



Home Office

# Government response to the Anthony Grainger public inquiry

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# Executive Summary

Anthony Grainger was shot during a pre-planned operation by Greater Manchester Police firearms officers in Culcheth, Cheshire on 3 March 2012. He died as a result of a single gunshot wound to the chest. On 8 March 2012, the Independent Police Complaints Commission (IPCC) confirmed that a full forensic examination of the car in which Anthony Grainger was shot dead by the GMP firearms officer had been completed. The search did not locate any firearms or weapons in the vehicle and no firearms or weapons were found on Mr Grainger.

Following the pre-inquest review that was held on 12 November 2015, His Honour Judge Teague QC (who had been appointed as Coroner) wrote to the then Home Secretary & Justice Secretary to explain his view that the inquest should be converted into a public inquiry under the Inquiries Act 2005, because it was not possible to share with a jury certain sensitive information the coroner deemed central to the scope of the inquest. The enhanced range of procedural mechanisms available to a statutory inquiry were needed to enable compliance with the investigative obligation under article 2 (right to life).

The Anthony Grainger Inquiry was established by the then Home Secretary, Theresa May, on 7 March 2016, under the Inquiries Act 2005. Its purpose has been to investigate the death of Anthony Grainger, who was fatally shot by an armed officer of Greater Manchester Police in March 2012. The inquiry was chaired by HHJ Teague QC.

The Anthony Grainger Inquiry Report was published on 11 July 2019<sup>1</sup>. It was critical of the planning and execution of Operation Shire and identified failings at a national, force and individual officer level. HHJ Teague found that Mr Grainger died because Greater Manchester Police failed to authorise, plan or conduct the Mobile Armed Support to Surveillance Teams (MASTS) operation on 3 March 2012 in such a way as to minimise, to the greatest extent possible, recourse to the use of lethal force.

The Government has decided that it is in the public interest to publish an overall response setting out the actions committed to by the organisations to whom Anthony Grainger Inquiry recommendations were addressed.

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<sup>1</sup> <https://www.graingerinquiry.org.uk/wp-content/uploads/2019/07/Anthony-Grainger-Inquiry-Report.pdf>

The majority are of an operational policing nature and consequently for the National Police Chiefs Council (NPCC), the College of Policing, HMICFRS and Greater Manchester Police (GMP) to address. Chief Officers are operationally independent of Government. One was for the Home Office.

Following the publication of the final report, the Government has worked closely with NPCC, HMICFRS, the College of Policing and GMP to find out how they will meet the report's recommendations. These organisations have accepted the recommendations which were made and have assured the Government that, in the seven years since the operation in which Anthony Grainger was fatally shot, significant work has taken place to implement changes from lessons learned. In addition, all parties have accepted the recommendations which were made and have analysed the Anthony Grainger Inquiry's findings to identify further learning and are keen to introduce further improvements.

Our sympathy remains with Anthony Grainger's family who have lost a loved one.

# Introduction

1. The Government is grateful to HHJ Teague for conducting the Anthony Grainger Inquiry investigations with integrity and impartiality and for his Report and the insight it provides. The Government is committed to improving the safety of armed policing and the Home Office, the police, HMICFRS and College of Policing have worked closely together to consider carefully the Inquiry's recommendations. The response of the appropriate organisation to each recommendation is set out within this response. This document also contains a statement by Greater Manchester Police which details some of the work that the force has undertaken since 2012 in response to the tragic death of Anthony Grainger.
2. The scale and complexity of the investigation has been considerable, and the Inquiry demonstrated sensitivity, tact and due regard for Anthony Grainger's family and partner at every stage of the process.
3. When the Inquiry report was published in July 2019, the Home Office undertook to consider the Inquiry report with national policing leads as appropriate and provide a formal response in due course.
4. Notwithstanding the seriousness of the Anthony Grainger Inquiry findings, the vast majority of armed policing operations in the UK are carried out safely and the policy in this country has long been that the police should not generally be armed. This gives character to our policing that we should not readily give up. It is vital in promoting good relations with the public and the community they serve. The use of firearms by the police should always be a last resort, considered only when there is a serious risk to public or police safety. However, where an operational need arises, specialist armed officers should be available to be deployed.
5. In the year ending March 2019, there were 13 incidents in which police discharged firearms<sup>2</sup>. This is the highest number of incidents since the current annual data requirement began (year ending March 2010). This represents 0.06% of total operations. These statistics demonstrate that deadly force continues to be used very rarely in the United Kingdom. That is a testament to the training, skill and judgment of firearms officers and commanders.

## Background

6. Anthony Grainger was shot during Operation Shire, a pre-planned operation by Greater Manchester Police officers in Culcheth, Cheshire on 3 March 2012. On 8 March 2012,

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<sup>2</sup> <https://www.gov.uk/government/statistics/police-use-of-force-statistics-england-and-wales-april-2018-to-march-2019>

the Independent Police Complaints Commission (IPCC) confirmed that a full forensic examination of the car in which Anthony Grainger was shot dead by the GMP firearms officer did not locate any firearms or weapons either on Mr Grainger or in the vehicle.

7. Anthony Grainger was a 36-year-old father of two. As summarised by HHJ Teague, although Anthony Grainger had a history of dishonesty and vehicle crime, the latter for which he had been imprisoned. He had no convictions for violence or robbery.

## Why the Inquiry was set up

8. The inquest into Anthony Grainger's death was converted into a public inquiry under the Inquiries Act 2005, because it was not possible to share with a jury certain sensitive information the coroner deemed central to the scope of the inquest. The inquiry had the same scope as the inquest, which was adjourned prior to the setting up of the inquiry.
9. The purpose of the Inquiry was to ascertain when, where, how and in what circumstances Mr Anthony Grainger came by his death during a Greater Manchester Police operation, and then make any such recommendations as may seem appropriate.

### In particular the Inquiry investigated:

- The objectives and planning of the operation;
- The information available to those who planned the operation, and the accuracy, reliability, interpretation, evaluation, transmission and dissemination of such information;
- The decision to deploy armed police officers and to make arrests, and the criteria applied in reaching those decisions;
- The command and control of the operation, its implementation, the actions of officers during the arrest phase, and the circumstances in which the officer who fired the fatal shot came to discharge his weapon;
- The suitability or otherwise of the firearms, ammunition and other munitions deployed in the operation;
- Any relevant firearms policies, protocols or manuals in force at the material time, together with any subsequent revisions or amendments;
- Whether—and, if so, to what extent—the judgement, reactions or operational effectiveness of any of the planners, commanders or firearms officers were compromised by extended hours of duty or by limitations in their professional capabilities;

- The extent to which Mr Grainger's injuries would have incapacitated him while he remained conscious;
- Whether, after Mr Grainger was shot, his life could have been saved.

## Ongoing Investigations

10. GMP professional standards department has referred a number of witnesses who were criticised in the report to the Independent Office of Police Conduct (IOPC) to consider whether misconduct or criminal charges may be appropriate. The IOPC have provided the Government with the following statement:

*We, then the Independent Police Complaints Commission (IPCC), carried out an investigation into the actions of Greater Manchester Police (GMP) in relation to the incident in which Anthony Grainger was fatally wounded in 2012. The investigation looked at the individual officers involved, as well as the intelligence, planning and decision-making by GMP; this investigation was completed in 2013. Two further referrals were made by GMP following evidence given at the Anthony Grainger Public Inquiry and these investigations focussed on the intelligence, planning and decision making and were completed in 2018. A gross misconduct hearing, for a former assistant chief constable, is due to take place in June 2020.*

*Following the Anthony Grainger Public Inquiry, which concluded in July 2019, GMP made further referrals to us in relation to conduct matters arising from Mr Justice Teague QC's report. In March 2020, having worked with GMP, we announced three new investigations in relation to the evidence given at the public inquiry. The new investigations did not form part of our original investigation as this material was presented as live evidence during the public inquiry. More information is available on our website here:  
<https://www.policeconduct.gov.uk/news/iopc-begins-new-investigations-relating-death-anthony-grainger>*

*We will consider the publication of our findings following conclusion of the ongoing investigations.*



# Recommendations

The full recommendations and the responses of the organisations to whom recommendations were addressed are set out below.

## Recommendation 1

A national policing body should manage a national register of recommendations relating to armed policing, and the response to such recommendations, arising from Independent Office for Police Conduct (“IOPC”) reports, prevention of future death reports made in the course of inquests, and statutory inquiries concerning fatal police shootings.

11. Under the leadership of Chief Constable of Civil Nuclear Constabulary, Simon Chesterman, the National Armed Policing Portfolio Lead (NAPP) has introduced a structured Organisational Learning Process. It incorporates lessons identified from IOPC reports, from Inquests’ prevention of future death reports statutory inquiries concerning fatal police shootings and, where relevant, operational debriefs, reviews and exercises. The Process links to the Joint Emergency Services Interoperability Principles (JESIP) and Counter Terrorism Organisational Learning Processes. Revised guidance for Armed Policing Strategic Threat and Risk Assessments (APSTRAs) will include the requirement for Chief Officers to be accountable for organisational learning processes.

12. The National Armed Policing Portfolio will be responsible for continuing to embed and monitor this process.

## Recommendation 2

HMICFRS should conduct a thematic inspection or inspections concerning: (i) the selection and training of officers authorised to use weapons requiring special authorisation; (ii) the selection and training of officers authorised to command incidents involving the use of weapons requiring special authorisation; (iii) the selection and training of officers authorised to provide tactical advice relating to the use of weapons requiring special authorisation; (iv) compliance with the Code\* and/or the Armed Policing module of the College of Policing’s Authorised Professional Practice (APP) relating to the police use of firearms; and (v) compliance with the Code and/or APP concerning the procurement and use of special munitions.

## HMICFRS RESPONSE TO THE ANTHONY GRAINGER INQUIRY

13. HMICFRS have now had the opportunity to consider recommendation 2 of the Anthony Grainger Inquiry.
14. HMICFRS note that the Inquiry Chair, His Honour Judge Teague, was not prescriptive in the recommendation about the precise content for such inspections, or when they should take place. He recognised that these remain matters for HMICFRS.
15. HMICFRS consider that the improved PEEL process arriving in 2020/21 provides the most proportionate, effective and sustainable way both to inspect forces' arrangements for armed policing and the use of less lethal weapons, and to respond to the recommendation to HMICFRS from the Anthony Grainger Inquiry.

### Recommendation 3

The Home Secretary should ensure that the new Code of Practice on Police use of Firearms and Less Lethal Weapons contains an express prohibition on the use of a new weapon system by the police service until the approval process set out in the Code has been completed.

16. The Government accepts this recommendation. On 14 January 2020, the Home Secretary approved the revised Code of Practice for Armed Policing and Less Lethal Weapons (LLW). The Code has now been published on The College of Policing website and on GOV.UK at <https://www.gov.uk/government/publications/armed-policing-and-police-use-of-less-lethal-weapons-code-of-practice> and can be accessed via the official documents page at <https://www.gov.uk/official-documents>.
17. The revised Code makes clear that all new less lethal weapon systems, certain specialist munitions and significant changes to pre-approved less lethal weapons systems will require approval by the Home Office before they can be used by police forces in England and Wales. All changes to less lethal weapons must be referred to national policing leads and the Home Office for consideration. This would apply to the CS canisters which were used by GMP during Operation Shire and were a focus of concern to the Inquiry.

18. The revised code strengthens and clarifies the approval process of less lethal weaponry. The Code of Practice describes the roles and responsibilities of Chief Officers in relation to armed policing and less lethal weapons. It is relevant to all police officers in England and Wales involved in armed policing or the use of less lethal weapons setting out as it does the basic principles of the selection, evaluation, approval, authorisation, acquisition, training, standards and deployment of these weapons by the police.
19. The Code replaces the 2003 Code of Practice for the Police Use of Firearms and Less Lethal Weapons. The Code has a statutory basis in law, meaning that all police officers have a duty to have regard to it. The revised Code of Practice should be considered in conjunction with the College of Policing Authorised Professional Practice (APP) for Armed Policing. Alongside the APP the Code of Practice will help to ensure that the police forces maintain the high standards for the police use of firearms, specialist munitions and less lethal weapons, for which the UK is renowned.

## Recommendation 4

The North West Armed Policing Standard Operating Procedure on Weapons and Ammunition should be amended so that it only permits the use of new specialist munitions that have been approved in accordance with the Code of Practice for Armed Policing and Less Lethal Weapons.

20. The use of CS dispersal canisters by GMP during Operation Shire was a focus of concern for the Inquiry. The CS dispersal canisters had not been through the approval process that includes the identification of an operational requirement by NPCC, testing by the Defence Science and Technology Laboratory (Dstl) and approval by the Home Secretary for use by police forces in the UK.
21. Greater Manchester Police has informed the Government that in anticipation of a recommendation of this nature, they have revised their Standard Operating Procedure (SOP) to set out that only Less Lethal Weapons and Specialist Munitions which have been approved by Defence Science and Technology laboratories (Dstl), NPCC and Home Office should be used.

22. GMP are updating the SOP now that the new Code of Practice for Armed Policing and Less Lethal Weapons has been published.

## Recommendation 5

Greater Manchester Police (“GMP”) should design and promulgate a written policy that specifically relates to the collection, analysis and dissemination of intelligence for the purposes of planned armed deployments within the meaning of the Armed Policing module of Authorised Professional Practice (APP).

23. The Inquiry concluded that the missed opportunity to build an accurate picture of the threat presented by Anthony Grainger was a major failing during Operation Shire. This led to an exaggerated assessment of the risk to officers and which led in turn to the events culminating in the tragic death of Anthony Grainger.

24. This is a complex recommendation with national implications and dependencies and as a result NPCC have agreed to lead with input from GMP where required. NPCC leadership is positive in allowing the recommendation to be addressed over several policing disciplines following further assessment, and a structured and agreed action plan at a national level. Many of the issues raised are already covered in full, or in part, in existent policy, doctrine, training material and practice.

25. Next Steps: NPCC, College of Policing and GMP plan to undertake a further review of APP, training materials, doctrine and policy to reduce the likelihood of a recurrence of the mistakes that led to an inaccurate assessment of the risks posed by Mr Grainger during Operation Shire. To summarise, the review of APP, training materials, doctrine and policy will aim to ensure that;

- a. the threats and risks are assessed correctly, the intelligence picture is based on accurate, current and reliably sourced information and intelligence;
- b. that the decision-making process is accurately recorded in accordance with the National Decision Model (NDM), appropriate policies,
- c. and that there is clarity of the requirements for the command of armed operations in respect of intelligence process and the need to obtain tactical advice.

26. NPCC are conducting a review of command logging and, with GMP, are undertaking a trial of a new electronic logging system which will progress to a national trial. This

system will use software to capture and preserve the decision-making process during police operations.

27. The provisional target is to complete this work by 31 July 2020.

## Recommendation 6

All documents and training relating to Mobile Armed Support to Surveillance (“MASTS”) should:

- clearly differentiate between MASTS as an operational method of supporting surveillance (and delivering a standard range of tactical options), and the additional tactical options of “intervention” and “interception” that MASTS trained authorised firearms officers (“AFOs”) can deliver;
- make clear that a MASTS deployment authorisation should not be taken to imply that “intervention” or “interception” are preauthorised or preferred tactical outcomes;
- note that decisive action by MASTS officers is a high-risk option and explain what factors lead to higher risks (for example, the presence of a subject inside a stationary vehicle);

and

- make clear that the reasons for any strategic or tactical command decision in a firearms operation (including any decision to authorise such an operation) must be recorded at the time the decision is made unless it is impracticable to do so, in which case such reasons, together with a full explanation for not recording them at the time, must be recorded as soon as possible.

28. This recommendation is complex and has required a review of Authorised Professional Practice (APP), the National Police Firearms Training Curriculum (NPFTC) and associated policy and doctrine. NPCC have decided to take responsibility, given the important national implications and dependencies.

29. The College of Policing and NPCC's review of the relevant Mobile Armed Support to Surveillance (MASTS) module of the NPFTC and the guidance therein specifically addresses some of the above recommendations, but certain aspects require further work. The NPFTC was amended in 2015 to clarify that MASTS should be understood as an operational platform from which a number of options can be delivered rather than as a tactic. The outcome of decisive armed intervention (using firearms to challenge a subject) should not be taken as inevitable or pre-authorised.

30. These actions will ensure that there is a greater differentiation, and recognition of the higher risks, between the deployment of MASTS as support to surveillance and as an

additional tactic of decisive armed intervention and interception. The provisional target is to complete work by 31 July 2020.

## Recommendation 7

During post incident proceedings following a police shooting, NPCC should consider the advantages of: Recordings of the communications of firearms commanders and authorised firearms officers (“AFOs”); And video recordings from the body-worn video cameras of AFOs and police vehicles involved in decisive action.

31. The Government understands that body worn video (BWV) is now a requirement for all Armed Response Vehicle officers. Specialist Firearms Officers use BWV when deployed overtly. NPCC have issued guidance to encourage the use of BWV in MASTS operations at the point of decisive action to all Chief Officers.

32. There is ongoing work to look at BWV options for officers in covert roles which includes consideration of how to resolve some logistical and legal complexities. A project to identify a complementary vehicle-based option is undergoing research and development. The provisional target is to complete work by 31 July 2020.

## Recommendation 8

The National Police Chiefs’ Council (“NPCC”) should consider whether to recommend equipping unmarked vehicles used in Mobile Armed Support to Surveillance (“MASTS”) interventions with apparatus designed to identify to subjects that those conducting such interventions are police officers – specifically (i) the illumination of previously concealed blue lights on unmarked police vehicles; and/or (ii) integral loudspeaker systems that could be used to broadcast information or instructions outside such a vehicle.

33. The NPCC have informed the Government that the National Mobile Armed Support to Surveillance (MASTS) role profile (National Resource Standard) addresses the first part of this recommendation. This requires forces to have three covert vehicles equipped with covert blue lights and two-tones. It is incumbent on all forces conducting MASTS operations to ensure that they meet this requirement. The National Police Firearms Training Curriculum (NPFTC) also provides further guidance on their actual use which all forces are required to understand and apply in the planning and operational phases of all MASTS operations.

34. The NPFTC details the consideration of the use of covertly fitted blue lights and sirens which can be used at the point of an intervention to assist the subjects to identify the vehicle as being part of a police operation. The NPTFC goes on to consider the care that needs to be taken so that the timing of the use of blue lights and sirens does not prematurely alert the subject to the covert operation and imminent arrest. The need to ensure that the use of sirens does not make it harder for the subject to hear verbal warnings issued by officers should also be considered.
35. The NPFTC also addresses the second part of Recommendation 8, on the consideration of the use of vehicle public address systems to provide appropriate verbal warnings.
36. Whilst vehicle public address systems do not form part of the National Resource Standard for MASTS vehicles, Recommendation 8 places a specific obligation on forces to consider fitting them and to consider their use in MASTS operations. NPCC do not intend to mandate vehicle public address systems. However, guidance states that forces should assess the tactical and logistical implications of fitting such systems to covert vehicles intended for use in MASTS deployments. A national circular reinforcing this guidance has been published in late 2019 by National Armed Policing secretariat.

## Recommendation 9

The National Police Chiefs' Council ("NPCC") and the College of Policing should jointly decide, in the light of independent expert advice, whether there should be a maximum period of time during which authorised firearms officers ("AFOs") are permitted to remain on continuous duty and, if so, should ensure that this maximum period is specified in national guidance.

37. Following discussions with NPCC and the College of Policing, the Government understands that current guidance does not specify a time limit and that there would be significant operational implications of doing so. There are, however, clearly stated expectations and supporting processes set out below. To meet the requirements of this recommendation, NPCC and the College of Policing intend to seek, and consider, independent expert advice before issuing national guidance.
38. NPCC have informed the Government that in the interim they have recently issued a circular to forces to emphasise that the national position is that at present there is no specified maximum period for which Authorised Firearms Officers (AFOs) are permitted to remain on duty. The circular also reminded forces of the following:

- a. AFOs are responsible for continuously assessing their own fitness to perform their role. They should notify their supervisor and/or the firearms commander of any doubts as to their fitness to do so.
  
- b. Operational, tactical and strategic firearms commanders all have a duty to monitor the fitness of all AFOs under their command to perform their role during any period of continuous duty. Commanders should ensure that appropriate steps are taken to maintain the AFOs' fitness to remain on duty and to ensure that officer's wellbeing is provided for where possible.
  
- c. Forces are responsible for ensuring that routine shift patterns and repetitive planned deployments of AFOs are conducted within legal frameworks and should take into account the effects of cumulative fatigue.

39. Next Steps: NPCC will seek independent expert advice to conduct a review of the necessity and practicality of introducing a time limit for the length of duty of authorised firearms officers. NPCC will then issue further national guidance. The provisional target is to complete work by 31 July 2020.



# Greater Manchester Police Statement on the Anthony Grainger Public Inquiry

On 10 January 2020 Greater Manchester Police provided the Government with the following contribution to this response.

***“Anthony Grainger’s family and loved ones rightly seek assurances that GMP has learned from the mistakes that led to his tragic death in 2012. We have learned from his death and from the 2019 Anthony Grainger Inquiry Report.*”**

- *GMP has invested in a significant, long term reform programme to make armed operations safer in the Greater Manchester area, in the North West (NW) and nationally. We seek to reassure Mr Grainger’s family, his loved ones and the wider community that the purpose of all policing operations is first and foremost to protect the public, officers and subjects of operations from harm. Working with regional and national colleagues, we continually strive to ensure all armed operations are carried out as safely as possible.*
- *Recognising that police specialists previously trained in isolation, in Spring 2017, GMP devised a two day immersive training event that brought together intelligence, investigation and firearms command officers to work alongside each other closely. These training events bring to life learning from the Inquiry to maximise the likelihood of safe, successful future operations. We have delivered this training to GMP, North West and national officers across the UK.*
- *In June 2017, GMP invited an independent College of Policing (CoP) firearms licensing team to review training and compliance infrastructures in GMP Armed Policing. Key findings were relevant to GMP, regional and national armed policing. GMP has worked hard to address those findings and Inquiry learning. We have also influenced and changed the face of regional and national policing through working collaboratively with North West forces, the CoP and the National Police Chiefs Council.*
- *Between May 2018 and June 2019, GMP led a reform of the five force North West Armed Policing Collaboration (NWAPC). The reform programme culminated in a rigorous CoP inspection that found evidence of compliance with the National Police Firearms Training Curriculum and safe systems of work. This resulted in the NWAPC being awarded its first full firearms training licence in June 2019.*
- *Since 2017, GMP has driven and continues to support Inquiry learning across UK law enforcement, delivering a candid programme of shared learning events throughout the UK.*

***GMP has a committed, dedicated team, overseen by Chief Officers, that continues to work closely with bodies, including the National Crime Agency, to ensure all recommendations and wider Inquiry learning are addressed at the earliest opportunity.***

***GMP regularly deals with the most challenging incidents and dangerous offenders in society. We work tirelessly to keep our communities safe from threats posed by serious organised criminals and terrorists. There is no room for complacency. Operational learning debriefs are now routine. We firmly believe that GMP Armed Policing in 2020 can evidence robust governance, positive cultures and the continuous development of our officers to maintain the highest professional standards.***

***GMP will continually invest to ensure governance of our armed policing remains robust and aligned to national best practice to maximise the health, safety and well-being of our staff, our operation subjects, the people of Greater Manchester and the wider community”.***

## Conclusion

40. The police do a vitally important job, so it is only right they are held to the highest possible standards and subject to rigorous examination. The police use of firearms, as with any use of force, must be necessary, proportionate and reasonable in the circumstances. Police officers put themselves in harm's way to protect us, but when things go wrong it is essential that the full facts are established, any proven misconduct is dealt with appropriately and lessons are learnt. It is essential that armed policing operations and their associated investigations are conducted in as safe a manner as possible.
41. The Anthony Grainger Inquiry has identified important lessons to be learnt. The recommendations for policing, and the effectiveness and safety of armed policing in particular, are welcome. Following consideration of the information it has received, the Government can report that good progress has been made on fulfilling the nine recommendations. However, given the seriousness of the findings of the Anthony Grainger Inquiry, we cannot afford to be complacent, but will continue to work with the Police and with HMICFRS to ensure that further progress is made to reduce the risk of Operation Shire's mistakes being repeated. The assurance of armed policing arrangements are independent, operational policing matters and as such will rightly remain the responsibility of Chief Officers, HMICFRS and College of Policing rather than Government.
42. The Anthony Grainger Inquiry Report established the facts and made a valuable contribution to improving the effectiveness of the police.

