

## **Monitoring the impact of the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill on the police:**

### **Options and next steps**

- 1. Issue:** To establish an approach to monitoring the impact of the proposed Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill on the four Welsh police forces.
  
- 2. Background:**
  - 2.1. The Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill was introduced into the National Assembly for Wales in March 2019. It has completed the first two stages of the scrutiny process in the Senedd, and is currently in Stage 3. The Stage 3 plenary debate is due to take place on 21 January, and the Stage 4 plenary debate on 28 January 2020.
  
  - 2.2. An explanatory memorandum was laid alongside the Bill at introduction. This included a Regulatory Impact Assessment (RIA) containing best estimates of potential costs arising as a result of the Bill, as required by Assembly Standing Orders. The Bill team worked with a range of stakeholders, including Chief Constables and Police and Crime Commissioners, to identify potential impacts on the police, public services and others. Some initial best estimates of the possible impact on the police were generated as part of this process in partnership with the four Welsh police forces, for inclusion in the RIA.
  
  - 2.3. The RIA approach involved conducting an audit of recorded Violence without Injury and Cruelty to Children crimes where the victim was aged 0-17. This was narrowed down where possible by a keyword search using terms such as 'smacking', 'hitting', 'chastisement' etc. A sample of these crimes were then manually reviewed to determine which ones were related to parental physical punishment (i.e. where the defence could have been applied). Across the four forces, an average of around 1 in 7 cases was identified as being relevant. Based on these figures, it was estimated that there were 274 crimes across Wales that related to physical punishment with a margin of error of around  $\pm 25$  crimes.
  
  - 2.4. As part of the activity in support of ensuring the Bill is implemented in the most pragmatic and practical way, a Strategic Implementation Group and four task and finish groups have been established. The Data Collection and Monitoring Task and Finish Group (DCM) has been set up to establish the best way to measure the impact of the proposed change in legislation on public services in Wales, including the police.
  
  - 2.5. Following initial discussions in the DCM, officials from the Welsh Government and the Police Liaison Unit representative met with each of the analysts and Crime Registrars in the four forces to gain a better insight into their current

processes and data recording systems. Subsequently, a workshop was held with analysts and registrars from all forces in order to consider and review potential options for monitoring the impact of the proposed change in legislation on the police in Wales going forward. A draft paper was developed for discussion at the December DCM meeting.

### **Purpose of paper**

2.6. The purpose of this paper is to provide a short review of the potential options for monitoring the impact on the police and outline the approach recommended following the discussions at the police workshop and DCM meeting. This approach would be used to develop a more robust baseline to estimate the current demand on police regarding cases of parental physical punishment in advance of the proposed change in the law. This approach would need to be continued in order to monitor the impact when the change in law comes into force (if passed). The assessment of the potential options set out below is based on the discussions at the police workshop and the recommendations agreed at the December DCM meeting.

### **3. Options:**

#### **3.1. Option 1 - Refine the method used for the Regulatory Impact Assessment (RIA)**

3.1.1. It was suggested that the RIA method, set out above, could be refined and repeated to monitor the impact of the potential change in legislation going forward. This would involve doing an initial search of Crime Management Systems (CMS) to identify crimes that were marked with the Violence without Injury or Child Cruelty code and where victim is aged 0-17. For those forces able to do so, it would also involve excluding some crimes based on certain relationship codes. It was decided that it would not be reliable to only use relationship codes indicating a parent and child or in loco parentis relationship to identify cases, as this may not have always been recorded and therefore some relevant cases may be missed. However, it was decided that where a relationship was recorded that could not be parent and child or in loco parentis, this could be used to exclude cases that would not be relevant to speed up the manual review process. Equally, if forces are able to narrow down the initial search by sub codes to **exclude** crimes codes which are definitely irrelevant this would narrow down the search further. Key word searches were ruled out due to the chance it could miss relevant cases where expected words were not included.

3.1.2. As with the RIA approach, the forces could then select a random sample to manually review to determine the number of relevant parental

physical punishment cases and use this figure to estimate the likely number of relevant cases from the initial search. It would be most reliable to review all cases rather than a sample, but this may not be feasible in terms of available resource, in which case as large as possible a sample would be preferable for accuracy. This number will need to be negotiated and reviewed depending on possible resource available if this option is selected. It may be possible for officials from Welsh Government and/or the Police Liaison Unit to provide some support for the manual review but this would rely on access to systems etc. to review records and would need to be discussed further.

3.1.3. In order to help ease the burden this approach would put on police analysts, it would likely need to be repeated on a quarterly basis so the time commitment was little but often. To ensure consistency, all four forces would need to agree to review cases recorded during the same period, at the same time.

3.1.4. The benefits of using this method are:

- It has been used by all of the forces already;
- A similar method is used to estimate knife crimes figures for the Home Office;
- As there is no change to the data collection system, existing data can be used to estimate the baseline.

3.1.5. The challenges with this approach are:

- It is time consuming to undertake manual searches and would need to be repeated a number of times for the baseline and when the law comes into force;
- A sampling approach would mean figures are not as accurate/ reliable as if we could use an identifier to tag relevant cases;
- The manual review may need to be done by someone with access to the police \ Crime Management System in each force as the description may not be able to be easily included/ shared in a report for various reasons.

3.1.6. In summary, this option would be more accurate than using existing top level crime codes/local qualifiers for identifying number of relevant crimes recorded, but resource intensive for police analysts/ those undertaking the manual review of cases.

### **3.2. Option 2 - Developing a local qualifier/ new system field on the Crime Management System (CMS)**

3.2.1. Adding a new field or code to identify relevant cases in the CMS was also discussed. In all forces, crimes that come in either through the

Command and Control front door system with actionable information or through the Public Protection Unit (or similar) are entered on to Crime Management Systems. One option, therefore, could be to add a field / checkbox into the Officer Enquiry Log (OEL), for example, to identify parental / in loco parentis physical punishment cases. This would be used to 'tag' or identify all relevant cases so that they could be pulled out in a simple search. The responsibility for ensuring this was checked could fall to either the investigating officer, sergeant, supervisor, or auditors. This option would therefore require some training for those due to complete the new field/ checkbox.

3.2.2. The benefits of using this method are:

- Adding a field to the Crime Management Systems should be possible relatively quickly;
- If implemented effectively this method would be more accurate than using existing codes to get a top level understanding of relevant crimes and allow for easier reporting;
- This method is used by some forces to count other crimes (e.g. some use for knife crime);
- This method would incur the lowest cost of the three proposed methods.

3.2.3. The challenges with this approach are:

- Frontline staff may not be aware/ understand the importance of completing this data and therefore not always use the correct identifier;
- Baseline data could only be collected from when the new field/ checkbox is added to the system;
- Different processes and systems mean it could be difficult to add a field/ checking process consistently across forces;
- There are a lot of existing OEL templates so there is a chance it might be missed making the figures less reliable. For example, analysts suggest that the 'weapon' category is not a reliable/ accurate indicator for knife crime;
- There are a number of other high priority policies that might benefit from adding recording points to OELs;
- This would add to the workload of operational officers rather than analysts;
- It may be difficult to implement training on recording in time to collect sufficient baseline data;
- A number of cases could still need to be reviewed manually to ensure accuracy

3.2.4. In summary, the accuracy of this option would rely on each person inputting data, and reporting may be less resource intensive on analysts, as the burden would be shared across all operational staff.

### **3.3. Option 3 - Refined RIA method with Natural Language Processing support.**

3.3.1. Natural language processing could be used to automate a large section of the most resource intensive part of Option 1 to refine the method used for the Regulatory Impact Assessment. This may be possible through a number of routes, for example external contractors such as those currently working with the Home Office on a similar project, using internal police analysts who may have capability, or using Government Statistical Service analysts based in Welsh Government or the Office for National Statistics. Officials are currently exploring what support may be able to be provided and potential costs/ resource implications.

3.3.2. The benefits of using this method are:

- It uses less resource in the long term than Option 1;
- This method is already being tested in the Home Office's pilot for knife crime;
- It should be more accurate than relying on high level Home Office codes or adding a local field / checkbox.

3.3.3. The challenges with the approach are:

- It would be more resource intensive in the first instance, as it would require a lot of effort to 'train' the machine to recognise cases of physical abuse;
- Cases would still need to be manually reviewed where the programme is unable to determine physical punishment and as this has not been;
- May be more complicated than knife crime due to the need to ascertain the relationship between victim and offender;
- Likely to incur additional costs to cover software development.

3.3.4. In summary, this option would be more accurate at identifying number of crimes recorded, but resource intensive in the short term and potentially costly.

#### **4. Discounted Options**

4.1 The option of using existing codes within the Home Office Counting Rules to produce estimated figures was considered but dismissed by the DCM as it was not believed to be accurate enough. The work for the RIA for example, which used the codes to narrow down crimes before the manual review, suggested that only a maximum of 15% of the cases this would identify may be relevant to parental physical punishment.

4.2 Adding a potential qualifier to the Command and Control systems was also considered but discounted as a viable option. Whilst this would allow monitoring of demand at the 'front door', these systems are purely operational and do not hold enough information to identify physical punishment cases effectively.

#### **5. Next steps**

5.1 This paper has been circulated to members of the DCM and those who attended the police analysts workshop for comment and agreement, prior to sharing with the Police Liaison Unit, CC Pam Kelly, Jeff Cuthbert PCC for Gwent and Deputy PCC for Gwent Eleri Thomas for consideration. If agreed, the paper will be presented as an update to the Strategic Implementation Group (SIG). Comments will be considered and a preferred option will be developed for police and SIG agreement before the agreed approach is submitted to the Deputy Minister for Health and Social Services.