

**Joint Audit and Standards Committee**  
**26 June 2023**

**PCC Standards Update**

**1. Introduction**

- 1.1 This paper focuses on activity undertaken by or on behalf of the PCC to discharge his statutory duties in respect of standards and ethics including
- holding the Chief Constable to account for the performance of all officers and staff,
  - monitoring force complaints (inc. 12-month letters), and
  - being a review body for force complaints.

**2. Update from Quarterly PSD Performance Meeting**

- 2.1 The PCC has a quarterly performance meeting with the DCC, Head of PSD and the Senior Complaints and Misconduct Manager. This is a key mechanism through which the PCC maintains oversight of force complaints and conduct matters.
- 2.2 Discussions at the meeting are informed by internal force governance meetings (the Fairness, Policy and Standards Board), and PCC meetings with the Independent Office for Police Conduct (IOPC), the national oversight body for police complaints in England and Wales.
- 2.3 The last meeting took place on 20/05/2023. An overview of complaints performance and live misconduct matters in Q4 (Jan - Mar 2023) was provided and key headlines are summarised below.
- 2.4 There was a 3% decrease in recorded complaints in 2022/23 compared to 2021/22. Despite an overall reduction in complaints in 2022/23, there was a considerable spike in recording in March. This was due to an administrative backlog of complaints, rather than an increase in new complaints in March.
- 2.5 Despite the increase in March, PSD continued to provide a timely initial response to complaints, with over 99% of complaints in Q4 recorded within 10 days. There has been a delay in finalising cases in the last 2 months of the quarter. This is the result of staffing issues (inc. sickness and vacancies). PSD will have a full complement of staff in the complaints team from Q1 2023 and this should lead to improvements in performance.
- 2.6 The PCC has asked PSD to review the complaints performance data, with a view to including a number of additional metrics to reflect IOPC performance reporting and provide more information on timeliness.
- 2.7 Conduct cases continue to rise, with an overall increase of 7% compared to 2021/22.

- 2.8 Computer misuse / data protection, honesty and integrity and inappropriate behaviour accounted for the main themes for conduct cases this year. The PCC discussed current processes for briefing him on cases that have the potential to undermine public confidence. The PCC is briefed by Chief Officers for any such cases, and also receives a weekly summary of key conduct / criminal investigations, upcoming misconduct hearings and court cases.
- 2.9 The PCC has requested that the briefings set out above are supplemented with more detail in respect of suspended officers and staff. This will be included at the next quarterly meeting.
- 2.10 A quarterly update on future meetings, hearings and trials was provided. There were 3 court cases Jan – May 2023 involving West Mercia officers. These cases related to allegations of abuse of position, sexual assault and domestic abuse.

### **3. Assurance and Accountability**

- 3.1 In January 2023, the PCC requested an adhoc briefing from the Chief Constable on police vetting and corruption. The Chief Constable was asked to provide an update on activity undertaken to implement the recommendations in the national HMICFRS inspection on vetting, misconduct and misogyny published in November 2022; and requirements from the Home Office to recheck vetting of all officers and staff.
- 3.2 Key findings / outcomes from the Chief Constable's response to the adhoc briefing request are set out below:
- Following publication of the 2 HMICFRS vetting and counter corruption reports (local and national reports published in November 2022), the force has developed an action tracker to record and monitor activity to address the reports' findings.
  - For over a third of national recommendations, West Mercia Police had either successfully delivered or had made significant progress in delivering the required activity.
  - The Chief Constable is confident that every officer and member of staff working for the force holds vetting, with processes in place to review vetting at appropriate intervals dependant on the level of vetting held.
  - A standard operation procedure (SOP) is in place to ensure a review of vetting takes place following any final written warning, written warning, or reduction in rank.
  - The force is complying with the Home Office directive to check all officer and staff details against the Police National Database. Any criminal conviction / adverse trace identified from this process will be

reviewed and where appropriate, a full review of current vetting will be undertaken by the Vetting Unit and Force Vetting Manager.

- The force has developed and implemented a new Internal Domestic Abuse (DA) and Vulnerability Policy and Procedure which clearly details support provided to officers and staff who are subject to DA or other vulnerability crime. Additional support is available through the Victim Advice Line (commissioned by the PCC) for internal and external victims of crime and police misconduct.

3.3 The PCC continues to use his accountability processes to focus on standards and ethics and in March 2023 commissioned a further adhoc briefing from the Chief Constable in respect of the Casey Report. A response was submitted by the Chief Constable and was discussed as part of the PCC- CC regular weekly meeting.

3.4 Following the continued rise in conduct and court cases involving West Mercia officers and staff, the PCC has issued an open letter to all local media outlets (inc. TV and radio). The letter sets out the PCC's disappointment and anger in relation to the actions of a minority of officers. The letter provides assurance regarding existing processes related to vetting and how the PCC will use his power to support and hold the Chief Constable to account.

3.5 The letter has generated considerable local media attention, with the PCC being asked to feature on BBC Midlands Today, and give local radio interviews to reassure the public.

#### **4. 12 month timeliness letters**

4.1 PSD must provide the PCC and the IOPC with a notification letter for any local investigation (complaint, conduct or death or serious injury matter) which has not been completed within 12 months. 6 month updates are then required thereafter until the matter has been completed.

4.2 In this context, 'completed' is defined as a final report being submitted to the Appropriate Authority (i.e. does not include the reviews period). Letters must still be submitted even where cases are subjudice.

4.3 Two 6 month update letters were submitted in Q4 2022/23. These both relate to complaints recorded in 2020 which are subjudice as they related to live criminal investigations.

4.4 The PCC's office has developed a mechanism to monitor the submission of these letters and to provide oversight of trends. These trends are discussed at the PCC's quarterly PSD performance meeting where appropriate.

## **5. PCC Review Function**

5.1 Complaint review data has been integrated into the PCC's quarterly performance meeting with PSD. This ensures greater oversight of trends and learning. The following data was presented at the Q4 meeting.

5.2 116 reviews have been completed Q1-Q4.

5.3 29 reviews have been upheld (25%). This is an increase in the upheld rate compared to previous years (15% upheld rate 2021/22), but a decrease compared to previous quarters. It is hypothesised that this is the result of learning from the reviews being shared with the force and implemented in the latter quarters.

5.4 The IOPC publish complaints and reviews data to enable most similar group (MSG) and national comparisons. However, this data is published in arrears. The latest IOPC reviews data is for Q1-Q3 (Apr 2022 – Dec 2022) and key headlines are set out below:

- 28% of recorded complaints in West Mercia resulted in a review. This is comparable to the MSG average but is above the national average (22%).
- The average number of working days for the PCC's office to complete a review is 34; a positive position compared to the MSG (53 days) and national average (64 days).
- The IOPC has only received 2 reviews for West Mercia (the IOPC are the review body for specific cases as set out in legislation; including more serious matters).

5.5 The IOPC have continued to raise concerns regarding the low rate of complaints referred to them by the force, as well as the low volume of reviews. The IOPC have offered to undertake dip sampling activity to better understand these trends. The PCC is supportive of this work taking place to ensure the force is compliant with legislation and complainants are being given access to the right review body.