

IPCC Response to the Policing Green Paper “From the Neighbourhood to the National: Policing our communities together” published by the Home Office 17th July 2008.

Summary

The Independent Police Complaints Commission (IPCC) supports the central theme of the Green Paper to promote public confidence in policing. The Macpherson Report into the murder of Stephen Lawrence highlighted substantial concerns with low levels of public confidence in policing and was a key driver for the creation of the IPCC with significant powers. The Green Paper illustrates that those concerns remain. The IPCC has a duty to promote public confidence in the police complaints system; this in turn is a driver for public confidence in policing generally.

Consequently, the IPCC with its national jurisdiction has a significant role in delivering the central theme of the Green Paper.

There are strong links between the work of the IPCC and proposals for developing the police complaints system on the one hand, and the themes of the Green Paper. The IPCC is part of the accountability and performance framework for the police service working alongside Police Authorities, HMIC and NPIA.

Independent scrutiny is an important balance to intrusive police powers within a democratic society. Lessons learnt from complaints are a driver for individual and organisational learning, and an opportunity to positively manage the risks faced by operational officers. The complaints data along with the underlying cases are a rich source of information on police performance and can be used to enhance the training/development of individual officers and organisational policies and practices.

The Policing Pledge and national standards: the IPCC supports in principle the setting by the police of clear standards and commitments as an important aide to matching police delivery of a public service against high public expectation. The Pledge will be seen as a gimmick unless there is in place a single mechanism for handling the inevitable complaints that the Pledge has not been delivered. If the

Pledge is discredited as a gimmick public confidence in policing will be undermined. The current police complaints system can provide a mechanism for handling complaints when they involve an allegation against an identifiable officer but will be restricted if the complaint is more generally about service failure. It would be bad practice to set-up a parallel complaints system for handling Pledge related complaints. The solution is to develop the existing complaints system to cover Pledge complaints but without intruding on areas of legitimate Chief Officer discretion.

Proposals for developing the existing complaints system are made in the IPCC's Stock Take of the existing system undertaken with key stakeholders. There is significant support to shift the focus of the system from one that is punitive aimed at individual officers to a system that has an emphasis on service delivery and learning. The proposals focus the complaints system, and the response of the police to complaints, on the citizen and working quickly at a local level to put things right when service delivery has gone wrong in a way that minimises bureaucracy. These proposals are very much in line with the Green Paper themes and also support the new police misconduct arrangements introduced by the Home Office. Accordingly, the IPCC looks forward to working with the Home Office to take forward the Stock Take proposals to support significantly delivery of the Green Paper themes.

Introduction

1. This is the response of the Independent Police Complaints Commission (IPCC) to the policing Green Paper published by the Home Office on 17th July 2008 with high-level comments on key themes and proposals contained in the Green Paper.
2. [*Attached is a completed consultation response form with comments against some of the specific consultation questions – para 52 to end.*] What follows is additional narrative that sets out how the police complaints system and Green Paper themes support each other.

Background to the Independent Police Complaints Commission (IPCC)

3. The Independent Police Complaints Commission (IPCC) is an independent statutory¹ body created to have oversight of the police complaints system. It also deals with allegations of misconduct made against the police officers and staff in England and Wales. Additionally the IPCC remit includes cases involving death or serious injury following contact with the police requiring an independent investigation irrespective of whether there is a complaint or allegation of misconduct.
4. The IPCC is therefore part of the accountability framework for the police working alongside Police Authorities and HMIC. Additionally, the IPCC is a driver to improve police performance by working with the police and other agencies including the NPIA to identify lessons for the future from past incidents.
5. By law IPCC Commissioners must never have worked for the police in any capacity. They are the public, independent, face of the IPCC.
6. The Macpherson Report into murder of Stephen Lawrence was a key driver for the creation of the IPCC. The Report highlighted substantial concerns with low levels of public confidence in the police within some communities, weaknesses in police accountability, failures of the police to deliver a service that matched legitimate expectations, and the importance of appropriate safeguards. These issues shape the work of the IPCC and influence the IPCC's response to proposed police reforms.
7. The IPCC replaced the Police Complaints Authority (PCA) to reform the police complaints system with particular policy aims of (a) bringing independent oversight to the complaints system, (b) improving access to the complaints system, and (c) to improve the transparency of the system. The IPCC's over-arching statutory duty is to improve public confidence in the police complaints system.

¹ A Non-Departmental Public Body created by the Police Reform Act 2002

8. To achieve the statutory duty and deliver the policy aims of the reforms, the IPCC was given significantly stronger powers than its predecessor including:
 - investigative powers: the IPCC may independently investigate cases, oversee police investigations of cases, or leave cases to be locally investigated by the police without oversight;
 - an appeal function whereby complainants who are dissatisfied with how the police dealt with their complaint may appeal to the IPCC;
 - the power to direct a Force to convene a disciplinary tribunal and, in exceptional cases, direct that the tribunal is held in public;
 - a statutory duty to ensure complainants are kept informed; and
 - authority to publish investigative reports.

9. The IPCC has a Guardianship function over the police complaints system the basis of which is to increase public confidence in the police complaints system in England and Wales and, in doing so, contribute to increasing confidence in policing as a whole. This has four main elements:
 - a duty to increase public confidence in the complaints system;
 - promoting accessibility of the complaints system;
 - setting, monitoring, inspecting and reviewing standards for the operation of the whole system; and
 - promoting a learning culture so that lessons may be learnt from the system.

10. The complaints system includes arrangements for Local Resolution whereby complainants may have their concerns dealt with quickly at a local level and receive an explanation or apology as appropriate.

IPCC Stock Take

11. During 2007 / 08 the IPCC worked with stakeholders to undertake a Stock Take of the police complaints system to consider how it was developing and the future direction of the system. This led to a public consultation document being published by the IPCC in June 2008. The consultation document identified the key changes necessary to develop further the complaints system and made 10 specific proposals to advance this change.

12. In summary, the aim of the changes was to focus the system on the citizen's complaint and working at local level to quickly put things right rather than focussing exclusively on the conduct of an individual officer
13. The 10 proposals to advance these shifts are (in summary):
 - Remove the current distinction between conduct, maladministration and service failure matters;
 - All complaints to be dealt with at the lowest appropriate level (allowing for escalation of the most serious cases);
 - Local assessment and handling with the aim of resolving complaints and improving service delivery;
 - Separate considerations of whether a complaint is 'upheld' separate from any finding of misconduct/poor performance against an officer;
 - Review within force if the complainant still not satisfied;
 - Review the structure of appeals to the IPCC, introducing one overarching right of appeal, a public interest test and clearer standards showing how appeals will be handled;
 - Greater oversight role for the IPCC to quality assure force handling of complaints;
 - Make the complaints data more meaningful so that they drive improvements;
 - Remove excessive bureaucracy; and
 - IPCC to normally issue an early interim statement on independent investigations.
14. The Stock Take consultation closed on 12th September and the responses are being analysed. The responses favour the direction of travel identified by the proposed key changes and provide significant support for many of the supporting proposals.
15. This support for the direction of travel was confirmed at a high-level seminar on 1 October 2008 hosted by the Rt Hon Tony McNulty MP (then Policing Minister) who, re-emphasised the link between the Stock Take proposals and the Green Paper proposals.

IPCC and Green Paper proposals

16. The police deliver a highly complex public service where legitimate expectations are often very high. Inevitably, things do go wrong either through individual or organisational error; mistakes are made and expectations are not met. Complaints do then follow.
17. The value of complaints is that they provide opportunities to (a) achieve service recovery in the instant case, (b) manage public confidence in the service, and (c) to learn from mistakes to improve individual and organisational performance in the future.
18. The features of a good complaint system include:

- Good access – effective complaints systems will make it easy for people to identify, access and navigate the system;
 - A proportionate and timely response without unnecessary bureaucracy;
 - Good communication;
 - A focus on putting things right;
 - A culture of learning lessons for the future; and
 - Independent oversight/appeal when appropriate.
19. The public recognises that mistakes do occur. The critical issue is how organisations and individuals then handle those mistakes. A response that corresponds with the above features of a good complaints system can enhance public confidence. A response that does not correspond with those features is likely to undermine public confidence.
20. The current police complaints system is, by legislation, focused on whether an officer has misconducted him/herself. This does not address the question that the system ought to address regarding service recovery and resolving the complainant's concern. Inevitably, therefore, complainants are often not satisfied with the outcome of the current system.
21. There is research that shows that those with least confidence in the police service are also the least likely to have confidence in the police complaints system, and vice versa.
22. It can be seen therefore that there is a two-way relationship between confidence in the police service and confidence in the police complaints system.
23. The IPCC welcomes the significant synergy between the themes in the Green Paper and the IPCC's work with the police complaints system both as it is now and how it may develop in the future. These include:
- Promoting public confidence;
 - A focus on customer service;
 - i. Delivering a service to the public that is responsive to the needs of individuals and communities;
 - ii. Ensuring that when things go wrong there is a focus on service recovery;
 - iii. Learning from experience and using this to enhance future performance;
 - A focus on the local dimension, responsiveness and accountability; and
 - Cutting unnecessary bureaucracy.

Comments on specific Green Paper proposals.

24. **Policing Pledge underpinned by national standards.** A Policing Pledge underpinned by national standards will set public expectations of what is expected of the police.
25. The IPCC supports, in principle, the clear setting of standards and commitments by the police to the communities being policed. However, the standards and commitments will need to be clear, capable of being monitored, and police will need to be accountable for delivery. Anything less and the Pledge risks being seen as a gimmick. The likelihood then is that there will be no confidence in the Pledge and confidence in policing as a whole will fall.
26. Occasions will inevitably happen when members of the public believe that their expectations have not been met by the police and they will complain. This is anticipated in the proposed national standards, paragraph 11 (Green Paper @ paragraph 1.60) which requires any expression of dissatisfaction with the service provided by the police to be acknowledged within 24 hours, with information about how the dissatisfaction will be handled, an opportunity provided to talk to someone about the concerns, and advice on what will be done about those concerns.
27. Complaints about the police not meeting the Pledge will involve complaints about service delivery based on a mix of both organisational and individual failure. Complaints may or may not therefore fall into the current police complaints system which has a focus on the conduct of individual officers but which inevitably involves elements of organisational performance. Confusion about whether the complaint may or may not fall within the current complaints system is not good from the public's perspective, inefficient from the system's perspective, and puts the police service at risk of providing an inadequate response.
28. In addition, this confusion creates significant risks for the Pledge and the confidence target. Unless there is a reasonably comprehensive mechanism for the public to complain that the Pledge is not being met, that ensures complaints are handled appropriately and aims for outcomes that support service recovery and learning, the Pledge and the police will lose credibility. Confidence in the police will then fall.
29. The Stock Take proposals for the development of the police complaints system includes a proposal (proposal 1) to remove the current distinction between conduct, maladministration and service failure matters. This proposal puts a stronger emphasis on putting right what may have gone wrong rather than solely focusing on identifying an officer to blame. This would enable the system to review complaints much more effectively from the complainant's perspective, and aim more effectively at service recovery. Such a response will support

public confidence rather than the current blame-game approach of identifying officers who were at fault.

30. In addition, the Stock Take proposals include a drive for complaints to be dealt with locally, offering the opportunity for earlier, more effective, less bureaucratic responses and from which learning can quickly be drawn. Again, this is in line with the proposals in the Green Paper and implementation of the new misconduct arrangements.
31. The current police complaints system therefore provides a mechanism for holding the police service to account for its performance against the Pledge, and could do so more effectively by re-drafting the definition of complaints to allow a customer focused, service recovery, ethos to prevail.
32. **Single top-down target: Public Confidence in the police (Green Paper @ para 7.12-17).** The IPCC recognises that this is a significant proposal for policing reform, both in terms of a shift in the relationship between the Home Office and the police service, and in terms of driving a customer service ethos into policing.
33. This also represents a challenging target for the police service, since public confidence is a difficult concept to assess and which can be quite variable depending on when and where it is measured, and who is being asked.
34. This response to the Green Paper has already noted the two-way relationship that exists between levels of public confidence in the police and levels of public confidence in the police complaints system. There is good evidence that those who have confidence in the police are likely to complain when their expectations are not met. Equally, there are those whose confidence in the police is low, (particularly amongst those who have frequent and adversarial contact with the police) who are least likely to complain.
35. The IPCC has undertaken two public confidence surveys focusing on confidence in the police complaints system – one in 2004 shortly after the IPCC was established, and a second in 2007. In addition, the British Crime Survey includes questions on public attitudes to the complaints system. These surveys, which will now be repeated annually, provide valuable insights as to levels of confidence across different communities, the likelihood of a complaint being pursued, and expectations as to what are the desirable outcomes sought from the complaints system.
36. This data therefore provides valuable feedback to the police service on its performance from a 'customer' perspective and a reflection on public confidence in the police more generally.

37. The IPCC will work with the police service, other police-related agencies, and the Home Office to develop the best approach to using the data on confidence in the complaints system to support the proposed single top-down target.
38. In addition, the IPCC welcomes the opportunity to join the Home Office Public Confidence Steering Board and to support the related action plan to deliver the confidence target by including IPCC-led work on a performance framework for the complaints system and a review of the Statutory Guidance.
39. **Reducing Bureaucracy (Green Paper, chapter 2).** The IPCC supports Sir Ronnie Flanagan's view that there is both 'good' and 'bad' bureaucracy: some record keeping is necessary by providing appropriate safe-guards and accountability; some recording is excessive; sometimes the method of recording is inefficient, for example when data has to be re-keyed.
40. The IPCC Stock Take review of the complaints system identified as a wish to reduce the cost of the system, with a specific proposal (proposal 9) to reduce unnecessary bureaucracy.
41. The current complaints system is relatively complex. This can make it difficult for complainants to navigate, and adds time and effort to its administration. Some of this complexity was designed to provide safeguards and protection for complainants. With four years of experience the IPCC believes that there is scope for reducing this complexity without losing the essential safeguards. In particular, there is a proposal (proposal 6) to review the current system of appeals, dispensations, discontinuances and other processes enabling the complaints system to operate more quickly and with transparency but without undermining essential safeguards.
42. This proposal is balanced by another proposal (proposal 7) for the IPCC to exercise a greater, more targeted, oversight role enabling complaints to be resolved by Forces at the lowest possible level without IPCC intervention whilst maintaining a strong, targeted, independent oversight of Forces: Forces that performed well would experience a relatively light-touch oversight, while Forces that did not perform so well would receive more intensive oversight.
43. In this way, the bureaucracy of the system, both in the administration of individual complaints and in the management of the system, would be reduced.
44. Aside from the record keeping within the complaints system, the IPCC will work with the Police Service and the Home Office to review bureaucracy across policing. Some record keeping is essential if officers and Forces are to be held properly to account. Public confidence in the police will, in part, depend on the police being

accountable. A lack of record keeping can mean that abuses of power, or disproportionate policing is unmanaged by the police, unchecked by the accountability bodies, and undermining of public confidence. It is therefore in the interests of the police service and individual officers for the police service to maintain appropriate record keeping and this should be regarded as 'good' bureaucracy. A key focus for this work must therefore be to improve the efficiency of proper record keeping, for example through the use of technology, rather than the simplistic but damaging cutting of essential record keeping.

45. **Deployment to match demand (Green Paper @ paragraphs 4.25-28).** The IPCC recognises the description of policing in the Green Paper as “challenging but important work”. The decisions faced by front-line and supervising officers on a daily basis can be highly challenging both in the complexity of the decisions required and the time available to take decisions. These decisions often involve balancing risks both in the prioritisation of demands (the risks associated with deciding whether to action an incident) and the need for a proportionate response (the risks associated with the level of response when action is called for).
46. Many of the complaint and conduct cases handled by the IPCC involve a review of decisions and risks taken. This work often provides significant learning opportunities for the police service, both from what has gone right and from when things have gone wrong. This learning can span learning for individual officers, to Force-wide or nation-wide learning. The IPCC works with the Police Service, APA, HMIC and NPIA to identify and disseminate learning from complaint/conduct cases to all Forces through Learning the Lessons bulletins which have been warmly received both by policing and non-police stakeholders.
47. In addition, the IPCC undertakes thematic research studies, often in collaboration with the police service from which learning can also be drawn. For example, the IPCC has recently published research into Fatal Road Traffic Incidents involving police vehicles, and also research into 'near misses' when individuals have nearly died in police custody. Both studies recognise that the police service is often faced with dangers and risks created by others (for example, dangerous civilian drivers) and it is for the police to manage those risks as best as possible. The research work identified best practices amongst different forces as well as instances of poor practice, which can be fed-back into police training and supervision to enhance the way the police are deployed and positively manage risk.
48. **NPIA to review training on 'soft skills' to develop the customer service approach to policing (Green Paper @ paragraphs 1.66 & 4.10).** The IPCC welcomes the drive to enhance a customer service approach and to embed these skills into police training.

49. The IPCC publishes annual complaints data which provides valuable feed-back to the police service on its customer service performance. Current complaints data shows that the largest categories of complaints concern neglect and incivility. Of the 28,963 complaints recorded by police forces in 2007-08, 24% were for neglect or failure in duty and 22% for incivility, impoliteness and intolerance. The next largest category was for assaults at 14%. These are very serious figures for the police service. It is recognised that the police service has many daily interactions with the public, most of which do not result in a complaint, but when complaints do occur 46% are for service delivery issues. These figures were recently used by both Ian Johnston, Chair, and the Home Secretary when each spoke to the annual Police Superintendents Association.
50. This data, and the analysis that sits behind the figures, will provide a valuable insight for the NPIA's work on reviewing police training on 'soft skills'. In addition, the cases handled by the IPCC provide ample material for practical training exercises to support police training.
51. **HMIC – an enhanced role for HMIC.** The IPCC will continue to develop close links with HMIC. HMIC and IPCC have complimentary roles: the IPCC can work with Forces to provide learning opportunities arising from complaint and conduct matters (learning both good practices and from errors); HMIC can use its inspection powers to see that lessons are implemented appropriately. In addition, the IPCC's experience has been used to shape and evidence the HMIC inspections.

Closing

52. As indicated above, the IPCC supports the central themes of the Green Paper. The IPCC's Stock Take proposals for the development of the police complaints system would, if implemented, significantly support delivery of the Green paper's themes to deliver a police service that is citizen focused and carries public confidence. Accordingly, the IPCC looks forward to working with the Home Office to take forward this work.

**Independent Police Complaints Commission
October 2008**

IPCC responses to specific Green Paper Consultation questions

53. Chapter 1

Q. What is the most effective means of encouraging customer service in the police?

The Policing Pledge provides a significant opportunity for the expectations of the public and delivery of a service by the police to be matched against each other. There is a real danger that the police will not be accountable for performance against the Pledge. The existing police complaints system will capture some complaints involving the Pledge. However, unless there is a comprehensive mechanism for handling all complaints involving the Pledge the Pledge itself will lose credibility and fail. This would inevitably impact adversely on the public confidence target. The proposals to develop the existing complaints system, particularly by broadening the definition of a complaint to include service delivery issues, would provide a straight-forward solution to this issue without over-stepping into areas that are properly for Chief Officer discretion.

In addition, the IPCC's proposed developments for the complaints system include a changes in emphasis to service recovery and away from a blame culture. This is in line with the new misconduct arrangements and fits well with the customer service theme in the Green Paper.

The police service should continue to improve access to the complaints system, improve the outcomes achieved by Force complaints handling, and improve the way learning from complaints can be used to improve organisational and individual performance.

Forces should monitor satisfaction levels with their complaints handling – again this will help drive performance improvements in policing as a whole.

Forces should actively use the complaints data published by the IPCC to review the recruitment, training, deployment, management and supervision of officers, as well as Force operational policies and procedures.

The IPCC will support the police service in making these changes.

54. Chapter 2

Q. How can we ensure that the new forms of bureaucracy do not replace those that we are committed to reducing?

As a public service with significant and intrusive powers it is essential that there is a robust accountability framework for the police including a complaints system with appropriate independent oversight and safeguards for complainants. Having such a system is a sign of a healthy democratic society and promote public confidence in policing. Such systems involve a degree of bureaucracy but this should be efficiently administered and limited to the “good” bureaucracy identified in Sir Ronnie Flanagan’s report.

The Stock Take for the future development of the police complaints system includes proposals for the reduction of bureaucracy without diminishing the safeguards for complainants. These proposals are aimed at empowering the police service to respond more quickly and appropriately to complaints while leaving complainants with an appeal right to the IPCC.

The Stock Take also encourages a shift towards more local handling of complaints which additionally should drive efficiencies.

The proposals to reduce bureaucracy are balanced by a proposal to enhance the IPCC’s oversight of the system as a whole, setting clearer standards with a focus on outcomes that complainants seek in a way that quality assures what is achieved rather than bureaucratic checking-up.

Q. How best, together, can we tackle the risk aversion that Sir Ronnie Flanagan identified?

The IPCC recognises that the police deliver a complex and challenging public service which frequently involves risk taking in both prioritising calls for action and when deciding what action should be taken. As such, the IPCC recognises that the police service needs to operate policies and practices that supports appropriate risk taking and risk management.

This can best be achieved by promoting a learning culture within the police service; a culture that facilitates the sharing of best practices and the learning from mistakes that inevitably occur.

The police complaints system, overseen by the IPCC, is well placed to support the police service develop a stronger learning culture. In addition, there is good evidence that learning is a key outcome expected by the public and it would enhance public confidence if it could be seen that there was a strong learning culture within the police service.

With oversight of the complaints system and a responsibility to investigate some of the most serious incidents involving the police, including fatal incidents, the IPCC is well placed to support the police to

learn from past experiences to feed into future policing. The lessons that are learnt include best practices as well as identifying how past errors can be avoided. These lessons can apply at both organisational and individual levels and feed into all aspects of operational policing and all aspects of managing the police service from recruitment, training and guidance, development, deployment and supervision. In addition, the IPCC with its remit that spans England and Wales is well placed to support the police service sharing lessons across all geographical and non-geographical forces.

These lessons frequently go to enabling the police to manage better the risks inevitably faced in operational policing; and enable officers and Forces to face the risks confidently and not in a risk averse way.

55. Chapter 3

Q. The NPIA will consult on how best to ensure that all new Police Constables are trained in providing the best quality of service to the public.

Key to prioritising training and guidance will be the identification of how current police-public interactions go wrong. The complaints system is a central source of that information. The IPCC publishes annual complaints data for all Forces across England and Wales. Service delivery issues make up the greatest single block of complaints with neglect and incivility complaints representing 46% of the 29,000 complaints recorded in 2007/08. This is consistent with 2006/07.

A close analysis of complainants and what they complain of provides a rich source of information on how police training could be targeted. Case studies of complaints provide realistic training material. The class-room opportunity to reflect on how officers have in the past had adverse interactions with the public provides a significant learning opportunity for police recruits.

This is not to overlook the occasions when members of the public may have a complaint about how they have been treated by the police but chose not to complain because of a lack of faith in the police and a consequential lack of faith in the complaints system. Additional IPCC research identifies these groups and could be used to inform the training and guidance for new police recruits.