

10

JOINT INDEPENDENT AUDIT COMMITTEE

DATE

SUBJECT	Professional Standards Directorate
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SUMMARY AND PURPOSE OF REPORT	
To set out an overview of the role and structure of the Professional Standards Department with a particular focus on governance and accountability, public complaints and the work of the Counter-Corruption Unit (CCU).	

A. Introduction

The Professional Standards Directorate (PSD) is responsible for dealing with public complaints, internal misconduct matters, counter-corruption and vetting. It also deals with incidents where members of the public have been killed or seriously injured whilst in custody or otherwise been in in contact with the police, and administers the business interest, notifiable/vulnerable association and gifts and hospitality policies.

This report is intended to provide an overview of the work of the PSD with a particular emphasis on governance and accountability, public complaints and the work of the Counter-Corruption Unit (CCU). Future reports will provide detailed information on the legal framework around complaint handling, the methods available for investigating and resolving complaints and how this is put into practice.

Where data is referred to this applied to the 3-month period between 01/10/22 and 31/12/22.

B. Departmental Structure and Function

Senior Management Team

The department is headed by a Detective Superintendent, the deputy head is a Detective Chief Inspector. The head and deputy head are responsible for the strategic direction of the department, operational management and performance. They are also “appropriate authorities” for the purpose of complaint and misconduct matters; this means that they are authorised to make decisions on how these matters are investigated, and whether cases are referred to formal disciplinary proceedings or performance processes. There are two Detective Inspectors in the department, whose role is to oversee the day to day running of the various teams that make up

PSD. There is also a police staff head of vetting who is responsible for the vetting team.

Complaints and Misconduct Unit

This team is led by two Detective Sergeants and consists of 12 investigators, a mixture of Detective Constables, Police Constables and staff investigators. The team is responsible for conducting investigations into complaints, misconduct matters and deaths or serious injuries following police contact.

Reasonable and Proportionate Handling Team

This team consists of three Sergeants who are responsible for resolving complaints that do not require formal investigation.

Complaints Reception Team

This team is led by a Detective Sergeant and consists of 5 police staff complaint handlers and 1 administrator. The team is responsible for dealing with public complaints when they come into the department and where possible resolving these in a quick and proportionate way. Where this is not possible the team will refer them to the CMU or the RPH team to investigate or resolve.

Counter-Corruption Unit

The CCU is led by a Detective Sergeant and consists of three Detective Constables, two staff investigators, an analyst and two researchers. Their role is to proactively look for corruption within the force and to investigate allegations of corruption involving officers and staff.

Vetting Team

The vetting team is made up of a vetting manager, senior vetting assessor, twelve vetting assessors and a vetting administrator. The team undertakes all aspects of vetting for police personnel applicants, enhanced levels of clearance, renewals and aftercare. It also includes the vetting of non-police personnel, such as contractors and partnership workers, before they are allowed access to Nottinghamshire Police premises and/or information systems.

Additional Staff

The PSD also employs a hearings and meeting officer who is responsible for the administration of disciplinary procedures for officers and staff, and a Sergeant who is responsible for the administration of the Centurion computer system and support for the SMT. Provisional permission has been granted to recruit a Prevent Officer to work in the CCU engaging with staff and outside organisations on a permanent basis to inform and educate them about corruption risks.

C. Governance and Standards

The work of the PSD is subject to scrutiny and review by the OPCC and the Independent Office for Police Conduct (IOPC).

Public Complaints

All complainants whose complaints are dealt with according to Schedule 3 to the Police Reform Act 2002 (this is a minority of complaints that cannot be resolved in an informal way) have a right to review by the IOPC or the OPCC, depending on the nature of the complaint. The majority of complaints are reviewed by the OPCC, who employ an independent reviewer to carry out complaint reviews. The OPCC reviewer can choose to uphold reviews in cases where the complaint has not been dealt with reasonably and proportionately and issue recommendations to the appropriate authority. The IOPC can uphold reviews and direct the appropriate authority to take action. At the present time the IOPC has a significant backlog of reviews, which take between 8 to 10 months to complete. This is recognised as a national problem that they are trying to resolve.

In the most recent quarter, 28 complaints were referred to the OPCC for review and only one of these was upheld as not being reasonable and proportionate. It is acknowledged that a certain proportion of reviews will always be upheld and that this is indicative of appropriate independent scrutiny and challenge, which should reassure the public that the system is fair. The current position of around 3.57% of reviews being upheld is a significant improvement on the position at the start of 2022 when a significantly higher proportion of reviews were upheld. This is attributed to a more thorough process of reviewing and quality assuring complaint handling, additional training for staff and an emphasis on dealing with complaints in an informal manner where possible and where the complainant agrees with this. It is not possible to draw any conclusions from the IOPC reviews due to the relatively small number that qualify for IOPC review and the current issues with the backlog in reviews.

IOPC data

The IOPC produce quarterly statistical reports on complaint handling by police forces. The data shows national performance based on a number of metrics as well as how forces compare to other forces that are similar in terms of size and demographics. The most recent IOPC report covering Quarter 2 of the year 2022 to 2023 shows that Nottinghamshire Police generally compares favourably to the national picture and similar forces, particularly in terms of timeliness of investigations. 68% of complaints relate to delivery of duties and service and 15% related to the use of police powers, policies and procedures.

HMICFRS inspection

Like all aspects of policing, the PSD is subject to inspection by His Majesty's Inspectorate of Constabulary, Fire and Rescue Services (HMICFRS). This provides independent assessment of the department's effectiveness; the most recent inspection conducted between 14/03/22 and 24/03/22 concerned the department's counter-corruption capability and concluded that this was "good"¹.

Internal Standards

PSD investigations are reviewed by members of the senior management team at a monthly scrutiny meeting designed to ensure that they are progressing properly. The performance of the department is also considered at these meetings in terms of how complaints and misconduct matters are handled, investigated and what the outcomes are.

Vetting cases are subject to scrutiny by the PSD DCI at a bi-monthly audit. This provides independent oversight of vetting decisions to grant or refuse vetting, which is particularly relevant in the current climate where vetting is subject to national scrutiny.

Complaint Handling

All complaints about Nottinghamshire Police, its officers and staff, are initially logged and assessed by the complaints reception team. They make an initial decision on how the complaint should be handled, whether it should be referred to the Independent Office for Police Conduct (IOPC) and whether immediate action is required to recover evidence. In the 2022, PSD logged a total of 1433 complaints.

Complaints handled outside Schedule 3

The majority of public complaints are handled "outside Schedule 3". This means that they are not given formal status under Schedule 3 to the Police Reform Act 2002. This allows complaints handlers to resolve these complaints quickly, proportionately and without time consuming bureaucracy; it is acknowledged that this usually produces better outcomes for complainants and the officers and staff who are the subject of complaints. The complaints handling team aim to resolve 65 to 70% of all complaints outside Schedule 3.

Complaint handlers make an initial assessment of the complaint and then contact the complainant directly to gain a better understanding of it. If it is suitable to be resolved outside Schedule 3, the complaint handler will attempt to do this over the phone, offering an explanation and an apology where appropriate. Any learning from the complaint is also gathered at this stage. The objective is always to resolve the complaint to the complainant's satisfaction.

¹ HMICFRS can award gradings of "Inadequate", "Requires Improvement", "Adequate", "Good" or "Outstanding"

Where a complaint is handled outside Schedule 3, the complainant does not have a right to a review of the complaint handling. If the complaint cannot be handled to their satisfaction then it is “recorded” (given formal status under Schedule 3) and the complaint is then handled in a more formal way, with the complainant having the right to a review by an independent body.

Of the 1433 complaints logged in 2022, 782 were dealt with outside Schedule 3.

Complaints handled inside Schedule 3

Complaints that are not suitable to be handled outside Schedule 3 are recorded and dealt with in a more formal and structured way. A complaint will be recorded under Schedule 3 if:

- It has not been possible to resolve it to the complainant’s satisfaction outside of Schedule 3.
- The appropriate authority² decides that it is appropriate for the matter to be dealt with under Schedule 3.
- The matter could result in an officer’s or member of staff’s conduct being assessed as Practice Requiring Improvement (PRI).³
- The complaint is about an incident where someone has died or being seriously injured following police contact.
- The complaint is about behaviour that if proven would constitute a criminal offence or justify the bringing of formal disciplinary proceedings.
- The complaint is about behaviour that if proven would breach Article 2 (right to life) or Article 3 (freedom from torture and inhuman or degrading treatment) of the European Convention on Human Rights.

Once a complaint is allocated to be dealt with inside Schedule 3, it can be investigated, handled reasonably and proportionately otherwise than by investigation (OBTI) or in some cases no further action can be taken. Where a complaint is handled OBTI or investigated, the complaint handler/investigator will tell the complainant whether they believe the service provided was acceptable, the service provided was not acceptable, or whether it is not possible to determine whether or not the service was acceptable or unacceptable.

When a complaint is dealt with under Schedule 3, the complainant has a right to review if they are not satisfied with the result of the complaint handling or investigation. The review body will be the OPCC or the IOPC, depending on the circumstances of the complaint.

651 complaints were dealt with inside Schedule 3 in 2022.

² The appropriate authority is a senior officer in the PSD responsible for decision making.

³ PRI is a non-disciplinary structured performance process where an officer/member of staff’s conduct or performance has fallen below what is expected but is not so serious as to justify formal disciplinary proceedings.

Complaints subject to special requirements

Where the content of a complaint indicates that an officer or staff member may have committed a criminal offence or behaved in a way that would justify the bringing of formal disciplinary proceedings it is certified as being subject to special procedures. All special procedures complaints must be investigated and officers will be served with formal notices that they are under criminal/disciplinary investigation.

Investigators will write an investigation report and give their opinion on whether the officer has a case to answer for gross misconduct, misconduct or no case to answer. Where there has been an investigation into criminal as well as disciplinary matters, the appropriate authority may send a file to the Crown Prosecution Service (CPS). If the officer is found to have a case to answer they will be referred to a misconduct hearing in cases of gross misconduct, and a misconduct meeting in cases of misconduct.

In special procedures cases complainants have the right to apply for a review by the IOPC. In 2022, 27 complaints were subject to special procedures.

IOPC referrals

Certain categories of complaint must be referred to the IOPC. These are:

- Allegations of serious assault.
- Allegations of a serious sexual offence.
- Allegations of serious corruption, including the abuse of position for a sexual purpose.
- Allegations of a serious criminal offence.
- A complaint related to a death or serious injury in custody or following police contact.
- Complaints about chief officers.
- Special procedures complaints including allegations of discrimination.

The appropriate authority also has the discretion to refer complaints that do not fall into any of the above criteria, but that should be referred due to the particular circumstances, gravity or public interest surrounding the complaint.

When a complaint is referred to the IOPC, they must decide to refer it back to PSD for investigation, to investigate the matter independently or to direct the investigation. Directed investigations are conducted by PSD staff, but the terms of reference are set and key decisions are made by the IOPC.

In 2022, the PSD referred 19 complaints to the IOPC and only 1 was investigated independently. The remaining 18 were referred for local investigation.

Reviews

All complaints that are recorded under Schedule 3 have a right of review if the complainant is not satisfied with the outcome. The review body will be either the OPCC or the IOPC.

In cases where the review is carried out by the OPCC, the reviewer will determine whether the complaint has been dealt with reasonably and proportionately. If they determine that this not the case, they can make recommendations to the appropriate authority. The authority is not duty bound to accept these recommendations but in practice the they do accept them in the vast majority of cases.

Where the IOPC is the review body they can direct the appropriate authority to take action.

In 2022, 106 applications were made to the IOPC for reviews. Of these, the reviewer found that 90 were reasonable and proportionate, 12 were not reasonable and proportionate, two were withdrawn and 2 are still ongoing.

10 applications for review were made to the IOPC, 2 were reasonable and prop