

OVERSIGHT BULLETIN

Issue 6 – July, August and September 2017

Who have we seen this quarter?

PSD meetings

Avon and Somerset Constabulary
Bedfordshire, Cambridgeshire
and Hertfordshire constabularies
British Transport Police
Cheshire Constabulary
City of London Police
Cleveland Police
Cumbria Constabulary
Durham Constabulary
Gloucestershire Constabulary
Greater Manchester Police
Gwent Police
Hampshire Constabulary
Kent Police
Lancashire Constabulary
Leicestershire Police
Merseyside Police
Metropolitan Police Service (MPS)
Ministry of Defence
National Crime Agency
Northumbria Police
North Wales Police
Nottinghamshire Police
South Wales Police
South Yorkshire Police
Staffordshire Police
Surrey Police
West Yorkshire Police (WYP)

National meetings

North East Regional Heads of PSD
South East Regional Heads of PSD
South East Regional Group meeting
South West Regional Professional
Standards Group
Regional Heads of PSD – West
Midlands
Regional Heads of PSD –
Leicestershire
North West regional PSD meeting

Welcome to our Oversight bulletin

We publish a new bulletin each quarter, looking back at issues raised during the previous three months.



What trends have we spotted this quarter?

Among the issues raised by our operational staff, common topics have included:

Background papers

We have seen an increase this quarter in the number of issues about background papers provided by forces for appeals and referrals. The types of issues raised include:

- > delays (some significant) in receiving papers
- > insufficient documents provided

On receipt of our request for appeal background papers, please make sure that you do all you can to provide the papers in the specified time of five working days. For referrals, all available documents should be provided when submitting the referral. If you can't provide a document straight away, please tell us. We will need you to indicate how long it will take for you to provide it.

We have been told of several cases where incomplete background papers were provided. This meant that our administration team had to chase forces for missing information. In some cases, the team sent multiple requests before they received the documents.

When collating appeal background papers, please remember to refer to the checklist included in every request and provide the completed checklist in your response. The checklist is there to guide you and make sure that we receive all of the necessary documents for each appeal type. Providing all of the relevant background papers in a timely manner helps us to provide appropriate authorities and complainants with prompt and informed appeal decisions.

Other meetings

IPCC presentation and Q&A session at Sancus PSD training event

IPCC/WYP joint value investigations stream mapping event

Mayor's Office for Policing and Crime (MOPAC)/Police and Crime Commissioners (PCCs) event

Greater Manchester Police (GMP) event – discrimination

Cheshire – discussion on local death or serious injury (DSI) reports

Complaints handling session at the Hertfordshire Office of the Police and Crime Commissioner (OPCC)

Police Federation/Unison meeting

Humberside Police and Crime Commissioner (PCC)

Input into discrimination and referrals training at WYP

Presentation to Avon and Somerset OPCC about the new complaints system

Introductory and pre-inspection meeting with Her Majesty's Inspectorate of Constabularies and Fire and Rescue Services (HMICFRS) new Force Liaison Lead for Gwent and South Wales Police

IPCC input on local resolution, severity assessments, special requirements, proportionality and non-recordings with Nottinghamshire PSD

Meeting with WYP about IPCC decision making during and after independent investigations

IPCC overview meeting with Gangmasters and Labour Abuse Authority (GLAA)

IPCC input at the National Police Chiefs Council (NPCC)/College of Policing (CoP) heads of PSD training

Referrals

Issues about referrals were a theme again this quarter. There was an increase in concerns about death or serious injury (DSI) referrals. These included delays and failures to refer DSI matters. In some cases, there had been serious injuries and there were potential causal links between police actions or inactions and the injuries. Referrals were only submitted to us by forces after we received complaints, and following a significant period of time.

Please refer to sections 7 and 8 of our Statutory Guidance: www.ipcc.gov.uk/page/statutory-guidance. Supplementary guidance is available in issue 9 of Focus: www.ipcc.gov.uk/page/publications-for-forces. Our Oversight team and Assessment Unit are also available to help provide guidance on the DSI referral criteria.

Issues continue to be raised about delays in forces notifying the IPCC of incidents through on call, although the number of issues raised has decreased since the last quarter. We acknowledge that delays can be caused by PSDs not being immediately told of incidents by officers who attend the scene.

The West Yorkshire Police Oversight Liaison is arranging for operations staff in our Wakefield office to have a session with district teams at the force, to make sure that they understand the types of incidents that need to be highlighted to the PSD and IPCC on call.

The IPCC is also intending to issue guidance on the types of incidents we should be notified of through on call. We will keep you updated about this.

Queries

The team responded to 207 telephone and email queries during July, August and September. As with the previous quarter, we continue to receive a number of requests from forces for advice on how to deal with persistent and frequent complainants. Discussions have centred on:

- › communication with complainants
- › recording advice
- › information about policies
- › the impact persistent complainants are having on PSDs and their resources

Guidance for forces has been drafted and consultations are taking place internally, with a view to publishing this by the end of the year. In the meantime, please continue to contact your



Did you know?

The *Police Reform Act (PRA) 2002* test for a referral to the Crown Prosecution Service (CPS) is different to the test for a non-PRA police investigation.

In a non-PRA case, the decision to refer to the CPS is made if it is believed there is sufficient evidence to charge in accordance with The Code for Crown Prosecutors, The Full Code Test, and that a prosecution would be in the public interest.

In a PRA case, paragraph 24 of Schedule 3 says that a case must be referred to the CPS if a local or supervised investigation report indicates:

- › That a criminal offence may have been committed by a subject of the investigation.
- › In the opinion of the appropriate authority it is appropriate for the matters in the report to be considered by the Director of Public Prosecutions (DPP).

We are in contact with the CPS Special Crime and Counter Terrorism Division that has lead responsibility for IPCC referrals. This is with a view to providing guidance to CPS regional offices to explain the test PSDs should be applying to referrals for charging decisions.

oversight liaisons with any queries and also refer to the advice included in issue 5 of the Oversight bulletin.

Independent Office for Police Conduct and legislative change

As you are likely to now be aware, the IPCC will become the Independent Office for Police Conduct (IOPC) in January 2018. On 20 October 2017, the Home Office announced that Michael Lockwood, currently the Chief Executive of Harrow Council, has been appointed Director General of the IOPC.

The Oversight team will be on hand to support appropriate authorities in advance of the upcoming legislative changes. We will be organising training events in 2018 on the legislative changes and our Statutory Guidance changes. Our oversight liaisons will also be providing briefings to the new regional directors when they are in post.

Our statutory guidance is being revised to reflect the changes to the police complaints system. We are consulting widely on the development of the revised guidance, in particular on the creation of guidance on:

- › “reasonable and proportionate handling”
- › the importance of learning
- › improving access to the complaints system

An external reference group made up of policing and non-policing stakeholders is providing advice and expertise to help us reflect the significant changes to the complaints system made by the *Policing and Crime Act*.

A dedicated email address has been created for comments and feedback from stakeholders on the development of the revised guidance – IPCCstatutoryguidance@ipcc.gsi.gov.uk

Engagement with police and crime commissioners

We previously told you that we were planning to start early engagement with the offices of police and crime commissioners (OPCCs) in advance of the upcoming changes to the complaints system. Towards the end of August, we wrote to all police and crime commissioners (PCCs) introducing the Oversight team and its function. We requested meetings between our oversight liaisons and their operational staff. There was a positive response, and some introductory meetings have been taking place



You told us

Our independent investigations

The feedback you have provided on the quality of our independent investigations has mostly been about:

- > communication and updates during investigations
- > timeliness
- > how we serve regulation notices
- > disclosure
- > local practices and strategies
- > scene management

In Oversight bulletin five, we told you about the pilots underway to look at how we can improve our timeliness in independent investigations.

We collated your feedback and it has been reviewed by our senior management when they met in October.

Where appropriate, the issues have either been included in the existing improvement project work or we have started further pieces of work. Please do continue to provide us with your invaluable feedback. It will be collated and presented at the management meeting. We will keep you updated about what we do with what you are telling us.



Want to know more?

What else would you like to see in these updates? Get in touch and let us know!

@ Contact us

Email: force_oversight@ipcc.gsi.gov.uk

in October and November. Initial feedback indicates that OPCC operational staff are keen to engage with us.



Message

Abuse of position for sexual gain

You may have seen coverage of the publication of Her Majesty's Inspectorate of Constabularies and Fire and Rescue Services report on 5 October 2017.

On the same date, we issued a statement confirming that all police forces in England and Wales should now be referring allegations of abuse of position for sexual gain (APSG) to us. This is in accordance with the updated guidance.

We recently circulated the guidance following changes in the mandatory referral criteria. This specifically includes APSG and abuse of position for an improper emotional relationship (APIER). The update is designed to clarify, and expand upon, existing guidance to ensure cases are brought to our attention. The new criteria is available on the IPCC website www.ipcc.gov.uk/page/statutory-guidance

As you are aware, we previously asked all forces to retrospectively refer allegations that met the criteria, and to ensure any new cases were referred to us. All forces have now responded. We continue to monitor the volume of referrals on this matter.

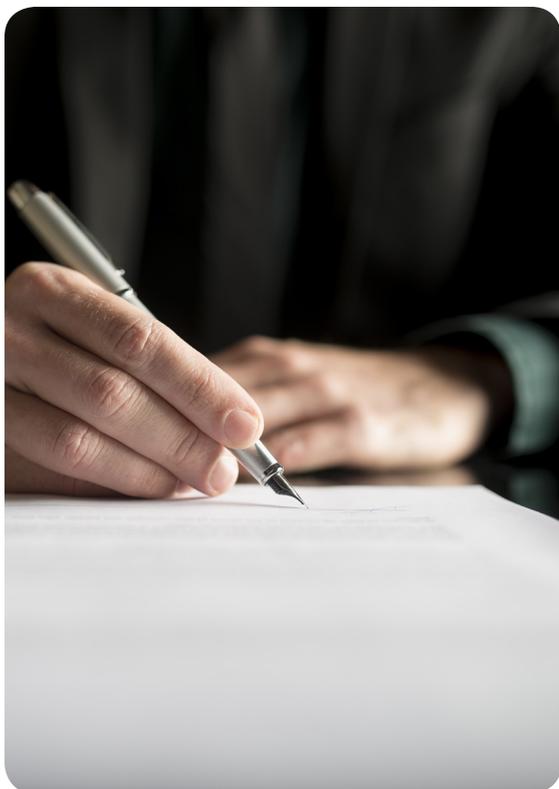
Good practice and force initiatives

Following Durham Constabulary's recent inspection by Her Majesty's Inspectorate of Constabularies and Fire and Rescue Services (HMICFRS), it has published an internal blog about APSG.

This will form part of a series about identifying corrupt practice. The force also put leaflets on display in public areas to encourage members of the public to report any officer's inappropriate behaviour towards them.

Humberside Police is also focusing on APSG and has produced posters and placed them in high-traffic areas to raise awareness. It has been contacted by other forces about the posters.

When South Yorkshire Police identifies that the underlying concern in complaints is repeated incidents where training or lack of knowledge is identified, or



Statutory Guidance



where attitudes or behaviour become the prevalent concern, it puts in place bespoke remedies.

These include re-training or action plans appropriate to changing unacceptable behaviour. This is as an alternative to a punitive misconduct sanction.

South Yorkshire Police also now considers if occupational health referrals for anger management are appropriate for officers who are repeatedly involved in incivility or attitudinal complaints.

Correspondence from the IPCC this quarter

› Email to heads of PSDs about our user feedback online survey (3 August 2017)

If you missed the above correspondence please contact your oversight liaison who will be able to forward a copy.

Becoming the IOPC

On 8 January 2018 we will become the IOPC. From this date, could you please change any references that appear on your websites and publications from IPCC to IOPC. Our new website address will be:

www.policeconduct.gov.uk