



# THE CHIEF CONSTABLE OF CLEVELAND

## Victims' Code

Internal audit report 9.21/22

Final

20 January 2022

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# 1. EXECUTIVE SUMMARY

## Why we completed this audit

The Victims' Code of Practice for Victims of Crime (VCOP) sets out the minimum level of service that victims should receive from the criminal justice system. The Victims' Code applies to all criminal justice agencies including the police, Crown Prosecution Service, and the Courts and Probation Service. A revised version of VCOP was introduced in April 2021 which defined the 12 rights to which the victim is entitled.

The objective of this review was to form an opinion on the adequacy and effectiveness of the systems and procedures the Force has in place to ensure that it complies with the requirements of the VCOP. Our review included the review of a sample of Occurrence Enquiry Logs (OEL) and case files to ensure key information and events were recorded.

Reporting on performance against VCOP sample testing was limited by the capability of current systems to record information in a format which can be easily identified and extracted for reporting purposes. There are currently standard templates for VCOP needs assessment and VCOP updates which in themselves are currently not fully compliant with what is required from the new code. Other information may or may not be recorded within free text in the OEL.

Information in respect of cases is recorded on the Force's records management system (Niche). There is a new victims' module for Niche which has a target date for implementation of March 2022 with functionality which will enable the Force to record VCOP data in a more systematic way and enable more accurate monitoring of compliance. This will include:

- Whether or not victim support services are offered and whether or not they are accepted.
- Whether or not the information booklet has been supplied.
- How the victim would like to be contacted.
- How frequently the victim would like to be contacted.
- Prompts for the OIC (Officer in Charge) that the victim is due an update.

## Conclusion

Our review found that, currently, the Force is unable to measure its compliance with the new VCOP because of failings within its records management system, Niche. A new victims' module is expected to help to resolve many of these issues but will not be in place until March 2022. We noted that the processes outside of Niche that support how the Force manages its performance against VCOP were generally robust, with clear signposting for victims' support services. However, given the issues noted regarding Niche functionality, as well as other issues around overall governance and levels of training, we have agreed **two high** and **three medium** priority actions with management, two concern recording that are impacted by the current Niche functionality, two concern performance reporting and the lack of visibility of challenge and action in response to poor performance and one relates to training.

### Internal audit opinion:

Taking account of the issues identified, the Chief Constable of Cleveland can take **partial assurance** that the controls upon which the organisation relies to manage this area are suitably designed, consistently applied and effective.

Action is needed to strengthen the control framework to manage the identified areas.



## Key findings

**Our audit identified the following exceptions with the Force's established control framework resulting in two high and three medium priority management actions:**



### Support for Victims of Crime Booklet

We were informed that the issue of the booklet should be recorded on the OEL as the booklet is available to all officers and can be emailed or accessed by the victim scanning a QR Code from the officer's business card.

Unfortunately, the system does not require the recording of this interaction and, in our sample of 30 cases, we noted that reference to the booklet had been recorded only once. We were informed by the Chief Inspector Response Policing South that an upgrade to Niche in the New Year will automate this recording. There is a risk that if victims do not receive the booklet and there is no monitoring of it being issued, victims will not be aware of how to access support services. **(High)**



### Strategic Performance Improvement Board

We reviewed the meetings for June, July and September 2021 of the Strategic Performance Improvement Board and noted that with some variation they followed a standard format centred around the Strategic Performance Assessment Report. We reviewed the Strategic Performance Assessment Report received by this Board for April and July 2021 and noted a section on VCOP compliance. We noted that the percentage of crimes with an up to date VCOP review had a trend of improvement achieving 78% in July against an 85% target. We also noted that the percentage of crimes which meet the required quality standard was 15% in July against a target of 85%, with a history of varying achievement but generally poor performance. We did not find any evidence of action being agreed or planned in response to this poor performance and, as a result, this Board may not fulfil its full remit and Force performance may not improve. **(High)**



### Training

We were informed that staff and officers are required to follow the College of Policing training accessed via a login on their website. We were also informed that local training is performed based on that produced by the College of Policing. We reviewed the 'compliance with training' report and noted 2,007 staff and officers had been identified as requiring the local VCOP training and, as at September 2021, 1,214 had been recorded as completing 100% of that training, 60.48% of the total. There was a further 10.6% in progress.

Whilst we recognise that this issue has been identified within the Force and is being worked upon, having around 40% of officers and staff who have not completed the training in full could give rise to the risk that the Code is not followed correctly in all cases. **(Medium)**



### **Force Control Room (FCR)**

In discussion with the Chief Inspector FCR we were informed that there was an automated system by which callers were sent information via email or text message which included their entitlement under the Victims' Code with a link to the Force web pages with that information. However, there was no data available to evidence that this was happening. There is a risk that victims may not be aware of the support available or their rights under the Victims' Code. **(Medium)**



### **The Crime Data Integrity Victims and Witnesses Strategic Governance Group**

We reviewed the meeting papers for the meetings of this group which took place in July and September 2021 and noted that they received reports from the Corporate Services Quality Assurance and Audit Team, receiving two at the September meeting covering the N100 (Incidence of Rape) and N200 (incidence of Modern Slavery) processes which have a role in the identification of vulnerable victims. There were also three other audit reports covering the review of outcomes. All of these reports had a section covering conclusions and recommendations and there is an expectation that these recommendations would be followed up as part of the Group's action log, but no record was found of this during our review. There is a risk that recommendations are not followed up and completed if this is not recorded in the action log. **(Medium)**

**Our audit review identified that the following controls are suitably designed, consistently applied and are operating effectively:**



### **Policies and Procedures**

The Force has published its 'Victims First and Repeat Victims' Policy. Although this was approved by the Executive Management Board in 2018 and last reviewed in September 2020, it continues to support the new VCOP which came into force in April 2021 in respect of vulnerable victims and is the Force's own policy and procedure for supporting vulnerable and repeat victims. The policy adequately sets out the objectives and processes for all police officers and staff to follow, when dealing with vulnerable victims of crime and anti-social behaviour and information sharing with partner organisations.

The Force has a Victims and Witness Strategy which we confirmed sets out the Force's aims and principles which have been formed around the 12 rights within the new VCOP. The strategy clearly states the Force's commitments through a set of aims and high level actions and enablers.

We reviewed the Guide for Officers and noted that it gives a comprehensive description of a victim's journey through the criminal justice process and how to comply with the VCOP, covering the stages of reporting a crime and investigation, including supplying a crime reference number and delivering updates of key events as agreed with the victim. It also explained the activities of partner organisation through to court appearance and after trial. We confirmed that the guide is comprehensive in the information supplied around VCOP and support for victims, but also information on what is to be recorded in Niche.



### **Information for Victims**

We reviewed the information available on the Force website and confirmed that there is a page entitled 'Support for victims and witnesses of crime'. From review we noted that it contains comprehensive information covering:

- What to expect as a victim or witness of a crime, What happens after you report a crime, Victims' Right to Review scheme, Giving a witness or victim statement, Going to court, What happens after the trial and Victims and witnesses support organisations.

We also noted that it contains a link to support via the national victim support service. We noted that the national service allows a member of the public to make a self-referral to a local service. We also reviewed the PCC's website and noted under the tab 'How can we help' that there is a link for 'supporting victims' which takes the viewer through to the Victims Care and Advice Service (VCAS) with information about the services they supply and contact details.

A booklet is available to victims, 'support for victims of crime' which gives, together with other advice and contact information, comprehensive details including:

- Contact details for the officer in charge.
- Information on what happens after they have reported a crime.
- Their entitlement under the VCOP.
- Information about the victim care and advice service (VCAS).



### **Multi-Agency and Partnership Working**

We noted for the 'Victims First Policy' that there are two Problem Solving Coordinators, based within the Community Safety Department, each covering a geographical area, North or South. The Coordinators work alongside the Neighbourhood Policing Teams and produce a monthly report highlighting the current status of Victims First cases within each area.

It was confirmed by the Chief Inspector Response Policing South that local "Problem Solving" meetings are held with each District Neighbourhood Team and we reviewed an excel spreadsheet which provided an update of problem solving with a tab for each month. This records progress on a case by case basis, including:

- RAM ratings (Risk Assessment Matrix), Owner, Case type, NICHE updates, RAM updates, Updates to OEL, Contacts with victims, Contacts with partner organisation including:
  - Housing Association, Local Authority.
  - Social Services.
  - YOS (Young Offender Service).

We noted that the Victim and Witness Tactical Delivery Group which reports to the Crime Data Integrity Victims and Witness Strategic Governance Group and the Strategic Performance Board includes representation from partner organisations including VCAS (Victim Care and Advice Service), Restorative Cleveland, OPCC and other support services.

From our review of meeting notes and papers for May, July and September 2021 we noted that activity was consistent with the terms of reference, and actions were agreed across partner organisations including the application of lessons learned. Activities concerned service improvement, victim feedback, and compliance with VCOP. Reports provided by VCAS from their service quality survey was positive but also demonstrated areas of improvement, as did a report from the Sexual Assault Referral Centre which highlighted areas of good service.



### **Force Control Room (FCR)**

We reviewed the FCR process map which states that a Support for Victims of Crime booklet will be distributed electronically for crimes recorded via the control room although these can also be found on the Victims' Code internet page referred to on Force business cards as well as being available as physical copies in main stations.

The process map gives instructions on how information should be delivered, subject to risk, by email, text message (SMS) or in person, subject to the contact methods available, together with the other information to be supplied:

- Crime reference number.
- Crime recorded.
- Officer dealing.
- Contact number.
- Email address.

We reviewed the Control Room Operational Performance Report for September 2021 and noted performance was measured in respect of THRIVE (Threat, Harm, Risk, Investigation, Vulnerability, Engagement) elements and by team. For September, four out of five teams achieved 100%, the other team was at 95%, and the trend over the last three months was of improvement. Also measured was demand and performance of the vulnerability desk and victims survey results for first contact. The FCR received a satisfaction level of 92% in September with a trend of improvement over the previous three months.



### **The Crime and Investigation Delivery and Assurance Group**

The Crime and Investigation Delivery and Assurance Group does not keep minutes, but each meeting has an agenda and an action log which is reviewed and updated at each meeting. We confirmed from the terms of reference dated February 2021 that this is a bi-monthly meeting with the ACC as chair.

We reviewed the agenda for May, July and September 2021 which demonstrated consistency with the terms of reference and confirmed that an update provided to the group at the September meeting concerned the inability to count/record when written acknowledgement is given so it is often missed in audits despite the information being provided. We were informed that the Niche upgrade is to be completed in early 2022.



### **Local Policing Performance Report**

From our review of the reports for February, May and July 2021 presented to the Local Policing Performance Board we noted that these included a set of performance questions of which one was “how well do we provide a quality service to victims of crime which complies with the Victims’ Code and satisfies their individual needs?”.

In addition to the use of victim satisfaction survey results the report uses an analysis of repeat victims and victim first cases with their risk rating which we noted were falling. The rates over the previous year varied between the lower and high control limits the Force had set. We have explained above under Multi-Agency and Partnership Working how action is taken and ‘victim first’ cases are managed.



### **Dip Sampling**

We confirmed in discussion with the Head of Performance that the findings of each case review are fed into a database, the results of which are then reported by the performance team through various performance reports and at the Force Crime and Investigations Delivery and Assurance Group. From our review we noted that there was a standard set of questions used which were collated onto a single document each month.

From a review of the collated responses for August we noted that the total sampled was 90 cases with following information being collated for VCOP.

- Is there an Initial Needs Assessment recorded covering all the required points?
- Did the victim receive a written acknowledgement that a crime was reported?
- Were the updates the victims receive on the investigation, suspects and outcome present, made within five working days (or within one day if an enhanced service victim)?
- Were the updates of an appropriate quality, and considered in the context of victim communication needs and preferred methods?

We confirmed with the Head of Performance that VCOP compliance is measured in two ways. The first is a quantitative assessment which measures whether an update has been added to Niche in the required timescales. The second is a qualitative assessment which is based on an audited sample. The Operational Performance Report uses the qualitative audit results to report a compliance percentage which, as of the July 2021 report with data to June, stood at 78%, up 7% on the previous month.



### **Niche Recording**

We selected a sample of 30 cases across case types from a report covering cases recorded since April 2021 when the new code was implemented. The case types were:

- Robbery.

- Residential burglary.
- Violence with injury (serious assaults).
- Stalking & Harassment.

One of our sample related to an historical common assault which we were informed was too old to investigate however the victim wanted it to be recorded. Of the remaining 29 cases we found.

- All had a victim needs assessment.
- All had an initial VCOP update and investigation update.
- 27 cases had an outcome concerning evidential difficulties, i.e. either: Code 14 (suspect not identified; victim does not support further action); Code 15 (suspect identified; victim supports action); or Code 16 (suspect identified; victim does not support further action). The remaining two had a Victim Personal Statement.

We confirmed for this sample that VCOP recording, subject to outcome, was consistent with guidance issued to officers.



## 2. DETAILED FINDINGS AND ACTIONS

This report has been prepared by exception. Therefore, we have included in this section, only those areas of weakness in control or examples of lapses in control identified from our testing and not the outcome of all internal audit testing undertaken.

Area: Training				
<b>Control</b>	A local training programme is in place linked to the syllabus available through the College of Policing.		<b>Assessment:</b>	
			<b>Design</b>	✓
			<b>Compliance</b>	×
<b>Findings / Implications</b>	<p>We were informed that staff and officers are required to follow the College of Policing training accessed via a login on their website. We were also informed that local training is performed based on that produced by the College of Policing.</p> <p>From a review of the local material, we noted that it gave general information around the VCOP designed to give a better understanding of who the VCOP applies to, information about each of the requirements, with an explanation of the activities to enable the Force to comply, what to do when and what points to consider. There is also more detailed information on aspects of the code for example vulnerable victims, their identification and support.</p> <p>We reviewed the 'compliance with training' report and noted 2,007 staff and officers had been identified as requiring the local VCOP training and, as at September 2021, 1,214 had been recorded as completing 100% of that training, 60.48% of the total. There was a further 10.6% in progress.</p> <p>We noted from the action log of the Strategic Performance Improvement Board for June 2021 and also that of the Crime and Investigation Assurance and Delivery Board for May 2021 that issues had been raised about training compliance which remain open with progress continuing. We were advised by the Chief Inspector Policing South that there is a 100% target for compliance although it is acknowledged that this is challenging as staff may be unavailable due to sickness and other reasons.</p> <p>Whilst we recognise that this issue has been identified within the Force and is being worked upon, having around 40% of officers and staff who have not completed the training in full could give rise to the risk that the Code is not followed correctly in all cases.</p>			
<b>Management Action 1</b>	An action plan and timetable will be set out to increase training compliance to an agreed level closer to the overall 100% target, with due allowance for staff absence and other unavailability.	<b>Responsible Owner:</b>	<b>Date:</b>	<b>Priority:</b>
		IRT Chief Inspector	March 2022	Medium

Area: Information Booklet				
Control	Victims receive information on their rights under the Victims’ Code of Practice in the form of a booklet which includes contact details of services that can support them together with the Officer in Charge (OiC).  The document also gives them advice on their journey through the criminal justice system. Information is also supplied online to enable victims of crime to make direct contact and self-refer.	Assessment:		
		Design	✓	
		Compliance	×	
Findings / Implications	We were informed that the issue of the VCOP information booklet (‘Support for Victims of Crime’) should be recorded on the OEL since the booklet is available to all officers and can be emailed or accessed by the victim scanning a QR Code from the officer’s business card. Unfortunately, the system does not require the recording of this interaction, and in our sample of 30 cases we noted that reference to the booklet had been noted only once. We were informed by the Chief Inspector Response Policing South that an upgrade to Niche in the New Year will do this. However, there is a risk that if victims do not receive the booklet and there is no monitoring of it being issued, victims may not be aware of how to access support services.			
Management Action 1	Once the update to Niche is applied the Force will monitor the issue of VCOP information to victims.	Responsible Owner: IRT Chief Inspector	Date: April 2022	Priority: High

Area: Force Control Room (FCR)				
Control	An automated system responds to emails received with key information which includes a link to the Force web pages with information on their rights under the Victims’ Code.	Assessment:		
		Design	✓	
		Compliance	×	
Findings / Implications	In discussion with the Chief Inspector Force Control Room, we were informed that there was an automated system by which callers were sent information via email or text message which included their entitlement under the Victims’ Code with a link to the Force web pages with that information. However, there is no data available to evidence that this was happening. There is a risk that victims may not be aware of the support available or their rights under the Victims’ Code.			
Management Action 2	The Force will record the issuing of emails and phone calls to ensure VCOP information has been issued. The Force will explore an automated reporting mechanism or use of the VCMM in Niche.	Responsible Owner: FCR Crime Management Chief Inspector	Date: April 2022	Priority: Medium

Area: Strategic Performance Board				
<b>Control</b>	<p>The purpose of the Strategic Performance Board is to provide assurance to the Executive Management Board that the Force is delivering operational and organisational performance and improvement as required and is able to meet the required standards of performance.</p> <p>The Board receives performance data including KPIs (Key Performance Indicators) relating to VCOP and the results of victims' satisfaction surveys.</p>	<b>Assessment:</b>		
		<b>Design</b>		✓
		<b>Compliance</b>		×
<b>Findings / Implications</b>	<p>We reviewed the Strategic Performance Assessment report received by the Strategic Performance Board for the 12 months ending April (published in May) and June (published in July) 2021 and noted a section on VCOP compliance. We noted that the percentage of crimes with an up to date VCOP review had a trend of improvement achieving 78% in June against an 85% target. We also noted that the percentage of crimes meeting the required VCOP quality standard was 15% in June against a target of 85% with a history of varying achievement but generally poor performance. The area that failed most frequently was with written acknowledgement, the compliance with the completion of the VCOP templates on Niche was 82%</p> <p>We reviewed the victim satisfaction data in the report issued in July (June data) and noted that the highest satisfaction rating was for ease of contact 90.4%, the lowest was 71.1% for the follow up they received. There was also an increase in the number of respondents from 19.7% to 22.4%.</p> <p>Although the responses were positive there was nothing in the report that demonstrated what the Force was doing to improve response rates or increase the positive responses.</p> <p>In the absence of minutes, we were not able to confirm how and how effectively performance is challenged as part of these meetings or if actions agreed at other boards or groups were considered, and there was a lack of evidence of action being agreed or planned in response to poor performance. As a result, there is a risk that this Board may not fulfil its full remit and Force performance may not improve.</p>			
<b>Management Action 3</b>	<p>The Strategic Performance Improvement Board, led by the ACC, will review processes for recording actions and follow up. The CDI Victims and Witnesses Strategic Group will provide assurance to the ACC on the improvement of response rates.</p> <p>As part of the transfer of ownership to the ACC the Risk, Action, Issues and Decision log will be reviewed as part of this process.</p>	<b>Responsible Owner:</b>	<b>Date:</b>	<b>Priority:</b>
		T/ACC	April 2022	<b>High</b>

## Area: Crime Data Integrity Victims and Witness Strategic Governance Group

<b>Control</b>	<p>The Force has a Crime Data Integrity Victims and Witness Strategic Governance Group, the purpose of which is to:</p> <ul style="list-style-type: none"><li>• Provide the Force with strategic oversight of the Force's crime data integrity and the quality of service provided to victims and witnesses of crime.</li><li>• Provide a mechanism through which the Deputy Chief Constable can drive performance and service improvement activity in relation to crime data integrity and compliance with the Victims' Code of Practice and hold to account those with responsibility for delivery.</li><li>• Provide assurance to the Executive Management Board that the Force is delivering operational and organisational performance and improvement in relation to crime data integrity and Victims' Code compliance and is able to meet the required standards.</li></ul>	<b>Assessment:</b>		
		<b>Design</b>	✓	
		<b>Compliance</b>	✗	
<b>Findings / Implications</b>	<p>The Crime Data Integrity Victims and Witness Strategic Governance Group does not keep minutes, but each meeting has an agenda and an action log which is reviewed and updated at each meeting. From the terms of refence dated June 2021 we noted these are bi-monthly meetings with a DCC Chair.</p> <p>We reviewed the meeting papers for the meetings that took place in July and September 2021 and noted the terms of reference was on the agenda for the first meeting in July 2021. This group received reports from the Corporate Services Quality Assurance and Audit Team, receiving two at the September meeting covering the N100 (Incidence of Rape) and N200 (incidence of Modern Slavery) processes which have a risk in the identification of vulnerable victims.</p> <p>There were also three other audit reports covering the review of outcomes. All of these reports had a section covering conclusion and recommendations and there is an expectation that these recommendations would be followed up as part of the Group's action log, but no record was found from our review.</p> <p>Although with the absence of minutes it is not possible to review how these reports were dealt with at these meetings, there is a risk that recommendations are not followed up and completed if this is not recorded in the action log.</p>			
<b>Management Action 4</b>	<p>The Crime Data Integrity Victims and Witness Strategic Governance Group will ensure recommendations within reports submitted to them are recorded and followed up. This will be undertaken the Chair of the Group.</p> <p>In addition, the results of the internal audit report will be feed into the Inspection and Audit Monitoring Board.</p> <p>Consideration will also be given to the introduction of a Risk, Action, Issues and Decision log to more accurately reflect the activity within each meeting.</p>	<b>Responsible Owner:</b> Detective Chief Superintendent	<b>Date:</b> April 2022	<b>Priority:</b> Medium

## APPENDIX A: CATEGORISATION OF FINDINGS

### Categorisation of internal audit findings

Priority	Definition
Low	There is scope for enhancing control or improving efficiency and quality.
Medium	Timely management attention is necessary. This is an internal control risk management issue that could lead to: Financial losses which could affect the effective function of a department, loss of controls or process being audited or possible reputational damage, negative publicity in local or regional media.
High	Immediate management attention is necessary. This is a serious internal control or risk management issue that may lead to: Substantial losses, violation of corporate strategies, policies or values, reputational damage, negative publicity in national or international media or adverse regulatory impact, such as loss of operating licences or material fines.

The following table highlights the number and categories of management actions made as a result of this audit.

Area	Control design not effective*		Non Compliance with controls*		Agreed management actions		
					Low	Medium	High
Compliance with the Code of Practice for Victims of Crime in England and Wales (Victim's Code).	0	(13)	5	(13)	0	3	2
<b>Total</b>					<b>0</b>	<b>3</b>	<b>2</b>

\* Shows the number of controls not adequately designed or not complied with. The number in brackets represents the total number of controls reviewed in this area.

## APPENDIX B: SCOPE

The scope below is a copy of the original document issued.

### Scope of the review

The internal audit assignment has been scoped to provide assurance on how the Chief Constable of Cleveland manages the following area.

#### Objective of the area under review

The force has adequate and effective systems and procedures in place to ensure that it complies with the requirements of the Code of Practice for Victims of Crime in England and Wales (Victims' Code).

### Scope of the review

When planning the audit, the following areas for consideration and limitations were agreed:

- Whether the force has a policy in place which sets out the requirements of the new Code and available to all relevant staff.
- The policy is supported by written procedures and processes which are known and understood by all relevant staff.
- All relevant staff have had appropriate training in the requirements of the new Code to ensure that they can perform their duties.
- Victims and witnesses are made aware of their entitlements and who to contact for support.
- The Force has adequate measures in place to ensure that, in respect of each of the 12 Entitlements set out in the Code:
  - They are being complied with.
  - They are being recorded and reported completely, accurately and on a timely basis.
- Any exceptions are flagged for investigation / remediation on a timely basis to avoid further impact on the victim or witness.
- How the force interacts with its partners in complying with the requirements of the Code.
- There is sufficient reporting on compliance with the Code to ensure that the organisation places an appropriate level of priority on compliance with the Code.
- How the various governance bodies across the force interact and review information in relation to compliance with the Code.
- Themes or trends are identified from regular review or analysis of cases to inform a "lessons learned" approach to drive future improvements in service.

### The following limitations apply to the scope of our work:

- The scope of this audit is limited to those areas examined and reported upon in the key risks and control objectives in the context of the objective set out for this review.
- Any testing undertaken as part of this audit will be compliance based and sample testing only.
- We will not comment on the handling of the specific cases themselves to complaints as part of this review.
- Our review does not guarantee a particular outcome from any inspection by HMICFRS and nor is it intended to replace any such inspection.
- We will not audit the broader range of victims' support services or services provided by partners of the force during this review.
- We will not consider the security or adequacy of IT systems or applications used to process or report upon cases during this review.
- Our work does not provide an absolute assurance that material errors, loss or fraud do not exist.

<b>Debrief held</b>	1 November 2021
<b>Draft report issued</b>	24 November 2021
<b>Revised draft report issued</b>	5 January 2022
<b>Responses received</b>	20 January 2022
<b>Final report issued</b>	20 January 2022

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