

FOI Disclosures April 2022

Index

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

- [Data regarding the qualifying disclosures as a Prescribed Person under the Employment Rights Act 1996.](#)
- [Intelligence discovered during an IOPC investigation](#)
- [Referrals relating to murder or suicide following stalking](#)
- [Complaints regarding Serenity Integrated Mentoring \(SIM\)](#)
- [Investigations about Greater Manchester Police](#)
- [Insurance arrangements of the IOPC](#)
- [Financial payout to MPS officers](#)
- [Definition of serious corruption](#)

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>5023402</u> <u>Back to top</u>	Data regarding the qualifying disclosures as a Prescribed Person under the Employment Rights Act 1996.
<u>Request</u>	<i>I wish to acquire your data under the PIDA for the years 2017-18 and 2020-21. Can please redirect me to the available resource?</i>
<u>Response</u>	<p>You request our 17/18 and 20/21 data regarding the qualifying disclosures received by the IOPC as a Prescribed Person under the Employment Rights Act 1996.</p> <p>Our 20/21 data is available on page 52 of our annual report which has today been published on our web site: <u>FINAL Ann Report 2020-21 for publication.pdf</u> (policeconduct.gov.uk)</p> <p>In the year to 31 March 2018 we received three reports that were assessed as qualifying disclosures.</p>
<u>Ref</u> <u>5023354</u> <u>Back to top</u>	<u>Intelligence discovered during an IOPC investigation</u>
<u>Request</u>	<ol style="list-style-type: none">1. <i>What is your policy please if during the course an independent IOPC investigation it becomes known to an IOPC investigator that a complainant or any non police witness may have committed or be suspected of committing a criminal offence and its clear the police are likely unaware?</i>2. <i>Are there circumstances where you would withhold this from the police?</i>

	<p>3. <i>Also if under the same circumstances the iopc became aware of information/intelligence that would be useful to the police around serious issues like gang activity/associations and national security and its likely the police are unaware , are there circumstances you would withhold this from the police”?</i></p>
<p><u>Response</u></p>	<ol style="list-style-type: none"> 1. Our Operations Manual provides guidance to staff should they come across this sort of information or intelligence in the course of carrying out the statutory duties of the IOPC. 2. We do not hold any recorded information from which to answer this question as it is based on identifying hypothetical situations. We would always consider the circumstances on a case by case basis and obtain legal advice where necessary. 3. This question is also asking us to identify hypothetical situations and we do not hold recorded information from which we could provide a response, other than to say that such matters would be considered on a case by case basis with relevant legal advice provided where necessary as per our response to question two. <p>Whilst we cannot answer hypothetical scenarios, we regularly disseminate material to police forces and, in doing so, ensure that we consider the public interest and our obligations under the Human Rights Act 1998 and the Criminal Procedures and Investigations Act 1996.</p> <p>Where necessary, we balance the risk of disseminating material against the potential benefits by completing an intelligence report risk assessment. We would always consider the individual circumstances of each case, considering the legal obligations, our duties as a responsible public body and balance the public interest in the prevention and detection of crime against the need to promote confidence in the complaints system.</p>
<p><u>Ref</u> <u>5023336</u> Back to top</p>	<p><u>Referrals relating to murder or suicide following stalking</u></p>
<p><u>Request</u></p>	<ol style="list-style-type: none"> 1. <i>In the years between and including 2017 and 2021, how many referrals did you receive in relation to cases of murder or suicide, where the victim had previously reported the perpetrator for behaviour that would constitute as an offence of stalking (S2A, Protection from Harassment Act 1997), or the perpetrator had previously committed an offence of stalking?</i> <ol style="list-style-type: none"> i. <i>Please break this down for each full calendar year, from 2017 to 2021.</i> ii. <i>Please break this down by police force.</i> 2. <i>Of these, how many resulted in an independent investigation?</i> <ol style="list-style-type: none"> i. <i>Please break this down for each full calendar year, from 2017 to 2021.</i> ii. <i>Please break this down by police force.</i>

Response

1. We have considered the extent to which we are able to provide comprehensive data relating to this part of your request. However we have concluded that the level of manual scrutiny of cases required to establish those falling precisely within the scope of your request would exceed the cost limit prescribed by the FOIA.

We apply case factors to referral cases to identify broad themes. However case factors merely provide a starting point to identify potential cases, they are broad and encompass a wide range of circumstances, meaning further manual scrutiny of cases is required to establish whether those identified cases meet the specific circumstances of a request. Case factors can also change throughout the lifecycle of a case and are not always apparent when a referral is first received.

In this case we explored the possibility of building a simple query by applying two case factors, 'Death' and 'Stalking/harassment' to identify potential cases. However we have concluded that this would not produce comprehensive data. Not only could these case factors be applied to a broad range of circumstances, therefore requiring manual scrutiny to confirm that they actually fell within scope; but we must also consider that previous contact and whether it related to reported or offences of stalking might not have been apparent at the referral stage. Consequently the case factors may not have been applied and so it is unlikely that such a search would identify all referrals.

For the purposes of this request we have therefore focussed on part two.

2. We can confirm that we hold some of the information requested under point However, the methods available to identify this information have some limitations, as the definitions used to categorise types of cases do not directly match your request. Therefore, the numbers provided should only be used for indicative purposes.

The IOPC reports annually, on a financial year basis, on deaths during or following police contact. One category of death that is reported on is 'other deaths following police contact'. These deaths are all, by definition, subject to an independent investigation. Within this category, the deaths are further grouped based on the reason for contact with the police prior to their death. The two most relevant groups for your request are 'domestic related' and 'threatening behaviour/ harassment'.

The timeframe looked at for your request is deaths that occurred between 2015/16 and 2020/21. We have not considered more recent deaths, because the reporting of deaths within this category will be included in our 2021/22 report '*Deaths during or following police contact: Statistics for England and Wales 2021/22*'. These cases are still in the process of being verified and checked.

During this time period, there were 117 fatalities that fell under the category 'other deaths following police contact – independent investigation' where the reason for contact was 'domestic-related' and 32 where the reason for contact was 'threatening behaviour/harassment'. Where known, the death classification for 103 of the domestic-related fatalities and for 26 of the fatalities relating to threatening behaviour/harassment were from self-inflicted acts or due to an alleged murder, a total of **129**. These 129 fatalities relate to 116 independent investigations.

In the circumstances of these 129 fatalities, the deceased may not have

	<p>reported or been subject to an offence of stalking as your request asks for but would have been involved in either a domestic-related incident or an incident where concerns were raised regarding threatening behaviour or harassment by another person.</p> <p>As per our definition, domestic-related incidents may include those between family members, such as incidents involving parents and their children. In addition, the person involved in the incident who died may have been the subject of counter allegations as part of the domestic-related incident reported to the police. Any apparent suicides of the perpetrator that follows an alleged or attempted murder are also included in the statistics within this category.</p> <p>We have assessed whether we are able to provide a dataset that exactly meets the requirement of investigations '<i>where the victim had previously reported the perpetrator for behaviour that would constitute as an offence of stalking (S2A, Protection from Harassment Act 1997), or the perpetrator had previously committed an offence of stalking</i>'. However, there would be a considerable level of manual scrutiny of case files required to provide this data. We have determined the activities involved would exceed the cost limit, as prescribed by section 12 of the FOIA and associated regulations. As such, we have provided the details requested for all cases falling within the parameters of your request insofar as we are able.</p>
<p><u>Ref</u> <u>5023380</u> Back to top</p>	<p><u>Complaints regarding Serenity Integrated Mentoring (SIM)</u></p>
<p><u>Request</u></p>	<p><i>I am seeking information regarding Serenity Integrated Mentoring (SIM), a programme under which police officers are trained to support local NHS teams handling persistent callers to emergency services. Please provide the following information:</i></p> <p><i>The number of complaints received by the IOPC regarding SIM. If the data is retrievable, please indicate whether these were complaints against individual officers involved in SIM.</i></p> <p><i>The number of investigations carried out by the IOPC regarding officers participating in SIM. Please break this down by year, and the outcome of the investigation.</i></p>
<p><u>Response</u></p>	<p>In regard to the number of complaints about SIM received by the IOPC, you may not be aware that the majority of police complaint and misconduct cases are dealt with by police forces without any IOPC involvement. Most complaints are made directly to police forces and any complaints we receive from members of the public are passed to the police force for a decision on recording, as required by the legislation. These 'direct complaints' account for only a very small minority of the total complaints against police and the IOPC does not assess them or extract data about their subject matter. Only once a direct complaint is formally recorded by the police will it be processed in accordance with the procedures laid down in the Police Reform Act 2002 and associated Regulations. The IOPC becomes involved in only a small minority of these recorded complaints.</p> <p>Police forces may be able to help you with this part of your request but, in terms of the data that they normally record about police complaints, they are required only to extract data about allegation types in accordance with the categories</p>

	<p>defined in our Guidance on capturing data about police complaints and reported in our annual police complaints statistics and force bulletins.</p> <p>We have carried out a key word search of our IOPC investigations cases where the incident description includes 'serenity Integrated mentoring' or 'SIM'. This did not return any relevant results. While this does not entirely discount the possibility that a matter under investigation may have involved SIM in some way, we would suggest that it is unlikely that the IOPC is investigating a complaint specifically about SIM.</p>
<p><u>Ref</u> <u>5023382</u> Back to top</p>	<p><u>Investigations about Greater Manchester Police</u></p>
<p><u>Request</u></p>	<p><i>How many investigations into police misconduct are currently ongoing about members of Greater Manchester Police?</i></p>
<p><u>Response</u></p>	<p>The IOPC investigates only the most serious and sensitive cases and the majority of police complaints are handled by the relevant police force without any IOPC involvement. We do not hold information about the numbers of complaint investigations currently being carried out by GMP.</p> <p>There are 35 active IOPC investigations relating to GMP.</p> <p>Please note, however, that only some of these investigations involve 'conduct matters' - situations where there is an indication a person serving with the police may have committed a crime or behaved in a manner that would justify disciplinary proceedings. Our data indicates that around half of these cases were initially referred to the IOPC by police as 'Death or Serious Injury' (DSI) matters.</p> <p>A DSI matter arises where there has been no complaint or recordable conduct matter but the circumstances are such that a person has died or sustained serious injury and the police are involved in one or more of the ways defined in the Police Reform Act. Only when there has been a complaint or recordable conduct matter would an officer or member of police staff be formally investigated for alleged misconduct. While a matter may be initially referred as a DSI matter, a recordable conduct matter may be identified during the investigation, or there may be a public complaint in respect of the same matter.</p> <p>For further information about the outcomes of IOPC investigations and the types of cases we deal with, please see our outcomes reports published on this page of our website.</p>
<p><u>Ref</u> <u>5023408</u> Back to top</p>	<p><u>Insurance arrangements of the IOPC</u></p>
<p><u>Request</u></p>	<p><i>You asked a number of questions about arrangement and administration of insurances at the IOPC.</i></p>
<p><u>Response</u></p>	<p><i>Please confirm the name, position and contact details (telephone number and email address) of the person responsible for arranging and administering the Authority's insurances.</i></p> <p>Our insurance is administered by various teams within the organisation. The contact details are: Procurement and Estates Manager, Procurement Team. Please use the contact addresses available on our web site.</p>

	<ul style="list-style-type: none"> • Which classes of commercial insurance do the Authority currently procure? When are these policies due for renewal? <p>The IOPC has insurance provision for motor insurance only. The existing agreement is valid until March 2024 with an option to extend for a further 2 years.</p> <ul style="list-style-type: none"> • How much does the Authority spend annually on its insurance premium? <p>On average, approx. £46,945 per year.</p> <ul style="list-style-type: none"> • Please confirm the name of the Authority's current insurance broker/advisor (if applicable). <p>AON UK Ltd</p> <ul style="list-style-type: none"> • When was the contract for insurance broking services last reviewed/tendered? <p>February 2020.</p> <ul style="list-style-type: none"> • When will the current contract for insurance brokerage services expire? Is this subject to a potential extension? <p>The contract ends 21 February 2023 and we will review our project/contract requirements later in this calendar year.</p>
<p><u>Ref</u> <u>5023413</u> Back to top</p>	<p><u>Financial payout to MPS officers</u></p>
<p><u>Request</u></p>	<p>The PFEW states that in February 2022 the IOPC has agreed to make a financial payout to six metropolitan police officers due to accepted liability for overlong delays to your investigations.</p> <p>How much is being paid out?.</p> <p>I also request a copy of the letter(s) of formal apology redacted of personal details.</p> <p>Also any internal learning/discipline results that that the IOPC has issued to it's own staff.</p> <p>Also why isn't this on your website - are you burying bad news?</p>
<p><u>Response</u></p>	<p>We can confirm that we hold information in relation to the first two parts of your request but are refusing to provide this information after concluding that it is exempt from disclosure by virtue of section 32(1) of the FOIA. We have also decided that the letters of apology engage the exemption under section 40(2) in addition to section 32(1).</p>

	<p>In relation to your request for “discipline results”, we find that the duty to confirm or deny that we hold the information is disapplied by virtue of section 40(5B)(a) of the FOIA.</p> <p>In answer to your remaining questions, we can confirm that the IOPC has prepared the following statement on this case:</p> <p style="padding-left: 40px;">"Following a mediation exercise earlier this month, we apologised to and compensated six police officers on behalf of our predecessor, the Independent Police Complaints Commission (IPCC).</p> <p style="padding-left: 40px;">"We apologised to the officers, who had all been subject to IPCC investigations, for the length of time they’d found themselves under investigation. We accepted that the investigations and the processes which followed took far too long to bring to a conclusion and that some of the reasons for those delays rested with the IPCC.</p> <p style="padding-left: 40px;">"Since the IOPC came into being in 2018, we have made significant improvements to the timeliness of our investigations. We now complete 90% of our core investigations within a year and over a third within six months."</p> <p>Our annual reports for the last 10 years contain information about our focus on improving the timeliness of our investigations. These are available via the links on this page of our web site.</p>
<p style="text-align: center;"><u>Ref</u> <u>5023434</u> Back to top</p>	<p><u>Definition of serious corruption</u></p>
<p><u>Request</u></p>	<p><i>Please provide any information and/or documents as to the definition of "Serious corruption" as opposed to any other form of corruption that may have been made concerning the conduct of a police officer/staff.</i></p>
<p><u>Response</u></p>	<p>Police forces must refer allegations of ‘serious corruption’ to allow us to assess whether the matter should be investigated and if so whether this should be carried out by the IOPC or the police. Serious corruption is one of the core indicators that is considered as part of the IOPC’s ‘core work’; that is, cases with a sufficient level of seriousness and public interest that they require independent oversight by the IOPC.</p> <p>Our Statutory Guidance defines serious corruption as:</p> <ul style="list-style-type: none"> • any conduct that could fall within the definition of the statutory offence of ‘corruption or other improper exercise of police powers and privileges’ • perverting the course of justice or other conduct that is likely to seriously harm the administration of justice, in particular the criminal justice system • payments or other benefits or favours received in connection with the performance of duties amounting to an offence for which the individual concerned, if convicted, would be likely to receive a sentence of more than six months • abuse of position for a sexual purpose or for the purpose of pursuing an improper emotional relationship • corrupt controller, handler or covert human intelligence source (CHIS) relationships

- provision of confidential information in return for payment or other benefits or favours where the conduct could lead to a possible prosecution for an offence under Section 170 of the Data Protection Act 2018, or a more serious offence
- extraction and supply of seized controlled drugs, firearms or other material
- any other abuse of position, or
- attempts, conspiracies, incitements, assistance or encouragement to do any of the above

Paragraphs 9.15 onwards of the Statutory Guidance provide further information around the definition of 'Serious Corruption'. The Statutory Guidance is published on our website here: :

https://www.policeconduct.gov.uk/sites/default/files/Documents/statutoryguidance/2020_statutory_guidance_english.pdf.

Information relating to the IOPC's work relating to corruption can be found on our website here: <https://www.policeconduct.gov.uk/research-and-learning/key-areas-work/corruption-and-abuse-power> . Bulletin 19 of our 'Learning the Lessons' publication related to corruption and may also be of interest to you. This can be found here:

<https://webarchive.nationalarchives.gov.uk/20170914130012/https://www.ipcc.gov.uk/Pages/Bulletin19.aspx>