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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.

D. Complaints and Conduct Matters

In the 3-month reporting period there were 399 public complaints about Nottinghamshire Police officers and staff. This is broadly similar to the preceding 3-month period. There were 15 conduct cases recorded, which is again broadly similar to the preceding 3 months.

Over 75% of complaints during this period were dealt with "outside Schedule 3"² meaning that they are dealt with by the complaints reception team in a timely and proportionate manner, typically by contacting the complainant over the phone and discussing the complaint with them. This is a significant improvement on the position earlier in 2022, when the majority of complaints were dealt with "inside Schedule 3". This meant that complaints were dealt with in a more structured and formal way, but which sometimes prevented it being resolved quickly and proportionately to the complainant's satisfaction. The new approach gives greater autonomy to the complaint handlers and allows for complaints to be dealt with quickly and at the correct level. Around 15% of complaints that are attempted to be resolved outside Schedule 3 cannot be resolved to the complainant's satisfaction and are placed inside Schedule 3 for more structured handling.

Learning Outcomes

The new regulations brought in in 2020 placed an emphasis on learning and development outcomes where these are an appropriate means of resolving a

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

² Schedule 3 to the Police Reform Act 2002

complaint or a conduct investigation, reserving formal disciplinary processes for the most serious cases. The regulations also brought in a new category of “Practice Requiring Improvement” (PRI) which is resolved by a formal learning process called the “Reflective Practice Review Process” (RPRP). PRI and RPRP are administered by one of the Appropriate Authorities in the PSD to ensure it is carried out correctly.

Data from the reporting period shows that RPRP is used relatively infrequently to resolve complaints and misconduct cases, with only 7 instances being recorded. The use of less formal learning is also relatively infrequent, although this is thought to be partially due to data quality; PSD staff are not updating the Centurion system properly to reflect where organisational or individual learning has come out of an investigation. The increased use and proper recording of learning outcomes will be a focus for the PSD over the next year.

Formal Misconduct Outcomes

In 2022 there were 12 gross misconduct hearings for officers, six gross misconduct hearings for staff and 11 misconduct meetings for officers. The figures include details of officers and staff who have resigned or retired from the force and have been taken to a hearing as a former officer or staff member. Officers and staff who are dismissed following a finding of gross misconduct are placed on the College of Policing barred list and so cannot work in policing or other law enforcement roles.

Of the 12 police officer misconduct hearings, 10 were Accelerated Case Hearings (ACH) or “fast track” hearings. These hearings are held when there is incontrovertible evidence of gross misconduct by the officer and are chaired by the Chief Constable. The remaining hearings were standard gross misconduct hearings chaired by an independent Legally Qualified Chair (LQC) sitting with a senior police officer and independent panel member. ACH hearings are generally preferable in that they are quicker and cheaper to run than standard hearings. Nottinghamshire police is generally acknowledged to have a robust and pragmatic approach to dealing with gross misconduct cases via ACHs.

D. Counter Corruption Unit

The CCU deal with proactively tackling corruption and investigating cases of corruption involving officers and staff. The team often work with the IOPC counter-corruption unit, who are involved in supervising a number of sensitive investigations.

Staff and members of the public can report concerns to the CCU directly or via line management and there are also anonymous methods of reporting concerns through the internal “Bad Apples” system or via the Crimestoppers telephone line/website.

CCU officers proactively search for evidence of corruption using a variety of overt and covert methods. These include analysis of telecoms and IT systems data, monitoring of officers suspected of posing a risk to the organisation and engaging with the public and the wider workforce to explain the signs of potential corruption

and the means of reporting this. The unit also conducts drug and alcohol testing of the workforce and has conducted 39 random tests and 6 “with cause” tests in the past 12 months

The strategic priorities of the CCU are reviewed in the annual Strategic Threat Assessment (STA), which analyses current risks and trends and identifies the priorities for the CCU to focus on in line with the national corruption categories; The priorities for 2023/24 are vulnerability, disclosure of information and misuse of force systems, these are contained in the control strategy.

The priorities are based on the amount of cases dealt with by the CCU over the past two years. It is notable that in almost every category the number of cases in the year 2021 to 2022 is significantly higher than in the year 2020 to 2021. This is attributable to a greater willingness to report corruption and more efficient recording practice. There is a national corruption threat assessment that sits above the Nottinghamshire Police STA and reflects national priorities.

E. HMICFRS Recommendations and Areas for Improvement

In November 2022 the HMICFRS published a report following an inspection of vetting, misconduct and misogyny in the police. The report contained 43 recommendations and 5 areas for improvement.

Nottinghamshire police’s progress in respect of these recommendations and AFIs is being monitored by the head of PSD. At the present time there are 4 recommendations that are graded amber, and 1 area for improvement that is graded red. The red Afi relates to developing automated links between HT and vetting IT systems.