

CONSULTATION RESPONSE

TO	The College of Policing
FROM	The Independent Police Complaints Commission (IPCC)
REGARDING	Consultation on the College of Policing’s ‘Strategic Intent’

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 interests 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 the 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 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; and,
- 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. 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.

Securing public confidence in the police complaints system: The IPCC's Oversight and Confidence Strategy

While respecting the independence of our two organisations, we believe that effective partnership between the IPCC and the College of Policing has an important part to play in the IPCC's mission to secure public confidence in the police complaints system.

It is our view that one of the ways in which public confidence can be ensured is if the complaints system fulfils its potential to bring about real improvements in how policing is delivered. Working with the College so that the lessons our cases demonstrate are reflected in the guidance and training that the police receive is a significant means through which this cycle of learning and improvement from complaints can be achieved.

The IPCC is currently developing a formal 'Oversight and Confidence Strategy', which will guide our work to oversee the police complaints system and secure public confidence in it over coming years. The IPCC's investigations and decisions on appeals from members of the public about how the police have handled their complaints are necessarily reactive – we respond to the referrals and appeals that are made to us. Our developing strategy reflects how we will work proactively to identify areas of concern in how complaints are handled and how policing is delivered, and to remedy these through all the means at our disposal. Given the responsibilities and capabilities that have been granted to the IPCC, partnership working will play a significant role in this. Our strategy will be underpinned by a continuous process of analysis, prioritisation and intervention, focusing on what the evidence we collect tells us is happening. There are clear parallels between what we envisage for ourselves, and the ways of working that are described in the College's 'Strategic Intent'.

The IPCC has already a strong history of working with the College of Policing and its predecessors, for example in the production of our Learning the Lessons Bulletins and in developing guidance for the police service on the safer detention of people in police custody. We believe that the College and the IPCC continue to have mutually reinforcing roles. We aim to build upon this as a part of implementing our Oversight and Confidence Strategy. This will overlap with the College's Strategic Intent in two key ways.

Firstly, we believe that the way the College intends to work, particularly as a membership organisation, and as an organisation in touch with the public and their representatives, offers the IPCC an opportunity better to understand what is happening across the policing landscape. Information shared from the College can contribute to how we identify and prioritise the issues that we pursue in work under our Oversight and Confidence Strategy. Equally, we believe that the information we develop and the issues we prioritise can assist the College in selecting its own priorities and areas of work.

Secondly, the findings that we reach and recommendations we make, whether in individual cases or across thematic areas, should inform the policy and guidance that the College produces to govern how the police should work. On an ongoing basis we would expect our

findings and recommendations across all of our work to form part of the evidence that the College will use to develop its products.

In addition to this, on occasion the IPCC may make recommendations directly to the College using a power that we expect to be created by the Anti-social Behaviour, Crime and Policing Bill that is currently before Parliament. This will allow the IPCC in its cases to make formal recommendations to police forces and other bodies, including in some circumstances the College. The organisation receiving that recommendation must then respond to us, setting out whether they accept our recommendation and if so, how they will comply with it.

Practical support to the IPCC's investigations and casework

We note the spirit of openness with which the College intends to work, and the steps that the College is already taking towards this. It is important that the IPCC has full access to the policies and guidance that the College issues to the police service, since our staff will have regard to these (as well as their interpretation by individual forces) when dealing with cases. We would like to explore what support the College might be able to provide us in the future upon the launch of new products, to ensure that our own staff are fully conversant with the implications for the police service. Indeed, it may be appropriate for some of the training commissioned by the College to be delivered to certain members of our staff.

We note that the College aims to build links with academia and elsewhere, and to be connected with communities of practice that can provide expertise where required. In light of this, we also believe there may be a role for the College to assist us in securing 'expert witnesses' where these are needed in the course of our investigations. Again, we would welcome the opportunity to explore this further with the College.

Partnership working between the IPCC and the College of Policing

The College's Strategic Intent sets out, under 'Our partners and how we will work with them' (page 30), that:

'[the College] will use IPCC data to inform us about trends relating to police standards and which areas require attention'.

While we agree that our working relationship certainly should include this we think, following the logic outlined above, that our relationship should be drawn more widely.

While the starting point for our cases is generally where something has, or appears to have, gone wrong, through the course of our work we develop a wide range of information about what works, how things can be improved, and a wealth of public feedback on policing. We would like to see the College committed to actively listening and responding to concerns and evidence that we bring forward, arising from our work, and reflecting these where appropriate in policing standards, guidance and training.

We would like to explore with the College the scope for accredited training and professional practice being developed for forces about the handling of complaints and misconduct investigations, and more generally regarding the handling of feedback from the public. The

essential need for this seems clear, given that currently the IPCC upholds nearly half of all the appeals that we receive in relation to complaints investigations carried out locally by police forces.

We would also like to consider with the College how we could work together on future revisions of our own statutory guidance to the police service on the handling of complaints and administration of the police complaints system, and the relationship this would have to any standards, guidance and training issued by the College.

We should consider what other aspects of joint working would be mutually beneficial, and beneficial to policing and public confidence as a whole.

While the IPCC is committed to the principles set out in this response, we know that there is work ahead of us to align our information and our ways of working to the aspirations that we have under our Oversight and Confidence Strategy. We need to make changes to how we hold, use and are able then to share our information, in order that it provides us and our partners with a better understanding of what the complaints system tells us. This includes our being able fully to meet the expectations that the College clearly has of our data. We need capacity within our funding in order to undertake this improvement, and ongoing analysis. Our achieving our aspirations under our strategy is therefore contingent upon the planned expansion of the IPCC over coming years; we expect that our capabilities will improve incrementally as our programme of change progresses.

The IPCC is committed to formalising our relationship into an agreement between our organisations, and Her Majesty's Inspectorate of Constabulary, and we look forward to working with the College towards this.

As part of your consultation you have asked a number of specific questions, to which our responses are as follow.

1. *Do you agree with the College's role and the services it plans to offer, as set out in this document?*

We recognise that what is set out in the College's Strategic Intent will be subject to refinement as more detailed and longer term plans are developed. However, we believe that what is set out in the Strategic Intent is broadly correct.

We are interested to understand more of the College's planned methodology for evaluating what works well, particularly where the College might look to apply to policing lessons and standards of practice developed in other contexts. We think it is important that the College be able to articulate its approach to evaluation to its partners, to the public, and to the police service. We believe that there are other organisations, including those involved in the various 'What Works' centres, that will be able to offer the College the benefit of their own experiences in this regard.

As a linked point, we will welcome greater clarity from the College as to how it will demonstrate the impacts that it intends to have as a result of its work.

We note that the College is in the process of creating a register of officers who have been dismissed from the police service. We believe this could be powerfully joined with a transparent register of individual performance and disciplinary outcomes for all officers. This is in common with other professions whose day to day work strongly impacts upon the public, such as medical practitioners. We believe that a mechanism like this is an important part of creating a professionalised police service.

We respect the independence of individual chief officers, of Police and Crime Commissioners, and of individual officers and staff to exercise their professional discretion. However, provided that the correct balance is struck in policy and guidance between detailed prescription and leeway for judgment, we believe that in some circumstances there are decisive advantages in requiring forces to adhere to consistent standards and practices. We note that the Anti-Social Behaviour, Crime and Policing Bill describes significant powers for the College of Policing to compel consistency through the issuing of regulations and codes of practice. Past IPCC cases and research work have shown the value of consistency being enforced in this way when needed (for example, specific IPCC research into road traffic incidents involving the police which led to the codification of guidance on police pursuits). We believe it is important that the College be prepared to use these powers, proportionately, where the evidence justifies this approach.

2. *What areas do you think we need to prioritise, when setting our standards?*

In the course of describing the context in which the College will work, the Strategic Intent mentions both how the police deal with mental health issues and police practice in relation to stop and search. We note that various activities in relation to police integrity are part of the work that the College has first taken on. The IPCC would echo all of these as particular areas of concern. We believe that issues of police integrity and the police's relationship with the public are paramount.

In line with the points we make above however, we think that the College is also right to focus initially on creating the systems and the links with partners which will allow priorities to be robustly assessed and determined on an ongoing basis.

3. *Are there any other products and/or services you would expect us to provide?*

Again, we believe what is set out in the Strategic Intent to be broadly correct. Clearly the specifics will be built upon in line with experience.

We would add to this the points raised above, some of which will require further exploration with the College, in relation to the support the College may be able to provide in relation to specific IPCC cases.

To build upon one of those points, the keeping of a register of 'expert witnesses' to support IPCC investigations, we suggest that the College might fulfil this role generally in relation to court or tribunal cases involving the police. This would raise standards and promote consistency in the expert advice available across each of the relevant settings.

4. *How do you want to be able to interact with the College?*

We look forward to continuing with the current mechanisms through which we work with the College of Policing and other organisations to produce our regular Learning the Lessons Bulletins. Otherwise, we believe that the specifics as to how the College and the IPCC should interact are best determined in forthcoming work to develop a formal agreement between our two organisations, to set out our working relationship. Work towards this will need to address the best means of information sharing between our organisations.

Something that our organisations may wish jointly to consider is whether it would be valuable to reconstitute a forum similar to the Learning the Lessons Committee, which in the past met regularly to guide the production of our Learning the Lessons Bulletins. Such a multi-party forum could however be constituted anew, with a wider remit. We would also like to explore with the College how our own work, including our research projects, might join up with the College's establishment of a What Works Centre for Crime Reduction.

5. *How can the College engage most effectively with you?*

One of the key planks of this must be the free flow of information, particularly about the public's experience of policing as articulated through the complaints system and through our organisations' respective engagement with the public and their representatives. We should consider how this exchange of information might take place at both the national and local level.

As a part of ongoing dialogue we will welcome being kept informed by the College about what projects are being initiated, and the opportunity to consider at an early stage how we might usefully be able to inform these. We would reiterate the point made above, about what practical support the College might be able to offer us in order to ensure that our own staff are familiar with the standards and guidance set by the College, so that we can have regard to this while dealing with our own cases.

Again, some of the specifics of this question will best be resolved through future work to describe the working relationship between the College and the IPCC.

6. *How can the College engage the public and community organisations most effectively?*

The College should consider engaging with communities where confidence in policing is lower, rather than just where crime and disorder is generating greater public concern as the Strategic Intent suggests. These are not the same; both merit attention.

In order to be effective, engagement with communities should be local, and creative in its use of non-traditional channels (for example, to reach young people). Opportunities will exist for the College to make links through those already operating across the crime and policing landscape, for example Police and Crime Commissioners and local authorities. The organisation Healthwatch has undertaken work on engaging service users locally in health service development, and may be a useful point of contact for the College.

Being transparent with the products that the College compiles, including Authorised Professional Practice and training material, is important to allowing the public and

community organisations to understand and to participate effectively in the College's work. We recognise the steps that the College has already taken towards this, but believe that still more can be done. As part of this, the College should consider how it can involve the public and community organisations earlier in the development of products.

The College needs to ensure that it provides feedback to the public and to community organisations on how their input is used, and what changes are made because of it. Research on engagement shows that giving feedback to those engaged with on the tangible effect that their involvement has had is vital in fostering ongoing dialogue.

7. *Are there any partners or partner bodies we have not mentioned that should be explicitly included?*

While it may be the College's intention to separate these from what are described as partners, it appears to us that there is a category of bodies potentially missing who the College would benefit from approaching in a spirit of partnership. This is the wide range of voluntary organisations and interest groups, who hold a vast store of information that could inform and improve the work of the College: for example, national groups such as the Howard League, StopWatch, Liberty, MIND, Black Mental Health, Refuge and Victim Support, and local groups such as the various police monitoring projects and IAGs. This links to points made under the previous heading about the importance of local engagement, and also about demonstrating to the public and their representatives the impact that their involvement has on the work of the College.

8. *What are your views on membership issues, including categories, benefits and charges?*

We have no views on this topic.

**IPCC
December 2013**