

OVERSIGHT

newsletter

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).

Race discrimination thematic work – monthly update

Complaint handler workshops

Thank you for responding to our recent invitation and for nominating representatives from your forces and local policing bodies to attend our online workshops starting in November 2023. We had a fantastic uptake and are really looking forward to seeing you at our events. If you haven't had a chance to respond and would like to attend, please do contact oversight@policeconduct.gov.uk as soon as possible and we will send you details of the available events. We will send the agenda for the day and any supporting material ahead of the workshops.

Best practice survey

Last month, we launched a survey to all forces and local policing bodies with a request to share details of any good practice; new initiatives that you are trialling, or something that's been in place for a while; or an individual race discrimination case that was handled well. The survey closed on 29 September. Thank you to everyone that responded. We hope to share some of these examples in the workshops and the toolkit we are creating for complaint and review handlers.

Review of police force handling of complaints involving race discrimination

We recently began our dip-sampling of complaints handled by certain forces and expect this to continue over the course of the next few months. We will contact some more forces to support us with this work and will be in touch with you to discuss how you might be able to assist us.

Learning the Lessons 42 – feedback and impact

In August, we published [Learning the Lessons issue 42](#) on the topic of custody. We've shared it directly with key contacts in all forces, and we are continuing to explore ways to help it reach those who can make use of the learning it contains – especially those working on the frontline of police custody.

Issue 42 focuses on a range of interlinked themes, including deaths and near misses in custody, substance misuse, mental and physical healthcare, and children and young people. The magazine highlights key risks in the custody environment, asks reflective questions of those at all levels in policing, and signposts readers to tools and resources to help them mitigate key risks.

We would value your input to help us understand the reach and impact of issue 42. We would welcome your feedback on:

- How has the magazine been shared within your force?
- How has the magazine been used to support the work of your force, including in the space of policy, guidance or training?
- Have you received any feedback?

We invite your feedback at learning@policeconduct.gov.uk. You can also request a free pack of hardcopies to share with officers and staff at your force.

The next issue of Learning the Lessons will be on the topic of mental health, with publication due in March 2024.

Recent information

Updates to Focus 12 – Data capture.

We updated [Focus 12](#) to provide new guidance on the reasons for recording complaints under Schedule 3 of the *Police Reform Act 2002*, how allegations are handled, their decisions, and allegation actions. We also updated a number of case studies to include examples relating to violence against women and girls (VAWG). This update explains how to record complaints to ensure the most accurate records and resulting data. We ask you to share this guidance with all members of staff who deal with complaints handling and data entry. This ensures that all PSD teams can benefit from the results of informed and consistent recording practices.

Annual police complaints statistics for 2022/23

Each year, we publish statistics about the complaints that forces have logged. Our next annual police complaints statistical report will be published on 5 October 2023.

? Common questions from forces and LPBs

Q: Who is the appropriate authority (AA) and subsequent relevant review body (RRB) for a complaint about the current acting Assistant Chief Constable (ACC), where the complaint is about something which occurred before they became an ACC?

A. The AA for any complaint is determined using the date that the complaint was made, not the date of the alleged conduct. Therefore, for allegations about the conduct of a current ACC before that person became an ACC, the AA is their current force's chief officer. Regulation 32 of the *Police (Complaints and Misconduct) Regulations 2020* provides that in any complaint about the conduct of a "senior officer" (above Chief Superintendent) the IOPC must be the RRB.

Q: If a complaint is made about the length of time taken to process a subject access request and give the information to the applicant, is it appropriate to take no further action (NFA) on the complaint, on the basis that the Information Commissioner's Office (ICO) is the most appropriate body to deal with the matter, or should the complaint be handled outside Schedule 3?

A: Provided that the delay is an organisational issue, with no indication that it would meet the criminal or disciplinary threshold, either of the suggested approaches can be a suitable way of

handling this type of complaint. You may wish to take NFA on the complaint and direct the complainant to the ICO if the complainant is simply dissatisfied with the delay in receiving a response to their subject access request. Where a complainant may want an update on their request or an explanation for the processing time, providing a response outside Schedule 3 might be an appropriate way to give them a quick and meaningful answer. Please see [Focus 15](#) for examples of when handling complaints outside Schedule 3 is appropriate, including case study three about a woman who is dissatisfied with the lack of a response to her subject access request.

Q: Is a subject officer entitled to a copy of the investigation report at the conclusion of an investigation?

A: Appropriate authorities have a duty to keep subjects properly informed about the progress of an investigation and any decisions or outcome. The report will usually be sent to the complainant, any person whose actions are under investigation and any interested persons. When making the decision whether to share the report, you should consider whether any of the exceptions set out in the [Statutory Guidance 2020](#) sections 11.16 to 11.20 may apply. It is important to fully document the rationale for any decision you make.

Corporate news

IOPC issues national learning recommendations on search procedures

We identified national organisational recommendations for the Home Office based on our investigations into search procedures.

One search occurred in December 2020 after police were called to a school following suspicions by staff that a child was in possession of cannabis. This followed a search by staff of her bag and outer clothing where no drugs were found.

The child was subject to a search involving the removal of clothing by two female officers under the *Misuse of Drugs Act 1971*, while two male officers and school staff remained outside the room where the search took place. No drugs were found during the search.

Our recommendation calls for a substantial review of policing powers under the laws relating to the strip searches of children, to improve safeguarding and prioritise the welfare of minors.

IOPC confirms gross misconduct decision following Supreme Court ruling

The officer who fatally shot Jermaine Baker in London in December 2015 will face a gross misconduct hearing after the IOPC reviewed its decision that he had a disciplinary case to answer for the shooting.

IOPC Acting Director General Tom Whiting said: “This case has been through protracted legal proceedings which have been extremely challenging for everyone involved, not least W80 himself and Jermaine’s family.

“Following the Supreme Court ruling, we carefully reviewed our original decision. We considered evidence from the public inquiry, we invited additional representations from all parties, and sought additional independent assurance.

“We have now upheld our original decision that W80 should face a gross misconduct hearing. This isn’t a decision we have taken lightly, but we believe that it was the right decision in 2015 and remains so following the clear ruling from the Supreme Court in July.

“It’s important to stress that the IOPC does not decide whether or not W80’s actions amounted to gross misconduct – that is the role of the hearing panel who will come to a decision after considering all of the evidence.”

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.

[Former Lincolnshire PC jailed for misconduct in public office for sending sexually explicit text messages to two women](#)

[CPS decision to charge Met officer with the murder of Chris Kaba](#)

[West Midlands Police officer under criminal investigation after man fell to his death in an incident where a Taser was discharged](#)

[West Yorkshire Police officer dismissed for gross misconduct for striking a man’s head with his boot during arrest](#)

[Investigation progressing after Merseyside Police responded to a welfare call and detained a man who later died](#)

[Investigation into fatal collision after Staffordshire Police pursuit concludes that officers had no case to answer](#)

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

