

**REPORT TO PCC ON MONITORING OF PROFESSIONAL STANDARDS,
INTEGRITY AND COMPLAINT APPEALS FOR THE PERIOD**

1ST APRIL 2017 - 31ST MARCH 2018.

1. Introduction.

This report covers the period April 2017-March 2018, which will be referred to as “this period”. The report uses data sourced from the IOPC, Wiltshire Police and the OPCC. I am well satisfied that my report 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. I have included also information on the handling of complaints against Chief Officers and complaint appeals by the OPCC and IOPC.

2. Overview of findings.

- The process of recording and acting upon learning identified from both conduct and complaint investigations remained suitably robust. A total of 25 lessons were identified, of which action remained to be completed on 13 at the end of the recording period. Outside of complaints subject to appeal, I have not found any complaint cases which do not identify suitable learning.
- The Force made 27 referrals to the IOPC, of which 5 are being independently investigated; this is comparable to the figure for the last three years.
- One independent investigation was finalised by the IOPC; this was a conduct investigation in matters relating to the death of XXXXXXXXX which resulted in Management Action being taken for both officers involved.
- The referrals that remain under independent investigation include two cases that variously derive from complaints made by XXXXXXXXX and XXXXXXXXX in relation to the actions of XXXXXXXXX.
- I am satisfied that the Force has referred all relevant cases to the IOPC in accordance with the relevant OPCC /Force protocol.
- The number of complaints alleging incivility and impoliteness is well below the OPCC monitoring threshold and the average number of days to finalise local resolutions is broadly satisfactory.
- It is pleasing to report that the backlog of complaints which existed at the end of the last reporting period has been effectively cleared. Some cases remain unresolved on account of sub-judice considerations.

- It is also pleasing to be able to report that Wiltshire is the 9th quickest Force in the country to finalise complaints and the length of time to record complaints is one of the best in the country.
- The formation of a dedicated Local Resolutions team working within PSD is, in my opinion, a very welcome development which has impacted very positively on both the quality and timeliness of locally resolved complaints.
- The highest category of complaint continues to be Neglect or Failure in duty; the nature of most of these complaints continues to reveal that many involve “service issues” (typically failures in communication, fulfilling appointments, alleged failure to investigate crime etc.).
- A recent increase in resource provided to PSD appears to have impacted positively on the overall performance of PSD. My sampling of Local Complaint Investigation Reports done by PSD and my associated appeal assessments, indicated that they were generally well handled and suitably comprehensive.
- Local Investigation Reports are, generally, suitably proportionate to the seriousness and nature of the complaints and conduct matters concerned.
- A review of the assessment processes was undertaken by PSD and it is pleasing to report that the number of Direction and Control complaints thus identified is now close to historical norms and comparable with those identified by similar Forces.
- It is pleasing to note that the Force reported a reduction of approximately 10% in the number of conduct cases over the previous year. The relatively recent Standards and Behaviour campaign and the associated Implementation Plan appears to have continued to impact very positively upon behaviour.
- The process for authorising specific business interests continued to be suitably robust and I could find no evidence to suggest that some officers or staff had failed in the requirement to declare them.
- I have not identified any concerns that any business interests approved could significantly impact on the performance of Force duties.
- New vetting processes that were put in place to comply with the new Authorised Professional Practice (APP) procedures appear to have contributed to a significant reduction in the number of vetting requests completed within the Force Target.
- The resource available to the Anti-Corruption Unit is, in my opinion, sufficient to respond to information provided to assess and respond to intelligence related to potential corruption. An Implementation Plan has been developed which enhances the ACU capabilities to check and identify signs and signals.
- The Anti-Corruption Unit has increased its covert capability and introduced integrity health checks as part of the force wide PDR process and I am broadly satisfied that the ACU is reasonably well equipped to perform its task.

- I am confident that the ACU is aware of the requirement to inform me of any matters that are relevant to the processes for discharging the responsibilities of the PCC in respect of integrity and senior officer conduct matters.
- The People Intelligence Board appears to be working reasonably effectively.
- A total of 13 and 2 complaints were received against XXXXXX and XXXXXX respectively. One of the complaints against XXXXXXXX was investigated by me and not recorded or appealed to IOPC. The other complaint against XXXXXX (from XXXXXX) was referred to the IOPC by me as your delegated Appropriate Authority; this is an ongoing IOPC managed investigation.
- I referred two complaints against XXXXXX to the IOPC, both of which were transferred to the delegated AA in XXXXXX OPCC.
- I have investigated and either disappplied or not recorded 9 complaints against XXXXXX, four of which were appealed to and not upheld by the IOPC. One conduct matter involving XXXXX was locally investigated and not upheld by me with any IOPC appeal made.
- A complaint against XXXXXX that was rolled over from the last recording period was investigated by me and not upheld; a subsequent appeal to the IOPC was likewise not upheld (XXXXXX).
- The elements in the complaints against XXXXXXXX that were made by XXXXXX and XXXXXX remain under independent investigation by the IOPC and you will be aware that there are some elements within these complaints that involve XXXXXX and a very significant number of present and past officers.
- The complaint made by XXXXXX against XXXXXXXX that was referred for investigation to the Chief Constable of Devon and Cornwall Police remains under investigation.
- The complaint against XXXXXX and XXXXXX from XXXXXX which was made in 2015 contains a significant number of complaints against Wiltshire Police Officers which need to be investigated before elements involving XXXXXX and XXXXXX are finalised.
- The identification of Chief Constables of other forces willing to take on investigations remains extremely challenging, but I am broadly satisfied in overall terms with progress that we made in dealing with complaints and conduct matters involving our present and past Chief Constables.
- There was a significant reduction in appeals in this period, of which 25% were upheld by me and 46% by IOPC.

- It is of significance to note that over half of the appeals that were upheld by the IOPC were against non-recording decisions made by PSD.
- The average time to determine Force appeals was approximately 35 days which compares favourably with that for our MSF group (45 days). The corresponding figure for IOPC appeals is approximately 30 days.

3. *Learning Lessons.*

Both PRSRA and PRA make strong reference to 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, IPCC (*now 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. I have found this process to remain reasonably well embedded and there is evidence to show that some action has been taken to improve practice with the objective of reducing the likelihood of a recurrence of similar problems in the future.

In this period 25 lessons have been identified, of which 13 actions have yet to be completed. I am of the opinion that 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. Outside of complaints subject to appeal, I have not found any complaint cases which do not identify suitable learning.

4. *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 referrals referred back for local investigation or action by PSD are being managed or supervised by the IOPC. One independent investigation was finalised by the IOPC; this was a conduct investigation in matters relating to the death of XXXXXXXX which resulted in Management Action being taken for both officers involved. The referrals that remain under independent investigation include two cases that variously derive from complaints made by XXXXXXXX and XXXXXXXX in relation to alleged actions of XXXXXXXX. My review of the nature, complexity and timing of the complaint and conduct matters referred back for investigation by the Force leads me to no serious concerns regarding the length of time taken to finalise them.

I have continued to be informed of all cases referred to the IOPC by the Force, which in turn has enabled me to update the PCC on any significant associated or emerging issues at our scheduled briefing meetings and I am however satisfied that the Force has referred all relevant cases to the IOPC in accordance with the relevant OPCC /Force protocol.

5. Complaint Monitoring & Performance.

The number of complaints alleging incivility and impoliteness was 82, which is well below the OPCC monitoring threshold of 123 p.a. and the number for last year. The average number of days to finalise local resolutions was 68, which is above the OPCC monitoring threshold (52 days) but is nevertheless much improved on last year (104). In my last two reports, I highlighted concerns at the backlog in finalising complaints which had built up in the period 2013-16. It is pleasing to be able to report that this has now been effectively cleared and I am satisfied that those that remain unresolved for 2016/17 cannot be finalised due to sub-judice considerations.

It is also pleasing to be able to report that the average time to finalise all complaint cases has reduced from 119 days in 2016/17 to 82 for this period; this is very significantly lower than the national average (116) which means that Wiltshire is the 9th quickest Force in the country to finalise complaints. The performance in respect of the length of time to record complaints is one of the best in the country, with 96% being recorded within 10 days of the making of the complaint. Approximately 65% of complaints were locally resolved and the relatively recent formation of a dedicated Local Resolutions team working within PSD is, in my opinion, a very welcome development which has impacted very positively on both the quality and timeliness of locally resolved complaints.

The number of complaints has remained practically constant over this and the preceding period. The highest category of complaint continues to be Neglect or Failure in duty; there were 146/1000 establishment in this period which remained close to the historical high of 163/1000 which occurred in the 2016/17 recording period. A fairly detailed look at the nature of complaints in this category again reveals that many of them still involve “service issues” (typically failures in communication, fulfilling appointments, alleged failure to investigate crime etc.) and an additional threshold of 80/1000 was included in the updated PCC Policing Plan in 2014/15, when this category was at a level of around 85/1000.

It will be apparent that the relatively recent increase in resource provided to PSD has impacted positively on the overall performance of PSD. There has not been any survey of customer satisfaction with complaint handling over the last four years, and the time may be ripe to do so in the 2018/19 reporting year. My sampling of Local Complaint Investigation Reports done by PSD and my associated Appeal assessments indicated that they were generally well handled and suitably comprehensive. I am broadly satisfied that Local Investigation Reports are generally suitably proportionate to the seriousness and nature of the complaints and conduct matters concerned.

You will doubtless recall that in my last report I expressed considerable concern at the position of Wiltshire in the Direction and Control complaint category, not least because such complaints carry no right of appeal. You accepted my suggestion to formally request the Force to undertake a review of the processes of assessment being used by PSD. The consequent review resulted in some changes to the assessment process so as to ensure that Direction and Control complaints are identified in accordance with the outcome of a relatively recent high court judicial review—the “Jordan Judgement”. I am pleased to be able to report that the number of complaints thus identified (8) is now close to historical norms and thus much more in line with those identified by other Forces.

6. Conduct.

There has been a significant reduction in the number of Conduct cases recorded; 44 against 49 for year 2016/17. You may recall that my 2012/13 report indicated some serious concerns following the significant increase in conduct cases which occurred in that year; it is pleasing to note that the Standards and Behaviour campaign which was subsequently mounted by the Force, together with the Implementation Plan, appears to have continued to impact very positively upon behaviour.

7. Integrity and Anti-Corruption.

I have continued to have access to the full Centurion Database in the review period, which enabled me to periodically inspect the records of business interests, gifts and hospitality. The process for authorising specific interests was, in my opinion, very robust and I could find no evidence to suggest that some officers or staff had failed in the requirement to declare them. A total of 106 business interests were registered, which is significantly more than last reporting period (73). The process for seeking approval appears to be both consistent and robust, and two requests were declined. I have not identified any concerns that any of those approved could significantly impact on the performance of Force duties.

The number of vetting clearance requests reduced from approximately 2,400 last recording period to 2,000 for this period. Approximately 60% of requests for Police Officers and staff were completed within the target time (30 days for officers and 20 days for staff), and approximately 80% of non-Police personnel were completed within target. It would appear that there has been a significant reduction in the number of vetting requests completed within target in this period; the reason(s) for this are by no means entirely clear, but there is little doubt in my mind that the new vetting processes that were put in place in October 2017 in order to comply with the new Authorised Professional Practice (APP) procedures introduced by the College of Policing is a contributory factor.

The resource available to the Anti-Corruption Unit is, in my opinion, 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 to detect any abuse of position for sexual purpose. Alongside the latter, the Force developed an Implementation Plan which includes developing and disseminating briefing documents and capabilities to check and identify signs and signals. The unit has consequently increased its covert capability. Enhanced integrity health checks have been introduced as part of the PDR process, which includes a clear reminder to individuals the need to be aware of the standards of professional conduct expected and the legal obligation to challenge and report actual or suspected wrongdoing. I am satisfied that robust capability for staff to report and engage anonymously with ACU officers in reporting and investigating any corrupt practice. My periodic meetings with the Head of ACU and where necessary other officers provide me with confidence that the ACU is reasonably well equipped to perform its task. I am confident that the ACU is aware of the requirement to inform me of any matters that are relevant to the processes for discharging the responsibilities of the PCC in respect of integrity and senior officer conduct matters. The People Intelligence Board, of which I am a member, appears to be working effectively.

8. Complaints against Chief Constables.

A total of 13 and 2 complaints were received against XXXXXX and XXXXXX respectively. One of the complaints against XXXXXX was investigated by me and not recorded or appealed to IOPC. The other complaint against XXXXXX (from XXXXXX) was referred to the IOPC by me as your delegated Appropriate Authority; this is an ongoing IOPC managed investigation.

I referred two complaints against XXXXXX to the IOPC both of which were transferred to the delegated AA in XXXXXX OPCC XXXXXX. I similarly transferred one low level complaint against XXXXXX. I have investigated and either disappled or not recorded 9 complaints against XXXXXX, four of which were appealed to and not upheld by the IOPC. One conduct matter involving XXXXXX was locally investigated and not upheld by me with no IOPC appeal made.

A complaint against XXXXXX that was rolled over from the last recording period was investigated by me and not upheld; a subsequent appeal to the IOPC was likewise not upheld (XXXXXX). The elements in the complaints against XXXXXX that were made by XXXXXX and XXXXXX - consequent upon the conviction of XXXXXX - remain under independent investigation by the IOPC; I believe it will be some considerable time before these investigations will be completed and you should be aware that there are elements within these complaints that involve XXXXXX, for whom you are not of course the Appropriate Authority. The complaint made by XXXXXX against XXXXXX that was referred for investigation to the Chief Constable of Devon and Cornwall Police remains under investigation; I will refer the report thereon to XXXXXX when the investigation is concluded.

The complaint against XXXXXX and XXXXXX from XXXXXX which was made in 2015 contains a significant number of allegations against Officers for which you are not the appropriate authority. The nature of that complaint is such that it is practically necessary for the Force to complete their investigation before we investigate the elements involving XXXXXX and XXXXXX; I suggest that we continue to press the Head of PSD with a view to expediting the completion of an investigation into the elements that concern officers for which the Force is the Appropriate Authority. You will be aware of a complaint against XXXXXX that was made by XXXXXX in 2015, for which we have been unable to find another Force to investigate. In this respect, I am in the process of determining a possible way forward of finalise this complaint, which I will discuss with you at a forthcoming briefing meeting.

The identification of Chief Constables of other forces willing to take on investigations remains extremely challenging, notwithstanding which I am nevertheless satisfied in overall terms with progress that we made in dealing with complaints and conduct matters involving our present and past Chief Constables.

9. Determination of Appeals.

There was a significant reduction in appeals in this period; from 103 in 2016/17 to 87 during this recording period. A total of 22 out of 48 appeals finalised by the IOPC were upheld (46%). Of the 39 appeals finalised by me, 10 were upheld (25%). You will doubtless recall that following

a review in 2014, OPCC monitoring thresholds of 50 appeals p.a. and 20% upheld were set. It will be apparent from the foregoing that both the total number of appeals received (87) and the percentage upheld (37%) are significantly above threshold. A significant number of appeals were upheld by me on account of the provision of insufficient information to complainants on the findings of the investigation; some appeals were upheld on the basis of my requiring the Force to issue an apology and/or the need to identify learning. It is of significance to note that over half of the appeals that were upheld by the IOPC were against non-recording decisions made by PSD.

In the period 2012-2016 there was little change in the number of appeals received and the number I upheld. The sudden increase in appeals finalised by me in the period 2016/17 was primarily due to a very large number of appeals submitted by XXXXXX. The number of Appeals to the IOPC against the outcome of complaints above the conduct threshold likewise remained fairly steady between 2012 and 2016, but my analysis indicates that the relatively high number of non-recording decisions made by PSD that have been successfully appealed largely accounts for the increases seen over the last two years.

The average time to determine Force appeals was approximately 35 days, which compares favourably with that for our MSF group (45 days). The corresponding figure for IOPC appeals is approximately 30 days.

10. Specific Recommendations.

- a) That the PCC request that the PSD look into and report on the reason(s) for the relatively high number of upheld appeals against the non-recording of complaints.
- b) That the Force should be asked to expedite the investigation and finalisation of the complaint made by XXXXXX.
- c) That the Force be asked to review the effectiveness of the Vetting Unit against a background of approximately 60% being completed within a target of 30 and 20 days for officers and staff respectively.

Allan T Johns.

July 2018