CLEVELAND POLICE

Report of the Chief Constable to the Chair and Members of the Audit Committee 23rd June 2016

Executive & Presenting Officer: Mr Simon Nickless, Temporary Deputy Chief Constable

Status: For Information

Professional Standards Update

1. Purpose

1.1 This report is to update Members on the work of the Force's Professional Standards Department (PSD) and to provide an overview of the number and types of complaints received during the period 1st December 2015 to 31st May 2016.

2. Recommendations

2.1 It is recommended that Members note the content of the report.

3. Background

3.1 <u>People Intelligence Board</u>
The Individual Support Programme (ISP) was introduced to provide bespoke support to those Officers who are the most vulnerable within the organisation. There have been incidents where Officers have been through the courts and the discipline process for some serious offences, where it has become evident there were previous concerns over behaviour and conduct. This process then developed in to the People Intelligence Board which meets once a month and is chaired by T/DCC Nickless.

3.2 This programme seeks to identify any early signs, indications or concerns Supervisors have over some individual Officers. There has previously been no mechanism in place to raise such concerns and it is hoped this will help protect the Officers as well as the organisation.

3.3 When officers are identified, the PSD Ch/Insp meets with the relevant department and supervisors to ensure that appropriate support, welfare and performance structures are in place to closely manage the officers concerned. This information will be fed into the People Intelligence Board, where it can be ratified and monitored. There are currently ten Officers receiving support through this program.

3.4 The People Intelligence Board (PIB) has been created to:

- Ensure that an intelligence-led approach is taken to the management of sickness, discipline, performance, business interests, notifiable associations and any management concerns.
- Provide a forum for regular case reviews of significant cases and to ensure appropriate interventions are managed in a timely way
- Make the best use of the information we hold on our staff to make timely, consistent, fair and evidence-based decisions
- Formally review the progress of discipline, performance and sickness cases, ensuring organisational and individual welfare risks are identified and managed appropriately
- Consider lessons learnt, policy matters and emerging issues.

3.5 The criteria for consideration for referral to the PIB, is via one of three routes:

- 15 or more complaints against an individual within the last 3 years.
- Any disciplinary finding involving a written warning or final written warning.
- Serious management concerns raised in respect of any individual or remerging patterns of behaviour.
- Five or more complaints in a twelve month period.

3.6 The ISP/PIB programme has provided some positive interventions. A recent example relates to an officer who was highlighted following a noticeable increase in complaints in relation to incivility, who through the intervention of the ISP/PIB, it was identified that the officer had recently been involved in two separate incidents in which a gun, then a knife had been pulled on the officer and that appropriate support had not been provided to the officer following these incidents. It was identified that these incidents had affected the officer's well-being. Through appropriate support mechanisms and welfare being put in place, the officer is back to front line duties and is no longer subject to going down the route of potential disciplinary action.

3.7 The programme has also helped to highlight officers who may pose a risk to both the force/members of the public, as four officers that that had been identified through the ISP process for the PIB have since been dismissed.

3.8 At the last PIB held on the 24th May 2016, eight officers identified from the ISP and ten officers identified from their current sickness records were discussed, to ensure that organisational and individual welfare risks were identified and managed appropriately and that timely, consistent, fair and evidence-based decisions made.

3.9 It is important to note that the PIB is not intended to replace the responsibility of line managers to manage the performance / attendance of individuals and teams, but to provide the appropriate level of support.

3.10 <u>Business Interests</u>

New guidance and application forms have been introduced and are now being used by PSD for Officers and staff applying for approval for an outside business interest. The forms provide greater scrutiny and transparency, affording the organisation greater protection against reputational damage. This is managed by the Ch/Insp to

ensure a corporate approach is adopted and each application is managed with a level of consistency.

3.11 Notifiable Associations

If an Officer, or member of police staff, has any association with a person the Police may have an interest in, they must disclose this to PSD, which is then risk assessed by the Head of PSD. Conditions and/or recommendations may need to be put in place in order to protect the Officer/member of police staff and the organisation. This is closely managed in partnership with the Force Counter Corruption Unit.

3.12 Electronic Files

PSD is continuing the process of transferring all historical complaint files on to 'Centurion', the electronic case management system, however due to the large volume, the scanning of each file is time consuming, and the completion date at this time is unknown.

3.13 All new files generated within Complaints and Discipline and Counter Corruption are now electronically processed. This system also allows for closer management of the timeliness of investigations through a work flow system and provides a comprehensive audit mechanism.

3.14 PSD has now significantly reduced the timeline of all gross misconduct investigations. 'Centurion' allows for intrusive performance management, due to more detailed oversight.

3.15 Recorded Complaints

During the reporting period 270 allegations were recorded. This is a 35% decrease compared to the same period in the previous year.

3.16 The decrease in complaints during this period compared to the same period in the previous year (noticeable in the areas around Other Assault (Cat C), Other Neglect or failure in Duty (Cat S) & Incivility, Impoliteness & Intolerance (Cat U)) is partly due to a change in recording practice.

3.17 This revised procedure has ensured a more consistent and speedy investigation/resolution is achieved in relation to complaints and in maintaining/improving public confidence. It has also greatly freed up time for local supervision enabling them to concentrate more on local priorities. (A summary of the work undertaken by the triage team is included later in the report).

3.18 The numbers of complaints recorded should be seen in the context of the wider activity of the Force. Between 1st December 2015 to 31st May 2016:

- 165,516 calls for service were received
- 9145 arrests (5.53% of total incidents)
- 270 allegations were recorded (0.16% of total incidents)

3.19 The complaints finalised consisted of:

- 3 (0.9%) complaints of Lack of fairness & Impartiality (Category Q).
- 90 (27.5%) complaints of Other Neglect or Failure in Duty (Category 'S').

- 60 (18.3%) complaints of Incivility (Category 'U').
- 174 (53.2%) complaints from other categories.

3.20 Appendix 1 provides the detail of the numbers and types of complaint received during the period 1st December 2015 to 31st May 2016.

3.21 Local Resolution Process (Triage)
Two members of agency staff started a trial within PSD in late November 2014, and following a recent recruitment process have now been taken on as permanent staff employed by the PCC, to streamline the Local Resolution (LR) process and make contact with complainants within 24 hours; they also seek an early resolution during that first contact. Data has been collated from the 1st December 2015 through to the 31st May 2016.

3.22 During the period 1st December 2015 to 31st May 2016 there were 353 complaints of dissatisfaction recorded, of which 340 (96.3%) where contacted within 24 hours. This figure includes those persons that the PSD department have been unable to contact despite every effort being made.

3.23 All complaints of dissatisfaction within this period have been dealt with by the Professional Standards Department (PSD), leaving Operational Supervisors free to deal with operational issues.

3.24 The process is quality assured by the Ch/Insp at the beginning and at the conclusion to ensure consistency. The PCC is currently considering taking over the process.

3.25 Appeal Process
In 2012 the regulations changed around the appeal processes. All local resolution appeals moved from the Independent Police Complaints Commission (IPCC) direct to each Professional Standards Department. The process is managed by the PSD Ch/Insp.

3.26 The numbers of appeals and outcomes are detailed in Appendix 1.

3.27 Lessons Learnt
At the conclusion of every complaint a 'Lessons Learnt' process is completed, whether for individual or for organisational learning. If lessons have been identified, sanitised copies are disseminated to each command for discussion via the MPR process and for supervisors to distribute appropriately. Lessons learnt can also be found on the PSD website. Some examples of the lessons learnt are attached at Appendix 2.

3.28 Performance Monitoring
The levels of cases and complaints are now monitored on a quarterly basis at the Strategic Performance Group (SPG), chaired by the Deputy Chief Constable.

3.29 The IPCC publishes quarterly bulletins[1] on complaints information for each force which includes 'most similar force' (MSF) averages and national results. Cleveland's most similar forces are classed as: Greater Manchester; Humberside; Merseyside; Northumbria, and West Yorkshire.

3.30 The latest available information is for the reporting period 1st April 2015 to 31st March 2016. The key points are detailed in the table below.

	Cleveland	MSF	National
IPCC Appeals upheld			
% IPCC Investigation appeals upheld	57%	49%	41%
% IPCC local resolution appeals upheld	0%	70%	81%
Force Appeals Upheld			
% force investigation appeals upheld	0%	11%	19%
% force local resolution appeals upheld	23%	11%	17%
Complaint Cases - timeliness			
% complaint cases recorded within 10 days	72%	97%	89%
Allegations – timeliness			
Ave. number of days to locally resolve allegations	56	66	66
Ave. number of days to finalise allegations by local investigation	399	208	166
Allegations recorded			
% of other neglect or failure in duty	25%	31%	35%
% of incivility, impoliteness and intolerance	22%	15%	13%
% of breach of Code C PACE on detention, treatment and questioning allegations	5%	5%	4%
Allegations finalised			
% allegations locally resolved	77%	56%	37%

4. Changes in Legislation

4.1 The recent changes in legislation in relation to police regulations, designed to help increase transparency within the police service, have had a direct impact on the current working practices in relation to the undertaking of misconduct investigations and hearings:

- From January 2015, the revised police regulations stopped police officers from resigning or retiring, if they are subject to an allegation that could lead to dismissal. In these circumstances, only a chief officer or Police and Crime Commissioner will be able to consent to an officer's resignation or retirement if they are deemed medically unfit or in other exceptional circumstances, for example where a covert criminal investigation could be prejudiced.
- From May 2015, any new cases of police officer gross misconduct resulted in hearings that can be attended by the public, including the media, unless exceptional circumstances exist. Prior to any hearing now taking place, PSD must ensure that the date and time of the hearing must be published by the appropriate authority on its website at least 5 working days before the day on which the hearing is due to take place.

[1] http://www.ipcc.gov.uk//force/cleveland-constabulary/performance

- From January 2016, all chairs for hearings must be legally qualified.

5. Implications

5.1 Finance
There are no financial implications arsing from the content of this report.

5.2 Diversity and Equal Opportunities
There are no diversity or equal opportunity implications arising from the content of this report.

5.3 Human Rights Act
There are no Human Rights Act implications arising from the content of this report

5.4 Sustainability
There are no sustainability implications arising from the content of this report.

5.5 Risk
There are no risk implications arising from the content of this report.

6. Conclusions

6.1 This report provides Members with an update on the work on the Force's Professional Standards Department and an overview of the number and type of complaints received during the reporting period.

Iain Spittal
Temporary Chief Constable