

Cumbria Shared Internal Audit Service

Internal Audit Report for Cumbria Constabulary



Audit of Stop and Search

Draft Report Issued: **27 October 2016**

Final Report Issued: **18 November 2016**

Audit Resources

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Audit Report Distribution

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For Information:	Mark Pannone, Superintendent Operational Support Jon Sherlock, Community Safety Inspector Darren Martland, Assistant Chief Constable Stuart Edwards, Chief Executive – OPCC Vivien Stafford, Head of Partnerships and Commissioning – OPCC.
Audit Committee	The Joint Audit & Standards Committee, which is due to be held on 15 March 2017, will receive the report.

Note: Audit reports should not be circulated wider than the above distribution without the consent of the Audit Manager.

Cumbria Shared Internal Audit Service

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1. Background

- 1.1. This report summarises the findings from the audit of **Stop and Search**. This was a planned audit assignment which was undertaken in accordance with the 2016/17 Audit Plan.
- 1.2. Stop and search is important to the Constabulary as it allows officers to allay or confirm suspicion about people, without exercising their power of arrest. In 2014 the Best Use of Stop and Search Scheme (BUSS) was introduced with the aim of achieving greater transparency, community involvement in the use of stop and search powers and to support a more intelligence-led approach, leading to better outcomes.
- 1.3. The Constabulary was one of thirteen forces suspended from the Best Use of Stop and Search Scheme for non-compliance in February 2016. In September 2016, Her Majesty's Inspectorate of Constabulary (HMIC) confirmed that the force is BUSS compliant.

2. Audit Approach

2.1. Audit Objectives and Methodology

- 2.1.1. Compliance with the mandatory Public Sector Internal Audit Standards requires that internal audit activity evaluates the exposures to risks relating to the organisation's governance, operations and information systems. A risk based audit approach has been applied which aligns to the five key audit control objectives which are outlined in section 4; detailed findings and recommendations are reported within section 5 of this report.

2.2. Audit Scope and Limitations

- 2.2.1. The Audit Scope was agreed with management prior to the commencement of this audit review. The Client Sponsor for this review was the Chief Superintendent of Territorial Policing. The agreed scope of the audit was to provide assurance over management's arrangements for governance, risk management and internal control in the following areas:
 - Ensuring compliance with the Best Use of Stop and Search Scheme,
 - The management of the grounds for stop and search,
 - Governance arrangements in place for stop and search.
- 2.2.2. There were no instances whereby the audit work undertaken was impaired by the availability of information.

3. Assurance Opinion

- 3.1. Each audit review is given an assurance opinion and these are intended to assist Members and Officers in their assessment of the overall level of control and potential impact of any identified system weaknesses. There are 4 levels of assurance opinion which may be applied. The definition for each level is explained in **Appendix A**.
- 3.2. From the areas examined and tested as part of this audit review, we consider the current controls operating within stop and search provide **Reasonable** assurance.

Note: as audit work is restricted by the areas identified in the Audit Scope and is primarily sample based, full coverage of the system and complete assurance cannot be given to an audit area.

4. Summary of Recommendations, Audit Findings and Report Distribution

- 4.1. There are three levels of audit recommendation; the definition for each level is explained in **Appendix B**.
- 4.2. There are **two** audit recommendations arising from this audit review and these can be summarised as follows:

Control Objective	No. of recommendations		
	High	Medium	Advisory
1. Management - achievement of the organisation's strategic objectives	-	-	-
2. Regulatory - compliance with laws, regulations, policies, procedures and contracts (see section 5.1)	-	1	-
3. Information - reliability and integrity of financial and operational information (see section 5.2)	-	-	1
4. Security - safeguarding of assets	-	-	-
5. Value - effectiveness and efficiency of operations and programmes	-	-	-
Total Number of Recommendations	-	1	1

4.3. **Strengths:** The following areas of good practice were identified during the course of the audit:

- Roles and responsibilities for Stop and Search are clearly identified within the procedures.
- Operations Board receive regular stop and search updates.
- Actions were identified and taken to address HMIC recommendations, requirements of the Best Use of Stop and Search (BUSS) scheme and All Party Parliamentary Group for Children (APPGC) requirements.
- All stop and search forms are currently reviewed by the Business Improvement Unit, with feedback provided on each one. Plans are being made for supervisory reviews of all forms going forward following the implementation of a new system, Red Sigma, in 2017.
- Independent reviews of stop and search forms are undertaken by the Office of the Police and Crime Commissioner's Ethics & Integrity Panel and the Independent Advisory Group.
- Prior to the roll out of national mandatory stop and search training, some interim training was provided and directed at frontline officers most likely to be undertaking searches.

4.4. **Areas for development:** Improvements in the following areas are necessary in order to strengthen existing control arrangements:

4.4.1. *High priority issues:*

- No high priority issues were identified.

4.4.2. *Medium priority issues:*

- Updates to the policy and procedures in May 2016 were not communicated to staff and the policy was not published on the intranet. This was rectified with the subsequent update of these documents in September 2016.
- Two versions of the Best Use of Stop and Search policy statement are available to the public through the Constabulary's website.

4.4.3. *Advisory issues:*

- There is no arrangement in place to make public, instances of departure from the requirements of the scheme and explain the reasons why (point five of the BUSS – adherence to the scheme). A slight amendment to the policy could rectify this.

Comment from the Assistant Chief Constable:

I can confirm that I am in full agreement with the recommendations and factual accuracy of the report.

I can also confirm that the actions identified will be addressed within the next 4 weeks, and reported to the Operations Programme Board in January 2017, for audit and finalisation purposes.

I am satisfied that the report is now to be finalised and will be reported to the next meeting of the Joint Audit & Standards Committee via the internal audit quarterly progress report.

Darren Martland.

Assistant Chief Constable.

5. Matters Arising / Agreed Action Plan

5.1. **Regulatory** - compliance with laws, regulations, policies, procedures and contracts.

● **Medium priority**

Audit finding	Management response
<p>(a) Communication of Policy / Procedures Changes</p> <p>Stop and Search policy and procedures were updated and approved by the Operations Board in May 2016, however this update was not communicated to officers. We were informed that this was an oversight. During the course of providing information for the audit the Constabulary identified that the updated policy had not been published on the intranet, despite being provided for upload along with the procedures which had been published.</p> <p>A subsequent update of the policy and procedures in September 2016 was communicated to staff via Force Orders and it was ensured that both the policy and procedures were published on the intranet.</p> <p>We note that two versions of the Best Use of Stop and Search policy statement (May and September 2016) are available to the public through the Constabulary's website, depending on the route taken to access it.</p>	<p>Agreed management action:</p> <p>a) This has been rectified, with the September 2016 update to policy and procedures being informed to staff and published on the intranet.</p> <p>b) The older version of the policy will be removed from the Constabulary website. We will ensure that, in future, previous versions are deleted when new ones come into effect.</p>
<p>Recommendation 1:</p> <p>a) Arrangements should be put in place to ensure that all updated documents are clearly communicated and made available to staff.</p> <p>b) Where policy documents are made available to the public through the Constabulary's website, arrangements should be put in place to ensure only the most recent version is published.</p>	<p>Responsible manager for implementing: Inspector Sherlock</p> <p>Date to be implemented: a) September 2016 b) November 2016</p>
<p>Risk exposure if not addressed:</p> <ul style="list-style-type: none"> ● Out of date policy / procedures being followed, ● Officers unable to easily access relevant documents, ● Non-compliance with internal policy. 	

5.2. Information - reliability and integrity of financial and operational information.

● **Advisory issue**

Audit finding	Management response
<p>(a) Adherence to the Best Use of Stop and Search Scheme</p> <p>The Best Use of Stop and Search Scheme (Section 5 – adherence to the Scheme) states that “forces participating in the scheme will make public all instances where they have departed from the requirements of the Scheme and explain the reason for why this occurred”.</p> <p>No reference to non-adherence to the Scheme was noted in the stop and search policy or procedures and it was confirmed that no specific arrangement is in place for this aspect of the BUSS.</p> <p>We were informed that HMIC had not raised this aspect of the BUSS during their recent visit to review BUSS compliance, which concluded the Constabulary is compliant. However, should an instance arise where a departure is required, inclusion of this aspect within the procedures would ensure completeness.</p>	<p>Agreed management action:</p> <p>The stop and search policy will be amended to include a mechanism for public reporting following any identified departure from the scheme.</p>
<p>Recommendation 2:</p> <p>Management should consider including reference to departure from adherence to the scheme in the stop and search procedures so that the requirement is known if the situation arises.</p>	
<p>Risk exposure if not addressed:</p> <ul style="list-style-type: none"> • Non- compliance with an aspect of the BUSS, • Lack of transparency. 	<p>Responsible manager for implementing: Inspector Sherlock</p> <p>Date to be implemented: January 2017</p>

Audit Assurance Opinions

There are four levels of assurance used; these are defined as follows:

	Definition:	Rating Reason
Substantial	There is a sound system of internal control designed to achieve the system objectives and this minimises risk.	<p>The controls tested are being consistently applied and no weaknesses were identified.</p> <p>Recommendations, if any, are of an advisory nature in context of the systems and operating controls & management of risks.</p>
Reasonable	There is a reasonable system of internal control in place which should ensure that system objectives are generally achieved, but some issues have been raised which may result in a degree of risk exposure beyond that which is considered acceptable.	<p>Generally good systems of internal control are found to be in place but there are some areas where controls are not effectively applied and/or not sufficiently developed.</p> <p>Recommendations are no greater than medium priority.</p>
Partial	The system of internal control designed to achieve the system objectives is not sufficient. Some areas are satisfactory but there are an unacceptable number of weaknesses which have been identified and the level of non-compliance and / or weaknesses in the system of internal control puts the system objectives at risk.	<p>There is an unsatisfactory level of internal control in place as controls are not being operated effectively and consistently; this is likely to be evidenced by a significant level of error being identified.</p> <p>Recommendations may include high and medium priority matters for address.</p>
Limited / None	Fundamental weaknesses have been identified in the system of internal control resulting in the control environment being unacceptably weak and this exposes the system objectives to an unacceptable level of risk.	<p>Significant non-compliance with basic controls which leaves the system open to error and/or abuse.</p> <p>Control is generally weak/does not exist. Recommendations will include high priority matters for address. Some medium priority matters may also be present.</p>

Grading of Audit Recommendations

Audit recommendations are graded in terms of their priority and risk exposure if the issue identified was to remain unaddressed. There are three levels of audit recommendations used; high, medium and advisory, the definitions of which are explained below.

Definition:		
High	●	Significant risk exposure identified arising from a fundamental weakness in the system of internal control
Medium	●	Some risk exposure identified from a weakness in the system of internal control
Advisory	●	Minor risk exposure / suggested improvement to enhance the system of control

Recommendation Follow Up Arrangements:

- High priority recommendations will be formally followed up by Internal Audit and reported within the defined follow up timescales. This follow up work may include additional audit verification and testing to ensure the agreed actions have been effectively implemented.
- Medium priority recommendations will be followed with the responsible officer within the defined timescales.
- Advisory issues are for management consideration.