

PARLIAMENTARY DEBATES

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OFFICIAL REPORT

Eighth Delegated Legislation Committee

DRAFT POLICE, CRIME, SENTENCING AND
COURTS ACT 2022 (OFFENSIVE WEAPONS
HOMICIDE REVIEWS) REGULATIONS 2022

Wednesday 16 November 2022

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The Committee consisted of the following Members:*Chair:* MR LAURENCE ROBERTSON

† Afriyie, Adam (*Windsor*) (Con)
 † Bailey, Shaun (*West Bromwich West*) (Con)
 Benn, Hilary (*Leeds Central*) (Lab)
 † Bradley, Ben (*Mansfield*) (Con)
 † Djanogly, Mr Jonathan (*Huntingdon*) (Con)
 † Elmore, Chris (*Ogmore*) (Lab)
 † Goodwill, Sir Robert (*Scarborough and Whitby*)
 (Con)
 Hillier, Dame Meg (*Hackney South and Shoreditch*)
 (Lab/Co-op)
 † Jones, Sarah (*Croydon Central*) (Lab)
 † Maclean, Rachel (*Redditch*) (Con)

† Mann, Scott (*Lord Commissioner of His Majesty's
 Treasury*)
 † Nici, Lia (*Great Grimsby*) (Con)
 † Philp, Chris (*Minister for Crime, Policing and Fire*)
 Ribeiro-Addy, Bell (*Streatham*) (Lab)
 † Trickett, Jon (*Hemsworth*) (Lab)
 † Watling, Giles (*Clacton*) (Con)
 † Winter, Beth (*Cynon Valley*) (Lab)

Guy Mathers, *Committee Clerk*

† **attended the Committee**

Eighth Delegated Legislation Committee

Wednesday 16 November 2022

[MR LAURENCE ROBERTSON *in the Chair*]

Draft Police, Crime, Sentencing and Courts Act 2022 (Offensive Weapons Homicide Reviews) Regulations 2022

9.25 am

The Minister for Crime, Policing and Fire (Chris Philp): I beg to move,

That the Committee has considered the draft Police, Crime, Sentencing and Courts Act 2022 (Offensive Weapons Homicide Reviews) Regulations 2022.

It is, as always, a huge pleasure to serve under your chairmanship, Mr Robertson. Reducing homicide and tackling serious violence is a top Government priority. We must use every tool at our disposal to stop lives being lost to serious violence.

Offensive weapons homicide reviews were introduced by the Police, Crime, Sentencing and Courts Act 2022 to support local agencies to work together to identify lessons, thereby preventing future deaths. The Act places a duty on the relevant review partners, including the police, to conduct an offensive weapons homicide review in certain circumstances where a person aged over 18 has died and an offensive weapon was used in their murder.

We intend to pilot the new reviews for a period of 18 months, beginning early next year, in specified areas in London, the west midlands and Wales, to ensure that they have been properly designed before any national roll-out. In essence, the draft regulations set up the pilots and provide that the relevant review partners will be the local authority, the police and, in England, the integrated care board, or, in Wales, the local health board, from the area where the death occurs or, where the location of the death is not known, where the body is found. The regulations will provide them with the detail they need to establish when a review must be carried out.

The draft regulations clarify that not every homicide involving an offensive weapon will require a review. It will be necessary for one or more of the review partner agencies to have, or to be reasonably expected to have, relevant information about the circumstances or background to inform the review. It will be necessary for the body, or part of the body of the person who died, to have been located, and for the identity of the victim or a suspected perpetrator to be known. That will ensure that resources are directed at cases where lessons can genuinely be learned to help prevent future homicides.

The regulations will allow the Secretary of State to direct which partners are the relevant ones to conduct a review should there be any uncertainty. We do not expect the power to be used often, but it is important to ensure that there are no instances where no one is responsible for leading the review.

The draft regulations also make it clear that a review is not required where the death is a “death or serious injury matter”

within the meaning of section 12(2A) of the Police Reform Act 2002, thereby excluding deaths caused by a police officer in the course of their duties, which are investigated by the Independent Office for Police Conduct as a matter of routine.

It is worth saying that a number of homicides are already subject to a review, including where a person under 18 dies, a vulnerable adult dies, a person dies due to domestic violence, or someone in receipt of mental health care commits homicide. Those homicides are already subject to review proceedings such as those we are establishing in the draft regulations, which also allow the review partners to delegate, where appropriate.

As I am sure the Committee will agree, homicide and serious violence cause terrible suffering. We are determined to do all we can to drive down such crimes. The draft regulations, in supporting the introduction and piloting of new offensive weapons homicide reviews, will deepen our understanding of what lies behind such homicides and, we hope, better inform measures to prevent them in future.

Finally, I assure the Committee that we are concerned not to impose an excessive administrative, regulatory or financial burden on the police and the other review partners. In designing the statutory guidance setting out how the reviews are to be conducted, we will therefore ensure that they are light-touch and impose the minimum of regulatory burden and that the reports do not turn into massive encyclopaedias, but are concise and brief, so that we do not create additional burdens on already quite heavily stretched public and emergency services. However, the reviews will add to our understanding of offensive weapon-related homicides, and I commend the draft regulations to the Committee.

9.30 am

Sarah Jones (Croydon Central) (Lab): It is a pleasure to serve under your chairmanship, Mr Robertson. Knife crime obviously rose significantly in recent years, peaking in 2017-18. We are now seeing a reduction in knife crime overall, but there is still a real problem with very serious knife crime and serious violence. Today’s proposals, which we supported during the passage of the Police, Crime, Sentencing and Courts Bill, are one part of the picture of how we understand what is happening and what lessons we can learn. We welcomed the provisions in the Bill, and we welcome the pilots being rolled out.

It is incredibly important that the pathways that lead people to a homicide, whether as a victim or perpetrator, are understood. In my patch in Croydon a review of 60 cases of serious violence was incredibly insightful about the situations people found themselves in. Huge themes emerged around exclusion from school, domestic violence in the home, the addictions of parents and the absence of parents, from which we can learn lessons about prevention. I am grateful that the Government have set out the pilot scheme. In the Bill Committee, I asked for more information, and that is contained in the draft regulations, but we have some questions.

The Minister said that he wants things to be done in a way that is light-touch, concise and brief. I understand the constraints on funding, but I stress the importance of doing things properly; we cannot cut corners. I push

back on the language that he used; we have to do this properly, which will cost money, and we have some questions about the funding.

The explanatory memorandum says that an estimated 72 homicide reviews will take place across the pilot areas throughout the 18-month pilot. I am interested to know how that figure has been arrived at. The Home Office estimates that the cost per review will be

“£1,222 to each of the three relevant review partners (totalling £3,666) and £8,688 for an independent chair.”

Again, I am interested in how those figures have been calculated, and how this will be funded. Is the assumption that the review partners will cover the costs, including the staffing costs, or will extra funding be forthcoming? Do the Government plan on looking to local government or policing to increase the funding?

I am also interested to know how we will collectively learn lessons once the review has happened and the various recommendations that might come from it have been made. Will there be a unit in the Home Office that looks at the reviews and learns the lessons from a national perspective? I am interested to know what the membership of the oversight board is likely to be. The Minister said that there are already homicide reviews for a range of other situations—under-18-year-olds, domestic violence and the like. Do we know how we will decide which homicide review will be picked if there is a crossover? What is the order of priority in terms of whether it would be an offensive weapons review or a domestic homicide review? How will we decide?

Finally, I stress the budget issue. The local safeguarding partners that will have to fund this—whether it is local government or local police—will have to find the funding somewhere, and we know that there is great pressure on budgets. Anything the Minister can say about that, bearing in mind the need to protect the integrity of the reviews, would be helpful. We are, however, happy to support the draft regulations.

9.34 am

Rachel Maclean (Redditch) (Con): I thank the Minister for his remarks, and the Home Office for providing leadership in this area. It is a pleasure to follow the hon. Member for Croydon Central (Sarah Jones) who spoke from the Opposition Front Bench, and I will pick up on some of her points as I make some brief remarks about domestic homicide.

The Minister will know that a large proportion of homicides committed with an offensive weapon take place in the context of a domestic incident—they are domestic homicides. His Department is leading a review, working through evidence about the factors surrounding domestic homicide and looking to learn lessons. It is important that all of us in this place remember that homicides are not just a fact of life. We can, as a Government, and as agencies and local authorities, take steps to prevent some of these tragic incidents from occurring and spare some families the pain and grief of facing the horrific loss of a loved one in the most appalling circumstances. That is why that work is so important and welcome. Will the Minister therefore look at the work that is going on and see what progress has been made on the review of domestic homicides, particularly picking up the issue of victim suicides? He will be aware that the patterns of such crimes can

sometimes be disguised as some kind of suicide pact, and the victims and their families do not get the justice they should get.

On a related issue, will the Minister please update us on the progress made by the Ministry of Justice on the domestic homicide sentencing review? I am sure he will be aware of that review, because he worked in the Ministry of Justice previously. That review is looking at the factors flowing out of the tragic case of Sally Challen and cases where coercive control is a factor. The Ministry of Justice is undertaking that review, but I am sure he will be sighted on it, because it relates directly to the work he is doing with his agencies and partners in policing.

Thank you for allowing me to make my comments, Mr Robertson. I look forward to the Minister's response.

9.37 am

Adam Afriyie (Windsor) (Con): I thank the Minister for introducing the statutory instrument. I welcome the fact that these are pilot regulations, because new regulations over the last 20 or 30 years have often made changes across the board that have had poor consequences. The pilot approach is therefore to be welcomed in terms of both monitoring outcomes and checking that we have plugged the gap appropriately.

I have three observations. First, the Minister said that local partners may choose to delegate further, or to sub-delegate their responsibilities, for the homicide review. To whom does he imagine they may delegate those responsibilities?

Secondly, we all want to learn lessons, particularly around domestic violence cases, but also around any homicide. We will all have among our constituents surviving family members who are desperate to work out what happened to their loved one, even—it sounds rather grotesque—in the absence of the entire body at the time of discovery. Will the Minister give us an idea about what lessons have been learned from past reviews and what he is hoping will come from these pilots that the other reviews have not necessarily uncovered?

Thirdly, the statutory instrument is clearly designed to plug a gap in terms of where reviews may be required but are not necessarily called for at the moment. Will the Minister reassure us that it will mean there are no longer gaps in homicide reviews in other areas of the criminal justice system?

9.39 am

Chris Philp: There are a few points to respond to there. I start with those raised by the hon. Member for Croydon Central, who is the shadow Minister and my constituency neighbour. She made some observations about violent crime in general. As she said, knife crime has been on a declining trajectory for the past few years, which is welcome. We are focused on the most serious forms of violent crime, and there have been reductions there as well, compared with 2019—the last pre-pandemic year. We are investing heavily in the policing response through the Grip investment, which aims to heavily police hotspot areas. We are also trying to address the causes of violent crime, particularly knife crime, via violence reduction units and violence reduction partnerships, which have been successful in many parts of the country. The Metropolitan police have been well funded in that area.

[Chris Philp]

I take the shadow Minister's point about needing to make sure the reviews are done properly. I was not suggesting that we would sacrifice quality; my point was that sometimes reports and reviews conducted by public bodies turn into sprawling, bureaucratic monsters. They go way beyond the point of adding actual value and impose a lot of costs, time and everything else on those organisations. We will make the reviews as concise as they can be, while drawing proper conclusions. I do not want them to turn into a bureaucratic Hydra that consumes money and resources beyond the point where it adds value. My observation as a Minister for the last few years is that, when we launch reviews or investigations, they sometimes grow to the point where they consume huge amounts of money and time without adding value. I do not want that to happen here, given how constrained budgets are in local authorities, the police and local health organisations. That is a really important point.

Speaking of money, the shadow Minister asked whether the funding for the pilot is additional or whether we will ask the review partners to absorb it from an existing budget. I can confirm that the £2.1 million is additional; it is extra money that is being provided specifically for this purpose. It will not detract from existing operational budgets. The extra money is still taxpayer funded; it is still money that our constituents are having to fund.

The shadow Minister asked where the estimate of 72 reviews comes from. It derives from taking the limited geographic areas in which the pilots are being conducted and applying them to the expected national numbers—we will scale those numbers down to give us the numbers for just those areas. Nationally, there are around 700 homicides per year. In 2021, there were 692. Some 235 of those met the criteria for the existing homicide reviews that we discussed earlier—for example, domestic homicide or the homicide of someone under the age of 18. There are 457 homicides nationally that do not meet the existing criteria. Of those, 222 involve an offensive weapon and will therefore be in the scope of these reviews. Looking at that over an 18-month period and scaling it down for the pilot areas, we get to the numbers that the shadow Minister outlined.

That point also answers a question asked by my hon. Friend the Member for Windsor. These reviews will not cover every single homicide. However, between them and the existing reviews, based on the numbers I just gave, reviews will apply to 457 or so homicides—around two thirds. There will still be some homicides for which reviews do not apply.

The shadow Minister also asked which review takes priority if, for example, a homicide is both domestic and involves an offensive weapon. The answer is that the existing homicide review mechanisms will take priority. If there is a domestic homicide involving an offensive weapon, a domestic homicide review will take place. I hope that that answers the shadow Minister's questions.

My hon. Friend the Member for Redditch asked some further questions. I take this opportunity to pay tribute to the fantastic work she did on many issues—particularly violence against women and girls and domestic violence—during her time as the Minister for Safeguarding at the Home Office. She has left a strong legacy for her successor. She asked about a review into domestic homicide reviews to see whether they can be further improved.

That work is ongoing internally. A consultation will open in the early part of 2023 and will be completed by the end of 2023. I hope that that gives her the clarity she was asking for. On the domestic homicide sentencing review, that is, as my hon. Friend said, with our colleagues in the Ministry of Justice, so I am afraid I cannot provide an answer to the questions that she raised, but MOJ Ministers will be able to do so.

Turning finally to my hon. Friend the Member for Windsor (Adam Afriyie), I think I have addressed one of his questions. He rightly drew attention to the fact that we are adopting a pilot approach rather than just going for a national roll-out. He made the good point that, all too often, Government and local authorities do things on a blanket basis without having tested them first. Where there are significant cost, public policy and resource implications, it is worth making sure that whatever measure is proposed—whether this or something else—actually works, is proportionate and has been carefully set up before pressing the button and making it national. That approach works here and in other contexts.

My hon. Friend asked about delegation. There is an ability to delegate to appropriate third parties. For example, if the relevant review body, such as the local police, wants, for resource reasons, to get somebody else to conduct the review, such as an expert of some kind, they have the ability to do that, but they are responsible for ensuring that that is a suitable person with the relevant expertise and capability.

It is also worth saying that the whole thing is overseen by an oversight board, as the shadow Minister referenced in her remarks. We are in the process of appointing a chair and possibly one additional member for the pilot—we do not need to appoint an entire board if it is just a pilot. We will appoint just those two people initially, and they will make sure that these reports are publicly published and are available to the Home Office and that lessons get learned, as appropriate.

Rachel Maclean: I thank my right hon. Friend the Minister very much for responding in such detail to my comments, but I am a little concerned about the timeline he set out for the review of how the domestic homicide review process works—after all, the proportion of homicides that are domestic homicides is pretty large. I can see his officials in the box, and I distinctly remember having detailed discussions about this work when I had the privilege of serving in the Home Office. I am concerned to see how long this process will now take, and I am sure that my right hon. Friend, like me, whenever he is presented with a timeline by his officials, will say, “Why can't this be done quicker? What is the delay? Can we speed this up so that we can get justice for these victims?” I would be grateful if he agreed to meet me, so that we can discuss this in a bit more detail.

Chris Philp: Either I or the Minister for Safeguarding, as appropriate, would be delighted to meet my hon. Friend to discuss the issue, particularly given her long-standing expertise and interest in it as both a Member of Parliament and a Minister.

I hope have covered the points that were raised in this short but insightful debate. I once again commend the regulations to the Committee.

Question put and agreed to.

9.48 am

Committee rose.

