

Warwickshire Joint Audit and Standards Committee Report Summary

Meeting Date: Wednesday 6 July 2022

Subject: Standards and Ethics

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Purpose of the report:

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

Recommendation:

To note the report.

Background:

The Terms of Reference for the JASC requires the committee to be enabled to have oversight of, and to provide independent review, of the effectiveness of the adherence to appropriate standards and ethics by Warwickshire Police, the Police and Crime Commissioner, and the Chief Constable.

Executive summary:

The report provides an overview of the Office of the Police and Crime Commissioner in respect of Ethics and Standards, together with updates on local, regional, and national developments.

1. Office of the Police and Crime Commissioner

1.1 OPCC Structure

Since the last report to the JASC on the 16 March 2022, the Office of the Police and Crime Commissioner (OPCC) has further transitioned to a new structure, to summarise:

In November 2021, Debbie Mullis left the OPCC and consequently relinquished responsibility for the Standards and Ethics agenda, including the scrutiny and monitoring of police complaints and the administration of complaint reviews. In the interim period whilst the new structure was being fully established, David Patterson (OPCC Assurance and Scrutiny Officer) assumed this responsibility in addition to his existing role.

In April 2022, as part of this restructure the existing Section 22 Police Act 1996 agreement with the West Midlands OPCC to share the Complaints Review Manager (CRM) function with the Warwickshire OPCC ceased. The intention is that under the new OPCC structure all complaint reviews will be conducted 'in-house' by two Assurance and Scrutiny Officers, and the Head of Business Services and Assurance.

Claire Morris as the Head of Business Services and Assurance is recently now in post. On 20 June 2022, Jemima Busby as the second OPCC Assurance and Scrutiny Officer commenced her role. Both have now received the necessary training in police complaint processes to enable the OPCC to commence conducting complaint reviews. This arrangement will provide additional capacity, capability, and resilience in the OPCC

In the intervening period complaint reviews have been conducted by an independent company under contract to the OPCC. These arrangements will now cease but will remain available to the OPCC should there be future excessive demand.

1.2 Complaint Reviews

Since the last report to the JASC, the OPCC has received six applications for a complaint review. Of these, four have been completed and one is currently being considered. Of the four completed reviews, one has been 'upheld' in that PSD did not handle the complaint appropriately, albeit that the outcome was correct. PSD has accepted this outcome. Of note, is that PSD are not legally required accept recommendations made.

1.3 Complaint Review Internal Audit

As previously mentioned, during November / December 2021 an internal audit of the OPCC Complaint Review policies, guidance, processes, and practices was conducted by the Resources Directorate of Warwickshire County Council.

A final report was subsequently produced, which contained nine recommendations. These recommendations have been placed on the OPCC Internal Audit Actions Tracker and are being progressed.

Overall, the opinion of the auditor was that the existing controls provided **Moderate Assurance** that risks are being managed.

1.4 Complaint Review Dip-Sampling

On 15 June 2022, Helen Knee of the JASC conducted dip-sampling of recently completed complaint reviews that had been conducted by the independent company contracted to the OPCC. The purpose was to provide assurance regarding the quality of the decision making and the content of the correspondence. The review was positive, but some observations were made regarding the following issues:

1. Assurance that PSD's direction to provide individual learning or Reflective Practice Review Process (RPRP) had been delivered.
2. The correspondence from both PSD and the complaint review, notifying the complaint of the outcome of their complaint, could be better structured for the recipient by providing the decision made at the beginning of the letter, rather than at the end.

2. Warwickshire Police

2.1 Professional Standards Department Update

On 23 March 2022, a meeting between the Police and Crime Commissioner and the Head of PSD was held where performance and issues of interest were discussed. A further meeting has been scheduled for the 19 July 2022, where the recommendations from the complaint review dip-sampling will be further considered.

2.2 Police Ethics Committee

On 28 March 2022, a meeting of the Police Ethics Committee has held, with representation from the OPCC. The topics discussed included the issue of the disparity in the workforce's 'working from home' practices.

The subject of the force's position on issuing imagery of 'wanted' persons was also considered, as a continuation of the initial discussion that had been raised at the previous meeting of the committee. A paper was presented by the force's Corporate Communications representative that provided operational guidance on this subject, serving to demonstrate that product and positive action can derive from this forum.

A further meeting of the Ethics Committee that was scheduled for 29 June 2022 has since been cancelled whilst awaiting the appointment of a new chair for the committee.

3. IOPC

3.1 Local Update

On the 30 March 2022, a meeting was held between the IOPC Oversight Liaison Officer and representatives from the OPCC. Several topics were discussed, including the force's management of the 12-month notification letters that are issued in cases where the investigation exceeds that time frame - no issues were identified.

4.2 National Update

On the 10 May 2022, the IOPC's Q2 2021/22 performance report was released to police forces. Due to the delay in issuing the report the IOPC have determined that it

will not be publicly published, thereby negating the requirements of the Specified Information Order 2021 (Amended) for Police and Crime Commissioner to publish information on their websites. Nonetheless the OPCC have reviewed and applied scrutiny to the report and a briefing note is attached for information at Appendix A.

On the 26 June 2022, the IOPC published its overarching report from 'Operation Linden', a wide-ranging series of investigations into South Yorkshire Police's response to allegations of child sexual abuse and exploitation in Rotherham between 1997 and 2013. The report is currently being reviewed by the OPCC and any learning or recommendations that are applicable to Warwickshire Police will be raised with the Chief Constable with a view to providing assurance regarding the force's arrangements for investigation and safeguarding in respect of child sexual exploitation.

APPENDIX A



Briefing Note – IOPC Q2 2021/22

Title:	IOPC – Police Complaints Information Bulletin Q2 2021/22
Completed by:	David Patterson – Assurance and Scrutiny Officer
Date:	10/05/2022

1. Introduction

The Elected Local Policing Bodies (Specified Information) (Amendment) Order 2021 requires Police and Crime Commissioner to publish on their websites the Independent Office for Police Conduct (IOPC) annual statistics report, and the most recent quarterly complaints data for their force. The data and reports are to be published within one month of publication by the IOPC.

The IOPC annual 'Police Complaints Statistics for England and Wales 2020/21' was published on the 17 November 2021 and consequently the requirements of the Specified Information Order were applicable. The IOPC annual report and OPCC commentary can be found on the OPCC website at:

[Complaints Handling - Specified Information Order - Office of the Police and Crime Commissioner for Warwickshire \(warwickshire-pcc.gov.uk\)](https://warwickshire-pcc.gov.uk/complaints-handling-specified-information-order-office-of-the-police-and-crime-commissioner-for-warwickshire)

On the 10 May 2022, the Independent Office for Police Conduct (IOPC) released their statistics report for Q2 2021/22. However, the IOPC do not intend to make this

Q2 report publicly available owing to the time that has passed between the collection of the data and producing the report. This IOPC decision therefore on this occasion, negates the requirements of the SIO. Nonetheless, the OPCC has applied scrutiny to the Q2 IOPC report and the main findings are summarised as follows.

2. Key Information

The IOPC statistics report is very comprehensive and reports on several esoteric performance metrics. The following summary attempts to simplify the data and highlight the key performance measures, whilst identifying where Warwickshire Police appear to be an outlier.

Much of the data provided for Warwickshire Police is compared against the force's Most Similar Forces (MSF), except for Cambridgeshire due to data difficulties, and national performance levels.

There are in principle five methods by which a police complaint can be handled, namely:

1. Outside of Schedule 3 of the Police Reform Act 2002 (service recovery)
2. Inside Schedule 3 - Otherwise Than By Investigation
3. Inside Schedule 3 - Investigation (not subject to special procedures¹)
4. Inside Schedule 3 - Investigation (subject to special procedures)
5. IOPC investigation

Section A1.1 Complaint cases logged and initial handling

Average Days to Contact Complainant	
Warwickshire Police	1
MSF	19
National	8
Average Days to Record Complaint	
Warwickshire Police	2
MSF	19
National	7

OPCC Comments: As can be seen from the above data, Warwickshire Police's performance substantially exceeds both the MSF and national position for the initial recording of the complaint and for contacting the complainant. This pays testament to the effectiveness and efficiency of the force's triage system for the initial handling of complaints.

¹ Special measures refer to when forms are served at on the subject officer the start of the investigation, notifying that the investigation may result in a formal disciplinary meeting or hearing.

Complaint Cases Recorded per 1k Employees	
Warwickshire Police	193
MSF	147
National	146
Allegations Recorded per 1k Employees	
Warwickshire Police	230
MSF	230
National	231

OPCC Comments: A single complaint may contain numerous separate allegations, and both are recorded. Warwickshire Police are an outlier in terms of the number of complaints recorded per 1,000 employees but are consistent with both the MSF and national position for the number of allegations per 1,000 employees.

Section A1.2: Allegations logged - what has been complained about

Top Three Reasons for Complaint %	Warwickshire	MSF	National
Duties and Service	56	48	52
Police Powers	17	20	20
Individual Behaviour	14	18	14

Top Subcategories %	Warwickshire Police		MSF
Duties and Service	General Level of Service	58	28
	Police Action Following Contact	26	48
Police Powers	Use of Force	24	28
	Search of Property and Seizure of Property	26	13
Individual Behaviour	Impoliteness	46	36
	Lack of Fairness & Impartiality	25	15

OPCC Comments: The top three reasons for complaint against Warwickshire Police are consistent with both the MSF and national position. There are however some significant differences in terms of the sub-category levels, most notably 'General Level of Service', 'Search of Premises and Seizure of Property' and 'Impoliteness', for reasons that are not immediately apparent. Of note is that Stop and Search accounted for 4% of all complaints in Warwickshire, marginally lower than both the MSF and national levels that were at 5% and 7% respectively.

Section A2: Allegations timeliness

Average Days to Finalise Allegations			
Complaint Handling	Warwickshire	MSF	National
Outside of Schedule 3	25	28	22
Otherwise Than By Investigation	151	90	77
Local Investigation	86	131	125

OPCC Comments: Warwickshire Police are effective in quickly finalising allegations complaints recorded outside of schedule 3 but perform less well in those handled Otherwise Than By Investigation (OTBI). In OTBI cases they are often allocated to local managers / supervisors to report upon and appear to be an area of weakness in the system. Conversely, those allegations that are handled by PSD as a local investigation are concluded significantly quicker than the MSF and national position.

Section A 3.1: How allegations were handled and their decisions

How Allegations Handled %		
Complaint Handling	Warwickshire	National
Outside of Schedule 3	59	34
Otherwise Than By Investigation	4	50
Local Investigation	37	18

OPCC Comments: Warwickshire Police handle a greater proportion of their allegations outside of Schedule 3 than both the MSF and national position, where they appear to be handled as Otherwise Than By Investigation. The purpose of the complaints system is to quickly rectify any dissatisfaction and put in place safeguards, and learning, to prevent a repetition of the issues that gave rise to the complaint. Warwickshire Police perform well in this regard.

Section A4: Complaint cases finalised – timeliness

Average Days to Finalise Complaint			
Complaint Handling	Warwickshire	MSF	National
Outside of Schedule 3	30	32	25
Otherwise Than By Investigation	119	118	102
Local Investigation	116	110	98

Investigations completed within first 3 months %	
Warwickshire	62
MSF	33
National	39

OPCC Comments: The time taken for Warwickshire Police to finalise complaints is comparable to that of both the MSF and national position across all categories of complaint handling. Most investigations in Warwickshire are concluded in the first three months of the complaint being recorded, a comparatively positive position.

Section D: Reviews received

Where a complaint has been recorded under Schedule 3 of the Police Reform Act 2002, the complainant has a right to apply for a review. A person can apply for review if they are unhappy with the way their complaint was handled, or with the outcome. The application for a review will be considered either by the local policing body or the IOPC; the relevant review body depends on the circumstances of the complaint

Reviews as a Proportion of all Schedule 3 Cases %	
Warwickshire	26
MSF	22
National	20
Average Days for LPB to Complete Reviews	
Warwickshire	29
MSF	27
National	55

OPCC Comments: Warwickshire has a slightly higher proportion of complaint reviews than either the MSF or national position, this may be as a consequence of attempting to handle them in the first instance as service recovery matters outside of Schedule 3. The time for OPCC completion of reviews is similar to that of the MSF, but considerably quicker than the national position which is almost twice as long.

Section D3: Decisions on reviews

LPB Reviews Where Outcome Not Reasonable and Proportionate %			
Complaint Handling	Warwickshire	MSF	National
Otherwise Than By Investigation	63	9	12
Local Investigation	18	19	12

OPCC Comments: Warwickshire has a significantly higher proportion of LPB complaint reviews where the outcome of OTBI cases has not been found to be reasonable and proportionate. Again, this may be a symptom of the force attempting to handle a higher proportion of complaints in the first instance as service recovery matters outside of Schedule 3. Where such a complaint remains unresolved then it will subsequently be moved inside Schedule 3 as OTBI case, affording the complainant with a right to a review.

It should also be noted that the volumes of Warwickshire OPCC LPB reviews for Q2 2021/22 are relatively low, in that the OPCC received 12 applications for a complaint review, and completed 7 complaint reviews, during this period. As such, the low volumes may not be significantly significant when expressed as % in the IOPC data.

Section E1.1: Allegation actions

With complaints handled outside of Schedule 3, the largest proportion of allegations (61%) were resolved by an explanation being provided to the complainant. This outcome is consistent with both the MSF and national position.

Similarly with complaints handled inside of Schedule 3, the largest proportion of allegation (63%) were resolved by an explanation being provided to the complainant. This outcome is consistent with both the MSF and national position.

OPCC Comments: Warwickshire resolves most allegation, whether outside or inside Schedule 3 by way of explanation, this is consistent with both the MSF and national position.

Section E2: Reflective Practice Review Process (RPRP) / Unsatisfactory Performance and Attendance Procedures (UPP) / Misconduct and Criminal Outcomes

RPRP / UPP / Misconduct and Criminal			
% of complaint cases resulting in below actions	Warwickshire	MSF	National
RPRP	13	5	3
Misconduct Meeting	0	0	0
Misconduct Hearing	0	0	0
UPP	0	0	0

OPCC Comments: A recommendation for a Reflective Practice Review Process (RPRP) was recommended in 13% of Warwickshire complaint cases, higher than when compared to the MSF and national position at 5% and 3% respectively. A similar position exists in respect of 'Learning', which occurred in 5% of Warwickshire cases and 2% nationally

Warwickshire would appear to take a more robust review RPRP than both the MSF and national position. This is a positive position as the intention of the RPRP is to have a formal process to give officers and line managers an opportunity to discuss

where things have gone wrong and to look for ways of addressing issues. RPRP is not a disciplinary process, and it sits above normal management interventions on minor matters.

End