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| Subject: Annual Report on Professional Standards Activity – 2015/16 | Public |
| Report of: Commissioner of Police Pol 42-16 | For Information |
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Summary

This report provides a comprehensive overview of activities relating to Police Professional Standards during the period April 2015 to March 2016, 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. It will also refer to some activity outside the reporting period and will highlight where this is the case.

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) incorporating The Code of Ethics.

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 very slightly in this period. This is attributable to additional complaints relating to Action Fraud, the fraud reporting authority run by the Force which has a national remit. 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 (94% against a national average of 88%). The time the Force takes to complete an investigation is also lower than the national average (53 days compared to the national average of 107 days).

Following the success of improved internal communication and 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 identifies where action such as changes to operational procedures or specific training might drive service improvements. During 2015/16 examples of action taken following OLF include a number of changes to procedures, such as Gifts & Hospitality, management of property, Sexual Predatory behaviour and Integrity issues surrounding the use of the corporate credit card.

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 chaired by Alderman Alison Gowman, has responsibility for providing detailed oversight of professional standards in the City of London Police. During 2015/16, it received statistical updates on complaint cases and trends relating to (a) the nature of allegations in complaints, and (b) the means by which those allegations are resolved. The Sub-Committee continues 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. The Sub Committee has worked with the Director of the Professional Standards Department to examine the statistics and papers provided and to ensure the robustness of the documents supplied. There is a cognisance of and understanding that, following efficiency savings, a proper level of scrutiny must be maintained.
3. In 2015/16 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 also 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 outline the nature of claims and the outcome of cases. A report from the Integrity Standards Board with the integrity dashboard is also scrutinised. This includes matters such as the gifts & hospitality received by NPCC leadership team.
4. The Sub-Committee continues to support the Force in ensuring themes identified in complaint or conduct cases are progressed as issues of Organisational Learning. 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 is represented by Oliver Bolton, from the Town Clerk's Department, who attended meetings of the OLF in 2015/16, and the Sub-Committee received a digest of highlighted areas/themes of learning at every meeting.

The Work on Police Integrity & Code of Ethics

5. 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. This includes reports from the Hospitality/Gifts Register, Business Interests of officers and police staff, corporate credit card use, and contacts with the media. During 2015/16, the Chairman of the Sub Committee attended the Integrity Standards Board (ISB), to provide independent oversight. The ISB delivers the activities within the Integrity Action Plan and proactively monitors areas highlighted for further enquiry in the Integrity dashboard. The dashboard has been reviewed by the Chairman to ensure that the areas within are relevant.

6. During the course of 2015/16 the Professional Standards Department promoted the Code of Ethics as essential in providing the most professional service to our communities. PSD has continued to work with the Corporate Communications team during 2016 to assist in delivering this message Force wide.
7. PSD has undertaken a review of force SOPs / Policies to ensure compliance with the College of Policing's Approved Professional Practice. This work has continued into 2016 with emphasis on the integrity of financial claims.
8. During 2015/16 the HM Inspectorate of Constabulary (HMIC) visited the City of London police as part of its efficiency inspection programme. There were no specific PSD or Integrity thematic inspections conducted during the period covered by this report.
9. The Office of Surveillance Commissioners (OSC) completed an inspection which included the Professional Standards Department (PSD). There were no recommendations provided by the OSC to PSD.
10. PSD Counter Corruption Unit (CCU) reviewed the Gifts 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 associated integrity monitoring. During 2015 the CCU procured integrity data monitoring software, however this still awaits IT installation. No timeframe has yet been provided.
11. PSD delivered training for new student recruits, special constables and uniformed groups, highlighting integrity issues that are the highest risk areas for staff during the previous year. Further bespoke workshops are planned during 2016/17 to provide a PSD update on current threats or trends.

The Independent Police Complaints Commission (IPCC)

12. 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 CoLP does not actually have given its unique size and remit) and national data. The IPCC also reports 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. This year the IPCC has upgraded the technology to produce these statistics bulletins. They have therefore only been able to publish limited bulletins this year. We await the full annual report for all Forces for the previous year's data 2015/16. The IPCC acknowledged the complaints generated from Action Fraud are distinct from those relating to CoLP and reflect its national remit; however these are not shown separately from the statistics for CoLP.
13. Of the matters CoLP PSD referred to the IPCC during 2015-16¹, the method of investigation decisions by the IPCC were for 13 to be locally investigated by

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

CoLP, 2 to be independently investigated by the IPCC and 1 to be supervised by the IPCC. 4 were returned to CoLP for the Force to deal with locally, not necessarily by means of an investigation. Currently the IPCC is conducting 4 independent investigations into CoLP officers. This increase in independent investigation reflects the government's ambition to increase the span and scope of the IPCC involvement, rather than an increase in more serious cases in CoLP. During 2015/16, the IPCC aimed to take on between 400 and 700 new investigations rising to over 1,000 in 2016/17,

14. 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 (94% against a national average of 88%). The time the Force takes to complete an investigation is also lower than the national average (53 days compared to the national average of 107 days).

Complaints

Recorded Complaints

| | Complaints | Allegations | Complainants |
|---|------------|-------------|--------------|
| 2015/16 Number (excl Action Fraud) | 106 | 152 | 114 |
| Action Fraud | 155 | 159 | 159 |
| Total | 261 | 311 | 273 |
| 2014/15 Number (excl Action Fraud) | 124 | 179 | 137 |

15. 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 has acknowledged the complaints generated from Action Fraud reflect its national function, but the figures are included with the City of London data due to falling within the remit of the City of London Police Appropriate Authority.
16. Eleven cases contained a total of thirteen allegations of "discriminatory behaviour" (10 Race, 2 Disability, 1 other). Eight of these allegations were "not upheld"², following a PSD investigation. One was disappplied by force and at the close of the period, the remainder are ongoing investigations.

² See Appendix A Glossary of Technical Terms

Allegations Recorded

17. A total of 311 allegations were recorded in 2015/2016. In terms of nature of allegations, the *highest* categories were:

| Type: | Number allegations: | Overall percentage |
|--|---------------------|--------------------|
| Operational management decisions | 86 | 28% |
| General Policing Standards | 59 | 19% |
| Other neglect or failure in duty | 24 | 8% |
| Incivility, impoliteness and intolerance | 24 | 8% |
| Discriminatory behaviour | 13 | 4% |
| Other Assault | 13 | 4% |
| Other irregularity in procedure | 11 | 3% |

18. Operational management decisions and General Policing Standards allegation types are almost all relating to Action Fraud.

19. Comparison with the highest national allegation categories shows that the CoLP mirror these trends, accounting for 27% of the total allegations recorded³. These are (a) Other neglect or failure in duty (24) (b) Incivility (24), (c) Other Assault (13), (d) Oppressive Conduct (7), (e) Lack of fairness & impartiality (7), (f) Unlawful/unnecessary arrest (10).

20. Compared to 2014/15 figures, the highest recorded allegation categories are all similar percentages in this reporting period. The exception are the allegations recorded for the Direction and Control matters relating to Action Fraud where "Organisation Decisions" has changed from 51% to Operational Management Decisions (28%) and General Policing Standards (19%). This reflects a change in recording methodology and a combined percentage of 47%.

Finalised Allegations

21. In the last year, the PSD finalised a total of 265 allegations, 92 of which were investigated by PSD. A total of 6 (7%) were upheld - (national average 2014/15 was 14%). National data for upheld complaints for 2015/16 is not currently available but current figures are believed to be lower than average.

22. There has been an increase in Local Resolution as a means to finalise allegations. A total of 163 allegations were finalised by means of Local Resolution, equating to 69%. (The national average for 2015/16 is 38%). Action Fraud figures have a positive impact upon Local Resolution data.

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

Complainant Ethnicity

23. 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. 188 out of the 273 complainants (69%) did not state their ethnicity. The highest category recorded is White British, 47 complainants have self-defined their ethnicity within this group (17%).
24. Of the total 273 complainants, 170 stated they were male, 75 female and in 28 cases gender is unknown. Most complainants do not state age, but from what the Force has recorded, the highest category is 30-39 years of age. This is the same as the previous year.
25. PSD complaint diversity data is published on the City of London Police website. The above statistics reflect the national profile of complainant.

Organisational Learning Forum and PSD Working Group

26. Learning issues are central to the work of PSD. Complainants often express that they want the officer/organisation to acknowledge what went wrong, and understand how the Force will ensure that similar issues will not happen again. The Organisational Learning Forum (OLF) has been operating for eight years and meets on a quarterly basis.
27. 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 and Stop and Search to tackle learning on a local level.
28. In addition there is a Professional Standards Department Working Group (PSDWG) which is attended by a member of the Town Clerk's Department, representing the Sub-Committee. This working group includes representation from across the CoLP and shares learning identified as a result of complaints and misconduct investigations. It will direct any immediate actions required and 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.
29. During 2015-16, the PSDWG took the lead on a number of topics identified as areas for organisational learning, for example:-

Sexual Predatory Behaviour

- To identify risk within the organisation and promote 'Safecall' an independent means for members of staff to report such behaviour.

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 messages across CoLP.

Integrity

- Corporate credit card usage surrounding welfare gifts to staff and the requirement to produce of original receipts.

Property

- Issues identified regarding the way CS incapacitant stored in locker rooms. Safer storage introduced.
- Examination of property exhibit system following the seizure of property lost prior to court.

Criminal Investigations

30. During 2015/16, an officer was arrested by the Metropolitan Police Service (MPS) in connection with an assault. No criminal prosecution ensued and no further action has been taken by the CoLP.
31. One member of police staff was arrested by the CoLP in connection with an allegation of theft of police equipment. The member of staff subsequently accepted a criminal caution and was dismissed from the Force.

Misconduct

32. Misconduct can be categorised as being either 'misconduct' or 'gross misconduct', the latter being the more serious. Where it is determined that an officer has a case to answer, misconduct matters are heard at a misconduct meeting and, as a result of legislative changes introduced during 2015, gross misconduct is now dealt with by means of a public hearing with a legally qualified chair. These changes will generate an increased demand on PSD personnel in respect of both the planning and delivery of public hearings

33. During the reporting period 2015/16, 19 misconduct cases were recorded within PSD. A total of 17 misconduct cases were finalised during the reporting period (some of these cases had been carried over from 2014/15). 2 misconduct cases originated from a public complaint. Currently 8 misconduct cases remain live investigations. Of the misconduct cases finalised during the reporting period the outcomes⁴ were as follows:-

a) Misconduct Hearings

There were two Misconduct Hearings held. One officer was dismissed without notice. One was given formal management words of advice.

b) Misconduct Meetings

There were three Misconduct Meetings held. One officer received a written warning. One officer received formal management advice. The third resulted in no further action being taken⁵.

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.

c) Management Action

In two cases there was a Case to Answer and the officers were given formal management action.

d) No Action

In eight cases there was No Case to answer and no further action was taken against the officers. In three cases there was No Case to answer but the officers received words of advice.

e) UPP

In one case, the investigation found no case to answer but recommended UPP.

Unsatisfactory Performance Procedures

34. During the reporting period two instances of UPP were recorded. Both related to sickness levels.

Staffing

35. 2015/16 has seen a new Assistant Commissioner appointed in the City of London, Alistair Sutherland, who oversees the work of the Professional Standards Department within Business Support Directorate. The position of Director of Professional Standards has been filled by D/Supt Dermont Robinson following the retirement of D/Supt Martin Kapp. Two newly appointed investigators joined PSD in April 2016, succeeding staff moving to new departments. Looking ahead into 2016/17, PSD is looking for a phase of stability following a period of temporary Appropriate Authority cover for maternity leave and the appointment of the new Director.

36. At the 2016 Force Awards, a celebration of staff achievements and voted by colleagues across the Force, two members of PSD staff were recognised. One received Special Constable of the Year, and another officer received Trainee Investigator of the year. This is an incredible achievement for not only these individuals but a reflection on the whole department. Whilst falling outside the period covered by this report it worth highlighting that the three special constables who work within PSD have been short listed for the Lord Ferrers award, a National annual award for Special Constables with a ceremony taking place on the 15th Sept 2016.

Conclusion

37. The City of London continues to host a range of significant events and to experience a thriving night time economy. It has one of the highest daily population densities anywhere in the country, yet the number of complaints against police officers remains relatively low⁶. However the number of complex and multiple complaints and conduct matters has increased. There are also more investigations which have IPCC involvement with an increase in referrals made from 21 in 2014/15 to 24 in 2015/16.

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)*

38. 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. There is now a greater emphasis on the Code of Ethics and the National Decision Model.
39. Following the success of internal communication and PSD training inputs across the Force, PSD has seen an increase in internally referred conduct matters, intelligence and whistle-blowing. This resulted in a growth in internal investigations often of a complex nature reflected by the increase in referrals to the IPCC.
40. 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 has been the forerunner 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 area of PSD on a regular basis. PSD continues to look for areas where volunteers and smarter working practices can be employed to assist in dealing with complaints and conduct matters concisely, impartially and ensuring that the City of London continues to deliver an exceptional policing service.

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