

Committee:	Date:
Police Committee	24th July 2015
Subject: Annual Report on Professional Standards Activity – 2014/15	Public
Report of: Commissioner of Police Pol 41/15	For Information

Summary

This report provides a comprehensive overview of activities relating to Police Professional Standards over the year 2014/15, giving an account of both the work of your Professional Standards and Integrity Sub-Committee and of the Force's Professional Standards Department (PSD) during this period.

Your Sub Committee discharges an essential role of oversight and scrutiny of the Force's handling of complaint and conduct matters. It also provides invaluable support to the work of the Organisational Learning Forum (OLF) and the Force's Integrity Standards Board (ISB).

This report also provides a summary of performance statistics which are submitted annually to the Independent Police Complaints Commission (IPCC). Overall the recorded number of complaint cases has increased in this period. This is partially attributable to additional complaints relating to Action Fraud, the fraud reporting authority run by the Force which has a National remit. Complaints relating to City of London Police personnel have also increased. Figures are low relative to the number of interactions with the public and to the complaint figures for other Forces.

The City of London Police's PSD performs well in terms of recording complaint cases within the target of 10 days (96% against a national average of 80%). The time the Force takes to complete an investigation is also lower than the national average (48 days compared to the national average of 102 days).

Following the success of internal PSD training inputs across the Force, PSD has seen an increase in internally referred conduct matters, intelligence and whistle-blowing. This has seen a growth in internal investigations often of a complex nature.

The Organisation Learning Forum (OLF) monitors trends identified as potential concerns and where action such as changes to operational procedures or specific training might drive service improvements. During 2014/15 examples of action taken following OLF include a number of changes to procedures, such as Gifts & Hospitality, Post, Searching of premises and capturing/recording of learning across the Force.

NB: For the benefit of Members, a glossary of technical terms has been included as an Appendix.

Recommendations

That the report is received and its contents noted.

Main Report

The Professional Standards and Integrity Sub-Committee

1. The Professional Standards and Integrity Sub-Committee have responsibility for providing detailed oversight of professional standards in the City of London Police. During 2014/15, it received statistical updates on complaint cases and trends relating to (a) the nature of allegations in complaints, (b) the means by which those allegations are resolved, and (c) the ethnic origin of complainants. The Sub-Committee continue to perform a highly detailed scrutiny function to examine the casework of every complaint recorded by the Force – this is unique among all Offices of Policing and Crime Commissioners and local policing bodies.
2. In 2014/15 the Sub-Committee continued to look at matters of conduct; it received updates on all misconduct meetings and hearings which had been dealt with by the Force. The Sub-Committee receives updates on Unsatisfactory Performance Procedures (UPP), which concern performance or attendance issues (as opposed to misconduct). It continues to receive six-monthly updates by the Comptroller & City Solicitor on Employment Tribunal cases concerning police officers and police staff. These outlined the nature of claims and the outcome of cases. A report from the Integrity Standards Board and integrity dashboard are also scrutinized. This includes the gifts & hospitality of the ACPO leadership team.
3. The Sub-Committee continues to support the Force in ensuring themes identified in complaint or conduct cases are progressed as issues of Organisational Learning. This is done through the PSD Working Group. The Force's Organisational Learning Forum (OLF), chaired by the Assistant Commissioner, includes representation from all Force Directorates and has a series of working groups focusing on specific areas of organisational learning, including PSD, Custody and Public Order. The Sub-Committee was represented by the Town Clerk, James Goodsell, who attended meetings of the PSDWG in 2014/15, and the Sub-Committee received a digest of highlighted areas/themes of learning at every meeting.

The Work on Police Integrity

4. The Assistant Commissioner is the force strategic lead for the City of London Police Integrity Plan, and as such informs the Sub Committee with an executive summary and dashboard of Integrity monitoring across the Force, which includes reports from the Hospitality/Gifts Register, Business Interests of officers and police staff, corporate credit card use, and contacts with the media. During 2014/5, the Chairman of the Sub Committee attended the Integrity Standards Board (ISB), to provide independent oversight. The ISB deliver the activities within the Integrity Action Plan and to proactively monitor areas highlighted for further enquiry in the Integrity dashboard.
5. During 2014/15 the HM Inspectorate of Constabulary (HMIC) visited the City of London police to conduct a review of police integrity; they also completed a legitimacy inspection. HMIC interviewed the Chairman of the Sub-Committee, and officers from the Town Clerk's Department as part of their inspection. HMIC's

findings from its latest inspection of integrity and corruption in the police service do not identify any serious failings in the Force. It is a very positive report overall, making only 4 recommendations for improvement, which are being progressed by the Force.

6. The Office of Surveillance Commissioners (OSC) completed an inspection which included the Professional Standards Directorate (PSD). There were no recommendations provided by the OSC to PSD.
7. PSD Counter Corruption Unit (CCU) has reviewed the Gift and Hospitality policies to capture meaningful data for integrity monitoring. They have also worked in partnership with the Corporation to improve the procurement processes and effective integrity monitoring of these processes. The CCU is currently developing integrity data monitoring software.
8. PSD delivered workshops for first level management (Sgt/Insp) highlighting integrity issues that are the highest risk areas for staff during the previous year. Further bespoke workshops are planned during 2015/16 to provide a PSD update on current threats or trends.
9. PSD are working with an external training provider where for the use of City of London training facilities they provide City of London with a pro-rata number of training courses for PSD staff.

The Independent Police Complaint Commission (IPCC)

10. The IPCC collects complaint data from all 43 Forces in England and Wales and produces a quarterly statistical bulletin. Each Force is provided an individual Bulletin containing complaint data, data compared to the “most similar force” (which the Force does not actually have given its unique size and remit) and national data. The IPCC also report on its own performance. It produces an Annual Report on complaint statistics which allows Forces to see all national Force data together, and outlines any national trends on the reporting, investigation and appeals to the IPCC. The annual report was published in February 2015 for the previous year’s data 2013/14. The IPCC acknowledged the complaints generated from Action Fraud which is a national service.
11. During 2014-15¹, the IPCC have been referred 21 matters by the CoLP PSD. The IPCC referred 18 back to be locally investigated. 2 complaints are being supervised by the IPCC (where the IPCC agree the terms of reference and investigation plan) and 3 were referred back. Currently, the IPCC are involved in two independent, and four supervised investigations, an increase that reflects government ambition to increase the span and scope of the IPCC involvement, rather than an increase in more serious cases in CoLP.
12. According to IPCC data, the City of London Police’s PSD performs well in terms of recording complaint cases within the target of 10 days (96% against

¹ Rolling year – some matters recorded during the previous quarter or year

a national average of 80%). The time the Force takes to complete an investigation is also lower than the national average (48 days compared to the national average of 102 days).

Complaints

Recorded Complaints

	Complaints	Allegations	Complainants
2014/15 Number (excl Action Fraud)	124	179	137
Action Fraud	132	134	132
Total	256	313	269
2013/14 Number (excl Action Fraud)	95	131	99

13. The City of London Police is the national Lead Force within the UK for Economic Crime investigation and since April 2013, receives all reports of fraud reported across England and Wales through the 'Action Fraud' reporting process. Complainants who previously would have directed their complaints to their local force are now directing them to the City of London Police. The IPCC have acknowledged the complaints generated from Action Fraud as a national service, but the figures are included with the City of London data. The PSD subcommittee received an extra report during the reporting period which focused on the Action Fraud service.
14. Fourteen cases contained an allegation of "discriminatory behaviour". Five of these were "not upheld"², following a PSD investigation. Two were locally resolved, one was withdrawn by force and at the close of the period, one was sub-judice and five were ongoing investigations.
15. A report entitled 'Police handling of allegations of discrimination' was published by the IPCC in June 2014. Following its publication, PSD implemented a number of changes to the handling of allegations containing a discriminatory element. The Director of PSD will review every complaint of discrimination, members of PSD have been briefed on the Directors expectations and provided with a copy of the IPCC report. Local Resolution will not be used in cases of Discrimination. An action matrix has been produced of the learning from the IPCC report to quality assure our response to complaints of discrimination. A Champion has been appointed to deliver this action matrix.

² See Appendix A Glossary of Technical Terms

Allegations Recorded

16. A total of 313 allegations were recorded in 2014/2015. In terms of nature of allegations, the *highest* categories were:

Type:	Number allegations:	Overall percentage
Organisational decisions	144	46%
Other neglect or failure in duty	21	6%
Incivility, impoliteness and intolerance	19	6%
Oppressive conduct or harassment	17	5%
Discriminatory behaviour	14	4%
Other irregularity in procedure	14	4%

17. Organisational decisions are almost all relating to Action Fraud.

18. By comparison, nationally, six allegation categories account for 71% of the total allegations recorded³. These are (1) Other neglect or failure in duty (2) Incivility, (3) Other Assault, (4) Oppressive Conduct (5) Lack of fairness & impartiality (6) Unlawful/unnecessary arrest

19. Compared to 2012/13 figures, the highest recorded allegation categories all are at similar percentages in this reporting period. The exception is Organisation decisions which has seen a decrease from 51% to 46%.

Finalised Allegations

20. In the last year, the PSD finalised a total of 240 allegations. 86 of which were investigated by PSD. 13 (15%) were upheld - (national average 2013/14 was 14%). This is the same as the last reporting period where 15% were also upheld.

21. Following the appointment of a PSD 'Local Resolution Champion' there has been an increase in Local Resolution as a means to finalise allegations. A total of 127 allegations were finalised by means of Local Resolution, equating to 55%. (The national average is 34%).

Complainant Ethnicity

22. PSD does record data relating to the ethnicity of the complainant. However, meaningful data is difficult to collect as complainants are often reluctant to self-identify. 197 out of the 269 complainants (73%) did not state their ethnicity. The highest category recorded is White British, 51 complainants have self-defined their ethnicity within this group (19%).

23. A total of 269 complainants were recorded in 2014/15. Of these 204 stated they were male, 59 female and in 6 cases gender is unknown. Most complainants do

³ IPCC National Statistics 2013/14 published via IPCC website Feb 2015

not state age, but from what the Force has recorded, the highest category is 30-39 years of age.

24. PSD complaint diversity data is published on the City of London Police website and is monitored by the Equality and Inclusion Unit within Human Resources. The above statistics reflect the national profile of complainant.

Organisational Learning Forum

25. Learning issues are central to the work of PSD. Complainants often express that they want the officer/organisation to acknowledge what went wrong, and how the Force will ensure that issues will not happen again. The Organisational Learning Forum (OLF) has been operating for seven years and meets on a quarterly basis.
26. The work of the OLF cuts across the organisation, it is a decision making forum and if necessary issues are escalated to the Force's Strategic Management Board (SMB). The OLF has the responsibility for the strategic overview of learning across all Directorates. It is supported by tactical groups focusing on Custody, Public Order, Stop and Search and Professional Standards, to tackle learning on a local level.
27. The Professional Standards Department Working Group (PSDWG) is attended by the Town Clerk, James Goodsell, representing the Sub-Committee. The Chairman of the Professional Standards and Integrity Sub-Committee attends the Integrity Standards Board for independent oversight. Any identified PSD learning issues that need to be addressed at a more strategic level are elevated to the OLF. The PSDWG also reviews the 'Learning the Lessons' bulletins issued regularly by the IPCC and ensures that lessons contained within them are addressed and disseminated across the Force.
28. During 2014-15, the PSDWG took a lead on a number of topics identified as areas for organisational learning, for example:-

De-briefing

- To make significant changes to how all learning is captured and disseminated across the Force. This will include a central repository for all learning and capturing best practise across the Force including debriefs.

Gifts & Hospitality

- Updated and improved Force policy and Standard Operating Procedures.
- Improved management through the Leadership programme and recording of Gifts and Hospitality.
- Triple A and broadcast messages to reinforce message.

Searching of Premises

- Senior management team briefing provided to all directorates in relation to dealing with damage caused during forced entry or searching by police.

Postal Issues

- Issues identified regarding the way post is received into the Force especially relating to recorded delivery and post relating to civil claims.

Criminal Investigations

29. During the last reporting year of 2013/14, an officer was arrested by Bedfordshire police in connection to an allegation of affray, assault, criminal damage and false imprisonment. No criminal prosecution ensued but a misconduct hearing took place during this reporting year 2014/15 and the officer was Dismissed without Notice. The officer's details are placed on the central repository held by the college of policing to prevent reapplication to another Force.
30. One officer was arrested for an off duty Public Order offence in relation to a domestic incident. The officer received a caution. The officer attended a Misconduct Hearing and received a Final Written Warning.
31. One officer was criminally cautioned for offences under the Misuse of Computer Act. The officer attended a Misconduct Hearing and received a Final Written Warning.
32. One member of police staff was arrested by the Metropolitan police in connection to an allegation of common assault against a Police Constable and Drunk and Disorderly. The member of staff is currently suspended and the trial has been set for the autumn 2015.

Misconduct

33. During the reporting period 2014/15, 12 misconduct cases were recorded within PSD. A total of 13 misconduct cases were finalised during the reporting period (some of these cases had been carried over from 2013/14). 1 misconduct case originated from a public complaint. 10 misconduct cases remain live investigations. Of the misconduct cases finalised during the reporting period the outcomes⁴ were as follows:-
- a) Misconduct Hearings
There were three Misconduct Hearings held. One officer was dismissed without notice; Two officers received a final written warning.
 - b) Misconduct Meetings
There were three Misconduct Meetings held. One officer received a final written warning. One officer received a written warning. One officer received formal management advice⁵.
 - c) Management Action
In one case there was a Case to Answer and the officer was given formal management action.
 - d) No Action
In three cases there was No Case to answer and no further action was taken against the officer. In three cases there was No Case to answer but the officers received words of advice.

⁴ Some cases involve more than one officer & those involved may receive different disciplinary outcomes

⁵ This meeting was the outcome from the misconduct identified within the public complaint so remains recorded under the complaint not conduct matter.

e) Resignation

One Special Constable resigned prior to Formal Misconduct proceedings. The case was in relation to an illegal search.

Unsatisfactory Performance Procedures

34. During the reporting period no UPP was recorded.

Conclusion

35. The number of complaints against police officers remains relatively low⁶ given the high numbers of interactions with members of the public, often in challenging circumstances. However the number of complex and multiple complaints and conduct matters has increased, there are also more investigations which have IPCC involvement. The increased emphasis on learning has led to some significant changes within the Force, both in terms of improved operational procedures and in positive changes in officer behaviour.

36. Following the success of internal PSD training inputs across the Force, PSD has seen an increase in internally referred conduct matters, intelligence and whistle-blowing. This seen a growth in internal investigations often of a complex nature.

37. Whilst the number of complaints against City of London officers is relatively low compared to the National statistics there is a year on year increase (as reflected in the National statistics), however due to the austerity measures and budget constraints of all police departments there has been no increase of police personnel to deal with the increase of complaints or complex conduct cases. PSD have been the forerunners of the Force to employ Special Constables in a specialist role and have three special constables who have been vetted and are committed to working in the PSD environ on a regular basis. PSD are also working with HR to employ a volunteer who will work as a single point of contact to those complainants who maybe vulnerable or have mental health issues who require a greater level of support.

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⁶ CoLP recorded 128 allegations per 1000 employees, National Average 293 allegations per 1000 employees Q4 2014/15 – *Police Workforce, England and Wales, 31st March 2014 (National Statistics)*