

Supporting best practice in force complaint handling

## Who have we been to see this quarter?

We attended 28 meetings with professional standards departments (PSDs), and two meetings with staff at Offices for Police and Crime Commissioners (OPCCs). Some were joint meetings.

We also attended three regional meetings (with regional heads or regional practitioners).

### Other events and meetings we attended:

- Input into two Sancus events, a company that provides investigations training.
- A technical workshop at Warwickshire and West Mercia Police PSD on aspects of complaints handling.
- A meeting with HM Revenue and Customs (HMRC) about legislative change.
- Input on discrimination guidelines at City of London Police.
- Input on discrimination guidelines at Metropolitan Police Service (MPS).
- Referrals workshops with PSD and OPCCs ([see below](#)).
- Speaking at the Police Federation Conference with IOPC Director General, Michael Lockwood, about increased engagement.
- Presentation at the regional conduct leads Police Federation Conference regarding our quality assurance process and performance targets.

Welcome to our Oversight bulletin. We publish a bulletin each quarter looking back at issues raised during the previous three months.



## What trends have we spotted this quarter?

Our Oversight team responded to a total of **165** external telephone and email queries during April, May and June.

## Issues raised by our operational staff, and queries received by our team, this quarter



### Special requirements considerations

Appeals made to us have highlighted cases to which special requirements rules have not been applied when they should have been. It is crucial that the assessment of the seriousness of an investigation is done properly.

This includes fully documenting the rationale of a decision, if the case is not certified as subject to special requirements.

This assessment should also be kept under review during the investigation and as more evidence emerges. See Focus [issue four](#) for further guidance.



### Delays in death or serious injury referrals

This quarter we saw several cases involving members of the public breaking bones, which were not referred to us at all, or the referral was made only after a complaint.

A broken bone falls under the death or serious injury (DSI) mandatory referral criteria and should be referred to the IOPC without delay.



## Did you know?

### Complaints made on behalf of others

When a complaint is made on someone's behalf, written authority must be obtained before a complaint can be formally recorded (and referred to the IOPC where required).

This includes solicitors instructed by complainants to represent them. If a force is concerned, and timely referral to the IOPC is necessary, it can consider if it is appropriate to record a conduct matter, and submit a conduct referral to the IOPC, while awaiting written consent.

### Advice for chief officer appeals

We recently issued an [advice note](#) for forces on chief officer appeals. The advice highlights the common areas we identified following a dip sample. This showed areas where forces can improve the service given to complainants.

### Time limit for recording decisions

The recording clock does not stop when you need more information from a complainant to make a recording decision.

Recording decisions should always be made within ten working days. This is the case even when further information is needed. The option to disapply the complaint is available if information later received suggests the matter should not be progressed.

### IOPC position statement

We have recently updated the 'IOPC position statement: Risk in police decision-making and accountability in operational policing' which can be found on our [website](#).

Our referral workshops hosted between June and August clarified the criteria for referrals of DSI matters. We will share the frequently asked questions and notes from the sessions. You can also read our publication, Focus [issue nine](#), on referrals to the IOPC.



### Accessibility of case files and further information

We sometimes have difficulty getting information about a case because the member of police staff dealing with it is unavailable and their colleagues are unable to access the relevant case records.

This can cause significant delays to referral or appeal decisions. Please ensure that you have systems and processes in place so that physical files and electronic records are available to other members of the PSD and, where appropriate, case handovers take place and case management systems are updated.



## You told us

### Case to answer decisions and referrals to the Crown Prosecution Service

Forces raised concerns about the need to make a case to answer determination when a case has been referred to the Crown Prosecution Service (CPS) and a charging decision is outstanding.

To reduce delays and confusion, we sent a letter to all chief constables and heads of PSDs on 1 June 2018, setting out the position. For most cases, legislation dictates that case to answer determinations must be taken in parallel with the CPS charging decision.

Please read the letter for full legal details. If you cannot find the letter, please let the Oversight team know and we can resend it to you.

### Referral thresholds

You raised concerns with us that some staff at the CPS were unaware that the *Police Reform Act (PRA) 2002* CPS referral threshold applies to PSD cases, as well as IOPC cases.

We raised this matter directly with the CPS that confirmed it has reminded staff that the statutory test, as set out in the *PRA 2002*, applies to police PSD investigations in the same way that it does to the IOPC.



## Forward look

In conjunction with policy colleagues, we are discussing the delivery of workshops on the changes arising from the *Policing and Crime Act 2017* with the Home Office, National Police Chiefs Council and The Association of Police and Crime Commissioners. Our focus will be on embedding the new [Statutory Guidance](#) with complaints handlers.

## Our casework performance

Our casework performance over the last quarter, and year to date, is good and we are meeting our timeliness targets. Specifically, we no longer have a backlog in reviewing local DSI reports. This is an area of our work where you have highlighted concerns about delays.

## Operations staff and police training days

Some forces told us that they feel our operations staff do not have enough exposure to the realities of policing. Working with our learning and development colleagues, we are arranging shared training days and our operations staff are attending police operational training days.

---

# Oversight projects

## Referrals workshops

We recently hosted workshops at various locations across England and Wales to discuss referrals. These included:

- near misses
- death and serious injuries (DSIs)
- discrimination
- abuse of position for a sexual purpose (APSP)

The workshops gave everyone an opportunity to:

- explore the technicalities of the legislation
- share good practice
- reflect on their mechanisms for identifying referable incidents

The workshops were well received and we have been asked to have similar sessions directly with force custody officers and on-call staff. Thank you for your participation in the events and for engaging in some informative and constructive debates.

We are collating the feedback and questions during the workshops and will provide a summary document of those in due course. We also wanted to give a special thank you to the seven forces that hosted the events and assisted in their organisation.

## Operational Advice Note for Police and Crime Panels (PCPs)

The Operational Advice Note (OAN) for PCPs is being updated to include further guidance on making a referral to the IOPC. We hope to publish the updated version on our website shortly.



## Correspondence this quarter

**14 June 2018**

email sent to all PSDs and OPCCs circulating the Oversight monthly message.

**7 June 2018**

email sent to all PSDs and OPCCs to confirm their places on the IOPC referrals workshops.

**7 June 2018**

[Advice note](#) on chief officer appeals published for forces.

**1 June 2018**

emailed letter sent to all chief constables and heads of PSDs about para 23(7) case to answer determinations when a case is referred to the CPS.

**24 May 2018**

Oversight bulletin [issue 8](#) published.

**15 May 2018**

emailed letter sent to all heads of PSDs and OPCCs informing them of the dates of the IOPC referrals workshops.

**2 May 2018**

emailed letter sent to all chief constables and Police and Crime Commissioners (PCCs) about the IOPC referrals workshops.

**27 April 2018**

[Focus issue 11](#) (local resolution suitability test) published.

## Local resolution focus

We published Focus [issue 11](#) providing guidance on the local resolution suitability test.

Following publication, one force told us that it had realised it may have been applying the local resolution test incorrectly and that too many cases had been locally resolved.

We will review the force's use of local resolution in the future, when they have had an opportunity to embed the learning from Focus.

## Background papers review

The Oversight team has been working with colleagues in operations on delays and difficulties when forces send incomplete background papers (BGPs) in support of appeals and referrals.

Missing or incomplete BGPs cause delays, which impact on complainants and the officers involved in the complaints.

The additional effort to establish what is missing, and obtain the outstanding BGPs, also impacts on resources at forces and the IOPC.

The information most often missing includes:

- Officer and witness accounts. Our checklist refers to statements but we need all the accounts gathered for investigations in whatever format or structure they're provided in.
- Information relevant to criminal investigations, arrest or detention where it relates to the subject of the complaint. This includes custody records, incident logs, call records and pocket notebook (PNB) entries.
- Media, particularly CCTV. We need to view or listen to media used in investigations or to inform referrals decisions.
- Correspondence to and from complainants, including the original complaints, and additional correspondence sent and received by forces.

We are sharing this with you to give you the opportunity to assess your own processes.

We are also revising the checklists that our admin team send out with the appeal paperwork to ensure we are clear about what we need when we request BGPs.

Our checklists ask that you send all information and evidence considered during the decision-making process and lists some examples. The list is not prescriptive and does not cover all possible options.

We have also identified forces that send us complete BGPs first time to clarify what best practice we can share.



**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)

**Read back issues of the  
[Oversight bulletin](#)**

## Good practice and force initiatives

### Identifying abuse of position for a sexual purpose

Greater Manchester Police gave a presentation to the North West Regional PSD meeting on the work its Professional Standards Branch is doing to identify cases of abuse of position for a sexual purpose. Some good progress has been made, and there is a lot of proactive work taking place to identify any officer who abuses their position of trust.

### Missing persons decisions

West Yorkshire Police had noticed that similar mistakes were being repeated on missing persons enquiries. It is now taking steps, in partnership with local commanders, to improve the guidance and awareness of the importance of audit trails for the decisions it makes on these cases.

### Scrutiny panel

Bedfordshire, Hertfordshire and Cambridgeshire PSD set up an internal scrutiny panel, including key stakeholders in the force, a professor of ethics from Hertfordshire University, and an external diversity advisor, to look at its investigations involving those with protected characteristics defined in the *Equality Act 2010*.

This is a result of perceptions of unfairness from people subject to internal investigations who have protected characteristics.

The panel will initially focus on referrals and investigations of officers and members of police staff from black and minority ethnic (BME) communities. The aims are:

- to build trust and confidence in PSD decision making
- ensure fairness and transparency
- learn lessons

A separate scrutiny panel is also planned to focus on lesbian, gay, bisexual and transgender (LGBT) staff.