

## Warwickshire Joint Audit and Standards Committee Report Summary

**Meeting Date:** Wednesday 5 July 2023

**Subject:** Standards, Ethics, and Complaints

**Contact details:** David Patterson – OPCC Assurance and Scrutiny

### 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 review and comment on the report.

### Background

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

### Executive Summary

This report provides a summary of the national, regional, and local developments that have taken place since this subject matter was last reported to the 19 November 2022 meeting of the JASC.

## Office of the Police and Crime Commissioner

### 1. National Matters

Following recent cases predominately involving the Metropolitan Police there has much media coverage and justifiable outrage and concern expressed regarding the police service's vetting procedures and counter-corruption arrangements.

On 2 November 2022, His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) published its report: 'An inspection of vetting, misconduct, and misogyny in the police service.' This also included assessing forces' abilities to detect and deal with misogynistic and predatory behaviour by police officers and staff. In the report, there were five areas for improvement identified and 43 recommendations made. The PCC's response to this report has subsequently been published on the Office of the

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Police and Crime Commissioner (OPCC) website in accordance with Section 55(1) of the Police Act 1996.

In January 2023, The Home Office introduced further measures to root out police officers who are “not fit to serve”. Consequently, the National Police Chiefs Council has requested that all police forces in England and Wales to cross-check their officers against the National Police Database (NPD) to identify offenders who may have remained undetected. Warwickshire Police are in the process of complying with this request under its comprehensive ‘Operation Amethyst’ programme.

The Home Office has also launched a review of the police disciplinary system to make sure officers who are not fit to serve the public and fall short of the exacting standards expected of them can be dismissed. The review is expected to be completed imminently. The PCC welcomes the Home Office’s intervention in reviewing the current arrangements and fully endorse the stance taken.

On 21 March 2023, Baroness Louise Casey published her report ‘An independent review into the standards of behaviour and internal culture of the Metropolitan Police Service’ that was commissioned in the wake of Sarah Everard’s murder. While the report raises significant questions about the culture and the leadership of the Metropolitan Police, there are cases of police abuse of authority, corruption and criminality which have emerged in forces all over the country, including examples from Warwickshire. All police forces therefore need to look at the findings of this report and take action to address the shortfalls identified.

On 9 June 2023, the first annual assessment of policing in England and Wales by Andy Cooke as the Chief Inspector of Constabulary was published. Some of the key messages from the report are that public confidence in the police is precarious. He has called for major reform, including new powers for the inspectors of constabulary, including the power to give direction to a police force when there are concerns about public safety. He also said that critical elements of the police service’s leadership and workforce arrangements need substantial reform, such as more scrutiny on vetting and recruitment processes, including for chief officers.

### **1.2 OPCC Information request**

On 22 March 2023, in response to these critical issues a formal Information Request (Ref: IR10) was made by the PCC to the chief constable under ‘section 36 of the Police Reform and Social Responsibility Act 2011’. The PCC sought information on four key areas: -

1. Recruitment and vetting processes: Including the force’s compliance with the College of Policing ‘Authorised Professional Practice’ for vetting.
2. Misogyny in Warwickshire Police.
3. Anti-Corruption Unit.
4. Performance and Misconduct.

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A confidential response to this Information Request has subsequently been provided by both the force's Head of Professional Standards Department (PSD) and the Head of Vetting, providing reassurance regarding the force's arrangements and confirming that the force's vetting processes are fully compliant with, and in some respects exceeds, the requirements of the College of Policing's APP.

On 5 June 2023, at a meeting between the PCC and the Head of PSD, further assurance was provided that the initial triage of the PND 'data-wash' had not identified any significant concerns for Warwickshire Police.

Of further note is the implementation of the multi-faceted 'Operation Amethyst' by Warwickshire Police. It is the force's initiative to eradicate inappropriate behaviours in the force, encouraging all its members to challenge and report improper and unprofessional behaviours. The force has stated that it is committed to maintaining high standards - building trust and confidence in Warwickshire Police as a supportive, professional, and inclusive workplace; where all victims and witnesses will be treated appropriately and afforded dignity.

### **1.3. OPCC complaint reviews**

If a member of the public remains dissatisfied with the way their complaint was handled, or with the outcome, by the force's Police's Professional Standards Department (PSD) then they have the right to apply for a review of their complaint. These reviews are conducted by either the OPCC, or by the Independent Office for Police Conduct (IOPC) in more serious and sensitive cases.

The OPCC have been conducting these complaint reviews 'in-house' during the last 12-months, having previously used alternatively arrangements. Since the meeting of the JASC in November 2022, a total of 18 applications for a review have been made and all have been completed.

Of these reviews, 8 cases were 'upheld' in that the handling and / or outcome was *not* 'reasonable and proportionate'. The IOPC was identified as the correct review body in one case, and in another the application for a review was subsequently withdrawn. A total of 8 cases were 'not upheld' in that the handling and /or outcome was 'reasonable and proportionate'.

Of the recommendations made to Warwickshire Police arising from these 'upheld' reviews, all but one have been accepted. Of note is that the police service is not under any legal obligation to accept recommendations arising from a complaint review.

### **1.4. Review recommendations**

At the 19 November 2022 meeting of the JASC a question arose regarding the processes for learning to be identified from the complaint reviews and for that learning to be effectively delivered, for both for the individual and for the wider organisation. A succinct response to the question was provided at the meeting, however this was subsequently followed up by a member of the JASC requesting a more detailed explanation of the esoteric area of police complaints. A more comprehensive response to this issue is as follows: -

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There are three possible outcomes to an OPCC complaint review: -

- The handling, or outcome, of the complaint is not reasonable and proportionate - the review is 'upheld'.
- The handling and outcome of the complaint is found to be reasonable and proportionate - the review is 'not upheld'.
- The outcome of the complaint is found to be reasonable and proportionate, but some learning has been identified for either the individual officer(s) or the policing organisation.

Where a review is upheld, or learning has been identified, then recommendations can be made under two different sections of the relevant legislation, namely: -

- 1. Paragraph 25, Schedule 3, Police Reform Act 2002:** Recommendation that the appropriate authority re-investigates the complaint. In such circumstances the complainant will be entitled to a further review at the conclusion of the re-investigation.
- 2. Paragraph 28ZA of Schedule 3 to the Police Reform Act 2002:** Recommendations with a view to remedying the dissatisfaction of a complainant, these may include: -
  - An apology.
  - An explanation.
  - Returning seized property.
  - Removing police cautions.
  - Providing mediation, or any other remedial meeting.
  - Reviewing information on police records or databases.
  - Holding a service improvement meeting between the appropriate authority, the complainant, and other suitable attendees.
  - Committing to review a policy or procedure to ensure that it remains fit for purpose.
  - Sharing evidence of learning or service improvement.

If any recommendations arise from the OPCC complaint review, the force must consider any such recommendations and respond to the OPCC within 28 days stating: -

- Whether the recommendations are accepted.
- If so, the proposed actions that will be taken to implement the recommendations.
- If not, the reasons why this is the case.

In practice, most of the recommendations made are made under Paragraph 28ZA to provide a specific remedy to the complainant's dissatisfaction. The PSD response is acknowledged and in most of the cases the remedy is also applied within the 28-day period. Where not, then the OPCC continue to track the outcome through access to PSD systems and monitor the recommendation through the OPCC tracking spreadsheet. There also exist more formal processes under the Police Reform Act 2002 and Police

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Regulations for dealing with individual performance issues, namely the Unsatisfactory Performance Processes (UPP) and the Reflective Practice Review Process (RPRP).

In respect of any learning recommendations, in most cases it is applicable to an individual officer / staff, and the OPCC monitor it through the same process as the other recommendations.

In respect of organisational learning, the force defines it as "the need to amend or change force policy, procedure, guidance, or training following significant internal or external events." In policing this learning can come from a variety of sources, for example Critical Incident Management Meetings, Legal Services cases, and PSD / IOPC investigations. The force has consequently adopted a seven-stage process to identify and implement organisational learning. The key aspects are that all force strategic / steering meetings have a standing agenda item for organisational learning to capture learning from events. This learning is then recorded, tracked, and managed by Assurance and Service Improvement (AS&I) and governance is provided by the Warwickshire Assurance Board, which may consider commissioning further assurance work to confirm whether the required changes to practice have been embedded. The following link to the force intranet describes the process in greater detail: -

[Intelligent Intranet \(warwickshirepolice.uk\)](https://warwickshirepolice.uk)

### 1.5. Complaint reviews internal audit

As previously mentioned to the JASC, 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. Overall, the opinion of the auditor was that the existing controls provided **Moderate Assurance** that risks are being managed. In the audit report nine recommendations were made to improve the position, which have been completed. Due to the complexity of the subject a Frequently Asked Questions section on complaint reviews has now been placed on the OPCC website.

### 1.6. JASC complaint dip-sampling

On 23 February 2023, Helen Knee of the JASC conducted dip-sampling of recently completed complaints handled by PSD outside of the requirements of 'Schedule 3 of the Police Reform Act 2002'. In essence, these complaints are assessed by PSD as being suitable for 'service recovery' to speedily remedy any shortcomings in the service provided to date. Whilst they are recorded, they are not subject to the same procedures and managerial oversight as those handled in accordance with Schedule 3, with no automatic right to a complaint review. However, in circumstances where the complainant remains dissatisfied as to the outcome, then this category of complaints can be subsequently brought to inside Schedule 3 to afford the complainant with a right to a review.

A cross section of recent complaints were considered, including issues of timeliness and complainant satisfaction. The observations arising from this review were reasonably positive, although issues were identified regarding timeliness, PSD's capability to

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effectively track the complainant, and assurance that it has been dealt with to the complainant's satisfaction. This matter of timeliness was also identified in a recommendation arising from a complaint review, in terms of PSD not setting 'further report' dates in correspondence when allocating the complaint to another department for progression. It was also identified by the IOPC in its latest performance data (Q3 2022/23) where 'outliers' were found to be distorting the average time to complete a complaint, when the median value was actually far more positive in terms of timeliness.

With the implementation of the force's Empower-People change programme and the consequential introduction of Chief Inspectors responsible for the three geographic Local Policing Areas of the county, PSD have amended their processes so that any complaints that requires to be allocated to Local Policing are now forwarded to the relevant Chief Inspector to manage. It is anticipated that this process will provide better management and accountability in complaint handling, thereby improving timeliness and as a consequence complainant satisfaction.

On 14 June 2023, Helen Knee conducted further dip-sampling of a randomly chosen cross-section of complaints. The observations arising from this review were very positive with no concerns identified.

## **2. Warwickshire Police**

### **2.1. Police Ethics Committee**

On 17 May 2023, a meeting of the Ethics Committee was held, at which the OPCC were represented. The Chair of the committee is Associate Professor Catherine Hale from Warwick University Medical School, who has an extensive background in ethics, and law.

Two topics of dilemma were discussed: -

1. A new policy initiated by the force's Corporate Communications Department in relation of the media circulation of CCTV images of persons suspected of involvement in crime. This policy has arisen as a direct result of a police complaint, and an OPCC complaint review; these matters are currently subject to civil litigation against Warwickshire Police.
2. Sexual objectification in circumstances where there is a perceived power imbalance – is there a double standard in the workplace where female objectification of men may be tolerated?

### **2.2. Professional Standards Department**

On 5 June 2023, a meeting was held between the PCC and the Head of PSD, together with representatives from their respective offices. The agenda covered PSD's responsibility for police complaints, anti-corruption, and vetting. The meeting considered issues of capacity, capability, and resilience; performance; themes; cases of reputational damage.

### 3. IOPC

#### 3.1. Workshop

On 21 February 2023 a regional IOPC workshop for complaint handlers was held in Derbyshire, attended by representatives from both the Warwickshire OPCC and PSD. The content predominately focused on the process of reflective practice, with an opportunity for complaint handlers to engage and network with others from different forces, and the IOPC.

#### 3.2. Forum

On 2 March 2023, the IOPC arranged an on-line forum of complaint review officers from the regional and northwest. The matters discussed included: -

- Importance of wider cultural change for staff in force to understand the complaint review role.
- Importance of communication with PSD to ensure recommendations are possible.
- Balancing the desire to provide the complainant with more information with potential legal ramifications if too much information is disclosed.
- Concern around PSDs starting from point of defending officers, so may be more likely to provide an outcome of 'acceptable' when it should be 'unable to determine'.
- Potential issues where the same officers are subject of complaints and reviews.
- Challenges in establishing whether learning has taken place
- Sub-judice issues.

#### 3.3. Performance data and liaison

In March 2023, the latest available IOPC performance data was published, namely Q3 2022/23.

On 4 May 2023, the statistics for Warwickshire were discussed at meeting held between the OPCC and the IOPC Oversight Liaison Officer, where the following key performance issues were identified: -

- Achieved excellent timeliness for contacting complainants (1 day).
- Manage more complaints outside of Schedule 3 (72%) than the national average (44%). The average time to deal with these complaints (42 days) is longer than the national average (16 days).
- Manage fewer complaints under Schedule 3 as Otherwise Than By Investigation (13%) than the national average (43%). The average time to deal with these complaints (91 days) is comparable to the national average (97 days).

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- Manage a comparable number of complaints under Schedule 3 as Local Investigation (12%) as the national average (12%). The average time to deal with these complaints (113 days) is shorter than the national average (156 days).
- The main category for complaints was 'Delivery of duties and services' (63%) with the sub-category of 'Police action following contact' accounting for the majority (40%) of this total. The predominate issue of complaint was 'Investigation'. These percentages are comparable to the national averages (55% and 45% respectively).
- The second largest category for complaints was 'Police powers, policies, and procedures' (14%) with the sub-category of 'Use of Force' accounting for the majority (33%) of this total. These percentages are comparable to the national averages (20% and 27% respectively).
- The average time for the Warwickshire OPCC to conclude a complaint review (40 days) was shorter than the national average (64 days).
- The percentage of Schedule 3 complaint reviews that were 'upheld' by the Warwickshire OPCC (44%) was comparable to the same period last year (48%) but higher than the national average (20%).

It has been proposed that a future joint meeting with the IOPC Oversight Liaison Officer should take place with both the OPCC and PSD present to discuss common interests. This initiative has been accepted by all parties.

### 3.4. Specified Information Order

The Elected Local Policing Bodies (Specified Information) (Amendment) Order 2021 requires the Police and Crime Commissioner to publish a link on their websites to the Independent Office for Police Conduct (IOPC) annual statistics report and publish 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 and reviewed quarterly. This information has consequently been published on the OPC website at: -.

<https://www.warwickshire-pcc.gov.uk/key-information/complaints-handling-specified-information-order/>

## 4. Comments

In summary, complaint handling performance is comparatively good and the processes for learning, both for the individual and organisation, are established. Opportunities for personal development have been provided, and service improvement for complaint handling has been implemented. There is therefore considerable activity, control, and oversight in respect of standards, ethics, and complaints to provide an acceptable level of assurance.