



To: Business Co-ordination Board

From: Chief Constable

Date: 22 January 2014

PSD UPDATE

1. Purpose

1.1 The purpose of this paper is to provide an update to the Board regarding a recent inspection by the IPCC into the tri force recording of complaints.

2. Background

2.1 As part of the IPCC's oversight and public confidence agenda, a small number of pilot projects have been undertaken to examine how forces were recording complaints.

2.2 Complaints are assessed as either being conduct matters, where they are against a specific individual or, direction and control where they relate to the organisation as a whole. This would include issues such as operational management decisions or matters of policy and procedure.

2.3 The three force Professional Standards Department was identified as a pilot inspection area and the IPCC undertook a review in November 2013.

3. Inspection Result

3.1 The outcome from the pilot found that the majority of cases were wrongly classified as direction and control complaints due to a lack of understanding of the NYPA vs IPCC (Jordan) 2010 case. Although wrongly categorised, evidence did not support that this was being done in a bid to avoid due process, the proper investigation of officers or the

appeal rights of complainants; the vast majority of cases were concluded in a satisfactory manner, appropriate to the complaint.

3.2 A report was provided in December presenting the results of the inspection and making two recommendations for Beds/Cambs/Herts and two national recommendations to all forces:

- Recommendation 1 – That a separate “direction & control” complaint category should be introduced
- Recommendation 2 – Keep “organisational” complaints for when it isn’t clear that a specific officer is being complained against but, as potential conduct complaints, give the complainant an appeal right.
- Recommendation 3 – National - IPCC to devise a training package for forces on direction and control and recording complaints.
- Recommendation 4 – National - IPCC to disseminate Jordan judgement at PSD meetings as part of national communications

4. Actions

4.1 A full assessment and review of the report and the recommendations was undertaken by the Professional Standards Department.

4.2 The resulting review concluded that the two Beds/Cambs/Herts specific recommendations should be disputed on the basis of a misinterpretation of the wording within the 2013 IPCC guidance on recording direction and control complaints.

4.3 This feedback has been presented to the IPCC with a full rationale.

4.4 In response to the points identified within the inspection, the following actions are being progressed to improve knowledge and understanding of complaints recording processes, both internally and externally:

- The relevant Case Law providing guidance on classification of complaints to be disseminated to all relevant individuals within PSD.
- Use of a new acknowledgement letter for Direction and Control complaints which includes additional information providing a clear explanation of the classification of the complaint as direction and control and advising that this does not hold a right of appeal.
- Cases being recorded as a Direction and Control complaint are to be checked by another manager within PSD to confirm decision before officially recording.

- Revised advice to be made available to all staff on force intranets.

5. Recommendation

- 5.1 The Board is invited to note the content of the report.