

**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 27/10/2023. An overview of complaints and conduct performance and live misconduct matters in Q2 2023/24 (Jul - Sep 2023) was provided and key headlines are summarised below.

2.4 The increase in complaint recording was sustained in Q2 (68% increase compared to Q2 22/23). The IOPC have noted an increase in complaints nationally, however the rate of complaint cases logged per 1,000 employees is higher in West Mercia than the national or most similar group (MSG) average<sup>1</sup>.

2.5 The increase in recording was raised at the meeting and escalated to a formal Assurance and Accountability (A&A) meeting with the Chief Constable in December. There is no clear trend driving this increase however reassurance was provided as to the force response (including support through secondments into PSD and a focus on prevention activity).

2.6 Conduct cases remained high, with 36 recorded in Q2. Computer misuse / data protection, and honesty and integrity account for the main themes for

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<sup>1</sup> IOPC data for Q2 not yet published. Q1 23/24 West Mercia complaint cases logged per 1,000 employees = 97, compared to MSG average = 75 cases, and national average = 81 cases.

conduct cases in 22/23 and 23/24. The PCC was briefed on live gross misconduct cases, current suspensions, and future misconduct / criminal hearings. Work is ongoing across force departments including PSD and Audit, Assurance and Compliance to focus on prevention and organisational learning activity.

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

3.1 As set out above, the PCC's performance meeting in December included a focus on the increase in complaint and conduct cases. Trends will continue to be monitored through the forums set out at para 2.2.

3.2 The PCC has a statutory requirement to publish an annual narrative report on complaint handling through the Elected Local Policing Bodies (Specified Information) (Amendment) Order 2021.

3.3 The Order provides that PCCs must publish a narrative setting out:

- How the PCC is holding the Chief Constable to account in respect of complaints; and
- The PCC's assessment of their own performance in carrying out their complaint reviews function.

3.4 A copy of the PCC's narrative for 2023 was published in November 2023 and can be found: [Complaint Handling - Police and Crime Commissioner Statement - West Mercia Police Crime Commissioner \(westmercia-pcc.gov.uk\)](https://www.pcc.gov.uk/complaint-handling-statement-west-mercia)

### **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 4 new 12 month letters have been received since the last JASC update. The 4 complaints are all subjudice pending the outcome of criminal investigations / trials.

4.4 1 6 month update is outstanding for a complaint recorded February 2020. The complaint has been subjudice since March 2020. This outstanding report has been raised with PSD.

- 4.5 The 12 month letters are reviewed on receipt by the PCC and Chief Executive to identify any further action that is required. Longer term trends are reviewed quarterly. This activity has led to concerns that PSD is not consistently submitting the required reports in a timely manner in line with statutory requirements.
- 4.6 The PCC has raised this at his quarterly PSD meeting on several occasions and PSD are identifying opportunities to improve processes.

## **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 Q2 meeting.
- 5.2 43 reviews were completed Q1-2. Five reviews (11%) were upheld. It is too early to comment on trends in recommendations however these continue to be monitored.
- 5.3 There has been a reduction in the upheld rate compared to 2022/23, with rates returning to levels seen in 2020/21 and 2021/22. It is hypothesised that this return to lower levels reflects learning identified in 22/23 being embedded by the force, stability in complaint review leads within the OIPC and the independent provider that supports the office, and quality engagement with PSD.
- 5.4 The OIPC publish complaint reviews data to enable MSG and national comparisons. However, this data is published in arrears. The latest OIPC reviews data is for Q1 (Apr - Jun 2023) and key headlines are below:
- 15% of recorded complaints in West Mercia resulted in a review. This is reduction compared to the same period last year (20%), and is below the MSG (34%) and national average (22%).
  - Whilst the proportion of complaints resulting in a review has decreased, the volume of complaint reviews received by the PCC's office has increased; reflecting the overall increase in complaint recording.
  - The average number of working days for the PCC's office to complete a review remains at 32; a positive position compared to the OIPC (155 days), MSG (45 days) and national average (56 days). Positive feedback on timeliness has been received by the OIPC.
  - 0 reviews received by the OIPC. However, the OIPC have confirmed that there has been an increase in complaint referrals to the OIPC which is a positive direction of travel given previous concerns.

5.5 As set out last quarter, the IOPC supported the force with dip sampling in Quarter 3 with a focus on initial handling. Only 46 cases were dip sampled and as such, may not be representative of all complaints. Early feedback from the IOPC was positive in respect of initial handling of cases. However the IOPC suggested minor improvements could be made in respect of more complex cases, particularly in respect of clarifying allegations, front end recording and final letters. These themes will continue to be monitored through the joint meetings with the force and IOPC.