

Joint Audit and Standards Committee
26 November 2020

Standards Update

1. Overview of Governance and Scrutiny Processes

- 1.1 Following a review of internal governance arrangements, the PCC's Office produced new guidance for the force to ensure the PCC is suitably briefed on matters / investigations likely to affect public confidence.
- 1.2 The guidance clarifies the mechanisms through which the PCC is regularly briefed on critical matters / investigations, and the circumstances in which a verbal Chief Officer briefing would be expected.
- 1.3 Previous arrangements relating to governance and oversight of gross misconduct investigations were also reviewed as part of the guidance and a number of recommendations were made to improve processes including:
- Sharing of existing weekly Professional Standards Department (PSD) Chief Officer briefings;
 - Reinstating PSD briefings on new, live gross misconduct cases as part of the Deputy PCC's (DPCC) quarterly PSD performance meetings; and
 - Improved oversight of gross misconduct cases that are independently investigated by the Independent Office of Police Conduct (IOPC).
- 1.4 The Chief Officer team have reviewed the guidance and accepted the recommendations; all of which have since been implemented by the PCC's Office and PSD.
- 1.5 As set out in previous updates, there are 3 key strategic 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;
 - The Internal Ethics Committee; and
 - The DPCC – PSD Quarterly Performance meeting.

1.6 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 3rd November 2020. The meeting is chaired by the Deputy Chief Constable.

2.2 A draft Fairness, Policy and Standards delivery plan has been developed to support delivery of the force's People Strategy, and to inform the activity of the board. The key fairness and standards work streams identified as part of the plan are:

- Leadership Development;
- Embed the revised Professional Standards;
- Utilise IAGs and Community Policing Teams;
- Review Fairness at Work (FAW);
- Develop work of the Ethics Committee; and
- Review and refresh the promotions process.

2.3 The key focus of the November meeting was the FAW and promotions reviews which are ongoing. The PCC's Office had raised concerns regarding the FAW and promotions processes at previous Board meetings and as part of the August Holding to Account session on Diversity, Equality & Inclusion.

2.4 The force continue to regularly engage with the PCC's Office in respect of these 2 work streams and the PCC's policy lead is now satisfied that all previous feedback has been considered in developing the relevant Terms of Reference and Action Plans.

3. Internal Ethics Committee

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

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

3.3 Each committee meeting involves review of ethical dilemmas that have been submitted to the committee.

3.4 As a result of Covid-19, the last 2 meetings have taken place virtually. Dilemmas discussed included Covid-19 working practices / guidance, the police response to protestors damaging the statue of Edward Colston in Bristol, and the force's new mileage policy and process.

3.5 Updates and actions from the Internal Ethics Committee are escalated to the Fairness, Policy and Standards Board and the Regional / National Ethics Committee where appropriate.

4. Quarterly PSD Performance Meeting

- 4.1 On a quarterly basis, the DPCC has a performance meeting with the Head of PSD and the Senior Complaints and Misconduct Manager.
- 4.2 The last quarterly meeting took place on 19th October 2020. An overview of complaints performance and live misconduct matters were 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, from August 2020, PSD have resolved over 80% of complaints through the triage team. This is better for the complainant in terms of timely resolution and streamlined processes, as well as an improvement for the organisation in terms of demand management. Approximately 92-93% of all complaints (formally recorded or otherwise) are now retained by PSD.
- 4.7 As set out at 1.3, PSD briefings on gross misconduct cases have been reinstated as part of the quarterly performance meetings. The Head of PSD provided the DPCC with an anonymised summary of new, live gross misconduct investigations.
- 4.8 Whilst 'discreditable conduct' and 'honest and integrity' are the 2 main breaches for conduct cases, there has been an emerging theme in relation to sexual misconduct and abuse of position for sexual purposes. This is something that has been noted by the IOPC nationally.

5. Dip Sampling

- 5.1 Dip sampling of finalised complaints was previously undertaken by independent members appointed to the PCC's Trust, Integrity and Ethics (TIE) committee.
- 5.2 The TIE committee was disbanded in July 2018 and the decision was taken to incorporate its functions into the Alliance Joint Audit Committee (to be renamed Joint Audit and Standards Committee).
- 5.3 Dip sampling of complaints (beyond those that subject of a complaints review) 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 must be considered by the PCC, Chief Constable and members going forward.

6. PCC Review Function.

- 6.1 As of February 2020, the PCC has become the relevant review body (RRB) for low level complaints.
- 6.2 The review process is not a reinvestigation, but an appraisal of how the complaint was originally dealt with by the force. As part of the review, the PCC's Office must assess whether the processes and outcomes provided to the complainant were reasonable and proportionate. Where a complaint review is upheld, the PCC's office can make formal recommendations to the force. The force must respond to these recommendation but it does not have to accept them.
- 6.3 The PCC has appointed Sancus, an independent and qualified external body to assess reviews on behalf of the RRB. Sancus do not make the final decision on reviews but provide the PCC's Office with a report setting out observations and recommendations to consider for each case alongside relevant statutory guidance.
- 6.4 The PCC's Assistant Chief Executive makes the final decision on the outcome of reviews and any subsequent recommendations or oversight (learning where a complaint has not been upheld) for the force.
- 6.5 The Assistant Chief Executive is responsible for communicating the outcome of the review to the complainant in writing. At the end of this process, there is no further right to review.

6.6 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.

6.7 Key statistics to date (as of 10/11/2020) are set out below:

- 64 complaint reviews submitted since February 2020.
- 55 complaint reviews have been completed (86% of total reviews).
- Of the 55 reviews completed, 6 have been upheld with recommendations made to the force. This is an upheld rate of 11%.
- Of the reviews not upheld (49), 4 (8%) identified some oversight learning for the force.

6.8 These statistics have been shared with the IOPC who were reassured that current performance was as expected.

6.9 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.