

Rt Hon Keith Vaz MP
Chair, Home Affairs Committee
House of Commons
London
SW1A 0AA

11 April 2013

Dear Mr Vaz

Re: Report on the Independent Police Complaints Commission (IPCC)

I am writing in response to the Committee's report on the IPCC, published on 1 February 2013. I am aware that the Home Secretary will be submitting a formal Government response in due course, but I thought it might be helpful to indicate our own response to your report and recommendations. The attached annex sets out our response to the Committee's specific recommendations, but we thought it might also be helpful to set this within the wider strategic context for the IPCC and the police complaints system.

There are four principal points. First, like the Committee, we believe that the IPCC is under-resourced for the task we are expected to undertake. Second, we agree that it would enhance public confidence if we were able to undertake more independent investigations, with additional powers where needed. It will nevertheless be the case, and it must be right, that the police will deal with the majority of complaints from the public, subject to our oversight, which we believe should be enhanced. Third, the findings and lessons from complaints and investigations should feed into the wider policing landscape and lead to improvements. Fourth, despite the many incremental changes which have been made over recent years, the police complaints, conduct and disciplinary systems are in need of more fundamental reform, if they are to command public understanding and confidence. I elaborate on these points below.

Resources

The Committee recognises that the IPCC is under-resourced for current business. This is something that I raised with the Home Secretary soon after my appointment. As the Committee is aware, we have experienced significant budget cuts in recent years, which we anticipate will continue. We have limited resources to deploy to

independent investigations, for example, so that we face a dilemma between timeliness and quality. Similarly, we do not have the resources we need to exercise effective oversight over complaints in general, or to respond speedily to appeals. Home Office officials have indicated that our grant in aid for 2013/14 will be increased to allow us to carry out more corruption investigations and develop proposals for more effective oversight. We have not yet had confirmation of funding for 2014/15.

The Home Secretary has undertaken to provide us with the additional funds we need for the complex Hillsborough investigation. Additionally, you will be aware that on 12 February 2013, the Home Secretary announced her intention to transfer resources from police Professional Standards Departments (PSD) to the IPCC. We provided our response to these proposals at the end of March and will be happy to make this available to the Committee in due course.

While these commitments are very welcome, I remain very concerned that the IPCC is under-resourced to meet our current duties and responsibilities. Demands on the IPCC have increased considerably, with a significant number of high profile and demanding cases, including an increasing number of historic cases, which are large and complex. The additional resource referred to above is to enable us to take on a new work and will not solve the fundamental and historical underfunding of the organisation from its earliest days.

Public Confidence

The Commission accepts that we need to do more to secure public confidence in our work. To that end, we have reviewed and enhanced our quality assurance processes and are carrying out a major review of the way in which we investigate deaths. The latter includes an external reference group and commissioned research to understand and learn from the experience of bereaved families. We are undertaking a major recruitment exercise and increasing our trainee investigator programme so that we have a balance of backgrounds and skills amongst our investigators. In addition, we have clarified and strengthened the role of independent Commissioners in the oversight of investigations, and are promoting a multi-disciplinary approach.

We understand the Committee's concern that the IPCC does not have the capacity to investigate many of the serious allegations of misconduct or corruption, and that is echoed in the Home Secretary's statement. We would also want the capacity to investigate other cases which have a significant impact on community confidence in policing, such as stop and search, alleged discrimination or the use of force. As the Committee has pointed out, where we uphold such cases on appeal, in many cases we then have to return them to be dealt with by same force that failed to investigate properly in the first place.

Nevertheless, it will remain the case that the majority of complaints will be, and should be, dealt with by the police themselves. For that reason, we need to strengthen our own oversight capacity, but it will also be essential to ensure that forces themselves retain the specialist expertise and capacity within their Professional Standards Departments to respond to our findings and support effective local complaints handling.

Learning from complaints

We believe that it is essential that our investigations and complaints lead to tangible improvements in performance and approach. For that reason, we need to be able to contribute fully to the new policing landscape, so that learning from complaints and investigations feeds into standard-setting, training, inspections and oversight; in other words, trying to create a virtuous circle so that identified failings feed into better practice. Police and Crime Commissioners and the College of Policing have shown a considerable appetite to use information from our work to assist them in their role, and we can also work collaboratively with HMIC. However, in order to do this effectively we need to increase and strengthen our research and analytical capacity. That will allow us to analyse, monitor and feed back the results of our own work and forces' own complaints statistics.

Complaints, Conduct and Disciplinary Systems

As a result of incremental changes, the complaints system has become extremely complex, both for police to administer and for complainants to access. It is focused on blame rather than resolution. For that reason, there is limited public confidence in it. We believe that there is an opportunity for more radical reform, following a process of consultation, to simplify the process and bring it in line with best practice in complaints resolution, which starts from the proposition that most people who make complaints want an apology, the problem to be put right and changes to be made so that the same thing does not happen again.

We also have concerns about the current disciplinary process. It is an internal system, which usually operates in private. It is therefore difficult for the public to have confidence in it, particularly when the outcomes differ significantly from the findings of independent investigations. It is noticeable, for example, that where we have to direct, or threaten to direct, proceedings for gross misconduct, dismissal never follows. We do not think that the IPCC should take on this role, but we believe that a reform of the disciplinary system, to make it more transparent and introduce a greater element of independence, would significantly enhance public confidence both in us and the system. Other professional bodies have independent disciplinary systems. There are a number of models available and the College of Policing, as part of its role in stimulating best professional practice, may be able to examine these. This would require time and consultation.

I hope the Committee finds our response helpful. As always, if you wish to discuss anything further then please do not hesitate to get in touch. I can be contacted via my assistant, Jason Jackson on 020 7166 3237.



Dame Anne Owers
Chair

Independent Police Complaints Commission (IPCC)