



Strategic Policing and Crime Board

23 November 2021

Title: Overview of Professional Standards Department – Complaints and Misconduct

Presented by: Deputy Chief Constable Vanessa Jardine, West Midlands Police

Purpose of paper

1. The purpose of this paper is to provide an overview of the work of the Professional Standards Department (PSD). The data included in this report covers the last financial year April 2020 to March 2021 and the data for the current year runs from April 2021 to the end of September 2021 (unless otherwise stated).
2. As detailed in this report the regulations governing this area of business changed in February 2020 so comparison of data from years prior to February 2020 does not necessarily provide a like for like comparison.

Background and Role of the Professional Standards Department

3. The principle of policing by consent relies on the trust and confidence that the public has in the police service and the wider law enforcement community. The Professional Standards Department plays an important role in the maintenance of that trust and confidence.
4. National events during the period of this report, such as the murder of Sarah Everard and the conviction of ex-PC Declan Jones reinforce how this trust and confidence can be seriously undermined.
5. It is therefore, essential that such issues are dealt with openly and robustly in accordance with the College of Policing [Code of Ethics](#), the [Home Office Statutory Guidance on Professional Standards, Performance and Integrity in Policing](#) (February 2020) and [IOPC Statutory Guidance on the Police Complaints System](#) (February 2020).

Demand

6. The West Midlands Police Professional Standards Department (PSD) establishment is proportionately a lot smaller than other forces, yet continues to deal with some of the most complex investigations as the second largest police service.
7. The increases in demand detailed in this paper are creating issues in managing matters within existing resources. In the short term, use of temporary staff on short term contracts and intrusive performance monitoring is in place to manage this demand. Planning for the future PSD will enter into the force priority-based budgeting process on 29 November 2021 for four months. This process will provide a welcome review to the department which has seen significant changes with increased demand and new regulations and has not been reviewed since 2017.
8. This will consider the demand, processes, staffing and budget levels and should identify the appropriate systems, technology and resource to meet the demands of the department.

Regulations

9. As detailed in a previous paper in 2019, with the implementation of the Police and Crime Act 2017, the regulations governing the management of police/staff misconduct changed in law in February 2020. This legislation introduced a number of changes designed to achieve a more customer-focused and proportionate complaints system.
10. The complaints system was expanded to cover a broader range of matters. Formerly, the way that the term 'complaint' was defined meant that it related solely to the conduct of an individual officer/member of staff. Now a complaint can be made about a much wider range of issues including the service provided by the police as an organisation. This was designed to increase access to the police complaints system. There is a new definition of complaint under the February 2020 regulations:
“Expression of dissatisfaction with the police force which is expressed (whether in writing or otherwise) by or on behalf of a member of the public”
11. The changes under the February 2020 regulations were designed to ensure that matters can be dealt with at the most appropriate level, in a timelier manner, supporting both the efficiency and fairness of the complaints system. There is still provision for the most serious matters to be investigated independently by the Independent Office

for Public Complaints (IOPC). Other changes aim to increase the focus on learning and improvement. A new process which encourages officers to reflect and learn from any mistakes or errors: - Reflective Practice Review Process (RPRP) has been introduced. These changes aim to increase the emphasis on finding solutions and improving the overall policing service, rather than focusing on an exclusively punitive approach to errors and mistakes.

Complaints

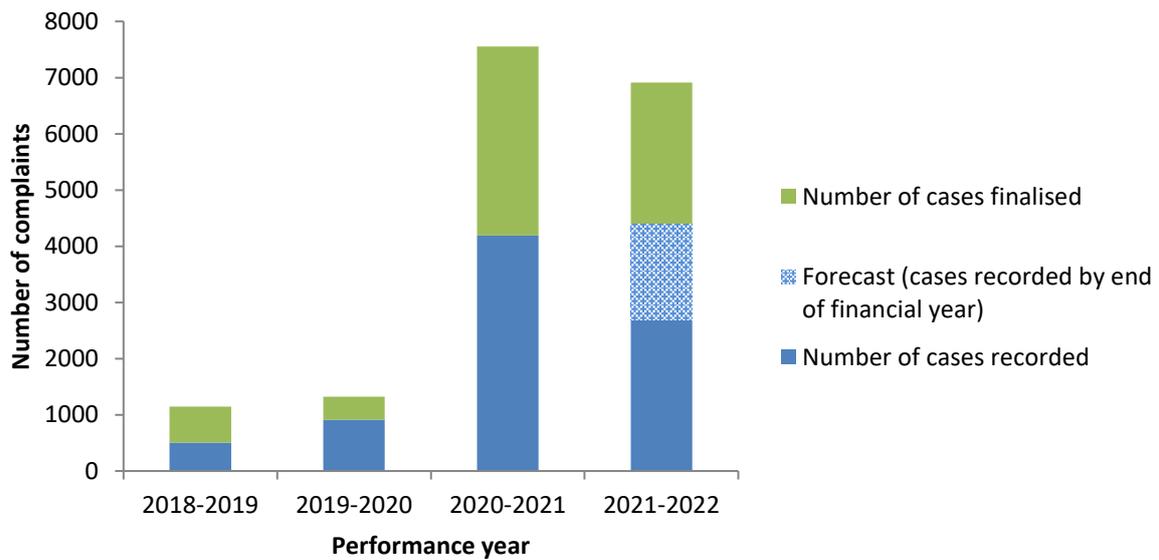


Figure 1. The number of complaint cases recorded and finalised by financial year. An prediction for the end of the 2021-22 financial year is given.

12. Please note, there was a change in the way in which complaint cases are recorded within the system. The new wider reaching definition of a complaint coupled with the increased accesibility for complainants to complain has contributed to this increase. This needs to be considered when interpreting the figures from the earlier financial years; and means direct comparisons cannot be made.

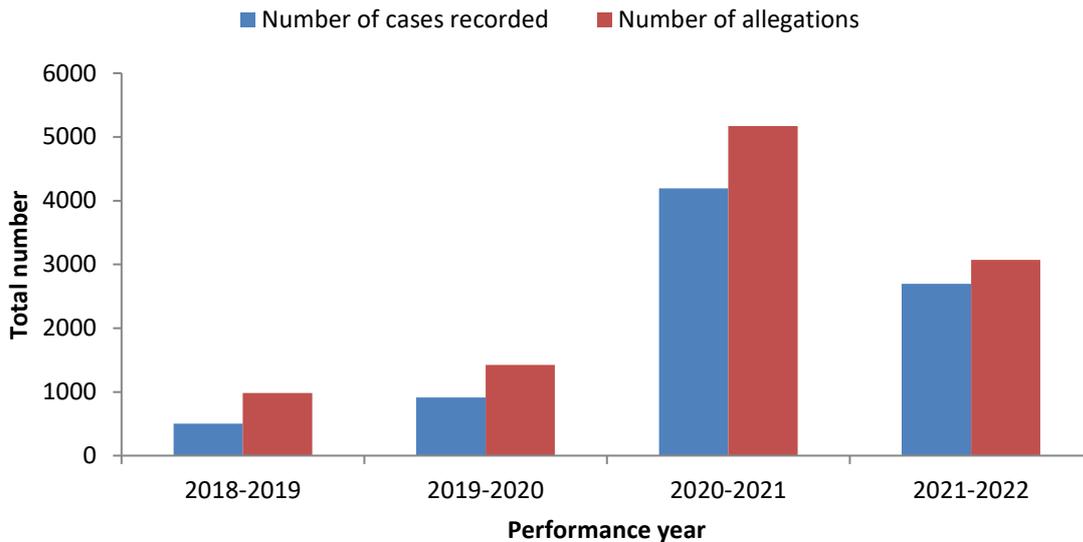


Figure 2. The total number of complaint cases recorded and the number of allegations made by financial year. Please note, each complaint case can contain a number of distinct allegations, sometimes against different officers/staff.

13. Since April 2021, 2694 complaint cases have been recorded. This highlights the upward trend in the number of complaints received by the PSD since the introduction of the new regulations. The Service Recovery Team are responsible for initial assessment, triage, resolving expressions of dissatisfaction and complaint without investigation and determining whether a complaint needs to be recorded formally. There is currently a high volume of complaints. The team have a backlog of complaint cases of 802. Weekly performance monitoring is in place and new approaches to workload management across the department are currently being trialled. A number of temporary staff are supporting the work to reduce this backlog. In each of these backlog cases initial contact has been made with the complainant acknowledging the matter and an initial THRIVE assessment made upon triage. The oldest matter dates back to August 2021, on average when allocated complaints are resolved in 22 days. Many matters are resolved with immediate service recovery within one day.

14. The significant initial complaint demand increase experienced since the regulation change in February 2020 is in part a result of misdirected online submissions, for example requests for updates on crimes reported or updates from court cases from victims, property not returned when requested. Whilst it is imperative that making a complaint is a simple process for our communities, excessive volume including matters

that are not complaints but requests for example for investigation updates overload the system and delay efficient triage and complaint investigation.

15. Performance of the Service Recovery Team is monitored weekly with processes put in place to improve performance. This has included alterations to the way in which workflows are organised and managed.
16. The focus on Abuse of Position for Sexual Purpose (APSP) and other abuse of power cases, has grown significantly, resulting in more reports and investigations. Whilst these cases are still fortunately very small in number, they require a significant amount of investigation and involve a lot of resources to effectively investigate (including working with IOPC for independent investigations).

Complaint Satisfaction

17. The force does not currently have any measures in place to assess complainant satisfaction at the end of the complaints process; there is a right of appeal (the Review Process via OPCC or IOPC) which complainants can invoke if they are unsatisfied with the formal outcome however, this is not a direct measure of satisfaction. Under a previous pilot for Fairness in Policing within PSD, emails asking about satisfaction were sent to complainants, but a negligible response rate meant that process was not effective. PSD are exploring ways to improve engagement and response rate going forward.
18. The customer journey is currently subject to a six-week deep dive by the Business Transformation Team seeking to identify opportunities for efficiencies, improvements and use of technology.
19. PSD now attend the citizen satisfaction board and seek to identify learning opportunities to trial in relation to complainant satisfaction.

Complaint Themes/Trends

Table 1: The top allegations made thus far in the 2021-22 financial year 2020/21 and 2021/22 to date.

| Top 5 allegations (type description) | 2020-2021 | 2021-2022 |
|--|-------------|-------------|
| Police action following contact | 1353 | 1398 |
| General level of service | 553 | 352 |
| Decisions | 391 | 156 |
| Other | 284 | 129 |
| Use of force | 231 | 127 |
| Total | 2812 | 2162 |

20. WMP trends in complaints have been consistent since the introduction of the new regulations. The top five allegations differ only slightly from the 2020-21 to the 2021-22 financial years (see Table). Since April 2021, the top five allegations make up 70.4% of all allegations received so far, this financial year (3073); in 2020-21, they made up 54.4%.

21. The introduction of new regulations in February 2020 saw the implementation of different allegation categories. *Police action following contact*¹ was the top allegation for 2020-21 (26.2% of complaints) and thus far, is the top allegation in the 2021-2022 financial year (45.5% of complaints). The change in approach to crime investigation from traditional methods involving personal interaction to telephone / online over recent years, especially with the Covid19 pandemic, is believed to be a contributor to a higher volume of complaints in relation to Police action following contact, coupled with challenges managing public expectations and appropriateness of proportionate investigations. This was also observed under the old regulations - data from 2018-19 and 2019-20 shows that *other neglect or failure in duty* was the top allegation. This too highlights the persistent theme of complainants' dissatisfaction with the way in which the Force approaches crime investigation, with the challenges that daily complexity and changing crime types creates.

1

Economic Crime Unit have insufficiently investigated my allegations
Delay when responding to a crime

Complaints over 12 months long

22. There is an expectation that investigations will, in the majority of cases, take between 6-12 months to complete, although they may take less time than this where straightforward, matters over 12 months require notification to the OPCC.
23. 78 % of PSD investigations were completed within 12 months, however there are often reasons why investigations can take much longer; these include where there are delays due to criminal proceedings, illness, forensic examination of phone or computer material etc.

Complaint volume and timeliness

Average time taken to log and finalise a complaint by financial year

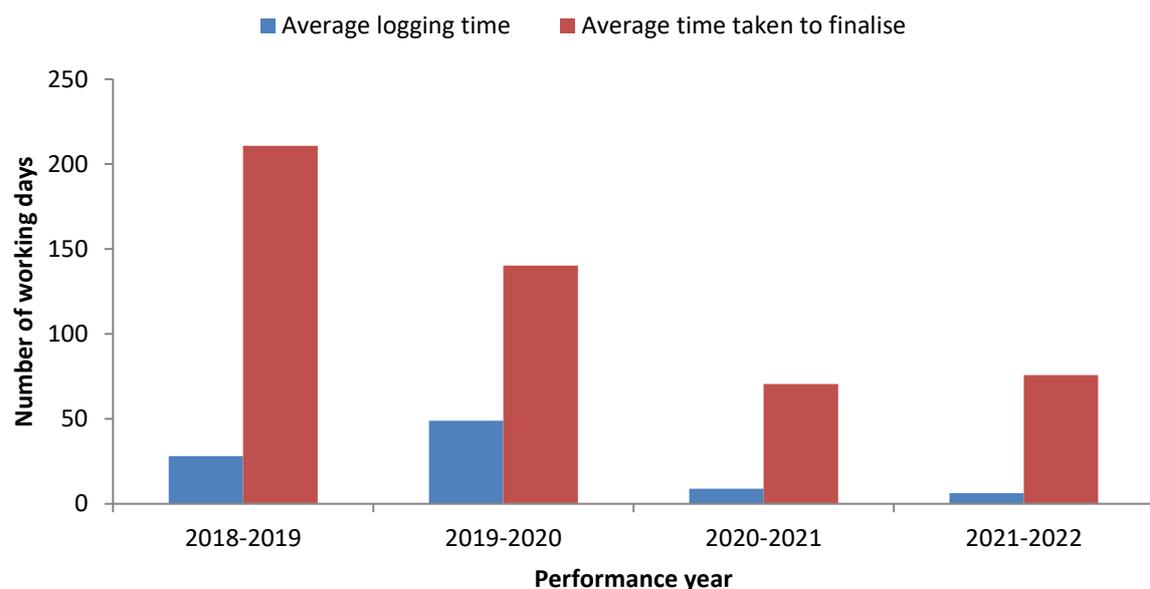


Figure 3. The average time taken to log complaints and finalise complaints per financial year. Logging time is a measure of the time between the case received date and the case recorded date, and time taken to finalise is a measure of the time between the case recorded date and case finalised date.

24. Time taken to log complaints since April 2021 has reduced, reflecting good performance by the Business Support Team; this team is responsible for the logging and finalising of cases. This was based on cases finalised during the financial year. Recent data published by the IOPC echo this good performance. The IOPC Bulletin

data for the 2020-2021 financial year shows that our initial handling performance average was 3 working days. In comparison, the Most Similar Forces (MSF)² average was 4 days and the national average was 6 days.

25. The accountability of the department is to the Deputy Chief Constable, through quarterly performance review meetings, departmental performance monitoring is in place monitoring weekly, monthly performance. The use of QLIK (performance) dashboards has enabled intrusive performance management scrutiny within vetting and is technology that is sought to be explored as a performance tool across the department.

Complaints about discrimination

Total number of discriminatory allegations per financial year

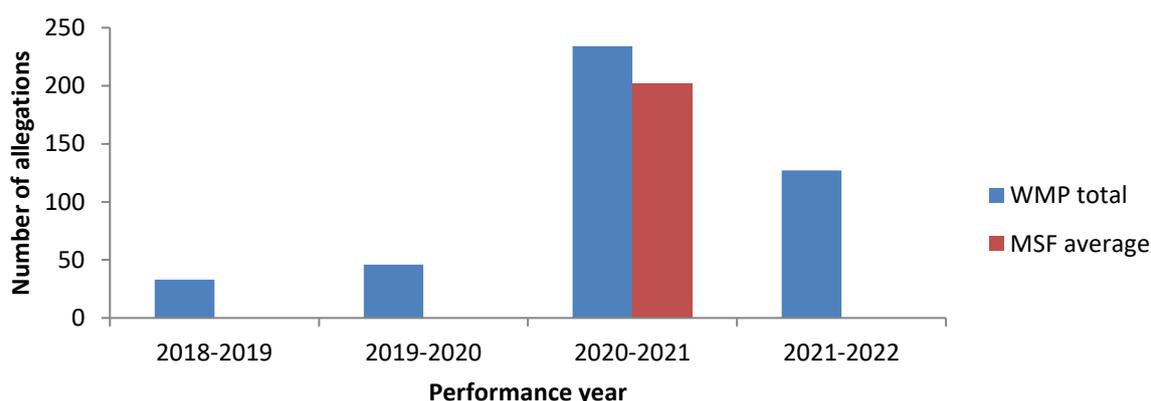


Figure 4. The number of discriminatory allegations per financial year.

Since April 2021, the top discriminatory allegation type was *Race*, followed by *Other* and *Disability*. During the previous financial year, the total number of discriminatory allegations for WMP exceeded the MSF average.

² MSFs, utilised by HMICFRS, are police force areas that have been found to be the most similar to each other based on an analysis of demographic, social and economic characteristics which relate to crime.

In the 2020-21 financial year, *Race* was the top allegation type, followed by *Disability* and then *Sex*.

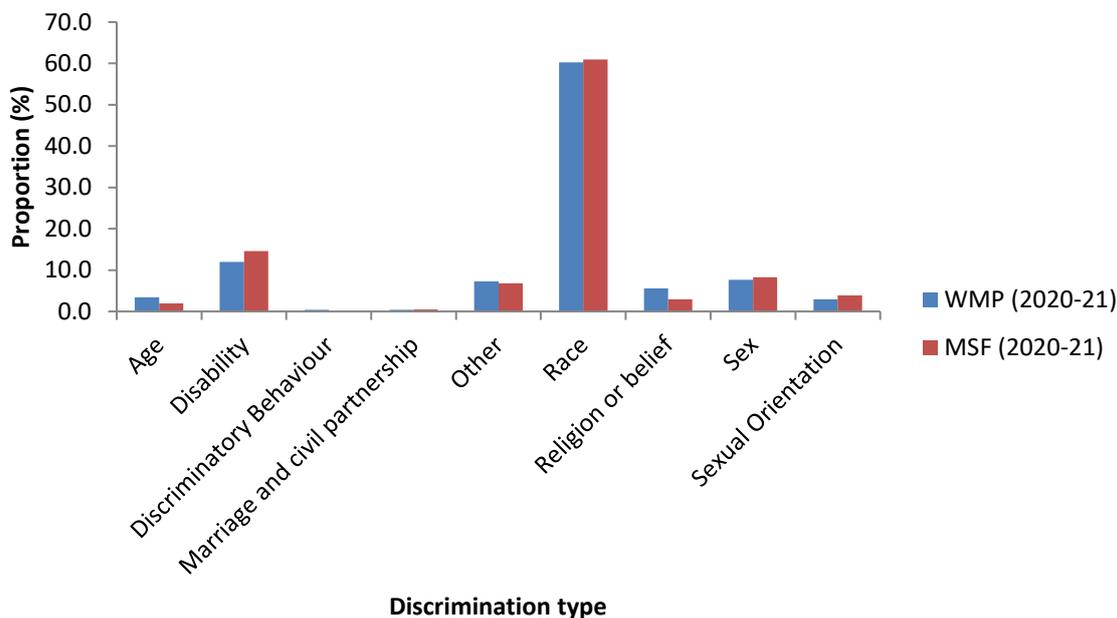


Figure 5. A breakdown of the discrimination types for the 2020-2021 financial year presented as a proportion (% for both WMP and the MSFs).

26. WMP received substantially more allegations of discriminatory behaviour in the 2020-21 financial year than in the two previous financial years. Of the allegations logged, 73.0% were service recovered. So far, this financial year, 85.8% have been non-Schedule 3³.

27. Since April 2021, the top discriminatory allegation type was *Race*, followed by *Other* and *Disability*. In the 2020-21 financial year, *Race* was the top allegation type, followed by *Disability* and then *Sex*. Based on the number of discriminatory allegations received this year, WMP should expect to receive similar levels of complaints by the end of the financial year (around 217).

28. IOPC data showed that during the 2020-21 financial year, the MSF average for discriminatory behaviour allegations was 202; during this same period, WMP logged 15.3% more allegations than the MSFs – 234. Although the Force has received more

³ A complaint must be recorded under Schedule 3 of the Police Reform Act 2002, and handled accordingly if :-

1. at any point the person making the complaint wants it to be recorded.
2. if the chief officer or local policing body (where it is the appropriate authority or it has taken on responsibility for the initial handling of complaints) decides that it is appropriate
3. or if the complaint is an allegation that the conduct or other matter complained of resulted in death or serious injury; is an allegation that, if proved, might constitute a criminal offence by a person serving with the police or justify the bringing of disciplinary proceedings is about conduct or any other matter which, if proved, might have involved the infringement of a person's rights under Articles 2 or 3 of the European Convention on Human Rights or meets any of the mandatory referral criteria.

allegations, Figure 5 shows that the breakdown of discrimination types is fairly consistent with the most similar forces.

29. Identification of matters relating to discrimination is essential to understand themes and trends, good practice has been adopted and all matters are recorded on Centurion with markers ensuring that they are easily identifiable and searchable. Complaints alleging discrimination are investigated in line with the most recent national guidelines produced by IPCC (now IOPC).
30. PSD staff receive training and support for dealing with such matters, for example use of subject matter experts within the diversity and inclusion team to provide advice and guidance.
31. The DCC chairs the bi-monthly Stakeholder Engagement Group (SEG). This is a meeting where the staff association leads meet to discuss concerns, trends, and support ideas for solutions.

Finalised allegations of police action following contact

32. The allegations of *Police action following contact* that were finalised during the 2020-21 financial year were handled predominantly outside of Schedule 3 (93.6%). Of the allegations that were finalised after April 2021, 88.5% were handled outside of Schedule 3. The recent recommendation by the IOPC relating to recording of Schedule 3 matters has been fully and embraced ensures that complaints are recorded from complainant information and not subject to delay undertaking extensive scoping work.
33. Quarterly data around complaints is scrutinised for themes by the PSD Prevention and Intervention (P&I) team. From a number of concerns identified across the Force in 2021, the P&I team have set up and delivered 57 inputs across a wide section of departments, delivering to approximately 800 staff and officers across a variety of topics. These have included, Neighbourhood Teams (inappropriate humour within teams), Cadet Leaders (case studies around working with young people and what can go wrong), Response Units (inappropriate humour/behaviour/conduct in the workplace), Cadets (misuse of social media), new recruits to the Intelligence Department (expected behaviours and case studies around misuse of data),

Continuous Professional Development (CPD) days (PSD and how to assess complaints) and two sessions which were the outcome of a misconduct hearing (diversity and inclusion).

34. To ensure that matters are not subject to unnecessary delay there are mechanisms in place where immediate learning is identified, this is cascaded to the appropriate local senior leadership team to prevent further recurrences whilst the matter is investigated.

HMICFRS/IOPC recommendations

35. PSD currently has six outstanding HMICFRS recommendations:

| | Recommendation | Detail | Progress |
|---|------------------------------|---|--|
| 1 | 2019/PEEL/10706 | Vetting compliance before July 2020 | Detailed plan in place and on target to complete backlog by end of January 2022 |
| 2 | Spotlight report 2019 - APSP | Record national corruption categories Effective monitoring of force systems Links between PSD and third sector support agencies | Recording in line with national process. Ability to monitor force systems in place. Good liaison and training in place with third sector agencies in particular in relation to VAIWG |
| 3 | Spotlight report 2019 - APSP | Skilled staff intelligence/investigation | Staff with PPU background and training within department and wider training available for staff. |
| 4 | Peel assessment 2018 | Counter corruption strategic assessment and control plan | Strategic assessment completed – control plan is now in place |
| 5 | Peel assessment 2018 | Effective monitoring of force systems | As at 2 |
| 6 | Peel assessment 2018 | Vetting backlog concerns | As at 1 |

IOPC

36. IOPC have made recommendations to PSD about complaint handling and recording of Schedule 3 matters. This recommendation from August 2021 is not a formal recommendation and has already been addressed and PSD are now compliant. IOPC make specific learning recommendations about cases, however this is case specific and does not relate to how PSD operates.

Quality assurance

37. The department has quality assurance processes in place, volume of work and limited resources creates challenges for this. Supervisory checks are built in at each stage of the investigation, including setting terms of reference for investigations, reviewing progress and making recommendations at the conclusion of an investigation.
38. Where complainants exercise their right to review, this involves an independent review of the investigation, completed either by the OPCC or the IOPC. There are two further sources of independent scrutiny that are welcomed by the department:
39. The OPCC arrange for scrutiny panels to attend to review anonymised reports and provide feedback on their findings.
40. PSD also have a well-established Independent Advisory Group (IAG) who meet on a bi-monthly basis. This group provide supportive and critical feedback to PSD and when requested are actively involved in dip samples and scrutiny groups, such as matters relating to abuse position for a sexual purpose (APSP).
41. The department engages in peer review processes involving other forces to ensure good practice is shared and learning developed (e.g. APSP conference at Staffordshire, West Yorkshire Police peer review).
42. All students entering policing via the numerous routes have a detailed input about policing standards which where possible is delivered by a member of the PSD department.

43. IOPC recommendations from concluded cases involving police officers are already published and available for public scrutiny. Matters which have been concluded at misconduct hearing and were held in public are published on the force website along with a written precis to enable learning for those reading. WMP have an active ethics committee.

Misconduct

44. A summary of the numbers of misconduct meetings, hearings and also Special Case Hearings with the outcomes, the number that went on to appeal, and a comparison to previous years.

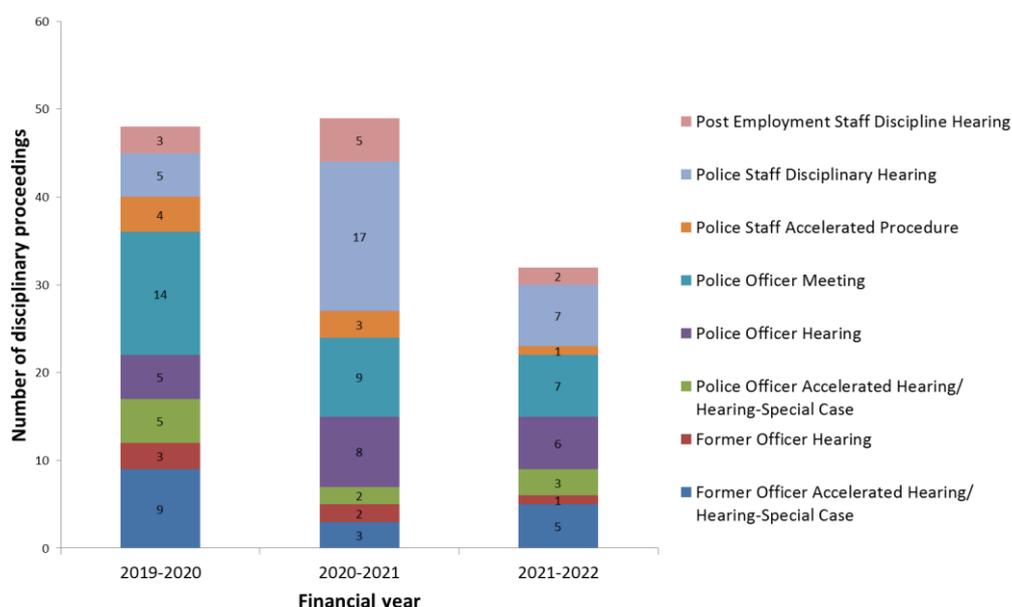


Figure 6. The number of disciplinary proceedings that took place by type per financial year.

51. Since April 2021, there have been 32 disciplinary proceedings take place involving 35 subjects. A full breakdown is provided in Figure 6 above.

52. Since April 2019, there have been eight appealed outcomes recorded. Of these: two were upheld and were reinstated at Final Written Warning; three were not upheld; and three remain unknown (to be agreed).

53. The 2020-2021 financial year saw fewer Former Police Officer Hearings/ Former Officer Accelerated Hearings than the previous year.
54. Police Staff Disciplinary Hearings made up a high proportion of disciplinary proceedings in the 2020-2021 financial year. This financial year there have been 10 Police Staff disciplinary proceedings.
55. The outcomes of the proceedings are presented below. Please note, the highest sanction outcome is provided. There are more outcomes than number of proceedings; this is because the proceedings may have involved more than one subject, leading to more than one outcome.

| Disciplinary proceedings type | 2019-2020 | 2020-2021 | 2021-2022 | Total |
|---|------------------|------------------|------------------|--------------|
| Former Officer Hearing | 4 | 2 | 1 | 7 |
| Would Have Been Dismissed | 2 | 0 | 1 | 3 |
| Would Not Have Been Dismissed | 0 | 1 | 0 | 1 |
| First Written Warning | 2 | 0 | 0 | 2 |
| No Action | 0 | 1 | 0 | 1 |
| Police Officer Accelerated Hearing/ Special Case Hearing | 5 | 2 | 3 | 10 |
| Dismissal Without Notice | 5 | 2 | 3 | 10 |
| Police Officer Hearing | 7 | 11 | 6 | 24 |
| Dismissal Without Notice | 4 | 2 | 1 | 7 |
| Dismissal Without Notice if Gross Misconduct | 0 | 0 | 1 | 1 |
| Reduction in Rank | 0 | 0 | 1 | 1 |
| Final Written Warning | 1 | 5 | 3 | 9 |
| Not Proven | 2 | 4 | 0 | 6 |
| Police Officer Meeting | 14 | 11 | 10 | 35 |
| Management Advice | 4 | 4 | 3 | 11 |
| Final Written Warning | 1 | 1 | 2 | 4 |
| Written Warning | 7 | 2 | 4 | 13 |
| Referred for RPRP | 0 | 0 | 1 | 1 |
| No Action | 2 | 2 | 0 | 4 |
| Not Proven | 0 | 2 | 0 | 2 |
| Police Staff Accelerated Procedure | 4 | 3 | 1 | 8 |
| Final Written Warning | 3 | 1 | 1 | 5 |
| First Written Warning | 1 | 2 | 0 | 3 |
| Police Staff Disciplinary Hearing | 5 | 18 | 7 | 30 |
| Dismissal Without Notice if Gross Misconduct | 0 | 7 | 4 | 11 |
| Final Written Warning | 2 | 6 | 1 | 9 |
| First Written Warning | 2 | 2 | 1 | 5 |
| No Further Action | 1 | 0 | 0 | 1 |
| Not Proven | 0 | 2 | 1 | 3 |
| Discontinued | 0 | 1 | 0 | 1 |
| Post-Employment Staff Discipline Hearing | 4 | 5 | 2 | 11 |
| Would Have Been Dismissed | 2 | 5 | 2 | 9 |
| Management Action | 2 | 0 | 0 | 2 |
| Former Officer Accelerated Hearing/ Special Case Hearing | 9 | 3 | 5 | 17 |
| Would Have Been Dismissed | 8 | 3 | 5 | 16 |
| Final Written Warning | 1 | 0 | 0 | 1 |
| Grand Total | 52 | 55 | 35 | 142 |

56. **Table 2. The outcomes of the disciplinary proceedings by type from the 2019-2020 financial year.**

Body Worn Video

57. Body worn video (BWV) has been incredibly valuable to PSD and complaint investigations. It enables the Service Recovery Team to resolve complaints more quickly, and where appropriate, enables investigators to explain where use of force and police powers exercised in footage were reasonable and proportionate. This helps to protect the welfare of officers whom may otherwise be subject to investigations.

58. The figure below presents data from April 2021 and shows the type of allegations where footage has been watched and assisted. It suggests how BWV is particularly valuable in cases where there is a use of force allegation.

59. Data from April 2021 shows that 177 allegations have been assigned a BWV marker. Of the allegations, 124 had a marker of 'BWV negates' to indicate that the footage refuted the complainant's account. Where the footage negated the allegation and had an outcome, 100% of the allegations were resolved or led to no further action. This highlights the usefulness of BWV and how it leads to resolution of complaints at source. There were two allegations of use of force whereby footage confirmed the member of the public's account; one case remains live and the other resulted in no further action and has been recorded under Schedule 3.

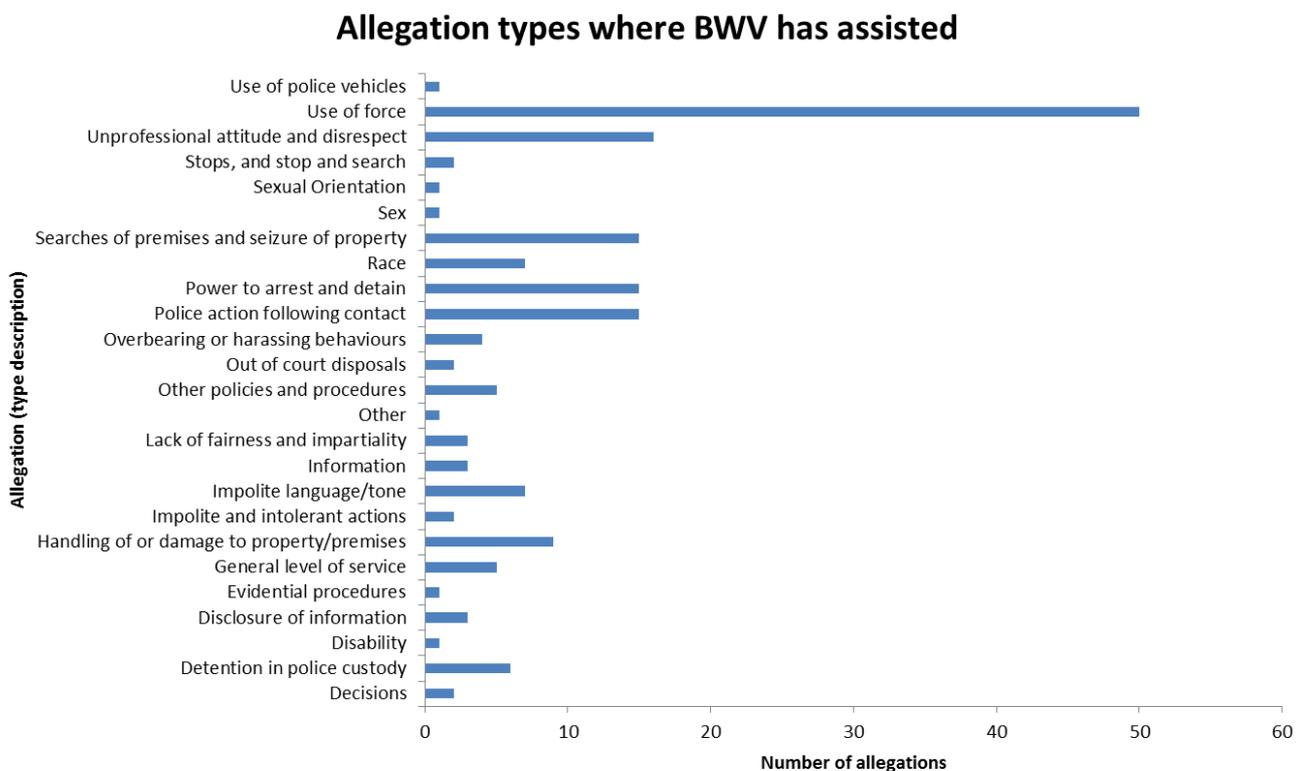


Figure 7. The allegation types where body worn video footage has assisted with the case.

60. One of the hugely valuable opportunities that BWV footage provides, is the ability to minimise the effect on community tension; in relevant cases, the sharing of footage with local IAG members allows us quickly to provide the full context of a situation where sometimes only edited/still images are circulating on social media which cause concern. This has assisted in appealing for calm and assisting where information in the public domain has been misinterpreted or misrepresented. This is currently undertaken on a case by case basis and is subject to a working group to establish a formal process around this.

Vetting

61. In 2019, HMICFRS recommended that all forces should comply with all elements of the national guidance on vetting in line with the College of Policing's National Vetting Standards. At the time, less than half (48%) of our workforce had up to date vetting for their specific role – this would be a further level of vetting over and above recruitment vetting for roles where someone may have changed jobs within the organisation.

62. Over the last two years the department has worked hard to meet this recommendation and currently, 86.5% of our officers/staff have up to date/current recruitment vetting. We are working hard to process the remainder - all police officers and police staff should be vetted by the end of January 2022 and all police staff by the end of February 2022. We are reducing the backlog by approximately 350 per month.

63. As of 02/11/2021, the number of Aftercare Vetting applications overdue was 1495. Analysis of data from August 2020 shows that, on average, the Aftercare Vetting Team complete 233 applications a month. As the figure below shows, since May 2021, the team have not been on track to remove the current backlog. As a result, extra measures have been put in place; resources have been increased to enable all applications to be completed by January 2022. Performance monitoring will continue to be carried out regularly using the QLIK dashboard.

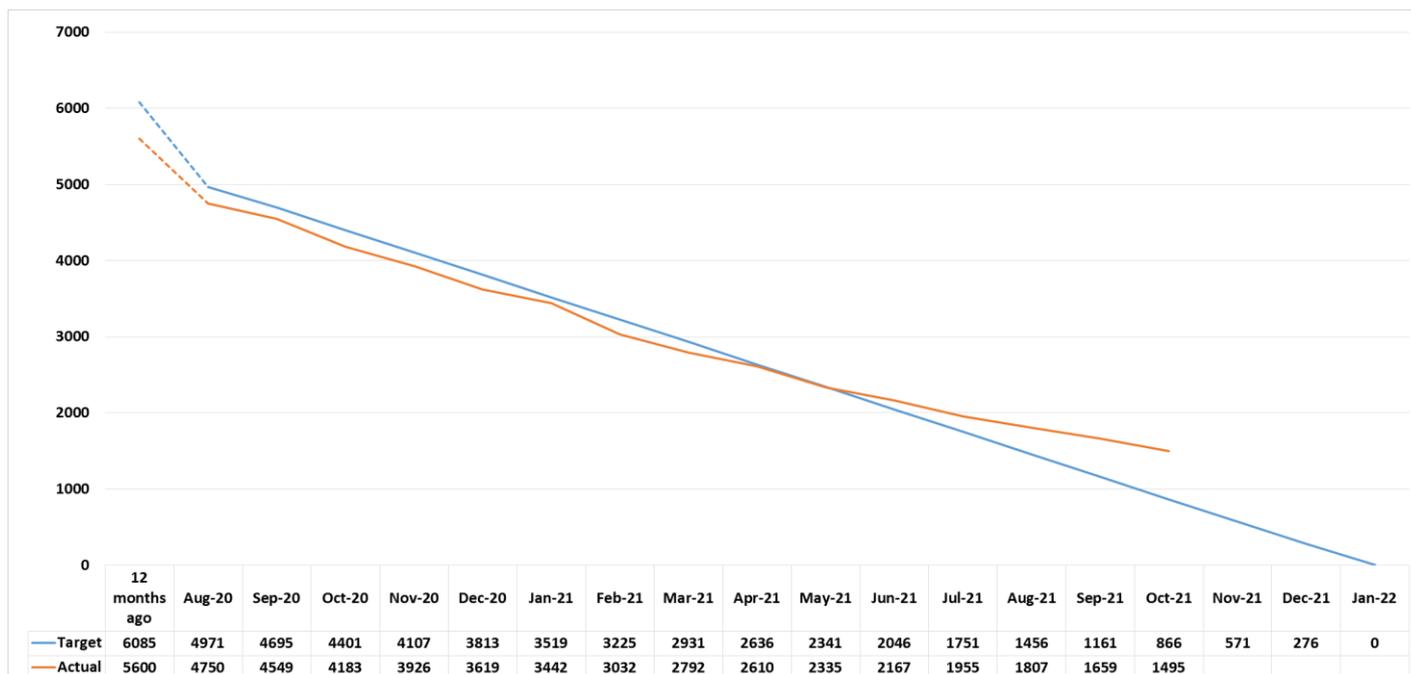


Figure 8. Presents the target for Aftercare vetting versus actual achievement.

Counter Corruption

64. West Midlands Police Counter Corruption Unit (CCU) are a proactive investigation team that form part of the Professional Standards Department. The Counter Corruption Unit continues to prioritise investigations focused on abuse of authority for sexual gain and serious police corruption.

65. The team investigate matters developed through intelligence and also reporting mechanisms, including; an internal referral process (The Corruption Line) to facilitate confidential reporting by members of the policing family and a number of external reporting mechanisms including partner agencies and Crimestoppers.

66. Due to the sensitive nature of the work undertaken by the department, further updates can be delivered directly to the PCC.

Finance

67. The current budget for 2021/2022 is £52 200 and does not include regular staffing costs. This is broken down into £23 600 officer and staff overtime and £28 600 for other costs within the department such as travel and specialist services.

68. The priority-based budgeting (PBB) will consider the current staffing and operating practices of the department which may result in future changes and more efficient processes.

Legal Implications

69. Compliance with the regulations is a requirement, and enables us to demonstrate transparency, and build trust and confidence. It also enables us to undertake our employment responsibilities to our staff, and be confident that due process is followed in the most serious cases where staff are dismissed.

Next Steps

70. The board is asked to note the contents of this paper.

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