

Welcome to our monthly newsletter which provides updates about the work of the Independent Office for Police Conduct (IOPC). The newsletter is for complaint handlers in forces and local policing bodies (LPBs).

Corporate news

There must be nowhere to hide for police who abuse their position for a sexual purpose

Police officers and staff who abuse their position for sexual purposes have no place in policing and will be found out. New figures show how efforts to tackle the problem have led to a rise in those responsible being held to account.

Over the last three years, the number of people facing disciplinary proceedings as a result of IOPC independent investigations into alleged abuse of position for a sexual purpose (APSP) has risen sharply.

From 2018 to 2021, 66 officers and members of police staff faced disciplinary proceedings – 42 of them in the last year alone – after being investigated for APSP. Misconduct was proven for 63 of these.

Of the 52 individuals who faced gross misconduct proceedings, 73 per cent (38) are no longer serving and were barred from working in policing again. In that time, 7 individuals were also prosecuted for criminal offences, leading to six convictions and three people receiving a custodial sentence.

After identifying that some forces were not treating cases of APSP as a form of corruption, the IOPC's predecessor organisation, the Independent Police Complaints Commission, pushed for changes to the referral criteria, which led to a significant and sustained rise in the number of referrals and independent investigations.

Today, APSP is the single largest form of police corruption the IOPC deals with, accounting for around a quarter of all corruption referrals last year, and almost 60 per cent of corruption investigations.

IOPC Deputy Director General Claire Bassett said: "This kind of behaviour is an appalling abuse of the public's trust and has a devastating impact on the people involved, who are often in a vulnerable situation. The police are there to help them, not exploit them.

"We are seeing how our work is helping tackle the problem – corrupt officers have been dismissed and convicted. We have also made a number of recommendations to help police forces spot and tackle this behaviour.

"Each case threatens to undermine the trust the vast majority of officers work extremely hard to build. It is in everyone's interest to root out those who abuse their position, and it is vital that anyone who experiences or witnesses this kind of unacceptable behaviour feels empowered to speak up."

Police officers and staff can report concerns of criminal behaviour or misconduct via [our whistleblowing line](#). Read [our full statement on our website](#).

Latest news

Keep up to date on our investigations and other work to increase public confidence in the police complaints system. You can find our [latest IOPC news](#) on our website.

[Dorset Police officer dismissed for gross misconduct after forming an inappropriate relationship with a woman he met through duties](#)

[Nottinghamshire Police officer dismissed following accelerated gross misconduct hearing for attempting to form a relationship with a vulnerable woman](#)

[IOPC investigation into death of man after Derbyshire Police attended a property in Alfreton for suspected drug offences](#)

[Senior British Transport Police employee dismissed following our investigation into recruitment irregularities](#)

[Failings identified in how the MPS handled missing persons reports for murdered sisters](#)

[No evidence Gwent Police officers' actions contributed to man's drug-related death in Blackwood | Independent Office for Police Conduct](#)

Data capture

We have received queries from several forces about the application of categories and national factors to cases, following receipt of the Q4 complaints bulletins. Our [guidance on capturing data about police complaints](#) provides guidance for logging complaints and sets out definitions for a range of terms used in relation to police complaints. Our [Data Capture Focus](#) gives a number of examples about applying allegation categories and factors to ensure data consistency.

Death and serious injury referrals involving post incident procedures and post mortems

When sending death or serious injury (DSI) referrals to the IOPC, please let us know if a post incident procedure (PIP) and/or a post mortem will be carried out or has been concluded, by providing details on the 7.1 referral form. This will help to ensure we can quickly identify and prioritise these cases, to save any delays in forces carrying out necessary procedures.

Please note the Assessment Unit do not work weekends or evenings. This means that any paper referrals sent to the IOPC after 5pm on Fridays through to Sunday, may not be assessed until Monday. For out of hours matters (between 5pm and 9am, all weekend and bank holidays), please call 0845 300 1972.

Taking no further action

Under the new complaints system, there are two types of no further action (NFA):

- 1) Taking NFA as a *decision* to not handle a complaint once it is recorded. This is a decision made at the start of complaint handling, where it is not considered reasonable and proportionate to take further action.
- 2) Taking NFA as an *outcome* at the end of the complaint handling.

If the decision is made to take NFA once a complaint is recorded, the information provided to the complainant should explain why it is not considered reasonable and proportionate to take any action. The decision to take NFA should be used in limited circumstances and as a last resort, once the complaint handler is satisfied that no action is needed to reasonably and proportionately handle the complaint. If the explanation goes further into addressing the circumstances of the complaint, then that's not a decision to take NFA as you are providing an explanation in response to the complaint.

For example, in response to a complaint of excessive use of force, the complaint handler makes enquiries and provides an explanation to the complainant about the use of force. The complaint handler states that a decision was made to take no further action on the complaint. This is incorrect as an explanation was provided to address the circumstances of the complaint. Therefore, the decision should be made about whether the service level was acceptable or not. The outcome would be the explanation.

Did you know?

In May 2021, we published the first [IOPC Independent Investigation Outcomes](#) Reports for 2018/19 and 2019/20. The reports cover the IOPC's first two full years in operation. They look at the decisions we made at the conclusion of our independent investigations such as whether to recommend an officer face a misconduct process or to refer the investigation to the Crown Prosecution Service. The report also documents the outcome of subsequent misconduct or criminal processes (which are not determined by the IOPC).

We will publish an IOPC outcomes report annually.

Updated 7.1 referral form

We recently sent out updated 7.1 referral forms to PSDs, LPBs and Police and Crime Panels. We amended the 7.1 forms to include a box to enter an email address under the 'Details of the complainant/subject/deceased' section so correspondence can be sent via email, wherever possible.

If you have not received the updated 7.1 forms, please contact your Oversight Liaison or the Oversight team at Oversight@policeconduct.gov.uk



Common questions from forces and local policing bodies

Q: Can we use the terms upheld and not upheld for decisions on reviews?

A: Yes, the terms upheld and not upheld can be used for decisions on reviews, however it is not a legislative requirement. The key part is that a determination is made on whether or not the outcome provided is reasonable and proportionate, and that review outcomes are clear for complainants to understand. The following language *'the outcome of the complaint was/was not reasonable and proportionate and therefore your review is upheld/not upheld'* is used by the IOPC as we consider that it is a clear and succinct way for everyone to understand the review decision. More information is provided in Chapter 18 of our [Statutory Guidance](#).

This should not be confused with the decisions on complaints, where upheld and not upheld have been replaced with decisions such as 'service level acceptable', 'service level not acceptable' and 'unable to determine'.

Q: Why does the IOPC in some circumstances, determine that a matter subject to an independent investigation should be sent to a gross misconduct hearing when the force thinks that misconduct is more appropriate?

A: In some circumstances, the IOPC may take a different view as to what the proper application of the case to answer test requires on the facts of the case. It may be that in some cases, it seems likely the panel will find the behaviour amounts to misconduct rather than gross misconduct. However, if the panel *could* determine the facts of the case, or the nature of the conduct, in a different way that would be more serious (so that dismissal would be justified), we would decide that the matter should go to a gross misconduct hearing. Otherwise, the IOPC would be making decisions on matters that are properly for the panel.

The IOPC may also take a different view of the weight that a panel might place on the different factors in the [College of Policing Outcomes guidance](#) when assessing seriousness. For example, we may think the adverse impact on public confidence should be given particular weight.

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If you have any questions, please get in touch with your Oversight Liaison or a member of the Oversight team.

