

**REDACTED REPORT TO PCC ON MONITORING OF PROFESSIONAL STANDARDS,
INTEGRITY AND COMPLAINT APPEALS.**

1. Introduction.

This report covers the period April 2013-March 2014. There remains some considerable uncertainty as to when the IPCC will publish information for the last recording period. I am therefore unable to produce fully comprehensive information on where Wiltshire Police stand nationally. My report does however give a reasonable indication of the performance of Wiltshire Police relative to the eight most similar Forces.

Overview of findings.

- Some progress has been made in recording and acting on learning identified during the complaint investigation process. There is improvement on the previous year, but I continue to have some residual concerns regarding the number of cases examined in which there is no clear indication that action has been taken to assimilate the learning.
- The protocol for ensuring the PCC is kept informed of all mandatory referrals to the IPCC has been followed and I am now routinely informed of all voluntary referrals. I am however concerned that, contrary to protocol, the OPCC was not provided with one IPCC Independent Investigation Report.
- Both of the Complaint threshold targets in the Policing Plan were met and the Force did well in reducing the number of complaints to a level that is second lowest within the MSF group. Complaint handling by PSD was generally very satisfactory though there were some very adverse trends during the last months of the review period.
- The two thresholds set within the Police and Crime Plan were met. The highest category of complaints is Other Neglect or Failure in Duty, which increased very significantly over the review period. A fairly detailed look at the nature of complaints in this category reveals that many involve “service issues”; an additional indicator of 250/1000 complement p.a. was therefore included in the updated PCC Policing Plan. There was a significant year on year increase in the length of time taken to record complaints, notwithstanding which there was a marginal but nevertheless welcome reduction in the total time taken to finalise complaints.
- My assessment is that, in overall terms, the standard of customer service provided by PSD in respect of the time to finalise complaints was somewhat better than might have been expected. My consideration of the outcome of locally resolved complaints indicated quite clearly that the quality of the work done and the response provided was somewhat variable and in many instances not totally within the spirit of the relevant IPCC guidance. There were instances where insufficient attention was given to identifying learning.

- The Standards and Behaviour campaign mounted by the Force, together with the implementation of the associated Values and Standards Development Plan appears to have impacted positively upon behaviour and may be the prime reason for arresting the significant increase in conduct cases that occurred during the 2012/13 reporting period. However, the significant historical disparity between the proportion of officers and staff that were dismissed or resigned continued.
- The number of cases in which Officers and staff were subject to action following the identification of performance and/or attendance issues reduced. There is a requirement for complaint investigators to consider if the performance of officers is unsatisfactory, but there is little by way of reference within complaint investigation reports to indicate that this has been done.
- The process for the recording and authorisation of Gifts, Hospitality and Business Interests appears to be very robust and I could find no evidence to suggest that there are significant failures to declare them. This was an exceptional year for recording Business Interests which is clearly largely attributable to the Standards campaign and the requirement for all Police Officers and Staff to register them.
- There was a relatively small reduction in the percentage of cases that cleared vetting within the 30 day target for officers and 20 days for staff. I had continued concerns at an apparent lack of capacity within the Anti-corruption unit (ACU) to do more pro-active work.
- A total of four complaints against senior officers were finalised, none of which were assessed as above the conduct threshold. Important points of learning were identified in two cases, both of which were raised at the PCC Monitoring Board. Two complainants unsuccessfully appealed to the IPCC against the outcome of my investigations. The investigation into a grievance from one officer continued under my supervision, with the objective of finalisation early in the 2014/15 reporting period.
- A total of 27 Appeals were received by the OPCC, 25% of which were upheld. The IPCC determined 22 appeals of which 36% were upheld. In very round terms, experience since transition has shown that approximately 35% and 25% of appeals are upheld for complaints assessed above and below threshold respectively. The total number of valid appeals was 46, of which 13 (or 29%) were upheld. A subsequent review led to a decision to set thresholds for appeals within the updated PCC's Police and Crime Plan.

2. 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 decisions or internal decisions)”. The force 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. This process appears to have become reasonably well embedded and there is evidence to show that in many cases action has been taken to improve practice with the objective of reducing the likelihood of a recurrence of similar problems in the future. My analysis shows that action is recorded as either incomplete or not having been taken in response to identified learning in about one in six cases; this represents an improvement on the previous year but remains of concern.

3. IPCC Referral Protocols and Reports.

There have been two independent IPCC reports during this period. One report was not provided to the OPCC in accordance with protocol. I am however satisfied that the Force did take suitable action in response to both reports. In my last report, I raised concerns that, notwithstanding the relevant protocol, the OPCC were not informed of the existence of one case until the Force were notified of the intention to pursue a private prosecution against him, which was some seven months after the alleged offence. The current Head of Professional Standards is well aware of the need to ensure that I am informed (as per the relevant protocol) in a timely fashion of the rationale for not referring significant complaint/conduct cases to the IPCC; I am pleased to note that I am now routinely informed as per protocol. I am also now informed of all cases referred to the IPCC by the Force, which enables me to update the PCC on any significant associated or emerging issues at monthly briefing meetings.

4. Complaint Monitoring & Performance.

The two thresholds set within the Police and Crime Plan was met; incivility complaints were 119 against the threshold of 123 and the number of days to locally resolve complaints was 48 against 52. The critical comparator for all complaints is the number of complaint allegations per 1000 establishment; this increased from 246 to 286 for the years 2012/13 and 2013/14 respectively. The Most Similar Force (MSF) groupings changed during the years in comparison; the highest and lowest within the MSF group which existed at the end of March 2014 was 377 and 188, putting Wiltshire third highest within that group. The highest category of complaints is Other Neglect or Failure in Duty, which increased very significantly over the review period; from 69 to 107 for 2012/13 and 2013/14 respectively, putting Wiltshire third highest within the March 2014 MSF group. A fairly detailed look at the nature of complaints in this category reveals that many of them involve “service issues” (typically failures in communication, fulfilling appointments, alleged failure to investigate crime etc.) and an additional threshold for 2014/15 has therefore been included in the updated PCC Policing Plan. In my last report I expressed some concern at the sudden significant increase in the length of time taken to record complaints which first occurred in September 2013 and was sustained for much of the reporting period; this resulted in a significant drop in the number of complaint cases recorded within 10 days; 65 % from 93% for 2013/14 and 2012/13 reporting years respectively. This deterioration in performance was clearly caused primarily by insufficient resources being available within PSD which appears, in turn, to have been largely a consequence of austerity. It is however very important to note that, notwithstanding the general increase in the time to record complaints,

there was a marginal but nevertheless welcome reduction in the total time taken to finalise complaints; for practical purposes this aspect of customer service has remained at a level comparable with the 2012/13 reporting period.

My assessment is that, in overall terms, the standard of customer service provided by PSD in respect of the time to finalise complaints was somewhat better than might have been expected in a climate of an increasing number of complaints and a reduction in resource during the reporting period. There was no survey of customer satisfaction in the reporting period. However, my sampling of Local Complaint Investigation Reports and my Appeal assessments indicated that they were generally very well handled and suitably comprehensive, though in some cases they were rather long. My consideration of the outcome of Locally resolved complaints indicated quite clearly that the “quality” of the work done and the response provided was somewhat variable and in many instances not totally within the spirit of the relevant IPCC guidance; a significant number could have been dealt with then and there, and many could have been dealt with more expeditiously in a less bureaucratic manner and with more emphasis given to addressing concerns, and generally clearing up matters. There were instances where insufficient attention had been given to identifying learning. I was pleased that the Head of PSD took on board my concerns and agreed to initiate some work to assess the LR process. As mentioned at my routine briefings to the PCC, I did also receive assurances from the the chief officer responsible, that the Force would review identified PSD resource issues as part of an overall review of the Department.

5. Conduct.

A total of 68 cases have been recorded against 67 in the previous recording year (2012/13). My previous report indicated some serious concerns I had following the significant increase in conduct cases which occurred in the 2012/13 reporting year; the Force Standards and Behaviour campaign mounted by the Force, together with the implementation of the associated Values and Standards development Plan appears to have impacted positively upon behaviour and may be the prime reason for arresting what was a somewhat worrying trend.

The number of conduct cases finalised was 27 and 17 for officers and staff respectively; at the more serious end of the spectrum these resulted in 5 (18%) and 8 (47%) people being dismissed or resigning for officers and staff respectively. The apparent disparity of conduct case outcomes as between staff and officers continues as a matter of some considerable concern which therefore featured in my routine meetings with the chief officer responsible.

The number of cases in which Officers were subject to investigation under the 2012 Performance & Attendance Regulations reduced slightly in the year under review, during which, 6 concerned Performance and 4 involved attendance issues. The number of cases dealt with under the Staff Capability Procedures, reduced very significantly; from 23 in 2012/13 to 12 in 2013/14. Of the 12 cases for the reporting period, 3 involved performance and 9 for attendance.

In the case of officers, there is a requirement within the current legislation for complaint investigators to very specifically consider if the performance of individuals is unsatisfactory. A fairly detailed look at complaint investigation reports reveals that in the vast majority of cases there is still no clear evidence that this was done, a matter that I raised with the Head of PSD.

6. Integrity and Anti-Corruption.

The force granted me top level 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 or had not failed in the requirement to declare them. A total of 233 business interests were registered of which 6 were declined and 2 were rescinded. The process for seeking approval appears to be both consistent and robust. This was an exceptional year for recording Business Interests which is clearly attributable to the Standards campaign and the requirement for all Police officers and Staff to register any interests. I have been able to do some dip sampling of interests registered and have not identified any significant concerns that any of those approved could significantly impact on the performance of Force duties.

There was some reduction in the percentage of cases that cleared vetting within the 30 day target for officers and 20 days for staff; 97% and 83% respectively (corresponding figures for previous year were 98% and 90% respectively).

Some of my routine meetings with the Head of Professional Standards were attended by the Protective Security Manager. These reinforced some previous concerns, which I have periodically expressed during my routine PCC briefings and in my meetings with the Chief Officer responsible regarding the capacity of the ACU to do more pro-active work. I received some assurance that this would be looked at as part of the overall review mentioned at Section 4 above.

7 Complaints against Senior Officers.

A total of four complaints were finalised: none of which were upheld. Some important points of learning were identified in two cases, and action by the Force was discussed by the PCC's Monitoring Board. My investigation of one complaint identified some important learning issues, which were subsequently endorsed by the IPCC, and which arose primarily as a consequence of some shortcomings in the handling of the case, rather than any performance issues. Two complainants appealed to the IPCC against the outcome of my investigation, neither of which were upheld.

The investigation into a grievance from one officer continued under my supervision, with the objective of finalisation early in the 2014/15 reporting period.

8 Determination of Appeals.

A total of 27 Appeals were received by the OPCC, of which 5 of the 19 (26%) of valid appeals were upheld. There were 27 valid appeals to the IPCC, and of the 22 determined, 8 (36%) were upheld. In very round terms experience since transition has shown that approximately 35% and

25% of appeals are upheld for complaints assessed above and below threshold respectively. The total number of valid appeals was thus 46, of which 13 (or 29%) were upheld. A subsequent review led to a decision to set thresholds of 50 appeals p.a., of which not greater than 20% to be upheld, within the updated PCC's Police and Crime Plan.

Allan T Johns.

November 2014