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Mr Ian Arrow
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Chief Constable [REDACTED] **MSt (Cantab)**
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3 May 2023

Dear Mr Arrow

Response to Regulation 28 Report

I write to provide a response on behalf of Dorset Police to the Regulation 28 Report, received on the 8 March 2023, following the conclusion of the inquest touching the deaths in Keyham on 12 August 2021 of Maxine Davison, Lee Martyn, Sophie Martyn, Stephen Washington and Kate Shepherd.

This response is provided in relation to:

- a. Concerns raised of the Chief Constable of Dorset Police as a properly interested party in the Keyham Inquests. (Firearms Licensing currently operates as an Alliance function as part of the Devon and Cornwall and Dorset Police Alliance arrangements.)
- b. Any concerns raised of all Chief Constables in England and Wales.

I set out below the specific paragraphs subject of this response under Regulation 29 for ease of reference.

Report to: All Chief Constables in England and Wales

Further Review of all certificates seized/refused/revoked or surrendered and then approved over the past 5 years

I am concerned that the figures provided to the Home Secretary in 2021 may not reflect the accurate position, and that if sufficiently stringent checks are performed these may reveal other cases where a firearm or shotgun certificate had been seized, refused, revoked or surrendered but was subsequently issued/returned in circumstances when the certificate should not have been approved. I am concerned that if there are other cases that were not subject to a proper or thorough review of the risk of returning the weapons then the person may continue to have a



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firearms/shotgun certificate and hold weapons in circumstances that place the public and certificate holder themselves at risk.

I am concerned that in light of the lessons learned in the Keyham inquests of the attitude towards risk, a further review of all certificates seized, refused, revoked or surrendered and then subsequently approved over the past five years may be required to be assured of public safety.

Response

We agree with the submissions made by the families during the inquest, and we do so for the reasons set out below.

In August 2021 the Home Secretary wrote to all Chief Constables asking for an urgent review of cases where guns had been seized, surrendered, refused or revoked over the previous 12 months. As a result, research was conducted, and a response provided. An independent peer review, completed by Durham Police in September 2021 reviewed some of these cases in more detail, and these cases were reviewed again by Devon and Cornwall Chief Superintendent [REDACTED], the senior officer appointed to manage the response to the Keyham tragedy. It is also noteworthy that throughout this process, the department has regularly engaged with the NPCC lead force (Warwickshire).

In all cases where certificates/gun(s) were returned following an issue affecting a holder's suitability, these were independently reviewed by someone not involved in the original decision making process. 8 cases were identified to have issues and as a result remedial action taken or learning identified.

With over circa 12,000 firearm and shotgun certificate holders in Dorset, the vast majority of certificate holders have no issues affecting suitability, and the decision making, within the parameters of the law, APP and statutory guidance, is straightforward.

Dorset Police has held all certificate holders on our record management system, Niche, since 2018 which enables the unit to be notified automatically of any adverse incident affecting the Dorset certificate holder or their address allowing early intervention and investigation.

In addition to the scrutiny applied through the review for the Home Secretary and the Durham Peer Review (September 2021), the Police Gold Commander commissioned the Performance and Analysis Department to conduct further research into certificate holders in order to identify issues regarding their ongoing suitability.



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Taking the result of this research into consideration, the additional supervisors recruited into unit were tasked to complete, in priority order:

- A detailed review of the initial cases included in the response to the Home Secretary's letter and the Durham Peer Review to ensure each case was dealt with appropriately against APP and statutory guidance.
- A dip sample of the cases involving the decision makers in the case of Jake Davison.
- A review of the cases identified by the research conducted by the Performance and Analysis Department.

In addition to managing the core demand of the unit such as grant and renewal applications, the prioritisation of this work sought to address the known risk first (i.e. that identified through the Durham Peer Review), before reviewing the potential risk such as that contained in cases involving the decision makers who had been involved in the Davison case, and then finally the further potential risks identified through the targeted research conducted by our analysts.

Our position is that with the number of certificate holders within our force area, it is not proportionate to review all the certificates over a five year period. Since 2018, Niche has provided flagging for all certificate holders and their addresses giving continual monitoring for any adverse incidents. The majority contain no issues regarding suitability, and many of these cases will now have been through a renewal process. An additional full review of all certificate holders would be likely to transfer risk elsewhere within the unit by moving staff away from the focussed activity associated with the normal operation of the unit. This is particularly relevant when considering the need to ensure that the staff involved are adequately trained and experienced in making licensing decisions. Consequently, the approach undertaken was evidence-led using criteria informed through the various inspections undertaken following the incident.

In writing this response, our position is that the date from which the five-year period is considered should be the date of submission of this response. Considering this, it must be noted that the substantial changes implemented in Dorset Police Firearms and Explosives Licensing Unit cover a significant part of this period. As presented at the inquest, following the incident, all decisions were paused until a new leadership structure was created and embedded. This was augmented by a comprehensive training and CPD programme for all staff, a portfolio assessment for FEOs and a robust dip sampling framework (see below). Consequently, all decisions regarding grants, renewals and case reviews since August 2021 have been subject to the new robust process which includes all of the lessons identified through the inquest, and applies a rigour beyond that set within the statutory guidance and APP. The evidence for this conclusion is found through the internal peer review conducted since the inquest, the preparatory work conducted before it, and the sustained rate of refusals and revocations.



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In addition to this, the period 1st August 2020 to 18th August 2021 is covered by the response to the Home Secretary in September 2021, and the additional (independent) review of cases by Durham Police and the remedial work completed as a result by Devon and Cornwall Chief Superintendent [REDACTED]. Consequently, we suggest that the requirements of the PFD report are met for the period 1st August 2020 to the date of submission of this document.

Considering the above, our response for this report relates to this remaining period. It has been decided that a further review of cases over this period will be carried out to identify any remaining risk to the public that requires remedial action. Our position, based on the experience of reviewing the decision making in cases prior to August 2021 (completed for the inquest), is that further work is required notwithstanding that the passage of time will diminish any risk in the vast majority of cases.

In addition, and in parallel to this, we will review the analytical product and use this to complete further targeted reviews of certificate holders who may have had an involvement with the police that is capable of affecting their suitability to hold a certificate. However, experience has shown that this research frequently identifies matters that are either irrelevant to the certificate holder (e.g. a road traffic collision that is recorded in the same street as the holder), or that have already been reviewed as part of a renewal or case review. This review process should take a matter of months to complete.

The NPCC lead for firearms licencing and all other Chief Constables in England and Wales

Training of Police Officers and Police Staff involved in firearms licencing decisions

So that each Chief Constable is made aware of my concern that, despite the many recommendations made over the past 27 years, there continues to be a lack of nationally accredited training for their FELU staff.

I also report my concern that in the absence of such the training there is a risk that the Statutory Guidance is not being appropriately applied by FELU staff today and so each Chief Constable may need to take steps to satisfy themselves that (i) adequate local training, of a satisfactory standard has been universally delivered to all their FELU staff and supervisors in applying the Home Office Guidance on Firearms Licencing Law (published in November 2022) and the revised Statutory Guidance for Chief Officers of Police (published in February 2023) and (ii) they have only delegated decision making to persons who have undergone adequate training in firearms licencing and in applying that relevant Guidance.



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I am concerned that the lack of accredited training combined with the absence of a mandatory requirement for all those making firearms licencing decisions to undertake adequate training for their role increases the risk of incorrect decision making and, consequently, increases the risk of future deaths.

Response

Dorset Police fully support the National Police Chiefs' Council (NPCC) and the College of Policing (CoP) in developing a national accredited training program for staff involved in making licensing decisions. We agree with the PFD submissions made on behalf of the families during the inquest and will continue to support the national training program as it develops; advocating for sufficient funding to enable this to deliver at pace. We will also support its delivery where requested, ensuring that lessons from Keyham are integrated into the fabric of the course.

As expressed in evidence during inquest, the training provision for the Firearms and Explosives Licensing Unit within Dorset Police has been completely revised since the incident, creating clear expectations of staff and auditable records of training delivered. There is a clear focus on decision making, risk identification and the implementation of statutory guidance. This has included training to all staff within the unit and key operational managers who are responsible for making dynamic decisions to revoke certificates.

Immediately following the tragic incident in Keyham, a manager was appointed to create a training and continual professional development plan, and to deliver this to all staff within the unit. In the absence of a national accredited training package, we have created and delivered a bespoke training program to all staff working within the Firearms Licensing and Explosives Unit including those responsible for making high risk decisions.

At the time of writing, all staff working within the unit have undertaken a Firearms Enquiry Officer (FEO) course provided by a Firearms Licensing Manager from South Yorkshire Police. This course has a positive reputation across UK policing and is one of only a handful of options available. The content covers the use of the National Decision Model (NDM) in addition to a vulnerability assessment framework, core investigative principles, the grant and renewal application process, suitability criteria, powers and appeals, the National Intelligence Model, domestic abuse, security arrangements, mental health, and the statutory guidance. Importantly the course integrates these issues with the revised processes created within Dorset Police since the incident; for example, the completion of enquiry forms by FEOs.

By mandating attendance for all staff within the unit, this provides a consistent approach for both existing staff and new members, providing a baseline from which individuals can perform their role to a high standard. A handbook for staff is also shared following the course, and all staff have been provided with a copy of the most



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recent statutory guidance with clear instructions for its use, linking this with a risk identification tool which was referred to in the inquest as the Risk Matrix. It is noted that the unit is in the process of reviewing the use of this risk identification tool alongside the NPCC in light of both the statutory guidance released in February 2023 and the issues raised during the inquest.

As a result of the work conducted after the incident, we have also received additional training in risk assessments and decision making. This training has been delivered by a barrister who specialises in firearms licensing and focuses on the practical identification of risk through the THRIVE (Threat, Harm, Risk, Investigation, Vulnerability & Engagement) assessment process, as well as the application of the national police risk principles and the use of the NDM in case and appeal management. This training, initiated soon after the incident, is clearly relevant to the matters subjected to appropriate examination at the inquest. Suitability decisions are now recorded on separate documents, including all relevant detail that could affect the suitability of an applicant to hold a certificate. The records are comprehensive and apply the statutory guidance through the use of the NDM.

In terms of managing the various IT systems used in making and recording licensing decisions, all staff within the unit have completed awareness or training courses in the following computer systems:

- Police National Computer – PNC
- Niche – the new records management system
- Police National Database – PND – a national intelligence database
- National Firearms Licensing Management System - NFLMS

To assist FEOs in the conduct of their public facing role, all undertake training in first aid and personal safety which are based on the (NPCC) Personal Safety Manual and covers a vast range of subjects.

Until a national qualification is made available through the College of Policing, FEO's are accredited 'in force' with a qualification from the course provided by the Licensing Manager from South Yorkshire Police. This process is coordinated internally with individual records maintained, enabling automatic reminders to be sent to staff and their line manager to alert them when this skill is due to expire. At this time there is no formal requirement across England and Wales in relation to either accreditation or refreshing existing skills and learning. We will continue to engage and work closely with the NPCC and College of Policing during 2023 to assist in delivering the national course and in defining a period for reaccreditation which is robust and pragmatic. Following the inquest, a comprehensive response to the College of Policing was submitted to assist this process, and Dorset's future policy will reflect the national position and any requirements set by the NPCC and the College of Policing.

Following the completion of the mandatory training requirements listed above, we have also started to receive a three-year continual professional development



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programme comprising training to staff online and from experts in mental health and domestic abuse. This training reflects the core issues examined during the inquest. In addition, we continue to work with the NPCC lead to ensure that these issues are reflected within the national planning for accredited training and annual CPD requirements which are further set out within the NPCC portfolio.

The decision to temporarily remove the decision-making capability of FEOs and FEO supervisors articulated during the inquest by Devon and Cornwall Chief Superintendent ██████ provided an immediate response to the issues identified. Following the delivery of the training described above, two additional training related actions have been pursued to augment the decision-making process: the creation of a portfolio for assessing and performance monitoring FEOs, and a comprehensive dip sampling regime involving both the Assistant Chief Constable (Operations) and the Senior Management Team (SMT) within the unit. This involves new and experienced police supervisors within the unit reviewing FEO decisions via an enquiry form, assessing their rationale, and providing feedback to them directly. Significant issues or more systemic ones are regularly discussed within the risk management meetings led by the ACC (Operations) as described during the inquest. This system provides a clear and robust process for assessing the quality of the investigations conducted by FEOs following their training.

During the next 18 months we intend to provide additional training to further enhance the quality of FEO investigations. This will be delivered through the national Professionalising Investigations Programme at level 1, which is the nationally recognised standard and includes an investigative accreditation that applies to investigators at all levels within policing. It is a structured framework running through every aspect of investigation and will improve the professional competence of all officers and staff. It also enables supervisors to manage performance of their staff and to identify areas for development.

Noting that the Authorised Professional Practise (APP) for firearms licensing is under consultation and is due for imminent renewal in 2023, the current training providing within Dorset exceeds the current requirements in APP.

In addition to the CPD for our staff, a presentation of the key learning from the incident to a CPD event for all Firearms Licensing Managers will be delivered in May 2023.

Following this incident, Dorset Police in alliance with Devon and Cornwall Police have invested in the Firearms and Explosives Licensing Unit and continue to be involved in sharing advice and learning concerning policies and procedures with other police forces and the NPCC.

Finally, although this represents a significant amount of activity since August 2021, I hope that it demonstrates that Dorset Police are committed to learning from this



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tragic incident and represents only part of a continuing process of improvement. I am determined that the lessons learned will see further improvements in the years to come, working with colleagues to advocate for the changes that need to take place nationally.

Yours sincerely



Chief Constable