

OVERSIGHT BULLETIN

Issue 5 – April, May and June 2017

ipcc
independent
police complaints
commission

Who have we seen this quarter?

PSD meetings

Avon and Somerset Constabulary
Bedfordshire, Cambridgeshire and
Hertfordshire constabularies
British Transport Police
Durham Constabulary
Derbyshire Constabulary
Essex Police
Gloucestershire Constabulary
Gwent Police
Hampshire Constabulary
Humberside Police
Kent Police
Lincolnshire Police
Merseyside Police
Metropolitan Police Service (MPS)
North Yorkshire Police
North Wales Police
Norfolk and Suffolk constabularies
Nottinghamshire Police
South Yorkshire Police
South Wales Police
Surrey Police
Thames Valley Police
Sussex Police
Warwickshire and West Mercia
forces
West Midlands Police
West Yorkshire Police
Wiltshire Police

National meetings

East Midlands Regional Heads of
PSD
South East Regional Head of PSD
South East Regional Practitioners
Group
South West Regional Practitioners
Group

Welcome to our Oversight bulletin

We publish a new bulletin each quarter, looking back at issues raised during the previous three months.



What trends have we spotted this quarter? Issues raised by operational staff

Referrals

Referrals continue to feature regularly on the logs. This quarter saw a number of entries about late referrals without explanations for delays. However, the number of referrals has decreased since the previous three month period.

Please refer to Issue 4 of the Oversight bulletin, which included reminders about:

- > our out-of-hours contacts
- > timescales for referral
- > giving explanations for delays

We will continue to monitor this. The number of requests for referral advice has fallen this quarter.

28-day updates

- > We have seen an increase in the number of cases reviewed where the complainant has not had 28-day updates or received inadequate communication during the investigation.
- > Updates should be provided to a complainant at least every 28 days and updates should be meaningful and informative. Further information on the requirement to provide updates and what they could contain is available at paragraphs 9.66 – 9.69 of the [Statutory Guidance](#). Please also refer to [Focus issue 10](#) for guidance on meaningful updates.

Who have we seen this quarter?

Other meetings

Merseyside Police Federation

Mayor's Office for Police and Crime (MOPAC)

Input into West Yorkshire Police detective inspector course

Input into discrimination training at Gwent and Essex forces

Input into the MPS Discrimination Investigations Unit (DIU) training event and MPS recruitment campaign

Joint Home Office and Association of Police and Crime Commissioners regional roadshows

Meeting with Conduct and Performance Liaison Officer (CAPLO) for the Police Federation

Meeting with Her Majesty's Inspectorate of Constabulary (HMIC) regarding its police effectiveness, efficiency and legitimacy (PEEL) inspections

Statutory Guidance

FOCUS

Queries

The team responded to 196 telephone and email queries during April, May and June.

Conduct following death or serious injury reports

- › We have received a number of queries about whether a matter should be re-referred to us if conduct matters are identified following our review of a death or serious injury (DSI).
- › We have advised that conduct matters coming to light during our examination of a DSI do not require a re-referral and that the casework manager will make a mode of investigation (MOI) re-determination when assessing the report.
- › We have also had questions about how the final report is written if conduct matters are identified during the course of the DSI investigation and whether two separate reports are required. If conduct matters are identified and recorded during an ongoing DSI investigation the matter then becomes a conduct investigation. The investigating officer would only write one investigation report about the conduct matter. This is providing that the matters under investigation for the purpose of the DSI are the same as the matters under investigation for the purpose of the conduct.
- › There is a legislative requirement to tell us that conduct has been identified during the course of a local DSI investigation and what that conduct is. This is so that we can consider if the MOI remains appropriate. There is no requirement in legislation to submit the completed conduct report to us, should the matter remain a local investigation.

Persistent complainant advice

We continue to receive requests from forces for advice on how to deal with persistent and frequent complainants who currently take up a disproportionate amount of police resources. We plan to publish an advice note to summarise guidance on vexatious complaints. This will include practices developed at a number of forces for managing persistent or volume complainants.

We regularly provide ad hoc advice to forces on how to set up communication strategies that can limit communications to emails only where this is justified.

Where communication is particularly excessive, consideration could be given to putting in place a strategy where only one recording decision a week is made, to better manage correspondence.

Forces should also keep in mind that responses to the complaints should be proportionate, but also ensure that all complaints are addressed.



Messages

Abuse of position for sexual gain

We have carried out an initial review of replies by forces to our request for information on open and historical allegations of abuse of position for sexual gain. We will continue to work with forces to make sure they understand the referral criteria, and will continue to monitor progress in this area.

Use of force forms with referrals

From 1 April 2017, new use of force forms came into effect. The forms require forces to record a broad range of use of force data. This is not only for serious use of force matters, such as Taser and firearms deployment. Forms will detail the use of:

- > batons
- > spit-guards
- > police dogs
- > shields
- > handcuffs
- > unarmed restraint
- > irritant sprays such as CS

Point to remember

Please ensure that a use of force form accompanies every referral to us relating to a use of force.

Points to remember

- > Manage the complainant's expectations.
- > Always apply the provisions of the *Police Reform Act 2002* to decision-making.
- > Strategies for managing vexatious complaints or persistent complainants should be documented with a clearly defined rationale.



Did you know?

Most investigations into allegations of discrimination unsatisfactory

On 6 July 2017, we published our follow-up review on police handling of allegations of discrimination.

We wanted to assess the impact of our revised discrimination guidelines, published in September 2015, and if progress had been made by forces dealing with complaints of discrimination.

We found that some things have improved, such as the handling of internal discrimination matters. However, there remain shortcomings in the response to complaints from the public.

We found that the quality of investigations and reports remained unsatisfactory in two-thirds of the cases we looked at. We recommended specific action for all forces to improve their own investigations. We will discuss the findings of the review with all forces during our ongoing oversight work.

Independent Office for Police Conduct and legislative change

We will evolve into the Independent Office for Police Conduct (IOPC) in late 2017. This is set out in the *Policing and Crime Act 2017*.

We will have a new structure with simplified accountability. This will stem from a new head, the Director General. Accountability will continue through a network of regional directors and a director for Wales.

As we will no longer be a commission we need a new name. While our name will change, it's important to know that our role, purpose and independence will not.



Correspondence from us this quarter

- > Information about the triage process to allocate independent investigations (26 June 2017).
- > Information about updates to our forms to include new ethnicity and religion options (16 June 2017).
- > Information about our pilot to move decision-making from commissioners to operations managers (15 June 2017).
- > Letter inviting you to provide views on how information can be shared in the new case to answer process (23 May 2017).
- > Information about changes to the mandatory referral criteria (19 May 2017).
- > Letter to chief constables about case to answer assessments (21 April 2017).

If you have missed any of the correspondence please contact your OFL who can send this to you.

We are being given new powers to help us become more effective and more decisive in addressing public concerns. These include:

- > a power to initiate our own investigations without relying on a force to record and refer
- > powers to determine appeals and recommend remedies
- > a shorter process for deciding if a case should go to a disciplinary hearing

In April 2017, we took on responsibility for the Gangmasters and Labour Abuse Authority (known as the GLAA). In 2018, we will have responsibility, in certain circumstances, for fire service personnel.

These changes will be phased in between now and June 2018. We will communicate the changes to you in future issues of the bulletin.

Engagement with police and crime commissioners

As part of our transition to becoming the IOPC and the legislative changes, we plan to start early engagement with the offices of police and crime commissioners.

This is to start building relationships and to discuss, alongside professional standards departments (PSDs), changes that affect the way they work. We will also be asking for your input to develop new statutory guidance to underpin the new system.



You told us

Our independent investigations

You have provided us with a lot of feedback about the quality of our independent investigations. We know that timeliness is a key area of interest to our stakeholders and users. We are committed to reducing the length of the parts of the process we can control. The average time for completion of our investigations has reduced by almost three months over the last two years. It now stands at 234 working days (just under 11 months).



Want to know more?

What else would you like to see in these updates? Get in touch and let us know!

@ Contact us

Email: force_oversight@ipcc.gsi.gov.uk

This is still longer than we would like. We anticipate that the changes in our structure, to a single line of accountability, should speed up the quality assurance process of our reports. We are piloting different ways of working to see where we can reduce the time that investigations take. These include:

- A pilot to look at investigating low-risk serious injury cases will examine alternative approaches to low-risk cases with a view to increasing timeliness. Initial feedback from forces has been really positive and one case was completed in six weeks. Cases involving a death are next to be included in this pilot.
- We are looking at roles, and trialling a dedicated report writing team. We are also trialling investigations support, integrating into investigative teams rather than having as a separate unit.
- We are considering the use of a triage team at the beginning of an investigation to complete quick-time actions and then subsequently assign the case to the investigation team (as opposed to the current system, which works the other way around).

A pilot to enhance working with PSDs will consider better systems for sharing information, the role of single point of contact and how to improve communication.

We are keen to learn and listen to what works and how you have overcome problems investigating complaints and conduct matters. You are likely to have experienced issues that may be causing us problems – for example, arranging interviews with officers. We would be keen to hear your thoughts. Please get in touch with the Oversight team.