



STRATEGIC POLICING AND CRIME BOARD
6 OCTOBER 2015

**Professional Standards
Quality of Service**

PURPOSE OF REPORT

1. The purpose of this report is to provide members of the Strategic Policing Crime Board with an overview of the recent work of the Professional Standards Department (PSD) of West Midlands Police (WMP).

BACKGROUND

2. This report provides statistics and explanation regarding the number of complaints dealt with by WMP, the type of allegations to which the complaints relate and the numbers of complaints that have been referred to the Independent Police Complaints Commission (IPCC). The report details the outcome of the cases, the timeliness of investigations, results of appeals and outcomes of proceedings. Similar to the last PSD report submitted to the board this one will aim to compare WMP data with other forces where the data is available in order to better understand the quality of service provided by WMP.
3. Data is collated by PSDs nationally and the IPCC in quarters starting with the beginning of the financial year. In order to make direct comparisons the WMP data provided within this report is for the same time period. (Quarter One 01/04/15 – 30/06/15), data for Quarter Two is not currently available and is therefore not included.
4. The final part of the report will update the board on work undertaken by PSD.

COMPLAINTS AGAINST THE POLICE

Table 1

Complaints made by the public against WMP
01/04/2015 – 30/06/2015 = 306 complaints
01/04/2014 – 30/06/2014 = 271 complaints
01/04/2013 – 31/03/2014 = 1477 complaints
01/04/2012 – 31/03/2013 = 1341 complaints

5. Compared with the same period last year PSD has recorded an increase of 35 complaints against the police. The assessments team within PSD have improved their efficiency with regards to the timeliness of recording complaints. It is reasonable to expect this uplift to flatten throughout the performance year as the improved efficiency becomes business as usual and for final figures to be broadly in line with those recorded in 2014.
6. PSD and the force place emphasis on immediate Service Recovery. This involves the officer or member of police staff who receives a report from a dissatisfied member of the public attempting to immediately rectify the issue to the complainant's satisfaction, where appropriate, without the need for them to make a formal complaint.
7. Each recorded complaint (representing a dissatisfied member of the public) may be made up of more than one allegation. *E.g. one person makes one allegation that the arresting officer used excessive force and one allegation that later while in detention, the Custody Sergeant failed to deal with them correctly.* The result of this is that there is one complaint but two allegations; hence there are always a higher number of allegations than complaints.

Table 2

**Number of allegations per 1000 employees
(police officers and staff)**

01/04/15 - 30/06/15 for WMP	59
01/04/2014 – 30/06/2014 for WMP	45
Average for other most similar forces	73
National average for all forces	72

8. The number of allegations per 1000 employees is showing an increase which is consistent with the increase in public complaints. However of note WMP has 19% fewer allegations than our Most Similar Forces (MSF) and the national force average.
9. Allegations are categorised to illustrate the nature of the matter about which a complaint is made. The top three categories are in line with other forces both in the MSF and nationally. They remain 'Neglect or Failure in duty' as number one. This would include complaints such as an officer not keeping a member of the public updated on a case. 'Assault' as number two and this would include any excessive use of force such as handcuffs being applied too tightly, and number three is 'Incivility'.

Table 3

**% of allegations per 1000 employees for
Neglect or Failure
01/04/15 – 30/06/15**

Neglect or Failure for WMP	32%
Neglect or Failure for most similar forces	29%
Neglect or Failure for all forces	34%

Table 4

**% of allegations per 1000 employees for assault.
01/04/15 – 30/06/15**

Assault for WMP	12%
Assault for most similar forces	10%
Assault for all forces	8%

Table 5

**% of allegations per 1000 employees for incivility.
01/04/15 – 30/06/15**

Incivility for WMP	11%
Incivility for most similar forces	14%
Incivility for all forces	13%

10. As can be seen from the data supplied in Tables 3, 4 and 5 WMP is broadly comparable with other forces in our most similar groups in the nature of issues about which complaints are made. However because these three categories account for the majority of all complaints the work done through 'Pride in Our Police' and 'Code of Ethics' places a particular emphasis on these three categories.
11. In table 6 below the outcomes of complaints are shown over the first quarter of this year as per previous tables. The outcomes are defined as 'Other' and this includes cases that the regulations state do not fall into the category that should be recorded as a complaint. 'Local Resolution' is where the matter has been resolved prior to a full investigation taking place. Matters that are dealt with by Local Resolution are usually the less serious complaints. 'Not Upheld' means that on the balance of probabilities the case complained of has not been proven. 'Upheld' means that all or part of the complaint has been proven and 'Withdrawn By Complainant' means that the complainant does not wish to proceed with the complaint made. The tables are split into the complaints that are dealt with by local officers and those that are dealt with by PSD. Disapplication, Discontinuation and Dispensation of a complaint are when the complaint is either made out of time, without good reason or it is not practicable to investigate as the complainant will not cooperate.

Table 6

**OUTCOMES of Force Finalised Cases
by Professional Standards**

Cases Recorded 01/04/2015 – 30/06/2015

Disapplication - by Force	36
Discontinued - by Force	3
Discontinued - by IPCC	2
Dispensation - by IPCC	2
Local Resolution - by PSD	8
Not Upheld - by PSD	100
Upheld - by PSD	50
Withdrawn by complainant	42
Grand Total	243

by Local Policing Unit

Cases Recorded 01/04/2015 – 30/06/2015

Disapplication - by Force	2
Local Resolution - by LPU	86
Not Upheld - by LPU	152
Upheld - by LPU	49
Withdrawn by complainant	28
Grand Total	317

12. As can be seen from the table above, PSD upheld 20.5% of complaints and LPUs upheld 15.5% of complaints. This 5% difference most likely reflects that complaints dealt with on LPU tend to be of a less serious nature. These can often amount to one word against another which when set against the evidential test threshold has, in the past, meant local Appropriate Authorities found in favour of the officer or staff member subject of the complaint rather than the complainant.
13. Following revised guidance from the IPCC on cases of one word against another, PSD, through the force Appropriate Authority meeting, have given clear guidance that there is an expectation that LPU Appropriate Authorities now find in favour of the public where there are equally credible accounts provided by both sides. This shift of emphasis will be monitored via the quarterly performance data and we would expect to see the 5% gap narrow as a consequence.
14. In more serious cases forces are required to refer matters to the IPCC. There are specific categories that require a mandatory referral and in addition cases that the force would like to refer can be done on a voluntary basis. WMP make use of the voluntary referral process when it is believed that the specific circumstances of the case make it appropriate for the IPCC to be notified, where there is no formal requirement to do so.

Table 7

Number of IPCC referrals by WMP

01/04/15 – 30/06/15	90
01/04/14 –30/06/14	46

15. As shown above there has been a significant increase in IPCC referrals during this reporting period. The table below breaks down the referrals further.

	2014	2015
Corruption	9	7
Criminal Offences	1	0
Custody Near Miss	1	2
Deaths following Police Contact	10	22
Discrimination	5	7
Sexual Offences	1	6
Hillsborough	0	8
Assault	15	26
Theft	1	5

16. Death following Police contact is of the utmost importance to the public and WMP. The majority of the increase in referrals in this category involves missing persons. As these involve police contact any subsequent death is a mandatory referral.

17. PSD is represented on the current Gold Group for Missing and Absent Persons. This meeting is examining the force approach to dealing with vulnerable missing persons. Organisational learning from incidents investigated by the IPCC is not only fed into this group but as has happened recently, where quick time learning is identified it is shared at force DMM for immediate dissemination.¹

18. There is a shift in the reporting of sexual offending with victims having greater confidence to come forward. Generally serious sexual offences are where officers or staff are accused of an offence and require a mandatory referral. The increase shown in the above table relates to; an historical allegation of sexual abuse prior to the officer joining WMP, an historical allegation against a retired officer, however the offences relate to a period when the officer was still serving and 3 referrals relating to one officer for on duty conduct. All of these matter are currently subject of either live investigation or criminal proceedings.

19. West Midlands Police is fully co-operating with the Hillsborough Inquiry, 8 referrals have been made during this reporting period. Matters are referred as members of the

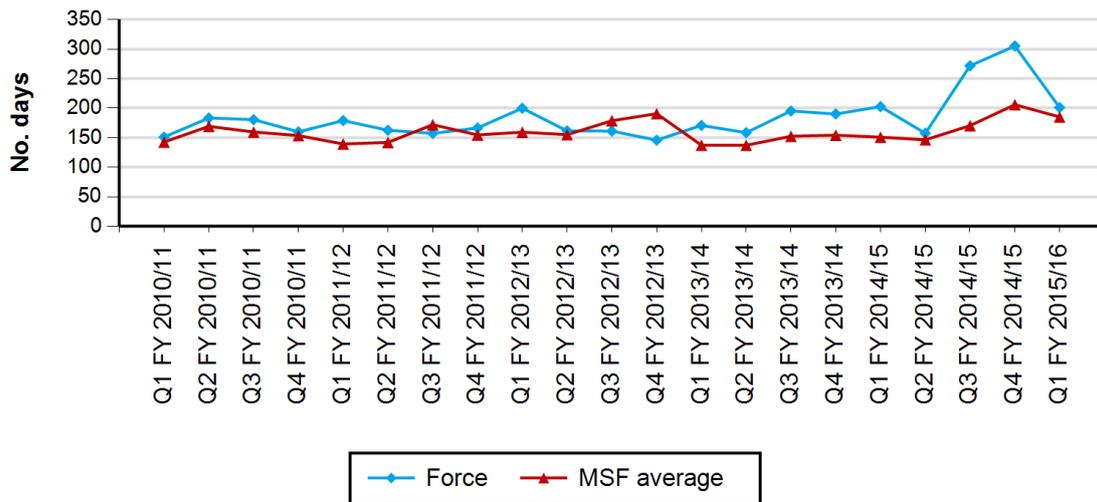
¹ MI/1277/15

public raise concerns over how they were dealt with by West Midlands Police officers investigating the Hillsborough tragedy.

20. The IPCC target is for all local investigations to be completed within 110 days. The graph below shows WMP taking 201 days to complete an average investigation. This is in excess of the target but is comparable to the time taken for our most similar forces to finalise cases.

21. The increase shown in Q3 and Q4 coincides with a drive from PSD to resolve outstanding matters following the relocation from Lloyd House and a move to a paper-lite process. The figures for Q1 show a return to a more normal trend.

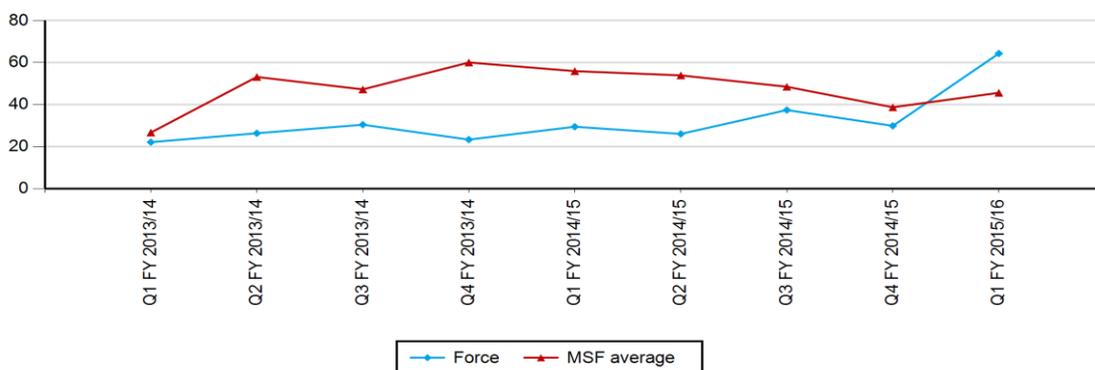
Ave no. of days to finalise allegations by local investigation



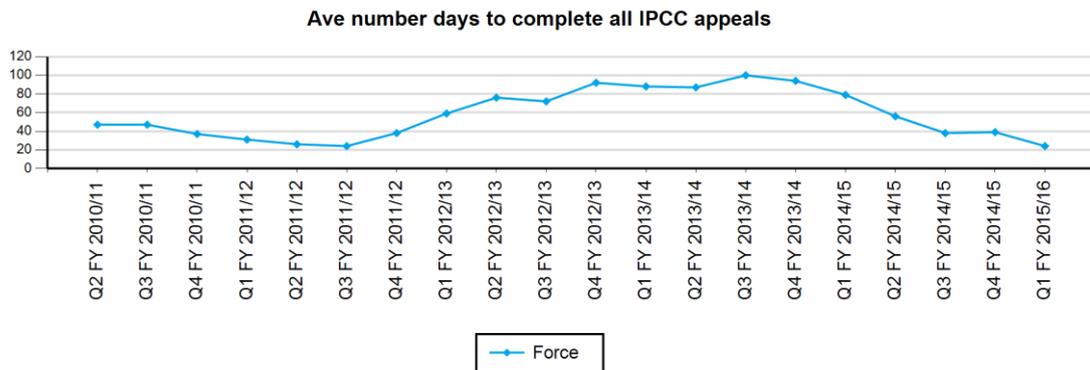
APPEALS

22. The appeal body for less serious and straightforward cases such as incivility is the force where the complaint was made and they are referred to as Force Appeals. In more serious cases the appeal body is the IPCC. The complainant is informed who the appropriate appeal body is for their complaint. All appeals should be dealt with within 28 days following receipt of the appeal. Below is the graph illustrating how long WMP take to finalise appeals in comparison to most similar forces. WMP are shown in blue with most similar forces shown in red. The increase as shown is due to short term staffing issues within PSD during the reporting period which have now been resolved. It is anticipated that timeliness will improve during the next reporting period.

Ave no. days to complete all force appeals



23. The below graph illustrates how long it takes for the IPCC to complete their appeals for WMP cases.



24. The force’s appeals are split into two categories; Local Resolution, which are those that have been resolved at an early stage without requiring an investigation, and Investigations, which are the cases that have been proportionately investigated.

Table 8	
Percentage of appeals upheld between 01/04/15 – 30/06/15	
WMP Local Resolution Appeals	0% upheld
MSF Local Resolution Appeals	5% upheld
WMP Investigation Appeals	22% upheld
MSF Investigation Appeals	17% upheld

25. WMP has not received a Local Resolution appeal during the period of this report.

Table 9	
Percentage of appeals upheld between 01/04/15 – 30/06/15 by the IPCC	
IPCC Local Resolution appeals	0%
IPCC investigation appeals (4 in total)	44%
MSF Investigation appeals	55%

26. Table 9 highlights that the IPCC uphold more appeals than forces as a percentage. It can be seen that although the percentage is high (44%) the actual count of 4 appeals is low.

POLICE CONDUCT

27. Police Conduct cases are those that are identified internally, they do not involve a complaint from the public. There is no data available for other forces so comparisons cannot be made. In a similar way to complaints from members of the public the conduct matters are categorised against each allegation, and one case could have a number of different allegations. Therefore there are always more allegations than recorded conduct cases.

<u>Table 10</u>	
Conduct Cases	
01/04/15 – 30/06/15	83
01/04/14 – 30/06/14	80

28. Although Table 10 shows there has been a small increase in the number of recorded internal conduct cases during the first quarter of 2015 it is in line with previous recording levels.

<u>Table 11</u>	
83 Conduct allegations between 01/04/15 – 30/06/2015 main allegation types	
Discreditable Conduct	117
Duties and responsibilities	58
Honesty and Integrity	40

29. The three main categories for conduct allegations have not altered for many years. 'Discreditable conduct' is often used for all matters that do not fit easily into any other category so it is not surprising that it consistently features as the main allegation type. It covers any actions that could discredit the police service.
30. 'Duties and Responsibilities' includes officers not exercising their duties diligently or are neglectful in exercising them.
31. 'Honesty and Integrity' covers an officer being dishonest in any way.

DISPROPORTIONALITY

32. The Force Intelligence Department has been commissioned to provide an independent, evidence-based report on disproportionality within the police complaints and conduct system.
33. The aim of the report is to answer 4 research questions:
- Is WMP disproportionate across the 9 protected characteristics around complaints?
 - Do internal conduct and resolution procedures show any areas that could cause the data to show disproportionate findings including process issues?

- How as an organisation do we create a stronger feeling of procedural justice?
- What other research would we want to commission?

34. Data provided by PSD has been analysed and this has identified a number of groups where disproportionality exists in relation to complaints made to West Midlands Police as highlighted in the table below.

Personnel Type	Gender	Ethnicity	Religion	Age	Marital Status
Police Officers	Males	Asian, Black	Muslim	21-30yrs	Single
Staff	Males			26-30yrs	Single
PCSOs				21-25yrs	Single
Specials	Males				

35. Further work is now taking place to understand why the disproportionality exists.
36. The next phase of the work is to look at staff resolution data and the process issues and outcomes.
37. Once the report is completed a development plan will be created to take action and address the issues highlighted.

PROACTIVE WORK (COUNTER CORRUPTION UNIT)

38. During the reporting period the Counter Corruption processed 73 items of intelligence. A preliminary investigation was undertaken whereby the intelligence was assessed for credibility and corroboration. The intelligence was then converted in to 21 new corruption “enquiries”. An enquiry enables officers to investigate whether the behaviour, outlined in the intelligence, can be proved or disproved. This is often an elongated process utilising a variety of policing tactics.
39. A Tasking Process, with a new risk assessment tool, has been introduced to ensure management scrutiny of both reactive and proactive corruption investigations. The Tasking Process enables WMP Leadership Team to have strategic oversight of the risk posed to the public and organisation as a result of corrupt officers/staff. It also ensures that resources are directed appropriately.
40. During the reporting period the following outcomes were recorded by the CCU:
41. Following a protracted enquiry, PC Andrew Kibble has been convicted of Computer Misuse. He was fined by the Magistrates Court and dismissed from WMP at a Special case Hearing held on 30/07/2015.
42. PC Kirk Van Nierkerk was subject of a misconduct investigation following a positive (with cause) drugs test. He was dismissed from WMP, at the first Public Hearing, for breaching the standards of professional behaviour (Discreditable Conduct and Honesty and Integrity) on 30/07/2015.
43. PC Niall Edwards was convicted of Data Protection Offences. He was subsequently dismissed from WMP for breaching the standards of professional behaviour (Confidentiality) on 08/04/2015.
44. The Counter Corruption Unit works closely with the Reputation and Risk Management Team (detailed below) to identify and manage risk posed to WMP by employees, contractors and partners.

45. The Counter Corruption Unit proactively supports WMP Covert Operations, predominantly the deployment of undercover operatives. This support consists of “Health Checking” of employees assigned to the operation to keep the operatives safe. The team investigates corruption intelligence, held on the subjects of the operations, to identify opportunities to move to enforcement on officers/staff responsible for corrupt activities (e.g. PC Andrew Kibble).
46. The team are developing a watch list, similar to offender management, to proactively monitor officers/staff of concern.
47. The team have engaged with WMP 2020 to ensure that Protective Monitoring is fit for purpose as the organisation moves forward.

CODE OF ETHICS

48. PSD has led the force with embedding the Code of Ethics. Seminars have been held and all supervisors and managers have received a bespoke input from Senior Leaders. This has been complimented by a Corporate Communications’ campaign that is on-going; with a new interactive ‘Dilemma of the Month’ to test knowledge and understanding of different elements of the code. The code is now incorporated within all Learning and Development Training Packages and within the planning of all operational events.

REPUTATION AND RISK MANAGEMENT TEAM (RRMT)

49. The RRMT is a small team within PSD and is the proactive arm to protect the organisation from reputational risk. They have a number of different areas of business that include management of Gifts & Hospitality, Business Interests, and Vetting.
50. Table 16 provides a breakdown of the some elements of the RRMT workload.

Table 16	
Between 01/04/14 – 31/12/14	
Business Interest processed	213
Gifts & Hospitality processed	216
Vetting applications processed	1656

51. The team collate all business interest requests for consideration by the Head of PSD. They manage any conditions that are imposed and review business interests to assess any emerging threat and risk.
52. Out of the 213 Business Interests processed seven were declined, six of these due to an officer’s poor attendance, and one on the grounds of health and safety.
53. The team records all the gifts and hospitality that are offered to officers and staff and publishes them on the external WMP website. They also monitor gifts and hospitality to identify any themes or trends and oversee the policy around their management.

54. There are a number of different types of vetting applications. Level 1 Vetting is simple vetting checks carried out for all contractors that would not have any access to police systems, for example painters and decorators. Level 2 Vetting is a deeper vetting process designed for people who may need to access police systems such as consultants. Level 3 Vetting is similar to Level 2 but would be used when a more detailed check is necessary for cases such as senior consultants. Recruit Vetting is carried out for all recruits to the organisation and they include officers, PSCO's, police staff, transferees, Special Constables and people returning following a career break. Management Vetting is a process carried out to vet senior officers or staff in critical roles. Table 17 outlines the breakdown of the vetting workload.

Table 17	
Percentage of 1656 vetting applications carried out between 01/04/14 – 31/12/14	
Level 1	23%
Level 2	29%
Level 3	1%
Recruit Vetting (Police Staff)	18%
Recruit Vetting (Police Officer)	14%
Management Vetting	15%

55. The failure rate for the vetting process depends on the category. At Level 1 the failure rate is 41%, at Level 2 it is 29%, at Level 3 it is 0.4%, recruit vetting for police officers is 12%, recruit vetting police staff is 15%, and management vetting it is 0.6%. Clearly when someone is already a member of the organisation and simply going through Management Vetting they are less likely to fail the process than someone trying to enter the organisation on the first occasion.

56. Any person entering employment with West Midlands Police will be vetted to the appropriate level prior to taking up their position and entering police premises. In line with both National and Local Vetting Policy the permission of either the Chief Constable or Deputy Chief Constable is required to allow a member of staff to work within WMP where the vetting process was previously failed or had not been completed. The levels of benefit and risk will be considered by the Chief Constable or Deputy Chief Constable prior to making their decision. The current Local and National Policy prohibits Management Discretion which would be a breach of the policy and an unknown risk to the security and reputation of West Midlands Police. Since April 2015 a total of 10 appeals have been received; 9 have been rejected and 1 is still under review.

57. Timeliness of the vetting process depends on the nature of the vetting required and how urgent the vetting is. For example in urgent cases the RRMT have carried out the vetting process within 24 hours after receiving the necessary paperwork, whereas when the vetting has an agreed timeline within the overall project plan (i.e. Police Officer Recruitment) it will take two/three weeks to carry out a batch of around 80 recruits.

UPDATE ON 'RATE YOUR LOCAL POLICE'

58. The formal reintroduction of Rate your Local Police is yet to take place. The software has been tested and feedback provided to the developers. It is anticipated that Rate Your Local Police will be implemented within the next quarter.

FINANCIAL IMPLICATIONS

59. There are no financial implications arising directly from this report.

LEGAL IMPLICATIONS

60. The approach to PSD work is reflective of the Force Values and Code of Ethics and complies with relevant legislation within the Police Reform Act 2002, the Police Reform and Social Responsibilities Act 2011 and subordinate Regulations.

RECOMMENDATIONS

61. The Board is asked to note the contents of this report.

**CHIEF SUPERINTENDENT ANDREW NICHOLSON
HEAD OF PROFESSIONAL STANDARDS**