

Police and Crime Plan Priority: Improving Confidence in the Police

Title: Complaints and PSD

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Purpose of paper

1. The purpose of this report is to provide the board with an overview of the work of the Professional Standards Department (PSD) to understand how the department contributes to upholding the Code of Ethics and embedding standards of professional behaviour. The report is for discussion.

Background

2. PSD has now undergone a comprehensive review and changes to departmental structures have been implemented. The restructure was initiated with the clear aim of ensuring members of the public and internal staff receive a high level of service from the department.
3. PSD now comprises three main areas of responsibility; Counter Corruption, Investigations and Vetting. The Investigations teams have been restructured so there is now a single team dedicated to service recovery; a second team responsible for proportionate investigations including local resolution and a third team dealing with more complex investigations. In addition, a new capability has been introduced in the Department to deliver Prevention and Intervention. This team will identify organisational learning drawn from PSD investigations and complaints and will disseminate any identified learning across the organisation.
4. There had been an intention to revise Police Misconduct Regulations through Police Integrity Reform and the implementation of the Police and Crime Act 2017 earlier this year. One key change is the relocation of Appeals from within PSD to

the Office of the Police and Crime Commissioner (OPCC). Whilst implementation of the anticipated changes have been postponed nationally, planning has already commenced within the department and any changes can be implemented once the legislation is enacted.

5. Another change anticipated will be the introduction of 'Practice Requiring Improvement'. This recognises that the vast majority of misconduct allegations and complaints made against officers and staff only result in management action or advice. Lengthy investigations as a result of such cases can often be counter-productive, when learning could have been identified and implemented earlier. This recognises a cultural shift through the intended changes to Police Regulations; from blaming to learning.
6. Any breaches of the standards of professional behaviour warranting formal sanctions and dismissal will continue to be brought before Misconduct Meetings and Hearings. Where learning and performance improvements are identified, such practice will be implemented as soon as possible. The introduction of the Prevention and Intervention team enables the department to prepare for the future implementation of the Police and Crime Act 2017 and to initiate the necessary cultural change across the department and the wider force.

Key points

7. WMP PSD deals with some of the most serious investigations as the second largest force in England, yet is proportionately one of the smallest departments in the country¹. The recent restructure enables the department to operate as efficiently as possible whilst maintaining public trust and confidence that professional standards of performance and behaviour are maintained.
8. In the reporting period, there have been improvements in the timeliness of investigations, levels of contact with both subject officers and complainants, levels of service recovery being delivered, backlogs of appeals and vetting aftercare.
9. The overall numbers of complaints received in the reporting period have reduced significantly and there is a direct correlation with the implementation of body worn video cameras across frontline policing.
10. All recommendations made in the 2016 report assessing disproportionality across WMP complaints and misconduct proceedings, have now been addressed.

Complaints Received from Members of the Public

¹ HMICFRS recommendations are that PSDs nationally should be built to reflect ideally 1% of the force's workforce. Each of the MSF to WMP (namely GMP, MerPol and WYP) have PSDs built from 1% of the total workforce. WMP's PSD comprises just 0.75% of the available workforce.

11. As detailed in Figure 1 below, the number of complaints and allegations received has reduced significantly year on year since 2015/16.
12. Not every allegation made is recorded as a complaint. An initial assessment of the allegation is made including an attempt at addressing the complainant's concerns. If concerns are immediately addressed to the satisfaction of the complainant, a formal complaint is not recorded, a process referred to as 'Service Recovery'. The overall numbers of allegations and complaints recorded can be seen in Figure 1 below.

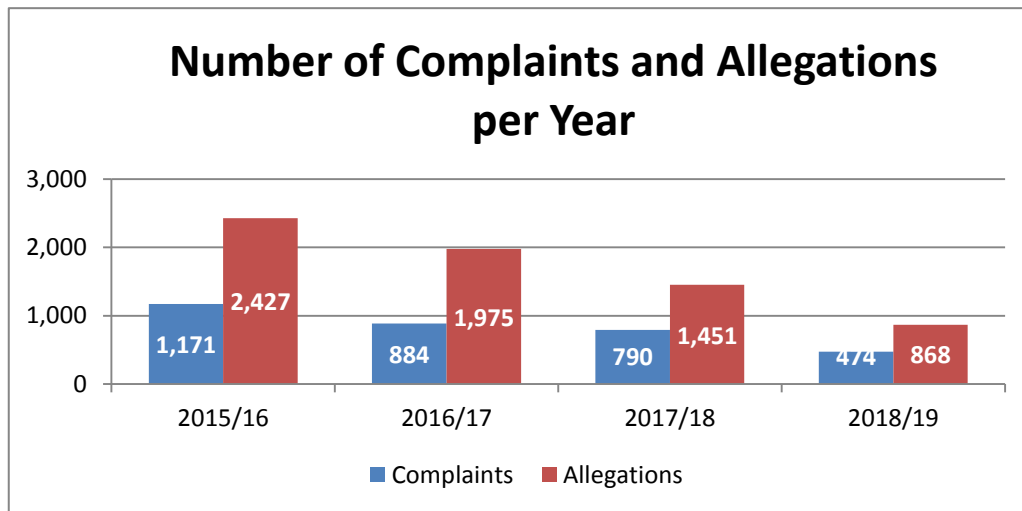


Figure 1. Number of complaints (blue) and allegations (red) recorded per year

13. Of the 868 allegations made this year, the greatest proportion relate to those categorised as 'other neglect or failure in duty', representing 35%.

Timeliness of Investigations

14. The Independent Office for Police Conduct (IOPC) state in their Statutory Guidelines that complaints should be recorded within 10 working days of receipt.

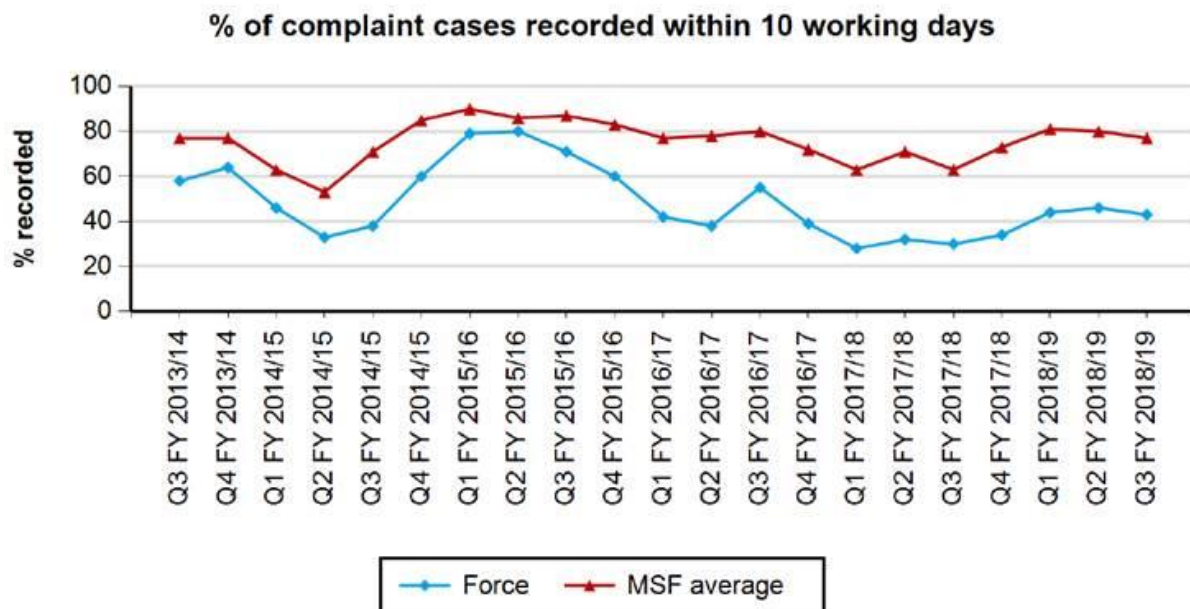


Figure 2 – Percentage of cases recorded within 10 working days of receipt

15. All allegations are now triaged before formal recording and whilst this process has marginally increased timeliness of recording, it has enhanced the initial assessment. This has resulted in a greater number of cases being service recovered which ultimately provides a greater level of service to all parties. Further resilience among Appropriate Authorities (AAs) following the departments re-structure also ensures allegations and complaints are assessed as soon as possible. It is expected that we will continue to see further improvements in timeliness of recording over the next quarter.
16. Whilst the average length of investigation time remains above that of our MSF (158 days compared to 126 in MSF), the average length of investigation times in WMP is at a three year low (see Figure 3 overleaf).
17. The majority of cases are now investigated internally within PSD where AAs and investigation teams are collocated. This has reduced the requirement for other teams and departments to undertake this work and due to higher levels of knowledge and expertise in PSD, has improved timeliness dramatically. A greater emphasis on service recovery and local resolution also enables an early outcome to be arrived at in a greater number of cases.

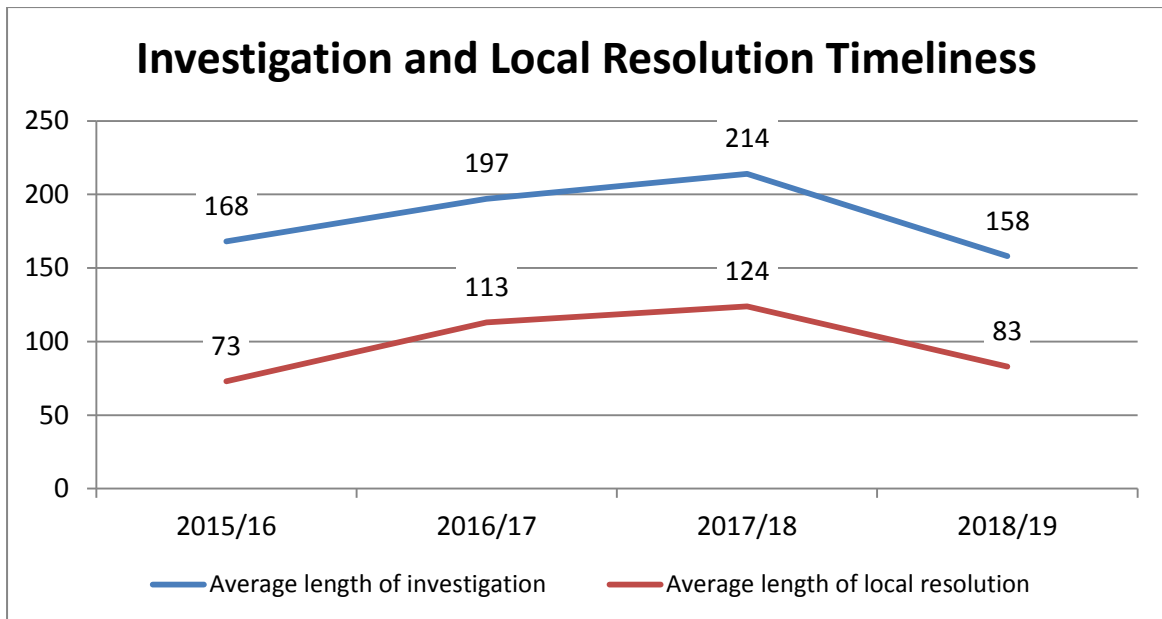


Figure 3. Average number of days for a full investigation (blue) and average number of days for a local resolution (red).

- Investigation time remains a priority and the department is committed to seeking further reductions in forthcoming quarters.

Service Recovery

- In a significant number of instances where members of the public report what is initially described as a complaint, the service recovery team are able to resolve the concern without a formal complaint being recorded.
- The number of cases recovered in this way has grown steadily over the last three years, rising to an average of 60% of all allegations made (see Figure 4 overleaf). This is indicative of the departments commitment to increasing levels of service and satisfaction for both officers and complainants.

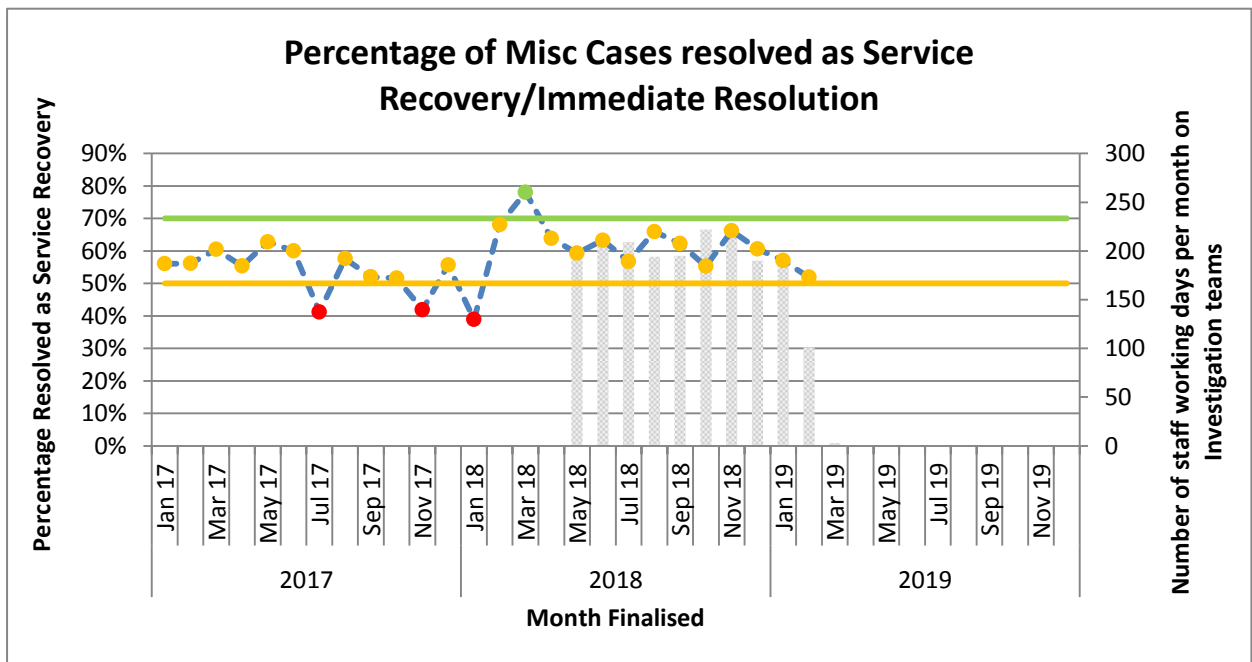


Figure 4. Percentage of Miscellaneous Cases Resolved as Service Recovery.

Appeals

21. The number of appeals upheld within WMP are higher than our MSF, whether they are investigated by the IOPC or WMP PSD.
22. This year, 53% of IOPC cases were upheld on appeal compared to 33% in MSF. As detailed previously, these variations are primarily due to a difference in case volume and the higher proportion of full investigations being managed by WMP compared to other forces, resulting in a greater number of appeals.
23. This year, 0% of WMP PSD investigation appeals were upheld, compared to 12% in our MSF. This has reduced significantly from 22% last year.

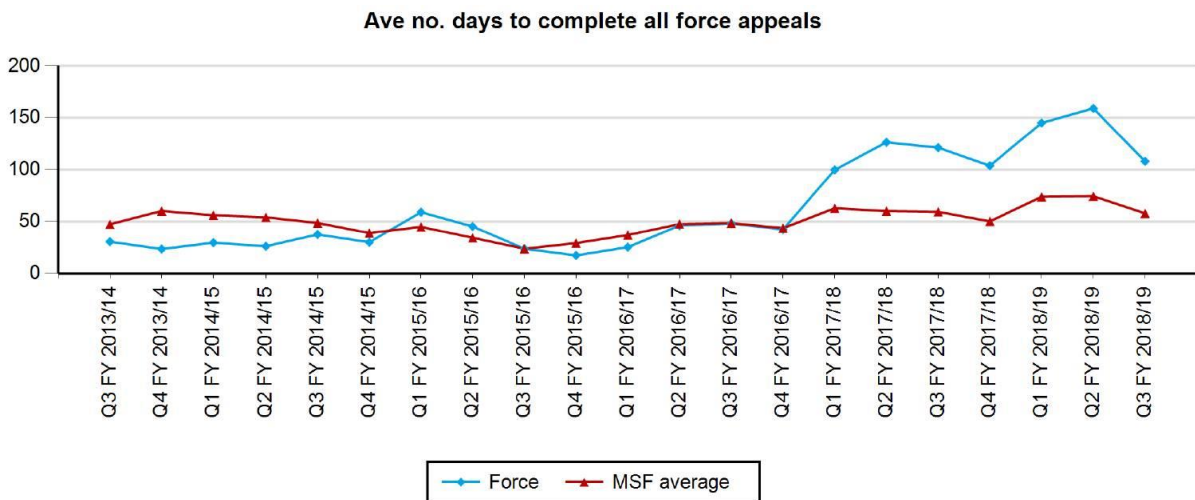


Figure 5. – Average number of days to complete force appeals

24. A dedicated appeals officer was appointed in January 2019 who will focus on processing the previous backlog of appeal cases and it is expected that the backlog will be cleared completely in the next quarter.

Conduct and Complaint Matters

25. Conduct matters are those instances where the standards of professional behaviour of officers or staff fall below those expected, to the extent that a sanction could be required.

26. Complaints made by members of the public will always be recorded as a 'complaint' but may naturally include elements of conduct whilst allegations made by colleagues internally will always be recorded as conduct matters².

27. The number of recorded internal conduct matters has dropped significantly since 2015/16 (as detailed in figure 6 below) in line with the general reduction in overall complaints made by the public and the more effective triage of allegations in the first instance, as previously described.

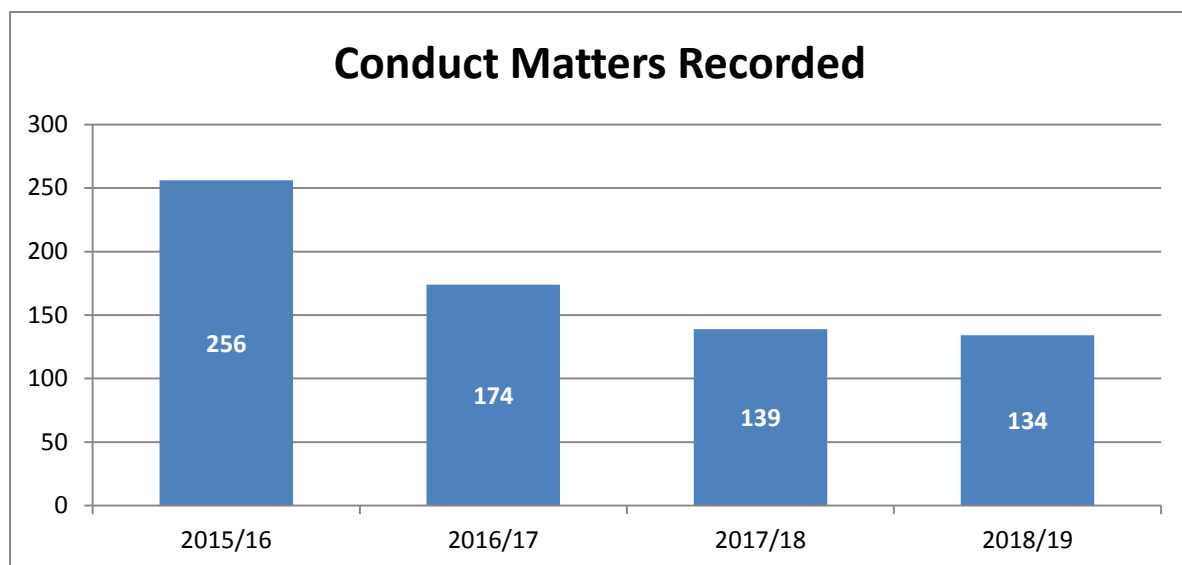


Figure 6. Number of Conduct Matters recorded per year

28. Discreditable conduct remains the highest category of internal allegation being recorded at 40%, followed by authority, respect and courtesy at 36%.

29. WMP has a whistleblowing policy in place to ensure colleagues feel confident and supported in reporting any breaches in the requisite standards of professional

² Excepting those matters that do not indicate a breach of professional standards that could result in a misconduct sanction be awarded, where resolution might be sought by way of internal grievance procedures or dignity at work procedures.

behaviour. In addition, WMP supports a confidential reporting line which allows colleagues to report any matters in the strictest confidence. Even if reports to the confidential line are made using internal systems, the origins of the report are completely anonymised.

Misconduct Proceedings

30. This year to date, there have been 38 Misconduct Proceedings resulting in 10 dismissals. A full breakdown since 2015/16 is provided in Figure 7 below.

Outcomes from Meetings and Hearings

	2015/16	2016/17	2017/18	2018/19
Hearing - Special Case	6	13	12	6
Proven	6	13	12	6
Dismissal Without Notice	6	13	11	6
Final Written Warning			1	
Hearing	28	24	14	10
Proven	21	19	5	9
Dismiss Without Notice if Gross Misconduct	4	1		
Dismissal Without Notice	8	5	2	2
Would Have Been Dismissed				2
Final Written Warning Extension	1	1		
Final Written Warning	5	7	1	5
Written Warning	3	2	1	
Management Advice		3		
No Action			1	
Not Proven	7	4	9	1
Proceedings Discontinued		1		
Meeting	38	13	31	22
Proven	28	11	19	19
Final Written Warning Extension			1	2
Final Written Warning	2		7	3
Issue or Reinstate Verbal Warning	1			
Written Warning	10	3	2	9
Management Advice	15	7	7	4
No Action		1	2	1
Not Proven	10	2	12	3
Grand Total	72	50	57	38

Figure 7. Outcomes from Meetings and Hearings, 2015-2019.

IOPC Referrals

31. There are a number of categories in which investigations must be referred to the IOPC for consideration. A referral to the IOPC does not necessarily suggest any fault on behalf of the officer or member of staff, nor does the adoption of an investigation by the IOPC. The referral process adds an additional level of independent scrutiny to the investigation.
32. Having received a referral, the IOPC may return it to the force for our own investigation, may return it to the force for investigation under their supervision, or may retain the investigation independently.
33. This year to date, 191 cases have been referred to the IOPC of which 52 have been adopted for independent investigation. Comparative rates of referral and adoption for independent investigation are shown in Table 1 below.

	2015/16	2016/17	2017/18	2018/19
Force Deal	19	14	22	26
Local	226	225	130	113
Independent	75	62	91	52
TOTAL	320	301	243	191

Table 1. Annual Referrals of Investigation to IOPC and Method of Investigation.

34. From October 2018, the Director General of the IOPC announced that the investigative body would prioritise certain categories of investigation for independent scrutiny. The first categories for prioritisation are abuse of position for a sexual purpose (APSP) and road traffic incidents (RTI) (injuries resulting from police pursuits for example).
35. In this period, two cases of APSP have been referred to the IOPC, of which none were retained for independent investigation. Eleven cases of RTI were similarly referred of which four were retained for independent investigation.

Disproportionality Rates

36. As detailed in Figure 8 overleaf, the levels of disproportionality amongst complainants fluctuates from month to month. However, it should be noted that only 32% of complainants declare their ethnicity on average, making it difficult to assess overall representation. To address this gap, significant work is ongoing with Staff networks and the Independent Advisory Group. The issue is also being monitored through the Quarterly Performance Review (QPR) meeting chaired by the DCC as well as being driven via the departmental diversity and inclusion plan.

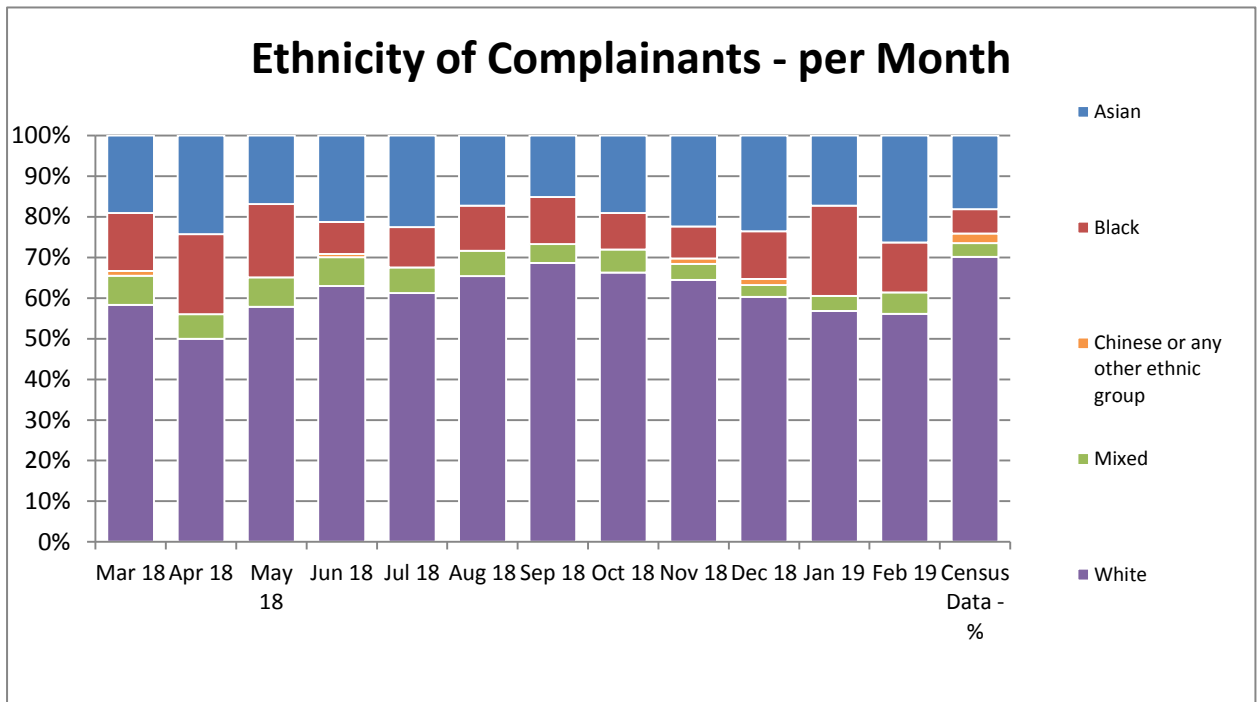


Figure 8. Ethnicity of complainants by percentage.

37. By comparison, figure 9 shows the ethnicity of officers subject to complaint. Whilst there still remain a minority of officers that have not self-declared their ethnicity, this does show a disproportionately low number of black and minority ethnic (BAME) officers subject to complaint by members of the public.

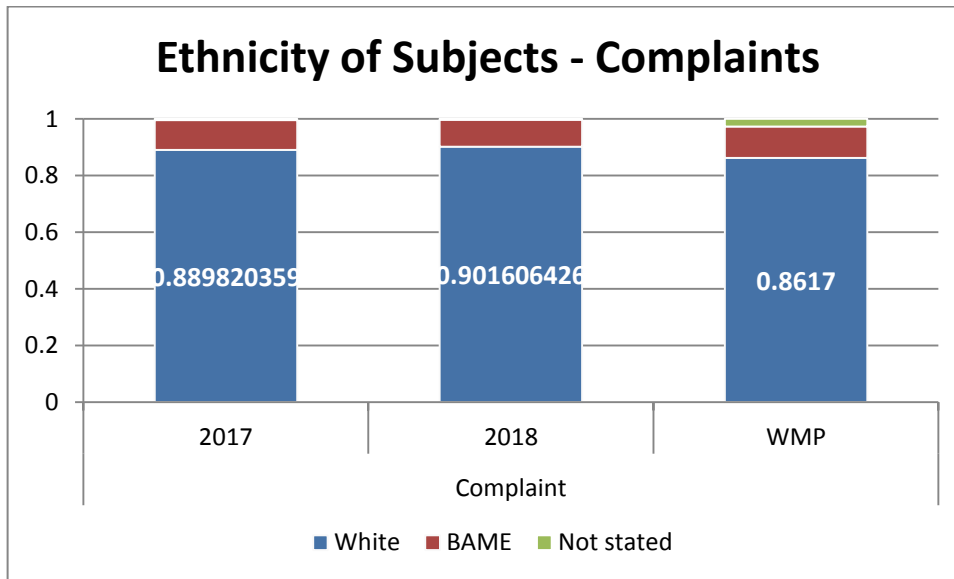


Figure 9. Ethnicity of subjects of complaints compared to WMP workforce data.

38. What cannot be determined from the way in which data is currently recorded however, is whether this reflects the original ratio of allegations being reported before they are separated out into complaints, service recovery and other categories.
39. Officers subject of misconduct allegations are proportionately represented against the WMP workforce and the representation of ethnicity across all investigation categories grouped together is also proportionate.
40. In 2016, work was undertaken by the force's strategic intelligence team to explore the perceptions that BAME colleagues were more likely to be treated unfairly through the complaints and misconduct processes. The key findings and recommendations of the report are summarised as follows:
 - a. The threshold for misconduct proceedings was set too low
 - b. The timeliness of investigations undertaken was too slow
 - c. A lack of updates to subjects of investigation enhanced perceptions of unfairness
 - d. The department was not held to account
 - e. Welfare of those under investigation was not considered
 - f. Diversity data should be recorded and presented
 - g. Performance data should be captured and presented
 - h. Internal scrutiny to processes should be applied
41. All observations and recommendations have now been addressed and the department is committed to continuous monitoring and review via the QPR meeting chaired by the Deputy Chief Constable. The performance of the department is also scrutinised on a quarterly basis via the Force Executive Meeting to ensure key objectives are being met. Other forums include the force wide stakeholder engagement group and external independent advisory group.
42. All meetings are attended by union and federation representatives as well as colleagues from People and Organisational Development to provide an additional level of scrutiny and ensure the welfare of officers and staff are paramount in all proceedings.

Counter Corruption Unit.

43. The Counter Corruption Unit (CCU) investigates those cases where intelligence suggests that officers or members of staff are breaching the requisite standards of professional behaviour.
44. A growing area of concern for national policing is the threat of officers and staff using their position of authority for the purposes of sexual gain. Whilst there has been an increase in the number of such cases being investigated by the CCU, it is assessed that the number of cases being disclosed is evidence of a growing level of confidence in WMP to report such matters.
45. The CCU has delivered training and led internal campaigns to highlight the threat and encourage colleagues to report. Training has also now been delivered to external partners such as Child Services and Independent Domestic Violence Advisors to encourage further reporting. Media attention to global campaigns such as 'Me Too' and the ongoing Independent Inquiry into Child Sexual Abuse also encourages greater public reporting.

Vetting

46. When the totality of vetting options are assessed, the force is confident that 74% of the workforce have current vetting of one level or another.
47. However, Her Majesty's Inspectorate of Constabulary, Fire and Rescue Service (HMICFRS) inspect force performance against the principle standards of police vetting (namely Recruit Vetting and Management Vetting), paying particular regard to the extent to which aftercare has been applied against each of these categories. When applying these measures; 46% of the workforce are currently assessed as having valid aftercare in place.
48. It should be noted that there are further levels of vetting that are not considered during HMICFRS inspections such as Security Clearance and Developed Vetting, which are considered higher levels of vetting across the security services and other government departments. Many staff have dual vetting in order to access Government systems and so whilst their police aftercare may be out of date in some cases, their Government Clearance is not.
49. The department is committed to maximising efficiency within the vetting team through the revision of the vetting system and automation of repetitive processes that currently divert vetting officers from assessment work. We are also ensuring vacancy rates are backfilled using alternative employment options. This culture of identifying marginal gains has already seen an uplift in vetting rates as indicated in Figure 10 and the department are committed to driving further improvements in this area during forthcoming quarters.

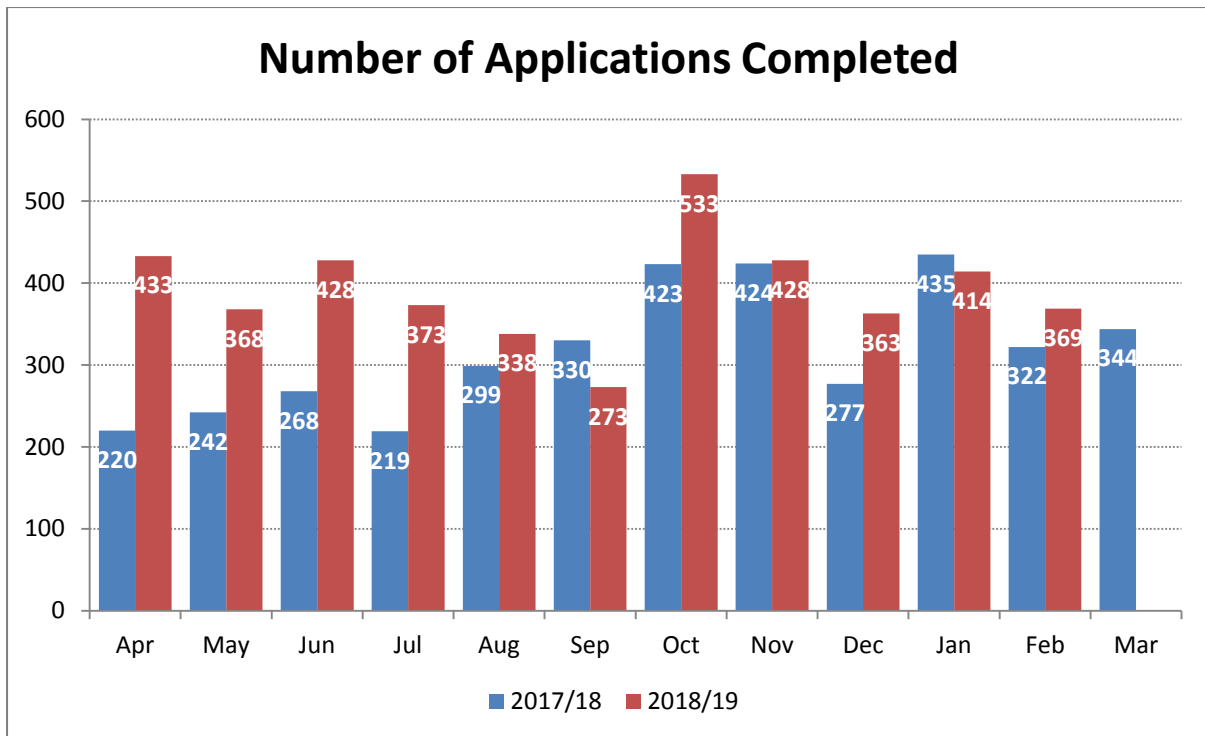


Figure 10. Number of Vetting Applications Completed per Month

Body Worn Video

50. The WMP2020 project has now delivered Body Worn Video (BWV) cameras to all frontline officers. Response and Firearms teams in particular have been using the cameras throughout the 2017/18 reporting period.
51. Total numbers of complaints across Response teams have fallen from 1267 in 2015/16 to 492 in 2017/18 after full roll out of BWV. The second phase of roll out commenced in July 2018. Complaints amongst frontline officers, impacted by the extended roll out at that point, amounted to 267 in the 6 months leading up to July 2018 and 108 in the 6 months thereafter.
52. It is assessed that this supports the original findings from the randomised control trials upon which the business case for BWV was built; namely that their introduction will reduce the amount of complaints made against frontline officers.

Next Steps

53. The board is asked to note the report and progress made by PSD following departmental changes.

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