

TERMS OF REFERENCE OF AN INDEPENDENT EXTERNAL REVIEW OF LANCASHIRE CONSTABULARY'S OPERATIONAL RESPONSE TO REPORTED MISSING PERSON NICOLA BULLEY

From: Andrew Snowden, Lancashire Police and Crime Commissioner

To: Andrew Marsh QPM, Chief Executive Officer, College of Policing

Date: 04 May 2023

Background and context

1. On the morning of Friday 27 January 2023, Lancashire Constabulary responded to a report of concerns for the safety of 45-year-old Nicola Bulley, who was last seen walking her dog that morning on a public footpath beside the river Wyre close to the village of St Michael's on Wyre, Lancashire. Ms. Bulley was initially assessed by the police to be a high-risk missing person, with the ensuing operational response focusing on, but by no means limited to, a working investigative hypothesis that Ms. Bulley may have lost her life in the river.
2. Ms. Bulley's disappearance had a significant impact upon her family and the local community, and as police enquiries escalated in generating and following lines of enquiry to locate Ms. Bulley, public interest in the case intensified. In the days and weeks that followed, Ms. Bulley's disappearance received exceptional levels of media interest and reporting in both mainstream broadcast and print media and on social media. Lancashire Constabulary also had to respond to concerns within the community about a constant influx of visitors to the locality because of the high public profile of investigation into Ms. Bulley's whereabouts.
3. On Wednesday 15 February, during and following a formal press briefing, and following liaison with Ms. Bulley's family, Lancashire Constabulary disclosed additional details about Ms. Bulley's specific personal vulnerabilities which had under-pinned the risk factors known to her family and to police. Those disclosures generated further significant public commentary on the police handling of this case. On 17 February, Information Commissioner John Edwards confirmed he will be asking Lancashire Constabulary to set out how they reached the decision to disclose this information in due course.
4. Lancashire Constabulary has also made a statutory referral to the Independent Office for Police Conduct (IOPC) over matters arising from police and health professionals' attendance at Ms. Bulley's home address on 10 January. The IOPC is conducting an independent investigation into this particular aspect of police engagement with Ms. Bulley.
5. On Sunday 19 February, Ms. Bulley's body was recovered from the river Wyre. On Wednesday 22 February HM Senior Coroner of Lancashire and Blackburn with Darwen

opened the inquest into Ms Bulley's death. Lancashire Constabulary is now working to provide HM Coroner with all relevant evidence to assist the inquest.

The basis for an independent external review

6. This independent review is commissioned by the Police and Crime Commissioner (PCC) for Lancashire in accordance with his statutory function of holding the Chief Constable of Lancashire Constabulary to account and as provided by paragraphs 15, 17(c) and 17(j) of the Policing Protocol 2011.¹ In the view of the PCC, the extraordinary and unprecedented level of local and national public interest in the police response to, and handling of, this case provides the basis for an externally conducted independent review.

Appointment

7. The College of Policing has been considered to provide the appropriate level of independence for this review. The College is responsible for setting standards and developing guidance and policy for policing².
8. These Terms of Reference set out the PCC's requirements for the independent review and production of a Report and Recommendations to be carried out by the College of Policing (COP). The COP has reviewed and agreed to these Terms of Reference as setting out an appropriate basis for an independent review.
9. In the event of any inconsistency between the terms of this document and the terms of any other document having effect between the parties these Terms of Reference shall take precedence to the extent of the inconsistency.
10. The COP can draw upon any necessary and relevant nationally recognised expertise available to the COP to support the review. The COP will install a nationally recognised Command structure to the review team of 'Gold' and 'Silver', providing a framework for the strategic, tactical, and operational response to the review. The responsibilities and accountabilities of each are clearly set within this structure. In the event of any Command resource no longer becoming available to conduct the review, the COP shall consult with the PCC before appointing the replacement to the position.
11. The COP shall ensure that all persons appointed to work on the independent review shall be suitably qualified, experienced, and trained and subject to appropriate confidentiality agreements consistent with the provisions of these Terms of Reference.

¹ The Policing Protocol Order 2011, SI 2011 No. 2744. Paragraph 15: The PCC within each force area has a statutory duty and electoral mandate to hold the police to account on behalf of the public. Paragraph 17(c): the PCC may hold the Chief Constable to account for the performance of the force's officers and staff. Paragraph 17(j): the PCC may hold the Chief Constable to account for the exercise of the functions of the persons under the direction and control of the Chief Constable

² Anti-Social Behaviour, Crime and Policing Act 2014 Part 11 and Police Act 1996 section 50

12. The COP will take part on an agreed basis in a public release of the Report and Recommendations including participation in a press conference or similar event and the terms of these Terms of reference shall apply to any such participation as they do to the conduct of the independent review.
13. The COP will be responsible for any persons appointed in relation to the independent review whether or not employees of the COP and will be responsible for their conduct in relation to the independent review.

Scope of review

14. The review will focus on three distinct themes:
 - (i) The operational response by Lancashire Constabulary to this high-risk missing person investigation, and should include, but not necessarily be limited to, determining the effectiveness and reasonableness of:
 - the initial police response
 - the family liaison strategy
 - investigative strategies and policy
 - search strategies, including the extent to which the local community and any external specialists were engaged and involved
 - internal command structures
 - the resourcing of the investigation
 - guidance & support mechanisms, both internal & external.
 - (ii) Communication and engagement with press and media, public and the Bulley family and any associated Media & Communication strategy & decision making.
 - (iii) The decision-making surrounding the proactive disclosure of Ms Bulley's sensitive personal information.
15. The review should be limited to the period commencing on Friday 27 January and concluding on Monday 20 February 2023.
16. This review is to provide an independent external assessment of the policing response with reference to applicable national policy and guidance. This review is intended to provide impartial assurance to the PCC in the discharge of his accountability functions. The PCC has agreed that this independent review is also intended to provide, if concluded, that any recommendations may be shared for wider learning to police forces nationally.
17. The independent review team are not to substitute their own decision-making for that of others; they are there to look at whether the decision-making of Lancashire Constabulary was reasonable and proportionate, in all the circumstances.

18. Any member of the independent review team, including those engaged as subject-matter experts who may contribute to the review, must be wholly and demonstrably independent from Lancashire Constabulary.
19. Notwithstanding the IOPC is undertaking a independent investigation into the police response to matters involving Ms Bulley on 10 January, it is important to be clear at this juncture that there are no known grounds to consider there to be any conduct matter or performance matter in respect of any officer or member of staff of Lancashire Constabulary during the time period of this review, nor has any recordable public complaint been received by either the Constabulary or the PCC.
20. In the event the COP determines there to be any indication of any individual conduct or performance matter, such matter should be immediately brought to the attention of the appropriate authority.³ In the further event that any matters of serious risk are identified, this will immediately be passed to Lancashire Constabulary for consideration, following agreement with the PCC.
21. This review is to provide the PCC and the public with informed insight into the effectiveness of Lancashire Constabulary's response over the course of the period Ms Bulley was missing and unaccounted for. The review should therefore seek to identify good and effective practice as well as any operational or organisational learning and any national learning for policing.
22. The PCC and the COP agree to work towards the production of the Report and Recommendations in Autumn 2023.

Signed: 

Lancashire Police and Crime Commissioner

Date: 04 May 2023

Signed: 

College of Policing Chief Executive Officer

Date: 04 May 2023

³ In accordance with either the Police (Conduct) Regulations 2020 or the Police (Complaints and Misconduct) Regulations 2020.