

# The Bichard Inquiry

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# Report

A Public Inquiry Report on child protection procedures in Humberside Police and Cambridgeshire Constabulary, particularly the effectiveness of relevant intelligence-based record keeping, vetting practices since 1995 and information sharing with other agencies. This report makes recommendations on matters of local and national relevance.

*Return to an Address of the Honourable the House of Commons  
dated 22nd June 2004  
for*

# **The Bichard Inquiry Report**

*Ordered by the House of Commons to be printed 22nd June 2004*

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**THE BICHARD INQUIRY**  
5<sup>TH</sup> Floor, 90 High Holborn  
London WC 1V 6XX  
0845 226 4683  
Fax 020 7242 6436  
[www.BichardInquiry.org.uk](http://www.BichardInquiry.org.uk)  
[Bichard.Inquiry@homeoffice.gsi.gov.uk](mailto:Bichard.Inquiry@homeoffice.gsi.gov.uk)

The Rt Hon David Blunkett MP  
Home Secretary

14 June 2004

Dear Home Secretary,

Following Ian Huntley's conviction in December 2003 for the murders of Jessica Chapman and Holly Wells, you asked me to lead an independent Inquiry into child protection measures, record keeping, vetting and information sharing in Humberside Police and Cambridgeshire Constabulary.

I am pleased to submit my report to you.

I am grateful for the assurance you have given me that the report will be quickly published.

I look forward to the Government's response to my findings and to the recommendations which I make. As you know, I aim to reconvene my Inquiry in six months' time to assess progress on those recommendations which the Government chooses to accept. I am confident, as I acknowledge in my report, of the spirit in which my recommendations will be received and taken forward.

Yours sincerely,

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

Sir Michael Bichard

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# Introduction and summary by Sir Michael Bichard

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- 1 On 17 December 2003, Ian Huntley was convicted of the murders of Jessica Chapman and Holly Wells. It is difficult to exaggerate the horror which these murders caused or to begin to imagine the grief of the girls' families.
- 2 In the days following Huntley's conviction, there was widespread public disquiet when it became clear that he had been known to the authorities over a period of years. In fact, he had come to the attention of Humberside Police in relation to allegations of eight separate sexual offences from 1995 to 1999 (and had been investigated in yet another). This information had not emerged during the vetting check, carried out by Cambridgeshire Constabulary at the time of Huntley's appointment to Soham Village College late in 2001.
- 3 This Inquiry was set up by the Home Secretary to:

'Urgently enquire into child protection procedures in Humberside Police and Cambridgeshire Constabulary in the light of the recent trial and conviction of Ian Huntley for the murder of Jessica Chapman and Holly Wells. In particular to assess the effectiveness of the relevant intelligence-based record keeping, the vetting practices in those forces since 1995 and information sharing with other agencies, and to report to the Home Secretary on matters of local and national relevance and make recommendations as appropriate.'
- 4 As I made clear in my opening statement in January 2004, my aim has been to discover what happened, why it happened and what lessons could be learned and conclusions drawn. That has inevitably involved asking some tough questions and criticising individuals and organisations.
- 5 Huntley alone was responsible for, and stands convicted of, these most awful murders. None of the actions or failures of any of the witnesses who gave evidence to the Inquiry, or the institutions they represented, led to the deaths of the girls.
- 6 However, the Inquiry did find errors, omissions, failures and shortcomings which are deeply shocking. Taken together, these were so extensive that one cannot be confident that it was Huntley alone who 'slipped through the net'.

- 7 The detailed facts and findings are set out in the body of the report. In this summary, I highlight the main conclusions.

## In Humberside and North East Lincolnshire

### **Humberside Police**

- 8 One of the key failings was the inability of Humberside Police and Social Services to identify Huntley's behaviour pattern remotely soon enough. That was because both viewed each case in isolation and because Social Services failed to share information effectively with the police. It was also because, as the Humberside Chief Constable admitted in his evidence, there were 'systemic and corporate' failures in the way in which Humberside Police managed their intelligence systems.
- 9 These failures were all the more surprising given the emphasis all the witnesses placed on the importance of intelligence and the need to identify patterns of criminal behaviour as early as possible.
- 10 The reality in Humberside was very different. The process of creating records on their main local intelligence system – called CIS Nominals – was fundamentally flawed throughout the relevant period. Police officers at various levels were alarmingly ignorant of how records were created and how the system worked. The guidance and training available were inadequate and this fed the confusion which surrounded the review and deletion of records once they had been created.
- 11 This confusion was so serious that there was not even a common understanding of what was meant by 'weeding', 'reviewing' and 'deletion'. It cannot now be ascertained how many records were lost without proper review. The only sensible inference is that a significant number were lost. It cannot be known whether the confusion contributed to the deletion of the information in the only intelligence report on Huntley, filed by Police Constable Harding, in July 1999, or whether the deletion was an error of judgement or simply a mistake. However, the 'haemorrhaging' of intelligence casts serious doubts on the usefulness of other Humberside Police records.
- 12 The failures in the use of CIS Nominals were compounded by the fact that other systems were also not being operated properly. Information was not recorded correctly onto the separate CIS Crime system. It took four years (from 1999 to 2003) for those carrying out vetting checks to be told that the CIS 2 system, introduced in late 1999, also allowed them to check a name through the CIS Crime system.
- 13 Equally, the Child Protection Database (CPD), as operated, was largely worthless because the information put onto it was regarded as unreliable. CPD records were not reviewed or deleted for ten years, and even when it was finally realised that this database could be an important vetting tool (1998), it took a further four years to use it for that purpose.
- 14 As a result of these failures, there was not one single occasion in all of the contacts with Huntley when the record creation system worked as it should have done. The various investigations of Huntley from 1995 onwards within

Humberside might well have been different if the police officers involved had known about past incidents. It cannot be known whether the disposal of any of those incidents would or should have been different as a result. The most that can be said is that such opportunity as there was, was missed.

- 15 I have to conclude that these problems arose, at least in part, from a widespread failure to appreciate the value of intelligence within Humberside Police. As late as October 2002, the force's then Director of Intelligence reported that there was 'an alarming ignorance of what constitutes intelligence, how it should be recorded then how it should be graded, stored, disseminated and weeded'. As I state in my report, there is every reason to suppose that the level of ignorance was even greater in the late 1990s.

### **Social Services**

- 16 It is not for me to reach conclusions about Social Services' handling of the early contacts with Huntley. This is a matter for Sir Christopher Kelly's Serious Case Review. I have, however, referred to him my misgivings about several aspects of these contacts.
- 17 Why, in Contact 1, was it concluded by social workers that there were 'no significant concerns found in welfare', even though it was accepted that a 15-year-old girl (AB) was staying with a 21-year-old boyfriend (Huntley) with whom she admitted having sex? Why in Contact 2A (CD), was the case not referred to Humberside Police when it became clear that an allegation had been made that CD, also 15 years old, had had sex with Huntley? Why was no action taken to prevent CD from living alone with Huntley after his father had left on business?
- 18 Why was Contact 3 (EF), again a 15-year-old, dealt with by Social Services alone, rather than jointly with the police?
- 19 Taken together, these issues raise serious questions about the extent to which Social Services played their part in dealing effectively with someone who was, over a short period of time, known to have been involved sexually with several girls under the age of consent.
- 20 In addition to the contacts which the Inquiry examined, it is apparent from information obtained by Social Services, and provided as supplementary evidence, that Huntley was probably involved sexually with one other girl under the age of 16, but none of the Social Services' computerised records that remain in respect of this girl mention the name 'Huntley'. Such actions as are recorded by Social Services do not show any reference to Humberside Police. It is also possible that Huntley had other sexual relationships with girls under the age of 16 that were not referred to Social Services or the police, and so have not been considered by the Inquiry.

### **Data protection**

- 21 In the media coverage following the trial, and during the course of the Inquiry, a great deal of attention has been given to the role of the data protection legislation. This is not least because the Humberside Police press release of 17 December 2003 suggested that the legislation was a principal

reason for the information about their dealings with Huntley not being available to them in December 2001. I reject that suggestion.

- 22 By the time Chief Constable Westwood came to give written and oral evidence, he acknowledged that the data protection legislation was not the reason for the lack of searchable records. He was right to do so.
- 23 It is evident that police officers were nervous about breaching the legislation, partly at least because too little was done to educate and reassure them about its impact. But I do not believe that the current Data Protection Act needs to be revised as a result of these events. It is, as a member of the judiciary said recently, an 'inelegant and cumbersome' piece of legislation, but the legislation was not the problem. I suggest, however, that better guidance is needed on the collection, retention, deletion, use and sharing of information, so that police officers, social workers and other professionals can feel more confident in using information properly.

## In Cambridgeshire

- 24 Cambridgeshire Constabulary was the other police force directly involved in the Inquiry because of its handling of Huntley's vetting check. There, too, errors were made. These included:
  - entering Huntley's date of birth incorrectly onto the database; and
  - checking the Police National Computer (PNC) only against the name 'Ian Nixon', and not against 'Ian Huntley'.
- 25 I have also concluded that it is extremely unlikely that any fax was ever sent to Humberside Police requesting a check of their (Humberside's) records.
- 26 These errors, caused by problems in Cambridgeshire Constabulary's local Criminal Records Bureau (CRB), were not systemic or corporate, but they were serious. The evidence to the Inquiry showed a unit with resource and work pressures, confused processes not explicitly defined, a lack of audit/performance-monitoring arrangements, and poor training and guidance. Staff were struggling to deliver an adequate service in the run-up to the introduction of the national CRB, and they were trying to balance a number of competing calls on their time. In the circumstances, it is not at all surprising that the errors were made.
- 27 Even if a fax had been sent, a check of Humberside Police records would not have revealed anything because their CIS Nominals had no information on Huntley in December 2001, and at that time no other systems were checked by Humberside Police for vetting purposes. I am very clear that the fax should have been sent by Cambridgeshire Constabulary, the intelligence should have been kept by Humberside Police, and Huntley's history should have been revealed.
- 28 Not surprisingly, Cambridgeshire Constabulary have since taken steps to address these failings. It also appears from a review subsequently

conducted by them that it is unlikely that the kinds of errors made in this case were widespread.

- 29 It has not been part of my remit to consider the way in which Cambridgeshire Constabulary managed the investigation into the murders of Jessica and Holly. Sir Keith Povey, Her Majesty's Chief Inspector of Constabulary (HMCIC), is leading that work.

### **Huntley's recruitment**

- 30 In late 2001, Huntley applied for the post of caretaker at Soham Village College, a school that before and after these events has shown itself to be excellent and well led. Nonetheless, on this occasion there were errors in the school's recruitment process. The five open references that Huntley provided were, by their nature, unreliable and should not have been accepted. It was not the practice of the school normally to do so. In addition, Huntley's employment history was not adequately checked and it contained gaps including, the Inquiry discovered, one undisclosed employer from whom no reference was sought.
- 31 I consider that Huntley should not have been allowed to start work before the necessary checks were completed, given that he would be working and living on site; he had not previously held any post involving significant contact with children; and alternative arrangements had previously been put in place to cover the work.
- 32 However, even if the proper practices had been followed at Soham Village College, the likelihood is that the outcome would have been no different. The references were later checked by Cambridgeshire Constabulary and were authentic.
- 33 Soham Village College retains Education Personnel Management Limited (EPM), as a personnel service provider. One of EPM's directors would have signed the Police Check Form, to confirm that the particulars Huntley provided had been verified. They did not, in practice, however, check all those particulars, including details such as previous addresses. EPM explained that, in their opinion, this was not practical, nor was it required by the guidance provided at the time, nor was it common practice with other Registered Bodies. I do not have to determine this point, but it is never good practice to suggest that facts have been verified when they have not. It would have been sensible for EPM, and other Registered Bodies, to point out the deficiencies in the wording of the guidance to the relevant government departments. Equally, the wording should have spelt out more clearly the responsibilities of the Registered Bodies.

### **The national context**

- 34 I have been able to look closely at the national context within which the events in Humberside and Cambridgeshire unfolded. Once again, the Inquiry discovered a series of shortcomings which suggest that the importance everyone concerned professes to give intelligence was not borne out in reality.

- 35 For example, although national Information Technology (IT) systems for recording intelligence were part of the original National Strategy for Police Information Systems (NSPIS) as long ago as 1994, no such system exists even now. It was, in fact, formally abandoned in 2000 at the same time as the launch of the National Intelligence Model (NIM), which sought to place intelligence at the heart of policing. There are still no firm plans for a national IT system in England and Wales, although, in contrast, such a system will be fully operational in Scotland by the end of this year.
- 36 Furthermore, it is only very recently that priority was given to a system that will enable forces (and the CRB) to identify that intelligence is held on an individual by another police force. This is the so-called PLX system, and it should be available to all forces by the end of 2005, although a similar system has been available in Scotland since 1992. Without the PLX, even today, anyone could move from one police force area to another, and that force would have no way of knowing that there was intelligence held on that person, unless there was a recordable conviction, in which case it would be on the PNC, or they happened to contact the first force directly.
- 37 The PNC is the most important current national system. It holds information, not just on individuals' recordable convictions but also on, for example, aliases and distinguishing features. For nearly a decade now, successive reports from the Police Information Technology Organisation (PITO), the Association of Chief Police Officers (ACPO), the Home Office Police Research Group and Her Majesty's Inspectorate of Constabulary (HMIC) have drawn attention to serious delays across police forces in entering data onto the PNC. The failure to remedy these problems over such a long period of time is yet further evidence of the failure in practice to recognise intelligence gathering as a prerequisite of modern, effective policing.
- 38 Some improvements in the PNC's performance have begun to be made very recently. To ensure that further progress is achieved, the Home Office now intends to introduce a Code of Practice, under the Police Reform Act 2002, which gives greater powers and sanctions.
- 39 The quality and timeliness of PNC data entry will also now be included in the Police Performance Assessment Framework (PPAF), and the Performance Baseline Assessments, to ensure that performance is regularly monitored. It must, however, be a source of acute embarrassment to the police service that this poor performance has been allowed to continue for so long, even allowing for other pressures and priorities.
- 40 It is also very important that the responsibility for entering court results onto the PNC transfers from the police to the Court Service – by the current proposed date of 2006 at the latest. Most important of all is that the medium- and long-term future of the PNC, which is already an ageing system, needs to be secured, with additional resources if necessary.
- 41 A national IT intelligence system and a secure, efficient PNC are priorities for the future, but it is questionable whether the lack of either played a significant part in the contacts with Huntley. The lack of clear, understandable national standards and guidance on the subject of record creation, retention, review, deletion and information sharing most likely did

contribute to the failure of record keeping in Humberside Police. The lack of clarity, and the differing practices in the 43 police forces, also makes the loss of valuable information through inappropriate deletion more likely, as happened in Humberside.

- 42 I am, therefore, clear that we need a national Code of Practice to cover record creation, retention, deletion and information sharing, which is easily understood and uniformly applied across the country.
- 43 Without doubt, given their nature and scale, one might have expected the failures I have described – especially in Humberside Police – to have been identified and resolved earlier by local management and by external assessors. Those external assessors included HMIC, part of whose task is to identify any functions and activities that are at risk, by making use of the data and intelligence it gathers from its many contacts with police forces. Had the problems I have described been identified earlier, either by HMIC or by the Humberside Police Authority (whose resources, it must be said, were seriously limited), then action must surely have followed.

### The failings

- 44 In the 35 years I have worked in the public sector, I have rarely encountered staff who did not strive, to the best of their ability, to provide a good service to the public within the resources available. However, when failures occur, they can have devastating consequences, and in those circumstances, it is important to identify where responsibility lies before making proposals for future improvements.

#### **Humberside Police**

- 45 It should be said that in the past two years, Humberside Police have devoted considerable time, resources and effort to addressing the problems with their intelligence systems and practices.
- 46 However, the problems I have identified in Humberside were not isolated or the result of simple human errors. In the words of the Chief Constable, the failings were 'systemic and corporate'. These were problems of the most serious kind. There was a failure, over several years, to identify them, caused in large part by the fact that there were few effective management audits or inspections to check that the systems were operating properly. There was inadequate training for police officers and the guidance on record creation, review and deletion was either non-existent or, at best, confused. There is little evidence of sufficient strategic review of information management systems and no real awareness among senior managers of the scale and nature of the problems. In some instances, that seems only to have been grasped during the Inquiry hearings themselves.
- 47 I do not expect senior management in any organisation to know about every failure. However, in such key areas, senior management could and should have done more to identify and deal with the failures – especially when others, including HMIC, had drawn attention to the importance of information management.

- 48 I must therefore conclude that there were very serious failings in the senior management at Humberside Police.

### **Cambridgeshire Constabulary**

- 49 As I have said, the errors made by Cambridgeshire Constabulary were serious and one might have expected the Chief Constable to identify the extent of these earlier than he did. As far as the local CRB was concerned, the nature of the failings resembled those in Humberside. There was a lack of clear guidance about the process, no adequate audit, and a failure on the part of senior management to identify the problems. The extent of these failings, however, was not as great as in Humberside Police. They were neither systemic nor corporate.

### **Others**

- 50 With regard to Social Services, I share the concerns expressed fairly by the new Deputy Director, Mr Martin Eaden. However, it is for Sir Christopher Kelly to reach final conclusions on this.
- 51 I believe that PITO, ACPO and the Home Office must share responsibility for the fact that there is still no national intelligence IT system, nor even a system which flags up to police forces that there is intelligence held on an individual by another police force. The failure here contrasts sharply with the progress made in Scotland.
- 52 The Home Office should take the lead more effectively than it has during the past decade, to deliver these priorities. Ultimately, they should be priorities for the government as a whole and not just one department.
- 53 ACPO will be disappointed that for so long it was unable to persuade its members to improve their performance with respect to the quality and timeliness of data entered onto the PNC. ACPO has also been unable to foster a culture that properly values the importance of intelligence, and to provide guidance to minimise the scope for confusion, on the retention and deletion of criminal intelligence. In fairness, I acknowledge the work that has been taken forward in recent years on the National Intelligence Model.
- 54 I have also found cause to criticise the way in which ACPO handled recent disagreements with the Information Commissioner, who was, in my view, fulfilling his responsibilities in challenging some decisions by police forces. However, the Commissioner, too, needs to be mindful of the tone of such challenges. There is a danger that inappropriate language can feed a climate of fear, which too easily surrounds the data protection legislation.
- 55 ACPO is, of course, the national body which exists, in large part, to seek to develop national approaches to national problems. All the heads of the police forces are represented on it. My comments, therefore, are not directed primarily at the current leadership of the Association but will, I hope, be taken to heart by the police service as a whole.
- 56 I have no doubt that Her Majesty's Chief Inspector of Constabulary (HMCIC), Sir Keith Povey, appreciates the critical part that HMIC can play in raising the performance of police forces across the country. I also believe that he understands how HMIC can perform that task most effectively.

Nonetheless, I have already said that HMIC could and should have done more to identify earlier, and help address more effectively, the problems that existed in Humberside Police.

- 57 HMIC might also have focused earlier, nationally, on the issues of record retention, deletion and vetting. Humberside Police were inspected on several occasions during the period in question, and although comments were made about IT information systems and intelligence, at no time was the scale of their problems exposed. The fact that HMIC were able to reach clear views so quickly in their inspection in late 2003 underscores my conclusions. I believe that there was sufficient in the HMIC reports to have caused Humberside Police Authority to ask more difficult questions.
- 58 The interview and recruitment process which led to Huntley's appointment at Soham Village College was flawed, as the school principal admitted. This only goes to reinforce the findings of successive reports about the importance of the selection process and I am making recommendations about selection and recruitment in schools.
- 59 The CRB needs urgently to offer further advice on the responsibilities of Registered Bodies for the checking of information provided by applicants for disclosure.

### What improvements can be made?

- 60 I have set out elsewhere all of the recommendations contained in this report (see pages 13–17). I have also tried to ensure that the responsibility for each is made clear so that I can review progress when the Inquiry re-convenes. In this summary I want to highlight the five key areas where I think progress is essential. These are:

#### **A new system for registering those working with children and vulnerable adults**

- 61 The current arrangements could be improved within the existing vetting framework to address concerns about checking identity, checking an applicant's addresses, dealing with incomplete and withdrawn applications and providing access to additional databases (for example, HM Customs and Excise). However, the resulting improved regime would still have overlaps, duplications and inconsistencies and could only offer a snapshot taken when a vetting search was undertaken.
- 62 I am, therefore, recommending a very different system. I am proposing the introduction of a register of those who wish to work with children or vulnerable adults – perhaps evidenced by a licence or card. The inclusion of an individual on this register would reassure employers that nothing was known by any of the relevant agencies about that individual that would disqualify them from working with children or vulnerable adults.
- 63 The register would be constantly updated, following the introduction next year of a new system (the PLX) that will indicate when police forces hold intelligence on an individual. The register could be easily accessed – subject to security protection – by any employer, large or small, including parents employing tutors or sports coaches. Such a system would relieve the police

of the responsibility of deciding what information should be released to employers and would simplify arrangements for employers. It could – and I think should – incorporate an appeal process for applicants who were refused registration. It would also avoid information about past convictions being released to prospective employers without reference first to the individual concerned.

- 64 These new arrangements would need to be put in place over a period of time and a decision will need to be made about which central body should be responsible for administering the system. The government will also need to be satisfied about costs matched against benefits, although preliminary indications suggest that the new arrangements could offer savings in a relatively short time.
- 65 The arguments for and against a card or licence are finely balanced and again, these are matters for the government to consider. I merely say that if it is decided to introduce a card, then a card with a photograph and biometric details would provide real advantages in checking identity.

#### **A national IT intelligence system**

- 66 If it is possible to introduce a national IT intelligence system in Scotland (and that will be done by the end of the year), then it should be possible to do the same in England and Wales, even allowing for the additional complexities.
- 67 It is regrettable that so little progress has been made since 1994 and that, as a result, police forces do not easily or routinely have access to intelligence held about an individual by other forces. The development and early implementation of a national intelligence IT system in England and Wales should be an urgent priority for the government, with the Home Office taking the lead. At the least, an interim system for flagging the existence of information should be in place by 2005.

#### **Clear guidance on record creation, retention, review, deletion and the sharing of information**

- 68 Although there is much advice and guidance already in existence, it is subject to local interpretation and leaves scope for confusion between the concept of 'review' on the one hand and 'deletion' on the other. In some circumstances, the guidance is unclear about the retention of conviction-related information and leads to inconsistent decisions about the retention of criminal intelligence (that is, non-conviction related information).
- 69 As a result, the possibility of valuable intelligence being lost prematurely is significant. I believe, therefore, that a new national Code of Practice is needed, and that it should be made under the Police Reform Act, to ensure that it is applied across the country. It needs to be clear and designed to help police officers in the front line. It should supersede all existing guidance and cover the capture, review, retention or deletion of all information (whether or not it is conviction related). The Code should also cover the sharing of information by the police with partner agencies.

### **Referral of sexual offences against children and subsequent action**

- 70 I have noted the level of public disquiet that Huntley was able to have sexual relationships with so many girls under the age of 16 and, in one instance, even to live with a girl under 16. There is also concern that the issue of underage sex may not be taken sufficiently seriously by the police or social services generally.
- 71 Of course, I am aware that some teenagers under the age of 16 have sex, but what causes most concern is when one of the parties is noticeably older, or has been 'grooming' the other, younger, party in some way. I note that this concern is reflected in the Sexual Offences Act 2003, now in force.
- 72 There is already guidance in *Working Together to Safeguard Children 1999*, requiring Social Services departments, save in exceptional circumstances, to inform the police about sexual offences committed, or suspected of having been committed, against children. But this case has demonstrated the need to ensure that this guidance is conscientiously applied and I believe that some further action is needed to ensure this happens.
- 73 I am therefore proposing that:
- 73.1 The government should reaffirm the expectation that social services should, other than in exceptional circumstances, notify the police about sexual offences committed or suspected against children.
  - 73.2 National guidance should be provided to assist social services departments in making the decision about when to notify the police – or not.
  - 73.3 Social services records, in particular the Integrated Children's System (ICS), should record those cases where a decision is taken **not** to notify the police.
  - 73.4 The decision making in these cases should be inspected by the Commission for Social Care Inspection.

### **Training for all involved in appointing people to work with children**

- 74 Previous Inquiries have also highlighted the importance of robust selection and recruitment. Guidance was issued to local social services departments following the Warner Report, and the National Minimum Standards, issued under the Care Standards Act, also refer to this. However, I am not convinced that this issue has been taken on board sufficiently in education.
- 75 The danger is that too much reliance will be placed on CRB checks and the registration scheme which I am now recommending. However, there is a concern that many abusers are not known to the police, therefore if properly conducted, the selection and recruitment process is a further essential safeguard.
- 76 I therefore want to see more training being made available to school governors and head teachers to ensure that interviews to appoint staff reflect the importance of safeguarding children. From a date to be agreed,

**no** interview panel for staff working in schools should be convened without at least one panel member being properly trained.

- 77 I also want to see the inspection bodies, such as Ofsted, reviewing recruitment arrangements in schools. I understand that the Commission for Social Care Improvement already includes an evaluation of evidence of effective recruitment and vetting procedures in its inspections of regulated care settings.

## Conclusion

- 78 I have already announced that I shall reconvene the Inquiry in six months' time to review publicly the progress that has been made against these various recommendations. I am aware that because of the speed with which we have worked, some of the recommendations need further detailed work, but I am confident that all those who have a part to play will respond urgently.
- 79 For those agencies whose job it is to protect children and vulnerable people, the harsh reality is that if a sufficiently devious person is determined to seek out opportunities to work their evil, no one can guarantee that they will be stopped. Our task is to make it as difficult as possible for them to succeed, and if the various recommendations in this report had already been in place, then it would have been significantly more difficult for Huntley.
- 80 Even then, however, it will always be possible for someone like Huntley to slip through the net unless intelligence records are maintained and accessed effectively. It is quite clear that in this case that did not happen because of serious failings over a period of several years.

# Recommendations for action

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## A national information technology (IT) system for police intelligence in England and Wales

- 1 A national IT system for England and Wales to support police intelligence should be introduced as a matter of urgency. The Home Office should take the lead and report by December 2004 with clear targets for implementation (page 132).

**Responsibility:** The Home Office

- 2 The PLX system, which flags that intelligence is held about someone by particular police forces, should be introduced in England and Wales by 2005 (page 132).

**Responsibility:** The Home Office

## Police IT procurement

- 3 The procurement of IT systems by the police should be reviewed to ensure that, wherever possible, national solutions are delivered to national problems (page 133).

**Responsibility:** The Home Office, advised by the Police Information Technology Organisation (PITO)

## The Police National Computer (PNC)

- 4 Investment should be made available by Government to secure the PNC's medium and long-term future, given its importance to intelligence-led policing and to the criminal justice system as a whole. I note that PITO has begun this work (page 134).

**Responsibility:** The Home Office, advised by PITO

- 5 The new Code of Practice, made under the Police Reform Act 2002, dealing with the quality and timeliness of PNC data input, should be implemented as soon as possible (page 134).

**Responsibility:** The Home Office

- 6 The quality and timeliness of PNC data input should be routinely inspected as part of the Policing Performance Assessment Framework (PPAF) and the Baseline Assessments, which are being developed by Her Majesty's Inspectorate of Constabulary (HMIC) (page 134).

**Responsibility:** HMIC

- 7 The transfer of responsibility for inputting court results onto the PNC should be reaffirmed by the Court Service and the Home Office and, if possible, accelerated ahead of the 2006 target. At the least, that deadline must be met (page 134).

**Responsibility:** The Court Service and the Home Office

### A new Code of Practice on information management

- 8 A Code of Practice should be produced covering record creation, review, retention, deletion and information sharing. This should be made under the Police Reform Act 2002 and needs to be clear, concise and practical. It should supersede existing guidance (page 138).
- 9 The Code of Practice must clearly set out the key principles of good information management (capture, review, retention, deletion and sharing), having regard to policing purposes, the rights of the individual and the law (page 138).
- 10 The Code of Practice must set out the standards to be met in terms of systems (including IT), accountability, training, resources and audit. These standards should be capable of being monitored both within police forces and by HMIC and should fit within the PPAF (page 138).
- 11 The Code of Practice should have particular regard to the factors to be considered when reviewing the retention or deletion of intelligence in cases of sexual offences (page 138).

**Responsibility:** The Home Office, taking advice from the Association of Chief Police Officers (ACPO), the Information Commissioner and the other relevant agencies

### Handling allegations of sexual offences against children

- 12 The Government should reaffirm the guidance in *Working Together to Safeguard Children* so that the police are notified as soon as possible when a criminal offence has been committed, or is suspected of having been committed, against a child – unless there are exceptional reasons not to do so (page 139).
- 13 National guidance should be produced to inform the decision as to whether or not to notify the police. This guidance could usefully draw upon the criteria included in a local protocol being developed by Sheffield Social Services and brought to the attention of the Inquiry. The decision would therefore take account of:

- age or power imbalances;
  - overt aggression;
  - coercion or bribery;
  - the misuse of substances as a disinhibitor;
  - whether the child's own behaviour, because of the misuse of substances, places him/her at risk so that he/she is unable to make an informed choice about any activity;
  - whether any attempts to secure secrecy have been made by the sexual partner, beyond what would be considered usual in a teenage relationship;
  - whether the sexual partner is known by one of the agencies (which presupposes that checks will be made with the police);
  - whether the child denies, minimises or accepts concerns; and
  - whether the methods used are consistent with grooming.
- 14 The Integrated Children's System should record those cases where a decision is taken **not** to refer to the police.
- 15 The Commission for Social Care Inspection should, as part of any social services inspection, review whether decisions not to inform the police have been properly taken (page 139).

**Responsibility:** The Department for Education and Skills (DfES)

### Training for those conducting interviews

- 16 Head teachers and school governors should receive training on how to ensure that interviews to appoint staff reflect the importance of safeguarding children (page 141).
- 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 (page 141).
- 18 The relevant inspection bodies should, as part of their inspection, review the existence and effectiveness of a school's selection and recruitment arrangements (page 141).

**Responsibility:** The DfES

### A registration scheme

- 19 New arrangements should be introduced requiring those who wish to work with children, or vulnerable adults, to be registered. This register – perhaps supported by a card or licence – would confirm that there is no known reason why an individual should not work with these client groups.

The new register would be administered by a central body, which would take the decision, subject to published criteria, to approve or refuse registration on the basis of all the information made available to them by the police and other agencies. The responsibility for judging the relevance of police intelligence in deciding a person's suitability would lie with the central body. The police, as now, would be able to identify intelligence which on no account should be disclosed to the applicant.

Employers should still decide, based on good selection procedures, whether or not the job required the postholder to be registered and should retain the ultimate decision as to whether or not to employ.

The central body would have the discretion to ignore any conviction information judged not to be relevant to the position in question.

Individuals should have a right to appeal against any refusal to place them on the register and that right should be exercised before any information is made available to a third party.

The register should be continuously updated and available to prospective employers for checking online or by telephone.

The register should be introduced in a phased way, over a period of years, to avoid the problems associated with the introduction of the Criminal Records Bureau (CRB).

The DfES, in consultation with other government departments, should decide whether the registration scheme should be evidenced by a licence or card (page 154).

**Responsibility:** The DfES, the Department of Health and the Home Office

## Vetting

***Recommendations 20–30 are relevant for as long as the existing vetting regime remains in place.***

### Standards for police vetting checks

- 20 HMIC should develop, with ACPO and the CRB, the standards to be observed by police forces in carrying out vetting checks. These should cover the intelligence databases to be searched, the robustness of procedures, guidance, training, supervision and audit (page 142).

**Responsibility:** HMIC

### Enhanced Disclosure regime for all those employed in schools

- 21 All posts, including those in schools, that involve working with children, and vulnerable adults, should be subject to the Enhanced Disclosure regime (page 144).

**Responsibility:** The Home Office and the DfES

## Checking processes

- 22 The Registered Bodies' precise responsibilities for checking identities need to be clarified urgently (page 145).
- 23 Registered Bodies, 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 (DVLA) databases (page 147).
- 24 There should be an expectation that documents produced to confirm identity should, wherever possible, include a photograph (page 147).
- 25 Fingerprints should be used as a means of verifying identity (page 147).
- 26 Guidance should be issued to Registered Bodies on how to verify that applicants have given a full and accurate account of their current and past addresses (page 147).
- 27 Registered Bodies should be required to confirm that they have checked the information on the 'Police Check Form' in accordance with CRB guidance (page 147).
- 28 The consents that applicants currently give on the 'Police Check Form' should be sufficiently broad to enable the requisite checks to be undertaken (page 147).
- 29 Incomplete or withdrawn applications should in future be returned to the Registered Body, and not to the applicant (page 147).
- 30 Proposals should be brought forward as soon as possible to improve the checking of people from overseas who want to work with children and vulnerable adults (page 147).
- 31 As a priority, legislation should be brought forward to enable the CRB to access the following additional databases for the purpose of vetting:
  - Her Majesty's Customs & Excise;
  - National Criminal Intelligence Service;
  - National Crime Squad;
  - British Transport Police; and
  - the Scottish and Northern Ireland equivalents of the Protection of Children Act List and the Protection of Vulnerable Adults List (page 147).

**Responsibility:** The Home Office



# The Inquiry process

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- 1 On 17 December 2003, Ian Huntley was convicted of the murders of Jessica Chapman and Holly Wells.
- 2 Huntley had come to the attention of Humberside Police in relation to allegations of eight separate sexual offences from 1995 to 1999 (and had been investigated in yet another). This information had not emerged in the vetting check, requested by his employer at the time of his appointment to Soham Village College late in 2001, carried out by Cambridgeshire Constabulary.
- 3 Against this background, I was appointed by the Home Secretary to head an Inquiry with the following terms of reference:

‘Urgently to enquire into child protection procedures in Humberside Police and Cambridgeshire Constabulary in the light of the recent trial and conviction of Ian Huntley for the murder of Jessica Chapman and Holly Wells. In particular to assess the effectiveness of the relevant intelligence-based record keeping, the vetting practices in those forces since 1995 and information sharing with other agencies, and to report to the Home Secretary on matters of local and national relevance and make recommendations as appropriate.’
- 4 In addition to my Inquiry, there are two other related investigations: Sir Keith Povey, Her Majesty’s Chief Inspector of Constabulary, has been asked to consider the findings of the contemporary review by the Metropolitan Police into how Cambridgeshire Constabulary carried out the early part of the criminal investigation; and North East Lincolnshire Area Child Protection Committee has commissioned a Serious Case Review, chaired by Sir Christopher Kelly, to look at the way in which agencies in that area fulfilled their duties to protect children.

## The Inquiry’s procedures

- 5 Letters were sent to a variety of organisations and individuals on 7 January 2004 requesting information and documentation relevant to the terms of reference. Attached to these letters was a series of questions which formed

the basis of the majority of the documentary material submitted by the participants. The questions are in Appendix 1.

- 6 Notices were published in the national and regional press inviting anyone who wished to submit information relevant to the Inquiry to do so.
- 7 On 13 January, at a pre-Inquiry hearing, I explained how I intended to conduct the Inquiry; gave likely participants the opportunity to raise questions; and made myself available to speak to members of the media.
- 8 The majority of written submissions and evidence was received by the end of January 2004, although throughout the Inquiry further written material has been received.
- 9 There were 16 days of public hearings between 26 February 2004 and 30 March.

## Appreciation to those who submitted evidence

- 10 I place on record my appreciation to all those who submitted information and evidence to the Inquiry. Humberside Police and Cambridgeshire Constabulary in particular submitted detailed written evidence that clearly required considerable effort on their part, and in a tight timescale. I would also like to thank all those who were invited by the Inquiry to give oral evidence, sometimes at very short notice. No one declined. In some cases, witnesses had to address events that had happened several years previously or describe processes that had changed. Without such hard work and co-operation, the task of the Inquiry would have been much more difficult.

## Counsel's opening statement

- 11 Counsel to the Inquiry made an opening statement on 26 February, which lasted a day. This set out:
  - the detailed chronology of Huntley's contacts with Humberside Police and Social Services, and the process of his recruitment to Soham Village College, which involved Cambridgeshire Constabulary;
  - the relevant national and local systems of record creation and retention; and
  - the past and present systems of conducting police checks on applicants for jobs involving contact with children and other vulnerable persons, known as vetting.

## The focus of the Inquiry

- 12 Counsel's opening statement also made clear that:
  - 12.1 the main focus, as far as the past was concerned, would be on the contacts that the police and Social Services had with Huntley;
  - 12.2 I did not intend to conduct a detailed examination of general information-recording systems in Cambridgeshire Constabulary; and
  - 12.3 I would focus as much on the future as on the past.

## The witnesses

- 13 Oral evidence was received from 64 witnesses, who are listed in Appendix 2. They included: Humberside Police and Humberside Police Authority; North East Lincolnshire Social Services; Cambridgeshire Constabulary; Soham Village College; Education Personnel Management Ltd (EPM); government departments and relevant agencies; HM Inspectorate of Constabulary; the Association of Chief Police Officers; the Association of Chief Police Officers (Scotland); other professional bodies, including teaching and social services associations; and the voluntary sector.
- 14 Draft extracts of my report were sent to relevant individuals and organisations for comment at the end of April 2004. Responses were received and considered in mid to late May 2004.
- 15 The Inquiry made use of a website to publish written and oral evidence and to provide information about the Inquiry's procedures. During the hearings the media were provided with extensive facilities.

## The Report

- 16 This report was delivered to the Secretary of State six months after the Inquiry was launched.
- 17 In the report, I focus first on all the contacts which the various agencies had with Huntley, and how the systems that were used to record these contacts were managed. I also look at how he was recruited for the caretaker's job at Soham Village College and how he was vetted for that position.
- 18 Second, I explain my findings with regard to those contacts.
- 19 I then go on to describe and comment upon the national picture with regard to the collection, reviewing and retention of records; and the different information technology and vetting systems.
- 20 As a result, this report is broadly divided into four sections:
  - 1 Contacts, recruitment and vetting – the facts (pages 23–75);

- 2 Contacts, recruitment and vetting – the findings (pages 77–108);
- 3 National systems and structure – the facts (pages 109–125); and
- 4 National systems and structure – the findings (pages 127–155).  
My recommendations are listed throughout this section – and together on pages 13–17.

Please note that the Glossary on pages 157–162 explains acronyms and various terms mentioned in the report.

## Thanks to the Inquiry team

- 21 I would like to express my gratitude to the Inquiry team, each of whom has played their part to the full. They have been unfailing in the help and support they have given me. It has been a real team effort and everyone has worked incredibly hard. Thanks therefore to James Eadie and Kate Gallafent, Counsel to the Inquiry; Jim Nicholson, Secretary; Kim Brudenell, Solicitor; Joyti Manjadar, Deputy Solicitor; Bill Taylor, Police Adviser to Counsel; Nadine Smith, Press Officer; and to Adele Hopkins, Shifra Marikar and Wendy Clarke – all key members of the team.

# 1 Contacts, recruitment and vetting – the facts

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The first section of the report examines the contacts between Humberside Police, Social Services and Huntley from August 1995 to October 1999.

## An overview

- 1.1 Huntley had lived for most of his life in the Humberside Police area but there is no record of any contact between him and Humberside Police before **August 1995**, when he was 20 years old.
- 1.2 Between **August 1995 and July 1999**, Huntley came into contact with Humberside Police and/or local social services (Humberside County Council Social Services before 1 April 1996, and North East Lincolnshire Social Services thereafter) in relation to 11 separate incidents involving allegations of criminal offences. One involved burglary and one the non-payment of a fine for not having a television licence. The remaining nine contacts (of which Social Services were aware of five) all involved allegations of sexual offences. Of these:
  - 1.2.1 Four involved allegations of unlawful sexual intercourse with girls under the age of 16. In three of these, the girls concerned were aged 15; in the other, the girl was aged 13.
  - 1.2.2 Four involved allegations of rape.
  - 1.2.3 In between the rape allegations there was an allegation that Huntley had indecently assaulted an 11-year-old girl.
- 1.3 He was neither convicted nor cautioned in relation to any of these incidents.
- 1.4 He was summonsed in relation to the burglary offence, and the case went to court after a lengthy delay. However, a decision was taken not to proceed because the prosecuting counsel had concerns about whether the interview of Huntley had complied with the Police and Criminal Evidence Act 1984. The police officer involved did not, and does not, agree with those concerns. Unusually, for a single count indictment, the charge was left to 'lie on file', which meant that the case could not be pursued without the court's permission.

- 1.5 Huntley was charged in relation to one of the allegations of rape. The case reached court but did not proceed to trial. It was discontinued on the advice of the Crown Prosecution Service (CPS), following concerns about the complainant's version of events, which had changed during the investigation.
- 1.6 On 26 May 1999, the day after he was interviewed about one of the rape allegations, Ian Huntley changed his name by deed poll to 'Ian Nixon'. On 2 May 2002, he changed it back again to Huntley.
- 1.7 In October 2001, he applied for a job as a caretaker at Soham Village College, which he was offered, and accepted, in mid-November 2001. This led to the police check, or vetting process, described later in this report, in which Education Personnel Management Ltd (EPM) were involved.
- 1.8 On 26 November 2001, Huntley started working at the school before the vetting was completed and the result known. In the first week of January 2002, the check produced a negative result – that is, it did not reveal **any** of the incidents in which he had come to the notice of Humberside Police. In all probability, Cambridgeshire Constabulary, who managed the police checks, never asked Humberside for any information on Huntley, but even if they had, a search still would not have revealed anything about the allegations of sexual offences.
- 1.9 Huntley had been in a relationship with Maxine Carr since at least July 1999. By November 2001, she was living with him.
- 1.10 By Easter 2002, Maxine Carr was working at St Andrew's Church of England Primary School in Soham.
- 1.11 From the summer term of 2002, she was the temporary classroom assistant to Year 5, which covered the class that Jessica Chapman and Holly Wells attended. They therefore came into contact with Huntley through knowing Maxine Carr, rather than as a result of his employment at Soham Village College.
- 1.12 On 4 August 2002, Huntley murdered Jessica and Holly.

## Dealing with the contacts as they happened

### How Humberside Police and/or Social Services handled the 11 contacts with Huntley

- 1.13 Before dealing with the contacts, I need to outline, in brief, what record-keeping and intelligence systems were available to the police and social services. There is more detail about the record-keeping systems in Appendix 3 and the Glossary has a brief explanation of the various acronyms.
- 1.14 Humberside Police had four separate information technology (IT) systems for maintaining relevant records:

- the Police National Computer (PNC);
  - the local Criminal Information System (CIS), which has two applications: CIS Nominals and CIS Crime;
  - the Child Protection Database (CPD); and
  - the Integrated Criminal Justice System (ICJS).
- 1.15 The **PNC** is accessible to all police forces and gives details about an offender's criminal record, including information about his modus operandi, (that is, his way of operating), associates and aliases. It also has other functions which are not directly relevant to this Inquiry.
- 1.16 **CIS Nominals** was the core intelligence system of Humberside Police. It was structured around and could be searched against the names of individuals. It held information about people who came to the attention of the police in connection with criminal activity or alleged criminal activity.
- 1.17 **CIS Crime** contained details of reported, recorded, detected and 'disposed of' crimes. Until December 1999, the only way to search for an individual on CIS Crime was to use a Unique Reference Number, or URN, ascribed by the police to the individual concerned when the first record was made on the CIS Nominals system. However, from December 1999, it became possible to search both CIS Crime **and** CIS Nominals against an individual's name in one search.
- 1.18 The **CPD** recorded the decisions that were taken in cases referred to or from Social Services and information received from other agencies and individuals. It could be searched by the name of an alleged offender, though it was not the practice of Humberside Police to use it in this way until 2002.
- 1.19 The **ICJS** was installed in police custody suites. It creates custody records and generates documents on a range of matters such as cautions, charges and bail. Anyone arrested would be recorded on the ICJS.
- 1.20 Social Services had the **Social Services Information Database (SSID)**, a nationally-recognised system used by many social services authorities. The SSID was searchable only by the names of the service user – that is, by the name of the child. The SSID could record information in 'free text' (rather than under the subject name of the file) about those against whom allegations were made, but these records were **not** then searchable by the alleged abuser's name.
- 1.21 Two Social Services offices were involved in dealing with the contacts: Grimsby West (located in Grimsby itself) and Grimsby East (located in Cleethorpes). Each had an Investigation and Assessment Team which handled, and made decisions about, incoming referrals.
- 1.22 Each of the contacts is referred to by a number, with the exceptions of Contact A and Contact 2A, which were dealt with by Social Services only and not referred to the police. It is possible Huntley had other sexual relationships with girls under the age of 16 that were not the subject of

referrals to Social Services or the police and so have not been considered by the Inquiry.

## Contact A

**involving: Huntley's then wife**

**first contact with Social Services: 13 April 1995**

- 1.23 On **13 April 1995**, a referral was made to Social Services about Huntley, and his then wife, by a medical sister at the hospital Huntley's wife attended in connection with her pregnancy. She was 13 weeks pregnant at the time and had recently separated from Huntley.
- 1.24 A standard paper form used by Social Services, a 'Referral and Initial Information Record', was filled in by social worker John Stephen Dennison from Grimsby West and recorded that Mrs Huntley wanted advice about adoption; and that she was afraid of Huntley. The information from the paper form was later entered onto the SSID.
- 1.25 She claimed to the hospital sister that Huntley had been violent towards her and pushed her down the stairs in March 1995, after which she had had a scan. The sister is recorded as being 'not confident that allegations against [Huntley] are justified, given her manner'. The 'Referral and Initial Information Record' also records that Huntley had no convictions for violence (the basis for this is not known, but it was probably as a result of what Mrs Huntley told the sister and the sister then relayed the information to Social Services).

## Record keeping: Contact A

- 1.26 There is no indication that the report received by Social Services from the local hospital about alleged domestic violence was referred to the police.

## Contact 1

**allegation: unlawful sexual intercourse, involving 15-year-old AB**

**first contact with Social Services: 23 June 1995**

**first contact with police: 9 August 1995**

- 1.27 On **23 June 1995**, the case of AB, a 15-year-old girl, was referred to Social Services. A 'Client Enquiry Form' (subsequently transposed onto an electronic 'Referral and Initial Information Record' held on the Social Services database) was created by an advice officer, Margaret Woods, at Grimsby East. This stated that AB's parents had asked for help because AB kept running away with her boyfriend, Ian Huntley, who was approximately 21 years old. However, no record was made of Huntley's name.
- 1.28 It is not clear what, if any, action was taken by Social Services as a result of this referral. It appears from the records that remain that the matter was not referred to the police at this stage, despite the possibility of underage sexual intercourse. The witness evidence from Martin Eaden, Deputy Director (Child Care) in the Directorate of Learning and Child Care at Social Services, was that a referral should have happened, given the age difference between

Huntley and AB. I make clear that Mr Eaden has only recently joined Social Services and was not there during the relevant period.

- 1.29 Under the Sexual Offences Act 1956 (the formulation of the offence has been changed under the Sexual Offences Act 2003), it was an offence 'for a man to have ... sexual intercourse with a girl under the age of sixteen'. An offence was not committed if the man was under the age of 24, and:
- had not previously been charged with a similar offence;
  - believed the girl to be 16 or over; and
  - had reasonable cause for that belief.

#### **Another referral**

- 1.30 On **8 August 1995**, there was another referral about AB, only eight weeks after the first. It was made to advice officer Catherine Jones. A second 'Referral and Initial Information Record' was created, this time by advice officer Valerie Betmead (Grimsby East). It recorded AB stating that her parents had thrown her and her younger brother, YZ, out of their home 'for behaviour problems'; and that AB might have been pregnant.
- 1.31 It also recorded that AB was staying with Huntley, aged 21, at Florence Street, Grimsby. When this record was created, Social Services would have known about the June referral because it would have been on AB's file. There is no indication that Social Services either rang the police to ask them to check their records against Huntley, or referred the case to them.
- 1.32 Mr Eaden's evidence was that he would have expected them to have done both at this time.
- 1.33 It appears, from a police note made on **9 August 1995**, that social worker Colin Pettigrew had spoken to Huntley on **8 August 1995** and 'arranged for the kids to stay there'. There was no referral of the case to the police, even though by this stage it appeared that AB and YZ were living with Huntley. On the contrary, it was Social Services themselves who appear to have arranged for the 15-year-old AB and YZ to stay with a 21-year-old they knew to be AB's boyfriend.
- 1.34 Mr Eaden stated that there were **no** circumstances in which it would be appropriate for social services to arrange for a 15-year-old girl to stay with a 21-year-old boyfriend.
- 1.35 Also on **9 August 1995**, a third 'Referral and Initial Information Record' was created by advice officer Ann Turner. It records the source of the referral as being Huntley himself. This time the police were involved. AB's father had evidently found out where his daughter and son were living. He went round to Florence Street and there was a row.
- 1.36 The precise course of events appears on the third 'Referral and Initial Information Record' and another standard form, the 'Suspected Child Abuse, Record of Initial Decision', Form 547.

1.37 One version of Form 547 was filled out on **9 August** by Mr Pettigrew, and another version was filled out by Detective Inspector Billam, the head of one of the four divisional Child Protection Units operated by Humberside Police at that time.

1.38 Form 547 sets out the three options for investigation:

- social services alone;
- a joint police and social services investigation; or
- the police alone.

The decision recorded on Form 547 was that the investigation should be a joint police and social services investigation.

#### **Events on 9 August**

1.39 The sequence of events on that day was:

1.39.1 Huntley rang Social Services to report a disturbance at his home where, he told Social Services, AB and YZ had stayed overnight and that day. His concern appears to have been that AB's and YZ's parents had come to take them away and that YZ had been 'cuffed by his father causing bruising'.

1.39.2 The police were called to the scene by a third party.

1.39.3 At the scene, AB's father told police that AB was having full underage sexual intercourse with Huntley.

1.39.4 All parties went to Grimsby police station, where the Humberside Police Child Protection Unit became involved.

1.39.5 Mr Pettigrew and DI Billam decided that there should be a joint police and social services investigation into the allegation made by AB's father. A strategy meeting was held later that afternoon involving Police Constable Teasdale and Catherine Irwin-Banks, a social worker.

1.40 AB was interviewed on **9 August 1995** by PC Teasdale, with Ms Irwin-Banks in attendance. AB said she had been having sexual intercourse with Huntley; and that he knew how old she was. She signed the record of the interview in PC Teasdale's notebook to that effect.

1.41 The police note of the interview records that Ms Irwin-Banks had considered the circumstances of the two children, AB and YZ, and that there were 'no significant concerns found in welfare'. Mr Eaden's evidence was that there appeared to be 'significant inconsistency' between that statement and the facts of the case.

1.42 AB is recorded in the Crime Report as being unwilling to make a complaint against Huntley.

### **Huntley interviewed under caution**

- 1.43 The next day, **10 August 1995**, Huntley was interviewed under police caution at his home by PC Teasdale. He admitted both that he had been having sexual intercourse with AB **and** that he knew she was 15 years of age. In short, he admitted the offence. He claimed that he thought that 'if her parents were okay about it, it was not an offence'. PC Teasdale made it clear to Huntley that it was an offence to have sexual intercourse with a girl under 16, no matter who gives their consent. Huntley signed the record of the interview as a true record.
- 1.44 In a statement taken by the police from AB in November 2002, AB said she remembers her mother not warning to Huntley. He had mentioned that her mother had specifically asked him not to engage in full sex with AB as she was not old enough. She said this did not stop them having unprotected sex.

### **No action taken**

- 1.45 DI Billam of Humberside Police decided not to take any action in relation to the incident after PC Teasdale made a recommendation to that effect. The record states: 'detected – complainant declines [to prosecute]'.

### **Formal cautions**

- 1.46 There was an option for the police to consider issuing a formal caution to Huntley. (This caution should not be confused with the 'police caution' given to a person who is being questioned.)
- 1.47 The relevant Guidance relating to formal cautions at the time was in Home Office Circular 18/1994, and appended revised national standards for cautioning. The purposes of the Guidance were to:
- discourage the use of cautions in inappropriate cases;
  - seek greater consistency of approach between police force areas; and
  - promote better recording of cautions.
- 1.48 The Guidance highlighted the need to consider the:
- seriousness of the offence;
  - offender's record;
  - views of the victim; and
  - potential effectiveness of using a caution.
- 1.49 It noted that a caution was to be recorded and could be relied upon by the police in making future decisions about whether or not to prosecute, and in court, should the person being cautioned re-offend.
- 1.50 The national standards also set out conditions which had to be met before a caution could be given:

- '... 1 there must be evidence of the offender's guilt sufficient to give a realistic prospect of conviction [Note 2A reinforced this by providing that where the evidence does not meet the required standard, a caution cannot be administered];
- 2 the offender must admit the offence;
- 3 the offender ... must understand the significance of a caution and give informed consent to being cautioned.'

## Record keeping: Contact 1

There is more detail about the different record-keeping systems in Appendix 3 and the Glossary.

- 1.51 **PNC:** No record was made because Huntley was not charged. Even if he had been cautioned this would **not** have been entered as it was not possible to enter cautions onto the PNC until November 1995.
- 1.52 **CIS Nominals:** No record was made. There was no power of arrest for unlawful sexual intercourse (USI) so there were no source documents such as custody records, Form 310 ('Phoenix Descriptive') or Bail Form – which were routinely sent to the Divisional Intelligence Bureau (DIB) and from which CIS Nominals records were created.
- 1.53 No **Form 839** (the dedicated Intelligence Report form) was prepared or submitted.
- 1.54 **CIS Crime:** A record **was** made. It would have been telephoned through to the Central Crime Inputting Bureau, responsible for creating CIS Crime records. The record identified Huntley as the victim's boyfriend in the 'General Information' box (called 'dataset 4'), but this could not be searched later on.
- 1.55 It is important to understand that dataset 4 was one of a number of datasets within the CIS Crime system, including 'dataset 1' (summary) and 'dataset 3' (offenders/wanted persons). It was possible to search dataset 3 by a person's URN but not possible to search dataset 4.
- 1.56 The record was not apparently updated to record the fact that Huntley had been interviewed. It should have been. Nor was the searchable 'offenders/wanted persons' screen (dataset 3) completed at any stage. Again, it should have been.
- 1.57 When the case was disposed of, DI Billam printed off the then current version of the CIS Crime report, signed and dated it. He then sent it to the local DIB whose crime administration staff, in accordance with practice, updated the CIS Crime database to record the disposal. The DIB stamped DI Billam's print-off to record receipt on 15 August 1995. It is assumed that CIS Crime was updated to record the disposal as: 'Detected – Complainant declines to prosecute'.

- 1.58 **CPD:** No record exists. There are two possibilities:
- either no record was made of Contact 1 on the CPD; or
  - a record was made, but was deleted in January 2002 when records were reviewed and deleted from the CPD for the first time since its introduction in 1991.
- 1.59 The initial view of Humberside Police, set out in the statement of Detective Chief Superintendent Hunter, was that of the four Form 547s ('Suspected Child Abuse Record of Initial Decision') that were completed manually (for Contacts 1, 3, 4 and 8) 'only two were entered on the [CPD]'. These related to Contacts 4 and 8. According to DCS Hunter's statement, the forms were either not submitted to the co-ordinator, were lost in transit, or were not processed.
- 1.60 However, on examination of the policy for reviewing and deleting records as applied in January 2002, it became apparent that, if properly applied, the policy would have resulted in the records made on Contacts 1 and 3 being deleted. In his evidence, DI Billam was clear that every Form 547 would have been sent to those inputting information onto the CPD. Accordingly, it seems more likely, as DCS Hunter accepted, that records were made on the Child CPD in relation to Contacts 1 and 3, but were deleted in January 2002.
- 1.61 **ICJS:** No record was made because there was no arrest.

## Contact 2

**allegation: burglary**

**when: 6 November 1995**

**first contact with police: 18 March 1996**

- 1.62 On **6 November 1995**, there was a burglary at a house in Florence Street, Grimsby. The allegation was that Huntley, along with someone else, knocked through the loft space in one house (to which they had legitimate access) into the next-door house; and then stole electrical items and jewellery.
- 1.63 Huntley was not traced by Humberside Police until **18 March 1996**. In the meantime, he had moved to an address at Pelham Road, Immingham, South Humberside, and was living with his father, Kevin Huntley.
- 1.64 That day, Police Constable Macdougall interviewed Ian Huntley, under caution and at his father's home, in connection with the burglary. He admitted involvement in the offence and blamed another individual as having had the major role.
- Arrested for burglary and non-payment of a TV licence fine**
- 1.65 Huntley was reported for summons but he failed to appear at Grimsby Magistrates' Court on **19 July 1996**. A warrant was issued for his arrest. He was eventually arrested on **5 February 1997** for the burglary offence and for non-payment of a TV licence fine.

### Case to 'lie on file'

- 1.66 When the case came to trial at Grimsby Crown Court on **5 January 1998**, the prosecution indicated that they did not wish to proceed. It appears that there was a disagreement between PC Macdougall and the prosecuting barrister. The barrister considered that there may have been a breach of the Police and Criminal Evidence Act 1984 (PACE) Codes because Huntley had been interviewed at his father's home and not taken to a police station and given a recorded interview.
- 1.67 PC Macdougall considered that he had acted appropriately, given that there had been a delay from the incident date; the only evidence was from a co-accused and there were no arrangements that could be made for taking care of the children in Huntley's sole charge at that time. (These were the children of his then partner, who was not present.) PC Macdougall believed that the interview had been conducted appropriately under PACE rules. The barrister, however, informed the judge that it had been agreed between the prosecution and the defence that the case would not go ahead.
- 1.68 The case was not dismissed; but, rather unusually, the count was allowed to 'lie on file'. This meant that the case could not be pursued without the court's permission.

### Record keeping: Contact 2

- 1.69 **PNC:** A record was created on 12 May 1998, over four months after the case had finally been disposed of as a 'lie on file'. The 1995 Association of Chief Police Officers' (ACPO's) Code provided for the same retention periods for 'lie on file' cases as for convictions. In cases of burglary, the relevant retention period was 20 years. The record is still on the PNC.
- 1.70 **CIS Nominals:** Humberside Police state that a Form 310 ('Phoenix Descriptive') was created, leading to a CIS Nominals record.
- 1.71 After further research by Detective Chief Superintendent Baggs (the Director of Intelligence since December 2003), it has now been ascertained that the first record on CIS Nominals about Contact 2 (which gave Huntley a URN) was created on 6 June 1996.
- 1.72 A further record was made on the 'General Information' screen (dataset 11) of CIS Nominals, about the warrant issued for Huntley's arrest, following his non-attendance at court in July 1996. If Humberside Police practice at the time was followed, the record about his warrant would have probably been deleted on his arrest on 5 February 1997.
- 1.73 Also, if Humberside Police practice at the time was followed, the burglary charge record would have stayed on CIS Nominals for 20 years – the same length of time as it would have stayed on the PNC. It was still on CIS Nominals on 7 July 1999 when the system was interrogated and Huntley's entry was printed off with regard to Contact 10. However, when CIS was re-written at the end of 1999 (in order to ensure Y2K compliance) datasets 8 and 9, containing details of convictions and the general conviction

record, were removed from the system because the same information was available on the PNC.

- 1.74 **CIS Crime:** DCS Baggs concluded that a CIS Crime record was also created; and it is likely that Huntley's URN would have been inserted in the 'Offenders' screen (dataset 3) making the record searchable against his URN in future.
- 1.75 **CPD:** Not applicable.
- 1.76 **ICJS:** Not applicable, as Huntley was not arrested.

## Contact 2A

**allegation: unlawful sexual intercourse involving 15-year-old CD**  
**first contact with Social Services: early 1995**  
**no contact with Humberside Police**

- 1.77 From **early 1995**, until the file was closed in **May 1996**, Social Services had a series of referrals about a 15-year-old girl, CD.
- 1.78 In **December 1995**, CD ran away from her father's home and went to live with a girlfriend and the girlfriend's mother in Immingham. The girlfriend's mother referred the case to Social Services. It is not clear whether, or for how long, CD may have returned to her father's home.
- 1.79 However, by **28 February 1996**, CD was living at Pelham Road, Immingham with Kevin Huntley, Ian Huntley's father. Referral details were recorded on that date by Social Services advice officer Ms Jones, who had previously referred the 8 August 1995 incident when the 15-year-old AB (see Contact 1) was thrown out of her home and went to live with her 'boyfriend' Ian Huntley.
- 1.80 The education welfare officer had visited the house at Pelham Road on **28 February 1996**. The referral details record that, until that visit, Kevin Huntley had been unaware that CD was still at school. They also record that Kevin Huntley was prepared to accommodate CD, but informed Social Services that he was to be away from home from the following weekend, leaving Ian Huntley (aged 21) and CD (aged 15) alone together.  
  
**No action taken by Social Services**
- 1.81 No action appears to have been taken by Social Services to ensure that this did not happen. On **7 March 1996**, the day before Kevin Huntley was due to leave for a period of work in Bury St Edmunds, Ian Huntley telephoned Social Services himself and spoke to Ms Jones, who created another 'Client Enquiry Form'. Huntley requested that accommodation be arranged for CD because he '[did] not want the responsibility'. CD's father is recorded as being out of contact until 12 March 1996 due to shift work.
- 1.82 Again Social Services appear to have taken no action. The next record is of another call from Ian Huntley to Social Services on **11 March 1996**, taken by social worker Vicki Robertson. Huntley told her that his father had now gone away; he was finding it extremely difficult to cope; CD was not attending school; and he had told her she must leave that night.

- 1.83 There are real doubts that she did leave. Social Services records indicate that they made attempts through March and April 1996 to trace CD's father; and that Social Services did not know where CD was living at this time.

**Two further notable contacts**

- 1.84 There were two further notable contacts with Social Services concerning Huntley in this period:
- 1.84.1 First, a diary sheet dated **18 April 1996** records that social worker Ms Robertson had been told by pupils at CD's school that it was believed that CD was 'living with and possibly in a relationship with Ian Huntley – Pelham Rd'. So there was by this date, even looking at CD in isolation from AB, a suggestion of an improper sexual relationship. No reference was made to the police and no police checks were requested on Huntley.
- 1.84.2 Second, the diary sheet records that the Pelham Road address had been visited by the Education Welfare Officer, Steve Mumby. During the visit, Huntley had denied that CD was there and said that he was shocked to see the education welfare officer as he believed CD was 17 years old.
- 1.84.3 On **25 April 1996**, Roger Davies, the Deputy Head at Immingham School, rang Ms Betmead (the same advice officer who received the report about AB having to leave her parents' home and going to live with Huntley seven months earlier, on 8 August 1995, in Contact 1).
- 1.84.4 The call record, made on a 'Client Enquiry Form', does not read as if CD **had** gone away and come back again. Questions are therefore raised about the contrast between this information and what Huntley had told the education welfare officer a week earlier.
- 1.84.5 However, the form does record that Huntley said that his father was still away and that he did not want the responsibility of caring for CD because he could not be responsible for her school attendance; finance was a problem; and because of 'the moral issues of CD being in the house alone with him'. Someone had written on this form 'Risk 0; Need 1'; and consistent with that, Ms Betmead wrote 'No evidence of significant child protection issues. Visit, locate [CD], close'.

**A third 15-year-old involved**

- 1.85 Also on **25 April 1996**, on the same day that Mr Davies was passing his concerns on to Social Services by phone, and Huntley was expressing 'moral concerns' about having a 15-year-old girl in the house with him, Huntley visited the mother of another 15-year-old girl (EF) and admitted having unprotected sexual intercourse with her. This is dealt with separately in Contact 3 below. So at this point there were two 15-year-old girls involved for some of the same period: CD and EF.

- 1.86 There is no indication that Social Services asked Humberside Police to investigate the allegations, or to check their records, despite the fact that Social Services stated in evidence that they were relying on the police to maintain records of past contacts with alleged abusers.
- 1.87 Nor is there any indication that Social Services took any further action to investigate these concerns beyond senior social worker Sue Kotenko sending a letter to CD at Huntley's address in Pelham Road, inviting her to attend a meeting with a social worker and her father scheduled for **7 May 1996**. It appears from Social Services records that this meeting did not take place.

#### **File closed by Social Services**

- 1.88 The file on CD was closed by Social Services on **21 May 1996**, apparently on the basis that following a referral on **25 April 1996**, CD did not attend the meeting to which she was invited. No reference was made to the letter faxed to Social Services from Immingham School on **1 May** (see Contact 3).
- 1.89 In his evidence, Mr Eaden, who had reviewed this incident, accepted that:
- no checks had been made with the police and should have been; and
  - no referral had been made to the police and should have been.
- 1.90 Overall, he described the handling by Social Services of this incident as 'totally inadequate in every sense'.

### **Record keeping: Contact 2A**

- 1.91 There are no police records relating to this incident in either manual or computerised form. It was never the subject of a specific referral to the police. It is less clear what, if any, details of the CD incident were passed orally to Humberside Police. As appears below, the indications from the evidence are that no such details were passed to them.

### **Contact 3**

**allegation: unlawful sexual intercourse involving 15-year-old EF**  
**first contact with Social Services: 24 April 1996**  
**first contact with Humberside Police: 22 May 1996**

- 1.92 In **April 1996**, at the same time as the events relating to CD were unfolding, further concerns surfaced about Huntley and his relationships with underage girls. These related to EF, another 15-year-old girl who should have been attending, but had a record of truancy from, Immingham School. She was a friend of CD (see Contact 2A).
- 1.93 On **24 April 1996**, Social Services' first record of concern about EF was at a meeting involving Nikki Alcock, of the Community Support Team; Bev McLoughlin, a social worker; and the Education Welfare Officer, Mr Mumby. EF's mother told the meeting that her daughter was living with Huntley at Pelham Road. Mr Mumby is recorded as noting that he had 'some knowledge of the occupants having visited yesterday in respect of another child'. This other child was CD (Contact 2A).

- 1.94 It appears from a Social Services diary sheet made on **2 May 1996**, and from EF's mother's statement, given to Humberside Police in August 2002 and summarised at paragraph 1.106, that after the 24 April meeting, EF's mother went round to Huntley's house and threatened him with a knife.

**Letter faxed from girls' school**

- 1.95 On **1 May 1996**, Mr Davies faxed a letter to social worker, Ms McLoughlin, recording a meeting he had had with EF's mother the day before. It is evident from a 'Client Enquiry Form' filled out by Ms McLoughlin on 30 April 1996 that the fax was preceded by a phone call from Mr Davies to convey the substance of the information, and request a referral.

- 1.96 EF's mother had requested the 30 April meeting to report her concerns about EF and CD (Contact 2A). EF was not attending school or communicating. EF's difficulties stemmed, in her mother's view, from the relationship with Huntley. The concerns identified at this meeting, and recorded in a letter sent to Ms Betmead, included the following:

- EF and Huntley had admitted sleeping together (even though EF was only 15);
- EF had been given alcohol and drugs at an acquaintance's house, which was used as a place to meet Huntley; and
- Huntley had also had sex with CD (Contact 2A) – CD having boasted about this relationship to EF's mother.

- 1.97 The Social Services diary sheet dated **2 May 1996**, completed by Ms McLoughlin, also records EF's mother's statement that CD (that is, her daughter's friend) had told her that she [CD] had had sexual intercourse with Huntley. The note then contradicts itself: it says that '... Huntley refused to confirm this with [EF's mother]'; but it then goes on to record EF's mother saying that Huntley **had** admitted to her about having sexual intercourse with CD.

**Social Services telephoned Humberside Police**

- 1.98 In early **May 1996**, Social Services telephoned Humberside Police. They spoke to Detective Constable Ramskill at one of the Child Protection Units and asked for a check on Huntley: a clear example of an agency wishing, for understandable reasons, to have a person's history in front of them before deciding how to deal with a case.
- 1.99 DC Ramskill has no recollection of the call. He believes he would have rung the DIB and asked for checks on CIS (the local intelligence system) and the PNC, which holds criminal history information nationally. The results would not have revealed anything.
- 1.100 Ms McLoughlin's diary sheet entry for **7 May 1996** records that EF was not willing to discuss the Huntley situation, and that neither EF nor her mother wished to make a complaint against him.

- 1.101 Ms McLoughlin's diary sheet entry for the next day, **8 May**, records that Phil Watters, a senior social worker, was going to discuss the situation with DI Billam, head of one of Humberside Police's Child Protection Units.
- 1.102 On **9 May 1996**, Dawn Hutchinson, a senior social worker, created a 'Supervision Case Record Form', which stated that neither EF nor her mother wished to take the matter further; but that the case was to be discussed with DI Billam. The form continues:

'Ian Huntly [sic] – not known on SSID [the Social Services Information Database] or Police Records.'

- 1.103 Ms Hutchinson created a further 'Supervision Case Record Form' on **20 May 1996**. It recorded a referral to an assessment team about Huntley's sexual relationship with EF. It again recorded that Mr Watters was to discuss the matter with DI Billam.

#### **The first Humberside Police record**

- 1.104 The first Humberside Police record of these events was made by DI Billam on **22 May 1996**. There is nothing in Social Services' files to indicate that there was any referral of this case before then. This surprised Mr Eaden because, in his view, a referral should have been made at an earlier date.
- 1.105 The details of the referral were recorded in Form 547, 'Suspected Child Abuse, Initial Decision Record'. The order of the words appears to be incorrect but it indicates:

'Referrer [EF's mother] informed [Social Services] that [EF] had admitted to her that she has had sexual intercourse with a Mr Ian Huntley. Huntley has allegedly confirmed this fact to [EF's mother]. [EF] seen by [Social Services] – does not want to make complaint to police.'

#### **EF's mother's statement**

- 1.106 The details of the referral, recorded in outline in Form 547, but appearing more fully in Social Services records, are confirmed in the statement taken by Humberside Police from EF's mother in August 2002, in which she states:
- 1.106.1 EF's best friend was CD (see Contact 2A).
- 1.106.2 CD was lodging with Huntley at Pelham Road because she had problems with her parents. CD was 15 at the time. EF was a frequent visitor.
- 1.106.3 EF began playing truant from school. Then she started spending nights away from home. She too was staying at Pelham Road.
- 1.106.4 EF's mother was then told (after about two months), by a friend across the road, that there was something funny going on at Pelham Road.

- 1.106.5 EF's mother went to Pelham Road with CD's father. He waited in the car. CD answered the door. EF's mother went in with a short-bladed potato knife. She discovered EF in the living room in a bra and a skirt.
- 1.106.6 EF's mother went upstairs, where Huntley was lying on the bed, apparently asleep. She put the knife inside his nose and asked him if he was having sex with EF. He responded: 'So what if I am?'
- 1.106.7 EF's mother cut his nose and told him to get out of Immingham in a week or he would be dead.
- 1.106.8 She took EF home; and then went to see Social Services.
- 1.106.9 Ms Alcock of Social Services visited EF the next day. Following this visit, EF told her mother that she had been having sex with Huntley and that he was her boyfriend.
- 1.107 The oral evidence before the Inquiry explored whether the facts about CD and/or the letter dated 1 May 1996 from Mr Davies of Immingham School were passed by Social Services to the police. DI Billam was clear in his recollection that neither had been passed on.
- 1.108 Mr Watters would have regarded it as surprising if this had not happened.
- 1.109 Mr Eaden's view was that neither the information about CD, nor the faxed letter, were passed to the police.
- 1.110 It also seems clear from the documentary evidence, confirmed by the Social Services witnesses and by DI Billam, that neither Social Services nor Humberside Police made the link between this Contact and Contact 1, the AB incident, in which both Social Services and Humberside Police had been involved.

#### **Investigation by Social Services alone**

- 1.111 On the same date as the referral to Humberside Police (**22 May 1996**), Mr Watters, a senior social worker, and DI Billam, decided that the matter would be dealt with solely by Social Services. The basis for the decision, recorded on Form 547, 'Suspected Child Abuse Initial Decision Form', was that Social Services were in regular contact with the family on a voluntary basis, and EF did not wish to make a complaint or discuss the matter.
- 1.112 In his evidence, Mr Eaden accepted that this would not have been an appropriate decision if the CD case (Contact 2A) had also been taken into account – doubly so, if the AB case (Contact 1) had been taken into account. It would and should have been a joint police and social services investigation.
- 1.113 The last records of any contact with Social Services are two letters: one to EF and one to her mother, from Ms McLoughlin, dated **23 May 1996**. These advise both of them about the desirability of EF living with her mother; and refer to a meeting set up for **28 May 1996**. It is not known whether the meeting took place.

## Record keeping: Contact 3

- 1.114 **PNC:** Not applicable, because Huntley was not charged.
- 1.115 **CIS Crime and Nominals:** No record was created on the CIS systems. The incident was not investigated as a crime, so no record was made on CIS Crime. No source documents were submitted to the DIB – an Intelligence Report on Form 839, for example, which could have led to a record on CIS Nominals.
- 1.116 **CPD:** As with Contact 1, it is likely that a record was either not created or was created and then deleted in January 2002.
- 1.117 **ICJS:** Not applicable, as Huntley was not arrested.

## Contact 4

**allegation: unlawful sexual intercourse involving 13-year-old GH**  
**first contact with Social Services: 24 May 1996**  
**first contact with Humberside Police: 24 May 1996**

- 1.118 On **24 May 1996**, two days after DI Billam made the decision in relation to EF (Contact 3, above), a further allegation was made against Huntley: that he had had underage sexual intercourse with a 13-year-old girl, GH, while GH was babysitting two other younger children.
- 1.119 The allegation was first made to Social Services and is recorded in a 'Client Enquiry Form' completed on **24 May 1996** at 13:55, which stated: 'Concern that [GH] may have been forced or coerced into having sex with 21-yr-old man while babysitting ... [GH] now refuses to discuss it.' Someone has written 'R4', that is, 'Risk Level 4' on the form (which means 'high risk'). The case was allocated to social worker Eileen Hemingway. The fact that GH was babysitting and turned up with two 21-year-old men was also recorded on the SSID on **24 May 1996**.
- 1.120 About an hour-and-a-half later (that is, still on **24 May 1996**), another 'Client Enquiry Form' was filled out by the same social worker. It records a conversation with GH's mother: 'Concern that [GH] has been seeing Huntley, 22 yrs of Pelham Rd Immingham. [GH] will not discuss it and is not eating or sleeping and is crying all the time. [GH] says: "nothing has happened" but Ian won't have anything to do with her now ...' Someone has written 'R1' on this form (which means 'low risk'). The form also records (in his writing) that it had been seen by Mr Watters, who had been involved in the EF events just a few days earlier (Contact 3).
- 1.121 Social Services then referred the matter to DI Billam on **24 May 1996**. There was a telephone discussion with him in which he made it clear that, because of other work, the case would need to be deferred. Five days later, on **29 May**, he and Mr Watters of Social Services created 'Suspected Child Abuse, Record of Initial Decision Forms' in identical terms. Under the 'details of referral' section, they state: 'Concern that [GH] may have been forced or coerced into having sex with a 21 year old man after babysitting ... [GH] now refusing to discuss it'.

### **A joint police and Social Services investigation**

- 1.122 The recorded decision on the forms was that there would be a joint police and social services investigation, with Police Constable Clark as lead investigator. A strategy meeting was set for **30 May 1996**.
- 1.123 This meeting was attended by DI Billam, PC Clark and Mrs Hemingway from Social Services. The concerns were recorded in the Humberside Police note of the meeting as: '13 year old girl ... USI [unlawful sexual intercourse] with Ian Huntley ... Suggestion that it was non-consensual'. The decision was that PC Clark and a representative of Social Services should visit GH's mother to discuss the case.
- 1.124 On **31 May 1996**, PC Clark completed a Crime Report. The person who had first reported the matter to Social Services told PC Clark that her information was based on what GH's mother had told a mutual acquaintance.
- 1.125 GH's mother told PC Clark that she had forbidden GH from seeing Huntley; and that this had caused problems between them, but that she had 'no real grounds to suspect her daughter had had a sexual relationship with [Huntley]'.
- 1.126 GH denied having had any sexual relationship with Huntley and assured PC Clark that she was no longer seeing him. Mrs Hemingway's notes of this meeting are consistent with this account: both PC Clark and Mrs Hemingway regarded GH as being very mature for her age and that she 'would not disclose the fact she may have been involved with Huntley on a sexual basis if she had'.
- 1.127 It was concluded that there was no evidence to support an offence of 'unlawful sexual intercourse' and that the matter be 'no crimed'. The Crime Report shows this recommendation being accepted by DI Billam.
- 1.128 Huntley was not interviewed by the police.
- 1.129 On the same day, **31 May 1996**, a Humberside Police form 'Suspected Child Abuse, Record of Subsequent Action' was completed by PC Clark, recording that no further action was to be taken. Mrs Hemingway of Social Services completed a similar form. Social Services wrote to GH's mother to inform her that no further action would be taken.
- 1.130 Mr Watters accepted in his evidence that there was no indication of any link being made back to other incidents, despite the fact that this contact was reported only **days** after the disposal of Contact 3 and while Contact 2A was also still continuing.
- 1.131 DI Billam likewise accepted that he did not make the link either to Contact 3 or to Contact 1.

## Record keeping: Contact 4

- 1.132 **PNC:** Not applicable, because Huntley was not charged.
- 1.133 **CIS Nominals:** No record was made. No source documentation, which would have led to the creation of a record, was submitted to the DIB. In particular, an Intelligence Report on Form 839 was not filed.
- 1.134 **CIS Crime:** There was a report on CIS Crime. However, it did not name Huntley.
- 1.135 **CPD:** A record was made. It noted Huntley's name and recorded the allegation ('USI'). It also recorded (wrongly) that the result had been a 'caution'.
- 1.136 **ICJS:** Not applicable, as Huntley was not arrested.

## Contact 5

**allegation: non-appearance for the burglary summons/non-payment of fine  
first contact with Humberside Police: 5 February 1997**

- 1.137 Huntley was arrested at 12:15 on **5 February 1997**, following two warrants: one for failing to appear in relation to the burglary charge on 19 July 1996 (Contact 2), and one relating to a fine imposed by Grimsby and Cleethorpes Magistrates' Court on 5 March 1996 for not having a TV licence. Bail was refused by the custody sergeant and Huntley was taken before the next available court that afternoon.
- 1.138 At 14:15 he appeared before Grimsby and Cleethorpes Magistrates' Court. It appears from the court record that he was ordered to pay £2 per week from that date in respect of the fine imposed on 5 March 1996. He was remanded on conditional bail until **6 March 1997** on the burglary charge.

## Record keeping: Contact 5

- 1.139 **PNC:** No record was created.
- 1.140 **CIS Nominals:** It appears that the database contained at least one entry about Huntley's outstanding 'Failure to Appear' warrant (on the 'General Information' screen 'dataset 11'). This is dealt with under 'Record keeping: Contact 2' (the burglary charge).
- 1.141 **CIS Crime:** Not applicable.
- 1.142 **CPD:** Not applicable.
- 1.143 **ICJS:** A record of Huntley's arrest was made on the ICJS.

## Contact 6

### **allegation: rape involving IJ**

#### **first contact with Humberside Police: 10 April 1998**

- 1.144 On **10 April 1998**, at approximately 07:00, IJ alleged to Humberside Police that Huntley had met her the previous evening in Hollywoods nightclub in Grimsby, shared a taxi with her and raped her at her home.
- 1.145 Huntley was arrested at 09:10 the same day. He denied rape and claimed that he had had consensual sex with IJ. He provided a blood sample. He was interviewed at 15:52 by Detective Constable Ward and Detective Sergeant Hume under tape-recorded conditions. At 18:02 he was granted police bail to **2 May 1998**.

### **Case papers lost**

- 1.146 There are only a few records because the case papers have been lost. The details concerning how the case was disposed of are from police officers' memories.
- 1.147 According to Police Constable Stokes' recollection, IJ stated in interview with the police that there had been no threats or coercion by Huntley; nor had IJ told Huntley that she did not wish to have sex or that she had felt frightened or under threat to do so; she simply stated that she had not wanted to have sex, but she had not told Huntley this.
- 1.148 PC Stokes prepared a Crime Report on this basis. Her view, marked on the report, was that no crime had been committed. She submitted the report to Detective Inspector Christian, who evidently agreed. Accordingly, no further action was taken.

## Record keeping: Contact 6

- 1.149 The **PNC**: Not applicable, because Huntley was not charged.
- 1.150 **CIS Nominals**: No record of Contact 6 exists. Either a record was made and deleted, or no record was made.
- 1.151 Humberside Police conclude that a record would have been made on CIS Nominals because, following Huntley's arrest, the 'Custody Record and Bail Form' (which are in existence) should have been directed to the DIB for an entry to be made on the 'General Information' screen (dataset 11) of his CIS Nominals record. However, there is nothing to indicate that an Intelligence Report (Form 839) was prepared and submitted. The likelihood is that a record was created, but that it related only to bail. That would be consistent with the record created in relation to Contact 7, dealt with below.
- 1.152 If a record **was** created, **when** would it have been deleted? DCS Baggs concluded that any entry would probably have had a review, or provisional 'weed date', only a matter of days after the date on which Huntley was due to answer bail: 2 May 1998; and that this record would probably have been allowed to 'drop off' within approximately one month of its review date.

- 1.153 **CIS Crime:** An entry was made and marked 'Retain' on the system. This meant that the report was **not** automatically archived after three years (the default review/weed date) but was kept indefinitely on the live system. It is not known why, when, or by whom this decision was made.
- 1.154 The entry on CIS Crime did not record Huntley as being involved in the incident in any way. It did not record him as either having been arrested or interviewed. According to DCS Baggs' report, the officer on the case should have provided the Central Crime Input Bureau (those responsible for inputting data onto CIS Crime) with Huntley's name and URN and informed them that Huntley had been interviewed as a suspect.
- 1.155 **CPD:** Not applicable.
- 1.156 **ICJS:** An entry was made on the system.

## Contact 7

### **allegation: rape involving KL**

#### **first contact with Humberside Police: 17 May 1998**

- 1.157 At 03:42 on **17 May 1998**, KL alleged that she had been raped by a man at 02:00 on her way home from Hollywoods nightclub in Grimsby. She ran home, and her father reported the incident to Humberside Police.
- 1.158 KL was interviewed by the police later that day. She indicated that she did not know her attacker's identity. She said that the man had threatened to kill her, raped her, and then apologised.
- 1.159 The incident was widely reported in the local media. Late on the night of **19 May 1998**, an anonymous caller telephoned Grimsby Police to say that Huntley was responsible for the attack.
- 1.160 The police attempted to trace Huntley. According to Detective Constable Hill, enquiries involved interrogating local and national computer systems which, to the best of his knowledge, produced no information regarding Huntley, and addresses were sought from other agencies.
- 1.161 Detective Sergeant Hibbitt checked CIS Nominals (the local intelligence database) for references to Huntley. At that time:
- there was a record in relation to Contact 2 (the burglary) on CIS Nominals, created on 6 June 1996; and
  - there was a record of Contact 2 on the PNC, created on 12 May 1998.

The likelihood is that any record in relation to Contact 6 (the allegation of rape by IJ) would have concerned bail only, and would accordingly have dropped off CIS Nominals a matter of days after this date.

### **Huntley arrested**

- 1.162 At about 00:45 on **21 May 1998**, Huntley went to Grimsby police station of his own accord and was arrested. At this time, he was living at Veal Street, Grimsby. He was interviewed under caution by DC Hill and DS Hibbitt.

- 1.163 DS Hibbitt told the Inquiry that as far as he could recall, before interviewing Huntley, he would have been aware that Huntley had been on bail in relation to Contact 6.
- 1.164 Huntley said that he had had consensual sex with KL. He said that he had read the *Grimsby Evening Telegraph* on 18 May 1998 and was aware from the description that he was the man the police were seeking. He said that he was frightened because he had been accused of rape about six or seven weeks previously, and he did not think that the police would believe him.
- 1.165 He also stated that his girlfriend was young but he had not laid a finger on her: 'because she [was] not old enough'. He said that he had given the T-shirt he had been wearing, which KL had identified, to his girlfriend.
- 1.166 When the girlfriend went to the police station, she told DS Hibbitt that she was 15 years old and that she had been Huntley's girlfriend for three weeks. She was told to go home. Later, officers visited her and recovered the T-shirt.
- 1.167 There is no indication that the girlfriend was asked about whether or not she had had sexual intercourse with Huntley. Indeed, it seems clear that she was only asked about the rape allegation, and she confirmed Huntley's version of it. There is also no indication that DS Hibbitt, or any other officer involved in this Contact, was aware of the earlier underage sexual intercourse incidents.

#### **Huntley charged with rape**

- 1.168 At 19:33 on **21 May 1998**, Huntley was charged with rape.
- 1.169 The same evening, KL attended the police station, indicating that she had some further information. She was interviewed between 17:15 and 20:40, when she made a further witness statement in which she said she now remembered the name of her attacker: 'Ian Huntley'. She said that she had contacted the police station to arrange to come in at 13:00 to tell them about this information, and had only learnt shortly afterwards that Huntley had been arrested.

#### **Remanded in custody**

- 1.170 Huntley appeared before Grimsby and Cleethorpes Magistrates' Court on **22 May 1998** and was remanded in custody until **29 May 1998**.
- 1.171 A friend of KL's, who was interviewed by the police, said that KL had told him about the rape on 18 May 1998, and the next evening she confided to him that it was Huntley who had raped her. She asked her friend to make an anonymous telephone call to the police to that effect. Such a call was made, but by another friend.

#### **Evidence reviewed**

- 1.172 On **28 May 1998**, the evidence was reviewed, including an examination of the nightclub's video footage. This showed KL and Huntley dancing together in an intimate way at the end of the night. KL was asked to go to the police station to view the footage. She identified herself dancing with Huntley but said she could not remember doing this. On **3 June 1998**, KL made a third witness statement to that effect.

### **Conditional bail**

- 1.173 On **29 May 1998**, Huntley was granted conditional bail.
- 1.174 The papers were submitted to the CPS by DS Hibbitt on a 'Confidential Information Form'. He requested that the case be reviewed in the light of the latest developments. DS Hibbitt properly noted that no further action was being taken on the previous allegation of rape against Huntley, which also involved a girl he had met in a nightclub.

### **Case discontinued**

- 1.175 On **8 June 1998**, DS Hibbitt met Andrew Horner, the Senior Crown Prosecutor at the Humberside branch of the CPS, and expressed his concerns about the direction the enquiry had taken. Mr Horner, with the agreement of DS Hibbitt, decided to discontinue the prosecution.
- 1.176 On **30 June 1998**, he gave notice to the Grimsby and Cleethorpes Magistrates' Court that the CPS did not intend to continue the proceedings because there was not enough evidence to get a conviction.
- 1.177 On **1 July 1998**, the case was discontinued.

### **Record keeping: Contact 7**

- 1.178 **PNC:** A record was created on 19 June 1998, as shown on Form 310. By 18 February 1999, the record was updated to show that the case had been discontinued: '01/07/98 at Grimsby & Cleethorpes Magistrates Court Ref: 98/1940/288160Y Rape Not Guilty Discontinuance'. The update was some seven months **after** the discontinuance.
- 1.179 On 18 February 1999, the case file was processed in the Administration Support Unit (ASU) responsible for creating and updating PNC records. Humberside Police do not know why there was a delay between the discontinuance (1 July 1998) and its entry onto the PNC.
- 1.180 Humberside Police conclude that the record was removed from the PNC on 25 March 1999 because Huntley's Criminal Records Office (CRO) number was deleted from the PNC on that date. The CRO number was allocated to Huntley on confirmation that the fingerprints taken when he was charged with rape were his. Humberside Police believe it is likely that the PNC entry for this offence would have been deleted on the same day.
- 1.181 The 1995 ACPO Code, which is dealt with more fully at paragraph 3.68, states that cases (that is, records) should be considered for retention beyond a generally applicable 42-day period:

'in cases where a sexual offence is alleged, but the subject is acquitted or the case is discontinued because of the lack of corroboration or allegation of consent by the victim, the details may [then] be retained for a period of five years upon the authorisation of an officer not below the rank of superintendent and will be reviewed again at the end of the retention period'.

- 1.182 It then sets out a number of factors to be taken into account as part of that consideration.
- 1.183 These provisions in the 1995 ACPO Code were brought to the attention of the ASU at Humberside Police and a local process was established for such cases. A form was created and circulated, along with advice on paper flows. The instructions state that each case involving 'discontinuance' relating to a sexual offence must be brought to the attention of the ASU supervisor. The file should then be forwarded to the Headquarters Criminal Justice Unit, together with the completed form, to be considered and signed off by a superintendent who could decide to retain the PNC record for anything up to five years, in keeping with the ACPO rules at the time, if satisfied that the preconditions for retention were met.
- 1.184 There is no 'Acquittals Notification' form in the case papers for KL. This indicates, and Humberside Police accept, that the file was never forwarded to the superintendent to consider retention on the PNC. This means the record would have been automatically deleted, without review, 42 days after the result of the case was entered in February 1999.
- 1.185 **CIS Nominals:** Humberside Police state that an entry would have been created on Huntley's CIS Nominal record, in dataset 11 (that is, 'General Information'), in relation to the arrest and any subsequent bail. The only records created related to bail. It is known from the print-out, dated 7 July 1999, that the Nominals record was updated to include the following entry, dated 10 June 1998:

'Victoria House: Notification of admission on 29/5/98. Next appearance Grimsby 10/7/98 for Rape. Eval B2. 9173.'

The review date was set for a year later, 10 June 1999.

- 1.186 The Nominals record was further updated to include the following entry, dated 9 July 1998:
- 'Probation Service. Subject left Victoria Bail Office / 31 / Normanby Rd, Scpe [Scunthorpe] on 1/7/98 [the date of the discontinuance]. Eval B2. 9174.'

The review date for this entry was set for 9 July 1999. An Intelligence Report, Form 839, was not prepared or submitted.

- 1.187 It appears that the bail information recorded in these two entries did not have a manual review date entered, in accordance with the 1996 Force Weeding Rules. If review dates had been included, the entries would have been deleted approximately one month after entry (that is, by August 1998). In fact, because of this error, those bail records remained on the CIS Nominals system until at least July 1999.
- 1.188 There is a print-out of these CIS Nominals entries on 7 July 1999. It appears likely that the record was interrogated on 3 July 1999 during the course of the investigation into the allegation made by QR (Contact 10). The record

would have fallen to be automatically deleted just two days later. There is nothing to indicate that this did not happen.

- 1.189 **CIS Crime:** A CIS Crime record was created correctly, showing 'Huntley' in dataset 3. This record, as in Contact 6, has been marked 'retain', keeping it on the live CIS Crime system.
- 1.190 **CPD:** Not applicable.
- 1.191 **ICJS:** An ICJS record was also created.

## Contact 8

**allegation: indecent assault on a child aged 11, MN**  
**first contact with Humberside Police: 4 July 1998**  
**first contact with Social Services: 6 July 1998**

- 1.192 On **4 July 1998**, only three days after the rape case in Contact 7 was discontinued, a 12-year-old girl, MN, was returned to her home by the police after running away for the second time in two days.
- 1.193 According to the police incident log, she alleged that 18 months earlier she had been raped by a 'man named Ian' who was a boyfriend of a friend. Later that day, the police log records that the allegation was not rape, as originally reported, but indecent assault, committed probably in September 1997, when MN was 11 years old.
- 1.194 MN made the following claims:
  - 1.194.1 Huntley had offered to show her where there were some good trees to climb in an orchard at the rear of the Grosvenor Public House, Humberston.
  - 1.194.2 Huntley then took her into the orchard where, over a period of 45 minutes, he committed a serious sexual assault.
  - 1.194.3 MN told the police she was friends with Huntley's then girlfriend. In September 1997, Huntley was living with his then girlfriend (aged 17) in a caravan in her parents' rear garden, in the same street as MN.
- 1.195 At 09:30 on **6 July 1998**, Detective Sergeant George passed information about the allegation to Senior Social Worker, Ms Kotenko. At 11:00, DS George completed a 'Record of Initial Decision' recording that a joint decision was taken between him and Ms Kotenko to treat this as a police-only investigation because the allegation involved abuse by a stranger and there were no child protection issues at that time. The 'Record of Initial Decision' identified the alleged abuser as 'Ian Hunter'.
- 1.196 MN was interviewed by Detective Constable Steed on the afternoon of 6 July 1998. The interview was video-recorded. There was no forensic evidence (unsurprisingly, given the lapse of time between the alleged incident and its being reported).

- 1.197 According to Social Services records, on **16 July 1998**, 10 days after the interview with MN, Police Constable Lill passed information to L. Flather at Social Services, who in turn passed the information to Ms Kotenko. The 'information' appears simply to be the claim made by MN, previously provided on 6 July 1998.

#### **Arrest and bail**

- 1.198 Huntley was arrested 10 days later, on **26 July 1998**. He was interviewed by DC Steed and Detective Constable Roworth and denied all aspects of the claims. He was granted police bail to **23 August 1998**.
- 1.199 A file was prepared by DC Steed and submitted for decision on how to proceed. It included a 'Confidential Disclosure Form' which recorded that Huntley had been recently arrested following a rape allegation, which she believed had been withdrawn by the complainant, and that he had one previous conviction for burglary. This record was inaccurate in almost every respect:
- there were **two** allegations of rape by this date (Contacts 6 and 7);
  - **neither** allegation had been withdrawn by the complainant; and
  - Huntley had **not** been convicted of burglary.

It is not clear from where DC Steed got this information.

#### **No further action**

- 1.200 On **5 August 1998**, Police Sergeant Tait, a designated 'decision maker', sent a minute to DC Steed saying: 'Although we have the evidence that [MN] told two of her friends (correction, friend and brother) around the time of the alleged incident I do not feel there is a realistic prospect of conviction. Insufficient evidence. NFA [no further action]'. Huntley was released from police bail on **13 August 1998**.
- 1.201 On **14 August 1998**, DC Steed completed a 'Record of Subsequent Action', which referred, correctly, to the details of the accused as: 'Ian Kevin Huntley', and contained his URN 192359 from the CIS. It also recorded 'file to CPS – yes' with the result 'NFA' (that is, no further action). It appears that the file was not in fact sent to the CPS.
- 1.202 Probably in **mid-August 1998**, PS Tait signed off a version of the CIS Crime print-out with the initials 'U/D' (undetected) and sent it to the Administrative Support Unit of the Criminal Justice Department which, by this date, had taken over the role of entering records into the CIS Crime system. They recorded receipt on **20 October 1998**.

### **Record keeping: Contact 8**

- 1.203 **PNC:** Not applicable, because Huntley was not charged.
- 1.204 **CIS Nominals:** According to Humberside Police, because Huntley was arrested, interviewed and bailed for this offence, the source documents would have been directed to the 'A' Division DIB, and an entry would have been created on his CIS Nominals record in dataset 11 (the 'General

Information' screen). The relevant review dates would have been set to within a few days after the date on which he was due to answer bail on 23 August 1998. Huntley was in fact released from police bail on 13 August 1998, following the decision of 5 August 1998 to take no further action against him.

- 1.205 There is no indication that an Intelligence Report (Form 839) was made at any stage for inclusion in CIS Nominals. Nor that consideration was given to whether or not a record of the incident should be maintained on CIS Nominals. According to Humberside Police, the officer in charge could have submitted Form 839, but this would not be expected as other source documents were generated.
- 1.206 **CIS Crime:** The CIS Crime record was updated to show Huntley's details as a suspect, but these details were entered into the unsearchable dataset 4 (general information) rather than searchable dataset 3 (offenders/wanted persons).
- 1.207 **CPD:** A record was made but with the incorrect name of 'Ian Hunter'. This record survived the review and deletion process in January 2002.
- 1.208 **ICJS:** A record was created.

## Contact 9

### **allegation: rape involving OP first contact with Humberside Police: 22 May 1999**

- 1.209 On **22 May 1999**, OP contacted the police. The incident log records that she told them that she had been raped approximately three months earlier, on 20 February 1999, against a wall after leaving Hollywoods nightclub in Grimsby, by a man she knew as 'Ian'.
- 1.210 On **23 May 1999**, OP made a statement to the police during an interview in which her boyfriend was present. She said that in January that year she and a friend had met Ian, who was aged 25, and lived at 14 Abbey Drive East (an address in Grimsby). She said that she had previously visited his flat and he had telephoned her over the following few weeks. She alleged that he raped her after they had spent the evening with mutual friends. She told the police that she had told her friend about it the next day but decided not to inform the police. She said that her boyfriend, having contracted a sexually transmitted disease, confronted her a week after the alleged rape, but that she had not mentioned it. She did not know what Ian's surname was, but he had said it used to be Huntley.

### **Huntley's alias**

- 1.211 In fact, it is known that Huntley changed his name by deed poll on **26 May 1999**. It therefore appears he had been using a different name before this date.
- 1.212 On **24 May 1999**, the police saw OP's friend, who denied that OP had confided in her about the alleged rape. She said that OP and Huntley had

met on several occasions, were very friendly and that on 20 February OP had decided to go to Huntley's home address.

- 1.213 On **25 May 1999**, the police challenged OP's story. She admitted that she had lied in her statement and alleged that sex had taken place at Huntley's flat, but that it had been against her will. She also admitted that she had lied when she told police she had confided in a friend about being raped.
- 1.214 On the same day, Detective Constable Chatha and DC Hill spoke to Huntley. From the outset, DC Chatha had been aware of Contact 7, probably from speaking to DC Hill. Huntley was not arrested or formally interviewed. He stated that sex had taken place consensually in his flat. It is evident that by this stage the officers involved had formed, unsurprisingly, a dim view of OP's version of events. It is not clear whether they asked Huntley about any change in his name, but in the report subsequently prepared by DC Chatha he was referred to as 'Ian Huntley'.
- 1.215 The police again contacted OP and told her that the chances of a conviction against Huntley were slim because there was very little evidence, which in any event was already tainted by her lies. OP declined to make a further statement because she felt it was unlikely that any proceedings would be brought against Huntley.
- 1.216 DC Chatha prepared a report. He recorded his view that the rape was reported because OP's boyfriend had contracted a sexually transmitted disease. On **19 June 1999**, Acting Detective Inspector Biggs endorsed the report, stating:

'In view of the prevarications and inconsistencies in details furnished by OP and the underlying reasons for the report being made[,] file as "no crime"'.

### Record keeping: Contact 9

- 1.217 **PNC:** Not applicable, because Huntley was not charged.
- 1.218 **CIS Nominals:** No source documentation that could have led to the creation of a record was prepared. In particular, there was no Intelligence Report, Form 839.
- 1.219 **CIS Crime:** A record was made on CIS Crime. This recorded, in the unsearchable dataset 4 (general information), the suspect as being 'Ian, Address 14 Abbey Drive East Grimsby'.
- 1.220 **CPD:** Humberside Police accept that as OP was 17 years old at the time of the alleged rape, and therefore a child as defined under the Children Act 1989, an entry should have been made on the CPD. However, they suggested that it could be argued that there was no need to create a CPD record, because OP would not have been the subject of a social services referral.
- 1.221 Section 47 of the Children Act places a duty on local authorities to make, or cause to be made, enquiries when they have reasonable cause to believe that a child is suffering, or is likely to suffer, significant harm. Humberside

Police note that, while this definition easily includes 'stranger rapes', the whole thrust of the Area Child Protection Committee Guidelines and Procedures in place in 1999 was aimed at abuse within families or by other carers. According to Humberside's custom and practice, 'stranger rapes' of 17-year-old girls were not dealt with under the child protection procedures.

- 1.222 **ICJS:** No record was created, as Huntley was not arrested.

## Contact 10

**allegation: rape involving QR**  
**first contact with Humberside Police: 3 July 1999**

- 1.223 On the morning of **3 July 1999**, QR's mother contacted the police and reported that, between 03:00 and 03:30, QR had been raped at the rear of the disused ambulance station on her way home from Hollywoods nightclub in Grimsby.
- 1.224 Following media reports about the alleged rape, the police received a telephone call from OP's (Contact 9) ex-boyfriend suggesting that the person responsible might be 'Ian' of an address in Grimsby.
- 1.225 Police Constable Harding spent some time researching the Contact 9 case and he discovered other similar offences in which Huntley had been implicated. PC Harding passed Huntley's details to his supervisor, Detective Sergeant Houchin, as a suspect for the enquiry.
- 1.226 It appears that CIS Nominals was interrogated on **7 July 1999** by PC Roworth. The print-out recorded the burglary charge that lay on file (Contact 2). It also showed that Huntley had been admitted to Victoria House Bail Office on **29 May 1998** and had been due to appear at Grimsby Magistrates' Court on **10 July 1998** for a charge of rape (Contact 7), and that he had left Victoria House on **1 July 1998**.
- 1.227 On **14 July 1999**, Huntley was interviewed by the police (Police Constable Keighley, Police Constable Hopper and DS Houchin) at his home, in Scotter, Lincolnshire. By this date, Huntley was using the name 'Ian Nixon', having changed his name by deed poll on 26 May 1999. He stated that he had not been to Grimsby since the beginning of June 1999. He provided a mouth swab for a DNA match. His alibi was supported by his girlfriend, Maxine Carr. Samples taken from the victim, QR, did not result in any scientific evidence to assist in identifying the assailant.
- 1.228 A Suspect Form was completed after the interview with Huntley, which recorded that he had been identified as a potential suspect as a result of information provided by DC Hill (who had been involved in Contacts 7 and 9); and that he had a 'previous similar m.o. [modus operandi] & fits description'.

### **PC Harding's Intelligence Report**

- 1.229 PC Harding decided to submit an Intelligence Report on Huntley. He filled out Form 839 which is the **only** time in the history of the police contacts with Huntley that a police officer filled out such a form. The report read as follows:

'Ian Kevin HUNTLEY aka NIXON  
31/01/74 – CRO 192359  
Address: 3 Manchester House, High Street, Scotter  
The above named has come to the attention of Grimsby CID in 4  
separate rape enquiries, beginning in April 1998 and one indecent  
assault in July 1998.

HUNTLEY on all these occasions has targeted women that he knew  
or has befriended, usually in nightclubs. He either accompanies  
them home or walks with them and then rapes them. The problems  
[sic] with all of the cases has been that the victims have all known  
HUNTLEY and he has admitted having sex with them but with  
consent. The indecent assault was on a 12 year old family friend  
and again there was a lack of independent evidence to support  
a prosecution. HUNTLEY also seems to choose women who do not  
make ideal witnesses/complainants and two of the victims have  
initially lied about their knowledge of HUNTLEY, it is believed because  
they thought they would not be believed if they knew their attacker.

It is quite clear that HUNTLEY is a serial sex attacker and is at liberty to  
continue his activities. It may well be that other women have been  
forced to have sex with him after nightclub smooches and have  
decided not to report it. The relevant crime report file numbers for  
the Grimsby offences are:

AA/9586/98  
AA/12577/98  
AA/18632/98  
AA/12353/99

If direct liaison is required please contact DS 50I HOUCHIN or myself  
MICK HARDING in the Grimsby Drug Unit.'

- 1.230 The Crime Report numbers referred to Contacts 6 to 9, involving: IJ, KL,  
MN and OP.
- 1.231 PC Harding faxed copies to:
- Lincolnshire Police (at two of their intelligence branches, in  
Gainsborough and Louth);
  - Scunthorpe police station (in the Humberside Police area) because of  
Huntley's Scotter address, which is close to Scunthorpe; and
  - Humberside DIB, Grimsby. It is stamped as having been received on  
**20 July 1999.**
- 1.232 Following Huntley's arrest for the murders of Jessica Chapman and Holly  
Wells, QR was re-interviewed by Humberside Police and asked whether she  
had seen Huntley in the media coverage of the murders. QR said that she  
had and re-confirmed that he was not the man who had attacked her.

## Record keeping: Contact 10

- 1.233 **PNC:** Not applicable, because Huntley was not charged for this offence.
- 1.234 **CIS Nominals:** It is highly likely that the information on the Intelligence Report, Form 839, written by PC Harding, would have been put onto Huntley's CIS Nominals record on or about 20 July 1999. However, the record and information in the PC Harding report were deleted.
- 1.235 **Alias not included on CIS Nominals**  
CIS Nominals should have been updated to include Huntley's alias of 'Nixon'. As this was not done, any future search could still only be done under 'Huntley'.
- Deletion of the PC Harding report**
- 1.236 Further research by DCS Baggs during the Inquiry hearings revealed the following:
- 1.236.1 From May 2000, the task of reviewing and deleting records was undertaken by DIB civilian support staff.
- 1.236.2 It is likely that on 27 July 2000, one of those civilian support staff reviewed and deleted Huntley's record (that is, the PC Harding report) as one of a batch included in a 'weed run'. It appears that the deletion was either done in error or as a result of a misjudgement.
- 1.237 **CIS Crime:** A record was created. This record did not name Huntley.
- 1.238 **CPD:** Humberside Police accept that as OP was 17 years old at the time of the rape, an entry should have been made on the CPD. This was not done.
- 1.239 **ICJS:** Not applicable, because Huntley was not arrested.

## Huntley's application for disclosure under the Data Protection Act 1998

- 1.240 On **1 October 1999**, Huntley applied to Scunthorpe police station for disclosure of his PNC record. The first page of the application form is missing. It is known that there were different forms for a 'PNC request' (for disclosure of information held **only** on the PNC) and for a 'PNC and Force request' (to include also disclosure of information held at a local level by that police force). Humberside Police state Huntley's request was a PNC-only form.
- 1.241 The procedure was to send the application to the National Identification Service (NIS), which would then respond directly to the applicant – as the NIS did in this case.
- 1.242 Huntley applied only for details of convictions, in the name of 'Ian Nixon'. He indicated on the form that he had previously used the surname 'Huntley'. In answer to the question: 'Have you ever been accused or convicted of an offence?' he ticked the box, and stated that in May 1998 he had been accused of rape in Grimsby. This was clearly not the whole truth.

- 1.243 It is significant that the application was restricted to the PNC because it meant there was **only** a PNC search. The other option, 'PNC and Force', included a search of the local police intelligence systems. As Huntley gave both his 'Nixon' and 'Huntley' names on the form, if a search had been requested on the local intelligence systems, he would probably have been told about the PC Harding report, (unless at that time it had been considered sufficiently operationally sensitive to withhold).
- 1.244 He gave his address as Manchester House, High Street, Scotter, Gainsborough [Lincolnshire]. For the previous ten years he gave:

21 Veal St, Grimsby  
16 Pelham Rd, Immingham  
8 Abbey Drive East, Grimsby

In fact, Huntley had at least nine different addresses during this period.

- 1.245 On **6 October 1999**, the application was forwarded by Jennifer Larkin, Data Protection Assistant at Humberside Police, to the NIS. Ms Larkin stated that, according to local practice in Humberside, she would have searched the PNC herself before sending the form to the NIS, but no search would have been made of the CIS.
- 1.246 Ms Larkin stated that, when searching the PNC, she would have seen that there was a 'lie on file' recorded against him for the burglary (Contact 2). However, she stated that at no stage was it suggested to her that an application for subject access should be treated as an intelligence-gathering opportunity, and she would not have understood it to be part of her role to inform police colleagues that Huntley had declared the use of another name.
- 1.247 As stated above, Huntley would have received a response to his application direct from the NIS. According to the chronology, on 11 November 1999, the NIS wrote to 'Ian Nixon', enclosing a copy of the PNC record in the name of 'Ian Kevin Huntley' showing the 1998 Grimsby Crown Court appearance for burglary being allowed to 'lie on file'.
- 1.248 Neither the NIS nor Humberside Police updated the PNC as a result of this Subject Access Request to record the name 'Ian Nixon' against the URN already associated with Huntley. Until mid-2003, Humberside Police did not have a procedure in place for updating the PNC with ad hoc intelligence. It is not known whether such procedures were in place in other police forces across the country, but Humberside Police were unaware of any.

## The recruitment and vetting processes

- 1.249 The rest of this section looks at Huntley's recruitment and vetting and the roles of:
- Soham Village College; (paragraphs 1.250–1.264)
  - Education Personnel Management Ltd (EPM); (paragraphs 1.265–1.284)

- Cambridgeshire Constabulary (paragraphs 1.285–1.317);
- Humberside Police (paragraphs 1.318–1.326); and
- the Huntley vetting check – December 2001 (paragraphs 1.327–1.366).

The system in place nationally at the time of Huntley's vetting is described in Appendix 4.

## Recruitment

### Soham Village College

- 1.250 The post of residential site officer, or caretaker, at Soham Village College was advertised in the local press on 12 and 18 October 2001. The previous incumbent had been dismissed for having an inappropriate relationship with a pupil.
- 1.251 Huntley applied on **19 October 2001** under the name 'Ian Nixon'. He gave his permanent address as Ribstone House in Barrow-upon-Humber, within the Humberside Police area. In signing the form, Huntley agreed that if his application was successful a police check for convictions/cautions would be made.
- The school's interview with Huntley**
- 1.252 He was interviewed on **9 November 2001** by the Principal, Howard Gilbert; the Vice-Principal, Mrs Bryden; and the Chairman of the Governors' Premises Committee, Mr Dunham. Mr Gilbert states that no member of the panel had any reservations about Huntley's integrity or demeanour.
- 1.253 According to Mr Gilbert, the interview followed the school's standard format. Child protection issues were raised by Mr Dunham, who asked Huntley how he would respond to a girl developing a crush on him. Mr Gilbert recalls that Huntley gave an entirely satisfactory answer, and the scenario was pursued to the extent that he was asked three questions on the matter.
- 1.254 In his evidence, Mr Gilbert recognised that the interview could have been more focused and that more guidelines might be useful. He was not aware until recently of the 1992 report by the Committee of Inquiry, chaired by Norman Warner, *Choosing with Care*. He did not believe that it had been circulated to schools at that point in 2001. In fact, Home Office Circular 47/93 specifically states that further information about the recruitment, selection and appointment of staff can be found in chapters 3 to 5 of that report (paragraph 22). However, Mr Gilbert was not aware of the terms of the Home Office Circular 47/93 at the time. In Mr Gilbert's words: 'That is why I employed advisers'.
- Employment history**
- 1.255 In addition to the Home Office Circular 47/93, the Department for Education and Skills (DfES) issued guidelines on 10 September 1998 on *Recruitment*

*and Selection Procedures: vetting teachers and other staff who will have contact with children.* These stated:

'Any information about previous employment should be scrutinised to ensure that it is consistent. Satisfactory explanations should be obtained for any gaps in employment.'

- 1.256 The employment history given by Huntley on his application form identified five employers for the 11-year period from 1990 to October 2001. It was clear from this record that he had not previously worked in any post involving significant contact with children. For each employer the dates of employment were simply given by year, rather than by month or specific date. It was also apparent that not every period of employment had lasted the whole year referred to: for example, Huntley stated that he had been employed by Kimberley Clark from 1999 to the present, while on the previous page he gave the date he was appointed as 25 October 1999.
- 1.257 Mr Gilbert accepted that checking for any gaps in an applicant's employment history, and obtaining a satisfactory explanation, formed an important part of recruitment. However, he had no recollection of going through the dates with Huntley at the interview to find out exactly when one period of employment started and another stopped.
- 1.258 Mr Gilbert indicated that he was aware from discussion with Huntley that he did have some short-term contracts with other companies while at Kimberley Clark, but he could not recall if that discussion took place during the interview or later during his employment. I am aware from other evidence received by the Inquiry that Huntley had employment with at least one other company during this period but they were not, of course, contacted.

#### **Five open references**

- 1.259 Huntley brought five references to the interview. Each was in an 'open' or a 'to whom it may concern' style.
- Three related to his employment at Kimberley Clark Ltd:
    - one on Kimberley Clark headed notepaper dated 22 September 2001;
    - one from the recruitment agency which had placed him there, dated 9 June 2000; and
    - one dated 12 June 2000 from a work colleague.
  - The other two references were both undated:
    - one from an employment agency, Total Recruitment; and
    - one from Petrochem UK Ltd.
- 1.260 According to Mr Gilbert, relying on open references was exceptional at the time of Huntley's appointment, and the only time he can recall it

happening was in Huntley's case. The DfES' guidelines of 10 September 1998 provided:

'References should always be taken up, and should be obtained directly from the referee. It is not good practice to rely solely on references or testimonials provided by the candidate.'

- 1.261 Mr Gilbert accepted that the recruitment process followed in Huntley's case did not conform to these guidelines.
- 1.262 At the time, Soham Village College used a standard letter and form which were sent to referees, asking for their opinion of the candidate's suitability for the post, with reference, if possible, to particular areas.
- 1.263 Mr Gilbert was confident that for support staff appointments, the referee would have been asked for their opinion on the candidate's suitability to work with children. None of the open references provided by Huntley addressed this. Mr Gilbert accepted this was a question which should have been asked of the referees. However, as the school did not contact any of the referees or follow up the references in any way, this issue was never raised with them. Mr Gilbert accepted that the references should have been followed through and that not to have done so was a mistake.
- 1.264 The decision to offer Huntley the post, subject to a police check, was taken on the same day as he was interviewed, **9 November 2001**. Mrs Bryden telephoned his home that evening and left a message with Maxine Carr to say that he had been offered the job.

## EPM

- 1.265 Soham Village College retains EPM as a personnel service provider.
- 1.266 EPM, formerly the Education Personnel Unit of Cambridgeshire County Council, was outsourced on 1 April 1993. It is a Registered Body and provides services to about 500 schools throughout England, including the great majority of maintained schools in the Cambridgeshire Constabulary area.
- 1.267 On **13 November 2001**, Soham Village College instructed EPM to issue an employment contract to Huntley and carry out medical, police and Protection of Children Act (POCA) List checks on him. On the same day, EPM sent Huntley:
  - 1.267.1 **a contract** to his home address in Barrow-upon-Humber. The contract said that the appointment was subject to a Criminal Conviction search by the Criminal Records Bureau of Cambridgeshire Constabulary; and
  - 1.267.2 **a medical clearance form**, which Huntley signed on 3 December 2001. It was received by EPM the next day.
- 1.268 On or around the same date, EPM carried out a check against the POCA List website, for which EPM have approved access. Huntley was not on the POCA List or List 99 in November 2001. In a statement to the Inquiry,

Mr Roger Walker, an employee of EPM, stated 'I am as confident as I can be that the check was done in the name of Nixon and Huntley'.

### **The Police Check Form**

- 1.269 At some point following the employment offer, Soham Village College gave Huntley a copy of the standard Police Check Form, provided by EPM. The form was consistent with the model annexed to Home Office Circular 47/93, but included an additional 'Part B' to be completed by the Principal, which required him to sign to confirm that the applicant's date of birth had been verified. This additional section had been inserted at EPM's request, with the agreement of Cambridgeshire Constabulary, after the introduction of Local Management of Schools (LMS). Mr Gilbert believes that Huntley provided a driving licence, passport or birth certificate, but cannot recall which. The guidance given to schools by EPM when Home Office Circular 47/93 was issued was that the proof-of-age document should be the birth certificate.
- 1.270 It is also worth noting that if Huntley **had** provided his birth certificate, as EPM had advised Soham Village College, it would have shown the name 'Huntley' rather than 'Nixon' because, unlike a driving licence or passport, a birth certificate could not have been changed when Huntley changed his name by deed poll.
- 1.271 The completed Police Check Form is no longer in existence because it was destroyed as part of EPM's practice, as required by Home Office Circular 47/93.
- 1.272 According to Mr Gilbert, the College would normally encourage the successful applicant to have completed 'Part A' of the Police Check Form and have given evidence about date of birth on a pre-employment visit, or, failing that, immediately on employment. In Huntley's case, Mr Gilbert was sure that Huntley brought in the form and supporting document the day he started his job on **26 November 2001**. As a result, the police check process had only just begun by the time Huntley had actually started working and living at 5 College Close.
- 1.273 Mr Gilbert stated that the College was trying to expedite the matter, as they had lost the previous caretaker very suddenly. The post had been vacant since early October 2001, and in the meantime the work was being temporarily handled by a local company and appropriate shift work. According to Mr Gilbert, it was fairly common that the outcome of the police check would not be known by the time the successful applicant started employment.
- 1.274 EPM received Huntley's Police Check Form from Soham Village College on **4 December 2001**. By that time, 'Part A' would have been completed by Huntley, and 'Part B' signed by a member of staff at the school to confirm that his date of birth had been verified. Huntley had applied for the post in the name of 'Ian Nixon' but had stated on his application form that his father was a site manager in a local school. According to supplementary evidence, submitted by Maureen Cooper, following her attendance at the Inquiry, EPM also provided personnel services to that school and EPM were aware that the caretaker there was Kevin Huntley.

- 1.275 'Part C' was to be completed by the Senior Nominated Officer. In the case of EPM, this was either Mrs Cooper or Bev Curtis. The Senior Nominated Officer was required to confirm that, among other matters, the particulars on the form had been verified and that the Senior Nominated Officer was satisfied that they were accurate.
- 1.276 Mrs Cooper gave evidence to the Inquiry on the steps EPM took before sending the form to the Cambridgeshire Constabulary. According to Mrs Cooper, the details on the form would be checked against the original job application and instructions received from the school. So, in Huntley's case, EPM would have checked that the Police Check Form showed:
- 5 College Close, Soham as his present address; and
  - Ribstone House, Barrow-on-Humber as his previous address. This was on the job application form, and the address to where the employment contract had been sent.
- 1.277 However, EPM:
- 1.277.1 carried out no further verification process or independent check of the information provided on the Police Check Form in relation to other possible previous addresses;
- 1.277.2 did no checks of the accuracy about the 'previous surnames' box, whether blank or otherwise; and
- 1.277.3 did no independent checks about the applicant's identity, except to 'make sure that the application form received from the school identified the individual'.
- 1.278 With regard to 'aliases' and 'previous addresses', EPM relied on an individual's honesty to provide the details requested on the Police Check Form. Mrs Cooper accepted that in signing the declaration that the Senior Nominated Officer had verified the particulars and was satisfied they were accurate, she was signing something that was not accurate. However, it was Mrs Cooper's evidence that EPM's approach to Police Check Forms reflected national practice.
- 1.279 On **4 December 2001**, the day they received it from Soham Village College, EPM promptly forwarded the Police Check Form to Cambridgeshire Constabulary.
- 1.280 A month later, on **4 January 2002**, Cambridgeshire Constabulary sent back the Police Check Form to EPM. It recorded 'No trace'. This information was passed on to Soham Village College, and Huntley was confirmed in his post as caretaker.
- If there had been a 'trace' on the Police Check Form**
- 1.281 Before turning to the police check process itself, I should deal with Mr Gilbert's understanding of what the position would have been if the Police Check Form had been returned showing a 'trace'.

- 1.282 In his response to the Inquiry, Mr Gilbert referred to his bewilderment that, had the information concerning Huntley's contact with Humberside Police been made available to him, 'it is probable that I could not have used it directly with Huntley other than to monitor him more closely'.
- 1.283 Mr Gilbert stated that he had received this advice from EPM. EPM have subsequently clarified that no advice was given to Mr Gilbert at the time Huntley was recruited – there being, of course, no need to do so as the police check was returned 'no trace'. However, confusion appears to have arisen in respect of advice given by Mr Curtis of EPM to Mr Gilbert at the time of Huntley's trial, as to what the situation might have been had some form of intelligence been disclosed.
- 1.284 It is not necessary for me to resolve how this confusion arose, but I would wish to make the position in this respect clear. If information had been disclosed to Soham Village College under the regime established by Home Office Circular 47/93, unless the police had specifically placed restrictions upon its use for reasons of operational sensitivity, there was nothing to prevent Mr Gilbert from discussing it with Huntley. Indeed, he was obliged to do so if the information, given as a result of the police check, differed from that given by Huntley and was of significance. This remains the position under the current regime.

## The police vetting process

### Cambridgeshire Constabulary

- 1.285 The department responsible for vetting at Cambridgeshire Constabulary is the Criminal Records Bureau (CRB). This is the **local** bureau which should not be confused with the **national** Criminal Records Bureau.
- 1.286 In December 2001, the local CRB was made up of two groups of staff. There were nine shift-workers who:
- carried out the police checks for the protection of children;
  - performed a range of other duties, including responding to telephone requests from officers for information from the PNC (radio requests were dealt with by the Force Control Room);
  - updated the PNC;
  - worked a series of shifts: 22:00–06:00; 06:00–14:00; and 14:00–22:00.

There were also five day-workers who dealt with updates to the PNC, including court results, summonses, fingerprints, etc. They did not deal with the Police Check Forms.

- 1.287 Both the day-workers and shift-workers were managed by the Team Leaders, Carole Lightley and Steve Barnes, who were in turn managed by the CRB Manager, Deborah Fairbank. Miss Lightley, who joined as Team Leader in December 2000, oversaw the day-to-day child protection checks.

- 1.288 The senior police line manager for the CRB was the Head of Crime Support, who was also responsible for a number of other operational and policy functions. In December 2001, this was Detective Superintendent Haddow, who had been appointed on 5 September 2001, but did not take up the post until mid-November 2001.
- 1.289 Det Supt Haddow's predecessor was Temporary Detective Chief Superintendent Stevenson, who had held the post since 2 May 2000. While Det Supt Haddow was absent between September and mid-November 2001, Acting Superintendent Phillipson undertook the role of Acting Head of Crime Support.

#### **Difficulties at the CRB**

- 1.290 According to Cambridgeshire Constabulary's evidence to the Inquiry, there were a number of difficulties within the CRB at the time, namely:

- a general staff shortage;
- a shortage of fully-trained staff;
- large and increasing volumes of work; and
- staff absence caused by sickness and disciplinary problems.

#### *Staffing Cambridgeshire CRB*

- 1.291 As early as January 2001, Miss Fairbank proposed the recruitment of five new members of staff between March and December 2001 for the work resulting from the launch of the national CRB.
- 1.292 It was planned that the national CRB would meet all reasonable start-up costs. They expected to begin registration from 1 March 2001 and issue 'Standard' and 'Enhanced' disclosures from August.
- 1.293 By March 2001, the launch date had been moved back to 15 October. Cambridgeshire Constabulary agreed to begin recruiting staff in June, unless a case could be made to bring them in earlier.
- 1.294 On 12 March, Det Supt Stevenson informed Miss Fairbank that she could recruit a new Team Leader, with £10,000 which the unit had received to help with the launch. However, it appears that the funding was not in place because on 23 March, Miss Fairbank asked Det Supt Stevenson to review a request for additional funding, to employ a Team Leader before the six-week build-up to the October launch.
- 1.295 The Chief Constable approved this, and funding was sought from the national CRB. Although, in his oral evidence, the Chief Constable stated that he had authorised other funds to speed up recruitment, it is clear from the documents that the request was made only for a Team Leader.
- 1.296 By 26 April 2001, Cambridgeshire waited for written confirmation from the CRB. By 25 May, the national CRB had guaranteed funding for a Team Leader and four new operators from 3 September (six weeks before the launch date), and funding for the Team Leader from July. To allow time for training, the Team Leader and two operators would be recruited in June,

(to start in July). The cost of bringing in the two new operators early would be funded locally.

1.297 In early August 2001, the two new operators (Jackie Blyton and Julie Behan) were recruited; Steve Barnes was transferred to the CRB as an additional Team Leader. A further operator (Jacqueline Giddings) was recruited on 1 October 2001.

1.298 According to Cambridgeshire police witnesses, new operators took at least three months to train. Ms Blyton and Ms Behan therefore completed their training by early November 2001, and Mrs Giddings was due to complete hers by 1 January 2002, although this period was apparently extended by a month.

*Increase in applications not anticipated*

1.299 The national CRB's launch date was repeatedly put back and it finally launched in March 2002. During 2001, the number of applications for police checks received by Cambridgeshire CRB increased from 1,308 in February 2001 to 1,723 in December 2001, peaking at 2,076 in July 2001. However, the increase in police check applications **before** the launch of the national CRB was not anticipated by Cambridgeshire Constabulary at the time.

1.300 Det Supt Haddow's evidence was that there was no discussion about work pressures during any of the meetings of the PNC Steering Group and that nobody anticipated that there would be the level of increase [in work] that they were later subject to. Instead, the focus was on the implementation of the CRB itself. The timing of the recruitment of the new staff members and Team Leader was calculated on the anticipated increase in work when the national CRB actually launched, with a lead-in period for training.

1.301 It was suggested that the rise in police check applications was unforeseeable. Miss Lightley's evidence was that she and her colleagues believed that organisations were getting all their checks in at this stage to avoid having to pay for checks via the CRB. This is clearly a sensible and reasonable assumption. However, it is difficult to see why it could not have been made before the increase happened, and Det Supt Haddow indeed accepted that it would have been reasonable for Cambridgeshire Constabulary to have anticipated an increase.

*Sickness and disciplinary problems*

1.302 In addition to the difficulties caused by the unanticipated increase in police check application numbers, Cambridgeshire witnesses also referred to staff sickness and disciplinary problems. During the relevant period, this involved one operator who was suspended in September 2001, and following a disciplinary hearing on 12 December, reported sick and did not return to work.

*Processing police checks – the system until 2001*

1.303 Until late 2001, it appears that the system for processing police checks remained substantially unchanged from that introduced in about 1994. By the time Miss Lightley joined in December 2000, the system for each Police Check Form was:

- 1.303.1 On arrival, a Police Check Form was placed in an in-tray. Certain details were entered onto the Child Access Database, including the name, alias, date and place of birth of the applicant. Each form was given a unique computerised number.
- 1.303.2 After entry on the database, an operator carried out a search against that applicant's name on the PNC, CIS (the Cambridgeshire Constabulary's local intelligence and local convictions system) and 'Intrepid' (which enabled operators to access information from Cambridgeshire's Family Support Units, including child abuse or domestic violence incidents).
- 1.303.3 The operator would also check to see if any of the addresses on the applicant's form for the past five years were located in another police force's area – a so-called 'foreign force'. If so, a fax would be sent to that 'foreign force', asking for information.
- 1.303.4 The Child Access Database had an automated fax system. Once the 'foreign force' had been identified, the operator could find the relevant fax number for that force on the computer system, enter the command and a fax form would be automatically generated and sent to the relevant 'foreign force'. Faxes sent in this way were automatically logged on the database.
- 1.303.5 If the automated fax system was not working, it was still possible for the computer to generate the fax form, the relevant fields of which were filled in with the information held about the applicant on the Child Access Database. That fax form would then be printed off, and the operator would write in the name of the 'foreign force' to which it was directed, and send the fax manually. When a manual fax was sent, there was no automatic record on the Child Access Database.
- 1.303.6 Once the fax was sent, it would be filed in a book, which was alphabetically labelled, to await a response.

*If there was 'no trace'*

- 1.303.7 If there was 'no trace' on any of the checks, the operator would close the file and put the application into the out-tray. The Child Access Database would be endorsed to say this had happened.

*If there was a 'trace'*

- 1.303.8 If any of the checks showed a 'trace', the information would be printed off and the application passed to a Team Leader, and ultimately to the Head of Crime Support, to consider disclosure to the prospective employer. All convictions (unless spent and deleted) would be disclosed. If it was considered appropriate to disclose other information, it would be put in a letter drafted by a Team Leader and signed by the Head of Crime Support. The information was then sent to the employer and marked 'confidential'.

### Changing the system – the 'batch check' or 'tray' process

- 1.304 Miss Lightley explained that a variation on the system was introduced as a result of the large number of police check applications being received in late 2001. Rather than carry out a check on **one** application form against a series of databases in a specific order, as had previously been the case, the new operators were taught to check a **number** of application forms against one database, a 'batch check' process. According to Miss Lightley, the process which evolved was based on a series of 'trays':
- 1.304.1 On arrival, the application form was placed in Tray 1.
- 1.304.2 The application's 'arrival' was entered on the Child Access Database. The form was then moved on to Tray 2.
- 1.304.3 The form was removed from Tray 2 for checks against the Cambridgeshire Constabulary's local intelligence database, CIS, and against the PNC. As in the earlier system, if there was a trace, this information would be printed off and attached to the form. It was then passed to a Team Leader (Miss Lightley or Mr Barnes) to consider disclosure. If they had doubts, they would refer the matter up to the Head of Crime Support – Det Supt Hadow in December 2001.
- 1.304.4 If a 'foreign force' was identified, a fax would be sent to that force asking for details. The form was removed from the tray and filed under the applicant's name in an alphabetical filing system. When a response was received, the application was taken out of the file and put in Tray 3.
- 1.304.5 The replies from 'foreign forces' had to be made in writing. According to Miss Lightley, Cambridgeshire CRB would not accept or rely on oral information from a 'foreign force'. If there was a trace, it would be referred to a Team Leader and, if necessary, to Det Supt Hadow.
- 1.304.6 The form would be removed from Tray 3 to carry out a check against the Intrepid system. If there was a trace, the form and the relevant print-out would be referred to a Team Leader and, if necessary, Det Supt Hadow.
- 1.304.7 After all enquiries were completed, the file would be closed and an entry made on the Child Access Database recording whether there was a 'trace' or 'no trace' and the date on which the file was closed.
- 1.304.8 A hard copy of the completed request was not kept.
- 1.305 According to a number of the Cambridgeshire witnesses, a further variation might arise if the CIS or PNC systems were not available, in which case the operator did the Intrepid enquiry after taking the form from Tray 2 rather than Tray 3.

- 1.306 Miss Lightley believed that most operators were using the 'batch check' approach. It is now apparent that this was not the case. Only the inexperienced operators, that is, the new recruits, were doing so.

*The difficulties with the 'tray' system*

- 1.307 The critical difference between the 'tray' or 'batch' system and the system previously in place was that, rather than **one** person being responsible for conducting **all** the checks on an application, **each application** might be processed by a **number** of different people. There were never any written instructions on how to deal with the 'tray' system and it is clear that different operators developed their own ways of working. In particular:

- there was no consistent practice or instruction as to **when** in the process a 'foreign force' fax should be sent; and
- there was no consistent practice or instruction as to **how** and **when** a file or database should be endorsed to show that the checks had been done.

*Confusion over sending of the 'foreign force' fax*

- 1.308 There was evident confusion as to when a 'foreign force' should be identified and a fax sent:

1.308.1 Miss Lightley stated that this would take place after PNC and CIS checks but that, if they were not available, Intrepid was checked first. The operator 'might' also find a 'foreign force' address at that time and make the fax enquiry.

1.308.2 Paul Watts, an experienced operator, understood that a fax did **not** need to be sent to a 'foreign force' at the time of the check against Intrepid, but expected any 'foreign force' check to be performed when the PNC check was done.

1.308.3 Det Supt Haddow believed that sending a fax to a 'foreign force' was identified when the form was entered onto the Child Access Database.

*Confusion over endorsements*

- 1.309 There was also considerable variation between the operators as to whether the form would be endorsed to show that the checks had been done:

1.309.1 Miss Lightley believed that all operators would manually endorse the form if they had done something to it.

1.309.2 Rather than endorse the form, Mrs Giddings would put a Post-it note on the file saying that other checks needed to be completed.

1.309.3 Ms Nicholson, an experienced operator, described the problem she had as to which checks had been done, because operators all worked differently: some would endorse the form, some would not.

- 1.310 According to Miss Lightley, when the automated fax system was not functioning, the operator raising the fax enquiry would record this under the

'Comments' field on the database. However, Ms Nicholson said that this endorsing procedure was **not** followed by all operators.

*No adequate safety net*

- 1.311 The final, and potentially most significant, problem with the 'tray' system was that there was no, or no adequate, safety net at the end of the process to ensure that all checks had been properly completed. Miss Lightley expressed the 'hope' that, at the booking-out stage, somebody would notice that the application had not gone to the 'foreign force' if it needed to. But there were no written instructions to that effect and her 'hope' was in fact ill-founded. Not one of the witness statements from Cambridgeshire CRB, including that of Miss Lightley, referred to any requirement to check that an application **had** been sent to a 'foreign force' when it needed to.

**Supplementary evidence after the hearings**

- 1.312 Following the hearings, the Inquiry received supplementary evidence on this point from Cambridgeshire Constabulary, suggesting that the forms were in fact routinely checked before posting out, to ensure that the paperwork was complete and that all the necessary checks had been conducted. In particular, Miss Lightley now states that Ms Nicholson has recalled that, prior to the posting out of forms to the respective bodies, she would arrange them in order; and check that all of the signatures were on the forms, and the 'boxes on the process sheet ticked'.
- 1.313 It is somewhat surprising that this is the first mention of there having been a process sheet containing boxes, particularly when Det Supt Haddow, Miss Lightley and Chief Constable Lloyd each agreed with Counsel to the Inquiry's suggestion that such a form would have been a good idea. No copy of any such sheet has been provided to the Inquiry.
- 1.314 However, I do not find that it is necessary to resolve this matter. If, as Ms Nicholson now contends, it was her practice to check that all checks had been completed before the forms were posted out, then in the case of the Huntley check, either that practice was not followed or the check failed to identify that no foreign force fax had been sent. Either way, the situation is no more satisfactory than it was at the time that I heard the evidence from the relevant Cambridgeshire Constabulary witnesses.
- 1.315 Ms Nicholson has stated that if she picked up a form with a PNC endorsement on it, but nothing to indicate that a 'foreign force' fax had been sent, she would almost certainly close the file. There is no evidence to suggest that **any** operator reviewed **any** application to ensure that **all** the checks, which should have been made, were in fact completed.
- 1.316 Miss Lightley described it, with the benefit of hindsight, as a very poor system.

**The current system**

- 1.317 As a result of the implementation of the national CRB, the current system in Cambridgeshire CRB is different. Applications are received electronically from the national CRB. The local CRB is required only to check its own records, and there is no need to carry out 'foreign force' checks. The national CRB deals with these, which are identified on an applicant's 'Current and Previous addresses' sections on the Police Check Form.

The failings within the old system have been addressed by the new one. Staffing levels within Cambridgeshire CRB have improved, and there are now 10 operators who do only child protection checks and one operator must perform every check on each application.

## Humberside Police

1.318 In the following paragraphs, I examine the Humberside Police system in 2001 when dealing with vetting requests from other forces.

1.319 The Vetting Section, run by a Disclosure Officer who worked to the Humberside Police Data Protection Officer, was responsible for the vetting procedures.

### CIS checks

1.320 On receipt of a request, the Vetting Section ran a search against the 'General Information' screen (dataset 11) on CIS Nominals only. They did not realise that the capacity of the CIS 2 system (introduced in late 1999) also allowed them to check a name through the CIS Crime system. Thus, in December 2001 the Vetting Section's searches were only of the CIS Nominals system. This remained the position until March 2003 when they became aware of the capacity to search both CIS Nominals and CIS Crime at the same time.

### No CPD checks

1.321 It was **not** Humberside Police practice to conduct checks against the Child Protection Database (CPD) in December 2001.

1.322 From 1998, there were continuing discussions about the need for:

- a CPD 'weeding' policy; and
- the possibility of searching the CPD during vetting checks.

These discussions led to no action for some years, until January 2002, when a weeding policy was eventually implemented.

1.323 In September 2002, following an IT networking solution, the Vetting Section was able to check the CPD direct. However, there were still major problems:

- CPD's records were inadequate and incomplete; and
- many searches led to paper files held by the various Family Protection Units.

1.324 Such were the problems that, after two or three months, Humberside Police decided to stop entering information onto the CPD at all. However, this decision was reversed in March 2003 and, following a decision in May 2003, the database was rewritten and re-populated with historical data.

### The current vetting system in Humberside Police

1.325 The current position is that the Vetting Section checks CIS Nominals and CIS Crime together in one search. They now also routinely check the CPD, the domestic violence database and the ICJS.

- 1.326 There is continuing work to develop a data warehousing system that allows a range of databases to be searched from a single access point. The vetting section is currently piloting use of this data warehouse. The advantages of such a system in the vetting context are obvious.

### The Huntley vetting check – December 2001

- 1.327 On **8 December 2001**, Cambridgeshire CRB received the Police Check Form from EPM.
- 1.328 As described above, an entry was made on the Child Access Database, which recorded Mr Barnes as making the original entry and the date as 8 December 2001:
- The surname is recorded as 'Nixon' and the alias as 'Huntley'.
  - The date of birth is recorded as '31/10/74'. This was an error because it should have been entered as '31/01/74'.
  - No record was made of either Huntley's current address or any previous address provided on the Police Check Form, because the system did not allow for it.
- 1.329 On **9 December 2001**, another operator, Mr Watts, conducted a 'batch check' on a number of individuals against the Intrepid system. He checked against 'Ian Nixon', 'Ian Huntley', and 'Ian Nixon' with the alias 'Ian Huntley'. The results were 'no trace'.
- 1.330 It is not known why the 'Intrepid' check was done first in this case. If the 'tray' system had been followed, the PNC and CIS checks should have been carried out first. Mr Watts believes that it was probably because the PNC system was down at the time, although there may have been another explanation.
- 1.331 Unsurprisingly, Mr Watts does not remember the detail of this particular application form. However, he thinks it likely that he put the form back in the tray, expecting any 'foreign forces' enquiry to be raised when the PNC check was done, according to the 'tray' system as he understood it. He suggests it is possible that no 'foreign force' address was on the application form to start with. For the reasons I give below, I do not consider this to have been the case.
- A PNC check in name of 'Nixon' but not 'Huntley'**
- 1.332 At 20:15 on **21 December 2001**, 12 days later, a different member of the Cambridgeshire CRB, Mrs Giddings, conducted a PNC check against the name of 'Ian Nixon' but **not** 'Ian Huntley'. No trace was found in the name of 'Ian Nixon'.
- 1.333 Mrs Giddings was a relatively new member of staff, having joined on 1 October 2001. From around November 2001, her tutor, Marie Dobson, was on sick leave, including the week 17–23 December 2001. During this period Mrs Giddings operated without direct supervision, her work being checked by whoever was in at the time. In Mrs Giddings' words, she 'felt a little lost during this period'.

1.334 When conducting the PNC search against the name 'Ian Nixon', Mrs Giddings entered Huntley's correct date of birth (30/01/74), presumably by referring to the date on the Police Check Form itself rather than the date on the Child Access Database. There is, therefore, no reason why a search against 'Huntley' would not have also included the correct date of birth. In any event, if a search had been made using the **incorrect** date of birth (30/10/74), three possible names would have been revealed, including Huntley's and showing his correct date and place of birth (Grimsby); this could then have been compared with the actual application form. If **more** than one potential record had been disclosed, the operator could have accessed individual records to confirm which details matched the person being checked.

1.335 Thus, it is clear to me that the error made by Mr Barnes when inputting Huntley's details did not have any material effect on the vetting searches because:

- the PNC search was not conducted in the name of 'Huntley' so the question of whether the wrong date of birth led to the entry being missed does not arise; and
- even if a search **had** been made in the name of 'Ian Huntley', it seems extremely unlikely that the operator would have discounted the information simply because of an obvious error in the date of birth.

**What might a search in the name of 'Huntley' have revealed?**

1.336 If a PNC search in the name of 'Huntley' **had** led to Huntley's record, what would it have revealed?

1.337 The first screen of each record is the 'nominal' screen, which shows details of the subject's name, date and place of birth, sex, ethnic code and last known address. According to Miss Lightley, after checking the nominal screen to see that the correct person had been identified, a 'disclosure print' would have been requested. It is important to note that a number of other types of prints may also be requested from the PNC, including a 'police print'. A 'disclosure print' **only** contains details of convictions, reprimands, warnings and cautions. It would **not** have included a charge which had been left to 'lie on file', as was the case on Huntley's PNC record following the burglary (Contact 2).

1.338 Miss Lightley states, however, that the 'disclosure print' would have been checked by a supervisor and that, as one herself, her suspicions would have been drawn to the lack of convictions on a PNC print-out. She would, therefore, have checked the record for any impending prosecutions. She states that she would have checked the 'method' of the 'lie on file', [that is, the nature of the offence] which would have been revealed to her at the time.

1.339 Ronald Causer, from Cambridgeshire CRB, has explained how entries other than convictions, reprimands, warnings and cautions may be accessed. The front nominal page of any record includes a 'banner' line, identifying the search, under which is a series of codes. In Huntley's case, these codes were 'AS1, DH1, LX1'.

- AS refers to an 'arrest summons' and AS1 indicates that there has been an arrest/report on one occasion.
- DH indicates the 'disposal history' of the arrest/summons case and DH1 indicates there has been a disposal history on one occasion.
- LX refers to 'local references'. If further information is required, then the police force or station listed should be contacted. LX1 indicates that one force or station has information.

1.340 An operator could either scroll through the record's individual pages, or access the relevant page, for example, by entering 'DH' to find out more about the disposal history, which in Huntley's case would have shown the burglary 'lie on file' from Contact 2. It would also have been possible to expand this information to view the court details as to disposal: details of the case's administration and the modus operandi.

**What information would have been passed on?**

1.341 If the search **had** revealed the burglary 'lie on file' case, the next hypothetical question is: would this information have been passed on to the employer?

1.342 Det Supt Haddow, who would have taken the decision at the time, stated that when considering disclosure he used a guide, which consisted of paragraphs 35 and 36 of Home Office Circular 47/93. Although these paragraphs are, on their face value, directed at how the potential employer will make use of the information, I consider it was entirely appropriate and sensible for Det Supt Haddow to have used them to inform himself as to whether information was 'relevant' and should be disclosed, as he was required to do under paragraph 16. Det Supt Haddow explained that he would, therefore, have considered the matter as follows:

1.342.1 The 'lie on file' was for a dishonesty offence, and the guidance suggested that dishonesty is not as strong a contra-indicator as sex, violence or drugs-related offences.

1.342.2 The nature of a school caretaker's job clearly needed careful consideration for access to children, and information or intelligence specifically relating to children would have been of relevance. However, the 'lie on file' related to dishonesty and a burglary.

1.342.3 In terms of frequency, the burglary 'lie on file' was a single, isolated instance of dishonesty.

1.342.4 The offence had taken place nearly six years earlier, in 1995, although the case only reached court in 1998.

1.342.5 Having moved on to consider legality, necessity, proportionality and justification, he would have struggled to justify any decision to disclose, whether from a human rights perspective or otherwise.

1.343 In my view, Det Supt Haddow's approach is entirely justified, and had the issue arisen, a decision not to have disclosed Huntley's 'lie on file' charge for burglary would not have been open to criticism. That is not to say, of

course, that such a charge should never be disclosed: there may well be circumstances in which it might be relevant to the suitability of a person to work with children.

#### **The 'foreign force' check**

- 1.344 In contrast to the Intrepid and PNC systems, where it **has** been possible to identify what checks were made and when, it is **not** possible to ascertain what, if any, 'foreign force' requests were made about Huntley. This is because the Cambridgeshire Child Access Database had developed a fault on 7 December 2001 which was not fixed until 10 January 2002. The result was that faxes requesting checks from other forces had to be sent manually, so there was no automatic endorsement on the database to record that a fax had been sent. I therefore need to analyse in some detail the facts, such as they are known, surrounding this issue.

#### *Addresses from other areas?*

- 1.345 The first question is whether Huntley disclosed addresses from any other police force area on his Police Check Form. As already explained, no copy of the completed form exists.
- 1.346 On **8 December 2001**, the date on which the Police Check Form was received, Huntley was living at 5 College Close, Soham, within the Cambridgeshire Constabulary area. However, while he may have given that address as his then current address, Mrs Cooper, of EPM, told the Inquiry that she would have checked to ensure that Huntley had included the Ribstone House, Barrow-upon-Humber address, since it was the address to which they sent the employment contract.
- 1.347 Therefore, the overwhelming likelihood is that Huntley included an address inside the Humberside Police area on the Police Check Form.
- 1.348 It is, however, not possible to identify which, if any, other addresses he might also have provided. For example, if Huntley had included only the Ribstone House address under the 'previous addresses for the last 5 years' section, EPM would not have undertaken any check to confirm whether he had lived there for the **full** five years.
- 1.349 In fact, the Humberside Police CIS Nominals system records **eight** separate addresses for Huntley during the five-year period to December 2001 (and there may, of course, have been more of which the police were not aware). One address at Manchester House, Scotter, fell within the Lincolnshire Police area. It is not possible to know whether this was included on the Police Check Form. It is known that Huntley had failed to provide a complete set of his addresses on at least one form in the past. When making his Subject Access Request for information held about him on the PNC, he gave his home address as Manchester House, but failed to declare all his addresses for the previous ten years, as required. It is also known that when Maxine Carr applied for CRB Disclosure in June 2002, she failed to declare the Manchester House address.

#### **The fax to Humberside Police**

- 1.350 Cambridgeshire Constabulary have reviewed their telephone call records for the period 8 December 2001 (the day the Police Check Form was

received) to 24 December 2001 (the day after the file was closed on the CPD), to the relevant units of Humberside and Lincolnshire police to which any request for information would have been made.

- 1.351 A fax was sent from Cambridgeshire CRB at 13:15 on 23 December 2001 (a Sunday) to Humberside CRB. The content is unknown, but it must have been relatively few pages as the transmission time was only 44 seconds. This was the only fax sent by Cambridgeshire to Humberside during that period.
- 1.352 As far as Lincolnshire is concerned, one fax was sent from Cambridgeshire CRB, at 16:54 on 8 December 2001, to a fax number shared by the then Disclosure Clerk and the Criminal Justice Information Unit of Lincolnshire Police. Another fax was sent at 16:31 on 11 December. There is no record of any fax being sent on 23 December, the only day (during the relevant period) on which a fax was sent to Humberside.
- 1.353 The fax to Humberside was sent two days **after** Mrs Giddings' PNC check against the name of 'Nixon'. She, and a number of other Cambridgeshire police witnesses, stated that the member of staff who noticed the need for, and raised, a fax query would usually send it themselves. Occasionally, if they were very busy or interrupted, they might pass the query on to somebody on the next shift, but it would certainly not be any later than that. If Mrs Giddings had noticed the need to send a fax to Humberside, it should have been sent, at the latest, by 06:00 on 22 December. No fax to Humberside was sent until 23 December at 13:15 – five shifts after Mrs Giddings' shift.
- 1.354 The shift operator at 13:15 on 23 December 2001 was Mr Causer. Unsurprisingly, he does not remember sending this particular fax and has no memory of its content. Unlike his newer colleagues, including Mrs Giddings, who operated the 'tray' system, Mr Causer's usual practice was to perform all tasks on one enquiry at the same time.
- 1.355 Cambridgeshire CRB's Child Access Database indicates that the disclosure request was closed by Pamela Nicholson as 'no trace' at 21:35 on 23 December. It is not known why this was done. Ms Nicholson has no recollection of closing this file and assumes that it was a form that she removed from the 'booking out' tray and actioned. Her evidence was that if she had picked up a form from the 'booking out' tray with the PNC endorsement on it, but nothing to indicate that a foreign force fax had been sent, she would almost certainly close it on the Child Access Database.
- 1.356 It is clear that, even if a fax request about Huntley was sent earlier on 23 December 2001, no reply from Humberside had been received by this time. Cambridgeshire telephone records establish that a fax was sent from Humberside CRB to Cambridgeshire at 09:12 on Monday, 24 December 2001. Again, it is not known what the content of the fax was, but the transmission was just 37 seconds.
- 1.357 Although the automated faxing system at Cambridge CRB was not working at the time, the actual fax form itself would still be generated because the Child Access Database would automatically fill in its relevant fields, so any fax form sent about Huntley would have included both the name 'Nixon' and the alias 'Huntley'.

- 1.358 If Humberside Police had received a fax query in December 2001, they would have interrogated CIS Nominals, the only system against which vetting queries were searched at the time. However, Humberside Police have established that Huntley's CIS Nominals record was not looked at between 1 December 2001 and 15 January 2002. They cannot check whether a search was done against the name 'Ian Nixon', because if no record exists to start with, there is no audit trail.

*Extremely unlikely that a fax was sent*

- 1.359 Chief Constable Lloyd has accepted that it is more likely than not that no fax was sent. Because of this acceptance, the Inquiry did not question any Humberside Police witnesses about whether the fax was sent. On the basis of the facts now known, as set out above, I consider that it is possible to go further than the Chief Constable and I have concluded that it is extremely unlikely that any 'foreign force' fax was sent by Cambridgeshire CRB in respect of Huntley. My reasons are as follows.

1.359.1 The only fax which was sent to Humberside Police during this period was on 23 December 2001 at 13:15.

1.359.2 The delay between the PNC check at 20:15 on 21 December 2001 and the sending of the fax on 23 December suggests that it was not sent as a result of Mrs Giddings having noticed the need to send a 'foreign force' fax at the time, which, according to a number of witnesses, would have happened by the following shift at the latest.

1.359.3 Mr Causer's usual practice was to carry out all checks on an application form at the same time. He conducted no other checks against Huntley at this time. It is therefore unlikely that he would have reviewed the Police Check Form and identified the need to send a fax to Humberside Police.

1.359.4 Ms Nicholson closed the file at 21:35 on 23 December 2001. At that time no response to the fax of 13:15 earlier that day could have been received. This would suggest that neither the paper file nor the database were endorsed to the effect that any such fax had been sent.

1.359.5 No search was undertaken by Humberside Police during the relevant period against the name 'Huntley'. There is no reason to assume that there would not have been a search if a request had been made.

1.359.6 It is extremely unlikely that a request was made and a search undertaken only against the name of 'Ian Nixon', given that:

- the fax would have contained both names; and
- there is no reason to assume that Humberside Police would have made the same mistake of searching under only **one** name, as Cambridgeshire CRB did when searching the PNC.

*What would have been revealed if the fax had been sent?*

- 1.360 The next question is: what information would have been revealed, even if a request **had** been made to Humberside Police?
- 1.361 Humberside Police's record creation, retention and vetting systems and practices are the subject of extensive consideration above. By December 2001, the following records concerning Huntley remained:
- 1.361.1 There were two entries on the Child Protection Database (unlawful sexual intercourse with a 13-year-old, Contact 4; and indecent assault on an 11-year-old girl, Contact 8).
- 1.361.2 It is possible that there were two further entries at that date in relation to Contacts 1 and 3 (unlawful sexual intercourse with 15-year-old girls) if they were made but then weeded in the January 2002 weed of the CPD.
- 1.361.3 There were entries on the CIS Crime system, at least in relation to the allegations of rape and indecent assault.
- 1.361.4 There were also entries on the ICJS system in relation to the allegations of rape and indecent assault.
- 1.362 However, there were almost certainly no entries on CIS Nominals, the PC Harding report having been deleted in mid-2000.
- 1.363 The Vetting Section would not have searched the CPD (because it was standard practice not to use it for vetting), nor the CIS Crime or the ICJS systems. Furthermore, Humberside Police had not altered any of their records, or the PNC, to record the alias 'Ian Nixon'. Thus, regardless of whether the request to Humberside Police had been in the name of 'Ian Huntley' or 'Ian Nixon', the response would still have been 'no trace' in December 2001.

*What if Lincolnshire Police had been contacted?*

- 1.364 The situation may well have been different had Lincolnshire Police been asked by Cambridgeshire CRB for any local intelligence. PC Harding had sent his report to them and they had put it onto their intelligence system on 20 July 1999. This would not be reviewed for weeding until 19 January 2002 (two and a half years after the entry was made).
- 1.365 As I have set out above, it is not possible to ascertain whether Huntley included his Lincolnshire address on the Police Check Form. If he did not, there would not have been any reason for Cambridgeshire CRB to contact Lincolnshire Police. However, assuming that he did, in the light of the evidence from the operators involved, I consider that it is extremely unlikely that any fax was sent because I consider it extremely unlikely that Lincolnshire was identified by a Cambridgeshire CRB operator as a 'foreign force' on 8 or 9 December 2001.

- 1.366 This is because it seems to me inherently unlikely that Lincolnshire would have been identified at a different time to Humberside, assuming, of course, that both addresses were included. As I have already concluded, I consider it extremely unlikely that Humberside Police were **ever** identified as a 'foreign force'. But in the unlikely event that they were, this would not have happened until 23 December 2001 and there is no suggestion that Lincolnshire Police were identified around this time.



## 2 Contacts, recruitment and vetting – the findings

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### Events in Humberside

#### Humberside Police

- 2.1 I have concluded, in the light of all the evidence presented to the Inquiry, that there were the most fundamental failures by Humberside Police to maintain adequate intelligence. These were not solely the consequence of individual errors – although there were some – nor were they confined to the contacts involving Huntley. These failings were, in the words of the Chief Constable himself, 'systemic and corporate'. They were more than that: they were endemic. And they continued for very many years.
- 2.2 The failings meant that the pattern of allegations against Huntley was not recorded and so was not available to officers investigating the later contacts.
- 2.3 I stress at the outset that, although individual officers are named below, the evidence suggested that the problems were not confined to those involved in the contacts with Huntley.
- 2.4 I deal first with the failures of Humberside Police to maintain adequate intelligence (paragraphs 2.5–2.72) and move on to look at why there was a consequent failure to identify a behaviour pattern (paragraphs 2.73–2.82).

#### Failure to maintain adequate intelligence

- 2.5 The core force intelligence system was CIS Nominals. This was not used properly. Some records were made on CIS Crime and the Child Protection Database (CPD) but the CPD was not used as an intelligence tool, having been effectively written off by officers in the Child Protection Units as 'unreliable'. CIS Crime was of little use in future cases because:
  - it was not routinely searched by police officers during investigations; and
  - most of the information put onto it in dealings with Huntley was wrongly entered. This meant that it could not be searched later in any event.

- 2.6 There were six major failures to gather and maintain intelligence, which I deal with in turn in later paragraphs. These were:
- failure to use the principal intelligence tool – CIS Nominals – properly (paragraphs 2.7–2.17);
  - failure of the Form 839 intelligence system (paragraphs 2.18–2.30);
  - failure to use CIS Crime properly (paragraphs 2.31–2.34);
  - failure to use the CPD and the systems within the Child Protection Units properly (paragraphs 2.35–2.45);
  - failure of information sharing between Social Services and Humberside Police (paragraphs 2.46–2.48); and
  - failings and confusion surrounding record review and deletion generally (paragraphs 2.49–2.72).

**Failure to use CIS Nominals properly**

- 2.7 The process of creating records on the police force's principal intelligence information technology (IT) tool – CIS Nominals – was fundamentally flawed during the relevant period, April 1995 to mid-July 1999.
- 2.8 If operated efficiently, CIS Nominals would have enabled behaviour patterns and allegations against an individual to be identified. It was therefore important, as Detective Chief Superintendent Baggs agreed, that relevant information should find its way onto the system to help in crucial decision making. This way, investigating officers would not have to rely on their memories of past contacts to discern the all-important behaviour patterns.
- 2.9 CIS Nominals did not operate efficiently in the contacts involving Huntley: not because of the odd, isolated human error – but because of the raft of basic systemic problems. As a result, there was not one single occasion in all of the incidents in which the record creation system worked as it should have done.
- 2.10 There was a surprising and alarming level of ignorance among officers on the ground about even the basics of the IT system for creating and retaining records on CIS Nominals, as appears, for example, from the evidence of Detective Inspector Billam, Detective Sergeant Hibbitt and Detective Constable Chatha. Thus:
- 2.10.1 DI Billam accepted that he had 'no knowledge at all' as to how the CIS Nominals system worked in the creation of records. This was perhaps not least because:
- he had had no training on CIS Nominals. Consequently, he did not know enough about the system to know whether it would have been useful to search CIS Nominals; and
  - he had no idea whether any record had been made on the system, even relating to an incident such as Contact 1.

2.10.2 DS Hibbitt and DC Chatha (along, it seems, with most other operational officers) did not know:

- what information was being extracted from the variety of documentation they submitted to the Divisional Intelligence Bureaux (DIBx); or
- for how long different types of information (such as bail information) would have stayed on the system.

2.10.3 DC Chatha assumed that information would remain on CIS Nominals. He did not think it was relevant for him to know how long information stayed on it.

2.10.4 The position at the time was encapsulated by DS Hibbitt's statement, 'I do not need to know. I just supply the information basically.'

2.11 DI Billam believed that he had performed his role adequately by sending a crime report (a print-off from CIS Crime and other handwritten crime reports and documents) to the DIB. He assumed (at least in those cases in which crime reports were generated) that those who worked at the DIB would then 'extract the intelligence' and enter it on the relevant computer systems.

2.12 This assumption was wrong. The DIB did **not** routinely analyse these documents to extract intelligence to key into CIS Nominals. Rather, the DIB, on receipt of such documents, carried out a limited 'crime recording' role and closed the file. This was a fundamental misunderstanding. It inevitably undermined the effectiveness of CIS Nominals.

2.13 It is both surprising and a source of concern that an officer of DI Billam's experience, with his supervisory responsibilities as head of one of the Child Protection Units, apparently did not know how even the basics of the system worked.

2.14 Other officers, such as DS Hibbitt, were not under the illusion that crime reports were used to generate intelligence records on CIS Nominals. (Crime reports were sent to the Central Crime Inputting Bureau to be put onto CIS Crime – that is, a separate office from the DIB.) Their belief was the different, and also mistaken, one that intelligence was routinely extracted by those at the DIB from the documents that they sent there (that is, Form 310, filled in at the time of arrest or summons). That belief was mistaken because it seems clear that the only information extracted related to bail, and had a correspondingly short period before it was deleted from the system. Those documents did not include (except for Contact 10) the Intelligence Report, Form 839, which is dealt with below.

2.15 The lower ranks of police officer can more readily state that the failure of understanding was the fault of those higher up not giving appropriate training and guidance about how the systems should have worked. The major failing was one of management.

- 2.16 My view is that all those at sergeant level and above should always take an active interest in ensuring that the right information is submitted from themselves and those working to them. The evidence suggests that this was not consistently the case in Humberside Police.
- 2.17 There were also problems with the second link in the chain leading to record creation on CIS Nominals – those working within the DIBx themselves. The relevant intelligence work that police officers envisaged was taking place at the DIBx was not happening. Intelligence was not being ‘analysed’ or ‘extracted’. In addition, at least one important mistake was made on the sole occasion when an Intelligence Form was submitted by PC Harding: Huntley’s alias was not put onto the system, despite being included in the handwritten report.

#### **Failure of the Form 839 intelligence system**

- 2.18 A further significant reason for the fact that the CIS Nominals system was not working properly was that the importance of submitting **separate** Intelligence Reports on Form 839 was not understood.
- 2.19 Humberside Police officers rarely considered preparing and submitting a Form 839 because they believed that, if other documents had already been submitted, there was no need.
- 2.20 DS Hibbitt’s view, therefore, was that submitting a Form 310 was sufficient and completed his part in the intelligence record creation exercise. To him, Form 839 was for people not charged or arrested.
- 2.21 For his part, DI Billam ‘very seldom’ came across this form and stated that it was really only used by the Child Protection Units when officers on the beat came across something not connected to child protection. DI Billam accepted that there was ‘a practice not to submit the forms’. As he put it: ‘whichever office I worked from, they never submitted those forms ... It just did not happen.’ DI Billam did not regard it as being any part of his function to consider or analyse what might usefully be retained as future intelligence in any case.
- 2.22 Some of the senior officers suggested in evidence to the Inquiry that the submission of Form 839 would have been unnecessarily duplicative. I do not accept that.
- 2.23 Police officers involved in the investigation of, and decision making about, an incident were uniquely well placed to ensure that intelligence was properly recorded for future use – that the information necessary to ensure that the incident was portrayed in sufficient detail was in fact recorded. Officers did not need to be ‘intelligence specialists’ or expert in the analytical models used for grading intelligence (such as the 5x5x5 system and its predecessor, the 4x4 system, which graded intelligence information according to the reliability of the information and the source).
- 2.24 Police officers’ active involvement in the intelligence recording process should have been routine. As the evidence referred to above indicates, it was anything but.

- 2.25 In reality, Form 839 would, in many cases, have provided the only primary source for the creation of a CIS Nominals record. Total reliance on the submission to the DIBx of other documentation (such as Form 310) increased the chances of peripheral information, such as bail details, being the only item recorded for any length of time on the intelligence systems – precisely what happened in the case of Huntley. Even where other documentation was submitted to the DIBx, Form 839 enabled officers on the ground to have an active input into the intelligence process. It would have had the effect of making them focus on the creation of an intelligence record, which would be of maximum use to officers making decisions in the future.
- 2.26 The consequence of Form 839 not being completed was that, until the last contact (10), only bail information was extracted and put on CIS Nominals (to be deleted a short time afterwards). The submission of Form 839 would, therefore, have been far from a duplication of information.
- 2.27 It would not have taken an officer long to complete Form 839 in any of the contacts involving Huntley – particularly at the conclusion of an investigation, when reasons for disposal and a broad assessment of the allegation could be given quickly. The added value of submitting Form 839 is graphically illustrated by PC Harding's report.
- 2.28 Senior officers were unaware of this situation, even up to the day when the Inquiry took oral evidence. Chief Constable Westwood himself acknowledged that the first time he had appreciated the position was when he heard his officers being examined at the hearings. I find it unacceptable that such serious failings in Humberside Police's intelligence systems should remain undetected for a period of years.
- 2.29 I also do not accept the argument advanced at the hearings by DCS Baggs and then the Chief Constable that the real and principal cause of the problems was the misunderstanding among officers that intelligence was being extracted from the documentation they submitted.
- 2.30 As set out above, it was not that there was one misunderstanding among officers on the ground. Rather, there was a variety of basic misunderstandings about how the system operated. In addition, that argument fails, even in the face of the evidence provided to the Inquiry, to acknowledge the extent of the problems I identify above and in the following paragraphs. In particular, it fails to acknowledge the need for officers to be actively involved in assisting with and shaping intelligence records. The failure of the Form 839 intelligence system provides an example of the wider problem: that officers did not fully appreciate the value of intelligence, or the importance of their role in ensuring that it was properly recorded. Management failed to identify and address the problem.

#### **Failure to use CIS Crime properly**

- 2.31 CIS Crime was not being operated properly. There was one dataset (number 3) through which an individual could be searched for using a Unique Reference Number (URN). That dataset should have contained details of the name 'Ian Huntley' whenever a record was made on CIS Crime.

- 2.32 There was not merely one isolated failure to put Huntley's name onto CIS Crime. It did not happen in **five** of the contacts:
- Contact 1: 'Huntley' was named in dataset 4 but not in dataset 3 – so his name could not be searched for later;
  - Contacts 4 and 6: he was not recorded in either dataset 3 or dataset 4;
  - Contact 8: he was named in dataset 4 but not in dataset 3 – so his name could not be searched for later; and
  - Contact 9: he was not named in dataset 3 – so his name could not be searched for, but his first name ('Ian') was put in dataset 4. The failing this time was at the inputting stage onto CIS Crime by the Central Crime Inputting Bureau.
- 2.33 The use of the feature that enabled information to be retained on the live CIS Crime also appears to have been random. It was used only in Contacts 6 and 7. (It was so used despite the fact that only bail information from these two contacts was recorded on Humberside Police's intelligence system, CIS Nominals.)
- 2.34 Given the sheer scale of the errors over a period of years, the likelihood is that Huntley's was not an isolated case and that for a number of years CIS Crime was not being 'populated' (that is, filled in) with information from other systems. I refer later (paragraph 2.108) to the failure to use its full potential for vetting purposes following the introduction of the CIS 2 system at the end of 1999.

#### **Failure to use the CPD properly**

- 2.35 As operated, the CPD was largely worthless. DI Billam did not use it. He regarded it as 'unreliable' because of the:
- information that was put onto it; and the
  - incomplete nature of the intelligence that was on it.
- In his words: 'from past experience I did not get anything out of it that I wanted; consequently I never used it again, or very seldom'. He did not even know whether it could be searched by the name of the alleged abuser. It was not standard practice, as far as he was aware, for his officers to interrogate it at the start of a referral.
- 2.36 If it had been used efficiently and effectively, the CPD could have been a useful operational tool and could have been used to make behaviour patterns visible. Both DCS Hunter and Chief Constable Westwood suggested that it had been designed primarily as a statistical rather than as an intelligence tool. A late statement received by the Inquiry from the now-retired officer in charge of its actual design claims that, on the contrary, it was designed primarily as an intelligence tool. Whether or not this was the case, the CPD clearly had the capacity to be a useful intelligence tool.

- 2.37 The fact that it was not used in this way was unfortunate for three reasons:
- 2.37.1 From their evidence, Social Services did not consider it necessary to maintain an accessible record of child abusers because of the CPD's existence.
  - 2.37.2 DCS Hunter, responsible for child protection in Humberside Police at the time, justified the absence of any manual system for indexing or filing nominal records (to enable past contacts with alleged abusers to be checked) on the basis of the CPD's existence.
  - 2.37.3 The fact that the CPD had effectively been written off by its principal users, coupled with the problems with CIS Nominals, meant that officers in the Child Protection Units would be likely to make decisions that were uninformed by the history of past contacts with alleged abusers. As Contacts 1 to 4 illustrate, officers' memories are not a substitute for keeping proper and accessible intelligence records.
- 2.38 Several police witnesses, including DI Billam, DCS Hunter and Chief Constable Westwood, all suggested that the core problem with the CPD was its unreliability, due to the nature of the information being put onto it. It may have been that much of the information going into the CPD was unreliable; however:
- 2.38.1 The contacts involving Huntley would have presented no such reliability problem. They could have been the subject of useful CPD records, revealing a worrying pattern of allegations and behaviour. For Contacts 1, 3, 4 and 8, Form 547 ('Suspected Child Abuse – Record of Initial Decision') was completed. Huntley's name and date of birth were available from Contact 1 and the nature of the allegations was recordable.
  - 2.38.2 It should not have been difficult to find a way to devise an effective system of intelligence gathering. As the questioning of DCS Hunter indicated, information could be placed on either, or preferably on both, the CPD and CIS Nominals, with clear guidance to officers on the ground. The existence of the CPD alongside CIS Nominals could **together** have been used to record the complete history of contacts between Huntley and the police.
- 2.39 DI Billam's evidence was that:
- 2.39.1 only the Police National Computer (PNC) would be routinely checked for convictions (and, after November 1995, cautions);
  - 2.39.2 it was not standard practice for officers to check CIS Nominals or the CPD against the name of the alleged abuser (although evidence given by other officers was that they probably would have checked CIS Nominals); and

- 2.39.3 no check was made against manual records (because they were not kept or indexed in such a way as to make it easy to search by the name of the alleged abuser).
- 2.40 It appears from DCS Hunter's evidence that:
- 2.40.1 he conducted no strategic review of the information systems supporting the work of the Child Protection Units throughout the period August 1999 (when he assumed functional responsibility for the CPD) until 2001; and
- 2.40.2 he was not aware throughout that period either that the CPD was not being used by officers in the Child Protection Units, or that they considered the CPD unreliable.
- 2.41 He accepted responsibility for the fact that systems were not in place which would have informed him of the true position. It is clear that those systems should have been in place when the CPD's problems were as fundamental as they were.
- 2.42 Eventually, in 2001 and 2002, the CPD was reviewed. The conclusion reached by DCS Hunter was that the CPD was 'inefficient ... not being used and ... something that was not of real value to us'. He accepted that, if such a review **had** been conducted earlier, the overall conclusion would have been the same. But he was unable to explain why no such review had been done earlier. Neither can I.
- 2.43 There is an additional point about the CPD. The Child Protection Database's name suggests that it would have been an obvious place to search as part of a vetting check into those who might work with children. Until 1998, that possibility was not even considered by Humberside Police. DCS Hunter and Chief Constable Westwood accepted that the period between 1998, when consideration was first given to the use of the CPD as a vetting tool, and 2002, the year when it **was** finally used for vetting, was unacceptably long.
- 2.44 In their evidence, Humberside Police argued that the inherent unreliability of some of the information on the CPD justified it not being searched as part of a vetting check. I have dealt with this above. Even if that was a problem, it could **not** justify not even considering the use of the CPD in vetting for such a long period. There is no reason why the systems feeding into the CPD could not have been adapted to make it more suitable for vetting use. Indeed, if the problem had been actively considered, the eventual review would have happened earlier, leading to an improved CPD that was useful as both an intelligence **and** a vetting tool.
- 2.45 I deal with problems relating to the review and deletion of CPD records in paragraphs 2.68–2.72.
- Failure of information sharing**
- 2.46 Information sharing between Social Services and Humberside Police was flawed. There were misconceptions on both sides. That is a matter for which both agencies were responsible. Both accepted the importance of sharing information, including the relevant history of an alleged abuser. However,

Social Services had no systems – manual or computerised – for checking past contacts and relied exclusively on the police keeping traceable records of alleged abusers. Given that there would be circumstances in which allegations would not be referred to the police, this is less than satisfactory, though it appears to reflect a position which existed nationally.

- 2.47 DI Billam, the head of one of the four Child Protection Units, had no knowledge of the systems operated by Social Services. He assumed that they were proper and efficient.
- 2.48 He also suggested that he would have routinely asked Social Services at the start of a case whether there was 'any history'. But in the absence of any system at Social Services for checking past contacts with an alleged abuser, this was a question that would only have elicited a useful answer if the person to whom it was addressed had been involved in the incident and remembered it. It is evident from the facts of Contacts 2A, 3 and 4 just how unreliable a source memory can be, even in cases involving common personnel and when incidents happened within days of each other.

#### **Failures and confusion surrounding record review and deletion**

- 2.49 As a result of data protection legislation, there is a need for the police to periodically review intelligence and other records. There are two basic functions involved: review and, if appropriate, deletion. There is an obvious and critical distinction between the two.
- 2.50 If records are not properly reviewed, valuable information can be lost in their deletion. The review process needs to be undertaken by those able to make appropriate and informed judgements.
- 2.51 The picture that emerged from the evidence was one of confusion and lack of effective management of the review function. There were inconsistent practices because, for no good reason, each computer system treated 'review' in a significantly different way.

#### *Lack of guidance and training*

- 2.52 There was confusion in Humberside Police's approach to the review and deletion of records on CIS Nominals on two levels.
- 2.53 First, it was unclear which guidance governed the process.
- 2.53.1 In his report to the Inquiry, DCS Baggs suggested that, from the date of their introduction, the 1996 Force Weeding Rules became the 'definitive' guidance. However, after further research, in his oral evidence he suggested that the previous 1990 guidance had in fact survived the introduction of the 1996 Force Weeding Rules, although he accepted that the 1996 Force Weeding Rules could be read as having superseded the 1990 Standing Order entirely.
- 2.53.2 He also identified a wide variety of other possible guidance sources on the review function and on how decisions about deletion should be taken. There is little or no indication that officers, or civilian staff, conducting the reviewing/deleting functions at the DIB had any clearer idea of the guidance they were supposed to be applying.

- 2.53.3 Indeed, the statements from those involved in the process suggest that there was little or nothing in the way of clear guidance as to how the reviewing and deleting functions were to be carried out. The absence of helpful guidance is illustrated in an email from DS Snowden in September 2002 which stated that he had 'managed to find' some guidance on review/deletion from 1996.
- 2.54 There was also little or no formal training. Officers and civilian staff appear to have learnt on the job on the basis of approaches passed down from those above them in each of the four DIBx.
- 2.55 The picture that emerged from the evidence was of officers such as Police Constable Appleton doing the best they could, with only a broad awareness of some force and national guidance. The question being asked by PC Appleton, according to his statement and evidence, was in reality the single broad question identified by Chief Constable Westwood in his evidence: 'Why do we need to keep this?' It is inevitable, in any situation in which individual items and whole records need to be reviewed on their merits, that there would be an element of discretion. However, the problem with asking that question in such broad terms is that it is likely to lead to inconsistent approaches between the four DIBx and between individuals within them. While Chief Constable Westwood did not accept that point, DCS Baggs did accept that there was an inconsistent approach between the DIBx.
- 2.56 More generally, the absence of clear guidance and formal training can only have hindered the efficient performance of the reviewing and deletion functions and increased the likelihood of the kind of mistakes made in the contacts involving Huntley.
- The meaning of 'review' and 'delete'*
- 2.57 Second, there was confusion, even in the guidance that was available, between the 'review' and 'delete' functions. So far as intelligence was concerned, the 'definitive' 1996 Force Weeding Rules provided that: 'Information held should be reviewed and weeded accordingly after 12 months. No weed date should exceed this period.'
- 2.58 DCS Baggs accepted that this document was 'not awfully helpful' and that there was 'certainly some confusion in the policy'. He suggested that confusion developed over time between the concepts of 'review' and 'weed' but that there was no confusion between the concepts of 'delete' and 'weed'. However, the first sentence of the passage quoted above uses 'review' as distinct from 'weed', so 'weed' must mean something other than 'review' and can only sensibly be read as meaning 'delete'. The term 'weed' in the second sentence must be given the same meaning as in the first sentence, that is, 'delete'. It is, on any view, clear that there was potential for confusion between 'delete' and 'weed'.
- 2.59 There were other problems affecting the 'review' and 'delete' functions. There was a concern not to breach the data protection legislation. This meant that if there was any doubt as to whether a record should be deleted, it would be deleted. There were also resource problems so officers and staff were often significantly behind with reviews and then had to do them under pressure.

- 2.60 A system that automatically deleted records once the review date had passed obviously had the potential to lose records in the absence of a review. (Certainly, officers believed that was happening, for example a police constable expressed that view in 1995, as did Mrs Thompson who worked in one of the DIBx.)
- 2.61 The history of the review and delete functions on CIS Nominals illustrates the problems. When the CIS system changed from CIS 1 to CIS 2 at the end of 1999 (for Y2K compliance), the 'weed run' was suspended for a period of some six to seven months for fear of records being lost.
- 2.62 Then, by February 2001, for reasons that are likely to be linked to the problems outlined above, the Director of Intelligence at the time concluded that intelligence was 'haemorrhaging' from CIS Nominals. It is his word, though it cannot now be ascertained how many records were lost without proper review. The only sensible inference is that a large number were lost. The problems were sufficiently serious for him to again suspend the 'weed run' at this time.
- 2.63 It then took Humberside Police over 18 months to put in place even the first stage of a solution. This involved a system where only 20 records at a time would need to be reviewed, and in which there was no automatic deletion by default. This was implemented only in September 2002. By that date, there was still no clear policy for the review and delete functions. That took a further year.

*The deletion of PC Harding's report*

- 2.64 The deletion of the PC Harding Intelligence Report further illustrates the problems.
- 2.65 As set out above, the report was probably put onto CIS Nominals in about July 1999 and deleted on 27 July 2000. All concerned accepted that this should not have happened. I strongly agree. As DCS Baggs accepted, in the end there were only two possibilities:
- either the PC Harding Intelligence Report had been deleted as a result of 'pure error' (such as pushing the wrong key); or
  - it had been deleted as a result of an error of judgement.
- 2.66 I also note that, according to DCS Baggs, there had been a decision in May 2000 to transfer the responsibility for the review and delete functions from officers to civilian staff. PC Appleton produced a second statement, shortly before he gave evidence, which indicated that he had been responsible for training these staff. He indicated in his evidence that this had consisted of the same sort of informal on-the-job training he had received. However, it is evident that no one monitored, checked or audited the staff's performance.
- 2.67 All the officers involved with the four DIBx (PC Appleton and Police Sergeant Brown, for example) considered that the kind of information in the PC Harding Intelligence Report should not have been deleted 12 months after creation. Yet this is precisely what happened. In the light of this, it is difficult

to be as confident as DCS Baggs that those staff responsible for the review and delete functions in July 2000 understood what they should be doing.

#### *Review and deletion of CPD records*

- 2.68 The CPD was introduced in 1991 and from that date there was an obligation under the data protection legislation to have some system or policy in place for reviewing (and, if necessary, deleting) records held on it. According to Humberside Police's evidence, data protection was a matter of concern across the force.
- 2.69 Although data protection requirements had been widely disseminated across the force, no policy for reviewing and deleting records on the CPD was even considered until 1998. DCS Hunter acknowledged that this was a breach of the legislation.
- 2.70 When it was considered, it took three or four years for any policy to be formulated. This is an unacceptably long time.
- 2.71 Once the policy was drawn up, records were reviewed and deleted as appropriate. The records which it is known were made, or were likely to have been made, on Huntley do not inspire confidence, either in the policy or in its application.
- 2.72 For example, it is likely that records were made on the CPD relating to Contacts 1 and 3. But these were deleted, even though they were part of Huntley's behaviour pattern. In contrast, the record of Contact 4 should have been deleted but was not.

### **Failure to identify a pattern**

- 2.73 All of the Humberside officers who gave oral evidence, up to and including Chief Constable Westwood, accepted that:
- patterns of behaviour are important in crime generally and are particularly important in the context of sexual offences;
  - knowing about past allegations could be extremely important in informing decision making in any particular case; and
  - the ability to identify developing behaviour patterns depends on the availability of easily accessible records about past contacts.
- 2.74 Knowledge of past allegations, and developing behaviour patterns, does **not** negate the need for each case to be viewed on its individual merits when decisions are taken as to whether or not there is sufficient evidence to charge or support a prosecution.
- 2.75 There is, however, a range of other decisions where knowledge of past allegations would be, in the words of DI Billam, 'absolutely critical to the proper performance of the police function'. Examples include:
- whether the investigation should be a joint Humberside Police and Social Services investigation rather than solely a Social Services investigation (as in the EF case, Contact 3);

- whether or not the alleged abuser should be interviewed;
- whether or not past incidents should be re-opened; and
- whether or not it was in the public interest to prosecute, assuming that there was enough evidence.

2.76 As a result of the failure to maintain intelligence records effectively, Humberside Police failed to identify a pattern of behaviour remotely soon enough as the following commentary illustrates:

#### **Contact 1**

- 2.76.1 When investigating **Contact 1**, Humberside Police were unaware of the domestic violence allegation made against Huntley by his wife. Social Services did not tell them about it and their systems did not enable them to search back against the name of an alleged abuser.
- 2.76.2 No record was made about Contact 1 on CIS Nominals. Every Humberside Police witness, when asked about Contact 1, considered that a record should have been made about it on CIS Nominals. If that had been done, Huntley would have been ascribed a URN which could have been used in the future to search CIS Crime properly. It should have made little, if any, difference if that record was of a caution (in which case it would have been kept for five years at least) or of the incident itself (in which case it should have been kept for at least one year, taking it beyond the first contact in Contact 3).
- 2.76.3 The very existence of a CIS Nominals record about Contact 1, if properly made and retained, would undoubtedly have influenced the creation (and retention) of records about later contacts.

#### **Contact 3**

- 2.76.4 When investigating **Contact 3**, Humberside Police were not only unaware of the domestic violence allegation, they were also unaware of Contact 1 and Contact 2A (again because Social Services had not told them). No record was made of Contact 3 on CIS Nominals or on CIS Crime. A record probably was made on the CPD, but that was of no intelligence value as used by the force.
- 2.76.5 If Contact 1 had been recorded on CIS Nominals, and if CIS Nominals had been routinely searched when Humberside Police received a referral from Social Services (as it should have been), then in all likelihood Contact 3 would **not** have been a social services-only investigation. Huntley had been warned in the clearest terms during an interview about Contact 1, yet nine months later he was alleged to be doing the same thing again.
- 2.76.6 The only sensible decision would then have been a joint investigation.
- 2.76.7 A record on CIS Nominals could and should have been made, showing that no prosecution or other formal step had been taken

on the basis of the complainant declining to assist. DCS Baggs accepted that, if a record **had** been made in relation to Contact 1 on CIS Nominals, he would have expected an Intelligence Report on Form 839 to have been submitted about Contact 3 (even if it had remained a social services-only investigation, which seems unlikely). Huntley's behaviour pattern would then have been visible.

- 2.76.8 If Contact 2A had also been referred to the police (or if the police had been informed of it), there would have been all the more reason to make these records.

#### **Contact 4**

- 2.76.9 When investigating **Contact 4**, Humberside Police failed to make any connection with any of the previous incidents, even Contact 3, which had been dealt with only a matter of days before by DI Billam. No record was created on CIS Nominals about Contact 4. There were CIS Crime and CPD records. But, as explained above, these were not used as intelligence tools.

- 2.76.10 However, if Contacts 1 and 3 **had** been on CIS Nominals, a record could and should also have been made of Contact 4. Again, DCS Baggs accepted this. There would have been nothing to prevent that record from being used to make a candid assessment of the reliability, or otherwise, of the allegation.

- 2.76.11 If these steps had been taken, as they should have been, a record would in all probability have been on CIS Nominals in April 1998, the date of the first of the rape allegations (Contact 6). Given the nature of the allegations (and the reliability of the information regarding Contacts 1 and 3), it would have been sensible and justifiable to keep the record for at least a two-year period. Retention for at least that period is consistent with the evidence of the DIB's staff working at the time.

#### **Contact 6**

- 2.76.12 When investigating **Contact 6**, the officers dealing with the case were unaware that Huntley had ever come into contact with them over allegations about sexual offences. No record had ever been made on CIS Nominals about the earlier contacts. The only record on CIS Nominals was to do with the burglary (Contact 2).

- 2.76.13 Humberside Police officers believe that a record relating to Contact 6 would have been created from the forms submitted. (Those forms did not include an Intelligence Report on the dedicated form, Form 839.) However, the only record now related to bail. As a result, it would have been deleted after about a month. No record was made of the core allegation, or of the necessary facts, for it to be viewed in its proper context in future.

#### **Contact 7**

- 2.76.14 Once again only bail information was recorded on CIS Nominals in relation to **Contact 7**. It should have been given a review date a month later. In error, that was not done. The fortuitous consequence

was that the computer gave the bail information a 12-month review date by default. Again, no record was made of the core allegation or of the facts necessary for it to be viewed in its proper context in future.

#### **Contact 8**

2.76.15 Again, Humberside Police believe that the only record created (if any) on CIS Nominals in relation to **Contact 8** would have been deleted a short time after its creation.

#### **Contact 9**

2.76.16 No record was created on CIS Nominals in **Contact 9**.

#### **Contact 10**

2.76.17 Form 839 **was** finally prepared and submitted by PC Harding in **Contact 10**. This was the only time in all the contacts that any police officer completed and submitted such a form. Because of the failure to record and retain proper details that would make the pattern of allegations visible, it took PC Harding five to six hours of research through non-indexed **manual** records to discover Contacts 6 onwards. The resources devoted to Contact 10 fortunately enabled him to carry out that research. However, he did not discover anything about the earlier unlawful sexual intercourse and indecent assault allegations. Even when his report was submitted, a critical piece of information, Huntley's alias as 'Ian Nixon', was missed and so did not find its way onto CIS Nominals.

- 2.77 I comment on one other matter in the context of this record creation and retention. Halfway through his evidence, DCS Baggs produced a document which he described as the product of applying 'force policy in terms of grading intelligence to the various contacts'.
- 2.78 The document supported a thesis that, even if the incidents **had** been properly recorded and force deletion policies then applied, the result would **still** have been that records would not have survived on CIS Nominals. This meant that the records would have been in the same, or substantially the same, state by the end of the sequence as was in fact the case.
- 2.79 The document was fundamentally flawed in two key aspects:
- 2.79.1 The first is that it sought to characterise the intelligence that should have been recorded following Contact 1 as 'low grade' (and thus properly liable for deletion after a few months). DCS Baggs came to this view, he said, on the advice of the 'intelligence professionals'. That advice was a nonsense. The incident involved a properly recorded, signed confession by the alleged offender under police caution, and the record of an interview with the victim signed by her as a true record. The only reason for not taking formal action was the understandable unwillingness of AB to take part in the prosecution of her then boyfriend.
- 2.79.2 DCS Baggs accepted that this information was 'fairly reliable' and the result of applying the intelligence-grading system caused him

'some concern'. In fact, as DS Hibbitt acknowledged, this was intelligence that should have been graded as the **most** reliable, which means that had it been recorded onto the systems, it would have stayed there.

- 2.79.3 The second flaw is that the document only looked at each of the incidents in isolation from each other. This approach was symptomatic of much of Humberside Police's approach at the time and in their evidence to the Inquiry. As DCS Baggs accepted, once a behaviour pattern starts developing, it becomes obvious that the intelligence should be kept.
- 2.80 The failure to discern and record Huntley's behaviour pattern had a serious consequence. It meant that police decisions were taken in isolation, uninformed by the history of Huntley's previous contacts with the police.
- 2.81 The potential importance of this was illustrated by the acceptance by police officers that their actions might well have been different had they known about past incidents. For example, during the investigation of Contact 7, it appeared that Huntley had a 15-year-old 'girlfriend' to whom he had given the T-shirt worn on the evening of the alleged rape. Huntley denied that he had had a sexual relationship with her. The girl was not even asked by the police about that relationship because they were focusing instead on investigating the alleged rape. DS Hibbitt acknowledged that, had he known about the earlier incidents, he might have investigated the relationship with the 15-year-old further. Similarly, DI Billam acknowledged that he would probably have acted differently if the link back to the past allegations, notably Contact 2A, had been apparent.
- 2.82 Therefore, police decisions as to the handling and investigation of the incidents might have been different if Huntley's behaviour pattern had been recognised. What cannot be known is whether the disposal of any of the incidents would, or should, have been different as a result, or what impact, if any, it would have had on Huntley's subsequent conduct. The most that can be said is that such opportunity as there was, was missed.

#### **The caution issue – Contact 1**

- 2.83 The Inquiry considered in some detail whether Huntley should have been formally cautioned in relation to Contact 1. That decision now seems less critical for the following reasons:
- 2.83.1 If a caution had been given, it would not have been recorded on the PNC because this was only possible after November 1995 (and Humberside Police did not enter old cautions retrospectively).
- 2.83.2 A record of Contact 1 should have been made on CIS Nominals, whether or not a caution had been given.
- 2.84 In November 2003, Her Majesty's Inspectorate of Constabulary (HMIC) stated in their report into Humberside Police's dealings with Huntley that, as regards Contact 1, 'in the opinion of both HMIC and the now current chief officers in Humberside, Huntley should have received at least a caution for the offence'. In their oral evidence, both Peter Todd, Assistant Inspector of

Constabulary, who produced the report, and Sir Keith Povey adhered to that view.

- 2.85 Humberside Police's submission to the Inquiry stated that 'it would have been possible to give a formal police caution but this might have been brought into question, despite the admission [by Huntley]', because it was 'arguable that there would have been insufficient evidence with which to support a prosecution, part of the criteria necessary to support a caution'.
- 2.86 By the time the Humberside Police witnesses came to give oral evidence, their position had hardened against giving a caution (although DI Billam had consistently asserted that a caution would not have been appropriate). The Chief Constable's view had changed entirely from the view recorded in the HMIC report. It appears that the principal reason for that change was that at the time the view had been offered he had assumed that there had been a formal signed statement from AB.
- 2.87 Home Office Circular 18/1994 contained revised national standards for cautioning. Paragraph 2 provided that a caution should not be given unless there is evidence of the offender's guilt sufficient to give a realistic prospect of conviction. The question is whether this test could be satisfied in a case where:
- there was a properly recorded confession (by Huntley) made under caution;
  - the complainant (AB) had been interviewed by the police and had signed pocketbook notes of that interview confirming that it was 'a true account'; **but**
  - the complainant had also indicated that she did not wish to prosecute and had not made a formal statement to the police.
- 2.88 A range of views emerged about this. DI Billam considered that there might be circumstances in which the signed confession alone would be sufficient, but both he and Detective Superintendent Higgins regarded it as fatal to a prosecution that the complainant did not wish to make a formal complaint.
- 2.89 DCS Baggs and the Chief Constable regarded it as critical that there was no signed statement from AB. The distinction they drew depended on the format of the statement, and the fact that section 9 of the Criminal Justice Act 1967 requires statements to contain certain declarations beyond those recorded in the pocketbook of AB's interview. They regarded this point as being more important than whether the complainant was willing to support the prosecution.
- 2.90 Notwithstanding its lesser importance, my conclusions on the matter of the caution are as follows:
- 2.90.1 The 'realistic prospect of conviction' test does **not** depend upon the complainant being willing to support the prosecution.
- 2.90.2 A signed confession alone might be sufficient to satisfy the test in a case such as this. However, there would be concerns about

relying solely on such a confession, particularly in a case involving a 15-year-old girl.

- 2.90.3 It is possible that, although not wishing to prosecute, AB would have been prepared to sign such a statement, given that she had been prepared to sign the pocketbook. My view is that this possibility should have been explored with AB and her parents. The evidence is not entirely clear in this respect. My view is that this aspect was not explored either at all or as fully as it might have been.
- 2.90.4 If such a statement had been provided, a caution would have been appropriate and should have been given, not least because of the difference in age between AB and Huntley.
- 2.90.5 Given the difficult elements of judgement involved, I do not criticise DI Billam for his decision not to issue a caution.

## Humberside Police's senior management

- 2.91 The need for officers on the ground to be educated and trained in the value of intelligence, and the systems that support its recording, is fundamental to effective policing and informed decision making. So is effective management.
- 2.92 HMIC made these points clearly in their evidence. Humberside Police's management should also have been aware of them during the relevant period, not least because in 1997 HMIC published the results of its thematic inspection into criminal intelligence good practice, *Policing with Intelligence*. The executive summary stated that good quality intelligence was the lifeblood of the Police Service and then stressed the need for:
- enthusiastic leadership to communicate the value of intelligence to all levels of the police force;
  - a clear intelligence strategy to be communicated to all staff; and
  - education, training and support to be provided in this context.
- 2.93 Criticism for the catalogue of errors and failures in the information systems dealt with in paragraphs 2.1–2.82 could be directed at a variety of levels within Humberside Police. In general terms, the more senior the officer connected with the particular failure or system, the greater the degree of responsibility. Thus, as I noted above, officers at the lower levels of seniority can more legitimately say that guidance and training should have ensured that they clearly understood what was needed from them.
- 2.94 The final responsibility for these serious failures, and for the matters dealt with in this section, rests with Chief Constable Westwood. He was Chief Constable from March 1999, and as such became ultimately responsible for the information management and IT systems. The wide-ranging and systemic failures I have identified in respect of these systems existed in March 1999, and thus predated him becoming Chief Constable. However, they were not identified and continued for a considerable period thereafter. Chief Constable Westwood must take personal responsibility for

the continuation of those failures. From 1 September 1997, he had been Deputy Chief Constable, the second most senior officer on the force. Although he was a member of the senior management group, he had no direct responsibility for information management and IT.

- 2.95 In any event, he has throughout accepted that, as the current Chief Constable, he assumes corporate responsibility for the Humberside Police failures identified in this report whenever they occurred. Given his assumption of responsibility, the Inquiry has not heard from the other senior management in the chief officers' group. It would be inappropriate to speculate as to what criticisms, if any, would have been made of them.

#### **The management of record creation**

- 2.96 As Chief Constable Westwood accepted, at its most basic, management involves three things:

- the active identification of (systemic) problems;
- dealing with the problems identified effectively, sensibly and promptly; and
- communicating solutions to officers on the ground, through, for example, guidance, training, auditing and inspections.

- 2.97 In relation to the first of these, Chief Constable Westwood accepted that each of the three major IT systems of relevance (CIS Nominals, CIS Crime and the CPD) had fundamental systemic problems at the time. He accepted that he did not know whether senior officers knew about these problems. He accepted that, if an appropriately detailed examination of the systems had been conducted at the time, the problems would have been identified.

- 2.98 He accepted that CIS Nominals, which should have led to the creation of records on Huntley, failed almost entirely; there were clear systems errors that should have been picked up by management and put right; and there had been several opportunities for management to have done so which had not been taken.

- 2.99 In his oral evidence, Chief Constable Westwood repeatedly cited as the key failure the mistaken belief among officers that intelligence was being pulled off crime reports in order to create records on CIS Nominals. However, this was not identified at all by him in his written evidence to the Inquiry. Nor was it mentioned in any of the other documents submitted by Humberside Police – despite the work that had evidently gone into their preparation. It is disturbing that he was unaware of this failure prior to hearing his officers give evidence to the Inquiry.

- 2.100 In relation to guidance and training, Chief Constable Westwood accepted that there should have been more training and guidance about the record creation process and about who was responsible for aspects of it. He did not know whether there had been any consideration given by management to the adequacy or otherwise of the training and guidance for officers.

- 2.101 Chief Constable Westwood accepted that the value of intelligence was not appreciated by officers on the ground at the relevant time (in the late 1990s). This also does not appear to have been known or appreciated by management. Chief Constable Westwood did not know when this lack of appreciation first happened but accepted that the problem was not being addressed with the necessary speed and energy (at least before 2001). The failure is all the more surprising because of the publication of the HMIC thematic report on intelligence in 1997, which I have referred to above.
- 2.102 Chief Constable Westwood suggested that this problem had been identified by about 2001 and that the position was very different and 'enormously better' by 2002. This does not explain why it had not been appreciated before by management nor why, as late as October 2002, Humberside Police's own Director of Intelligence was describing 'an alarming ignorance of what constitutes intelligence, how it should be recorded, then how it should be graded, stored, disseminated and weeded' among officers. There is every reason to suppose that the level of ignorance was even greater in the late 1990s.
- 2.103 In his report to the Inquiry and in his evidence, Chief Constable Westwood also accepted that insufficient resources were directed to ensuring that the information systems were working efficiently, and that there was inadequate auditing or inspection by management to ensure that they were working efficiently.

#### **The management of the review and deletion of records**

- 2.104 The Chief Constable acknowledged in his report to the Inquiry that there had been inconsistent review and deletion practices in the three main databases. Records on the CPD were not reviewed in any organised sense until 2002, and he acknowledged in his oral evidence that he had not been aware of this, nor of the fact that for a long period the force's practices were consequently in breach of the data protection legislation.
- 2.105 He was unaware of the guidance or rules concerning when a record should be reviewed and when it should be deleted. He was unaware, for example, of the 1996 Force Weeding Rules, and considered that they represented a level of detail about which he could not reasonably be expected to know.
- 2.106 He was not aware of the suspension of the 'weed run' at the time of the transfer from the CIS 1 system to CIS 2. Nor was he aware of the suspension of the 'weed run' in February 2001, nor of the fact that this had happened because it was thought that intelligence was 'haemorrhaging' from CIS Nominals. He would have expected to have been told this but was not, and apparently had no management systems in place that might bring the matter to his attention.

#### **The management of the vetting systems**

- 2.107 As set out above, Chief Constable Westwood accepted in his report to the Inquiry and in his evidence that it had taken an unacceptably long time for management to make the CPD available for vetting purposes after the matter had been raised with him personally in 1998. The database finally became available for vetting in 2002.

- 2.108 He also accepted that the time taken for the vetting officers to use the additional search function in CIS 2 (searching CIS Nominals through CIS Crime) was unacceptably long. It could and should have been recognised and dealt with much earlier.

**Humberside Police's press release following Huntley's conviction**

- 2.109 Humberside Police released a lengthy press statement on 17 December 2003. This was the product of careful preparation. In addition, Chief Constable Westwood conducted a series of interviews to coincide with the release of the press statement. My interest in the press statement is in relation to the claimed impact of the data protection legislation on record keeping.
- 2.110 I make it plain that I do not consider that Chief Constable Westwood acted dishonestly or intended to mislead the public. In my view, however, the contents of the press release and the answers given by Chief Constable Westwood in interviews were seriously misjudged.
- 2.111 The press release plainly suggested that a principal reason for the information now known about Huntley's contacts with Humberside Police not being available to them (that is, Humberside Police) in December 2001 was that the Information Commissioner did not consider employment vetting a policing purpose under data protection legislation. The clear suggestion was that the records had had to be destroyed in order to comply with this requirement.
- 2.112 The suggestion was wrong. Chief Constable Westwood accepted in his evidence that the Information Commissioner's views on the issue had little or nothing to do with that information not being on the Humberside Police systems. At the time, he should also have known he was unlikely to be in possession of the full facts and that greater care was needed before making a statement to the public of this importance, in the terms in which it was cast.
- 2.113 Chief Constable Westwood acknowledged that he had not consulted either the force's solicitor or the force's Data Protection Officer, Richard Heatley, about this part of the statement. That is surprising. Mr Heatley stated that it was unusual for Chief Constable Westwood not to consult him on such matters, and that the view in the press release was not, and would not have been, his view.
- 2.114 Chief Constable Westwood also stated in his oral evidence that that part of the press release was an error, resulting from his misunderstanding of a telephone conversation he had had with Assistant Information Commissioner (AIC) David Smith. His evidence was that he had gone through all Humberside Police's contacts with Huntley with AIC Smith and had been told in general terms that information could not be kept purely for the purposes of employment vetting.
- 2.115 AIC Smith disagreed with this version of events. He does not recollect having gone through the detail of the contacts with Huntley. His position was that there could have been no room for misunderstanding by Chief Constable Westwood.

- 2.116 I do not find it necessary to resolve this disagreement. Whatever the position, it is difficult to see how Chief Constable Westwood could have concluded – even on the facts as they appear to have been known to him in December 2003 following the HMIC inspection – that the reason for the absence of records from the various systems was that they could not be kept for employment-vetting purposes.
- 2.117 The press release was also incomplete in relation to Contact 1. It mentioned the fact that AB had 'admitted the allegation' but failed to mention that the police had interviewed Huntley under caution and that he had admitted both aspects of the offence.

## Conclusions about Humberside Police

- 2.118 At the outset of his oral evidence, Chief Constable Westwood accepted that the nature and extent of the problems illustrated by the contacts involving Huntley raised serious questions about the quality of Humberside Police's management at the time. I share that view.
- 2.119 I have detailed above the scale of the problems and by any definition these were fundamental and systemic: the failure in the operation of the three databases most relevant to child protection; the inadequate training and guidance for officers in record creation, review and deletion; and the lack of effective management audits or inspections to check that the systems were operating effectively. These all contributed to the failure to identify any pattern in Huntley's behaviour.
- 2.120 The Inquiry also received other worrying evidence of failure.
- 2.120.1 In October 2003, HMIC conducted a Basic Command Unit inspection of one of the divisions of Humberside Police. That report identified a number of familiar problems and difficulties with record creation and with the effective and efficient performance of the intelligence functions. It also identified problems with the quality of leadership, the clarity of accountability and the effectiveness of communication. In fairness, Chief Constable Westwood disputes these findings, although HMIC stands by them in substance.
- 2.120.2 In October 2003, Humberside Police were one of three or four forces in England and Wales judged by ACPO's National Intelligence Model Compliance Team to be unlikely to be in a position to meet the minimum standards of National Intelligence Model implementation by the due date of 1 April 2004. As a result of considerable additional and urgent work led by Chief Constable Westwood, that date has now been met.
- 2.121 The lack of awareness of the nature or scale of these problems, failings and misunderstandings over such long periods is deeply shocking.
- 2.122 There seems also to have been insufficient strategic review of information management systems, despite the fact that all those involved in management accepted the critical importance of those systems to effective policing. The reviews that did take place resulted in a strategy of

adopting the National Strategy for Police Information Systems (NSPIS) and developing a roll-out plan for NSPIS products. They did not address urgently enough the problems of the existing systems and whether these needed to be modified or improved in the interim.

- 2.123 I am fully conscious that senior management cannot be realistically expected to know about every failure. However, when the problems are of this scale in a function critical to effective policing, the importance of which had been highlighted nationally on several occasions by HMIC, then I do believe that senior management could and should have done more to identify and then deal with them. The nature of that responsibility has been described above. From March 1999 at the latest, that was ultimately the personal responsibility of Chief Constable Westwood.

#### **Implementing change**

- 2.124 I acknowledge that, particularly in the last two years, Humberside Police have devoted considerable time, resources and effort to addressing the problems with their intelligence systems and practices. This report confirms just how necessary these and other changes were, but in fairness I should draw attention to them.
- 2.125 For example, a new custody recording system, as part of NSPIS, will enable information entered in the custody suite to be placed directly on the PNC, avoiding the duplication of paper records then being input by other staff.
- 2.126 In addition, although the basic structure of the CIS remains the same, there are important changes under way or already implemented.
- 2.126.1 Active consideration is being given to streamlining the two main sources of information: Form 839 (Intelligence Report) and Form 310 ('Phoenix Descriptive', the form from which information is put onto the PNC and CIS Nominals). The aim is to ensure that information is passed from the officer on the ground to the PNC and CIS systems (notably by the use of electronic forms) with a minimum of intermediate steps.
- 2.126.2 A Humberside Police Force Intelligence Model has been developed in order to implement the National Intelligence Model (NIM). The latter is a management system designed to ensure that policing is intelligence-led by specifying the constituent parts of an effective intelligence system.
- 2.126.3 In September 2003, Humberside Police published a practice direction called *Intelligence: Collection, Assessment, Recording, Dissemination and Review*. This was designed to give guidance to officers about each of these areas and to ensure that the disparate systems and practices that existed before were harmonised. It highlights the need for intelligence to be evaluated using the 5x5x5 method and to be submitted on Form 839 for inclusion on CIS Nominals.

- 2.127 Humberside Police are also introducing a data warehousing system in which the new CIS system, and other information systems, will be housed. This will facilitate single-point access to the data stored on numerous separate systems.
- 2.128 A detailed review of child protection (and domestic violence) procedures was begun in September 2002 and led to an action plan approved a year later. The review specifically considered information management, noting the inadequacies of the current system and the manner in which it was used. It concluded that 'any intelligence from the child protection arena should be stored on the force's central intelligence system [CIS]'.
- 2.129 Humberside Police now have a delivery plan which seeks to address a wide range of intelligence-related issues and which is intended to produce significant improvements within the short term. The plan will be independently quality-assured and will be managed and audited by the Chief Constable with the participation of a number of stakeholders, particularly the Police Authority, HMIC and the Home Office Policing Standards Unit.

### Her Majesty's Inspectorate of Constabulary

- 2.130 HMIC is the national body with responsibility for inspecting police forces to ensure that they are operating efficiently and effectively. It is clear that Humberside Police fell short of that standard in some important respects. This raises the question of whether HMIC should have identified the failings in Humberside at an earlier date.
- 2.131 In my view, HMIC could and should have been more proactive. Information systems are of obvious importance to policing and they could have been inspected effectively with relative ease. So, for example, it should have been possible to ask of any police force:
- Were the systems in place as effective and efficient as they could be?
  - Were they operating as effectively and efficiently as possible? For example, did the integral parts of any such system (such as officers on the ground and data-inputting staff) know enough about the workings of the system and their role in it?
  - To what extent was there proper management of the systems?
- 2.132 Given the range and scale of the particular problems in Humberside Police in each of these respects, it is surprising that HMIC did not pick them up earlier, even accepting that HMIC cannot be expected to be a substitute for proper local police management.
- 2.133 In reaching the conclusion that they should have done more, I was particularly struck by two matters:
- 2.133.1 HMIC inspected Humberside Police on a number of occasions over the relevant period. In their report to the Inquiry they cited extracts from their own reports concerned with IT, information systems and intelligence. HMIC accepted that these problem areas kept

recurring. They kept recurring without the inspection that would have revealed the fundamental systemic problems identified during the Inquiry.

2.133.2 When the tragedy had occurred and HMIC went in again in October 2003, they were able to reach clear and damning views about the inadequacy of a number of systems and vetting processes very quickly, meaning that the problems were not hidden or difficult to uncover when the inspection probed properly.

## Humberside Police Authority

2.134 Humberside Police Authority cannot entirely escape responsibility for the serious failings in systems and management at Humberside Police in the relevant period. In their favour are two points: first, until relatively recently they were not resourced to carry out in-depth monitoring of police performance; second, there is understandable sensitivity on the part of the Police Authority not to trespass into matters of operational policing, these being the province of the force's management.

2.135 Nonetheless, the Police Authority appears at the time to have monitored police performance primarily by reacting to matters raised by the police themselves. Unless difficult or probing questions are asked about matters beyond those that the police choose to raise, no problem will be uncovered. There was, in my view, sufficient in the HMIC reports to have caused the Police Authority to start asking more difficult questions. There is no indication that this happened.

## Social Services

2.136 Social Services were involved in Contacts A, 1, 2A, 3, 4 and 8.

2.137 The systems operated by Social Services at the time were designed to enable links to be made to past contacts with service users only – in other words, in alleged abuse of children cases, the children themselves. There was no system for filing or indexing manual records in a manner that would have revealed past contacts with alleged abusers. This was consistent with national practice.

2.138 Likewise, the Social Services Information Database (SSID), a nationally recognised system used by many social services authorities, could be searched against the names of the service users but **not** against the names of the alleged abusers. In those circumstances, the only possibility of a social worker recognising that a particular alleged abuser had a history of contact with Social Services was through memory. The problem with such a system is best illustrated by the fact that Phil Watters was involved in a series of the incidents and appears not to have made the Huntley link between any of them.

2.139 Social Services argue, with some justification, that the need to keep records of abusers in a searchable form was not recognised nationally. They also argue that they relied on information systems maintained by the police either nationally (the PNC) or locally (the Humberside CPD).

- 2.140 However, there were occasions when Social Services exercised their own judgement on incidents in which Huntley had come into contact with them, without referring the matter to the police. In such cases there would, of course, be no possibility of the police creating a record, but the contact might still be relevant as part of an emerging behaviour pattern. Also, having access to a manual or computerised system, which enabled past contacts with alleged abusers to be checked, would have helped Social Services to make properly informed decisions about whether or not to refer an incident to the police.
- 2.141 It will be for Sir Christopher Kelly, as Chairman of the Serious Case Review, to explore whether that was an acceptable system for Social Services to have operated at the time and what improvements could be made to it.
- 2.142 In the event, no link was made by Social Services between the incidents. This in itself is surprising because, even leaving aside Contact 1 which occurred some nine months earlier (in August 1995), Contacts 2A, 3 and 4 all came to Social Services' attention within a matter of weeks and involved common personnel. It might be thought, but it will be for Sir Christopher Kelly to examine, that at least the links between Contacts 2A, 3 and 4 should have been made, even given the constraints of the record-keeping systems and the officers' workload.
- 2.143 In addition to the contacts which the Inquiry examined, it is apparent from information obtained by Social Services and provided as supplementary evidence, that Huntley was probably involved sexually with one other girl under the age of 16, but none of the Social Services' computerised records that remain in respect of this girl mention the name Huntley. Such actions by the Social Services as are recorded do not show any reference to Humberside Police.

#### **Areas of concern**

- 2.144 Sir Christopher Kelly will no doubt also examine with special care Contacts 1 (AB), 2A (CD) and 3 (EF). These cases raise particular concern, as was acknowledged by Mr Eaden in his evidence, in which he described his view of the handling of the CD case as being 'totally inadequate in every respect'. The particular areas of concern seem from the evidence I have seen to be as follows:
- 2.144.1 Why in Contact 1 (AB) did social workers conclude there were no significant welfare concerns, even though the 15-year-old girl was staying with a 21-year-old boyfriend, with whom she admitted having sex?
- 2.144.2 Why was the CD case (Contact 2A) not referred to the police once it became clear that an allegation had been made that CD had had sexual intercourse with Huntley, or even at the later stage when the EF case (Contact 3) was referred to the police?
- 2.144.3 Why was no action taken to prevent CD from living alone with Ian Huntley in his father's house after the father had left on business? Why was no such action taken despite repeated warnings that that situation was about to occur and despite the fact that allegations of unlawful sexual intercourse between CD and Huntley had been made?

- 2.144.4 Why was the letter from Mr Davies, Deputy Head at Immingham School, dated 1 May 1996, recording the allegations about Huntley having unlawful sexual intercourse with CD and her friend EF, not passed to the police either in the context of the CD case or even in the context of the EF case when that case was referred to the police?
- 2.144.5 Why was the allegation made in the CD case not passed on to the police as part of the relevant context in which the EF case arose?
- 2.144.6 Why was it considered appropriate for the EF case to be a 'social services only' investigation?
- 2.144.7 What do the facts of Social Services' handling of the CD (Contact 2A) and EF (Contact 3) cases in particular indicate about the adequacy of the systems and the manner in which Social Services' functions were being performed at the time?

## Events in Cambridgeshire

- 2.145 In the following paragraphs, I set out my findings in relation to the handling of the vetting process and Huntley's application for the job of caretaker at Soham Village College.

### Cambridgeshire Constabulary

- 2.146 It is very worrying that so many different mistakes appear to have been made in this one case.
  - 2.146.1 An error was made in entering Huntley's date of birth in the Child Access Database.
  - 2.146.2 An error was made in the PNC check, which was only carried out against the name of 'Ian Nixon', and not against that of 'Ian Huntley'.
  - 2.146.3 An error was almost certainly made in failing to send a 'foreign force' fax to Humberside Police.
  - 2.146.4 An error was almost certainly made in failing to scrutinise the Police Check Form before closing off the file to ensure that any 'foreign force' faxes which should have been sent had been.
  - 2.146.5 In the very unlikely event that a fax was sent, an error was made in closing the file before any reply had been received.
- An investigation into the Child Access checks**
- 2.147 In August 2003, the Chief Constable of Cambridgeshire commissioned an investigation into the processing of Child Access checks for Huntley and Maxine Carr. It considered whether any misconduct had been committed by Cambridgeshire Constabulary's staff and reviewed existing procedures, together with any recommendations for change.

2.148 The investigation was conducted by Detective Chief Inspector Ingrey of Cambridgeshire Constabulary. DCI Ingrey observed that the new system, under the National CRB, 'cured' the failings in the previous system. However, among his conclusions, DCI Ingrey found:

- '7 Management and supervision of both the system itself, and the staff operating it, were not adequate and in reality non-existent.
- 8 The Child Access Database is a good tool but contained insufficient auditing information. There was, for example, no field to enter addresses, and no means by which an operator could update as each stage was completed.
- 9 From interviewing Criminal Records Bureau (CRB) operators, it is very evident that all staff adapted the process to suit their own individual working practices. One cannot blame individuals for doing this but it is an inevitable conclusion that management and supervisors should have recognised this and assured corporacy of the process.
- 10 In Stage 2 [checking against PNC, CIS and Intrepid] – the most important stage – some operators checked an individual form through all the databases before moving to the next form. Others, such as Mrs Giddings, did a batch on one database at a time, and if left uncompleted she would leave a Post-it note on the batch as to what had been checked and what remained to be done. She was at a loss to explain what would happen should the Post-it become unattached! Some operators made a note on the original Disclosure Form as they completed any action in relation to it, others did not.
- 11 I have established that some CRB operators were steadfastly refusing to carry out Child Access checks at all, arguing that such tasks were not in the job description for CRB operators at the time. It appears that this was rectified in 2001, but it highlights the apparent complacency over this aspect of CRB work.
- 12 All CRB staff, from management and supervisors to operators, referred to the task as secondary to the main function of the CRB, which was dealing with PNC enquiries by operational officers.
- ...
- 24 Unfortunately, it will never be known exactly why [the Huntley file] was closed on 23 December 2001. The fault lies in the flawed process due to lack of auditing, recording and supervision of the system.

25 I cannot, therefore, state that other Child Access checks under the 2001 system and the results despatched to the requesting agencies contained accurate results.'

- 2.149 While accepting the broad thrust of DCI Ingrey's findings, Chief Constable Lloyd, in his evidence, commented on paragraphs 7 and 11 above. He rejected the suggestion that management and supervision were 'non-existent' (paragraph 7) but accepted that they were inadequate. He explained, as regards paragraph 11, that 'some' CRB operators referred to 'one' member of staff.
- 2.150 In his first witness statement to the Inquiry, Chief Constable Lloyd identified and apologised for two errors during the processing of the Child Access check in relation to Huntley, namely the error in entering his date of birth incorrectly and the failure to carry out a PNC check against the name of 'Ian Huntley'.
- 2.151 He referred to DCI Ingrey's report as having, among other things, highlighted those two errors. However, as is clear from the evidence received by the Inquiry, and from DCI Ingrey's report itself, the errors in the Huntley check were **not** just limited to the two identified. Chief Constable Lloyd was unable to offer an explanation as to why he had not referred to the other errors in his first witness statement. His suggestion that the Assistant Chief Constable had put in a statement dealing with those points was mistaken, albeit the evidence and information submitted on behalf of Cambridgeshire Constabulary made proper disclosure of the errors and failings that existed at the time.
- 2.152 In fact, as Chief Constable Lloyd accepted during his oral evidence, the number and seriousness of the errors in this case suggested that the problems were not just human errors but that there were problems with the vetting system as it was being operated. In particular, he accepted that the system was vulnerable because of the lack of supervision and audit.
- 2.153 The head of the CRB unit in December 2001 was Det Supt Haddow, as Head of Crime Support, having taken up his post in mid-November 2001 following an absence for ill health and injury. Det Supt Haddow's evidence was that while, in an ideal world, he would have liked to have reviewed the system that was in place, this was not appropriate since a new system needed to be in place by March 2002.
- 2.154 I consider that Det Supt Haddow's decision to focus on the new CRB system, rather than the existing one, is understandable in the circumstances, particularly given how recently he had taken up the post of Head of Crime Support. Equally, I consider that it would be unreasonable to have expected Det Supt Phillipson, who acted as temporary Head of Crime Support during Det Supt Haddow's absence from 5 September to mid-November 2001, to have undertaken a thorough review of the system.
- 2.155 Det Supt Haddow's predecessor in the post was Detective Chief Superintendent Stevenson, who had been Head of Crime Support since May 2000. It is clear from his evidence that his focus during 2001 was also on the implementation of the new CRB, rather than on the existing system.

- 2.156 Chief Constable Lloyd was unable to recall any formal review during 2001 of the adequacy of the systems then in place. He told the Inquiry: 'I look back on it now and I know that, as I carry responsibility for it, I think that maybe I did miss an opportunity to delve deeper into that.'
- 2.157 He proffered a number of mitigating factors: the system was about to change and the need was to get the new systems operating effectively; he was aware of the pressures and had provided support by approving more staff.
- 2.158 Chief Constable Lloyd accepted that, ultimately, the responsibility rested with him and that as Deputy Chief Constable in 2001 he had direct line management responsibility for the CRB.
- 2.159 Following the hearing, Cambridgeshire Constabulary informed the Inquiry of the outcome of its review of a random sample of records of other Child Access police checks conducted during 2001. No errors were found in any of them, which considerably reduces the likelihood that errors, such as those in the case of Huntley, occurred in other cases.

#### **Failures and errors**

- 2.160 I have cause to criticise the following failures and errors:
- 2.160.1 There was a failure to anticipate the increase in Child Access applications before the CRB's launch.
- 2.160.2 There was a failure to supervise and manage the Cambridgeshire CRB in such a way as to deal with the increased volume of applications.
- 2.160.3 Those failures allowed a situation to arise where the system for undertaking Child Access checks was fundamentally weak. In particular:
- There was no consistency between the approaches of different operators undertaking the checks as to the point at which 'foreign forces' should be identified and how, if at all, the fact that a check had been made should be recorded on the file or Child Access Database.
  - Supervisors and management were unaware of those variations at the time.
  - There was no, or no adequate, 'safety-net' in the system to ensure that all necessary checks had been done before a file was closed.
  - The system contained no adequate audit function.
  - There was a lack of guidance about the process.
- 2.161 Cambridgeshire Constabulary made a series of potentially significant errors in their handling of the police check, including it being extremely unlikely that a fax search request was sent to Humberside Police.

- 2.162 The errors and failings I have identified were serious, but not systemic and corporate.

### Soham Village College

- 2.163 I want to pay testimony to the excellent achievements of Soham Village College under the leadership of the Principal, Howard Gilbert, as described in the Ofsted inspection of April 2003, which I entirely endorse.
- 2.164 There are, nonetheless, a number of aspects in Huntley's recruitment process which give rise to concern. In particular:
- 2.164.1 Soham Village College should not have accepted the 'open' references provided by Huntley, particularly in circumstances where it was clear that he had not previously held any post involving significant contact with children, and accordingly none of the references were directed to, or even considered, the issue of his suitability to work with children.
- 2.164.2 The interview process failed to identify either the employment history gaps or undisclosed employers in Huntley's application.
- 2.164.3 There was no reason why the police check process could not have been completed before Huntley started work at the school.
- 2.165 In my view, as Mr Gilbert properly accepted during the course of giving evidence, it was a mistake on his part not to take up the references. It does not, of course, follow that if he had done so anything further would have been revealed. It also appears from the subsequent enquiries made by Cambridgeshire Constabulary that at least four of the references were authentic. However, the failure to follow up the references fell short of acceptable recruitment practice relating to people applying to work with children, and could in itself have had significant implications.
- 2.166 I also consider that Mr Gilbert ought to have ensured that Huntley did not take up the post, or move into the accommodation at 5 College Close, until the results of the police check had been received. Although it is clear that during autumn 2002, as a result of difficulties with the implementation of the CRB, it was necessary for a number of members of staff to take up their posts nationally before the results of their police checks, I do not consider that this provides a justification for the decision in December 2001 to allow Huntley to start work on site before the Police Check Form was even completed, far less before the result was received.
- 2.167 While Mr Gilbert is not to be criticised for relying upon a professional personnel service provider for advice, it is also a matter of some surprise and concern that he was unaware of the terms of Home Office Circular 47/93 at that time.

## Education Personnel Management Ltd

- 2.168 With regard to the issues raised by the evidence of Education Personnel Management Ltd (EPM), I am concerned about the following matters:
- 2.168.1 The declaration made by a Senior Nominated Officer of EPM on Huntley's Police Check Form to 'confirm that ... the particulars provided have been verified and I am satisfied they are accurate' was not entirely accurate. Neither EPM nor another body on their behalf made any independent check or verification of any part of the contents of any Police Check Forms, save for the check by Soham Village College of Huntley's date of birth.
- 2.168.2 Reliance simply on an applicant's honesty in providing those details is unacceptable in the child protection context.
- 2.169 There is force in the point made by EPM that Home Office Circular 47/93 did not expressly state which particulars provided by the applicant on the form should be verified by the Senior Nominated Officer. Given the importance of the five-year address history in ensuring that requests were made of the appropriate police forces, it would clearly have been helpful for the Circular to have highlighted this point.
- 2.170 However, the declaration on the form itself stated in terms that such particulars had been verified. Accordingly, as Mrs Cooper accepted, a declaration was signed to say that something had been verified when it had not. I consider it unwise to have done so, and as EPM accept, with the benefit of hindsight, it would have been sensible for them, and other Senior Nominated Officers, to point out the deficiencies in the wording of the Circular to the relevant government departments. If EPM really formed the view that no checks could realistically be made, it was incumbent on them to say so, allowing those who relied on their inaccurate confirmation to be forewarned that they had not carried out any independent checking.

## 3 National systems and structure – the facts

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3.1 This section of the report provides background on a number of issues that have a bearing on the Inquiry:

- the legislation;
- the policing structure;
- information systems;
- information management; and
- recruitment and vetting.

### The legislation

#### The Data Protection Act 1984

3.2 The Data Protection Act 1984 created a statutory scheme for the regulation of automatically-processed information. It did not apply to manual records. The Act established eight data protection principles with which 'data users' had to comply when processing personal data. If the Data Protection Registrar (now called the Information Commissioner) was satisfied that a registered data user had contravened any of the data protection principles, he could serve an enforcement notice requiring that person to take steps to comply.

3.3 The following three principles were of particular relevance in Humberside Police's contacts with Huntley:

- ' (4) Personal data held for any purpose or purposes shall be adequate, relevant and not excessive in relation to that purpose or those purposes.
- (5) Personal data shall be accurate and where necessary kept up to date.
- (6) Personal data held for any purpose or purposes shall not be kept for longer than necessary for that purpose or those purposes.'

- 3.4 On application, an individual was entitled to be informed by a data user whether the data being held included personal data of which the individual was the subject, and was entitled to be supplied with a copy of the data.
- 3.5 However, where personal data was held for the purpose of preventing or detecting crime, or for apprehending or prosecuting offenders, it was exempt if its provision would be likely to prejudice that purpose.

### The Data Protection Act 1998

- 3.6 In 1998 a second Data Protection Act was passed, following the adoption of a Directive (96/46) by the European Parliament.
- 3.7 The 1998 Act is significantly wider in scope than the 1984 Act, as it applies not only to automatically-processed information, but also to some manual files.
- 3.8 The 1998 Act imposes a duty on any 'data controller' to comply with eight data protection principles, which are in similar, although not identical, form to those in the 1984 Act. Four are of particular relevance to this Inquiry:
  - ' (2) Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
  - (3) Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
  - (4) Personal data shall be accurate and, where necessary, kept up to date.
  - (5) Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.'
- 3.9 The 1998 Act contains guidance on the interpretation of certain of these principles, but does not include any guidance as to the fifth principle (above).

#### **The Information Commissioner**

- 3.10 The Office of the Data Protection Registrar was renamed by the 1998 Act as the Data Protection Commissioner, which has subsequently been renamed, by the Freedom of Information Act 2000, as the Information Commissioner.
- 3.11 The Information Commissioner has a number of enforcement powers under the Data Protection Act 1998 and, if satisfied that a data controller has contravened any of the data protection principles, may serve a preliminary enforcement notice raising issues of concern about the creation, retention or use of data and inviting a response. This is a power which has been used on occasion by the Information Commissioner in relation to police systems and specifically in relation to the disclosure of intelligence by the police as part of an enhanced vetting process. If a preliminary notice does not achieve the desired result, an enforcement notice can then be served

requiring compliance with the relevant principle or principles. A person who fails to comply with an enforcement notice is guilty of an offence.

## The Human Rights Act 1998

- 3.12 The Human Rights Act 1998 came into force on 2 October 2000. The Act imposes specific obligations on public bodies and the courts to take account of and apply rights and freedoms accorded under the European Convention on Human Rights.
- 3.13 The Act provides that, so far as possible, legislation must be read and given effect in a way that is compatible with the Convention.
- 3.14 A 'public authority', which would include a police officer, must act in a way that is compatible with the Convention. Where a public authority fails to act in a way that is compatible with Convention rights, it will be acting unlawfully unless it is obliged to so act by virtue of primary legislation.
- 3.15 Of particular relevance to this Inquiry is article 8. This provides that:
  - ' (1) Everyone has the right to respect for his private and family life, his home and his correspondence.
  - (2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.'

## The policing structure

### The structure up to October 2002

- 3.16 Policing in England and Wales is based upon a tripartite structure comprising the Home Secretary, local police authorities and Chief Constables.
- 3.17 Under the Police Act 1996, England and Wales are divided into 43 police areas. A local police authority is established for each area. (For the City of London police area the police authority is the Common Council of the City of London.)
- 3.18 It is the responsibility of each police authority to secure the maintenance of an efficient and effective police force for that area (Police Act 1996, section 6(1)). Police authorities have a crucial role in relation to funding, budget setting and procurement and have a statutory duty to ensure value for money at a local level. All major information technology (IT) contracts are signed by authorities and not Chief Constables. In discharging its functions, a police authority is subject to a degree of central supervision

and direction. Under section 6(2) of the Police Act 1996, every police authority is obliged to have regard to any:

- objectives determined by the Secretary of State by order;
- annual objectives determined by the police authority itself;
- performance targets established by the police authority; and
- local policing plans issued by the authority.

- 3.19 Where the Secretary of State has determined an objective for policing, he can direct police authorities to establish levels of performance to achieve that objective.
- 3.20 The Police Act also enables the Secretary of State to issue codes of practice relating to the discharge by police authorities of any of their functions (section 39).
- 3.21 Under the Local Government Act 1999, police authorities were also made responsible for undertaking Best Value Reviews (BVRs) of their forces. In principle, this responsibility gave them an opportunity to be much more proactive than they had been in the past.
- 3.22 The operational direction and control of a police force continues to be vested in the Chief Constable (Police Act 1996, section 10(1)). In discharging these functions the Chief Constable must have regard to the local policing plan issued by the police authority for the area (Police Act 1996, section 10(2)).

### After October 2002 – the Police Reform Act 2002

- 3.23 From 1 October 2002, the Police Reform Act 2002 amended the Police Act 1996 in a number of ways.
- 3.24 The Secretary of State is now under a duty to prepare a National Policing Plan each year, setting out the strategic priorities for the police forces in England and Wales for a period of three years (Police Act 1996, section 36A, inserted by the Police Reform Act 2002, section 1). The first of these plans dealt with the period 2003–2006, and the second with 2004–2007.
- 3.25 Under the Police Reform Act 2002, the Secretary of State may now issue codes of practice to chief officers as well as to police authorities.
- 3.26 The Secretary of State may also make regulations requiring all police forces in England and Wales to adopt particular procedures or practices (Police Act 1996, section 53A, inserted by the Police Reform Act 2002, section 7).
- 3.27 Other performance-standard changes were introduced in or around 2002 and two are relevant. First, the Policing Performance Assessment Framework (PPAF) measures police performance on a quantitative (how many) and qualitative (how well) basis; and secondly, Her Majesty's Inspectorate of Constabulary (HMIC) has introduced a Baseline Assessment, described in more detail below (paragraphs 3.33–3.36).

## Review, inspection and the strategic bodies

3.28 There are three other organisations that play an important part in the management and oversight of police forces:

- HMIC;
- the Association of Chief Police Officers (ACPO); and
- the Association of Police Authorities (APA).

3.29 In addition, the Police Information Technology Organisation (PITO) has a strategic and technical role in the development, procurement and implementation of IT at a national level.

### HMIC

3.30 HMIC's statutory function is to inspect and report to the Secretary of State on the efficiency and effectiveness of police forces (Police Act 1996, section 54). Their inspections take a variety of forms:

- **force inspections**, which examine the overall efficiency and effectiveness of all forces (and other policing organisations inspected);
- **thematic inspections**, which examine specific police activities in a limited number of forces to extract good practice for the benefit of the wider service;
- **basic command unit inspections**, which examine performance and leadership at a local level;
- **Best Value Review (BVR) inspections**, which assess BVRs of policing services undertaken by the police authorities (in response to the Local Government Act 1999). This is the only area where HMIC actually inspects the functions of the police authority rather than the police force;
- **joint inspections**, which involve inspection in collaboration with other inspectorates, such as the Courts' Service Inspectorate, on specific functions or areas; and
- **Police National Computer (PNC) inspections**, which are carried out by a specialist audit team, using nationally-agreed standards and procedures, to examine forces' compliance with their obligations in respect of the PNC.

3.31 The resulting reports contribute to the spread of agreed standards and good practice as well as exposing shortcomings in police efficiency or effectiveness. However, those reports used not to be backed up by a sanction to enforce the report's recommendations beyond the grave step of asserting that a police force was not efficient or effective, which in turn could affect central government's award of the Police Grant. As HMIC acknowledges, this rendered their involvement less effective than it might have been because it was open to individual forces to react slowly, or perhaps not at all, to the recommendations.

3.32 HMIC's effectiveness therefore depended in large measure on:

- inspections based on published protocols;
- their persuasiveness;
- their ability to present their argument from a position of professional strength; and
- the fact that reports were published.

*New inspection regime*

3.33 The position was changed by the Police Reform Act 2002. If HMIC now concludes, as a result of an inspection, that a force, or any part of it, is not efficient or effective, or that it will cease to be so unless remedial measures are taken, the Secretary of State can direct a police authority to take specified remedial measures (Police Act 1996, section 41A, inserted by the Police Reform Act 2002, section 5). The Secretary of State may also require the police authority to submit an action plan.

3.34 HMIC determines the regularity and intensity of inspections, based on an assessment of a police force's needs. To coincide with the powers introduced under the Police Reform Act 2002, HMIC has undertaken a Baseline Assessment of all forces to identify performance in spring 2004 as a benchmark against which to measure improvements in performance and identify areas for targeted inspections.

3.35 Instead of the existing annual inspection cycle, HMIC proposes to inspect forces that are performing well less frequently, and those that are not performing so well more regularly. Every force will be subject to a rolling three-year programme of inspections, targeted primarily at the areas identified in the Baseline Assessment and updated annually to ensure continued relevance. In addition, under the new structure every force has an HMIC lead staff officer who will be in regular contact (at least quarterly) with the force.

3.36 HMIC will decide which particular issues should be part of a thematic inspection, after consulting with the Secretary of State and others such as ACPO, the APA and other bodies relevant to an inspection theme (for example, Victim Support in relation to crime issues). In particular, lead staff officers may identify an issue that needs attention through their contact with local police forces.

3.37 In the period relevant to this Inquiry, HMIC had a series of contacts with Humberside Police and Cambridgeshire Constabulary.

**ACPO**

3.38 ACPO consists of members from the rank of Assistant Chief Constable (or the equivalent) and above from 44 forces (43 from England and Wales, and the Police Service of Northern Ireland). It was established over 50 years ago with the aim of developing policing policies and sharing good practice across the whole police service.

- 3.39 While ACPO guidance aims to help chief officers achieve good practice, it is **not** binding upon individual forces or authorities, other than by agreement. ACPO has no power to mandate police authorities or Home Office action or spending. Forces are free to introduce and implement their own policies, even where ACPO has agreed a national policy. In these circumstances, forces are invited to provide their justification for departing from national policy. The Association of Chief Police Officers Scotland (ACPOS) performs a similar role in relation to the eight Scottish forces. They gave evidence to this Inquiry (see paragraph 4.26–4.29).

#### **APA**

- 3.40 The APA was set up on 1 April 1997 to represent police authorities in England, Wales and Northern Ireland on national and local issues. It influences policy and supports local police authorities in their important responsibilities.

#### **PITO**

- 3.41 PITO is a non-departmental public body established under section 109 of the Police Act 1997. Originally part of the Home Office in a non-statutory form, PITO was given statutory form in April 1998. It is governed by a board which includes nominees from ACPO, the APA, the Home Office, Scotland, Northern Ireland, and independent members. It has responsibility for the development and provision of information and communications systems and services to meet police needs. In particular, it manages the PNC on behalf of the police. It is in the process of introducing the National Strategy for Police Information Systems (NSPIS) Custody and Case Preparation systems (see paragraphs 3.55–3.61).

## Information systems

### The PNC

- 3.42 The PNC is a series of databases used by all forces in England and Wales. Mechanisms exist to include the Scottish and other police forces, for example the British Transport Police. It is an effective system which gives over 138,000 police officers instant access to critical policing information. It has a well-deserved reputation for reliability and accessibility and reviews have shown that it provides a high-quality service.
- 3.43 The Phoenix database, which forms the core of the PNC, was launched in 1995 and includes details of all people convicted or cautioned for recordable offences (those offences that carry the option of imprisonment), as well as some other more minor offences (listed in regulations made under section 27(4) of the Police and Criminal Evidence Act 1984). Details include the individual's name, known aliases, sex, age, height and distinguishing features. The details can be amended and updated as appropriate, for example to record an alias. It also records other details about a person's contact with the police and the criminal justice system.
- 3.44 When the Phoenix database was introduced, the task of entering data was taken on by individual police forces, each of which has direct access to the system. This meant that responsibility for the use of the database, the

disclosure of information obtained from it and the timeliness and quality of the information put onto it has, since 1995, been the responsibility of the chief officers of the 43 police forces in England and Wales.

- 3.45 The first time a record is created on the PNC, it generates a unique PNC identification number for the individual concerned which is prefixed by the last two numbers of the year in which it was created, for example 96. This number remains the same whatever subsequent records are entered about that person.
- 3.46 The first record made on the PNC by the police is called the 'arrest/summons report'. The name of this report suggests that the record should be created at the point of arrest. It appears to have been the original intention that every arrest would be recorded on the PNC.
- 3.47 However, other than in exceptional cases (for example, arrests under the Prevention of Terrorism legislation), the first record on the PNC is not in practice made unless and until a person is charged (or cautioned), which may be some considerable time after arrest.
- 3.48 The police were and still are responsible for inputting court results on the PNC.

#### **Reports on PNC's record creation**

- 3.49 Since 1995, when individual police forces assumed responsibility for putting records on the PNC, there have been major and continuing problems, especially with the timeliness of record creation. There have been no fewer than **five** detailed reports on these issues. These are:
- one by PITO in 1996;
  - one by the Home Office Police Research Group; and
  - three by HMIC.

#### **PNC Codes of Compliance**

- 3.50 ACPO, after a considerable delay, issued PNC Codes of Compliance 'Timeliness Performance Indicators' in April 2000, setting standards for timeliness and accuracy of PNC data entry. Even then, standards did not improve to any significant degree until about 2001, and it needed a further critical report from HMIC to achieve those improvements. It is little wonder that HMIC's report to the Inquiry should describe police performance in this area as 'abysmal'.
- 3.51 In response to continuing concern about whether recent improvements would be sustained, in spring 2003 the Home Office established an ACPO-led implementation group. A draft code was published in November 2003, entitled *Code of Practice for Use of the Police National Computer*, the intention being for it to be issued under the new Police Reform Act regime and to be dealt with by the Central Police Training and Development Authority, Centrex, which is responsible for providing PNC training courses.

### **A record within 24 hours of arrest**

- 3.52 The closing date for responses to the draft Code of Practice was the end of January 2004 and the code has now been finalised. Once implemented, it will require that details of 90 per cent of a police force's recordable offences must be put on the PNC within 24 hours of a person being arrested, charged, reported, summonsed, cautioned or given a fixed penalty notice. One hundred per cent must be put on the PNC within three days. It will also require that court results, in a minimum of 50 per cent of cases, should be entered on the PNC within seven days of a case's conclusion. This will increase to 75 per cent of cases, six months after the code starts.
- 3.53 It should be said that performance has improved in advance of the code being published. For example, the target for the arrest/summons report, which begins a new PNC record, is for 90 per cent to be entered within one day. In April 2001 the national average was 38 per cent. In April 2004 it had improved to 81.2 per cent in England and 83.9 per cent in Wales.
- 3.54 For court results, the target is currently for the police to input 100 per cent within three days of receipt from the courts. In March 2002 in England, 29 per cent of results were entered within seven days of the outcome of the case and 16.6 per cent in Wales. This period includes the time taken for the court to relay the information to the police. By March 2004, these figures had improved to 42.4 per cent and 43 per cent respectively. There is clearly still room for improvement, but progress now seems to be under way.

### **NSPIS**

- 3.55 In 1994, an NSPIS project was set up to standardise the 43 police forces onto a compatible IT architecture, running national software applications. The intention was for all forces to use the same IT systems. A wide range of policing functions was to have been covered. There were 38 different applications in the original specification, which included, critically for this Inquiry, plans for a common IT system for managing criminal intelligence.
- 3.56 The position today is that a number of applications are in use, including Command and Control, Holmes 2, a national DNA database, a digital national radio communication service (Airwave) and a National Automated Fingerprint Information System (NAFIS). There is also a Violent and Sex Offenders' Register (VISOR).
- 3.57 Of particular interest to the Inquiry are the **Custody** and the **Case Preparation** applications. The first aims to improve the efficiency of custody suites so that police staff can record personal and arrest details accurately. It produces a custody log and an audited log of actions taken during a detention period. It directly links local police to the PNC and enables:
- the first PNC search to take place when a person arrives in custody; and
  - the arrest/summons report to be input directly by the officer responsible for the investigation (currently, a report can be input only once a charge has been made). There has recently been a 'Change Request' to ensure record creation on the PNC is more directly linked to arrest, and this is being addressed urgently.

- 3.58 The Case Preparation application aims to assist the police in compiling prosecution case files, which can then be presented to others involved later on in the criminal process, including the Crown Prosecution Service (CPS) and the Court Service. There is an interface between the Case Preparation and Custody applications which enables the custody details to be transferred across.
- 3.59 The Case Preparation application also interfaces with the PNC, enabling court results, and other disposals, to be put directly on the PNC. However, there needs to be a link with the relevant court's IT system in order for this to work effectively. Another government body, the Criminal Justice Information Technology group (CJIT), is currently reviewing the IT systems needed to create a 'joined-up' system across the whole criminal justice system.
- 3.60 At present, the courts pass the information on to the police, who review and input the information on the system. The proposed date for a handover of this function to the courts themselves is still as far away as 2006, despite the obvious and considerable benefits that this change should bring.

#### **No common IT system for managing criminal intelligence**

- 3.61 These achievements notwithstanding, there is still no common IT system for managing criminal intelligence. The national solution was removed from the NSPIS implementation plan in 2000 when it was judged that there were insufficient funds to deliver all the applications. It was recognised that intelligence and management information was to be widely accessible at force, regional and national levels but might need key feeder systems in place to be fully effective. It was decided that a national business process of intelligence handling should be developed first (the National Intelligence Model, see below).

#### **Local IT systems, applications and criminal intelligence**

- 3.62 The Inquiry does not have a complete picture of local IT systems or applications, either in the 1995–2001 period or today. However, certain features of the local police computerised systems have emerged.
- 3.63 There was, and remains, no uniformity of approach. Each of the 43 police forces has a variety of IT systems, which are used for a variety of different purposes. The interfaces between systems at local force-to-force level are almost non-existent. Even within forces, the interface between systems has been patchy at best. While not all functions or applications necessarily need to be linked **between** police forces, this is **not** the case with intra-force applications. Improvements in this unhappy position are limited, although in some instances, such as the PNC, the capacity is available to store and distribute reliable information nationally between forces.

## Information management

### The National Intelligence Model

- 3.64 The National Intelligence Model (NIM) is a management framework that requires police forces to analyse and address the methods by which intelligence is obtained, created, stored and used. Its aim is to enhance intelligence-led policing. It will involve forces, and those responsible for their supervision, having to focus on and solve the problems created by the many and varied local intelligence systems that currently exist.
- 3.65 ACPO has taken the lead in promoting and implementing NIM. By April 2004, forces were expected, in accordance with the National Policing Plan issued by the Secretary of State, to have implemented NIM to defined minimum standards (those standards having been set out in early 2003).
- 3.66 There is, however, a lack of clear, national guidance for the police about information management – the way in which information is recorded (and reviewed, retained or deleted).
- 3.67 There is reference to record creation in the ACPO Code of Practice on Data Protection 2002 (which superseded the 1995 Code) but this does little more than summarise the importance, highlighted by the data protection legislation, of information being relevant, accurate and up to date. The experience of this Inquiry indicates that there is a pressing need for clearer guidance in this area.

### Reviewing, retaining and deleting records

#### **National guidance**

- 3.68 The 1995 ACPO Code was based on the Data Protection Act 1984 and its provisions were to be kept under review by the ACPO Data Protection Working Group. The Code's aim was to describe good data protection practice. The foreword by the then Data Protection Registrar drew attention to the new guidelines for the review and deletion of criminal records. It also stated that recommended retention periods could only ever be a benchmark.
- 3.69 Principle 6 of the Data Protection Act 1984 ('Personal data held for any purpose or purposes shall not be kept for longer than necessary for that purpose or those purposes') was not the subject of interpretive guidance in the legislation. The Code, however, devoted eight pages to the suggested approach to be applied by forces to the retention of data in compliance with this principle.
- 3.70 The guidance stressed that no absolute rules could be laid down about how long particular items of personal data should be retained. Decisions had to be made by considering the information in the light of the prevailing circumstances, but a series of questions helped test whether information should be retained. These included: What purpose does the data now serve? Is the data still relevant to the registered purposes? How useful is the information likely to be in the future? The guidance also advised that it might be necessary to consult the officer responsible for making the initial

record and recommended that the guidance should also be applied to manual records (even though there was as yet no legal requirement to review and weed manual records).

#### **Built-in automatic review**

- 3.71 Where practicable, it suggested that an 'automatic review' should be built into systems to prompt a decision on continued retention after a pre-set period. Thus, the process envisaged a 'review' rather than 'automatic deletion'.

#### **General rules on retention and 'weeding'**

- 3.72 The 1995 Code went on to reproduce guidance set out by ACPO's Crime Committee in a policy document circulated on 16 June 1995, *General Rules for Criminal Record Weeding on Police Computer Systems*. This dealt with the retention of records by reference to the outcome of a case.
- 3.73 Some of the general rules were as follows:
- 3.73.1 In cases of conviction for a reportable offence (all offences that carry the option of imprisonment), retention would be for 20 years. Exceptions to this included cases where the conviction was for an offence against a child or young person. In these cases, the record was to be kept until the offender was 70 years old, subject to a minimum 20-year retention period.
  - 3.73.2 In cases of a rape conviction, the record was to be retained for the life of the offender.
  - 3.73.3 Records of cautions (assuming there were no other convictions or further cautions) would be retained for five years.
  - 3.73.4 Records of disposals other than conviction, caution, acquittal, discontinuance and 'not guilty bind-over', were to be retained for the same periods as set out for convictions: that is, 20 years for most offences.
- 3.74 Acquittals and 'discontinued cases without caution' were not normally to be retained beyond a 42-day period from the disposal's notification date. But this general rule was subject to some exceptions when the record 'should be considered for retention'. These included:
- 3.74.1 Acquittal for an offence of unlawful sexual intercourse by a male with a female under 16 (discontinuance is not expressly mentioned). In such a case, the record was to be deleted when the male's age reached 25, subject to no other offences being recorded.
  - 3.74.2 If there was an acquittal or discontinuance because of a lack of corroboration or an allegation of consent in a case in which a sexual offence was alleged, the record could be retained for five years on the authorisation of an officer not below the rank of superintendent, and the record would be reviewed at the end of that period.

3.74.3 ACPO Crime Committee's policy gave guidance to the officer making that decision. Three criteria were identified as necessary preconditions for retention:

- the case's circumstances would give cause for concern if the subject was to apply for employment in a post that involved substantial access to vulnerable persons;
- the facts of the case show that the subject's involvement was based on information that was high quality and could be graded A1 (meaning the highest grade) when the 4x4 reliability test was applied (see Glossary); and
- the decision to retain the information could be defended on public interest grounds.

3.75 In September 1999, ACPO's Crime Committee published new *Weeding Rules for Criminal Records*. The rules changed the general period of retention from 20 years to 10 years but again there were exceptions, including one for cases in which the conviction was for an offence involving a child or a young person as victim. In such a case, the record was to be retained either until the subject died or until the subject reached 100 years of age.

3.76 In addition, records of disposals were to be retained for 10 years for most offences.

3.77 The 1999 Weeding Rules document removed the reference to A1 intelligence, no doubt because it was thought desirable to allow for somewhat greater flexibility in judging the reliability of the source of information, while still requiring the public interest test to be met.

3.78 In October 2002, the ACPO Code of Practice on Data Protection was revised. The 2002 ACPO Code included a foreword by the then Information Commissioner. That foreword welcomed the Code as helpful guidance into which her office had had an input. It also stressed that any retention period specified could only be a benchmark, and that the Information Commissioner would be obliged to examine, on its individual merits, any case referred to her. Paragraph 8.2 of the 2002 Code states that it is not possible to lay down absolute rules regarding retention periods; however, such rules should be established where possible.

3.79 The 2002 ACPO Code reproduced the 1999 ACPO Weeding Rules (as revised in November 2000). It did not make any changes of significance for the Inquiry.

3.80 Criminal intelligence records (that is, information not related to convictions) were dealt with in paragraph 8.5 of the 2002 ACPO Code. Whereas the 1995 Code had recommended variable review periods of 6, 12 and 24 months depending on the grading of the intelligence against a 4x4 model, the 2002 Code recommended that all intelligence reports should be regularly reviewed and considered for deletion, subject to a maximum review period of 12 months.

### **Different guidance at local level**

- 3.81 Each of the 43 police forces produced its own set of local guidance and directions to give effect to ACPO's (and others') national guidance. Their precise content varied widely. On occasion, local forces had a different approach to that contained in the national guidance, as the position in Humberside demonstrated.

### **HMIC overview**

- 3.82 HMIC inspection activity in the area of data protection and weeding has been minimal. The weeding of records is not included within the normal inspection processes by HMIC (except with regard to very specific PNC inspections), nor are there any written inspection protocols to cover weeding or data retention disciplines. The reason for this, according to Sir Keith Povey, Her Majesty's Chief Inspector of Constabulary, is that it had never previously surfaced as an issue, although now that it has done so it has been identified as an important priority.

## Recruitment and the national vetting system

### Recruitment

- 3.83 It is already made clear to employers that vetting should be seen as complementary to existing recruitment practice and should only be sought after a candidate has a provisional offer of employment or a voluntary position. Vetting is not a substitute for the full range of existing pre-appointment checks, such as taking up references and enquiring into a person's previous employment history.

### Overview of the basic vetting regime

- 3.84 If the vetting system, involving police checks for intelligence about an individual, is to work effectively:
- intelligence records need to be created properly;
  - those records need to be reviewed properly and not deleted inappropriately;
  - requests for searches need to be directed properly to the right forces in whose areas an applicant might have lived;
  - each of those forces needs to search properly all relevant databases to pull together the intelligence; and
  - in order to meet their responsibilities effectively, the police need to involve other parties in the process.
- 3.85 Part V of the Police Act 1997 established a statutory scheme for the issuing of 'criminal record certificates', which led to the establishment of the national Criminal Records Bureau (CRB), which was launched in March 2002.

- 3.86 An application for a criminal record certificate must now be made by the individual concerned on a prescribed form, and it must be countersigned by a representative of a Registered Body – an organisation listed in a register maintained by the national CRB.
- 3.87 The countersignature is to certify that the disclosure application is required for the purpose of asking an exempted question under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. This enables spent convictions to be disclosed and is taken into account when an applicant's suitability is considered for employment, other work or positions of trust involving children or vulnerable adults. The Registered Body is most likely to be the employer or a voluntary organisation, but could be another body acting on their behalf (such as Education Personnel Management Ltd, which organised the vetting for Soham Village College).

#### **The CRB as a central access point**

- 3.88 The 1997 Act has since been amended to enable the CRB to act as a central access point not only for criminal records information but also for:
- the Department for Education and Skills' (DfES') List 99; and
  - the Protection of Children Act List (see the Protection of Children Act 1999 and the Care Standards Act 2000).
- 3.89 From later this summer, the DfES will also maintain a similar list, the Protection of Vulnerable Adults List, for the Department of Health. As will be apparent from the existence of these lists, there are overlapping systems of control and they are dealt with in more detail below.
- 3.90 The CRB has published a range of guidance:
- on how the vetting system works (jointly with ACPO);
  - advice to employers on the appropriate level of disclosure for particular positions;
  - advice to applicants on how to fill out the form;
  - notes for employers and Registered Bodies on dealing with forms; and
  - a Code of Practice.

#### **Joint CRB and ACPO vetting guidance**

- 3.91 Joint CRB and ACPO guidance covers various aspects of the operation of the regime:
- 3.91.1 It informs police forces (on a 'Local' search request from the CRB) about the need to interrogate the appropriate intelligence databases and to review their intelligence systems to ensure that they are properly set up to respond to such requests.

- 3.91.2 It informs them that the accuracy and relevance of any information supplied to the CRB remain the responsibility of the police. The CRB performs no editing function. It reminds Chief Constables that the 'test of relevance' remains that of the Chief Constables (or an officer to whom the function is properly delegated).
- 3.91.3 It provides that local information should be 'based on fact and be capable of proof if presented in evidence'.
- 3.91.4 It sets out the procedure to be followed for 'additional information', which should be sent to the CRB by way of a separate letter.
- 3.91.5 It deals with the circumstances in which it might be appropriate for the police to decide under the Police Act 1997, section 115(8), that the job applicant should **not** see the information. There were evidently problems with this aspect because the guidance was supplemented in September 2002 to ensure that such decisions were taken only when it was really necessary.
- 3.92 After the CRB was launched in March 2002, it quickly became apparent that the demand for its services outstripped its capacity to respond as quickly and efficiently as was desirable. (The full background to the difficulties encountered in the early months of the CRB is set out in the National Audit Office's report *Criminal Records Bureau: Delivering Safer Recruitment*, published on 12 February 2004.)
- 3.93 In September 2002, the Home Secretary appointed an Independent Review Team (IRT) to examine the CRB, its processes and performance and to make recommendations for change. They reported in December 2002.
- 3.94 Some recommendations led to a consultation process with a view to legislative change. In February 2003, the Home Office published a consultation paper on *Reform of the Disclosure Process*, seeking views on a number of the IRT's recommendations, including:
- possible changes to the role of Registered Bodies in the disclosure process;
  - the introduction of an electronic application channel; and
  - the criteria for Standard and Enhanced Disclosures.
- A summary of the responses was published in May 2003.
- 3.95 In September 2003, in response to one recommendation, the CRB was set up as an independent executive agency (previously it had been one of the operational arms within the Passport and Records Agency).
- 3.96 In October 2003, in the light of concerns about the effectiveness of identity checks, the Home Office issued a consultation paper about the possibility of requiring applicants to submit their fingerprints.

3.97 In December 2003, the Home Office issued another consultation paper (with responses due by 23 February 2004) focusing on two aspects of the vetting regime:

- the role of Registered Bodies and whether they should be made unambiguously responsible for validating the identity of applicants, and for ensuring that the forms are fully and accurately completed; and
- the criteria to be applied in determining whether a person is eligible for the Enhanced Disclosure process.

**HMIC inspection**

3.98 Force vetting processes have not routinely featured as part of the HMIC inspection regime. In their evidence, HMIC says that this is because these processes have not previously raised any cause for concern.

**Vetting processes in other countries**

3.99 Information collated by the Home Office in April 2004 for the Inquiry on vetting practices in other countries is summarised in Appendix 4.



## 4 National systems and structure – the findings

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4.1 The final section of the report sets out the Inquiry's findings nationally concerning:

- the legislation;
- the policing structure;
- information systems;
- information management; and
- recruitment and vetting.

### The legislation

#### Data protection

4.2 In the media coverage following the trial, and during the course of the Inquiry, a great deal of attention was given to the role of the data protection legislation. This was not least because the Humberside Police press release of 17 December 2003 suggested that the legislation was a principal reason for the information now known about Huntley's contacts not being available to them in December 2001. As set out in Section 2, Chief Constable Westwood later accepted that this was not the case.

#### **No radical revision necessary**

4.3 It was suggested that since intelligence could not be retained solely for the purposes of employment vetting, the records about Huntley had necessarily been destroyed. The loss of this intelligence cannot be blamed on the data protection legislation. The loss of this intelligence was caused by the failings of Humberside Police's record-keeping systems. The legislation may be, as a member of the judiciary said recently, 'inelegant and cumbersome', but it was not the problem here, and I do not believe that radical revisions are necessary on the strength of this case.

- 4.4 Having said that, guidance on working within the legislation needs to be clearer so that front-line police officers and other professionals know when they can confidently retain and use intelligence for the protection of young people and other vulnerable members of society. I deal with this in more detail below.

### The relationship between ACPO and the Information Commissioner

- 4.5 The relationship between the Association of Chief Police Officers (ACPO) and the Information Commissioner is an especially important one if data protection legislation is to be properly understood in the Police Service. Each has a different role but the relationship needs to be close and constructive if confusion and uncertainty are to be avoided. The unhelpful disagreement that surfaced in their respective evidence to the Inquiry was damaging to both and is likely to have left the public, and serving police officers, less confident about how the legislation should be applied.
- 4.6 ACPO's submission stated that 'the Information Commissioner has influenced individual forces on occasions to the detriment of the Police Service in general and vulnerable members of the community in particular'. I cannot agree. If complaints are made by members of the public, it is the Information Commissioner's duty to question police forces about their justification for retaining or disclosing particular records. It is not fair of ACPO to criticise him for doing that. Nor do I accept that the Commissioner was somehow prevented from challenging decisions relating to the retention of conviction information on the Police National Computer (PNC) because of the foreword to the ACPO 2002 Code. In fact, the then Commissioner made it clear that she reserved the right to do that, and the Code itself makes it clear that the retention periods are not fixed.
- 4.7 Nonetheless, the Information Commissioner should always take care over the tone of his interventions. It is one thing to ask searching and necessary questions. It is another to do so in an unnecessarily aggressive manner. One particular letter from the Commissioner's office, which was put to him in evidence, seemed to fall into that category and contribute to the 'climate of fear' which was referred to on more than one occasion during the Inquiry.
- 4.8 The Information Commissioner assured me that this letter was an 'exception' and I was encouraged by the expressions of co-operation, value and respect that I heard from both parties in oral evidence. It is clearly important that both play their part in rebuilding the relationship.

### The policing structure

- 4.9 The problems associated with the implementation of the National Strategy for Police Information Systems (NSPIS), together with the excessive time it has taken to improve police performance in putting data on the PNC, have raised questions about the tripartite structure of policing in England and Wales.

- 4.10 Historically, there has been strong support for local force accountability, which has a place alongside the counter-balancing responsibilities of both the local police authority and the Home Office. Some have suggested, however, that the time has come to review these arrangements.
- 4.11 I do not believe that significant changes are justified. It is, I think, important to maintain local accountability, and the Police Reform Act has helpfully rebalanced the relationships where necessary. We need to be careful, however, to distinguish between functions that go to the heart of local accountability and those that are less critical to it. If we do not make these distinctions, the danger is that local accountability will be used to defend ineffective local systems when a national solution would be more appropriate. It is difficult, for example, to justify maintaining local approaches to the retention and deletion of records when national standards would make more sense and avoid the possibility of confusion and uncertainty. Equally, it is difficult to understand the need for local procurement of information technology (IT) solutions which seek to resolve national problems (see paragraphs 4.34–4.35 below).

## Information systems

- 4.12 All the relevant national bodies giving evidence accepted that:
- intelligence is a vital part of effective policing; and
  - an IT system capable of allowing police intelligence to be shared nationally is a priority.
- 4.13 Recognising the importance of intelligence is nothing new. Indeed, Her Majesty's Inspectorate of Constabulary's (HMIC's) thematic inspection report of 1997, *Policing with Intelligence*, began with a passage from Sun Tzu's *The Art of War*, which prizes intelligence and is dated 490 BC. This recognition has not, however, always been matched by effective action. The problems, and the failure to address them, have been wide-ranging.
- 4.14 The disparate development of different local IT systems, many of which do not communicate with each other, has inevitably led to real difficulty in accessing all relevant information, which has in turn resulted in poorly-informed decision making. Police forces need to address these problems urgently where they exist.

### Little progress with a national intelligence IT system

- 4.15 Nationally, the picture is disappointing. Although the need for a national intelligence IT capability has been recognised for at least a decade, I find that very little progress has been made.
- 4.16 I am aware of the roles and responsibilities of national agencies which manage intelligence as their specific function, and with which police forces share information and interact – for example, the National Criminal Intelligence Service (NCIS), the National Crime Squad (NCS), the Security Services, and Her Majesty's Customs and Excise. My focus, however, is on

the wealth of information held, but not exploited, by police forces for the prevention and detection of crime.

- 4.17 At the moment, no police force has a straightforward way of knowing what intelligence, if any, is held on a particular individual by another force. It also has no IT-based method of finding out.
- 4.18 In 1994, the original NSPIS proposals included plans for a national IT solution to record intelligence that, among its benefits, would compel the adoption of common information systems. However, the national IT solution was abandoned in 2000 when it was decided that the National Intelligence Model (NIM), which placed intelligence at the heart of policing, would be developed as the priority. It was decided that a national IT system to support NIM would be developed when there were sufficient funds. Four years later, some progress has been made towards agreeing a 'common information architecture', premised on the retention of the current patchwork of IT systems.
- 4.19 More recently, there have been other developments, including pilot schemes such as the Cross Regional Information Sharing Proposal (CRISP), which, the Home Office acknowledged in its report to the Inquiry, is still being 'looked at'. CRISP currently involves 13 police forces and will be in operation within 12 to 18 months, but CRISP was not designed to be a national scheme and there are issues around its infrastructure and analytical capability.

## PITO

- 4.20 Since 1998, the Police Information Technology Organisation (PITO) has been responsible for the strategic development and delivery of IT systems. PITO told the Inquiry that the failure to deliver an effective national intelligence capability resulted from individual forces failing to agree on, and commit to, what was needed.
- 4.21 It is true that PITO does not have the power to impose solutions, but nor is it simply a reactive body. It works with police forces to identify priorities, specify requirements, manage the procurement process and act as 'the authority' for managing contracts with suppliers. Normally, police forces are not required to accept the solutions, but it is expected that the majority will do so. Arguments that can be brought to bear to achieve this include better value for money, the excellence of the product, the ability to integrate solutions nationally, and recognition of the larger national interest. However, when local police budgets are matters for local accountability, it is not easy to reach a common acceptance of IT solutions. PITO will be disappointed, nevertheless, not to have had more success in this vital area.

## ACPO and the Home Office

- 4.22 ACPO is the national body that exists, in large part, to develop national approaches to national problems. It does not, however, have the power to deliver national solutions. All chief police officers are members. In ACPO's view, the failure to deliver a national intelligence IT system resulted from the lack of:
- agreement among its members;

- legal powers to insist on a national solution; and
- central funding.

- 4.23 Funding and the split between local and national responsibilities undoubtedly have been limiting issues.
- 4.24 The Home Office has been understandably sensitive to concerns about centralising decisions, because local accountability is so valued. However, it is clear that a national intelligence capability is needed. The Home Office, as the lead government department, should have ensured that those who needed to get to grips with the delivery of a national IT solution did so at an earlier stage.
- 4.25 If limitations to the department's legal powers prevented this (though the Police Act 1996 and earlier Acts gave it some powers), the Home Office could and should have dealt with that issue earlier. In this respect, the additional powers granted under the Police Reform Act 2002 are a welcome, if belated, step in the right direction. The challenge for the Home Office will be to use those powers in a way which produces a concrete result rather than further discussion.

### The Scottish intelligence-gathering model

- 4.26 The inability to deliver an effective national intelligence IT capability in England and Wales should be contrasted, unfavourably, with Scotland's performance, notwithstanding the differences in scale.
- 4.27 The Association of Chief Police Officers Scotland (ACPOS) recognised that it was not acceptable to have a situation in which one force had no idea what intelligence was available to another elsewhere in Scotland. Consequently, in 1992 they introduced a database (running alongside the Scottish Criminal History System) that flags up the fact that local intelligence is held about particular individuals by police forces. In principle, this system is indistinguishable from the PLX mentioned below (paragraphs 4.32–4.33).
- 4.28 ACPOS also subsequently decided that the only sensible longer-term solution was the development of a common IT system. They agreed the core requirements, drew up a specification, sorted out the funding, procured a system and produced one simple guide, which explained what officers on the ground needed to do.
- 4.29 The Scottish Intelligence Database (SID) will be fully operational by the end of this year. It cost in the region of £10–£11 million and will have taken about four years to deliver from start to finish.
- 4.30 No one doubts that introducing a similar system in England and Wales will be much more complex. The variety of potential solutions and the number of involved parties, with sometimes conflicting interests, is much greater. The fact remains, however, that this is a national priority which goes to the heart of effective and efficient policing. The Home Office should take the lead more effectively than it has during the past decade, but, ultimately, this should be a priority for the Government as a whole.

- 4.31 Although CRISP (see paragraph 4.19 above) was not designed to be the national solution, it is to be used, with other initiatives, as a building block for Project IMPACT (Intelligence Management Prioritisation Analysis Co-ordination and Tasking). It is intended that IMPACT should deliver a range of compatible products to support the full implementation of NIM. PITO will undertake a feasibility study this year. I understand that IMPACT is the subject of a funding bid under the Spending Review 2004 and I strongly support this proposal.

#### **Recommendation**

A national IT system for England and Wales to support police intelligence should be introduced as a matter of urgency. The Home Office should take the lead and report by December 2004 with clear targets for implementation.

**Responsibility:** The Home Office

### **An interim solution – the PLX**

- 4.32 Recently there has been progress in England and Wales towards an intelligence-flagging system, known as the PLX system, with a pilot that involves three forces. It has been driven by the needs of the Criminal Records Bureau (CRB) rather than (as one might have expected) any or all of PITO, ACPO or the Home Office. It will be available to all police forces by the end of 2005.
- 4.33 It is clear to me that the PLX system is a significant advance in the support of effective policing and offers an interim solution, pending the introduction of the national IT system. Although the PLX is not a substitute for a national intelligence solution, it is considerably cheaper and easier to set up and delivers important intelligence benefits in addition to its vetting capabilities. The PLX must also be given urgent priority.

#### **Recommendation**

The PLX system, which flags that intelligence is held about someone by particular police forces, should be introduced in England and Wales by 2005.

**Responsibility:** The Home Office

### **Finding the best IT procurement**

- 4.34 The evidence the Inquiry received about police IT procurement raised concerns as to whether that system is working efficiently. The key issue once again is to determine which procurements can be dealt with locally and which are national projects, requiring a national IT solution. If the latter is the case, then it makes no sense to allow local forces to frustrate or delay its achievement. The lessons from NSPIS must be taken on board.

- 4.35 It may be that the new powers in the Police Reform Act 2002 can be used to good effect, but police procurement should, in my view, be reviewed to assess whether the processes that are currently used adequately support the effective delivery of national solutions to national problems. The procurement processes should be part of PITO's current review.

#### **Recommendation**

The procurement of IT systems by the police should be reviewed to ensure that, wherever possible, national solutions are delivered to national problems.

**Responsibility:** The Home Office, advised by PITO

### The future of the PNC

- 4.36 The PNC makes a major contribution to both operational policing and the wider criminal justice system. It is nonetheless an ageing system, and its architecture and operating systems inhibit its further development. There needs to be investment in the PNC to ensure its medium and long-term future. I note that PITO has started to look at the issues.
- 4.37 For many years, the PNC's problems have been about data quality and particularly timeliness. Put simply, police forces have been slow to input information onto the PNC about arrests and summonses at the start of a case and slow to input court results. These are currently made available to the police by the courts.
- 4.38 I note that a number of actions are planned which will help to maximise the PNC's value, namely:
- 4.38.1 the new Code of Practice dealing with data quality and timeliness, made under the Police Reform Act 2002. This needs to be implemented as soon as possible. Attempts to improve the position have begun to have an effect but the Act's powers, and the sanctions provided, now offer the best hope of significant progress;
  - 4.38.2 the intention that PNC data quality and timeliness should be included in the Policing Performance Assessment Framework (PPAF) and the Baseline Assessments and become part of HMIC's routine inspections; and
  - 4.38.3 the transfer of responsibility for inputting court results onto the PNC from the police to the Court Service. This needs to be reaffirmed by both sides and, if possible, accelerated. The current proposed date for this transfer is 2006. If this deadline cannot be brought forward, it must at least be met.

### Recommendations

Investment should be made available by Government to secure the PNC's medium and long-term future, given its importance to intelligence-led policing and to the criminal justice system as a whole. I note that PITO has begun this work.

**Responsibility:** The Home Office, advised by PITO

The new Code of Practice, made under the Police Reform Act 2002, dealing with the quality and timeliness of PNC data input, should be implemented as soon as possible.

**Responsibility:** The Home Office

The quality and timeliness of PNC data input should be routinely inspected as part of the PPAF and the Baseline Assessments, which are being developed by HMIC.

**Responsibility:** HMIC

The transfer of responsibility for inputting court results onto the PNC should be reaffirmed by the Court Service and the Home Office and, if possible, accelerated ahead of the 2006 target. At the least, that deadline must be met.

**Responsibility:** The Court Service and the Home Office

## Information management

- 4.39 Data has to be collected, analysed and input correctly. Records then need to be properly reviewed, with regard to the data protection legislation, so that the potentially useful records are retained, while those that are no longer needed for policing purposes are deleted. In this way the creation, review, retention or deletion of records will all become part of one system. Where information is held, it must be used effectively and shared, where appropriate, with other key agencies. Each part of the process must work well if the whole system is to be effective. The contacts Humberside Police had with Huntley graphically illustrate how important this is.

### National guidance on record creation, retention and deletion

- 4.40 There is little national guidance available on how best to use the information systems needed for effective record creation. It may be that most police forces have ensured that they already have efficient arrangements in place. But the nature and scale of the problems in Humberside Police, together with the persistent problems with the input of data onto the PNC, suggest that the problems are not unique to that force.

- 4.41 The evidence also suggested that there were a number of problems with the review, retention or deletion of records:
- 4.41.1 Police forces can adopt different approaches to review periods for, or decisions about, deletion or retention of data. There seems little justification for these differences. They do not affect local accountability.
  - 4.41.2 There has been scope for confusion between the concept of '**review**' on the one hand, and '**delete**' on the other. This has mainly been caused by the use of the shorthand '**weed**' to describe both processes. It is an important point because such a scope for confusion could lead to the deletion of valuable information.
  - 4.41.3 There has been scope for confusion and disagreement, notably between ACPO and the Information Commissioner, about the retention, in some circumstances, of conviction-related information. There is, too, some uncertainty about what to do with allegations in a case that is discontinued, or that results in an acquittal. Sexual offences can be particularly problematic.
  - 4.41.4 There is room for clearer guidance than the current ACPO Code about the retention of criminal intelligence. As was shown during the Inquiry, the application of intelligence-assessment models linked to 'grades of reliability' carries serious risks, and may cause concerns in cases involving allegations of sexual offences. For example, two incidents taking place some time apart, but involving the same alleged offender, might be graded at the unreliable end of the scale when assessed separately. However, the connection between the same alleged offender and each incident might be an important intelligence item.

#### **A new Code of Practice**

- 4.42 For these reasons, the Inquiry explored whether there would be an advantage for the police and those key agencies with whom they work in producing a new Code of Practice to help drive up standards. Witnesses from national bodies who gave evidence agreed that this would be valuable and that it should be produced under the Police Reform Act 2002.
- 4.43 This new Code of Practice would cover record creation, retention, deletion and information sharing. It should be clear, simple and designed to help police officers on the ground. It should be tested against those aims and, in particular, it needs to avoid language which is either excessively legal or which veers towards management-speak. To this end, I suggest that professional assistance should be sought in its drafting. The Code should supersede all existing guidance on these issues.

4.44 The new Code should seek to avoid the need for additional local guidance or interpretation. The Home Office should be responsible for producing it in conjunction with others, not least ACPO and the Information Commissioner. The Code should cover the following areas:

- 4.44.1 the key principles of good information management (capture, review, retention, deletion and effective use) with regard to policing purposes, the rights of the individual and the law; and
- 4.44.2 the standards to be met in terms of systems (including IT applications), accountability, training, resources and audit in meeting those principles. These standards should fit within the PPAF and be capable of being monitored within police forces and by HMIC.

#### **The new code and data protection**

4.45 Data protection concerns are relevant but should not dominate the Code or any supporting manual. That said, some important messages for those drafting the Code emerged from the Information Commissioner's evidence. He clearly and helpfully said that:

- 4.45.1 The police are the first judge of their operational needs and the primary decision makers; the Information Commissioner's role is a reviewing or supervisory one.
- 4.45.2 Police judgements about operational needs will not be lightly interfered with by the Information Commissioner. His office 'cannot and should not substitute [their] judgement for that of experienced practitioners'. His office will give considerable latitude to the police in their decision making. If a reasonable and rational basis exists for a decision, 'that should be the end of the story'.
- 4.45.3 There is, at present, considerable latitude extending both to decisions about how long to retain records and about when to disclose information (under the Enhanced Disclosure regime, for example, in the employment-vetting context).
- 4.45.4 It could be presumed to be reasonable if, after discussions with the Information Commissioner, certain categories of information were retained for specified periods, while still allowing the right of challenge in individual cases.
- 4.45.5 In terms of striking the balance between the various rights and interests involved, retaining information represents considerably less interference than using (that is, disclosing) that information, and is correspondingly easier to justify.

#### **The new Code and sexual offences**

4.46 As far as retention or deletion decisions are concerned, the records examined most closely by the Inquiry related to allegations of sexual offences. There was a clear consensus on the factors that should be taken into account in reaching retention or deletion decisions and which should therefore be reflected in the Code. These were:

*The nature of the allegation*

- 4.46.1 This focuses attention both on the seriousness of the alleged crime and the circumstances of the particular incident. For example, an allegation of unlawful sexual intercourse is more serious the greater the age difference between the victim and the alleged offender. If young people are involved, the nature of the allegation also focuses attention on the need to be particularly astute in protecting the vulnerable.

*The reliability of the allegation*

- 4.46.2 The concerns about too heavy a reliance on the grading models (now the 5x5x5 system) have already been covered (see paragraphs 2.77–2.79). It is likely that those reviewing records will be able to make a more useful and consistent judgement about reliability if the basic facts are properly recorded and available.
- 4.46.3 Thus, for example, in relation to Contact 1 involving Huntley, it would be vital for the reviewer considering retention or deletion to know that Huntley had signed a confession under caution; and also that the victim had confirmed the offence but was unwilling to assist in the prosecution of her boyfriend. If those facts were known, it would be surprising if the reviewer took anything other than the view that it was justifiable to retain the record for at least the period for which a conviction would be kept.
- 4.46.4 For sexual offences, there may be reasons why it is decided not to prosecute or when it proves not possible to prosecute. In these circumstances, the distinction between the reliability of the information on which a conviction is based and the reliability of intelligence records, while still important, may be less sharp than in other offences.

*The age of the allegation*

- 4.46.5 The age of the allegation and how long it has been since the last recorded incident are linked factors. For sexual offences, those giving evidence to the Inquiry accepted that behaviour patterns were particularly important. Thus, the first intelligence record needs to be kept for a sufficiently long period for it to be seen whether a pattern emerges, even if that first allegation is judged to be (or is graded at) the lower end of the reliability scale.
- 4.46.6 The Information Commissioner was reluctant, for understandable reasons, to be drawn into offering timeframes that could be used as general guidance, but he accepted the importance of identifying behaviour patterns. He suggested that the recording of an allegation, followed by a retention period of perhaps ten or more years during which nothing further occurs, might raise questions about reasonableness. However, if there was a second allegation, the justification for continued retention of both, for a substantial period, would be more compelling.

### Recommendations

A Code of Practice should be produced covering record creation, review, retention, deletion and information sharing. This should be made under the Police Reform Act 2002 and needs to be clear, concise and practical. It should supersede existing guidance.

The Code of Practice must clearly set out the key principles of good information management (capture, review, retention, deletion and sharing), having regard to policing purposes, the rights of the individual and the law.

The Code of Practice must set out the standards to be met in terms of systems (including IT), accountability, training, resources and audit. These standards should be capable of being monitored both within police forces and by HMIC and should fit within the PPAF.

The Code of Practice should have particular regard to the factors to be considered when reviewing the retention or deletion of intelligence in cases of sexual offences.

**Responsibility:** The Home Office, taking advice from ACPO, the Information Commissioner and the other relevant agencies

## Handling allegations of sexual offences against children

- 4.47 There is concern that the issue of underage sex may not be taken sufficiently seriously by the police or by social services generally. It is critical that there is good communication between the police, social services and other relevant agencies and that decisions are taken on the basis of clearly understood criteria.
- 4.48 I am aware that there is already Government guidance on information sharing. In particular, *Working Together to Safeguard Children* and *What to Do if You're Worried a Child is Being Abused*.
- 4.49 The Association of Directors of Social Services (ADSS) drew the Inquiry's attention to the status of *Working Together to Safeguard Children*. It is issued under section 7 of the Local Authority Social Services Act 1950, so that it is to be complied with unless there are exceptional reasons not to do so.
- 4.50 Among other things, the guidance states that 'the police should be notified as soon as possible where a criminal offence has been committed, or is suspected of having been committed, against a child'. In their evidence, the ADSS confirmed that there were circumstances in which social services might not pass on information to the police. This seems likely to include cases where there is a sexual relationship which is considered to be consensual and not abusive. They referred the Inquiry to criteria for decision making contained in a protocol being developed by Sheffield Social Services.
- 4.51 Alleged offenders' names are not searchable on the Social Services Information Database (SSID), and will not be searchable without the addition of a new data field to the Integrated Children's System (ICS), which supports the work of the social services in dealing with childcare

issues. In giving evidence, Mr Eaden, from North East Lincolnshire Social Services, stated that this would be sensible, but in a subsequent submission decided otherwise. I do understand his dilemma.

- 4.52 An alternative way forward would be to require social services, in all circumstances, to refer to the police cases when a criminal offence against a child has been committed, or is suspected of having been committed. I am reluctant, however, to recommend something that takes away all local discretion and that could lead to the referral of cases that were, for example, consensual, involving two young people either side of the age of consent.
- 4.53 I am, therefore, recommending the following:

### **Recommendations**

The Government should reaffirm the guidance in *Working Together to Safeguard Children* so that the police are notified as soon as possible when a criminal offence has been committed, or is suspected of having been committed, against a child – unless there are exceptional reasons not to do so.

National guidance should be produced to inform the decision as to whether or not to notify the police. This guidance could usefully draw upon the criteria included in a local protocol being developed by Sheffield Social Services and brought to the attention of the Inquiry. The decision would therefore take account of:

- age or power imbalances;
- overt aggression;
- coercion or bribery;
- the misuse of substances as a disinhibitor;
- whether the child's own behaviour, because of the misuse of substances, places him/her at risk so that he/she is unable to make an informed choice about any activity;
- whether any attempts to secure secrecy have been made by the sexual partner, beyond what would be considered usual in a teenage relationship;
- whether the sexual partner is known by one of the agencies (which presupposes that checks will be made with the police);
- whether the child denies, minimises or accepts concerns; and
- whether the methods used are consistent with grooming.

The Integrated Children's System (ICS) should record those cases where a decision is taken **not** to refer to the police.

The Commission for Social Care Inspection (CSCI) should, as part of any social services inspection, review whether decisions not to inform the police have been properly taken.

**Responsibility:** The Department for Education and Skills (DfES)

- 4.54 If these arrangements were adopted, they would give greater assurance that all cases involving abuse and potential abuse would be referred to the police and entered on their local Child Protection Databases. These are searchable by name and so can be searched by the name of a potential abuser. If it were felt that yet further assurance were needed, the ICS itself could be made searchable by details of alleged sex offenders. This would allow social services to records information which is, after all, relevant to their work and helps protect children. It does, however, raise some contentious issues about the role of social services and whether the ICS would then need to be routinely searched as part of future vetting arrangements. These are matters for further consideration by the DfES and the ADSS.
- 4.55 Clearly, not all notifications to the police result in criminal investigation and prosecution. The police, social services and other agencies exercise discretion in the interests of the child. The criteria to which I have referred above should also support any decisions taken after the police have been notified.

## Recruitment and vetting

### Recruitment and selection

- 4.56 Previous Inquiries, such as the Warner Report *Choosing with Care*, Sir William Utting's *People Like Us* and the Waterhouse Report *Lost in Care* (which looked into the abuse of children in care in North Wales) have **all** highlighted the importance of robust selection and recruitment processes.
- 4.57 My concern, however, is that the importance of this issue seems still not to have been understood by those managing recruitment in schools.
- 4.58 The Principal of Soham Village College could not recollect having received training on how to draw out child protection issues during an interview. Equally, the Secondary Heads' Association (SHA) was unaware of any such training, referring instead to the 'kind of training that comes from experience and from what you do as you move up the management scale'.
- 4.59 Indeed, there still seems to be a general belief that interviewing, selection and recruitment are skills that are acquired from experience. But this is not good enough where child protection is concerned.
- 4.60 Interviews should involve some element of screening that goes beyond the type of well-intentioned questions asked during Huntley's interview at Soham Village College. I believe that the DfES has already addressed this in relation to the recruitment of staff to work in the Government's Connexions service (an initiative for teenagers that gives advice on education, training and work). That guidance may prove useful in probing whether or not an applicant is suitable for a job in a school.
- 4.61 Local Education Authorities and Governing Bodies have a responsibility to ensure that head teachers, and others involved in interviews, have the

opportunity to develop these skills, and, of course, there will be examples where they do this already.

- 4.62 The danger is that too much reliance will be placed on CRB checks or on the improved systems I recommend later, if these are adopted in the future. There is a concern that many abusers do **not** have convictions and that no intelligence is held about them. Therefore, the selection and recruitment process, if properly conducted, is an important, indeed essential, safeguard.

#### **Better audited**

- 4.63 I understand that in their inspection of regulated care settings (for example, children's residential care homes), the CSCI includes an evaluation of evidence on effective recruitment and vetting procedures. Given the importance of this issue, it is perhaps surprising that recruitment and selection standards elsewhere do not feature strongly in inspection/audit arrangements, including, as far as I can see, in Ofsted's standards for the inspection of schools (or of youth organisations and agencies such as Connexions). Even the very recent DfES consultation paper, *Improving Child Protection in Schools*, makes only scant reference to recruitment and training.

#### **Recommendations**

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

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

**Responsibility:** The DfES

### Vetting

- 4.64 The Inquiry discovered that police vetting processes, like police systems for record keeping, were not routinely covered in HMIC inspections. It was agreed by HMIC that this should change.

### Recommendation

HMIC should develop, with ACPO and the CRB, the standards to be observed by police forces in carrying out vetting checks. These should cover the intelligence databases to be searched, the robustness of procedures, guidance, training, supervision and audit.

**Responsibility:** HMIC

- 4.65 A variety of concerns also emerged from the evidence about the current vetting arrangements. I address these, and what can be done to make improvements within the current framework, in paragraphs 4.66–4.94 below. My strong view, however, as set out later in this section (paragraph 4.113), is that an entirely new arrangement should be introduced requiring those who wish to work with children, or vulnerable adults, to be registered or to obtain a licence in order to prove their basic suitability. I explain how this new system should work below.

## The current framework – issues and improvements

### Enhanced or Standard Disclosures

- 4.66 The type of police check carried out depends on the nature of the job or position applied for.
- 4.67 For the most basic level of disclosure, section 112 of the Police Act 1997 provides for a 'Criminal Conviction Certificate' which would reveal the convictions of the job applicant not yet spent under the Rehabilitation of Offenders Act. However, this section is not yet in force and would not, in any event, apply to those applicants seeking jobs with children or vulnerable adults.
- 4.68 There are two levels of vetting for this sort of job: the so-called 'Standard' Disclosure (under the 'Criminal Records Certificate' regime set up under section 113 of the 1997 Act) and 'Enhanced' Disclosure (section 115 of the 1997 Act).
- 4.69 The legislative regime governing when it would be appropriate and permissible for **Standard Disclosure** to be sought is complex. In summary, it is appropriate if the job involves work:
- 4.69.1 in a 'regulated position', such as where normal duties involve work in an educational institution (this covers all school staff and not just teachers), including caring for, training, supervising or being in sole charge of children; or
  - 4.69.2 in a further education institution where the normal duties involve regular contact with people under 18.
- 4.70 Standard Disclosures involving work with children or vulnerable adults contain details of:
- 4.70.1 all spent convictions on the PNC, and details of any cautions, reprimands or warnings held at national level. The period for which a conviction remains on record, for instance on the PNC, will

depend on the application of the 1999 'Weeding Rules' outlined in paragraphs 3.72–3.80; and

4.70.2 whether or not the job applicant appears on List 99 or on the Protection of Children Act (POCA) List maintained by the DfES. (It will also, in due course, include details of whether or not the job applicant appears on the Protection of Vulnerable Adults (POVA) List to be maintained by the DfES for the Department of Health.)

4.71 **Enhanced Disclosure** is appropriate where the job involves '**regularly** caring for, training, supervising or being in sole charge of people aged under 18'.

4.72 Enhanced Disclosure provides the same information as Standard Disclosure, plus any relevant local police intelligence held by forces whose areas cover the addresses provided by an applicant for the previous five years. Thus, there is checking of local police force records, in addition to PNC checks. A Chief Constable is required to provide any information 'which in his opinion is relevant to the application'.

*Problems with the distinction between Standard and Enhanced*

4.73 The decision on which type of disclosure to seek depends essentially on whether the job applicant is to be 'regularly' involved in caring for or supervising children, or whether that would only be a part of the job applicant's 'normal duties'. (In practice, and perhaps unsurprisingly, approximately 87 per cent of applications received by the CRB are for Enhanced Disclosure.)

4.74 There are two main problems with this distinction. First, the differences between the two types of disclosure are subtle and unclear. Different employers are likely to have different views about where the distinction lies. Inconsistency is likely. The potential for confusion is illustrated by the very position for which Huntley was vetted – that of school caretaker:

4.74.1 The previous regime, under Home Office circular 47/93, effectively treated those within the scope of the circular as being within the Enhanced Disclosure category. School caretakers were specifically named as one of the groups caught by the circular.

4.74.2 However, under CRB guidance on *Becoming a Registered Body*, the position of school caretaker is given as an example, under the current regime, of a post falling within the Standard Disclosure category.

4.74.3 School caretaker is given as an example of a post that should require Enhanced Disclosure under Annex C to the Home Office consultation paper of December 2003.

4.75 The second problem is that the distinction does not seem to me to be appropriate in principle. Its broad aim is to target the highest vetting level at those who will potentially pose most risk to children and vulnerable adults. For children, drawing a distinction between 'normal' and 'regular' contact does not make sense. The true risk analysis should involve looking at those whom a child might trust, which does not depend upon any such difference. As the NSPCC pointed out in evidence, such trust is likely to be engendered by a range of people who fall within the Standard Disclosure test but who would not necessarily fall within the Enhanced Disclosure test.

### **Recommendation**

All posts, including those in schools, that involve working with children, and vulnerable adults, should be subject to the Enhanced Disclosure regime.

**Responsibility:** The Home Office and the DfES

### **The decision to check**

- 4.76 The DfES states that designated childcare organisations must carry out a POCA check when someone 'moves job'. The only way to do this is through a full CRB check. Currently, subject to the discretion of the head teacher, a person can commence employment in a school prior to the completion of CRB checks as long as there has been a check of List 99 or an earlier check by the Teacher Training Institution. There is a grey unregulated area – such as children's clubs and activities – where checks are only discretionary. The principal issue here is whether it is appropriate to leave employers to decide whether to start the checking process. Under the current system, some could decide, for whatever reason, not to bother with such a check.
- 4.77 There was nothing in the evidence received by the Inquiry to suggest that this was happening. On the contrary, an employer is likely to be more, rather than less, concerned to ensure that checks are done on a prospective employee. Those who work with children and other vulnerable groups are likely to be all the more astute in that regard. In the circumstances, I do not see the need for a change.

### **Responsibility for checking identity**

- 4.78 The CRB existing Code of Practice deals with establishing the identity of job applicants and the explanatory guide to the Code states that:
- 4.78.1 It is good standard recruitment practice for employers to satisfy themselves of the identity of those applying for positions. This is especially sensible in relation to sensitive posts, to which Standard Disclosures and Enhanced Disclosures apply.
- 4.78.2 Where an applicant claims to have changed his/her name by deed poll or any other mechanism (for example, marriage, adoption, or statutory declaration), the employer should see evidence of such a change.
- 4.79 The issue of identity verification was looked at by the Independent Review Team (IRT) because Registered Bodies were often not checking identities properly. (The CRB gave evidence that they immediately rejected one application in ten for this failing and returned it to the Registered Body.) The IRT recommended that there should be greater clarity about the Registered Bodies' responsibilities in the process.
- 4.80 I note from the consultation paper *Criminal Records Bureau: Regulations under the Police Act 1997*, issued by the Home Office in December 2003, that it is proposed that Registered Bodies should be placed under an obligation to exercise all due diligence to ensure that mandatory

information (which includes names and previous addresses) is provided and is accurate.

- 4.81 Concern was expressed to the Inquiry that the declaration that Registered Bodies are currently asked to sign, verifying the information contained in the application, placed a level of responsibility on them that was unreasonable in terms of what they were in a position to deliver. This concern should be addressed when the regulations are introduced under the Police Act 1997. The regulations should clearly state what the precise responsibilities of Registered Bodies are.

#### **Recommendation**

The Registered Bodies' precise responsibilities for checking identities need to be clarified urgently.

**Responsibility:** The Home Office

#### **Improving the systems for checking identity**

- 4.82 Whoever is primarily responsible for checking identity, there is scope for improving the system by checking passports or driving licences presented as proof of identity against the Passport Service and DVLA's databases.
- 4.83 There should also be an expectation that, wherever possible, documents produced to confirm identity should include a photograph. However, it has to be recognised that even with such documents there is scope for falsification; and there will be cases in which the person concerned does not have such identity documents.
- 4.84 The national identity card scheme, if introduced, would go a long way to solving this problem. The CRB's view was that a requirement for fingerprint provision would be a very useful element in protecting the integrity of the vetting process. Although it would not be a complete solution, fingerprint provision:
- would enable checks to be carried out against police records at least to identify those convicted of serious offences;
  - could also be used as part of any notification scheme (that is, the scheme through which the police report the arrest of people in certain occupations); and
  - would go some way to solving the difficult problem of how to check effectively whether a person has provided aliases.
- 4.85 I agree that fingerprint provision would be a useful element in the vetting process. I am also aware that some will find this recommendation controversial. However, it is essential that everything possible is done to prevent the abuse of children and vulnerable adults, and if the use of fingerprints helps, then I believe that most people will accept it.

### **Checking applicants' addresses**

- 4.86 The giving of full and accurate addresses by an applicant ensures that requests for any local information are made to the right police forces. If that is not done, the system breaks down.
- 4.87 The CRB informed the Inquiry that, to their knowledge, some Registered Bodies did conduct checks to verify that addresses had been checked. They accepted, unsurprisingly, that it was good practice to do so. That is plainly right. It is accordingly surprising that there is no reference to the need for such checks in **any** of the guidance documents issued by the CRB. It may be that checks would not be foolproof. However, some checks would be better than none. It should be possible for the CRB, consulting as necessary, to work out the most effective way in which such checks could be undertaken. When set up, the PLX will render the checking of addresses less important.
- 4.88 There are two other important issues that need to be resolved in connection with checking applicants' addresses:
- whether the consents currently given by an applicant on the 'Police Check Form' are sufficiently wide to enable the requisite checks to be undertaken; and
  - whether there would be a benefit, if Registered Bodies are to be responsible for such checks, for a re-introduction of the previous declaration, confirming that all the information on the form has been checked in accordance with CRB guidance.

### **Incomplete and withdrawn applications**

- 4.89 The Inquiry received some concerns about the CRB's handling of incomplete or inadequate applications, where it appeared that sometimes they were returned to the applicant, and not to the Registered Body. The danger here, of course, is that an unsuitable person already working, say in a school, could prolong and delay the checking procedure. The CRB recognises that this is a flaw in their system and intends to change procedures so that rejected applications are sent to the Registered Bodies. I recommend that they do so urgently.

### **Checks on overseas workers**

- 4.90 The Inquiry received concerns from some teaching unions, and others, that foreign workers' backgrounds could not be easily checked. We heard the suggestion that, in future years, potentially 40 per cent or more of the teaching workforce could come from overseas. Systems need to be in place to ensure that they are properly vetted.
- 4.91 I have seen Answers to Parliamentary Questions in April 2004 from the DfES and the Home Office, advising that when criminal record information is not available, extra care should be taken in pursuing references and carrying out other checks on a person's background. Reference was made to the CRB Overseas Information Service, which describes the checks in other countries, including:
- where information can be obtained;
  - how to go about the checks; and
  - the cost and time involved.

- 4.92 I understand that the Overseas Information Service covers 16 countries, including nine in Europe, and that work is in hand to extend it by a further 15, including 14 in Europe.
- 4.93 This is clearly an area of potential weakness in the protection of young people. I know that the Home Office has recently organised a seminar on how EU member states can improve checking procedures, and that the Home Office is now considering options. They should come forward with these as soon as possible.

#### **Extension of databases accessed by the CRB**

- 4.94 I note that the Government plans, 'when Parliamentary time allows', to bring forward proposals to enable the CRB to access the Scotland and Northern Ireland equivalent of the POCA and POVA Lists. A second proposal would enable the CRB, when dealing with Enhanced Disclosure, to access any relevant information from, for example, HM Customs and Excise, NCIS, the National Crime Squad and the British Transport Police. They should do so as a matter of priority.

#### **Recommendations**

Registered Bodies, 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 (DVLA) databases.

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

Fingerprints should be used as a means of verifying identity.

Guidance should be issued to Registered Bodies on how to verify that applicants have given a full and accurate account of their current and past addresses.

Registered Bodies should be required to confirm that they have checked the information on the 'Police Check Form' in accordance with CRB guidance.

The consents that applicants currently give on the 'Police Check Form' should be sufficiently broad to enable the requisite checks to be undertaken.

Incomplete or withdrawn applications should in future be returned to the Registered Body, and not to the applicant.

Proposals should be brought forward as soon as possible to improve the checking of people from overseas who want to work with children and vulnerable adults.

As a priority, legislation should be brought forward to enable the CRB to access the following additional databases for the purpose of vetting:

- HM Customs & Excise;
- NCIS;
- National Crime Squad;
- British Transport Police; and
- Scottish and Northern Ireland equivalents of POCA and POVA.

**Responsibility:** The Home Office

### **Continuing problems**

- 4.95 Although these recommendations will improve the way in which the current framework operates, they will not resolve all the problems and I believe that more radical changes are necessary for the following reasons.

### **Overlaps, duplications and inconsistencies**

- 4.96 The current regime (the details of which are set out in Appendix 4) has overlaps, duplications and inconsistencies:

- the DfES operates the POCA List and List 99;
- the Department of Health will operate the POVA List with the DfES managing it on their behalf from July 2004; and
- these are in addition to the CRB arrangements.

- 4.97 Those on the Lists are forbidden, on pain of criminal sanction, from working with the relevant group, whereas the CRB's Enhanced Disclosure regime leaves the final decision to the employer.

- 4.98 The processes for deciding who should be placed on the Lists are similar in some respects yet essentially different. Some organisations have a duty to refer information about unsuitability, while some do not. Some bodies regularly refer, while some do not.

- 4.99 Definitions also vary between the Lists and there is an overlap between the three Lists (and the CRB's Enhanced Disclosure regime). One list (POCA) includes a provisional listing (which prevents an individual from working, pending a final decision); another (List 99) does not.

- 4.100 Decisions about putting someone on the POCA List are taken by civil servants and similar decisions about List 99 are taken by ministers. Appeal or review arrangements are also different, as are the responsibilities placed on employers and applicants.

- 4.101 It is difficult to justify these differences and they lead to unnecessary complexity of regulation.

### **The police are not best placed to make intelligence disclosures**

- 4.102 The current regime also leaves the police to make some very difficult judgements, for which they may not be best placed.

- 4.103 At the moment, all **conviction** and **caution** information, retained in accordance with the 2002 ACPO Code, is disclosed to the employer as a matter of course, which means no discretion or judgement is exercised in relation to that information. (I return to this below.)

- 4.104 However, judgements do need to be made about the disclosure of **intelligence** held on local police systems at the time of the vetting.

- 4.105 There was a clear consensus in the evidence, including that from ACPO, in favour of taking the decision about what information should, and should not, be disclosed out of police hands. That consensus is, in my view, supported by a range of compelling arguments:

- 4.105.1 The current system depends upon decision making by 43 Chief Constables (or those to whom the function is properly delegated). Inconsistency is inevitable, even where the system is monitored, as it is, by a former Senior Circuit Judge, Sir Rhys Davies.
- 4.105.2 Although I recognise that the purpose of vetting is crime prevention – a core police task – the judgement about relevance for the disclosure of intelligence is a distraction from ‘normal’ policing duties that a hard-pressed police service can ill afford.
- 4.105.3 There is also a risk that the police will blur the decisions about whether information should be **retained** and whether it should be **disclosed**. These are different issues, not least because the relevance of article 8 of the European Convention on Human Rights (ECHR) is markedly different in the separate contexts. For example, it may be justifiable for a police force to interfere with a person’s private and family life to the extent of retaining confidential information on him/her, but not justifiable to communicate that information to his/her employer.

#### **Disclosures only provide a snapshot**

- 4.106 Under the current arrangements the disclosure results are, in effect, a ‘snapshot’ taken at a particular point in time. There are no uniform arrangements for ‘re-vetting’ or ensuring that relevant subsequent convictions or intelligence are consistently made available to inform a decision about continued employment.

#### **Issues of fairness to the job applicant**

- 4.107 In addition, at present Enhanced Disclosure results are normally provided at the same time to the individual applicant and to the employer or voluntary body (Police Act 1997). Any objections by the job applicant to the provision of certain information could not, therefore, undo any damage done to his/her prospects with that particular employer.
- 4.108 In exceptional circumstances, where the Chief Constable considers that showing information from local police records to the applicant would prejudice the detection or prevention of crime, that information may be given separately, directly, and only to the Registered Body.
- 4.109 This raises important issues about the fair treatment of individuals. There is a risk that careers may be blighted and job prospects lost. The essential issues are:
  - 4.109.1 What should the ingredients for fair treatment be?
  - 4.109.2 Can the system be made to work efficiently, protectively and fairly all at the same time, bearing in mind the call on limited resources?
  - 4.109.3 Ultimately, how should the balance be struck between the rights of the individual and the need to protect the vulnerable?

- 4.110 It is unsurprising that the courts have been involved in considering disclosure of police information for vetting purposes. There has been a recent successful judicial review challenge to the provision of local police information to an employer under the Enhanced Disclosure regime: see *X v Chief Constable of the West Midlands* [2004] EWHC (Admin) 61, Mr Justice Wall. His conclusions (which are the subject of an appeal in which the Home Office has intervened) were in summary as follows:
- 4.110.1 The discretion to be exercised by the Chief Constable under section 115 of the Police Act 1997 as to whether to disclose intelligence material has to be exercised in accordance with common law principles of fairness. In the present context, those principles were set out in *ex parte Thorpe* [1996] QB 396 and *ex parte LM* [2000] 1 FLR 612.
- 4.110.2 The principles require that the job applicant be given an opportunity to make representations **before** the disclosure is made to the prospective employer. That conclusion was largely based on the seriousness of the consequences of disclosure for the job applicant and on the 'very small numbers' of Enhanced Disclosure requests producing a result other than 'no trace'. (The figures cited to the court indicated a figure of three in every 1,000 for that police force.)
- 4.111 If that decision is upheld on appeal, it will probably have the effect of requiring an extensive review and debate with the job applicant and his/her lawyers in a significant number of Enhanced Disclosure cases before any disclosure is made. It is not for the Inquiry to predict the outcome of the appeal. I am also particularly conscious that the arguments for and against advance disclosure, including the practical impact of such a regime, are likely to be explored in a level of detail not available to me.
- 4.112 I would only say that, in terms of fairness, there are attractions in affording applicants a prior opportunity to comment on disclosed information, but there will be timing and resource implications in routinely offering this opportunity to applicants in the current system.

### A new system – licence or registration

- 4.113 There are, I think, sufficient problems with the current arrangements, even if these were improved, to justify a different approach to establishing the basic suitability of those who want to work with children or vulnerable adults (although the latter falls outside this Inquiry's remit).
- 4.114 I believe that the arrangements I propose in the following paragraphs will deliver a system that is more proactive and effective than the current regime.
- Central registration**
- 4.115 Under my proposal, an individual wishing to work with children or vulnerable adults, including in the voluntary sector, would apply to a central body for registration.
- 4.116 The central body would have access to all the information currently, or soon to be, available to the CRB: that is, PNC records, local intelligence, POCA, List 99, POVA, HM Customs and Excise, British Transport Police, NCIS, the National Crime Squad and the Scottish and Northern Ireland equivalents of the PNC.

- 4.117 The central body would take a decision on the basis of the information above and notify the applicant. At that stage, no other employer, individual or institution would be informed. The applicant would have an opportunity to appeal against any refusal, either to the Care Standards Tribunal or some other appropriate independent body.
- 4.118 Under this system, employers would still decide whether or not a job required the postholder to be registered with the central body. If they decided the postholder did need to be registered, employers would be aware that the authorities knew of no reason why an applicant should not be employed to work with children or vulnerable adults. Employers would also retain the ultimate decision about whether or not to employ someone, using references and interviews.
- 4.119 The decision about the relevance of police intelligence, for the purpose of determining a person's suitability for a job, would be taken by the central body. The police, as now, would be able to advise on any intelligence that for operational reasons should not, under any circumstances, be revealed to the job applicant.

#### **Up-to-date information**

- 4.120 This revised scheme would have other advantages. With the introduction of the PLX (intelligence-flagging) scheme (see paragraphs 4.32–4.33), it should be possible to update the list of those registered, to take account of new intelligence held by any police force. I appreciate that a change in the law would be required to allow continuous consent for the rechecking of records.
- 4.121 In addition, with the use of some security identification, prospective employers could check the prospective employee's status through a freephone number or secure website. This would be especially helpful to small employers or parents employing, for example, tutors or sports coaches (the Inquiry received evidence from sports organisations that were concerned about the current arrangements). I stress that the response to a check would only be whether or not an individual was registered.

#### **Licence or card**

- 4.122 A scheme such as this could go a stage further than a searchable register and issue a licence or a card.
- 4.123 The arguments for including a licence or card are finely balanced. It could be politically controversial and the prudent employer to whom such a card was produced would still need to check, either by telephone or online, to be sure that it was still valid and not a forgery. On the other hand, the card could include other information including, for example, qualifications in the case of childcare workers.
- 4.124 It is not for me to decide on this issue and I am aware that the DfES, together with other departments, is considering the best way forward. Certainly, if it was decided to introduce a card or licence, a photographic card with biometric details would provide real advantages in checking identification. The Home Office will also want to give consideration to how a childcare licence might best co-exist with a national identity card, if this is introduced.

### **Benefits of a central register**

- 4.125 If the question of a card is finely balanced, the transfer of the decision about basic suitability to a central body is, I think, more clear cut.
- 4.125.1 The current system makes inconsistency inevitable, given the number of employers involved. Published central guidance and evidence of consistent decision taking would increase confidence for all the interested parties.
- 4.125.2 The current system makes it more likely that employers will adopt an over-cautious approach to decision making. The chances of a fair and appropriate balance regarding suitability being struck are increased by placing responsibility with a central body that takes such decisions regularly – although the final decision on employment still rests with the employer.
- 4.125.3 A central register will mean that the whole vetting process is not repeated every time a person moves post. This should achieve considerable savings in terms of time, effort and resources for employers, the police and individual applicants.

### **Basic suitability: recruitment and selection**

- 4.126 I cannot stress too often that the decision taken by the central body would only be about basic suitability. It will still require employers to undertake rigorous recruitment and selection processes – not least because of the concern that many abusers and potential abusers do not have criminal convictions or even intelligence retained about them. For many, therefore, there would be no known reason to refuse their application for registration.
- 4.127 Nor can I stress too often the dependence on the effective retention of intelligence records, which was so clearly lacking in the case of Huntley. In answer to the obvious and justified question – would this kind of registration scheme prevent a person like Huntley from obtaining the position of school caretaker? – the answer is 'yes', but only **if** the police maintain proper records and **if** the PLX intelligence-flagging scheme (or a sophisticated intelligence-gathering system) is in place.

### **Criteria for decisions about disclosure**

- 4.128 If there is a transfer of decision making about an applicant's basic suitability to a central body, the police will not need to take decisions about disclosure. They will simply gather the information and send it to the central body, doubtless continuing to identify information that should not, in any circumstances, be disclosed to anyone.
- 4.129 The Home Office has recently produced another draft circular that contains helpful additional guidance as to how Chief Constables should address the 'relevance' issue that lies at the heart of the disclosure decision provided for under part V of the Police Act 1997. This is necessary whatever the response to this Inquiry's recommendations. Even if a transfer of decision making is implemented, it will take time; and in the meantime, the police will have to continue to make decisions. The principal guidance, which I am content to endorse, may be summarised as follows:

- 4.129.1 Information should only be disclosed if there is 'clear reason to believe that it might be materially relevant – that is, not remotely or speculatively relevant, but materially relevant'.
- 4.129.2 The key purpose is not to provide a general 'character assessment' but is to consider the risk or likelihood of an offence being committed against the vulnerable. Accordingly, information must be relevant to the purpose for which disclosure is being made.
- 4.129.3 The information must be 'credible, clear and capable of being substantiated if challenged'. (This is not necessarily the same as the test set out in the CRB/ACPO guidance referred to above.)
- 4.129.4 Information must be reasonably current – the older the information, the less likely it is to be relevant.
- 4.129.5 A two-stage relevance test is proposed. Is there a firm basis for considering: (a) that the information might be directly relevant to an assessment of the person's suitability to work with children or vulnerable adults; and (b) that a reasonable potential employer for a particular job might find the information to be material to the decision of whether or not to employ, having regard to whether that individual would pose a risk to children (or vulnerable adults)?
- 4.129.6 The decision making about relevance must be procedurally sound: it must be made at an appropriate level (ACPO or equivalent rank) and the process must be able to withstand legal scrutiny.
- 4.129.7 The information disclosed must be presented so as to make its relevance clear. It must also be self-contained (rather than referring to another source of information not included in the disclosure).
- 4.130 If a central body takes over the decision-making function about basic suitability, it will need to draw up and publish criteria for making these decisions.

**Not all conviction information is relevant**

- 4.131 I have considered two other issues. The first was whether all conviction information retained by the police on the PNC should be disclosed as a matter of course. I support the concern expressed by the Information Commissioner that not all conviction information will be relevant to employment decisions. It is possible to think of examples involving conviction information, legitimately retained by the police under the 2002 ACPO Code, the disclosure of which to an employer would be difficult, if not impossible, to justify. It is also clear, as highlighted above, that the decisions about retention and disclosure are, and should be, separate. That said, I appreciate that the value of a clear general rule is not to be underestimated.
- 4.132 For me, at a more pragmatic level, the issue is intertwined with the possible transfer of the basic suitability decision to a central body. If that happened, I would recommend that all retained conviction information be disclosed to the central body. I would do so, in large part, because of the confidence such a body would bring to the decision-making process, and because the applicant would have access to an appeal process **in advance** of such information being made public (if it ever was).

### Third-party information

- 4.133 The second issue was the extent to which third-party information should be disclosed to employers or to the central body. For example, applicants for teaching and teaching assistant posts are vetted. If a police force asked for relevant intelligence, as part of that vetting process, was able to make a link between the applicant and his/her partner and had 'relevant' information relating to the partner, should they disclose that information to a prospective employer? The Inquiry was told that there are already occasions when such information is revealed, but that they are currently restricted to situations in which the child, or vulnerable person, is to live with the third party as well as with the subject of the vetting process.
- 4.134 I consider that the difficulties, both in principle and in practice, with routine disclosure of such third-party information render it inappropriate to move to such a system. But I do not rule out (and, as I understand it, the law would not currently rule out) the possibility of such disclosure being made when there is a clear case of risk.

### Recommendation

New arrangements should be introduced requiring those who wish to work with children, or vulnerable adults, to be registered. This register – perhaps supported by a card or licence – would confirm that there is no known reason why an individual should not work with these client groups.

The new register would be administered by a central body, which would take the decision, subject to published criteria, to approve or refuse registration on the basis of all the information made available to them by the police and other agencies. The responsibility for judging the relevance of police intelligence in deciding a person's suitability would lie with the central body. The police, as now, would be able to identify intelligence which on no account should be disclosed to the applicant.

Employers should still decide, based on good selection procedures, whether or not the job required the postholder to be registered and should retain the ultimate decision as to whether or not to employ.

The central body would have the discretion to ignore any conviction information judged not to be relevant to the position in question.

Individuals should have a right to appeal against any refusal to place them on the register and that right should be exercised before any information is made available to a third party.

The register should be continuously updated and available to prospective employers for checking online or by telephone.

The register should be introduced in a phased way, over a period of years, to avoid the problems associated with the introduction of the CRB.

The DfES, in consultation with other government departments, should decide whether the registration scheme should be evidenced by a licence or card.

**Responsibility:** The DfES, the Department of Health and the Home Office

## Taking things forward

- 4.135 There are clearly a number of practical issues to be addressed, in addition to the question of whether or not a registration scheme should be accompanied by a licence card. I do not underestimate the scale of the challenge. The Government estimates that 2.4 million people are working with children. This figure does not take into account those people living or working on premises who, if not working directly with children, may still have contact with them. There will need to be priorities and possibly some difference of approach, for example the use of a designated card for the Early Years and Childcare sectors but some simpler registration for the education sector.
- 4.136 The Government would need to decide which central body should be responsible, for example the CRB, a government department or a new body. It would need to be satisfied about costs. There are, of course, costs attached to the current overlapping arrangements. I am confident that after an initial necessary investment the new arrangements could offer savings in a relatively short time. The Government would need to decide over what period the new system would be introduced for existing and new workers. In the time available, it has not been possible to resolve these important, but detailed, issues.



# Glossary

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**4x4 system** – a subjective alpha/numerical intelligence grading system used by most police forces to determine the reliability of a piece of information (on a scale of A, B, C and X) and the reliability of the source of the intelligence (on a scale of 1–4). Therefore, 'A1' means the intelligence source is highly credible and the intelligence is of a high standard.

**5x5x5 system** – the successor to the 4x4 system of intelligence grading, incorporating the two factors above but including a judgement about who can have access to that intelligence (on a scale of 1 to 5).

## A

**ACPO** – Association of Chief Police Officers – the professional body of chief police officers. Its core activity is developing policing policy.

**ACPOS** – Association of Chief Police Officers Scotland – the professional body of chief police officers in Scotland. Its core activity is developing policing policy.

**ADSS** – Association of Directors of Social Services – the professional body representing directors of social services in England, Wales and Northern Ireland.

**Advice officer** – job title in social services. An advice officer gives information and confidential advice on a wide range of issues.

**Airwave** – a digital national radio communication service.

**APA** – Association of Police Authorities.

**ASU** – Administrative Support Unit at Humberside Police.

## B

**BCU** – Basic Command Unit – a geographically defined area within a police force.

**BVR** – Best Value Review – introduced under the Local Government Act 1999. A BVR measures improvements in economy, efficiency and effectiveness.

## C

**Care Standards Act 2000** – the Act reforming the regulatory system for care services in England and Wales.

**Care Standards Tribunal** – a tribunal established under section 9 of the Protection of Children Act 1999.

**Caution (1)** – when a suspect is advised of their rights once the police have reason to suspect an offence has been committed. The words used are: 'You do not have to say anything. But it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence.'

**Caution (2)** – a formal warning given by a police officer to a person who has admitted committing a criminal offence.

**Centrex** – Central Police Training and Development Authority – known as National Police Training (NPT) before 1 April 2004.

**Charge** – the formal accusation of a crime.

**Chief Constable** – the senior police officer in a force.

**Child Access Database** – a Cambridgeshire Constabulary database containing information relating to individuals undergoing vetting checks.

**CID** – Criminal Intelligence Division – a local police force's unit providing intelligence by gathering and processing information that helps identify crime trends and suspected criminals.

**CIS 1** – Humberside Police's Criminal Information System, made up of CIS Crime and CIS Nominals. CIS 1 changed to CIS 2 in September 1999.

**CIS Crime** – a part of Humberside Police's Criminal Information System, CIS Crime contained details of crimes reported, recorded and detected, and their disposal.

**CIS Nominals** – a part of Humberside Police's Criminal Information System, CIS Nominals was the force's core intelligence system, structured around the names of individuals.

**CJS** – Criminal Justice System – the collective activity of the police, courts, probation and prison services, through which alleged offences and offenders are processed.

**Command and control** – gives staff in police control rooms more information to make informed decisions about how to respond to incidents.

**Conditional bail** – a person released on conditional bail has to meet certain conditions, for example staying in a bail hostel.

**Connexions** – an initiative for teenagers that gives advice on education, training and work.

**Court Service** – an executive agency of the Department for Constitutional Affairs, responsible for running most courts and tribunals in England and Wales.

**CPD** – Child Protection Database – used by the Child Protection Units of Humberside Police.

**CPS** – the Crown Prosecution Service – responsible for prosecuting people in England and Wales charged with a criminal offence.

**CPU** – Child Protection Unit – a local police force unit dealing with a range of child protection-related matters.

**CRB** – Criminal Records Bureau (1) – a Home Office agency that provides employers with relevant information about an individual to assist in child-related and other recruitment decisions.

**CRB** – Criminal Records Bureau (2) – a term used by some police forces to describe their management of the criminal records checking processes.

**CRISP** – Cross Regional Information Sharing Proposal – an information-sharing system.

**CRO number – Criminal Records Office number** – a unique number given to an individual following arrest and at the point when fingerprints are taken.

**CSCI** – Commission for Social Care Inspection.

## D

**DCA** – Department for Constitutional Affairs.

**DfES** – Department for Education and Skills.

**DIB** – Divisional Intelligence Bureau. There were four DIBx in the Humberside Police area, whose operators input data onto CIS Nominals and updated CIS Crime.

**Disclosure** – the document issued by the national CRB detailing the result of the police checking process. There are two levels of disclosure: Standard and Enhanced.

**Discontinuance**, Notice of – issued under section 23(3) of the Prosecution of Offences Act 1985, informing an accused person that criminal proceedings are not being pursued.

**Disposal** – the term used to describe how a recorded crime and/or offender has been dealt with.

**DPA** – the Data Protection Act 1984 and the Data Protection Act 1998.

## E

**ECHR** – European Convention on Human Rights.

**EPM** – Education Personnel Management Ltd. A personnel service provider for most schools in Cambridgeshire.

## F

**Force Weeding Rules** – Humberside Police force's guidelines on the review and deletion of records.

**Form 310** – a Humberside Police form that was filled in to create a PNC record.

**Form 547** – a Humberside Police form 'Suspected Child Abuse – Record of Initial Decision'.

**Form 839** – a Humberside Police intelligence form.

## G

No entries for this letter.

## H

**HMCIC** – Her Majesty's Chief Inspector of Constabulary.

**HMIC** – Her Majesty's Inspectorate of Constabulary – responsible for inspecting police forces to ensure that they are operating efficiently and effectively.

**Holmes 2** – an IT system designed to help the police manage major inquiries.

**Home Office Circular** – one of the ways in which the Home Office sets out guidance on policy issues to the police and others.

**Human Rights Act 1998** – imposes specific obligations on public bodies and the courts to take account of, and apply, rights and freedoms accorded under the European Convention on Human Rights.

## I

**ICJS** – Integrated Criminal Justice System – installed in Humberside; the ICJS creates custody records and generates documents on, for example, cautions, charges and bail.

**ICS** – Integrated Children's System – supports the work of the Social Services in dealing with childcare issues.

**IMPACT** – Intelligence Management Prioritisation Analysis Co-ordination and Tasking – if developed, IMPACT will, among other things, support police forces in the implementation of the National Intelligence Model.

**Information Commissioner** – the Office of the Information Commissioner enforces and oversees the Data Protection Act 1998 and the Freedom of Information Act 2000.

**INTREPID** – the Integrated Tasking Reporting Evaluation Police Intelligence Database, Cambridgeshire Constabulary's intelligence database.

**IRT** – Independent Review Team – appointed by the Home Secretary to review the process at the CRB.

**IT** – information technology.

## J/K

No entries for these letters.

## L

**Lie on file** – when a case cannot proceed further without permission of the court or the Court of Appeal.

**List 99** – a DfES-maintained list, recording people who have been statutorily barred from teaching and other employment in the education service.

**LMS** – Local Management of Schools – changes introduced in 1990, allowing boards of governors and schools' principals to make decisions on resources and priorities to improve learning in schools.

**Local Government Act 1999** – the Act makes provision to impose on local, and certain other authorities, requirements relating to economy, efficiency and effectiveness. It also makes provision for the regulation of council tax.

## M

No entries for this letter.

## N

**NACRO** – National Association for the Care and Resettlement of Offenders.

**NAFIS** – National Automated Fingerprint Information System.

**NAHT** – National Association of Head Teachers.

**NASUWT** – National Association of Schoolmasters and Union of Women Teachers.

**National Policing Plan** – a document produced under the Police Act each financial year that sets out the priorities for police forces in England and Wales for a period of three years.

**NCIS** – National Criminal Intelligence Service, which provides strategic and tactical intelligence on serious and organised crime.

**NCS** – National Crime Squad.

**NDPB** – Non-Departmental Public Body – an organisation that is funded, but not directly managed, by a government department.

**NIM** – the ACPO National Intelligence Model – an NCIS-produced model aimed at making the intelligence discipline more professional within law enforcement.

**NSPCC** – National Society for the Prevention of Cruelty to Children.

**NSPIS** – the National Strategy for Police Information Systems. A range of information technology systems that aims to increase police effectiveness.

## O

**Ofsted** – Office for Standards in Education.

**OIC** – Officer in the Case – the police officer in charge of a case.

## P

**PACE** – Police and Criminal Evidence Act 1984. An Act governing police powers and the rights of defendants.

**Phoenix** – a PNC database, launched in 1995, which includes details of people convicted or cautioned for recordable offences (that is, those offences that carry the option of imprisonment).

**PITO** – Police Information Technology Organisation – responsible for the strategic development and delivery of IT systems to the police service.

**PLX** – an intelligence-flagging IT system currently being piloted by three police forces.

**PNC** – Police National Computer – accessed by all police forces in England and Wales.

**POCA** – Protection of Children Act List – a DfES-maintained list of those considered to be unsuitable to work with children.

**Police Act 1996** – the principal Act dealing with the organisation, administration and management of the police.

**Police Reform Act 2002** – an Act designed to improve the efficiency of the Police Service.

**POVA** – Protection of Vulnerable Adults List – a DfES-maintained list, detailing individuals deemed unsuitable to work with vulnerable adults in the health and social care sectors.

**PPAF – Policing Performance Assessment Framework** – performance measures that span the remit of police work.

**Prosecution** – pursuance of a lawsuit or criminal trial.

**Protection of Children Act 1999** – an Act that set up systems to identify people considered unsuitable to work with children.

## Q

No entries for this letter.

## R

**Registered Body** – an organisation listed in a register maintained by the national CRB.

**Rehabilitation of Offenders Act 1974** – the Act enabling some criminal convictions to become 'spent' after a given period of time.

**Rehabilitation of Offenders Act 1974 (Exceptions) Order England and Wales 1975**

– makes provisions that all convictions (spent or unspent) are to be disclosed by an applicant when applying for a specified position, which includes a post working with children or vulnerable adults.

## S

**Spent conviction** – under the Rehabilitation of Offenders Act 1974, a conviction may become 'spent', that is an offender does not have to reveal or admit its existence, after a given period of time.

**SSID** – Social Services Information Database – a national IT database used by many social services authorities.

**Summons** – an order requiring a person to attend court.

## T

No entries for this letter.

## U

**Unspent conviction** – a conviction that has not become 'spent' under the Rehabilitation of Offenders Act 1974.

**URN** – Unique Reference Number – a unique number ascribed to the individual concerned when a record was made on CIS Nominals in Humberside Police.

**USI** – unlawful sexual intercourse. Under the Sexual Offences Act 1956 it is an offence, subject to certain exceptions, for a man to have unlawful sexual intercourse with a girl under the age of 16 years. It is also an offence for a man to have unlawful sexual intercourse with a girl under the age of 13, without exceptions.

## V

**VISOR** – Violent and Sex Offenders' Register.

## W/X

No entries for these letters.

## Y

**Y2K** – Year 2000 Compliance. Refers to the millennium bug that many feared would affect IT systems everywhere at the start of 2000.

## Z

No entry for this letter.

# Appendix 1

## Areas of interest to the Inquiry

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### A. The Huntley case

In order to ascertain what occurred in the Huntley case, I will need all information and documentation concerning any contact between Huntley and the police and other agencies. From those organisations that had such contact, I invite

1. A detailed chronological description of the nature of each such contact, with explanation as appropriate about actions taken or not taken as a result. If possible, this should be supported by statements from those directly involved at the time. If that is not possible, the sources of the description should be indicated.
2. Copies of all documentation generated in such contacts.

### B. The local and national picture from 1995 to the present

In order to build up a picture of the factual position from 1995 and as it now exists, I will need to examine in particular the following (both locally and nationally):

1. What were/are the systems, policy and practice for **recording** information in relation to those against whom allegations of criminal or unlawful conduct are made and those who are convicted of offences or whose cases are disposed of in some other way (eg caution)? Included within this category are timing of record creation (including updating) and the use of pseudonyms by those the subject of information recorded.
2. What were/are the systems, policy and practice for **retaining** such information? Of particular interest in this area are systems, policy and practice relating to weeding or deleting information: eg how often this was/is done in relation to what categories of information; what tests were/are applied; what were/are the perceived legal (including specifically Data Protection Act) constraints – and how were/are they applied in practice; who made/makes the decisions.

3. What were/are the systems, policy and practice in relation to the **use** of such information in vetting. Of particular interest in this area are: (a) the nature of the vetting requests; (b) the nature of the searches then carried out; (c) the nature of liaison with other agencies at this (or any earlier) stage; (d) steps taken to deal with identification issues/problems (including pseudonyms); (e) tests applied in determining the level of vetting; (f) tests applied in determining what information should be disclosed, in particular in relation to enhanced vetting.
4. What changes relevant to the systems, policy and practice of recording, retaining and using such information in vetting are in train or proposed?

## C. The future

In relation to the future, I invite comments and views on any of the above areas or any other areas or issues those responding consider relevant.

I would particularly welcome comment and views on changes that could usefully be made and any practical or legal difficulties or considerations to be borne in mind in considering such changes.

## Appendix 2

### Evidence received by the Inquiry

#### List of witnesses

This is a list of those who gave oral evidence and/or written statements to the Inquiry. Those organisations and government departments whose representatives gave oral evidence also provided written submissions.

| Organisation                | Name          | Oral (O)<br>Written (W) |
|-----------------------------|---------------|-------------------------|
| ACPO                        | Fox, C        | O                       |
|                             | Readhead, I   | O                       |
|                             | Grange, T     | W                       |
| ACPOS                       | Gorman, B     | O                       |
|                             | Hamilton, A   | O                       |
|                             | McCandlish, I | O                       |
|                             | McSporran, J  | O                       |
|                             | Ovens, R      | O                       |
| ADSS                        | Cozens, A     | O                       |
|                             | Held, J       | O                       |
|                             | Thompson, P   | O                       |
| Audit Commission            | Ainsworth, R  | O                       |
|                             | Davies, G     | O                       |
| Cambridgeshire Constabulary | Haddow, W     | O/W                     |
|                             | Lightley, C   | O/W                     |
|                             | Lloyd, T      | O/W                     |
|                             | Ashford, C    | W                       |
|                             | Barnes, S     | W                       |
|                             | Barton, C     | W                       |
|                             | Baxter, T     | W                       |
|                             | Brookes, A    | W                       |
|                             | Causer, R     | W                       |
|                             | Christie, D   | W                       |
|                             | Cooke, W      | W                       |
|                             | Cooper, D     | W                       |
|                             | Cranwell, R   | W                       |
|                             | Cummins, J    | W                       |
|                             | Davidson, T   | W                       |
|                             | Deane, A      | W                       |

| Organisation         | Name          | Oral (O)<br>Written (W) |
|----------------------|---------------|-------------------------|
|                      | Dew, S        | W                       |
|                      | Dolamore, R   | W                       |
|                      | Dougal, J     | W                       |
|                      | Driscoll, P   | W                       |
|                      | Eales, J      | W                       |
|                      | Fairbank, D   | W                       |
|                      | Feavyour, J   | W                       |
|                      | Ford, C       | W                       |
|                      | Giddings, J   | W                       |
|                      | Harding, S    | W                       |
|                      | Ingrey, G     | W                       |
|                      | Kelly, R      | W                       |
|                      | Lane, M       | W                       |
|                      | Leader, R     | W                       |
|                      | Lidstone, N   | W                       |
|                      | Mann, P       | W                       |
|                      | Moores, P     | W                       |
|                      | Mulligan, A   | W                       |
|                      | Newman, M     | W                       |
|                      | Nicholson, P  | W                       |
|                      | Phillipson, P | W                       |
|                      | Pinner, C     | W                       |
|                      | Plant, J      | W                       |
|                      | Potter, J     | W                       |
|                      | Ross, M       | W                       |
|                      | Rushmer, J    | W                       |
|                      | Simpson, K    | W                       |
|                      | Stevenson, C  | W                       |
|                      | Swain, G      | W                       |
|                      | Toland, R     | W                       |
|                      | Vajzovic, D   | W                       |
|                      | Wate, R       | W                       |
|                      | Watts, P      | W                       |
|                      | Webster, A    | W                       |
|                      | Winser, R     | W                       |
|                      | Wood, J       | W                       |
| CRB                  | Gaskell, V    | O                       |
|                      | O'Brien, J    | O                       |
| DfES                 | Efunshile, A  | O                       |
|                      | Hevey, D      | O                       |
|                      | Leffler, M    | O                       |
|                      | MacKenzie, H  | O                       |
| Department of Health | Monks, V      | O                       |
|                      | Nash, A       | O                       |
|                      | Sheehan, A    | O                       |
| EPM                  | Cooper, M     | O                       |
|                      | Curtis, B     | W                       |
|                      | Walker, R     | W                       |

| Organisation                | Name         | Oral (O)<br>Written (W) |
|-----------------------------|--------------|-------------------------|
| HMIC                        | Povey, Sir K | O                       |
|                             | Todd, P      | O                       |
| Home Office                 | Goldie, C    | O                       |
|                             | Rimmer, S    | O                       |
| Humberside Police           | Appleton, K  | O/W                     |
|                             | Baggs, G     | O/W                     |
|                             | Billam, P    | O/W                     |
|                             | Carroll, C   | O/W                     |
|                             | Chatha, D    | O/W                     |
|                             | Harding, M   | O/W                     |
|                             | Heatley, R   | O/W                     |
|                             | Hibbitt, S   | O/W                     |
|                             | Hunter, D    | O/W                     |
|                             | Tait, N      | O/W                     |
|                             | Westwood, D  | O/W                     |
|                             | Adcock, M    | W                       |
|                             | Biggs, R     | W                       |
|                             | Casswell, P  | W                       |
|                             | Clark, R     | W                       |
|                             | Crosse, J    | W                       |
|                             | Dent, W      | W                       |
|                             | Garrod, H    | W                       |
|                             | Gell, L      | W                       |
|                             | Higgins, R   | W                       |
|                             | Hill, M      | W                       |
|                             | Hodges, E    | W                       |
|                             | Hodgson, S   | W                       |
|                             | Hopper, M    | W                       |
|                             | Hume, C      | W                       |
|                             | Hunter, D    | W                       |
|                             | Johnson, K   | W                       |
|                             | Keightley, I | W                       |
|                             | Larkin, A    | W                       |
|                             | Love, S      | W                       |
|                             | MacDougal, G | W                       |
|                             | Miller, N    | W                       |
|                             | Ramskill, G  | W                       |
|                             | Snowden, P   | W                       |
|                             | Spicksley, P | W                       |
|                             | Stokes, S    | W                       |
|                             | Stone, K     | W                       |
|                             | Teasdale, M  | W                       |
|                             | Thompson, M  | W                       |
|                             | Ward, J      | W                       |
|                             | Ware, M      | W                       |
|                             | Worrall, P   | W                       |
| Humberside Police Authority | Inglis, C    | O/W                     |
| Information Commissioner    | Smith, D     | O                       |
|                             | Thomas, R    | O                       |

| Organisation                             | Name                                 | Oral (O)<br>Written (W) |
|------------------------------------------|--------------------------------------|-------------------------|
| Liberty                                  | Chakrabati, S<br>Crossman, G         | O<br>O                  |
| Lincolnshire Police                      | Knowles, C                           | O                       |
| NAHT                                     | James, K                             | O                       |
| NASUWT                                   | Howard, M<br>Keates, C               | O<br>O                  |
| National Audit Office                    | Barker, G<br>Murphie, A              | O<br>O                  |
| North East Lincolnshire Social Services  | Eaden, M<br>Watters, P               | O/W<br>O/W              |
| NSPCC                                    | Atkinson, C<br>Cleary, K<br>Noyes, P | O<br>O<br>O             |
| National Union of Teachers               | Brown, A                             | O                       |
| Professional Association of Teachers     | Brierley, D                          | O                       |
| PITO                                     | McArthur, T<br>Webb, P               | O<br>O                  |
| Secondary Heads Association              | Bird, R                              | O                       |
| Soham Village College                    | Gilbert, H                           | O/W                     |
| Scottish Secondary Teachers' Association | Eaglesham, D                         | O                       |
| Turnbull, L                              | Former Humberside Police Officer     | W                       |
| Wood, R                                  | Former Humberside Police Officer     | W                       |

## Organisations that provided written submissions but were not asked to give oral evidence

Association of Police Authorities  
Association of Teachers and Lecturers  
Cambridgeshire County Council  
Centrex  
Churches' Child Protection Advisory Service  
Convention of Scottish Local Authorities  
Department for Constitutional Affairs  
Disclosure Scotland  
General Council of the Bar  
General Teaching Council for England  
General Teaching Council for Scotland  
HMIC for Scotland  
Law Society  
National Association for the Care and Resettlement of Offenders  
National Probation Service (Humberside)  
Ofsted  
Oxfordshire County Council  
Police Federation of England and Wales  
R E Austin Ltd  
Scottish Executive  
Scottish Police Federation  
Scottish Superintendents' Association  
Superintendents' Association of England and Wales  
United Kingdom Passport Service  
Victim Support  
Women Against Rape

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In addition, the Inquiry was also provided with information by many organisations and members of the public.



# Appendix 3

## Humberside Police records and Social Services records

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### Humberside Police records

This information was provided to the Inquiry by Humberside Police.

There were four information systems in use over the relevant period:

- the Police National Computer (PNC);
- the local Criminal Intelligence System (CIS), made up of the CIS Nominals and CIS Crime applications;
- the Child Protection Database (CPD); and
- the Integrated Criminal Justice System (ICJS).

#### The PNC

- 1 Introduced in 1974, the PNC is directly accessible to all police forces in England and Wales. Before 1995, paper records of arrested people were forwarded by local police forces to the National Identification Service (NIS).
  - In May 1995, the Phoenix 'nominal' database was launched nationally to improve the existing Criminal Names Index.
  - This 'nominal' or 'descriptive' database can hold a record about name, age, sex and height, along with other details, such as aliases, addresses and *modus operandi* (common features and patterns of illegal behaviour).
  - From this time, local police forces were responsible for putting information onto the PNC.

#### Form 310

- 2 At this time, Humberside Police introduced Form 310 (Phoenix descriptive), which officers had to complete by hand. Form 310 was designed to give all the information that was needed for the PNC and was meant to be filed when, or shortly after, a person was charged or summonsed or an offence was disposed of by way of a formal caution.

- 3 The job of inputting information from Form 310 onto the PNC was the responsibility of the civilian staff in the Conviction Service Bureau, a part of each of the three Administration Support Units that serviced the four divisions of Humberside Police.
- 4 Form 310 was also sent to the relevant Divisional Intelligence Bureaux (DIBx) – in each of the divisions of Humberside Police. The DIBx were staffed by a combination of police officers and civilian staff and were understood, at least by operational officers, to be responsible for inputting information and intelligence onto the local police intelligence system, CIS Nominals.
- 5 When the ICJS was introduced, between 1995 and 1997, a copy of a charge prepared on it would automatically print out in the local Conviction Service Bureau. This would then be used immediately to create a skeleton PNC record. Later, the **full** arrest/summons report would be completed **after** receipt of Form 310, as explained above.
- 6 Before November 1995, in common with other police forces, Humberside Police did not put any cautions for reportable offences onto the PNC, because the PNC program was not designed to allow this. Instead, they were recorded locally on CIS Nominals.
- 7 After November 1995, such cautions could be put onto the PNC, but any issued before that date were not immediately put onto the system. In 1999 Humberside Police implemented a back-record conversion programme for a limited number of offences, following liaison with the Home Office. (Police forces wishing to convert existing cautions were required first to liaise with the Home Office, due to a concern that a large-scale conversion exercise would cause a backlog at the National Fingerprint Office, as fingerprint records were required to confirm the identity of the subject of the electronic record.)
- 8 It was the responsibility of the local police force that had created the records to review and delete them when appropriate, under data protection legislation.
- 9 Humberside Police would conduct the review at the relevant time, in accordance with the Association of Chief Police Officers' (ACPO) Code of Practice on Data Protection 1995 (called the 1995 ACPO Code).
- 10 In May 1996, Humberside Police introduced a process by which certain cases (including those involving a court case where there had been an acquittal for unlawful sexual intercourse or other sex offences) would be reported to a supervisor so that a decision whether or not to keep a record on the PNC, in accordance with the 1995 ACPO Code, could be taken at superintendent level.

## The CIS

- 11 The CIS was a local database, with two applications, operated by Humberside Police. In 1995, the system had been with the force for about ten years. It was designed as 'an information-management and intelligence

tool ... to store and supply comprehensive information and intelligence on crime and criminals to assist police in both administrative and operational roles'.

- 12 The CIS was updated at the end of 1999 for Y2K compliance. From that time, the old system was known as 'CIS 1' and the new one as 'CIS 2'.

### CIS Nominals – the core intelligence tool

- 13 **CIS Nominals** (one of the two CIS applications) held information about people who came to the attention of the police in connection with criminal activity, or alleged criminal activity. It was Humberside Police's core intelligence tool.
- 14 Inputting data onto the CIS system was the responsibility of the four DIBx. So, to find its way onto CIS Nominals, that information had to be supplied, by police officers, to one of the four DIBx via a range of documents routinely submitted. Thus, record creation would only work effectively if:
- the police officers handling cases routinely and promptly supplied information to the DIBx; and
  - that information was input in an efficient, timely way by the DIBx.
- 15 The manual records routinely sent to the DIBx to create CIS Nominals records were:
- custody and bail records;
  - Form 310; and
  - Form 839, the dedicated intelligence report form.

#### Unique Reference Number

- 16 When a new record was made on CIS Nominals, a Unique Reference Number (URN) was assigned to the individual concerned. The CIS Nominals record was 'owned' by the Humberside Police division where the subject of the record lived.
- 17 When a record was made, a review date would be set. If no review date was set, there was an automatic default date of one year from the date the record was created.

#### Datasets or categories

- 18 Information on CIS Nominals could be recorded in 13 different datasets or categories. So, for example:
- the **'summary' screen** (dataset 1) had details of the name, age, sex and the CIS URN;
  - the **'modus operandi' (m.o.) screen** had details of the method used in criminal activity or alleged criminal activity; and

- **the 'general information' screen** (dataset 11), which was the most relevant during the period of Humberside Police's contacts with Huntley. This was used for recording intelligence about the individual concerned. Each piece of information input into dataset 11 was meant to have a review date. If there was no review date, the system inserted its default date one year from that particular record's creation.

19 CIS Nominals could be searched against the name of an individual.

#### **Automatic review of records**

20 Each month the system automatically presented the records for review by generating and printing two reports: one listed whole records that were due for review; and the other listed records in which there were individual items of intelligence, recorded in dataset 11, that were due for review. Both reports had lists of the relevant URNs.

20.1 Twenty-eight days before the review date entered on the record, the reports would be posted, via internal mail, to whichever police division 'owned' the record in question. For example, if a record had a review date of 1 August 2001, the list would be generated for review in early July 2001.

20.2 Until May 2000, the reviews were conducted at the DIBx by police officers and after that date by civilian staff.

20.3 Until February 2001 (when the review process was halted as it was realised it was not working as it should), in order for a record **not** to be deleted on, or shortly after, the review date, the person reviewing that record had to set a new review date. If this was not done, the record would be automatically deleted.

20.4 When the system was first set up in 1985, the term 'deleted' meant 'archived'. In 1986, the system was changed and deleted meant permanently lost.

#### *Guidance on deleting records*

21 There were:

- the 1995 ACPO Code principles, dealt with in more detail below; and
- two Humberside Police-produced documents:
  - the 'Force Standing Order of 1990' (also called the '1990 Standing Order'), which appears to have been based on the 1987 ACPO Code of Practice; **and**
  - Humberside Police's 1996 'Weeding Policy and Criteria', usually called the '1996 Force Weeding Rules', which followed the 1995 ACPO Code.

#### *Intelligence grading*

22 There is a common intelligence grading system within police forces.

- It used to be called the '4x4 system'. It is now called the '5x5 system'.

- 22.1 In essence, the system grades information held by the police according to two scales:
- first, the reliability of the **source** (graded by letters, with 'A' being the best); and second, the reliability of the **information** (graded by numbers, with '1' being the best). The extra element in the 5x5x5 system introduced a code for the **handling and dissemination** of the information.
- 23 The 1990 Standing Order stated that:
- 23.1 Information about people with formal cautions, but no convictions, had a 'weed date' of **three years** from the date of the last caution.
- 23.2 Information about people with **no** convictions or cautions had a 'weed date' of **one year** from the last entry.
- 23.3 If the evaluation code was A (1–4), B (1–4), C(1) and X(1) [that is, 'high grade' intelligence], general information (in dataset 11) on CIS Nominals was to be reviewed one year from entry, unless an earlier review date had been put in.
- 23.4 But if information evaluation codes were (C (2–4) and X (2–4) [that is, 'low grade' intelligence] the information 'should only be retained for three months'.

#### **The 1995 ACPO Code**

- 24 The need for flexibility in deciding whether or not to keep intelligence was emphasised at the outset: 'The need to retain or remove [information in criminal intelligence records] can only be judged from the nature of the information, the person to whom it relates and the circumstances prevailing at the time in question.'
- 25 Accordingly, it was 'not possible to lay down strict criteria for the removal of data from criminal intelligence records'.
- 26 The 1995 ACPO Code suggested that intelligence records should be graded when they were created and that review dates should be specified 6, 12 or 24 months on from that date. It also stressed that, in some cases, information might have to be retained for long periods if the police were effectively to discharge their duties, for example in cases involving persistent offenders or those convicted of sexual offences.

#### **The 1996 Force Weeding Rules**

- 27 These remained in place until September 2003. They began by stressing that it was not compulsory for the data to be removed within the timescales prescribed in the Rules, but that a review should be carried out, the information assessed and a decision made as to whether to retain it. However, in relation to dataset 11 (that is, the set likely to contain intelligence information), the Rules stated: 'Information held should be reviewed and weeded accordingly after 12 months. **No weed date should exceed this period.**' [Inquiry's bold]

## CIS Crime

- 28 The second CIS application was the crime recording system, **CIS Crime**, which contained details of all crimes reported, recorded, detected and disposed of.
- 29 There were a number of datasets, or screens, including a 'Summary' screen and an 'Offenders/Wanted Persons' screen. The 'Disposal' screen had a number of options, including:
- 'undetected' (no offenders interviewed, charged or reported for this offence);
  - 'no crime' (meaning that a decision had been made that the incident should not be classified as a crime); and
  - 'detected' (offence detected, offender charged/summonsed).

### Creating records on CIS Crime

- 30 The Crime Report Form was the one 'paper' document that created a record on CIS Crime. This was then updated by a series of other Crime Report Forms as the case progressed. However, information for the initial record on CIS Crime was often just telephoned in to those responsible for creating the record, before a Crime Report Form was submitted.
- 31 Creating records on the CIS Crime system was mainly done by the Central Crime Input Bureau, a central unit for Humberside Police. However, crime administration staff in the four DIBx also had some CIS Crime inputting functions and were responsible for updating the system with a case's 'finalisation code', recording its result (for example, 'detected', or the more detailed disposal codes that existed).

### CIS Crime's search function

- 32 The only way to search for an individual's past contacts with the police was through the 'Offenders' screen (dataset 3), not by a specific name, but only via the URN or the Criminal Records Office (CRO) number, a unique number given to an individual following arrest.

### Using CIS Crime to search CIS Nominals

- 33 However, from December 1999 and the launch of CIS 2, it was possible:
- to do a full search by name; and
  - to search both CIS Crime **and** CIS Nominals in **one** search through CIS Crime.

Once it became possible to search by name, CIS Crime was opened up as an intelligence tool.

### Removing records from CIS Crime

- 34 The normal retention period for records on the 'live' CIS Crime system was three years. After that, the record was archived on other back-up media (magnetic tapes and, later, CDs) where it was held indefinitely. But a

retention marker ('retain') could be added to preserve the record on the 'live' system, where it would stay until the marker was removed.

## The CPD

- 35 Humberside Police's CPD was set up in 1991. It was a single database and was used by the four divisional Child Protection Units.
- 35.1 Records were created on it when a member of one of the Child Protection Units sent a copy of Form 547, the 'Record of Initial Decision' in a case, to a co-ordinator based at Humberside Police headquarters, where it was then passed to a clerk for inputting.
- 35.2 In 1995, the CPD had a number of screens (or datasets) that allowed a range of information to be recorded. One screen mirrored the content of Form 547 (the screen was called a 'Record of Initial Decision'). There was also a screen for inputting details about the alleged offender or abuser, and another for the decision taken in the case.
- 35.3 The CPD could be searched against a name to determine whether either the victim or the alleged offender/abuser was on the system.
- 35.4 Access to the information on the CPD was via the co-ordinator's office.

### Reviewing the CPD's records

- 36 There was no review of any of the CPD's records until 2001 and 2002, when records were reviewed and deleted according to a policy that was set out in detail by Humberside Police in their evidence to the Inquiry.

## The ICJS

- 37 The ICJS was introduced across Humberside Police between 1995 and 1997 and is installed in all custody suites. It dealt (and, pending the introduction of National Strategy for Police Information Systems (NSPIS), still deals) with initial processing of prisoners brought into custody.
- 38 It creates a custody record and generates documents for a range of matters such as formal cautions, charges and bail.
- 39 All people arrested and taken to a police station are recorded on this system.
- 40 ICJS operates via a series of screens that follow on one from the other as details are recorded. Once the personal details of the subject are filled in, the system automatically sends a message to the PNC bureau asking them to check the PNC and CIS Nominals.
- 41 ICJS did not, and does not, automatically generate records for review. Since its inception, no records have been deleted from it.

## Social Services records

- 42 Social Services recorded their referrals onto a Client Enquiry Form. The information was then recorded onto the Social Services Information Database (SSID) (a nationally recognised system used by many social services authorities) as a 'Referral and Information Record'.
- 43 Social Services used Form 547 whenever they decided to make an onward reference to the police about an incident referred to them.
- 44 Form 547 would be completed by both Social Services and the police (usually over the telephone) to ensure that both services had an agreed record of the referral.
- 45 Other paper records were also kept by social workers, including:
  - diary sheets;
  - records of telephone and other conversations;
  - letters; and
  - notes of meetings.
- 46 Paper records were filed under the name of the child. There was no system of indexing to the name of the alleged abuser.
- 47 The SSID contained, in skeleton form, the information that had been recorded in the Client Enquiry Form, but it had a limited function. It could search and retrieve data by reference to the child's name and it had the capacity to record free text (that is, a form of ad hoc note keeping). However, it had no facility to search under the name of the alleged abuser or do a word search in the free text section.
- 48 Records were not kept in a way that could help inform Social Services about previous contacts between themselves and an alleged abuser.

## Appendix 4

# Vetting, the List schemes and Enhanced Disclosure

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- 1 This appendix covers the system that was operating when Huntley was vetted for the job of school caretaker. It also looks at the List schemes run by the Department for Education and Skills (DfES) and the Department of Health, and it contrasts these with the Enhanced Disclosure scheme. Finally it looks at vetting systems in other countries.

### The system in operation when Huntley was vetted

- 2 At the time of Huntley's vetting check, in December 2001, guidance and vetting arrangements were set out in Home Office Circular 47/93. The circular covered checks on people who were applying to local authorities or schools for work that would give them 'substantial unsupervised access, on a sustained or regular basis ... to children under the age of sixteen'.

#### The police check process

- 3 Guidance was given on the meaning of 'substantial access' and therefore on whether a post qualified for a police check.
- 4 A list of the main groups of people, for whom checks **should be** considered, included 'other staff in schools or education departments who have substantial opportunity for access to children (e.g. ... school caretakers)'. This definition clearly covered Huntley's application for Residential Site Officer or caretaker.
- 5 The police check was made against national and local police records for all the posts covered by the Home Office Circular.
- 6 Home Office Circular 47/93 also made it clear that police checks:

'... must not take the place of normal personnel procedures and safeguards. References should be required and taken up, and birth certificates and educational/professional qualifications verified, in the case of all new appointments; unexplained gaps in employment history should be satisfactorily accounted for. Further information about the recruitment, selection and appointment of staff can be found in Chapters 3 to 5 of *Choosing with Care* (the Report of

the Committee of Inquiry into the Selection, Development and Management of Staff in Children's Homes – HMSO, December 1992).'

- 7 A police check should not have been requested until a conditional offer of appointment had been made. Requests for a police check would be sent to the chief officer of the police force of the area in which the applicant had applied to work, who would liaise as necessary with the applicant's 'home' force.
- 8 Authorities were advised to consider making a statement available to people who may be subject to a criminal records check to reassure them that ex-offenders would not be rejected automatically. A model statement was offered for the purpose.

- 9 Home Office Circular 47/93 also stated:

'Authorities should make every effort to confirm the identity of the applicant before the police are asked to process a check. Verification of identity, date of birth and of any change of name should be obtained. Incomplete or incorrect information may invalidate the police check and lead to failure to discover relevant convictions.'

- 10 The police checks procedure outlined in Circular 47/93 was as follows:
  - 10.1 Requests had to be made on a specific form. Part A was completed by the applicant, who was required to disclose any convictions, bind-overs or cautions. The applicant also had to provide relevant details, including any previous surnames and addresses in the past five years. The applicant declared that the information given was true, and gave consent to a police record check being made.
  - 10.2 The form was then countersigned by the Senior Nominated Officer (the person responsible for the carrying out of the procedure) to confirm that the particulars provided on the form had been verified and that he or she was satisfied they were accurate.
  - 10.3 The form was sent to the police force in the area where the applicant had applied to work.
  - 10.4 That force was to liaise, as necessary, with the applicant's 'home' force(s) as identified by the address on the form.
  - 10.5 Once the checks had been carried out, the form was returned to the employer detailing convictions and any other relevant information.
  - 10.6 The form had two boxes for use by the 'home' force after it had received all the relevant information from other forces. The first stated: 'No trace on details supplied.' The second stated: 'The subject appears identical with the person whose criminal record is attached.'

### **National and local checks**

- 11 Checks would include looking at the relevant **national** police records on the Police National Computer (PNC), which included information about convictions, cautions, reprimands and final warnings for recordable offences (that is, offences that carry a custodial sentence). It also had details of pending prosecutions and other disposals, such as charges directed to 'lie on file'. All PNC records were subject to review and deletion.
- 12 Spent and unspent convictions would be revealed, so long as they were retained on the PNC. This was because the Rehabilitation of Offenders Act 1974 did **not** apply to offences that were the subject of a police check (see the Rehabilitation of Offenders Act 1974 (Exceptions) (England and Wales) Order 1975, as amended by the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 1986).
- 13 **Local** police records were not dealt with in detail in Circular 47/93, but:
  - '... might contain details of:
  - convictions for certain minor offences
  - cautions
  - bind-overs
  - other relevant factual information which the police would be prepared, if necessary, to present as evidence before a court or tribunal. This may include information about acquittals or decisions not to prosecute where the circumstances of the case give cause for concern.
  - Information from local records, other than details of convictions, non-conviction bind-overs and cautions, should be disclosed only on the authority of a police officer of the rank of Assistant Chief Constable or above or, where appropriate, the Head of the National Identification Bureau.'
- 14 Therefore, Huntley's vetting check also involved a search of local police records. After any non-conviction or formal caution information had been found, the next stage was for a senior police officer to make a judgement about whether or not particular information should be disclosed to the employer.
- 15 If the information provided by the police differed from that provided by the applicant, and was of significance, the employer was required to discuss the discrepancy with the applicant before reaching a decision. It is clear that the general rule was that information provided to employers as a result of police checks could be discussed with the prospective employee.
- 16 The Home Office Circular dealt with how the employer might use the information supplied by the police, stressing that a person's suitability for a post needed to be judged by the employer in the light of all the information available. Specific reference was made to the fact that convictions for

sexual, violent or drug offences would be 'particularly strong contra-indications for work with children'. In a similar vein, it was stated that 'the chance for rehabilitation must be weighed against the need to protect children', and that a series of offences over time was more likely to give cause for concern than an isolated minor conviction.

## The List schemes compared with Enhanced Disclosure

17 There are currently overlapping, but different, control schemes, or Lists:

- the **Protection of Children Act (POCA) List** and **List 99** from the DfES;
- the **Protection of Vulnerable Adults (POVA) List** run by the DfES on behalf of the Department of Health from July 2004 (the proposed operation of this list is summarised in the supplementary report to the Inquiry by the Department of Health, dated 29 March 2004); and
- the **Enhanced Disclosure** regime run by the Criminal Records Bureau (CRB), the police and employers. Anyone who comes under the remit of the three lists is likely to fall within the Enhanced Disclosure regime.

There are differences:

- **within** the List schemes; and
- **between** the List schemes and Enhanced Disclosure.

18 The purpose of each List scheme is to prevent or minimise the risk of unsuitable people occupying positions of trust that give them access to vulnerable groups. However, there is a considerable overlap between them. The purpose of Enhanced Disclosure is the same.

18.1 The List schemes are 'exclusionary with sanctions', which means that a person put onto any List is forbidden, on pain of criminal sanction, from working with the group of vulnerable people covered by that List's particular regime. Under the current Enhanced Disclosure regime there are no criminal sanctions. The final decision about a person's suitability for a job is made by the employer.

18.2 Under the List schemes, decisions about an applicant's employability are taken by central/national bodies (that is, the DfES and the Department of Health). Under the Enhanced Disclosure regime, the decision is taken by a local employer.

19 Under the List schemes, the decision-making processes about who should be placed on the Lists are broadly similar, although there are significant differences between them individually, and also between them as a whole and the Enhanced Disclosure regime, as outlined below.

## Stage 1 – referrals

- 20 The POCA List and List 99 refer information about the applicant to the decision-making body. Some organisations have a duty to refer. For example, under the POCA List scheme 'child care organisations', defined in the legislation as being concerned with providing accommodation (such as a children's home), social services, healthcare services or the supervision of children, are under such a duty. Under the List 99 scheme, 'relevant employers' and agencies – essentially those employing or placing teachers and ancillary workers in the education service – are under a duty to refer.
- 21 The Enhanced Disclosure regime has no obligation to refer information to a central decision-making body; there is merely provision for the possibility of reporting matters of concern. The evidence suggests that there is a lack of clarity about how this voluntary reporting system is meant to work and an inconsistency in its operation, with some bodies regularly reporting and others not.
- 22 Under the POCA List, information is referred which might render a person unsuitable to work in a 'regulated position': that is, a position that the DfES describes as 'involving regular contact with children'.
- 23 Similarly, List 99 calls for 'prescribed information' that might make a person unsuitable to work with children.
- 24 The coverage of the POCA List corresponds almost exactly with the Enhanced Disclosure regime, which makes it difficult to understand the important differences between the schemes – how, and by whom, the decisions on employability are made, for example.

## Stages 2 and 3 – decision taking

- 25 **Stage 2** in the POCA List scheme involves a decision as to whether the subject of the referral should be provisionally included on the list. This will have the effect of preventing the person from working with children pending a final decision. There is no equivalent under List 99.
- 26 In contrast, under the Enhanced Disclosure regime, employers can choose to employ a person, even in the face of concerns that might trigger provisional inclusion on the POCA List. Employers can also employ people and allow them to start working with children or vulnerable adults before police checks are completed.
- 27 **Stage 3** involves a decision about whether or not a person should be included on the lists. Under POCA, this decision is taken by a senior civil servant. In the case of the List 99 scheme, it is taken by a minister.

## Representations and appeal

- 28 There are other differences. The List schemes give an opportunity for the subject of the decision to make representations before the decision is taken.

- 29 Under the Enhanced Disclosure regime, that opportunity is only available in the sense that the applicant can comment on the information given to the employer. However, an element of damage is likely to have been done by that stage because the employer will have already formed a view about the applicant.
- 30 **Stage 4** is the appeal. Under the POCA List scheme, there is a right of appeal to the Care Standards Tribunal (under a judge's chairmanship). This is in the nature of a rehearing.
- 31 Under the List 99 scheme, there is also a right of appeal to the Care Standards Tribunal, but the review is restricted to consideration of the material that was before the minister.
- 32 Under the Enhanced Disclosure regime, there is no appeal against an employer's decision. The applicant has to challenge the police decision to release the information, through a judicial review.

### Obligations on employers and applicants

- 33 Under the POCA List scheme, 'child care organisations' are obliged to check the List before offering employment and may not employ a person on the List. A similar regime operates under the List 99 scheme.
- 34 However, other employers that offer positions creating similar risks, and for that reason covered by the Enhanced Disclosure regime, are under no similar obligations.
- 35 Under pain of criminal sanction, a person included on the Lists may not knowingly apply for a job in any of the sectors covered by the Lists. There is no similar criminal sanction for those subject to the Enhanced Disclosure regime who have been refused a job as a result of a police check.
- 36 The POVA List scheme will mirror aspects of the other Lists.

## The vetting process in other countries

- 37 Information collated by the Home Office in April 2004 about the vetting processes in other countries is on the Inquiry website at [www.bichardinquiry.org.uk](http://www.bichardinquiry.org.uk)
- 38 It is based on published material mainly from official sites, newspaper articles and online reports. In addition, information has been obtained from the NSPCC 2000 publication of the findings of the EU-funded CUPICSO project, an overview of *The Collection and Use of Personal Information on Child Sex Offenders* in EU countries.

The countries covered are:

- 39 non-EU: Australia (New South Wales, Queensland, South Australia and Victoria), Canada (British Columbia and Ontario), New Zealand and the USA; and

- 40 EU: Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Netherlands, Spain and Sweden.

In summary, this information shows:

### Legislation for vetting

- 41 The majority of countries either already have in place, or are in the process of introducing, legislation covering the vetting of people in child-related employment, with the exceptions of Germany and Spain, where no recent information on legislative arrangements has been obtained after 2001. In Spain, it is thought that the mandatory vetting of prospective employees may be considered discriminatory.

### Data protection and privacy

- 42 All countries take privacy and data protection considerations into account when dealing with the vetting of prospective employees. The handling of such personal information is covered by relevant privacy and data protection legislation.
- 43 In the majority of countries, the applicant's consent is required before any vetting process is started.
- 44 In Australia, criminal records information is considered confidential, and employers and vetting agencies are required to ensure the confidentiality of any information obtained. In Queensland specifically, the employer is notified only on the suitability of the applicant, without any criminal records details being disclosed.
- 45 In the USA, the court in each state has to decide on the publicising of a sex offender's identity. In some states, even though the court has allowed it, law enforcement agencies have decided not to proceed on this basis.
- 46 For the EU's (at that time) 15 member countries, data protection principles protect the confidentiality of criminal records and permission by the individual concerned is required for any checks.

### Type of records held

- 47 All countries hold criminal records of convictions, and often of any pending charges for criminal offences, including sexual offences. In New South Wales, Australia, additional background checks are carried out to search for records of child abuse allegations and disciplinary proceedings involving violent and sexual acts, while working with children.
- 48 In some countries (such as France, the USA and Australia) there are separate sex offenders' registers in place.
- 49 Many countries are establishing, or have established, national DNA databases for criminal offenders, but only a few have a separate sex offenders' DNA database. Australia is developing a unified DNA database. In the USA, the FBI's National Sex Offenders Database holds convicted sex offenders' fingerprints and ID details.

## Vetting procedures

- 50 In some countries there is a single agency co-ordinating and carrying out child-related employment vetting (for example, Ireland). In other countries 'approved agencies' are responsible for vetting checks (for example, parts of Australia).
- 51 In some cases, the checks are carried out by the police (for example, New Zealand) but co-ordinated by a central body. In other cases, the co-ordinating central body also carries out the checks.
- 52 The majority of countries use individuals' names to confirm identity. In the USA, criminal history checks are based on fingerprinting.

### **Who is subject to vetting?**

- 53 People subject to vetting are mainly employees in child-related jobs. Some countries limit vetting to teachers and non-teaching staff in schools, while others cover only health-related professions. Contractors and short-term workers are also usually included, but for volunteers the position varies.
- 54 In many countries, the legislation relates to new employees entering the system from the date the relevant legislation became active. Retrospective checks are also carried out to cover existing employees in a few countries.

### **Repeat vetting**

- 55 The checks usually take from ten days to a few weeks, depending on the country's system. In most countries, vetting is repeated every two to three years and at shorter intervals for short-term employees.
- 56 In the USA, the National Sex Offenders Registry Assistance Program and the National Criminal History Improvement Program were established to ensure that accurate and up-to-date information is available and shared between different states.

## Appendix 5

### The Inquiry team

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Sir Michael Bichard – Chair

Jim Nicholson – Secretary

Kim Brudenell – Solicitor

Joyti Manjadar – Deputy Solicitor

James Eadie – Counsel to the Inquiry

Kate Gallafent – Counsel to the Inquiry

Bill Taylor – Police Adviser to Counsel

Nadine Smith – Press Officer

Adele Hopkins – Secretariat

Shifra Marikar – Secretariat

Wendy Clarke – Secretariat



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A full printed index is included in published report.