

COMMUNITY OUTCOMES MEETING

MAKE SURE CRIMINAL JUSTICE WORKS FOR COMMUNITIES

26 September 2018

SUBJECT: COMPLAINTS AND CONDUCT

Report of the Chief Constable

<p>PURPOSE OF THE REPORT</p> <p>1. This report outlines the Force's position in relation to Complaints and Conduct data as of July 2018.</p>
<p>RECOMMENDATION</p> <p>2. That the Police and Crime Commissioner uses this report to scrutinise Force performance in respect of the Professional Standards Department Report.</p>
<p>POLICE AND CRIME PLAN</p> <p>3. The Police and Crime Commissioner (PCC) is committed to ensuring West Yorkshire Police are open and transparent to reviewing complaints, the handling of complaints can have a positive or potential negative impact on confidence in policing.</p>
<p>KEY INFORMATION</p> <p>4. Despite an increase in complaint allegations in June 2018 data in the report shows a downward trend, overall, over the last twelve months which is largely a result of the Force successfully operating a 'then and there' approach by the Service Recovery Team to resolving public complaints.</p> <p>5. The impact of the Service Recovery Team can also be seen in the high local resolution rate of recorded complaints which are dealt with, on average, within 22 days.</p> <p>6. The report demonstrates the steps taken by the Force to scrutinise complaint-handling performance, learn lessons from the complaints and appeals which have been made and reinforce professional standards for both police officers and police staff.</p> <p>7. The PCC will take responsibility for dealing with appeals against the outcome of local resolutions once the Policing and Crime Bill is enacted in 2019. Work is underway with the Force and with the support of the Association for Police and Crime Commissioners to prepare for the introduction of this change.</p>

Title: Complaints and Conduct

CoT Sponsor: ACC Williams

Complaints

- Total complaint allegations have increased in June 18 compared to the previous month. There were 205 complaint allegations recorded in June 18 (134 complaint cases) compared to 176 in May (133 complaint cases). This equates to an increase of 16%.
- Yearly totals for complaint allegations have decreased by 535 (18%), and complaint cases have decreased by 469 (22%). This shows a mainly downward trend for complaint allegations and cases (see graph below) and should hopefully continue through the rest of 2018.
- This decrease is still mainly due to the introduction and success of 'there and then' matters where the PSD Service Recovery Team deal with lower level cases and aim to successfully resolve with the complainant without the need to formally record a public complaint.



- In June 18 there were 85 'there and then' cases recorded and the conversion rate for these cases to a public complaint remains low at just under 10%.
- The top three categories of complaints which account for 62% of all complaints are neglect or failure in duty, incivility, impoliteness and intolerance and other assault. This information is presented and driven by the Training and Engagement Officer at all training inputs and engagement events.

PSD Service Recovery Team

- The current local resolution rate is 61% for all complaints finalised (July 17 – June 18). The Service Recovery Teams at PSD continue to have a great impact on both the timeliness and quality of complaint investigations and the high proportion of cases dealt with by local resolution.
- The latest figures show that since the Service Recovery Team was implemented in February 16 they have dealt with almost 4300 complaint cases, 2600 of which have been locally resolved. Workforce modernisation has now been applied to the Service Recovery Team and there are 6 police staff Complaints Officers in post, making up a third of the team.
- Performance measures are now provided on a quarterly basis as part of the Professional Standards Department TIA. These figures hold PSD staff to account around the timeliness of investigations, the recording of complaints, and the final assessment of cases, together with regular updates to officers, staff and members of the public. As far as we are aware no other Professional Standards Department has set its own performance framework for its officers and staff.
- The most recent set of figures were provided in July 18. Again they show a largely positive picture. The latest quarterly performance data shows that 79% of complaints are being recorded within 10 days and local resolutions are being completed in 22 days. The performance of the Service Recovery Team is constantly monitored and their processes have just been scrutinised and refined to ensure that they are working in the most efficient way.
- Non Special Requirements investigations continue to be slightly over a very challenging target at 65 days (target set at 45 days). Misconduct investigations are taking 73 days, however it is noticeable that gross misconduct investigations are only taking on average 59 days which helps to relieve the worry and pressure on both officers and staff who require an early outcome to their investigation.

Appeals against the outcome of a local resolution

- Over the last 12 months 18% (24 out of a total of 134) of appeals against the outcome of a local resolution have been upheld and returned for further work/ investigation. The number of appeals has decreased in June 18 with 8 compared to 10 in May 18. All learning opportunities are passed back to the staff involved in dealing with the case to ensure that lessons are learned.
- A further audit of IOPC upheld appeals took place in June 18 as the upheld rate continues to be significantly above that for Force appeals at 45%. An action plan has now been developed for the Service Recovery Teams to ensure that the learning points are taken on board and actioned. A discussion morning has also taken place

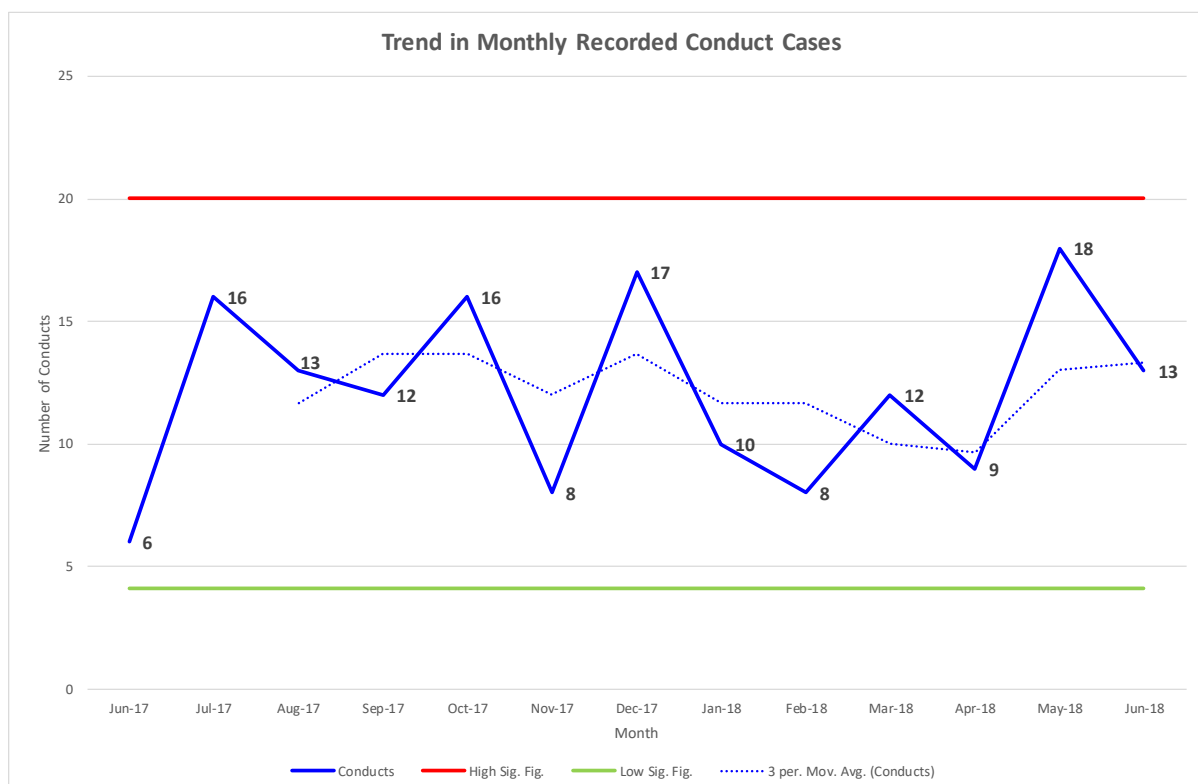
with colleagues from the IOPC on 18 July to fully understand some of the reasons why appeals are being upheld and the threshold being applied by the IOPC regarding what constitutes a 'proportionate' investigation. Processes will be put in place as a result of these discussions to ensure that the upheld rate is decreased.

IOPC Referrals

- There were 11 referrals made to the IOPC in June 18 compared to 14 in May, and 3 of these were returned as independent investigations.
- Over the last 12 months the number of referrals has increased from 146 to 189. There has however been a significant increase in the number of independent investigations from 31 to 45.
- West Yorkshire Police currently have 30 live independent investigations and 2 supervised investigations.

Conducts

- Total conduct allegations have decreased in June 18 with 17 (13 cases) compared to 21 (18 cases) in May 18, however yearly totals for conduct cases have increased significantly by 62% (94 to 152).



- The main areas of concern are discreditable conduct (off duty behaviour) and duties and responsibilities (linked to ongoing IOPC independent investigations). These cases account for a significant proportion of the volume of conduct allegations. Duties and responsibilities allegations have increased from 23 to 44 in the last 12 months.

- The IOPC receive referrals from PSD for DSI cases (death or serious injury), they review the circumstances and decide whether there should be an independent investigation. Where this occurs, the IOPC investigate the case but they are increasingly asking for cases to be referred back as conduct cases as they believe there to have been failures on the parts of officers and staff which may have breached the standards of professional behaviour. Many of these cases relate to missing persons and the grading of logs by control room staff and learning has been passed out to ensure all decisions and rationales are captured appropriately.
- It should be noted that only 4 cases which have been independently investigated by the IOPC have resulted in misconduct hearings in the last 2 years. Of these cases one resulted in the officer receiving management advice, the second case was not proved resulting in no further action, and one officer received a written warning for misconduct in the third case. The fourth case is due to take place later in July 18. The vast majority of IOPC independent investigations result in either no further action or with the investigator identifying learning for either the officers or the Force as a whole. This learning is always actioned by PSD.

Suspended and Restricted Officers and Staff

- There are currently 9 police officers suspended and 6 members of police staff. There are 21 police officers and staff on restricted duties.
- There were 7 misconduct hearings in May and June 18 which resulted in 3 police officers and 3 members of police staff being dismissed without notice from the Force. One police officer received a final written warning. Two were former police officers who had resigned from the Force. Criminal proceedings are continuing against one former police officer and one member of police staff. All the officers and police staff have now been included on either the Barred or Advisory List which prevents future employment in the Police Service.

Introduction and Training of Welfare Support Officers

- In late 2017 the Professional Standards Department were instrumental in introducing the Welfare Support Programme. The aim of this programme is to train and equip staff across the force to deal with the unique role of welfare support to colleagues who are under investigation. The first official 2 day training course was held in March 2018.
- PSD Welfare Supporters are all volunteers and are spread across the Force area. All have been provided with a two day training input, a total of 50 staff to date. Staff who are already trained as Peer Supporters out at Districts are encouraged to be PSD Welfare Supporters. All except one have taken on both roles.
- All the volunteers have been supported by their line managers, some have actually been through the discipline process themselves and so are very positive about the scheme and what it can provide.
- Welfare Support Officers provide an extra layer of support working alongside the Federation, Trade unions and line managers but do not take on any of the responsibilities of those roles. They play a vital role in keeping people in the

workplace and assisting them to return to work after the outcome. The responsibility for allocation of work sits firmly at district under the control of the SLT lead. They will be able to view each individual contact plan and have the contact lists for all of their PSD Welfare Supporters.

- NPAS are key supporters of the programme and have funded two courses which has given them 24 trained Welfare Supporters. This will support the Civil Aviation Authority who are releasing legislation and guidelines in relation to mental health and pilot peer support.
- All Peer Support is assisted by Leeds MIND who are the gold standard for the force for Peer Supporter training. The Programme was officially launched across the Force in June 2018 and includes an introductory video by ACC Williams.

Update on Abuse of Position Conference

- Professional Standards Department organised an Abuse of Position Conference which took place at the Force Training School on 9 July 18. Key partners, specifically those working with vulnerable groups were invited to attend the informative half day seminar and over 70 people attended.
- The event was opened by Deputy Chief Constable John Robins with those in attendance also receiving inputs from the Crown Prosecution Service and officers from PSD who talked through two real case studies.
- One of the case studies detailed a PCSO removing his clothes in the home of a victim of crime. The incident was not reported at the time and only came to light when the victim mentioned it while being dealt with by another police force for wholly unconnected issues.
- The conference was designed to explain what abuse of position for a sexual purpose is and what those working in organisations such as local councils and support charities should be looking out for and reporting. The feedback received so far has been extremely positive.

PSD 60 Second Animations

- PSD have recently launched their 60 second animation clips on the Force internal website to assist officers and staff to understand the key misconduct themes and PSD policies, such as Business Interests, Notifiable Associations, Drugs and Alcohol Misuse and Computer Misuse.
- These animations are a series of short clips providing guidance to staff on doing the right thing in line with the Code of Ethics. They are seen as a new and informative way of getting very important messages out to the rest of the Force and are part of the PSD internal engagement and learning strategy.
- The PSD Newsletter, The Standard is now going out to the Force every 2 months – this concentrates on key topics and has around 1000 hits online each month. Det Supt Bottomley is also hosting a PSD Bitesize Symposium on 8 August – this specialised webchat will focus on the complaints and misconduct process and will allow members of the Force to ask any relevant questions.

Intervention Support Programme

- PSD have been undertaking quarterly District Health Checks with District and Departmental Commanders for the last 2 years. The aim of the health checks is to improve standards, educate officers who are attracting high levels of complaints and pass out key themes and messages across the Force. The latest round of Health Checks was completed in May 18 and it was noticeable that key messages have started to have a positive impact.
- There has been a marked decrease in a number of key areas that are measured across each district and that there was a real sense of change in the way the standards are being applied and the culture seemed to be slowly changing for the better. It was noted that the number of 'Officers of Concern' was dropping in each district and that this decrease could only have come from the early interventions from the PSD SPOC's and line managers.
- The aim now is to develop the health checks even further to prevent and reduce corruption and misconduct within West Yorkshire Police. As a result of visiting colleagues in South Yorkshire Police, PSD are introducing the Intervention Support Programme as part of the District Health Checks with the next round of visits due in September 18.
- The aim of this is to expand on the factors used to identify Officers of Concern. The matrix used includes complaints and conducts recorded but also factors in relevant intelligence, business interests, UPP, inappropriate associations and the roles performed. These factors will identify the officers who are potentially most at risk to themselves and the organisation and they will be scored appropriately with outcomes ranging from local action re welfare and advice up to commencing covert investigations.