especially pleased that the report has been positively received by the police service and that it seems to be playing a part in the development of stronger national standards where these are appropriate. The apparently strong commitment of forces to the development of the national IT intelligence system (IMPACT) is further evidence of a more corporate approach by the service, while the advent of the National Policing Improvement Agency augurs well for a more effective approach to developing and disseminating best practice in support of operational policing. Furthermore, HMIC has taken important steps to ensure that it is better equipped to identify earlier any issues that need to be addressed and reviewed nationally.

Much to do...

Having said that, the successful delivery of the two most important recommendations – the national IT intelligence system and the ‘barring’ system for those working with children – is by no means guaranteed. Each is a very ambitious project which will require tight management and very close monitoring. In the case of the intelligence system, the fact that the submission of the detailed business case has slipped from March to September is a cause for concern. As I say in the attached review, the implementation of IMPACT requires ‘a clear business-driven specification; excellent programme management; and corporate leadership from the Association of Chief Police Officers, the Association of Police Authorities and the new Improvement Agency, together with a level of commitment from individual forces which has hitherto been rare.’ It will certainly require very close monitoring by your Department and, if I may say so, your personal intervention if problems are seen not to be resolved quickly enough.

I do not exaggerate in saying that the effectiveness of the police service in the 21st century depends upon the effective use of intelligence for prevention and detection of criminal activity. That depends in turn on the availability of this national IT system.

Continued commitment...

The delivery of the wider programme of change resulting from my recommendations will continue to depend upon resources, priority and commitment. I am heartened by your assurance that the Government will ensure that ‘the necessary resources are made available to ensure full implementation of [my] recommendations’. In a few areas, specific departmental allocations naturally remain to be made, but I do not doubt that the commitment will be honoured. I am equally clear, however, that the progress made to date owes a great deal to the effectiveness of the programme management arrangements that were put in place, and I believe that it is essential that these are maintained for at least the next 12 months. I am also clear that the fact that this public review was known to be taking place has concentrated minds. I should, therefore, like to suggest that you undertake to report publicly in six

months' time on progress and to do so again 12 months from now. I think that will indicate the priority you attach to these issues.

...and the United Kingdom dimension

If we are to improve the effectiveness of intelligence handling and child and vulnerable adult protection, the police and other agencies in Scotland and Northern Ireland must have systems and practices that can complement and work effectively with their counterparts in England and Wales. In the course of this review I have commented on the commitments made by Scotland, Northern Ireland and, in some devolved areas, Wales. I do not do so line by line, but these do need to be built into the milestones for achievement that feature in the progress report.

Finally

I think at this stage my task is complete, although I still, of course, remain an interested and concerned observer. I hope the attached review is helpful.

A handwritten signature in dark ink, appearing to read 'M Bichard', with a stylized flourish at the end.

Sir Michael Bichard

Progress on recommendations made in my original report

IT-related issues (1–7)

Recommendation 1: A national IT intelligence system for England and Wales should be established

Progress

A programme structure has been established to implement IMPACT – a national system for sharing information and intelligence in England and Wales.

A strategic business case was agreed by the Home Office Investment Board in September last year and a full business case was due to be considered by the Board in March 2005.

Local forces are initiating data mapping and cleaning in line with national standards. Local force champions have been identified and a budget of £5.5 million has been allocated for 2004/05, with Home Office commitment to funding the necessary central development costs up to 2007, the target date for implementation.

A late update from your Department advised me that it had been decided that the programme management arrangements required strengthening, given the complexity of what is proposed. A dedicated programme director has been appointed and I understand that his early input is that more formal programme disciplines are required, with urgent priority to be given to completing a clearly set out statement of the approach to be pursued, the plans, costs and benefits. I understand that, for the sake of getting the essential groundwork settled, the outline business case resulting from this work will not now be considered by the Department's Investment Board until September this year. The 2007 target for programme implementation is nevertheless retained.

Issues

I received a letter from a major IT provider arguing that reliance on the Cross Regional Information Sharing Project (CRISP) database as the path to delivering a national IT intelligence system was not appropriate since it is an **information**, not **intelligence**, sharing platform and would fail to deliver on time. They suggested that forces should be mandated to prevent them

going their own way and that the Scottish Intelligence Database (SID) approach offered a better solution.

In addition, a member of the public wrote that the proposed IMPACT approach would not deliver on time or within budget.

I have pursued these points as well as my own concerns about:

- the effectiveness of IMPACT if it did not of itself provide a single intelligence system (3.30);
- the significance for IMPACT that only 38 out of 43 forces had signed up for CRISP;
- the level of confidence that forces would pick up the costs to change local systems and processes to ensure successful implementation of IMPACT and the interim police local cross-check system (I-PLX);
- the level of confidence that the full police local cross-check system (PLX) would be available and funded for delivery by December 2005 and the reason for the delay of nine months before forces would make full use of it, the need for mandatory sign-off points for delivery and evidence of Association of Chief Police Officers (ACPO) leadership to ensure police corporacy; and
- whether Scotland and Northern Ireland were fully involved with IMPACT and the PLX and with what degree of commitment.

My assessment

SID: information or intelligence

At an early stage in determining what they wanted, ACPO asked their Scottish colleagues to provide a high-level project plan outlining an option for implementing the Scottish approach within the police service of England and Wales. It was subsequently agreed that England and Wales would independently develop their own user requirements and business processes to underpin the IMPACT programme.

Your officials have pointed out, as indicated in the progress report, that SID provides a system for sharing developed **intelligence** and would not by itself provide either the wider **information**-sharing capability for which ACPO has identified a need, nor the modernisation of the Police National Computer (PNC). These are convincing arguments that persuade me to support the IMPACT programme.

The lack of a single intelligence system

The delivery of a national intelligence system can be approached in two ways: creating a single system to hold intelligence data provided by, and accessible to, all forces; or creating a capability for all forces to draw on data held in individual forces' systems. Each approach potentially has advantages and disadvantages.

IMPACT will draw on the data held in forces' existing systems (including, but not limited to, intelligence systems) and will eventually provide standardised data and intelligence at a force level, which is capable of being searched

at a national level. It still needs to be established whether this approach will be capable not only of handling routine or slower-time intelligence requirements but also of providing the instantaneous and ubiquitous access that fast-time high-level operational intelligence requires. Business rules and processes also need to be put in place to ensure that the data used in IMPACT is of a common standard.

Obviously, any national information-sharing solution will not be fully effective if a force is not contributing. It would be unacceptable for any force not to be able to provide data for national sharing and doubtless you would take action to deal with that unlikely eventuality.

CRISP

I am told that the key issue is not how many forces choose CRISP but what progress they make in providing an information-sharing capability by their chosen route. Although CRISP now has 38 'committed' forces, there are at this stage no agreed timescales for these forces to take up the product. This must be a matter for concern and further monitoring. I am pleased to note that the president of ACPO has been approached about the need to make immediate and significant progress in this key area. This is a crucial test for police service corporacy and ACPO leadership and I hope that agreed timescales will soon be available.

Funding and delivery

In relation to forces in England and Wales, funding for IMPACT includes substantial financial support towards the costs associated with force data migration and infrastructure upgrades. Inevitably, however, forces will incur some costs arising from changes to local systems. Both ACPO and the Association of Police Authorities (APA) are committed to IMPACT, and your officials have no reason to believe that forces will not pick up these costs. In addition, as part of the business case for the I-PLX, the Criminal Records Bureau (CRB) has agreed to fund any changes to local IT systems that forces will be required to make to support the supply of data. Some forces have bid for this funding while others have been able to absorb the cost locally.

It has been confirmed that December 2005 remains the target to have the PLX available for release to forces, and September 2006 is the time by which it is anticipated that all forces will have made the required business changes to make full use of the system. I am told that there will be a phased roll-out during this period, with the Implementation Team visiting each force on dates that will be scheduled to minimise disruption.

Your officials are clear that at this stage there is no reason to believe that there will be resistance by forces to using the NNI (the National Nominal Index, which will allow forces to search for intelligence held elsewhere) or the PLX. If any resistance were to be encountered, neither ACPO nor the Police Information Technology Organisation (PITO) has the power to mandate a force to use a particular system, and careful consideration would need to be given to the use of your powers under the Police Reform Act.

I am assured that the delay in presenting the final IMPACT business case to the Home Office Investment Board will not delay its ultimate delivery in 2007.

Scotland and Northern Ireland

The IMPACT programme must also provide a system to meet the requirements of the police service in England and Wales in a way that enables access by Scotland and Northern Ireland.

Neither Scotland nor Northern Ireland are formally committed to IMPACT, and this is an issue which the Scottish Executive and your Department will wish to resolve.

Despite this lack of a formal commitment, I am advised that Scotland is supporting IMPACT and the PLX so that equivalent Scottish information can be transferred into the I-PLX and PLX. Further discussions will be required as to exactly how Scotland will interface with the full IMPACT solution when that platform has been designed.

I am pleased that the Police Service of Northern Ireland (PSNI) is fully committed to the IMPACT concept and will manage this as a project once the requirements of the PLX, NNI and IMPACT are clearer.

My conclusion

I welcome the steps that have recently been taken to tighten the programme management of IMPACT and note that officials remain committed to the 2007 implementation date. I accept the sense in building incrementally on systems that already exist or are in development but, clearly, I am not in a position to comment on the business case and user requirements, since these are still being developed. I do know that IMPACT must be driven by the needs of the business so that it delivers what front-line officers want. In that way you get real ownership from local officers. I am also clear that the business case must keenly test the confidence to be had in an approach that draws on forces' existing systems and that depends for delivery on their acceptance of common business rules, processes and standards.

By any measure, IMPACT is a major scheme requiring significant investment and containing complex interdependencies. Its successful implementation is by no means guaranteed yet. That success will require a clear business-driven specification; excellent programme management; and corporate leadership from ACPO, APA and the new Improvement Agency, together with a level of commitment from individual forces which has hitherto been rare. I **recommend** that it receives very close monitoring by your Department and that you intervene personally if problems are seen not to be resolved quickly enough.

Recommendation 2: The PLX to be introduced by 2005

There is considerable overlap with progress as reported on recommendation 1, given that the I-PLX and PLX are precursors of the full implementation of IMPACT. But, for clarity, the I-PLX was set up in February 2005 and it is anticipated that the full PLX will be available by December 2005. Police forces will be able to make full use of the system in September 2006. All this must be tightly managed and thought should be given to contingencies if deadlines are at any risk. I have mentioned above the need to check that roll-out goes smoothly.

Scotland and Northern Ireland

Scotland already has a system similar to the I-PLX and has been in discussion with the CRB about the electronic transfer of relevant information from the Scottish Criminal Record Office (SCRO) to the I-PLX, for completion by the end of March 2005. They will also seek to continue involvement with the full PLX project.

In Northern Ireland, the PSNI is exploring appropriate access to the PLX.

Recommendation 3: Procurement of police IT systems to be reviewed so that, where possible, national solutions are delivered for national problems

The independent review of PITO has been finalised and sent to Ministers. It will be made public and Ministers will decide on the need for any further action to deliver this recommendation in the light of the review. I am content that this fulfils the recommendation I made.

Recommendation 4: Investment in the PNC to be protected

This, of course, is linked to recommendation 1, and I note (3.1) that a comprehensive updating and strengthening of the central information services currently provided by the PNC is being delivered through IMPACT. I am content with this.

Recommendations 5 and 6: Implementation of a Code of Practice on data inputting for the PNC and the routine inspection by Her Majesty's Inspectorate of Constabulary (HMIC)

The new Code came into force on 1 January 2005 and HMIC will assess performance against that Code. Performance measures will be incorporated in the Police Performance Assessment Framework for 2005.

Naturally, I asked about police performance in entering data onto the PNC in the six months since the publication of my report – June to December 2004 – and I was given a further update for January. The position is as shown in the table below.

	July	December	January
Average days to input 90% of arrests/summonses			
England	9	8	10
Wales	7	8	7
Percentage input within 24 hours			
England and Wales	81.9	84.5	83.8

I was hoping to be able to report steady, even if unspectacular, progress since my report. These results are therefore disappointing, even allowing for significantly increased workloads. They show very clearly that there is still some way to go before any of us can be satisfied that data is transferred to the PNC quickly enough. I **recommend** that sustained attention is paid to police performance in this area.

HMIC has also pressed forces to improve the inputting of court results. The position is shown in the table below.

	July	December
Average days to input 90% of court outcomes		
England	51	39
Wales	13	16
Percentage input within seven days		
England	46.9	58.7
Wales	74.3	69.2

I have not seen it as part of my brief in reconvening the Inquiry to look in detail at performance in Scotland and Northern Ireland.

Recommendation 7: The deadline of 2006 for transfer of court results information on to the PNC should, at worst, be met

Different issues arise for magistrates' and Crown courts, so December 2005 is the target date for direct inputting of magistrates' courts results and December 2006 for Crown court results. I am told that these targets will be met and have no reason to doubt that. I nevertheless **recommend** that this is an issue that you keep under review.

Information management issues (8–11)

Recommendations 8 to 11: A Code of Practice should be produced covering record creation, review, retention, deletion and information sharing (8), setting out the key principles of good information management (9) with standards for systems, accountability, training, resources and audit (10). The Code should have particular regard to cases involving (alleged) sexual offences (11)

A high-level draft Code was introduced for consultation in December 2004 and is to be finalised in March 2005 and brought into force in May 2005. Supporting guidance is to be finalised by October 2005. I note that the Information Commissioner is broadly content with the work that has been done so far, as am I, although, in his comments as part of the consultation, he has pressed for further clarity on the understanding of police purposes and the circumstances in which retention of information will be reasonable.

I note that the guidance to underpin the high-level Code is being developed by the National Centre for Policing Excellence (NCPE) on behalf of ACPO and the Home Office, and that the programme is being overseen by the Chief Constable of Cambridgeshire. The intention is to develop five key guidance products during 2005, covering the whole cycle of information management and describing what is needed to comply with the Code. These products are:

- an introduction to information management – describing the rationale for information management set out in the Code, common terminology for information, and the requirements to hold it for policing purposes in accordance with the law;
- a guide to recording and dissemination – describing the process required to consistently identify, record, evaluate and disseminate police intelligence;
- a guide to review and retention – describing the criteria for holding, reviewing and retaining or deleting records in accordance with policing purposes and the law;
- a guide to information sharing – explaining the criteria for making available police information across force boundaries, to other law enforcement agencies and to other agencies in line with common protocols; and
- a guide to disclosure to the CRB – providing a common template for making decisions about the disclosure of police information for vetting purposes.

The guides on information management and data review and retention require extensive consultation and work with other agencies, and a definite date for their completion cannot therefore be firm at present, although my expectation is no later than October this year.

I received one expression of concern that, given the interdependence with IMPACT and the fact that forces were continuing with their own local systems, the guidance might either be delayed or be drafted at the level of lowest common denominator. If this danger exists, it must be guarded against.

My original report emphasised that this guidance should be 'authoritative, comprehensive and concise'. It needs to be readable and help front-line officers make the difficult decisions they often face. That is still my message to the NCPE. I am reassured that a dedicated NCPE Implementation Team will work with forces to ensure that they understand the requirements of the Code and guidance and will provide necessary support with clear standards to be reached within set timescales. It remains, however, a considerable challenge, and I cannot be certain at this point that the challenge will be met. I **recommend** that this is an issue to which your officials should continue to pay close attention.

I note the Government's view (4.33) that this is core police business which should be met through normal funding arrangements but that the financial impact on forces will be reviewed. I trust that the commitment to this work will be sustained and that there will be no question of it faltering because of lack of will or resources.

I pressed on whether it was good enough to permit forces 'to have regard to' the guidance rather than be required to apply it. I am content with the assurance that in practice chief officers would need to demonstrate good reasons for not following the Code of Practice in individual cases.

The response to the Code by police forces will be monitored by HMIC. This will allow inspectors to consider compliance when making baseline assessments of force 'criminal justice processes' in terms of excellent, good, fair or poor. Assessments for 2005/06 will be made in summer 2006, and I am pleased that the Department intends to include the way in which forces have responded to the Code in those assessments.

Protection of children and vulnerable adults (12–19)

Recommendation 12: The Government to reaffirm guidance on circumstances in which the police should be notified when an offence has been committed or is suspected against a child

This recommendation has been implemented.

Recommendation 13: National guidance should be produced to inform the decision whether or not to inform the police of offences committed or suspected of having been committed against a child

I note that new guidance will be developed under the Children Act 2004. I was concerned that guidance giving effect to my recommendation would not be issued until April 2006. I am pleased to have been told that this has been brought forward to December 2005.

I appreciate that there are two sets of related guidance: (i) under Section 11 of the new Children Act 2004, which establishes a new duty on specified local agencies to safeguard and promote the welfare of children, with a commencement date of October 2005; and (ii) guidance that will impose a new duty on the police and other agencies to establish and work with Local Safeguarding Children Boards, with a commencement date of April 2006.

The latter will also incorporate the revision of the Working Together guidance. Discussion on this issue indicated that the clarity and the perceived lack of ambiguity in the existing guidance is valued by many key partners, and especially by the police. I have to say that I am not convinced by this and would point to the evidence received by my Inquiry, where it was clear that 'professional judgement' was being used to act outside the existing guidance. I continue to **recommend**, therefore, the issue of improved guidance.

Patient confidentiality: public interest

I raise at this point, for others to address, concerns represented to me by the Chief Constable of Humberside that there is an intelligence gap arising from the different considerations that health professionals may bring to balancing patient confidentiality and the public interest. The result, the Chief Constable suggests, is that relevant intelligence does not always get to the police to inform the wider picture. I recognise that this is a very complex area where it is difficult to define the 'right' balance between appropriate and necessary social work support for the individual and crime prevention and detection. This is not an issue that I can address as part of my review. I am aware that the Children Act 2004 lays a duty on various disciplines to cooperate for the best protection of young people. I would have thought that this offered an answer to any police concerns. If this is a continuing concern within the police service, ACPO should institute the necessary discussions.

Recommendation 14: Recording of cases where decisions are taken not to refer to the police

The Integrated Children's System (ICS) system requirements have been updated to ensure that a positive or negative decision to refer to the police will be recorded and, additionally, that the system will be searchable by the names of adults to help identify potential abusers. The system is due for roll-out by early 2006. I am delighted that this has been achieved.

Recommendation 15: Decisions not to inform the police should be reviewed as part of inspections by the Commission for Social Care Inspection (CSCI)

The CSCI has agreed to take this on and changes have already been made in the approach taken by their inspectors. When they now become aware that a sexual offence has been committed (or is suspected) against a child and the police have not been informed, inspectors will seek to establish the reason with the Council and confirm that the right procedures have been followed. As noted, specific provision has been included within ICS to enable the ready identification of relevant cases.

The CSCI will also inspect the guidance and protocols about handling allegations of sexual abuse of children. When inspecting procedures developed by the Area Child Protection Committees, the CSCI inspects the policy and arrangements in place for reporting allegations of sexual offences committed against children. These changes were all implemented on 1 November 2004 and I am pleased with the progress made.

I am also pleased that the October 2006 date, given in the progress report for the possible commencement of the inspection of Local Children's Safeguarding Boards, has now been brought forward to April 2006 as part of the Joint Area Reviews.

CSCI proposals for change

In their letter to me, the CSCI made three further points which I have pursued with the Department for Education and Skills (DfES):

- *The CRB checks for staff already in post in residential schools under the CSCI's remit*

Guidance issued when the CRB came into being in May 2002 meant that the existing staff (who would have been subject to the equivalent of an enhanced disclosure check by the police under the arrangements in force before that date) need not be rechecked under the new CRB system provided that: (a) they did not change employment; and (b) the employer had no grounds for concern about their conduct or suitability to work with children.

There is currently no policy on rechecking in education settings, although many social services establishments and some regulators require rechecking at regular intervals (usually three to five years). Once the new system is introduced (in response to recommendation 19), with continuous updating, the notion of rechecking will be redundant. DfES takes the view that it would be sensible to leave retrospective checks until after the new system is implemented. Clearly, the risk involved in

that needs to be balanced against the wish to avoid overburdening employers. My inclination is that it is not unreasonable of the Department to take the position it does. Nevertheless, it is an issue that needs to be further discussed between them and the CSCI.

The Department says that they would not wish to consider retrospective checking of staff in other non-residential schools at this stage. However, there will come a point in the roll-out of the new system when it will be necessary to consider what to do about the minority who (though apparently posing no risk) are still outside the system.

- *The need for a code for information exchange between regulators, for example the General Teaching Council, Ofsted, the General Social Care Council and the 'barring' scheme by which certain people would not be allowed to work with young people*
DfES has responded that they will seek to develop this as part of the new barring scheme and that they anticipate setting out powers and duties for such information exchange in draft legislation.

- *The need to strengthen existing procedures for residential and foster care homes so that allegations of abuse are reported to the placing authority and the host authority*
DfES points out that Working Together procedures already apply to all regulated childcare settings. Where children in care are placed with an independent provider, they would already expect any allegation of abuse in respect of the child (or where the child is the perpetrator) to be reported back to the placing local authority. They would also expect this principle to be set out in the contracts and specifications for placement, but they intend to discuss this further with the CSCI to clarify their concerns.

I would encourage the CSCI, if they have any continuing concerns, to address them directly to the Department at the meeting which has been offered.

Recommendation 16: Head teachers and school governors to receive training on how to ensure that interviews to appoint staff reflect the importance of safeguarding children

An online training package has been agreed as a first step, with full roll-out to commence on 1 April 2005. The need for further training will be assessed after this has been evaluated. This will extend to independent schools and academies, not just maintained schools. Guidance on good recruitment and selection practice was issued in March.

I pressed DfES as to whether online training would be enough and whether they might arrange further training at the same time, rather than after the evaluation of that given online. I passed on to them suggestions by the National Society for the Prevention of Cruelty to Children (NSPCC) on the need to look at sectors outside schools and education and the merits of value-based interviews

The Department recognises that online training is not the complete solution.

They are considering how further training might be provided and how other groups working with children and vulnerable adults can be given access, adapted as necessary to meet the needs of other sectors. They will need to seek ministerial approval for a broader training programme, and identify the funding.

DfES is aware that the NSPCC is trying to introduce a value-based interviewing process throughout their organisation-based on the recommendations of the 1992 Warner Report, *Choosing with Care*. They point out that they would need to give careful consideration before introducing it into a school setting rather than the one for which it was designed, and they would need to have clear assurance that the benefits of introducing this kind of system would outweigh the very considerable logistical and resource implications before they could consider recommending it widely.

I agree with the decision to provide initial online training and am pleased with the work to develop further training involving the NSPCC. I would be concerned if a lack of resources prevented delivery of necessary training, including that required for settings outside the schools' sector. I **recommend** that Ministers address the issue of resources.

Recommendation 17: From a date to be agreed, no interview panel to appoint staff working in schools should be convened without at least one member being properly trained

The date now agreed is March 2006, which is reasonable in all the circumstances.

Recommendation 18: The relevant inspection bodies should, as part of their inspection, review the existence and effectiveness of a school's selection and recruitment arrangements

I am pleased that, while the detail has yet to be settled, Ofsted has agreed that school recruitment and selection procedures will be included in schools' self-evaluation for inspections starting from September 2005. This will go wider than maintained schools.

The DfES Standards Unit is considering how to ensure that effective procedures are in place within learning and skills provider organisations.

Recommendation 19: New arrangements should be introduced requiring those who work with children, or vulnerable adults, to be registered

What I had in mind

When making this recommendation, I took into account:

- the overlap, duplication and inconsistency in the existing systems;

- my view that the police were not best placed to make intelligence disclosures;
- that existing disclosures provided only a snapshot of a person's history; and
- the need for fairness to a job applicant.

My recommendation, therefore, sought to establish a central body with which anyone wishing to work with children or vulnerable adults would have to be registered. This body would have access to all relevant information to permit it to take consistent decisions on suitability. There would be a right of appeal against refusal to register a person before the notification to any third party. It would be for employers to decide if a post required clearance and, in theory, they could decide to employ or not employ whatever this central body said. (It is highly unlikely that they would employ in the face of a negative response from the central body. More likely, they might decide on occasions, following interview, not to employ a person about whom the central body had nothing negative to say.) The police could, as currently, advise when local intelligence should not be disclosed for operational reasons. Information on relevant criminal intelligence could be kept up to date, initially through the PLX being introduced by the CRB, and prospective employers could have access through a website to information confirming whether or not a person was registered.

What is proposed

Following what I recognise has been a detailed feasibility study, the Government proposes not a registration body but an agency operating a scheme by which people would, where appropriate, be barred from working with children. I have looked closely at this proposal and believe it meets all the material requirements of my recommendation set out in the previous paragraph, and I am therefore happy to endorse it. There are, however, some issues still to be considered.

Parents

It is important to me that families employing, for example, a music teacher should be able to check easily whether that person is on any barred list, and I note that officials believe that this is feasible.

Those already employed

The new scheme must be fair to those already in employment. DfES anticipates that, when relevant new information is brought to the attention of the barring scheme, they will review the decision, and, if the status of an individual changes to 'barred', notify the employer.

Officials are still considering whether the individual would be suspended, moved or allowed to work while under review. This will be a matter for consultation in the near future.

Earliest possible delivery of new arrangements

I accept that it will not be possible to implement the barring scheme any earlier than 2007 because of the need for primary and secondary legislation, the need to procure and build new IT systems, and the fact that

the upgraded PNC with the full PLX will not be available until the end of 2006. The feasibility study is currently considering what interim improvements can be made to current procedures in advance of the new system.

Funding

I accept that the Government is committed to the establishment of the barring scheme and will ensure sufficient funding. I recognise that it is not possible to allocate specific funding for implementation until the detailed shape of the scheme has been agreed.

Scotland and Northern Ireland

There will be reciprocal arrangements for Scotland and Northern Ireland so that there is consistency of thresholds and systems for making decisions, taking account of their different arrangements. Relevant conviction information will be notified by the courts to the Scottish Executive for the Disqualified from Working with Children List (DWCL). Relevant non-conviction information held by the police will need to be logged on SID and notified to Disclosure Scotland. If someone is dismissed/moved from a childcare post for harming a child, the employer is now duty bound to refer to the DWCL.

The PSNI inputs to the PNC only certain serious offences. I have sought assurance that this would not compromise the work being done on the barring scheme. I am told that the PSNI is working with DfES and the Department of Health to ensure that the information they require will be accessible to the scheme.

My conclusion

Along with IMPACT, the new barring scheme represents the most difficult challenge arising from my recommendations. The current proposals make sense but they will need to be very effectively project-managed if they are to be implemented successfully. Consequently, they will require further continued close monitoring.

Enhanced vetting procedures (20–31)

Recommendation 20: HMIC with ACPO and the CRB to develop standards to be observed by forces in carrying out vetting checks

I am pleased to note the work being done by ACPO and the CRB on what is referred to as a Quality Assurance Framework (QAF), which will put in place the necessary standards. Full roll-out will be achieved by October this year. I note that a Standards Compliance Bureau is being set up to monitor compliance.

I am told that discussions have taken place with the NCPE and Centrex and that they are likely to be responsible for the delivery of training within force disclosure units, probably during the period May to October 2005. In addition, the CRB will ensure that individual forces are ready to adopt the QAF.

If issues of non-compliance arise at individual force level, the matter will be escalated to ACPO, the CRB and, ultimately, HMIC.

The CRB has agreed to fund the QAF for the first year and ACPO is considering the longer term. I understand that resource usage will form part of force inspections. I think that there exists a degree of uncertainty here and I **recommend** that you press for clarity.

Recommendation 21: All posts, including those in schools, that involve working with children and vulnerable adults should be subject to the enhanced disclosure regime

I note that new regulations will be introduced in July to achieve this. Your Department has made the necessary links with DfES regarding the definition of 'working with children', and this will include those seeking access through the internet or telephone. I am pleased with the progress made.

I am, however, concerned about the unacceptable level of performance by some registered bodies (RBs) in meeting their responsibilities as described in your report (6.30). This represents a considerable risk to the disclosure service. RBs should meet their responsibilities and I support steps to ensure that they do. This includes significantly reducing their number.

Recommendation 22: The need to clarify RBs' responsibilities for checking identities

An identification pilot has been set up and new guidance is to be issued to RBs on the process for checking identities.

The CRB has selected five companies who are leaders in the field of online identity checking as part of a pilot to test whether this can enhance the identity authentication carried out by RBs using commercial data sources.

The report will be completed by mid June 2005 and the CRB will engage with Scotland and Northern Ireland to ensure that they are able to make

best use of these authentication tools. It is Scotland's intention to introduce new advice to RBs at the same time as England and Wales. I am content with this progress.

Recommendation 23: RBs or the CRB should be able to check passports and driving licences presented as proof of identity against the Passport Service and Driver and Vehicle Licensing Agency databases

This is being delivered as part of the Serious Organised Crime and Police (SOC&P) Bill currently before Parliament. The provisions extend across the UK. I am pleased to note that the Department for Work and Pensions database has also been included.

Recommendation 24: There should be an expectation that documents produced to confirm identity should, wherever possible, include a photograph

I note that this has been adopted in revised guidance which was issued in February. Scotland intends to reflect this same guidance and Northern Ireland is considering how it can be adopted there. I am content.

Recommendation 25: Fingerprints should be used as a means of verifying identity

I knew at the time of my recommendation that the response to an earlier consultation on the taking of fingerprints was largely negative. I made it nevertheless as a spur to ensure that questions about identity were taken seriously. I accept that, with all else that is being done, the pragmatic approach is to link with the work being done through the Home Office Identity Card programme. I say this not least because I am informed that at present the only infrastructure for provision of fingerprints is at local police stations, which could not handle the 2.4 million applications for disclosure received each year.

Recommendation 26: Guidance should be issued to RBs on how to verify that applicants have given a full and accurate account of their current and past addresses

Revised guidance was issued in February emphasising the importance of validating the five-year address history. My recommendation will then be met.

Recommendation 27: RBs should be required to confirm that they have checked the information on the 'police check form' in accordance with CRB guidance

I note that guidance was issued in February and that there will be an amended declaration to emphasise the countersignatory's 'unambiguous responsibility' to authenticate documentation, validate identity and confirm the completeness of information supplied.

Scotland intends to provide revised guidance in line with my recommendation, and a new application form will be issued in April. I am therefore pleased with the progress made.

Recommendation 28: The consents that applicants currently give on the 'police check form' should be sufficiently broad to enable requisite checks to be undertaken

Legal advice since received by your Department is that the existing consent covers current processes and that no addition is required.

Recommendation 29: Incomplete or withdrawn applications should in future be returned to the RB and not the applicant

I was disappointed to learn that this recommendation would not be implemented until one year after publication of my report. I was told that this was a matter of priorities, with urgency being given to implementation of the I-PLX. I am pleased to have been informed since then by CRB management that they aim to bring forward implementation to the end of April, subject to consultation with their IT supplier. I am grateful for this.

Recommendation 30: Proposals should be brought forward as soon as possible to improve the checking of people from overseas who want to work with children

If Ian Huntley had come from overseas, then no matter how efficiently the relevant police force had maintained intelligence on their dealings with him, that information would not have been available to the CRB or to his employers because he would not have been convicted of a relevant offence. In addition, many countries provide **conviction data** only to the data subject – not directly to the potential employer or to a body like the CRB. The obvious risk is that information passed to the data subject may not be passed on to the employer or may be amended before being passed on.

The SOC&P Bill, if passed, will give the UK powers to reciprocate in the exchange of conviction data, and I note the cooperation that is being developed with Australia and possibly with Canada. Putting the CRB, rather than the data subject, at the heart of these transactions addresses the risk of misrepresentation, and I would urge speed in developing such bilateral or European Union (EU) engagements.

In that context, there are currently EU proposals, which may be taken forward as part of the UK presidency later this year, to set up arrangements for an index of criminal convictions linked to national records that could be interrogated on a 'hit/no hit' basis to determine whether records on a named person were held in another state. I am told that, if agreed, this could take several years to set up. There is also a separate, but relevant, Belgian proposal for exchanging information on persons disqualified from working with children. All this, linked to whatever can be achieved beyond the EU, will help improve current arrangements.

However, even then the failure to exchange **intelligence** with other countries means there is a real risk that if someone like Huntley comes from overseas, he will be able to obtain a job working with children here. It may be a long haul, but I **recommend** that you engage now in discussions that seek to achieve an exchange of intelligence with those countries providing the largest number of overseas workers in our public services. It may be that the Belgian proposal, referred to earlier, offers a way forward (assuming that intelligence as well as conviction information is used to determine suitability). I also **recommend** that you urgently review the nature of existing guidance to employers to ensure:

- clarity on the limited comfort they can take from data subject conviction information; and
- consistency of practice across work sectors.

Recommendation 31: As a priority, legislation should be brought forward to enable the CRB to access the following databases for vetting purposes: Her Majesty's Customs and Excise, the National Criminal Intelligence Service, the National Crime Squad, British Transport Police and the Scottish and Northern Ireland equivalents of the Protection of Children Act and Protection of Vulnerable Adults lists

I am pleased to note that this recommendation is delivered comprehensively through the SOC&P Bill and will extend to Scotland and Northern Ireland.

Ministry of Defence (MOD) records

I asked officials about access to MOD records in particular in the light of the tragic murder of a young student on New Year's Eve where the suspect was a soldier, apparently with a relevant criminal history.

I understand that the SOC&P Bill includes provision to access data from the following:

- the Royal Navy Regulating Branch;
- the Royal Marines Police;
- the Royal Military Police;
- the Royal Air Force Police; and
- the MOD Police.

Recordable offences (generally convictions, cautions, reprimands and warnings given in respect of offences punishable with imprisonment and other specified offences) should be recorded on the PNC regardless of whether the conviction is military in nature. However, the CRB currently does not have legal powers to access non-recordable offences or intelligence data on MOD records.

Initial discussions have taken place with the Royal Military Police in order to access such information. There are apparently multiple data sources within the MOD. The CRB will analyse them for relevance and will help the service

bodies in developing decision-making skills in line with the agreed ACPO and CRB guidelines. This will ensure a standard approach and adherence to the QAF principles. Initial work will take four months to complete and started in February 2005.

Additionally, I understand that IMPACT will be able to link into MOD conviction and intelligence records and that the military police will be fully involved in the project.

In your progress report (3.8), reference is made to the Violent and Sex Offender Register (VISOR) as a national system to record local intelligence as well as conviction information on violent and sex offenders or suspected offenders.

I understand that your Department has written to the MOD as a result of the case to which I have referred to ask whether the military police would like access to VISOR so that convictions and intelligence for service personnel are on that system. I very much support this action and **recommend** that it is pursued urgently.

There may be other issues arising from the young student's tragic death that go beyond the purpose in reconvening my Inquiry. I have ensured, therefore, that the MP's concerns have been referred to your Department.

Scotland and Northern Ireland

Scotland is currently considering an MOD Police proposal to access SID, while for specific reference purposes in Scotland the MOD Police at Faslane can access the SCRO Criminal History System.

Summary of my latest recommendations

I **recommend** that you report publicly the progress made on my recommendations during the next 12 months. I hope that you will feel able to publish a report updating Parliament and the public in six months and again in 12 months (see covering letter).

I **recommend** that the programme management arrangements that have been established to deliver my recommendations are maintained for at least the next 12 months (see covering letter).

The IMPACT programme is, by any measure, a major scheme requiring significant investment and with complex interdependencies. I **recommend** that you monitor very closely the progress made with personal intervention where required (see page 4).

I **recommend** that sustained attention is paid to police force performance in entering data on the PNC (see page 6).

I **recommend** that you keep under review the achievement of targets for the improved handling of data entry on court results (see page 6).

I **recommend** that officials continue to pay close attention to the requirement that guidance on information management should be authoritative, comprehensive and concise (see page 8).

I continue to **recommend** the issue of improved guidance on the handling of allegations of sex offences involving young people in line with my original recommendation 13 (see page 9).

I **recommend** that Ministers address the issue of resources to enable the delivery of necessary training beyond the education sector on interviews and selection (see page 12).

I **recommend** that you press for clarity on the funding of police force expenditure related to the introduction of enhanced vetting procedures (see page 15).

I **recommend** that you engage now in discussions that seek to achieve the exchange of intelligence between countries for the purposes of employment vetting. I also **recommend** that you urgently review the nature of existing guidance to employers to ensure:

- clarity on the limited comfort they can take from data subject conviction information; and
- consistency of practice across work sectors (see page 18).

I very much support action to give the military police access to VISOR and **recommend** that it is pursued urgently (see page 19).

I **recommend** that commitments made by Scotland, Northern Ireland and Wales, intended to ensure that common protections for young people and other vulnerable persons apply across the UK, are built into the milestones for achievement that feature in the progress report (see covering letter).



Sir Michael Bichard
March 2005

