

Performance and Resources Scrutiny Programme 2022

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

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1.0 **Purpose of Report**

This annual report gives an overview of PSD performance following the changes in Police (Conduct) Regulations 2020, COVID-19 and some of the challenges arising from national themes which have impacted on all forces. The report gives information regarding public complaints, Police conduct and developments within PSD. This report complements the scrutiny of complaints and conduct at the Professional Standards Quarterly Meeting.

2.0 **Recommendations**

This paper is for the board to note only.

3.0 **Executive Summary**

The year 2021/22 continues to see an increase in the number of recorded public complaints.

There are several factors and complexities surrounding this area, including the introduction of the new Public Complaints Regulations in February 2020, COVID19 and global events which can have an impact on public confidence and lead to more reporting.

We are now 2 years into the new regulations and PSD are well accustomed to the new strands and criteria, but the journey and investment to get to this point has undoubtedly impacted on recording levels and application.

COVID19 has also been considered a factor over the past 2 years and has undoubtedly resulted in rises in complaint levels for reasons which have been reported on in previous quarterly reports. Suffice to say, a form of normality has now resumed and from April 2022, COVID19 should not be a factor when assessing and analysing complaint levels.

It is acknowledged that better analysis is required around the whole Essex complaints picture to identify themes and trends over and above the rather clinical, prescribed numerically displayed categories which only tell us part of the story.

It is the Head of PSD's ambition to produce more meaningful data, broken down to command, team and individual level, with better analytical products to help us all better understand some of the issues which lead to complaints being made, which can then inform activity at both a strategic and local tactical level.

With support through short term investment into PSD in the form of a new Complaints Inspector and Sergeant, and an additional 3 LPA Complaints Inspectors as part of 22/23 force growth, processes and practices are under review with an ambition to reduce the volume of recorded complaints and to improve timeliness for the performance year 22/23.

Misconduct cases have risen in 2021/2022 with 179 cases recorded, compared with 125 in the previous financial year and the increase is consistent throughout the year.

The increase in recorded conduct has been experienced nationally and has been attributed to the murder of Sarah Everard by former police officer Wayne Couzens and other high profile cases (predominantly Met Police) around misogyny in policing and violence against women and girls, which has led to more confidence to report.

The new Professionalism Strategy and the Essex Police VAWG Strategy will seek to tackle such behaviours and ensure a more prevention focussed approach is undertaken.

Significant investment has been made in PSD during the last 12 months through force growth and secondments in order to both tackle the rises in demand and also to provide a more efficient and effective service to the public and our own workforce.

Further investment for 22/23 will see a new PSD Prevention Team who will seek to work with all the Commands with a real preventative focus around conduct, helping leaders to change some of the cultural behaviours which lead to misconduct and providing training and education to the workforce.

4.0 Introduction/Background

The Professional Standards Department (PSD) coordinates investigations and responses to public complaints. It is also responsible for the coordination and conducting the investigation into allegations of misconduct against Police Officers and Police Staff. Part of this function includes the collection and assessment of intelligence submitted concerning officers/staff and identifying and addressing current threats to the integrity of the organisation. PSD is also the conduit between the IOPC and Essex Police and the main point of contact with the PFCC regarding public complaints.

In February 2020 new legislation in the form of Police (Conduct) Regulations 2020 and the Police (Complaints and Misconduct) Regulations 2020 was enacted.

The main implications of this legislation were a fundamental change to the way public complaints and expressions of dissatisfaction were recorded - resulting in the formalisation of recording lower level complaints. The definition of ‘misconduct’ was changed to raise the level at which this could be the outcome. This enables forces to place an emphasis on reflection and learning for low level conduct or mistakes rather than only being able to rely on punitive measures.

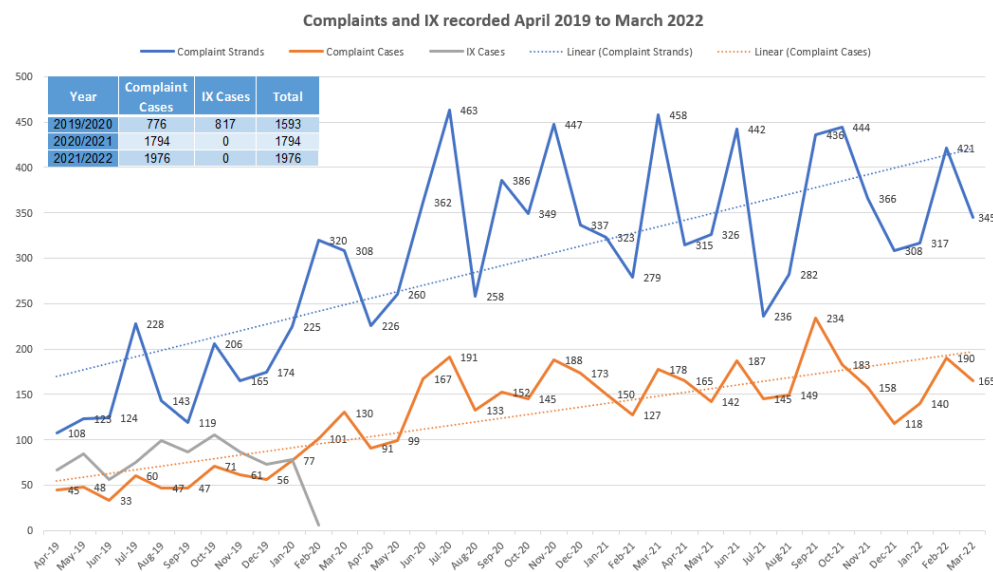
However, despite this rise in threshold, the number of new conduct cases has increased significantly for reasons outlined within this report.

This report focuses attention on data from Q1 – Q4 2021/22.

5.0 Current Work and Performance

5.1 Public Complaints

Table 1 displays the levels of public complaints. The orange line indicates individual complainants and is more representative of the increase. The blue line shows complaint strands. It is not uncommon for one complaint to contain several strands.



Under the regulations in place prior to February 2020, matters of low-level dissatisfaction with service were given a reference beginning with the prefix “IX” whereas formal complaints were recorded using a reference beginning with the prefix “C”. Following the change in regulations, “IX” prefixes are no longer used and all complaints reported to PSD, including low-level dissatisfaction, are given a reference with the prefix “C”. This accounts for the sharp decline (to zero) of “IX Cases” seen in Table 1, and for the increase in strands and recorded complaint cases.

Due to COVID-19 coinciding with implementation of a whole new regulatory process, we are still yet to truly understand how the new regulations have had an overall impact on complaint recording, but it is anticipated that levels should start to stabilize.

A new process will also shortly be introduced around the recording of lower level dissatisfaction with service incidents. Through force growth and investment into PSD, greater focus will be given around the timely resolution of dissatisfactions, with an ambition to reduce the overall volume of recorded complaints. This will impact on the figures shown in table 1 and will be recorded separately. This will allow a more informed picture and improved reporting on this area of complaint.

Categories of Complaints:

Overall Category	Description/Summary	Q1	% of Total Q1	Q2	% of Total Q2	Q3	% of Total Q3	Q4	% of Total Q4	Total 2021/22
A Delivery of Service	Police Action, Decisions, Information	607	56.0%	531	55.7%	571	51.1%	576	53.2%	2285
B Police Powers, Policy and Procedures	Searches, Use of Force, Custody, Evidence	171	15.8%	153	16.0%	183	16.4%	179	16.5%	686
C Handling of, or Damage to property/premises	Property/Premises Handling/Damage	26	2.4%	33	3.5%	42	3.8%	36	3.3%	137
D Access and/or disclosure of information	Use of Data, disclosure	28	2.6%	22	2.3%	11	1.0%	15	1.4%	76
E Use of Police Vehicles	Use of Police Vehicles	9	0.8%	10	1.0%	16	1.4%	9	0.8%	44
F Discriminatory Behaviour	Various Discrimination Categories	50	4.6%	52	5.5%	75	6.7%	62	5.7%	239
G Abuse of Position/Corruption	Organisational, Abuse of Position, Justice	27	2.5%	13	1.4%	27	2.4%	26	2.4%	93
H Individual Behaviours	Impolite, Unprofessional, Lack of fairness, Overbearing/Harassing	155	14.3%	125	13.1%	177	15.8%	172	15.9%	629
J Sexual Conduct	Sexual Assault, Harassment, Other Sexual Conduct	5	0.5%	6	0.6%	5	0.4%	3	0.3%	19
K Discreditable Conduct	Discreditable Conduct	3	0.3%	2	0.2%	3	0.3%	1	0.1%	9
L Other	Other	2	0.2%	7	0.7%	8	0.7%	4	0.4%	21
Total		1083	100%	954	100%	1118	100%	1083	100%	4238

The above table lists the Home Office defined categories. Each category has a letter; however they are broken down into more specific sub-categories allowing the nature of the complaint to be accurately captured.

Delivery of service, police powers, policy and procedure and individual behaviours are the most complained about areas. This continues to be in line with previous years.

There is ongoing work by Professional Standards to support other areas of the force to reduce these figures. This includes supporting victim services, more detailed recording of victim related issues and attendance at relevant force boards.

Outcome of Complaints:

Complaint Allegation Outcome	Q1 2021/22	%	Q2 2021/22	%	Q3 2021/22	%	Q4 2021/22	%
Resolved	194	20%	176	18%	151	16%	157	15%
The service provided was acceptable	425	43%	446	45%	399	43%	531	49%
The service provided was not acceptable	112	11%	107	11%	116	12%	101	9%
Withdrawn	46	5%	37	4%	59	6%	74	7%
Other	211	21%	234	23%	207	22%	218	20%
Total	988	100%	1000	100%	932	100%	1081	100%

Service level acceptable is consistency the highest area in relation to outcomes. This is positive for the force and whilst reviews may be made to relevant review bodies, the majority of the time the outcome is not overturned.

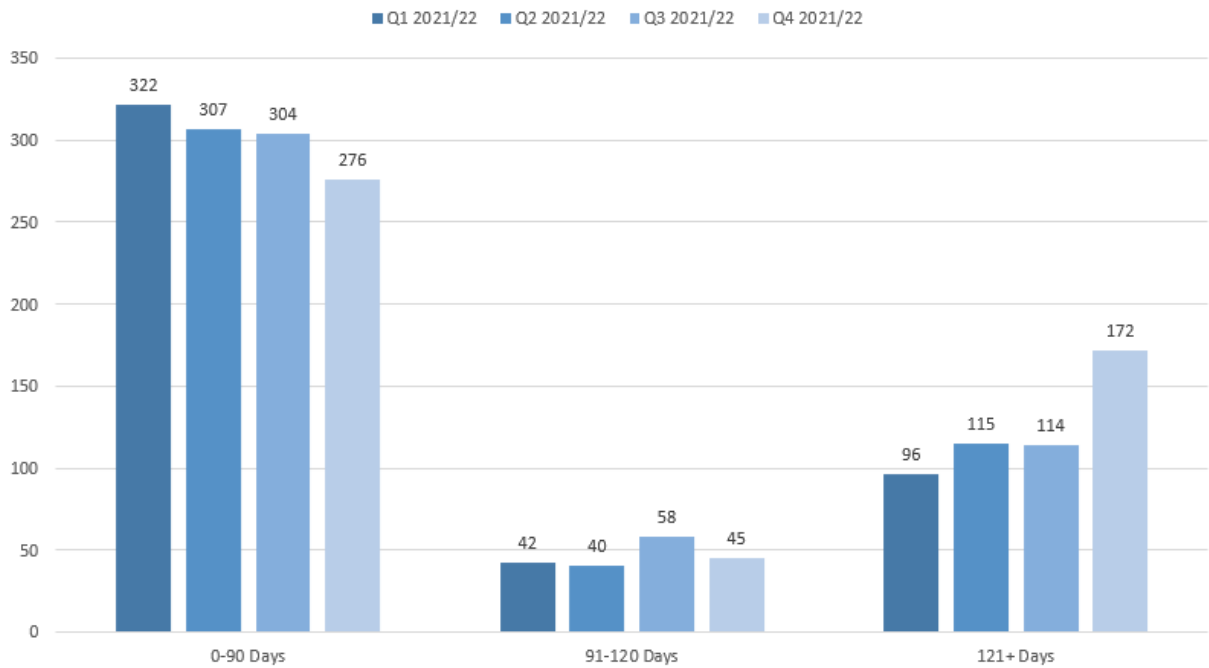
The resolved category relates to low level dissatisfactions recorded outside of Schedule 3. As part of 22/23 force growth, three new Inspectors are being established on the LPAs (where the volume of complaints are generated) who will take local ownership of complaints, providing more timely contact with complainants and seeking to resolve cases more efficiently.

The category “other” has grouped together the other outcomes as on their own they would have low numbers. This includes the following outcomes – unable to determine, de-recorded, no further action, case to answer, no case to answer (the last two outcomes link into misconduct matters).

Timeliness of Complaints

The speed with which complaints are resolved is of paramount importance when building public confidence in the complaints system. Timeliness is scrutinised internally at the quarterly Integrity and Counter Corruption Board and at the quarterly Professional Standards Scrutiny meeting chaired by the Deputy PFCC. The regulations also require the investigating body to report any complaint (or conduct) matter which exceeds 12 months to interested parties, including the OFPCC and the Independent Office of Police Conduct (IOPC). The ambition is for complaints to be resolved within 120 days.

Days Finalised - Complaint Cases Finalised Q1, Q2, Q3 and Q4 2021/22



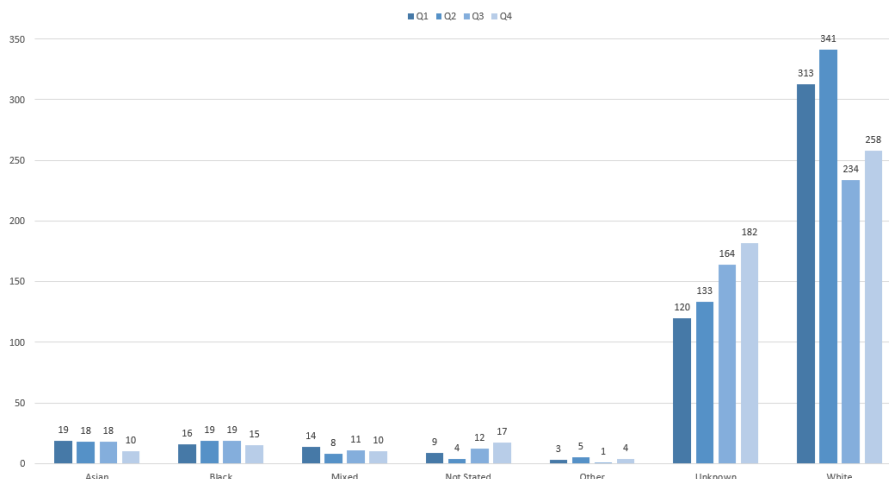
It is important to note these figures include complaints that have been held subjudice for an extended period of time. They also include dissatisfactions recorded outside of S3. The change in process will alter these figures for the next period.

The spike in complaints for 2021/22 Q4 can be attributed to a number of new local Appropriate Authorities learning new processes, some individual performance issues which have been addressed and the force wide impact of Operation Hazel.

Short term investment has been made in PSD resourcing, with a new Complaints Inspector and Sergeant, who are conducting a review of all complaints handling processes across the force and will be working closely with the 3 LPA Complaints Inspectors.

Ethnicity of Complainants

Complaint Cases - Self-Class Ethnicity of Complainant (where stated) - Q1, Q2, Q3 and Q4 2021/22



PSD are able to record the ethnicity of complainants when declared. There is ongoing work across other commands to ensure new categories are added when required to ensure that all protected characteristics can be accurately recorded on Centurion.

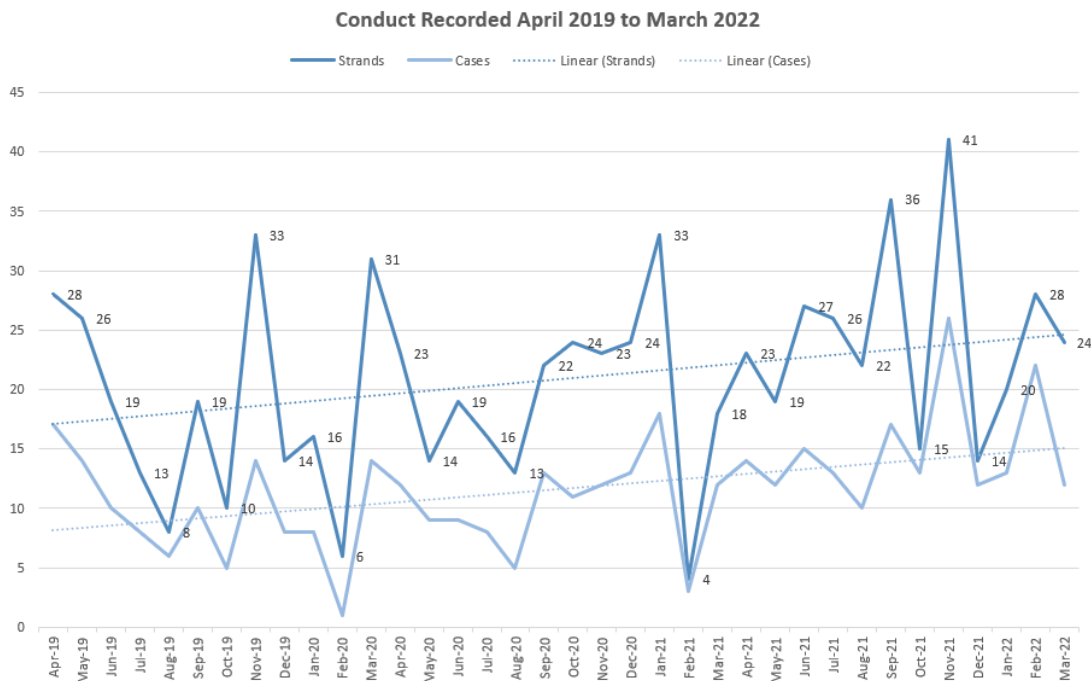
As can be seen on the chart, we are facing an increasing challenge with complainants who decline to provide us their ethnicity details. This remains an important area of focus for PSD who are working with local Commands to better capture this data when engaging with complainants. Furthermore, the Head of Information Management has written to Information Commissioner's Office to seek clarity as to whether the force can use ethnicity data already held on ATHENA, but the Data Protection Act implies this may be unlawful. A response is awaited.

PSD have also now successfully established a new Independent Scrutiny Panel, with broad public representation and a genuine desire to support Essex Police in encouraging more complainants to share their ethnicity.

Recent data has shown that category A remains the most complained about category by complainants from minority ethnic backgrounds.

5.2 Police Officer and Staff Misconduct

Allegations of misconduct is showing an upward trend following many years of a neutral trajectory. The light blue line below shows the number of cases whilst the dark blue line shows the number of strands or people associated with each case. For example one case may have three people under investigation who have all breached three of the standards of professional behaviour. Therefore this one case will have nine associated strands.



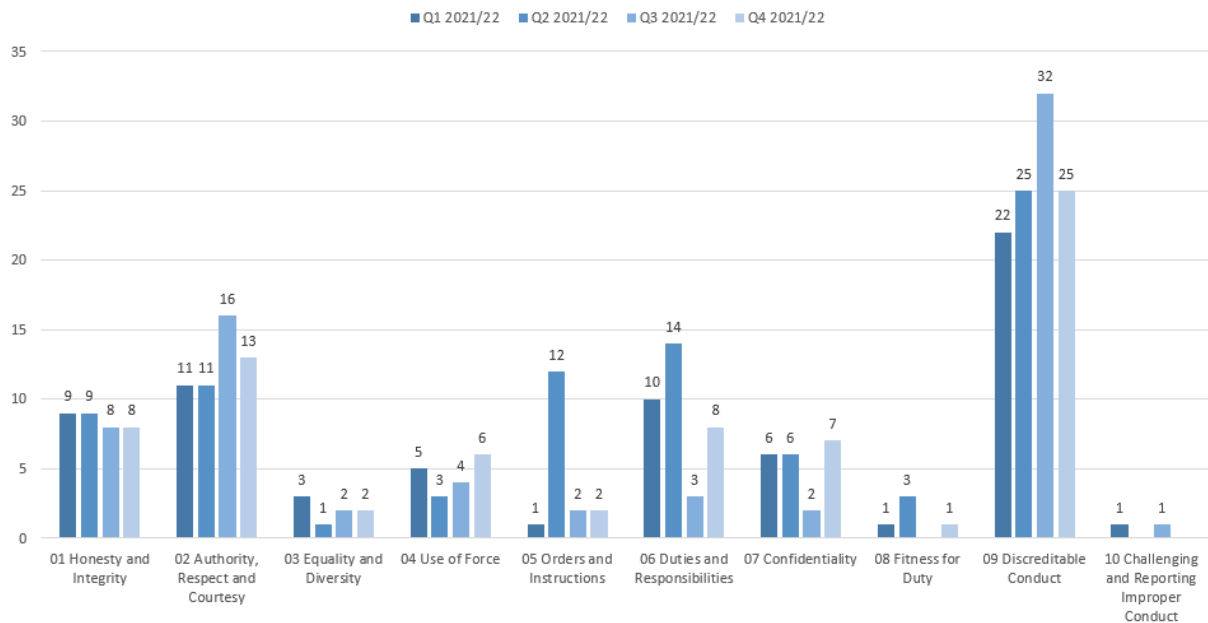
Misconduct cases have risen in 2021/2022 with 179 cases recorded, compared with 125 in the previous financial year and 115 in 2019/2020. This is a 55% increase in conduct cases since 2019/2020.

Year	Strands	Cases
2019/20	219	115
2020/21	233	125
2021/22	295	179

The table below shows the different standards of professional behaviour and the percentage of allegations against each strand for all four quarters of the financial year.

It should be noted that an allegation is recorded against an officer if the appropriate authority decides whether the allegation, if proved, would amount to misconduct or gross misconduct.

All Categories of Misconduct Recorded - Q1, Q2, Q3 and Q4 Comparison 2021/22



The most common strands are *discreditable conduct* and *authority, respect and courtesy*. Both have seen increases when compared with 2020/2021, with *discreditable conduct* increasing by 82% and *authority, respect and courtesy* increasing by 104%. It should be noted that the increase in these specific strands is in line with the overall increased reporting of violence against women and girls. The frequency of these two strands is consistent throughout the year with the only significant spike related to *discreditable conduct* in Q3 (32 strands). This coincides with the sentence of Wayne Couzens for the murder of Sarah Everard and other negative high-profile cases and indicates increased confidence in reporting.

Outcomes

For the 12 months between 1st April 2021 and 31st March 2022, there were **162 total Conduct cases finalised**. This will include cases commenced in both the 2021/2022 as well as cases recorded in previous years.

Of the 162 finalised **cases**, 33% were deemed to have a Case to Answer by the Appropriate Authority and 55% deemed No Case to Answer. The remaining were discontinued or withdrawn.

Case Outcome per Case	Total April 2021 - March 2022	%
Case to Answer	53	33%
No Case to Answer	89	55%
De-Recorded/ Discontinuance (Withdrawn)	20	12%
Total	162	100%

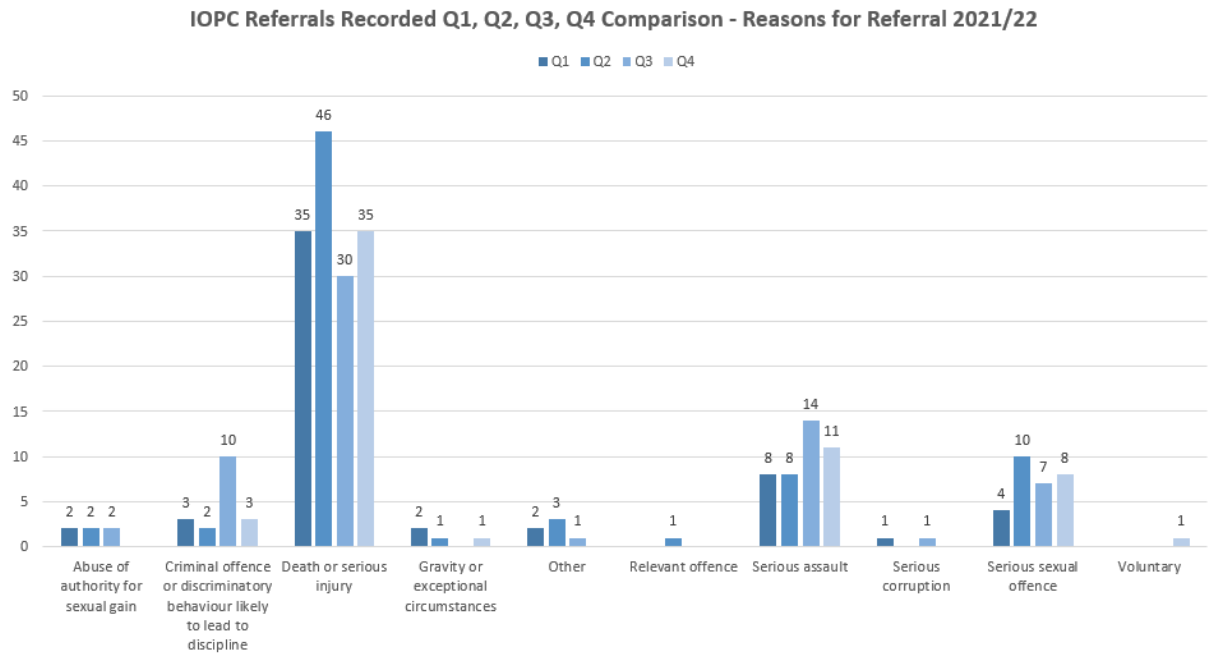
Of those **cases** deemed to have a Case to Answer, 49% resulted in a dismissal (or would have been dismissed had the officer not resigned), 9% in a Final Written Warning and 19% in a Written Warning. In only 9% of cases was no action the determination.

Final Outcome Cases - Case to Answer	Total April 2021 - March 2022	%
Dismissal without notice	16	30%
Retired/Resigned/Would have been dismissed	10	19%
Final Written Warning	5	9%
Written Warning	10	19%
Learning from Reflection	3	6%
Reflective Practice	1	2%
Management Action	3	6%
No Action	5	9%
Total	53	100%

Where conduct **cases** were deemed No Case to Answer, 63%, have resulted in No Action and 37% have been deemed to require some form of management intervention below the level of a misconduct finding.

Case Outcome - No Case to Answer	Total April 2021 - March 2022	%
Learning from Reflection	2	2%
Management Action	1	1%
No Action	56	63%
Referral to RPRP	22	25%
Reflective Practice	1	1%
UPP	7	8%
Total	89	100%

5.3 IOPC/ OPFCC

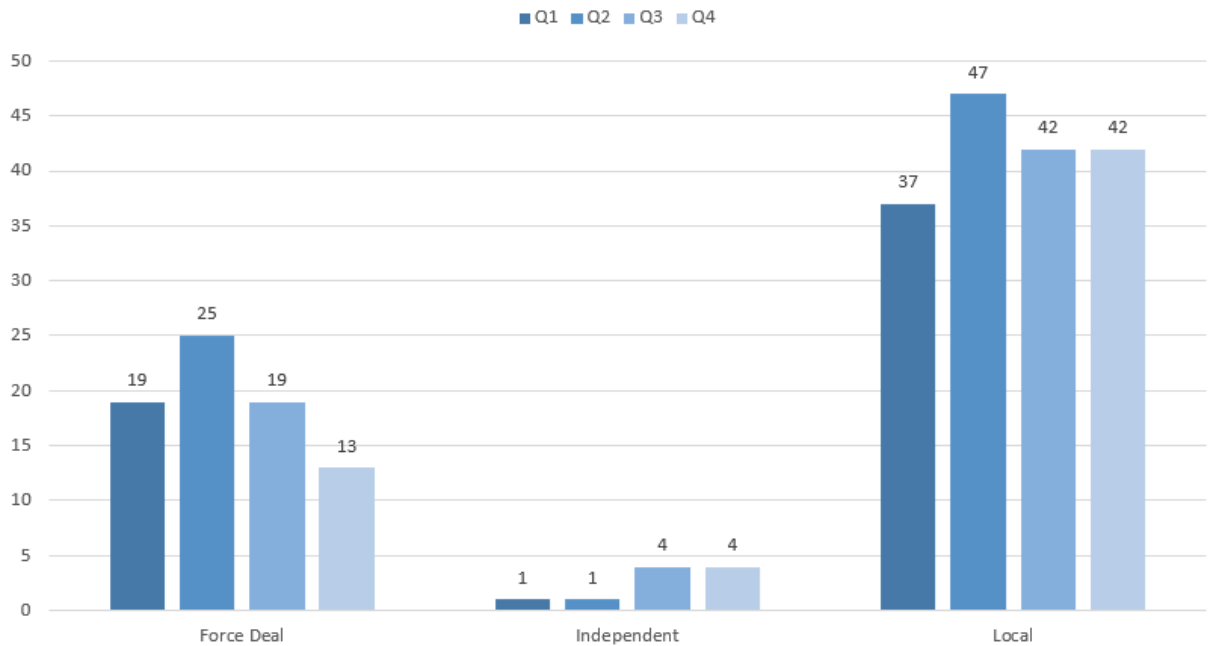


The 2021/22 financial year saw an increase from 171 referrals finalised in 2020/21 to 216 referrals finalised (26.32% increase).

The majority, 46%, of referrals in the 2021/22 financial year, were due to Death or Serious Injury (DSI). Referrals for DSI matters differ from other referrals in that there doesn't have to be any indication of conduct or wrongdoing. As part of a departmental review following force growth, a dedicated team have been established within PSD to focus on all DSI investigations that are returned to force by the IOPC. This will ensure these investigations are prioritised and concluded as quickly as possible, thereby giving confidence to the person and officers affected.

IOPC Referral Outcomes

IOPC Referrals Recorded - Investigation Decision - Q1, Q2, Q3 and Q4
2021/22



The IOPC will provide direction to the force on receipt of a referral as to the method of investigation. Where ‘force deal’ is shown, this is returned to the force to deal with as they see fit. An example of this could be a DSI referral for an epileptic fit in custody. If the IOPC believe this was a medical incident with no causal link to the actions of officers, they may refer for the force to assess and close if appropriate.

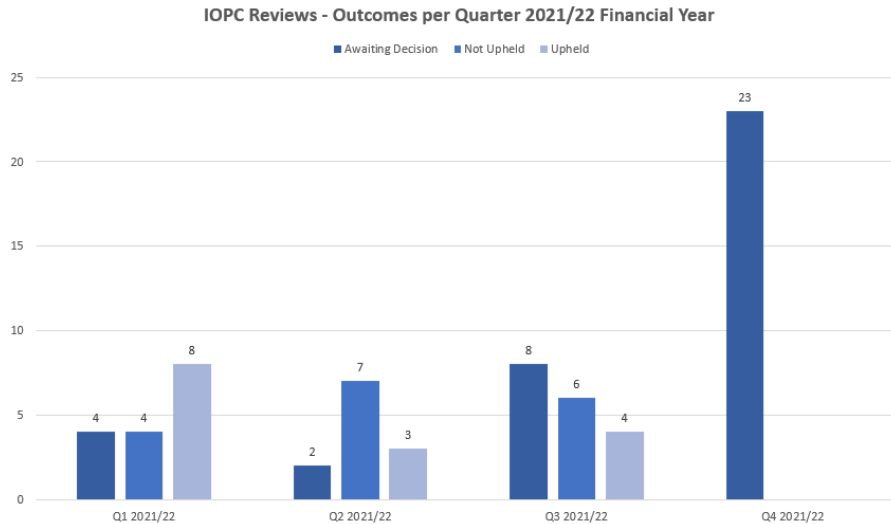
Independent investigations carried out by the IOPC will be supported by the force. Last year the IOPC announced resumption of their thematic investigations. One of these areas has been discrimination complaints with an aggravating factor such as use of force.

Appeals to the IOPC

At the end of a complaint investigation, the complainant is entitled to seek a review by the relevant review body. The following table shows appeals to the IOPC:

Financial Year	IOPC Reviews
2018/19	74
2019/20	52
2020/21	41
2021/22	69

The majority of appeals are not upheld – 54% in 2021/2022.



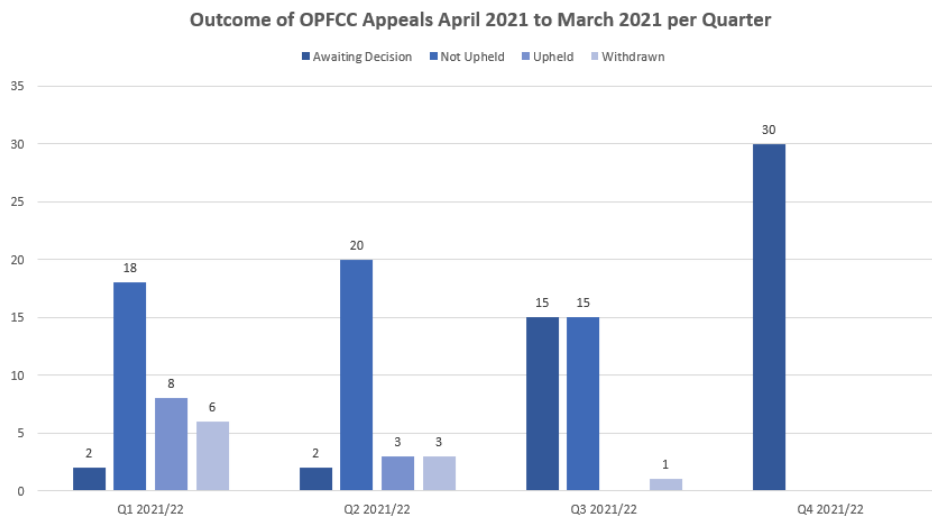
Reviews to the OPFCC

After the change in regulations in February 2020, the review body for certain categories of complaints was changed from the police to the PFCC Office.

This table compares the previous two years of review requests:

Quarter	Total OPFCC Reviews
Q1 2020/21	14
Q2 2020/21	27
Q3 2020/21	25
Q4 2020/21	42
Q1 2021/22	34
Q2 2021/22	28
Q3 2021/22	31
Q4 2021/22	30
Total	231

The below table shows which reviews have been upheld/not upheld, withdrawn or await a decision:



There are circumstances where a review is not upheld, however oversights/organisational learning is identified and shared with the force. This is managed by PSD and shared with the Appropriate Authorities at quarterly meetings and through the Learning the Lessons Board chaired by the DCC where appropriate. Common errors with complaint reports and handling have been amalgamated into a guidance document for officers and staff handling complaints.

5.4 Current themes in PSD

The Professional Standards Department has seen significant developments and change in 2021/2022 with further change planned in 2022/2023.

The year 2021/2022 has seen increased focus nationally on the behaviours and cultures within policing. The murder of Sarah Everard by a serving Metropolitan police officer, the IOPC report into the behaviours and cultures at Charing Cross police station and other similar cases, has led to public calls for significant cultural reforms within the police service.

As a result, the Professional Standards Department (PSD) has seen an increase in reporting, both internally and through the public complaints system, concerning the behaviours of police officers and staff linked to Violence Against Women and Girls and misogyny in policing. This increased focus is likely to see continued growth in complaints and conduct matters which rightly must be properly investigated. In addition to this reactive demand, the force will need to be able to deliver against its new Professionalism Strategy and implement a programme to embed the educational and cultural changes needed in policing.

To help combat this increase and to deliver against the Force's Professionalism Strategy, a new Prevention Team will be established in the second quarter of 2022. This team will have two elements. Firstly, three Police Constables will take the role of engagement officers. They will work with new and existing staff to deliver training on current themes and ensure that the workforce understands the behaviour and culture that is demanded in policing in 2022 and onwards. The engagement officers will also build relationships with officers and staff, identifying inappropriate behaviour and building peoples' confidence to report wrongdoing.

Secondly, the Prevention Team will also have police staff intelligence professionals whose focus will be to identify possible signs of corruption and wrongdoing through research and analysis before it embeds and give the best opportunity for early intervention. This strand of the Prevention Team will use a range of information such as business interests, complaint history, intelligence reporting and other management information to understand those identifiers that indicate a risk of or propensity for corruption and wrongdoing.

The force has seen an increase in the number of recorded complaints, likely to have been caused by a change in regulations and is mirrored nationally. Planned growth and restructure (as described on page four) will lead to an ability to manage a significant number of complaints outside of the formal complaints regulations which should lead to more timely and satisfactory resolutions for both those making the complaint, and officers and staff subject to the complaint.

In 2021/2022 the Force has undertaken the Reflective Practice Review Process (RPRP) on 124 officers in a focused effort to foster a culture of learning, not punishment, where officers have committed minor breaches of the Standards of Professional Behaviour. As the overall reporting of inappropriate behaviour is likely to increase following implementation of the new professionalism and prevention programme, there are likely to be more RPRP sessions. This process is undertaken and delivered by the officer's line management so the demand is likely to be realised by local management rather than in PSD, although there will be an increased administrative and reporting role for PSD. Whilst this contains a degree of additional demand, the longer-term ambition is to experience a reduction in conduct cases and overall demand through a culture of learning and continuous improvement.

During 2021/2022 the Professional Standards Department has established an Independent Scrutiny Panel (ISP) to act as a *critical friend* and consider decisions made within the department. The Independent Scrutiny Panel is a cohort of twelve people who represent their individual community and who meet quarterly to scrutinise investigations and decisions made within the department. This is not only important so that the PSD leadership team can be confident that they are making decisions that are consistent with the values and expectations of our communities, but also to ensure our communities understand the work of the department.

6.0 Implications (Issues)

The predicted demand outlined in this paper should be met with the changes outlined, including the further growth in 2022/2023. The biggest change will be the growth of the Prevention Team and the engagement and education work they are able to deliver. Although a significant addition to the department, the ability of three engagement officers to influence the cultures and behaviours of the entire force may be limited and will certainly take time to develop and engage appropriately with the workforce. Therefore the ability to truly deliver against the force's Professionalism Strategy is likely to take longer than the next twelve months and may need further growth as the team evolves.

6.1 Links to Police and Crime Plan Priorities

Having a workforce with the highest standards and values and demonstrating these through our engagement with the communities we serve is at the heart of the Police and Crime Plan. Our communities need to have the confidence that any wrongdoing by police officers and staff will be investigated effectively and efficiently, and people held accountable for their actions. The work of the Professional Standards Department is crucial in giving our communities this confidence and our planned changes in 2022/2023 will strengthen our ability to do so.

6.2 Demand

The predicted increases demand outlined in this paper should be met with the changes and growth described in this paper. The biggest opportunity within the department is the introduction of a prevention team. It should be recognised that this modestly sized team may need to grow and evolve to be able to deliver against the strands of the Professionalism Strategy.

6.3 Risks/Mitigation

The detail in this paper does not link to any ongoing risks detailed on the risk register. The Head of Professional Standards has a close working relationship with the Force Solicitor and any legal considerations are regularly considered as they arise.

6.4 Equality and/or Human Rights Implications

A priority for the department is the continued work to understand the ethnicity of those recording complaints to allow us to better consider any disparity of reporting and to understand how the actions of our workforce impact those from different ethnic backgrounds.

6.5 Health and Safety Implications

There are no health and safety considerations associated with this paper.

7.0 Consultation/Engagement

This paper has been written by the Head of the Professional Standards Department in consultation with the Complaints Manager and the PSD Detective Chief Inspector with responsibility for prevention.

8.0 Actions for Improvement

Areas for development during 2022/2023 have been detailed in the narrative of this paper.

9.0 Future Work/Development and Expected Outcome

During 2022/2023 the department will take a prominent role in delivering against the new Professionalism Strategy by ensuring the workforce understands the cultures and behaviours demanded by policing in 2022 and beyond.