

Joint Audit and Standards Committee
25 September 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 a quarterly performance product produced by PSD, 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 28/07/2023. An overview of complaints performance and live misconduct matters in Q1 2023/24 (Apr - Mar 2023) was provided and key headlines are summarised below.
- 2.4 As per the last JASC update, the PCC requested that PSD review the performance pack produced for the quarterly meeting, and include a number of additional metrics to support his role in holding the force to account for performance in respect of complaints and conduct.
- 2.5 The PCC requested inclusion of additional local data in relation to complaint outcomes, officers /staff suspensions and CSE-related complaints; alongside key performance indicators from the IOPC quarterly performance reports (which are published). This request was actioned ahead of the Q1 2023 meeting and the pack now provides a more comprehensive overview of performance across a range of priority areas. It should be noted that due to different reporting timescales, the IOPC data included in the pack is in arrears and was for the period Apr 2022 – Mar 2023.
- 2.6 After a very slight increase in recorded complaints in Q4, recorded cases in Q1 saw a further considerable increase (436 logged complaints;

compared to an average of 338 for 2022/23). This is the highest level of complaints recorded in a quarter since Q3 2020/21.

- 2.7 Despite the increase, PSD continue to be able to service over 75% of expressions of dissatisfaction within the department (as opposed to tasking to local policing areas and departments). This reduces demand on other departments, whilst ensuring a timelier, consistent and quality response is provided to complainants.
- 2.8 The IOPC data showed that despite increased demand and challenges around staffing in 2022/23, the force had made improvements in the timeliness of initial contact with complainants compared to the previous year. This was welcomed by the PCC.
- 2.9 In contrast, the IOPC data showed that the average time taken to finalise complaints was slower in West Mercia when compared to most similar forces (MSFs) and the national average. PSD contended that this did not reflect delays from a customer perspective, but reflected delays in administrative functions within the team at the end of the complaints process. This will continue to be monitored by the PCC.
- 2.10 Conduct cases remained high, with 32 recorded in the first quarter of the year. Computer misuse / data protection, honesty and integrity and inappropriate behaviour account for the main themes for conduct cases in 2022/23 and 23/24. The PCC was briefed on live gross misconduct cases, current suspensions, and future misconduct / criminal hearings.

3. Assurance and Accountability

- 3.1 The PCC's Assurance and Accountability (A&A) meeting in August included an agenda item on the national HMICFRS inspection on vetting, misconduct and misogyny published in November 2022. The Chief Constable was asked to provide a written briefing on overall progress, with a specific focus on local and national areas for improvement (AFIs).
- 3.2 The national inspection report contained 28 recommendations and 5 AFIs for police forces. As of August 2023, the force assessed the position as follows:
 - 17% of recommendations have been fully met and signed off with evidence to HMICFRS. They are now closed.
 - Fully or partially compliant with 75% of the recommendations; awaiting the results of dip sampling and audit activity.
 - Not compliant (have not met by the date specified by the Inspectorate) 8% of recommendations. This relates to 2 specific recommendations.
- 3.3 Updates were provided in respect of the 2 outstanding recommendations. Recommendations related to reviewing allegations of improper behaviour

within the last 3 years; and the ability to monitor all ICT systems. The majority of other forces in the country have delivered or remain on track to deliver against the recommendations. These recommendations were subject of scrutiny at the A&A meeting with the PCC asking for assurance in regards to resources and timescales to complete work.

3.4 Updates against all national AFIs was also provided. The cultural audit work being progressed by the force will link into a key national AFI to improve understanding of the scale and nature of improper and misogynistic behaviour towards female officers and staff.

3.5 Notes of the discussion will be published on the PCC's website in due course.

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 2 new 12 month letters have been received since the last JASC update (2 submissions in July 2023). 1 of the cases is currently subjudice. 1 of the cases was reopened sometime after initially being service recovered by the team, leading to a delay in finalisation.

4.4 There are ongoing discussions with PSD about the process for identifying cases that must be subject to a 12 month letter (or 6 month update) and improving timeliness of submission of these letters to the PCC.

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 Q1 meeting.

5.2 19 reviews were completed in Q1. 2 of these reviews were upheld.

5.3 It is too early to comment on trends compared to previous years. However, it should be noted that there was a notable reduction in upheld complaints in Q4 2023/22 compared to the previous 3 quarters, suggesting an improved direction of travel. It is hypothesised that this is the result of learning from the reviews being shared with the force and being

implemented by the team in PSD. The upheld rate will be monitored over time.

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-Q4 (Apr 2022 – Mar 2023) and key headlines are set out below:

- 38% of recorded complaints in West Mercia resulted in a review. This is an increase compared to Q1-Q3 (28%) and remains above the national average (21%).
- The average number of working days for the PCC's office to complete a review is 32; a continued improvement compared to Q1-Q3 (34 days) and a positive position compared to the Most Similar Group (MSG; 51 days) and national average (64 days).
- The IOPC only received 2 reviews for West Mercia complaints in 2022/23 (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. This work is planned for September 2023. 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.