

Press release: Response to the Home Office review of the retention and use of custody images

The use of facial images has been a regular part of policing since the development of photography led to the taking of custody images. The current use of facial images is different in that images are now digital, can be housed on a national database and searched using software based on algorithms that claim to find possible matches.

The use of such images is important in policing and it is in the public interest that they are used to prevent, detect or prosecute crime. However, because capturing, storing and searching such images is intrusive of individual privacy there is a need to ensure that the use of facial images is within a governance framework that strikes an acceptable and proportionate balance between public benefit and individual privacy.

In 2012 the High Court held that the governance framework then used by the police was not proportionate in its retention rules and as such was unlawful. The court drew attention to the 'risk of stigmatisation of those entitled to the presumption of innocence' and that holding images of those unconvicted for a long period (a minimum of 6 years) was not proportionate. They added that retaining images in such cases for minors would be especially harmful.

The recently published [Home Office review of the use and retention of custody images](#) makes proposals as to a future governance of the police use of facial images in order to make their use more proportionate in response to the Court's ruling.

The review still proposes that a routine police review of retention of those who should be presumed innocent should happen only after 6 clear years for a Group 3 offence and 10 clear years for Group 1 or 2 offences. The only response to the Court judgment is that such individuals may apply to the police to have their images deleted after the conclusion of proceedings. In considering such applications there should be a 'presumption in favour of deletion' and a 'strong presumption' in the case of those under 18 but that the police are entitled to refuse such an application.

Adding this limited application process does add a degree of proportionality but whether this would be enough in the face of any future challenge may depend on how many presumed innocent people apply successfully to have their images deleted before the minimum 6 year review period. The nearest equivalent existing process is that of the records deletion process whereby people can apply to the police to have their arrest records and/or biometric records deleted from the Police National Computer.

In the year ending on 31 March 2016, Home Office statistics show that 896,209 people were arrested for a notifiable offence and in the same period 1,003

applied to have their police records deleted, of which 233 were accepted by the police.

The review leaves the governance and decision making of this new process entirely in the hands of the police but future public confidence might require a greater degree of independent oversight, transparency and assurance than is proposed.

The applications process, the power to nevertheless retain and the routine reviews mean that the compliance costs of this proposal will be high because individual decisions will have to be made in every case. Although the review proposes that guidance should be issued about making such decisions there still might be variation in decision making between forces resulting in a postcode lottery as to whether images are retained.

In addition, deletion will happen some time after the police decide to take no further action against a subject and it is not clear how far legacy holdings will be weeded against these proposed new retention rules. If there is a 'presumption of deletion' then these costs could all be avoided and the process made more timely by automatic deletion. This could be built into Police National Database and the next generation of databases currently being developed.

The review suggests that the retention and use of facial images is 'generally less intrusive (than DNA or fingerprints) as many people's faces are on public display all the time'. I disagree with that assertion. In fact for that reason the use of facial images is more intrusive because image capture can be done using cameras in public places and searched against government databases without the subject being aware. Facial images are no longer only used solely for custody purposes and image capture and facial searching capabilities have and are being used by the police in public places.

The review points out that the police are currently using a number of different databases and matching software products. The Police National Database currently holds 19 million images and that does not include all police forces and most notably the images held on a separate database by the largest police force, the Metropolitan Police Service. The review provides no statistical information in relation to how these databases are being used or to what effect.

The fact that so many different systems are in use means that the software used is of varying quality and the consequent processes of interpretation will also vary. In spite of that the review encourages all forces to pool their images in the existing national national. As a recent report by HMIC(S) concluded: 'This means that differing standards are being applied to a common UK database'.

Use of facial image database searching for intelligence purposes requires that users understand the scientific quality and reliability of the software and use a common process of interpretation and assessment that takes account of any weaknesses or biases in the overall system. To achieve this, the police need to move to a common database, matching software and interpretive

process which can provide the best available quality and reliability and is understood by all those using the system. Such a new system ought to meet quality standards set by the Forensic Science Regulator.

Furthermore, since the review envisages future facial images database information being available to the rest of the criminal justice system then such a system needs to be totally transparent in its mode of operation if it is to meet evidential requirements.

My predecessor made similar comments about the problems with the current police use and retention of facial images.

Paul Wiles Biometrics Commissioner

[News story: Safety Recommendation document updated: G-REDL](#)

[unable to retrieve full-text content]Safety Recommendation document updated for AS332L2 Super Puma, G-REDL

[News story: Accelerator face-to-face meetings: 4 April 2017 in Harwell](#)

These 30-minute face-to-face meetings give you the opportunity to discuss your innovative research idea with Accelerator staff in private.

The Accelerator funds innovative proof-of-concept research that could lead to a cost-effective capability advantage for UK armed forces and national security. This is through the enduring competition or specific themed competitions.

Before you come to your meeting please prepare by thinking about:

- what is your research idea?
- what do you think is the military benefit?
- will it save time/costs, improve capability/performance/reliability?
- why should MOD invest in this work?
- what will your approach be?
- how will you structure your research?
- what will you deliver?

- what evidence will you produce?
- what will the impact of your research be?
- how will you demonstrate progress towards the claimed benefit?

The main purpose of this meeting is for you to ask questions, and most importantly, receive advice from the team, so please leave time for this during your 30 minutes.

Spaces will be on a first-come, first-served basis and an organisation should only register once. The Accelerator is part of the [Defence Science and Technology Laboratory](#) (Dstl) and only funds novel, high-risk, high-potential-benefit research.

If your proposal is a product that is already used in the defence and security market, you should speak to the [Defence Suppliers Service](#), or see other ways of [how to sell to Dstl](#).

The Accelerator team hold regular regional meetings. Join our [Accelerator LinkedIn group](#) for notification of future meetings.

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[Speech: Amanda Spielman's speech at the Association of Colleges Ofsted conference: 'A new direction'](#)

Thank you David. And thank you to the AoC for inviting me here today to give my first speech as Chief Inspector on post-16 education.

It was not long ago that I was working closely with the AoC from another place in the system, as Chair at Ofqual. During my 5 years there, I was steeped in reform of vocational education and spent many hours having useful conversations with AoC members about that work. I'm thrilled to have the

opportunity to build on this relationship in my role at Ofsted.

Qualifications are just one area of change in the sector over the past 6 years: new college mergers, sixth form academies and devolution deals have fundamentally transformed the FE landscape. So have reforms to apprenticeships, including the levy and the introduction of new standards and end-point assessments. And, of course, there have been significant funding pressures, which I'll turn to later.

Having spent the last 9 months in a fortuitously long lead into this role, visiting colleges around the country, I have seen the dedication across the sector to making all this work. And I know there are more changes round the corner, with the 15 pathways and new T-levels coming out of [the Sainsbury review 'Post-16 skills plan and independent report on technical education'](#).

Brexit, of course, will be the biggest of all. The vote last June means that we now face a very big and unavoidable change in how we think about education and training in England.

All of this means you are operating in an uncertain and high stakes environment. But the flip side is that we have a real and unique opportunity to make sure our young people have the knowledge and skills to succeed in the labour market and to provide the home grown talent we need in the years ahead.

Seizing on those opportunities means we need a much more positive and purposeful relationship between Ofsted and the FE sector. And so I want to use today to reset that relationship. I want to say, from the outset, that I see my role as Chief Inspector as an enabling one: one that gets the most from the valuable work you do.

A fresh approach

In practice, that means I will not be using my position at Ofsted to impose my personal views or to make un-evidenced claims about the sector. What I am interested in is collecting inspection evidence, analysing it rigorously and reporting it objectively. This should be the sole basis for Ofsted's interventions.

And I want you to be focused on what matters for your students: the right education and training that leads them into full and successful lives. Sometimes, that will mean delivering uncomfortable messages or challenging areas where provision isn't yet good enough. But it will also involve recognising what works and building on that success.

We all know that Ofsted's schools work is what attracts most media coverage. But I am not Her Majesty's Inspector of Schools. The rather alarming job title is Her Majesty's Chief Inspector of Education, Children's Services and Skills. And I take all parts of that title equally seriously.

My role is to consider the interests of all students – adults as well as young people.

Too often, although more than half of 16- to 18-year-olds are on a mainly vocational route, both commentators and policy makers see this route as something for 'other people's children'. And for decades, phrases like 'parity of esteem' have been thrown about as though they solve the problem. It is seldom acknowledged that you cannot dictate parity: the quality of vocational education must speak for itself.

So the role of colleges and the FE sector is critical. Many of you take on the difficult job of educating young people who haven't reached their potential in school. That is why my approach to colleges will be to treat them with the same rigour, and with the same regard to the evidence, as any other area we inspect. Because that is what you and your students deserve.

[When I spoke at the ASCL conference last week](#), I talked about how a responsible and intelligent inspectorate could be a real force for improvement in schools. I want to adopt this approach across all our remits.

And I will be taking my lead from the many people at Ofsted who have built it up to be a considered, conscientious inspectorate. And particularly from Paul Joyce, our Deputy Director for Further Education and Skills, without whom we would not be having such useful conversations with the sector. We have a lot of expertise in FE across our senior team. As you may know, both our Chief Operating Officer, Matthew Coffey, and our Regional Director for the West Midlands, Lorna Fitzjohn, have previously been National Directors for FE.

My approach as Chief Inspector will be aligned to the rational, evidence-based approach that our team takes to inspection. Because it is only when you have evidence on your side that you have the authority to make respected judgements which genuinely drive improvement. That means Ofsted being scrupulous giving what can be difficult messages – whether to individual institutions, the sector as a whole or to government.

Demanding the best

In delivering those messages, I don't want us to lose sight of the fact that 7 in 10 colleges have been judged good or better or to ignore the excellent practice we see. And I know there are some excellent partnerships with businesses and employers out there.

But while we must recognise the good practice, we can't lose sight of the fact that inspection grades have been in decline for at least 2 years now. This is a worrying sign and a trend that needs to be reversed: too many colleges are struggling to maintain quality and too few that require improvement are demonstrating the capability to do so.

That challenge means that we – and I use we in the broadest sense – need to take a hard look in the mirror to ensure we are doing all we can to make sure that college education is the best it can be.

To do that, we need high-quality leaders and managers who have the right experience to run what are becoming even larger and more complex colleges.

We need to recruit and invest in high-quality teaching and support staff with the right industry experience and expertise.

And, most importantly, we need to make sure the curriculum offer meets the needs of, and is shaped by employers, communities and the economy – both now and in the future.

We know that there is a lot of high-quality provision today– especially level 3 courses: good examples are engineering, art and design, catering and hospitality. But there are still some courses that of questionable value, particularly at level 2 and below. I am worried about lower level courses that do not sufficiently challenge students and courses that don't lead to meaningful progression or employment opportunities.

It is imperative that college education gives students at least a level 2. As our annual report highlighted, the employment rate for adults whose highest qualification was below level 2 was less than 60% compared with around 80% for those qualified to level 2 or above. Too many students finish their education with nothing more than a level 1.

I said in my ASCL speech last week that what students are learning in education matters just as much as how well they are taught it. Indeed, this is perhaps even more true in colleges than it is in schools.

That's why I announced that the curriculum will be Ofsted's first big thematic review in my tenure. The further education curriculum offer will be a major part of that. We will be looking at what is typically intended for the curriculum in colleges and what it looks like when it is done well. My hope is that this review will provide some real insights and I also hope it helps with the evolution of the pathways and T-Levels nationally.

Getting the basics right

Of course, one area of the curriculum has dominated almost all discussion in recent months and that is English and maths GCSE retakes. This is a well-intentioned policy, but in its current form we can see that it is causing significant problems.

Let me be clear: when it comes to success in the labour market, nothing is more important than literacy and maths. We know that they are highly valued, with employer surveys and wage premiums showing that employers will pay more for people who are literate and numerate.

And, more than that, learning English and maths unlocks so many other areas of knowledge – engineering, business and IT, but physics and philosophy too. All of these are mere chimeras without a strong grounding in the fundamentals.

And we still have a long way to go to make sure all our students leave education with the knowledge and skills they need. According to [the OECD's survey of adult skills](#), England is unique in that our young people have literacy and numeracy skills no better than their grandparents' generation.

So a focus on English and maths is an indisputable priority. But we must ask ourselves whether expecting all students without a C grade to retake English and maths is the right way forward. We all saw the, quite frankly miserable, statistics last year when less than a fifth of students managed to get a C or higher when they retook their GCSEs last year and around two-thirds of students overall did not manage to improve their grade. That is such a waste.

I spoke last week about the dangers of chasing performance data without looking at the wider curriculum for young people. Many of you have told me that this is particularly true for you as colleges, as the condition of funding can create an incentive to put students on resit courses that don't align well with their needs.

We know that for some students this can really knock their confidence. Our inspections tell us that attendance is generally lower in English and maths classes than for other subjects, and for those studying both subjects it can be even worse. That cannot be right, particularly as we should be making sure time is spent as productively as it can be.

We also recognise that the policy has a disproportionate effect on different institutions. In general further education colleges, around three-quarters of students are on a vocational route, whereas in sixth form colleges it is around a fifth. The motivation and attainment of students in each route is different and so is their likelihood of attaining a C or better at the resit.

And a GCSE D grade covers quite a wide range of attainment: those on level 2 courses in FE will probably be at the lower end of the grade profile than those on A-level courses in a sixth form. We have to recognise this in interpreting results data.

Our hope, therefore, is that while maintaining this important policy objective, the government will reflect on feedback from Ofsted and the wider sector to refine its approach to promoting these vital maths and English skills.

For Ofsted's part, we will continue to evaluate English and maths provision in the round and consider this proportionately in the context of the wider curriculum.

Our inspections already do recognise the difference between institutions. [As my colleague Paul Joyce wrote in a recent article](#), inspectors look for much more than just qualification achievement rates and grades: they are judging the overall quality of provision. They do look beyond progress scores to see whether students are applying English and maths consistently and confidently, especially in the context of their main course of study.

Funding

It would be remiss of me not to talk about the funding situation you face.

I started this speech by saying that, post-Brexit, we need, more than ever, to make sure we are growing the skills we need at home. In fact, it's worth

pointing out that it's one thing those on both sides of the referendum debate completely agree about! But growing that talent requires prioritising investment in both 16 to 18 and adult education, in a way that simply hasn't happened in recent history, by governments of any political complexion.

I hope that you will see, throughout my tenure, that I am not someone who thinks the solution to every problem is to throw more money at it, which will probably disappoint the Today programme.

In fact, some of the greatest white elephants in education have been a result of over generous funding and too little accounting: Individual Learning Accounts and Train to Gain spring to mind.

Public institutions have a responsibility to deliver value for money and an excellent education can be delivered efficiently. I am sure very few of you would disagree with that. But what is undeniable is that, while the other age ranges have been largely protected from funding pressures until recently, the same has not been true for education post-16.

As [the IFS \(Institute for Fiscal Studies\) report released last month highlighted](#)

The actions – as opposed to the rhetoric – of both Labour and Conservative governments suggest that they agree 16-18 is a low priority area for spending

with, to quote again,

spending per pupil set to be no higher at all than it was in 1990.

This has had real consequences, and I do not need to tell you about the precarious financial situation many colleges find themselves in. And while college funding is the domain of the SFA [Skills Funding Agency], and not Ofsted, we do know from our work that it is having an impact on the quality of education.

That is why I welcome the £500 million funding commitment to develop the Sainsbury review pathways and support the introduction of T-Levels. I am also encouraged by the £1.5 billion additional funding that the government has committed to adult further education next year, outside the costs of apprenticeship training.

Similarly, the principle of area reviews is something to be welcomed. It must be right that we have the proper balance of sustainable provision in an area. But what we do know is that mergers of themselves rarely lead to the Promised Land – and indeed a focus on structural change can distract from the business of teaching students really well.

I do believe that there are good opportunities for exploring new models going

forward. For example, we're at the early stages of bringing some colleges into multi-academy trusts. Done properly, some of these new models may create better student pathways as well as aligning accountability and improving financial sustainability. But structural change of itself is not enough.

My hope is that the announcements in the budget pave the way for a new approach to FE funding, where the benefits of investment are realised and the temptation to keep paring back is resisted – though I suspect on that I am preaching to the converted.

Conclusion

So in summary, I have 3 messages.

The first is that I really do understand the importance of the college sector and the challenges you face. The truth is this, you are too important to be ignored as a Cinderella sector. We owe it to the vast number of students passing through colleges every year to make sure their education is as good and as valuable as it can be, and our economy demands that too.

The second message is that I am concerned about some areas of weakness: I think we do all know where they are. But we must keep these concerns in proportion to the seriousness of those weaknesses.

And thirdly, we recognise that we will not create the high-performing sector that we all want by simply focusing on weaknesses and those areas that need to improve. Instead, we want to help the sector to build on its strengths, to recognise what is good and where there are interesting developments, and to support, rather than hinder, the development of sustainable partnerships that will promote your future success.

That is the task that I am setting for Ofsted over the next 5 years and I look forward to working with all of you to achieve it.

[Press release: Boat skipper convicted over £80 million cocaine cargo](#)

The skipper of a fishing boat has today (Thursday 16 March) been convicted of trying to smuggle more than a tonne of cocaine into the UK.

Michael McDermott, 68, from Waterford in Ireland, was found guilty by a jury at Bristol Crown Court following a 1 week trial.

The National Crime Agency (NCA) and Border Force officers arrested McDermott on 18 August 2016 alongside shipmates David Pleasants, 57, and Gerald Van de Kooij, 27. Two Border Force cutters, the HMC Seeker and HMC Searcher had

tracked his vessel the MV Bianca via radar for over 24 hours, acting on intelligence from the NCA that it was carrying drugs.

The Bianca was intercepted as it entered UK territorial waters off the coast of Cornwall, and a joint team of NCA and Border Force officers boarded the vessel, detaining the crew.

The cutters then escorted the vessel into Falmouth where a full search could take place.

Specialist Border Force teams located bales of cocaine hidden under bags of sand and gravel in the boat's fish hold. There were 38 bales in total each weighing between 25 and 30 kilos. It took around two days to remove the drugs from the vessel.

In total the haul weighed 939 kilos. NCA forensic experts found that the cocaine was between 60 and 70 per cent pure. They estimate that if cut to street purity and sold in the UK it would have had a potential value of nearly £84 million.

It was the biggest single seizure of cocaine in the UK in 2016.

Both Pleasants and Gerald Van de Kooij admitted drug importation offences, but McDermott denied the charge, claiming he knew there were drugs on board but had been forced into shipping them. He initially claimed not to know the two men he was arrested with.

McDermott had a previous conviction for drug trafficking, where he had admitted being paid to sail a boat from Spain containing cannabis.

NCA investigators were also able to establish that he had purchased the Bianca in Whitstable, Kent, paying £17,000 in cash just weeks before his arrest, telling the seller that he planned to sail to Spain and use it for diving and chartered angling trips. The bill of sale was also signed by David Pleasants using a false name.

The trial heard how the boat was then taken to Ramsgate for work to be carried out on it. Pleasants was with McDermott while that happened, with the two men sleeping on the boat. Van de Kooij had flown in from the Netherlands on 12th August, a few days before the trio set off on the Bianca from Ramsgate.

Navigation records show the boat sailed through the English Channel and out into the Atlantic, before turning round and heading back towards Cornwall. NCA investigators believe it was at this turnaround point, south of Ireland, that the Bianca took the cocaine on board from another vessel.

Following McDermott's conviction all three men will be sentenced on Thursday 6 April.

Mark Harding, senior investigating officer from the NCA's border investigation team, said:

This was a huge quantity of cocaine, the biggest single seizure made in the UK in 2016.

Michael McDermott used his specialist skills as a sailor to attempt to evade border controls. We provided solid evidence that led to his conviction and have taken out another means of transport used by organised criminals to bring drugs to Britain.

His was a crucial link in a chain that leads from cocaine manufacturers in South America to drug dealers in the UK. In stopping this consignment we have prevented further criminality by the gangs who bring violence and exploitation to our streets.

Mike Stepney, Director National Operations, Border Force said:

The huge haul of dangerous drugs that Michael McDermott and his crew sought to sneak into the UK had the potential to do untold harm to countless people around the country.

Officers from Border Force and the NCA used sophisticated intelligence and technical expertise to track this vessel and intercept it before its illicit cargo could ever be unloaded.

The prosecution of this crooked captain and his criminal crew underlines once again how our close work with partners like the NCA is successfully keeping communities in the UK safe from a range of threats.

Kate Hurst, CPS Specialist Prosecutor, said:

These men were attempting to import a huge amount of cocaine and prosecutors worked with Border Force and NCA officials from an early stage in order to build the strongest possible case.

Faced with the overwhelming evidence against them, two of the men on the boat pleaded guilty.

Michael McDermott denied his guilt but the prosecution clearly demonstrated how he formed a crucial part of the plan to bring these drugs into the country, resulting in the guilty verdict returned by the jury today.