

CONSULTATION RESPONSE

TO	Home Office
FROM	Independent Police Complaints Commission
REGARDING	Reforming the powers of police staff and volunteers

The IPCC and its remit.

1. 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 across England and Wales, as well as handling certain appeals from people who are not satisfied with the way police have dealt with their complaint.
2. 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:
 - Police and Crime Commissioners and their deputies
 - the London Mayor's Office for Policing and Crime and his deputy
 - 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)
3. The majority of complaints against the police are dealt with by the relevant police force (or agency) without IPCC involvement. However, certain types of complaints and incidents must be referred by the police 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.

Response to consultation

The IPCC's response to this consultation focuses on ensuring that those who have police powers are subject to the same level of accountability as police officers and are adequately trained to use those powers. We have highlighted some elements within the proposal that require additional clarity.

Discipline and complaints

The proposal suggests that chief officers will have the ability to designate a wider range of powers to police staff and volunteers enabling them to carry out duties that would ordinarily have been undertaken by a warranted officer. This will allow greater flexibility in staffing arrangements.

At present, legislation allows for complaints, conduct matters and death or serious injury (DSI) matters to be dealt with in relation to persons 'serving with the police'¹. This definition includes police staff and special constables but specifically excludes any others working as volunteers.

There need to be appropriate oversight mechanisms and ways of addressing conduct, performance issues and complaints levelled against volunteers. The aim of this should be to achieve as much parity as possible between the way these matters are handled for police officers, staff and volunteers while recognising that a volunteer's relationship with the police service will be different to that of an employee or officer. Consideration should also be given to circumstances where the use of delegated duties or powers may raise human rights implications, especially Articles 2 and 3, and how this would be regulated by the Chief Officer to ensure that statutory obligations are fulfilled.

Should this proposal be taken forward, the IPCC will be happy to work with Home Office officials in relation to oversight mechanisms.

Designation of powers

The proposals suggest that chief officers may designate the powers of a police officer to police staff and volunteers, with the exception of core powers, enabling them to make better use of their resources.

While appreciating the need for flexibility, we consider that this could lead to a confusing system that is difficult to understand for officers and the public alike. We believe that this will be further compounded by variations in designation of powers between forces (especially neighbouring forces) and police staff and volunteers wearing a uniform.

We suggest that the public, in general, make the assumption that a person in uniform is a warranted officer and has the associated powers. The actions of police staff and volunteers will therefore have an impact on public perception of, and confidence in,

¹ Police Reform Act 2002, Part 2, S12.7

the police. It would be helpful to understand how a distinction between the various roles will be achieved and how this difference will be publicised.

Police forces will also need to be transparent and clear about the powers that police staff and volunteers hold in each locality and ensure that this information is accessible to the public. Information will also need to be readily available to the IPCC to assist us to deal with investigations and appeals effectively.

Training, Management and supervision

The IPCC often deals with issues which have come about as a result of insufficient or inappropriate training. In order to ensure that any police staff or volunteers who are given police powers are able to use them appropriately, it will be vital to ensure that they have the same level of training to use those powers as a police officer would. This will need to take into account the fact that police staff and volunteers may be carrying out a much more limited role and using a more limited range of powers than a police officer so the same training will not always be appropriate. It is essential that a full record is maintained of any training provided and the dates on which it was provided.

In addition, a key finding in many of our investigations is that there has been a lack of effective management and/or supervision. Volunteers must be line managed effectively and provided with support and effective and proactive supervision when carrying out their duties.

IPCC
October 2015