

Meeting	Police and Crime Panel
Date	3 rd September 2020
Report Title	Report on the Monitoring of Professional Standards, Integrity and Complaint Appeals
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1. PURPOSE OF REPORT

- 1.1 This paper provides the Police and Crime Panel with an update on the monitoring of professional standards, integrity and complaint appeals for the period April 2019 to March 2020.

2. INTRODUCTION AND BACKGROUND INFORMATION

- 2.1 The report uses data sourced from the IOPC, Wiltshire Police and the OPCC. Figures in brackets refer to the previous period (2018/19).
- 2.2 A key element in evaluating performance involves comparisons with the performance of our Most Similar Forces (MSFs) and the national picture. IOPC has yet to provide this data or indicate when they will be in a position to do so. The Independent Adjudicator therefore analysed the data available from the Force system at the cut-off date of 31st March 2020. The analysis is likely to err to the pessimistic in consequence, but otherwise gives a reasonable indication of the efficiency and effectiveness with which PSD handled complaints, has monitored and responded to potential corrupt practice and implemented integrity checks.
- 2.3 The Policing and Crime Act 2017 changed the processes for the handling of complaints and conduct matters as of 1st February 2020. The provisions allow Professional Standards Departments to not record or investigate Complaints below the conduct threshold if they could be finalised by a process of Service Recovery (SR); i.e. a triage process in which complainants are provided with an explanation and, where appropriate, an apology for any failures to provide a reasonable service. This process will be conducted through OPCC from September 2020.
- 2.4 In June 2019 two Independent Resilience Adjudicators were appointed and trained.
- 2.5 The change to the system has necessarily confined performance review to the period 1st April 2019 to 31st January 2020. The Adjudicator did however include a short resume of experience in the handling of complaints under the new regime for the two month period 1st February- 31st March 2020.

3. LEARNING LESSONS

- 3.1 The legislation makes 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 in relation to recommendations it has agreed to implement.
- 3.2 In this period a total of 20 (8) lessons were recorded, of which 12 were individual and 8 were organisational. Whilst the number of lessons recorded returned are close to historical levels, it remained the case that there continued to be a lack of identifiable learning as an outcome when determining some appeals; The Adjudicator is not totally convinced that all complaint and conduct investigators are fully aware of the need to carefully consider learning before finalisation of reports.
- 3.3 The Head of PSD, has taken action to streamline the process for identifying, recording and completing actions on learning in a more timely fashion; this has included the development and implementation of a greatly enhanced process which requires those acting on learning to more clearly report back to PSD to confirm precisely when action was taken and finally completed.

4. IOPC REFERRALS, PROTOCOLS AND REPORTS

- 4.1 The Force made 22 referrals to the IOPC, of which 4 were designated for independent investigation; this is comparable to the figures for the last three years. None of the referrals were designated by IOPC for supervised or managed investigation and 7 of the 18 referred back for investigation by the Force were finalised. It is important to note that all but three of the 11 cases that have yet to be finalised were referred back by the IOPC in the last six months of this period. A review of the nature, complexity and timing of the complaint and conduct matters referred back for investigation by the Force, leads to no serious concerns regarding the length of time being taken to finalise them.
- 4.2 One Independent investigation was finalised by the IOPC. This was an investigation into the death of a person who died in a police pursuit, their vehicle hitting a tree. The IOPC concluded that there was no evidence to suggest that the officers involved did anything at all wrong.
- 4.3 One of the referrals currently subject to IOPC independent investigation is potentially significant. In order to expedite progress with their investigation, the IOPC will focus on the learning to be derived from this complaint.
- 4.4 We continue to be informed of all cases referred to the IOPC by the Force, which enables the Adjudicator to update on any significant issues that could impact on public confidence. The Force has referred all relevant cases to the IOPC in accordance with the protocol. There have been no cases in which the Adjudicator has recommended the PCC to exercise his power of referral to the IOPC of complaints and conduct matters that have come to the attention of PSD.

5. COMPLAINT MONITORING AND PERFORMANCE

5.1 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.

TABLE A: PSD Complaint Handling Performance

	2019/20	Count	Last period	MSF Average 2018/19	National Average 2018/19
Complaint cases recorded		827	606		
Complaint cases pending finalisation		502	333		
Complaint cases to Service Recovery 1/2/20-31/3/20		79			
Complaints Service Recovered 1/2/20-31/3/20		19 = 24%			
Ave number of days to finalise complaint cases	105		115	117	110
Ave number of days to finalise LR complaints	101		100	78	72
Ave number of days to finalise LI complaints	94		219	157	158
% allegations Locally Resolved (LR)	57%	471 (371)	61%	49%	48%
% allegations Locally Investigated (LI)	16%	137 (173)	29%	39%	40%
% allegations discontinued	4%	36 (25)	4%	1%	1%
% allegations disappled	4%	21 (27)	4%	5%	6%

5.2 Force Complaint Performance

Table B below provides detail on the performance of the Force in the most important and statistically significant complaint categories.

TABLE B: Force Complaint Performance

	2019/20	Count	Last Period	MSF average**	National average**
Number of allegations		1025	833		
Number of allegations/1000 employees		469	360	210	205
% of other Neglect or Failure in Duty	39%	394	48%	39%	41%
% of Incivility, Impoliteness and Intolerance	10%	102	11%	13%	12%
% of other assault	5%	58	7%	6%	7%
% of Lack of fairness and impartiality	3%	28	5%	6%	5%

**** Denotes figure for 01/04/2019-31/12/2019**

6. CONDUCT MONITORING AND PERFORMANCE

6.1 Table C below provides information on conduct cases as recorded on the Force Centurion database at the end of this period (31/03/2020), from which it is apparent that 14 cases were shown as finalised, however the performance of PSD in this aspect of its work may turn out to be somewhat better than could be inferred from the data that was recorded. The Head of PSD is confident that the high number of outstanding Conduct investigations is due to an administrative error, and not the fact that PSD does not have a grip on conduct investigations.

TABLE C: Conduct Case Performance

	Period 2019/2020	Period 2018/2019
Cases recorded	41	50
Finalised this period	1	13
Management Action	1	
Final Written Warning		2
Extended Written Warning		7
Written Warning		3
Dismissal		1

- 6.2 The Adjudicator sampled a significant number of conduct cases recorded as finalised and has not thereby identified any significant concern in the way they were handled. In overall terms he was satisfied that the sanction outcomes detailed in Table C were proportionately robust and equitable in relation to the seriousness of the conduct investigated.
- 6.3 In the report covering the last period, there was some concern at an increase in the number of conduct cases recorded. It is however pleasing to report that the number of conduct cases for this period has reduced to slightly below historic levels.
- 6.4 The Force operates a process for reviewing the conduct of anyone who is frequently subject to complaint or conduct matters. The more serious cases are periodically reviewed by the People Intelligence Board (PIB). The Adjudicator is a member of the Board.

7. INTERGRETY AND COUNTER CORRUPTION

- 7.1 PSD provides the Adjudicator access to the top level of the database, otherwise only available to the Heads of PSD and CCU. This enables periodic inspection of the detailed records of business interests, gifts, hospitality, Conduct case handling and actual or potentially serious cases.
- 7.2 A total of 296 approved business interests appear on the register, of which 99 (122) relate to requests received in this period; one (3) request to pursue a business interest was refused. The Adjudicator reviewed the detail relating to the requests which were considered during this period is satisfied that the approval process is suitably robust; he has not identified any concerns that any of the interests approved could significantly impact on the performance of Force duties.
- 7.3 The number of vetting clearance requests increased from 1274 to 1312 for this period. Previous years saw concerns at the repeated failure of the vetting unit to meet the targets for completion of vetting requests (30 and 20 days for officers and Staff respectively). The targets are now simply ASAP and the average time taken to complete vetting has reduced very

significantly to 21 (60) days and 17 (30) days for officers and staff respectively. 1140 of the 1312 requests received were completed, the majority of the remaining 172 includes those being received and/or necessarily on-going at the end of this period and 49 being refused or revoked due to being no longer needed. The unit does now comply with the relatively new Authorised Professional Practice (APP) procedures introduced by the College of Policing.

- 7.4 A total of 120 Gifts and Hospitality were registered in this period, a significant number of the requests exceeding £50 relate to Gifts donated by companies and individuals for general distribution in gratitude for the service of Police to the community during the Covid19 virus outbreak. The Adjudicator looked in some detail at the nature of the approvals of the Gifts and Hospitality registered and had no reason to conclude that the approvals thereof have been other than suitably robust.
- 7.5 The resource available to the Counter-Corruption Unit (CCU) is in the Adjudicator's opinion sufficient to process and develop information and intelligence related to potential corruption. This includes sexual corruption, which encompasses Abuse of Position for a Sexual Purpose (APSP), whereby police personnel pursue sexual or otherwise inappropriate relationships with members of the public they met through their role in the Police service. To tackle this, CCU has put in place an ongoing strategy of engagement with partner agencies that support vulnerable people.
- 7.6 An ongoing internal communications strategy (the 'Standards Campaign') provides guidance, training and information to all ranks and roles within the Force, via face to face and electronic briefings. A very informative circular called "The Standard" has been periodically released and distributed which has included a series of short animated videos called '60 Second Standards'. These videos appear to have been well received within the Force and are proving to be a very effective method of communicating various Counter-Corruption messages.
- 7.7 The CCU has continued to facilitate anonymous reporting of alleged wrongdoing via the anonymous Email or Expolink facilities and a Whistle blowing hotline.
- 7.8 CCU are aware of the requirement to OPCC of any matters that are relevant to the processes for discharging the responsibilities of the PCC in respect of integrity and any senior officer conduct matters.

8. PROCEDURAL COMPLAINTS AGAINST CHIEF CONSTABLES

- 8.1 There were a number of "low level" or non-serious complaints made against Chief Constables, all of which were investigated by the Adjudicator and not upheld; none of the complainants exercised their right of Appeal to the IOPC and they are consequently finalised with no further action to be taken thereon.

9. DETERMINATIONS OF APPEALS AND REVIEWS

- 9.1 Tables D and E below provide detailed performance data relating to the handling of Appeals by the IOPC and by the OPCC respectively.

TABLE D: IOPC Appeal and Complaint Handling Performance

	2019/20 **	Count **	2018/19	MSF average **	National average**
% IOPC Investigation appeals upheld	30%	3	67%	30%	33%
% IOPC non recording appeals upheld	58%	7	40%	36%	41%
Ave days to complete investigation appeals	42		43		
Ave days to complete non-recording appeals	32		32		
Ave days to Complete Disapplication appeals	44		26		
Ave days to Finalise Independent Investigations	275		219		420

** Denotes figure for 01/04/2019-31/12/2019

TABLE E: Force (OPCC) Appeal Handling Performance

	2019/20	Count	2018/19	MSF average**	National average**
% OPCC Local Resolution appeals upheld	21%	7	27%	22%	14%
Ave number of days to complete OPCC appeals	45	37	39	32	44

** Denotes figure for 01/04/2019-31/12/2019

10. SPECIFIC RECOMMENDATIONS

10.1 The following recommendations of the Independent Adjudicator were considered at the Commissioner's Monitoring Board and agreed:

- i.* The Force will report on steps taken to ensure that the Centurion database is kept up to date, to accurately record the number of complaint and conduct investigations that have been finalised.

- ii.** The Force will report on the position in relation to Conduct Cases as at 31st March 2020 and update the performance in the form indicated in Table C of this report.
- iii.** The Force will report on the steps taken to create a general awareness among complaint and conduct handlers of the need to be sure to identify learning, in line with the requirements of the new IOPC Statutory Guidance.
- iv.** The PSD and OPCC be asked to report on the extent to which they consider the overall resource available is sufficient to support the delivery of a timely response to complainants within an environment of a steadily increasing number of complaints.
- v.** The Force will report on any measures it considers necessary to deal with a developing backlog of complaints.
- vi.** The Force will look at means of creating a greater awareness among staff of the adverse impact that complaints of Neglect or Failure of Duty and their equivalents within the new complaints regime has on public confidence in and support for Wiltshire Police.