

FOI Disclosures June 2019

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This month we have responded to questions relating to the following topics:

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If you require a full copy of any of the embedded attachments, please contact Requestinfo@policeconduct.gov.uk quoting the reference number from the relevant response.

<u>Ref</u> 1007603 Back to top	<u>IOPC Staff Documents</u>
<u>Request</u>	<p><i>Please provide me with the following documents;</i></p> <ol style="list-style-type: none">1) <i>IOPC Code of Practice for its own staff members</i>2) <i>IOPC Disciplinary Guidance procedures for its own staff members</i>3) <i>Any other document relating to guidance for IOPC members.</i>
<u>Response</u>	<p>The following documents are included with this letter:</p> <p>HR Managers Handbook Disciplinary and Dismissal Policy Managing Performance Policy and Procedure Managing Sickness Absence Policy and Procedure IOPC Code of Conduct Conflicts of Interest Policy</p> <p style="text-align: center;"> Capability - Managing Performance Policy and Procedure.pdf</p> <p style="text-align: center;"> Capability - Managing Sickness Absence Policy and Procedure.pdf</p>

	<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  Code of Conduct.pdf </div> <div style="text-align: center;">  Conflicts of Interest Policy.pdf </div> </div> <div style="display: flex; justify-content: space-around; align-items: center; margin-top: 20px;"> <div style="text-align: center;">  Disciplinary and Dismissal Procedure.pdf </div> <div style="text-align: center;">  Managers' HR Handbook January 2018.pdf </div> </div>
Ref 1007609 Back to top	<u>Police Force Complaints</u>
<u>Request</u>	<p><i>Can you advise the following information for the police forces of Humberside, West Yorkshire, South Yorkshire, Lancashire, Cheshire, Merseyside and Greater Manchester for 2016, 2017 and 2018?</i></p> <p>1</p> <ol style="list-style-type: none"> <i>a) Number of complaints made.</i> <i>b) Number of complaints upheld (or percentage)</i> <i>c) Number of complaints that have gone to local Appeals Body.</i> <i>d) Number of complaints upheld following referral to local Appeals Body.</i> <i>e) Number of complaints to IOPC regarding refusal of police force to record complaints and number of complaints where decision of police force has not been upheld.</i> <i>f) Number of overall complaints made to IOPC and what % have been upheld.</i> <p>2.</p> <ol style="list-style-type: none"> <i>(a) Can you please advise me what role you have in ensuring police forces uphold the requirements of the College of Policing and NPIA Core Investigative Doctrine and act with honesty and integrity when responding to complaints?</i> <i>(b) What role does the IOPC have in examining the record of police forces as in one police force I have requested information on, 90% of complaints were not upheld in 2017? This is an alarming statistic that requires some explanation.</i>
<u>Response</u>	<p>Having considered part 1 of your request, we can confirm that the IOPC holds the information required.</p> <p>All complaints made to a police force must be formally recorded by the force concerned in the first instance before they can be considered under the Police Reform Act. The majority of those complaints are then dealt with</p>

by the force themselves. Complainants may also send their complaint directly to the IOPC and our role is normally limited to passing the complaint on to the relevant police force so they can consider whether it should be formally recorded. The IOPC has no further involvement in the vast majority of these complaints and records only minimal information about them.

The IOPC collects information from all police forces in England and Wales about complaints and appeals they receive and publish these statistics in quarterly police complaints bulletins and annual police complaints publications.

For details of complaints recorded by the forces requested please see our published statistics, the most recent annual police complaints statistics and previous editions are accessible via this [link](#):

As some information is shown in different tables in different years, please see Table 1 about where to find the information in response to questions 1(a), (b) and (f):

Information (The data in these tables is separated by police force)	2015/16	2016/17	2017/18	2018/19
Number of complaint cases recorded	Table 3		Table 3	These figures are due to be published later this year
Number of complaints upheld	Data not available – please see below for explanation		Table 10 and 10a	These figures are due to be published later this year
Number of overall complaints made to the IOPC & % upheld	Figure 1		Figure 1 (also contains figures for previous years)	These figures are due to be published later this year

We are unable to provide the figures for the proportion of complaints upheld for the years 2015/16 and 2016/17. This is due to a legal judgement in 2014 which ruled that in certain circumstances an investigation into a complaint cannot conclude that an allegation is upheld or not upheld.

Owing to a delay in police forces updating their complaints recording practices and systems to reflect this legal judgement, we are unable to provide figures for these years.

In response to questions (c), (d) and (e) of part 1, we have interpreted this to be a request for appeals data. The responsibility for determining appeals is shared between the IOPC and the chief officer. More information about the different types of appeal and the relevant appeal body can be found in Section 13 of the IOPC's [Statutory Guidance](#).

Table 2 directs you to the relevant areas of the published statistics to locate the appeals data in response to your request.

Table 2		Police Complaints Statistics for England and Wales			
Information (The data in these tables is separated by police force)	2015/16	2016/17	2017/18	2018/19	
Number of complaints that have gone to local Appeals body	Table 12		Table 14	These figures are due to be published later this year	
Number of complaints upheld following referral to local Appeals body	Table 13		Table 15	These figures are due to be published later this year	
Number of complaints to IOPC regarding refusal of police force to record complaints and number of complaints where decision of police force has not been upheld	Table 16		Table 18	These figures are due to be published later this year	

We report data per financial year rather than calendar year, and our Police Complaints Statistics for England and Wales are published in this same way, so it is for this reason that the tables above show financial years. We have decided that the exemption at section 22 of the FOIA applies to the information requested for the year to 31 March 2019, which has yet to be published.

Section 22(1) of the FOIA exempts information that is held with a view to future publication at the time of the request, provided that it is reasonable in all the circumstances to delay disclosure until the date of publication. While there is no requirement under section 22 to confirm a fixed date for publication, the public authority must have a settled intention to publish the information at some future date.

In this case, it is anticipated that the relevant data will be published on our website this autumn, in accordance with our usual schedule for publishing our annual complaints data. We consider it to be reasonable to delay publication in these circumstances.

Section 22 is a 'qualified' exemption subject to a public interest test, meaning that the information can be withheld only if the public interest in maintaining the exemption outweighs the public interest in disclosure.

We consider that the public interest in immediate publication of this data is relatively weak after taking into account that this forms part of our annual police complaints data which, as in previous years, will be published once all of the data has been checked and the report has been produced. The public interest in disclosure does not require that this delay be avoided. We consider, therefore, that the public interest in refusal under section 22 outweighs the public interest in disclosure.

We trust you will find this information helpful. More information about the role of the IOPC can be found in the IOPC Annual Report (2017/18). This can be found on the IOPC website using the following [link](#).

The remainder of this letter responds to part 2 of your request. We would emphasise that the following relates to our Police Reform Act (PRA) functions generally and is in no way specific to complaints against police arising from any particular circumstances.

The IOPC does not hold any information relating specifically to "ensuring police forces uphold the requirements of the College of Policing and NPIA Core Investigative Doctrine and act with honesty and integrity when responding to complaints".

We can confirm, however, that under our own investigations it is our usual practice to identify and take into account all relevant legislation, policy and procedure (including national and local procedures or policies) when assessing the matter in question. We also consider, and examine whether

the police have taken into account, relevant legislation, policy and procedure when deciding investigation appeals.

In regard to part (b) of your request, information about our research into the effectiveness of the police complaints system is available on this web page and our key areas of work are summarised here.

The IOPC has statutory responsibility for oversight of the police complaints system in England and Wales yet we deal directly with only a small proportion of complaints each year and are the appeal body for only some of those complaints handled by police. Therefore, in order to achieve national consistency we set out our standards and expectations of complaints handlers, monitor their performance and hold them to account against those standards.

The Oversight Team was established in 2015 to provide a separate and specific oversight function within the IOPC. The purpose of the team is to drive up police complaints handling standards by monitoring the forces' performance and providing effective challenge. The team produces and publishes quarterly Oversight Bulletins for complaints handlers in order to share information about trends, offer guidance and promote good practice.

If you would like to know more about the police complaints system and the functions of the IOPC we would recommend that you visit our web site. You may find our FAQ page to be helpful as it contains information about the handling of complaints and appeals, including information about what the IOPC can do about a complaint that the police have not properly investigated a crime.

It is also worth noting the role of Police and Crime Commissioners (PCC). They have a specific role to oversee the work of the police in their local area. You may wish to consider contacting them directly. It is a combination of the PCC's, HM Inspectorate of Constabulary Fire and Rescue, and ourselves that make up the scrutiny bodies of policing.

You refer to data provided to you by a police force suggesting that 90% of complaints were not upheld. As you may be aware, only when an allegation is investigated can a decision be made as to whether or not it is upheld and not all investigations can result in such an outcome. Depending on the severity of the case, it may be investigated under a process known as Special Requirements. Investigations under this process will not have an upheld/not upheld outcome. It should also be noted that these

	<p>outcomes are recorded at allegation level and not complaint level, when a single complaint may consist of a number of different allegations.</p> <p>For the year 2017/18, tables 10, 10a,11 and 11a of the Annual Police Complaints Statistics contain more information on the number of allegations upheld, not upheld or subject to Special Requirements.</p>
<p><u>Ref</u> <u>1007619</u> Back to top</p>	<p><u>Moped Investigation</u></p>
<p><u>Request</u></p>	<p><i>In relation to an IOPC independent investigation into the actions of an officer involved in a collision with a perpetrator riding a moped, as a tax payer I would like to understand your decision to investigate the PC and just how much public money was spent.</i></p>
<p><u>Response</u></p>	<p>This matter met the criteria for mandatory referral to the IOPC because it involved a serious injury to a member of the public following direct contact with the police. It is important to note that the referral form is a brief initiating document outlining the incident and preliminary known facts.</p> <p>On receipt of a referral our role is to make a decision about whether the matter requires an investigation and if so the most appropriate type of investigation based on the information provided in the referral. Further information about the mandatory referral process can be found within the Statutory Guidance available on our website.</p> <p>A number of factors are considered before coming to a mode of investigation decision. In this case the assessment analyst took account of the seriousness of the sustained injury as well as the College of Policing Authorised Professional Practice (APP) guidance which suggests that:</p> <p><i>“A police driver is deemed to be in pursuit when a driver/motorcyclist indicates by their actions or continuance of their manner of driving/riding that:</i></p> <ul style="list-style-type: none"> • <i>They have no intention of stopping for the police, and</i> • <i>The police driver believes that the driver of the subject vehicle is aware of the requirement to stop and decides to continue behind the subject vehicle with a view to either reporting its progress or stopping it.”</i> <p>Within the initial referral it appeared that the officer’s actions may not have been in line with APP guidance as there was no indication that he had asked the mopeds to stop or that they were aware of the requirement to stop. The manoeuvre did not appear to have been authorised or radioed in.</p> <p>A decision was therefore made to initiate an independent investigation to consider and investigate the full circumstances that resulted in a serious injury. As part of this investigation we interviewed the officer but he</p>

	<p>provided little information to us at that stage, preferring instead to provide a full explanation to the Panel at the hearing. We therefore based our case to answer and direction decision based on the information we had at that time. Had we had a full account from the officer at an earlier stage, we may have arrived at a different conclusion and one that did not necessitate a final hearing.</p> <p>Further information about our investigation can be found in the statement available on our website.</p> <p>In relation to the costs of the investigation, we hold some information that is relevant to your request, however we are unable to comprehensively confirm all costs associated with the investigation.</p> <p>The IOPC accounting system only records investigation costs for known expenses and purchases and does not include operational staff time. We do not record precise breakdowns of costs for individual investigations; meaning items such as investigator time, organisational overheads, media handling or work undertaken after completion of the report are not included. You should be mindful therefore that the figures provided are solely the known costs and are not fully representative of the true cost of the investigation.</p> <p>The total known expenses and purchases for this investigation are recorded as £1170.08.</p>
<p><u>Ref</u> 1007614 Back to top</p>	<p><u>IOPC Staff Positions</u></p>
<p><u>Request</u></p>	<p><i>Please disclose who currently hold the following positions, their remunerations and benefits:</i></p> <ul style="list-style-type: none"> - <i>Director General</i> - <i>Director General's assistant</i> - <i>Deputy Director General / Deputy Director Generals if there are more than one.</i> - <i>Deputy Director General's assistant / Deputy Director General's assistants if there are more than one.</i>
<p><u>Response</u></p>	<p>The Director General (DG) is Michael Lockwood. Our Interim Deputy Director General (DDG) Operations is Jonathan Green and our DDG Strategy and Corporate Services is Tom Whiting. Further information about each person is available on this web page.</p> <p>Tom Whiting was appointed in 2019 and is our first DDG, Strategy and Corporate Services.</p>

The remuneration and staff report within the IOPC Annual Report and Accounts for 2017/18 provides earnings information with regard to the DG and DDG roles (see page 90). Ian Todd was the DDG Operations during 2017/18.

The annual report for 2018/19 has yet to be published but will include the same type of salary information as is contained in the previous report. We have decided that the exemption at section 22 of the FOIA applies to this salary information.

Section 22(1) of the FOIA exempts information that is held with a view to future publication at the time of the request, provided that it is reasonable in all the circumstances to delay disclosure until the date of publication. While there is no requirement under section 22 to confirm a fixed date for publication, the public authority must have a settled intention to publish the information at some future date.

In this case, we consider it to be reasonable to delay publication when it is anticipated that the 2018/19 annual report will be published on our website within the next three months. This is in accordance with our usual schedule for the release of our annual report.

Section 22 is a 'qualified' exemption, meaning that the information can be withheld only if the public interest in maintaining the exemption outweighs the public interest in disclosure.

We consider that the public interest in compliance with your request is relatively weak after taking into account that this information forms part of our annual report to Parliament, which has yet to be audited. The public interest in disclosure does not require that this delay be avoided when the fully audited report is due to be published within three months. We consider, therefore, that the public interest in refusal of this information outweighs the public interest in disclosure.

The DG and DDGs are supported by the following roles:

- Private Secretary to the DG (grade 13)
- Executive Assistant (EA) to the DG (grade 11)
- Private Secretary to the DDG (Operations) (grade 13)
- Private Secretary to the DDG (Strategy and Corporate Services) (grade 13)
- EA to both DDGs (grade 11)

The EA to the DDG is substantively a grade 10 role but is currently uplifted to cover aspects of the EA to DG role during a period of leave.

The salary bands for these IOPC grades are as follows:

	Minimum	Maximum
Grade 10	£28,557	£37,770
Grade 11	£31,895	£41,440
Grade 13	£44,340	£58,727

We have decided that we are not obliged to supply the names of the persons who currently carry out these roles because they engage the exemption under section 40(2) of the FOIA. This exemption applies to personal data about someone other than the requester when disclosure would breach any of the data protection principles contained in Article 5 of the General Data Protection Regulations (GDPR).

It is clear that these names consist of personal data when provided in answer to your request because they identify each person as the holder of a particular IOPC job. This means that we would be obliged to disclose their names only if this was allowed by the data protection principles. In this case we have considered Article 5(1)(a), which states that personal data shall be processed lawfully, fairly and in a transparent manner in relation to the individual concerned.

In assessing the fairness of disclosing personal information under the FOIA it is necessary to recognise that such disclosure is effectively an unlimited disclosure to the world at large, without conditions, which could lead to unwarranted intrusion resulting in damage or distress. In addition, there is no presumption under the GDPR that openness and transparency should take priority over personal privacy.

We have taken into account guidance from the Information Commissioner's Office (ICO) on responding to FOIA requests for personal information about public employees. We consider there is greater expectation of privacy in relation to support roles such as these because they are not expected to carry a level of accountability that would be likely to require the disclosure of personal details. We have noted in particular that these persons do not occupy a public facing role in the sense of carrying responsibility for or explaining the policies or actions of the IOPC to the outside world, as is clearly the case for the DG and DDGs.

As confirmed by the ICO guidance, the disclosure of personal information under the FOIA is unlikely to be lawful unless there is a necessary justification for disclosure that outweighs the rights and freedoms of the individual. We have decided that there is no overriding reason for confirming the names of these job holders after taking into account the information in this letter about their grades and salaries and other information already in the public domain about the structure and financing of the IOPC.

This means that disclosure is not supported by any of the conditions under article 6 of the GDPR because there are no legitimate interests that could justify the invasion of privacy and potential harm or distress that would be likely to result from compliance with your request.

	<p>Accordingly, we have decided that disclosure of these names would not meet the requirement of lawfulness under the GDPR, with the result that the exemption at section 40(2) of the FOIA applies to this information.</p>
<p>Ref 1007624 Back to top</p>	<p><u>IOPC Police Corruption Case Procedure</u></p>
<p><u>Request</u></p>	<ol style="list-style-type: none"> 1. <i>I would be grateful to know please IOPC procedure in cases of corruption or other criminal offences by police officers if the force in question refuses to refer cases covered by Mandatory Referral Criteria to the IOPC.</i> 2. <i>This would include corruption assisted by the Professional Standards Department if there is a culture of turning a blind eye to offences, as the PS Department is unlikely to refer corruption within the PS Department itself to IOPC scrutiny.</i>
<p><u>Response</u></p>	<p>We have understood your request as seeking information about the steps that may be taken by the IOPC when it appears that a police force has failed to comply with the rules relating to the mandatory referral of a complaint or conduct matter.</p> <p>We would emphasise that the general right of access under the FOIA relates only to recorded information that pre-exists the request. It does not oblige a public authority to answer questions generally or to enter into any form of dialogue or discussion about any particular matter. Should you wish to discuss a particular allegation with the IOPC we would recommend that you contact us using the details on our web site or any contact details you already hold in relation to an existing IOPC case.</p> <p>While we do not hold any information relating to the procedure to be followed in regard to the specific circumstances described in your second paragraph, the rules concerning mandatory referrals and the related powers and procedures of the IOPC are contained in published legislation and guidance. As this information is accessible to you, we are not required to release it to you under the FOIA. This is because the exemption under section 21 of the FOIA applies to information which is reasonably accessible to the requester without recourse to the general right of access.</p> <p>We have, however, hyperlinked the relevant on-line sources and provided additional advice and assistance as to the options available to a member of the public who believes that a police force has failed to make a mandatory referral to the IOPC.</p> <p>Paragraph 4 of Schedule 3 to the Police Reform Act 2002 (PRA) requires police forces to refer to the IOPC any complaints which allege the conduct has resulted in death or serious injury (paragraph 4(1)(a)) and any complaints meeting the description in Regulation 4 of the Police (Complaints and Misconduct) Regulations 2012. Regulation 4(2)(a)(iii)</p>

requires that complaints of “serious corruption”, as defined in guidance issued by the IOPC, be referred.

Paragraph 13 of Schedule 3 to the PRA makes similar provision for conduct matters (i.e. concerns about the conduct of a police officer where there has been no complaint by a member of the public). Paragraph 13(1)(a) and (b) require police forces to refer conduct matters which relate to any incident in consequence of which any person has died or suffered a serious injury, and any matters which meet the description in Regulation 7 of the Police (Complaints and Misconduct) Regulations 2012. Regulation 7(1)(c) provides that a conduct matter must be referred where it relates to “serious corruption”, as defined in guidance issued by the IOPC.

Section 8 of the IOPC’s Statutory Guidance (pages 42 – 47) relates to referrals. The categories of conduct that comprise “serious conduct” are listed at paragraph 8.13 on page 45. Police forces are not obliged to refer any allegation of corruption, only matters that fall within the specific categories of conduct identified as serious corruption in our Statutory Guidance.

The mandatory referral of matters alleging serious corruption is also discussed on pages 6 and 7 of our publication ‘Focus Issue 9 - referrals’ and in our report ‘Referring complaints, conduct matters and death or serious injury matters – a review of current police force practice’ (see page 10).

There are no rules relating to the mandatory referral of “other criminal offences by police officers”.

Under paragraphs 4(1)(c) and 13(1)(c) of Schedule 3 to the PRA, the IOPC can require that a complaint or conduct matter be referred to it and, on being notified of this requirement, the police force will be under a duty to make the referral to the IOPC. This power to ‘call in’ a referral applies regardless of whether or not the matter falls within the criteria for mandatory referral. The IOPC can consider this power only when we become aware of a matter in which its use may be appropriate.

Our operational guidance relating to the calling in of referrals is as follows:

Matters which we require to be referred (‘call in’)

We may require any complaint or recordable conduct matter to be referred to it by the appropriate authority. This action can be taken even if the matter is already being investigated by the appropriate authority or has previously been considered by ourselves.

A regional director can call in a matter at any time, but it may be appropriate to ask the appropriate authority whether they are considering a voluntary referral first.

	<p>Examples of where this may occur are where:</p> <ul style="list-style-type: none"> • We are notified directly by a complainant or other person of a matter that has not been referred. • Concerns have arisen about a matter which has previously been referred and sent back to the appropriate authority to deal with (See Reviewing a police DSI Investigation), or; • Media coverage has drawn attention to a matter. <p>If we call in a matter, it must be referred without delay, and no later than the end of the following day after we notify the appropriate authority that it must be referred. The appropriate authority must provide all relevant information at, or as soon as practicable after, the time of referral.</p> <p>For more information about the types of matters that may require referral see our publication Focus – issue nine.</p> <p>Separate guidance applies to the Police and Crime Commissioner (PCC) and the Mayor’s Office for Policing and Crime (MOPAC) or their respective Deputies - see Other types of referrals - Referrals from a Police and Crime Panel (PCP).</p> <p>The PRA does not provide any mechanism for a complainant or person affected by a conduct matter to formally appeal a force’s decision not to refer to the IOPC, or to request the IOPC to use the call in power. However, it is open to a complainant or interested person to informally request the force to review the decision not to refer, or to bring the matter to the IOPC’s attention and ask us to consider exercising our power to call it in. If the force refuses to refer the matter, and the complainant or interested person believes there are good grounds to argue that the mandatory referral criteria were in fact met, they could challenge that decision by way of judicial review.</p>
<p><u>Ref</u> <u>1007626</u> Back to top</p>	<p><u>IOPC’s Appeal Guidance</u></p>
<p><u>Request</u></p>	<p><i>The IOPC's guidance or other relevant document which authorises an assessment analyst, during his/her consideration and determination of an appeal, to disapply or overturn a recommendation by a chief officer or appropriate authority to record a formal complaint against the police under the Police Reform Act 2002.</i></p>
<p><u>Response</u></p>	<p>We would emphasise that the general right of access under the FOIA relates only to recorded information that pre-exists the request. It does not oblige a public authority to answer questions generally or to enter into any form of dialogue or discussion about any particular matter. Should you wish to discuss a particular complaint case with the IOPC we would recommend</p>

	<p>that you contact us using the details on our web site, or any contact details you already hold in relation to an existing IOPC case.</p> <p>The IOPC does not hold the information you have requested. The Police Reform Act 2002 (PRA) does not provide any mechanism for the de-recording of a complaint, although a police force is permitted to take no further action on the complaint when it meets one of the grounds for ‘disapplication’. The complainant can also withdraw their complaint if they choose to do so. Accordingly, the IOPC has no power to direct that a complaint be de-recorded and there is no right of appeal against a decision to record a complaint, only rights of appeal against a failure to record a complaint.</p> <p>The remainder of this letter contains advice and assistance as to the rules concerning appeals and identifies relevant guidance.</p> <p>Information about the different rights of appeal under the PRA can be found at paragraphs 13.29 to 13.41 (pages 106 to 110) of our Statutory Guidance. The guidance on pages 111 and 112 relates to appeals against a failure to notify or record a complaint. Paragraph 13.42 describes the directions that may be given by the IOPC to the Appropriate Authority (i.e. the police force) should we decide to uphold an appeal against a failure to notify or record. These directions can relate only to the action to be taken for making a determination or for notifying or recording a complaint and thus do not include any power to direct that a complaint be de-recorded. If the IOPC decides against upholding a failure to record appeal the complaint will remain unrecorded.</p> <p>You mention an “appeal to disapply.....”. Our guidance on appeals against a decision to disapply is at paragraphs 13.43 – 13.60 (pages 12 to 116) of our Statutory Guidance. When one of the disapplication grounds is met the police force can disregard the requirements of Schedule 3 of the PRA in respect of a complaint it has recorded. This means that they need not take any further action on the complaint. In cases where the IOPC, as the ‘Relevant Appeal Body’, upholds an appeal from a complainant against a decision to disapply, the IOPC will give whatever directions it thinks appropriate as to the handling of the complaint in accordance with Schedule 3.</p>
<p><u>Ref</u> <u>1007629</u> Back to top</p>	<p><u>IOPC’S Policy and Engagement Team</u></p>
<p><u>Request</u></p>	<p><i>Please detail the role of the policy and engagement team, the number of staff within the team, and their allocated annual budget.</i></p>
<p><u>Response</u></p>	<p><u>1. The role of the policy and engagement team:</u></p>

A significant element of the Policy & Engagement team's role is focused on improving policing by identifying and sharing learning from the IOPC's work, which is a key priority for the organisation. For more information about this work see:

<https://policeconduct.gov.uk/sites/default/files/Documents/Who-we-are/accountability-performance/IOPC Strategic plan 2018.pdf>

The IOPC Policy and Engagement team is also responsible for:

- Developing and publishing IOPC 'Learning the Lessons' magazines (these share key learning identified through investigations conducted by the IOPC and by the police service).
- Developing the organisation's policy positions in relation to the police complaints system - specifically recommending changes aimed at improving the users' experience of the system.
- Producing and revising statutory guidance for the police service.
- Providing internal policy advice.
- Responding to external requests for advice / information.
- Providing community and stakeholder engagement support to IOPC operational teams.
- Using learning and evidence from IOPC cases to respond to consultations on behalf of the organisation.

2. The number of staff within the team:

The IOPC Policy and Engagement team is currently comprised of:

- 13 permanent team members and 3 members of staff on fixed-term contracts

3. Their allocated annual budget:

There is no annual budget allocated specifically to the Policy & Engagement team, as its costs are met out of a wider budget. The Policy & Engagement team staffing cost is £800,000. Please note that this figure includes staff salaries, plus other associated staffing costs, (for example National Insurance and pension contributions, London weighting allowance etc)

Ref 1007630 Back to top	<u>Repetitive Complaints and Appeal Procedure</u>
<u>Request</u>	<ol style="list-style-type: none"> 1. <i>I would like to know how many complaints have been deemed as repetitious over the last two years despite the officers concerned not being named in the complaint because the force refused to confirm their identities.</i> 2. <i>What is the guidance given to the IOPC investigators when such a complaint is appealed.</i>
<u>Response</u>	<p>In regard to the first part of your request, the IOPC does not hold this information. As you may be aware, an ‘Appropriate Authority’ (usually a police force) can disapply, discontinue or decide not to record a complaint on the ground that it is repetitious. The IOPC has no involvement in these decisions unless they are appealed by the complainant and the IOPC is the ‘Relevant Appeal Body’ (RAB). This means that we do not hold any detailed information about the vast majority of recording, disapplication or discontinuance decisions made by the police.</p> <p>While the IOPC receives and publishes data from police forces about recording, disapplication and discontinuance decisions, this does not include information about the grounds of these decisions. Therefore, if you wish to find out more about complaints deemed to be repetitious you should request this information from the police forces whose data you require. Contact details are available on the web sites for each force. Our most recently published annual statistical report is available on our web site here We would refer you to Table 8 ‘Means by which allegations were finalised in 2017/18’ (page 28), which confirms that 3,738 allegations were dis-applied and 581 allegations were discontinued by police forces. We do not receive data about the reasons for these decisions, or data as to the number of concerns raised by the public that were not formally recorded as complaints by the police.</p> <p>You may also be interested in Table 16 on Page 39 and Table 18 on Page 41, both of which contain data about appeals to the IOPC.</p> <p>Quarterly force bulletins (up to the end of March 2019) are accessible via this link.</p> <p>Complainants have a right to appeal about the way in which a police force has handled their complaint. There are different types of appeals, each relating to a different process for dealing with a complaint. For example, an appeal can be made about the decision not to record a complaint.</p>

All appeals against non-recording must be made to the IOPC. The IOPC uphold non-recording appeals on the following grounds:

- Failure of the Appropriate Authority to make a recording decision in relation to the complaint.
- Failure of the Appropriate Authority receiving the complaint to forward it to the correct Appropriate Authority
- The recording decision (when the IOPC determines that a complaint that has not been recorded should have been)

The table below shows the number of appeals where 'repetitious' was the reason for non-recording, broken down by year and the number upheld or not upheld by the IOPC.

A table showing the number of appeals where 'repetitious' was the reason for non-recording, broken down by year and the number upheld/not upheld			
Received Year	Upheld	Not Upheld	Grand Total
2017/18	110	283	393
2018/19	93	223	316
Grand Total	203	506	709

We would emphasise that this appeals data is being provided to you by way of advice and assistance only because it does not answer your request for the reasons given above.

In addition to this data, it may assist you to refer to our statutory guidance which sets out technical guidance for police forces. It aims to help police forces and other organisations covered by the police complaints system to comply with their legal obligations and achieve high standards in the handling of complaints. This can be found on the IOPC website here.

You may be specifically interested in the Guidance on the recording of complaints under the Police Reform Act 2002 (Updated December 2017). This can be found in the 'Additional guidance' section on this page of our web site.

We trust you will find this information useful. More information about the role of the IOPC can be found in our most recent Annual Report.

In regard to the second part of your request, included with this letter is a separate document containing our internal guidance on repetitive complaints for Casework Managers and Assessment Analysts.



Ref 1007641 Back to top	<u>IOPC Policies relating to Final Investigative Reports</u>
<u>Request</u>	<ol style="list-style-type: none"> 1. <i>Please provide all past versions as well as the current version of the “Policy on the publication of final investigation reports and report summaries” or the equivalent for both the IPCC and the IOPC from 2012 onwards.</i> 2. <i>I would like to be provided with all communications sent to the website manager (or person in charge of overseeing what is published on the ipcc/iopc website) detailing that investigation reports are to be removed after 6 months and why.</i> 3. <i>Insofar as they exist, I would like to be provided with all internal announcements to IPCC/IOPC staff informing them of the decision to remove full investigation reports from the IPCC/IOPC external website 6 months after publication.</i> 4.
<u>Response</u>	<ol style="list-style-type: none"> 1. We have attached copies of the relevant policy documents to this letter. Where the policies are publicly accessible via website links, we apply Section 21 of the FOIA which exempts a public authority from the duty to supply information which is reasonably accessible to the applicant by other means. <p>There was no formal Publication Policy document prior to 2016. Publication of reports prior to this date followed a default position of being published unless there was a good reason not to. This was in line with media protocols in effect at the time. The following documents are held and are relevant to this part of your request:</p> <ul style="list-style-type: none"> • The IPCC/ACPO Media Protocol effective from March 2009 which includes guidance on report publication. A copy of this document is attached to this letter. • The following archived website link provides access to an updated IPCC/ACPO Media Protocol effective from May 2013. The page also includes access to The ‘Policy on naming officers under investigation’, effective from November 2016 and ‘IPCC Guidance on communicating with the media and the public’, which you may also find helpful.

- Our Business Plan of 2016/17 announced at page 14 that there would be a review of the publication policy. The relevant section is re-produced below:

• **Review our policy on publishing investigation reports/our findings**

The IPCC's current default position is to publish all investigation reports on our external website unless there is a good reason not to.⁹ In practice, it is sometimes necessary for us to refrain from publishing particular investigation reports or report content. In the context of us carrying out considerably more independent investigations, we will revisit our publication policy and guidance in order to make sure we promote transparency in our work.

⁹ s.4, IPCC/ACPO Media Protocol 2009.

- An interim Publication Policy which was effective from 26 September 2016 is attached to this letter.
 - Our current Publication Policy became effective from January 2018 and superseded all other versions. This is available on our website.
 - Other policies that you may find helpful, such as the latest IOPC and National Police Chiefs Council media protocol and our latest Policy on naming police officers and police staff , both effective from January 2018, are also available in the 'Communications' section of this website page.
2. The process for removing final report from our website after the designated six months is an automated process and does not involve individual communications with the website manager. Once an investigation report is published on our website the relevant page is marked as having findings which triggers an automatic process to remove the page and any associated press releases after the designated period of six months. Consequently there are no emails or communications held that would be relevant to this part of your request.
 3. We do not hold any information relevant to this part of your request.

	<p style="text-align: center;"> IPCC ACPO medial protocol effective from March 2009.pdf</p> <p style="text-align: center;"> Interim policy on publication of final report material effective Sept 2016.pdf</p>
<p><u>Ref</u> <u>1007645</u> Back to top</p>	<p><u>Domestic Violence Homicide Referrals</u></p>
<p><u>Request</u></p>	<ol style="list-style-type: none"> 1. <i>In the last five calendar years, how many referrals have been made from police forces to the IOPC following a homicide relating to domestic violence.</i> 2. <i>Is it possible for this request to be broken down by year and force?</i>
<p><u>Response</u></p>	<p>I can confirm that we hold the information requested and provide the following response. However, please be aware that these figures may not present the whole picture as we are reliant on how the referrals are sent in by police forces and how they are then recorded when received by the IOPC. In addition, a number of the referrals we reviewed were not subject to independent investigations, so any cases where the original referral did not suggest domestic homicide, but the death was later found to have been one, would not be included as this information would not be available to us.</p> <p>Police forces are required to refer to the IOPC any case where there was a death following police contact. Once a case has been referred, the IOPC will then decide on how it is to be investigated. This means a case could either be independently investigated, subject to a local force investigation with the IOPC determining the terms of reference, or returned to the force to investigate themselves. Case factors are selected to help categorise the circumstances of referrals received. The way that we identified potential cases that would meet your criteria was to search our internal case management system for any cases that had a 'Domestic violence/Domestic abuse' case factor selected. We also identified those that had a 'death' factor selected and cross-referenced with our data produced for the IOPC's annual death report. The data may not provide the full picture as we are reliant on these factors having been selected by either the police force in the referral or the IOPC assessor based on the information available at the point of referral.</p> <p>The timeframe looked at for your request is referrals to the IOPC received between 2014/15 and 2018/19 up until January 2019. We have been unable to look at any more recent referrals for 2018/19 as the reporting of domestic related deaths that are independently investigated would be</p>

included in our 2018/19 annual death report. These referrals are still in the process of being verified and checked.

For each of the referrals identified that had both the domestic violence/domestic abuse and death factor selected, we have carried out a manual review to check whether they fall under the definition of a 'domestic-related homicide'. We have taken this to include a person killing their partner or ex-partner, or a family member killing another family member. In some instances, the wider circumstances of an incident may involve reports to the police regarding domestic violence, but the death is the result of a self-inflicted act as opposed a suspected homicide. These cases would be excluded from the figures.

Between 2014/15 and 2018/19 (up until January 2019) there were 85 referrals which involved a domestic homicide. Table 1 shows the financial year the 85 referrals occurred in.

Table 1 Domestic homicide related referrals by financial year

Financial year	Referrals
2014/15	20
2015/16	21
2016/17	21
2017/18	12
2018/19 to 20 January	11
Total referrals	85

You also requested for the number of referrals to be broken down by force. This number is only reflective of the information we have available to us. There may have been more domestic homicides that occurred in each force that were not referred to the IOPC, and this could have been for several reasons, including there being no police contact prior to the death. The table does not include those forces for which we did not identify any referrals involving domestic-related homicides.

Table 2 shows the number of referrals received by force during the period between 2014/15 and 2018/19 (up until January 2019) that were identified as relating to a domestic-related homicide.

Table 2 Domestic homicide referrals by force

Force	Referrals
Avon & Somerset Police	2
British Transport Police	1
City of London Police	1
Cleveland Police	2
Cheshire Constabulary	1
Cumbria Constabulary	1
Derbyshire Constabulary	1
Devon and Cornwall Police	1
Dorset Police	3
Dyfed-Powys Police	1
Essex Police	3
Gloucestershire Constabulary	1
Greater Manchester Police	10
Hertfordshire Constabulary	3
Humberside Police	1
Kent Police	3
Lancashire Constabulary	2
Leicestershire Police	1
Lincolnshire Police	2
Merseyside Police	1
Metropolitan Police	7
North Wales Police	3
Northamptonshire Police	1
Northumbria Police	7
South Wales Police	3
Staffordshire Police	3
Sussex Police	3
Thames Valley Police	1
West Midlands Police	6
West Yorkshire Police	9
Wiltshire Police	1
Total referrals	85

<p>Ref 1007647 Back to top</p>	<p><u>Decision Making in the Investigation of Rashan Charles</u> <u>Death</u></p>
<p><u>Request</u></p>	<ol style="list-style-type: none"> 1. <i>I would like to be provided with all communications received and sent to the webmaster of both the IPCC and the IOPC website (or the individual with authority over what is published on the website) in relation to Rashan Charles and the investigation into the death of Rashan Charles.</i> 2. <i>The minutes of any meetings held regarding the publication and archiving of material relating to Rashan Charles on the IPCC/IOPC website.</i> 3. <i>I would like to be provided with the IPCC/IOPC media and press office strategy in relation to Rashan Charles as well as any internal communications in the press office about the Rashan Charles case.</i>
<p><u>Response</u></p>	<p>In summary, your request is for information about the IOPC’s decision making in regard to the publication of information about the Rashan Charles investigation and the subsequent removal of that information from our web site.</p>

Request 1:

As the publication of information about this investigation followed our usual policy and procedure, our Web Communications Officer was not involved in the publication of information on the web site or its removal.

Request 2:

There were no meetings regarding these matters, meaning that we do not hold any meeting minutes.

Request 3:

Our media strategy for this case, as formulated in September 2017, was as follows:

Media approach:

The media and digital team will continue to provide communications support to the investigation and maintain clear and constant lines of communication with operations and stakeholder colleagues.

The preparation of appropriate messaging and handling advice will be influenced by:

- Any key internal (investigative developments, planned meetings with family/community) and external (planned vigils, developments in related police investigations) drivers that require the organisation to prepare communication products and messaging.
- The ongoing review of traditional and social media to identify developing trends that could require additional messaging and influence decision making.
- The need to respond to media enquiries and via social media enquiries, as well as any requirements to correct inaccuracies/misinformation.
- Liaison, where appropriate, with influential journalists and social media accounts to help spread messaging.

The IOPC has a standard Media Handling Plan following the conclusion of the investigation and related proceedings, which is included as an annex to

this letter. In relation to the words 'loss of media footage' in the bullet point list on Page 6, we would draw your attention to paragraphs 101,102 and 375 in the published report, which explain the background to this issue. Some names of IOPC employees have been omitted from the plan for data protection reasons.

In regard to your request for "any internal communications in the press office about the Rashan Charles case", we can confirm that the emails exchanged between members of our News Team about this case do not include discussion of what should or should not be published, or information about decisions to upload or remove content from the web site.

You may not be aware that all of the information previously published by the IOPC about this case is available on the web site of The National Archive. This includes the final report, the summary of our conclusions and our press releases.

In relation to parts 1 and 2 of your request, it may be helpful for you to read our Policy on the publication of final investigation reports and summaries. This sets out how we decide on the information to publish about a case after the investigation and all related proceedings are complete. A publication decision is about:

1. The format in which investigation report content is published.
2. The level of detail provided in any published report content.
3. The length of time for which published report content remains publicly available.

Paragraph 19 of the Policy confirms that there are three levels of final report content publication. In this case the IOPC decided on a 'level 1' publication which meant that the full report was placed on our web site together with a summary of our conclusions.

Sections J and K on pages 6 and 7 of the Publication Policy confirm the default time periods to publish investigation content and when we may consider departing from these default periods. The default period for a level 1 publication is six months.

The default periods take into account our obligations under the General Data Protection Regulation (GDPR) in relation to any person who may be identifiable from the report content that we publish. Our practice of

	<p>publishing information for a limited period is outlined in our Policy on the naming of police officers and staff which ensures we meet GDPR requirements and confirms the particular circumstances under which we would be likely to name an investigation subject.</p>
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As noted above, the investigation page for the Rashan Charles investigation was automatically removed from our web site after six months (as it included a full report) but continues to be available on the National Archives web site.