

Quarter three 2018/19

Supporting best practice in force complaint handling

## Who have we been to see this quarter?

We went to 35 meetings with Professional Standards Departments (PSDs), and three meetings with staff at the Offices for Police and Crime Commissioners (OPCCs).

We also went to five regional meetings, including a regional OPCC meeting.

### Other events and meetings we attended:

- » Delivery of referrals workshops with the Metropolitan Police Service Directorate of Professional Standards (DPS) and Lincolnshire Police PSD. The forces requested the workshops after going to our regional referrals workshops and recognising that their colleagues could benefit from the content.
- » Process mapping with South Yorkshire Police PSD to inform our work on identifying issues with background papers and establishing good practice.
- » Two Sancus (provider of PSD training) events to explain the role of the IOPC.
- » Input at the Metropolitan Police Service DPS for their new starters.



## What trends have we spotted this quarter?

Our Oversight team responded to **148** external telephone and email queries during October, November and December 2018.



### Non-recording letters

IOPC staff working on appeals have raised issues with the explanations provided in non-recording letters. Some letters provided the ground and a definition, without a clear rationale for how the complaint met the ground. Other letters did not address all allegations raised in the complaint.

Non-recording letters should be written clearly and explain why the allegations have not been recorded. This will provide a clear explanation to a complainant and will demonstrate what was considered during the recording process. The ground should be stated alongside a definition of the ground and an explanation of how it applies to the complaint. Similar allegations can be grouped together for ease of explanation. Any grouping should be clear to the complainant so that they can understand how all of their allegations have been considered.

Please see section 3 of the [Statutory Guidance](#) for information about the decision not to record a complaint. Supplementary guidance is also available in [Focus 2](#) and [Focus 8](#).

- » Contribution at South Yorkshire Police's detective inspector course to explain the role of the IOPC.
- » Meeting with Lincolnshire Police custody staff to explain the role of the IOPC and discuss mandatory referral criteria.
- » Input to Warwickshire and West Mercia PSD development day.
- » Involvement in the induction of the assessment unit at Greater Manchester Police Professional Standards Branch (PSB).
- » Contribution to Thames Valley Police PSD development day.
- » Attendance at North Yorkshire Police PSD to discuss recording exemptions.
- » Police Federation annual conference which focused on the post incident procedures (PIP) process.
- » Metropolitan Police Service organisational learning network event.
- » West Midlands Police PSD event about abuse of position for a sexual purpose (APSP).
- » Meeting with HMICFRS to provide data for their inspections.
- » External reference group on police complaints data.
- » Process mapping for local investigations with IOPC casework staff and South Wales Police PSD.
- » Operation Hydrant conference.
- » Input with Greater Manchester Police PSB about appeals.
- » NCA anti-kidnap and extortion unit to discuss the role of the IOPC.
- » National professional standards and ethics conference.
- » Police Federation conduct leads conference.

## Upheld non-recording appeals in October 2018

We noticed that there was an increase in the number of non-recording appeals being upheld in October 2018, with 30 per cent of appeals upheld in September and 40 per cent in October. Forces initially asked whether there were any internal factors that may have affected the upheld figures. We checked this but the upheld appeal rate was consistent across all teams dealing with these appeals. We asked the oversight liaisons for their insight into this increase. They said that not all forces had experienced an increase but those that had may have been affected by the following factors:

- adopting new ways of working which caused delays in recording decisions being made
- staffing shortages or staffing changes
- increased correspondence from persistent complainants
- some issues with the application of the vexatious, oppressive and abuse of procedure ground

We have since noticed that the number of upheld appeals remained at the increased rate of 40 per cent in November and increased to 51 per cent in December. As the rise does not seem to be an isolated occurrence, we will continue to monitor this and identify what action needs to be taken.

## Out of hours referrals for road traffic incidents

As highlighted in the last bulletin, there has continued to be an increase in positive feedback from our investigations teams about the handling of on-call incidents. However, there has also been an increase in the amount of road traffic incidents that were not referred to the on-call team or were not referred in a timely manner. In some cases this was because PSDs had not been told about the incident at the time.

A road traffic fatality involving police contact should always be immediately referred to the IOPC. A road traffic serious injury involving police contact should be immediately called in if the incident is still ongoing and/or there is a scene to go to.

Referring a fatality or serious injury to our on-call team as soon as possible allows for independence at the scene and in any PIP process. PSDs should check that appropriate processes are in place to make sure that they are being told by those at the scene or by the control room. This will allow PSDs to contact the IOPC in a timely manner.



## You told us

### Volume demand protocols

A force asked us to review their way of handling volume approaches to the complaints system by people who were ineligible to complain (for example, following a high-profile incident that was covered in the media). They wanted to make sure that they were compliant with the counting rules for the police complaints system.

Currently, the force records all of these approaches onto one miscellaneous record. They populate that record with the details of all the people, rather than create an individual miscellaneous record for each approach. We confirmed that, because these were not PRA complaints, there was no issue with putting all of them onto one record and only creating a new record should anyone appeal.

We did, however, suggest that if any approaches were not recorded for a different reason, for example if one of the exemptions was applied rather than because the person was ineligible, that those approaches should be recorded on a separate miscellaneous record. This would make them easier to identify.

### Persistent complainants

A number of PSDs have asked us for advice on managing persistent complainants. We have previously published a [paper on handling vexatious complaints and persistent complainants](#).

The paper includes practical suggestions for managing service user contact and staff welfare while considering the reasons that people may feel the need to enter or revisit the complaints system.



## Oversight projects

### Operational advice note for Police and Crime Panels and the London Assembly Police and Crime Committee

We have updated the operational advice note to Police and Crime Panels (PCPs) describing what should happen when complaints are received against police and crime commissioners.

The advice has been updated to reflect our operational experiences of receiving and processing referrals. There have been no changes to the underlying legislation or processes, but we have been clearer about the provision of information to the IOPC.

The updated note can be found in the [Statutory Guidance](#) section of our website.



## Did you know?



### Correspondence this quarter

- » **11 December 2018:**  
Oversight November monthly message to all PSDs and OPCCs.
- » **11 December 2018:**  
New operational advice note sent to PCPs.
- » **27 November 2018:**  
Oversight bulletin quarter two 2018/19 published.
- » **21 November 2018:**  
IOPC referral workshops FAQs sent to all PSDs and OPCCs.
- » **13 November 2018:**  
Oversight October monthly message to all PSDs and OPCCs.
- » **16 October 2018:**  
Oversight September monthly message to all PSDs and OPCCs.
- » **4 October 2018:**  
Email sent to all chief constables, PCCs and PSDs about IOPC thematic case selection.

### New IOPC report line email address

The email address for the IOPC report line is [reportline@policeconduct.gov.uk](mailto:reportline@policeconduct.gov.uk) The report line is for police officers or staff who want to raise concerns about the actions of someone within their own force but feel uncomfortable using the reporting facilities within the force. We are updating our publications to include the new address.

### Independent custody visitors

Any complaint made by an independent custody visitor (ICV) could be recorded under the *Police Reform Act 2002* (PRA). ICVs are not employed by forces and are not under the direction and control of a chief officer. ICVs usually make observations about the custody suite and give feedback to the force directly or through the OPCC. However, if the ICV wants to make a formal complaint about what they have witnessed, their role as an ICV does not stop them from doing so.

### Taser referrals

A Taser discharge or use of Taser in drive-stun mode does not always require a mandatory referral to the IOPC. If the use of the Taser has led to a serious injury, as defined by statutory guidance, this must be referred. Article three of the European Convention of Human Rights (ECHR) states that no one should be subjected to torture or inhumane or degrading treatment or punishment. As the use of Taser could mean a breach of article three, depending on the context of what happened, any complaint or recordable conduct matter may be referable on a voluntary basis. Please contact our oversight liaisons or our assessment unit for further advice about specific cases. They will be happy to give advice based on a specific incident.

### Viewing body worn video before making a recording decision

Body worn video (BWV) can be used to resolve service delivery issues, which can be dealt with outside the police complaints system. However, if it is clear that the issue is not suitable for service recovery, BWV should not be used to establish the merit of the issue before making a recording decision.



## Forward look

### Legislative change

We are starting to prepare a suite of practical advice to complement Statutory Guidance for the new complaints system. We intend for this to be ready when the new complaints system goes live. These will cover advice and case studies from entrance to the complaints system to case reviews and outcomes. We will also be offering PCCs input about the reviews process. More information will be provided about timings and content in due course.

### IOPC leaflet for new recruits

We are in the process of creating a leaflet to be given to new recruits so that they understand the role of the IOPC and what happens if they are involved in an IOPC investigation. We will keep you updated about this.



### Want to know more?

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



### Contact us

Email:  
[oversight@policeconduct.gov.uk](mailto:oversight@policeconduct.gov.uk)

## Good practice and force initiatives

### Assessing complainant vulnerability

Dyfed-Powys Police PSD have recently adopted the control room vulnerability assessment tool, THRIVES, to assess the vulnerability of complainants. If there is information available at the initial assessment stage that suggests vulnerability and the need for safeguarding or careful handling, then this will be brought to the attention of the appointed investigator. Appropriate considerations can then be made to deal with the complaint. In some cases, it may mean that a complaint case is kept in the PSD rather than sent to division. Appointed investigators are also advised to consider THRIVES throughout their handling of a complaint case. Information around vulnerability may not always be available at the initial assessment stage.

### Complaint handling

West Yorkshire Police's PSD are seeking good practice from the private sector to improve their complaint handling. They are working with a building society to learn about their complaints handling and are planning to introduce mentoring opportunities to promote learning.

### Raising awareness about abuse of position for sexual purpose

West Midlands Police PSD have recently run a series of events for those working with vulnerable groups and individuals at practitioner level to highlight the potential for abuse of position for a sexual purpose (APSP). The sessions were designed to raise awareness and encourage reporting of inappropriate behaviour. They included information on how to recognise signs of APSP. The PSD have created a priority email address which partner agencies, charities and those working with vulnerable people can use to report their concerns.

### Use of force learning

West Midlands Police have set up a 'use of force gold group', which has a standing agenda item of learning following the use of force. They are able to link with personal safety trainers so that training can be updated in quick time.