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Public Bill Committee

CRIMINAL JUSTICE BILL

Thirteenth Sitting

Thursday 25 January 2024

(Morning)

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Monday 29 January 2024

The Committee consisted of the following Members:

Chairs: Hannah Bardell, Sir Graham Brady, † Dame Angela Eagle, Mrs Pauline Latham, Sir Robert Syms

Costa, Alberto *(South Leicestershire)* (Con)
† Cunningham, Alex *(Stockton North)* (Lab)
† Dowd, Peter *(Bootle)* (Lab)
† Drummond, Mrs Flick *(Meon Valley)* (Con)
† Farris, Laura *(Parliamentary Under-Secretary of State for the Home Department)*
† Firth, Anna *(Southend West)* (Con)
Fletcher, Colleen *(Coventry North East)* (Lab)
† Ford, Vicky *(Chelmsford)* (Con)
† Garnier, Mark *(Wyre Forest)* (Con)
† Harris, Carolyn *(Swansea East)* (Lab)
† Jones, Andrew *(Harrogate and Knaresborough)* (Con)
† Mann, Scott *(Lord Commissioner of His Majesty's Treasury)*
† Metcalfe, Stephen *(South Basildon and East Thurrock)* (Con)
† Norris, Alex *(Nottingham North)* (Lab/Co-op)
† Phillips, Jess *(Birmingham, Yardley)* (Lab)
† Philp, Chris *(Minister for Crime, Policing and Fire)*
Stephens, Chris *(Glasgow South West)* (SNP)

Sarah Thatcher, Simon Armitage *Committee Clerks*

† attended the Committee

Public Bill Committee

Thursday 25 January 2024

(Morning)

[Dame Angela Eagle *in the Chair*]

Criminal Justice Bill

11.30 am

The Chair: I have a couple of preliminary announcements. Members should send their speaking notes, if they have any, by email to hansardnotes@parliament.uk. That helps to get the transcription done and made available to you as quickly as possible. Please switch electronic devices to silent; I have just checked mine, so hopefully it is okay. Tea and coffee are not allowed during sittings; that is just one of those things.

Clause 72

Crime and disorder strategies

Question proposed, That the clause stand part of the Bill.

The Minister for Crime, Policing and Fire (Chris Philp): It is a pleasure, as always, to serve under your benevolent and wise chairmanship, Dame Angela.

The clause confers a new power on police and crime commissioners and other local policing bodies to make recommendations on the activity of community safety partnerships and, in turn, places a duty on community safety partnerships to consider those recommendations. Community safety partnerships will be duty-bound to consider recommendations, but they are not under a duty to implement them. However, if a partnership does not implement the recommendations, it must share its reasons for not doing so with the relevant local policing body, most likely the PCC.

The feedback from part 2 of the police and crime commissioner review, conducted by the Home Office in 2021, was that while the importance of local partnerships such as CSPs was widely acknowledged, they were not being used as effectively as they could be. Every public service should be accountable to the public, and to the local communities they serve. This provision will strengthen the accountability and visibility of CSPs and improve how they work with the relevant policing body to tackle crime, disorder and antisocial behaviour.

No one single agency can address all drivers of crime and antisocial behaviour, so partnership working between policing, local authorities, local education providers, the prisons, probation service, mental health trusts and so on are all very important. This measure will take a step towards formalising more that kind of collaboration.

I take the view, as I am sure other Members here do, that police and crime commissioners as directly elected representatives of the local people are particularly well placed to convene groups. More often than not, they chair the local criminal justice board. They have a lot of public visibility, convening power and influence, and provide visible public local leadership. The provision helps build on and strengthen the work that PCCs up and down the country are doing together. I commend the clause to the Committee.

Alex Norris (Nottingham North) (Lab/Co-op): It is a pleasure to serve with you in the Chair, Dame Angela.

I am a community safety partnership enthusiast. The partnerships, which were established under the Crime and Disorder Act 1998, are a crucial forum for leadership, partnership working around crime prevention and reduction, and problem solving. I chaired my partnership in Nottingham a decade or so ago, and saw at first hand the impact of all those partners coming together, with shared priorities and mutual accountability, in a partnership built on trusted, close relationships and focused on solving problems.

It is with a degree of sadness that I say that partnerships have fallen in prominence and impact in recent years. One of the major challenges these bodies have found, and one of the limiting factors to the proposals in the Bill, is that austerity has bitten the partners that formed CSPs, certainly as regards funding, and partners have pulled away. In many cases, we have lost the shared data and insight function, and some of the things that brought partners to the table. Some of the extras done by CSPs are seen as nice-to-haves, rather than crucial functions.

As a result, there is a danger, certainly in some parts of the country, of the partnerships becoming meetings, rather than problem-solving bodies. Of course, whatever saving is made is lost later, through the impact on the criminal justice process. Certainly, if I ever get the chance to sit where the Minister sits, I will seek to reallocate those bodies and use them to their fullest extent, because we know the impact they can have.

In the meantime, we have what the Government have offered us. I probed the issue a little in our evidence session with the police and crime commissioners, and the real impact of this measure is that we are setting the police and crime commissioner or the relevant deputy Mayor as first among equals, and giving them higher status in CSPs. They are clearly to be given primacy. I thought about voting against this clause, but I talked to PCCs and local authorities, and they have fewer concerns than I do. The requirement is relatively light, in the sense that the power is to make recommendations, rather than to direct. That is probably right, so I have not chosen to vote against.

I have some degree of enthusiasm for what the Minister said about public transparency on decisions and recommendations. If recommendations are rejected, at least there will be an explanation why; that is probably enough. We should make it clear—I hope that the Minister will—that circumstances in which this power was necessary would generally reflect a failure. If a PCC needs to direct their CSP, there is no doubt a bigger problem in play.

What we want—I am sure that the Minister does as well—is a family of organisations across sectors in a community. We are talking about principally public sector organisations, but also bodies in the community and voluntary sector and, to some degree, the private sector, coming together on a basis of mutual trust to identify the common challenges for crime prevention and community safety in an area. They should have

agreed priorities and plans based on good-quality data, insight and understanding of what each organisation is doing. Those are all parts of the puzzle. They should work to common goals in the interests of their community. That is easy to say, but it can be a difficult alchemy to achieve sometimes. However, that is what makes change, and that is what we need to see from CSPs. It will drive us away from what we have sadly seen in recent years.

There has been a move to counting crimes, and a move away from problem solving and problem-oriented policing. I have to say, there is minimal value to having one partner able to trump the rest. However, in cases of dysfunction, it will be a valuable asset for a police and crime commissioner or a deputy Mayor for policing to be able to say, "Hang on a minute. We have the ultimate mandate in this area. We don't think things are working. This is how they ought to work." Every time this provision is used, it will be a sign of failure, rather than success, but nevertheless it probably does add some value, so we will not oppose it.

Question put and agreed to.

Clause 72 accordingly ordered to stand part of the Bill.

Clause 73

ETHICAL POLICING (INCLUDING DUTY OF CANDOUR)

Alex Norris: I beg to move amendment 63, in clause 73, page 64, line 36, at end insert—

"(2A) The Code must set out the actions and behaviours which will be considered to constitute 'acting ethically.'"

This amendment would require the College of Policing's code to state how police officers are to embody and demonstrate the requirement to act ethically.

The Chair: With this it will be convenient to discuss the following:

Amendment 135, in clause 73, page 64, line 36, at end insert—

"(2A) In subsection (2) the reference to acting ethically includes a prohibition on a police officer engaging in—

(a) sexual relationships with members of the public whilst acting in their capacity as a police officer; and

(b) abusive conduct, including domestic abuse or sexual violence, towards any person whether in their role as a police officer or otherwise."

Clause 73 is amended to make explicit that ethical policing also entails zero tolerance for violence and other forms of abuse against women and girls by police officers and staff.

Amendment 149, in clause 73, page 64, line 36, at end insert—

"(2A) The Code must set out how persons under the chief officer's direction and control are to act ethically and with candour when discharging their duties in relation to a major incident, including—

(a) their duty to assist with any court proceeding, official inquiry or investigation resulting from a major incident fully, transparently and with proper expedition;

(b) their duty to disclose relevant information related to the discharge of their duties in relation to a major incident which would not otherwise be disclosed under the terms of reference or parameters of the relevant proceedings, inquiry or investigation.

(2B) The duties under (2A) may arise from—

(a) an application by any person affected by the major incident to the relevant court or inquiry chairperson;

(b) an instruction from the relevant court or inquiry chairperson; or

(c) where there are no extant court or inquiry proceedings, a requirement of any judicial review proceedings in the High Court."

Amendment 136, in clause 73, page 65, line 17, at end insert—

"(h) the Domestic Abuse Commissioner for England and Wales;

(i) the Commissioner for Victims and Witnesses;

(j) the Independent Anti-Slavery Commissioner."

This amendment aims to ensure that there is independent external oversight to the Code of Practice from bodies which represent the interests of victims and survivors whom this Code seeks to protect.

New clause 48—*Duty to investigate suspects diligently*—

"(1) The Police (Conduct) Regulations 2020 are amended as follows.

(2) In Schedule 2 (standards of professional behaviour), under the heading 'Duties and Responsibilities', after 'Police officers are diligent in the exercise of their duties and responsibilities.' insert 'This includes undertaking diligent searching for, and consideration of, all relevant intelligence related to a suspect.'"

This new clause is a change to Police Regulations. It is designed to ensure that officers diligently consider all intelligence on a suspect, including previous convictions or reports related to that person.

Alex Norris: Clause 73 is a significant clause that many outside this Committee are likely to be paying close attention to. I will resist the urge to pile into the clause stand part debate, but the clause relates to ethical policing, including the duty of candour. The duty of candour is the subject of a very live public conversation, following the brave campaign by the Hillsborough families for many years on this issue. Amendments 63 and 149 are in the service of that debate.

Clause 73 makes real the Government's response to the report by Bishop James Jones, which details the long and agonising quest for justice by those families. The report, "The patronising disposition of unaccountable power", is characterised by Bishop Jones as

"A report to ensure the pain and suffering of the Hillsborough families is not repeated".

It includes 25 recommendations by the noble Bishop, and its title alone should focus colleagues' minds on the need for legislative change, and what we in this place have a responsibility to do. It includes a recommendation for the establishment of a duty of candour for police officers—that is, a duty for police officers to be open and transparent when liaising with inquiries. As we know, that has not always been the case; in Hillsborough, it absolutely was not the case. The report was published in 2017, and it has taken us a long time just to get to where we are. It has been deeply upsetting for families that things have moved slowly; they have fought for so long, and they deserve the vindication of action in this place. That is why there is a degree of sadness that what is in the Bill certainly falls short of the recommendations in the report and the expectations of the families.

The Bill places a narrow requirement on chief officers; I am keen to understand why that path was chosen. Amendments 63 and 149 seek to improve that, and I am

[Alex Norris]

glad to have the support of the Chair of the Home Affairs Committee. There is a limit to what we can do today. The need is for a proper duty of candour that would apply to all public bodies, but an amendment that achieved that would be outside the scope of the Bill, but I seek to introduce that duty at least in the field of policing. Nevertheless, our commitment remains to a wider duty of candour.

First, through amendment 63, I seek an explicit definition of actions and behaviours that constitute "acting ethically". We are asking the College of Policing to develop a code; it has to be made clear that guidance on acting ethically should explicitly be part of it. I hope that the Minister will say that it will be; I would like that clarity from him in the debate, if not in the Bill. I do not want to prejudge the clause stand part debate, but I hope that he will explain why the code of practice route has been chosen, rather than a straightforward legal duty, which is what we suggested during the passage of the Victims and Prisoners Bill through the Commons; it is now in the Lords. This seems a bit of an indirect way of proceeding, but I am not sure. The amendment at least gives us the opportunity to set out that point.

Amendment 149 sets out what a duty of candour might look like in our eyes. It mirrors a provision that we have pushed in various Bills, and it comes from reflection on the Bishop Jones report, and conversations that my colleagues have had with the families. It gives us much greater detail and clarity on what we mean by a duty of candour with regard to policing, and the subsections relate to different aspects of that duty. It would be a significant improvement on what is in the Bill, because at the moment we are at risk of a double failure. There is a clear failure in that the Government's plans for a duty of candour are too narrow. Sadly, we cannot rectify that today. However, we are at risk of sending a signal to the public that, although we recognise that the situation is wrong and ought to change, and that there ought at least to be a duty on chief officers, we still feel that we can subcontract responsibility for that to the College of Policing, rather than thinking that we, the democratic body, ought to make our judgment on that duty. The Government have fallen short here. My amendments add that requirement back in.

I am conscious that my hon. Friend the Member for Birmingham, Yardley, has lots of amendments in the group as well, but in the spirit of the Minister, I will not prejudge them until I have heard my hon. Friend speak about them. I may pop up again, if need be.

11.45 am

Jess Phillips (Birmingham, Yardley) (Lab): The enormous list of amendments in my name—it is time for everybody to strap in—is not necessarily a criticism of police forces, but is real recognition that women in our country do not trust the police. That is dangerous, because the women I work with have no choice but to trust the police. It is not a privileged position that they can take; they have to trust them, but they do not.

Clause 73 relates to the College of Policing's code of ethics, but there is nothing at all about police-perpetrated abuse in it. Neither the code of ethics nor the standards of professional behaviour makes clear that police-perpetrated domestic abuse is contrary to the standards required by a police officer. Clause 73 should be amended to make it explicit that ethical policing also entails zero tolerance for violence and other forms of abuse against women and girls by police officers and staff. Amendment 135 does just that.

Why that is important should be pretty obvious. Conduct that constitutes domestic abuse or sexual violence should be clearly specified as being a breach of the code of ethics and of standards of professional behaviour, whether committed on or off duty. It is necessary to spell that out in legislation, because police forces still frequently take the approach that domestic abuse committed while an officer is off duty discredits the officer personally, but does not constitute a breach of the code of ethics or the standards of professional behaviour, as it occurred in the officer's private life.

The Independent Office for Police Conduct's guidance says:

> "The Standards of Professional Behaviour and the obligations that they impose will be assessed in context, which includes whether they are on or off-duty at the material time. Police officers have a right to a private life"—

they do not have the right to be a domestic abuser, though—

> "which must be factored into any assessment. Assessments of seriousness and public interest should include consideration of whether an off-duty behaviour discredits the police service."

David Carrick was off duty when he raped all those women.

Forces are seizing on this in some cases to say that domestic abuse is personally discrediting for the officer, but not the police service. Jackie, an experienced police officer, was the victim of domestic abuse by her police officer husband. She reported the abuse to her force, but no criminal charges were brought, on the basis that there was not a realistic prospect of conviction because it was her word against her ex-partner's. Misconduct proceedings were not pursued on that basis; the conduct alleged by Jackie had taken place while both she and her ex-partner had been off duty. It was therefore deemed to be part of their private lives. As a result, Jackie felt unable to continue working for the force. Meanwhile, her ex-partner had been promoted, and holds a leadership role in the force's violence against women and girls strategic command.

Jackie's case and others like it send a clear message about the force's true attitude towards domestic abuse. Other officers have said that seeing how officers such as Jackie have been treated when they have tried to report domestic abuse speaks volumes, and that they would not report domestic abuse themselves, having seen how Jackie and others were treated by the force. Regardless of what the force says about operational pledges or other initiatives, the way it responds to allegations of police-perpetrated domestic abuse has a much greater impact on the willingness of other victims to come forward.

The relevance of abusive behaviour towards women to an officer's suitability to hold the office of police constable and the impact on public confidence when perpetrators of domestic abuse hold positions in the police are being overlooked. Therefore, there needs to be a clear and unequivocal statement that domestic

abuse committed by a police officer, whether on-duty or off-duty, will always discredit the police service if that officer is permitted to continue serving on that force.

Furthermore, subsection 2A(a) in amendment 135 refers to,

"sexual relationships with members of the public whilst acting in their capacity as a police officer".

Section 1 of the Covert Human Intelligence Sources (Criminal Conduct) Act 2021—some of us were on that Bill Committee as well—amended part II of the Regulation of Investigatory Powers Act 2000 so as to enable the authorisation of CHIS. That includes enabling undercover police officers to participate in conduct that would otherwise be criminal.

A number of groups, including the Centre for Women's Justice, the End Violence Against Women coalition, Justice, Women's Aid and Police Spies Out of Lives, are very concerned about that in light of the significant history of undercover officers engaging in deceitful sexual relationships during the course of their undercover deployment. A specific prohibition against such relationships should be included in the police code of ethics, making it clear that any such relationship is a breach of the code of ethics and of the duty under the standards of professional behaviour in schedule 2 to the Police (Conduct) Regulations 2020—to

"behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty."

Amendment 136 aims to ensure that there is independent external oversight to the code of practice from bodies that represent the interests of the victims and survivors whom this code seeks to protect. The Bill currently sets out a range of organisations that need to be consulted regarding the code of practice relating to ethical policing. However, while this code is being implemented following serious failings by policing to adequately protect victims, there is no requirement to consult organisations that protect the rights of victims to ensure that the standards set out in the code are sufficiently robust.

In the previous debate, the Minister said how important partners were in ensuring that things worked well. Amendment 136 would ensure that the interests of victims were entrenched in the code of practice and the duty of candour. We have heard concerns about police marking their own homework, yet the current state of the Bill is like allowing them to set their own questions in the exam. The current provision requires police to act

"in an open and transparent way".

That should start with openness to external scrutiny by individuals whose role it is to uphold and promote the rights of victims. By including named commissioners as statutory consultees, we can ensure that the standards set out in the code are fit for purpose.

I move on to new clause 48. Gaia Pope-Sutherland was 19 when she died. She was one of a significant number of young women and girls with cases against a man who had served time for child sex offences. Gaia had reported that she had been raped by him, but her case was dropped by the police and dismissed by the Crown Prosecution Service. Her family believed that that was because her case was presented in isolation from all the other independent allegations of violence and abuse. Detectives were said to have been aware of allegations made against this man, who was accused of grooming her as far back as 2014.

Gaia was already suffering from severe post-traumatic stress and living in fear of retaliation from the perpetrator, so the collapse of the case had a devastating impact on her mental health. That contributed to her disappearance and death from hypothermia shortly before the suspect was due to be released from a prison sentence for other child sex offences.

What happened to Gaia is heartbreaking. I have met many victims of sexual violence, and many of them have spoken about how it is not the violence that broke them but the failed state response—that when they turned to the institutions that were supposed to be able to protect them and deliver justice, they were met with incompetence or discrimination and a system that was uncaring and silencing.

Gaia's heartbroken family have courageously taken up the campaign to change this. They have been pushing for the "Gaia principle", which stipulates that any failure by a police officer to comply with existing policies and guidance will be considered a professional standards issue and escalated to misconduct in the event that the pattern persists. It is basically trying to make the police do their job. It urges that all police forces investigate sexual violence crimes in line with the national operating model developed from Operation Superior, and that officers be held accountable if they fail to do so.

New clause 48 is a step towards delivering that principle. It makes diligent consideration of all intelligence on a subject—previous convictions, reports or accusations—an unquestionable or overt part of what we expect of our police officers in their service. Repeat offending is a critical issue in the investigation of VAWG. The VAWG national strategic threat risk assessment notes:

"A relatively small number of highly prolific offenders are responsible for a disproportionate amount of crime."

The Femicide Census tells us that in 59% of intimate partner or relative homicide cases, a history of abuse towards the victim is evident. Research from Respect shows that a quarter of high-harm domestic abuse perpetrators are serial offenders, some having as many as six victims. Between 41% and 59% of Operation Soteria offenders were linked to more than one offence, and that is just the tip of the iceberg. One study sample revealed that 120 undetected rapists, defined as those whose offences met the legal definition of rape or attempted rape but who had never been prosecuted, were responsible for 1,225 interpersonal violence offences, including rape and child sexual and physical abuse.

The picture is clear: we know who these men are and what they are doing, but because of endemic police failure to investigate properly and a lack of co-ordinated professional curiosity, those known perpetrators are acting with impunity. New clause 48 makes the investigation of potential perpetrators a central part of policing. It is unbelievable that I have to say this—the country would think that this is happening—but that must be a part of the standards of their professional behaviour.

The police must live up to that and be held accountable for it. If a serving officer fails to do his or her job properly, they must face consequences and disciplinary processes, and if necessary they must no longer hold that role. That seems obvious, and it is extraordinary that we are debating it, but rape has an appallingly low conviction rate: a perpetrator is held to account in just

[Jess Phillips]

1.5% of rape cases. The devastating lived experience of families such as Gaia's makes it clear that we cannot continue.

The new clause, based on the "Gaia principle", will ensure that survivors of VAWG are no longer denied justice and left in danger because police investigators fail to investigate a suspect properly. As I said, it is named in memory of 19-year-old Gaia Pope-Sutherland from Dorset, who lost her life following these failures.

Chris Philp: I thank the shadow Minister and the hon. Member for Birmingham, Yardley for explaining their very thoughtful amendments. We will obviously have a stand part debate a bit later, but in short, and for context, clause 73 places a duty on the College of Policing to issue a code of practice relating to ethical policing, which must include a duty of candour, delivering one of the points of learning set out by Bishop James Jones in response to the Hillsborough disaster, which Members of this House and this Committee—including you, of course, Dame Angela—have discussed extensively.

The Government and the House obviously take police integrity and accountability very seriously indeed, which is why the code of ethics and the duty of candour are so important. Amendment 63, in the name of the shadow Minister, asks for information to be set out that specifies what actions are to be considered ethical. Although the Bill is not yet in force, the College of Policing has acted pre-emptively—that is helpful for this Committee, as we have something to look at—and has already published and set out a statutory code of practice for ethical policing under section 39A of the Police Act 1996. It has met the statutory requirement that we are looking to legislate for in this clause already, even though the Bill is not yet in force. Once the Bill is in force, it will have to maintain that code and review it.

12 noon

The code of practice was published on 6 December—just a few weeks ago. I have a copy here. It is helpful, as it contains much—perhaps all—of what some of the amendments call for. For example, page 4 sets out in paragraph 4.2 essentially exactly what the shadow Minister asks for in amendment 63—what ethical and professional behaviour entails. That is what the amendment asks for, and it was done on 6 December.

I will not read out the whole code as it runs to a couple of pages, but I will mention a couple of points to give the flavour. For example, it requires them to promote

"ethical, professional and respectful behaviour through...processes, policies, and reward and recognition systems"

and it requires the monitoring of that. It requires the promotion of "respectful behaviour" by ensuring that staff are always "listened to", and the "role modelling and championing" of "ethical and professional behaviour." It includes:

"Ensuring that staff understand the requirements of, and are supported to implement, the Victims' Code."

It goes on and on. This particular section runs to two pages and goes through all the things that we would expect to appear in a list of examples of ethical behaviour. I can lend the shadow Minister my copy over the lunch break.

Of course, the code can be updated, so if Members think it is missing something, representations can be made to the College of Policing to update it; it will be required under proposed new section 39B(5) to update the code at least periodically. If something is missing, it can be sorted out. I think, therefore, that what amendment 63 seeks is already in there.

Amendment 149 relates to being candid. We had already, in 2020, set out a duty of co-operation, which ensures that individual officers co-operate with various inquiries. That was obviously a huge problem during the Hillsborough scandal, when officers, first, did not co-operate, and secondly, were not honest. We have done that already. Bishop James Jones called for not just a duty of co-operation, which we have set out, but more than that—a duty of candour: a duty to actually be honest.

I turn again to the code of practice for ethical policing, published on 6 December. On page 7, paragraph 4.5 does what it is supposed to. The whole section is entitled: "Ensuring openness and candour". It starts by referencing explicitly the Hillsborough tragedy, saying that it implements the charter for families bereaved through public tragedy. It sets out the details of the duty, and runs to about a page of requirements that are placed on policing. For example, it includes

"proactive, open communication with the public"

and explaining what is going on; always applying learning; always

"supporting and encouraging colleagues to be open and candid"

as well as ensuring that the organisations

"approach public scrutiny...with candour, in an open, honest and transparent way, making full disclosure of relevant documents, material and facts in order to assist the search for the truth."

We have addressed both co-operation and, as amendment 149 seeks, a strong duty of candour. When the shadow Minister looks at the code of practice published just over a month ago, particularly paragraph 4.5, he will see that there are strong provisions delivering what Bishop Jones asked the Government to do.

I will speak now to amendment 135, tabled by the hon. Member for Birmingham, Yardley. She raised the question about public confidence in policing, particularly the way that women view policing and the concerns that they understandably have in light of the various scandals, including those of Wayne Couzens and David Carrick. A programme of work is in train, of which this is just a part, to rebuild confidence in policing among the whole community, particularly among women. One element of that was delivered last week by Serena Kennedy, the chief constable of Merseyside, who published the results of a data washing exercise—sorry, it was not Serena Kennedy, but another chief constable.

The results of the data washing exercise were published. Every single police officer, member of police staff, special constable and member of other police forces such as the Civil Nuclear Constabulary, British Transport police, Police Service of Northern Ireland and Police Scotland—I think it was 43 territorial police forces and five more, so a total of 307,000 police officers and police staff—were rechecked against the police national database. Billions of bits of data were analysed not just for criminal convictions, but for other bits of intelligence that might raise concern. Of those 307,000 people—just over half were serving police officers—there were 461 cases

of concern and just over 90 required no further action. Some 350 required various forms of intervention, including further investigation for disciplinary or misconduct matters. Nine of them were referred for criminal investigation, of which three related to sexual misconduct.

The Home Office has already funded the National Police Chiefs' Council to repeat the rechecking exercise on a regular basis so that it is not a one-off.

Jess Phillips: It would not pick up employment issues raised by one police officer about their police officer husband. The police currently operate on a criminal threshold in an employment environment, which is a dangerous precedent. We would not allow that anywhere else. We do not allow it in here. It would not have helped Jackie in her case. On looking at criminal records or other intelligence—we will come to the intelligence that they are not looking at in a moment—it needs to be explicitly stated that we do not want domestic abusers in our police force.

Chris Philp: We certainly do not want domestic abusers in our police force. To be clear, domestic abuse is rightly a criminal offence. If someone gets convicted of that, it will be on the police national computer. Even if there is not a conviction, because the victim does not want to proceed with a prosecution, the evidential threshold is not met or there is an acquittal or whatever, the police national database, as distinct from the police national computer, records intelligence and information more generally.

Even if there is no conviction, for whatever reason, information that is received gets recorded on the police national database. If there has been an allegation that has not been prosecuted and there is no conviction, that will still show up on the police national database and therefore be considered in the data washing exercise, even if there has not been a criminal conviction.

Jess Phillips: To what end? They will find that somebody made an allegation, but how many result in "no further action"? If they found that there were three allegations against a police officer by three different women, they went, "No further action." To what end? We are washing it, but I want to put it on after it has been washed.

Chris Philp: It is in order to make decisions about whether the officer concerned meets the standards required for vetting. The hon. Lady made this point a second ago. The standard for employment should be much lower than the standard for criminal conviction. Obviously if there is a criminal conviction, the expectation is that the person will be dismissed. Where there are allegations that are concerning but have not been proved, we would expect that to adversely affect the officer's vetting status.

We made a change last summer, I think, to say that an officer has to clear vetting not just once when they are first hired—this was a problem in the Carrick and Couzens cases—but throughout their career. If the data washing exercise brings out information that is not necessarily criminal but means that the officer does not meet the vetting standards, we expect action to be taken. I am speaking from memory here, but in something like 150 of those 461 cases, there is now a misconduct investigation, so not criminal. Nine of them are being investigated criminally. About 150 misconduct investigations have been triggered, which will pick up examples such as the one the hon. Lady just mentioned although they do not meet the criminal threshold.

To elaborate on that, the paragraph about discreditable conduct includes the requirement that police officers behave in a manner that

"does not discredit the police service or undermine public confidence"—

"undermine public confidence" is an important phrase—and that is

"whether on or off duty."

Each case is assessed on its own facts, but I expect—I am sure the hon. Lady would expect this, too—credible allegations, in particular credible repeated allegations, of domestic abuse, even if not prosecuted or convicted, to undermine public confidence in the officer concerned. The hon. Lady would definitely take that view and I would as well. I have not looked at all 150 cases individually, but I expect that a number of those recently uncovered cases include examples such as the one I have set out.

Critically, the data-washing exercise, that check, will now happen on an ongoing and repeated basis, and it will give a lot of assurance. *[Interruption.]* I apologise—I said 150, but actually 88 cases have been triaged for disciplinary investigation. It was not 150; I was misrecollecting. It is 88 of the 461. But I hope that gives more confidence to the public, including women, particularly as the vetting will happen on an ongoing basis—we have funded that. Maintaining vetting clearance throughout an officer's career, which could be 30 years, rather than just having it at the beginning, will help to rebuild confidence.

Jess Phillips: If the vetting has to be ongoing, where is that written into primary legislation? I do not doubt the good faith of the Minister—we have all said as much in Committee—but how can people like me have a guarantee that it will happen forever? Secondly, the Minister made a valiant effort to point out to the shadow Minister, my hon. Friend the Member for Nottingham North, where exactly all the duty-of-candour things appeared in the ethical code of practice for policing. But I have just had a quick scan of that, and it does not mention domestic or sexual violence once.

Chris Philp: Maintaining vetting throughout an officer's career rather than just at the beginning of it is set out in the vetting code of practice, which was published by the College of Policing, I think, in July last year. The ongoing checking against the police national database is an operational practice. We have put funding behind it, so there is money to pay for it, and the relevant National Police Chiefs' Council lead has publicly committed to doing it. The hon. Member for Birmingham, Yardley is right that such vetting is not a statutory duty, but the Government have funded it and the police have said that they will do it, so Parliament will hold them to account to ensure that they deliver on that commitment and continue to do so.

The hon. Lady asked about the "Guidance for ethical and professional behaviour in policing", which was published recently. Some relevant information, which the Committee will want to hear about, is in that document. Two more documents are also relevant, one

[Chris Philp]

of which was published earlier this week. This is confusing, because three documents fit under the umbrella of the codes of practice.

The statutory document, under section 39A of the Police Act 1996, was published on 6 December and I quoted from it previously. Two more documents were published in the past few days: "Guidance for ethical and professional behaviour in policing"—also issued by the college, and I can provide a copy—and "Ethical policing principles". Those three documents should be taken together.

The first of the two new ones is relevant to amendment 135. It has some sections that answer the questions that have just been asked, including the one about inappropriate relationships. The "Guidance for ethical and professional behaviour in policing", published only a few days ago, has a section on "Fairness and respect", which includes things such as:

"protect vulnerable people and groups from behaviour that is abusive, harassing, bullying, intimidating, exploitative or victimising"

and

"avoid any behaviour that could cause unreasonable distress or harm, including any behaviour that might interfere with...colleagues' ability to carry out their duties".

Clearly, exploitation, which obviously includes domestic abuse, is covered, but so are other things such as victimisation, harassment and abusive behaviour.

Jess Phillips: Does the document say whether that is on or off duty? Does it include officers' own personal relationships or does it just apply to members of the public?

12.15 pm

Chris Philp: The document talks about treating everybody in those ways. It also goes on to talk about relationships, which obviously can happen inside and outside policing. It also talks about—I think this was the topic of amendment 135—ensuring that there are appropriate boundaries between police officers' professional roles and personal relationships. It particularly talks about recognising

"the need to manage...relationships with the public because of the existence of a power imbalance",

respecting "personal and professional boundaries" and maintaining

"the integrity and rights of those we come into contact with".

Critically, it also states:

"do not use our professional position to pursue a sexual or improper emotional relationship with a member of the public".

I think that speaks directly to the concerns raised in paragraph (a) in amendment 135, which expressly references the same thing. That is in the document that I just mentioned.

What the whole group of amendments tabled by the shadow Minister and the hon. Member for Birmingham, Yardley calls for is covered in these documents, which have been published by the College of Policing under section 39A of the Police Act 1996. If there are gaps in them, obviously they can be updated.

Someone—I think it was the hon. Member for Birmingham, Yardley—asked, "Why not set it all out in the Bill?". The documents are quite long—29 pages, 10 pages and something like 30 pages: there is a total of 60 or 70 pages of guidance. It is rather difficult to put that much detail into the Bill. What the Bill is doing is compelling—not asking—the College of Policing to publish these documents. The detail is obviously in the documents, and I hope that the Committee can see, from the examples that I have given having rifled through the documents, that they address the topics that one would want to see addressed.

Jess Phillips: I thank the Minister for giving way again; it is good to have this debate. I must say, as an expert in this field, that what the document says is not good enough. That brings me to amendment 136—which specialist agencies who work with victims of domestic violence did the College work with to write this? It is not good enough, I am afraid to say. I can take that up with the College of Policing, but that is also not the mechanism.

Chris Philp: There is obviously a duty to consult various bodies in preparing the code of practice. I know that the College of Policing and its chief executive, Chief Constable Andy Marsh, engages extensively with a number of people. The hon. Lady lists in amendment 136 the Domestic Abuse Commissioner, the Commissioner for Victims and Witnesses, and the Independent Anti-Slavery Commissioner. I do not know whether the College of Policing expressly consulted those people in preparing the codes of practice, but I can undertake to ask its chief executive and find out.

I appreciate that the hon. Lady has probably not had a chance to read the documents, because two of them got published only earlier this week. Once she has had a chance to look at them, if, based on her experience and work in this area, which I know is extensive and long-standing, she thinks that some things have not been properly addressed, I am happy to commit to raising them directly with the College and ask that they be addressed in the next iteration of the documents. I am definitely happy to do that whenever the hon. Lady is ready; if she can set down what she thinks is missing, I will raise those issues.

I am told that the three organisations that I just read out, which appear in the hon. Lady's amendment, actually were consulted routinely on the documents. However, as I said, if, once she has had the chance to read the documents, she finds in them things that are not properly constructed, I will definitely raise them with the chief executive of the College on her behalf. She can obviously do so directly, but I will certainly do so reflecting her advice as well.

I essentially agree with the spirit of all the amendments. However, because of the detail published relatively recently, on 6 December and in just the last few days, my view is that what is being asked for has been essentially incorporated into the documents. As I said to the hon. Member for Birmingham, Yardley, if she especially or any members of the Committee feel that things are missing, I will absolutely take them up with the chief executive, should a view be formed that changes would be useful and appropriate.

Alex Norris: This has been a really important debate, and I am grateful for the case made by my hon. Friend the Member for Birmingham, Yardley. The Minister's very full answer was much appreciated by us all.

Interestingly, my hon. Friend and I focused on two different issues, but they have the same principle at root: the public must be able to expect that public organisations—in this case, the police—are candid, transparent and making their best efforts to do the best job in all circumstances. That should be obvious, but we know that too often that has not been the case, and Hillsborough brought that into sharp relief. Alongside that, in the cases mentioned by my hon. Friend there is a more numerous although less high-profile drumbeat of mundane failure, which has been almost baked into the system. Those will never be the subject of a high-level inquiry; instead, there are people dying in doorways, unaccounted for, unknown and unseen. We should believe that we can do better than that.

I am grateful for what the Minister introduced in relation to the work of the College. I was going to say this in the next debate when we talk about vetting, but we have full confidence in and we believe in Chief Constable Andy Marsh. He is excellent; he has engaged with us on the Opposition Benches and he is always very good, so no point that I make is against either him or the College. The question, for us, is about the degree to which we are comfortable with subcontracting important judgments about how one of the most crucial public services operates to other organisations that we cannot scrutinise in the same way as the Minister and the Home Office. There are times when that is very much the right thing to do, and when we cannot and should not seek to operate those things remotely from here; we would not have the time and it would not be appropriate.

Chris Philp: We both have confidence in the College and Chief Constable Andy Marsh—in fact, now is a good time to thank him for the work that he and his colleagues at the College have done. On the subcontracting of important things to the College of Policing, I should say that the statutory code must be approved by the Home Secretary prior to its coming into force. That gives not parliamentary approval, but at least some level of democratic oversight on what goes into it.

Alex Norris: If I am honest, that level of oversight might not give much comfort to us in the Opposition, but nevertheless that at least gives the code a statutory footing, which is in itself very much valued. We must make the judgment of when we are happy for others to make those decisions and when we believe that it is our responsibility to set a tone. That remains the case, particularly around candour; I will come on to amendment 149 in a second.

I turn to the amendments tabled by my hon. Friend the Member for Birmingham, Yardley. One of the most important things we can say—and I hope that the Minister will say this at some point; I do not think that he has said it yet and it is really important for the amendment—is that we believe that off-duty conduct is relevant to establishing the character and suitability of officers. My hon. Friend's amendment mentions a couple of cases where standards that we would routinely expect to be met have not been, whether that is in a domestic abuse or sexual violence situation or related to the point around spy cops. We ought to send a stronger signal on that.

I confess that I have not yet had the chance to see the documents that have been published in recent days. I hope that they pass the test that the Government's own documents often fail around gender. As my hon. Friend the Member for Birmingham, Yardley said, the Government managed a whole Domestic Abuse Act without mentioning women. We cannot lose sight of what is happening here—it is not exclusively male perpetrators and women victims, but that is largely the case. This is a gendered crime, and we ought to treat our regulation in that way.

I heard the Minister's point about amendment 136. While we have to admire the College of Policing's diligence in publishing the code prior to its becoming a statutory requirement, if the consultation has not happened yet there will be a period of time when that work could take place, prior to the Secretary of State signing it off, and for it to be understood that the commissioners mentioned in the amendment would be routinely consulted during the development of the process. The insight that those individuals have on those cases, as we saw in the evidence sessions, is hugely valuable.

I turn to new clause 48. As my hon. Friend said, the public should be able to expect that relevant intelligence is always considered; it is not. The Gaia Pope-Sutherland case is absolutely devastating. If the Bill is not the place for this detail, we need to hear a strong signal that it is what we expect of policing—what the public expect and should be able to expect.

On amendment 63, I think the Minister is right. I am happy to withdraw it as it is covered by the document he mentioned. I cannot quite share his view on amendment 149. We should not misconstrue that what is in the Bill now means that police officers are obliged to act with a duty of candour. What is in the Bill is that chief officers have a duty; what is in the College of Policing's guidance, at paragraph 4.5, is that that duty to act with openness and—I forget the other word—is then pushed to other officers.

Chris Philp: "Openness and candour".

Alex Norris: Openness and candour. But that does not have a statutory underpinning. There is carrot but no stick—that is the point I am trying to make. The code covers chief officers. It will not really cover their staff—not so that we can have confidence that the job has been done with regard to the duty of candour. There is still a gap.

As I have said, I have doubts about whether the Bill is the right vehicle for the change that the Opposition seek on duty of candour, so I will not press that point to a Division yet. But the issue will come back at later stages and in other legislation as well. We certainly do not think that the job has been finished.

Jess Phillips: On amendment 135, the Minister offered to sit down and talk to me about what needs to be in the document. On reflection, I will not press the amendment, in the expectation that that will happen before the Bill goes to the other place. We shall see how we feel about the matter then.

Chris Philp: On a point of order, Dame Angela. Could I ask the hon. Member for Birmingham, Yardley, through you, to make contact with me with her thoughts when she has looked at the document? I would be grateful.

The Chair: I am happy to be the temporary diary secretary on this issue.

Alex Norris: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

12.30 pm

Jess Phillips: I beg to move amendment 134, in clause 73, page 65, line 5, at end insert—

"(3A) The Code must make explicit that any criminal behaviour perpetrated by persons under the chief officer's direction and control disclosed as a result of proceedings in the family courts must be considered during the vetting process.".

This amendment ensures criminal behaviour that is uncovered within family courts is disclosed within the vetting process of police officers.

The Chair: With this it will be convenient to discuss the following:

New clause 6—*Automatic dismissal on conviction for a serious criminal offence*—

"(1) Section 50 of the Police Act 1996 (Regulations for police forces) is amended in accordance with subsections (2) and (3).

(2) After subsection (3) insert "and subject to any regulations made under subsection (3ZA)".

(3) After subsection (3G) insert—

"(3ZA) Regulations made under this section may provide that upon the conviction of a member of a police force for a certain type of criminal offence, that person shall be dealt with by way of automatic dismissal without the taking of any disciplinary proceedings against that person.".".

New clause 7—*Automatic suspension of officers charged with specified allegations*—

"(1) Regulations made by the Secretary of State pursuant to section 50 of the Police Act 1996 may make further provision as set out in this section.

(2) Where an officer is charged with an indictable-only or an either-way offence, the Regulation 11 of the Police (Conduct) Regulations 2020 and any other relevant legislation shall not initially apply.

(3) In a case falling within subsection (2), regulations may provide that the appropriate authority must automatically suspend the officer from the office of constable for an initial period of 30 days.

(4) Where an officer is suspended in circumstances falling under subsection (3), regulations may provide that—

(a) the officer remains a police officer for the purpose of the Police (Conduct) Regulations,

(b) the suspension must be with pay,

(c) at or prior to the expiry of the initial period of suspension, the appropriate authority must make a determination as to whether the suspension conditions in Regulation 11 of the Police (Conduct) Regulations 2020 are satisfied, and

(d) upon the making of a determination referred to in paragraph (c) that an officer should remain suspended, Regulation 11 of the Police (Conduct) Regulations shall apply thereafter to that officer.".

New clause 8—*Automatic dismissal of officers who fail vetting*—

"(1) The Police Act 1996 is amended in accordance with subsection (2).

(2) In section 39A (Codes of practice for chief officers), after subsection (1) insert—

"(1A) Without prejudice to subsection (1) and subject to subsection (1B), a code of practice may provide for an officer to be dismissed without notice where—

(a) the officer fails vetting, and

(b) it is not reasonable to expect that the officer will be capable of being deployed to full duties within a reasonable timeframe.

(1B) Subsection (1A) does not apply where a chief officer concludes that—

(a) the officer, notwithstanding his vetting failure, is capable of being deployed to a substantial majority of duties appropriate for an officer of his rank; and

(b) it would be disproportionate to the operational effectiveness of the force for the officer to be dismissed without notice."".

New clause 9—*Duty of officer to hand over personal mobile phone*—

"(1) Section 50 of the Police Act 1996 is amended in accordance with subsection (2).

(2) After subsection (4) insert—

"(4A) Regulations under this section may, in connection with the procedures that are established by or under regulations made by virtue of subsection (3), provide that an officer has a duty to hand over to the appropriate authority a personal telecommunications device capable of storing information in any electronic format which can readily be produced in a visible and legible form, belonging to that police officer where there is a request by the appropriate authority in circumstances where the appropriate authority has reasonable grounds to suspect the police officer of behaving in a way that could amount to gross misconduct and in respect of which information stored on the device may be relevant to the suspected misconduct.

(4B) Without prejudice to the generality of subsection (4A), regulations may provide for—

(a) the form of the request to be made to the police officer concerned and any related information that must be provided by the police officer in releasing the device including, but not limited to, any passcode required to access information stored on the device;

(b) the time period within which the device must be provided to the appropriate authority and any sanction which may be imposed on the police officer for failing to do so;

(c) the provision to the police officer concerned of reasons for the requested possession of a device;

(d) the arrangements to be put in place for the protection of confidential, privileged or sensitive information stored on the device which is not relevant to the matter under investigation;

(e) the period of time that the device may be retained by the appropriate authority and arrangements for the return of the device when it is no longer required for the purposes of the investigation;

(f) the deletion of information obtained from the device and retained by the appropriate authority other than information which is reasonably required to be retained in connection with the matter under investigation; and

(g) the making of ancillary and consequential amendments to other regulations as may be considered necessary.

(4C) In subsections (4A) and (4B) "appropriate authority" has the meaning given in article 2 (interpretation) of the Police (Conduct) Regulations 2020."".

New clause 33—*Police perpetrated domestic abuse as a recordable complaint*—

"(1) Schedule 3 of the Police Reform Act 2002 is amended as follows.

(2) After paragraph 1(2)(b) insert—

"(c) it is alleged by any person, including any person serving with the police, that a person under his direction and control, whether in the course of their

duties or otherwise, has engaged in domestic abuse within the meaning of section 1 of the Domestic Abuse Act 2021 or abuse of position for a sexual purpose,"

(3) After paragraph 2(6B)(c) insert—

"(ca) the complaint is one which alleges that a person serving with the police, whether in the course of their duties or otherwise, has engaged in domestic abuse or abuse of position for a sexual purpose; and "domestic abuse" has the meaning set out in section 1 of the Domestic Abuse Act 2021,".".

This new clause would ensure all allegations of Police Perpetrated Domestic abuse are treated either as a recordable police complaint or as a recordable conduct matter.

New clause 34—*Domestic abuse complainants: police officers and police staff—*

"(1) Section 29(4)(a) of the Police Reform Act 2002 is amended as follows.

(2) After "person whose conduct it was" insert ", save that this paragraph does not apply where the conduct alleged (assuming it to have occurred) falls within the definition of domestic abuse in section 1 of the Domestic Abuse Act 2021 or constitutes abuse of position for a sexual purpose,".".

This new clause would ensure that police officers and members of police staff have the same right to make a complaint of domestic abuse against a member of their force as do members of the public.

New clause 35—*Vetting: duty of chief officers—*

"(1) Chief officers must ensure that all persons under their direction and control have valid and current vetting clearance appropriate to their role.

(2) All persons under the direction and control of a chief officer must be re-vetted—

(a) within a period of five years from an individual coming under the direction and control of a chief officer; and

(b) within a period no longer than every five years thereafter.

(3) Vetting clearance must not be granted to persons who have received a caution or conviction for serious violent or sexual offences including, but not limited to offences involving—

(a) domestic abuse,

(b) coercive and controlling behaviour,

(c) stalking,

(d) harassment,

(e) sexual assault or abuse,

(f) rape, or

(g) female genital mutilation.

(4) A person who does not have valid and current vetting clearance appropriate to their role will be dismissed.".

New clause 36—*Allegation of violence against women and girls: withdrawal of warrant card—*

"Where a police officer is the subject of an allegation that the officer has perpetrated violence against a woman or a girl, the officer's warrant card must be withdrawn pending investigation.".

This new clause creates a provision requiring the removal of warrant cards from police officers who are under investigation for crimes relating to violence against women and girls.

New clause 43—*Domestic abuse: automatic referral to Independent Office for Police Conduct—*

"(1) A chief officer of police must ensure that any allegation of domestic abuse made against a person under the chief officer's direction and control must be referred to the Independent Office for Police Conduct for determination of the mode of investigation.

(2) If the Independent Office for Police Conduct determines that the investigation must be referred back to the chief officer's force, then such an investigation must be conducted and concluded.

(3) The Independent Office for Police Conduct may also refer the complaint to the chief officer of police for a different police force and direct that the complaint be investigated independently by that force.".

Jess Phillips: As I started to say earlier, I think the public would be surprised to hear that the provision in amendment 134 does not already exist. The amendment seeks to ensure that criminal behaviour that is uncovered in the family courts is disclosed in the vetting process for police officers.

When the Bureau of Investigative Journalism made freedom of information requests to police forces asking for the number of officers who had been made subject to non-molestation orders by the family courts, it was shocked to learn that forces do not collect that data. That means that evidence of rape, violence, danger or child abuse demonstrated in a UK court is not part of the vetting process for our police officers, who the Minister has asked us, quite rightly, to have faith in.

The granting of a non-molestation order requires the court to be satisfied that there is evidence of molestation, that the applicant or a child is in need of protection and that the order is required to control the behaviour of the person against whom it is sought. Those are significant findings when made in relation to a serving police officer. It is scandalous that there is not an established arrangement between the police and the family courts to ensure that not just non-molestation orders, but any judicial finding of domestic abuse, rape or child abuse against a serving police officer or someone who wishes to serve is automatically notified to the officer's force, to inform vetting. The amendment would require such information to be considered during the vetting process.

My hon. Friend the Member for Nottingham North spoke about the duty of candour. We wish to see that in all public institutions, although that is obviously not within scope. The public would be horrified to hear that there will be teachers in their children's schools, currently, who have been found to be child abusers in our family courts.

The famous case on this issue relates to this building. Because the family courts are so secretive, a court case was fought; two journalists had to take the institution to task in order to be able to report that a previous Member of this House was found in the family court to have raped his wife. I pay tribute to her for the bravery that she showed.

Currently, such a finding—a finding of rape against somebody who sat among us—would never otherwise be known. If that man now wants to try to get a job in a police force or advising police forces, he can knock himself out. I mean, his case was written about in the newspaper, but that is one in a million cases; that does not happen routinely, because of the secrecy. We should all be terrified that there is no safeguarding. A person can be found to be a child abuser in the family court, and not be allowed to see their children, but they could be teaching my kids and nobody would know, because it is secret. It does not go on a Disclosure and Barring Service check.

I happen to know of a series of cases of police officers found in the family courts, by UK judges, to be child abusers, rapists or domestic abusers, but nobody would ever know, and they carry on serving as police officers. I think the public would be appalled. Every one

[Jess Phillips]

of the police officers I asked about this in our evidence sessions, including Andy Marsh, said that it would be helpful to know. They all said it would be helpful, essentially, to have the family courts keeping a repository of safeguarding information based on outcomes at court that can be fed into the DBS or the vetting system. There are other areas that we will discuss today where I could definitely feel myself ending up at loggerheads with some senior police officers, but not in this case.

New clause 34 would amend section 29 of the Police Reform Act 2002 to ensure that police officers and members of police staff have the same right as any member of the public to make a complaint of domestic abuse against a member of their force. Again, it is shocking to hear that this is not already the case. Section 29(4) of the 2002 Act prevents police officers and staff from making a police complaint against a member of their own force. This is a significant problem in police-perpetrated domestic abuse cases, because many police officers and staff are married to each other—just like in this place—or in relationships with other officers and police staff. Just to be clear, I am not married to anybody in this place; I think my husband has been to London twice in his entire life.

Of the victims of police-perpetrated domestic abuse who have come forward to give their accounts to the Centre for Women's Justice, nearly 45% are themselves police officers or police staff. While police victims can still report criminal activity by their husband or partner, the fact that their complaints are not also investigated under the misconduct process is a huge problem.

Criminal investigations very often conclude with no further action—NFA—on the basis that it is one person's word against another's. Given the burden and standard of proof in criminal proceedings, either the police or the CPS—if it gets that far—decide that there is not a realistic prospect of securing a conviction. However, the standard of proof is different in disciplinary proceedings. Clearly, it is important, not only for the victim but for the protection of the public, that the matter is recorded and that there is a disciplinary investigation even if criminal proceedings are not pursued—we have all agreed on that this morning already.

The case study of "Celine" pulls together the key elements of a number of real-life cases. Celine is a police sergeant. Her now ex-husband is an inspector with the same force. Celine and her ex-husband were married for 12 years. During the marriage, Celine was subjected to controlling and coercive behaviour, including financial control, alienation from friends and family, belittling and abusive language, and intimidation, such as her husband driving erratically and locking Celine and her children in a bedroom. Since the marriage broke down, Celine's ex-husband has been harassing her with phone calls and threatening emails.

Celine made a complaint to her force about her ex-husband's behaviour. There was a cursory criminal investigation, but—as they always are—it was "NFA'd" because the investigating officer took the view that there was no corroborating evidence of Celine's account. Celine submitted a victim's right to review request and asked for clarification on what was happening in terms of a misconduct investigation. She was initially told that there would not be any misconduct investigation, because of the NFA decision in the criminal investigation and because she is a police officer and so cannot make a police complaint. We need to have it categorically written into any code of ethics that an NFA decision in a criminal case should not be used in an employment case. We also have the issue of Celine not being able to make a complaint in the first place.

Celine challenged that and pointed out that her allegations should be investigated as a conduct matter, even if she was precluded from making a police complaint. Very shortly afterwards, she was told that the professional standards department had considered the case and that no further action would be taken. Celine asked for an explanation, but was told that since she was not classed as a complainant in the misconduct investigation, due to her being a police officer, it would be a breach of her ex-husband's rights for her to be told anything about it, and that the force would not correspond with her further on the matter. Celine tried reaching out to her Police Federation representative for support, but was told that because the Police Fed was assisting her ex-husband, it could not offer her any assistance.

Being a police officer, and section 29(4) of the Police Reform Act, prevented Celine from having the same rights as a member of the public. Had that not been the case, her report of abuse could have been treated as a formal police complaint. She would have had the right to require the police to record it, and therefore deal with it under the statutory scheme set out in schedule 3 to the PRA. She would also have had the right of review of the outcome, either by the local police and crime commissioner or the Independent Office for Police Conduct, depending on whether the complaint had been handled by the force or by the PCC at the investigation stage. All those rights are currently withheld from police officers and members of police staff when they raise concerns about the conduct of an officer in their own force.

New clause 33 would go further, by ensuring that all allegations of police-perpetrated domestic abuse are treated either as a recordable police complaint or as a recordable conduct matter. Although all police complaints and conduct matters are required to be logged, they are not all required to be recorded. Schedule 3 to the Police Reform Act 2002 and regulations made under it specify which complaints and conduct matters have to be recorded. Recordings make a real difference, because complaints and conduct matters that are recorded have to be dealt with in accordance with the statutory process set out in schedule 3—I feel like the Minister! If a police complaint or conduct matter is not recorded, it is likely to be dealt with informally by the police, outside the statutory complaint system. Some might call that being brushed under the carpet.

Importantly, a number of forces do not use the national Centurion database to log complaints and conduct matters that are not formally recorded and therefore are handled outside schedule 3. That means that such complaints and conduct matters are not captured in the Home Office or IOPC statistics on police misconduct, resulting in the undercounting of the extent of police-perpetrated domestic abuse. A cynical person might suggest that that gives the force an incentive to find that a complaint or conduct matter is not recordable under schedule 3, because that means that there are no formal requirements to investigate and it will not appear in the official figures.

A further critical issue when complaints and conduct matters are not recorded and are dealt with informally outside the schedule 3 process is that information about the complaint or conduct may not be available for vetting purposes, or if further allegations are made against the officer or member of police staff in future. That risk is especially high if information is stored on local force systems and the officer or member of police staff transfers to a different force. We have seen in some of the most high-profile cases that it was the moving between forces that was problematic.

Let me lay out the problem with another case study. "Sally" was in a relationship with a police officer for more than 15 years. During that time, she suffered physical, emotional and psychological abuse from him, including while she was pregnant with her child. Sally did not feel able to report the abuse to the police, but her midwife noticed bruising and Sally opened up to her about what had been going on. The midwife made a referral, which led to Sally being contacted by the police. Sally told them about the abuse, but did not feel able to make a formal complaint, because she was financially dependent on her partner and expecting his child. She was worried that if she pressed charges, her partner would lose his job. The police did not take the matter forward and the abuse continued.

Eventually, several years later, Sally found the courage to leave. She subsequently learned through friends of friends that her ex-partner had gone on to abuse his new partner, and that he was now working on the force's sexual offences and domestic violence team. Sally decided that she needed to report the abuse formally, because she was worried about her ex-partner working in a frontline role with victims of domestic abuse. When she did so, she was shocked to learn that the force did not have any record of the previous referral from the midwife or GP, or the account that she had given them at the time. The Minister was talking about vetting and other intelligence, but some gaping gaps clearly remain in what goes on to the recording and what does not. If the force had been required to record the earlier report as a conduct matter, as the proposed new clause would require, it would have had to investigate it under schedule 3 of the Police Reform Act. It would have had to have been recorded and should have informed Sally's ex-partner's vetting status and deployment within the force.

New clause 43 would require all allegations of police-perpetrated domestic abuse to be investigated and to be referred to the IOPC for determination of the mode of investigation—whether the matter requires investigation by the IOPC itself, or whether it should be referred back to the perpetrator's force or referred to an independent force for investigation.

12.45 pm

As always, real-life experiences makes it clear why the new clause is necessary. "Katrin" was physically assaulted by her partner, who was a serving police officer. She dialled 999 during the assault and officers from the local police station attended. By the time the police arrived, Katrin's partner was outside in the front garden. Katrin saw that the officers clearly recognised her partner and she heard them joking about the size of the van that the officers had arrived in.

One of the officers came inside to speak to Katrin and she gave that officer her account, but the officer kept saying things that appeared to minimise her partner's behaviour, such as, "He's under a lot of stress at work" and, "Perhaps a bit of time to cool off would be good on both sides." For the next few days, Katrin kept calling her local police station, asking to be given a crime number and what was happening with the investigation. Eventually, a more senior officer came to see her and told her that she did not know her partner, but Katrin later found pictures on Facebook of them together.

At this point, Katrin complained and asked for the investigation of her case to be transferred to a different force. She was told that was not possible, but she was told not to worry, because her case was being transferred to an officer who was new to the force and so did not know anyone. Katrin still did not have faith in the investigation, because she was worried that the officer would not want to rock the boat on joining a new force by bringing charges against a popular officer whom she was likely to have to work with in the future. After significant delays, during which it appeared to Katrin that not much was being done, the case was concluded and an "NFA" decision was made.

At present, forces rarely treat police-perpetrated domestic abuse cases as requiring referral to the IOPC for determination of the mode of investigation. Instead, forces frequently investigate allegations of domestic abuse against their own officers internally, without adequate guarantees of independence. Although investigating officers are supposed to confirm in writing that they have no prior connection to an accused officer, in practice—according to the work in this area by the Centre for Women's Justice—that is frequently ignored. Even when investigating officers do not have a personal connection with the officer under investigation, lack of independence can still arise when investigations are conducted by the same force, for example when the investigator knows that in the future they may well have to work with the officer under investigation, or when the officer under investigation is generally well-known and well-liked within the force.

Requiring all allegations of police-perpetrated domestic abuse to be referred to the IOPC would ensure that every such case is subjected to independent scrutiny and that an independent decision is taken as to whether a fully independent investigation is required, either by the IOPC or by a different force, or whether a sufficiently impartial investigation can be achieved by the alleged perpetrator's own force.

Those are the amendments and new clauses in my name. I will just add that I rarely say no to the Mother of the House when she asks me to do something, so the Minister has before him a series of amendments, not only from her but from many other colleagues from across the London area, who are very much pushing for action. In the words of the Mother of the House, the Government have not gone far enough in implementing Baroness Casey's recommendations to address police misconduct. Some of those recommendations have been included in the Bill, which is welcome, but there is a need for further change in four areas. These changes would mean that chief constables would be responsible for and accountable for maintaining high disciplinary standards in their force.

The Chair: Before we proceed, it was not quite clear from what the hon. Lady said whether there is a sub judice consideration involved in any of the cases she referred to.

Jess Phillips: No, there is not.

The Chair: Nevertheless, everyone should be very careful that any of the examples they use do not fall into the sub judice category. I accept the hon. Lady's assurance.

Alex Norris: I rise to speak to new clauses 35 and 36 in my name, which concern vetting arrangements for the police, particularly in cases involving violence against women and girls.

New clause 35 proposes that all police officers must be re-vetted every five years—it is currently every 10—and that vetting clearance must not be granted to those who have received a caution or a conviction for serious violent or sexual offences including domestic abuse, coercive and controlling behaviour, stalking, harassment, sexual assault or abuse, rape and female genital mutilation. Under my new clause, those who fail vetting for such offences would be dismissed.

After so many horrific high-profile cases in recent years, many outside this place would be shocked and appalled to learn that such measures are not in place and that the vetting procedures are poor enough to allow potential threats to the public to wear a uniform that should be a symbol of safety and security. We must tackle this issue head on. We know the police recognise that; chiefs do not want individuals in their forces who have shown through their behaviour that they do not meet that standard. Giving them the tools is important in rebuilding confidence in the police, which is a priority for all of us. The new clause would give chiefs tools to dismiss those people if necessary.

I will make a slight case against subsection (2)(b) of my own new clause on the five years provision. During the evidence sessions, I asked Andy Marsh from the College of Policing what the right period for vetting should be, and he said then, as he has said to me previously, that, if we are not there already, we are on the way towards being able to move beyond timed sweeps of vetting and instead use lifetime interrogation through new technologies. There is often a risk of saying things are AI when they are not AI, but they probably are in this case. Machine techniques can be used to interrogate databases of all sorts, including those that my hon. Friend the Member for Birmingham, Yardley mentioned, such as the ones in the family courts.

That would make the vetting period moot, because vetting would be up to date. Any time that there is a breach, whether it relates to conduct towards women and girls or broader matters, that would be flagged to a chief straightaway and the vetting could be re-evaluated. That is very exciting, and if the Minister stands up and says that that is where we are going, that would be enough for me, but I want us to be in that place as soon as possible, so I would be interested in his views on that.

New clause 36 is on a similar theme, although there is no high tech involved in it. It would introduce a more straightforward requirement for warrant cards to be removed from officers under investigation for crimes relating to violence against women and girls. To be clear, this is not about prejudging an individual before a full and proper investigation has taken place. They would presumably still be at work doing other duties, or if they were suspended they would still be receiving pay. It is about ensuring high standards and the safety of others. My hon. Friend mentioned life in Parliament. It is rare that we hold better standards than others, but in this place we act differently if a serious allegation has been made, with no presumption of guilt, and I think the public would expect something similar from the police.

The warrant card is both a totem of an officer's service and a huge factor in how they do their job, but in serious cases—the Sarah Everard case is the most obvious—they can be misused. Individuals at points of stress may act in such ways, so the removal of the warrant card is one way of putting in a restriction. This proposal has the support of Dame Vera Baird and the Domestic Abuse Commissioner, Nicole Jacobs, who has pushed for the removal of the warrant card in cases of police-initiated domestic abuse.

On amendment 134, in the name of my hon. Friend, I think the public would find it astonishing that that measure is not already in place. Clearly, when it comes to vetting and being secure about who is serving in such important roles, we need full evidence of their character and behaviour. To leave out that proposed measure would be to leave out a huge bit of the fence, so I certainly support it.

On new clauses 33 and 34, I support my hon. Friend's points about making police-perpetrated domestic abuse a recordable complaint. If new clause 33 is not the best way to do that, I will be interested to hear the Minister's challenge. New clause 34, which would grant equal rights to make a complaint, makes a lot of sense.

On the new clauses tabled by my right hon. and learned Friend the Member for Camberwell and Peckham (Ms Harman), I hope the Minister will talk about how he feels Casey is being implemented. Some of the new clauses, such as new clause 8, overlap with my own. I look forward to hearing the Minister's response, and I look forward to hearing my right hon. and learned Friend's case for them on Report.

Ordered, That the debate be now adjourned.—*(Scott Mann.)*

12.56 pm

Adjourned till this day at Two o'clock.