

CONSULTATION RESPONSE

TO	HMIC
FROM	The Independent Police Complaints Commission (IPCC)
REGARDING	Consultation on HMIC's Proposed 2015/16 Inspection Programme

The IPCC and its remit

The IPCC's primary statutory purpose is to secure and maintain public confidence in the police complaints system in England and Wales. We are independent, and make decisions independently of the police, government and interest groups. We investigate the most serious complaints and incidents involving the police, as well as handling certain appeals from people who are not satisfied with the way police have dealt with their complaint.

The IPCC was established by the Police Reform Act 2002 and became operational in April 2004. Since that time our remit has been extended to include:

- Certain specialist police forces (including the British Transport Police and the Ministry of Defence Police).
- Her Majesty's Revenue and Customs (HMRC).
- Staff who carry out certain border and immigration functions who now work within the UK Border Force and the Home Office.
- The National Crime Agency (NCA), and previously the Serious Organised Crime Agency (SOCA).
- The London Mayor's Office for Policing and Crime and any Deputy Mayor for Policing and Crime.
- Police and Crime Commissioners and their deputies.

The majority of complaints against the police are dealt with by the relevant police force (or other body) without direct IPCC involvement, unless cases are appealed to us. However, certain types of complaints and incidents must be referred by the police directly to the IPCC. These include where someone has died or been seriously injured following direct or indirect contact with police, as well as allegations of serious corruption, serious assault, and criminal offences or behaviour liable to lead to misconduct proceedings which are aggravated by discrimination. We then decide what level of involvement we should have in any investigation of the matter. We may choose to conduct our own independent investigation, manage or supervise a police investigation, or decide that the matter can be dealt with locally by the police without IPCC involvement.

Information sharing

As per our concordat we are committed to supporting the inspection work of HMIC¹. We are keen to provide information to assist HMIC where we can, and in turn welcome information that HMIC can provide to us to support our own work in complaints handling, carrying out investigations, and promoting public confidence in the police complaints system.

We already feed into the rolling programme of joint HMIC/HMIP inspections of police custody facilities, and have in place an effective working arrangement for providing information to support this work. The nature of information to be provided and timetables are all agreed in advance, and forward notice of this inspection work enhances our ability to provide meaningful data to these inspections. We have also recently signed a Memorandum of Understanding with HMIC and HMIP in relation to this inspection programme, which we hope will facilitate the provision of regular and meaningful information to support our own work in the area of police custody.

We do also feed into other inspections carried out by HMIC, most recently contributing to the Inspectorate's recently published "Integrity Matters" report. However, there is a greater resource implication associated with assisting HMIC in respect of one-off inspections of this nature. For example, we are not always notified of HMIC's planned work early enough to maximise the support we can provide, and much of our data requires redacting in order to be shared in line with our data protection obligations. We are keen to feed into HMIC's valuable inspection work, but would encourage an early dialogue with HMIC so that we can adequately plan and allocate resources to this work, and avoid any duplication between HMIC's thematic and PEEL inspections, and our own oversight and research work.

Our concordat has only recently been signed, and better joined up working between our organisations is still developing. Over time, as we gain a better understanding of how our concordat works in practice, we would suggest developing an information sharing protocol to better shape and streamline the sharing of information between our organisations.

Our responses to the specific consultation questions are as follows:

1. Does HMIC's proposed 2015/16 programme include the right areas for inspection?

We broadly welcome the inspection programme proposed by HMIC for 2015/16. The thematic inspections listed provide a wide ranging selection of many of the pervasive issues faced by police forces in England and Wales, and also cover a number of emerging issues relating to policing in the 21st century, such as such as cyber crime and honour-based violence.

It is encouraging that topics of significant public interest such as child sexual exploitation and stop and search have been included in HMIC's inspection programme. We believe that the views of the public should play a strong role in informing both the scope and the findings of HMIC's inspections, and HMIC should make sure that these views are adequately captured and considered during its inspections. It is particularly important that voices from minority groups are heard, many of whom may be disproportionately affected by some of HMIC's planned inspection areas e.g. stop and search or trafficking and slavery. We know from our own work that young people under the age of 25 and those from BME communities are less likely to make a complaint against the police². It is particularly important that the views of these groups are heard and recognised by HMIC across their inspection programme.

¹

<http://www.ipcc.gov.uk/sites/default/files/Documents/publications/concordat%20HMIC%20COP%20IPCC%201.pdf>

² http://www.ipcc.gov.uk/Documents/guidelines_reports/IPCC_Public_confidence_survey_2014.pdf

Child sexual exploitation and child protection are high profile issues at the moment, and thematic inspection of these areas is welcomed. Inspection in these areas can only lead to improvements, and has the potential to reduce allegations of ineffective policing as have recently been seen in South Yorkshire and Essex.

We also think that it is important to consider overlap between child sexual exploitation and other thematic inspection areas, for example cyber crime. We believe that there would be value in considering how well police forces risk assess and respond to online images of child sexual abuse, as well as considering the ability of police forces to stay up to date with the technology used by offenders to hide such images.

We welcome the new joint inspection on the subject of stalking and harassment. We have previously commented on the introduction of the Protection of Freedoms Act 2012, and the new legislation to combat stalking. Any inspection of stalking and harassment should consider knowledge and effective use of this legislation.

We would also hope that the proposed inspection of stalking and harassment would include an assessment of the level of service provided to victims of these crimes. We hope that views on level of service will be collected directly from recipients of policing services, and we would encourage HMIC to engage with support organisations (for example, Victim Support) when considering how best to approach victims of crime.

We believe that a focus on the welfare of vulnerable people in custody is important. The inspection of the welfare of vulnerable people in custody should pay particular attention to the release of vulnerable people from custody. Whilst deaths in or following custody have been slowly decreasing in recent years, the number of apparent suicides following custody reached 68 in 2013/14, its highest level since 2004/05³. The completion of pre-release risk assessments in custody is a vital part of the duty of care the police have over those they detain, particularly in respect of vulnerable people, for example those with mental health issues. We would hope that HMICs inspection would consider the effectiveness of this risk assessment process.

The HMIC-led inspection of emergency services is welcomed, and is an area of joined up working which can often get overlooked. We believe there is particular value in looking at the effectiveness of police forces' working relationships with health and ambulance services. Issues such as the use of police cells as places of safety under s136 of the Mental Health Act 1983, the use of police vehicles to transport injured persons when ambulances are not available, and waiting times in custody for the arrival of medical staff are all areas that could benefit from inspection and formal recommendations.

2. Are there further areas that should be included in HMIC's 2015/16 programme?

Our public confidence survey has shown that people from the minority ethnic population are less likely to make a complaint against the police than people from the white population. We also know that minority ethnic communities, along with young people, have the lowest confidence in the police complaints system.

Recent research we have carried out has also shown that police forces generally do not handle public complaints about discrimination well⁴⁵. This finding is reinforced by HMIC's own "Integrity

³ http://www.ipcc.gov.uk/sites/default/files/Documents/research_stats/Deaths_Report_1314.pdf

⁴ http://www.ipcc.gov.uk/sites/default/files/Documents/guidelines_reports/IPCC_report_police_handling_of_allegation_s_of_discrimination_June2014.pdf

⁵ http://www.ipcc.gov.uk/Documents/investigation_commissioner_reports/Report_on_Metropolitan_police_Service.PDF

Matters” report which discusses how discrimination complaints disproportionately result in no further action being taken when compared with other types of public complaint.

The Code of Ethics underpins the importance of treating people with respect and fairness, and the Standards of Professional Behaviour emphasise that unlawful or unfair discrimination will not be tolerated.

We note that the provision and effectiveness of equality and diversity training in police forces was inspected by HMIC in 2003. However, since this time the Equality Act 2010 has been passed into law, and the equality obligations placed on public bodies such as the police have changed.

We are currently in the process of revising the guidelines we issue to police forces and our own investigators on best practice when handling allegations of discrimination. However, in many respects our remit and the police complaints system are too far down the line to effectively tackle discrimination at its core, being reliant on someone voicing concern or raising a complaint as a result of discriminatory treatment.

Discrimination or the perception of discrimination is an issue which has the potential to impact on every aspect of policing, and will already have significant overlap with several of HMIC’s proposed thematic inspections, for example stop and search and counter-terrorism. We believe that ensuring appropriate consideration of these matters throughout HMIC’s work would be of significant value.

3. Are you aware of any overlap between the areas included in HMIC’s proposed 2015/16 programme and work planned or being conducted by other organisations?

We currently have a research study underway examining police use of force which we hope to publish in autumn 2015. The potential inspection into use of restraint would probably overlap with our own use of force study. We hope that our research will be drawn on by HMIC if it is tasked with inspecting police forces on use of restraint. We hold data which may be relevant for HMIC to consider should this inspection go ahead, and as per the terms of our concordat we would equally hope that any recommendations we make following our study would be considered by HMIC within its framework for inspecting police use of restraint.

Fair, effective and lawful use of stop and search powers is a key issue in maintaining public confidence in policing. Stop and search remains an area of concern for the IPCC and we are keen to continue to work with HMIC in this area, for example by sitting on relevant reference groups.

Schedule 7 powers, whilst not considered by the policing community as a stop and search power, can be perceived by the public as such. Since 1 July 2011 we have required all complaints about the use of Schedule 7 powers to be referred to us, and we are currently supervising all complaints where the lawful use of Schedule 7 is being challenged. As part of this work we are developing a knowledge base of complaints about the use of Schedule 7 powers, and would welcome the opportunity to feed this knowledge into HMIC’s proposed counter-terrorism inspection.

We have a regular cycle in place for collecting complaints data from police forces every quarter. Our next quarterly collection will be at the end of March. We are aware that this information may be useful to HMIC in several of its thematic inspections, and we have recently begun dialogue about the use of this complaints data to support HMIC’s PEEL inspections. As per our concordat we are committed to minimising the demand and disruption placed on police forces by this data collection. We would therefore encourage HMIC to approach us directly about the use of this data, rather than approaching police forces and duplicating police force workload.

Independent Police Complaints Commission (IPCC)

25 February 2015