

**Warwickshire Joint Audit and Standards Committee Report Summary**

**Meeting Date:** 6<sup>th</sup> July 2021

**Subject:** Standards

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**Purpose of the report:**

The purpose of this report is to provide an update on standards matters to the JASC.

**Recommendation:**

To note the report.

**Background:**

The standards section of the Committee's Terms of Reference requires the Committee be enabled to have oversight of, and to provide independent review of the effectiveness of the Warwickshire Police and Crime Commissioner's and Chief Constable's adherence to appropriate standards and ethics.

**Executive summary**

The report provides an overview of PCC, police force and national updates in relation to ethics and standards.

The complaint dip sampling process has recommenced and a full update is provided in the report.

## 1. Police and Crime Commissioner Update

### Complaint Reviews

1.1 Since the last report to the JASC, the Office of the Police and Crime Commissioner (OPCC) has received 13 legitimate complaint reviews. Of these reviews, 7 have been completed, with recommendations from 3 upheld and 1 learning recommendation made. The recommendations from the reviews completed within this period have all been accepted by the Professional Standards Department (PSD). Some reviews are received outside of the 28 days from the day after the date on the outcome letter sent by PSD. A decision is made on a case by case basis whether to accept these reviews and complainants are offered the opportunity to provide a reason for the delay to inform this decision. Reviews that are deemed out of time and where the decision is made not to accept them will not be included in these statistics.

1.2 The types of recommendations and learning made include:

- The PSD reconsider a complaint investigation as it is deemed that there could have been some information that was not considered fully during the crime investigation.
- PSD to consider accessibility to the police website for making a complaint.
- An apology is sent for the lack of updates and the time it took to investigate the crime.
- The OPCC to discuss the communication processes related to a crime investigation with PSD.

### Complaint Dip Sampling

1.3 Complaint dip sampling was conducted by Helen Knee and Debbie Mullis on two dates in April. 12 complaint cases that had been closed between 1<sup>st</sup> October 2020 and 31<sup>st</sup> March 2021 were selected at random to be reviewed.

1.4 A new form has been developed to consider the changes to complaints legislation that was implemented in February 2020. For example, there is no longer a specified time period of 10 working days to record a complaint so the new form now considers if the complainant was sent an acknowledgement promptly.

1.5 The outcome of the sip sampling process is as follows.

| Category  | Yes | No | NA | U/K |
|---|-----|----|----|-----|
| Was an acknowledgement sent promptly?   | 9   | 0  | 3  | 0   |
| Has the complainant been updated every 28 days?   | 9   | 0  | 3  | 0   |
| Has the Officer(s) been updated every 28 days?  | 1   | 3  | 7  | 1   |
| Has the complaint handling process been timely? (Within a reasonable timeframe for the type and complexity of the complaint). | 12  | 0  | 0  | 0   |
| Was the complaint process completed by PSD in under 12 months?  | 12  | 0  | 0  | 0   |
| Has a point of contact been provided?   | 9   | 0  | 0  | 3   |

|  |    |   |   |   |
|--|----|---|---|---|
| Have all allegations been identified from the complaint?                           | 12 | 0 | 0 | 0 |
| Are details of the enquires made clear/sufficient?                                 | 11 | 0 | 0 | 1 |
| Does the final report provide an accurate outcome of the complaint investigation?  | 3  | 1 | 5 | 3 |
| Are recommendations clearly set out?   | 2  | 1 | 7 | 2 |
| Has any learning been identified for individuals or the organisation?              | 3  | 7 | 0 | 2 |
| Has the complainant been notified of their right to review?                        | 2  | 0 | 8 | 2 |
| Was the contact received from the police customer friendly/appropriate throughout? | 6  | 0 | 0 | 6 |

1.6 Where there are responses as unknown this is due to missing documentation, the documentation on the complaints system being inaccessible or where it not clear if this has taken place or not.

1.7 Where there are cases of not applicable, this might be where a complaint has been recorded outside of schedule 3 so a right to review is not offered for example or where a complaint was completed in under 28 days so updates within this timeframe where not required.

1.8 The following questions have been submitted to PSD. The outcome will be reported to the next JASC meeting.

- There is evidence of communications and reports but they cannot be accessed.
- The final letter saved on Centurion is an incomplete template. Please could you confirm that the final letter was sent and the right to review provided?
- Did the change of IO extend the time it took to complete this investigation? As the complaints were upheld why was there no learning to be taken from it?
- If a criminal investigation is ongoing, how long do you wait before answering a complaint - even if to partially answer?
- Should complaints against staff be on this list?

1.9 The full dip sampling reports completed for each of the 12 cases have been provided to PSD for their information and action as appropriate.

## **2. Professional Standards Department Update**

### **Complaint Regulations**

2.1 A complaint must be recorded under Schedule 3 to the Police Reform Act 2002, and handled in accordance with the provisions of that Schedule, if at any point the person making the complaint wants it to be recorded. This applies even if previous attempts have been made to handle the complaint outside of the requirements of Schedule 3.

2.2 A complaint must also be recorded and handled under Schedule 3 if the chief officer decides that it is appropriate or if the complaint:

- is an allegation that the conduct or other matter complained of resulted in death or serious injury,
- is an allegation that, if proved, might constitute a criminal offence by a person serving with the police or justify the bringing of disciplinary proceedings,
- is about conduct or any other matter which, if proved, might have involved the infringement of a person's rights under Articles 2 or 3 of the European Convention on Human Rights, or
- meets any of the mandatory referral criteria.

2.3 When considering whether it is appropriate to record a complaint which does not otherwise meet the criteria for recording, other factors to be considered include:

- the extent and nature of enquiries required to address the complaint,
- whether previous similar complaints have been recorded or logged (either about the same issue, or, where appropriate, about the same officer or department), or
- complaints that include allegations which, if proven, are likely to be considered 'practice requiring improvement' and be referred to the Reflective Practice Review Process.

2.4 Complaints dealt with outside the requirements of Schedule 3 must be handled with a view to resolving them to the complainant's satisfaction. Handling a complaint outside the requirements of Schedule 3 provides an opportunity to address promptly the concerns a complainant has raised. Some complaints do not require detailed enquiries in order to address them. For example, the complainant may only want an explanation, or for their concerns to be noted or passed on. Handling such complaints outside of Schedule 3, promptly, may be the most efficient, effective, and beneficial way to resolve the complaint. It can assure the complainant that their concerns have been listened to and addressed, while potentially providing a learning opportunity for the force (and, if appropriate, any individuals involved).

2.5 There is no set procedure to follow when handling a complaint outside the requirements of Schedule 3. The key consideration is whether a course of action is appropriate and whether it will be an effective response to a complaint, which will satisfy the complainant. Actions could include:

- providing information and an explanation – either by telephone or in writing,
- providing an update on the complainant's outstanding matters,
- answering questions the complainant has,
- organising the return of property,
- offering an apology for poor service,
- confirming that steps have been taken to prevent an error occurring again,
- signposting the complainant to appropriate processes – for example, the Information Commissioner's Office complaints process or Victim's Right to Review, or
- logging the complainant's concerns for consideration when a policy or procedure is next due for a review.

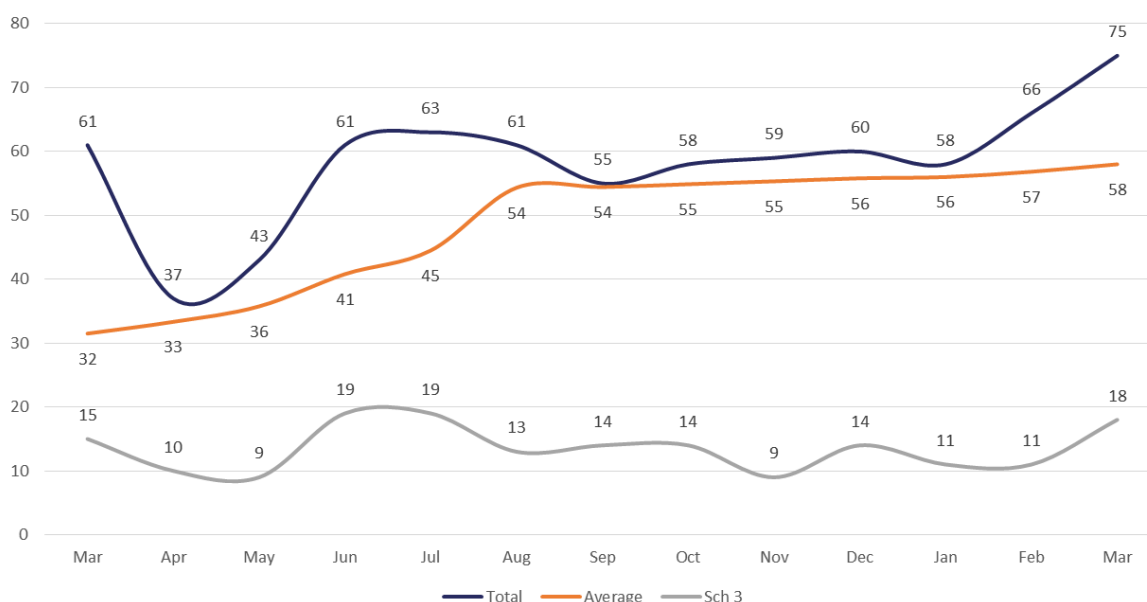
## **Data**

2.6 During the period 1<sup>st</sup> April 2020 to 31<sup>st</sup> March 2021, there have been a total of 71 Complaints made in relation to Coronavirus, 18 of which are within, and 53 are

outside, Schedule 3. This equates to 25% inside Schedule 3 and 75% outside. There are an additional 2 Conduct Cases which relate to COVID breaches.

2.7 In quarter 4 of the 2020-21 year, Warwickshire Police received 199 complaints, 40 of which were within schedule 3. This is a slight rise in the total number of complaints as can be seen from the graph below. This will be monitored through the PCC's performance meetings with PSD.

### Complaint Cases Logged and Recorded



2.8 Of the finalised complaints for the 2020-21 financial year, the outcomes can be seen in the table below.

| Allegation Result Description            | (blank)  | No         | Yes       | Grand Total |
|--|----------|------------|-----------|-------------|
| Resolved                                 | 0        | 306        | 0         | 306         |
| The service provided was acceptable      | 0        | 0          | 62        | 62          |
| The service provided was not acceptable  | 0        | 0          | 17        | 17          |
| Not Resolved - NFA                       | 0        | 14         | 0         | 14          |
| Not Resolved - moved to Schedule 3       | 0        | 7          | 0         | 7           |
| No further action required               | 0        | 0          | 7         | 7           |
| Withdrawn                                | 0        | 0          | 4         | 4           |
| Upheld - by PSD                          | 1        | 0          | 0         | 1           |
| Not determined if the service acceptable | 0        | 0          | 1         | 1           |
| Not Upheld - by Division                 | 1        | 0          | 0         | 1           |
| <b>Grand Total</b>                       | <b>2</b> | <b>327</b> | <b>86</b> | <b>415</b>  |

2.9 The top three allegation categories for complaints in the last financial year were; general level of service, police action following contact, and decisions.

2.10 In quarters 1 to 3 of the 2020-21 financial year, there have been 11 data protection complaints recorded, 4 handled inside schedule 3 and 7 outside schedule 3.

2.11 The categories for these complaints were; disclosure of information, use of police systems, accessing and handling of information, and handling of information.

2.12 Numbers of conduct cases remain low, with 5 cases in January, 2 cases in February and 1 case in March 2021 recorded.

2.13 For conduct cases from 1<sup>st</sup> April 2020 to 31<sup>st</sup> March 2021 the outcomes were as follows:

| Assessment Decision                | Outcome                            | Total     |
|------------------------------------|------------------------------------|-----------|
| Gross Misconduct                   | Dismissed                          | 2         |
|                                    | Final Written Warning              | 1         |
| Hearing - Special Case             | Dismissed                          | 1         |
| Management Action - Not Misconduct | Management Action - Not Misconduct | 1         |
| Meeting                            | Final Written Warning              | 2         |
| Misconduct                         | Final Written Warning              | 1         |
|                                    | Reflective Practise                | 1         |
| No Action                          | No Action                          | 8         |
| Not Misconduct                     | Not Misconduct                     | 2         |
| Referral to RPRP                   | Referral to RPRP                   | 7         |
| Reflective Practice                | Reflective Practice                | 8         |
| Stage Three                        | Dismissed                          | 1         |
| UPP                                | UPP                                | 1         |
| <b>Grand Total</b>                 |                                    | <b>27</b> |

2.14 11 members of the workforce were subject to reflective practice in the previous financial year, the majority were provided with individual learning, with one case of organisational learning and one where no further action was taken.

2.15 There are currently 3 live cases for abuse of authority for sexual gain that have been referred to the Independent Office of Police Conduct (IOPC).

2.16 Vetting continues to fluctuate with 1,726 applications received for both internal and external vetting in 2020/21 and 2,047 applications completed within this period. Some of the applications completed would have been received in the previous financial year.

### Staffing update

2.17 There have been a number of resourcing changes implemented within the Professional Standards Department during 2021. As part of the wider organisational review process under the strategic change programme 'Evolve', five members of staff underwent a management of change process and left the force. Subsequently, an investment of warranted police officers was made to bring investigative experience and additional policing skills, knowledge and powers into the department. The officers chosen underwent a selection process and are a mix of experienced constables and detectives who are now fully trained and operating within the department. Additionally, a new Head of PSD has been appointed to replace outgoing Superintendent Warren Little who has taken up a new post as Head of Public Contact and Operations. T/Superintendent Daf Goddard took up his post as Head of Professional Standards in May 2021.

### **3. Police Internal Ethics Committee**

3.1 The last meeting took place on 9<sup>th</sup> March 2021 which was attended by Helen Knee. Helen provided a verbal update at the previous JASC meeting. The restricted meeting minutes have been sent to committee members with the papers.

3.2 The meeting scheduled for 8<sup>th</sup> June 2021 had to be cancelled. The rescheduled meeting will be reported to the next JASC.

### **4. IOPC Update**

4.1 A meeting took place between representatives of the Warwickshire OPCC and the IOPC Oversight Liaison Officer to discuss review cases in Warwickshire. The meeting provided a useful sounding board to discuss some of the cases and to consider office processes for conducting reviews.

4.2 IOPC national and local statistics for 2020-21 have now been made available but cannot be shared due to some data inaccuracies.

### **5. National and Regional Updates**

5.1 An amendment has been made to Specified Information Order (SIO) that places a legal duty on the OPCC to publish certain information. The amendment includes a requirement for the OPCC to publish IOPC quarterly and annual statistics and to provide an assessment report of the data within one month of publication. The Order applies from 31<sup>st</sup> May 2021. The next data to be received from the IOPC will be part of the requirement so it has been asked that the IOPC data can be publically available at this time.