

Joint Audit and Standards Committee
30 March 2021

Standards Update

1. Overview of Governance and Scrutiny Processes

1.1 There are 2 key meetings through which the PCC and Chief Officers exercise governance and scrutiny of PSD and the wider standards and ethics agenda:

- The Fairness, Policy and Standards Delivery Board; and
- The PCC – PSD Quarterly Performance meeting.

1.2 The force also have an Internal Ethics Committee (IEC). The Committee does not provide a governance, scrutiny or audit function. It is an independent committee that acts in an advisory and guidance capacity on matters relating to ethical practice and is accessible to all members of West Mercia Police.

1.3 A brief update from each meeting has been provided as part of this paper.

2. Fairness, Policy and Standards Meeting

2.1 The last Fairness, Policy and Standards meeting was held on 28/01/21. The meeting is chaired by the Deputy Chief Constable (DCC).

2.2 The meeting covered a range of topics including:

- The fairness, policy & standards delivery plan;
- Fairness at work (FAW) review;
- Professional standards performance report; and
- IEC update.

2.3 The key focus of the meeting was the FAW review which is ongoing. As stated in previous reports, the PCC had raised concerns regarding the FAW process as part of a formal Holding to Account meeting with the Chief Constable (August 2020).

2.4 Considerable progress has been made, and a number of key developments in respect of the FAW review are set out below:

- Collation and review of all staff survey feedback to enable wider understanding of experiences / perceptions.
- Engagement with the force's 'Speak Up' working group.
- Handbook produced for appointed fact finders which contains all key elements in one easily accessible place.
- Enhanced the triage system with People & Organisational Development (OD) and PSD, alongside subsequent monthly reviews involving legal.
- Commenced review of harassment and hate crime policy and procedure to ensure clear process for individuals to raise concerns.

- Monthly meetings put in place for People & OD, Federation and Unison to discuss FAW concerns amongst other issues.

2.5 This activity has resulted in a significant reduction in timescales for FAW including a 68% reduction in time taken to appoint a fact-finder to a case and a 70% reduction in time taken to complete a FAW submission compared to 2019/20. Further work is planned for Q4 and is ongoing.

2.6 A promotions process review is also in train with a number of activities completed to date:

- The force process has been reviewed against the good practice guidance issued by the College of Policing;
- Bench marking with other forces is underway;
- A short survey was conducted via the staff networks / associations and over 270 individual officers at all ranks who had taken part in a promotion process in the last few years. 141 officers completed the survey. The responses are now being analysed to identify common themes to inform the review.

2.7 Once in place (currently undergoing Management of Change process), the new Talent and Resourcing team will use the above to inform a full review of the promotion journey. This work will also be aligned with the new Leadership Development framework and reviews of the PDR and Talent Management process. The DCC has asked for a further update on this work next quarter.

3. Internal Ethics Committee (IEC)

3.1 A West Mercia-specific IEC was established in December 2019. The committee has since developed a revised Terms of Reference (ToR) which outlines the purpose, objectives, membership and administration of the group.

3.2 The committee has an independent Chair from the University of Worcester, and a new vice Chair has recently been appointed (a West Mercia Police Inspector).

3.3 The IEC was previously attended by an independent member of the PCC's Trust, Integrity and Ethics (TIE) Committee. When the TIE committee was disbanded, the responsibilities of the JASC were extended to include Standards and Ethics.

3.4 In 2019, the JASC ToR was amended to include a commitment to attend the IEC and share information between the two committees. As an interim measure, the IEC has been attended by the PCC's Policy Officer who acts as a conduit between both groups.

3.5 An extraordinary meeting of the IEC was held on 12/03/2021 to review progress over the last year, and to identify opportunities to drive activity which had stalled somewhat as a result of the pandemic.

- 3.6 The meeting discussed the nature of Chief Officer support, how to solicit increased engagement from the workforce, synergies with established governance boards/ committees and future membership.
- 3.7 As part of these discussions, the PCC's Policy Officer was asked to clarify the role of the JASC in terms of standards and ethics, similarities and differences between the committees, and how the committees have and could work together moving forward.
- 3.8 The ToR for the committees are vastly different, and there are no concerns regarding duplication of effort. However, it was felt that the informal debates and discussions at IEC could be useful to the JASC in identifying emerging ethical issues to inform the standards work plan.
- 3.9 It was agreed that once a JASC lead for Standards was identified, they would be put in contact with the IEC chair / vice chair to agree working practices moving forward.
- 3.10 Updates and actions from the IEC are reported to the Fairness, Policy and Standards Board and the Regional / National Ethics Committee where appropriate.

4. Quarterly PSD Performance Meeting

- 4.1 The PCC has a quarterly performance meeting with the Head of PSD and the Senior Complaints and Misconduct Manager.
- 4.2 The last meeting took place on 25/01/2021. An overview of complaints performance and live misconduct matters was provided.
- 4.3 There has been a considerable increase in the volume of complaints received following the implementation of the new regulations in February 2020. This was anticipated as the complaint reforms included a change in the definition of a complaint, to include any expression of dissatisfaction against the police.
- 4.4 It is PSD's ambition to retain as many complaints within the department as possible, to reduce demand on local policing areas and to improve the timeliness, standards and consistency of complaint resolution for the public.
- 4.5 Integral to this is the utilisation of the triage team to resolve complaints informally outside of Schedule 3 of the Police Reform Act. It is now standard practice for every complainant to receive a telephone call from the triage team to discuss their complaint at the front end, with the hope of informal resolution where appropriate, (however it should be noted that a proportion of complaints will always be recorded under Schedule 3 due to the severity of allegations or the wishes of the complainant).

- 4.6 In line with these ambitions, PSD have set an internal aspiration to resolve 75% of complaints through the triage team. Across Q3, 78 – 91% of all complaints were resolved through the triage team. This has led to a considerable reduction in demand on Local Policing teams, as well as improved timeliness of response for members of the public.
- 4.7 As per the new regulations, PSD must provide PCCs and the IOPC with a notification letter for any local investigation (complaint, conduct or death or serious injury matter) recorded after February 2020 which has not been completed within 12 months.
- 4.8 In this context, ‘completed’ is defined as a final report being submitted to the Appropriate Authority within PSD (i.e. does not include the reviews period). Such letters must still be submitted even where cases are subjudice.
- 4.9 To date, 1 notification letter has been submitted to the PCC. The PCC’s office are developing a mechanism to monitor the submission of these letters and to provide oversight of trends. Further national guidance from the IOPC is anticipated in regards to the response to these letters.
- 4.10 An increase in conduct offences has been noted this financial year. It is difficult to ascertain if this increase is due to increased confidence to report into PSD or an increase in poor behaviour. The Head of PSD provided the PCC with an anonymised summary of new, live gross misconduct investigations.
- 4.11 Whilst ‘discreditable conduct’ and ‘honest and integrity’ are the 2 main breaches for conduct cases, there has been an emerging themes in relation to abuse of position for sexual gain; as well as conduct matters involving student officers / those with less than 3 years’ service . This has been identified by the IOPC and other forces regionally and nationally.

5. Dip Sampling

- 5.1 As set out in previous updates, the PCC’s TIE committee used to dip sample finalised complaints on a monthly basis.
- 5.2 The TIE committee was disbanded in July 2018 and the decision was taken to incorporate its functions (including dip sampling) into the JASC.
- 5.3 Dip sampling of complaints has not been undertaken since West Mercia established a standalone JASC.
- 5.4 The future role of the West Mercia JASC in standards and ethics, and the value of dip sampling complaints will be considered as part of the training input at the meeting on 30/03/21.

6. PCC Review Function.

- 6.1 As of February 2020, the PCC has become the relevant review body (RRB) for low level complaints. Further details of the process implemented in West Mercia can be found in the Standards Update submitted to the committee last quarter.
- 6.2 A log has been created to monitor the progress, outcomes and learning for all complaint reviews. This data is also recorded on Centurion (the ICT system used by PSDs nationally), to ensure compliance with national data standards.
- 6.3 Key statistics for the first 12 months of this new process (Feb 2020 – Feb 2021) are set out below:
- 94 complaint reviews submitted (this is a small increase compared to average volumes received by PSD under previous regulations).
 - 88 of these submissions were valid requests for review. 82 out of 88 reviews have been completed to date.
 - Of the 82 completed reviews, 12 have been upheld with recommendations made to the force. This is an upheld rate of 15%.
 - Of the reviews not upheld (70), 4 identified aspects of oversight learning for the force.
- 6.4 National comparator data is not yet available due to delays with IOPC national data extraction processes. However these statistics have been informally shared with the IOPC who were reassured that current performance was as expected.
- 6.5 Whilst the volume of formal recommendations and oversight learning is low, a number of emerging themes have been identified:
- Many of the recommendations / oversight lessons relate to complaints comprising of multiple allegations. There is learning for the force to ensure all of the allegations raised are addressed in a reasonable and proportionate manner.
 - A number of complaint reviews may have been mitigated had there been greater clarity / detail in the force's communication with members of the public. There is learning for the force to ensure appropriate communication of decisions in respect of criminal / complaint outcomes.
- 6.6 There is frequent dialogue between the PCC's office and PSD in respect of reviews.
- 6.7 In addition PSD have recently had a training session focussed on the emerging trends and feedback identified through the review process.