



To: Business Coordination Board

From: Chief Constable and Chief Executive

Date: 13 September 2018

PROFESSIONAL STANDARDS AND COMPLAINTS HANDLING – APRIL 2017 TO MARCH 2018

1. Purpose

1.1 The purpose of this report to the Business Coordination Board (the “Board”) is to provide an annual review for the period 1st April 2017 to 31st March 2018 of the work of the Bedfordshire, Cambridgeshire and Hertfordshire (BCH) Professional Standards Department (PSD), complaint handling statistics for that period for Cambridgeshire Constabulary (the “Constabulary”) and the forthcoming legislative complaint reforms.

2. Recommendation

2.1 The Board is recommended to note the report.

3. Background

3.1 The Independent Office for Police Conduct (IOPC) Statutory Guidance – defines a complaint as ‘*an expression of dissatisfaction by a member of the public about the conduct of a person serving with the police*’. This could be for example, about the way the person has been treated or the service he or she has received.

3.2 The police complaints system is the mechanism by which the public may raise their concerns about the service they receive from their police force and where professional standards are not met. The operation of the complaints system and the outcomes it achieves play an important role in ensuring that the police continue to exercise their powers fairly and legitimately in the eyes of the public.

4. Roles and responsibilities

- 4.1 The IOPC oversees the whole of the police complaints system and it has a statutory duty to ensure that public confidence is established and maintained in the police complaints system. Serious complaints and conduct matters must be passed to the IOPC in line with legislation.
- 4.2 The Police and Crime Commissioner's (the "Commissioner") statutory role is to monitor all complaints made against Constabulary officers and staff, whilst having responsibility for handling complaints against the Chief Constable. The Chief Constable manages all complaints against the Constabulary, its officers and staff, and ensures that the Commissioner is kept informed in such a way as to enable the Commissioner to discharge his statutory obligations in relation to complaints.
- 4.3 BCH has a collaborated PSD. The Constabulary is the lead force, on behalf of Bedfordshire Police and Hertfordshire Constabulary, for the PSD function across the three forces. As a consequence, the Cambridgeshire Commissioner holds the Constabulary to account for the collaborated PSD function.
- 4.4 Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) has a statutory duty to inspect and report on the efficiency, effectiveness and legitimacy of police forces in England and Wales. The HMICFRS 2017 Legitimacy inspection overall looked at '*How legitimate is the force at keeping people safe and reducing crime?*' for which the Constabulary were graded 'good' (see section 6 below).

5. Professional Standards Department

- 5.1 PSD undertakes reactive and proactive investigations and management of misconduct and complaints. This is with the aim of maintaining and improving public confidence and the quality of service whilst protecting and enhancing integrity across BCH. This is undertaken by: preventing and detecting unethical behaviour, dishonesty and corruption; conducting timely and robust public complaint investigations; identifying lessons learned through investigation; and educating, promoting and supporting good practice.
- 5.2 The fundamental purpose of PSD's Vetting Unit is to uphold the integrity of policing. It is a preventative and pro-active function. It aims to prevent corrupt, dishonest and unethical behaviour involving police officers and staff and non-police personnel within BCH by ensuring that only applicants are recruited, and vetting clearance renewed, where personnel meet the high standards of ethical behaviour expected. The Vetting Unit has seen significant change led by the new College of Policing's Vetting Code of Guidance. The focus for the Vetting Unit over the next 12 months will be meeting the requirements of the new Vetting Guidance and the HMICFRS recommendations.
- 5.3 The fundamental purpose of the Anti-Corruption Unit (ACU) is to uphold the integrity of policing and public confidence and maintaining security of assets and information. It is a preventative, investigative and pro-active function. The ACU contributes to the aims of PSD by preventing and investigating (pursuing) corrupt, dishonest and unethical behaviour involving police officers and staff within BCH. Following a National Police Chiefs Council benchmarking exercise, processes from the BCH ACU were highlighted and disseminated as national best practice. For example, the debriefing of officers who

had been investigated. They also have a bespoke Prevention Officer, which other forces are implementing after recognising the benefit from this role. The ACU also works closely with other police force ACU's, partner organisations and the Eastern Region Special Operations Unit to deliver against its objectives.

6. Governance and scrutiny

- 6.1 In addition to the daily management of PSD, there is a PSD Governance Board which is chaired by the Constabulary's Deputy Chief Constable. The Governance Board aims to identify and address specific risks and threats across BCH ensuring clear actions are taken to mitigate and minimise these risks and threats, and where necessary policies, procedures, practices and processes are developed and implemented. During the year this has included approving policies, scrutiny of the new PSD Delivery Plan, gaining assurance on lessons learnt for cases, and performance monitoring of the quarterly complaint statistics.
- 6.2 During the year, PSD has been under scrutiny in a number of ways. This includes HMICFRS inspection and IOPC oversight. HMICFRS made positive observations including how the Constabulary promotes an ethical culture and ensures that its workforce behaves ethically and lawfully and is good at treating the people it serves with fairness and respect. It also stated that the Constabulary makes it easy for the public to make a complaint, is good at updating complainants on the progress of their complaint, and provides easily understood information on complaint outcomes.
- 6.3 However, there were six areas for improvement (AFIs). These included ensuring all data for use of force is monitored by both an internal and external groups to provide oversight, a timescale for complying with the national vetting standards, referrals to the IOPC, grievance process, and improvements regarding how to make a complaint. These AFIs are all captured within the PSD Delivery Plan, with progress issues and risks being monitored through the PSD Governance Board.
- 6.4 The OPCC, and more recently with the Deputy Police and Crime Commissioner (DPCC), has undertaken regular dip sampling of Constabulary complaints as part of the Commissioner's monitoring role. Overall, there is assurance that of those complaints sampled they have been dealt with in a reasonable and proportionate manner.

7. Complaint Statistics

- 7.1 From the period 1st April 2017 to 31st March 2018 there were 328 public complaints recorded with 791 allegations against Constabulary officers and staff (note: a complaint case can have more than one allegation attached to it). This represents a decrease of 13.9% of cases and 12.7% of allegations compared to the previous reporting year.
- 7.2 The highest number of allegations were in respect of 'other neglect or failure in duty' and 'incivility, impoliteness and intolerance' (these are IOPC standard classifications). This is the same as in the previous reporting year.
- 7.3 There was 13 organisational complaints made, i.e. those allegations that relate to the Constabulary's processes and procedures as opposed to the conduct of an individual. This compares to 15 in the previous reporting year.

- 7.4 As per the previous reporting year, there were no complaints regarding the Constabulary's use of Stop Search.
- 7.5 There is no statistics that support Body Worn Video (BWV) is responsible for any reduction in complaints. However it is reasonably believed that the use of BWV has assisted in the timeliness of complaint investigations reducing.
- 7.6 There have been 35 referrals (31 in the previous year) to the IOPC as per the mandatory IOPC referral guidance. There were 31 determined as suitable to be investigated by PSD as local or force investigations and four IOPC Independent Investigations.
- 7.7 There have been 87 Constabulary and IOPC appeals recorded and 15 upheld. (Note: that these appeals may relate to complaints carried over from previous years).
- 7.8 There have been 25 Gross Misconduct and 23 Misconduct cases recorded for police officers and staff during the reporting period. There were two Misconduct Hearings, two Special Case Hearings, and seven Misconduct Meetings held (note: some of these may relate to cases recorded in the previous years, whereas some of the 48 cases recorded will be dealt with in the 2018/19 reporting year). As a result, one officer was dismissed, with eight officers receiving either a final written warning, written warning or management advice. Two cases were either not proven or proceedings discontinued.
- 7.9 Further analysis of complaints relating to the Constabulary is provided on the IOPC website at the link given below.
- 7.10 During the period of this report the Commissioner received six complaints against the Chief Constable. To date, where the complainant has exercised their right of appeal, none of these complaints were upheld by the IOPC.
- 7.11 There were no complaints made against the Commissioner or the current DPCC between April 2017 and March 2018. Allegations were made against the ex-DPCC during the reporting period, which were referred to the IPPC (at the time) on behalf of the Police and Crime Panel.

8. Complaints Reform work

- 8.1 The Policing and Crime Act 2017 received Royal Assent on 31 January 2017. Secondary legislation from the Act is likely to come into force in spring 2019, which will bring in the complaints reform provisions. These provisions will change the complaints landscape, with the aim of simplifying the complaints system. The provisions will also enable Commissioners, should they choose, to take direct responsibility for a number of statutory functions of the complaints system. Amongst the provisions, the Commissioner will become responsible for reviewing whether the outcome of the complaint was a reasonable and proportionate one.
- 8.2 The OPCC is part of a PSD led Project Group working to embed the reforms within BCH and to prepare the Commissioner's for the review role.

9. Recommendation

- 9.1 The Board is recommended to note the report.

BIBLIOGRAPHY

Source Documents	<p>‘Statutory Guidance to the police service on the handling of complaints’, Independent Police Complaints Commission, May 2015 – https://policeconduct.gov.uk</p> <p>‘Complaints Policy Statement’, Police and Crime Commissioner, December 2017 http://www.cambridgeshire-pcc.gov.uk/wp-content/uploads/2017/05/Complaints-Policy-Statement-December-2017-v2.pdf</p> <p>‘Police Complaints Information Bulletin, Cambridgeshire – 1st April 2017 too 31st March 2018’, Independent Office for Police Conduct https://policeconduct.gov.uk/tags/cambridgeshire-constabulary</p> <p>‘PEEL: Police legitimacy (including leadership) 2017 – An inspection of Cambridgeshire Constabulary’, HMIC, December 2017 https://www.justiceinspectrates.gov.uk/hmicfrs/publications/peel-police-legitimacy-2017-cambridgeshire/</p> <p>Policing and Crime Act 2017 http://www.legislation.gov.uk/ukpga/2017/3/contents/enacted</p>
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