

## REPORT TO PCC ON MONITORING OF PROFESSIONAL STANDARDS,

### INTEGRITY AND COMPLAINT APPEALS FOR THE PERIOD

1<sup>ST</sup> APRIL 2014-31<sup>ST</sup> MARCH 2015

#### **1. Introduction.**

This report covers the period April 2014-March 2015. There remains some uncertainty as to when the IPCC will publish information for all Police Forces and I am therefore unable to produce fully comprehensive information on where Wiltshire Police stand nationally. I do however have information on the performance of Wiltshire relative to the 8 Most Similar Forces (MSF), and I consider that this provides a reasonable picture of its overall performance for the review period.

#### **2. Overview of findings.**

- Action was taken in response to all learning identified, which was a very significant improvement on the 2013-2014 reporting period in which action was recorded as either incomplete or not having been taken in response to about one in six cases. The number of cases of learning identified following Complaint investigations is however rather lower than the previous recording year.
- I am pleased to note that I continue to be routinely informed as per protocol and I was suitably consulted on one case in which the Force decided not to refer a complaint to the IPCC. The number of voluntary referrals made to the IPCC by the Force increased significantly, which is in my opinion a welcome development, not least because it can positively impact upon public confidence. The PCC made two referrals to the IPCC in respect of complaints made against the Chief Constable.
- The number of incivility complaints was 45 above threshold (+36%) which is a significant increase on the previous year. The average number of days to Locally Resolve Complaints was 37, which was significantly below threshold (-30%), and thus represents a significant improvement on the previous year.
- The Wiltshire Force performed exceptionally well in finalising complaints more quickly than all other Forces within its MSF group.
- There was a very marked increase in the total number of complaint allegations per thousand of establishment which was the second highest within the MSF group. Complaints of Other Neglect or Failure in Duty have also continued to increase to a level which is likewise the second highest within the MSF group. There is in my view a case to be made for consideration being given to initiating a review to better understand the reasons for the increase.
- The number of complaints not recorded within 10 days increased very significantly in the early months of the year but recovered to an acceptable level following some increase in PSD resource.
- The standard of customer service provided by PSD in respect of the time to finalise complaints was somewhat better than might have been expected in a climate of an increasing number of complaints.

- During the first seven months of the review period, the “quality” of the work done on local resolution was somewhat variable but there was significant improvement following an increase in resource and the training which was given to officers outside of PSD whose prime function is often responding to crime rather than resolving complaints.
- There has been no significant change in the number of conduct cases and the Force Standards and Behaviour campaign appears to continue to impact positively upon behaviour. The apparent disparity of conduct case outcomes as between staff and officers continues as a matter of some considerable concern. I am satisfied that the Force has dealt with most conduct matters in a suitably timely and robust fashion.
- There was a significant year on year reduction in the number of Officers that were subject to investigation under the 2012 Performance & Attendance Regulations. There was also a reduction in the number of cases dealt with under the Staff Capability Procedures.
- The process for the recording and authorisation of Gifts, Hospitality and Business Interests appears to be very robust and I could find no evidence to suggest that there have been significant failures to declare them.
- There was a significant reduction in the percentage of cases that cleared vetting within the 30 day target for officers and 20 days for staff. I recommend that the Force be asked to look into the reasons for the reduction and in particular to see if it is due to an increase in the number of cases in which adverse issues have been identified.
- An increase in the resource within the Anti-Corruption unit appears to have impacted positively on the ability to do more pro-active investigations.
- A total of five complaints were made against the Chief Constable, two of which were not recorded and not upheld on appeal to the IPCC. Two complaints were referred and remained under independent Investigation by the IPCC at the year end.
- The investigation into a grievance against the Chief Constable was independently supervised by me and was finalised. Some learning and recommendations in relation to the handling of covert policing operations was communicated to the Chief Constable to action.
- There was a significant year on year improvement on the number of appeals that were upheld by the IPCC and me on behalf of the PCC. The number of appeals and the rate of upholding were both below the monitoring threshold that was set by the PCC following the adverse trends identified in my report for 2013/14.

### ***3. Learning Lessons.***

Both PRSRA and PRA make strong reference to the duty of Chief Officers to use learning arising from Complaints as an evidence base to “inform planning and improvement for their Force” and requires the PCC to “check the progress of his or her force in relation to recommendations it has agreed to implement (whether from investigations or appeals, IPCC decisions or internal decisions)”. The Force have continued to operate a system which requires feedback from line managers on the action they have taken in response to lessons identified in Complaint and Conduct investigation reports. This process appears to be well embedded and there is evidence to show that appropriate action has been taken to assimilate learning in

all cases where lessons have been recorded. This is a significant improvement on the 2013-2014 reporting period in which action was recorded as either incomplete or not having been taken in response to identified learning in about one in six cases. The number of cases of learning identified following complaint investigations is however rather lower than the previous recording year but I can find no evidence to suggest that complaint investigators have failed in their duty to identify any learning; there were no appeals in which the IPCC or I felt it necessary to refer cases back to the Force on account of insufficient attention being given to the identification of learning. There is however in my opinion a case to ask for a review of complaint reports to ensure that no potential learning has been missed. The identification and assimilation of learning from both conduct and complaint investigations will be a particular area of focus for the OPCC throughout the 2015-2016 reporting year.

#### ***4. IPCC Referral Protocols and Reports.***

There were no IPCC independent investigation reports during this period. The Head of Professional Standards is well aware of the need to ensure that I am informed (as per the relevant protocol) in a timely fashion of the rationale for not making a reference to the IPCC; I am pleased to note that I continue to be routinely informed as per protocol and was suitably consulted on one case with which I was satisfied with the decision taken. The number of referrals made to the IPCC by the Force increased significantly (25 and 39 for 2013/14 and 2014/15 respectively). The Force is now making more voluntary referrals than has historically been the case, and these account for a significant proportion of the increase noted; this is in my view a welcome development, not least because it can positively impact upon public confidence. The PCC made two referrals to the IPCC following complaints made against Chief Constable P Geenty, both of which were made on the basis that public confidence in Wiltshire Police could be adversely affected. These referrals remained under investigation at the end of this reporting period (31<sup>st</sup> March 2015). The relevant protocol for informing me of all Force IPCC referrals has been followed and this has enabled me to brief the PCC on any significant associated or emerging issues, the most significant of which related to matters arising following the death of a member of the public.

#### ***5. Complaint Monitoring & Performance.***

The two thresholds set within the Police and Crime Plan is 123 allegations of incivility and an average of 52 days to resolve complaints by Local Resolution. The number of incivility complaints was 45 above threshold (+36%) which is a significant increase on the previous year; in Wiltshire, 18% of complaint allegations involved incivility, compared with 15% for the eight most similar Forces (MSF). The average number of days to Locally Resolve Complaints was 37, which was significantly below threshold (-30%) and represents a welcome improvement on the previous year. The Wiltshire Force performed exceptionally well to achieve an average of 83 days to finalise all complaint allegations (Local Resolution and Local Investigation); this was the lowest within its MSF group, the average for which was 103. The critical comparator for all complaints is the number of complaint allegations per 1000 establishment; this has steadily increased from 246 to 286 and 395 for the years 2012/13 to 2013/14 and 2014/15. This comparator has steadily increased in almost all Forces in the UK, but the increase for 2014/15 is very marked for Wiltshire, which was the second highest within its MSF group. There is in my view no clear prime reason for the significant increase but there are indications that there has been a general increase in confidence in reporting complaints and it has become increasingly easy for the public to complain (there are now many electronic ways to complain, often in the “heat of the moment” and without the benefit of reflection). Notwithstanding the foregoing considerations, it is my opinion that it would be appropriate to consider building on the review

which was done by the Force in the second quarter of the 2014/15 reporting year. The highest category of complaints is Other Neglect or Failure in Duty, which has continued to increase over the review period; from 69 to 107 and 122/1000 for 2012/13 to 2013/14 and 2014/15 respectively, putting Wiltshire second highest within its MSF group. A fairly detailed look at the nature of complaints in this category reveals that many of them again involve “service issues” (typically failures in communication, fulfilling appointments, alleged failure to provide updates on crime investigations etc.).

You will know from my interim briefings that, during the period June to October 2014, there was a significant drop in the number of complaints recorded within the IPCC target of 80% within 10 days. This mirrored a similar drop during roughly the same period in 2013 to which I referred in my last annual report. A review of the Professional Standards Department (PSD) was consequently initiated, which importantly included budget changes, adding additional roles to PSD, improving the technical infrastructure and conducting training to increase the resources available to locally resolve and triage complaints. There is some anecdotal evidence to suggest that these changes greatly assisted in the handling of complaints- most noteworthy to the extent that over 90% of complaints were recorded within 10 days- in the last quarter of the review period. The performance of PSD will continue to be closely monitored by the OPCC to ensure that it is equipped to maintain customer service levels in an increasingly demanding environment.

My assessment is that, in overall terms, the standard of customer service provided by PSD in respect of the time to finalise complaints was somewhat better than might have been expected in a climate of an increasing number of complaints and the resource available before the review of the Department. My sampling of Local Complaint Investigation Reports and my Appeal assessments indicated that they were generally very well handled and, in the case of some full Local Investigations rather more extensive than justified in relation to the seriousness of the allegations made. My consideration of the outcome of Locally resolved complaints indicated quite clearly that, during the first seven months of the review period, the “quality” of the work done and the response provided was somewhat variable and in many instances not totally within the spirit of the relevant IPCC guidance; a significant number could have been dealt with then and there, and many could have been dealt with more expeditiously in a less bureaucratic manner and with more emphasis given to addressing concerns, and generally clearing up matters, rather than seeking to apportion blame. I am pleased to report however that following the increase in resource and the training to which I have referred, I observed considerable improvement in the quality and timeliness of the Local Resolutions, the majority of which are undertaken by officers outside of PSD and whose prime function often includes responding to crime.

## **6. Conduct.**

A total of 68 cases have been recorded against 67 in the previous recording year (2012/13). My previous report indicated some serious concerns I had following the significant increase in conduct cases which occurred in the 2012/13 reporting year; the Force Standards and Behaviour campaign, together with the implementation of the associated Values and Standards Development Plan appears to continue to have impacted positively upon behaviour and may be the prime reason for arresting what was a somewhat worrying trend.

The number of conduct cases finalised was 45 of which 29 and 16 involved officers and staff respectively; at the more serious end of the spectrum these resulted in 4 (14%) and 9 (56%) people being dismissed, resigning or retiring, for officers and staff respectively. The apparent disparity of conduct case outcomes as

between staff and officers continues as a matter of some considerable concern which has periodically featured in my routine meetings with the chief officer responsible. I am satisfied that the Force has dealt with most conduct matters in a suitably timely fashion; a small number of cases were unresolved over an extended period due to their being justifiably declared sub-judice.

The number of cases in which Officers were subject to investigation under the 2012 Performance & Attendance Regulations reduced from 10 in 2013/14 to 7 in the review year (2 concerned performance and 5 involved attendance issues). The number of cases dealt with under the Staff Capability Procedures likewise reduced from 12 in 2013/14 to 11 in the review year (3 concerned performance and 8 attendance issues).

There is a requirement within the current legislation for complaint investigators to very specifically consider if the performance of individuals is unsatisfactory. A fairly detailed look at complaint investigation reports reveals that in the vast majority of cases there is still no clear evidence that this was done, a matter that I again raised with the Head of PSD.

#### ***7. Integrity and Anti-Corruption.***

Access to the full Centurion Database has enabled me to periodically inspect the records of business interests, gifts and hospitality. A total of 86 business interests were registered, of which, one was rescinded. The process for seeking approval appears to be both consistent and robust. I have been able to do some dip sampling of gifts, hospitality and interests; in the case of the latter, I have not identified any significant concerns that any of those approved could significantly impact on the performance of Force duties.

I am concerned to note there was a significant reduction in the percentage of cases that cleared vetting within the 30 day target for officers and 20 days for staff; 84% and 70% respectively (corresponding figures for the previous year were 97% and 83% respectively). I believe there is a case to ask the Force to look into the precise reasons for the reduction noted, and in particular to see if it is due to an increase in the number of cases in which adverse issues have been identified.

My engagement with the Anti-corruption unit, particularly but not exclusively in relation to two operations and investigations into the handling of matters brought to light following a death, lead me to conclude that some previous concerns I had in relation to the capability and capacity of ACU have diminished; it would appear to be better placed to do more pro-active work than was hitherto the case.

#### ***8. Complaints against the Chief Constable.***

A total of five complaints were made against the Chief Constable. I finalised two of the complaints as not recorded and subsequent appeals to the IPCC were not upheld. Two complaints were referred to the IPCC and remained under independent investigation thereby (see further details at Section 3 above). One complaint remained under Local Resolution by the Force. I did not feel it was appropriate to identify any learning from the finalised complaints.

The investigation into a grievance from one officer continued under my supervision, and was finalised early in the reporting year. The outcome of the investigation together with some recommendations and learning was communicated to the Force who in turn noted and acted to enhance certain procedures in covert policing operational matters.

**9. Determination of Appeals.**

A total of 32 Appeals were received by the OPCC, of which it was possible for me to determine 27 within the reporting year; 5 (18%) appeals were upheld. There were 11 valid appeals to the IPCC, all of which were determined, and of which 2 were upheld (18%). This represents a significant improvement on the previous year in which 29% of all appeals determined were upheld. The number of appeals and the proportion that were upheld is thus below the threshold of 50 p.a. and 20% upheld, which was set by the PCC following the adverse trends which became apparent in the 2013/14 recording year.

***Allan T Johns.***

***July 2015***