

# 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).

### New 12 month timeliness report operational advice note

We published a [12 month timeliness reports operational note](#) which explains the relevant dates and when to send a timeliness report. The operational advice note provides examples based on real life cases and sets out how to comply with Regulation 13 of the *Police (complaints and misconduct) Regulations 2020* and Regulation 19 of the *Police (conduct) Regulations 2020*.

We hope you find the guidance useful. If you have any feedback, please email [oversight@policeconduct.gov.uk](mailto:oversight@policeconduct.gov.uk)

### Covert to overt referral process

Covert referrals to the IOPC are made in a different way to the usual referrals made to the IOPC Assessment Unit. You should complete the 7.1a form from the force's Anti-Corruption Unit and then send it directly to your single point of contact (SPOC) in the IOPC's Anti-Corruption Unit. Before submitting a covert referral, the force should consult with their IOPC SPOC. The SPOC will discuss the matter and assist with completing the 7.1a form.

Once the referral is submitted, the IOPC SPOC will obtain a mode of investigation decision. If the MOI decision is a local, supervised, managed or directed investigation the force will conduct the covert investigation, with appropriate involvement from the appointed IOPC lead investigator.

When the investigation moves from covert to overt, the force should submit an overt referral on the 7.1 form to their appointed IOPC lead investigator, not via the usual referral route to the Assessment Unit. The 7.1 form should state that the matter was the subject of a covert referral, but should not include any reference to covert tactics. The IOPC's Anti-Corruption Unit will work with IOPC lead investigator to give you the new mode of investigation decision. The IOPC's ACU deal with all covert referrals confidentially and handle all sensitive material appropriately.

### Operational advice note for Police and Crime Panels

We updated our [operational advice note for police and crime panels on the handling of complaints or conduct matters recorded against police and crime commissioners](#). The amendments made include more guidance on making a referral to the IOPC.

## Provide direct contact numbers with referrals

Please provide a direct contact number when submitting 7.1 referral forms to the IOPC to help reduce delays in processing and decision-making. We can then request additional or missing information and clarify any issues as soon as possible.

## IOPC reviews

Sunny Bhalla, the IOPC Head of National Operations, has provided the following update on our progress with reviews.

“We wrote to you last year to give you an update on progress with the backlog of reviews and investigation appeals. As you will be aware, the IOPC currently has a backlog of reviews and investigation appeals, resulting in us not being able to assess them as quickly as we, and our policing and public stakeholders, would like. We know this is not ideal, so I am writing to apologise for this and to let you know some of the reasons for this, and also the action we’re taking to improve the situation.

During the height of the pandemic, we lost a significant amount of our casework resource and our staffing levels continue to be affected. While incoming work volumes remained consistent during the pandemic, they are increasing now.

In addition to the challenges of the pandemic, new legislation was introduced during this period and so we invested time to train staff which also reduced our capacity. This training will continue over the coming months as we are aiming to train all casework managers on reviews, deaths and serious injuries, and appeals.

Currently we are finding that reviews are taking longer to deal with on average, compared to appeals. This is as a result of a number of factors, including that they are relatively new, so it takes a while to become proficient and there is more work required to understand what is ‘reasonable and proportionate’. We are also spending far more time on engagement with complainants, investigating officers (IOs), and appropriate authorities to better understand the reason for the review application, to discuss the investigative steps and decision-making rationale with the IO, and discussions about learning/remedy recommendations and commissioning further work.

We remain absolutely focused on improving the situation and reducing wait times and to help us achieve that, we will continue to implement a wide range of measures.

However, as of today, we are currently allocating investigation review cases to staff received by the IOPC in September 2021. I am confident that this figure will reduce over the next 6 months.

Both I and all of my staff fully understand the impact waiting for the outcome of reviews has on police forces, individuals under investigation and complainants. We are working hard to improve the situation and bring down timescales, without impacting on quality. If you have any questions about this, please contact our administration team or your Oversight Liaisons.

I will write back to you with an update on our situation by the end of the year”.

## Complaint handler workshops 2022

Thank you to those who attended the complaint handler workshops. Discussions about no further action decisions, the relevant review body test, and sharing effective practice were really interesting and provided us with a lot of insight into the initial handling of complaints under the new legislation. Your input and feedback was really helpful and valued. We hope that you found the workshops useful.

As our final workshop was held in March, we will collate the feedback and questions raised and consider how best to share these with you. We will keep you updated about the next steps.

Thank you to the people who completed the feedback survey. If you haven't yet completed the survey, it is open until **19 April 2022**. We would be really grateful for your feedback about the workshop which will help inform future plans for working together. The survey should only take around 10 minutes to complete. If you have any questions about this work or would like to contact us with feedback directly, please email us at [Oversight@policeconduct.gov.uk](mailto:Oversight@policeconduct.gov.uk)

## Northamptonshire Police's initiative to embed knowledge of the standards of professional behaviour and share learning

Northamptonshire Police's internal publication called 'The Standard' aims to embed knowledge of the standards of professional behaviour by sharing learning and providing outcomes of misconduct hearings and meetings. Issued quarterly, it also has a preventative role and includes emerging trends and themes for complaint and conduct matters. It also features articles on topical issues about policing and provides links to internal policy e.g. social media use.

Their internal media campaign 'Standard of the Month' helps to further embed knowledge of each of the standards of professional behaviour. The campaign includes short videos on topics about each standard and supervisors are asked to share these in briefings to promote discussion with their teams. Supervisors are supported with detailed briefing packs to use in team briefings or individually with their teams. This helps officers and staff to provide a professional, transparent and impartial service to communities, which seeks to reinforce public confidence in line with the force's vision.

If you would like to find out more about this initiative, please contact your Oversight Liaison.

## ? Common questions from forces and LPBs

**Q: If a complaint is made about an incident that occurred a significant amount of time ago, can we decide to take no further action (NFA) with the complaint on the basis that it's not reasonable and proportionate and the complaint could have been made earlier?**

A: It depends on the circumstances of the case. Just because time has lapsed since the incident, this does not necessarily mean it is reasonable and proportionate to take no further action. Under the new legislation, there is no time limit to make a complaint and there may be reasons why the complainant has not made the complaint earlier.

The principles of reasonable and proportionate handling are set out in Chapter 3 of our [Statutory Guidance](#). These state that the seriousness of a matter and potential for learning should be weighed against the use of policing resources. Reasonable attempts should be made

to try and address the complainant's concerns, wherever possible. Even if a relatively minor matter happened a long time ago, there may still be enough information available to respond to the complainant's concerns in a proportionate way, such as providing an explanation. However, if the amount of time that has lapsed means that no information is available to be able to respond to the complaint, this should be explained to the complainant so they understand why no further action can reasonably be taken.

For more guidance on decisions to take NFA with complaints, please see [Focus issue 14 Reasonable and proportionate handling under Schedule 3 otherwise than by investigation](#)

## Corporate news

### Statement following misconduct hearing linked to Operation Linden

Following the conclusion today's misconduct hearing, IOPC Director of Major Investigations Steve Noonan said: "We are now working to finalise our overarching report following the conclusion of the misconduct hearing linked to Operation Linden, our investigations into South Yorkshire Police's response to non-recent allegations of child sexual abuse in the Rotherham area. The panel today found the case against former Detective Sergeant David Walker not proven.

"Our investigation found Mr Walker had a case to answer for gross misconduct in relation to possible breaches of the police standards of professional behaviour, in relation to duties and responsibilities for not recording information on police systems.

"It was right for the evidence to be tested in a public hearing and we are grateful for the panel's consideration of the evidence in this case.

"We now need to consider the judgement and any potential impact on one ongoing investigation as part of Operation Linden before we will be able to publish our report, which will cover 91 investigations completed so far.

"This has been an extremely complex piece of work – the second biggest operation we have ever carried out – and it is our aim to publish this report as soon as we reasonably can.

"Our priority remains the welfare of the survivors who took the difficult decision to come forward. They have shown a great deal of bravery both prior to and throughout our investigations and we must be respectful of the experiences they have gone through."

### 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.

[Former Wiltshire Police staff member jailed for six months](#) for inappropriate relationship with a man she was supervising

[Former Humberside detective was barred from policing](#) for repeated failing to properly investigate crime reports

[IOPC investigation completed into Devon & Cornwall Police over man's possession of a shotgun](#)

[West Midlands Police firearms officer under criminal investigation after fatal police shooting in Coventry](#)

[West Yorkshire officers cleared following investigation into death of a man](#) after police pursuit

[Learning recommendations accepted by Surrey Police after alleged failure to investigate breaches of bail](#) and safeguard victims

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

