

Joint Audit and Standards Committee
26 February 2020

Standards Update

1. Overview of the Professional Standards Department (PSD)

- 1.1 The Professional Standards Department's (PSD) main function is to protect the public from harm by ensuring the integrity of West Mercia Police and those who work for the force.
- 1.2 As part of this function, PSD is the Appropriate Authority (AA) and has strategic oversight and responsibility for the initial handling, investigation and finalisation of all expressions of dissatisfaction, formal complaints and conduct matters (with the exception of matters involving the Chief Constable, see Section 2).
- 1.3 PSD is also responsible for overseeing any subsequent disciplinary proceedings and sharing individual and organisational learning that arises following dissatisfaction with service, complaints and conduct matters.
- 1.4 PSD is made up of 3 teams: the Anti-Corruption Unit, the Misconduct and Complaints Team and the Vetting Unit.
- 1.5 The overarching departmental aims and objectives are set out below:
- To uphold professional standards and the Code Of Ethics to allow effective service delivery by West Mercia Police in line with the force's vision and values;
 - To safeguard organisational integrity;
 - To interact with members of the public, partners and staff in a fair, ethical and transparent manner; and
 - To investigate allegations in a manner which relentlessly pursues wrongdoers, educates the unwise, and protects the innocent.

2. The Role of the PCC in Complaints and Conduct Matters

- 2.1 The Police and Crime Commissioner (PCC) is only the AA for complaints, conduct, or Death or Serious Injury matters involving the Chief Constable of West Mercia Police.
- 2.2 Complaints can only be made against the Chief Constable where allegations relate to the Chief Constable's personal involvement or conduct. It is not possible to make complaints against the Chief Constable in relation to matters that have been formally delegated to other officers, staff or police departments.

- 2.3 Any complaints about the personal conduct of the PCC are dealt with by the West Mercia Police and Crime Panel.
- 2.4 Following the implementation of the national complaints and discipline reforms on 1st February 2020, the PCC has become the relevant review body for complaint appeals that were previously referred to the force. The IOPC remains the review body for more serious complaints. Further details regarding changes to the regulations can be found in Section 4.
- 2.5 In addition to the review function, the PCC has a broader governance and scrutiny role in terms of ensuring that West Mercia Police has an effective and efficient process in relation to complaint and conduct matters.
- 2.6 There will be times where the PCC is approached by members of the public and workforce in relation to complaint and conduct matters. Whilst these individuals wish for the PCC to review their concerns, it is important that the public role of the PCC is balanced with the legislation governing the police complaints and conduct system.

3. Governance and Scrutiny of PSD Performance

- 3.1 There are a number of established processes through which the PCC exercises governance and scrutiny of PSD.

Force Governance Meetings

- 3.2 The PCC has a policy lead for standards and ethics who represents the PCC at key force governance meetings in respect of standards and ethics including:
- The Fairness, Policy and Standards Delivery Group;
 - The Internal Ethics Committee (previously attended by a JASC member).
- 3.3 The above groups have recently been established following the transition to standalone governance arrangements for West Mercia and are therefore in their infancy.
- 3.4 The purpose of the Fairness, Policy and Standards Delivery Group is to ensure delivery of an organisation working according to the Code of Ethics and the force's vision and values. Standing agenda items include PSD performance data, organisational learning, stop and search and use of force.
- 3.5 The purpose of the Internal Ethics Committee is to provide a sounding board for ethical issues faced in everyday policing situations; thereby allowing officers and staff to submit issues or dilemmas affecting their work and working environment, to allow a discussion and consideration

before submitting a view back to the force. There has only been one West Mercia Internal Ethics Committee meeting and therefore standing agenda items are still being determined.

Quarterly PSD Performance Meetings

- 3.6 On a quarterly basis, the Deputy PCC and policy lead for standards and ethics hold a performance meeting with the Head of PSD and the Senior Complaints and Misconduct Manager.
- 3.7 During this meeting, PSD present performance data for all key performance indicators as set nationally by the Independent Office for Police Conduct (IOPC). Most similar force and national comparator data is also provided.
- 3.8 The performance data includes:
- Volume of complaint and conduct matters;
 - Timeliness of recording complaints;
 - Timeliness of resolving complaints (with / without investigation);
 - Recorded conduct breaches by allegation category;
 - Misconduct and gross misconduct outcomes.
- 3.9 As of Q2 (Q3 meeting scheduled for 28th February 2020), performance against KPIs had improved compared to 2018/19 and was better than the national average. However, it is acknowledged that the impact of the alliance transition may affect performance for Q3.
- 3.10 The performance meeting is also an opportunity to discuss emerging trends or issues. Over the last 12 months in particular, the meeting has been utilised to understand the impact of local changes (e.g. the alliance) and preparedness for national changes (e.g. the new regulations implemented on 1st February 2020).

Dip Sampling

- 3.11 Dip sampling of finalised complaints was previously undertaken by independent members appointed by the PCC.
- 3.12 Initially, dip sampling of complaints was carried out by members of the Trust, Integrity and Ethics (TIE) committee. This committee was disbanded in July 2018.
- 3.13 From July 2018, the decision was taken to incorporate the functions of the TIE committee (including dip sampling) into the Alliance Joint Audit Committee (to be renamed Joint Audit and Standards Committee).

3.14 An initial dip sampling session was undertaken by Alliance JASC members on 14th June 2019. However no further dip sampling sessions were scheduled due the requirement to establish a separate JASC for each force.

3.15 The future role of the West Mercia JASC in standards and ethics, and the value of dip sampling complaints must be considered by the PCC, Chief Constable and members going forward.

4. Changes to the Police Complaints and Conduct Regulations.

4.1 The Policing and Crime Act 2017 established the basis for a long term, systematic reform of the police complaints and conduct system. The act and associated legislative changes were rolled out in 3 phases:

- Phase 1: Implementation of the barred and advisory list for former officers.
- Phase 2: Reform of the Independent Police Complaints Commission's (IPCC) role, governance structures and renaming as the IOPC.
- Phase 3: Complaints and discipline reforms including new regulations related to complaints, conduct and police appeals tribunals. This phase included new powers for PCCs.

4.2 Phases 1 and 2 were implemented in 2018 and 2019. Phase 3 has had the biggest impact on police force PSDs and PCCs and was implemented on 1st February 2020. Key changes as a result of the phase 3 reforms are set out below.

- Change in threshold for assessment of misconduct;
- Introduction of practice requiring improvement and reflective practice processes (move towards culture of learning);
- Introduction of reporting to the PCC on any investigations that are more than 12 months old;
- Change in the definition of a complaint to include any expression of dissatisfaction with a police force;
- Greater involvement for PCCs, with a mandatory requirement to become the relevant review body for low level complaints.

PCC Review Function

4.3 As stated previously, the PCC has recently become the relevant review body for all complaint appeals that were previously referred to the force. The IOPC remains the review body for more serious complaints.

4.4 The PCC will only be the relevant review body for complaints formally recorded by PSD after the regulations were implemented on 1st February 2020.

4.5 The PCC has appointed a Complaints Review Manager to ensure statutory obligations are met in respect of the assessment, recording and management of complaint reviews submitted to the PCC.

4.6 It is hoped that this role will also deliver and improve public confidence and perceptions of police legitimacy in respect of complaints.

4.7 It will be for the Complaints Review Manager to determine whether the force has dealt with complaints (in terms of process and outcomes) in a manner that is reasonable and proportionate.

4.8 If a review is upheld, the Complaints Review Manager is able to make recommendations to the force including (but not limited to):

- Organisational / individual learning;
- Informal action by line manager;
- Apology to the complainant;
- Providing a full and proper explanation;
- No further action;
- Investigation / reinvestigation of the complaint.

4.9 The Complaints Review Manager has been in post since 10th February 2020 and is in the process of working with teams within the OPCC and PSD to establish relevant processes and procedures. This includes consideration of how to capture wider learning and performance reports in respect of reviews.