



STRATEGIC POLICING AND CRIME BOARD
March 2015

**Professional Standards
Quality of Service**

PURPOSE OF REPORT

1. The purpose of this report is to provide members of the Strategic Policing Crime Board with an overview of the recent work of the Professional Standards Department (PSD) of West Midlands Police (WMP).

BACKGROUND

2. This report provides statistics and explanation regarding the number of complaints dealt with by WMP, the type of allegations the complaints relate to and the numbers of complaints that have been referred to the Independent Police Complaints Commission (IPCC). The report details the outcome of the cases, the timeliness of investigations, results of appeals and outcomes of proceedings. Unlike previous PSD reports submitted to the board this one will aim to compare WMP data with other forces where the data is available in order to better understand the quality of service provided by WMP.
3. Data is collated by PSDs nationally and the IPCC in quarters starting with the beginning of the financial year. In order to make direct comparisons the WMP data provided within this report is for the same time period. (Quarter One 01/04/14 – 30/06/14, Quarter Two 01/07/14 – 30/09/14, Quarter Three 01/10/14 – 31/12/14 and Quarter Four 01/01/15 – 31/03/15) Therefore for the purpose of the report the data periods shown are all for three quarters of each year, 1st April to 31st December.
4. The final part of the report will update the board on work underway to embed the Code of Ethics and progress on the work carried out by the Reputation and Risk Management Team (RRMT).

COMPLAINTS AGAINST THE POLICE

Table 1

Complaints made by the public against WMP

01/04/14 - 31/12/14	868
01/04/13 – 31/12/13	1135
01/04/12 – 31/12/12	977

5. There was a change to the Police (Conduct) Regulations in November 2012 that increased the number of different types of issues the public could complain about. Due to these changes an increase in complaints was anticipated and was seen towards the latter part of 2012 and into 2013. However it is clear from the current year's performance that despite the change in regulations WMP has been successful in significantly reducing complaints by 24% compared to the same period the previous year.
6. The reductions have been achieved following a number of proactive interventions by PSD and local officers. These have been driven through the 'Pride in Our Police' work stream and embedding the Code of Ethics. An example of the work carried out is the emphasis on immediate Service Recovery. This involves the officer or member of police staff who receives a report from a dissatisfied member of the public attempting to immediately rectify the issue to the complainant's satisfaction, where appropriate, without the need for them to make a formal complaint.
7. Having identified the number of complaints recorded, each complaint (representing a dissatisfied member of the public) may be made up of more than one allegation. *E.g. one person makes one allegation that the arresting officer used excessive force and one allegation that later while in detention, the Custody Sergeant failed to deal with them correctly.* The result of this is that there is one complaint but two allegations; hence there are always a higher number of allegations than complaints.

Table 2

**Number of allegations per 1000 employees
(police officers and staff)**

01/04/14 - 31/12/14 for WMP	148
01/04/13 – 31/12/13 for WMP	226
Average for other most similar forces	201
National average for all forces	223

8. The number of allegations per 1000 employees is consistent with the reduction in complaints. With fewer members of the public making complaints it follows there will be fewer allegations made. However of note WMP has 34% fewer allegations than the national force average.
9. Allegations are categorised to illustrate the nature of the matter about which a complaint is made. The top three categories complained about have not changed for many years. They remain 'Neglect or Failure in duty' as number one. This would include complaints such as an officer not keeping a member of the public updated on a case. 'Assault' as number two and this would include any excessive use of force such as handcuffs being applied too tightly, and number three is 'Incivility'.

Table 3

**% of allegations per 1000 employees for
Neglect or Failure
01/04/14 – 31/12/14**

Neglect or Failure for WMP	27%
Neglect or Failure for most similar forces	25%
Neglect or Failure for all forces	33%

Table 4

**% of allegations per 1000 employees for
assault.
01/04/14 – 31/12/14**

Assault for WMP	14%
Assault for most similar forces	13%
Assault for all forces	8%

Table 5

**% of allegations per 1000 employees for
incivility.
01/04/14 – 31/12/14**

Incivility for WMP	13%
Incivility for most similar forces	16%
Incivility for all forces	14%

10. As can be seen from the data supplied in Tables 3, 4 and 5 WMP is consistent with other forces in our most similar groups in the nature of issues about which complaints are made. However because these three categories account for the majority of all complaints the work done through 'Pride in Our Police' and 'Code of Ethics' places a particular emphasis on these three categories.

11. In table 6 below the outcomes of complaints are shown over the same three year period as previous tables. Of note the reduction of finalised cases is consistent with the reduction of complaints being made but was also due to a backlog in the finalisation of cases that is explained in paragraphs 13-14 and has now been cleared. The outcomes are defined as 'Other' and this includes cases that the regulations state do not fall into the category that should be recorded as a complaint. 'Local Resolution' and this is where the matter has been resolved prior to a full investigation taking place. Matters that are dealt with by Local Resolution are usually the less serious complaints. 'Not Upheld' means that on the balance of probabilities the case complained of has not been proven. 'Upheld' means that all or part of the complaint has been proven and 'Withdrawn By Complainant' means that the complainant does not wish to proceed with the complaint made. The tables are split into the complaints that are dealt with by local officers and those that are dealt with by PSD.

Table 6					
OUTCOMES of Force					
Finalised Cases					
by					
Professional					
Standards		by Professional Standards		by Professional Standards	
Cases Recorded Apr 2014 - Dec 2014		Cases Recorded Apr 2013 - Dec 2014		Cases recorded Apr 2012 - Dec 2013	
Other	29	Other	67	Other	59
Local Resolution	19	Local Resolution	50	Local Resolution	70
Not Upheld	86	Not Upheld	175	Not Upheld	150
Upheld	53	Upheld	63	Upheld	46
Withdrawn by Complainant	53	Withdrawn by Complainant	112	Withdrawn by Complainant	75
Total	240	Total	467	Total	400
by Local					
Policing Unit					
Cases Recorded Apr 2014 - Dec 2014		by Local Policing Unit		by Local Policing Unit	
Cases Recorded Apr 2014 - Dec 2014		Cases Recorded Apr 2013 - Dec 2014		Cases recorded Apr 2012 - Dec 2013	
Local Resolution	129	Local Resolution	285	Local Resolution	194
Not Upheld	111	Not Upheld	235	Not Upheld	279
Upheld	39	Upheld	83	Upheld	46
Total	279	Total	603	Total	519

12. In more serious cases forces are required to refer matters to the IPCC. There are specific categories that require a mandatory referral and in addition cases that the force would like to refer can be done on a voluntary basis. WMP make use of the voluntary referral process when it is believed that the specific circumstances of the case make it appropriate for the IPCC to be notified.

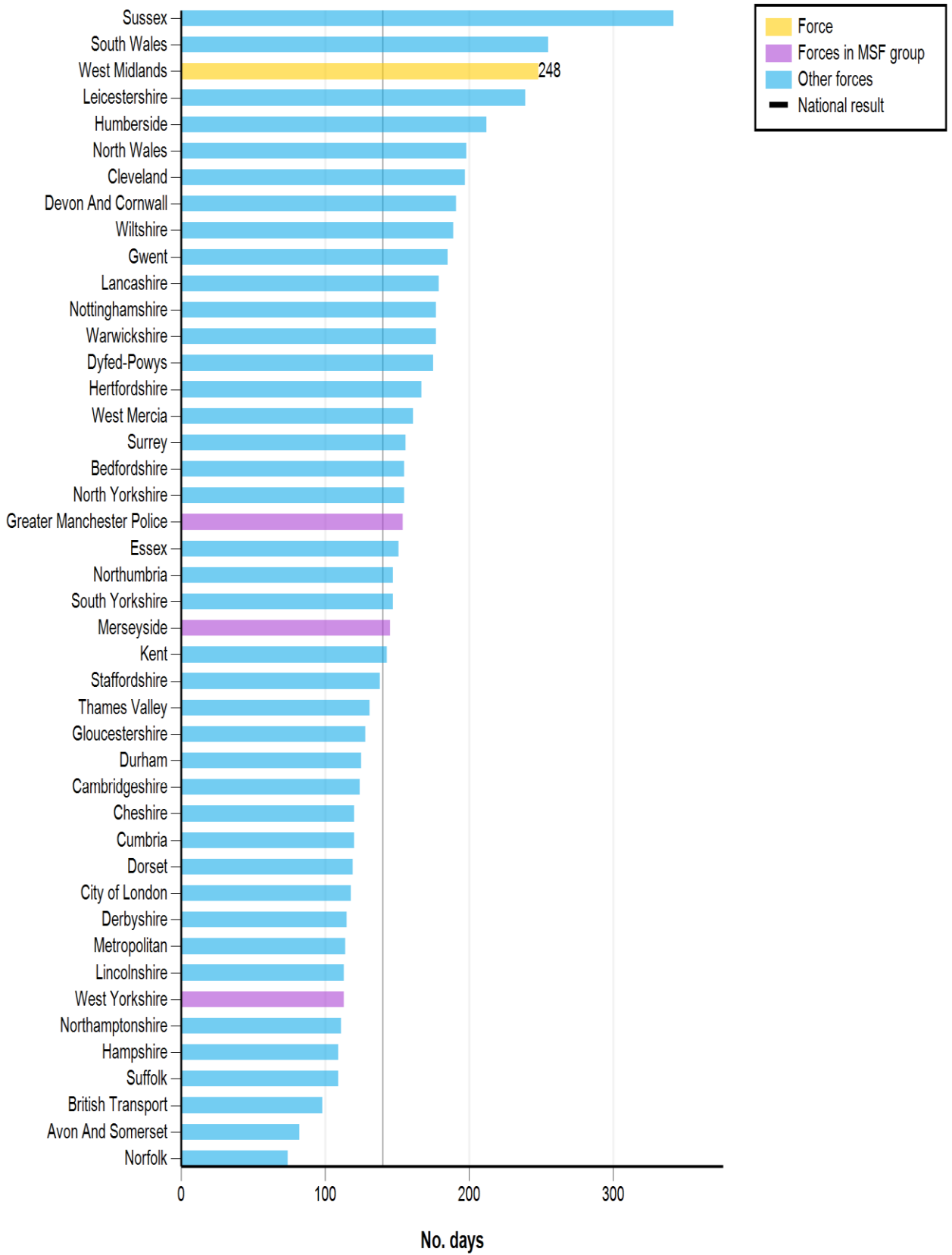
Table 7

Number of IPCC referrals by WMP

01/04/14 – 31/12/14	80
01/04/13 – 31/12/13	86
01/04/12 – 31/12/12	71

13. Within the paper submitted to the board in September 2014 it was explained that there was a backlog in the finalisation of cases on the computer system. This had been caused by a large turnover of staff, vacancies being carried within the PSD Administration Team and the move from Lloyd House to Balsall Heath. This did not hold up the investigation and/or misconduct proceedings, but it meant the case was still showing as outstanding when in fact it had been completed.
14. The backlog has now been completely cleared and the PSD Administration Team are now fully up to date with the finalisation of cases. Unfortunately the figures are affected for the third quarter shown below, and also the fourth quarter as many of the cases were filed in January and February 2015.

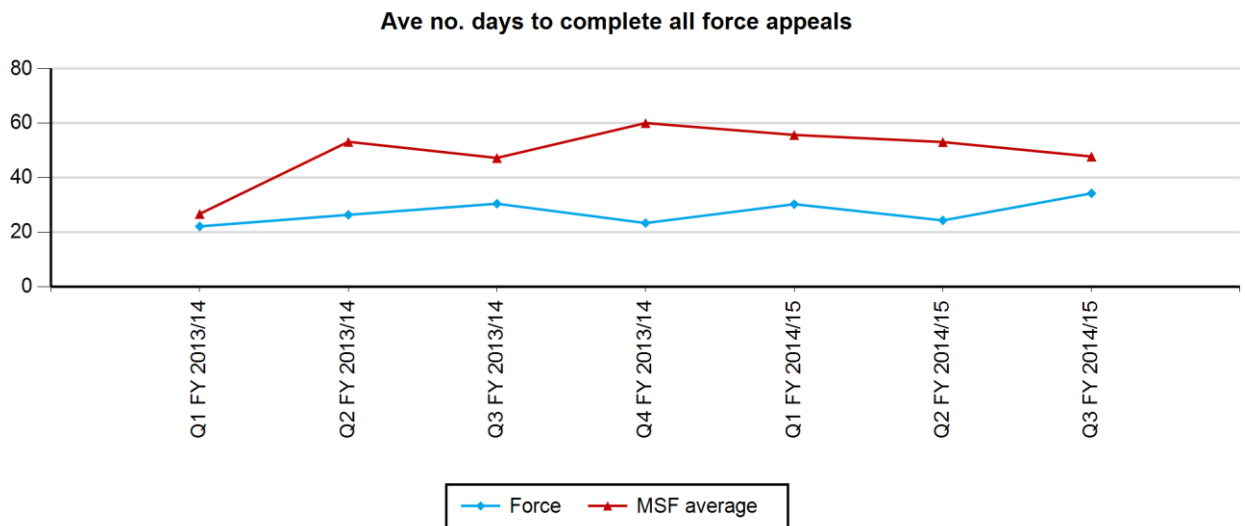
Ave no. of days to finalise allegations by local investigation 01 April 2014 to 31 December 2014



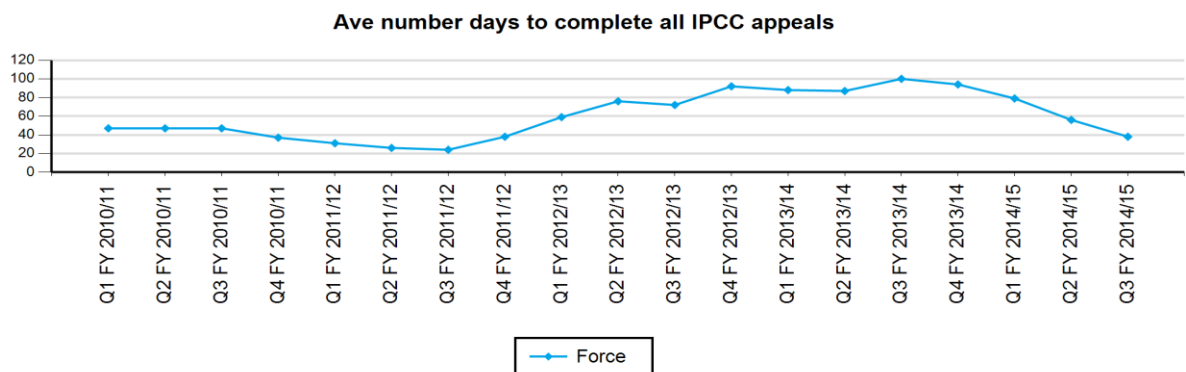
15. The IPCC target is for all local investigations to be completed within 110 days. As can be seen from the graph above WMP are showing as taking 248 days to complete an average investigation. This is far in excess of the target and way beyond the time taken for other forces to finalise cases. However for the reasons explained earlier in the report this figure is not believed to be accurate because the finalisation of cases was delayed for a period of approximately five months, hence all of those cases were showing as still being investigated when in fact they had been completed. The figures for the next quarter are expected to show a similar case, but as the backlog has now been completely cleared and staff are now in place it will be totally resolved by the first quarter of 2015.

Appeals

16. The appeal body for less serious and straight forward cases such as incivility is the force where the complaint was made and they are referred to as Force Appeals. In more serious cases the appeal body is the IPCC. The complainant is informed who the appropriate appeal body is for their complaint. All appeals should be dealt with within 28 days following receipt of the appeal. Below is the graph illustrating how long WMP take to finalise appeals in comparison to most similar forces. WMP are shown in blue with most similar forces shown in red.



17. The below graph illustrates how long it takes for the IPCC to complete their appeals for WMP cases.



18. It should be noted that although WMP are dealing with appeals in a timely manner and are performing better than most similar forces and the IPCC, the length of time taking to finalise appeals is slowly increasing. The PSD Senior Leadership Team who is responsible for managing appeals has recently been reduced by 25% and this is having a slight impact on the timeliness of appeals. This will be closely monitored over the coming months.
19. The force's appeals are split into two categories; Local Resolution, which are those that have been resolved at an early stage without requiring an investigation, and Investigations, which are the cases that have been proportionately investigated.

Table 8

Percentage of appeals upheld between 01/04/14 – 31/12/14

WMP Local Resolution Appeals	33% upheld
MSF Local Resolution Appeals	12% upheld
WMP Investigation Appeals	15% upheld
MSF Investigation Appeals	20% upheld

20. WMP uphold significantly more Local Resolution appeals than in our most similar forces. A factor in this could be the structure within WMP with many different local officers dealing with complaints. In the majority of other most similar forces Local Resolutions are dealt with by PSD staff. This ensures consistency in standards and the officers appointed to deal have a full understanding of the complex misconduct regulations.

Table 9

Percentage of appeals upheld between 01/04/14 – 31/12/14 by the IPCC

IPCC investigation appeals	46%
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21. Table 9 highlights that the IPCC uphold more appeals than all other forces. WMP is currently exploring why this might be the case and if any action needs to be taken by WMP in light of it.

Police Conduct

22. Police Conduct cases are those that are identified internally, they do not involve a complaint from the public. There is no data available for other forces so comparisons cannot be made. In a similar way to complaints from members of the public the conduct matters are categorised against each allegation, and one case could have a number of different allegations. Therefore there are always more allegations than recorded conduct cases.

Table 10

Conduct Cases

01/04/14 – 31/12/14	224
01/04/13 – 31/12/13	195
01/04/12 – 31/12/12	217

23. Table 10 shows there has been an increase in the number of recorded internal conduct cases in 2014. This was anticipated following the launch of the Code of Ethics and the internal messaging that has taken place to embed the code in line with 'Pride in Our Police'. Through 'Pride In Our Police' the standards of professional behaviour expected for all staff has been outlined and an expectation placed on individuals to report cases where their colleagues have breached those standards.

Table 11

314 Conduct allegations between 01/04/14 – 31/12/14 main allegation types

Discreditable Conduct	117
Duties and responsibilities	58
Honesty and Integrity	40

24. The three main categories for conduct allegations have not altered for many years. 'Discreditable conduct' is often used for all matters that do not fit easily into any other category so it is not surprising that it consistently features as the main allegation type. It covers any actions that could discredit the police service.
25. 'Duties and Responsibilities' includes officers not exercising their duties diligently or are neglectful in exercising them.
26. 'Honesty and Integrity' covers an officer being dishonest in any way.

Suspended Officers

Table 12

Suspended officers and staff as of 19/02/15

- 1) Constable (Conduct Matter) Sexual offences
- 2) Constable (Conduct Matter) Sexual offences
- 3) Detective Constable (Conduct Matter) Honesty and integrity
- 4) Detective Constable (Conduct Matter) Racist comments
- 5) Constable (Conduct Matter) Domestic
- 6) Constable (Conduct Matter) Sexual offences
- 7) Constable (Conduct Matter) Sexual offences
- 8) Constable (Conduct Matter) Honesty and integrity
- 9) Sergeant (Conduct Matter) Assault, honesty and integrity
- 10) Sergeant (Conduct Matter) Corruption
- 11) Special Constable (Conduct Matter) Sexual offences
- 12) Constable (Conduct Matter) Misuse police systems
- 13) Detective Constable (Conduct Matter) Honesty and integrity
- 14) Chief Inspector (Conduct Matter) Sexual offences
- 15) Constable (Conduct Matter) Sexual offences
- 16) Constable (Conduct Matter) Honesty and integrity
- 17) Constable (Conduct Matter) Misuse police systems
- 18) Constable (Complaint) Assault
- 19) Special Constable (Conduct Matter) Honesty and integrity
- 20) PCSO (Conduct Matter) Sexual offences
- 21) Constable (Conduct Matter) Discreditable conduct
- 22) Inspector (Conduct Matter) Business interest
- 23) Constable (Conduct Matter) Drugs
- 24) Constable (Conduct Matter) Assault
- 25) Sergeant (Conduct Matter) Sexual offences
- 26) Police Staff (Conduct Matters) Honesty and integrity
- 27) Police Staff (Conduct Matters) Honesty and integrity
- 28) Police Staff (Complaint) Assault

27. The number of suspended officers and staff has not increased since the last reporting period.
28. Of note, the vast majority of people are suspended as a result of an internal conduct matter rather than a complaint from a member of the public. This is generally due to the severity of the cases that are investigated internally and conduct including all off duty matters. It should also be noted that the vast majority of officers who are suspended are subsequently dismissed from the force.

Misconduct Proceeding and Outcomes

29. Special Case Hearings, often referred to as Fast Track Hearings, are held in cases where the facts are not in dispute. They are straightforward cases that often follow a conviction at court. They are heard by the Chief Constable with no requirement for a full discipline panel. WMP are trying to make more use of Special Case Hearings as they offer a faster and more efficient process that is of benefit to all parties.
30. A Misconduct Hearing chaired by an Assistant Chief Constable or above is held in the most serious cases whereby dismissal is an option for the panel.
31. A Misconduct Meeting is chaired by a Superintendent and the most severe outcome is a Final Written Warning (FWW)

Table 13	
Apr 2014 to 17 Feb 2015	
<u>Gross Misconduct</u>	
<u>Special Case Hearings</u>	
Dismissal Without Notice	8
<u>Misconduct Hearings</u>	
Dismissal Without Notice	7
Final Written Warning	2
Extension to FWW	1
Written Warning	2
Case Dismissed	2
Case Not Proven	4
Total	18
<u>Misconduct</u>	
<u>Misconduct Meetings</u>	
Final Written Warning	1
Written Warning	7
Management Advice	12
Not proven	10
Total	30

Table 14	
Apr 2013 to March 2014	
<u>Gross Misconduct</u>	
<u>Special Case Hearings</u>	
Dismissal Without Notice	3
<u>Misconduct Hearings</u>	
Dismissal Without Notice	6
Final Written Warning	3
Written Warning	1
Total	13
<u>Misconduct</u>	
<u>Misconduct Meetings</u>	
Final Written Warning	3
Written Warning	17
Management Advice	12
No Further Action	5
Total	37

Table 15	
April 2012 to March 2013	
<u>Gross Misconduct</u>	
<u>Special Case Hearings</u>	
	0
<u>Misconduct Hearings</u>	
Dismissal Without Notice	10
Final Written Warning	1
Management Advice	1
Total	12
<u>Misconduct</u>	
<u>Misconduct Meetings</u>	
Final Written Warning	9
Written Warning	16
Management Advice	11
No Further Action	23
Total	59

32. Reviewing the three years of data within Tables 13, 14 and 15 it is evident that the number officers that WMP is dismissing has increased. In the 10 months to 17 February 2015, shown in Table 13, 15 people have been dismissed from the Force.

This compares with only 9 people dismissed for the year 2013-2014 and 10 people for the year 2012-2013.

33. The reason for this is likely to be as a result of a number of different factors. Firstly WMP have a more proactive Corruption Unit that is identifying and convicting more corrupt officers. Secondly there has been a reluctance to allow officers to resign whilst under investigation and this has now been amended in regulations to prevent all officers from retiring or resigning whilst under investigation for a serious matter. Thirdly, embedding the Code of Ethics has led to more openness around officers' wrongdoings.

Code of Ethics

34. PSD have led the force with embedding the Code of Ethics. Seminars have been held and all supervisors and managers have received a bespoke input from Senior Leaders. This has been complimented by a Corporate Communications' campaign that is on-going; with a new interactive 'Dilemma of the Month' to test peoples' knowledge and understanding of different elements of the code. The code is now incorporated within all Learning and Development Training Packages and within the planning of all operational events.

Reputation and Risk Management Team (RRMT)

35. The RRMT are a small team within PSD that are the proactive arm there to protect the organisation from reputational risk. They have a number of different areas of business that include management of Gifts & Hospitality, Business Interests, and Vetting.
36. Table 16 provides a breakdown of the some elements of the RRMT workload.

<u>Table 16</u>	
Between 01/04/14 – 31/12/14	
Business Interest processed	213
Gifts & Hospitality processed	216
Vetting applications processed	1656

37. The team collate all business interest requests for consideration by the Head of PSD. They manage any conditions that are imposed and review business interests to assess any emerging threat and risk.
38. Out of the 213 Business Interests processed seven were declined, six of these due to the officers poor attendance, and one on the grounds of health and safety.
39. The team records all the gifts and hospitality that are offered to officers and staff and publishes them on the external WMP website. They also monitor gifts and hospitality to identify any themes or trends and oversee the policy around their management.
40. There are a number of different types of vetting applications. Level 1 Vetting is simple vetting checks carried out for all contractors that would not have any access to police

systems, for example painters and decorators. Level 2 Vetting is a deeper vetting process designed for people who may need to access police systems such as consultants. Level 3 Vetting is similar to Level 2 but would be used when a more detailed check is necessary for cases such as senior consultants. Recruit Vetting is carried out for all recruits to the organisation and they include officers, PSCO's, police staff, transferees, Special Constables and people returning following a career break. Management Vetting is a process carried out to vet senior officers or staff in critical roles. Table 17 outlines the breakdown of the vetting workload.

Table 17	
Percentage of 1656 vetting applications carried out between 01/04/14 – 31/12/14	
Level 1	23%
Level 2	29%
Level 3	1%
Recruit Vetting (Police Staff)	18%
Recruit Vetting (Police Officer)	14%
Management Vetting	15%

41. The failure rate for the vetting process depends on the category. At Level 1 the failure rate is 41%, at Level 2 it is 29%, at Level 3 it is 0.4%, recruit vetting for police officers is 12%, recruit vetting police staff is 15%, and management vetting it is 0.6%. Clearly when someone is already a member of the organisation and simply going through Management Vetting they are less likely to fail the process than someone trying to enter the organisation on the first occasion.
42. It should be noted that a 'failure' of the vetting process does not necessarily prevent the individual taking up the role applied for but results in a manager reviewing the case to assess the risk that they may pose to the organisation and determining whether that is significant enough to warrant preventing them from taking the post.
43. Timeliness of the vetting process depends on the nature of the vetting required and how urgent the vetting is. For example in urgent cases the RRMT have carried out the vetting process within 24 hours after receiving the necessary paperwork, whereas when the vetting has an agreed timeline within the overall project plan (i.e. Police Officer Recruitment) it will take two/three weeks to carry out a batch of around 80 recruits.

FINANCIAL IMPLICATIONS

44. There are no financial implications arising directly from this report.

LEGAL IMPLICATIONS

45. The approach to PSD work is reflective of the Force Values and Code of Ethics and complies with relevant legislation within the Police Reform Act 2002, the Police Reform and Social Responsibilities Act 2011 and subordinate Regulations.

RECOMMENDATIONS

46. The Board is asked to note the contents of this report.

Chief Superintendent Andrew Nicholson
HEAD OF PROFESSIONAL STANDARDS