

2nd May 2023

Chief Constable [REDACTED]
West Mercia Police
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Email: [REDACTED]

HM Coroner Andy Bolter
Derriford Business Park
Plymouth
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Re: Preventing Future Deaths Reports: Internal firearms licencing review.

Dear Mr Bolter

I write to you following the release of the Preventing Future Deaths (PFD) Reports by your predecessor HM Coroner Ian Arrow, following the tragic events in Plymouth, in August 2021, and the subsequent Keyham Shooting Inquests.

The Plymouth, Torbay and South Devon area HM Coroner overseeing the inquest into the shootings in Plymouth (2021) has issued a Regulation 28 notice (paragraph 7, Schedule 5 of the Coroners and Justice Act 2009 and Regulation 28 and 29 of the Coroners Investigations Regulations 2013) to the police service in relation to the events leading to the Plymouth shooting.

Specifically:

- *In the absence of [such] 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 in applying the HO guidance on Firearms Licensing Law (Published November 2022) and the revised statutory guidance for Chief Officers of Police (Published February 2023) and ii) they have*
- *only delegated decision making to persons who have undergone adequate training in firearms licensing and in applying that recent guidance.*
- *The decision to return the shotgun and licence to the perpetrator [In July 2021] was fundamentally flawed and as a result failed to protect the public and the peace.*

HM Coroner further stated:

*'I am concerned that in the 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.'*

I would like to detail the internal actions currently being taken, and those proposed within West Mercia Police Firearms Licencing Unit (FLU) to provide you with reassurance that this will ensure full compliance with the recently issued Regulations.

Delegated Decision Maker:

West Mercia Police have an experienced Inspector overseeing decision making within the Firearms Licensing Unit (FLU). This role is supported by a cadre of Delegated Authorities who also provide scrutiny, advice and decisions on revocations and returns at Chief Superintendent, Superintendent and Senior Police staff member level.

Training:

West Mercia Police have a robust scrutiny and assessment process and have taken the initiative to develop a training package for the receipt by all staff as part of initial induction and Continuous Professional Development (CPD). This training package has been subject of a local Learning Needs Assessment (LNA) with colleagues in Learning and Development, set against the Statutory Guidance that existed at that time.

In absence of a national or College of Policing accredited training package, West Mercia Police are currently working with the Firearms and Explosives Licensing Working Group (FELWG) to present the locally developed material to College of Policing and to the NPCC Lead for Firearms and Explosive Licensing with a view that it is considered for adoption (or further developed by COP) as the national Firearms and Explosive training programme.

Administrator Role:

Occupational Competence:

There is a structured training and guidance manual for all their processes.

Operational Competence: is assessed through a development and mentoring process where newly appointed staff are audited and given feedback until competence is assured.

Caseworker role:

Occupational Competence:

There is an initial training input 2 days to understand statutory guidance, NDM, 'good reason' and suitability assessment

There is a have a structured training and guidance manual for all their processes.

Operational Competence:

A mentoring process exists entailing newly appointed staff being audited and given feedback until competence is reached.

Firearms Enquiry Officer Role:

Occupational Competence:

Two-week training input (internal) that meets the learning descriptors from College of Policing.

Operational Competence:

Competency portfolio to be completed, under mentor supervision.

Ongoing CPD portfolio overseen by FEO Supervisor

HSE approved national qualification as an Explosives Liaison Officer (external)

Decision Makers:

FLU management team are in the process of composing a structured guidance and workbook for decision makers around COP learning outcomes.

Police Staff Investigators:

This role receives the same training requirements of any existing Police Staff Investigator. (i.e. PIP) delivered by L&D and nationally accredited.

Licence Returns:

The removal of a firearms from a registered firearms holder is a significant step and is indicative of there being a breach in licence conditions or a recognisable and potential threat to public safety and peace. The decision to return a firearm or shotgun must therefore be fully assessed against the cause for the initial removal and the threat of misuse or harm arising based on a revisited assessment and all available information. Specific challenge was presented during the inquiry to the assumption that the 'balance of probabilities' is the threshold by which to assess suitability and the relevance of information in decision making. All available information should be used to make an informed decision and not weight it to the 'balance of probabilities' threshold- which may adversely limit the considerations.

In 2021 the then Home Secretary requested response to three questions:

1. *Provide information on how many firearm and shotgun certificates have been seized, refused, revoked or surrendered in your force, and how many of those were subsequently returned to the certificate holder in the last twelve months;*
2. *Report on the outcome of your review of all certificates that have been seized, refused, revoked or surrendered in the past twelve months, and subsequently approved by the police; and*
3. *Confirm that you are satisfied that the processes that you follow in terms of returning a certificate are appropriate when set against the current Home Office guidance and legislation.*

West Mercia Police have previously provided 1 year's data report to the NPCC which subsequently appeared and was cited within the Inquest.

West Mercia police have previously undertaken a review of all firearms and shotguns returns during the 12 months in 2021 with the following methodology:

- No. of SG's or Firearms Seized, Refused, Revoked, Returned
- No. of those removed which went on to be returned
- No. of reviews which led to a change in that decision

- Was initial decision of return guidance-compliant?
- Is any change in decision guidance-compliant?

Methodology:

West Mercia Police hold a file on each person who previously held a firearms and/or shotgun certificate and has been the subject of refusal or revocation of that licence. This is a group of people who have been directly managed by the Firearms Licensing Manager (FLM). This identified one group to review.

The Home Office have supplied a search facility on National Firearms Licensing Management System (NFLMS) to identify those firearms and shotgun certificates that have been refused, revoked, surrendered or seized and then returned in the past 12 months. This has understandably identified an overlap with those cases being managed by the FLM (as above) but identified a second group to review.

A third group were identified by searching all the West Mercia Police property entries for firearms that had been returned to their owner. This group was targeting those whose firearms and shotguns had been returned without involvement of the Firearms Licensing Unit.

During the 12-month review of 2021, these three groups identified 164 cases in total which were thoroughly reviewed by the FLM and then quality assured by their line manager. None identified any danger to public safety.

It is my intention to repeat the review using the same methodology, but to cover the period of 8th March 2018 to 31st March 2023, so that the entire 5 years is covered. This process remains appropriate and will satisfy the following requirements:

- 1. How many firearm and shotgun certificates have been seized, refused, revoked or surrendered in your force, and how many of those were subsequently returned to the certificate holder between 1st April 2018 and 31st March 2021?**
- 2. Carry out a review of all certificates that have been seized, refused, revoked or surrendered between 1st April 2018 and 31st March 2023, and subsequently approved by the police.**

The inclusion of the data between August 2020 and August 2021 is necessary as there is a possibility that certificates may have been returned to any of the 164 cases reviewed *after* the original report from August 2021 and to further ensure that the assessment made at that time is compliant with the latest 2023 revision of guidance.

To complete the enquiry a recently retired Police Officer has been re-employed as a Police Staff member to complete the enquiry. This employee is ideally suited as they have 23 years' experience as an Authorised Firearms Officer, firearms instructor and tactical advisor. They have a clear understanding of managing threats, assessing performance and are confident in articulating this back to senior members of staff. Throughout the review, any matters requiring remedial action, intervention or senior decision making will be escalated to the Firearms Licensing Manager and Ch. Insp overseeing FELU. In addition, a regular progress report will be assessed by Head of Public Contact.

The intention to satisfy the Regulation 28 concerning 'returns' will follow an identical methodology and provide greater assurance beyond binary figures.

It is anticipated that the review spanning 5 years data will entail:

- 10 working days initial data retrieval from Cyclops, NFLMS and PMS
- 21 working days to review all applicable incidents
- 5 working days for a senior review /FLM of the findings.

The review will be completed by the end of October this year.

West Mercia undergo regular Firearms Licensing Independent Audits and have recently undergone an external audit by Warwickshire County Council.

I am satisfied that these thorough measures will ensure full compliance with the Regulation 28 requirements and provide you with the necessary reassurances that as Chief Constable of West Mercia Police, I have taken specific steps to satisfy myself that adequate local training of a satisfactory standard will be delivered to all of the West Mercia FELU staff in applying the HO guidance on Firearms Licensing Law (Published November 2022) and the revised statutory guidance for Chief Officers of Police, and, that a detailed review of all certificates seized, refused, revoked or surrendered and then subsequently approved over the past five years is in progress.

Yours Sincerely



Chief Constable
West Mercia Police