



National police response to the Hillsborough Families Report

January 2023

Responding to **'The patronising disposition of unaccountable power': A report to ensure the pain and suffering of the Hillsborough families is not repeated** by
The Right Reverend James Jones KBE, November 2017

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Foreword



CC Andy Marsh QPM
CEO, College of Policing



AC Martin Hewitt QPM
Chair, NPCC

Those who lost loved ones due to the Hillsborough Stadium disaster have endured prolonged and unimaginable grief and suffering. They have, as Bishop James Jones describes in his report ‘The patronising disposition of unaccountable power’, experienced burning injustice.

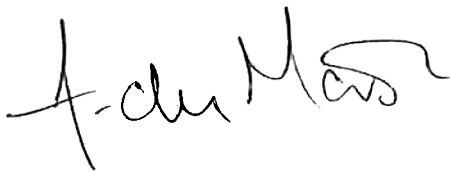
In this, the national police response to Bishop James’ report, we start by stating categorically that policing has profoundly failed those bereaved by the Hillsborough disaster over many years. Ninety-seven men, women and children were unlawfully killed. Police failures were the main cause of the tragedy and police failures have continued to blight the lives of family members ever since.

Descriptions of how the bereaved were treated by police officers in the immediate aftermath of the disaster make harrowing reading. As the leaders of police organisations operating at a national level and speaking on behalf of the wider service, we are sorry that the service got it so wrong. When compassion and leadership were most needed, the bereaved were often treated insensitively and the response lacked coordination and oversight.

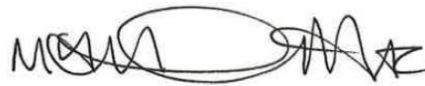
As described in the full response below, major progress has been made to how the police service responds to and investigates mass fatality incidents. As operational failings in the immediate response to the Manchester Arena attack shows, such progress is not always secure.

We fully agree with Bishop James that the police must continue to work hard to learn lessons and avoid the sort of defensiveness that damaged the response to the Hillsborough disaster. In the aftermath of a major incident, police leaders must set an example and overcome any natural tendency to be defensive about their role in the response. It is the only way the same failures can be avoided in the future.

We recognise the pain the policing response caused at Hillsborough, and the fact the harm can never be undone. We share the wish of Hillsborough families and Bishop James that it should never, ever happen again. We apologise on behalf of policing.



Andy Marsh
CEO, College of Policing



Martin Hewitt
NPCC Chair

National Police Chiefs' Council (NPCC)

The NPCC brings police forces in the UK together to help policing coordinate operations, reform, improve and provide value for money. The NPCC has responsibility for the national operational implementation of standards and policy; coordinating national operations and the national police response to national emergencies and commanding counter terrorism operations. The NPCC also works with the College of Policing to develop joint national approaches on, for example, criminal justice.

College of Policing (College)

The College of Policing was established in 2012 as the professional body for policing in England and Wales, with the purpose of providing those working in policing with the skills and knowledge necessary to prevent crime, protect the public and secure public trust.

The College supports professional development and shares knowledge and good practice. It also sets standards to drive consistency in key areas of policing. This includes recruitment and promotion processes; standards of behaviour and operational practice; and learning requirements, as well as expected skills and functions, for different roles in policing (described in 'professional profiles').

The College of Policing maintains **authorised professional practice** (APP) on a range of policing activities. APP sets out the expected police practice in these specific areas of policing. It is designed to gather existing knowledge products and guidance into a consolidated format. There is no legal power to compel compliance with APP, but forces will need to explain why they have not followed national guidelines should there be a review of their policies by His Majesty's Inspectorate of Constabulary and Fire & Rescue Services or the Independent Office for Police Conduct.

1 Executive summary

“The patronising disposition of unaccountable power”: A report to ensure the pain and suffering of the Hillsborough families is not repeated’ (hereafter referred to as the Hillsborough Families Report) was published in November 2017.

Bishop James made a number of learning points for policing in the Hillsborough Families Report. A summary of the action taken by policing against those learning points is set out below. Underpinning these actions are three common themes which run throughout the response.

- Firstly, there is a commitment within policing to avoid repeating the police failures made after Hillsborough. No family should ever face the indifference, lies and avoidable trauma that too many of the Hillsborough families and survivors experienced on 15 April 1989 and in the years since.
- Secondly, policing recognises the importance of strong ethical values in delivering the learning that Bishop Jones sets out in the Hillsborough Families Report. Hillsborough is at the heart of the work to revise and renew the Code of Ethics for the police service.
- Thirdly, policing recognises that there must be humanity and humility in the police response to public tragedy. The College and the NPCC are strong advocates of procedural justice, an approach to policing that evidence has shown builds support and confidence. At the heart of procedural justice is respect, fairness and a willingness to listen. So much of the learning from Hillsborough points to the importance of applying these key principles.

Point 1 – Charter for Families Bereaved through Public Tragedy

The Charter for Families Bereaved through Public Tragedy, put forward by Bishop James, has been adopted by the NPCC, the College and police forces in England and Wales. Signing the charter means police leaders across England and Wales have committed to embedding its core tenets of care, compassion, openness, transparency and

accountability into policing's response to disaster. Hillsborough must be the touchstone for more ethical police leadership. Those who lead police organisations must acknowledge when mistakes have been made and must not, as the charter sets out, seek to defend the indefensible.

Point 2 – Reappraisal of the treatment of families following a major incident

Point 3 – Interviewing family members, especially minors, after public tragedy

Point 4 – Support and counselling in the aftermath of a public tragedy

Point 5 – ‘Property of the coroner’

In the 34 years since Hillsborough and following other public tragedies, the police approach to responding to mass fatalities has changed beyond recognition. As major shortcomings in the immediate operational response to the Manchester Arena attack in 2017 reveal, however, there is absolutely no room for complacency.

Respect for the deceased and for the feelings of their families is now at the heart of police operational instructions and guidance for mass fatalities. The four principles guiding the police response were established following the Hillsborough and the Marchioness disaster:

- the provision of honest and, as far as possible, accurate information
- respect for the deceased and the bereaved
- a sympathetic and caring approach throughout
- the avoidance of mistaken identification

The most fundamental change in supporting families has been establishing family liaison as a distinct and professionalised function in policing. The 2018 Kerslake Report into the Manchester Arena attack

emphasised the importance of family liaison, each victim having been allocated a family liaison officer (FLO).

The Ministry of Justice ‘achieving best evidence’ guidance, now adopted across policing, provides detailed advice on how police and partners should plan and conduct interviews with victims and witnesses. This includes working with partners to ensure victims and witnesses are properly supported and able to give their best evidence. The national guidance has a strong focus on rapport building, with specific advice on how to engage and communicate with vulnerable victims and witnesses, including children and those who have been traumatised. Interviewing the bereaved will normally be undertaken by or in conjunction with an FLO.

In direct response to the publication of the Hillsborough Families Report, the College published revised police disaster victim identification (DVI) authorised professional practice (APP) in August 2018. This included an explicit statement that the terms ‘belonging to’ or ‘property of the coroner’ should not be used.

Point 6 – Hillsborough, the ‘touchstone’ and ethical values

As Bishop James identifies, a Code of Ethics for policing was introduced by the College in 2014. The Code of Ethics serves as a guide to appropriate behaviours and underpins the Standards of Professional Behaviour which apply to police officers of all ranks from chief officer to constables. Ethical considerations are now woven into recruitment, promotion and assessment methods, training and development and, most importantly, the approach that officers and staff must take when making key decisions – the national decision model (NDM).

As Bishop James makes clear in the Hillsborough Families Report, police leadership has a critical role in embedding learning from Hillsborough. Leadership development is a core component of College business. Senior and chief officer level leaders are being challenged to reduce hierarchical barriers and take steps to avoid defensiveness and a ‘blame culture’ in their organisations. The expectation that anyone seeking

promotion in policing at any rank will now be assessed on their values is a strong driver for ethical leadership.

Point 8 – False public narratives

The failures of police communication and spread of misinformation and lies after Hillsborough caused enormous distress to many people and still echo today. This stain on the reputation of policing emphasises how important it is to ensure messaging and communications after a disaster are open, effective and underpinned by sound ethical considerations.

In 2017, the College of Policing issued new APP on media relations, which aims to ensure that police communication meets the highest standards of integrity, accountability and openness. The guidance makes clear that it should be read in conjunction with the Code of Ethics and an understanding of the NDM (designed to support police officer and police staff decision making of all types).

Point 9 – ‘Proper participation’ of bereaved families at inquests

This point of learning was not specifically directed at policing. However, the NPCC and the College support the underlying principle that those bereaved should have access to representation at inquests to adequately understand, question and challenge proceedings and have their voice heard.

It is also accepted that legal representation of policing at inquests should focus on the presentation of the facts so all parties reach as true an understanding of events as possible. Police legal representation should aim to capture wider learning and improvement and not be directed at defending reputations.

Point 14 – A duty of candour for police officers

The NPCC and College support the concept of a duty of candour. Candour will be a key theme in the revised Code of Ethics and the supporting Code of Practice on ethical and professional policing. This Code of Practice will require chief constables to ensure their organisations and all their staff demonstrate ethical decision making and professional behaviour. This will include the need to address institutional defensiveness, challenge unacceptable behaviour and effectively investigate misconduct when it does occur.

Legislative reform to the police complaints and discipline system was delivered in 2020. Part of these reforms was the introduction of an express ‘duty of cooperation’ in the Standards of Professional Behaviour that all officers have ‘a responsibility to give appropriate cooperation during investigations, inquiries and formal proceedings, participating openly and professionally in line with the expectations of a police officer when identified as a witness’.

Point 21 – Police approach to public inquiries

The importance of approaching public inquiries with openness, a willingness to learn and a lack of defensiveness is a point of learning that is now being addressed through training, leadership development programmes and continuing professional development (CPD). Training is being provided to superintendent ranks and chief officers on this subject, based on the experience of Hillsborough.

Point 24 – Police records

A new records management code of practice details key principles for the management of all police information and records, reflecting related legislative developments. The new code is called the Code of Practice for Police Information and Records Management and is supported by APP titled ‘Archiving of records in the public interest’.

The Code and APP have been subject to extensive stakeholder review, including a public consultation in 2021. The College and NPCC have agreed the content of the new Code. This Code has been submitted to the Home Office for ministerial approval, following which it can be laid before Parliament in accordance with the Police Act 1996. Following publication of the updated code, police forces will be given guidance in the revised APP to provide greater detail as to how it should be put into operation.

Point 25 – Police complaints and discipline – learning from the Hillsborough investigations

Once the Hillsborough criminal trials were concluded, the College and the NPCC jointly embarked on a lessons-learned exercise with the Independent Office for Police Conduct (IOPC), Operation Resolve (the police-led criminal investigation) and the Crown Prosecution Service (CPS) in respect of the Hillsborough investigations and other recent major investigations.

Valuable learning was shared, particularly about engaging with family members. This included in relation to the Article 2 reference group approach used for Hillsborough (a panel that acted as an intermediary between the family members, police, IOPC and CPS) and the running of family forums. Family forums provide an enhanced level of service and meet obligations under Article 2 of the European Convention on Human Rights – the right to life – and duty on the state to carry out a proper investigation. Advice and guidance on setting up family forums will be captured in the next revision of the Homicide Working Group Major Crime Investigation Manual and relevant College of Policing APP.

It is easy to say things have changed in the 34 years since Hillsborough, but that must not excuse the police service from its obligation to ensure all lessons have been learnt and embedded. Bishop James describes the continuing hurt and damage caused by the response of police and others to the disaster. For the sake of the 97, and the thousands of people affected by the Hillsborough disaster, the police service fully accepts its continuing obligation to learn from those terrible events.

2 Introduction

“The patronising disposition of unaccountable power”: A report to ensure the pain and suffering of the Hillsborough families is not repeated’ (hereafter referred to as the Hillsborough Families Report) describes the harrowing experiences of those that lost family members in the Hillsborough Stadium disaster. It captures how these families’ trauma was compounded by shortcomings in the police and other responses, both in the immediate aftermath and in the decades that followed.

As the report makes clear, those bereaved by the Hillsborough tragedy have suffered immeasurably. Lives have been devastated by grief, but also by the anguish of being treated at times unethically and unsympathetically, when seeking to secure justice and the truth. The onus is on relevant organisations to properly understand these failures and respond.

The police response to the Hillsborough Families Report could not be released until the end of the criminal trials. This response represents the police response only.

Since the Hillsborough Families Report was published, the College of Policing and the National Police Chiefs’ Council have worked together to ensure a coordinated police service response for England and Wales. Both bodies submitted evidence to Bishop James and there have been meetings with him, before and after publication of his report, to reflect on the police learning.

Of the 25 learning points offered in the Hillsborough Families Report, 11 directly concerned policing. This written response on behalf of policing describes the measures that have been taken to address them, as well as relevant ongoing work. It also addresses a 12th learning point, on family participation and police legal representation at inquests.

As Bishop James states, significant progress has been made over the last three decades in the way policing responds to major disasters. This ranges from the way the service now works more collaboratively

with other agencies in the immediate aftermath of a tragedy, to how investigations are conducted and how victims, witnesses and the bereaved are supported.

This written response outlines major developments in these areas since the Hillsborough disaster, along with a description of initiatives since publication of the Hillsborough Families Report. Improving the response to disasters is a continuous and ongoing process. Just as Hillsborough triggered major reforms, lessons from more recent tragedies are informing ongoing improvements to professional practice and planning.

The Hillsborough Families Report raises significant issues in relation to police culture – in particular, very serious concerns around organisational defensiveness. Overwhelmingly, the Hillsborough Families Report points to the importance of those working in policing always putting the public interest first and acting with integrity, empathy and compassion.

In responding to the learning points for policing, this document will provide an overview of national approaches that are being taken to promote a more open, ethical police service and a culture that actively embraces learning, including from failings. The work is multifaceted and quite rightly cuts across all aspects of policing. Bishop James was aware of this work when he wrote the Hillsborough Families Report. While he supported it, he recognised organisational transformation takes time. This response will outline how momentum has continued to grow.

3 Charter for Families Bereaved through Public Tragedy

Point 1 - Charter for Families Bereaved through Public Tragedy

'I propose a Charter for Families Bereaved through Public Tragedy - a charter inspired by the experience of the Hillsborough families and made up of a series of commitments to change - each related to transparency and acting in the public interest. I encourage leaders of all public bodies to make a commitment to cultural change by publicly signing up to the charter.'

Bishop James described securing commitment from public bodies to the charter as the most important recommendation of his review. It is incumbent on all those working in relevant organisations to understand why that is the case, including all police officers, staff and volunteers.

The National Police Chiefs' Council, on behalf of all 43 police forces in England and Wales, and the College of Policing have signed the Charter for Families Bereaved through Public Tragedy.

Charter for Families Bereaved through Public Tragedy

In adopting this Charter I commit to ensuring that [this public body] learns the lessons of the Hillsborough disaster and its aftermath, so that the perspective of the bereaved families is not lost.

I commit to [this public body] becoming an organisation which strives to:

1. In the event of a public tragedy, activate its emergency plan and deploy its resources to rescue victims, to support the bereaved and to protect the vulnerable.

2. Place the public interest above our own reputation.
3. Approach forms of public scrutiny – including public inquiries and inquests – with candour, in an open, honest and transparent way, making full disclosure of relevant documents, material and facts. Our objective is to assist the search for the truth. We accept that we should learn from the findings of external scrutiny and from past mistakes.
4. Avoid seeking to defend the indefensible or to dismiss or disparage those who may have suffered where we have fallen short.
5. Ensure all members of staff treat members of the public and each other with mutual respect and with courtesy. Where we fall short, we should apologise straightforwardly and genuinely.
6. Recognise that we are accountable and open to challenge. We will ensure that processes are in place to allow the public to hold us to account for the work we do and for the way in which we do it. We do not knowingly mislead the public or the media.

There is no doubt that the charter's core tenets of care, compassion, openness and transparency are fundamental to the police service. Signing the charter is a public commitment to continually strive to embed these values ever more deeply, as well as always looking to improve the police response to disasters.

The first commitment of the charter, to effectively protect the public in the event of disaster, is core to the police emergency response role. While significant changes have occurred over the last three decades, some of which are outlined in learning points two to five below, it is recognised that the complacency and failures that underpinned the police response to the Hillsborough disaster must never be repeated.

The police service (along with multi-agency partners) is now much better prepared and resourced for rescuing victims, supporting the bereaved and protecting the vulnerable after a major incident. However, as the Manchester Arena Inquiry has revealed, this progress is dependent on continually prioritising disaster preparation. Signing

the charter reflects a commitment to always make preparedness for disaster response a top policing priority and always seek to improve the response.

There is national practice and guidance for debriefing after major events, by policing and with partner agencies, and also a national online multi-agency repository for learning from incidents and from associated training, exercising and testing. This is the Joint Organisational Learning platform, which is hosted by the Cabinet Office and accessible by all relevant agencies. All these mechanisms inform improvements to disaster response.

The remaining five commitments of the charter are on how organisations respond to external scrutiny after the event, particularly when the quality of actions and decisions are challenged. The commitments amount to a pledge that organisations will not be defensive in such circumstances and that they will be willing to expose, acknowledge and apologise for any shortcomings.

The Hillsborough Families Report serves as testimony to why these last five commitments in the charter are so critically important for policing. How long it took to expose the truth about Hillsborough is of immense concern. Without the incredible resolve of the families, it is unlikely the truth would ever have been uncovered.

The experiences of the Hillsborough families shows, all too clearly, the heavy costs of a defensive response when police practice is called into question. The police focus on protecting professional and organisational reputations caused unnecessary suffering. Being open and transparent when policing falls short and fails is also critical to learning and securing justice.

Signing the charter reflects a commitment, on behalf of policing, to provide constructive responses to failure, to learn, make things better and avoid the mistakes of the past. It also reflects a commitment to ensure that those who are bereaved by public tragedy never, in any of their interactions with policing, have to contend with ‘patronising, unaccountable power’ – this includes when police action is being challenged in subsequent inquiries, inquests and investigations.

The practical measures which have been undertaken to support these commitments are described in the response to learning points 6, 8, 14 and 21 below. They include developments around firmly entrenching ethical decision making and a commitment to learning, as well as changes to police oversight and accountability. The current programme of activity to review the Code of Ethics for policing is another opportunity to promote the charter and its principles to all police forces.

What is also important, and acknowledged in Bishop James' report, is that public bodies, the legal profession, media and, ultimately, society as a whole, need to work together to enable a more open approach when public organisations fall short. It is ultimately in the public interest to be open about such failings and learn from them. Policing needs to play a prominent part in making this the norm.

4 Responding to disaster

Point 2 – Reappraisal of the treatment of families following a major incident

‘...relevant organisations should use this report in order to engage in the critical self-reflection that can ensure that the perspective of the Hillsborough families is not lost...

‘...opportunity for police forces, the College of Policing, coroners and the Chief Coroner to undertake an honest self-appraisal of their own policies, practice and state of readiness for responding to a major incident in the present day – in particular in respect of the treatment of families.

‘In particular, relevant organisations should ensure that the specific experience of families being asked to identify loved ones through the viewing of scores of unsorted photographs of those who have died is never repeated. In addition, the importance of treating families with respect cannot be overstated.’

Point 3 – Interviewing family members, especially minors, after public tragedy

‘...bereaved family and friends of those who have died to be questioned only as absolutely necessary in the immediate aftermath of a major incident. Minors should not be questioned in the absence of family or an appropriate adult... In addition, regardless of the timing of such an interview, the experience of the Hillsborough families demonstrates that how family members are interviewed can make all the difference to that family’s experience.

‘The College of Policing should ensure that the training and guidance it provides to police officers properly reflects this point of learning and the experience of Hillsborough families expressed in this report.’

Point 4 – Support and counselling in the aftermath of a public tragedy

‘...social work and other support to be made available at the earliest opportunity following a public disaster. That support should be capable of referring on bereaved families to relevant support in the area in which they live...’

Point 5 – ‘Property of the coroner’

‘...the College of Policing and Chief Coroner should work together to develop clear guidance setting out the rights of bereaved families in terms of access to their loved one’s body, along with best practice on how best to give effect to those rights.’

The Hillsborough Families Report powerfully articulates the distress caused by insensitive police responses following a public tragedy. In the 34 years since Hillsborough and following other public tragedies, police processes around responding to mass fatalities have changed beyond recognition. As emphasised in the previous section, however, policing must not become complacent.

Respect for the deceased and for the feelings of their families is now at the heart of police operational instructions and guidance. However, it is recognised that the test of such policy is how it is evidenced in practice. Learning from experience, including from inquiries, is critical.

Disaster victim identification

Disaster victim identification (DVI) is the internationally recognised term to describe the processes and procedures for recovering and identifying deceased people and human remains in multiple fatality incidents.

DVI in the UK has transformed over the last three decades. These changes have been in response to Hillsborough and the Marchioness

disaster in the same year, as well as tragedies since. Lord Justice Clarke's 2001 Report on the Marchioness Inquiry¹ has been the bedrock of DVI with four principles running throughout:

- the provision of honest and, as far as possible, accurate information at all times and at every stage
- respect for the deceased and the bereaved
- a sympathetic and caring approach throughout
- the avoidance of mistaken identification

In the UK, DVI arrangements are underpinned by national and international guidance and legislation. There are national arrangements for the planning, implementation and leadership of DVI, including Home Office and Cabinet Office coordination of the national multi-agency response, local resilience fora and local authority responsibility for providing shelter and welfare support for survivors.

Within policing, UKDVI is a national unit, established in 2005 within the National Police Chiefs' Council (NPCC) and funded by the Home Office and Foreign, Commonwealth and Development Office. It provides support to police and partner agencies responding to multiple and mass fatality incidents at home and overseas.

The College of Policing (College) sets occupational and training standards for DVI. This creates national consistency around the knowledge and skills required for DVI roles. National training provision includes the following.

- The College DVI Foundation (DVIF) programme, which is an essential prerequisite for a number of DVI roles, including:
 - victim recovery and mortuary operations
 - scene evidence recovery managers
 - police mortuary operations coordinators

1 Clarke A. (2001). 'Public Inquiry into the Identification of Victims Following Major Transport Accidents: Report of Lord Justice Clarke, volume 1'. CM 5012, London: TSO.

The DVIF course includes a session on the personal impact of being bereaved through a disaster.

- A DVI senior identification manager (SIM) course, which prepares senior police detectives and members of HM Coroners Cadre to manage the identification process following a multiple fatality incident.
- The 'Multi-Agency Gold Incident Command' (MAGIC) course for the most senior strategic commanders in policing, which includes DVI content and briefings from UKDVI.
- Dr Anne Eyre, a sociologist specialising in the psychosocial aspects of major incidents, emergency planning and disaster management, presents on both the SIM and MAGIC courses. She reinforces the key principles captured in Bishop James' report and illustrates the meaning and significance of these with reference to her own experience as a survivor of the Hillsborough tragedy.
- There are also multi-agency regional exercises and DVI continuing professional development (CPD) activities to ensure DVI skills are kept up to date for DVI managers, practitioners and multi-agency partners such as coroners and pathologists.
- A new 'professional profile' for Reconciliation Investigator has also been established to ensure officers and staff have appropriate training in assessing and matching ante-mortem data with post-mortem data. The College has designed, developed and recently delivered the national pilot course.

A national casualty bureau coordinator role has recently been established, who works to the NPCC lead for DVI. The College has worked closely with the post-holder to establish national standards for casualty bureau training and major incident documentation team training. The College is also supporting work to produce a new casualty bureau standard administration procedures manual for practitioners.

In direct response to the publication of the Hillsborough Families Report, the College published revised police DVI authorised professional practice (APP) in August 2018. This included revised guidance on the

viewing and repatriation of the deceased and an explicit statement that the terms 'belonging to' or 'property of the coroner' should not be used. The agreed form of words is that the body is under the care and control of the coroner. It is made clear in the guidance that those involved with grieving families must interact with them in a sensitive manner and also that the functions and responsibilities of the coroner, along with any legal language, should be carefully explained to families. Coroners were involved in the development of the relevant new APP wording and the Chief Coroner approved the changes.

In response to recommendations concerning the police response to the 2017 Manchester Arena attack (put forward in the Kerslake Report and by the Manchester Arena Inquiry), an NPCC document explaining the DVI procedures to bereaved families after mass fatality incidents has been published. This document includes signposting to support services.

Another recent development is the establishment of an online process for reporting information about someone who is missing and potentially involved in a mass casualty/fatality incident (the Major Incident Public Portal). The portal provides an additional option to telephoning the Casualty Bureau Incident Room.

Family liaison

As with the DVI arrangements, the ways in which police engage with and support bereaved families have developed substantially over the past 34 years. Tragic cases such as Hillsborough, as well as the murder of Stephen Lawrence, led the police to change and improve its service to bereaved families. The most fundamental change was establishing family liaison as a distinct and professionalised function in policing. It encompasses a range of specialist roles, each subject to mandatory training and accreditation.

Family liaison deployment is one of the most important aspects of an investigation. Originally reserved for homicide cases, family liaison officers (FLO) are now deployed for a broad spectrum of policing incidents, including mass fatalities. Their role in such incidents has significantly raised the quality of police engagement with bereaved families and survivors.

It is absolutely fundamental to the FLO role that they engage families in a professional and compassionate way, building trust and rapport to enable a two-way flow of information. They are responsible for:

- gathering evidence from the family that will assist the investigation
- providing a supportive role for family members by sharing information about the investigation
- providing information about additional services available to families, including signposting and referring to support agencies
- helping the families navigate and understand criminal justice and coronial procedures
- liaising with the coroner, with the investigation and DVI leads

The FLO operates according to a family liaison strategy, which is developed by the senior investigating officer (SIO) and/or SIM and is supported by a family liaison coordinator.

All FLOs are required to undergo accredited national training and CPD, and must follow College issued APP. The family liaison section of the 'working with victims and witnesses' APP was most recently revised in 2021 and includes learning from the Hillsborough Families Report, the Grenfell Tower tragedy and 2017 terrorist attacks. In 2021, the College revised and published new learning standards for FLOs and family liaison coordinators which underpin FLO learning and development.

The Kerslake Report describes the importance of family liaison. The families of the 22 people who died in the 2017 Manchester Arena attack were each allocated a police FLO, as were some of the injured and their families. As well as their role in the immediate aftermath of the tragedy, the FLOs continued to provide support to the families and individuals during the criminal investigations. The Kerslake Report states:

'the vast majority of comments received in respect of the service provided were very positive and it is clear that they offered valuable support to families in their time of need'.

Interviewing the bereaved

Investigative interviewing of the bereaved and victims is guided by the following.

- College-owned APP on investigative interviewing and interviewing witnesses.
- **Ministry of Justice (2011) Achieving Best Evidence in Criminal Proceedings: Guidance on interviewing victims and witnesses, and guidance on using special measures** (first introduced by the Home Office in 2002 and most recently updated in 2011).
- College of Policing (2019) Evidence-based guidelines for first responders obtaining initial accounts from victims and witnesses.
- The NPCC **Major Crime Investigation Manual** (updated and republished in 2021).

The national guidance described above has a strong focus on rapport building, with specific advice on how to engage and communicate with vulnerable victims and witnesses, including children and those who have been traumatised. Where there is an allocated FLO, interviewing the bereaved will normally be undertaken by or in conjunction with that FLO.

The 'Achieving best evidence' guidance provides detailed advice on how police and partners should plan and conduct interviews with victims and witnesses. This includes working with partners to ensure victims and witnesses are properly supported and able to give their best evidence. In the case of children, this will involve the use of multi-agency strategy meetings and using an interview adviser and appropriately trained officers to plan and conduct the interview. Where there is a significant investigative necessity for an early or immediate need to obtain an initial account from a child, the best interests of the child are at the forefront of the process. Specially trained officers should be used and to capture key information only.

Since 2018, the College and the NPCC have undertaken a fundamental review of investigative learning programmes for new officers and those working in detective roles. This learning forms part of the policing education qualifications framework and new entry routes into the

police service (see the response to learning point 6). This has led to improvements to the professionalising investigations programme level one training (PIP1) which all new joiners must complete. Completing PIP1 ensures that all new constables in the service have appropriate interviewing skills, based on the latest guidance and APP. This course also includes safeguarding, victim care and vulnerability training. The more advanced investigative training course for detectives (PIP2) has also been strengthened.

Two new professional profiles have been developed for specialist interviewers (one for vulnerable victims/witnesses and one for vulnerable suspects). The College also recently launched a refreshed learning programme for these two roles.

Victim support and vulnerability training

In recent years, the police service and other agencies have fundamentally changed their approach to the safeguarding of vulnerable people. As with DVI, one of the challenges is to ensure policy and practice are aligned. Recent and harrowing cases of neglect and harm to vulnerable people are a reminder of the constant challenge faced in ensuring practice reflects the ambition to be victim-centred and manage risk effectively.

Recent developments in relation to police training in this area, informed in part by the Hillsborough Families Report, include a vulnerability training package recently developed by the College. This was delivered to 8,500 officers by the College when initially launched and it is now available for forces to deliver in-house.

A statutory [**Code of Practice for Victims of Crime**](#) was first introduced in 2004 and came into effect in 2006. It sets out what each criminal justice agency must do for victims and the timeframe in which they must do it. It was updated in 2021, codifying 12 rights for victims, including that they must be referred to victim support services and have services and support tailored to their needs. In response, the College has updated related guidance and training and has an ongoing, public-facing communications campaign in relation to victim care.

5 Culture and ethics

Point 6 – Hillsborough, the ‘touchstone’

For this learning point, Bishop James echoed the words of Theresa May, who as Home Secretary told the 2016 Police Federation Conference:

‘Remember Hillsborough. Let it be a touchstone for everything you do. Never forget that those who died in that disaster or the 27 years of hurt endured by their families and loved ones. Let the hostility, the obfuscation and the attempts to blame the fans serve as a reminder of the need for change. Make sure your institutions, whose job it is to protect the public, never again fail to put the public first. And put professionalism and integrity at the heart of every decision, every interaction, and every dealing with the public you have.’

Bishop James supported the police Code of Ethics (introduced in 2014) and its continuing development, as well as the work to embed it within all aspects of policing. For this learning point, he said:

‘The Code [of Ethics] must not be treated as a box that has been ticked – it instead requires an ongoing commitment to cultural change. As a further point of learning, building on the then Home Secretary’s 2016 speech and the work already undertaken by the College of Policing and others, I believe that the Hillsborough families’ experiences demonstrate that empathy and integrity should be considered as central to both recruitment and professional development.’

Bishop James has emphasised that policies and processes are not enough to prevent the experiences of the Hillsborough families being repeated. Much of the relevant police learning centres around personal and organisational values and acting with integrity and compassion. In particular, Bishop James has said that there needs to be a shift in ‘attitude, culture, heart and mind’ to prevent ‘a patronising disposition of unaccountable power’ arising in policing.

Organisational culture

Shaping organisational culture is complex and challenging and requires long-term, concerted action. Since the establishment of the College of Policing (College) in 2012, the first professional body for policing in England and Wales, there has been considerably more scope to achieve this for policing and bring about targeted workforce development on a national scale.

The College is responsible for setting standards for police practice, recruitment, promotion, training and development for all 43 English and Welsh home forces. All of these mechanisms are being used to drive cultural change in policing, in alignment with the National Police Chiefs' Council (NPCC) document [Policing Vision 2025](#) (Vision 2030 forthcoming) and in collaboration with forces and other partners.

Embedding commitment to high ethical standards and integrity is central to the workforce development goals for policing. The aims are also around further professionalising the service, establishing a stronger learning culture and having a more diverse workforce where difference is valued. All of these ambitions align with Bishop James' specific point of learning regarding police culture, as well as wider learning from the Hillsborough Families Report.

Initiatives to develop a stronger learning culture in policing (for example, through introducing continuing professional development requirements) is about developing and maintaining skills and expertise, but it also means fostering a spirit of enquiry and constructive challenge among staff of all ranks, grades and length of service. In initial training, promotion and command courses, the importance of critical thinking and reflective practice is being emphasised. This is aimed at helping officers and staff make the right choices and decisions under pressure. It is also reinforcing the sense that individual officers and staff have agency to make a positive difference in policing.

Making policing an inclusive profession where individuals from diverse backgrounds can thrive has been a top priority across policing for a long time. There are nationally coordinated efforts to attract and

retain applicants from underrepresented groups in policing and better understand how policing can improve relations with all communities that it serves.²

Improving diversity and inclusion in forces not only ensures they better represent their communities, it also has profound relevance to encouraging a more open and less defensive work culture. Diverse thinking within policing encourages questioning and challenge and is the first safeguard against unaccountable power. Initiatives such as having diversity champions in force, positive action development programmes and outreach activities are all conducive to having a work culture that is respectful and welcoming of difference and one where all officers and staff are willing and able to challenge inappropriate behaviour.

The Code of Ethics for policing

A **Code of Ethics** for policing was introduced by the College in 2014. Bishop James states that at the time of the Hillsborough Families Report it was already well embedded and working as a cornerstone for police workforce transformation, as evidenced through **His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) inspection activity**.

The Code of Ethics serves as a guide to police officers and staff as to what are, and what are not, appropriate behaviours and as a tool for holding all officers and staff to account. The Code of Ethics underpins the Standards of Professional Behaviour which apply to police officers of all ranks from chief officer to constables. According to Home Office **statutory guidance** 'the standards should be read and applied (while) having regard to the Code of Ethics'.

The Code of Ethics sets a common expectation for everyone working in policing, around what values they must uphold and the ethical standards they must work to. It encourages self-awareness and empowering everyone in policing to feel able to do the right thing and,

2 **'2018 to 2025 NPCC Diversity, Equality and Inclusion Strategy'**; **Police Race Action Plan (2022)**.

when necessary, challenge colleagues irrespective of their rank, role or position. It requires police officers and staff to put professionalism, integrity and fairness at the heart of all actions and decisions.

The Code of Ethics has nine policing principles that are built on the Nolan 'seven principles of public life', with the addition of 'fairness' and 'respect'.

Accountability: You are answerable for your decisions, actions and omissions.

Fairness: You treat people fairly.

Honesty: You are truthful and trustworthy.

Integrity: You always do the right thing.

Leadership: You lead by good example.

Objectivity: You make choices on evidence and your best professional judgement.

Openness: You are open and transparent in your actions and decisions.

Respect: You treat everyone with respect.

Selflessness: You act in the public interest.

Multiple methods have been used to embed the Code of Ethics. It is woven into recruitment, promotion and assessment methods, training and development and into the model for how all police decisions should be made.

One of the key initiatives to embed the Code, the introduction of the **competency and values framework** (CVF) for policing, was described in Bishop James' report and is highly relevant to this learning point, particularly the recommendation that 'empathy and integrity should be considered as central to both recruitment and professional development'.

The CVF was developed by the College to embed the principles underpinning the Code of Ethics into local and national recruitment and selection. It has wider utility in professional development and the performance management of officers and staff.

The framework requires assessment against four values (transparency, integrity, public service and impartiality) and against six competencies, including 'we are emotionally aware', which incorporates empathy, respect, compassion and sensitivity. Since the Hillsborough Families Report was published, the framework has been adopted for all recruitment processes for those joining policing at constable rank. It is also used for the Senior Police National Assessment Centre (Senior PNAC) which is a necessary prerequisite to securing a first promotion to chief officer rank. Beyond this, a recent audit has confirmed that the CVF is now well established across all forces, with most using it for all of their promotion processes from sergeant up to chief officer ranks.

The **national decision model (NDM)** was developed for the police service to support decision making of all types. All police officers and staff are expected to be familiar with it. The NDM sets out five stages to decision making (including information gathering, assessment, powers and policy, options, and action and report). At the centre, and influencing all stages, is the Code of Ethics.

The NDM and Code of Ethics are referenced throughout College authorised professional practice, training and learning products and curricula. Force leaders must also pay heed to the **Guiding principles for organisational leadership**, developed by the College and used by HMICFRS in its police force inspections. The document articulates the role of force leaders to set expectations around ethical standards and establish a future vision for their force that is underpinned by the Code of Ethics.

After nine years, the Code of Ethics is being refreshed to ensure that it remains fit for purpose. Part of the refresh includes careful consideration of relevant learning from the Hillsborough Families Report and other recent major reports on police practice. This includes strengthening and making more explicit expectations in relation to candour, as well as further embedding the principles of the 'Charter for Families Bereaved through Public Tragedy'. See learning point 14 for further discussion.

Police recruitment and entry routes

Over the three years from 2020 to 2023, 20,000 additional police officers in England and Wales are being recruited. During this period there will be a turnover of a third of the police officer workforce. The service is embracing this workforce change as an opportunity to shape force culture. As research consistently reveals, wanting to help their community³ is a strong driver for police recruits in England and Wales and this is a platform that is being firmly built on by the recently overhauled **education programmes** for those entering police officer careers. From the outset, new and aspiring police constables are being taught that policing is a profession where learning never ends and that ethics must be at the forefront of every decision.

There will always be an element of ‘organisational socialisation’ when individuals join an occupation such as policing. In the Hillsborough Families Report, Bishop James quotes Dr Alan Billings, who used the alternative term ‘acculturation’ in his evidence for the Hillsborough Families Report, saying it is ‘the way each new generation of recruits is unconsciously socialised into an existing culture’.

The NPCC, the College and leaders across the service recognise the critical importance of selecting new joiners with the right values for policing (using the CVF), but also that they are welcomed into a positive culture and one that it is conducive to them always giving their best.

In terms of learning and development for new joiners, much has happened that is relevant to responding to the Hillsborough Families Report. The policing education qualifications framework (PEQF), launched in 2018, provides a consistent, modern curriculum for initial police training and aims to put the service in line with other professions with regard to formal education standards.

3 As part of the evaluation of the new ‘police constable degree programme’ (PCDA) new students on the programme were asked (in an online survey) about their top reasons for joining the police. The most commonly selected top reason for joining, ‘the opportunity to help people in the community’, was selected by 94% of respondents (n=179). This finding echoes research conducted by Dr Sarah Charman, as well as other studies quoted by her in her book on police culture: Charman S. (2017). ‘Police Socialisation, Identity and Culture: Becoming Blue’, pp 252-254.

The PEQF has introduced three new entry routes into policing: a police constable degree apprenticeship; an entry route for those holding the College-licensed 'Degree in Professional Policing' and a route for those who hold a degree in any other subject. These entry routes are all based on the same curriculum, tailored to meet the needs of each specific group. Elements of the same curriculum have also been developed to provide the initial learning for police community support officers and special constables. Compared with previous entry route training, the new programmes allow student officers to acquire learning and development of a greater breadth, depth and complexity.

There are key aspects of the new programmes that accord strongly with learning from the Hillsborough Families Report. Given the exceptional importance of the Hillsborough families' experiences and the critical learning that can be derived from it, the Hillsborough Families Report is included in the curriculum for all PEQF joiner programmes for those starting police officer careers. The curricula also addresses the 'Charter for Families Bereaved through Public Tragedy' and the importance of transparency in policing, including being candid when things go wrong.⁴

Ethics is a golden thread throughout the curriculum. All modules, whatever the police specialism they cover, have learning outcomes relating to understanding and applying the core principles of the Code of Ethics. Also relevant are sections of the curriculum on valuing diversity and inclusion, which cover bias, discrimination and prejudice.

A lot of the emphasis of the new programmes is on reflective practice. Student officers are taught to routinely review and understand what has happened in their daily work, why it happened, what role they played and what learning they can take from the experience. They are supported in this activity by experienced officers.

There are a number of initiatives to ensure that new student officers are supported by well-trained 'tutor constables' and that they adopt

4 The Hillsborough Families Report and Charter have been included in the revised curriculum (launched in February 2022) for all PEQF police constable joiner programmes (comprising the degree-holders route; the police degree-holders route and the 'police constable degree apprenticeship').

evidence-based practice. The latter involves encouraging student officers to routinely consider the effectiveness of their police activity, consider and generate evidence around what works and has been tried before, and apply the learning.

Management, leadership and leadership development

As Bishop James makes clear in the Hillsborough Families Report, police leadership has a critical role in relation to embedding learning from Hillsborough, particularly the cultural aspects. Leadership development is a core component of College business. Much has occurred and is in train to ensure those in leadership positions at all levels in policing role model positive behaviours and exercise effective leadership skills. Senior and chief officer level leaders are being challenged to reduce hierarchical barriers and take steps to avoid defensiveness and a 'blame culture' in their organisations.

The introduction of the CVF and, with it, the expectation that anyone seeking promotion in policing at any rank will now be assessed partly on their values, is a strong driver for ethical leadership. Every promotion process (whether seeking to become a sergeant, inspector or chief officer) has become an opportunity to embed the four values of the framework (transparency, integrity, public service and impartiality) and assess workforce members against behaviours such as the following.

- I always act in line with the values of the police service and the Code of Ethics for the benefit of the public.
- I demonstrate courage in doing the right thing, even in challenging situations.
- I challenge colleagues whose behaviour, attitude and language falls below the public's and the service's expectation.
- I am respectful of the authority and influence my position gives me.
- I act in the interest of the public, first and foremost.
- I take into consideration how others want to be treated when interacting with them.

- I treat people respectfully regardless of the circumstances.
- I am consistent and truthful in my communications.

In working towards the Policing Vision 2025 (and the forthcoming Vision 2030), forces are working to improve the management and supervision of officers and staff by enabling and encouraging more time for reflection, one-to-one management conversations and personal development reviews. It is recognised that delivering improved management and supervision requires constant effort and monitoring. The College has carried out surveys which indicate insufficient priority is typically given to important supervisory activities.

A **fundamental review** of the role and effectiveness of the College of Policing was completed in February 2022. This has led to the College setting ‘boosting professionalism’ and ‘improving leadership in policing’ as two of its three key priorities, along with ‘driving consistency’ across the forces. ‘Building trust and a fair culture’ and ‘transforming police culture’ have been set as core ambitions for College work over the next four years.

The College has committed to establishing itself as a national centre for police leadership. There will be multiple new programmes of work aimed at driving improvement in police leadership and culture led by the College. Recent developments include the College publishing evidence-based ‘effective supervision guidelines’ for policing, which include guidelines for chief constables to promote a culture that values supervision. The practical guidelines for supervisors are around, for example, holding open, honest conversations with those they manage and being role models, including challenging behaviours that fall short of expectations.

Coupled with this has been College of Policing-led research identifying what ‘good’ looks like at key levels of leadership in policing. This work, known as ‘Leadership Expectations’ will provide a greater level of consistency for leadership and management development across all forces. The Leadership Expectations are being used to inform a new leadership curriculum at various levels of leadership in policing. The

curriculum for first line leaders has been piloted and has now been circulated to all forces. An online diagnostic tool has been developed to enable users to identify their strengths and also their areas for leadership development using the Expectations. The College delivers a range of face-to-face and blended leadership development programmes and the Code of Ethics is incorporated into all of them. A learning platform has been developed to provide open accessibility to leadership development for all in policing.

6 Media and communications

Point 8 – False public narratives

‘the public narrative, once established, is difficult to change. A false public narrative is an injustice in itself, and organisations and individuals should take great care in making public comments before the facts are known.’

The failures of police communication and spread of misinformation and lies after Hillsborough caused enormous distress to many people and still echoes today. It is a stain on the reputation of policing which emphasises how important it is to set the right ethical standards and ensure that the police operate openly and effectively in the challenging task of sharing information after a major incident. It requires constant learning and improvement.

In 2017, the College of Policing (College) issued new authorised professional practice (APP) on [media relations](#), which aims to ensure that, at every level of the service, police communication meets the highest standards of integrity, accountability and openness. The guidance makes clear that it should be read in conjunction with the Code of Ethics and an understanding of the national decision model (both described above, in response to learning point 6).

The APP provides a framework to help all in policing make decisions around how to engage with the media in an open, accessible and professional way. It provides guidance on how to appropriately balance the duty to safeguard the confidentiality and integrity of police information against the police duty to be open and transparent.

For major incidents, the APP should underpin any plans and procedures forces have in place for media engagement and any specific strategies that are developed. The APP requires that such media strategies should be agreed at senior operational level and include the appointment of a dedicated police spokesperson and a specific communications officer.

All media statements in high-profile investigations should receive approval by the senior investigating officer (SIO) or gold commander before release. This ensures the SIO or gold commander is accountable for the strategy. It can also provide assurance that other police officers or staff will not divulge information that goes beyond the agreed media strategy, as happened at Hillsborough.

The growth of social media channels, online and 24-hour news coverage and the ease of spreading real-time news, including by members of the public, means news can go viral online before policing communication teams are involved. In a major incident, police forces no longer have the same power to control the release of information and are under intense pressure to communicate news quickly and make difficult decisions around how fast this should be (potentially within minutes), while balancing the risks of sharing flawed information.

Reviews of major incidents, including the 2011 riots in London and other English towns and cities⁵, have revealed it is vital not to allow an information/news vacuum to form in the wake of a high-profile incident. However, the police also have an important responsibility to ensure they are as accurate as they can be under the circumstances and information is shared with utmost care. With the context of 24-hour news media and social media, plus the 'weaponising' of disinformation, the risks of false narratives are many and varied. Police and other public authorities must meet these challenges and have an important responsibility never to allow the type of shameful misinformation that was spread after Hillsborough to happen again.

The National Police Chiefs' Council (NPCC) and the Independent Office for Police Conduct (IOPC) have joint [protocol](#) (updated in 2018) for media relations during investigations that have been designated as 'independent' or 'managed' by the IOPC. It is to ensure forces and the IOPC establish clarity around respective responsibilities. The protocol makes clear that the IOPC will only take the media lead for the aspects of the investigation it is leading on. Where the IOPC is leading, the

5 Metropolitan Police Service. (2012). 'Strategic Review into the Disorders of August 2011 – Final Report'; Riots, communities and victims panel. (2012). 'After the riots: the final report of the Riots Communities and Victims Panel'.

protocol makes explicit that forces must immediately bring to IOPC attention any identified material misinformation or areas of concern requiring rebuttal.

The College and the NPCC are committed to ensuring the police service has the most informed and up-to-date guidance to succeed. The 2017 APP replaced earlier guidance and drew on learning from a range of sources including Hillsborough, the Leveson Inquiry and Her Majesty's Inspectorate of Constabulary report **Without fear or favour** (2011). It was developed in collaboration with media professionals and representative organisations, as well as wider consultation with the public, broadcast and print media and police forces. As with all College APP, the guidance is subject to maintenance and review.

An additional safeguard which helps prevent false narratives taking hold is the use of independent advisory groups. In recent years these groups have been commonly used to support Gold Groups⁶ for high-profile incidents or complex investigations. Made up of independent members of the community, they are asked to observe and comment on the messaging and communications. They can, and often do, hold forces to account and challenge the accuracy and tone of official communications.

6 Where the police respond to an emergency or major incident, a gold commander assumes overall command and has ultimate responsibility and accountability for the response to that incident. The gold commander chairs the 'Strategic Coordination Group' or 'Gold Group', which is the multi-agency forum operating at the gold tier of command.

7 Participation at inquests

Point 9 – Ensuring proper participation at inquests

Bishop James argues strongly that the state must ensure ‘proper participation’ of bereaved families at inquests at which a public body is to be represented. Not just for disasters but also, for example, following deaths in custody.

He sees it including publicly-funded legal representation for families, an end to public bodies spending a limitless amount of money on representation, using inquests as an opportunity to learn, and not seen as a reputational threat, and changes to the way they are conducted so that bereaved families are truly placed at the centre of the process.

While this point of learning was not specifically directed at policing, the National Police Chiefs’ Council (NPCC) and the College of Policing (College) recognise it applies to the way policing approaches inquests and inquiries. It is also recognised that the interests of fairness and justice are only served by such proceedings being a balanced and effective examination of the facts.

The struggle and difficulties faced by Hillsborough families in being adequately represented in the legal proceedings after the disaster are well described in Bishop James’ report.

The principle that there should, as far as possible, be a ‘level playing field’ for those facing an inquest or inquiry is supported. Too much of the response of policing after Hillsborough was aimed at protecting reputations, including the legal representation at the initial inquiries and inquests. The NPCC and College accept police legal representation at such proceedings should be focused on laying out the facts and helping all parties understand what went on, with an openness and ambition to learn relevant lessons.

8 Candour

Point 14 – A duty of candour for police officers

Bishop James has called for a ‘duty of candour’ for police officers similar to the duty introduced for the NHS, advising:

‘As a minimum, the duty of candour should require police officers – serving or retired – to cooperate fully with investigations undertaken by the Independent Police Complaints Commission or its successor body, the Independent Office for Police Conduct. But there is also scope for a wider duty of candour in respect of policing.’

The Hillsborough families experienced an impenetrable wall of deflection and denial from policing, for many years, when they legitimately and quite rightly sought the truth. It is absolutely right that such unethical practice should not happen and should not be able to happen.

Embedding a strong and steadfast commitment to candour, in all situations and across policing (for all officers, staff and volunteers) requires a two-pronged approach. One element involves strengthening police accountability through legislation and regulation (including enhancing the powers and influence of police oversight bodies). The other involves, as Bishop James states, ‘a change in culture, attitude, heart and mind’ as discussed under learning point 6.

The recent [**Manchester Arena Inquiry Volume 2**](#) report summarises candid accounts from many police officers involved in the immediate response to the attack. However, it also describes a lack of candour among some of the emergency service participants. The Chairman of the Inquiry, the Honourable Sir John Saunders, states in his concluding remarks that it is ‘a natural human reaction to try to avoid blame for some terrible disaster and find some explanation that excuses it, even if it puts the blame on someone else’.

We must reach a position in policing where, in the event of police failings, all in the service put any natural defensiveness aside and wholeheartedly support the search for the truth.

There have been major improvements in terms of how policing is held to account in the years since the Hillsborough disaster. A series of recent developments, described below, have gone a long way towards addressing Bishop James' outstanding concern that a specific 'duty of candour' is needed for policing.

The National Police Chiefs' Council (NPCC) and College of Policing (College) recognise, however, the deep concern held by Hillsborough families and others about the strength and impact of the regulatory frameworks in place. The NPCC and College support the concept of a duty of candour. Candour will be a key theme in the revised Code of Ethics and the supporting Code of Practice on ethical and professional policing. This Code of Practice will require chief constables to ensure their organisations and all their staff demonstrate ethical decision making and professional behaviour. This will include the need to address institutional defensiveness, challenge unacceptable behaviour and effectively investigate misconduct when it does occur.

Recent changes to police accountability

Since 2017, the Home Office has been actively working with the NPCC, the College and the Independent Office for Police Conduct (IOPC) to develop law, guidance and policy to help ensure candour in policing. An amendment was made to the Police Act 1996 by the Policing and Crime Act 2017, to introduce provisions to allow for disciplinary proceedings to take place against former police officers for alleged gross misconduct who ceased to serve on or after 15 December 2017. The Policing and Crime Act 2017 also inserted as part of the Police Act 1996 provision for a 'barred list' (managed and maintained by the College) to prevent police officers, special constables and police staff that have been dismissed from any police force from working in police forces, local policing bodies, His Majesty's Inspectorate of Constabulary, Fire and Rescue Services (HMICFRS) and the IOPC.

Other areas of concern highlighted by Bishop James in the Hillsborough Families Report were considered and addressed as part of the legislative reform to the police complaints and discipline system delivered in 2020. Three aspects of the reforms are particularly important and relevant to candour and accountability: specific changes which strengthen all police officers' responsibilities in respect of honesty, transparency and cooperation; a new emphasis on learning; and greater scope for independent scrutiny of police forces.

Part of these reforms was the introduction of an express 'duty of cooperation' in the Standards of Professional Behaviour that all officers have 'a responsibility to give appropriate cooperation during investigations, inquiries and formal proceedings, participating openly and professionally in line with the expectations of a police officer when identified as a witness'.

This obligation is in addition to a range of pre-existing offences for which officers or staff could be prosecuted in the event that they intentionally mislead any investigation, criminal or misconduct proceedings or public inquiry. Such offences include perverting the course of justice, misconduct in public office or the 'police corruption' offence contained in the Criminal Justice and Courts Act 2015.

The 2020 reforms have significantly increased the remit and influence of the national oversight bodies for policing in England and Wales - HMICFRS and the IOPC. The IOPC now has a 'power of initiative' meaning that it, as the independent regulator, can treat a complaint, conduct or death or serious injury (DSI) matter as having been referred to the IOPC, without having to rely on the relevant force recording and referring the matter. Thereafter the IOPC can decide that any such matter be investigated. This power is firmly in the public interest and should lessen any perceptions of unaccountable power.

Local policing bodies (which for most areas is the police and crime commissioner) also have responsibilities in the police complaints and discipline systems. They are responsible for the recording of complaints and conduct matters relating to their chief officers and DSI matters where their chief officer is a 'relevant officer'. Policing bodies

must refer to the IOPC any complaints relating to their chief officer where it is unable to satisfy itself that the conduct complained of, if it were proved, would not justify the bringing of criminal or disciplinary proceedings. Any conduct or DSI matter must be referred. The IOPC will then determine whether a directed or independent investigation is appropriate.

Local policing bodies are also now responsible for reviewing the outcome of complaint handling of forces where complainants are unhappy. If the local policing body does not consider that the outcome is a reasonable and proportionate one, it may recommend the force refer the matter to the IOPC, formally investigate the complaint or recommend remedy to resolve the dissatisfaction expressed by the complainant.

The 2020 reforms to the police complaints and discipline systems place a much greater emphasis on learning from mistakes. The threshold for engaging formal disciplinary investigation procedures for misconduct has been raised so that sub-optimal conduct or underperformance, now referred to as practice requiring improvement, is dealt with through a new 'reflective practice review process'. This provides opportunity for officers and their line managers to focus on improving individual learning and behaviours and, where force policies or procedures have contributed to poor service, ensuring senior management put that matter right through organisational learning.

The aim of reflective practice is to encourage a culture whereby workforce members can be open about where standards have fallen short, to reflect on their own behaviour, hence enabling learning about how to improve⁷. This is supported with College templates and guidance material for forces, as well as online modules on the new regulations, stressing the role of reflective practice. Crucially, the new approach has also increased capacity within force professional standards departments, so that they can focus unrelentingly on allegations of more serious wrongdoing and criminal offences.

7 Officers are no longer sanctioned for making lower level mistakes and/or errors of judgement. Instead, they are encouraged to be open and frank and, where learning support is formally identified, non-sanctionable outcomes are delivered to provide for performance improvement.

9 Police approach to public inquiries

Point 21 – Police approach to public inquiries

‘The response of South Yorkshire Police to criticism over Hillsborough has, over the years, included several examples of what might be described as “institutional defensiveness”... The College should consider what training and guidance is provided to senior police officers to assist them in ensuring an open and transparent approach to public inquiries and other independent investigations. This should include training and guidance on how forces can encourage its officers to accept and learn from adverse inquiry findings.’

This point of learning has been addressed through training, leadership development programmes and continuing professional development (CPD).

The Strategic Command Course is a mandatory course for police officers wishing to progress to chief officer roles. For many years, the course programme has included a focus on learning from inquiries. The 2021 programme had learning from inquiries sessions run by Assistant Commissioner Robert Beckley (the officer in overall command of the most recent Hillsborough investigations), Sir Robert Francis (who led the Stafford hospital inquiries) and the (then) CEO of the Independent Office for Police Conduct, Michael Lockwood. There were also sessions on the Manchester Arena Inquiry and on strategic communications for inquiries. The 2022 Strategic Command Course continued to cover these critical issues and included a session led by Bishop James, as well as Assistant Commissioner Robert Beckley.

Encouraging a culture of openness and willingness to learn is part of core College of Policing (College) and National Police Chiefs’ Council (NPCC) day-to-day business and it is not only focused on chief officer ranks. For those in senior leadership positions, for example, the

College Senior Leadership Development Programme (SLDP), explores police culture in some depth. The College and NPCC also have a well-established programme of chief constable and chief/senior officer CPD sessions and events, to encourage open and honest dialogue, challenge and learning. The 2022 programme included Hillsborough-related learning sessions led by Assistant Commissioner Robert Beckley.

Operational, specialist courses for police roles include up-to-date findings from recent inquiries and other sources of new learning. They always have the Code of Ethics woven into them, promoting a commitment to openness and transparency. The learning from Hillsborough and other recent major inquiries has been incorporated into senior investigating officer training and all police training has a thread of fostering a learning culture, which has been discussed in response to learning point six.

10 Police records

Point 24 – Police records

‘It is a fundamental principle of accountability that public records are subject to proper rules relating to retention and inspection. Where this is missing, a key element of accountability is removed.’

Bishop James quoted the recommendation of the Hillsborough Independent Panel in 2009 that police forces should be subject to the Public Records Act 1958. He said that this matter should be considered as a ‘matter of urgency’ and an appropriate solution sought by the Home Office and other relevant parties, recognising some of the environment of police accountability had changed since the Panel first made their recommendation.

In response to the publication of Bishop James’ report and to address this learning point, the Home Office established a working group comprising stakeholders from the Home Office, College of Policing (College), National Police Chiefs’ Council (NPCC), The National Archives and the Information Commissioner’s Office.

The working group commissioned a review of this point of learning in 2018. It found that the practice and standards of police records management was inconsistent across policing. The review explored the need for police records to be subject to the Public Records Act 1958 (PRA) and concluded that adherence to the PRA would not have prevented the problems faced after the Hillsborough disaster when records were lost or destroyed. In fact, adherence solely to the PRA would have led to more Hillsborough material being lost than was ultimately retained.

The review recommended instead that the existing Management of Police Information Code of Practice 2005 (MOPI Code), owned by the College, should be extended and updated to include corporate and wider organisational records with clearer and more comprehensive

rules and time limits on retention and disposal, and extensive retention for significant incidents or events. It additionally recommended that His Majesty's Inspectorate of Constabulary, Fire and Rescue Services (HMICFRS) should take a more active role in reinforcing these new standards of record management through its inspection processes. The review concluded that adherence to the PRA was a desirable objective within five years but only after the police applied more consistent and transparent standards of records management. The working group accepted these recommendations.

The new updated Records Management Code details key principles for the management of all police information and records and reflects related legislative developments (such as the general data protection regulation (GDPR) and Data Protection Act 2018). The new Code is called the Code of Practice for Police Information and Records Management and is supported by authorised professional practice (APP) titled Archiving in the Public Interest. The Code and APP have been subject to extensive stakeholder review, including a public consultation in 2021. The College of Policing and NPCC have agreed the content of the new Code. This Code has been submitted to the Home Office for ministerial approval, following which it can be laid before Parliament in accordance with the Police Act 1996. Following publication of the updated Code, police forces will be given guidance in the revised APP to provide greater detail as to how it should be put into operation.

A new NPCC police heritage portfolio has recently been created, which will assist in ensuring that forces are supported in understanding what records should be retained on a permanent basis, and how best to do this. The heritage portfolio was created to support forces with their heritage responsibilities. This includes the force need to retain information and assets of historic significance and ensure they are properly looked after.

National guidance to senior investigating officers (SIOs) on the use of policy files was refreshed in 2019 and it is embedded in the Major Crime Investigation Manual and the development programme for SIOs. The primary objective of a policy file, or decision log as it is sometimes referred, is to record investigative direction, instruction, parameters

and priorities for major crime investigations while complying with the requirements of the Criminal Procedure and Investigations Act 1996. This requires that SIOs record and retain records of information and other material in the investigation. The national guidance describes the purpose of a policy file as providing:

‘a transparent, accountable and auditable record of the decisions made during the course of an investigation and will be relied upon by investigators, and others, when providing answers to victims or their families, in judicial proceedings, criminal, civil or disciplinary and internal scrutiny in the form of review or management oversight’.

11 Learning from major investigations

Point 25 – Police complaints and discipline

‘The fresh criminal and disciplinary investigations [relating to the Hillsborough Disaster] have been very significant in scale. They represent the largest homicide investigation in British history, as well as the largest investigation ever conducted by the Independent Police Complaints Commission [IPCC]⁸. Once the investigations and any prosecutions which flow from them are concluded, they should be the subject of a lessons-learned exercise. This exercise should be led by the College of Policing, working with the Crown Prosecution Service, Operation Resolve and the IPCC, and consultation with the Hillsborough families. This exercise should consider the effectiveness of the Family Forums and the Article 2 Reference Group as well as the administration and performance of the investigations themselves. In doing so, it should consider whether similar mechanisms would be of use as part of the investigation into future major incidents.’

Once the Hillsborough criminal trials were concluded, the College of Policing (College) and the National Police Chiefs’ Council (NPCC) jointly embarked on a lessons-learned exercise in respect of the Hillsborough investigations. This involved Hillsborough leads from Operation Resolve (the police-led criminal investigation), the Independent Office for Police Conduct (IOPC) and the Crown Prosecution Service (CPS), as well as investigation and family liaison leads from other recent complex, major investigations:

- Northleigh (Grenfell Tower)
- Hydrant (non-recent child sexual exploitation)
- Magenta (Gosport Memorial Hospital)
- Melrose (Thurrock lorry)

⁸ The IPCC was replaced by the Independent Office for Police Conduct (IOPC) in 2018.

- Stovewood (Rotherham child sexual exploitation)
- Maple (Didcot Power Station) (health and safety executive leads attended)

The National Family Liaison Advisor and the National Senior Investigating Officer Advisor for the National Crime Agency also participated.

The lessons-learned work consisted of questionnaires, facilitated workshops and interviews. The topics included:

- accountability and responsibilities
- structure, finance and resourcing
- staffing, experience and training
- governance and oversight
- parallel investigations and inquiries
- communications and media
- sharing investigation updates and information
- working with family members/others to establish engagement preferences, review approaches and ensure needs and preferences are met
- retaining and developing trust and confidence in the investigation
- being open to/responding to questions about the investigation (without undermining the integrity of the investigation)
- working with wider partners/parallel investigations

Learning was shared from all investigations represented, with a primary focus on the Hillsborough investigations. The learning has been shared further, including through a specific session aimed at raising awareness and understanding of nationally significant investigations during the 2022 Strategic Command Course. Learning will also be added to the NPCC (2021) Major Crime Investigation Manual in the form of an addendum setting out key learning, and the principles to be applied to future investigations, including engagement with victims and their families. This addendum will be informed by insight and feedback shared by family members over multiple recent major investigations, including Hillsborough.

A common theme of discussions in these lessons-learned events was the need for deep understanding of the wider context of the specific investigation, and the critical importance of engagement with bereaved family members and other interested parties, recognising that individuals will all have their own (and changeable) preferences and needs. What was key in building trust for all these major investigations was the importance of being open and establishing good relationships with those who have been personally affected. Family liaison officers have a crucial role in this respect, but so do the wider investigation teams and leads.

Innovative approaches were developed for the Hillsborough investigations, in terms of communications and engagement because of the significant lack of trust in policing, the CPS and the criminal justice system. Two unique forms of engagement were developed for Hillsborough – a ‘family forum’ and an ‘Article 2 reference group’ (both described below). As became apparent from the lessons-learned work, learning from both these methods of engagement has already influenced approaches in more recent investigations.

Family forums

The family forum for Hillsborough was established at the instigation of Bishop James to meet a wish by all those involved to keep the bereaved families informed of the investigative process. The forums were the only place where the bereaved families met directly (and jointly) with the Independent Police Complaints Commission (IPCC), Operation Resolve and the CPS.

Family forums were set up in the spirit of Article 2 of the European Convention on Human Rights. Under Article 2 (the right to life and duty on the state to carry out a proper investigation) there is an obligation on those carrying out such investigations to involve the families to the extent necessary to safeguard their legitimate interests. The meetings also provided an enhanced level of service required under the Victims’ Code.

Hillsborough’s family forums informed the establishment of a similar forum for Operation Magenta, the police investigation in response to the Gosport Memorial Hospital inquiry. A similar model was also used for the Grenfell investigation.

The importance of having a chair that is trusted by family members and other interested parties and agreed terms of reference is critical to success. Senior leads from policing and other relevant agencies should attend. For Hillsborough, the family forums were held in the same building where the investigation was housed. Tours of the investigation offices and archives were offered after sessions, providing an opportunity for the wider investigation team and family members to meet.

From the police perspective, family forums can be very helpful for uncovering families and other interested parties' concerns about the investigation process and steps that could be taken to increase trust. There is a perception they are valued by those who attend, but they shouldn't be the only method of engaging. In some cases, it may not be appropriate to hold them at all. It's important to develop a range of communication approaches, for example, for those that can't attend in person or feel less able to contribute in such settings.

Advice and guidance on setting up family forums will be captured in the next revision of the Major Crime Manual Investigation and relevant College authorised professional practice.

Hillsborough Article 2 reference group

The Article 2 reference group comprised a panel of three independent people (a retired judge, a human rights lawyer and a criminologist) jointly chosen and agreed by the Hillsborough families and the CPS. The group acted as an intermediary between the family members, Operation Resolve, the IOPC and the CPS. It enabled the family members to gain insight and ask specific questions about the criminal investigations, without undermining their integrity. It was also a method of oversight and scrutiny, very much focused on securing trust from family members.

CPS, IPCC and Operation Resolve leads had regular meetings with the independent panel members and the investigators would give presentations to the group about what they were doing. The panel looked in depth at aspects of the investigation that the families had concerns about. The panel members could then feed back and reassure family members, without disclosing sensitive information.

Concluding comments

It is easy to say that things have changed in the 34 years since Hillsborough. However, that must not excuse the police service from its obligation to ensure that all lessons have been learned and embedded. In his report, Bishop James described in detail the continuing hurt and damage caused by the response of police and others to the disaster. For the sake of the 97, as well as the thousands of people affected by the Hillsborough Disaster, the police service fully accepts its continuing obligation to learn from those terrible events.

There are a number of key themes within this response.

Firstly, there is a commitment within policing to avoid repeating the police failures made after Hillsborough. No family should ever face the indifference, lies and avoidable trauma that too many of the Hillsborough families and survivors experienced on 15 April 1989 and in the years since.

Secondly, policing recognises the importance of strong ethical values in delivering the learning that Bishop James sets out in the Hillsborough Families Report. Hillsborough is at the heart of the work to revise and renew the Code of Ethics for the police service.

And thirdly, policing recognises that there must be humanity and humility in the police response to public tragedy. The College and the NPCC are strong advocates of procedural justice, an approach to policing that evidence has shown builds support and confidence. At the heart of procedural justice is respect, fairness and a willingness to listen. So much of the learning from Hillsborough points to the importance of applying these key principles.



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