

TO	The Home Office
FROM	The Independent Police Complaints Commission (IPCC)
REGARDING	Home Office Triennial Review of the IPCC

This submission sets out the IPCC's response to the Triennial Review of the IPCC - published on 12 March 2015.

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

We also carry out other important functions. These include sharing learning with police forces and other oversight bodies such as the College of Policing (CoP) and Her Majesty's Inspectorate of Constabulary (HMIC) to ensure that the findings of complaints and investigations feed into better policing practice, and assisting forces to improve the way they respond when people complain.

We support many of the overarching themes and recommendations made in the Triennial Review report, a number of which build on work that is already underway. We note that the report reasserts the need for the IPCC, and that consultation with the public and stakeholders found that the functions of the IPCC remain relevant and required. We also welcome the report's acknowledgement of the significant changes we have made following our review of the way we investigate deaths, and through our Change Programme.

Recommendation 1

The IPCC should build on the principles it is adopting and consider how best to take forward the principles and standards espoused by the Parliamentary and Health Service Ombudsman.

1.1 We accept this recommendation and agree that the Parliamentary and Health Service Ombudsman's (PHSO) principles apply to our work. The report recommends that we take forward the principles and standards espoused by the PHSO. These principles are:

- Getting it right
- Being customer focused
- Being open and accountable

- Acting fairly and proportionately
- Putting things right
- Seeking continuous improvement

- 1.2 We will continue to draw on these principles as we implement our Change Programme. Through our oversight work we are also able to support police forces and local policing bodies in adopting these principles when handling complaints. A number of activities are currently underway or are planned that will enable us to progress further the PHSO principles.
- 1.3 In our response to the Home Office consultation on reforms to the police complaint and disciplinary systems¹ we supported proposals to strengthen our powers of remedy, which are currently limited and have been constrained further by a recent court judgment². These powers are essential for us to take forward the PHSO principle of “putting things right”, which is central to customer-focused complaint handling.
- 1.4 In 2015/16 we will be reorganising our existing resources to create a dedicated force liaison and oversight function. This will facilitate better working relationships with professional standards departments, and provide a structured and regular forum for discussing best practice in complaints handling and disseminating learning from individual cases.
- 1.5 We will continue to provide statutory guidance³ on the police complaints system and publish supplementary guidance⁴ on particularly challenging areas. For example, this summer we will be issuing revised guidelines for how police forces should handle allegations of discrimination. The guidelines have been developed following extensive engagement with voluntary and community sector groups that represent complainants, and in direct response to a 2014/15 oversight pilot project that revealed forces were failing to deal adequately with complaints alleging discrimination.
- 1.6 We are also in the process of reviewing our own approach to measuring user satisfaction and we have planned a rolling programme of engagement. This will include more face-to-face engagement with complainants and their representatives.

¹ <http://www.ipcc.gov.uk/page/written-responses-other-bodies>

² Chief Constable of West Yorkshire v Independent Police Complaints Commission [2014] EWCA Civ 1367

³ <http://www.ipcc.gov.uk/page/statutory-guidance>

⁴ <http://www.ipcc.gov.uk/page/focus>

- 1.7 We will also be updating the way we present quarterly statistics on complaints and appeals handled by police forces⁵ so that the public are better able to access and compare statistics between forces.
- 1.8 As a custodian of the police complaints system, we use complaints and customer feedback to recommend improvements to police practice, and we make recommendations for improvements to the complaints system itself. This work and how it is being developed further is described in more detail in our response to recommendation six.

Recommendation 2

The IPCC should build on the concordat with HMIC and the CoP ensuring its implementation fulfils the IPCC's statutory obligations under the Police Reform Act.

- 2.1 We accept this recommendation. Our concordat⁶ with HMIC and the CoP captures and formalises arrangements for collaborative working between our organisations. We believe this 'virtuous circle' of learning and improvement is integral to increasing public confidence in policing.
- 2.2 In our business plan for 2015/16, we have allocated additional resource to build on the concordat and we are establishing a director-level forum to ensure that it is embedded effectively into our processes and procedures.
- 2.3 We will continue to support the development of the CoP's Authorised Professional Practice (APP). We act as a critical reviewer and provide detailed feedback on draft APP content, including mental health, domestic abuse, rape and sexual violence, public order and detention and custody. In addition, IPCC Commissioners and staff are members of several reference groups relating to HMIC's annual programme of all force inspections (the PEEL programme) and we are members of a number of HMIC's thematic working groups in areas such as stop and search.
- 2.4 We have recently updated our Memorandum of Understanding with HMIC and Her Majesty's Inspectorate of Prisons (HMIP) in relation to their joint inspection of custody facilities across England and Wales. By continuing to support these inspections we hope to further promote the making of cohesive recommendations to improve police practice within custody and protect the human rights of those detained by the police.

⁵ <http://www.ipcc.gov.uk/reports/statistics/police-complaints/police-performance-data>

⁶ <http://www.ipcc.gov.uk/concordat>

Recommendation 3

The IPCC should consider what governance arrangements, consistent with wider reforms to the police integrity landscape, will best secure efficient, effective and accountable operations. This should, in line with Cabinet Office guidance, include a separation of the governance and operational roles. The Commission should take forward this recommendation with some urgency with proposals being presented to the Home Office in June 2015, and the Home Office should consider the IPCC's proposals in light of Cabinet Office guidance.

- 3.1 We accept this recommendation. As the Home Office is aware, we have been developing proposals for our future governance structure for some months, using our experience from the last 11 years and recognising what works well and less well. In doing so, we have adopted a series of principles to guide our analysis of different options. These principles focus not only on good governance practice, but also on the importance of improving public confidence in the IPCC and the wider complaints system. They are set out below.

In order to ensure that the IPCC can fulfil its role in overseeing and improving public confidence in the police complaints system, it needs to create a governance model that:

- Ensures **organisational effectiveness**. This will be demonstrated by:
 - Single points of accountability, responsibility and authority for decision-making
 - Robust performance scrutiny and internal challenge ensuring, consistently high quality work
 - Ability to operate in a timely fashion and effectively at scale
- Demonstrates **visible and strong independence** for both decision-making and policy-making. This will be achieved by:
 - A culture of integrity, independence and impartiality
 - Being led by a Crown appointee; neither they nor top tier decision-makers should have worked for the police,
 - Ability to make clear determinations, recommend remedies and contribute to enhanced police performance
 - Visible diversity within the leadership, top tier decision making and governance mechanisms
- Ensures **effective engagement with all stakeholders**. This will be demonstrated by:
 - A clear and current understanding of stakeholder perspectives throughout the IPCC
 - Regularly engaging with stakeholders, especially those who have least confidence in the police complaints system

- Demonstrating effective oversight and influencing improvements in the police complaints system
- Is **strong and robust**. This will be achieved by:
 - Clear governance and operations accountability
 - Roles and responsibilities understood by all
 - Appropriate external mechanisms to provide challenge and accountability
- Is appropriate for **England and Wales**
 - Organised regionally and nationally, under leaders with delegated decision-making powers
 - Strong central leadership team to ensure consistency

3.2 A number of options have been considered in detail by Commission and assessed against these principles. We have also obtained independent input to our discussions from Dr Michael Maguire, Police Ombudsman for Northern Ireland. Our proposals deal with the accountability issue identified in the Triennial Review, but go further, since we consider that the explicit separation of governance and operations will not of itself ensure efficient, effective and accountable operations, and that this requires a more radical solution. We have arrived at what we consider to be the optimal model for an organisation tasked with investigating and building public confidence in the complaints system, and which we believe addresses the issues raised in the review. Our preferred option is described below.

3.3 The Commission would welcome the opportunity to discuss this proposal in more detail with the Home Office, including:

- the need for legislative change;
- implications for the wider system;
- transitional arrangements, planning and responsibilities, including mitigation of any emerging risk; and
- the need for consultation on these proposals.

3.4 Our proposal is for powers to be vested in a single Crown appointee, with final accountability for decision-making and accounting officer responsibilities. We believe that this would achieve the required single line of accountability and decision-making which is necessary for effective governance and operational capability. We also believe that this would best be expressed as an Ombudsman role, analogous to other complaints and investigative bodies in the UK. We have considered retaining the title of Commissioner, for continuity, but this would cause considerable confusion with other police commissioner roles, including the Police and Crime Commissioners. In addition, the title of Ombudsman sits well with

government proposals for reform of the complaints system to provide powers of determination and own initiative. It would therefore involve a change of name, as well as structure. It is proposed that the Ombudsman should be a corporation sole. It is normal practice for Ombudsmen to be accountable directly to Parliament, to ensure actual and visible independence.

- 3.5 The Ombudsman would set the strategic direction for the organisation and would be responsible for the governance and performance of the organisation. He or she would work through a Deputy Ombudsman and through Regional Ombudsmen and a Wales national Ombudsman, who would have delegated decision-making powers and responsibility for oversight and confidence and stakeholder engagement in their areas. They would be the public face of the Ombudsman in their regions, as Commissioners are at present for the IPCC. For reasons of public confidence, neither they nor the Ombudsman should have worked for the police. They would have responsibility for operations staff, who would focus on investigations in their region. By doing this, the new organisation can brigade authority, responsibility and accountability for decision making throughout the organisation. In addition to those decision-making roles, we propose that there would be Directors responsible for support, strategy, change and some operational matters. However, these arrangements would need to be finalised by the Ombudsman.
- 3.6 The Ombudsman would be scrutinised by an Audit and Risk Committee with an independent chair and non-executive members, whose role would be to provide advice and challenge on internal controls, risk management, governance and organisational performance. This should be a statutory provision and the appointment process should ensure sufficient challenge and independent advice.
- 3.7 We also envisage that the Ombudsmen would be advised formally by external stakeholders, through advisory groups at national and regional level.
- 3.8 The decision-making accountability would rest with the Ombudsman, and would be delegated to Regional Ombudsmen and the Wales national Ombudsman via a decision framework that the Ombudsman creates. Some decisions may also be sub-delegated to other staff.
- 3.9 Regional Ombudsmen and a Wales Ombudsman would report through a Deputy Ombudsman who would oversee all of the organisation's operations, set standards, ensure consistency between regions and prioritise resources where necessary.

Recommendation 4

IPCC should, as part of its change programme, agree target dates with the Home Office for the full achievement of compliance requirements set out in cross-government programmes including “Next Generation Shared Services” and “Digital by Default”. These programmes should improve the quality and efficiency of IPCC services without impacting on the independence of the organisation in its responsibilities for the complaints system.

- 4.1 We agree that the IPCC should follow government strategy as set out in these programmes. As the Triennial Review report acknowledges, we are undertaking work aligned to a number of cross-Government agendas which relate to efficiency.

Next Generation Shared Services

- 4.2 We are discussing with Home Office officials how best to consider the potential for transfer of some of our back office functions to Next Generation Shared Services. We understand that neither Independent Shared Services Centre (ISSC) 1 nor ISSC 2 are currently in a position to offer a mature shared service, with established per seat costs and a commitment to migrating our service to the shared provider to a clear timetable, that would allow us to create a business case for such a transfer. We also understand that greater clarity from the Shared Service programme could be achieved over the coming few months, and we will continue to liaise with Home Office officials. As noted in Annex 7 of the Triennial Review report, we will require support from the Home Office regarding the available Shared Services options, and developing a business case for any transfer and transformation costs.
- 4.3 The IPCC is undertaking significant expansion and change and so the timing of any move to shared services must be considered in this context. The implementation of the new target operating model will require higher than usual support from services such as HR, Communications and Finance and this may be best provided by in-house functions. The longer term cost effectiveness of continuing to retain some back office functions will be considered through a business case as noted above.

Digital by Default

- 4.4 As noted in Annex 7 of the report, we do not currently provide any services which attract in excess of 100,000 users per annum. While complaints about the police numbered approximately 35,000 last year, the transactional services delivered directly by the IPCC to support these complaints attracted less than 10,000 users.

- 4.5 Our current digital services platform is hosted through G cloud and developed through the use of Open Source and a SME developer thus aligning us with the Government Digital Strategy (GDS). Our collaboration with police forces is achieved through the Public Services Network (PSN). Our news management and risk management systems are also all cloud-based and are sourced from Small and Medium-sized Enterprise providers. Throughout the development and implementation of our new operating model we will continue to work within wider CCS frameworks for ICT efficiency. For example, we intend to migrate the HOLMES major incident management tool to G cloud-based provision at the end of this calendar year.
- 4.6 We actively promote our digital channels. We operate a telephone Customer Contact Centre but encourage callers to complete online forms where they can. We do not print or send out paper forms unless specifically asked to do so. The online forms we provide for members of the public through the existing digital channel are triaged and processed electronically. We have developed an enhanced online referrals digital channel for police forces which is automatically triaged. Alpha and beta testing of this channel has concluded with seven forces live. We hope to have all police forces using the digital channel and to have implemented auto ingestion of e-referral form content by the end of this financial year.
- 4.7 We expect our alignment with GDS to increase further when our current outsourced ICT provision reaches the breakpoint in its seven to ten-year term at the end of 2016. Interim steps which involve G cloud hosting of our non production environment have recently been approved through Cabinet Office Technology (GDS) and Digital Spend Control approval processes. The outline plan for transitioning to a new ICT provision will be set out in our 2015-2018 ICT strategy, the implementation of which is expected to go through Cabinet Office MPA and GDS approval.

Recommendation 5

A comprehensive transparency policy with annual reporting on implementation should be developed as part of the IPCC's change programme.

- 5.1 We accept the report's recommendation to develop a policy which will demonstrate and build on our commitment to openness and transparency. This work will be incorporated into our business plan for 2016/17. We have recently conducted a high-level assessment of how we are meeting our responsibilities in this area. Developing a comprehensive transparency policy will bring together

the range of activities and policies we currently have in place to promote transparency.

- 5.2 We will continue to promote transparency through engagement with the public, our users and our stakeholders. In May this year we held stakeholder events across England and Wales. These events provided IPCC Commissioners and staff with the opportunity to engage directly with the voluntary and community sectors. We will now analyse the feedback from these events and use it to ensure that we maximise the benefits of engagement to promote transparency in our work.
- 5.3 From 2016/17 we plan to host annual open Commission meetings for stakeholders and members of the public. We will undertake to report on the implementation of our change programme during these meetings, and give the public and our stakeholders the opportunity to scrutinise and challenge our work and inform our future priorities.
- 5.4 We will develop additional engagement activity to promote transparency in our work through the implementation of our Engagement Strategy. We are exploring new ways of engaging with communities or groups where an incident has a significant impact on public confidence.
- 5.5 We have recently established an external stakeholder reference group to advise on our plans for expansion and change. The first meeting of this group was well attended by representatives from a number of voluntary and community sector groups, the Home Office, Police and Crime Commissioners and representatives from the police service. We will continue to hold these meetings on a quarterly basis for the duration of the Change Programme.
- 5.6 We also intend to write to the National Archives to propose that we should be subject to the Public Records Act. An initial analysis suggests that we are already mostly compliant with the legislative requirements in this area and so we expect to be able to implement this relatively quickly.

Recommendation 6

The IPCC should consider by June 2015 how best to fulfil the function set out in legislation “to make such recommendations, and to give such advice, for the modification of the arrangements maintained with respect to those matters” (the complaints system, death, corruption, serious injury and serious sexual offence). In doing so the Commission should have regard to the work of the Parliamentary and Health Service Ombudsman to improve public sector complaint handling.

- 6.1 We accept this recommendation, which is in part considered in our response to recommendations one, seven and nine, and we will continue to build on the work that is currently underway or planned for 2015/16. For example, we will continue to produce “Learning the Lessons” bulletins each year, along with additional thematic issues where necessary. These bulletins share best practice, and feature learning derived from both our own investigations and investigations handled locally by police forces.
- 6.2 This autumn we will also publish the findings of a research study into the use of force by police personnel. This work will allow us to develop an evidence base further to inform our recommendations to improve policing practice. We will also use this evidence to inform the debate about recording police use of force and to influence the work of partner organisations.
- 6.3 We have long argued that the police complaints system is too focused on apportioning blame, and incremental changes to the legislation have resulted in a system that is cumbersome and notoriously difficult to navigate. A simple, easy to access and timely complaints process that delivers transparent and meaningful outcomes is essential to the public having confidence in any service.
- 6.4 Our views on the principles of an effective police complaints system are set out in our response to the Home Office consultation “*Improving police integrity: reforming the police complaints and disciplinary systems*”⁷. We are committed to working with Home Office officials and our partners to ensure that any reforms to the system ultimately improve public confidence.

Recommendation 7

The IPCC should build on its work with PSDs and PCCs to:

- a. Identify and promote effective handling of complaints;**
- b. Promote transparency in local complaint handling; and**
- c. Support effective scrutiny of local complaint handling arrangements.**

- 7.1 We accept the recommendation that we should build on our work with Professional Standards Departments (PSDs) and Police and Crime Commissioners (PCCs) to do these things, and we welcome the report’s acknowledgement that our oversight function is critical to securing and maintaining public confidence in the police complaints system. Independent investigations are important in securing public confidence, but being equipped to undertake many more investigations will not, by itself, increase public confidence

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[http://www.ipcc.gov.uk/IPCC response to the Home Office consultation - Improving police integrity](http://www.ipcc.gov.uk/IPCC%20response%20to%20the%20Home%20Office%20consultation%20-%20Improving%20police%20integrity)

or address fully public concerns. There is also a need for greater oversight of the police complaints system as a whole.

- 7.2 Through our Oversight and Confidence Strategy we have demonstrated marked improvements in specific areas of local complaint handling, and in 2015/16 we will be establishing a dedicated oversight and force liaison function to further identify and promote effective complaint handling.
- 7.3 In addition to providing oversight of individual cases, our appellate function gives us access to information on trends and local practices within forces which we are able to use to promote effective handling of complaints at a local level. For example, following a targeted intervention we decreased significantly the rate of upheld investigation appeals within the Metropolitan Police Service (MPS). This brought the MPS in line with the national average.
- 7.4 As set out in our response to recommendation one, we will soon be making our complaints data more accessible and interactive on our website, which will make it easier for comparisons to be drawn between forces. We will also be looking at how we work with forces at a local level to promote transparency in the way they handle and report on complaints. We will report further on this programme of work in 2016.
- 7.5 Our commissioners meet regularly with heads of PSDs, chief constables and PCCs to scrutinise complaints data, discuss individual cases and promote effective local complaint handling. Dedicated force liaison staff will now be responsible for managing a portfolio of police forces and will meet regularly with PSDs to provide further scrutiny, share learning and promote effective handling of complaints.
- 7.6 We are currently developing a protocol with the Association of Police and Crime Commissioners (APCC). This agreement will formalise the way we work with PCCs and will build on our complementary roles and responsibilities in the police complaints system.

Recommendation 8

That the Commission review existing standards for IPCC staff engaged in casework and appeals, supported by high quality training.

- 8.1 We accept this recommendation and share the view expressed in the report that our work needs to be, and seen to be, of the highest quality. We welcome the finding of the review that there is no evidence to suggest any ongoing issues with the quality of our work. We are not complacent however and are currently

developing a quality strategy to ensure that we maintain and improve the standard of our operational work through a period of significant expansion. The key principles of this strategy will be:

- to embed quality into our operational model;
- to strengthen our quality assurance capability; and
- to define clear standards and quality measures.

8.2 We have recently appointed a Head of Quality and are establishing a dedicated quality assurance function in each IPCC office. The function will review the quality of our work and act as a local point of contact for advice and guidance on quality and best practice. We are also making our quality assurance processes more intrusive and timely to ensure early intervention where any quality issues are identified.

8.3 We recognise the need to demonstrate the quality of our work and part of this strategy will be to develop robust quality measures which can be tracked and reported externally. We expect to have these in place before the end of 2015/16.

8.4 We will be recruiting a number of new operational staff in 2015/16 and all will receive comprehensive training and be enrolled on an external accreditation programme. Dedicated training managers will continue to run regular continuous professional development days for all operational staff. These will allow us to adapt to any changes in legislation, policy or practice, and to make changes to the way we work following feedback from quality reviews, or from our users and stakeholders.

Recommendation 9

Consider how best to work with partners to monitor the follow up by police forces (and/or other relevant authority) to relevant recommendations it may make following investigations or appeals. (This should include the justification for non-compliance with a recommendation made by the Commission.)

9.1 We accept this recommendation and in 2015/16 we will continue to develop working relationships with partners such as HMIC, CoP and PCCs to deliver our respective responsibilities in this area.

9.2 Since October 2014, police forces and other organisations are required to respond formally to our recommendations. We provide a copy of all our recommendations and the subsequent responses to the relevant local policing body. In 2015/16 we will formalise how our recommendations can be followed up by PCCs through agreement of a protocol with the APCC.

- 9.3 We are working with colleagues at HMIC to establish a process for providing information about the learning recommendations we have made to inform their PEEL programme of force inspections. This will provide a mechanism for monitoring the follow up by police forces to relevant recommendations we make following investigations or appeals. We also discuss with the CoP any recommendations we are considering that would potentially conflict with existing policies or procedures.
- 9.4 Where appropriate we make disciplinary recommendations at the end of an investigation or appeal. In the event that an appropriate authority disagrees with our recommendation, we can direct that disciplinary proceedings are held. Appropriate authorities are required by law to comply with our directions, and we will continue to monitor compliance with these directions until the conclusions of the relevant proceedings.

Recommendation 10

That more work is undertaken to establish robust performance management arrangements with clearly defined performance indicators, benchmarks and a clear set of future expectations around productivity. As part of this work, the Home Office should secure and collate relevant benchmark data enabling interagency comparisons and, where appropriate, collaboration.

- 10.1 We accept this recommendation and we understand that the Home Office benchmarking data will be available in July 2015.
- 10.2 We have recently developed a new outcomes framework which sets out the key high-level outcomes we would expect to achieve if our strategic objectives are being met. The framework includes measures that we have not previously reported on, for example, quality and customer satisfaction. These measures and the mechanisms for collecting the required data will be developed and implemented during 2015/16.
- 10.3 We have set new targets for our operational work in 2015/16 and all investigators are required to provide a target completion date for each investigation at the outset. Any changes to target completion dates will require authorisation.
- 10.4 As part of our Change Programme we will be implementing our new People Strategy for 2014-2017 which sets out how we will be addressing performance management. This includes:

- establishing performance expectations annually for every employee from the beginning of their employment, through probation and through the performance management process;
- reviewing individual performance and contribution regularly so that a focus is kept on results and issues which may impact on performance;
- building on managers' skills in holding effective coaching conversations with individuals and building the confidence of all employees in participating with their managers in these sessions;
- recognising and rewarding contribution to the IPCC's aims and objectives;
- early intervention and proactive management of poor performance;
- ensuring that potential, aspiration and career planning forms part of the performance discussions at least annually for every individual; and
- establishing accountability at Director level for the satisfactory completion of performance reviews and the development cycle.

Independent Police Complaints Commission

June 2015