

## Performance and Resources Scrutiny Programme 2020

Report to: the Office of the Police, Fire and Crime Commissioner for Essex

<b>Title of Report:</b>	<b>Changes to Complaints Management - Reform</b>
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<b>Chief Officer:</b>	<b>DCC Mills</b>
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<b>Date of Approval:</b>	<b>7<sup>th</sup> April 2020</b>

### 1.0 Purpose of Report

To provide an update on how Essex Police has responded to the introduction of:

- Police (Conduct) Regulations 2020
- Police (Complaints and Misconduct) Regulations 2020
- Police (Performance) Regulations 2020
- Police Appeal Tribunal Rules 2020

### 2.0 Recommendations

There are no recommendations required within this report.

### 3.0 Executive Summary

The 'Improving Police Integrity Programme' instigated the introduction of the above legislation on 1<sup>st</sup> Feb 2020. Essex Police was in a good position to react to this short notice introduction having spent months of planning and preparation in order to be ready. Successful growth bids within the PSD are currently being recruited against (advertised live), training has been rolled out across the organisation (although currently suspended due to COVID-19) and significant guidance is now available on the PSD

Portal as well as bespoke guidance as new cases are recorded under the new legislation. Essex Police continues to attend the regional and national working groups including the 'Reflective Practice National Working Group' (run by College of Policing) and the 'Complaints Practitioners Working Group' (run by Home Office) and has in place internally the Police Reforms working group where reviews of current practice can take place. The Police Federation and Unison attend this.

Initial indications are the new legislation is working well, the recording of complaints remains consistent with previous recording. New conduct matters have been assessed in line with the new legislation, and there have been one 'review' conducted by the PFCC's office. There have been issues with the required upgrade to Centurion, however this has now been completed (although initially is suffering some issues). Longer term, the force will need to adapt to the cultural change required to embrace the principles of reflective practice. The force will also need to understand the PFCC's office stance around proportionality and reasonableness of investigations and PSD intend to work with the PFCC's office to establish this understanding moving forward.

#### **4.0 Introduction/Background**

Phase 3 of the 'Improving Police Integrity Programme' was completed on 1st February 2020 with the introduction of the legislation listed above. The impacts on the way all complaint, misconduct and death or serious injury (DSI) investigations are handled.

The significant changes are:

- Significant changes to the way complaints are handled
- Definition of misconduct - threshold for misconduct raising
- PSD aim to handle all misconduct investigations (i.e. where regs served)
- All investigations conducted in a reasonable and proportionate manner
- New process for learning and development being introduced. Practice Requiring Improvement (PRI) will be dealt with under the Reflective Practice Review Process (RPRP)
- Terms of reference and Investigating officer reports provided to those subject of investigation
- Written explanation provided to complainants / subject officers / IOPC / OPFCC where investigations take over 12 months to complete
- Reduction in rank is a sanction available at misconduct hearings
- Complaint reviews handled by either OPFCC or IOPC (not by force)

Significant planning placed Essex Police in a good position when the legislation was passed at short notice. Training, new form templates and changes to force policy had all been completed which enabled PSD and the Force to adapt to the legislative changes well.

## 5.0 **Current Work and Performance**

### **Growth**

Specific bids in relation to the new legislation included growth in the Service Delivery Unit (who record public complaints) and growth in the investigation teams, in order to take on all misconduct/gross misconduct matters. This growth has been authorised and the adverts are currently live. Once in place and trained, this will relieve pressure on other commands who currently investigate almost all allegations assessed at the level of misconduct.

### **Procedure/policy**

The significant changes required amendments to relevant policies/procedures and changes to all existing forms used within the complaint and conduct processes. Some of this was difficult to complete in advance due to the lack of HO guidance prior to the legislation being passed. Following consultation all relevant policies and procedures were approved and have been published.

### **Training**

Bespoke internal training has been delivered to leaders within the organisation to introduce the reforms to them and raise awareness of the location for information. So far, 12 sessions have been attended by over 170 leaders. There were 2 more booked with 46 leaders due to attend (and a further one specifically for the Special Constabulary) but the COVID-19 situation has prevented these sessions from taking place. Existing training (i.e. Sgt courses) has been modified to reflect the changes and will continue as normal. One to One training (especially initially) is on offer as and when requested.

### **IT**

In order to comply with the IOPC reporting requirements, an upgrade to Centurion was required. FIS (who own Centurion) have released the update to forces. On 2<sup>nd</sup> April 2020, this version went live in Essex, which has enabled us to comply with the reporting requirements from the IOPC. There are some issues with this version, but IT are in consultation with FIS over this. Other forces have experienced difficulty with the new software also.

### **Communications**

The PSD portal has been uploaded with all the new changes/guidance/forms. Wider communications have included Intranet article and Chief's blog which refer back to the PSD portal. Specific email communications have been utilised to target specific groups (AA's for example). On 10th February the PSD Command team conducted a Force Jabber session with another one planned later (delayed due to COVID-19).

## 6.0 **Implications (Issues)**

The overall implication of the changes should result in a more proportionate system which allows for learning of our officers and staff. The emphasis on reasonable and proportionate investigations should ensure that resourcing investigations will be in line with that. The growth of PSD will reduce the time spent by other commands investigating complaints, and the smaller pool of staff doing so, should ensure consistency of the investigation process. The independence of the PFCC's office for

handling reviews (formally force) should increase public confidence in the investigation of public complaints.

Issues include the concern around Centurion not performing to the expected level, however this is thought to be a short-term issue and is not affecting Essex Police's ability to collect data or provide the relevant information to the IOPC.

The comparisons of data will be more difficult for the next 12 months as we adjust from different ways of recording information. The dedicated analyst will, through consultation, identify the best way of producing the data and making fair comparisons to the previous 12 months.

The halting of training due to COVID-19 is a disruption to the planned activity, and prevents a risk of untrained staff handling complaints, however this is mitigated by the use of bespoke training as and when new cases are disseminated.

### **6.1 Links to Police and Crime Plan Priorities**

The new legislation and procedures will impact positively on the Crime Plan and Chiefs Force Plan as it raises legitimacy of how the police operate and ensures that public confidence is maintained.

### **6.2 Demand**

n/a

### **6.3 Risks/Mitigation**

There are no force risks or wider legal risks currently in place and none identified as being required.

### **6.4 Equality and/or Human Rights Implications**

None identified.

### **6.5 Health and Safety Implications**

None identified.

### **7.0 Consultation/Engagement**

Head of PSD

### **8.0 Actions for Improvement**

There are no areas for improvement identified. Areas for development are detailed below.

## **9.0 Future Work/Development and Expected Outcome**

The growth of PSD is expected to be complete by the end of Summer 2020. This will be coupled with a review of what 'new business' constitutes and will enable PSD to take on more conduct investigations, reducing demand on other commands.

The engagement at a regional and national level will give PSD the opportunity to be engaged with learning and development of the guidance which will undoubtedly result from such a sweeping change in legislation. This will enable PSD to disseminate the learning and development throughout the Force.

When the COVID-19 situation reduces, PSD will re-commence the training to ensure staff and officers are competent in the new way of handling of public complaints.

The newly introduced 'AA Inspector' role will help to guide the cultural change required to embrace the new Reflective Practice ethos within the new legislation. This change is welcomed by staff associations, so embedding the culture of learning will be a key responsibility of this new role.