



**Strategic Policing and Crime Board**

**28<sup>th</sup> November 2023**

**Police and Crime Plan Priority:** where appropriate

**Title:** Complaints against West Midlands Police

**Presented by:** DCC Scott Green

**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 2022 until March 2023 and the data for the current year runs from April 2023 to the end of September 2023 (unless otherwise stated).

**Background and role of the Professional Standards Department**

2. 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. PSD plays an important role in the maintenance of that trust and confidence.
3. National events during the period of this report such as the sentencing of David Carrick, matters raised in the Casey review, all reinforce how this trust and confidence can be seriously undermined.
4. 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 and IOPC Statutory Guidance on the Police Complaints System (February 2020).

5. The Code of Ethics has been subject to review over the last year and a new updated version will be launched in late 2023. This is a college of policing led piece of work and will have a toolkit and training package for forces to accompany the launch.
6. The historical data wash (HDW) took place following the conviction of David Carrick on 16<sup>th</sup> January 2023 for 49 criminal matters, on 18th January 2023, the Home Office announced that all police forces must check their workforce against national databases. In response to this, a decision was taken by the National Police Chiefs' Council (NPCC) that all police officers, staff, and volunteers in England and Wales will be checked against the Police National Database (PND) to identify any intelligence or allegations that need further investigation. West Midlands Police commenced this work in February 2023 under the project name Operation Fairstay led by Head of Professional Standards Detective Chief Superintendent Ridding.
7. The results of the Operation Fairstay work will be subject of a national report in January 2024 and has been subject to SPCB scrutiny in October 2023.

## **Key points**

### **Demand**

8. Prior to September 2022, the West Midlands Police PSD establishment had been proportionately a lot smaller than other forces, yet continues to deal with some of the most complex investigations as the second largest police service.
9. Between November 2021 and March 2022, PSD was subject to West Midlands Police priority-based budgeting process (PBB). This process reviews all areas of the departments to ensure efficiency and effectiveness. This process often results in significant cost savings by reducing staff numbers.
10. The PBB review of PSD identified gaps in the resourcing model. As a result of this process, PSD gained a staffing uplift across the department. A key area of this staff investment was for prevention and intervention work (P and I) and investigations.

11. Following Operation Fairstay a small number of staff are seconded to PSD working on a proof of concept integrity unit. (Detailed later in the report at point 110).
12. In relation to most similar forces, Greater Manchester Police, Merseyside Police and West Yorkshire Police; as a result of the PBB uplift West Midlands Police are now more aligned to the staffing models of their most similar group forces. The structures of all forces are different and operate differently in relation to complaint management.
13. The make-up of the department is approximately 50% police officers and 50% police staff. There are both full time and part time staff within the department and 17% of the department are from under-represented groups.
14. The work of PSD is supported across the force by Standards Managers on each NPU and department. Standards Managers act as the PSD lead for their areas of business and are the single point of contact for PSD matters to support delivery of messaging and reflective practice.
15. To increase knowledge and awareness PSD have commenced the recruitment of standards ambassadors (detailed later in report at point 60).
16. As detailed in last year's paper the regulation changes in February 2020, in part contributed to a significant increase in the numbers of complaints recorded from the public, which created large numbers and a significant backlog.
17. Demand will be demonstrated later in the paper, whilst numbers of complaints has increased, these are managed in a timely manner and backlogs remain manageable and have not at any point increased to the levels seen in 2022.
18. As detailed later in the paper, the number of conduct matters being dealt with by PSD continues to increase, this is no doubt in part as a result of the work of the PSD P and I team raising awareness, and other campaigns such as 'upstander not bystander'. Operation Fairstay has also added some increase in work for PSD.

## Regulations

19. The regulations governing the management of police officer and police staff misconduct changed in February 2020. The legislation under the Police and Crime Act 2017 introduced a number of changes designed to achieve a more customer-focused and proportionate complaints system. The complaints system was expanded to cover a broader range of matters.
20. 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.
21. A review into the misconduct regulations relating to dismissals took place between January 2023 and September 2023. In September 2023 the government announced a number of changes that would take place in relation to the 2020 regulations. These include:
- Removal of the role of LQC
  - Gross misconduct hearings to be chaired by ACC/DCC or CC
  - Rebuttable presumption of dismissal for gross misconduct
  - Right of appeal to PAT for Chief Constables
22. A date is yet to be set for introduction of the changes to the regulations, but it is anticipated to be in stages throughout 2024. Formal consultation with key stakeholders will take place.

## Complaints

23. Since April 2023, there have been 1967 complaint cases 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.
24. In November 2021 there was a backlog of complaints of 802, this number increased to c1350 in January 2022. The backlog cases had all been cleared by July 2022, this reduction was achieved by weekly performance monitoring, new approaches to workload management across the department and training inputs to staff. A number of temporary staff were recruited to support the work in this area of business to focus solely on, and reduce this backlog. Approximately 90 complaints a week are received and some complaints are managed within a day, also impacting positively on the time taken to finalise these complaints.
25. There is a backlog in reviews requested of the IOPC by complainants. This is a national issue and IOPC have taken steps to seek to reduce this delay. In some cases, the delay can be over 6 months before the review work is actioned.
26. The Professional Standards Department (PSD) are required, as all Forces, to record public dissatisfaction brought to its attention on the Centurion system, this includes every allegation made by the public and its form of disposal. This data is then collated and reviewed in the PSD monthly performance meeting that demonstrates the volume and themes of complaint arising from complaints against police. This meeting enables any themes and trends to be identified and considered for next steps.
27. Low level learning identified at the time of the complaint being addressed will be fed back via the Complaints Caseworker to the supervisor and officer immediately. Where wider learning is identified the information is collated on the Centurion system and the Prevention and Intervention Team will cascade the learning and ensure any organisational learning is shared and acted upon.

28. For example, it was identified the delivery of death messages was being carried out but due to the recipient of the information being understandably overwhelmed, they were not thinking to explore relevant queries and questions until post the officers attendance. An information card has now been created that is provided to all recipients of a death message which provides appropriate contact details and information in relation to signposting for support and guidance.

## Complaints data

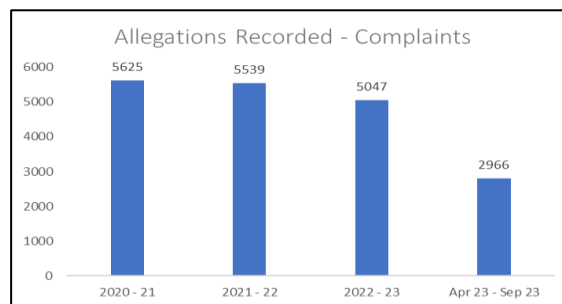


Figure 1a. Total allegations recorded for each financial year – 2023 = Apr 23 – End of Sep 23

## Allegations

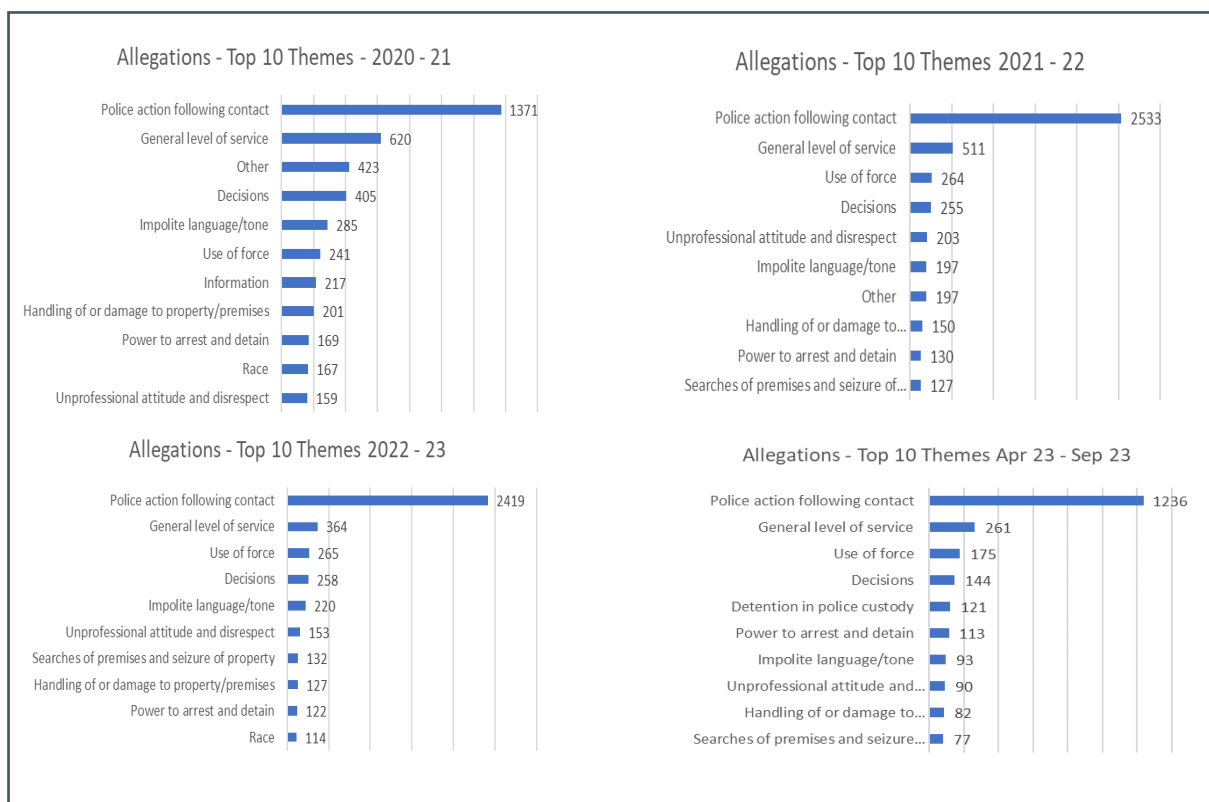
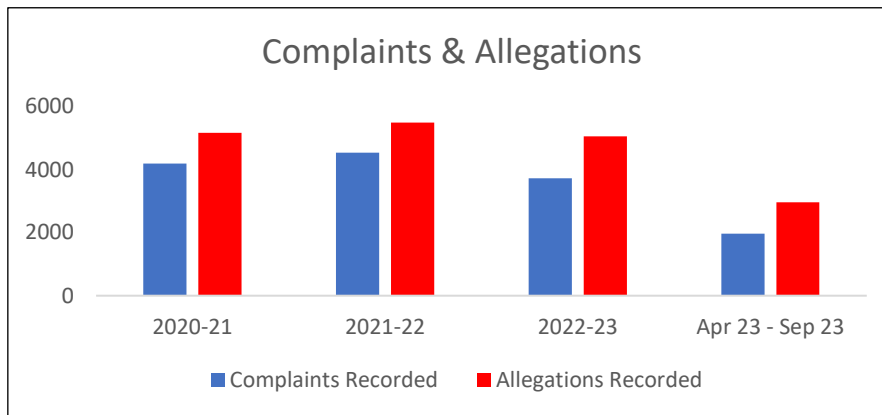


Figure 1b. Breakdown of top 10 allegations per financial year

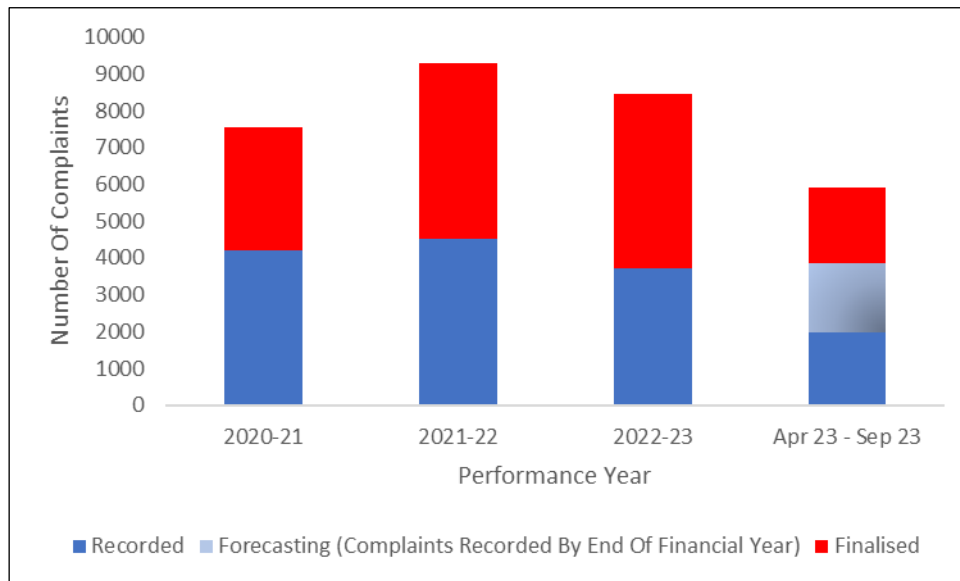
29. The complaints data over the past three years continues to reveal that police action following initial contact and the general level of service remains an ongoing outlier in relation to the theme of complaints. The Independent Office of Police conduct national statistical data for England and Wales in 2023 reveals that this remains the most common theme of complaint nationally. The allegations would stem from a member of the public alleging they had not been provided an update about their crime, usually allegations that stem from non-compliance of the Victims Code. Over the last 18 months the Professional Standards Department worked with FCID to embed better processes to manage expectations of the public and a new Complaints Portal was created to assist members of the public self-serve to avoid a complaints form being automatically submitted. It is evident, from this year's figures the service delivery provided by West Midlands Police continues to cause dissatisfaction but has decreased this year from 3813 last year to 3063 this year.
30. A new Victim Thematic Board has been created, which includes seeking to improve victim code compliance which is being led by ACC Welstead and PSD data has been fed in to support ACC Bell's Rapid Improvement Plan, where the Investigations Policy will be reviewed to explore initial contact and primary investigation to better improve the service being provided to members of the public which should, if successful, reduce this large volume of dissatisfaction being raised by the public to the Professional Standards Department. The whole department has revisited Victims Code mandatory training, which is also ongoing for the wider force.
31. PSD will continue to seek to reduce public dissatisfaction and support the Rapid Improvement Plan to ensure new processes have the desired impact on reducing customer dissatisfaction and reduce the number of complaints from the public.

## Complaint Numbers



Performance Year	Complaints Recorded	Allegations Recorded
2020-21	4194	5168
2021-22	4536	5497
2022-23	3726	5054
Apr 23 - Sep 23	1967	2966
<b>Total</b>	<b>14423</b>	<b>18685</b>

Figure 2. A breakdown of complaints recorded and finalised per year.



Performance Year	Recorded	Forecasting (Complaints Recorded By End Of Financial Year)	Finalised
2020-21	4194		3360
2021-22	4536		4753
2022-23	3726		4726
Apr 23 - Sep 23	1967	3864 (Total complaints estimated for 2023 - 24 financial year)	2038

Figure 3: A breakdown of complaints/complaints finalised and predicted for 2023/24



32. If numbers of complaints continue at the same monthly rate, the total number of complaints will exceed last year's figures and will be more in keeping with 2021, around 4000 complaints.

### Complaint timeliness

Average Working Days To Finalise Complaints			
	2021	2022	2023
January	85	167	39
February	68	194	35
March	293	91	63
April	48	64	41
May	95	63	71
June	67	61	55
July	74	57	39
August	75	49	55
September	76	39	45
October	78	55	
November	103	32	
December	69	29	

Figure 4: The average working days taken to finalise complaints per month.

33. As can be seen the average time to finalise complaints has reduced and is more consistent. The high numbers in late 2021 and 2022 are as a result of the large backlogs within complaint management reported in previous SPCB papers of 2021/22.

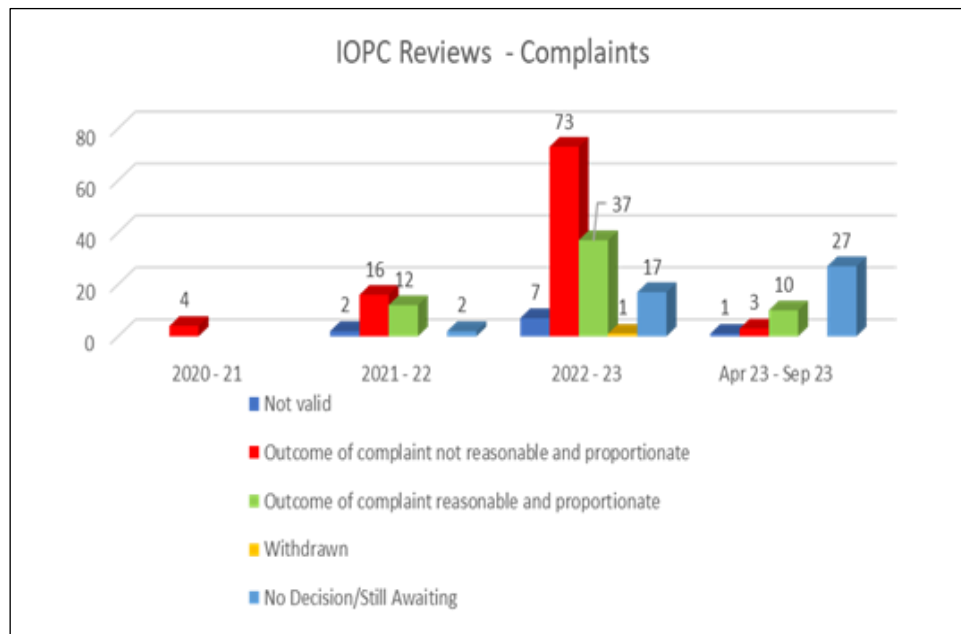
34. The backlog in IOPC reviews reported at point 25 will impact on the time taken for complaints to be finalised as these complaints remain open whilst with the IOPC. It is therefore anticipated that once the IOPC backlog and delays is resolved these numbers will reduce further.

### Number of complaints upheld in the past year

35. Under the 2020 Regulations complaints are determined by way of service being deemed acceptable, not acceptable or cannot say. Complaints that are subject of Special Procedures, namely there is an indication a criminal offence has been committed or the behaviour could result in disciplinary proceedings the Appropriate Authority will make a determination of whether there is a case to answer. The previous years will still show some upheld complaints as not all pre-2020 complaints were completed at the time of the new regulations coming into force, also historical reviews by the IOPC of old regulation cases remained live. The current data indicates there will be less complaints deemed the service provided was not acceptable this year than to the previous year.

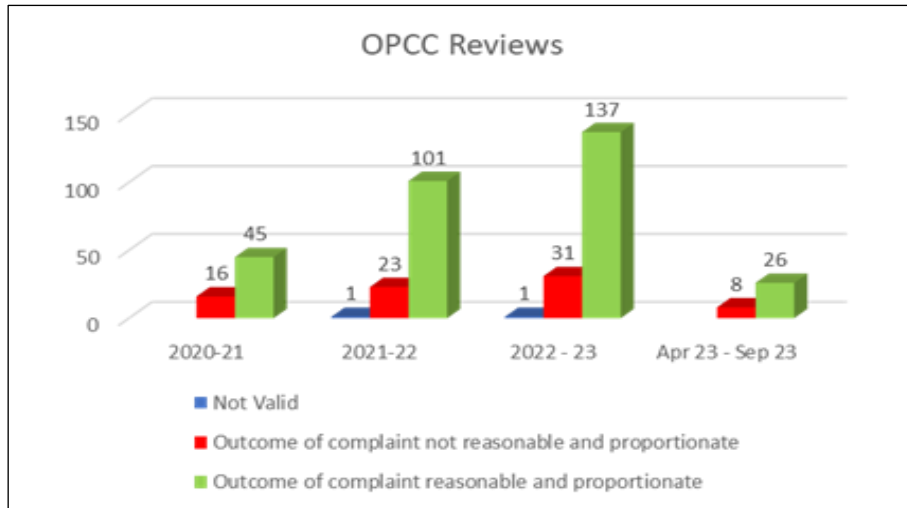
36. There is no automatic right to review when a matter is service recovered. Where matters are recorded under Schedule 3, complainants will have an automatic right to review upon request which may be the Office of Police and Crime Commissioner (OPCC) or the Independent Office of Police Complaints (IOPC). Further details can be found in the accompanying paper from the OPCC.

## Reviews



	2020 - 21	2021 - 22	2022 - 23	Apr 23 - Sep 23
Not valid		2	7	1
Outcome of complaint not reasonable and proportionate	4	16	73	3
Outcome of complaint reasonable and proportionate		12	37	10
Withdrawn			1	
No Decision/Still Awaiting		2	17	27

Figure 5: The graph and table refer to complaints that have been reviewed by IOPC  
Breakdown is per financial year. Year to date 2023.



	2020-21	2021-22	2022 - 23	Apr 23 - Sep 23
Not Valid		1	1	
Outcome of complaint not reasonable and proportionate	16	23	31	8
Outcome of complaint reasonable and proportionate	45	101	137	26

Figure 6 Number of complaints reviewed by OPCC. Breakdown per financial year.

37. The above graph reveals the number of reviews submitted to the IOPC/OPCC, over the past three years and the outcomes. The data demonstrates case handlers have learned from previous reviews that have been found to have not been handled reasonable and proportionately and the handling of complaints has improved, with less outcomes being considered to not have been reasonable and proportionate and more being considered to be handled reasonable and proportionately. The graphs also reveals that less reviews are being submitted which one would believe is potentially stemming from better handling of complaints with more information being provided to rationalise the outcome.

38. The high number of complaints backlogs in late 2021 and 2022 has contributed to higher numbers of requests for reviews of the IOPC or OPCC. The large volume of complaints and workload on occasion also resulted in quality issues by the complaint handler and matters missed or not dealt with in a reasonable and proportionate manner resulting in a review request by the complainant.

39. The Complaints Team review team performance on a weekly basis. It is recognised there is a need to work quickly and efficiently but ensure the quality of the complaint handling is sufficient and deals with the public dissatisfaction expressed.

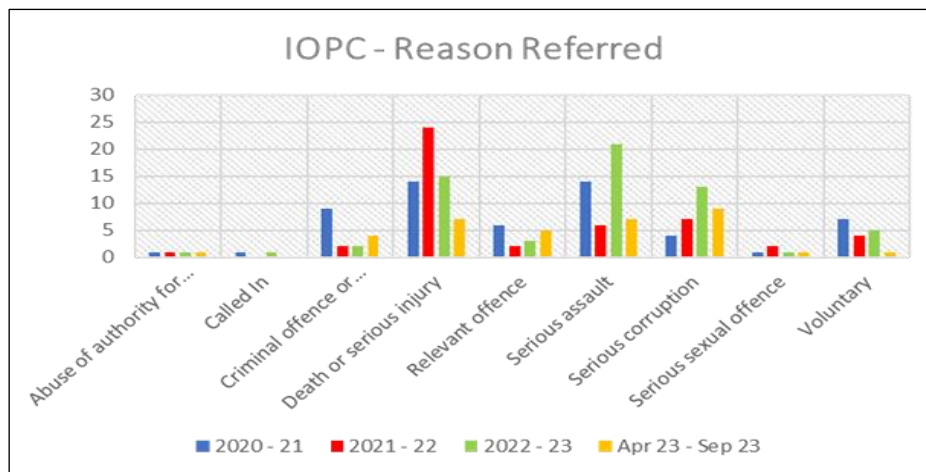
40. The feedback from the OPCC dip sampling and from upheld reviews is relied upon to identify areas of learning and ensure complaint handling is constantly seeking ways to improve. The complaints team have regular learning sessions to ensure feedback from reviews is shared, feedback considered and adopted and processes improved.

41. The reduction in complaint reviews this year appears to indicate the improvements are now coming into fruition with significantly less members of the public exercising their right of review to the OPCC. The reduction of upheld reviews also leans to evidencing that learning that has been abstracted and ensuring focus is upon quality as opposed to purely being motivated by speed.

### IOPC Referrals

Year (Financial)	Number Of Complaints Referred To IOPC
2020 - 21	57
2021 - 22	48
2022 - 23	62
Apr 23 - Sep 23	35

Figure 7: Number of complaints referred to IOPC. Per financial year



	2020 - 21	2021 - 22	2022 - 23	Apr 23 - Sep 23
Abuse of authority for sexual gain	1	1	1	1
Called In	1	1	1	1
Criminal offence or discriminatory behaviour likely to lead to discipline	9	2	2	4
Death or serious injury	14	24	15	7
Relevant offence	6	2	3	5
Serious assault	14	6	21	7
Serious corruption	4	7	13	9
Serious sexual offence	1	2	1	1
Voluntary	7	4	5	1

Figure 8: Number of complaints referred to IOPC. Per financial year

42. The data for this year indicates that the number of the referrals to the IOPC appears to be increasing to that of previous years. There is no specific trend to these referrals. It is believed that this is as a result of increased allegations and complexity, the clearance of the backlog and a focus on a more through handling of complaints.

### Complaint handling

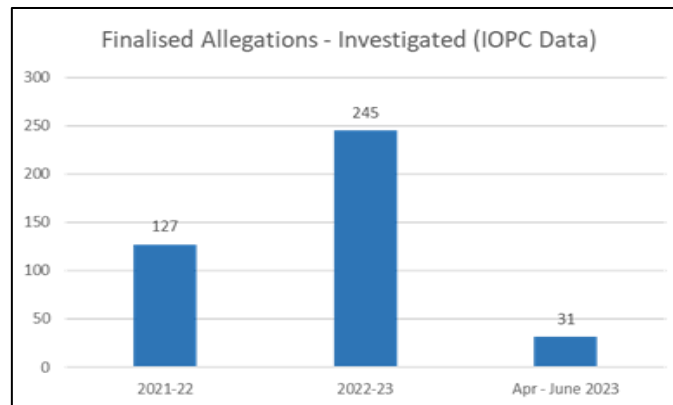


Figure 9: table showing number of complaints that were investigated by financial year

43. The number of complaints being investigated is likely to increase this year compared to last year. The number of allegations in each complaint and the complexity of the complaint is also increasing. This is as a result of improvements and learning it is believed this stems from the thorough handling by the complaint caseworker at the time of initial handling. Each complainant is spoken to promptly to understand the concerns that are subject of exploration, this then aids an informed decision of whether the complaint can be handled otherwise than by investigation.

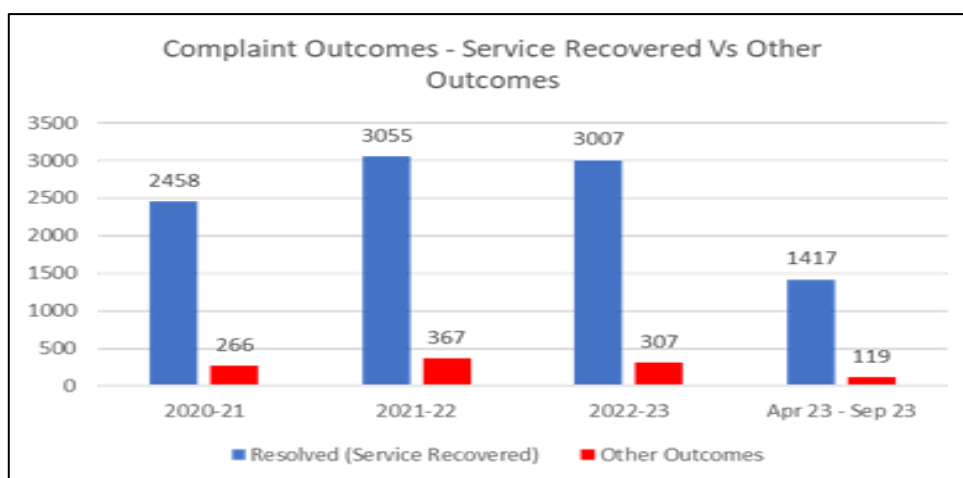


Figure 10: Number of complaints that were successfully service recovered by financial year

44. Service recovery rates remain high on the Complaints Team and is on a similar trajectory to that of the previous years. Examples of matters that have been managed as service recovery include: updates in relation to progression of cases, return of seized property, providing officer in case (OIC) details, officer incivility.
45. Other outcomes include: a person seeking to make a complaint about the Central Information Unit and decision made around subject access would sit with the Information Commissioner's Office to explore, who are better suited as the appropriate authority to ensure WMP are being data compliant. Or a complainant who wishes to complain about the outcome of their crime, who meet the criteria to have the matter reviewed via the Victims Right of Review are better signposted to that process.



*Figure 11: Table showing complaints that have been dealt with otherwise than by investigation by financial year.*

46. Other handling of complaints refers to complaints handled outside of investigation relating to matters where the complainant is not satisfied with the explanation when been dealt with by service recovery means. The case is then formally recorded handled outside of the complaints process.
47. Service recovery is becoming more complex with complainants identifying more allegations of complaint that requires longer handling and therefore this has impacted on timeliness. The team have been supported with temporary resources from a recruitment agency to assist with the demand which was generated over the summer period to ensure that previous significant backlogs do not reoccur.

48. PSD are subject of quarterly dip sampling where the an OPCC Board reviews 40 complaint cases on a variety of themes and provides observations and feedback to assist learning and improvement. Consistent positive feedback is that the complaint handler understands the allegations and concerns being addressed, reasonable lines of enquiry are being conducted and the proposed actions to remedy the complaint are appropriate. It is recognised there is improvement in relation to ensuring the communications are empathetic and personal apologies are sought from officers where appropriate. Feedback from OPCC is utilised and has assisted complaint handlers improve their handling of complaints, changes have been made when corresponding with complainants which appears to be recognised in the reduction of reviews being submitted and the numbers being deemed not handled reasonably and proportionately.
49. The monthly PSD Service Confidence meeting examines the detail of members of staff who are subject to multiple or repeat complaint/conduct matters. The Standards Managers are made aware to manage these repeat behaviors which include incivility so that WMP Conversations can be held with these employees and cross referencing can take place linked to performance and welfare. P and I inputs offer guidance on all standards of professional behavior for staff and officers and thus offer opportunity to learn and reflect on behaviors moving forward. P and I track and monitor all learning including organisational learning to flag trends and themes to standards managers to address.
50. When complaints are reviewed PSD staff look at opportunities for learning either for individuals or the organisation. P and I track and monitor these re trends and themes and liaise with standards managers in order to do this and act upon the trends and themes to prevent further public dissatisfaction.

## **Accountability**

51. The department has quality assurance processes in place. 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.
52. The OPCC arrange dip sampling sessions to review anonymised reports and provide feedback on their findings.

53. 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, as detailed in previous reports relating to vetting disproportionality.
54. The accountability of the department is to the Deputy Chief Constable, through quarterly performance review meetings (QPR), departmental performance monitoring is in place through weekly and monthly performance meetings.

### **Prevention and Intervention**

55. The prevention and intervention team continues to support the work of PSD and improve Standards of professional behaviour (SoPB) through learning inputs, case studies and other methods.
56. All students entering policing via the numerous routes have a detailed input about policing standards which is delivered by a member of the PSD department. IOPC recommendations from concluded cases involving police officers are already published and available for public scrutiny. Matters which have been concluded at misconduct hearings and were held in public are published on the force website along with a written precis to enable learning for those reading.

### **Annual integrity Health checks**

57. The annual integrity health check (AIHC) online platform has been developed to ensure every member of staff is aware of the Standards of Professional Behaviours and relevant policies that are linked to this such as change of circumstances and business interests. Every member of the organisation will have a line manager conversation and appraise themselves via the online platform of the relevant policies and learning videos relating to the Standards of Professional Behaviour.
58. The AIHC for 2023 was launched in July 2023, this has already seen high numbers of completion and LPA commanders have access to completion data to understand their team compliance.



59. The launch of the AIHC was delayed slightly to ensure relevant departments and staff were correctly aligned on systems as a result of the change to the force operating model in April 2023.
60. The P and I team are leading on a new piece of work relating to the recruitment of PSD ambassadors to complement and support the work of force standards managers and PSD.
61. Ambassadors will be allies with PSD where they will be able to share their enhanced Standards and PSD knowledge with their colleagues, by offering advice on matters such as when to submit a change of circumstances document, what it means when someone is under investigation and what happens if a complaint is submitted about you.
62. Standards Ambassadors will also gain an understanding of the PSD assessment referral process and enhance their knowledge on the role of their local Standards Manager.
63. Standards Ambassadors will be asked to sense check PSD messaging, dilemma of the month (DOTM) and other PSD items such as Annual Integrity Health Checks, feeding back ideas and thoughts from within their departments/teams. With the support of PSD Ambassadors, PSD will be seeking to bridge the gap, improving trust and confidence internally within their teams as well as externally in communities.
64. The P and I team have led work to ensure young people within our communities understand the complaints process and the work of PSD. The P and I team have completed a pilot in CV LPA with the Young Persons IAG involving 3 schools. This involved inputs to the young people regarding Standards with the focus being how to make a complaint against the police but ensuring they are aware of our standards and how we ensure we uphold them.
65. There was a wealth of healthy engagement and plenty of positivity, the feedback so far from the schools and the NHT's involved has been extremely positive and supportive in terms of public confidence.
66. All schools officers and young persons officers will deliver the training input in their areas to ensure this is delivered across the force area. P and I will attend annual

Young person events to support ongoing delivery, share updates and assist understanding.

## Misconduct

67. A summary of the numbers of misconduct meetings, hearings and also police officer accelerated/special case hearings with the outcomes and comparison to previous years will show another year with significant increases.

Disciplinary Proceedings Type	Apr 20 - Mar 21	Apr 21 - Mar 22	Apr 22 - Mar 23	Apr 23 - Sep 23	Total
<b>Police Staff Meeting</b>	3	2	2	2	9
Final Written Warning	1	2	0	0	
Written Warning	2	0	2	1	
Not Proven	0	0	0	1	
Reflective Practice (Post 1st May 22)	0	0	0	0	
How many were appealed?	0	0	0	0	
<b>Police Staff Hearing</b>	18	14	12	5	49
Dismissed	7	8	5	3	
Final Written Warning	6	4	4	0	
Written Warning	2	1	3	2	
Not Proven	2	1	0	0	
Discontinued	1	0	0	0	
How many were appealed?	0	1	1	0	
<b>Former Staff Hearing</b>	5	3	6	3	17
Would Have Been Dismissed	5	3	6	3	
No Further Action	0	0	0	0	
How many were appealed?	0	0	0	0	

<b>Police Officer Meeting</b>	<b>11</b>	<b>15</b>	<b>17</b>	<b>5</b>	<b>48</b>
Management Advice	4	2	0	0	
Final Written Warning	1	5	4	2	
Written Warning	2	5	10	1	
Referred for RPRP	0	1	0	0	
Not Proven	4	2	3	2	
How many were appealed?	0	0	3	0	
<b>Police Officer Hearing</b>	<b>11</b>	<b>6</b>	<b>6</b>	<b>5</b>	<b>28</b>
Dismissed	2	1	2	2	
Reduction in Rank	0	1	0	0	
Final Written Warning	5	3	2	0	
Written Warning	0	0	2	1	
Not Proven	4	1	0	1	
NFA	0	0	0	1	
How many were appealed?	0	0	2	1	
<b>Former Officer Hearing</b>	<b>2</b>	<b>1</b>	<b>5</b>	<b>2</b>	<b>10</b>
Would Have Been Dismissed	0	1	5	1	
NFA	2	0	0	1	
How many were appealed?	0	0	0	0	
<b>Police Officer Accelerated Hearing</b>	<b>2</b>	<b>3</b>	<b>3</b>	<b>4</b>	<b>12</b>
Dismissed	2	3	3	2	
Final Written Warning	0	0	0	2	
Not Proven	0	0	0	0	
How many were appealed?	0	0	0	0	
<b>Former Officer Accelerated Hearing</b>	<b>3</b>	<b>7</b>	<b>10</b>	<b>10</b>	<b>30</b>
Would Have Been Dismissed	3	7	10	10	
No Further Action	0	0	0	0	
How many were appealed?	0	0	0	0	
<b>Appeal Hearing</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>
Written Warning			1		
Final Written Warning					
Dismissed					
<b>Grand Total</b>	<b>55</b>	<b>51</b>	<b>62</b>	<b>36</b>	<b>204</b>

Figure 12: – Number of disciplinary proceedings that took place by type per financial year

68. Police Staff Proceedings have progressed within normal variation. The West Midlands Police Staff Disciplinary Policy was revised and introduced on May 2022, this has been well received by all interested parties including unions, and it has improved and supported the proceedings process. Former Police Staff Hearings continue to be progressed for matters of gross misconduct to support police integrity through the barred list.
69. Police Officer Meetings have seen a decrease, this may be as a result of the positive use of Reflective Practice Review Process (RPRP). RPRP is an essential tool for professional learning within the police service and a safe place to operate, this is utilised to prevent cases unnecessarily proceeding to a meeting where they may have not been proven. Also, the decrease of Police Officer Meetings have not been seen as a negative as Police Officer Hearings are significantly increasing this year already. April 2022 – March 2023 saw three cases not proved and three appeals, so far in 2023 we can see changes and improvements to the outcomes and no appeals to date.
70. Police Officer Hearings have significantly increased, this year the figures for April 2023 to September 2023 show that within this six months hearings are increasing, the team have listed five hearings, four have been heard, one was not heard as the officer unfortunately passed away. MST have cases listed post September 2023, the expectation is that Police Officer Hearings will increase on last year's figures.
71. Former Police Officer Hearings remain within the expected variation; however, it is predicted that Former Police Officer Hearings over the full year may decrease as Former Police Officer Accelerated Hearings increase. This is a real positive for reducing public cost.
72. Police Officer and Former Police Officer Accelerated Hearings have seen the biggest increase across all proceedings. This year the figures for April 2023 to September 2023 show that within this six-month period the Police Officer Accelerated Hearings have already overtaken last year's twelve months figures. Additionally, the Former Police Officer Accelerated Hearings for April 2023 to September 2023 sit at the same figures for last year already. It is predicted that Former Police Officer Accelerated Hearings will double. This has a significant positive impact on public cost and ensures that the most serious gross misconduct matters are dealt with swiftly and efficiently whilst securing public confidence.

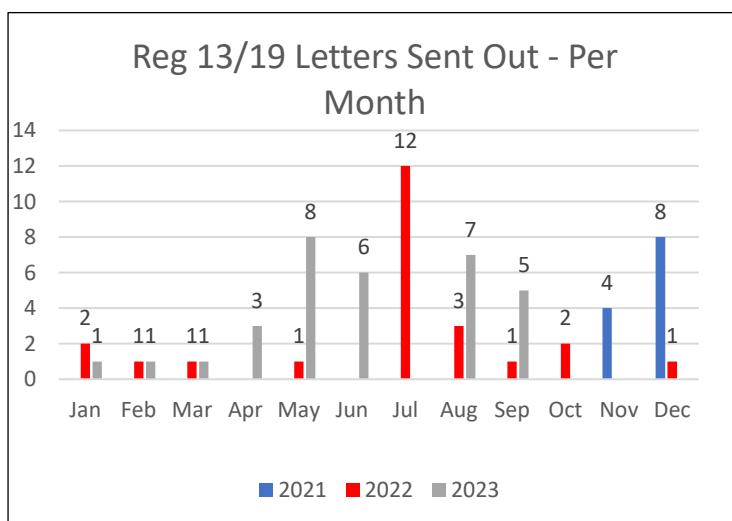
73. The increase of two extra case workers and a newly dedicated Sgt within the Misconduct Support Team has provided greater direction, focus and drive around timeliness of proceedings.
74. There have again been more accelerated hearings in 2022/23 than previous years. All cases continue to be reviewed to identify opportunity to progress the most serious types of cases through this process. This ensures prompt removal from policing of those who do not uphold standards and undermine public trust and confidence and ensure individuals are placed on the College of Policing Barred List to prevent them securing employment with other forces and creating risk to the public.
75. The delays reported in previous years to progressing misconduct cases as a result of the Covid pandemic have been resolved. There still remains long delays within the criminal justice system and cases awaiting to go to court. In the majority of cases an officer/staff member who is charged with a criminal offence will be suspended.
76. The procedures set out at Regulation 13 of the Police Regulations 2003 (discharge of probationer) enable forces to consider the most appropriate means of dealing with student officers for misconduct matters. Student officers who exhibit evidence of (a) not being fitted physically or mentally to perform the duties of their office, or (b) not being likely to become an efficient or well conducted constable can be dealt with under Reg 13.
77. In the last 12 months West Midlands Police has managed a number of misconduct cases relating to students utilising Regulation 13. To date all those subject to this process have resigned before any formal process.

### **Conduct investigation timeliness**

78. 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. This is in line with Regulation 19 of the Conduct Regulations and Timeliness of Investigation Regulation 13 of the Complaints Regulations 2020.
79. Where an investigation is not completed within the relevant period notification of progress and steps to bring to conclusion are communicated to the interested parties.

80. The Timeliness process and relevant period was brought in with the 2020 Regulations, therefore 2021 saw the introduction of the process and the figures were at their lowest. 2022 saw an increase as the process was embedded and certain cases were not completed within the relevant period, this is further increasing in 2023. Increased demand and complexity of investigations together with an increase in complaint reviews requiring further investigation has impacted on this timeliness.

81. The vast majority of cases continue to be concluded within 12 months. Investigations are subject to oversight which includes weekly supervision reviews and monthly performance meeting. This enables PSD to continually review processes to support all investigations and those that are more complex and likely to be subject of these regulations.



<u>Reg 13/19 Letters Sent To OPCC</u>	
2021:	12
2022:	24
2023 (Jan – Sept):	32

Figure 13: Table showing number of reg 13/19 letters sent to OPCC each year.

82. Timeliness of investigations is very important to all of the parties involved. As a result of the PBB staff uplift, intrusive performance management despite an increase in conduct matters timeliness remains good.

Average Working Days To Finalise (Conduct)			
	2021	2022	2023
January	422	272	162
February	341	245	193
March	335	215	175
April	233	188	202
May	222	244	149
June	281	306	211
July	343	226	206
August	286	220	184
September	227	155	138
October	184	317	
November	232	173	
December	288	148	

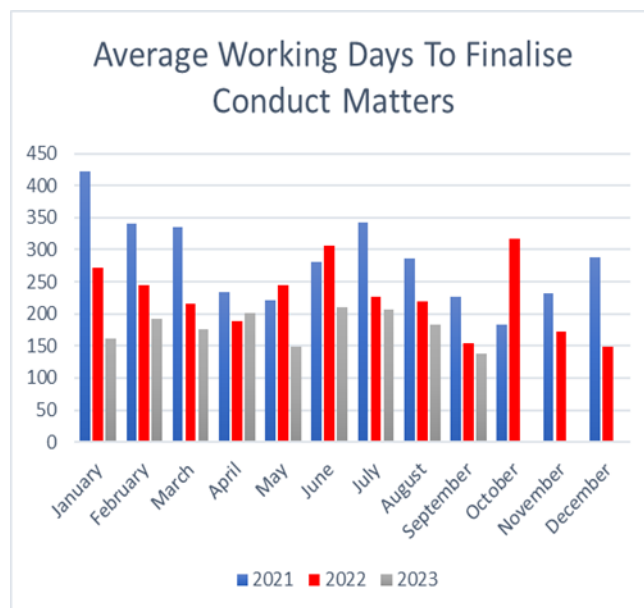


Figure 14: Average working days to finalise conduct matters

83. Through PBB the investigation team has grown in strength seeing an increase in supervisors and investigators. The 2020 Regulations have further supported a reduction in average working days providing support and focus around RPRP, reasonable and proportionate investigations and the use of Accelerated Hearings as previously described. The drive around Accelerated Hearings has focused investigators to consider if the special conditions are met which has significantly supported the reduction of average working days.

## Suspensions

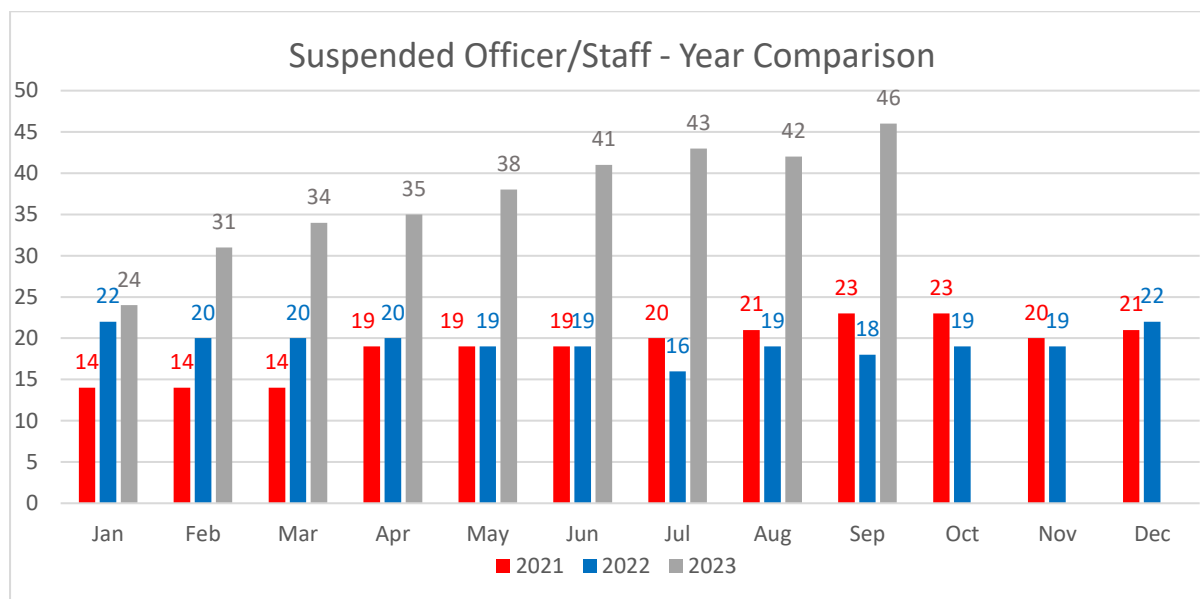


Figure 15: table showing number of officers/staff suspended over last three years

84. The number of suspended officers and staff has continually increased since January 2023, the increase has doubled on the last two previous years. Regulation 11 of the Police Conduct Regulations Conduct Regulations and the Police Staff Disciplinary Policy provides provision for officers and staff to be suspended.

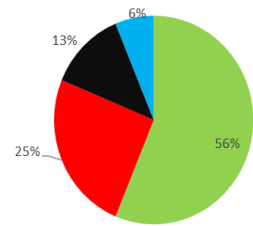
85. The focus around violence against women and girls, sexual offences, police perpetrated domestic violence along with the recent significant nationally reported misconduct cases have in part driven the requirement to suspend officers. Under Regulation 11 of the Police Conduct Regulations one of the considerations is the public interest; having regard to the nature of the allegation and any other relevant considerations, requires that the officer should be suspended. These considerations along with others under Regulation 11 have been carefully considered and caused the sharp increase during 2023, this is to support public confidence due to recent increased public interest.



## Diversity of officers and staff facing misconduct proceedings.

Staff Proceedings - Apr - Dec 22							
	White	Asian	Black	Other	Mixed	Unknown	Total
Meeting		1					1
Hearing	6	2	2				10
Former Staff Hearing	3	1			1		5
<b>Total</b>	<b>9</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>16</b>

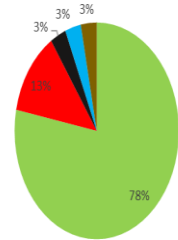
Staff Proceedings Breakdown - Ethnicity - (Apr - Dec 22)



White Asian Black Other Mixed Unknown

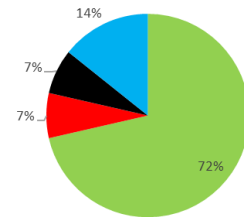
Officer Proceedings - Apr - Dec 22							
Subject	White	Asian	Black	Other	Mixed	Unknown	Total
Meeting	11	1	1				13
Hearing	2	2					4
Appeal Hearing							0
AMH	1						1
FOMH	3					1	4
FOAMH	8	1			1		10
<b>Total</b>	<b>25</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>32</b>

Officer Proceedings Breakdown - Ethnicity - (Apr - Dec 22)



Staff Proceedings Breakdown - Ethnicity - (Jan - Sep 2023)

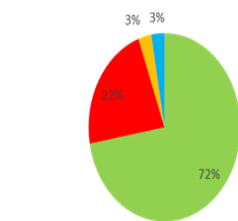
Staff Proceedings - Jan - Sep 2023							
	White	Asian	Black	Other	Mixed	Unknown	Total
Meeting	3						3
Hearing	7				1		8
Former Staff Hearing		1	1		1		3
<b>Total</b>	<b>10</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>14</b>



White Asian Black Other Mixed Unknown

Officer Proceedings - Jan - Sep 23							
Subject	White	Asian	Black	Other	Mixed	Unknown	Total
Meeting	7	2	0	0	0	0	9
Hearing	4	2	0	1	0	0	7
Appeal Hearing	1	0	0	0	0	0	1
AMH	4	1	0	0	1	0	6
FOMH	3	0	0	0	0	0	3
FOAMH	7	3	0	0	0	0	10
<b>Total</b>	<b>26</b>	<b>8</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>36</b>

Officer Proceedings Breakdown - Ethnicity (Jan - Sep 2023)



White Asian Black Other Mixed Unknown

Figure 16: Diversity data relating to misconduct proceedings

86. The diversity data relating to misconduct hearings details that for police officers the vast majority of those facing misconduct proceedings are from a white background.
87. The data is reviewed monthly at the PSD Performance Meeting and regularly at a disproportionality focus group to understand manage and disproportionality that may arise. The disproportionality focus group includes all relevant force stakeholders from the different staff associations and colleagues in POD.
88. The PSD IAG also support work to understand disproportionality within PSD data and/or processes attending regular scrutiny panels and vetting dip samples.
89. Analysis of the breaches and the diversity of the officers and staff has not revealed anything of note. There have been repeated breaches across most standards, no significant disproportionate results. White officers have been found to breach Equality and Diversity, Duties and Responsibilities, Discreditable Conduct and Challenging and reporting improper conduct more than officers of other ethnicities.

### **HMICFRS recommendations**

90. In November 2023 HMICFRS released its' national vetting, misogyny and misconduct inspection. This contained 43 recommendations and 5 areas for improvement. (AFI). 28 of the recommendations were for police forces to progress.
91. West Midlands Police immediately had 5 recommendations and one AFI signed off as complete. Of the remaining recommendations and AFI, 19 of those due for completion by end of September 2023 have all been submitted for sign off to the HMICFRS. Due to the large number of recommendations the HMICFRS are to review nationally these are yet to be signed off.
92. Four of the final recommendations which are due to be signed off by end of October 2023 or December 2023 are in progress. With the exception of recommendation 16 which is due for completion by end of December 2023 all will be submitted as complete for HMICFRS sign off. Recommendation 16 relates to continuous integrity screening using the Police national database (PND). A national technical solution is awaited to enable this to take place.

## Vetting

93. Vetting decisions are made in line with vetting APP, vetting demand remains high as a result of ongoing new recruits, recruitment into contact and custody. Additional staff are currently being recruited to ensure demand can be managed, along with overtime to support the current team.
94. The vetting teams uses Vetting APP<sup>1</sup> to assess individuals with minor convictions and cautions. This is different according to the role, i.e. police staff, police officer.
95. Where adverse information (AI): such as convictions, cautions is held this is identified on Corevet (system to manage vetting) and Centurion and is subject to scrutiny by the integrity unit and service confidence meeting. This includes all historic vetting concerns identified as a result of the work undertaken by Op Fairstay (national PND datawash) and force aftercare vetting. Risk management measures where necessary are then applied and managed.
96. The monthly service confidence meeting incorporates discussions on duty to reveal, conditional vetting, vulnerable association conditions, vulnerability conditions, any new business for consideration (from CCU, investigations, complaints) and ongoing current vetting reviews. This meeting will record any risk management plans.
97. The meeting will review decisions and any new information regarding officer or member of police staff. A marker is placed on the HR systems to prevent officers or staff moving into posts and avoiding restrictions set by the risk management plan.
98. Risk management measures may include: posting restrictions (temporary or permanent) in conjunction with HR, conditional vetting, vulnerability interviews carried out by PSD or line managers, recommendations for development plans, retraining – use of force.
99. Working with colleagues in IT, PSD have developed a Qlik dashboard with the ability to run a daily check over WMP data to identify any Police employee associated with any crime, custody, intelligence and incident log events recorded daily. The primary purpose is to enable rapid identification of any employee who would (subject to further in-depth checking by PSD) be subject of misconduct, vetting review or other

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<sup>1</sup> [APP on Vetting \(college.police.uk\)](http://college.police.uk)

PSD intervention. This daily process will enable the Force to act swiftly to prevent further harm occurring and protect victims in line with the Force commitment to tackle violence against women and girls (VAWG), abuse of position for sexual purpose (APSP) and to protect the most vulnerable in society. In addition, it will provide the ability to monitor patterns and trends over time, for example repeat offenders, victims or locations, which the CIS will not offer.

100. All vetting decision making is documented on Corevet with detailed decision making in line with the National Decision model. Vetting staff have received a number of training inputs about decision making from experienced decision makers.

101. Op Fairstay and the integrity unit makes use of adverse information markers (AI) and ensures relevant information is reviewed via the service confidence process (Detailed at point 102).

102. The PSD IAG support quarterly vetting scrutiny meetings to review decision making across different aspects of the process including rejections and clearances. A quarterly regional meeting has just commenced to undertake vetting peer quality assurance and dip sample processes.

103. The annual review of all posts requiring management vetting (MV) has taken place incorporating the new force LPA structure. Oracle (HR system) will indicate those posts that require MV and the creation of a dashboard will ensure that staff in these posts have the required level of vetting.

## Transferees

104. Transferees into West Midlands Police at any rank will be subject to vetting checks. Those that do not meet the required standard will not be accepted into the force.

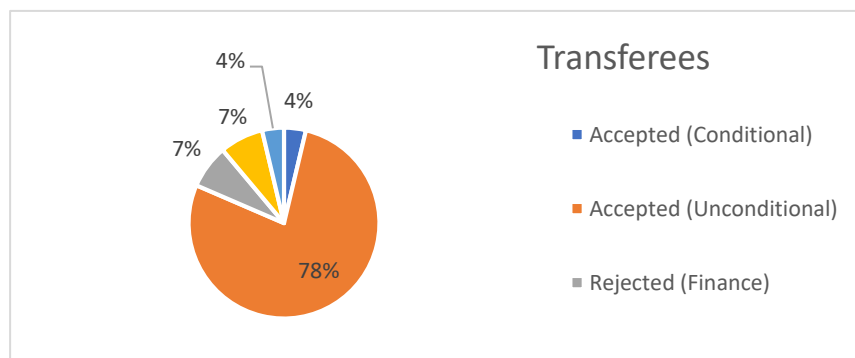


Figure 17: showing the breakdown re vetting of transferees into west Midlands Police

105. In the last 12 months there have been 27 transferees into the force. Not all of these were accepted as figure as they did not meet the required standard.

106. Whilst there may be a PSD trace for transferees into force none of them showed a history of attracting complaints or allegations of misconduct. The PSD trace refers to business interests as well as miscellaneous records such as involvement in a death or serious injury or other PSD referral during which no Conduct or Complaints were recorded against the transferee.

107. When vetting is refused, in line with APP applicants can exercise their right of appeal. Between September 2022 and September 2023 there have been 1196 Vetting applications, leading to 329 rejections (27.5%). There have been 160 vetting appeals, 20 had their appeals overturned.

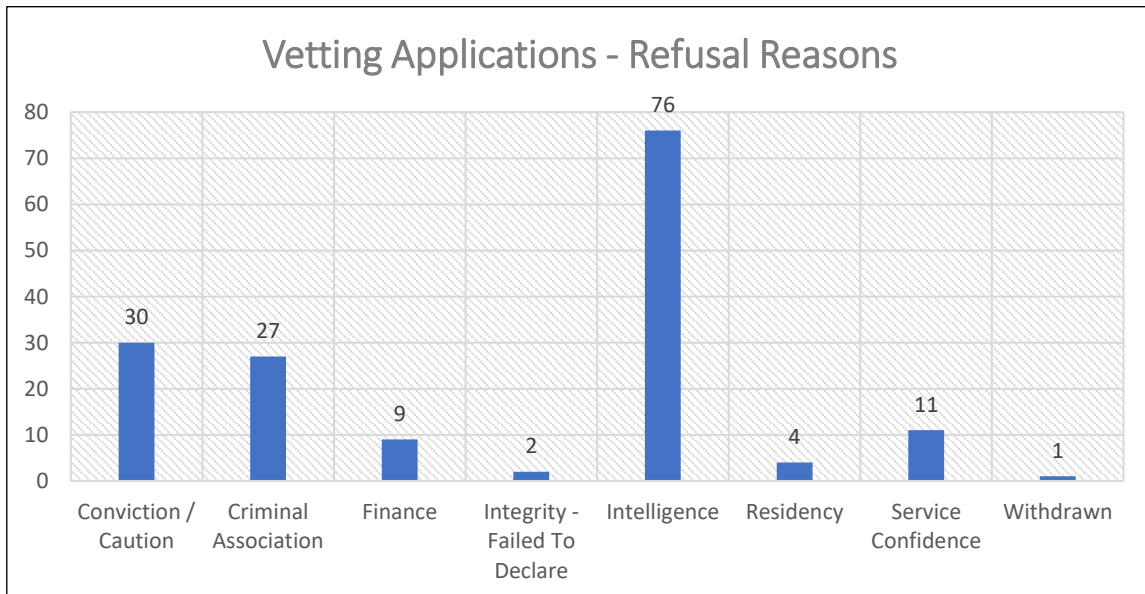


Figure 18: Breakdown of vetting refusals for last 12 months

108. A breakdown finds Conviction/Caution (6/30 – 20%) and Criminal Association (6/27 – 22%) are the most likely to have their appeal overturned. Residency has a 50% overturn rate, but sample is only out of 4 (2/4 overturned). APP provides guidance to support decision making in relation to this.

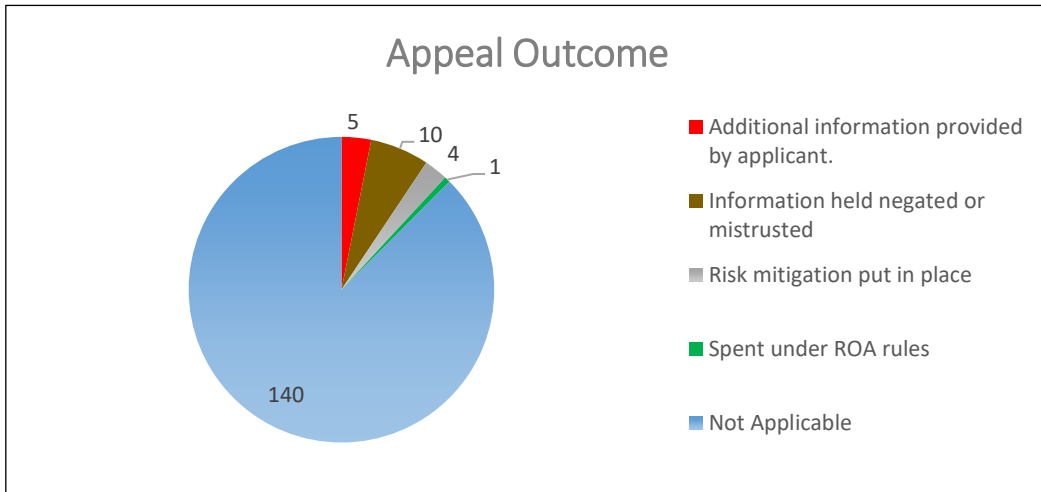


Figure 18: Breakdown of vetting appeals outcomes for last 12 months

109. Analysing this information when you remove the not applicable category shows that overall the decision is overturned based on a reassessment of the information provided or that information was mitigated.

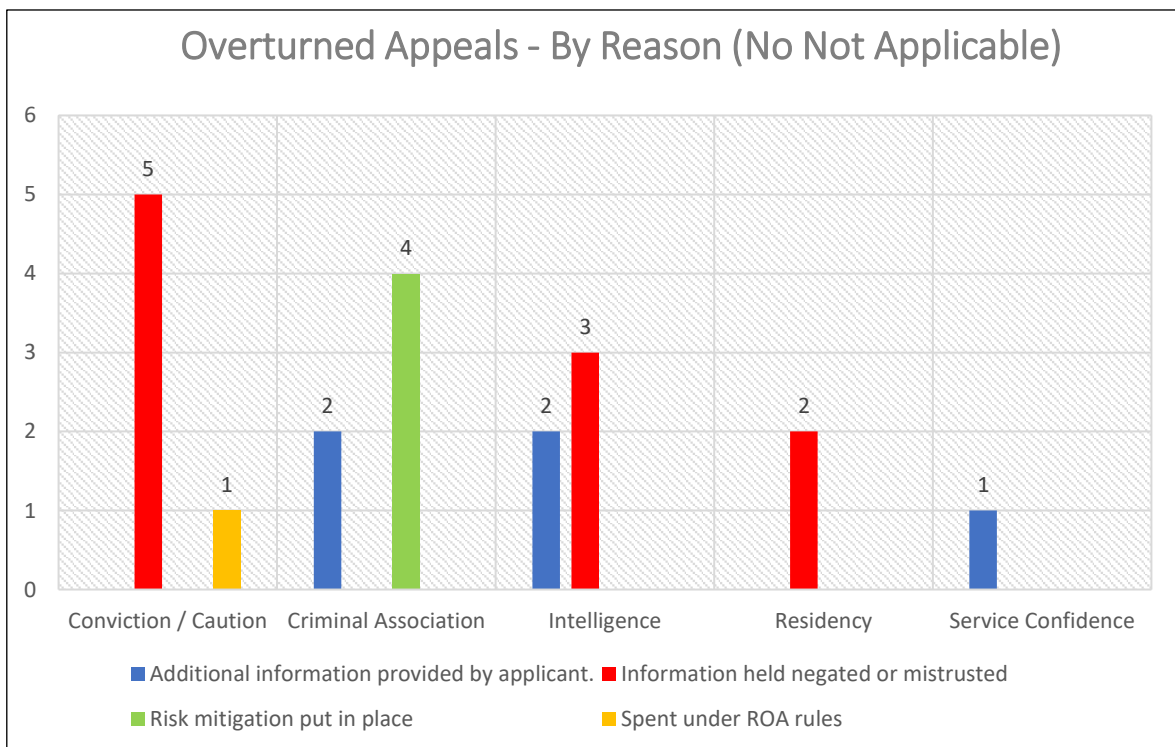


Figure 19: Breakdown of vetting appeals overturned for last 12 months

## **Integrity unit**

110. The PSD Integrity Unit is currently a proof of concept team. It has been created in response to increased referrals from our service confidence process, as well as an increase in referrals in relation to Op Fairstay, Op Hotton, and the Casey Report. The referrals relate to change of circumstance submissions, notifiable associations and vetting concerns. The unit assesses, manages and reviews the identified organisational risk posed from our people. The Integrity Unit grade the risk and where appropriate hold initial and periodic risk management meetings with the individual, imposing and reviewing risk management measures to mitigate that risk in order to uphold high standards, deter misconduct and maintain public confidence. It is anticipated that the Corruption Unit will support the Integrity Unit in proactively monitoring compliance.

## **Counter Corruption**

111. West Midlands Police Counter Corruption Unit (CCU) are a discreet proactive investigation team that form part of the Professional Standards Department. The CCU consists of a sensitive intelligence unit and an operations team that together, provide a covert capability to identify, research, develop and investigate concerns of corruption.

112. The team receive, proactively generate, and develop intelligence for onward investigation. They maintain confidential reporting mechanisms such as an internal referral process (The Corruption Line) to facilitate confidential reporting by members of the policing family. As well as a number of external reporting mechanisms including partner agencies and crime stoppers. The team proactively develop and generate intelligence from live investigations, open source, and the use of audit and monitoring capabilities achieved through lawful business practice. The team provide an accredited detective capability to progress proactive and reactive investigations, utilising a range of tactics, carrying out enforcement action and managing the subsequent proceedings, disclosure and file build.

## **Finance**

113. The current budget for 2022/23 is £149,800 and does not include regular staffing costs. This is broken down into £47,500 officer and staff overtime and £102,300 for other costs within the department such as travel, specialist services and agency staff.

## **Legal Implications**

114. 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**

115. The board is asked to note the contents of this report.

Author(s): Detective Chief Superintendent Ridding

Job Title: Head of Professional Standards