

Agenda Item 8

Meeting	Police and Crime Panel
Date	19 th December 2019
Report Title	The Monitoring of Professional Standards, Integrity and Complaint Appeals – April 2018 to March 2019
Report presented by	Police and Crime Commissioner
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1.0 **PURPOSE OF REPORT**

- 1.1 To provide information pertaining to the monitoring of professional standards, integrity and complaint appeals, for the period April 2018 to March 2019.

2.0 **INTRODUCTION AND BACKGROUND INFORMATION**

- 2.1 This report covers the period April 2018-March 2019. The report is derived from the Independent Adjudicator’s report to the Commissioner’s Monitoring Board, and it uses data sourced from the Independent Office for Police Conduct (IOPC), Wiltshire Police and the Office for the Police and Crime Commissioner (OPCC).

Figures in brackets refer to the previous year (2017/18).

The Commissioner must satisfy himself that the reported information gives a reasonable indication of the efficiency and effectiveness with which the Force handles complaint and conduct investigations, monitors and responds to potential corrupt practice and integrity matters. The information also covers the handling of complaints against Chief Officers and complaint appeals by the OPCC and IOPC.

3.0 **LEARNING LESSONS**

- 3.1 The relevant Police Acts emphasise the duty of Chief Officers to use learning arising from complaints as an evidence base to “inform planning and improvement for the Force” and requires the PCC to “check the progress of his or her force in relation to recommendations it has agreed to implement (whether from investigations or appeals, IOPC decisions or internal decisions)”. The Force has continued to operate a system which requires feedback from line managers on the action they have taken in response to lessons identified in complaint and conduct investigation reports.

In this period, 15 (25) lessons have been identified, of which 8 (13) actions have yet to be completed. The number of lessons learned thus continues to be well below historical levels. It is of relevance to note that the Independent Adjudicator has identified the lack of identifiable

learning as an outcome when determining some appeals. It is not clear that complaint and conduct investigators are entirely aware of the need to consider learning carefully before finalising reports. PSD should conduct a review of all cases for which action has not been completed, so as to ensure that, where necessary, learning is suitably disseminated within the Force.

4.0 IOPC REFERRALS, PROTOCOLS AND REPORTS

The Force has made 27 referrals to the IOPC, of which 5 are being independently investigated; this is comparable to the figure for the last three years. None of the 22 cases referred back for local investigation or action by Professional Standards Department (PSD) are being managed or supervised by the IOPC. One independent investigation was finalised by the IOPC; this was a conduct investigation which resulted in Management Action being taken and two referrals remain under independent investigation by the IOPC. The nature, complexity and timing of the complaint and conduct matters referred back for investigation by the Force lead to no serious concerns regarding the length of time taken to finalise them.

The Force continues to inform OPCC of all cases referred to the IOPC by the Force. This enables the Independent Adjudicator to update the Commissioner on any significant associated or emerging issues at scheduled briefing meetings. The Commissioner must be, and is, satisfied that the Force has referred all relevant cases to the IOPC in accordance with the relevant OPCC /Force protocol.

5.0 COMPLAINT MONITORING & PERFORMANCE

(i) *PSD Complaint handling.*

Table A below provides detail on the performance of PSD in the handling of complaints within the most important and statistically significant complaint categories.

There was a significant year on year reduction in the number of complaints that were recorded within the IOPC recommended 10 day target; 50% of complaints were so recorded.

Arguably, it is the overall time taken to finalise complaint cases that impacts most upon customer service satisfaction. This was comparable with that for the Most Similar Forces (MSF) data and the national result.

Wiltshire PSD has continued to locally resolve a significantly larger proportion of complaints by Local Resolution than both the MSF group and nationally.

In overall terms, there was clear deterioration in the year on year performance of PSD in the administrative handling of complaints. From discussions with the Deputy Chief Constable (DCC) and the Head of PSD concerning this matter, the prime reason for the deterioration in performance derived from a disjoint between the administrative and investigative side of the complaint handling process. As a result, steps were taken to form a dedicated specialist PSD complaint administration team, which now works under the overall management of the new Head of PSD. This change, which was made towards the end of the monitoring period, thus far appears to have impacted positively on performance.

TABLE A: PSD Complaint Handling Performance

	2018/19	Count	Last period	MSF average	National
Complaint cases recorded within 10 days	50%	305	96%	88%	89%
Ave number of days to finalise complaints cases	115	-	82	117	110
Ave number of days to finalise LR complaints	100		79	78	72
Ave number of days to finalise LI complaints	219		182	157	158
% allegations Locally Resolved (LR)	61%	371	54%	49%	48%
% allegations Locally Investigated (LI)	29%	173	36%	39%	40%
% allegations discontinued	4%	25	2%	1%	1%
% allegations disapplied	4%	27	6%	5%	6%

(ii) Force Complaint Performance

Table B below provides detail on the performance of the Force in the most important and statistically significant complaint categories. The last six annual reports show that Wiltshire has consistently suffered more complaints of Neglect or Failure of Duty than its peers. Whilst there has been some reduction in this category of complaint, it remains the case that the number of such complaints per thousand employees is significantly higher than that for both the MSF group and nationally.

TABLE B: Force Complaint Performance

	2018/19	Count	Last period	MSF average	National
Number of allegations		833			

Number of allegations/1000 employees	360		365	293	264
% of other Neglect or Failure in Duty	48%	396	43%	43%	41%
% of Incivility, Impoliteness and Intolerance	11%	87	10%	13%	12%
% of other assault	7%	55	6%	6%	7%
% of Lack of fairness and impartiality	5%	40	5%	6%	5%

6.0 CONDUCT

There was a significant increase in the number of Conduct cases recorded; 83 against 44 for year 2016/17 and 49 for 2017/18.

The 2012/13 report indicated some serious concerns following the significant increase in conduct cases which occurred in that year, following which, the Force mounted a Standards and Behaviour campaign and associated implementation plan, which impacted very positively on behaviour.

7.0 INTEGRITY AND COUNTER CORRUPTION

The Independent Adjudicator has access to the full Centurion Database in the review period, which enabled him to periodically inspect the records of business interests, gifts, hospitality and Conduct case handling. The process for authorising specific interests is robust. A total of 122 business interests were registered, which is comparable with the last reporting period (106). The process for seeking approval is applied consistently. Three requests were declined. None of those approved could significantly impact on the performance of Force duties.

The number of vetting clearance requests reduced from approximately 2000 last recording period to 1274 for this period. There was a roll-over of uncompleted vetting requests from last year which resulted in a total of 1324 requests being completed. The average time to complete vetting for Police Officers (including Specials) and Staff was 60 days and 30 days respectively, which greatly exceeds the longstanding target of 30 and 20 days respectively. This matter has been raised in bi-monthly meetings with the DCC, and steps recently taken to resolve an apparent shortage of staffing in the vetting unit should resolve this issue. The problem derived in part from a requirement to comply with the relatively new Authorised Professional Practice (APP) procedures introduced by the College of Policing.

The resource available to the Anti-Corruption Unit (now Counter Corruption Unit - CCU) appears sufficient to respond to information provided to assess and respond to intelligence related to potential corruption. In October 2017, the NPCC rolled out a new national strategy

<http://firstpoint/sites/pcc/pccoffice/Police%20and%20Crime%20Panel/Forms/AllItems.aspx?RootFolder=%2Fsites%2Fpcc%2Fpccoffice%2FPolice%20and%20Crime%20Panel%2FPapers%20Submitted%20to%20Panel%2F2019>

to detect any abuse of position for sexual purpose (APSP). The Force has continued to develop and disseminate briefing documents to check and identify signs and signals of abuse.

There are plans for further investment in CCU to increase its capability to pro-actively seek out any wrongdoing. There are arrangements in place to enable staff to anonymously report alleged wrongdoing, and PSD and CCU are aware of the requirement to inform OPCC of any matters that are relevant to either the integrity or conduct of senior officers. The People Intelligence Board (which has OPCC membership) is working effectively.

8.0 **DETERMINATION OF APPEALS**

Tables C and D below provide detailed performance data relating to the handling of appeals by the IOPC and by the OPCC. There has been a very significant and welcome reduction in appeals in this period – down to 44 from 87 in 2017/18; the number of appeals has thus fallen below the PCC monitoring threshold of 50.

In previous years we have highlighted some concern at the relatively high number of appeals upheld by the IOPC against the non-recording of complaints. This indicator is now much more in line with the MSF group and the national result (40%).

The percentage of other appeals upheld by OPCC and IOPC is significantly above both the national and MSF levels. Insufficiently clear or comprehensive response within Local Resolutions is the main reason for appeals to be upheld.

Action has been taken to reduce the time taken for PSD to action some appeals that were upheld in the 2017/18 recording year.

The average number of days to complete OPCC appeals was well below the national average and comparable with that for our MSF group. There was a slight year on year reduction in the average time taken for the IOPC to complete investigation appeals and a significant increase in the average for non-recording and disapplication appeals.

TABLE C: IOPC Appeal and Complaint Handling Performance

	2018/19	Count	Last year	MSF average	National
% IOPC investigation appeals upheld	67%	6	43%	31%	38%
% IOPC non recording appeals upheld	40%	6	46%	34%	36%
Ave days to complete investigation appeals	43		48		

Ave days to complete non-recording appeals	17		12		
Ave days to complete Disapplication appeals	26		9		
Ave days to finalise Independent Investigations	219		209		420

TABLE D: Force (OPCC) Appeal Handling Performance

	2018/19	Count	Last year	MSF average	National
% OPCC Local Resolution appeals upheld	32%	6	27%	13%	16%
Ave number of days to complete OPCC appeals	39	20	34	38	50

9.0 STAFFING IMPLICATIONS

9.1 There are no staffing implications.

10.0 FINANCIAL IMPLICATIONS

10.1 There are no financial implications.

11.0 LEGAL IMPLICATIONS

11.1 There are no legal implications.

12.0 SUSTAINABILITY

12.1 There are no sustainability implications.

13.0 DIVERSITY

13.1 There are no equality or diversity implications.

14.0 CONTRIBUTION TO THE POLICE AND CRIME PLAN 2017 - 2021

14.1 Effective and efficient procedures to monitor professional standards, integrity and complaint appeals underpins the Police and Crime Plan 2017 to 2021 and all four priority areas:

Priority One - Prevent crime and keep people safe

Priority Two - Protect the most vulnerable people in society

Priority Three - Put victims, witnesses and communities at the heart of everything we do

Priority Four - Secure a quality police service that is trusted and efficient.

11.0 RECOMMENDATIONS AND FURTHER ACTION

11.1 The Force will review and report on the effectiveness of the Vetting Unit against a background of the significant increase in the length of time taken to complete vetting processes.

11.2 PSD will report on the steps taken to reduce the length of time taken to complete actions detailed in the response to Upheld complaint appeals.

11.3 The Force will report on performance in dealing with the significant increase in conduct cases which occurred in the year under review.

11.4 The Force will look to create a greater awareness among staff of the adverse impact that complaints of Neglect or Failure of Duty has on the public.

11.5 PSD will review cases for which Learning was not identified before finalising Complaint and Recordable conduct investigations.