

IPCC Chair Dame Anne Owers gave a speech at the London School of Economics on 20 February 2013 as part of the LSE's Health of Our Institutions.

The health of our institutions

Over the last thirteen years, I have been involved in overseeing two of the institutions in our society that have the most extreme coercive powers available in society in peacetime – as Chief Inspector of Prisons for nine years and now as Chair of the Independent Police Complaints Commission. I want to reflect on those experiences, and in particular what this means for the current work of the IPCC and the state of policing.

Imprisonment is the most severe punishment that can be inflicted. It is more than just the loss of liberty. It takes place in closed environments, operating out of public gaze, where power inevitably resides with the custodian, not the detainee. Police have a range of coercive powers available to them: powers of arrest and detention, forcible entry and search, the ability to deploy a variety of lethal and non-lethal weapons – yet they need to exercise these powers within a tradition of ‘policing by consent’ that relies on public confidence and trust that these powers will be used fairly and reasonably. Both institutions have to deal with people who may be vulnerable, or challenging, or both. Crucially, both are part of the contract between citizen and state that outlaws private vengeance and retribution.

So, these are institutions whose health and integrity are critical to the health of society as a whole. If we are to be content to cede so much power and

coercion to individuals and institutions, we need to be confident that they are exercised within structures that are accountable, transparent and fair. That is why, in both cases, there is a range of domestic and international law obligations to govern the ways that they must operate, and in particular to provide robust oversight mechanisms over their operations and outcomes.

Interestingly, the concept of health is one that is central to the way that the Prisons Inspectorate operates. Over time, it developed the concept of the 'healthy prison'. This may sound like a contradiction in terms: prison is by definition coercive and potentially damaging. But that concept defined an institution that was responsible for the care of human beings and needed to be judged, not on its targets and outputs, but on its culture, quality and outcomes. It arose from an Inspectorate report on prison suicides, which in the past had been seen as a medical issue: often dealt with through drugs (including the infamous 'liquid cosh') or physical restraint. The Inspectorate, drawing on findings from the World Health Organisation, entitled its report *Suicide is everyone's concern: the prevention of suicide, and most importantly dealing with the issues that underlie self-harm, is a matter for the whole institution, and in particular its residential staff*. In other words, it was wrong just to pathologise the individual; their distress and actions to some extent reflected the pathology of the institution. That approach was endorsed by the All Party Parliamentary Human Rights Group's report on deaths in custody, which found significant associations between the quality of prison life, levels of prisoner distress and rates of self-inflicted death. This helped frame a different response to suicide and self-harm, culminating in a system called ACCT (Assessment, Care in Custody and Teamwork) – the clue is in the title – which looks at such things as the physical environment and the culture of the prison,

and crucially aims to engage all staff in suicide prevention and the management of self-harm.

That seems to me to be indicative of two things, both relevant to this talk and to the institutions I now chair and oversee: the IPCC and the police. One is the necessity for independent oversight and independent investigation of serious incidents. The other is that such incidents, and indeed complaints, are powerful indicators of the health of institutions – just as pain is indicative of something deeper going on – and, similarly, if not attended to and treated will have much more adverse effects. So I want in this talk to focus on oversight and the investigation of serious incidents and the handling of complaints, and to reflect on what they mean for the way in which the IPCC has operated and needs to operate.

It is no accident that there is a requirement, both in domestic and international law, for independent oversight of places of detention (which includes police stations and closed mental health institutions as well as prisons), or that there is also a requirement for independent investigations into circumstances in which the action, or inaction, of the state may have contributed to a death. Both at European and United Nations level, there are international conventions and bodies that mandate and oversee independent monitoring of places of detention. This is a key element of the Council of Europe's Convention against Torture and Inhuman and Degrading Treatment, and its UN equivalent, which now includes an Optional Protocol requiring states parties to have in place a 'National Preventive Mechanism' or NPM - an independent body, or bodies, with absolute right of entry without warning to all places of detention and the power to publicly report on what it finds.

One crucial element is a regular programme of actual inspection visits, communicating directly with detainees. It is not possible to inspect places of detention simply by looking at policies, processes or alleged outcomes. Early in my time as Chief Inspector, I developed the theory of the ‘virtual prison’ – the one that sometimes existed in the Governor’s office and found its way through various layers of management into the Minister’s red box. I am sure there are also virtual police stations, basic command units and forces. So long as they appear to meet their targets, few questions are asked – and we have powerful examples of that in all institutions, most recently in the mid-Staffordshire hospital scandal. So, being there, looking for outcomes and not inputs, is an essential part of effective oversight and a necessary health check for our institutions.

While I was at the Prisons Inspectorate, we joined with the Inspectorate of Constabulary to set up a team to inspect police custody, which had never previously been the subject of regular inspection visits focusing solely on the conditions in custody and the treatment of detainees. Those inspections not only look at whether guidelines and standards are followed: they also challenge them. For example, there is no routine monitoring of use of force in police custody, as there is in prisons, to establish whether there are patterns of use that are of concern: either in relation to frequency, or to particular officers or particular kinds of detainee. So, an important preventive tool is lost.

Inspection is, or should be, essentially preventive: providing regular health checks; and it is frequently complemented by the oversight of citizen volunteer bodies, such as the Independent Custody Visitors in police custody, or Boards of Visitors in prisons, which can provide more routine oversight, as well as accountability to the local community. But this preventive work needs to be

complemented by a capacity for independent investigation and complaints oversight when and if things do go wrong: in other words a reactive, as well as a proactive capacity. That is essentially what the Prisons and Probation Ombudsman (PPO) does in England and Wales in relation to prisons and immigration detention facilities, and what the IPCC does in relation to the police. Both organisations provide an avenue of appeal for dissatisfied complainants; both are also required to investigate deaths that occur in detention or during or after police contact.

This latter responsibility flows directly from the Human Rights Act 2000, which brought the European Convention on Human Rights (ECHR) into UK law. Article 2 of the ECHR provides a right to life. That means not only that the state must not, except in certain extreme and clearly defined circumstances, kill people; it also means that the state must take positive steps to protect life, particularly when it has assumed control and responsibility for someone, for example by arresting or detaining them. The courts have decided that this must involve independent investigation into the causes of any death that occurs while someone is in the care of the state, or where the state's action, or failure to act, may have contributed to the death. For that reason, the PPO's remit was extended to include investigating all deaths that occur in prisons or immigration detention; and the IPCC's mandate, from its creation in 2002, has included overseeing all deaths that occur during or after police contact, and independently investigating those where that contact may have contributed to the death.

But there is a critical third element to the assurance of health and integrity in these institutions. That is the willingness, and the capacity, of the institution itself to receive and act on the findings and perceptions of the oversight

bodies. It reminds me of the joke about how many psychiatrists it takes to change a light bulb; to which the answer is 'Only one, but the light bulb really needs to want to change'. Similarly, no matter how many reports, investigations, recommendations or visits emanate from oversight bodies, they will have no impact unless they result in changes – not just to policies, but to actions and cultures. So, one measure of the health and wellbeing both of the regulator and regulated body is the latter's receptiveness, both to the outcomes of inspection or investigation, and to complaints that come from those who come into contact with, or are in the control of, those services. A complaint is an expression of dissatisfaction; and a healthy institution needs to own and be responsive to the views of those whose lives it affects.

That is why the IPCC's name is in many ways deceptive: in relation both to its resources and the purposes for which it was set up. I have frequently said that the first and last words of its title are correct – it is independent and it is a Commission – but it is not the police, and it was never designed to deal with the great majority of complaints against the police. All police forces have their own professional standards departments, which deal with issues of integrity and discipline within the force, and which are responsible for the effective handling of complaints within that force. The IPCC employs fewer people than the professional standards department of the Metropolitan Police alone, yet it covers the whole of England and Wales. It was therefore never meant to be a first port of call, but to sit on top of a system in which the police themselves deal with most complaints and investigate most incidents of concern.

We have a direct role in two kinds of case. First, certain serious matters must be referred to us. That includes deaths or serious injuries during or after police contact, serious corruption allegations, serious assaults or sexual allegations.

Every year, around 2,500 such cases are referred to us, and we have to decide how to use our slender resources most effectively. We have four choices: we can investigate independently, we can manage or supervise an investigation by the police themselves, or we can refer the incident back to be dealt with locally. In practice, we can only carry out about 130 independent investigations a year, and about the same number of managed and supervised investigations. These are the most serious cases and I will talk about them more later. The great majority of investigations are therefore carried out by the police themselves.

Even when we do take on cases, our resources are stretched. We have about 100 investigators for the whole country. Imagine how many police officers would be deployed to a serious incident and how quickly they would be able to get there: the Metropolitan Police deployed 30 officers to investigate the Andrew Mitchell case alone. That may affect the speed with which we are able to complete our work. However, the priority must be to assure the quality and robustness of what we do. The two inevitably have to be traded against each other, but the speed with which we are able to conclude an investigation is a legitimate concern to bereaved families, complainants – and indeed those under investigation.

There is a similar picture in relation to complaints. We act as an appeal body for complaints, and in recent years have received around 6,500 appeals a year – a figure that has been growing year on year, at the same time as our budget has been decreasing, with the unacceptable consequence that there is a delay of 26 weeks before appeals are even looked at. Our appeals remit has recently been restricted to complaints which, if proved, would amount to criminality or misconduct, or which breach fundamental human rights. That doesn't mean

we investigate those cases: it is an appellate function, and we deal with it mostly on the papers – though we may wish to seek clarification from complainants or the police. And if we uphold an appeal, we often return it to the original police force to reinvestigate.

One of the greatest problems for the IPCC, therefore, is the difference between the reality of its role and resources and the public expectation of what it does and can do. There are, as you will be aware, plans to shift some of the resource from PSDs to the IPCC, and I will be reflecting later on what that means. But, with over 30,000 recorded complaints a year, representing nearly 55,000 allegations, short of creating the equivalent of a new police force, the bulk of resources for handling complaints will remain with the police themselves – and indeed that is how it should be. As I have already said, it is important for any service to own its complaints and to act swiftly to resolve matters where possible.

I want to focus on the work of the IPCC in relation to three specific areas: investigations into deaths; work on corruption and integrity; and complaints handling – and to ask what this says about our police service, and about the powers, resources and approach of the IPCC.

The great bulk of our independent investigations are into deaths – 77 out of 126 in 2010-11 . Our powers in independent investigations are extensive. We have the power to seize documents and even carry out surveillance operations. Where we believe that there is reasonable suspicion of criminal conduct on the part of a police officer or member of staff, we have the power to arrest that person and question them under criminal caution. If, after the investigation, we believe there is a case to answer for criminality, we refer it to the CPS. Where we think there is reasonable suspicion that there may have

been misconduct, short of criminality, police officers and staff are also required to attend for interview and will be questioned under a 'misconduct caution'. If we believe there is a case to answer for misconduct, we can direct that there should be misconduct proceedings, carried out by the police authorities. We can also make recommendations, based on our findings, for changes to policies or procedures.

There are, however, some gaps, in addition to the resource constraints I have already described. First, we have not been able to require police officers or staff to attend for interview if they are witnesses, rather than suspects. One typical example is the eleven officers present when Mark Duggan was shot in Tottenham in August 2011. Only one officer fired the gun, but the others were present when the incident took place. They all refused to attend to be interviewed. They did agree to answer questions in writing and through their solicitors. That led to a protracted and profoundly unsatisfactory process that lasted for over six months, during which we wrote questions, they eventually provided some answers, which inevitably led to further questions and further partial answers. I have described this process as being about as effective as putting a message in a bottle and floating it down the Thames. It simply does not compare with a direct interview, during which answers can be directly and quickly probed and tested against other evidence and interviews. The public is rightly shocked that public servants, witnessing a death, are not prepared to cooperate with the subsequent investigation. We have now been given a statutory power, in the emergency legislation passed in connection with the Hillsborough investigation, to require officers and staff to attend for interview: but we still cannot compel them to answer questions, and it could be that police are advised simply to turn up and not say anything. Given the current state of public confidence (or lack of it) in policing, I believe that it would be a

classic own goal if the police responded negatively, defensively or minimally to what is the clear intention of Parliament and the expectation of the public – that they cooperate fully with our investigations and are prepared to answer interview questions.

A second gap is that we have no power over private contractors exercising policing functions, unless they have been specifically designated as custody officers. That is becoming all the more important as police forces, under budgetary pressures, devolve more functions to the private sector: such as transport (often of people who are mentally ill or under the influence of alcohol or drugs); call handling (which can dictate whether an emergency is properly responded to); and some public order functions. For example, during the recent Olympics, a whole variety of organisations and groups exercised policing functions. In order to ensure that there was proper oversight, we developed agreements with organisations that we don't normally oversee: police from Northern Ireland and Scotland, armed forces personnel from the Ministry of Defence. The one group that we had no jurisdiction over was G4S.

Finally, and importantly, the legitimate question that we are often asked is 'and what happened next?' 'what difference did you make?' . We do not prosecute or convict. We are not involved in internal misconduct or disciplinary proceedings. So, in crucial areas, we are reliant on the actions of others; and sometimes their failings are put at our door – both in terms of the length of time it can take, and the eventual outcome. You will be aware, for example, of the investigation into the death of Ian Tomlinson at the G20 protests. An independent IPCC investigation held that there was a case to answer for criminal conduct against PC Harwood, the officer who struck Mr Tomlinson. The CPS declined to prosecute. An inquest, which commended the

thoroughness of the IPCC investigation, returned a verdict of unlawful killing. The CPS then decided to prosecute, but the jury did not convict PC Harwood. He was, however, summarily dismissed by the Metropolitan Police Service at a disciplinary hearing that followed. Those proceedings took three and a half years – though the IPCC’s initial draft report was completed within four months and sent to the CPS. Such delays to inquest are not uncommon.

We are also not responsible for the decisions about criminal proceedings or disciplinary sanctions that follow our reports. For example, in 31 independent investigations into deaths in custody between 2009 and 2012, we referred 24 officers (representing six of those deaths) to the CPS for prosecution, but the CPS has not so far prosecuted any of them (we are still awaiting decision in two cases, involving six officers). In those 31 cases, we also found that 33 officers had a case to answer for misconduct, 15 of them for gross misconduct. The police disciplinary proceedings that followed resulted in just one officer being dismissed, six being given a final written warning and a further five a written warning. Three resigned or retired before proceedings took place; no action was taken against seven; others had lesser sanctions or are awaiting decision. There is a live argument as to whether we ought to play a more active part in internal disciplinary proceedings.

There is, though, a more general issue in relation to the recommendations for change that we make following a death – or any other – investigation. Individual culpability is one thing, but organisational learning is equally important, to avoid future failures – and sometimes it is the system, not the individual, that has gone wrong and should change. Yet there is no obligation on forces even to respond to our recommendations, still less to act on them. As I said earlier, the readiness and capacity of organisations to change is a

critical part of accountability and health. But we have no routine means of knowing whether anything has been done, or even promised, as a result of any systemic or institutional failings we find. That is why we are asking for statutory powers to require Chief Constables to respond to recommendations – and crucially the resources to be able to follow this up, for example through meetings with senior officers or the new Police and Crime Commissioners.

Those are the gaps – and I am of course aware of some of the other criticisms levelled at the IPCC. One is the number of ex-police we employ – currently, around a third of our investigators have been police officers. Ex-police bring important skills and experience to the IPCC – when I was Chief Inspector of Prisons, half of my inspectors came from the Prison Service, and they were among the most robust and independent, knowing what to look for and being impatient or even furious with behaviour or standards that were unacceptable. However, it is important that we balance ex-police with people who come from other areas and disciplines, and who can ask the questions that even the best people in institutions have stopped asking, because they take things for granted. All institutions have a default setting of convenience, and institutions that operate outside the public gaze, and need to inculcate a strong sense of corporate loyalty, can do so more than most. So, the balance is important.

But what is even more important is the culture. We need to be, and to be seen to be, independent. Independence is not the same as neutrality: we are not neutral where there has been abuse of power, negligence or racism, for example. We do not act for complainants or bereaved families, but we are there to ask the questions they want answered – even if the answers are not always what they want or expect. We were not created because the police were dissatisfied with the way complaints and investigations were being

carried out, but because complainants, such as the Lawrence family, were. So, we need to understand without excusing, to be fair without taking sides, and to ensure that, just because the evidence we get from the police may come first and be most coherent, that is not the full story – it is a piece of evidence that has to be treated as such, and weighed against all the other evidence we need to collect.

It is also important that each independent investigation is overseen by a Commissioner who by law can never have worked for the police. We have just recruited five new Commissioners, from a variety of different backgrounds, and are about to take on two or three more. One of the criticisms in the recent Home Affairs Select Committee was that their oversight of independent investigations was not sufficiently robust or intrusive. Over the last few months, we have taken steps to clarify and strengthen their role, as a very important bulwark of independence.

But, while acknowledging the need to pay attention to legitimate concerns about the quality and independence of the IPCC's work, I would also like to point out some of the changes that have resulted from the work of the IPCC over the last eight or nine years. First, some figures. In 2004, the year that the IPCC first began operations, 36 people died in or immediately following police custody, and the average annual number over the preceding three-year period was 35. Last year, that number was 21, and the average over the last three years is 18.

That declining curve reflects an attention to safer custody procedures as a consequence of the presence and the investigations of the IPCC. Literally hundreds of recommendations have been made in individual reports and to individual forces. More importantly, they were reflected in national guidance,

issued by ACPO to all police forces in 2006, and revised in 2012, on safer detention and handling of persons in custody. The recommendations cover such matters as cell design and checks, restraint techniques and training in positional asphyxia, medical care, training and handover for custody staff, proper treatment of those defined as 'drunk and incapable'.

There are, however, still causes for concern. One is the number and prevalence of deaths of those who are mentally ill. Over half of those who died during or in custody in 2011-12 were recognised as suffering from some form of mental illness, and this must represent a bottom line, not the total picture. Too often, this represents a failing in the provision of mental health services outside the criminal justice system, as well as, or sometimes rather than, failings in treatment by the police. It is quite wrong, for example, that police stations are designated as 'places of safety' under the Mental Health Act. Police cells are not an appropriate or a safe place in which to place people who are acutely mentally ill. The code of practice under the Mental Health Act says that police cells should be used only on an exceptional basis. Yet in 2006, an IPCC report found that twice as many people were detained in police cells under these provisions as were in a hospital environment. By 2012, that number had decreased to 37% - but that still represents over 8,500 people inappropriately placed in police custody because they are seriously mentally ill.

Too often, the police are called in to deal with acutely mentally ill people who may be a danger to themselves or others, because of failings and gaps in provision. One Coroner has told me of a local health authority unable to afford to open its brand new PFI-built secure facility, with the consequence that very ill and sometimes dangerous people are at large and the police have to be called to detain them. That cannot be right – it is a classically pathologised

situation, where individuals (both those who are mentally ill and the police) are in crisis as a result of systemic failures. There is, however, a greater understanding of this issue following Lord Bradley's report in 2009 and some good practice in some areas. Nearly £20 million has been made available for liaison and diversion schemes, and there are over 120 such schemes now in operation. But progress is slow, and at a time of huge pressure on public resources, the key question is whether there are sufficient services to divert people to.

There are other areas where the IPCC has visibly made a difference. One is the approach to deaths that are the consequence of gender abuse or domestic violence. Too often in the past police failed to respond effectively or swiftly enough to allegations of domestic violence, writing them off as 'domestics' or failing to recognise that the victims were both reluctant to come forward and often under pressure to withdraw allegations. This became a priority area for the IPCC, following a number of horrific and violent deaths, and it is one where we have worked closely with voluntary sector organisations supporting those at risk of gender or domestic violence. As a result, we have been able to improve our own practices, and those of police forces, contributing to domestic violence reviews and training and guidance for officers. One force, for example, has worked with a victim's mother to produce a training film for all new recruits. This has also fed into thinking about how police should deal with other vulnerable people, such as abused children or rape victims.

Finally, the IPCC has been able to have an influence on police pursuit techniques, as a consequence of the number of investigations we have carried out into road traffic deaths following such pursuits. On average, 30 people a year die in RTIs involving the police, the majority of these resulting from police

pursuit. Working again with key voluntary sector organisations, the IPCC helped identify issues and trends which then strengthened ACPO guidelines for the management of police pursuits. Following further pressure, this has now become a statutory code.

There are, though, some areas that we need to address. One is deaths following restraint. These are often very contentious deaths and ones where the IPCC has been most criticised. There is often a mental health or substance abuse issue and many of these deaths are of young black men. While, as I have said, this may reflect failings elsewhere in the system, it also can reflect a literally fatal lack of awareness or training on the part of the police: where challenging or odd behaviour is written off as casual violence or drunkenness. We need to do more work on that. And that is one reason why I believe that the police themselves need to keep and closely monitor better records of the reasons, situations and people where and on whom force is used. This is one of the areas that the IPCC also needs to monitor more closely.

In relation to our deaths investigations in general, we also have to listen to the experience of bereaved families and the lessons to be learnt from inquest findings – to see whether there are ways in which we should strengthen the way in which we carry out our investigations and use the powers that we have. That is why I commissioned an external review, following the inquest into the death of Sean Rigg in Brixton police station, whose findings differed significantly from our own. It is also why we are undertaking a more extensive review of the way in which we deal with all deaths, talking to our critics, bereaved families, other organisations, the police, and our own staff and Commissioners. That will be published in the autumn and will help us develop the effectiveness of this crucial part of our work.

One aspect that I am concerned about is the reduction in research capacity that we had to implement as a result of the real term 20% budget cuts imposed on us over a 3-year period, in order to protect the front line of investigations and casework. I hardly need to remind this audience of the need for research, in order to identify and analyse underlying issues and problems and produce an evidence base for change. IPCC research reports were key in developing better practice in the areas I mentioned earlier: safer custody, road traffic incidents, domestic violence. But our capacity to do this is now extremely stretched, and we are in the frustrating position of having a wealth of important and unique information that we cannot effectively analyse and use to improve practice.

Let me move on to police integrity, the subject of the Home Secretary's statement to Parliament last week. This was not originally one of the focuses of IPCC activity, nor was it planned to be. But it has assumed greater prominence and importance as a result of some high profile cases, including the phone hacking scandal. Over the last three years, the IPCC has assumed a more active role in such cases, including independent investigation of the most serious allegations, and has published two thematic reports on corruption.

Corruption covers a wide spectrum of activity, some of it instantly recognisable - taking bribes or 'fitting people up' (for example the case of Ali Dizaei, imprisoned for perverting the course of justice by arresting someone with whom he had had a personal dispute and making false statements about the arrest). But it also includes action, or inaction, that is an abuse of power, an abuse of position for personal gain, or the first step on a slippery slope.

At the very serious end, we produced a report, based on our own and police investigations, into police officers who abuse their powers for the purpose of

sexual exploitation – often homing in on vulnerable or less credible women and men, with mental health difficulties, problems of alcohol or drug dependence, or experience of domestic abuse. That followed the conviction and imprisonment of one officer for five sexual offences and six counts of misconduct in public office. We identified 54 cases referred to us over a two-year period because of such allegations. Only a few were proved, but it was clear that they usually reflected systemic issues. First, there were weaknesses in vetting, with information not being passed on between forces or from previous employment – and a particular issue with contracted-in staff. Second, there were issues of supervision: in most of these cases, colleagues had harboured suspicions (for example ‘I would not have wanted to be in a lift with him’) , but warning signs had not been picked up or acted on early enough. Finally, because of the nature of the victims, they were not always believed, or did not think they would be believed: people did not see through the complainant to the complaint. All of this points to the need for robust internal systems to monitor and prevent abusive behaviour, and reinforces my earlier point about the necessity for institutions themselves to recognise the symptoms of ill-health before they flare up into acute problems which cause huge pain and need radical surgery.

In the second category, we have found gross misconduct against two Chief Constables, a Deputy Chief and the Metropolitan Police’s Director of Public Affairs for trying to circumvent recruitment procedures in order to assist friends or relatives of friends into jobs with the relevant forces. In one of those cases, the Chief Constable had not only lied to the IPCC, but had also directed a member of his staff to do so. He was dismissed. In another case, a Deputy Chief Constable had received more than £30,000 from his police authority without any explanation or audit. Indeed, the whole issue of the pay and perks

of very senior officers, particularly Chief Constables, has until now been less than transparent.

At present, we are carrying out investigations of various kinds in relation to six ACPO rank officers. Allegations about senior officers are particularly damaging, even when they show only poor judgment, rather than actual misconduct. All the evidence about integrity within institutions points to the need for this to be led from the top. If this is not present, or is nuanced in relation to the exercise of power and authority, this clearly affects the behaviour of those in more junior positions. Too often, our investigations into senior officers have revealed a mindset that the normal rules don't apply once you reach a certain status or rank: precisely the same mindset that meant that MPs' expenses practices were never exposed to the acid test of 'what would others think of this?' It also highlights the need for proper whistle-blowing procedures – the police service is extremely rank-conscious and it can be highly career-limiting to sneak on your boss, or indeed the colleagues on whom you will need to rely in a crisis.

More generally, our work on corruption has identified the need to be very conscious of the slippery slope – the development of practices or behaviour that can lead to more serious issues of integrity. Hospitality – from free boxes at important matches, to free drinks at a pub – can create privileged relationships and dependencies, unless they are recognised as creating potential vulnerabilities and monitored carefully.

The police service, and the IPCC, is now much more aware of this. Our corruption report identified the fact that there was a wide divergence among police forces in the number of cases of alleged corruption referred to us, not explicable by size or type of force. This was partly due to the absence of a

clear definition, and we have been working to help develop one: when a member of the police service abuses their position for personal, or perceived organisational, advantage, with the potential to affect a member of the public. That can include, for example, accessing computer systems for personal gain or for the benefit of others, procurement practices that are influenced by corporate hospitality; persuading an offender to 'confess' to unsolved crimes (the infamous TICs) to make crime statistics look better. We have been working with forces and anti-corruption units so that appropriate referrals can be made, and guidance provided to force, and are currently supervising over 80 cases – often where covert intelligence-gathering is needed.

That activity will almost inevitably result in a higher number of referrals and investigations of corruption – as it should. But we need to be very careful in what we read into that. Reports from both the IPCC and the Inspectorate of Constabulary refute the notion that there is endemic corruption in the police service. Where it does occur, it is serious, because it is corrosive of public trust and highly damaging to the health of the service. But, compared to other countries, and indeed to other times, we have a police service relatively free of corruption. I am old enough to remember the nefarious activities of the Vice Squad in the MPS and the Serious Crime Squad in the West Midlands – both aptly named. They belonged in a culture of back-handers, closed eyes and so-called 'noble cause corruption' that dogged some of our largest forces in the mid-twentieth century. We now have a much more professional and professionally led police service.

Last month, Sir Christopher Kelly launched his last report as Chair of the Committee on Standards in Public Life. It reviewed the key lessons learnt since Lord Nolan published his first report in 1995 on improving ethical standards in

public life. In the intervening years, a lot of water has flowed under the Nolan bridge, carrying quite a number of less than savoury objects: the MPs' expenses scandal; the cavalier behaviour of once-trusted banks; political donations for access or influence; the unhealthy relationship between the police and the press and the behaviour of a few very high ranking police officers; high profile problems in hospitals and care homes; old scandals buried and now resurrected.

Sir Christopher's report pointed to a paradox that is particularly relevant to those oversight organisations that I referred to, and strongly endorsed, at the beginning of this lecture. The more we focus on integrity, set up regulatory bodies to monitor and sanction breaches, and in effect demand higher standards of our public servants and institutions, the more is revealed and the more public trust in integrity can be undermined rather than assured. In other words, simply doing the job (and perhaps doing it better) can create the impression that things are getting worse, rather than that there is a proper and robust approach to standards.

That paradox has been evident in both my roles. In general, my nine years as Chief Inspector saw a rise in standards in prisons: greatly improved healthcare, much better quality education and training; a renewed focus on resettlement as core business; a decrease in suicides; considerable investment in children and young people. If that had not been the case, we might just as well have shut up shop and done something more useful. However, we also pointed to the prisons that were failing and struggling, and to the fact that the ever-rising prison population meant that this good work was being spread too thinly – and indeed may have encouraged the use of prison for purposes for which it is not intended and should not be used: to educate our children, care for our

mentally ill, deal with addictions. Some of those chickens are now coming home to roost, now that resources are increasingly stretched both in prisons and in the other services that are needed to reduce or prevent the need for imprisonment. Nevertheless, it was understandably galling to prison managers and staff who were part of a slow process of improvement that the public's view of them and their work was largely determined by the bad news stories that came from robust inspection.

Equally, I foresee that the IPCC's enhanced role in investigating corruption, foreshadowed in the Home Secretary's statement last week, and our encouragement of forces to identify it at an early stage, could undermine, rather than reinforce, public confidence unless it is understood and handled in the right way – as a rigorous approach, both within and outside the service, to assuring integrity and preventing and monitoring behaviour that falls short of that standard. We do not want a situation where the fear of negative publicity can stifle internal vigilance or openness to independent scrutiny.

Finally, I want to talk about the less serious issues we deal with – the oversight and appellate function in relation to complaints by the public about their treatment by the police. The greatest percentage of these involve allegations of incivility or neglect of duty. 'Less serious' is, though, a misleading definition. Each individual incident may be less serious, but together these allegations involve many thousands of people, and reflect those problems that arise in the day to day experience of the citizen's interaction with the police service. For example, they will include complaints about the use and approach of stop and search, one of the major rubbing points between young people, and particularly black and minority ethnic young people, and the police. They will include occasions when people feel they have been let down by the police's

response to their concerns. Equally importantly, they can be early indicators of something that is beginning to go wrong in relation to culture, practice or individual behaviour – which, if not caught early, can escalate into something serious. A police force that does not take seriously minor incidents reported by one partner against another may well find that it has failed to protect a woman against serious abuse or death; inappropriate or oppressive use of stop and search can alienate communities and at worst fuel civil disorder.

As well as dealing with appeals, we issue statutory guidance to police forces on how they should deal with complaints. It is both inevitable and right that they should be the people primarily dealing with complaints – as I have said before, they are the people who should both sort them out as quickly as possible, and also learn from them. Our guidance stresses that, like any other business, the police should see complaints as important customer feedback – whether the complainant’s perception is right or wrong, it reflects their views and needs to be engaged with if policing by consent, the bulwark of British policing, is to be retained. Too often, a complaint is seen as something that will lead to blame, or, as one force made clear to us, as a slur on their reputation.

I said at the beginning that oversight is useless unless institutions actively want to change. That is why the complaints system operates as it does. Some of you may know of John Braithwaite’s work on regulation and the regulatory pyramid he described. It crucially rests upon a wide base where matters are recognised and dealt with through persuasion and by the institution itself – whether that is a supermarket, a health authority or a police force. It is only when you start climbing the pyramid’s slopes that you should reach external regulation and only towards the top should there need to be sanctions. So the effectiveness of the IPCC, or the health of the police service, should not be

judged solely, or even mainly, on the number of police officers prosecuted or sanctioned: indeed, the opposite may be true if lessons are being learnt and applied early. For the IPCC to function properly, even with greater resources, it requires the police service to own its complaints, encourage dialogue with complainants and act to resolve issues, rather than fight them. The use of restorative justice techniques, for example, is beginning in some forces, and needs to be encouraged.

It does not inspire confidence, however, that, year on year, the number of appeals to us from complainants keeps rising – as does the proportion of those appeals that we uphold. It should not be the case, nine years after the Police Reform Act came into force, that we are upholding 70% of appeals against police forces' failure even to record a complaint; or that we find nearly one in three local investigations deficient. This is in spite of the considerable effort we have devoted in recent years to a 'Right First Time' campaign – trying to ensure that complaints are handled properly and effectively at first instance. There are also concerns about the involvement of particular groups in the complaints system. We know that young people are reluctant to complain, and a recent survey found that 40% of BME people surveyed would not complain, for fear of repercussions.

That brings me to a final but crucial point – what difference does all this make? There is little point to investigation, inspection or any other form of oversight if, as a result, nothing changes and mistakes and failures are simply repeated. Complaints organisations need to be much more than a job creation scheme for themselves. I have already pointed to some key areas where police policies and practice have changed as a result of IPCC investigations. There are many more – and our series of 'Learning the lessons' Bulletins over the last five

years has covered areas as disparate as call handling, DNA sample retention, dealing with missing persons, transporting detainees, and links with the ambulance service. But, as I have said, our capacity to provide evidence and analysis has been reduced and is very stretched.

So, what does this mean for the future, and the health, of the IPCC and policing? The IPCC itself faces some new challenges, or potential opportunities. We have been assured of some of the additional powers that I mentioned earlier (and have already been given the power to require police witnesses to attend interview). But we also face an expanded and growing remit.

First, there are the Hillsborough investigations: one into the aftermath of the disaster and the alleged cover-up, and the other into the cause of the 96 tragic deaths. The first is the subject of an independent IPCC investigation. The second is a wider investigation into the actions of a whole range of organisations and agencies, being overseen by Jon Stoddart, former Chief Constable of Durham; the IPCC is managing that part of his investigation that relates to the actions of the police. Together, this is the largest investigation the IPCC has ever undertaken, and the largest deaths investigation carried out in the UK. We have been promised all the resources we need to carry this out effectively, but that involves a significant increase in our staffing and capacity which we will need to manage carefully.

Hillsborough, then, is a significant challenge –but could also be the forerunner of a number of other large and serious historic cases coming to us: the so-called ‘battle of Orgreave’ between police and striking miners; the Jimmy Savile allegations and why they were not more rigorously pursued; perhaps other potential abuses of the past, like the activities of the West Midlands

Serious Crimes Squad. Clearly, there are serious issues in play here, but in some cases they are issues that can relate to policing practices in previous decades, rather than the issues, problems and failings that confront the police service of the twenty-teens. As the Police Ombudsman in Northern Ireland found, it is possible to be overwhelmed with historic cases with the result that it is difficult to conserve enough resource or energy to deal with pressing current issues. For that reason, our founding legislation expressly prevented reinvestigation of matters already dealt with by our predecessor body, the Police Complaints Authority. That bar has now been lifted by emergency legislation to allow us fully to investigate the Hillsborough tragedy, but only in 'exceptional cases' such as Hillsborough. We will need to look very carefully at how we use that power, and how we mitigate the risk of dealing with historic cases at the expense of our ability to respond swiftly and fully to today's complainants and alleged misconduct.

At the same time, a huge extension to our current work is being proposed. The Home Affairs Select Committee report strongly recommended that the IPCC should be given substantial additional resources so that we can carry out many more independent investigations into serious matters, and also play a greater role in overseeing the way that the police themselves deal with less serious incidents and complaints. Last week, the Home Secretary made clear that a central feature of reassurance about police integrity was that the IPCC should be resourced to investigate all 'serious and sensitive' cases, with resources for this being transferred from professional standards departments in police forces themselves. This is not a minor or insignificant change: it reflects a recalibration of the relationship between the IPCC and the police service and a redefinition of the role of the IPCC and the expectations of us.

We need to seize that opportunity to enhance our effectiveness, and we will be developing our ideas about that over the next few weeks – so watch this space. But I think there are three key pillars that need to support that work, which fall out of the issues I have already covered in this lecture. The first is to ensure that we have the resources, powers and culture to produce sufficient high quality, robust and timely investigations and to deal effectively with appeals. At present, we do not have the resources we need to deal with appeals as speedily as we should, or to investigate swiftly and robustly all the serious cases we would like to. I am acutely aware of the pressure on staff and Commissioners, as they struggle to match demand and resource. In addition, we need the additional powers we have been promised. But we will also need to be seen to use those resources and powers effectively, asking and answering the right questions, assessing the evidence fairly and impartially, and where necessary holding people and systems to account. That is why we are refining our quality framework, strengthening the role of our Commissioners, recruiting and training new investigators, and developing better systems of recording and publishing our own outcomes.

But, if we only did that, even on a larger scale, this would still tackle symptoms rather than causes, and only at the tip of the complaints iceberg. Two other elements are also needed. One is the capacity to influence and report on the way that the police themselves deal with complaints which may individually be less serious but collectively are extremely sensitive, because they have a big impact on community and public confidence. As I have said, it is not only necessary, but right, that the service owns its own complaints, acts to resolve less serious matters swiftly and sees complaints as important consumer feedback. But the IPCC has a very important role in overseeing and monitoring that work and increasing public confidence in it.

That means developing our ability to interrogate the information and statistics we hold about the complaints system in general, and also to take a deep dive into particular forces, or particular themes, of concern. That could be because a force appears to record very few, or very many complaints; or because those complaints reveal a certain pattern; or because there are certain touchstone issues – race, restraint, stop and search, public order policing – where we want to examine both good and bad practice. That may require a different approach to appeals work, and will need an increased research and analytical capacity, but it would allow us to use our resources most effectively and provide a unique evidence base that can inform policing as a whole.

For the third essential is that this should make a difference to policing. So, we need to have the capacity and capability to influence and connect with the other parts of the policing landscape. Our work and findings should inform the way that the police themselves operate, by influencing policy and practice at local and, where necessary, national level. We should be liaising closely with inspectorates to assist their preventive work and to provide assurance that the things that we have recommended are actually happening in the real, rather than the virtual, policing world. We can also help to inform the work of the newly elected Police and Crime Commissioners, providing them with evidence and information about their force and its interaction with their electors, and seeking their involvement and assistance in monitoring implementation of lessons learnt through our work. We have to be able to raise high-level concerns with Ministers and the public. And finally, but very importantly, we need to connect with the standard-setting and development work of the recently-launched College of Policing.

That fits closely the model set out in the Committee on Public Standards' report on integrity. As they pointed out, the relevant principles, codes and regulators already exist. The next step must be to ensure that this work is, in the Committee's words, 'more consistently and actively implemented'. They pointed to two key factors. The first is that organisations need to embed ethical principles, and to reinforce them in induction and training, appraisal and rewards and sanctions. The second is that they need robust and effective leadership, exemplifying the high standards expected of others. Those are some of the key tasks of the College of Policing. There is a proposal for a code of ethics, which was an integral part of the transition from the RUC to the Police Service of Northern Ireland, as a vehicle to reinforce and develop the right culture. Training and development, particularly of senior leaders, will be a central part of the College's role, as will standard-setting – and all of this can and should be informed by our recommendations and findings.

In short, the IPCC's work should be part of a virtuous circle, so that our investigations and findings feed into day-to-day policing, preventive work, cultural change, standard-setting and political oversight. We ask a great deal of our police service and those who lead it. We require it to deal effectively, fairly and sensitively with issues that range from preventing terrorism and cyber-crime to acting as a proto-social service for the seriously disturbed. It operates in increasingly diverse and disparate communities, many of them facing profound social and economic change; it has access to sophisticated technological tools that may be more effective, but can distance the service from the people it serves and polices. The IPCC's work shines a light on the human side of policing: the interaction between the police and the citizen. It is not by any means the whole story of that interaction - we need to remember that in a recent public survey, trust in the police remained remarkably high,

next only to teachers and doctors. But it does provide an essential amber light – a warning sign of where the rubbing points are, or may come, and is therefore critical to the health and accountability of our police service. Of course, it also exposes some of the underlying frailties in other parts of society, such as the way we care for those with mental illness, that the police – like prisons – have to cover for. But that is the subject of another lecture.