

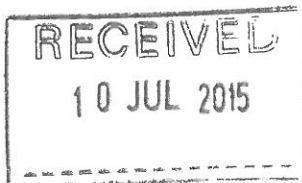
Kate

Sir Peter Fahy Q.P.M., M.A.
Chief Constable

GREATER MANCHESTER
POLICE



Area Coroner Kearsley
Coroner's Court
1 Mount Tabor Street
Stockport
SK1 3AG



06 July 2015

Dear Ms Kearsley.

Re: Regulation 28 letter Inquest of Paul McGuigan

Thank you for your letter of 11th May to which I set out my response as below.

Notifications to employers

I do acknowledge that at the Inquest we, in GMP, were unable to articulate a coherent position in relation to notifications in respect of investigations and convictions. I do not, though, believe it is the case that GMP completely misunderstood the Notifiable Occupation Scheme of 2006. Rather it was the case that GMP acted upon national advice by ending notification upon convictions, not only without properly assuring itself that its officers were fully using the pressing social need test for notifications but also without any means of recording and monitoring our processes.

I completely accept that there needs to be a common checkable standard for recording notifications. This will, in future, be entered and held on the intelligence file of offenders.

We will be training officers in understanding their responsibilities under the pressing social need test. This will include classroom and NCALT training. This will address the issue of to whom the disclosures need to be made i.e. the employers and/or the regulatory body.

Our lawyers are aware of the complexity of issues in this difficult area as they deal with enquiries from officers and also legal challenges. Indeed their experience of this issue is that officers do exercise good judgement but that the issues are very finely balanced.

Our lawyers also, as matter of course, advise us on all our policies. I am anxious, however, that GMP stays within the national framework advice provided by the ACPO document Common Law Police Disclosure Guidance which was based on expert legal advice. As you have rightly pointed out it is important all forces behave in a similar way.

You will be aware that the SIA is not in the Common Law Police Disclosure Scheme but that discussions are taking place to improve this position. We have met with the SIA in relation to the concerns you have raised in relation to the definition of the occupation of close protection.

Bail conditions

I am entirely satisfied with the current process in GMP. It is clear that the official reference point for bail conditions is the PNC. Whilst there will always be errors in human systems, we have a tried and tested reliable system.

Similarly I am satisfied that Custody Sergeants are applying bail conditions proportionately and can layer the amount of control to the risk faced. Custody officers are clear in the important distinction between a "condition of residence" and "live and sleep". It is almost inevitable that, on rare occasions, a constable may misinterpret this or other bail conditions. However this would be rectified quickly as the Custody officer would refuse to accept detention on such occasions. This has never been a significant issue in the organisation.

Information sharing at Multi Agency meetings

We have raised your concerns at the Strategic Management Board responsible for all Multi Agency Public Protection Arrangements (MAPPAs). These are very similar to the conclusion of the Serious Case Review. These concerns have formed part of an action plan which will be overseen by the Strategic Management Board. One particular action is to present this case at a MAPPAs learning event to be held later this year.

The importance of record keeping will form part of this presentation. I acknowledge the failings of recording of information. I believe, however, the situation has already significantly improved within GMP. In particular we have a Public Protection Investigation handbook, issued in 2012, which outlines the requirements and expectations of proper record keeping.

I trust this letter addresses your concerns. Should you require any further information please contact me.

Yours sincerely,



Sir Peter Fahy
Chief Constable



National Offender
Management Service

Michael Spurr
Chief Executive
National Offender Management Service
7th Floor Clive House
70 Petty France
London SW1H 9EX

Telephone: 0300 047 5163
Email: ceonoms@noms.gsi.gov.uk

Miss J Kearsley
HM Coroner
1 Mount Tabor Street
Stockport
SK1 3AG

Your reference: JK/KN/02070-2009

Date: 1 July 2015

Dear Miss Kearsley,

Thank you for your letter of 11 May, enclosing your Regulation 28 report following the inquest into the death of Paul John McGuigan.

We are grateful for your comments and recommendations for improvement, which we have considered in detail. As you know, the probation service has recently undergone a fundamental reform, with the new National Probation Service and 21 Community Rehabilitation Companies taking the place of the former Probation Trusts. Since the events of 2009 that were the subject of the inquest, a number of other changes have taken place which have helped to address some of the issues you have raised, including improved use of information technology.

As part of the transition process, following the introduction of the new structure, we have put in place a major programme to promote consistency and good practice across the National Probation Service. This programme, known as E3, is looking at the whole range of practice issues and provides us with a mechanism for implementing the required changes.

A major lesson from the inquest is the need for more effective inter-agency working, particularly between the police and the probation service, in the context of the MAPP arrangements. Work to address the issues you have highlighted is being taken forward by the National MAPPA team, which will issue guidance to all MAPPA agencies shortly. This will cover the need to prepare for MAPP meetings carefully, including obtaining full case details, and to record in full all actions agreed and taken and all communications in individual cases.

You identified a lack of understanding, on the part of the agencies involved with the supervision of [REDACTED], as to what close protection work overseas may involve – notably a requirement to be armed. You also noted that offender managers need to be aware that overseas work is not regulated by the Security Industry Authority.

Close protection work is a form of employment to which former service personnel are likely to be attracted and we have looked at the issue particularly in that context. In its response to the independent review by [REDACTED] into the rehabilitation needs of ex-armed service personnel in the criminal justice system (December 2014), the Government emphasised its commitment to working with other organisations to deliver the best outcomes for ex-service offenders. We will be issuing updated guidance for staff on working with ex-armed service personnel in custody and the community later this year. This guidance will incorporate a definition of close protection work overseas and make clear that overseas work is not regulated by the Security Industry Authority. We will also work with the Ministry of Defence to set out protocols on obtaining and sharing information with the military to be included in the guidance.

You recommended that consideration should be given as to whether disclosure of details of offending should be made direct to potential overseas employers. The Common Law Disclosure Scheme, which has replaced the Notifiable Occupations Scheme, may be a suitable mechanism for doing this. The National MAPPA team will liaise with the police and seek legal advice on the scope for using the Scheme in this way.

As you may be aware, any offender on licensed supervision is subject to standard licence conditions, one of which is that he or she will be permitted to travel abroad only with the permission of his supervising officer. The national policy is that only in wholly exceptional circumstances would such permission be given. In [REDACTED] case, of course, since he did not seek the permission of his supervising officer, there was no opportunity to enquire about the nature of the work that G4S had offered to him.

You also comment on the need for a clear procedure to identify when an independent psychiatric report is needed, and to ensure that one is provided. In criminal cases, judges or magistrates can decide to commission an independent psychiatric report as part of the trial and sentencing processes. The cost of preparing such a report is met from central funds. It is frequently the case that the defence or prosecution will commission a psychiatric report, but this does not limit the powers of the court to order its own report. The Ministry of Justice has produced a good practice procedural

guide for psychiatrists, the judiciary and court staff on handling requests for court-ordered psychiatric reports and this is subject to periodic review.

A major contributory factor to the tragic sequence of events that resulted in the murder of Paul McGuigan was the failure by agencies involved properly to record and share information about the residence condition in [REDACTED] bail order. In 2009, bail conditions were recorded manually. This proved to be problematic in [REDACTED] case, as his bail conditions were not recorded accurately or consistently and were overlooked by the offender manager as well as by partner organisations and additionally by the court at a subsequent appearance. We have taken steps to ensure accurate recording of conditions by introducing two nationwide ICT systems – Libra for magistrates' courts and Portal for the Crown Court. Staff have been trained in the use of these systems and we will remind them of the importance of accurate recording of bail conditions on these systems in all cases.

You also point to the need for Community Rehabilitation Companies to be provided with guidance to enable them to identify emerging risks that may trigger MAPPA concerns and require transfer to the National Probation Service. The National Offender Management Service's contracts with the Community Rehabilitation Companies specify the process that is to be followed in cases where a company believes the risk posed by the offender has increased to a level where responsibility for his or her management should transfer to the National Probation Service. The company must provide the National Probation Service with a completed risk escalation referral form, together with any additional information requested, to enable the National Probation Service to conduct a full assessment of risk and to decide whether offender management should transfer.

It is recognised that, particularly following the changes brought about by the *Transforming Rehabilitation* reforms and the large number of post-graduate learners recently recruited, there is a need for a revised framework to ensure that newly-qualified officers are adequately supported as they build their experience in the role. A period of additional support, consolidation of practice and learning is essential, and a National Probation Service framework has now been put in place to ensure this is achieved, through control of workload, mentoring support and formal supervision sessions.

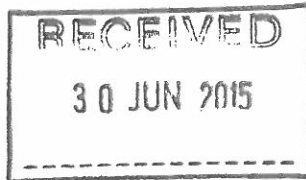
I hope that this letter provides the assurance you are seeking that action is being taken to address your concerns. We are determined to learn the lessons from this tragic case.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Michael Spurr', written in a cursive style.

MICHAEL SPURR

Kate



Security Industry Authority

Your ref: JK/KN/02070-2009

Joanne Kearsley, Area Coroner
Coroner's Court
1 Mount Tabor Street
Stockport
SK1 3AG

29th June 2015

Dear Ms Kearsley,

RE: Paul John MCGUIGAN (Deceased)

I write in response to your letter to my predecessor [REDACTED] dated 11th May 2015, which enclosed your Regulation 28 Report about the inquest into the death of Paul John McGuigan. I note that the SIA provided two formal statements from [REDACTED] Legal Advisor at the SIA, and that [REDACTED] attended and gave evidence at the inquest. I hope that you found this useful.

For ease of reference, I have set out below the extracts from your letter which relate to the SIA, which are then followed by our response. The issues raised in concerns 2 to 5 of your letter relate to other parties and as such we have not commented on those matters in the responses below.

I heard detailed evidence from a number of GMP Police Officers and civilian staff with responsibility in respect of the Notifiable Occupation Scheme.

In my judgement there was a complete misunderstanding by GMP in respect of the operation of the Notifiable Occupation Scheme HOC 6/2006.

Of immense concern also the complete failure for a period of approximately 18 months to make any post conviction notifications under the Notifiable Occupation Scheme, which was it transpired, formally withdrawn by the Home Secretary Theresa May MP in March 2015.

I heard and had evidence from the SIA that they were not aware that a regulatory gap existed in respect of the police's understanding of the scheme and notifications to themselves. The evidence I heard suggests that such a gap exists at GMP and has done so for in excess of 18 months.

As mentioned above, the Notifiable Occupations Scheme (NOS) has now been withdrawn and replaced by the Common Law Police Disclosure Scheme. The SIA is not able to comment on GMP's understanding of the NOS, however we can confirm that there have



historically been, and continue to be, very good partner relations between the SIA and GMP, particularly in respect of enforcement matters. Collaboration on several joint initiatives has made a positive contribution to the protection of the public in the Greater Manchester area.

At present in respect of a replacement scheme in respect of clarifying the Common Law Police Disclosure Scheme I heard evidence as to the process GMP are undergoing in respect of a revised Procedure relating to Notifiable Occupations but this is far from complete and less than clear as to how it will operate and the training that will be given to officers / GMP civilian employees. The Court was also advised that at no stage has legal advice been taken from the force in-house legal team on the proposed scheme, even though this is a difficult legal area.

It is important that GMP and all forces have a recognised procedure in respect of having a scheme but also training officers to operate that scheme. It is imperative also that the SIA understand how and when each police force will be making disclosures under the Common Law Police Disclosure Scheme.

As at today's date, the SIA is not included in the Common Law Police Disclosure Scheme. However, recognising the importance of the information available under the scheme to the SIA's decision making, we are currently in discussions with the National Police Chiefs' Council, in order to seek inclusion as soon as possible. If it would be helpful to you I can write further on this point when I have further information.

In respect of the GMP computer system and in respect of occupations that are regulated and require licensing by the SIA, there is no categorisation on the computer for "CLOSE PROTECTION". Indeed the Court heard that there was some confusion and lack of understanding from many people as to what this occupation actually meant. Close protection work is a separate category of employment within the UK that the SIA regulates and the police system should reflect the occupations subject to regulation. It is important that the police and NOMS have a clear understanding as to what close protection work is to inform risk and risk assessment.

In addition I have a concern that there is a complete lack of understanding by the police and Probation / NOMS as to what close protection work overseas involves and in particular when this involves work on armed contracts. I heard evidence that this type of work is a common route of employment for former service personnel.

This close protection work overseas is not regulated by the SIA. In this scenario this would need to be known by the police and NOMS to inform risk assessment but also as to whether under any common law disclosure scheme consideration would need to be given to making a disclosure directly to an employer to best protect the public.

Given the above points made as to whom disclosures would be sent in GMP (i.e. the regulator) this distinction becomes important.



Security Industry Authority

The SIA has recently met with GMP to discuss these matters. We have offered training and guidance in relation to –

- the meaning of “close protection” work in the context of SIA licensing;
- who would require an SIA Close Protection licence, and in what circumstances;
- the distinctions between the various categories of licensable conduct that are regulated by the SIA (e.g. the difference between close protection officers, door supervisors, security guards, etc);
- the extent of the SIA’s jurisdiction;
- any other areas relating to SIA regulation about which GMP feels its staff would benefit from further information.

We will also be sharing guidance on these matters with all UK police forces.

I hope that this letter adequately addresses the concerns raised in your Regulation 28 Report. Should you require anything further, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink that reads 'A. Clamp'. The signature is written in a cursive style with a large, looped 'A' and a smaller 'Clamp'.

Alan Clamp, Chief Executive
Security Industry Authority