



Police and Crime Plan Priority:

Title: Professional Standards and Complaints

Presented by: *Chief Superintendent Mark Payne*

Purpose of paper

1. The purpose of this report is to update the Commissioner and the Strategic Policing and Crime Board on progress following the recent changes to the Professional Standards Department's (PSDs) operating model. The report will focus on the recent review of PSD as well as providing an overview of performance to allow the board to understand and assess progress across the range of work undertaken by the department. The report will also include an overview of key business strands including vetting processes and counter corruption. The report is for discussion.

Background

2. In November 2017, changes to the operating model for PSD alongside a departmental re-structure were initiated with a clear aim of ensuring members of the public and the organisation received better outcomes and service from the PSD department. Prior to the re-structure, WMP had investigated more complaints than Most Similar Forces (MSFs) but locally resolved fewer and took longer to do so. Subsequently, the operating model was re-structured with an emphasis on responding to matters at the earliest possible opportunity to try and rectify the situation and apologise where necessary, known internally as 'service recovery'. As part of the changes, the department has doubled the number of staff working in this area to reflect this greater emphasis. Since the changes have been implemented, both levels of service recovery and local resolution have increased and have both been delivered at a quicker rate than before. It is assessed that the departmental changes have been extremely positive and reflect the determination of the department to provide the best possible outcomes for the public as well as members of the organisation.
3. In parallel to the changes, the department has worked alongside the Fairness in Policing team to ensure the department reflected the four key principles of Trust,

Confidence, Legitimacy and Co-operation and Compliance. To reflect the principles, the culture of the department has been scrutinised and communication methods and processes reviewed to ensure they are as fair as possible. Simple changes have also been implemented, for example, complaint notices are now served by a PSD officer personally, so that the process can be explained and any questions answered. This methodology has complemented the process changes, and has received positive feedback from both complainants and officers subject to complaints.

4. An enhanced focus on service recovery should result in less complaints being recorded in the future, with those that are recorded, being of a more serious nature. Where possible and appropriate, PSD will try and locally resolve complaints, to the satisfaction of the complainant, and do so against similar levels to our Most Similar Forces.
5. The department is also working closely with the IOPC (Independent Office for Police Conduct), formerly the IPCC (Independent Police Complaints Commission), to improve channels of communication and build relationships to support appropriate outcomes that are proportionate and consistent.
6. As the departmental changes were made towards the end of 2017, the data requested for this report will not reflect their impact. In order to assist the panel, predictive data has been included in the charts which is reflective of the data submitted to the IOPC and should accurately predict the next quarterly report. Further information drawn from the PSD service improvement meeting has also been included to assist the board.

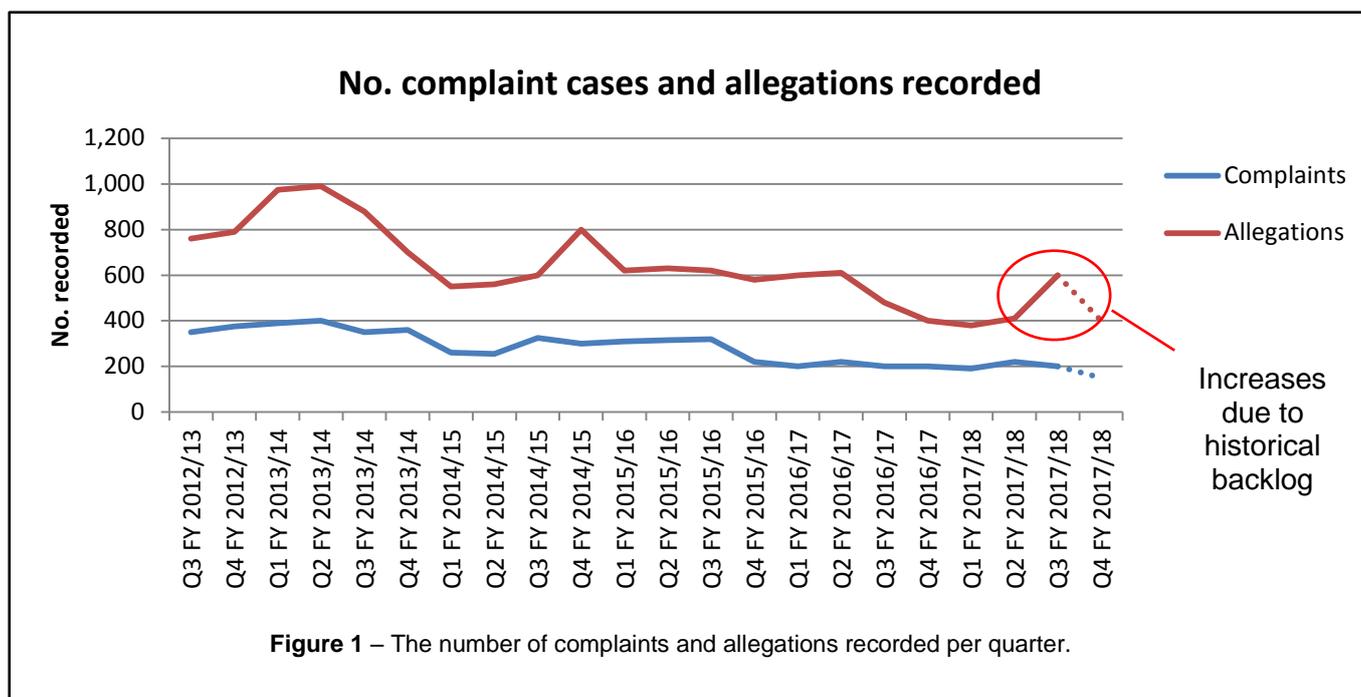
Data for Discussion

7. The following data is a combination of data from the IOPC quarterly report and data compiled internally by PSD. The IOPC quarterly report is comprised of data provided to the IOPC from PSD systems. This allows the department to run accurate updates of the IOPC data throughout the quarter.
8. The latest edition of the IOPC quarterly report covers Quarters 1 to 3 in 2017/18 (i.e. 1st April 2017 to 31st December 2017). Data has been provided to the IOPC for Quarter 4, however at the time of writing, the report has not yet been published. Therefore, the data in the following report is a combination of data from the IOPC reports and data run internally.

Numbers of Complaints and Allegations

9. In preparation for changes to the operating model, PSD undertook a data cleanse process during quarter three. This focussed on the elimination of a pre-existing backlog in assessments, and the completion and closure of some open cases, which had been finalised incorrectly on the Centurion system.
10. This data cleanse process resulted in approximately 60 additional cases being recorded in September and 160 additional cases being closed in October and November.

11. This work was undertaken so that the impact of the changes could be assessed correctly, without historic cases skewing the outcomes.
12. In recent quarters, PSD have received a consistent number of complaints per month, averaging around 200 per quarter (Figure 1). This has been consistent for the past two years, with prior levels averaging around 300 complaints per quarter. Figure 1 also includes the number of allegations recorded per quarter.

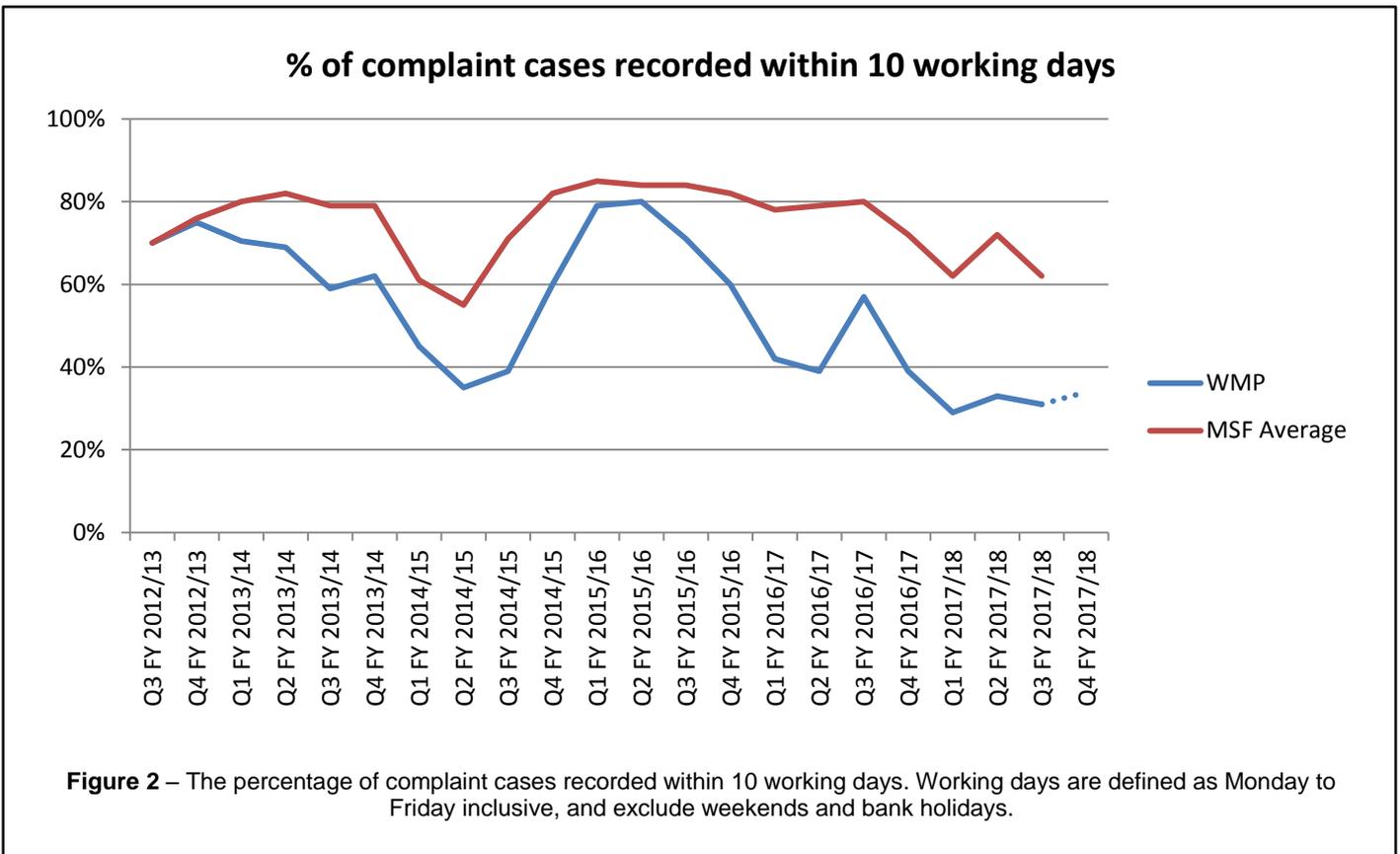


13. Please note that each complaint recorded is made up of one or more allegations. For example, a member of the public may complain against an officer who acted rudely, used excessive force and stole property. In this scenario, three different allegations may be recorded on the same complaint.

Timeliness of Recording and Investigating Complaints

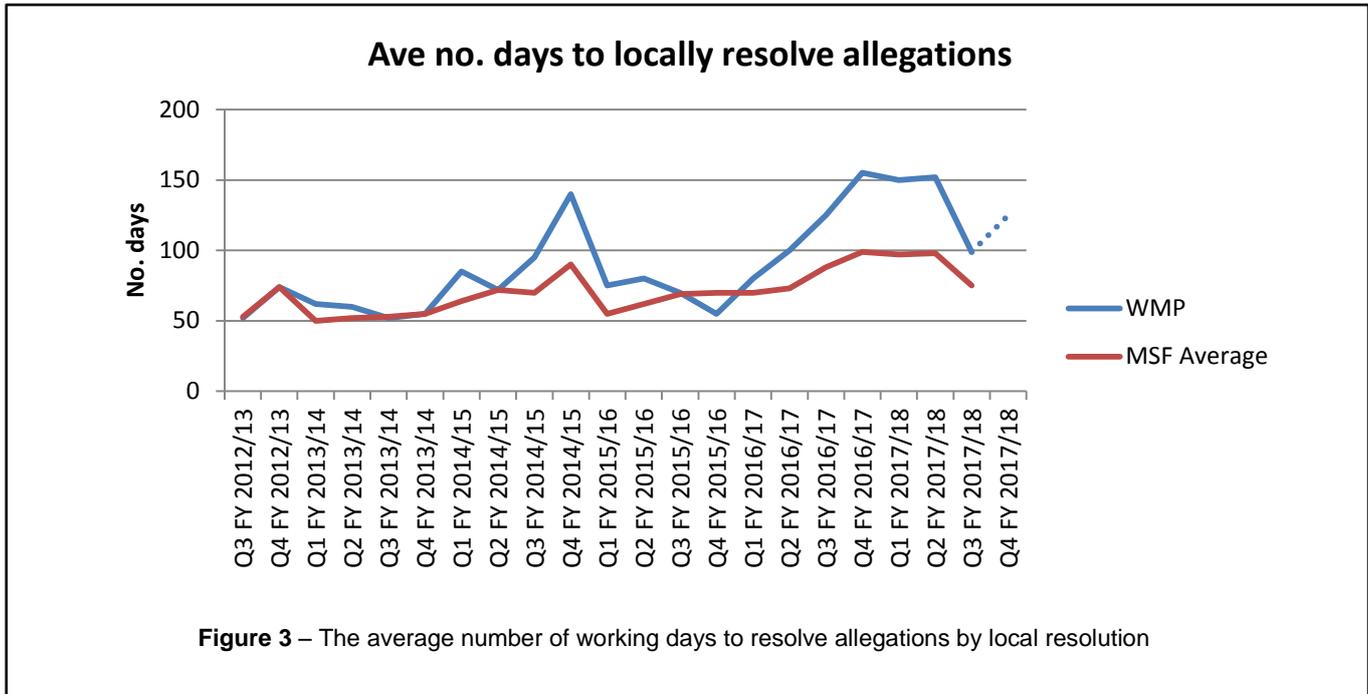
14. The IOPC state in their Statutory Guidelines that complaints should be recorded within 10 working days of receipt. Analysis indicates that WMP are improving their performance levels when compared against Most Similar Forces¹, now recording around 34% of complaints within 10 working days (Figure 2 overleaf).

¹ Most Similar Forces (MSFs) – Forces which have been identified as similar based on demographic, social and economic characteristics which relate to crime to each other. For WMP, the MSFs are Greater Manchester Police (GMP), West Yorkshire Police (WYP) and Merseyside Police.



15. Figure 2 shows the percentage of complaint cases recorded within 10 working days per quarter. Every effort is made to resolve issues by service recovery, however if the complainant remains dissatisfied, a full complaint will be recorded. This may take longer than the 10 working days, as multiple efforts to service recover issues will take time. In turn, this can result in low percentages of cases recorded as full complaints within this timeframe.
16. Another key performance metric used by the IOPC is the number of working days taken to resolve a complaint via the Local Resolution process. Similar to service recovery, this involves allegations which are unlikely to result in criminal or misconduct proceedings, and are therefore a lower severity. As a department, PSD have been actively using more local resolutions to resolve cases, and have been encouraging local departments to do the same. These figures will be discussed later in the report.

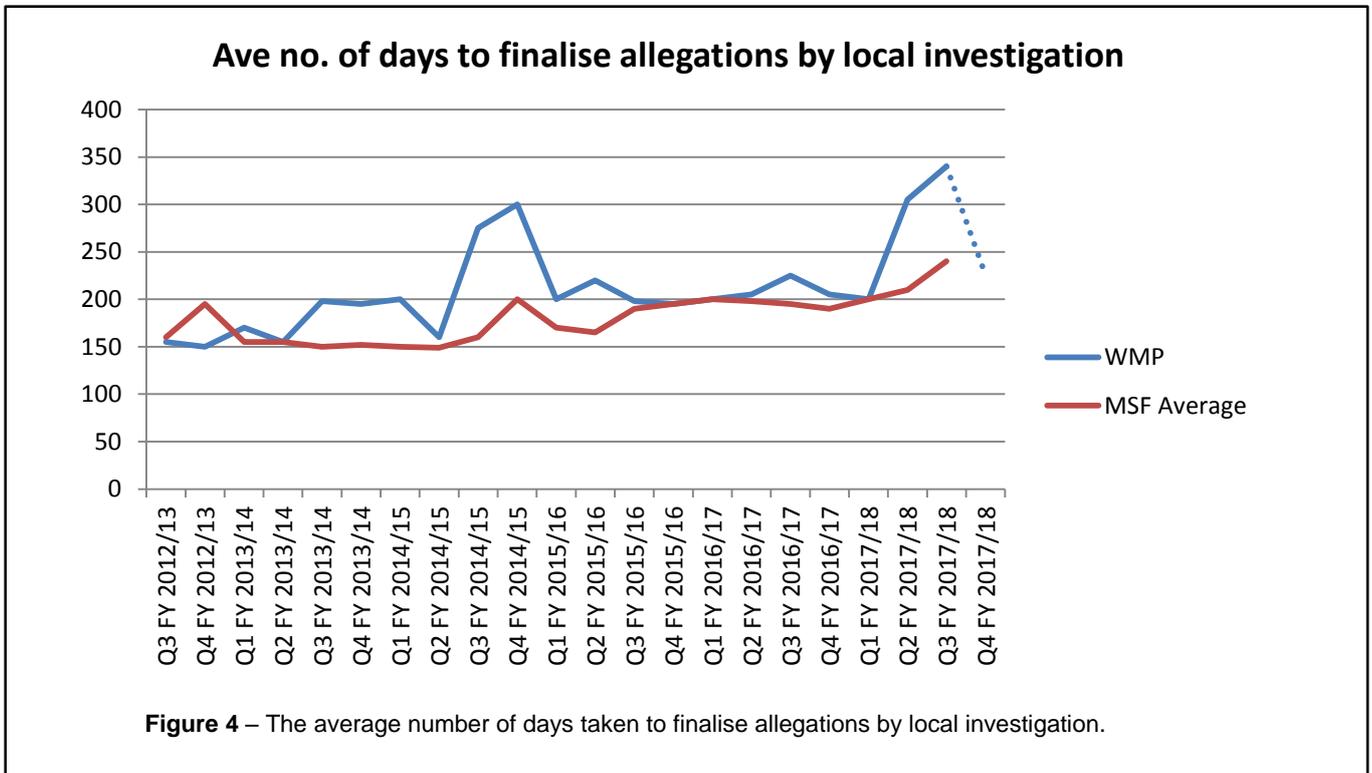
17. Figure 3 shows the average number of days taken to locally resolve allegations. Historically, WMP have tracked relatively consistent with Most Similar Forces, however, the gap between WMP and MSFs has widened in recent quarters. This gap was significantly reduced in Q3 2017/18 with the implementation of new processes. This is projected to increase again for Q4 2017/18 to approximately 125 working days, however, this is due to a significant number of historical cases skewing the data as detailed previously.



18. To illustrate the impact of historical cases on the data, the median number of investigation days to finalise complaints by Local Resolution have been analysed. This indicates that in Q3 2017/18 the median figure is 48 days, whereas in Q4 2017/18, this has reduced to 34 days. PSD are therefore confident that as the new process continues, these timescales will fall and be reflected in Q1 2018/2019.

Local Investigations

19. Historically, WMP have been relatively similar to the Most Similar Forces to finalise cases which have been investigated locally (Figure 4). Depending on their severity or the contents of the allegation, cases can be investigated independently by the IOPC, locally by WMP, or by a supervised/managed investigation led by WMP, with assistance from the IOPC.



20. In Q4 2017/18, we expect that the average number of days will decrease and move closer towards the Most Similar Force average of recent months. Whilst the calculation which the IOPC use is not clear, we have calculated this to be around 225 working days for last quarter. This may differ slightly from what appears on the published Q4 report, due to calculation and methodology differences. Again, it is expected that the new processes will continue to drive this figure down.

21. In addition to the above, there are fewer cases being sent to local departments and neighbourhood policing units, whilst the number dealt with by PSD has increased (Figure 5). This has allowed PSD officers to focus their efforts on resolving dissatisfaction quickly, whilst supporting departments and NPUs with their cases. Typically, the cases sent out for local investigation will centre on neighbourhood disputes which are often better resolved by local officers.

Location of Case	2016/17	2017/18	Grand Total
External	202	136	338
PSD	3	92	95
Grand Total	205	228	433

Figure 5 – The number of complaint cases resolved as local resolution per year and if case was resolved within PSD or externally.

Please note – this data is for the full year (April-March).

Impact of Service Recovery and Local Resolution

22. As discussed previously, PSD has shifted focus on resolving dissatisfaction by either service recovery or local resolution. Whilst the full impact of this will not be fully visible until after the completion of Q1 2018/19, as the headline data uses the full year to date, internal performance figures show significant improvement. Figure 6 for example, shows the percentage of miscellaneous cases resolved by service recovery per week, and demonstrates the effect the changes have had. For the nine weeks from week commencing 12th February 2018 until 9th April 2018, eight have seen over 60% of miscellaneous cases resolved through service recovery. The one point only dropped beneath the 60% target because of annual leave over the Easter period and departmental abstractions. These consistent high levels have never been seen within recorded data for WMP.

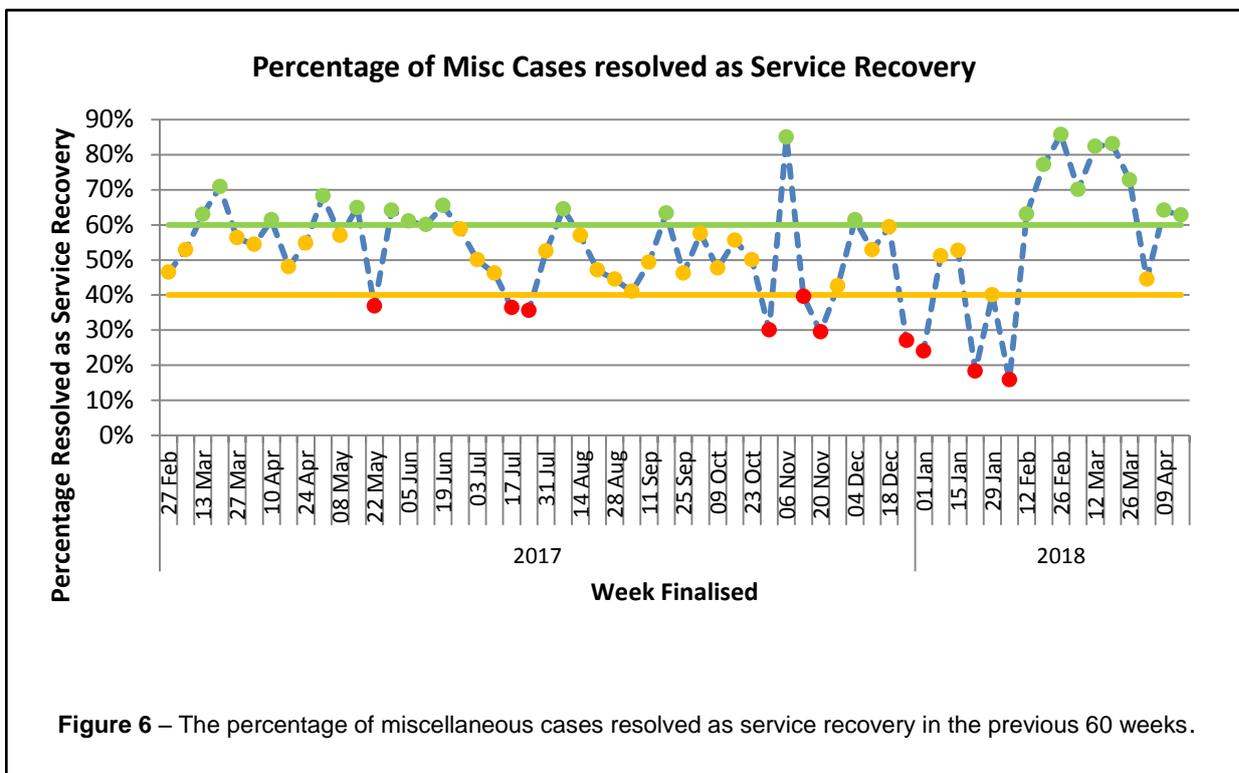


Figure 6 – The percentage of miscellaneous cases resolved as service recovery in the previous 60 weeks.

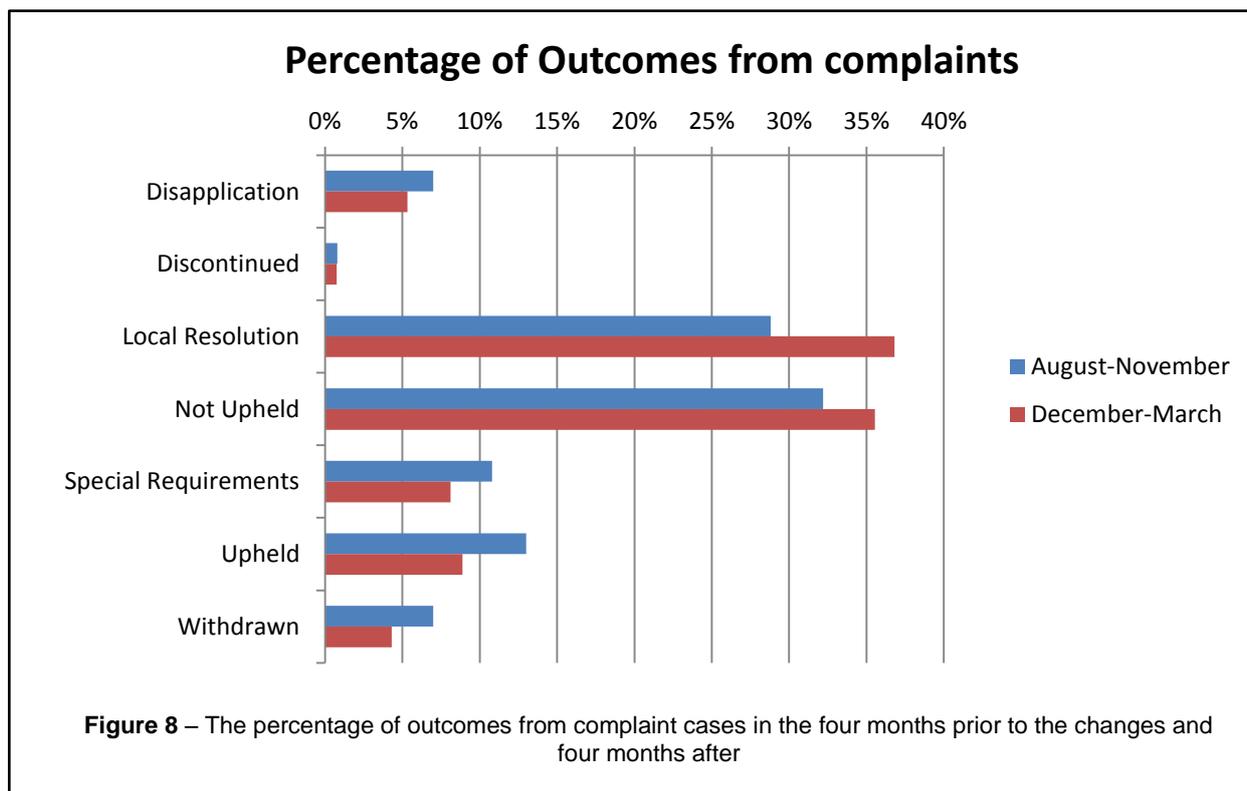
23. This increased use of service recovery has led to miscellaneous cases taking longer to resolve (Figure 7). However, the new processes which are in place allow for more time for investigators to attempt service recovery resolutions, whereas historically, these would have been investigated as full complaints.

Period Case Finalised	Service Recovery	Other	Grand Total
October-December 2017	4.2	27.6	15.5
January-March 2018	11.5	47.5	24.8

Figure 7 – The average working days taken to resolve a miscellaneous case, split by type of resolution and period finalised

24. Whilst the impact of the changes has led to a significant increase in the number of service recoveries, there has also been a significant increase in the number of complaints resolved by local resolution. These are complaint cases where service recovery has been attempted but failed, or where service recovery is not suitable and require further investigation. This results in learning for the officer(s)/staff member(s) involved, but does not result in any further misconduct proceedings. Figure 8 overleaf shows the percentages of different outcomes for four months prior to and four months after the changes were implemented. The percentage of local resolutions has increased from 29% to 37%. This leads to a faster investigation for both the officers/staff members involved, as well as a quicker process for the complainants, and should increase the satisfaction of the investigations for both the officers and complainants.

Case Outcomes



25. Figure 8 also shows the proportion of outcomes from cases finalised in the four months prior to (August to November 2017) and the four months since the changes (December 2017 to March 2018). As stated above, the proportion of local resolution cases has increased. This has led to a lower proportion of cases which have undergone a full investigation, which in turn has led to a decrease in lengthy investigations, benefiting the member of the public, the officers/staff members involved and the Force as a whole. The proportion for cases not upheld has increased (from 32% to 36%), whilst the proportion of cases which were upheld reduced (from 13% to 9%), and withdrawn cases have also reduced (from 7% to 4%). It is assessed that this has been caused by the high numbers of complaints being resolved earlier on in the process, either through service recovery or local resolutions.
26. Figures 9 and 10 overleaf show the number of outcomes from gross misconduct hearings and misconduct meetings in the last six months. As stated previously, cases can be referred to the IOPC depending on a number of circumstances. The investigation can then be led by either the IOPC or WMP. After the IOPC has completed their investigation, they return their recommendation of conducting misconduct proceedings to PSD. This recommendation can then either be accepted by PSD, or it can be challenged, and an amended recommendation can be made. The IOPC can then return either an acceptance of this amended recommendation, or can direct PSD to uphold the original recommendation from the IOPC.

Gross Misconduct Hearing Outcomes from last 6 months	IOPC Investigations		Force Investigations		TOTAL
	Directed	Accepted	Local Investigation	Not Referred	
Dismissal Without Notice	0	0	3	2	5
Final Written Warning	0	0	0	0	0
Written Warning	0	0	0	0	0
Management Advice	0	0	0	0	0
No Action	0	2	0	0	2
Not Proven	2	0	1	0	3
TOTAL	2	2	4	2	10

Figure 9 – Number of outcomes from gross misconduct hearings in the last 6 months with outcome and IOPC jurisdiction

Meeting Outcomes from last 6 months	IOPC Investigations		Force Investigations		TOTAL
	Directed	Accepted	Local Investigation	Not Referred	
Final Written Warning	0	0	1	2	3
Written Warning	0	0	0	3	3
Management Advice	0	0	3	1	4
No Action	0	1	0	0	1
Not Proven	0	3	2	0	5
TOTAL	0	4	6	6	16

Figure 10 – Number of outcomes from misconduct meetings in the last 6 months with outcome and IOPC jurisdiction

27. There is a disparity in outcomes between cases which are IOPC directed, and those where WMP have instigated proceedings. PSD are working with the IOPC to better understand the reasons for this disparity. The not proven hearings are often as a result of 'use of force' investigations. The department are engaged with the IOPC to capture learning that can be derived from the not proven investigations and determine how the position can be improved.

28. The vast majority of Force-led misconduct meetings resulted in a sanction for the individual, with only two of twelve meetings resulting in a “Not Proven” finding.

Appeals Upheld

29. The IOPC quarterly report suggests that WMP have upheld significantly more force appeals (Figure 11). The report states that 25% of appeals against the Force’s investigation are upheld, compared to 11% of investigation appeals against the Most Similar Force average and a national result of 17% of investigation appeals. In addition, the report states that 38% of appeals following local resolutions have been upheld, compared to 19% for MSFs and a national result of 15%.

Measure	Year to date actual	Count	Same period last year	MSF average	National result
Force appeals upheld and completed					
% force investigation appeals upheld	25%	8	28%	11%	17%
% force local resolution appeals upheld	38%	3	0%	19%	15%
% force disapplication appeals upheld	0%	0	33%	11%	7%
% force discontinuance appeals upheld	0%	0	0%	0%	0%

Figure 11 – Force Appeals Upheld.
Please note this is for 1st April 2017 – 31st December 2017.

30. However, the variations are due to differences in volume between WMP and other forces. Figure 12 details the differences in how cases are finalised between WMP, Greater Manchester (GMP) and West Yorkshire Police (WYP). WMP investigate significantly more allegations through full investigations (67% of allegations, compared to 30% for GMP and 39% for WYP), and therefore have received significantly more appeals against these allegations (59 for WMP, 10 for GMP and 1 for WYP).

	WMP	GMP	WYP
% allegations investigated	67%	30%	39%
Number of investigation appeals received	59	10	1
Number of investigation appeals upheld	8	0	0
% allegations Locally Resolved	22%	58%	48%
Number of Local Resolution appeals received	13	123	113
Number of Local Resolution appeals upheld	3	14	18

Figure 12 – Percentage of allegations investigated and locally resolved, and the number of resulting appeals received and upheld between WMP and similar forces.
Please note data is for current year (1st April – 31st December 2017).

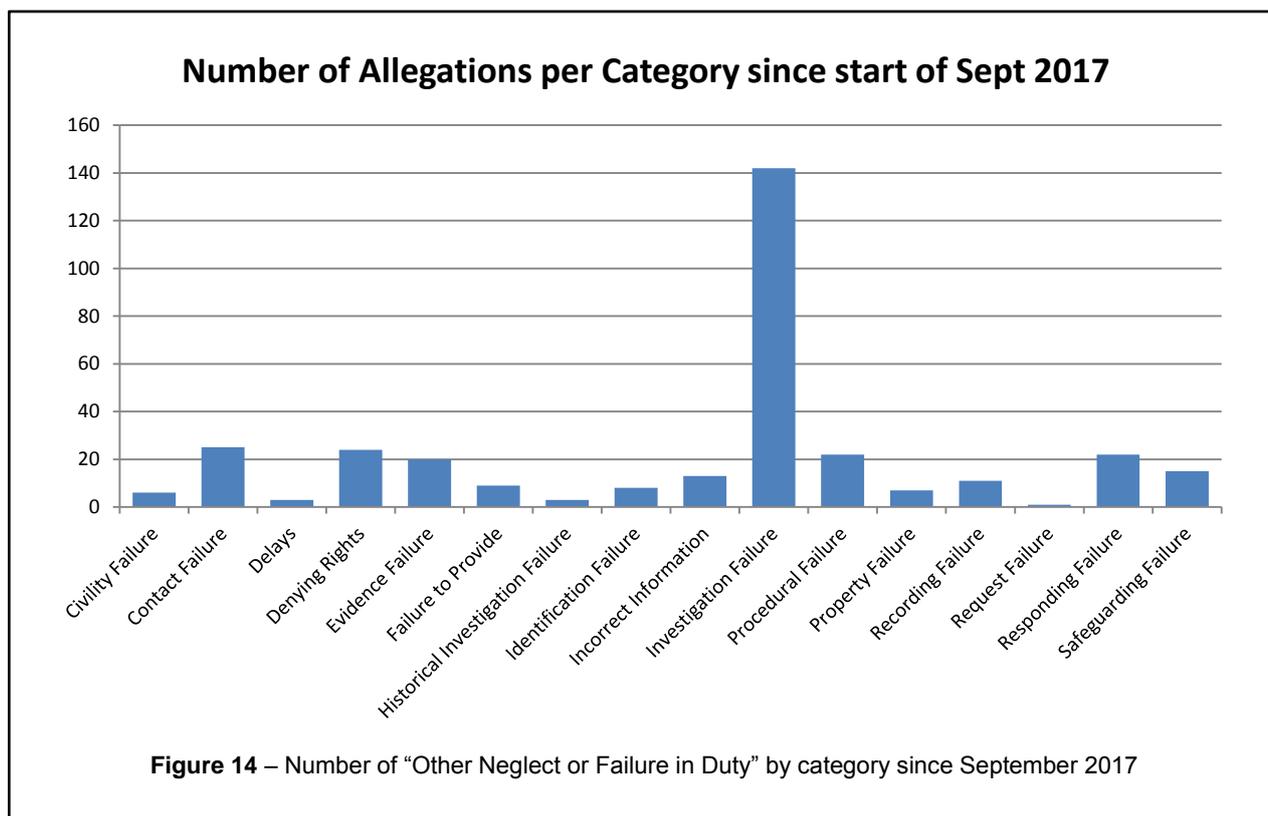
31. Conversely, GMP and WYP have finalised more allegations by local resolution (58% for GMP, 48% for WYP, and 22% for WMP). This is also reflected in the numbers of local resolution appeals received (123 for GMP, 113 for WYP, but only 13 for WMP). Whilst approximately a quarter of these appeals are upheld, this is only equivalent to three upheld appeals in the three quarters of 2017/18. Therefore, the percentages are not representative of a wider issue regarding appeals within WMP. However, with the increased preference to resolve cases by local resolution, this data should more closely reflect the data seen for GMP and WYP in the coming quarters.
32. With regard to total appeals made to WMP, in quarters 1 to 3 in 2017/18, there were 80 appeals made and 49 appeals completed, compared to 189 received and 100 completed in 2016/17 (see Figure 13). These were split across appeals against the result of the investigation or the investigation itself, against the local resolution or how the local resolution was enforced, or against the disapplication of the complaint.

		2016/17					2017/18			
		Q1	Q2	Q3	Q4	TOTAL	Q1	Q2	Q3	TOTAL
Investigation Appeals	Received	43	25	43	45	156	13	24	22	59
	Completed	14	28	36	9	87	11	11	12	34
Local Resolution Appeals	Received	8	2	3	4	17	4	3	6	13
	Completed	0	5	2	0	7	4	1	3	8
Disapplied Appeals	Received	2	6	2	6	16	2	3	3	8
	Completed	2	3	2	1	8	4	1	2	7

Figure 13 –. Total number of appeals received and completed
Please note this is for 1st April 2016 – 31st December 2017.

“Other Neglect or Failure” Allegations

33. The previous SPCB requested that allegations for “Other Neglect or Failure” were analysed in greater depth. These allegations have been examined manually, and as such, only include allegations since the start of September 2017. Figure 14 indicates that the most common reason for an “Other Neglect or Failure” allegation is due to investigation failures, where WMP have not investigated a crime to the extent that the complainant expected, and accounts for 43% of total allegations of “Other Neglect or Failure”. Forthcoming work on satisfaction with service will delve in to the reasons behind this.



34. There are also a significant number of allegations relating to failure to contact/update individuals during investigations (25 allegations), instances where an individual has been denied their rights (24 allegations), procedural failures (22 allegations) and failures where officers have not attended incidents (22 allegations)².

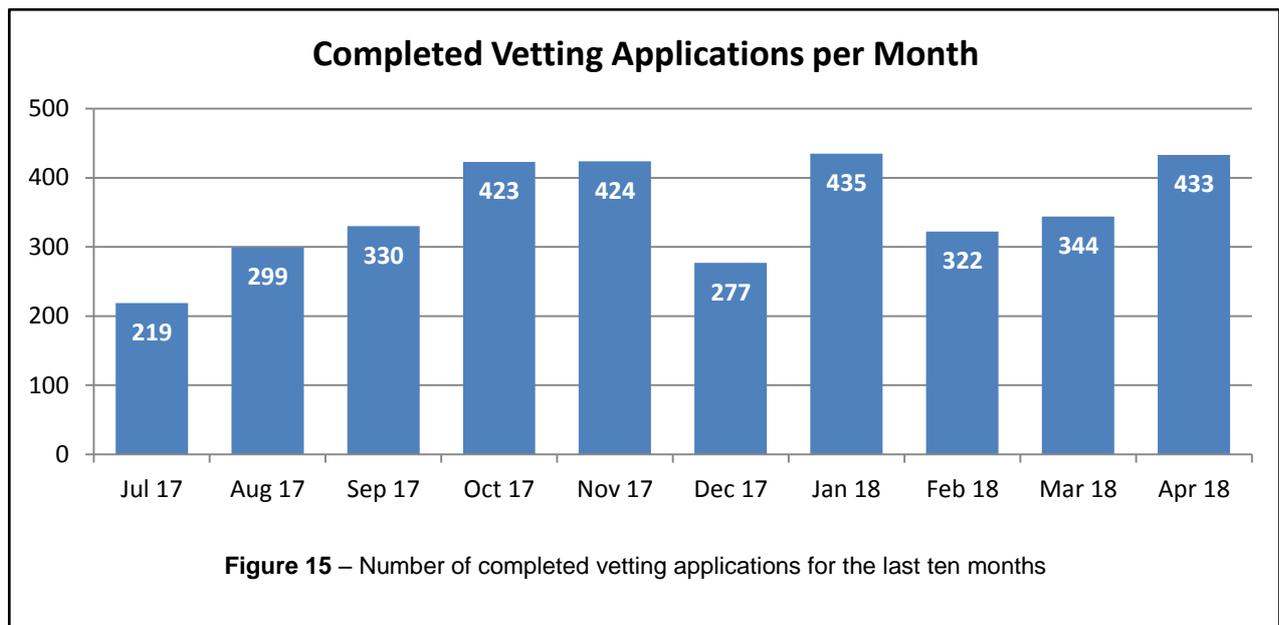
35. Out of the 176 finalised allegations, there were eight allegations which have been upheld (4.5%) – four for Investigation Failure, and one each for civility failure, delays, recording failure and responding failure.

36. Of the 142 allegations for Investigation Failures, only four were upheld (3%). 54 allegations were subject for local resolution (38%), whilst 43 allegations are subject of ongoing investigations (30%).

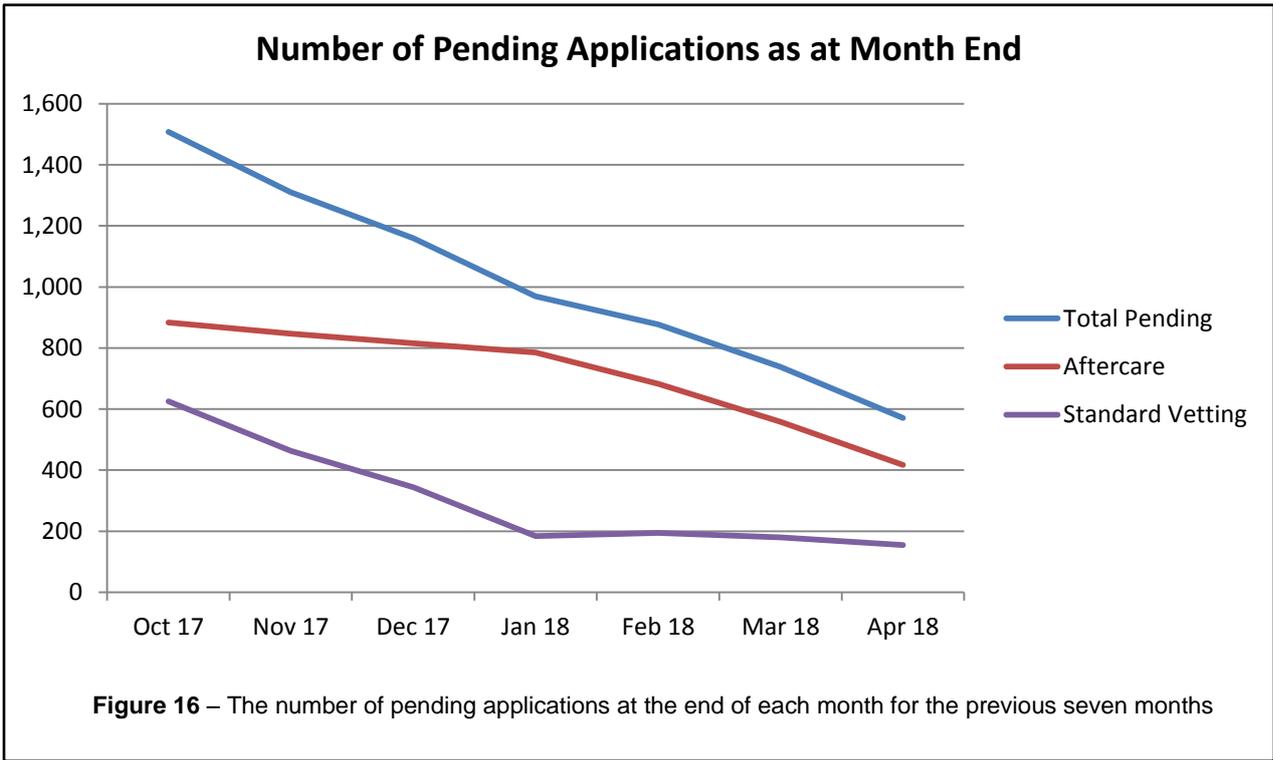
² A full list of the definitions for each category is included as an appendix.

Vetting

37. Over the past nine months, the number of vetting applications has increased from 219 applications in July to an average of 429 in October, November, January and April (see Figure 15). Whilst this has decreased slightly for February and March, this is due to staffing levels around the half-term/Easter periods, temporary internal staff movements, as well as more in-depth and time-consuming applications. In April, the number of completed applications increased to 433 applications.



38. The number of pending applications is reducing significantly, with the total number of pending applications now nearly two-thirds lower than the total pending at the end of October 2017 (1,508 applications pending at the end of October 2017, 571 applications pending at the end of April 2017 – see Figure 16). Many of the applications which are currently pending are waiting for checks to be completed either from other departments or from external forces, and can take up to two weeks.



Body Worn Cameras

39. Body worn video has added a new tool to investigators’ armouries, and allows them to view an incident in real-time. However, in some instances, it has increased workloads when attempting to find if there is footage available. There are also difficulties in quantifying any improvements, as we do not have any record of which investigations have been assisted by body worn video, and the full impact of this assistance (i.e. we do not know how long the same investigation would have taken without body worn video) and so do not have any reliable benchmark with which to compare against.

Abuse of Authority for Sexual Gain IOPC Referrals

40. Figure 17 shows the number of referrals made to the IOPC for “Abuse of authority for sexual gain”.

IOPC Referrals and Decision	2017	2018
Local investigation	4	
Force Investigation	1	1
Awaiting Decision		1
Grand Total	5	2

Figure 17 – The number of IOPC referrals for “Abuse of Authority for Sexual Gain”

The Board is asked to:

- Note the report and progress made by PSD following departmental changes.

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Job Title: Job title of author(s): PSD Analyst

Appendix – Definitions of “Other Neglect or Failure in Duty” Categories

Civility Failure – assault, acting unprofessionally

Contact Failure – no regular updates with complainant

Delays – delays between incident and statement taking

Denying Rights – denying access to legal advice, not informed of reason for search

Evidence Failure – failure to secure/retain evidence

Failure to Provide – not providing items after request from complainant (inc. when promised)

Historical Investigation Failure – failing to investigate an historical incident

Identification Failure – officers have failed to ID themselves

Incorrect Information – officers/staff have provided incorrect information

Investigation Failure – officers have failed to investigate an incident correctly/fully

Procedural Failure – where officers/staff have not followed relevant procedure correctly

Property Failure – officers/staff have failed to return items, or returned items have been delayed

Recording Failure – failure to record information accurately

Request Failure – failure to complete request

Responding Failure – failure to attend incidents

Safeguarding Failure – failure around safeguarding individuals