

## Warwickshire Joint Audit and Standards Committee Report Summary

<b>Meeting Date:</b>	Tuesday 23 January 2024
<b>Subject:</b>	Standards, Ethics, and Complaints
<b>Contact details:</b>	Part 1 report: David Patterson - OPCC, Assurance and Scrutiny Part 2 report: Supt. Paul Thompson - PSD, Warwickshire Police

### Purpose of the report

The purpose of this two-part report is to provide an update to the JASC from both the Office of the Police and Crime Commissioner (OPCC) and the Professional Standards Department (PSD) as to the joint position 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 5 July 2023 meeting of the JASC.

## Part 1

### Office of the Police and Crime Commissioner

#### 1. National context

##### 1.1. Home Office

In January 2023, the Home Secretary launched a review into the process of police officer dismissals, to ensure that the system is fair and effective at removing those officers who are not fit to serve.

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On 31 August 2023, following the conclusion of that review, the Government announced in its report<sup>1</sup> a series of substantial reforms to strengthen the police disciplinary system, which have given greater responsibilities to chief constables. These recommendations are expected to preserve crucial independence in the system, while giving chief constables greater responsibility over their workforce.

The report states that the disciplinary system should be fair, transparent, and effective for all officers and staff, regardless of their background. It must reassure the public and those within policing that those officers who fall seriously short of the required standards are dealt with robustly. As a package, it is intended to deliver improvements across the three key areas of: misconduct, vetting and performance, to help deliver those crucial improvements to public trust and confidence: -

- **Misconduct:** Gross misconduct is by its very definition behaviour which is so serious that it would justify dismissal. The report's recommendation is for a presumption for dismissal for any officer found to have committed gross misconduct.
- **Vetting:** The report notes that the holding of vetting should be made a statutory or regulatory requirement for constables, meaning that failure to maintain basic vetting renders an officer liable to removal from the force.
- **Performance:** The current performance system is unwieldy and complex. The process is to be streamlined to ensure that under-performing officers can be efficiently dismissed from the service by removing unnecessary bureaucracy and speeding up these decisions.

### 1.2. College of Policing

The Barred and Advisory Lists were introduced as part of the Govt's commitment to improving police integrity. They increase the accountability of those who are dismissed from policing, and also further the transparency of the police discipline system by publishing details of these individuals (where appropriate) in order to raise public confidence in the police. Both lists are administered by the College of Policing (CoP).

The CoP has recently published annual statistics for police officers placed on the Barred List for 2022/23<sup>2</sup>. The College reports an increase to 394 regular officers up from 299 the previous year. The reasons for dismissal, ranged from dishonesty, sexual offences, and discriminatory behaviour. Additionally, 170 police staff and 34 Special Constabulary officers were dismissed during the same period.

During this same period, Warwickshire Police held four 'gross misconduct' hearings, each resulting in the dismissal of the officer. In three of these cases the officer had already resigned prior to the accelerated hearing and the finding of dismissal.

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<sup>1</sup> 'Home Office Review: The process of police officer dismissals'

[https://assets.publishing.service.gov.uk/media/650989f922a783001343e882/Dismissals\\_Review\\_Report.pdf](https://assets.publishing.service.gov.uk/media/650989f922a783001343e882/Dismissals_Review_Report.pdf)

<sup>2</sup> CoP Briefing Issue 7 | November–December 2023

## 2. OPCC

### 2.1. Complaint reviews

If a member of the public remains dissatisfied with the way their complaint was handled by the force's PSD, then they have the right to apply for a review of their complaint. These reviews are conducted by the specified 'Relevant Review Body' (RRB), either the OPCC or 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 20-months, having previously used alternative arrangements. Since the beginning of 2023/24 a total of 24 applications for a review have been made to the OPCC, two recent applications are currently awaiting completion. Of those completed, in one case the IOPC was determined to be the correct RRB and two applications were subsequently withdrawn. Of the remaining 19 applications, nine reviews were 'upheld' in that the handling and / or outcome to the complaint was considered to be not "reasonable and proportionate".

From these 'upheld' reviews, of the 18 recommendations made to Warwickshire Police for either the re-investigation or remedy of the complaint, all but one recommendation has been accepted. Of note, is that under the legislation the police service is not under any obligation to accept recommendations arising from an OPCC complaint review.

### 2.2. JASC complaint dip-sampling

On 4 January 2023, Helen Knee of the JASC conducted quality assurance dip-sampling of four recently completed and diverse complaint reviews conducted by the OPCC. The purpose of the review was to consider if the review reports were appropriate in both detail, length, and tone. It was concluded that the reports were correct in this regard and that at this final stage of the police complaints process the following issues were important to establish trust and confidence in the process: -

- That the complainant is made aware of the purpose of the review and what can, and cannot, be addressed by the review.
- That the complainant clearly sees that a thorough examination of the complaint has been conducted by addressing each and all of the issues raised in the handling and outcome to the complaint, and that due regard had been taken of any representations made in support of the application for a review.
- That the review report should be a standalone document and therefore composite. References to processes and extracts from associated reports therefore need to be included within to enable better understanding of the issues and decisions, and for ease of reference.

## 3. Professional Standards Department

On 9 September 2023, as part of the OPCCs assurance arrangements a meeting was held between the PCC and the Head of PSD, together with representatives from their respective offices. The agenda covered the period for Q2 2023/24 and concerned PSD's responsibility for police complaints, anti-corruption, and vetting. The meeting considered

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issues of capacity, capability, and resilience; performance, and cases of potential reputational damage.

A further meeting is scheduled for 16 January 2023, to discuss issues arising during Q3 2023/24.

### 4. Ethics Committee

On 20 September 2023, a meeting of the Ethics Committee was held. 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 ethical dilemma were discussed: -

- 1. Education FPN:** The practice of knowingly booking a holiday in term-time with children of school age to reduce costs and being subject to a Fixed Penalty Notice (FPN) in contravention of education policy and a breach of the Code of Ethics. The advice provided by the committee was that should a FPN be issued in such circumstances, then PSD should be notified. Officers should also be encouraged to negotiate with the school prior to booking holidays in school term time.
- 2. Female OST:** Warwickshire Police was running two pilot-studies where police officers were to be offered female only Office Safety Training (OST) as an alternative to training with their male colleagues. The ethical dilemma principally concerned the internal and public perception of such a measure.

An update was also provided at the meeting as to the matters recently considered by the National Ethics Group, namely the acceptance by officers of free hot drinks provided by commercial companies and the disclosure by officers of medication taken for mental health issues and being 'penalised' for doing so.

A scheduled meeting of the Ethics Committee on the 13 December 2023 was unfortunately cancelled due to availability of the chair. A rearranged meeting will be scheduled for the new year.

### 4. IOPC

#### 4.1. Annual Statistics

On 5 October 2023, the IOPC published its comprehensive report 'Police Complaints statistics for England and Wales report 2022/2023'.

#### 4.2. 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/>

### **4.3. IOPC Liaison**

On 30 September 2023, a meeting was held between the IOPC Oversight Liaison Officer and representatives from the OPCC and PSD. The issues discussed were updates from the three organisations and the IOPC performance data for Q1 2023/24. There were no matters of concern identified.

On 11 December 2023, a further meeting was held where consideration was given to the recently released interim report 'IOPC statistical data Q2 2023/24 (01/04/2023 - 30/09/2023)'. This report has not been formally published by the IOPC due to technical problems experienced by another force in being unable to supply data. The decision to not make the report publicly available has negated the requirement for the OPCC to publish a response under the Specified Information Order. Nonetheless, in respect of Warwickshire Police the key points identified from the data were that: -

- The force is taking just one working day, on average, to log complaints and contact complainants – excellent performance!
- The number of complaints recorded has increased on the same period as last year (n=403/355).
- The force has the highest proportion of allegations under the category of 'Delivery of duties and service' out of any force. PSD will complete some dip-sampling of complaints under this category.
- The force has improved its complaints timeliness by almost two-thirds for 'service recovery' complaints when compared to the same period last year (n=15/44 days). This improvement has been driven as a result of the 'Empower' policing model where the three Local Policing Area Commanders are informed by PSD of a complaint relating to their geographical area and act as a single point of contact for the complaint handling.
- There has been an increase in Death and Serious Injury (DSI) referrals to the IOPC due to loss of consciousness of the subject. The explanation provided by PSD is that there is now a greater understanding of the criteria for IOPC referrals and a better process established for identifying such cases.
- The OPCC complaint review timeliness has improved on the same period last year (n=35/45 days).
- Warwickshire Police has the 6<sup>th</sup> lowest proportion of all forces to have 'service recovery' allegations resulting in No Further Action (2%). It also has the 7<sup>th</sup> highest proportion to have complaints with an 'Explanation' (82%) – a good position from a customer service perspective.

A further meeting with the IOPC Liaison Officer is to be scheduled for the new year.

### **4.3. IOPC Forum**

On 28 September 2023, the IOPC arranged an on-line forum of OPCC complaint review officers from the Midlands and Northwest police regions. The topics discussed included: -

- IOPC update.
- Police Appeal Tribunals.

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- Police pension forfeiture.
- Complaint reviews.
- Persistent complainants.

### 4.4. IOPC Workshop

On 6 December 2023, the IOPC convened an online workshop for both OPCCs and PSDs on the subject of investigations and complaint reviews in cases of alleged racial discrimination, which was attended by the OPCC.

## 5. 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 arrangements for complaint handling has been implemented by Warwickshire Police.

There is therefore considerable activity, oversight, and control in respect of standards, ethics, and police complaints to provide an acceptable level of scrutiny and assurance.

## Part 2

## Professional Standards Department

### 6. National updates.

#### 6.1 Code of Ethics

The 'Code of Ethics (CoE) sets out how the police service can work together in policing and with the public, so that people can be kept safe. It provides a framework to guide the actions taken and decisions made every day by police officers, police staff, special constables, and volunteers. It encourages personal responsibility and supports professional judgement, rather than a list of things to do or not do.

The CoE is supported by the 'Code of Practice for Ethical and Professional Policing' that sets a statutory requirement for chief officers.

On 24 January 2024, the College of Policing is set to launch a revised CoE that reflects the challenges of modern-day policing and better supports informed and ethical decision making that are important to maintaining public trust and legitimacy in the police service.

The aim of the new CoE is to provide: -

- Fewer principles that are better explained.
- Clearer expectations and practical advice.
- Focus on reflection and learning.
- Clarity as to the consequences when expectations are not met.
- Development by policing for everyone in policing.

The principles and prioritises of the CoE are to: -

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- **Prioritising a public service:** The commitment to work in the public interest, communicate clearly and openly, and take pride in providing an excellent service to the public.
- **Leading with professional courage:** Demonstrating integrity and accountability in decisions, leading by example, and standing against anything that could bring the profession into disrepute.
- **Responding with respect and empathy:** Listening to and understanding the needs of the public, and trying to recognise and respond to the physical, mental, and emotional challenges that police colleagues and communities face.

The CoE also has the core themes of “Doing the right things, in the right way, for the right reason”, which support the Police Race Action Plan / Violence Against Women and Girls / Diversity Equality and Inclusion / Professionalism.

In using these principles there is a responsibility to learn from experience and reflection, continue to improve and review and apply new knowledge.

The force has developed a comprehensive communication plan in preparation for the launch and embedding of the new CoE.

### 6.2. Police Dismissals Review

Following the conclusion of the police dismissal review the Home Office’s Police Integrity Unit subsequently held a series of workshops with policing stakeholders to discuss and work through the detail of policy changes. The delivery of these reforms will be split into three separate tranches: -

1. **Changes to the composition of misconduct panels.** This will see amendments to the Police (Conduct) Regulations 2020 and are intended to be implemented by April 2024.
2. **Wider changes to police misconduct, vetting and performance.** This will also see changes to relevant legislation and the creation of a new set of vetting revocation regulations. This aspect is currently under review and intended to be implemented by June 2024.
3. **Enabling chief officers to appeal to the Police Appeals Tribunal** (as well as Police and Crime Commissioners (PCCs) where the officer concerned is the chief officer). The implementation dates to be confirmed.

Tranches 1 and 2 will be delivered through secondary legislation, whereas tranche 3 will require changes to both primary and secondary legislation.

### 6.3. Barred and Advisory list

The College of Policing has developed a dedicated Barred and Advisory List software programme, which will go live on 22 January 2024. The program is browser based and only authorised users within PSD and the Vetting Unit will have licenses. Administrators will be able to update the system, transfer between advisory and barred lists and remove person’s when required. The system also allows instant updating of the public database and includes reporting tools.

## 7. HMICFRS

In April 2023, HMRCFRS conducted its inspection of Warwickshire Police's Anti-Corruption Unit (ACU) and Vetting Unit. An assessment of "Adequate" was made for these areas of business. HMICFRS made the following observations and identified areas for improvement: -

- The force should ensure it introduces IT monitoring so that it can monitor all use of its IT systems to support counter-corruption investigations and proactively gather intelligence.
- The ACU has sufficient resources and suitably trained staff to meet demand and allow for proactive intelligence collection; and
- The ACU carries out effective assessment and development of intelligence, including routine widening of enquiries into internal improper behaviour and checking of compliance when specific conditions are attached to notifiable associations and business interests.
- The force's annual 'Counter-corruption Strategic Threat Assessment,' and associated control strategy have an implementation plan with accountable action owners, and uses them to identify and manage corruption threats effectively;
- The force should improve its vetting arrangements to ensure that:
  - Where adverse information has been identified during the vetting process, all vetting decisions are supported with a sufficiently detailed written rationale; and
  - When granting vetting clearance to applicants with concerning adverse information, the force Vetting Unit creates and implements effective risk mitigation strategies, with clearly defined responsibilities and robust oversight.

## 8. Warwickshire Police

### 8.1 Anti-Corruption Unit / PSD Investigations

As detailed in the recent HMICFRCS inspection, comment was made on the capacity of the ACU. This had previously been identified in 2018 as an 'Area for Improvement' and since this time Warwickshire Police has been through several significant periods of change.

To meet current and future demand PSD require an uplift of 2 x ACU investigators and 2 x PSD investigators. This would enable the ACU to fully implement Lawful Business Monitoring and work proactively within the organisation to prevent corruption. The uplift in PSD investigations allows for the predicted continuing increase in demand. A business case has consequently been submitted by the Head of PSD to provide this uplift in capacity and capability. The outcome of police budget decision to is awaited prior to implementation and, if approved, recruitment will commence in Aril 2024.

### 8.2 Lawful business monitoring

In July 2023, Lawful Business Monitoring was implemented by the force. It is a specific monitoring software programme that allows ACU to monitor system usage in one place rather than monitoring each application separately. It allows an analytical oversight of staff location, communications, and actions, giving an understanding of their full



## OFFICIAL

behavioural patterns. Examples where this will prove beneficial is monitoring notifiable associations, systems misuse, and identifying those officers of concern relating to Abuse of Position for Sexual Purpose. (APSP)

### **8.2 People Intelligence Tactical Meeting**

The Detective Chief Inspector of the ACU holds a People Intelligence Tactical Meeting (PITM). This forms part of the PSD's anti-corruption control strategy. It is designed to proactively identify officers and staff who pose a risk to the organisation, the public, colleagues and / or themselves through their behaviour and to minimise any risks posed.

In accordance with the HMICFRS spotlight report on APSP and the ACU's main priority of identifying and preventing this form of corruption, the PITM will focus on officers who are at risk of being involved in APSP. It will however also include other officers and staff who present a different kind of risk, such as through their use of force, associations, or financial situation.

### **8.3 Behaviour and Standards Board**

Following the recent HMICFRS inspection it was highlighted that Warwickshire Police did not operate a people intelligence board chaired by a senior lead. The purpose of this meeting should allow heads of departments to come together, share intelligence and discuss individuals of concern. In light of this recommendation, a Behaviour and Standards Board has now been created, chaired by the Director of Enabling Services, where intelligence from the PITM is discussed.

### **8.4 Policy changes.**

HMIFRCS identified the force's 'Business Interest Policy' does not include all the activities they would expect. For example, not all volunteer work is considered a business interest, it should be. The policy was consequently updated and ratified on 25th October 2023 to include all volunteer work, thereby satisfying the HMICFRS observations.

### **8.5 Service confidence.**

The Service Confidence Procedure (SCP) is considered where 'relevant information' comes to notice that questions the suitability of individuals to continue in their current post. Such material will ideally be the subject of conventional criminal, Police (Conduct) Regulations 2020, Police (Complaints and Misconduct) Regulations 2020, Misconduct Procedures (Police Staff), or Unsatisfactory Performance Proceedings. However, there will be instances when the circumstances do not warrant or lend themselves these procedures / proceedings yet are sufficient to raise concerns that require immediate management action.

This SCP is necessary to protect the public by proper management of any individual within the service who may otherwise pose a risk to the public and / or Warwickshire Police to address a situation where there is a significant loss of confidence in an individual.

It is intended that by this procedure Warwickshire Police can provide a clear and fair system whereby:

- The risk posed by an individual to Warwickshire Police and the public can be addressed;

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- The risk can be managed and where possible reduced by devising a plan as to how an individual is to be deployed in the future;
- The plan can be regularly reviewed; and
- Changes can be made to the plan as necessary.