

# OVERSIGHT

## newsletter

Welcome to our monthly newsletter which provides updates about the work of the Independent Office for Police Conduct (IOPC). The newsletter is for complaint handlers in forces and local policing bodies (LPBs).

### Recent information

#### Updates to Focus issue 9: Referrals

Following the judgment of the case of R (Rose) v Greater Manchester Police (2021), we received a number of queries from policing stakeholders about making referrals to the IOPC. The judgement did not change the way in which the legislation should be applied or what should be referred. In light of the queries raised, we thought it would be helpful to update our existing [Focus guidance](#) to provide more clarity. We have, therefore, added the following updates to [Focus issue 9 on Referrals](#):

- added a new section on making an assessment of a complaint under ‘Making a referral’ (page 4) to provide clarity on what Appropriate Authorities should consider and assess, when deciding whether to refer a complaint
- added two new case studies (16 & 17) under ‘Serious Corruption’ to help demonstrate when a complaint may or may not require referral to the IOPC

While making these amendments, we also made the following updates:

- assessment of whether to refer behaviour that occurred before an officer joined the police service (pre-attestation) (page 2)
- further clarification on referring death or serious injury cases where there is no body (page 10)

If you have any questions about these updates, please contact [Oversight@policeconduct.gov.uk](mailto:Oversight@policeconduct.gov.uk)

#### 12 month timeliness reports for conduct investigations

As we continue to build our knowledge and data on 12 month timeliness reports, we want to ensure you are aware of the distinction between conduct investigations that have been recorded under the *Police Reform Act 2002* and conduct investigations that have not been recorded for the purposes of the reports.

Regulation 13 of the Police (Complaints and Conduct) Regulations 2020 relates to conduct matters which have been recorded under the *Police Reform Act 2002*. Regulation 13 stipulates that a 12 month timeliness report must be sent to the local policing body and the IOPC, where an investigation exceeds 12 months.

Regulation 19 of the Police (Conduct) Regulations 2020 applies to conduct investigations not recorded under the *Police Reform Act 2002*, but carried out under Part 3 of the Police (Conduct)

Regulations 2020. Regulation 19 stipulates that a 12 month timeliness report is only required to be sent to the local policing body (not the IOPC).

In practice, this should mean that local policing bodies will receive more timeliness reports than the IOPC, so should consider what local monitoring systems may be needed. We will ensure that any information we share highlights that we receive and comment on only those reports that must be sent to the IOPC.

We are working to update our [operational advice note](#) for 12 month timeliness reports.

## **New out of hours guidance**

The IOPC recently updated its guidance on when to make telephone referrals to the IOPC. We have provided you with the updated guidance along with this newsletter.

## **System for managing welfare support of officers and staff**

South Yorkshire Police made us aware of the following initiative they are operating to monitor and improve the wellbeing of officers and staff:

“All police officers and police staff in South Yorkshire Police are routinely appointed a Welfare Support Officer (WSO) if they are placed on restricted duties, suspended or served with a Regulation 13 notice (student officers).

There is a total of 64 WSOs from all ranks and positions, all of whom are volunteers.

WSOs perform a crucial role in acting as a link for the member of staff between PSD, Federation, CPS or IOPC. Whilst they act on behalf of our PSD, they remain independent and they are asked to solely take care of welfare needs.

In Autumn of this year, the management of staff being supported is moving to a cloud-based system and will be paperless. The electronic management of staff will mean that there is a clear audit trail of risk assessments and the case management can be moved between WSOs with just one click.

There has been a lot of work done in the background to ensure that the system is secure enough and remains MOPI (management of police information) compliant, as we are aware that very personal data will be stored.

On completion of the risk assessment and grading, the system will then automatically generate reminders for reviews and alert PSD management if any go overdue.

This system really does put the member of staff at the heart of welfare considerations and is very eagerly anticipated.”

## **❓ Common questions from forces and LPBs**

**Q: When a complainant asks to make a ‘formal complaint’ at the outset, should it always be recorded and dealt with inside Schedule 3?**

A: A complaint must be recorded if, at any point, the person making the complaint wants it to be recorded. Unless it is immediately obvious that the complaint meets the criteria for recording and dealing with inside Schedule 3, communication with the complainant should be used to clarify what

they mean by 'formal complaint'. The complaint handler should explain what 'formal recording' means under the *Police Reform Act 2002*.

There may be circumstances in which a satisfactory resolution for the complainant outside of Schedule 3, is unlikely from the outset. In those circumstances, complaint handlers should consider recording the complaint at this stage.

A log of decisions made on initial handling of complaints should be kept, including details of complainant contact and their expression of how they would like the complaint to be resolved.

**Q: When considering if a complaint or recordable conduct matter should be voluntarily referred to the IOPC on the grounds of impact on public confidence, should the appropriate authority wait for evidence that there has been an impact in this respect before making the referral?**

A: The IOPC encourages appropriate authorities to refer a complaint or incident, that does not come under the mandatory referral categories, where the gravity of the subject matter or exceptional circumstances justify referral.

When considering making a voluntary referral to the IOPC, appropriate authorities should consider the potential impact on public confidence, or the confidence of particular communities. As explained at paragraph 9.31 of the IOPC's [Statutory Guidance](#), the consideration is whether the matter could have a significant impact on public confidence - there does not have to be evidence of an impact. Rather, forces should apply their thinking to the possibility of it based on the subject matter or gravity of the incident. In some circumstances the potential impact may not be immediately clear, and so a referral at a later stage (when new information comes to light suggesting the handling of the complaint or recordable conduct matter may have an impact on public confidence) would be appropriate.

## Corporate news

### **IOPC recommendations to Met over strip searches of children**

We have issued recommendations to the Metropolitan Police Service (MPS) over safeguarding issues highlighted by referrals concerning the strip searching of children.

Eight new referrals concerning strip searches of this nature were received from the MPS in June after we made further inquiries, and a further three were made last month. We have now decided to independently investigate two of them.

We recommended that the MPS should take immediate steps to ensure that strip searches of children are carried out in line with relevant legislation, national guidance and local policy.

The steps we recommended that the MPS take are designed to ensure:

- the best interests and safeguarding needs of the child are a primary consideration when deciding whether to conduct a strip search
- the strip search of a child is conducted in the presence of an appropriate adult. Such searches should only be conducted without an appropriate adult in limited circumstances where a valid exception exists
- the strip search of a child is conducted in such a way which, as far as possible, maintains their dignity and takes into account their health, hygiene and welfare needs

Read [our full media release on our website](#).

## IOPC assessment of matters linked to Daniel Morgan Independent Panel report

Following a detailed and thorough assessment of the Daniel Morgan Independent Panel report, we concluded that there are no new avenues for investigation that could result in either criminal or disciplinary proceedings.

We published our assessment of matters linked to the publication, in June 2021, of the Panel's report. It exposed the failures of the investigations into Daniel Morgan's murder in south London on 10 March 1987.

Following its publication, we asked the Mayor's Office for Policing and Crime, the Metropolitan Police Service and Hampshire Constabulary to assess whether there were indications that former or current officers may have breached police professional standards of behaviour or committed a criminal offence that required a new investigation.

In parallel, we carried out the same exercise because we can use our power of initiative, if necessary, to investigate matters without a police force referring them to us. In total we considered whether the actions of 50 either serving or former officers, required further investigation.

Read our [full media release on our website](#).

### Latest news

Keep up to date on our investigations and other work to increase public confidence in the police complaints system. You can find our [latest IOPC news](#) on our website.

[Seven Merseyside Police officers under investigation after a man died some days after a stop and search](#)

[Essex Police officer charged with assault following incident where a vehicle was stopped for suspected traffic offence](#)

[West Midlands officer to face gross misconduct hearing after incident in custody suite involving removal of a man's religious head covering](#)

[Investigation underway into use of force by Sussex Police on elderly man with dementia in a care home](#)

[Investigation into three former Greater Manchester Police officers discontinued - learning identified](#)

Email: [oversight@policeconduct.gov.uk](mailto:oversight@policeconduct.gov.uk)

Tel: 01924 811699

If you have any questions, please get in touch with your Oversight Liaison or a member of the Oversight team.

