

FOI Disclosures July 2022

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This month we have responded to questions relating to the following topics:

- [Cases involving strip searches of black children](#)
- [Autism and mental health awareness within IOPC Casework](#)
- [IOPC workforce who are former police](#)
- [Statistics on upheld reviews](#)

If you require a full copy of any of the embedded attachments, please contact Requestinfo@policeconduct.gov.uk quoting the reference number from the relevant response.

| <u>Ref</u> <u>5023583</u> Back to top | <u>Cases involving strip searches of black children</u> |
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| <u>Request</u> | <p><i>How many complaints are there currently against the Metropolitan Police in the IOPC, regarding the strip searches of black children?</i></p> <p><i>How many complaints are there against the Metropolitan Police in front of the IOPC, regarding the strip searches of Autistic children?</i></p> <p><i>And of those, how many are black or belonging to an ethnic minority?</i></p> |
| <u>Response</u> | <p>You are requesting data about complaints relating to a specific type of incident involving the Metropolitan Police Service (MPS). We have understood your request as relating to cases being actively considered by the IOPC.</p> <p>We do not routinely extract data about the nature of the incident or allegation reported at the time when a complaint matter is first referred to the IOPC, or about any allegations, concerns or types of misconduct that may be identified during the course of an investigation. We have not carried out any targeted research involving the extraction of data that would assist with your request. This means that we could not produce the data you require without carrying out manual searches of all active cases relating to the MPS.</p> <p>There are approximately 322 active IOPC cases for which the appropriate authority is the Metropolitan Police, 69 of which are investigations. The remaining cases are referrals, reviews and appeals that have yet to be decided. We would emphasise that many of our cases do not involve a complaint as they originate from a death or serious injury or recordable conduct matter.</p> |

Our searches of our investigation cases under other requests for data about specific allegation or incident types have confirmed that there is no automated means by which we can meaningfully narrow the search results to identify all relevant cases within a reasonable time. We have found, for example, that key word searches of the initial incident description on our case management system cannot be relied upon to identify cases that we would expect to be included in the results. Even if the initial description of the incident indicated that the case was within scope, we would have to check the information collected afterwards in order to confirm its accuracy.

There can be no doubt that manual searches of these 322 cases to find the information you require would exceed the 18 hour cost limit under section 12 of the FOIA by a very significant margin. This means that our FOIA duties do not apply to your request.

We have considered whether we could produce some helpful data by limiting our search to the 69 active investigations, including directed and supervised. We estimate that a search of these cases would be very likely to exceed the cost limit taking into account the time that it would take to confirm the particular details you require as to ethnicity and autism while the investigation is still in progress. If we found any relevant cases, we may also have to consider whether the exemption for personal information would apply to Special Category Data (SCD) about ethnicity and health should the individual be identifiable from any information about the incident that was already in the public domain. As you may be aware SCD is very unlikely to be accessible under the FOIA because it can be disclosed only when certain restrictive conditions have been met.

We have made enquiries with our media team who have indicated that they are aware of eight recent referrals from the MPS relating to strip searches of children. The following lines have been prepared in response to media enquiries:

An IOPC spokesperson said: "Following our further inquiries to the Metropolitan Police Service (MPS) regarding cases involving strip searches of children, we have received eight further complaint referrals from the force.

The voluntary referrals relate to separate incidents, which took place between December 2019 and March 2022, where children aged 14 to 17 were strip searched by officers.

We have determined that two of these referrals were suitable for local investigation by the MPS, which was finalising its own investigations into them at the point of referral. We are continuing to assess the available information to determine what further action may be required in respect of the others.

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| <p>Ref 5023595 Back to top</p> | <p>Autism and mental health awareness within IOPC Casework</p> |
| <p><u>Request</u></p> | <p><i>Can I please ask you for all information on how you meet your duties in the public sector equality duty in regards to training your casework managers on staff on autism and mental health awareness and the medical science of autism, depression and anxiety?</i></p> |
| <p><u>Response</u></p> | <p>There is no course on the specific subject of autism or autism-spectrum conditions. However learning on this subject is covered in three IOPC e-learning courses. These are listed below together with the course summary for our staff.</p> <ul style="list-style-type: none"> • Neurodiversity - Language and communications: This module will provide you with a guide to appropriate use of language surrounding neurodiversity and how to communicate with neurodivergent people. • Neurodiversity at the IOPC: In this module you'll find out about the benefits of a neurodiverse workplace, listen to the lived experiences of neurodivergent colleagues at the IOPC and reflect on your understanding of 'disability' and 'difference'. The module will help build awareness and understanding of neurodiversity and how neurodiverse individuals can be affected. • Neurotypes: This module describes some of the more common neurotypes along with the assumptions and challenges they face in day-to-day society and the workplace. The module will also highlight the benefits of different neurotypes in the workplace. <p>There are also ad-hoc awareness events and communications covering these topics. These are hosted by our staff networks.</p> <p>The IOPC recently invited an external organisation specialising in Neurodiversity in the workplace to provide a training and awareness session to all staff (May). This session covered awareness of neurodiversity, terminology and language related to neurodiversity, neurodiversity and the Equality Act, the strengths and benefits of recruiting and supporting neurodivergent people in the workplace, and best practice on supporting neurodiverse people and people with a physical disability in the workplace. We also provided colleagues with support materials including; how to empower neurodiversity in the workplace; a workplace assessments guide, information to support line managers working with neurodivergent employees, and signposting to where further support can be obtained.</p> <p>We also have a dedicated staff network who have led our activities on World Autism Acceptance Week and Mental Health Awareness Week.</p> |

To support this work we have a cultural knowledge accountability approach to the work we undertake and in development of our workplace. This means that whilst we don't have a formal training programme, the organisation provides access to materials and events such as those set out above. We place a duty on our staff to seek out the knowledge they require to ensure inclusivity in the workplace and to ensure excellence in their work. Therefore, minimising and ultimately seeking to remove disadvantages suffered by people due to their protected characteristics.

The Equality Act is covered under a separate e-learning course: "Introduction to the Equality Act and investigating allegations of discrimination". This includes information on the following subjects:

- What is the Equality Act?
- What are the protected characteristics?
- Prohibited conduct e.g. direct and indirect discrimination, harassment, victimisation and discrimination arising from disability and failure to make reasonable adjustments
- Reasonable adjustments
- Inherent or unconscious bias
- A section on investigating discrimination

This course does not mention autism but contains information about mental illness being a disability (if the conditions are met) and about our duties in relation to people with this disability.

Our Continuous Professional Development (CPD) programme for Casework Managers includes a component on mental health which identifies the following skills and knowledge as requirements of the role:

"Can describe how mental health issues can impact on police powers and complaints. Has a good working knowledge of sections 135 and 136 of the Mental Health Act 1983. Liaises with SMN in appropriate circumstances. Considers current College of Policing (CoP) Authorised Professional Practice (APP), along with appropriate local and national guidance."

This and other components are used as a framework for discussion and assessment in meetings between the Casework Manager and their Senior Casework Manager (SCM). The related learning resources and activities are identified as:

- Review [CoP APP](#) guidance
- Discuss Peer Review arrangements with SCM
- Attend Action Learning Sets aligned to this thematic area.
- Contact Mental Health SMN for discussion and resources.

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| | <ul style="list-style-type: none"> Review individual force guidance <p>This is not intended as an exhaustive list as casework managers are encouraged to discuss with their SCM additional approaches which will best serve their needs given their current experience.</p> |
| <p><u>Ref</u> <u>5023616</u> Back to top</p> | <p><u>IOPC workforce who are former police</u></p> |
| <p><u>Request</u></p> | <p><i>The following FOI seeks to clarify further information surrounding the employees at the IOPC that work in the role of Investigator that are allied specifically with the police. To my knowledge, I AM NOT REQUESTING INFORMATION THAT HAS ALREADY BEEN PUBLISHED!!</i></p> |
| <p><u>Response</u></p> | <p>You asked: “1) Please provide me with the total number of ex police employees that investigate complaints or appeals at the IOPC as of June 2022. By ex police employees I mean all ex staff including civilians and PCSOs. By police service I include British Transport police, the civil nuclear constabulary, Police Scotland, MOD police, PSNI. By investigate complaints I mean as trainee or full investigator.”</p> <p>Please find below the information you have requested that relates to the number of ex police officer and civilian staff employed in roles involving investigations and appeals on 22 June 2022.</p> <ul style="list-style-type: none"> 46 were former police officers (17%) 28 were ex-police civilian (11%) 7 others were both former police officers and former police civilians (3%) <p>We publish a report annually that includes the number of former police officers and civilian staff employed within various roles of the IOPC. This can be found on our website here; IOPC_staff_diversity_tables_310321_FINAL_public.xlsx (policeconduct.gov.uk)</p> <p>You asked: “2) Of the number of ex police employees that work for the IOPC, how many of them were dismissed from the police service, or took early retirement?”</p> <p>And: “3) Please provide me with the total number of employees at the IOPC who investigate complaints or appeals, that previously worked for the College of Policing, HMICFRS, the NPCC, any of the 43 PCCs or the Home Office.”</p> <p>And: “4) Please provide me with the total number of employees at the IOPC who investigate complaints or appeals, that DID NOT previously hold jobs in criminal or civil enforcement.”</p> |

We do not hold comprehensive career histories of all of our staff therefore it is not possible to provide total numbers in response to any of these questions.

You asked: “5) Please provide me with any IOPC documents or policies that protect the public from internal IOPC corruption that could arise from ex police staff (or any other staff from organisations that the IOPC has a mandate to oversee complaints against) who are tasked to investigate complaints or appeals from police forces they worked for, when the complaints could be regarding or could affect ex-colleagues or friends of the investigator himself.”

Below is the most current policy on declaring previous employment. This policy is currently in the process of being reviewed and updated.



**Declaring previous employment
with the police or other bodies
under IPCC jurisdiction**

Policy intent

The IPCC employs many former police officers and police staff, and values the skills and experience that they bring. However, it is critical to public confidence in the IPCC and in the complaints system overall that the perception of the impartiality of IPCC investigations is not compromised by a close connection between the person leading an investigation and those being investigated. It is also in the interests of the IPCC staff member not to allow the possibility of such a perception to arise. The same considerations apply to others who may have a role in making key decisions in relation to an investigation, such as approving terms of reference or signing off final reports.

The staff code of conduct requires all staff to declare any conflict of interest, that might arise from having personal relations with those under investigation, or having previously been employed by the police force being investigated. The purpose of this policy is to supplement that requirement with a clear rule to ensure that the onus to determine whether or not there is, or may be perceived to be, a conflict of interest, is removed from both the staff member and their management.

Given the number of former police officers and staff employed by the IPCC, and the value of their skills and knowledge, there are real practical constraints on a complete prohibition on ever leading or having a decision making role in an investigation into a force previously worked for. A number of qualifications to the basic principle are therefore justified.

The more time that has elapsed since previous employment, the lower the risk of actual or perceived lack of impartiality.

Certain specialist skills and knowledge that IPCC staff bring with them from previous employment can be invaluable, and are rare. The IPCC should not be deprived of the possibility of making use of them effectively.

If certain staff were unable to respond to certain incidents because of their previous employment, based on our existing resources we could not guarantee an effective 24/7 on call response to urgent incidents, and provide the level of leadership on the ground that the public, police and IPCC expect.

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| | <p>The policy</p> <p>1. Subject to the exceptions below, no member of staff who has previously worked for a body under the jurisdiction of the IPCC shall be appointed to lead an investigation into a complaint, conduct matter, or death or serious injury in relation to that body, or take any significant decisions¹ relating to the course or outcome of that investigation, for three years after they stopped working for that body.</p> <p>2. The exceptions to paragraph 1 are:</p> <ul style="list-style-type: none"> Where the Director of Operations is satisfied that the investigation requires specialist skills, knowledge or training which cannot practically be provided by any other member of staff. Where the Director of Operations is satisfied that the capacity in which the member of staff was employed by the body was so junior, so brief, so distant in time, or so removed from the part of the body now under investigation, that no inference of possible lack of impartiality could reasonably be drawn. Where the member of staff is on call and is deployed to lead a team in response to an urgent referral. In this case, consideration will be given to redeploying the member of staff at the earliest opportunity, while maintaining the continuity and integrity of the investigation. The new lead investigator will review all decisions taken to ensure the integrity of the investigation. <p>3. Nothing in this policy overrides the continuing obligation under the staff Code of Conduct to declare any conflict of interest.</p> <p>4. Transition arrangement: where at the time this policy comes into force, a member of IPCC staff is already leading or taking significant decisions on an investigation which they would not be eligible to perform under this policy, the Director Operations will make a decision on a case-by-case basis. They will decide whether the confidence of the parties and the wider public would be better served by replacing the member of staff, or by allowing them to continue.</p> <p>5. The Director of Operations will monitor how frequently any of the exceptions are invoked, and record the decisions and the reasons for them in each case.</p> <p><small>¹ Significant decisions means those specified in legislation as part of the investigative process and delegated by the Commission under the scheme of delegation</small></p> <p style="text-align: right;"><small>Page 3 of 4</small></p> | <p>Guidance on applying the policy</p> <p>All staff employed by the IPCC must complete a register of interests on first joining, update it whenever there is a change of circumstances, and review it annually. All staff should declare:</p> <ul style="list-style-type: none"> If they have previously worked for the police or any other body under IPCC jurisdiction, in the last three years since the date of the declaration. If so, which body or police force and in what capacity? The date on which they stopped and the date when any automatic restriction is lifted. <p>The declaration will be held on the HR Information System. Line managers will be notified when a declaration has been made and will have ongoing access to declarations made by their staff. However, it remains the responsibility of the staff member to alert their line manager to their status if they are asked to lead, or take significant decisions on, an investigation into the force or body where they were previously employed within the last three years.</p> <p>Irrespective of the declaration, members of staff will still need to declare potential conflicts of interest where they judge that they arise, on a case-by-case basis in accordance with the requirements of the Code of Conduct and Operations Manual.</p> <p>If an Operations Manager considers that an exception should be made to appoint a person to lead or make key decisions on an investigation, despite having worked for the force or body within the last three years, they must seek the Director of Operations' written agreement. Their request for exemption should cite the appropriate reason as set out in the policy, and why there is no practical alternative.</p> <p>If a member of staff responds while on call to an urgent referral from a force or body that they worked for in the last three years, they must declare this to the on call Operations Manager immediately. The Operations Manager will make a record of the fact, and of any decisions they take to restrict, or not restrict, that person's further involvement. They will inform the Director of Operations at the earliest opportunity.</p> <p style="text-align: right;"><small>Page 4 of 4</small></p> |
| <p>Ref 5023617 Back to top</p> | <p><u>Statistics on upheld reviews</u></p> | |
| <p><u>Request</u></p> | <p><i>Please can you advise me of the percentage of complaints [a named casework manager] handled in which they concluded that the application for review is upheld together with the data for reviews upheld by the IOPC for comparative purposes.</i></p> | |
| <p><u>Response</u></p> | <p>The data we publish about the police complaints system includes figures relating to the outcome of reviews completed by the IOPC. We would refer you to Table 26 on page 38 of our Annual police complaints statistical report for the year to 31 March 2021.</p> <p>Our reports for previous years do not include information about reviews because the review procedure applies only to complaints received on or after 1 February 2020. The Policing and Crime Act 2017 and supporting regulations introduced several changes to the police complaints system. These changes came into effect on 1 February 2020 and replaced various appeal rights with the right to review. Our statistical reports for 2020 and before are accessible from this page of our website and include data relating to appeals completed by the IOPC/IPCC.</p> | |

IOPC employees are required by the IOPC Code of Conduct to declare conflicts of interest in accordance with our Conflicts of Interest Policy. This policy is available [here](#):

The Code of Conduct states: *“a persistent or significant failure to meet any aspect(s) of the code will be taken seriously and may lead to capability or disciplinary sanctions”*.

It is anticipated that our data about reviews completed by the IOPC in the year to March 2022 will be published later this month. Please check our website for updates and contact us again if you cannot find what you need.

Turning to your request for review outcome data relating to the named casework manager, we can confirm that this information is held by the IOPC but have decided that we are not obliged to disclose it. This is because the information is exempt under section 40(2) of the FOIA.

This exemption applies to personal data about someone other than the requester when disclosure would breach any of the data protection principles contained in Article 5 of the UK General Data Protection Regulations (GDPR).