

Committee:	Date:
Police Committee- For Information	13th July 2017
Subject: Annual Report on Professional Standards Activity – 2016/17	Public
Report of: Commissioner of Police Pol 40-17	For Information

Summary

This report provides a comprehensive overview of activities relating to Police Professional Standards over the year 2016/17, 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) incorporating the Police '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 in this period. This is partially attributable to additional complaints relating to Action Fraud, the fraud reporting service hosted by the Force which has a national remit. Complaints relating to City of London Police personnel have remained static although allegations have 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 (99% against a national average of 84 %). The time the Force takes to complete a local investigation is also lower than the national average (119 days compared to the national average of 166 days).

PSD continues to improve the visibility of the department through improved internal communication and PSD training inputs across the Force.

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 2016/17 examples of action taken following OLF include a number of changes to procedures, including but not exhaustively, Suicide Prevention, and Sexual Predatory behaviour.

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 has responsibility for providing detailed oversight of professional standards in the City of London Police. During 2016/17, 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 (PSD) to examine the statistics and papers provided, to ensure the validity of the documents supplied are coupled with efficiency savings but maintain the level of scrutiny required.
3. In 2016/17 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 updates 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 (ISB) and integrity dashboard are also scrutinised. This includes the gifts & hospitality received by the Chief Officer 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. This is done through the PSD Working Group (PSDWG). 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 PSDWG in 2016/17, 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. Integrity is now delivered within CoLP by three distinct units. Strategic Development holds the Force lead for overseeing how integrity is embedded in the organisation, principally through initiatives delivering the objectives of the National Police Code of Ethics. PSD educates, monitors and investigates issues that impact on integrity while Organisational Development Department is responsible for ensuring that integrity informs and enhances workforce development.
6. During 2016/17 the Force has delivered significant initiatives supporting

workforce and organisational integrity. The Chairman of the Professional Standards and Integrity Sub Committee has been closely involved with the development of all the activities and, acting as a critical friend, has helped to drive the improvements forward. These include:

- i. A refreshed Integrity Standards Board (ISB) that is now chaired by the Assistant Commissioner and attended by the Chairman of the Professional Standards and Integrity Sub Committee together with a representative from the Town Clerk's department. The Board considers information against a range of indicators that highlight where individual or organisational integrity might be called into question. The Board also receives regular updates on activities to promote and embed the Police Code of Ethics into business as usual.
- ii. The Force ran an 'Integrity workshop' in late 2016 which resulted in the development and adoption of an Integrity Development Plan, progress against which is monitored by the ISB and reported to the Professional Standards and Integrity Sub Committee. The Plan ensures there is a continuing programme of activities aimed at impacting positively on professional behaviour and embedding the Police Code of Ethics
- iii. Formation of an internal group of Ethics Associates, who meet to consider ethical dilemmas and situations and thereafter contribute to the Regional London Police Challenge Forum, of which the City of London Police was a founding member. The Force hosted the second regional meeting on 13th June 2017, chaired by T/Commander Operations.
- iv. Delivery of 'Ethics' and 'Professional Standards' themed communication months, which included articles on application of the Code of Ethics principles and the Code's relationship with Police Regulations. The aim of these months was to highlight awareness of the Code and how it can be used as a tool to assist decision making.
- v. Consideration of ethical issues as part of proposals made to Force strategic boards and subsequent decisions. This has been achieved by including a section on board templates to prompt report authors to consider whether any proposals or required decisions might have an adverse (including inadvertently adverse) impact on the principles of the Code of Ethics.
- vi. Awareness of the Code of Ethics and how it can be used is now also included in the formal induction programme for new staff/officers.

7. Current initiatives to build on the above achievements include:

- i. Delivery of a full staff survey conducted by Durham University, an element of which will consider Force culture. The results of the survey will be made available to all staff and an action plan developed to address its findings. It is anticipated that the results (due in July 2017) will inform a further tranche of work relating to improving organisational and individual behaviours.
- ii. Launch of the Professionalism Newsletter, which highlights good practice and will be produced quarterly.
- iii. Adoption of a comprehensive Force Integrity Strategy that clearly

articulates the Force's approach to integrity and professional behaviour.

- iv. A review on current arrangements impacting on integrity to inform forward development of the Integrity Action Plan, which will include consideration of a range of new indicators for the Integrity dashboard.

HMIC Legitimacy Inspection

8. Part of HMIC's annual inspection programme examines forces' legitimacy. The inspection looks specifically at the extent to which forces:
 - i. Treat people with fairness and respect;
 - ii. Ensure their workforce act ethically and lawfully; and
 - iii. Ensure the workforce themselves have been treated with fairness and respect.
9. The latest report relating to the City of London Police was published on 8th December 2016 and graded the Force as GOOD overall for legitimacy. HMIC found the Force to be good at treating the people it serves with fairness and respect and has a sound understanding of the different communities within the City of London. They also found that the Force has developed and maintained an ethical culture and effectively identifies integrity by robust and frequent monitoring of its staff. The report noted that the Force could do more to demonstrate how it has responded to staff concerns (which is being addressed by the current staff survey) and would benefit from a counter corruption strategy (which is nearing completion).
10. The 2017 legitimacy inspection concluded in Force in early May 2017. Nationally, the programme will continue until the early summer. Whilst the Force anticipates some early feedback, reports will not be compiled by HMIC until the autumn at the earliest and thereafter published toward the end of the year. Following publication, reports will be prepared for the Police Performance and Resource Management Sub Committee (who receive details of all HMIC reports) and the Professional Standards and Integrity Sub Committee. Members previous concerns regarding the time lag between inspections and report publication are noted, however, CoLP as all other forces, are subject to this national HMIC timetable.

The Independent Police Complaints Commission (IPCC)

11. 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 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. We await the full annual report for all Forces for the

previous year's data 2016/17. The IPCC acknowledged the complaints generated from Action Fraud which is a national service.

12. CoLP PSD referred 24 cases to the IPCC during 2016-17¹. During the same period the total number of method of investigation (MOI) decisions by the IPCC (including some cases referred during the previous year) were for 19 to be locally investigated by CoLP, 4 to be independently investigated by the IPCC and 0 to be supervised by the IPCC. 3 were returned to CoLP for the Force to deal with locally, not necessarily by means of an investigation. Currently the IPCC is conducting 6 independent investigations into CoLP officers. This increase in independent investigation reflects an increased span and scope of the IPCC involvement and the case referral criteria.
13. 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 (99% against a national average of 84%). The time the Force takes to complete a local investigation is also lower than the national average (119 days compared to the national average of 166 days).

Complaints

Recorded Complaints

	Complaints	Allegations	Complainants
2016/17 Number (excl Action Fraud)	102	210	121
Action Fraud	174	174	174
Total	276	384	295
2015/16 Number (excl Action Fraud)	106	152	114

14. 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. Complaints regarding the delivery of the Action Fraud service are recorded under the Appropriate Authority of the City of London Police. The IPCC has acknowledged the complaints generated from Action Fraud as a national service, 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).
15. Eighteen allegations of "discriminatory behaviour" were recorded during 2016/17; these sub categorise into 12 Race, 3 Mental Health, 2 Disability, 2 Religious, 4 Other. One of these allegations was "upheld"², following a PSD investigation (disability). 12 allegations were 'not upheld'. One was discontinued by the force and one was withdrawn. At the close of the period, two are ongoing investigations.

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

² See Appendix A Glossary of Technical Terms

Allegations Recorded

16. A total of 384 allegations were recorded in 2016/2017. In terms of nature of allegations, the *highest* categories were:

Type:	Number allegations:	Overall percentage
Operational management decisions	116	30%
General Policing Standards	66	17%
Other irregularity in procedure	25	7%
Other neglect or failure in duty	24	6%
Incivility, impoliteness and intolerance	20	5%
Discriminatory behaviour	18	5%
Other Assault	12	3%
Lack of Fairness & Impartiality	12	3%

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

18. City of London Police complaint data accounts for 29% of the total allegations recorded with Action Fraud allegations forming the remaining 71% ³. Compared to the national highest allegation categories, in all but one allegation type (Lack of Fairness and Impartiality) the CoLP is lower than the national average and in this one it is only 1% higher

19. Compared to 2015/16 figures, the highest recorded allegation categories have slightly changed. "Other irregularity in Procedure" is now the highest allegation category recorded in this reporting period. This is a change from the traditional highest allegation types of "Incivility" and "Oppressive Conduct" which could be described as customer facing rather than matters of irregularity in procedure and neglect of duty. This could be attributed to the effect of 'Austerity' with less Officers/Staff completing the same or higher volume of work. The exceptions are the allegations recorded for the Direction and Control matters relating to Action Fraud where Operational Management Decisions (30%) and General Policing Standards (17 %) make a combined percentage of 47%. This reflects exactly the same percentage as the previous year.

Finalised Allegations

20. In the last year (excluding Action Fraud), PSD finalised a total of 216 allegations. 159 of which were investigated by PSD. A total of 19 (9%) were upheld - (the national average 2015/16 was not included in the IPCC report).

³ IPCC National Statistics 2015/16 published via IPCC website Nov 2016

21. There has been an increase in Local Resolution as a means to finalise allegations. Including Action Fraud data, a total of 209 of the total 384 allegations were finalised by means of Local Resolution, equating to 54%. (No national average data was available for 2015/16 however the City of London Police figure in the previous year was 38%). Action Fraud figures have a positive impact upon Local Resolution data.

Complainant Characteristics

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. 185 out of the 295 complainants (62 %) did not state their ethnicity. The highest category recorded is White British, 60 complainants have self-defined their ethnicity within this group (20 %). This is the same as previous years.

Gender and age

23. A total of 295 complainants were recorded in 2016/17. Of these 196 stated they were male, 83 female and in 15 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 2 years.

Organisational Learning Forum and other internal groups

24. 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) chaired by AC Sutherland, is well established, has been operating for several years and meets on a quarterly basis.
25. 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.
26. The Professional Standards Department Working Group (PSDWG) is attended by Oliver Bolton from the Town Clerk's Department, 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.
27. During 2016-17, the PSDWG took the lead on a number of topics identified as areas for organisational learning, case study examples:-

Suicide from Tower Bridge

- Following the suicide from Tower Bridge a number of issues were raised by PSD as learning outcomes for the CoLP. These included learning points raised from a separate, non CoLP, case (water based rescue) reported in the IPCC Learning the Lessons bulletin published August 2016. All of the learning points have been adopted into a new Suicide Prevention Standard Operating Procedure (SOP). The Coroner accepted the CoLP findings and recommended the PSD learning points be implemented. These have all been completed. The circumstances had been referred to the IPCC who determined that the incident should be investigated locally.

Sexual Predatory Behaviour

- The abuse of position for sexual purpose is a national concern. To identify risk within the organisation 'Safecall' and 'Bad Apple' have each been promoted as independent means for members of staff to report such behaviour. The IPCC has also produced a learning bulletin themed on Vulnerability. PSD are active members of the CoLP Vulnerability Working Group and provide a conduit from the NPCC and the College of Policing surrounding this type of corruption. The PSD working group has ensured the link between different areas within the Force and training citing City cases.

Criminal Investigations

28. During 2016/17, a member of staff was arrested by CoLP Counter Corruption Unit (CCU) in relation to a historic sexual assault allegation. No criminal prosecution ensued however the member of staff resigned prior to a Misconduct investigation by HR.
29. One member of police staff was arrested by the CoLP in connection to an allegation of theft of police equipment. The member of staff accepted a criminal caution and was dismissed from the Force.
30. A police officer was arrested for Affray by the Metropolitan Police Service (MPS) however following investigation no further action was taken due to the officer being identified as a witness to the assault and he was attempting to apprehend the offender. No misconduct identified.
31. There is a current investigation into an allegation of a member of CoL staff Criminally Misusing the CoLP network.

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 gross misconduct is dealt with by means of a hearing. During the reporting period 2016/17, 18 misconduct cases were recorded within PSD. A total

of 22 misconduct cases were finalised during the reporting period (some of these cases had been carried over from 2015/16). Currently 7 misconduct cases remain live investigations. Of the misconduct cases finalised during the reporting period the outcomes⁴ were as follows:-

a) Misconduct Hearings

One Misconduct Hearing was held. The officer received a Final Written Warning. (This was the first CoLP Hearing in public and was chaired by an Independent Chair).

b) Misconduct Meetings

There were five Misconduct Meetings held. Two officers received a written warning. Three officers received formal management advice.

c) Management Action

In six 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.

e) Members of Police Staff

Two members of police staff were criminally investigated on separate matters.

1. Following arrest for historic sexual assault the ERO (Evidence Review Officer) found insufficient evidence for criminal proceedings; however a member of staff resigned prior to misconduct proceedings.

2. A member of staff accepted a criminal caution for Theft (selling stolen police equipment on EBay). They were dismissed without notice by HR.

Unsatisfactory Performance Procedures

33. During the reporting period three instances of UPP were recorded. All of these relate to Special Constables and absence from duty.

Staffing

34. During 2016/17 Assistant Commissioner Alistair Sutherland, continues to oversee the work of the Professional Standards Department within Business Support Directorate. The Director of Professional Standards remains as D/Supt Dermont Robinson. DCI Claire Cresswell (Designated Appropriate Authority) returned from maternity leave. Two newly appointed investigators (DC and DS) have recently joined PSD, into vacant posts. Looking ahead into 2017/18, PSD is looking for a phase of stability following a period of change and loss of experienced staff.

35. The 2016 Force Awards, a celebration of staff achievements and voted by colleagues across the Force, two members of PSD staff were recognised. Sylvia Edwards received Special Constable of the Year, and Katy Goulding received Trainee Investigator of the year. This is an incredible achievement for not only these individuals but a reflection on the whole department. The three special

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

constables who work within PSD were short listed for the Lord Ferrers award, a national annual award for volunteers within policing with a ceremony that took place on the 15th Sept 2016. The forthcoming 2017 awards also has a member of the vetting team, Jane MacDonald, in the shortlist for 'Member of Police Staff of the Year' award.

Conclusion

36. The number of complaints against police officers remains relatively low⁵ 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.
37. Following the success of internal communication and PSD training inputs across the Force, PSD has seen an increase in internally referred conduct matters and requests for advice.
38. 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 across all police departments there has been no increase of police personnel to deal with the increase of complaints or complex conduct cases. CoLP PSD has been among the forerunners of Force departments to employ Special Constables in specialist roles and have two Special Constables who have been appropriately vetted and are committed to working in the PSD environ on a regular basis. PSD have also contracted services of a police volunteer. PSD continue to look for smarter working practices 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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⁵ CoLP recorded 122 allegations per 1000 employees, National Average 276 allegations per 1000 employees IPCC 2015/16 – *Police Workforce, England and Wales, 31st March 2015 (National Statistics)*