

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).

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## Police perpetrated domestic abuse – recording and referring complaints and conduct matters

Police perpetrated domestic abuse (PPDA) is an area which the IOPC has carried out research to understand how allegations are handled through the complaint and conduct systems. Effective practices have been found but there are some areas where we identified that allegations and conduct matters were not handled as we would expect.

Areas where forces could give greater attention to when receiving allegations of PPDA include:

- Recording a complaint where the person making the allegation is entitled to be treated as a complainant. We recognise allegations may be made between officers or police staff which cannot be treated as complaints. Where the person making the allegation meets the criteria of a public complainant, forces should treat them as such.
- Our case reviews identified a significant proportion of cases which met the mandatory referral criteria but had not been referred. These include allegations meeting the serious assault, relevant offence and serious sexual assault criteria. When receiving allegations of PPDA, forces should be aware they can include allegations of sufficient gravity to need referral to the IOPC.
- The complaints we reviewed include allegations that attempts were made to dissuade PPDA being reported. These include officers or staff informing the victim they would use their knowledge of the law, police systems or the investigations process to influence the outcome. This could meet the abuse of position criteria and result in a referral.
- There should be limited circumstances in which a complaint or conduct investigation needs suspending due to possible or outstanding criminal proceedings. The Home Office guidance confirms the presumption is that action for misconduct should be taken prior to, or in parallel with, **any** criminal proceedings. Where it is determined that prejudice to the outcome of the criminal case would result, then this decision shall be kept under regular review to avoid any unreasonable delay to the misconduct proceedings. If there is any doubt then advice should be sought from the Crown Prosecution Service (CPS) or other relevant prosecuting authority.
- Decisions should be rationalised and recorded to ensure transparency where allegations are made but no complaints or conduct matters are recorded.

## Forward look - complaint handler workshops

We recently sent 'save-the-dates' for workshops in February and March 2022 which are now being held remotely. We will be sending out formal invitations shortly along with further information about the workshops.

## Updates to Focus issues 13, 14 and 15

Last month we told you that we would be making amendments to issue 13, 14 and 15 of our Focus magazine based on shareable practice we identified as part of our initial handling intervention. The amendments have now been completed and updated versions are available on our website [here](#). Some amendments are also being made to Focus issue 18 and these will be available in the new year.

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## Recent information

### **IOPC youth panel – findings and recommendation**

On 29 November 2021, our youth panel published its second report, including key recommendations in three areas: building confidence in the complaints system, the future of the youth panel, and building trust in policing. The report can be found on our website [here](#).

### **Delay in publishing Q2 2021/22 information bulletins**

On 5 January 2022, we explained that the Q2, 2021/22 information bulletins have been delayed further. This is because, despite significant progress being made in building a workaround to exclude data from forces who have been unable to make their Q2 submissions, the work uncovered other anomalies which need to be fixed. As soon as we have resolved the anomalies, the submitted Q2 data will be used to test whether or not the remedial actions have been successful. Further updates will be provided when they become known.

## **How West Mercia Police PSD have improved their efficiency in handling complaints:**

West Mercia Police PSD shared how they have improved their efficiency when handling complaints using a triage system and by speaking to complainants early on.

When a complaint is first made, it is immediately triaged by someone in the complaints team to decide whether it meets the complaint or conduct matter criteria and/or something that requires referral to the IOPC.

For complaints that can be handled outside of Schedule 3, these cases are allocated to a triage officer within PSD. A team administrator will record the complaint on Centurion and send a letter to the complainant. The triage officer will contact the complainant within a few days of the letter to attempt service recovery by either answering the complaint there and then, signposting the complainant to the victims right to review, or signposting the complainant to a more relevant agency to which the complaint refers.

The majority of West Mercia Police's Schedule 3 complaints are handled by complaint managers within the PSD and a minority of these complaints are sent out to divisions. The complaint is recorded on Centurion by a team administrator. They will send a letter to the complainant informing them the complaint has been logged and explaining the time scales for further contact. The complaint manager will speak to the complainant to establish whether service recovery is possible and if not, commence the fact-finding process.

Complaints made by members of the public who have made several complaints before are allocated to a complaint manager with previous knowledge of the case. The complaint manager acts as a single point of contact for the complainant.

West Mercia Police PSD told us this approach has many advantages. It means less serious complaints are dealt with quickly preventing escalation; complainant's expectations are managed at the beginning of the process; and by keeping most complaints within PSD, this has increased overall oversight of complaints meaning regulatory timescales have been easier to monitor and adhere to.

## Common questions from forces and local policing bodies (LPBs)



**Q: What are our responsibilities for providing adjustments when a complainant wishes to make a complaint but needs assistance? Does the responsibility depend on the seriousness of the complaint?**

A: There is an obligation under the Equality Act 2010 to make sure our actions are not discriminatory. Our responsibilities under the Act are not determined or affected by the seriousness of the complaint. Everyone has a right to access the system.

It is essential we reflect the entitlements set out in the Ministry of Justice’s Code of Practice for Victims of Crime and the aims of the Public Sector Equality Duty (PSED). While the PSED is proactive, there is no requirement to ask every service user if they need a reasonable adjustment. So, it is on a case-by-case basis, using discretion to judge when it is appropriate to ask the question. When deciding whether an adjustment is reasonable, consideration should be given to:

- how effective the change will be in assisting disabled/neurodiverse people in general or a particular service
- whether it can actually be done
- any costs involve
- if there is an alternative solution that will give the same outcome and be more cost effective
- organisation size and resources

Like the IOPC, both forces and LPBs should have a policy on this to make sure the fulfilment of legal obligations. [Focus issue 17](#) provides guidance around this matter.

**Q: We have received two complaints arising from the same incident and involve allegations being made against non-chief officer staff and the chief officer. Who is the relevant review body for these complaints?**

A: As outlined in legislation, the IOPC is the relevant review body where:

- i. the appropriate authority is a local policing body
- ii. the complaint is about the conduct of a senior officer (an officer holding a rank above chief superintendent)
- iii. the appropriate authority is unable to satisfy itself, from the complaint alone, that the conduct complained of (if it were proved) would not justify the bringing of criminal or disciplinary proceedings or would not involve an infringement of a person’s rights under Article 2 or 3 of the European Convention on Human Rights
- iv. the complaint has been, or must be, referred to the IOPC
- v. the IOPC is treating the complaint as having been referred
- vi. the complaint arises from the same incident as a complaint falling within ii-v
- vii. any part of the complaint falls within ii-v

Therefore, when considering the relevant review body test in these circumstances, as one of the complaints is about the conduct of a senior officer (ii) and the second complaint arises from the same incident (vi), the relevant review body for both complaints would be the IOPC.

**Q: When a decision is made to partially uphold a review, what should this be recorded as from a record keeping perspective?**

A: This should be recorded as an upheld review. However, when explaining the outcome to the complainant, it should be made clear which parts are upheld and which parts are not upheld.

## Corporate news

### Former Metropolitan Police Service officers jailed for taking photographs at crime scene

Two former Metropolitan Police Service (MPS) officers have been jailed following a hearing at the Old Bailey for taking and sharing photographs from the scene of Nicole Smallman and Bibaa Henry's murders.

Former police constables Jamie Lewis and Deniz Jaffer pleaded guilty to misconduct in public office when they appeared before the court. Lewis and Jaffer were both sentenced two years and nine months. The judge ordered half of their sentence be served in prison. Their convictions follow a four-month investigation by the Independent Office for Police Conduct (IOPC).

After the hearing IOPC Regional Director Graham Beesley said:

"As Jamie Lewis and Deniz Jaffer begin their sentences, my thoughts and sympathies, as always, are with the family and friends of Nicole Smallman and Bibaa Henry.

"The actions of these men were a gross breach of the standards expected from police officers and undoubtedly compounded the family's grief.

"We hope the recommendations we made to the MPS last year, now embedded across the north east command structure, are embraced by all officers. A shift in attitudes, culture and behaviour is required to ensure this never happens again."

On 24 November, the MPS held an accelerated gross misconduct hearing for Lewis and Jaffer. Lewis was dismissed without notice and Jaffer would also have been dismissed had he not already resigned from the service. They will be added to the barred list, preventing them from future employment within the police service.

The MPS will arrange disciplinary proceedings for three PCs who allegedly were either aware of, received or viewed the inappropriate photographs taken at the scene of the sisters' murders and failed to challenge or report them.

In our report from our investigation we advised the MPS to apologise to their family over their failings after we found the level of service provided to the sisters' relatives and friends over the weekend following their disappearance was unacceptable.

### 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. You can also read about the [learning recommendations we make following our investigations](#).

[Essex inspector sacked for sexually touching junior colleague and sending inappropriate emails](#)

[IOPC considering reopening investigation into Met Police handling of deaths of four men](#)

[Higher percentage of IOPC investigations leading to gross misconduct and misconduct being found proven](#)

[Leicestershire Police officer fined having pleaded guilty to careless driving](#)

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

[IOPC investigation finds no indication Metropolitan Police Officers contributed to the death of young man](#)