

The IPCC's response to 'Improving police integrity - reforming the police complaints and disciplinary systems'

Executive summary

The IPCC has long called for fundamental reform of the police complaints and disciplinary system. We support the thrust of this document and many – though not all - of its proposals, but we believe this is only a first step and there is a need for more radical end-to-end reform, which is solution and outcome focused.

Complaints

The paper proposes that Police and Crime Commissioners (PCCs) should have overall responsibility for initially handling complaints, and for the local resolution of some complaints, but can choose how they do this and whether they or forces carry this out. It also proposes that PCCs become the appellate body for those appeals that are not serious enough to come to the IPCC and which are currently handled by the force.

The IPCC comments

- PCCs can add value to the complaints system
- The proposals introduce more localism, but open the door to too much inconsistency of role and approach (paragraphs 22-33)
 - Either PCCs should always carry out initial handling, or not at all
 - If they do so, there should be a framework and set of principles
- We support PCCs handling the appeals that are currently heard in-force; but we do not believe they can also be local decision-makers, as this would replicate the existing problem whereby forces hear appeals against their own decisions (paragraphs 34-36)
- We agree that there should be a broad definition of a complaint and that all complaints from the public should be dealt with. However, this will only work if the system becomes less prescriptive and better able to focus on achieving the best outcome (paragraphs 50-66)

Discipline

The paper proposes more transparency, consistency and independence in the discipline system, and the merging of performance management and misconduct processes. It raises the issue of the differential treatment of police officers and staff. It suggests that the IPCC should have powers to compel police witnesses in investigations to answer questions.

The IPCC comments

- We strongly support moves to make the system more transparent, with guidelines to aid consistency and a stronger independent element in hearings (paragraphs 92-94, 110)

- There are strong arguments for streamlining the performance management and misconduct processes, but further clarification is needed.
 - The differential treatment of officers and staff (and indeed private contractors) is problematic, especially when both have public-facing roles.
 - Any changes in either of these areas should not halt the progress to greater transparency and objectivity.
- It is extremely important that police cooperate fully with our investigations, but we do not believe that the proposed powers of compulsion are appropriate or helpful. We believe that, as with other professions, a duty to cooperate, or a duty of candour, should be built into the code of ethics and into standards and regulations (paragraphs 118-121)

Whistle-blowing

The paper puts forward various measures to support whistleblowers

The IPCC comments

- We support proposals to enhance the ability of officers and staff to be whistleblowers and to be protected from reprisals; however (paragraphs 122-123, 131-132)
 - These proposals need to complement effective management structures, not replace them
 - Whistleblowers should not have more rights in our investigations than complainants or bereaved families

The IPCC

The paper refers to strengthening the IPCC's appellate role, providing it with a power of own initiative, and reviewing its structure as it expands.

The IPCC comments

- We support a power of own initiative, which would allow us to be proactive and not reliant on forces to record and refer matters to us (paragraphs 156-160)
- We believe that it is not enough to strengthen and clarify our appellate powers (paragraphs 161-174)
 - We prefer a move to an Ombudsman type role, where we can make final determinations and recommend remedies
 - This would end the 'appeals roundabout' that frustrates complainants
- We are already changing our governance and operational models, but we believe that further legislative change is needed to create clearer lines of accountability and decision-making for a greatly expanded organisation, and we look forward to further discussion on the options for this (paragraphs 178-183).