

**Joint Audit and Standards Committee
21 November 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 29/07/21. 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 review;
- Promotions process review;
- Professional standards performance report; and
- IEC update.

2.3 Following holding to account activity in August 2020, the Fairness at Work review (FAW) and the promotions process review are monitored and scrutinised on a quarterly basis via the Fairness, policy and standards meeting.

2.4 The force have made considerable progress on the FAW review, including:

- Updated the FAW policy and procedure incorporating learning and feedback from the workforce.
- Developed a new bullying and harassment policy and procedure which is currently out for consultation.
- Developed an enhanced triage system on receipt of a FAW submission (Legal/HR/PSD).
- Achieved ongoing reductions in the time taken to complete a FAW investigation in comparison to 20/21.

- Developed a 'support toolkit' so that those involved in the FAW process know where to access support.

2.5 The force set out the activity to be undertaken in the short, medium and long term in respect of the promotions review. The following is anticipated to have been completed in Q2 and will be subject of monitoring at the next Fairness, Policy and Standards meeting:

- Revise the promotion selection procedure for formal ratification;
- Review and publish documentation guidance;
- Undertake an adverse equality impact assessment;
- Finalise the promotion schedules for 2021/22;
- Ensure standardisation of promotion questions.

2.6 The force are also looking at ways in which to enhance perceptions of fairness in the process. Options are being explored ahead of the Sgts process in November including: the involvement of the Police Federation in the pre- and post-process stages; panel briefings prior to promotion boards to drive consistency; and improving representation of promotion panels.

2.7 The next meeting will be held on 04/11/2021.

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 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.

3.3 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.

3.4 The IEC have been keen to understand the role of the JASC in terms of standards and ethics. As such, an introductory meeting was organised between the JASC lead for standards, and the Chair, Vice-Chair and Secretary of the IEC in July 2021. This proved a useful meeting to clarify the role and remit of the 2 committees.

3.5 Due to the nature of the IEC (focused on discourse rather than governance or decision making) it was agreed that it would not be necessary for regular JASC member attendance. However, the JASC lead

for standards intends to attend a future meeting to better understand how the group operates and shares their findings / discussions with the wider workforce.

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 30/07/2021. An overview of complaints performance and live misconduct matters was provided.
- 4.3 The volume of complaints in Q1 (Apr – Jul 2021) increased compared to the previous quarter. This was anticipated following the easing of national lockdown restrictions.
- 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 Q1, 70 – 83% 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 The volume of conduct cases continues to be sustained at higher levels than seen previously (a trend seen regionally and nationally). An update on conduct cases in terms of both volumes and narrative is provided to the PCC each quarter.
- 4.8 The main themes arising for conducts recorded in Q1 (<5 of each category):
 - Computer Misuse
 - Discriminatory Behaviour
 - Inappropriate Behaviour
 - Domestic Abuse
 - Use of Force
 - Abuse Position for Sexual Purpose

- 4.9 The increase in conduct cases last year was subject to further scrutiny at the PCC's holding to account meeting with the Chief Constable (CC) on 04/06/2021. The CC provided reassurance that the drivers of the increase were understood and that an action plan was in place to address them.
- 4.10 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.
- 4.11 Where a case is subject to an IOPC independent or directed investigation, the IOPC must provide the PCC and the CC with a notification letter where investigations have not been completed within 12 months.
- 4.12 In this context, 'completed' is defined as a final report being submitted to the Appropriate Authority (i.e. does not include the reviews period). Such letters must still be submitted even where cases are subjudice.
- 4.13 To date, PSD have submitted 6 notification letters to the PCC. 0 notification letters have been submitted by the IOPC. The PCC's office have developed a mechanism to monitor the submission of these letters and to provide oversight of trends.
- 4.14 No further action has been required in any of the 6 cases. In each case, the delays have been the result of investigations being subjudice and awaiting the outcome of court proceedings.

1. PCC Review Function.

- 1.1 As of February 2020, the PCC has become the relevant review body (RRB) for low level complaints.
- 1.2 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.
- 1.3 Reviews data for Q4 2020/21 is due to be published by the IOPC on 16th November. Key statistics from the 2020/21 publication are set out below:
- 97 reviews received by the PCC.
 - 21% of non-investigation reviews were upheld. This is in line with the most similar group (MSG).
 - 13% of investigation reviews were upheld. This is slightly above the MSG (9%).
- 1.4 Quarterly meetings are held with the IOPC where complaint reviews are a standing agenda item. The IOPC has no concerns about the volume, upheld rate or timeliness of reviews in West Mercia.

- 1.5 A regional PCC review practitioners' workshop has been set up by the IOPC. The purpose of this workshop (which takes place quarterly) is to enable review decision makers to share learning and best practice.
- 1.6 As set out in the amended Specified Information Order (2021), PCCs must publish IOPC quarterly complaints data for their force and the IOPC annual statistics report on their websites. This should be published alongside a narrative setting out how the PCC is holding the Chief Constable to account in relation to complaint handling, and the PCC's assessment of their own performance in carrying out their other complaints handling functions (e.g. complaint reviews).
- 1.7 The IOPC are due to publish the Q4 2020/21 data and the 2020/21 annual report on 16th November. The PCC will then have a month to publish the narrative.