

## FOI Disclosures October 2022

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

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

<b><u>Ref</u></b> <b><u>5023728</u></b> <a href="#">Back to top</a>	<b><u>Referrals and disciplinary action</u></b>
<b><u>Request</u></b>	<p><i>Please disclose to me how many referrals for misconduct you have received on a year by year basis since 2017.</i></p> <p><i>I'd like to know how many individual officers were referred, and why (eg sexual misconduct, violence, or any other way that this is registered).</i></p> <p><i>I'd like to know how many of these referrals resulted in disciplinary action.</i></p> <p><i>I'd also like to know how many forces (whole forces) have been referred or referred themselves to you over the same time frame, and why.</i></p>
<b><u>Response</u></b>	<p>Police forces are required to refer certain incidents to the IOPC where they meet specified criteria. These referrals originate from one of three possible sources: a complaint, a death or serious injury (DSI) or recordable conduct matter (RCM).</p> <p>A conduct matter is any matter which is not and has not been the subject of a complaint by a member of the public, where there is an indication (whether from the circumstances or otherwise) that a person serving with the police may have committed a criminal offence or behaved in a manner which would justify disciplinary proceedings. Certain types of conduct matters must be recorded,</p>

which means that they are given formal status and must be handled under the Police Reform Act 2002.

A DSI referral to the IOPC does not necessarily mean that anything has gone wrong or that anyone is unhappy with how the situation was handled. There is, however, a mandatory requirement for forces to refer an incident where someone has died or been seriously injured while interacting with the police (this includes both police action and inaction).

We received a total of 25,916 complaint, DSI and RCM referrals in the period from 1 January 2017 to 31 August 2022. The numbers received in each year were as follows:

2017	3948
2018	3959
2019	4346
2020	4709
2021	5044
2022 (to 31/8)	3910

This information is taken from live data and as such may differ from previously published data and statistics.

By excluding DSI cases and counting only complaint and conduct matter referrals, we may be able to produce data indicating the number of referrals we have received that would be likely to include an allegation of misconduct.

Owing to the way that the data about referral origins (i.e. whether they originate from a complaint, a DSI or a RCM) is stored in our case management system, it is not currently possible for us to provide a reliable report on how many of these referrals originate from any one of these three categories. This is the result of complexities with the data relating to cases where more than one referral has been received. Consequently, it would be possible to provide information as to the number of complaint and recordable conduct matter referrals only by manually searching through each referral on our system and identifying the referral origin using the relevant documentation. In many cases this may require an assessment of the surrounding papers, since the referral form itself may not confirm the type of referral, or may have been completed incorrectly and revised following correspondence with the IOPC.

In addition, an incident referred as a DSI matter, which by definition should not disclose any misconduct, may later give rise to a complaint or recordable conduct matter, which may or may not then meet the criteria for referral to the IOPC. This illustrates that a single incident or allegation can result in several referrals.

Section 12(1) of the Freedom of Information Act sets out that a public authority need not disclose data requested if the authority estimates that the cost of complying with the request would exceed the appropriate limit. Regulations set out that the appropriate limit for the IOPC is £450. Time for staff to undertake manual searches to locate, identify and retrieve information is calculated at £25 per hour. This means that the limit is 18 hours.

As confirmed by the data above, the IOPC has received 25,916 referrals since 1 January 2017 and 3,900 referrals in 2022 alone. There can be no doubt, therefore, that manual searches of these referrals to find the information you require would exceed the 18 hour cost limit under section 12 of the FOIA by a very significant margin.

Multiple requests within a single item of correspondence are considered to be separate requests for the purpose of section 12. If they relate to the same overarching theme, public authorities can aggregate two or more separate requests, in accordance with the conditions laid out in the FOIA Fees Regulations. We find that the multiple requests in your email of 5 September are connected by a single overarching theme, namely IOPC case data based on referrals, with the result that our FOIA duties do not apply to any part of your request.

For more information on the types of incidents that are referred to the IOPC and the mandatory referral criteria please see chapter 9 of our [Statutory Guidance](#). It should be noted that as a result of legislative change, referrals were decided differently before 1 February 2020. For details of our decision making on these referrals please see [the previous version of our statutory guidance](#).

In line with our duty to advise and assist FOIA applicants we have gone on to consider how we may be able to help you with the remainder of your request and how far the information published by the IOPC and other public authorities may be relevant to the matters in which you are interested.

*I'd like to know, if this is retrievable, how many individual officers were referred, and why (e.g. sexual misconduct, violence, or any other way that this is registered).*

The IOPC does not routinely extract data about officers contained in referrals or about the nature of any allegations that may be disclosed by the referral. It should be noted that the officers whose conduct may be subject to an investigation following a referral may not always be identified in the referral, given that forces are obliged to submit the matter to the IOPC as soon as possible after deciding that the matter warrants a referral. We would also emphasise that new allegations are frequently identified under a subsequent investigation and that allegations identified at the point of referral may sometimes be withdrawn or not pursued as the matter progresses.

The only way we could find the data we hold under the second part of your request would be to carry out manual searches of the referrals we received during this period of more than five years. Based on our previous experience, assessing the evidence in each referral to ascertain the number of officers and produce consistent allegation data is unlikely to be a straightforward task. We consider, therefore, that the work involved in identifying and extracting either officer or allegation data from the referrals received in this period would exceed the cost limit under section 12 even before the work required under the first part of your request had been taken into account.

The IOPC collects police complaints data about the police complaints system from police forces and publishes an annual report 'Police Complaints: Statistics for England and Wales'. We also produce quarterly bulletins. This statistical data is accessible on our web site [here](#).

The information we publish includes data as to the nature of allegations recorded by police and how they are concluded. Table 22 on page 34 of our [annual statistical report for the year 20/21](#) confirms the actions on complaint cases handled formally and contains data as to outcomes including misconduct and other procedures.

A full list of the allegation types used to compile our complaint statistics is included in our [Guidance on recording complaints](#).

*I'd like to know how many of these referrals resulted in disciplinary action.*

The IOPC does not hold this information. This is because the IOPC carries out its own [independent investigations](#) into only the most serious and sensitive incidents and allegations involving the police. The majority of referrals result in a decision by the IOPC (known as a mode of investigation decision) that the matter should either be investigated by the force concerned or handled by the force in whatever reasonable and proportionate matter it determines. With a few exceptions, the IOPC's involvement in the subject matter of a referral ceases when it goes back to the force and there is in general no requirement that the outcome of any investigation or proceedings be reported to the IOPC. The result is that we only collect data about the outcomes, including disciplinary outcomes, of the cases we investigate ourselves, which account for small minority of the total number cases processed under the complaints and misconduct system.

The IOPC has [published independent investigation outcomes for 2018/19, 2019/20 and 2020/21](#) and will publish further outcomes reports annually. These reports contain data about the outcomes of IOPC investigations and associated proceedings completed in each of these years including misconduct and criminal outcomes.

National data relating to police misconduct is published by the Home Office in its [Police Misconduct, England & Wales Official Statistics](#). This contains data relating to formal disciplinary proceedings and their outcomes and includes information about the complaints and misconduct process.

Information about individual misconduct cases would have to be requested from the respective police force.

Information about the process we follow when receiving and assessing referrals is available on [this page of our website](#).

*I'd also like to know how many forces (whole forces) have been referred or referred themselves to you over the same time frame, and why please."*

Data about the number of referrals we have received from each police force and our mode of investigation decisions on these referrals is published in our [quarterly force bulletins](#). Data from before 1 April 2019 is accessible on our [National Archive website](#).

We could not produce data as to why each matter was referred without analysing the information in each referral. Depending on what it is you require by way of reasons for the referral, this would be likely to involve analysis of each referral against the referral criteria (as set out in chapter 9 of our [Statutory Guidance](#)) and would be very time consuming for the reasons explained above.

	<p>For further information regarding our functions and how we carry them out we would refer you to the following:</p> <ul style="list-style-type: none"> <li>• our <a href="#">guide to IOPC independent investigations</a></li> <li>• our guidance on <a href="#">Assessing Referrals</a></li> <li>• information about <a href="#">Key areas of our work</a> (links to our research and other work on areas of significant interest, including some allegation types)</li> <li>• our <a href="#">Annual Report</a></li> <li>• our <a href="#">Impact Report</a></li> <li>• the <a href="#">investigations page</a> of our web site (the search tool on this page can be used to locate information about investigations we have carried out into certain key areas and our published reports confirm how the IOPC applies its guidance in practice to certain thematic areas, for example discrimination or road traffic incidents).</li> </ul>
<p><b><u>Ref</u></b> <b><u>5023731</u></b> <a href="#">Back to top</a></p>	<p><b><u>Referrals and directed or managed investigations 2020/21</u></b></p>
<p><b><u>Request</u></b></p>	<p><i>You asked for information relating to referrals we had received during the year 2021/ 2022</i></p>
<p><b><u>Response</u></b></p>	<p><i>“1. The number of referrals received”</i></p> <p>In the financial year 2021/22, the IOPC received a total of 5,425 referrals from police forces and other organisations. The data is based on referrals received by the IOPC between 1 April 2021 and 31 March 2022. This figure includes matters that may have been re-referred by the force and considers overt cases only. The information is taken from live data and as such may differ from previously published data &amp; statistics. The appropriate authority, as well as other case attributes, is dependent on accurate data recording by operational teams.</p> <p><i>“2. The number of these referrals involving (i) serving and (ii) non-serving officers;</i></p> <p>We do not have the facility to extract this type of data in an automated way meaning that manual scrutiny of case files would be required to locate and retrieve this sort of information. Section 12 of the FOIA allows the IOPC to refuse a request when the estimated cost of carrying out certain activities exceeds £450, or 18 hours at £25 per hour.</p> <p>There can be no doubt that manual consideration of over 5400 cases would exceed the 18 hour cost limit by a significant margin with the result that we are not required to carry out this work.</p> <p><i>“3. The number of these referrals where you (i) directed an investigation and (ii) managed an investigation”</i></p> <p>Police forces are required to refer certain incidents to the IOPC where they meet specified criteria. A referral can originate from a complaint, recordable conduct or Death or Serious Injury (DSI) matter. On receipt of a referral our role is to decide whether or not the matter should be investigated, and if so the mode of that investigation, which may be local (i.e. carried out by the police alone); directed (conducted under the direction and control of the IOPC but using police resources); or investigated independently by the IOPC. Information about referrals and</p>

mode of investigation decisions is available on our web site [here](#).  
 The decision about whether or not a referred matter should be investigated, and the ensuing mode of investigation decision, are made after completing an assessment. Therefore, some decisions may be made later than the date the referral was received.

You have asked about data relating to both managed and directed investigations. It is significant to note that a change in legislation that came into effect on 1 February 2020 removed the modes of managed and supervised investigations and introduced the term 'directed' investigations. Directed investigations are conducted under the direction and control of the IOPC but using police resources.

This change applies to matters that come to the attention of police forces on or after 1 February 2020. It does not apply to the National Crime Agency (NCA), Her Majesty's Revenue and Customs (HMRC) or the Home Office. Our jurisdiction over these organisations is governed by different regulations.

- (i) Of the 5,425 referrals received in 2021/22, we determined 46 must be investigated under the direction of the IOPC.
- (ii) We determined that the IOPC would manage the investigation in five of the 5,425 referrals received in 2021/22.

The table below includes a breakdown by police force of directed and managed mode of investigation decisions on referrals received in 2021/22. Please note that the sum of directed and managed mode of investigation decisions may not equal the number of referrals received. This is because other mode of investigation decisions are not included. Referrals and Investigations do not have a one-to-one relationship due to re-referrals of matters on the same investigation and linked cases.

We have removed from this table the precise breakdown of referrals received from Offices of Police and Crime Commissioners and Police and Crime Panels because any referrals received can be traced to particular individuals and as such constitutes their personal data. As such we consider that this is exempt from disclosure under the FOIA under section 40(2).

Force	Sum of Received In 2021/22	Directed Investigation	Managed Investigation
Avon & Somerset Constabulary	182	5	
Bedfordshire Police	82		
British Transport Police	78	1	

Cambridgeshire Constabulary	66		
Cheshire Constabulary	62	2	
City of London Police	13		
Civil Nuclear Constabulary	8		
Cleveland Police	144	1	1
Cumbria Constabulary	39	1	
Derbyshire Constabulary	68	1	
Devon and Cornwall Constabulary	123	1	
Dorset Police	34		
Durham Constabulary	26	1	
Dyfed-Powys Police	29		
Essex Police	261	2	
Gloucestershire Constabulary	61	1	
Greater Manchester Police	306	3	
Gwent Police	59		
Hampshire Constabulary	101	1	
Hertfordshire Constabulary	86		
HMRC - Commissioners	36		
Home Office	13		
Humberside Police	55	3	
Kent Police	149	1	
Lancashire Constabulary	127		
Leicestershire Police	90	1	
Lincolnshire Police	68		
Merseyside Police	112	2	
Metropolitan Police	1061	4	
Ministry of Defence Police	12		
National Crime Agency	22		
Norfolk Constabulary	82		
North Wales Police	27		
North Yorkshire Police	87		
National Crime Agency	22		
Norfolk Constabulary	82		
North Wales Police	27		
North Yorkshire Police	87		
Northamptonshire Police	44		
Northumbria Police	169	1	
Nottinghamshire Police	81	1	
South Wales Police	127		
South Yorkshire Police	125	1	3
Staffordshire Police	86	1	
Suffolk Constabulary	58		
Surrey Police	81	1	
Sussex Police	122	2	
Thames Valley Police	144	1	
Warwickshire Police	59		
West Mercia Police	62	1	
West Midlands Police	199	2	
West Yorkshire Police	213	4	
Wiltshire Police	36		

	<p><i>“4. The number of serving and non-serving officers charged subsequent to (i) directed investigations and (ii) managed investigations.”</i></p> <p>We do not have an automated way of retrieving this sort of information and therefore would need to undertake manual scrutiny of case files as well as consultation and validation exercises with the relevant appropriate authorities to locate, extract and retrieve this data. Although it would only involve 51 cases, as this type of data is not stored in a particular fixed field or document we cannot rule out the potential of having to study numerous documents per case to locate the data, which we would then need to verify and validate. We have decided that such activities would exceed the cost limit as prescribed by the FOIA and associated regulations as outlined in our response to question 2 above.</p> <p>In any case, as this part of your request involves outcomes data that can only be established at the conclusion of a managed or directed investigation and any charging decisions undertaken by the CPS, and given the recent timespan of your request, it is unlikely that this information would be known for several of these cases at this point.</p>
<p><b><u>Ref</u></b> <b>5023736</b> <a href="#">Back to top</a></p>	<p><b><u>IOPC investigators involved in fatal taser investigations</u></b></p>
<p><b><u>Request</u></b></p>	<p><i>1) For each fatal taser incident, and for each fatal shooting incident (by police on a civilian), that the IOPC concluded between 01/01/2022 and 31/08/2022, please tell me how many IOPC investigators (including the chief investigator and case decision maker) were involved in each of the investigations (i.e. interviewing subjects, collecting evidence, interviewing witnesses etc).</i></p> <p><i>1a) Please tell me the title of each of the cases for each incident.</i></p> <p><i>1b) Please tell me the race/ethnicity and gender of each of the investigators who worked in each of the investigations identified in Q1. Please distinguish them by role.</i></p>
<p><b><u>Response</u></b></p>	<p>A single investigation into a fatal shooting was completed by IOPC in this time period. This was the fatal shooting of Kelvin Igweani in Milton Keynes. Information about this case, which also involved a Taser discharge, is accessible on <a href="#">this page of our website</a>. No other cases completed in this period fall within the scope of your request.</p> <p>The following persons were involved in carrying out the investigation: On call team (deployed to the incident):</p> <ul style="list-style-type: none"> <li>• Operations Team Leader x 1</li> <li>• Lead Investigator x 2</li> </ul> <p>Investigation team</p> <ul style="list-style-type: none"> <li>• Lead investigator x 1</li> <li>• Family liaison manager x 2</li> <li>• Family liaison co-ordinator x 1</li> <li>• Investigator x 1</li> <li>• Case supervisor x 1</li> <li>• Decision maker x 1</li> </ul>

	<p>Other persons at IOPC provided support to the investigation in roles that did not involve making enquiries or decisions.</p> <p>We are refusing to provide information as to the racial or ethnic origin of the IOPC Investigators and decision makers involved in these cases. We find this information to be exempt under section 40(2), which applies to personal data about someone other than the requester when disclosure would breach any of the data protection principles. Personal data about an individual's race or ethnic origin is a type of special category data as defined in Article 9 UK GDPR. We have concluded that neither of the relevant conditions under Article 9(2) have been met for this special category data.</p>
<p><b><u>Ref</u></b> <b><u>5023745</u></b> <a href="#">Back to top</a></p>	<p><b><u>Investigation following child injury during vehicle pursuit</u></b></p>
<p><b><u>Request</u></b></p>	<p><i>Disclose the full investigation documents relating to Child injured by car during pursuit - West Yorkshire Police, December 2017, referred to here:</i> <a href="https://policeconduct.gov.uk/recommendations/child-injured-car-during-pursuit-west-yorkshire-police-december-2017">https://policeconduct.gov.uk/recommendations/child-injured-car-during-pursuit-west-yorkshire-police-december-2017</a></p>
<p><b><u>Response</u></b></p>	<p>We have interpreted this request to be for the full investigation report following our independent investigation. After careful consideration, we have decided not to disclose further information, as it is exempt under sections 30 and 40 of the FOIA.</p> <p>In the case of information falling within the terms of section 30, we are refusing your request because the public interest in maintaining the exemption outweighs the public interest in disclosure.</p> <p>A <a href="#">summary of this investigation</a> has been published on our web site in line with our <a href="#">publication policy</a>. We consider this information to be a proportionate response to the public interest in transparency and accountability, taking into account the competing public interest in preserving the confidentiality of investigations and the persons to whom they relate.</p> <p>It is also significant that due to the sensitivity of information contained in the report, including details of injuries to a minor, there is a strong likelihood that extensive redactions would be required. A heavily redacted version of the full report would not leave the public any better informed about this case. Whilst disclosure of the full report may enable the public to see how the investigation had been carried out, we still consider that the legitimate interest is met through publication of the summary of the investigation. Publishing the full investigation report as well would do little to advance any broader interests in transparency. It would however be more intrusive towards the privacy of identifiable individuals.</p>
<p><b><u>Ref</u></b> <b><u>5023743</u></b> <a href="#">Back to top</a></p>	<p><b><u>Equality diversity and inclusivity in the IOPC</u></b></p>
<p><b><u>Request</u></b></p>	<p><i>“a) The number of roles in your association (expressed in numbers of FTE), that are mainly or exclusively focussed on issues of equality, diversity, or inclusivity. For example, this could include</i></p>

	<p><i>(amongst other guises) “EDI officers” or “diversity and inclusion project managers” but would not include general HR managers.</i></p> <p><i>b) Either a) the pay band of each of these roles, or b) the combined total salaries for these roles. Whichever measure is more in accordance with your data preferences.</i></p> <p><i>c) In the past 12 months the number of staff days across your organisation which have been committed to attending equality training programmes, whether internally run or with external consultants. (staff days = duration of the training programme multiplied by the number of staff in attendance for the course).</i></p> <p><i>d) The contractual cost of any consultants hired, in the past twelve months, to provide any external training or advice on issues of diversity, equality, or inclusivity.</i></p> <p><i>e) In the past twelve months, the number of staff days committed to attending conferences relating mainly or exclusively to matters of Equality, Diversity and Inclusion. (duration of conference multiplied by the number of staff in attendance).</i></p> <p><i>f) The costs of attending these conferences.</i></p> <p><i>g) Membership costs the organisation pays for participation in equality charters such as the Stonewall Equality Champions, or Diversity and Inclusion Workplace champions.</i></p>
<p><b><u>Response</u></b></p>	<p>The IOPC holds the information you have requested. We have decided, however, that our FOIA disclosure duties do not apply to your request because it engages the exception to compliance under section 12 of the FOIA. This provides that a request can be refused where the public authority estimates that the ‘appropriate limit’ would be exceeded by the carrying out of certain activities in relation to it.</p> <p>The information requested under part (c) would have to be identified from records held within each separate team at the IOPC. The IOPC has approximately 1,100 employees based at seven regional offices and we do not hold any central record of all the training completed by each staff member. As the personal development of each employee is recorded locally, we would have to send a request to the line manager in each team asking them to confirm the number of staff hours committed to relevant training or conferences in this 12 month period. The time taken to correspond by email with a significant number of IOPC employees could itself be factored into our estimate, as could the time it would take to collate all the responses, meaning that the cost limit would be exceeded even if the data could be found within a few minutes in each case.</p> <p>It would not always be straightforward to find this type of data at a local level as we would be reliant on the completeness of the relevant records and the availability of the person who knows how and where to find the information. This exercise would have to be repeated on numerous occasions with different individuals, making it very likely that problems will arise.</p>

Some of our training is delivered by e-learning. Based solely on course titles we have identified 29 digital courses on our learning management system which relate to equality, diversity or inclusion. Only some of these courses are mandatory and all can be accessed on the system whenever required. While we know that our e-learning has been accessed on numerous occasions, we do not hold data from which we could accurately confirm the time taken by each person or whether they completed the course. This means that we would be unlikely to be able to provide the data you require even if we were to carry out a significant amount of work.

For these reasons we have estimated that the cost limit would be exceeded by the work involved in producing the data under part (c) of your request.

Multiple requests within a single item of correspondence are considered to be separate requests for the purpose of section 12. If they relate to the same overarching theme, public authorities can aggregate two or more separate requests, in accordance with the conditions laid out in the FOIA Fees Regulations. We find that the multiple requests in your email of 12 September are connected by a single overarching theme, namely the resources we have committed in the past 12 months to equality, diversity and inclusivity, with the result that our FOIA duties do not apply to any part of your request.

While we are not obliged to provide a comprehensive response to your request, we are disclosing the information we hold where this is readily accessible and would be likely to assist with your research. This information is therefore being provided to you outside of our FOIA disclosure duties.

*a. The number of roles in your association (expressed in numbers of FTE), that are mainly or exclusively focussed on issues of equality, diversity, or inclusivity. For example, this could include (amongst other guises) "EDI officers" or "diversity and inclusion project managers" but would not include general HR managers.*

Response: two FTE

*b. Either a) the pay band of each of these roles, or b) the combined total salaries for these roles. Whichever measure is more in accordance with your data preferences.*

Response: the combined overall salary cost for these posts is £74,372.

*c. In the past 12 months the number of staff days across your organisation which have been committed to attending equality training programmes, whether internally run or with external consultants. (staff days = duration of the training programme multiplied by the number of staff in attendance for the course).*

Please see our response above.

*d. The contractual cost of any consultants hired, in the past twelve months, to provide any external training or advice on issues of diversity, equality, or inclusivity.*

Response: We don't employ consultants. While we have received training and advice from a number of speakers, some of whom have provided their services for free, we are unable to easily provide the cost information you require.

*e. In the past twelve months, the number of staff days committed to attending conferences relating mainly or exclusively to matters of*

*Equality, Diversity and Inclusion. (duration of conference multiplied by the number of staff in attendance).*

f. *The costs of attending these conferences.*

We can confirm that during this period 28 persons attended 20 external conferences relating to EDI at a total cost of £7,085.84.

g. *Membership costs the organisation pays for participation in equality charters such as the Stonewall Equality Champions, or Diversity and Inclusion Workplace champions.*

£6,000 to Stonewall in 2021.

**Ref**  
**5023751**

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**CPS referrals of police officers**

**Request**

1. *The number of cases of police officers referred to the CPS by the IOPC, broken down by year, for the years 2015, 2016, 2017, 2018, 2019, 2020, 2021 and 2022 (to date).*
2. *Could you also provide a breakdown by the type of crime each officer was referred for, for each year - if you have this by home office offense code that would be great, but otherwise any categorisation (Offence group or Sub Group) that you hold the information as.*
3. *Of those, please could you also break them down by outcome for each year (i.e. for how many was a decision made to prosecute, or not, or are yet to decide)*

**Response**

The attached table confirms the number of investigation subjects whose conduct was referred to CPS in the years 18/19, 19/20 & 20/21.

		18/19	19/20	20/21
<b>&gt; FOI 5023751 Response</b>				
<b>&gt; Data recorded 01 September 2022</b>				
This response document contains summary stats based on the results of the Outcomes Report for the financial years 18/19, 19/20, and 20/21.				
Completed Investigations	Outcomes Report Summary Statistics			
	Investigations completed by the IOPC	717	718	460
	Conduct matters (and % of all investigations)	342 (48%)	351 (49%)	159 (35%)
	Police officer and staff involved	800	704	293
	Officers/staff determined to have a case to answer for misconduct or gross misconduct (and % of all officers/staff investigated)	230 (29%)	273 (39%)	130 (44%)
	Criminal investigations (and % of all investigations)	107 (15%)	129 (18%)	69 (15%)
Completed Proceedings	Account obtained under criminal caution	158	169	82
	Referred to the CPS (and % of all officers/staff criminally investigated)	73 (46%)	103 (61%)	57 (70%)
	Misconduct proceedings	170	141	107
	Misconduct or gross misconduct cases proven (and % of all proceedings)	103 (61%)	78 (55%)	85 (79%)
	Officers/staff who faced criminal proceedings	10	26	8
	Pleaded guilty or found guilty at trial (and % of all those who faced criminal proceedings)	5 (50%)	8 (31%)	6 (75%)

The same data for the year to 31 March 2022 will be included in our next outcomes report, which we anticipate publishing by early November. We are refusing to provide this particular data under the exemption for information intended for future publication (section 22(1)). We consider that it is necessary to manage the availability of the data in our outcomes report by planning and controlling its publication in line with the process that we are currently following. It is reasonable to withhold this information until the date of publication to allow this process to be completed, taking into account that we expect the report to be accessible on our website in

only a few weeks' time. In view of the imminent publication of this data we consider the public interest in disclosure under your request to be outweighed by the public interest in maintaining the exemption.

The data for 1 April 2022 to the present will be included in our outcomes report for the year to 31 March 2023.

Compiling the data on IOPC referrals to the CPS for the remaining years (2015 to 2018 and 1 April 2022 to the present) would require an extensive process of quality assurance and verification. Based on the work involved in producing our published outcomes reports, we know that the time we would have to commit to identifying, retrieving and extracting this data would exceed the FOIA cost limit by a very significant margin. This would be the case even if we were to attempt to provide the number of referrals to CPS in a single year. We are therefore refusing this information under section 12(1) of the FOIA.

*2. Could you also provide a breakdown by the type of crime each officer was referred for, for each year - if you have this by home office offense code that would be great, but otherwise any categorisation (Offence group or Sub Group) that you hold the information as.*

*3. Of those, please could you also break them down by outcome for each year (i.e. for how many was a decision made to prosecute, or not, or are yet to decide)*

While our outcomes database includes an option to record the type of offence to be considered by CPS, this data is incomplete in its present form and would not answer part 2 of your request unless it was subjected to a verification process that would necessarily involve finding and reading the relevant documents in each investigation. Our estimate of the time that it would take us to complete this work could be added to our calculation under the FOIA cost limit with the result that we are not required to respond to these parts of your request.

As regards part 3, we should explain that there are a number of reasons why we could not provide data as to the charging decisions for each of the CPS referrals made by the IOPC in the years for which we have produced outcomes reports. The way that we collect and report on investigation outcomes does not facilitate the tracking of subsequent outcomes for any particular IOPC decision (e.g. a decision to refer a subject to the CPS). This is because we report only on the outcomes that occur within the respective financial year.

When we prepare the data for one of our annual investigation outcomes reports, it is separated into two different datasets that provide data on individual subject officers. The first provides data on completed investigations in the relevant financial year, their case to answer decisions, and any CPS referrals. The second provides data on CPS decisions, misconduct proceedings and criminal trials that were finalised *in the same*

	<p>year. As there is often a significant time lag between a referral to CPS and its outcome in the form of a CPS decision and any criminal trial, it is unlikely that the subjects in the first dataset will be present in the second.</p>
<p><b><u>Ref</u></b> <b><u>5023786</u></b> <a href="#">Back to top</a></p>	<p><b><u>Statistics regarding allegations subject to special requirements</u></b></p>
<p><b><u>Request</u></b></p>	<p><i>You refer to Table 10a in our 2019/20 statistics which includes a breakdown of the results allegations not subject to special requirements. and query whether we produce an equivalent data table for allegations subject to special requirements.</i></p>
<p><b><u>Response</u></b></p>	<p>We would refer you to the <a href="#">IPCC Guidance on recording of complaints under the Police Reform Act 2002</a>. Paragraph 6.4.3 (page 6) states:</p> <p><i>“If an investigation is subject to special requirements: the allegation result cannot be recorded as ‘upheld’ or ‘not upheld’. The date the investigation is completed should be recorded.”</i></p> <p>As you may be aware, significant changes to the police complaints system were introduced by the Policing and Crime Act 2017 and came into effect on 1 February 2020. While these removed the provisions relating to special requirements that existed under the previous legislation, an investigation of a complaint or recordable conduct matter that came to the attention of the appropriate authority on or after 1 February 2020 is now subject to ‘special procedures’ in certain circumstances.</p> <p>Our <a href="#">Guidance on Capturing data about police complaints</a> applies to complaints as defined under the amended legislation. Paragraphs 7.7 to 7.13 (pages 19-20) provide guidance to police forces on the recording of allegation decisions. For more information about ‘special procedures’, please see paragraphs 13.20-13.24 (pages 82-83) of our <a href="#">Statutory Guidance 2020</a>.</p> <p>Complaints recorded from 1 February 2020 are not included in the 2019/20 report. Our most recently published statistical report relates to 2020/21 and is available on our website <a href="#">here</a>. Table 18 contains data about the results of allegations and is the equivalent under the current legislation of Tables 10 and 10a in the 2019/20 report.</p>
<p><b><u>Ref</u></b> <b><u>5023799</u></b> <a href="#">Back to top</a></p>	<p><b><u>Investigation report relating to murders committed by John Lowe in February 2014</u></b></p>
<p><b><u>Request</u></b></p>	<p><i>Is it possible to get a copy of the IPCC report into the conduct of Surrey Firearms Licensing department following the murder of Christine Lee and her daughter Lucy by John Lowe on 23 February 2014.</i></p>
<p><b><u>Response</u></b></p>	<p>The report is available on the National Archives website and can be found via the following link: <a href="https://webarchive.nationalarchives.gov.uk/ukgwa/20170914105911/http://www.ipcc.gov.uk/investigations/christine-and-lucy-lee-surrey-police">https://webarchive.nationalarchives.gov.uk/ukgwa/20170914105911/http://www.ipcc.gov.uk/investigations/christine-and-lucy-lee-surrey-police</a></p>

<b>Ref</b> <b>5023782</b> <a href="#">Back to top</a>	<b><u>Whistleblowers and protected disclosures</u></b>
<b><u>Request</u></b>	<p>The Government's website lists the IOPC under 'Whistleblowing - List of prescribed bodies' for contact about matters relating to the conduct of a person serving with the police.</p> <p>Under the FOI Act please provide the following information:</p> <p>a) guidance / policies you have to ensure that those serving with the police who report to the IOPC on their peers, are treated fairly by the IOPC and are protected from detriment.</p> <p>b) does the IOPC have a mechanism by which any protected disclosures are flagged up, to ensure any decisions at various levels within the IOPC/ IOPC teams, are fair to the whistleblowers ?</p> <p>c) if the conduct of a police whistleblower is later referred to the IOPC in connection with their original whistleblowing (to the IOPC), are such circumstances taken into account in your MOI decision (i.e. public interest), and if so, in what way?</p>
<b><u>Response</u></b>	<p>The IOPC is a prescribed person for the purposes of public interest disclosures that qualify for protection under the Employment Rights Act 1996 (ERA). The Public Interest Disclosure (Prescribed Persons) Order 2014 designates the IOPC as a prescribed person for "Matters relating to the conduct of a person serving with the police (as defined in section 12(7) of the Police Reform Act 2002) (i) or of any other person in relation to whose conduct the Independent Police Complaints Commission exercises functions in or under any legislation."</p> <p>Public interest disclosure protections apply when a person raises concerns about:</p> <ul style="list-style-type: none"> <li>• Potential criminality</li> <li>• Failures to comply with legal obligations</li> <li>• Miscarriages of justice</li> <li>• Dangers to the health and safety of any person</li> <li>• Environmental damage</li> <li>• Attempts to cover up any of the above</li> </ul> <p>You asked about our policies and procedures in relation to 'whistleblowing' which we understand to relate to our function as a prescribed person as outlined above, and we have addressed each part in turn.</p> <p>a) There is no specific IOPC policy relating to whistleblowing.</p> <p>In accordance with our functions as a prescribed person, we have our Reportline which exists specifically for police officers and staff to report concerns of wrongdoing that a criminal offence has been committed, or where there is evidence of conduct that would justify disciplinary proceedings. Information about the Reportline is available on our web site: <a href="https://www.policeconduct.gov.uk/complaints-and-appeals/information-police-officers-and-staff">https://www.policeconduct.gov.uk/complaints-and-appeals/information-police-officers-and-staff</a></p> <p>A copy of our internal guidance on the Reportline is attached.</p>

## Reportline

### Frequently asked questions

#### **What is Reportline?**

**A:** The IOPC Report Line has been set up specifically as a whistle blowing line to enable police officers or members of police staff to report concerns of wrongdoing or malpractice arising within the workplace. These reports may reveal that a criminal offence has been committed or where there is evidence of misconduct that would justify the bringing of disciplinary proceedings.

#### **What is "Whistle Blowing"?**

**A:** When someone blows the whistle, they are raising a concern about danger or illegality that affects others (e.g. members of the public, other employees or staff). The person blowing the whistle does not need to be directly, personally affected by the wrongdoing, a danger or illegality. A whistle-blower is simply trying to alert others and does not necessarily have a personal interest in the outcome of any investigation into their concerns. The whistle-blower must reasonably believe that the information they give or the allegation they make is substantially true, but they are not required to prove the wrongdoing in order for their disclosure to be legally protected. He or she is a messenger raising a concern so that others can address it.

#### **Do Whistle-blowers have legal protection?**

**A:** Almost all workers in the UK are protected by the Public Interest Disclosure Act 1998 (PIDA) including police officers and police staff. PIDA provides workers in the UK with a safe alternative to silence. It enables workers to raise concerns about wrongdoing responsibly. PIDA protects you if you raise a concern about wrongdoing internally to ensure that if a concern is raised it can be addressed and any wrongdoing corrected.

When an officer 'blows the whistle' about another officer they can do so to the IOPC who is a 'prescribed body' (under the provision of the Employment Rights Act 1996). The IOPC will make a record of the details provided which may be used by the officer or staff member under PIDA, should the matter go to an employment tribunal. The recording of these details does not necessarily mean the IOPC will investigate the complaint.

#### **What is the difference between a complaint and whistle blowing?**

**A:** Whistle blowing is when you raise a concern about something happening within the force which you feel is wrong. Public interest disclosure protections apply when a person raises concerns about:

- Potential criminality
- Failures to comply with legal obligations
- Miscarriages of justice
- Dangers to the health and safety of any person
- Environmental damage
- Attempts to cover up any of the above

If you are blowing the whistle you don't need to have a personal interest or be directly affected by the issue. You may simply be a messenger raising a concern.

If you have personally been poorly treated, you may want to make a complaint. This poor treatment could involve a breach of your employment rights or bullying for which you are wanting redress. Police personnel can only make complaints under the PRA in limited circumstances.

The Police have their own grievance and complaints procedure for personnel related complaints such as promotions, pensions, allocation of work, working hours or discipline. These complaints should be submitted to the force directly using their own grievance procedures with guidance from a Federation or Union representative. The IOPC does not have remit or oversight over these issues.

#### **How will information disclosed via the Report Line be used?**

**A:** All contact made to the IOPC Reportline will be recorded, and details added to our register as per our obligation under PIDA, for whistle blowing. If you telephone our Reportline you will be asked to put reports of wrongdoing in writing. Reasonable adjustments can be made in line with Equality Act 2010 where necessary if a complaint cannot be put into writing.

All information passed to us on the whistle blowing line (Reportline) anonymously or in writing will be assessed by the Reportline team and the IOPC intelligence unit where appropriate.

If it is decided that the information should be forwarded to the police force concerned we will only do so with your written consent if you have provided us with your details, unless in exceptional circumstances it is necessary to share information in the public interest. These details will also be logged on our register for the purpose of PIDA.

#### **Are serving police officers allowed to make a "complaint" under the Police Reform Act 2002?**

**A:** Police officers or members of police staff, may only be able to make a complaint under the Police Reform Act 2002 if:

- they were off duty at the time of the alleged incident took place, or
- if the complaint is against a person who at the time the alleged incident took place was under the direction and control of a different Chief Officer,
- they are expressing dissatisfaction with a police force other than the force they are serving with.

#### **When can a police officer/staff member make a complaint under the Police Reform Act 2002?**

**A:** If an officer works for one police force and their complaint relates to the conduct of an officer of a different police force who works under the direction of a different Chief Constable or if the conduct complained of occurred whilst they were off duty, they could make a complaint under the Police Reform Act and would have the same rights as a member of the public under the PRA. If the complaint does not relate to conduct, they can be a complainant if they are expressing dissatisfaction about a different force, not the one they serve with.

#### **Can police officers or members of police staff make a complaint against the police force they work for?**

**A:** Police officers and police staff can make allegations of wrongdoing but will not have the same rights under the PRA as someone who meets the criteria to be a complainant. Where reports made to Report Line contain allegations of criminality or breaches of the Standards of Professional Behaviour, they may result in an investigation. When serious concerns of wrongdoing are raised through Report Line, the Report Line team will consult with the IOPC intelligence unit on the next steps that should be taken.

Complaints about employment or personnel matters must be dealt with directly through the internal procedures of the force the officer or member of staff are employed by. Police officers/members of police staff should consult with line managers, HR department or seek advice from Police Federation or Union Representatives in relation to these matters. The IOPC does not have any jurisdiction over employment or personnel complaints.

All reports are considered in line with our duties under the Prescribed Persons Order 2014 and our functions under the police complaints legislation.

Police officers and members of police staff can also whistleblow through their police force, who will have their own confidential reporting mechanisms. Chapter 3 of the Home Office Guidance on Conduct Efficiency and Effectiveness : [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/863820/Home\\_Office\\_Statutory\\_Guidance\\_0502.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/863820/Home_Office_Statutory_Guidance_0502.pdf) sets out how police officers can raise concerns. The Guidance is clear that any conduct matter raised by a police officer is a protected disclosure for the purposes of PIDA.

b) As explained above, we have a dedicated Reportline which effectively acts as a whistle blowing line to enable police officers or members of police staff to report concerns of wrongdoing or malpractice arising within the workplace.

All information passed to us on the Reportline, whether anonymously or in writing, is assessed by the Reportline team and the IOPC intelligence unit where appropriate.

If it is decided that the information should be forwarded to the police force concerned we will only do so with written consent unless in exceptional circumstances it is necessary to share information in the public interest. These details will also be logged on our register for the purpose of PIDA.

c) Each referral and mode of investigation decision is considered on a case by case basis and on its own merits. We do not hold any recorded information from which we could respond to this question given it is based on non-specific and hypothetical circumstances.

<b><u>Ref</u></b> <b><u>5023773</u></b> <a href="#">Back to top</a>	<b><u>Referrals relating to Mark Rowley</u></b>
<b><u>Request</u></b>	<i>Has new commissioner Mark Rowley been referred to the police watchdog at any point?</i>
<b><u>Response</u></b>	<p>We can neither confirm nor deny whether any information relating to your request is held by virtue of an exemption provided at section 40(5B) of the FOIA. Section 40(5B)(a)(i) of the FOIA permits a public authority to neither confirm nor deny that it holds information about someone other than the requester when this action would contravene one or more the data protection principles under article 5 of the General Data Protection Regulation (GDPR).</p>

For this exemption to apply the following two criteria must be met: Confirming or denying whether the requested information is held would constitute the disclosure of a third party's personal data; and providing this confirmation or denial would contravene any of the data protection principles.

The information you have requested is personal data under the GDPR because it relates to a living individual who could be identified indirectly. Confirming or denying the information is held would itself be a disclosure of their personal data as it would reveal whether or not there had been allegations or recordable conduct matters relating to Mark Rowley that warranted mandatory referral to the IOPC.

Such disclosure is allowed only if it complies with the data protection principles. The relevant principle in this case requires personal data to be processed lawfully, fairly and in a transparent manner.

Processing of personal data must be supported by at least one of the lawful bases contained in article 6 of the GDPR. In our view none of those conditions would support disclosure through the act of confirming or denying it is held. In particular, we have considered whether there is a legitimate interest in disclosing to 'the world at large' whether any relevant information is held.

It could be argued that, given Mr Rowley's seniority and position within the Metropolitan Police, there is a legitimate interest in knowing whether he is maintaining the highest professional standards. However disclosure under the FOIA must be the least intrusive means of achieving the legitimate aim in question.

Confirmation or denial that any referrals had ever been received would not provide the public with any meaningful information. Referrals can be made due to allegations that meet the mandatory criteria but that are then found to contain no merit. Additionally referrals relating to deaths or serious injury may contain no conduct concerns at all, also not all conduct matters or complaints are referred to the IOPC. It would not be possible to make any firm conclusions about the professional conduct record of an individual from knowing whether or not any referrals had ever been made about them, consequently a confirmation or denial would not meet any legitimate interest and yet may result in privacy intrusion or unfair speculation.

We have concluded that disclosure of this personal data even to the extent that we confirm or deny any relevant information is held, has no lawful basis and would be inherently unfair. This would contravene the data protection principles.

A very significant factor in reaching our decision is to take into account not only the potential effects of responding to this request but also the importance of maintaining a consistent stance in relation to any similar requests that the IOPC may receive that refer to a named individual. A failure to provide consistent responses could result in the inadvertent disclosure of information in breach of the data protection principles because a change of stance between requests on a similar theme could itself be taken as indication that relevant information is held.

