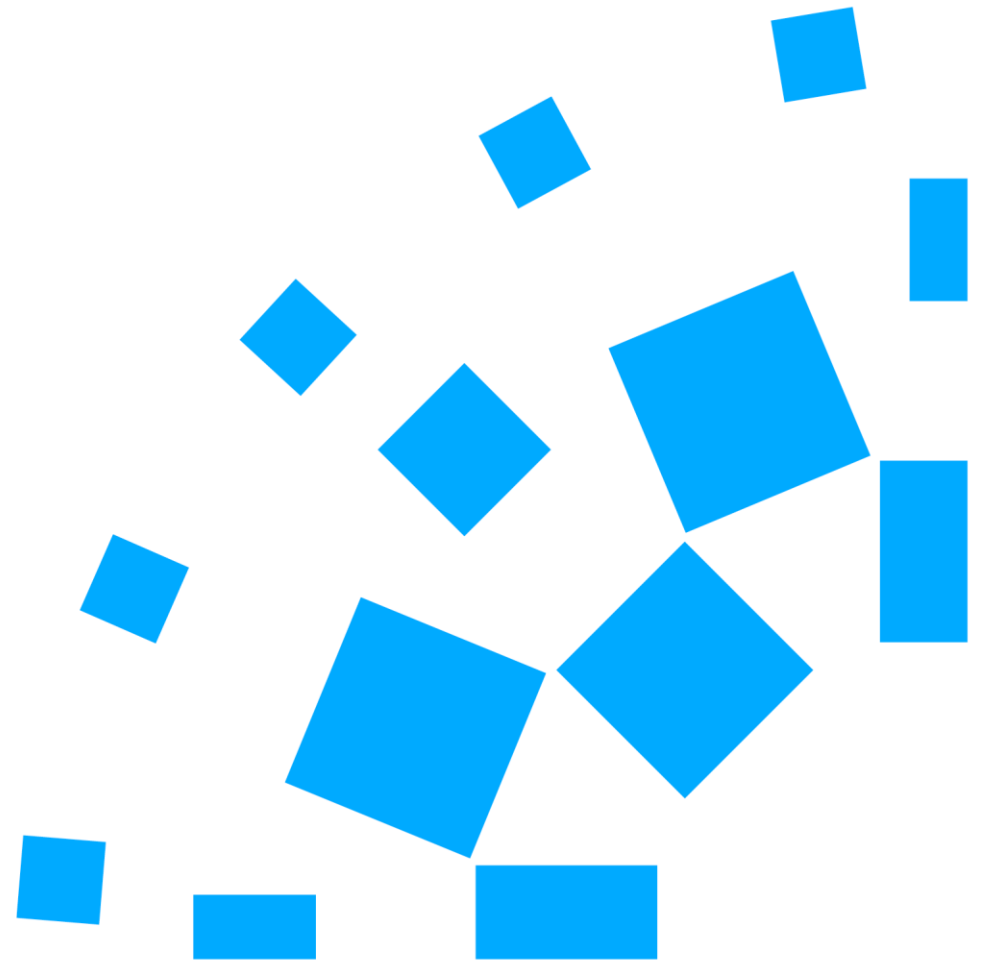


Consultation on firearms licensing APP

Feedback Form

Consultation closes 10th March 2023

college.police.uk



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The information you have provided will be held by the College of Policing in accordance with Data Protection legislation. Your information will be lawfully held and processed for the purposes of informing the development of Authorised Professional Practice (APP).

The information is processed under the lawful basis of public task.

The information you provide will only be used to inform development of the product.

Your information will be shared with internal business units when analysing feedback.

Your information will not be shared externally or outside of this process.

We will hold your information for as long as is necessary for the purpose of this consultation, on completion, your information will be securely disposed of.

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Consultation Questions

About You

Job title or capacity in which you are responding to this consultation exercise (for example, member of the public)	Click here to enter text.
Organisation (if applicable)	<i>Independent Office for Police Conduct (IOPC)</i>

Questions on the APP

It will be helpful for us to understand why you have given a particular answer, or how you think the APP could be improved. Please provide detailed comments wherever possible.

1. Please indicate the extent to which you agree or disagree with the following statement:

The APP is easy to understand.

Strongly disagree Disagree Neither agree or disagree Agree Strongly agree

2. If you disagree, please provide an explanation for your response.

2.1. In the main, we think that the proposed APP is easy to understand. The guidance clearly sets out the underpinning aims and objectives, and the importance of managing complexity and risk. We note that it also contains links to other national guidance, relevant APP, and sources of knowledge and organisational learning. It will be important that links to any information are kept up-to-date.

2.2. However, whilst we recognise that APP is guidance and cannot go beyond legislation and/or statutory guidance, in our view the language used in places could be clearer and more robust. For example, we note:

- Paragraph 1.1.2 states that forces 'should' align their activity with both APP and existing guidance (statutory and non-statutory) and legislation; that forces that 'choose not to' align their activities with these products should notify the national policing lead for firearms and explosives licensing; and that they 'should' provide a rationale for their decision. As

currently drafted, this could be read to imply that forces have a choice in whether to comply with legislation. It also may imply that they should have a choice in whether they need to have a rationale for not doing so.

- Paragraph 1.2 sets out that a chief constable is ultimately responsible and accountable to the public for firearms licensing decisions, but then goes on to say only that they 'should' be able to audit and justify decisions concerning refusals, revocations, grants and return of firearms and licenses.
- Paragraph 1.2.2. states that chief constables 'should consider' appointing a member of the chief officer team to act as senior responsible officer (SRO).
- Paragraph 1.3.1 states only that chief constables 'should consider' doing a strategic demand assessment, but then goes on to explain the importance of this assessment, highlighting that this ensures their force has the appropriate capacity and capability to meet firearms licensing related demand.
- Paragraph 2.2.2. says that the chief constable, or appointed strategic lead, 'should consider' chairing regular governance meetings.

This is particularly relevant to the sections on governance and on the responsibilities of the senior management team. At present, we have concerns that it is unclear from these sections what actions chief constables are required to undertake in order to meet their responsibilities for the firearms licensing process (please also see below at 4.2). However, we also think it would be sensible to review the terminology throughout the document. Being clearer about the essential actions that chief constables and other staff members responsible for firearms licensing should take will support forces to align more closely with APP guidance and help minimise risk in this area of policing. It will also assist in developing consistency across forces, which is currently of significant national concern.

2.3. Paragraph 3.3.3. outlines the guidance on 'QA'. Although this is referenced at 2.3.2. as 'quality assurance', we recommend providing greater context and detail in this section. In recent cases we have investigated, quality assurance has been neglected, with a lack of input from senior officers and inconsistent processes for checking grant and revocation decisions made by Firearms Enquiry Officers (FEOs) highlighted as prominent issues. This section should be clearly titled 'Quality Assurance' and outline why quality checks are considered essential for all aspects of the firearms licensing process. We also recommend including greater detail on who should provide oversight and take responsibility of the quality assurance process (this is discussed in greater detail below at 4.5).

2.4. We also think that amendments to the following would provide greater clarity and aid understanding:

- The guidance states that 'Firearms licensing activity is governed by the Firearms Act 1968 (and its amendments) and other relevant legislation, for example the Policing and Crime Act 2017'. It would be helpful to provide more detail about what other relevant legislation is being referred to here.
- Paragraph 1.1.3. states that 'the term "certificate" is used interchangeably with "license" in this guidance.' It is unclear what the rationale is for including both terms in the APP and this has the potential to cause confusion, especially amongst non-specialist staff. 'Certificate' is the relevant term in practice and legislation and we think should be used consistently throughout.
- It would be helpful to make clear whether the APP needs to be read in conjunction with the documents listed at paragraph 1.1.9.
- It is unclear what is meant by reference to the NPCC and Firearms and Explosives Licensing Working Group (FELWG) being 'gatekeepers of organisational learning' at paragraph 1.1.9.

- Paragraph 1.2.2. states that ‘the strategic lead should help forces to adopt and correctly implement this APP, the Home Office guidance and nationally agreed policies and procedures.’ This paragraph includes a hyperlink to the ‘Home Office guidance.’ Clicking on this hyperlink brings up a page containing links to licensing guidance, good practice on firearms law, and forms for applying for approvals under the law. This link could be more specific and take the reader directly to the *Home Office Guide on Firearms Licensing Law* or the *Statutory Guidance for Chief Officers of Police*.
- The phrase ‘Powers should only be delegated to those whose role requires them...’ is not very clear, at paragraph 1.2.5.
- Paragraph 2.3.2. contains a series of bullet points which outline the responsibilities of the firearms licensing manager. The seventh bullet point states that firearms licensing managers should: ‘Engage in problem solving and innovation to help meet the aims and objectives of firearm licensing. For example, by developing dip sampling/quality assurance (QA) mechanisms for decisions. *Or* by making the most efficient and effective use of IT systems and platforms.’ Whilst we recognise that the guidance is trying to provide some examples of how firearms licensing managers should meet their responsibilities, the use of ‘or’ suggests the practices are mutually exclusive and not both strongly encouraged. Recent cases we have investigated demonstrate the importance of firearms licensing managers developing quality assurance mechanisms *and* making the most efficient and effective use of IT systems and platforms.
- Similarly, bullet point four states that firearms licensing managers should ‘Manage the welfare and wellbeing of firearms licensing staff. For example, by ensuring workloads are manageable. *Or* by ensuring that staff are aware of, and can access, local or national wellbeing resources’. Bullet point five states that they should ‘Establish and oversee processes for ensuring staff integrity. For example, by ensuring that staff are vetted in line with force policy.

Or by establishing processes and safeguards that promote ethical decision making, and capture/manage potential conflicts of interest.’ Again, we do not think the use of ‘or’ is appropriate in these sections.

- Paragraph 2.7.4. includes reference to ‘evidence of domestic abuse’. It would be helpful to make clear that any information relating to domestic abuse needs to be considered.
- Paragraph 3.1 states that ‘Every grant or renewal application received by a firearms department *should* be recorded and checked by firearms licensing staff.’ We think this should read ‘must’.
- Paragraph 3.3.1. states that ‘If investigative activity and assessment of suitability have returned information that puts in question the applicant’s suitability to acquire, possess or lawfully use a firearm, the decision *may be* to refuse the application or revoke the licence.’ We question the appropriateness of this wording, as if enquiries have cast doubt on an individual’s suitability to possess a firearm, we would not expect a licence to be granted or renewed/retained until any outstanding questions around suitability have been resolved.
- At paragraph 3.6.3 it may be helpful to include reference to where there have been threats made to others, including online.

3. Please indicate the extent to which you agree or disagree with the following statements:

It is clear what firearms licensing staff need to do as a result of the APP.

Strongly disagree Disagree Neither agree or disagree Agree Strongly agree Not sure

It is clear what chief constables need to do as a result of the APP.

Strongly disagree Disagree Neither agree or disagree Agree Strongly agree Not sure

4. If you disagree, please provide an explanation for your response.

4.1. In the main, we agree that it is clear what firearms licensing staff need to do as a result of the APP. We particularly welcome the emphasis on firearms licensing staff applying professional judgement and the importance of strong partnership working. However, there are some areas in which we think further information or clarification would be helpful. Please see our response to questions 2 and 6.

4.2. We find it harder to agree that it is clear what chief constables need to do as a result of the APP. Please see our response to question 1. In our view, the language used in the guidance could be more explicit and consistent in relation to chief officers' responsibilities and delegated responsibility. For example, as previously noted, paragraph 1.2.2. of the guidance states that 'A chief constable *should consider* appointing a member of the chief officer team to act as senior responsible officer (SRO) and strategic lead with responsibility for governance of firearms licensing in their force'. In cases the IOPC has investigated relating to firearms licensing, a failure to delegate responsibility has been an important issue. In cases where responsibility has not been clearly delegated, the firearms licensing department has operated within a vacuum of strategic leadership. For example, in some cases where senior management team meetings ran over time, firearms licensing was the first item routinely omitted from the

agenda. We recommend that the guidance emphasises the importance of clear strategic delegation.

4.3. We welcome the APP's reference to the importance of Strategic Demand Assessments (SDAs) in ensuring forces have the appropriate capacity and capabilities to meet firearms licensing related demand. Of particular importance is the emphasis on identifying risk and ensuring chief constables fulfil their oversight responsibilities for firearms licensing in their force. However, in our view the language used in section 1.3. on SDAs should be stronger and more explicit. Paragraph 1.3.1. currently states only that 'chief constables *should consider* doing a strategic demand assessment.'

4.4. The language used in relation to SDAs also has implications for paragraph 1.3.3., which states that the 'national policing lead requests that the results of the SDA should be forwarded to the NPCC Firearms Licensing portfolio.' We recognise that the portfolio and the supporting working group (FELWG) play an important role in providing national oversight of the challenges within the firearms licensing system. If SDAs are considered optional by chief constables, then the NPCC runs the risk of forces not submitting SDA returns. This has the potential to damage the NPCC's oversight function and the organisation's ability to address potential or actual issues relating to national demand, capacity, and capability.

4.5. As noted above, in our view, paragraph 3.3.3. on quality assurance requires greater detail. The paragraph states that 'QA should be led by the strategic lead for firearms licensing or the firearms licensing manager.' In previous cases investigated by the IOPC, quality assurance processes in relation to the initial application for a firearm and their renewal were unclear and, in certain cases, did not take place at all. A failure to check the quality of the work conducted by new recruits to the firearms licensing unit or those applications mistakenly graded low risk can have devastating consequences. We recommend that the language used in this paragraph is more robust. It should make clear that the SRO is responsible for overseeing quality

assurance processes. If no SRO has been appointed, the chief constable should be responsible for providing oversight of the system.

4.6. We also have some concerns relating to the chief constable's role in specialist and non-specialist firearms licensing training which are discussed below (see 6.3/6.4).

5. Is there anything you would add, change, or remove from the APP?

Please note this public consultation focuses on the APP content only. As such please only consider the APP content in your response (we cannot amend/update non-College products, eg, other guidance or legislation).

Yes

No

Not sure

6. What do you think should be added, changed or removed from the APP? If possible, please specify the numbered section in your answer.

6.1. Whilst we welcome the APP's emphasis on how all staff involved in the firearms licensing process need to utilise professional judgement to assess suitability and manage risk, we recommend the guidance contains more information about training for specialist and non-specialist staff. In a significant number of the cases we have investigated involving firearms licensing, the lack of training for FEOs has been highlighted as a prominent concern.

6.2. We welcome paragraph 2.4.1. which states that FEOs ‘need to use investigative skills’ such as curiosity and communication skills, and that they should look to identify clues when assessing suitability and managing risk. Paragraph 2.4.1. states that FEOs are ‘not necessarily recognised as formal investigators.’ Greater detail should be included here on what formal skills or accreditation FEOs should possess or acquire, including links to the College’s *Professionalising Investigation Programme* (PIP) and, when published, the *Effective Investigation Guidelines*. Alongside this, in our view section 2.3. outlining the role of the firearms licensing manager should contain greater detail about their responsibility for staff development, training, and continuing professional development (CPD). Paragraph 2.3.2. should state that the firearms licensing manager is responsible for conducting a skills assessment when hiring staff so that the licensing department operates to a safe standard. The firearms licensing manager should work to identify and mitigate any skills or knowledge gaps within the department.

6.3. We think that the guidance should include more information for non-specialist officers. Paragraph 3.6.6. correctly emphasises that officers need to be aware of processes associated with the voluntary surrender/seizure of a firearm(s) and certificate. This includes ensuring that certificates and ammunition are obtained/seized as well as the firearm. We welcome the emphasis on these processes as we have previously investigated cases where officers failed to obtain/seize certificates (allowing the licence holder to purchase more firearms) or ammunition. Where the guidance needs to be strengthened however, is in outlining whose responsibility it is to ensure divisional officers tasked with seizing/obtaining weapons, certificates, and ammunition are aware of and trained in the processes required. Is this the responsibility of the chief constable or the SRO? How should forces ensure that the firearms licensing department engages with other force divisions?

6.4. We have a similar concern in relation to how officers explicitly flag intelligence to the firearms licensing department. The guidance should include information on the importance of Firearms Certificate (FC) markers on the PNC. This follows a case

investigated by the IOPC where an officer did not report a violent offence to the firearms licensing department despite the presence of an FC warning marker on the suspect's nominal PNC record. The guidance should be clearer on how officers across the force should be educated to understand the importance and relevance of an FC marker. Again, the guidance should consider who is responsible for training staff and how the firearms licensing team can input into this process.

6.5. Paragraph 2.1.2. states that it is important to configure resources against the responsibilities outlined in that section and that key factors are that: i) staff are confident and competent to assess suitability and make decisions aligned with the legislation, the APP and the Home Office statutory guidance; and, ii) there is sufficient capacity to respond to demand in an efficient and proportionate way. However, we think that there should also be reference to doing this in a way that manages risk effectively and does not compromise public safety.

6.6. We think that it would be helpful for paragraph 2.2.2. to include reference to governance meetings routinely considering: i) any identified urgent issues of concern regarding the granting or renewal of a license; and ii) any relevant complaints, conduct matters, death or serious injury matters or performance matters relating to firearms licensing / those involved, and any learning arising from their investigation.

6.7. We note that paragraph 2.4.2. states that FEOs should 'interview other individuals who may help inform the suitability assessment, for example partners, family members, referees and, if necessary, former partners'. We think it would be helpful to provide further guidance on this, including on when it may be considered 'necessary' or appropriate to interview former partners.

6.8. Paragraph 3.5.3 contains reference to checking local systems for intelligence or incidents when carrying out dip sample

reviews of certificate holders. However, we do not think it is clear how any intelligence from or incidents occurring in a neighbouring/different force area would be identified.

7. Do you think the APP content has any potential positive or negative impacts on individuals, groups or communities? Please explain your answer.

7.1. This updated APP, alongside recent changes to statutory guidance, has the potential to negatively impact on communities who rely on firearms for their livelihoods. This could include, for example, shooting clubs and farming communities. Whilst the APP correctly recognises that one of the key aims of firearms licensing is to be 'proportionate and timely' [1.1.3.] and the importance of there being 'sufficient capacity to respond to demand in an efficient and proportionate way' [2.1.2.], it is likely that the proposed changes will increase the workload of staff working in firearms licensing departments. This is because of the emphasis on additional checks. Whilst firearms licensing departments should try to mitigate the impact of additional checks on the timeliness of applications and renewals, we strongly support their inclusion in this APP and updated statutory guidance due to the serious risks involved in the firearms licensing process.

8. If you have any other comments on the APP, please provide them below.

[Click here to enter text.](#)

Register interest

Registering your interest is optional.

Please indicate if you wish to register your interest to:

- be contacted should we need further information or clarification on your comments
- be informed of the outcome of the consultation and when the final APP is published
- be notified of other engagement and consultation activities relating to College work on firearms licensing
- be informed of other engagement activities related to College guidance

Please provide your contact details if you have selected any of the above.

Name	Click here to enter text.
Role (if applicable)	Click here to enter text.
Organisation (if applicable)	<i>Independent Office for Police Conduct (IOPC)</i>
Email	Click here to enter text.

Your completed form should be emailed to whatworksstandards@college.police.uk by 10 March 2023.

About the College

We're the professional body for the police service in England and Wales.

Working together with everyone in policing, we share the skills and knowledge officers and staff need to prevent crime and keep people safe.

We set the standards in policing to build and preserve public trust and we help those in policing develop the expertise needed to meet the demands of today and prepare for the challenges of the future.

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