

Committee:	Date:
Police Committee- For Information	12th July 2018
Subject: Annual Report on Professional Standards Activity – 2017/18	Public
Report of: Commissioner of Police Pol 62-18	For Information

Summary

This report provides a comprehensive overview of activities relating to Police Professional Standards over the year 2017/18, 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 Office for Police Conduct (IOPC) formally the Independent Police Complaints Commission (IPCC). Overall the recorded number of complaint cases has decreased in this period. This is partially attributable to a reduction in 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 seen a slight reduction with the number of allegations remaining static. 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 (98% against a national average of 84 %). The time the Force takes to complete a local investigation is also lower than the national average (68 days compared to the national average of 173 days). These figures represent the lowest local investigation times in the country.

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

The Organisational 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 2017/18 examples of action taken following OLF include a number of changes to procedures, including but not exhaustively, Reasonable Adjustments, and Property.

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 2017/18, 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 ensure that the papers reviewed by Members contain sufficient information to be able to assess whether an appropriate outcome was reached, while not unnecessarily revealing personal details of individuals involved. It was also important to ensure that this was achieved without creating unnecessary extra work for the officers and staff preparing the reports. In addition, the performance sections of the report to the Sub-Committee has been extensively reviewed to ensure Members have the appropriate data to assess the performance of the force in its handling of complaints.
3. In 2017/18 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 2017/18, 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 driven 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 2017/18 the Force has continued to deliver initiatives supporting workforce and organisational integrity. The Chairman of the Professional Standards and Integrity Sub-Committee continues to support these activities as a critical friend, which has helped to drive the improvements forward. These include:
- i. A quarterly Integrity Standards Board (ISB) that is 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. An annual Integrity and Code of Ethics development plan, which is considered at your Professional Standards and Integrity Sub-Committee.
 - iii. An internal group of Ethics Associates, who meet to consider ethical dilemmas and situations as part of the Regional London Police Challenge Forum, of which the City of London Police was a founding member. The Force has hosted two regional meetings, one chaired by the Commander Operations and the other by the Head of Strategic Development. Both now sit on the newly constituted National Board for Police Ethics under the direction of the Chief Constable of Gwent.
 - iv. 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.
 - v. Awareness of the Code of Ethics and how it can be used is included in the formal induction programme for new staff/officers.

HMICFRS¹ Legitimacy Inspection

7. Part of HMICFRS'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.
8. The latest report relating to the City of London Police was published on 12th December 2017 and graded the Force as **REQUIRES IMPROVEMENT** overall for legitimacy.
9. HMICFRS found that the Force needed to do more to scrutinise its use of coercive powers and, through training, improve the workforces' understanding of how to use them fairly and with respect. They also considered how well the Force handles

¹ Her Majesty's Inspectorate of Constabulary, Fire and Rescue Services

complaints and misconduct cases focusing specifically on access to complaints system and handling of allegations of discrimination. HMICFRS found the extent to which the force treats its workforce with fairness and respect to be good.

10. Despite the overall grading of 'Requires Improvement' HMICFRS did not find any underlying causes for concern and did not make any formal recommendations. Their report identified 7 'areas for improvement' (AFIs), all of which have been reported to your Police Performance and Resources Sub-Committee and Professional Standards and Integrity Sub-Committee.
11. For 2018 the legitimacy inspection is being subsumed within the Integrated PEEL Inspection, which is due to take place in Force during September 2018.

Independent Office for Police Conduct (IOPC) formally The Independent Police Complaints Commission (IPCC)

12. The IOPC was launched in January 2018. Before this, they were the Independent Police Complaints Commission. Since 2013, the IPCC had doubled in size and taken on six times as many investigations. This led the Home Office to make structural changes to better suit the much-expanded organisation. These changes were established in the Policing and Crime Act 2017.
13. The IOPC 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 IOPC 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 IOPC. We await the full annual report for all Forces for the previous year's data 2017/18. The IOPC acknowledged the complaints generated from Action Fraud which is a national service.
14. CoLP PSD referred 17 cases to the IOPC during 2017-18². During the same period the total number of method of investigation (MOI) decisions by the IOPC (including some cases referred during the previous year) were for 7 to be locally investigated by CoLP, 5 to be independently investigated by the IOPC and 0 to be supervised by the IOPC. 1 was returned to CoLP for the Force to deal with locally, not necessarily by means of an investigation. Currently the IOPC is conducting 8 independent investigations into CoLP officers. This increase in independent investigation reflects an increase in staff, span and scope of the IOPC involvement and the case referral criteria.
15. According to IOPC data, the City of London Police's PSD performs well in terms of recording complaint cases within the target of 10 days (98% against a national average of 84%). The time the Force takes to complete a local investigation is also lower than the national average (68 days compared to the national average of 173 days). These figures represent the lowest local investigation time in the country.

² Rolling year – some matters recorded during the previous quarter or year

Complaints

Recorded Complaints



	2016/17 Number (excl Action Fraud)	2016/17 Action Fraud	Total	2017/18 Number (excl Action Fraud)	2017/18 Action Fraud	Total
Complaints	102	174	276	90	142	232
Allegations	210	174	384	180	145	325
Complainants	121	174	295	100	143	243

16. 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 IOPC 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).

17. Eighteen allegations of "discriminatory behaviour" were recorded during 2017/18; these sub categorise into 9 Race, 2 Mental Health, 1 Religious, 1 Gender Reassignment, 1 Homophobic, 1 Sexual Orientation, 4 Other. Of these allegations 12 were finalised following a PSD investigation, with outcomes as follows: 9 allegations were 'not upheld', 3 were Locally Resolved. One allegation was disappplied by the force. At the close of the period, five are ongoing live investigations.

Allegations Recorded

18. A total of 325 allegations were recorded in 2017/2018. In terms of nature of allegations, the *highest* categories were:

Type:	Number allegations:	Overall percentage
General Policing Standards	79	24%
Operational management decisions	67	21%
Other irregularity in procedure	34	10%
Incivility, impoliteness and intolerance	28	9%
Other neglect or failure in duty	24	7%
Discriminatory behaviour	18	5%
Other ³	10	3%
Other Assault	8	2%
Breach Code C	8	2%

³ This allegation type is generally re assessed during investigation. Initial complaint doesn't provide enough information to determine the allegation type, once investigated the allegation type maybe reconsidered and allocated into a more appropriate allegation type.

19. General Policing Standards and Operational management decisions and allegation types are almost all relating to Action Fraud.
20. City of London Police complaint data accounts for 39% of the total cases recorded with Action Fraud cases forming the remaining 61%.
21. Allegation types Other Irregularity in Procedure and Neglect of Duty remain the highest allegation categories recorded in this reporting period. This is the same as the previous year's data. This shift from the traditional highest allegation types of "Incivility" and "Oppressive Conduct" which could be described as customer facing rather than matters of investigation or victim contact. This could be attributed to the effective use of Body Worn Cameras, and where austerity measures have impacted with fewer 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 General Policing Standards (24 %) and Operational Management Decisions (21%) make a combined percentage of 45%. This reflects a slight drop of 2% from the previous year.

Finalised Allegations

22. In the last year (excluding Action Fraud), PSD finalised a total of 157 allegations. 143 of which were investigated by PSD. A total of 21 (13%) were upheld.
23. There has been an increase in Local Resolution as a means to finalise allegations. Including Action Fraud data, a total of 183 of the total 302 allegations were finalised by means of Local Resolution, equating to 61%. Figures for the previous year was 51%. National average data for end of Q4 2017/18 is reported as 42%. Action Fraud figures have a positive impact upon Local Resolution data as virtually all are finalised in this manner.

Complainant Characteristics

Ethnicity

24. 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. 177 out of the 243 complainants (73%) did not state their ethnicity. The highest category recorded is White British, 31 complainants have self-defined their ethnicity within this group (13%). These are similar statistics to previous years.

Gender and age

25. A total of 243 complainants were recorded in 2017/18. Of these 171 stated they were male, 59 female and in 12 cases gender is unknown. Most complainants do not state age, but from what the Force has recorded, the highest category is 40-49 years of age. This is a slightly higher age group as the previous 2 years, however of the age groups between 20-49 a total of 72 complainants disclosed their age (30%).

Organisational Learning Forum and other internal groups

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) chaired by AC Sutherland, is well established, has been operating for several 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, Stop and Search and Professional Standards, to tackle learning on a local level.
28. 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 IOPC and ensures that lessons contained within them are addressed and disseminated across the Force.
29. During 2017-18, the PSDWG took the lead on a number of topics identified as areas for organisational learning, case study examples:-

Reasonable Adjustments

- Following a complaint surrounding Action Fraud it was determined that the vulnerable victim did not have access or means to the advice that was provided as links to the internet within correspondence to her. Once this was established PSD provided this learning to the OLF to assist the Force in raising awareness that not all persons in contact with the Force have access to the internet and that other means of providing information should be sought by all departments and reasonable adjustments made where necessary. Action Fraud management addressed this issue and have ensured that leaflets are available where required.

Property Management

- It was identified that not all of the Force were using the property system. Learning from various complaint and conduct cases around the seizure, disposal and return of property have been highlighted and property management awareness raised across the Force to ensure that property is correctly seized, stored retained or destroyed as per policy and procedure.

Criminal Investigations

30. During 2017/18, a Police Officer was arrested by Essex Police for drink driving. The officer was found guilty at Court and was Fast Tracked to a Misconduct Hearing. The officer was found to have breached the Standards of Professional Behaviour and was Dismissed without Notice.
31. There has been a recent criminal investigation into an allegation of fraud by a member of CoLP staff. A criminal caution has been administered. This member of staff is currently suspended pending an HR misconduct investigation.

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 2017/18, 22 misconduct cases were recorded within PSD. A total of 20 misconduct cases were finalised during the reporting period (some of these cases had been carried over from 2016/17). Currently 6 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 was Dismissed without Notice. (This was the first Fast Tracked Special Case Hearing that the CoLP has held).

b) Misconduct Meetings

There were three Misconduct Meetings held. One officer received a Final Written Warning. Two officers received a Written Warning. One officer received formal Management Advice.

c) Management Action

In one case there was a Case to Answer and the officer was given formal management action. In six cases there was No Case to Answer with no misconduct identified where the officers received management action. In one case there was No Case to Answer and the officer received informal action.

d) No Action

In one case there was a Case to Answer and no further action was taken against the officer. In six cases there was No Case to Answer and no further action was taken against the officers.

e) Members of Police Staff

One member of police staff was subject of misconduct proceedings. The PCSO received a First Written Warning (Stage 2 UPP).

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

Unsatisfactory Performance Procedures (UPP)

33. During the reporting period two instances of UPP were recorded. Both are informal Stage One procedures. One case relates to Absence. One case relates to Absence and Performance.

Staffing

34. During 2017/18 Assistant Commissioner Alistair Sutherland, continues to oversee the work of the Professional Standards Department within Business Support Directorate. The current Director of Professional Standards is D/Supt Maria Woodall who replaced D/Supt Dermont Robinson in November 2017. T/DCI David Parkin is currently the Designated Appropriate Authority (covering DCI Creswell's period of maternity leave). One newly appointed investigators (DS) will be joining CCU PSD, into a vacant post. Action Fraud have funded a Vetting Post for 2 years, primarily to assist with the Action Fraud call centre vetting, this has been recently filled. The administration team have also successfully recruited a new member of staff who will be joining the department in the coming month. Looking ahead into 2018/19, CoLP PSD is looking to initiate new ways of increased capabilities especially within proactive counter corruption. CoLP and British Transport Police CCU PSD are in initial discussions around a strategic alliance between these units. PSD have recently completed an inaugural team day, opened by the AC and supported by the PSD Sub-Committee, who were represented by Oliver Bolton. The day was a huge success from which the PSD Action Plan was borne detailing planning for the future and a PSD communication plan. During this year we will also see the loss of experienced staff through forthcoming retirements, and will also see an accommodation move.
35. The 2018 Force Awards, a celebration of staff achievements and voted by colleagues across the Force, one members of PSD staff was recognised. Jeremy Wall was nominated for Special Constable of the Year. This is an incredible achievement for not only this individual but a reflection on the whole department.

Future Governance and Regulatory Change

36. The Government is planning to introduce major changes to the police complaints system in April 2019. Its proposals are aimed at improving police integrity and boosting low public confidence in procedures that have proved confusing, frustrating and ineffective. It wants to make the system fairer, easier to understand and more transparent.
37. A review conducted by the Home Office found the public and police officers alike had little faith in the current system. Complainants doubted grievances would be dealt with fairly or effectively. Police officers felt tied-up by vexatious complaints and unable to admit mistakes for fear of them being labelled as misconduct. There will be a greater focus on learning and improvement rather than blame and sanction and where appropriate matters should be dealt with as practice requiring improvement using improvement plans by local management rather than misconduct investigations by PSD.
38. The Government's proposals amount to significant structural change. Directly elected Police and Crime Commissioners (PCCs) (and Police Authorities) will

determine how complaints are dealt with at a local level. They will have discretion to choose whether to record and determine complaints themselves, or to supervise how their local police force exercises such functions. The City of London (in line with the vast majority of forces) has opted to restrict the changes to those mandated in the legislation.

39. Local Policing Bodies will also determine appeals against the handling of complaints deemed suitable for local resolution.
40. The goal of a more 'complainant-focussed system' will see changes to the language used, with the abandonment of confusing terms and the extension of the definition of 'complaint' to cover not only the conduct of individual police officers but policing practices and service failure as well. All complaints will now be recorded.
41. To respond to criticisms that the police complaints system does not listen to communities or groups affected by particular trends or habits in policing, the Government will import the 'super-complaint' concept from the worlds of financial regulation and consumer affairs. NGOs and charities given super-complainant status will be empowered to lodge complaints as a means of raising systemic issues and ensuring all voices are heard.
42. We are expecting to see a draft of the new regulations in October this year.

Conclusion

43. 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 has been an increase in the quantity and quality of confidential anonymous reports of wrong doing to the two way reporting system 'Bad Apple'. This has increased the volume of investigations into PSD. There are also more investigations which have IOPC involvement, (this may reflect their increase in staff levels to accept a higher case load). 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.
44. 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.
45. PSD are using the 10 day scoping period prior to recording a complaint in an aim to increase an early resolution. This will have a significant impact upon the complaints surrounding Action Fraud where complainants often seek an update. This early resolution will not only increase confidence in the City of London Police but assist in lowering further the number of complaints recorded against the Force.

⁵ CoLP recorded 152 allegations per 1000 employees, National Average 274 allegations per 1000 employees IPCC 2017/18 – *Police Workforce, England and Wales, 31st March 2017 (National Statistics)*

46. Whilst the number of complaints against City of London officers is relatively low compared to the national statistics, due to 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 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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