

Performance and Resources Scrutiny Programme 2023

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 for the year 2022/2023. 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 2022/2023 has shown a slight downward trajectory for recorded complaints, especially in the second half of the year. This coincides with an increase in the number of complaints being managed outside of the formal complaints process, which should increase timeliness and overall satisfaction in the complaints' procedure.

At the same time the number of conduct cases has risen when compared with the last two financial years. With continued high-profile scrutiny into behaviours and wrongdoing of police officers, this increase is expected and may indicate improving confidence to report such behaviours.

Structural change within the Professional Standards Department is ongoing with the aim of further increasing confidence in challenging and reporting unacceptable behaviour, as well as increasing capacity to manage the anticipated increase in demand.

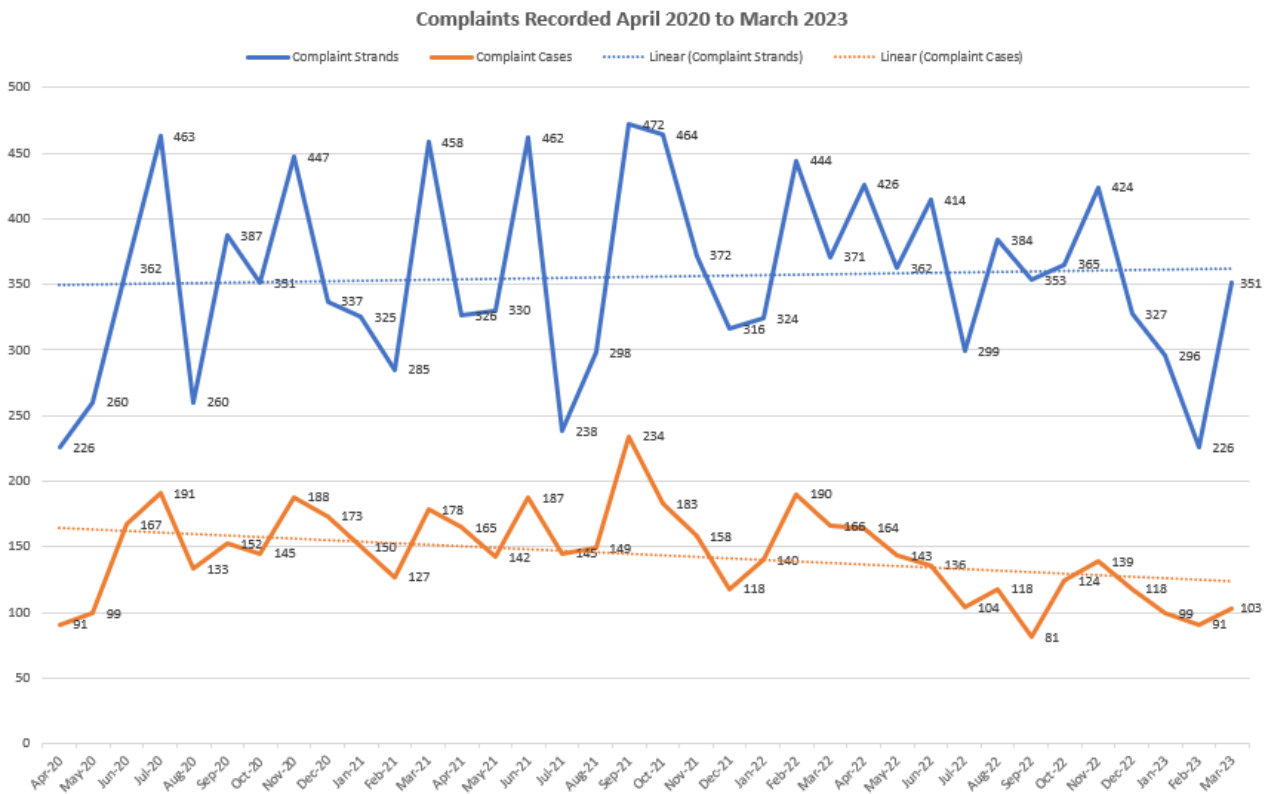
4.0 Introduction/Background

The Professional Standards Department coordinates investigations and responses to public complaints. It is also responsible for investigating allegations of misconduct against police officers and police staff. Part of this function includes the collection and assessment of intelligence submitted concerning officers and 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 OPFCC regarding public complaints. This report focuses attention on data from Q1 – Q4 2022/23.

5.0 Current Work and Performance

5.1 Public Complaints

The graph below displays the levels of public complaints over time. The orange line shows individual complainants and indicates a slight downward trend in recorded complaint cases. The blue line shows complaint strands which shows a slight upward trend, indicating more strands are being recorded within each complaint.



The new Complaints Resolution Inspectors are now in post, with responsibility for managing dissatisfactions with service and providing support to the local Appropriate Authority where required. This increased oversight is improving timeliness for complaint handling, as well as the quality of complaint reports. This change in process is likely to account for the fall in overall complaints recorded, with the focus on resolving dissatisfaction quickly without the need for formal recording.

Dissatisfaction with service reports are still recorded by the force, albeit on a different internal recording system. From July 2022 such dissatisfactions have not been included in the overall complaint figures, which explains the falling trajectory in the above graph. When you consider total recorded complaints together with dissatisfactions with service, the combined numbers indicate an a broadly consistent trend with the combined numbers for January, February and March 2023 being 175, 155 and 176.

Categories of Complaints:

Overall Category	Description/Summary	Q1 2022/23	% of Total Q1 2022/23	Q2 2022/23	% of Total Q2 2022/23	Q3 2022/23	% of Total Q3 2022/23	Q4 2022/23	% of Total Q4 2022/23	Total
A Delivery of Service	Police Action, Decisions, Information	578	48.1%	453	43.7%	515	46.1%	416	47.7%	1962
B Police Powers, Policy and Procedures	Searches, Use of Force, Custody, Evidence	239	19.9%	243	23.5%	262	23.5%	196	22.5%	940
C Handling of, or Damage to property/premises	Property/Premises Handling/Damage	37	3.1%	38	3.7%	28	2.5%	25	2.9%	128
D Access and/or disclosure of information	Use of Data, disclosure	28	2.3%	35	3.4%	24	2.2%	14	1.6%	101
E Use of Police Vehicles	Use of Police Vehicles	13	1.1%	8	0.8%	4	0.4%	3	0.3%	28
F Discriminatory Behaviour	Various Discrimination Categories	40	3.3%	50	4.8%	70	6.3%	45	5.2%	205
G Abuse of Position/Corruption	Organisational, Abuse of Position, Justice	7	0.6%	57	5.5%	23	2.1%	6	0.7%	93
H Individual Behaviours	Impolite, Unprofessional, Lack of fairness, Overbearing/Harassing	247	20.5%	132	12.7%	172	15.4%	164	18.8%	715
J Sexual Conduct	Sexual Assault, Harassment, Other Sexual Conduct	5	0.4%	2	0.2%	2	0.2%		0.0%	9
K Discreditable Conduct	Discreditable Conduct	3	0.2%	2	0.2%	10	0.9%	1	0.1%	16
L Other	Other	5	0.4%	16	1.5%	6	0.5%	3	0.3%	30
Total		1202	100%	1036	100%	1116	100%	873	100%	4227

The above table lists the Home Office defined complaint categories. Each category has a letter, but categories are further 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 pattern is consistent with previous years.

Abuse of position/corruption shows a significant increase in Q2 and Q3, but this rise is attributed primarily to two persistent complainers and there are no concerns identified. It should be noted that the complaints are recorded based on the allegations made by the complainant and not whether there is any indication that there is evidence to support their complaint.

Outcome of Complaints:

Case Outcome – Finalised Cases	Q1 22/23	%	Q2 22/23	%	Q3 22/23	%	Q4 22/23	%
Resolved	98	30%	292	60%	149	37%	160	37%
The service provided was acceptable	142	43%	115	23%	156	40%	197	45%
The service provided was not acceptable	25	8%	36	8%	36	9%	38	9%
Withdrawn	16	5%	6	1%	10	3%	6	1%
Other	47	14%	37	8%	42	11%	37	8%
Total	328	100%	486	100%	393	100%	438	100%

The above table shows the outcomes of recorded complaints with *service level acceptable* the most frequent outcome in three of the four quarters. There is always an appeal avenue to a relevant review body, and the majority of these appeals uphold the Investigating Officer's original decision.

The *resolved* category captures low level dissatisfactions recorded outside of schedule 3 (the formal complaint process). In July 2022 (Q2) there was an internal change of recording process that coincided with the introduction of the three Complaints Resolution Inspectors. This change in recording process allowed more complaints to be properly managed outside of Schedule 3, which leads to a quicker and more satisfactory outcome for the complainant. At the start of this process the three new officers were able to resolve a significant number of dissatisfactions of service without formal recording, where previously they would have been recorded on Centurion and taken longer to investigate and resolve. This explains the increase in *resolved* outcomes, and decrease in *service provided acceptable* outcomes in Q2.

The category *other* has grouped together the miscellaneous outcomes, as on their own they would have very small numbers. This includes outcomes such as unable to determine, de-recorded, no further action, case to answer and no case to answer (the last two outcomes link into misconduct matters).

Timeliness of Complaints

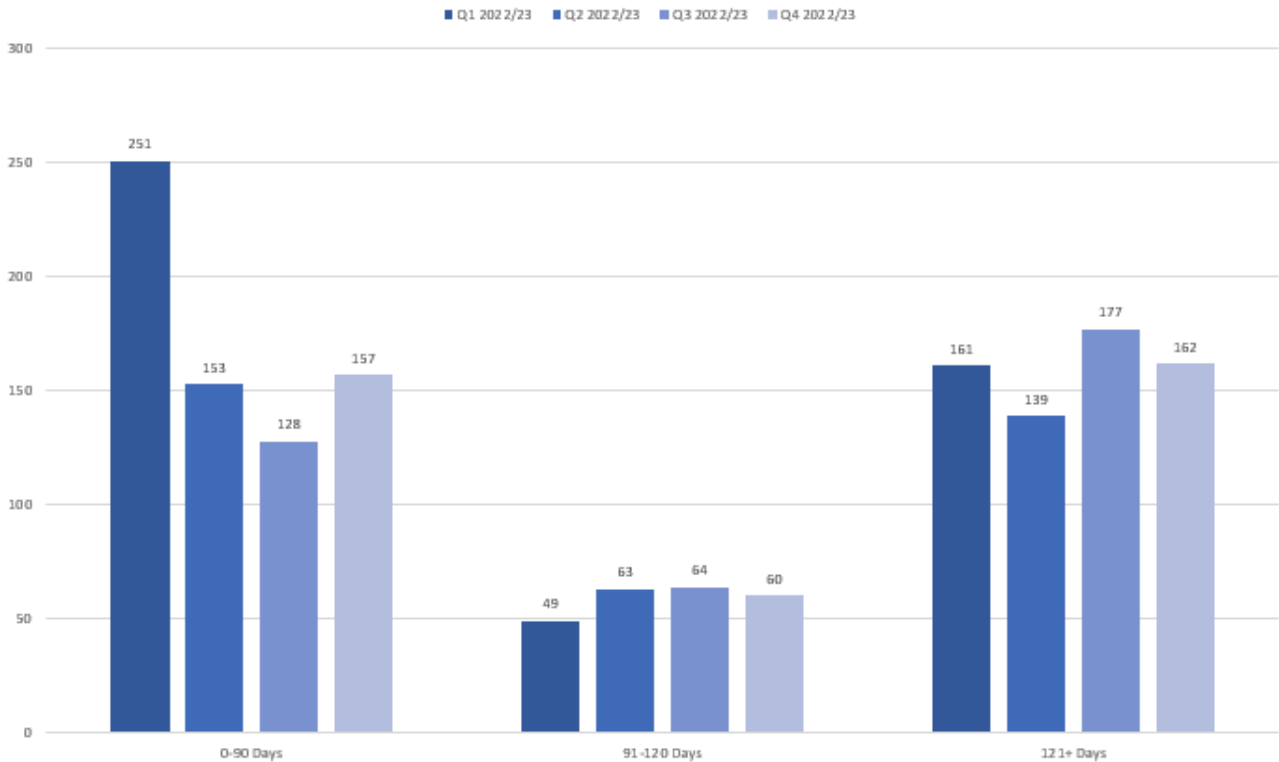
The speed with which complaints are resolved is of paramount importance when building public confidence in the complaints system. Timeliness is scrutinised internally at the quarterly Professionalism Board and at the quarterly Professional Standards Scrutiny meeting chaired by the Deputy PFCC. The regulations 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.

In 2022/2023 the average time to finalise recorded complaints was 53 days, compared with 48 days in 2021/2022.

The IOPC review period (as explained in 5.3 below) can have a significant impact on overall timeliness for the force. If the IOPC return a complaint subject to appeal for further investigation, the time it is with the IOPC counts for the complaint's overall finalisation time. For example, if a complaint is resolved in 20 days, but subject to an appeal which the IOPC take 300 days to consider before returning to force for further investigation, the overall length of time under investigation will be 320 days.

Therefore any delay with the IOPC will have a negative impact on the Force's timeliness, which then has an impact on both the complainant's satisfaction and overall confidence.

Days Finalised - Complaint Cases Finalised 01/04/2022 to 31/03/2023 (per Quarter)

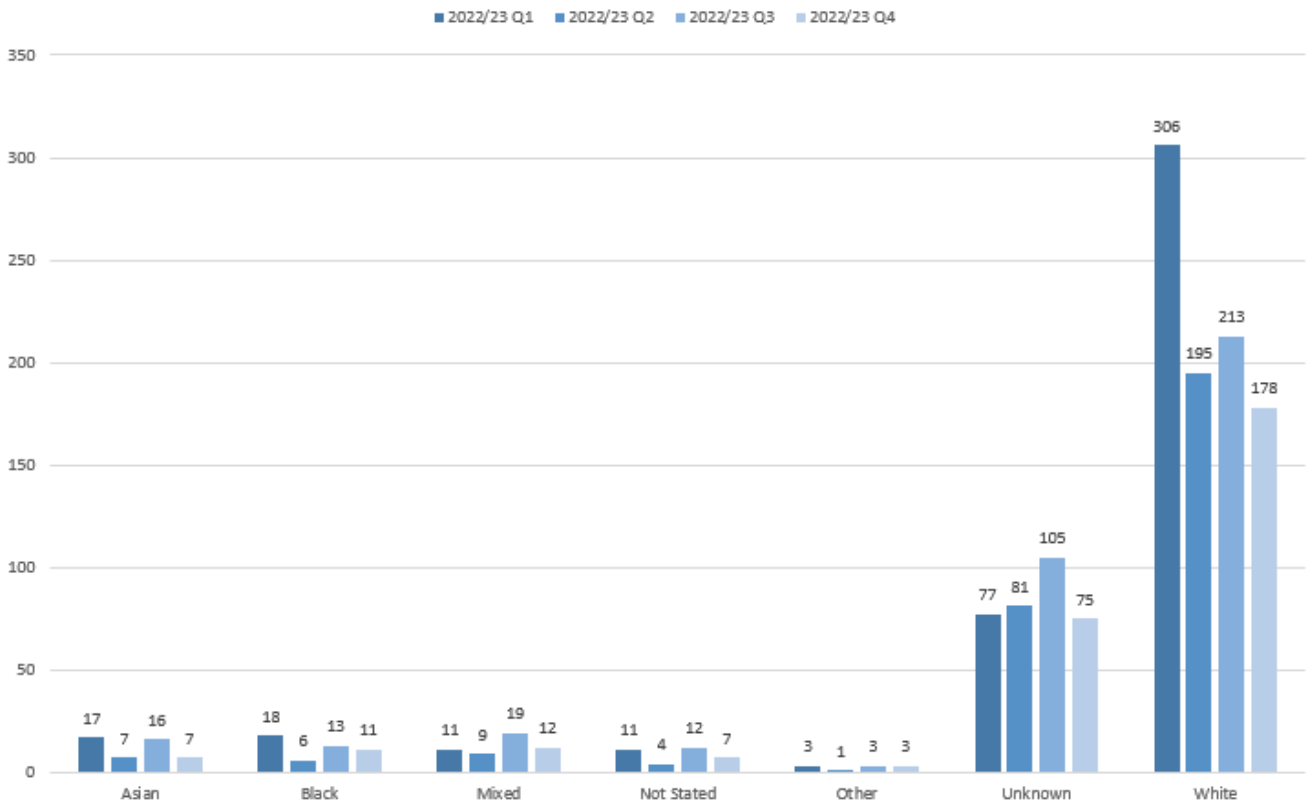


The above graph shows the time taken to finalise complaints. The majority of complaints are either finalised in fewer than 90 days, or take longer than 121 days to finalise. It is important to note these figures include complaints that have been held sub-judice for an extended period of time due to other related matters, such as a live criminal investigation that cannot be separated from the complaint. There is a focus across the commands to improve timeliness and investigation quality which is being driven by the local Appropriate Authorities and dedicated Complaints Inspectors.

The Complaints Resolution Inspector within PSD conducts reviews of all complaints with strands associated with violence Against Women and Girls (VAWG). This additional level of scrutiny is vital to providing a meaningful response to the complainant, however this can increase complaint handling timescales.

Ethnicity of Complainants

Complaint Cases - Self-Class Ethnicity of Complainant (where stated) - 01/04/2022 to 31/03/2023 (per Quarter)

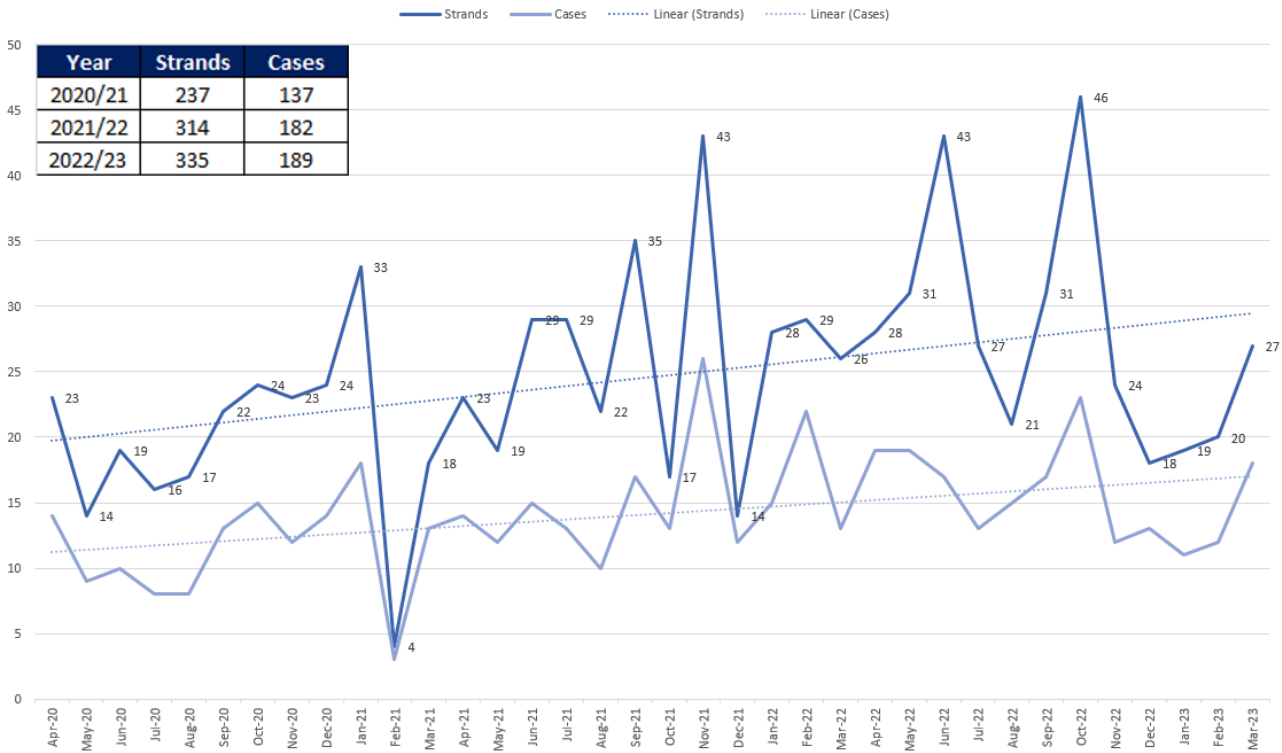


The above graph shows the proportion of self-defined ethnicities across recorded complaint cases. The Complaints Manager is now able to use data from other sources to record protected characteristic data if the complainant does not provide it. A feedback survey is being introduced which will be accessible via a QR code on the complaint finalisation letter. The purpose of this survey is to understand the complainant’s experience, but also to give a further opportunity to provide protected characteristic data if required. It has been acknowledged that some complainants may be unwilling to provide this information at the beginning of the complaints process as they are concerned it may affect the management of their complaint.

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 in the graph 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.

Conduct Recorded - April 2020 to March 2023

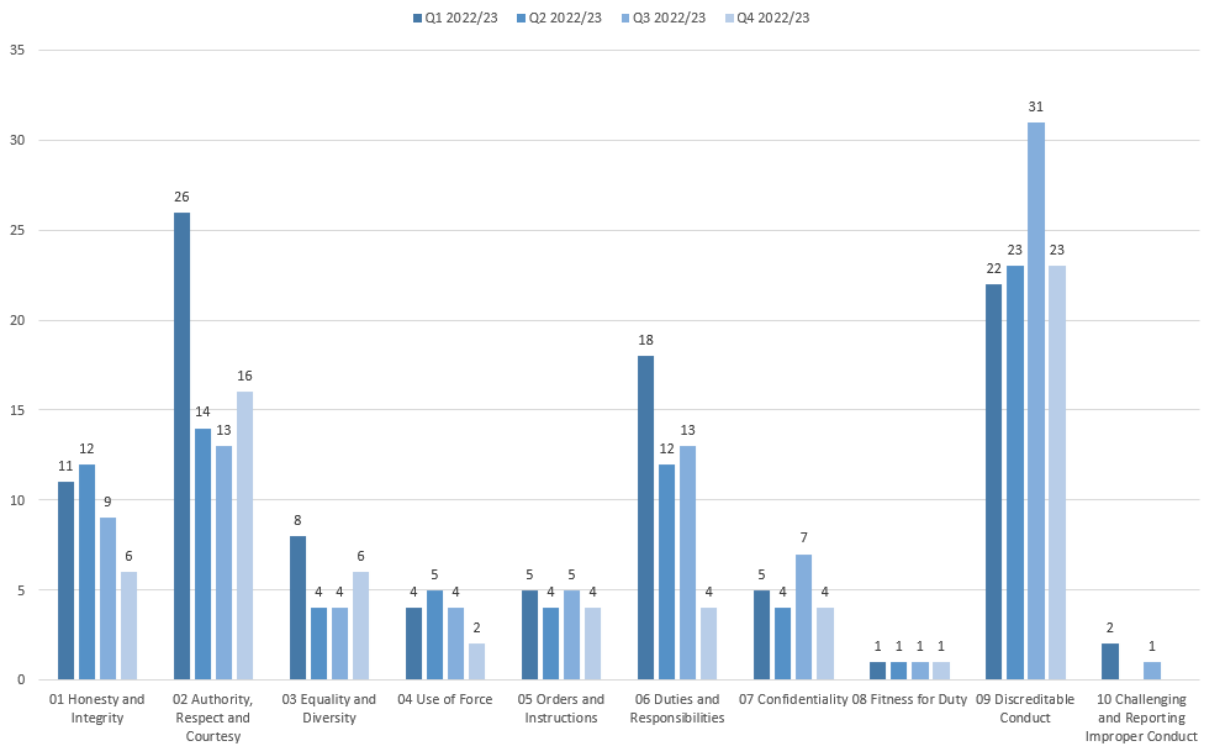


Misconduct cases have risen in 2022/2023 with 189 cases recorded, compared with 182 in the previous financial year and 137 in 2020/2021. This is a 38% increase in cases since 2020/2021.

The graph 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 that the allegation, if proven, would amount to misconduct or gross misconduct. This assessment takes place at the start of the investigation, often with limited information on which to make a fully informed judgement.

All Categories of Misconduct Recorded - 01/04/2022 to 31/03/2023 Comparison (per Quarter)



The most commonly recorded strands are *discreditable conduct* and *authority, respect and courtesy*, and this replicates the 2021/2022 financial year. The number of reports relating to *authority, respect and courtesy* has increased by 33% whilst the number of reports relating to *discreditable conduct* has fallen by 5%. The other categories are broadly consistent with the 2021/2022 financial year except for *duties and responsibilities* and *equality and diversity*, which have seen increases of 34% and 175% respectively.

Although the *equality and diversity* increase appears stark, the numbers in the previous year were very small. During the reporting year the PSD Appropriate Authority has taken a more active role in considering grievances where the behaviours may amount to misconduct, and this will account for some of the increase. It is also noted that there are a number of *equality and diversity* cases which have multiple people under investigation, which will disproportionately skew the number. As an example two cases account for seven officers, which is 32% of the overall total.

Outcomes

Between 1st April 2022 and 31st March 2023 there were a total of 168 conduct cases finalised. Within these there were 341 strands/ subjects, for which outcomes may differ. A finalisation can occur at any point of the investigation, and does not just include determinations made by the Appropriate Authority at the conclusion of an investigation.

The table below shows the outcome for each case:

Case Outcome per Case	Total April 2022 - March 2023	%
Case to Answer	32	19.05%
No Case to Answer	128	76.19%
De-Recorded/ Discontinuance (Withdrawn)	8	4.76%
Total	168	100%

Although the figure of 76% may appear high, included in this number are those cases assessed by the Appropriate Authority at the point of referral as not being a misconduct matter. This will include cases where the Appropriate Authority immediately identified that Reflective Practice was the appropriate outcome without the need for an investigation, or in fact that there is no indication of any wrongdoing at all. As detailed below, the referrals into the Reflective Practice Review Process have increased by 21%, so goes some way to explain this figure.

Also within this 76% will be those cases where the Appropriate Authority deemed that there may be misconduct, but that the Regulation 13 process (used to dismiss someone within their probationary period) is more appropriate. Such cases may lead to a dismissal by the Chief Constable, but will not be recorded as a case to answer as the process is outside of the misconduct framework.

There has also been an internal change of process, where the Appropriate Authority now records on Centurion those cases that may be a breach of the standards of professional behaviour, but are best addressed through the performance framework by the officer's/ staff member's line management. In previous years, such cases were unlikely to be formally recorded on the Centurion database.

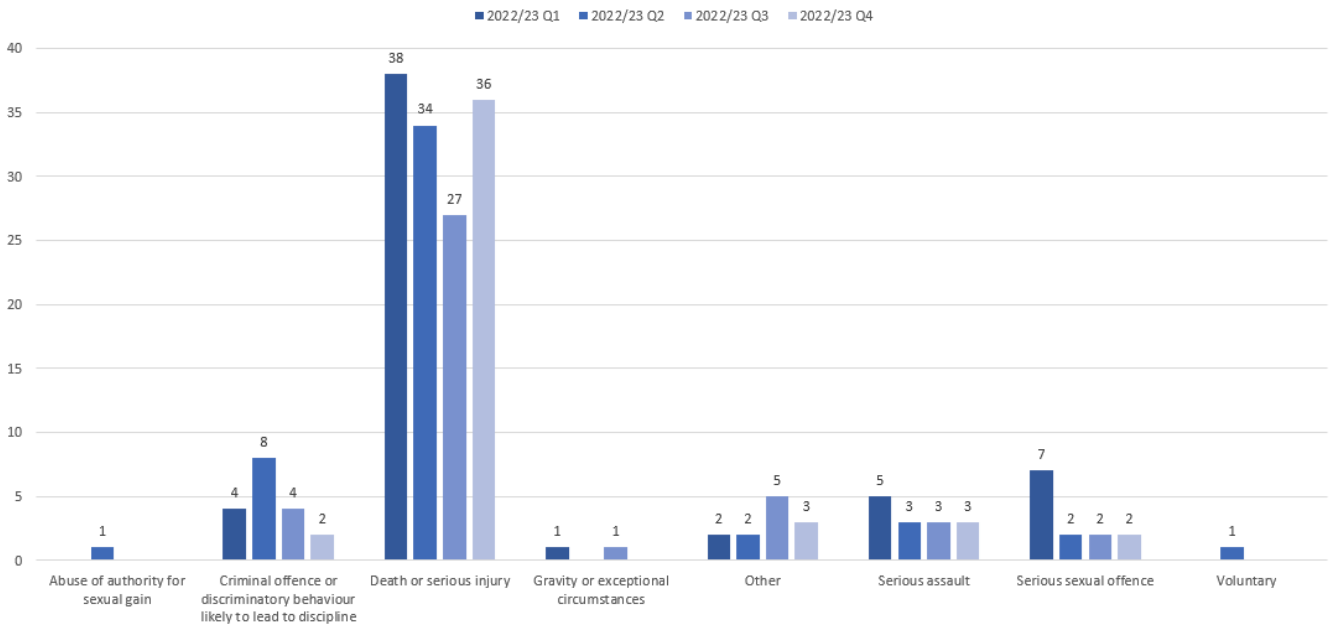
So although the figure of 76% appears high, and is an increase from the figure of 55% in the previous financial year, this increase can be explained by greater use of the Reflective Practice Review Process and more consistent recording of those matters managed through the Regulation 13 process and broader performance frameworks. The term no case to answer is a broad category that includes a number of positive outcomes, and should not be seen as investigations that have not identified any wrongdoing.

Of those cases shown as Case to Answer, the outcomes are shown in the table below:

Final Outcome Cases - Case to Answer	Total April 2022 - March 2023	%
Dismissal without notice	4	12.50%
Retired/Resigned/Would have been dismissed	12	37.50%
Final Written Warning	4	12.50%
Written Warning	7	21.88%
Reflective Practice	2	6.25%
No Action	2	6.25%
No Case to Answer	1	3.13%
Total	32	100%

5.3 IOPC/ OPFCC

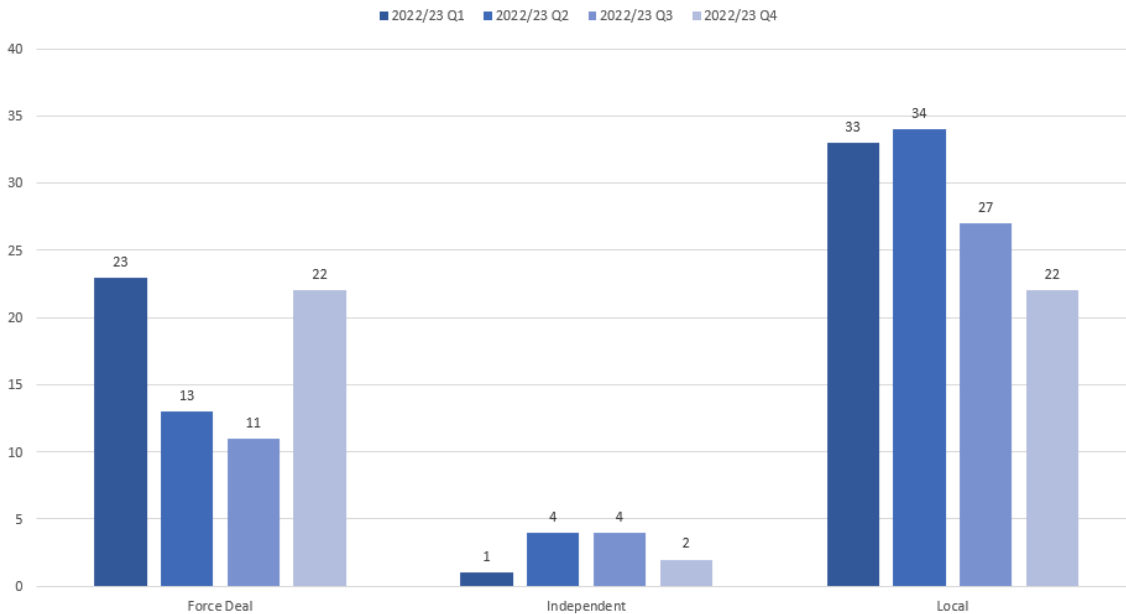
IOPC Referrals Recorded - Reasons for Referral - 01/04/2022 to 31/03/2023
Comparison (per Financial Year Quarter)



The above graph shows the number of referrals made to the IOPC. Sixty nine percent of referrals in the 2022/2023 financial year were due to Death or Serious Injury (DSI) matters. Referrals for DSI matters differ from other referrals in that there does not have to be any indication of conduct or wrongdoing at the point of referral.

IOPC Referral Outcomes

IOPC Referrals Recorded - Investigation Decision - 01/04/2022 to 31/03/2023 Comparison
(per Financial Year Quarter)



The above graph shows the IOPC assessment decision for the referrals that are made to them. The IOPC will provide direction to the force on receipt of a referral directing the method of investigation, of which there are four. Where *force deal* is shown, this is returned to the force to manage as they deem appropriate and in the majority of cases, there will be no requirement for a formal investigation. If a *local investigation* is mandated, this must be investigated by the force, although the nature and outcome of the investigation is for the force to determine. An *independent investigation* is one that the IOPC manage in its entirety with their independent investigators and decision makers responsible for the direction of the investigation. The fourth method is a directed investigation, which is limited to a very small number of covert investigations managed by the force’s counter corruption unit. The assessment and management of directed investigations sits outside of this report because of the sensitive nature of such investigations.

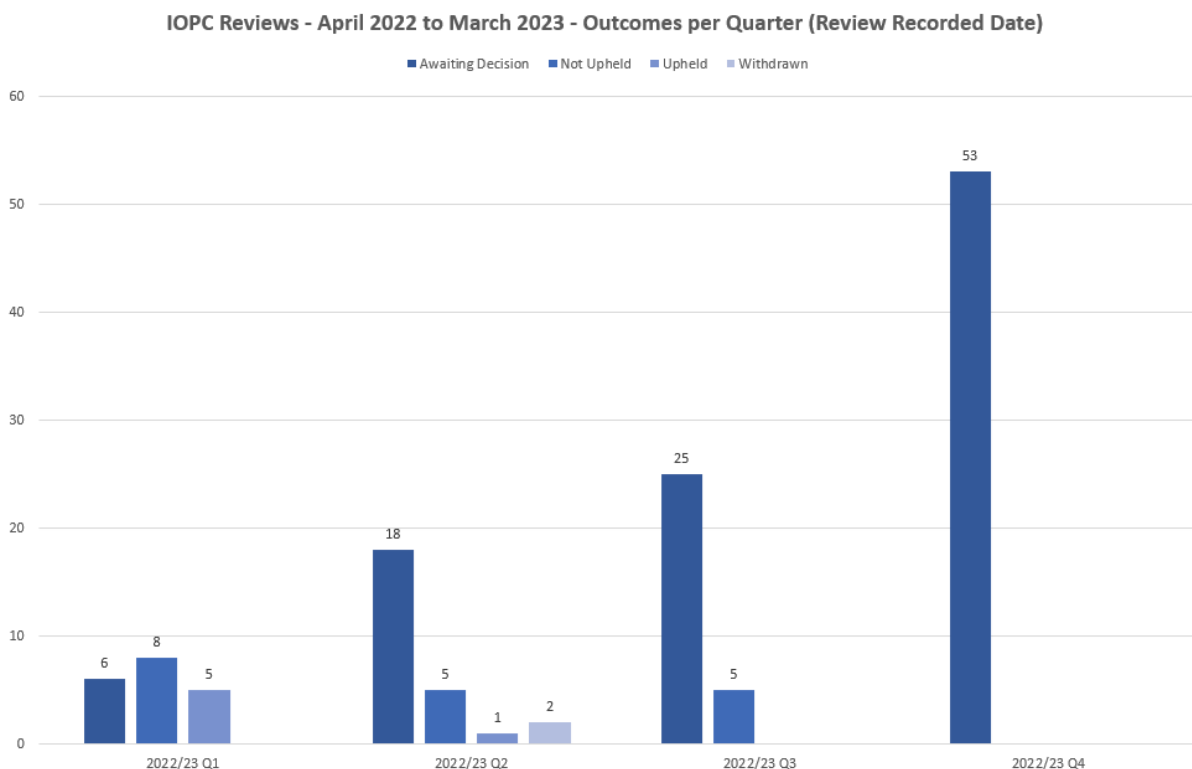
Appeals to the IOPC

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

Financial Year	IOPC Reviews
2018/19	74
2019/20	52
2020/21	41
2021/22	78
2022/23	128

The increase in appeal numbers to the IOPC can be attributed to a change in process when applying the relevant review body test. This change in process stems from the introduction of the 2020 Complaints and Misconduct regulations and process changes in the subsequent years. The IOPC is the review body for complaints that could result in criminal or disciplinary proceedings. Prior to the 2020 regulations, the force could conduct limited investigation to determine whether the allegation made in the complaint was likely to be substantiated, and the relevant review body test made at this point. Therefore if a complaint was negated quickly, or likely to be negated, the IOPC would not be considered an appropriate relevant review body.

In 2021 the process was amended to make the relevant review body test at the receipt of the complaint. Therefore if the complainant made an allegation that could result in disciplinary or criminal proceedings, but on the face of it the complaint was unlikely to be substantiated or even true, the relevant review body would still be the IOPC. It was at the point of this change that the IOPC became the relevant review body for many more complaints and coincides with the increase from 41 in 2020/2021 to 128 in 2022/2023.



The above graph shows the IOPC review decisions for the financial year. The IOPC currently has a significant backlog, and it is taking approximately 12 months for reviews to be completed. This is an issue the IOPC are aware of and are taking action to try to address. Due to this backlog, there are a considerable number awaiting decision and it is not possible to have a true reflection of the upheld rate at this time.

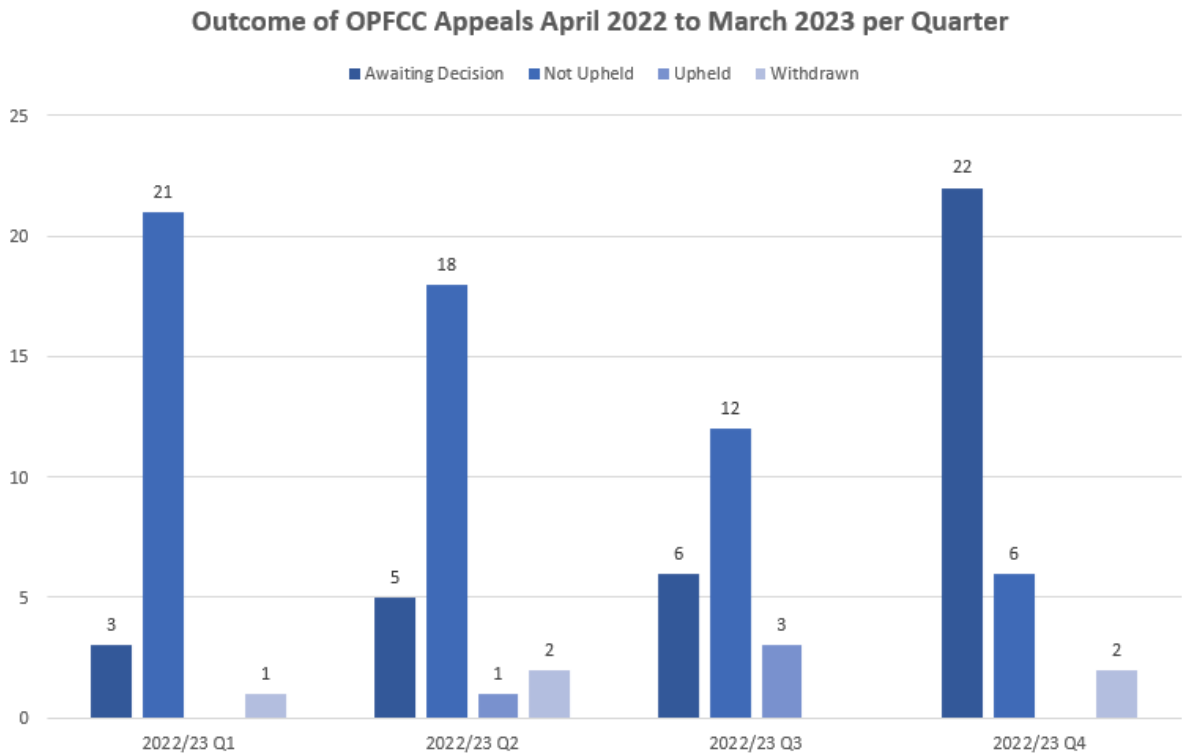
Reviews to the OPFCC

After the change in regulations in February 2020, the review body for certain categories of complaints was changed from the police to the Office of the Police, Fire and Crime Commissioner.

The below table shows how many reviews have been requested for each quarter.

Quarter	Total OPFCC Reviews (Cases)
Q1 2022/23	25
Q2 2022/23	26
Q3 2022/23	21
Q4 2022/23	30
Total	102

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



There are circumstances where a review is not upheld, but oversights or organisational learning is identified and shared with the force. This is managed by PSD and shared with the Appropriate Authorities at quarterly meetings and also via the PSD Data and Guidance SharePoint page. Quarterly meetings have been set up with the Complaints Resolution Inspectors for the LPAs to ensure learning is shared and audited. This includes local learning from complaint handling as well as OPFCC recommendations. Although there are no clear trends associated with complaint strands, it has been recognised that the style of the Investigating Officer report can sometimes prevent the appeal body from understanding the author's rationale in

sufficient detail to properly address the appeal. This trend will be addressed through bespoke training from the PSD Complaint's Manager and the three Complaints Resolution Inspectors.

5.4 Current themes in PSD

The Professional Standards Department has seen positive structural changes in 2022/203 with the establishment of the Counter Corruption Prevention and Engagement team, as well as growth in the conduct investigations team. Although not a specific PSD resource, the recruitment of three dedicated LPA based Complaints Resolution Inspectors also has a positive impact on the way complaints are managed and investigated.

The year 2022/2023 has seen further national focus on the behaviours and culture in policing with HMIC's inspection of vetting, misconduct and misogyny in policing as well as Dame Louise Casey's critical report on the Metropolitan Police Service. As a result, the Professional Standards Department has seen an increase in reporting relating to the behaviours of police officers and staff linked to Violence Against Women and Girls and misogynistic behaviour.

The Prevention and Engagement arm of PSD was established in 2022/2023 with the growth posts of a Detective Inspector, Detective Sergeant and additional analyst already recruited to and in post. The posts of two engagement officers and an additional researcher have been recruited to and are expected to be in post in the first quarter of 2023/2024. The additional research and analytical capability will allow the department to consider a range of metrics to identify early signs of corruption and wrongdoing and intervene before it manifests. The new engagement officers will build on the work already underway to develop relationships with the workforce and external partners to build trust and confidence and encourage reporting of wrongdoing.

To meet the increased demand within the investigation team further growth of one detective sergeant and six constables has been agreed. The detective sergeant has been appointed and is in post whilst three of the six constables have been recruited and will join the department in the first quarter of 2023/2024. The remaining three constables are being actively recruited. The focus of these additional officers will be improved timeliness with a specific focus on investigations linked to violence against women and girls and misogynistic behaviours.

In 2022/2023 there was an increase in Reflective Practice Review Process referrals, and this reflective learning was recommended for 151 officers, which is an increase of 21% compared to the previous year. A number of these cases will remain live whilst the reflective practice is delivered, so the number will differ when compared with the analysis of outcomes on page 10 and 11. Where minor wrongdoing is identified, this process allows for an early, effective intervention to address the problem without the need for an often-prolonged investigation.

In 2022/2023 the department's independent advisory group has continued to meet to consider decisions made within the department and offer constructive feedback. This group consists of between ten and twelve people from a range of backgrounds and

community groups who are drawn from other established local IAGs. All of the panel members have undergone training around the conduct regulations so have a good understanding of police discipline procedures and legislation.

This year has also seen the formation of an internal advisory panel, whereby representatives of the force's support networks and staff associations fulfil a similar role by considering some of the more challenging cases through the lens of the groups they represent.

The national HMICFRS vetting, misconduct and misogyny inspection made forty-three recommendations to all forces. At the time of this report's completion, Essex is meeting forty-one of the forty-three recommendations. The remaining two recommendations have target date of October and December 2023, and the force will be compliant with these recommendations before these dates.

After the publication of the national HMICFRS vetting, misconduct and misogyny inspection, the force was subject to its own inspection on vetting and counter corruption. Although the final report awaits publication, the inspectors commented positively on the force in both areas and have indicated a *good* grading. As part of the national vetting, misconduct and misogyny inspection there was broad criticism of vetting decisions made in some forces. During our inspection, the inspectors examined sixty vetting files and agreed with all of the decisions that were made by the Force Vetting Manager. This demonstrates that we can be confident in the integrity and expectations of our workforce.

As part of our counter corruption inspection the inspectors reviewed sixty corruption intelligence files and found that 97% had been investigated appropriately, with some other opportunities available that were not developed in the remaining three percent. However the inspectors noted that all sixty files had good supervisory oversight. The inspectors also noted that the force's counter corruption policies were comprehensive and reflect the APP guidance.

Given the national focus around this area of policing and concerns around how the national inspection will impact on public confidence, our individual inspection should give increased confidence to the communities of Essex and is incredibly positive for the force.

6.0 Implications (Issues)

The growth of the Prevention and Engagement team will increase the department's engagement with the workforce and external partners. This in turn will build confidence to report wrongdoing that may otherwise not have come to the department's attention. In addition, an increased proactive capability within the force's counter corruption team is also likely to identify wrongdoing, and this point was recognised by HMIC's inspectors as part of their inspection. It is therefore possible that in the short term we will see a continued increase in reports of wrongdoing as a result of this increased proactivity and improved engagement. However, with the growth of one sergeant and six constables into the investigations team will be able to accommodate any increase in the short term. In the medium term, the impact of the preventative engagement, the focus on professionalism and

leadership standards, as well as a more stable and experienced workforce given slower growth, we can expect to see a reduction in reported wrongdoing over time.

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.

6.2 Demand

As stated in 6.0, it is possible that demand for the department will continue in the short-term once people have greater confidence to report wrongdoing. However the increased prevention and engagement opportunities will negate this in the medium term by providing better education and understanding of expectations of the workforce, thereby reducing wrongdoing.

6.3 Risks/Mitigation

One risk considered in this paper is a reduction of trust and confidence in policing as a result of greater number of officers under investigation, a higher number of complaints and perceived delays in investigating these complaints.

Once the HMICFRS vetting and counter corruption report is published, external communication around the positive work the force is doing should increase the public's confidence and trust. The continued work to manage dissatisfactions of service quickly will enable other more complicated complaints to be investigated which again should have a positive increase on the public's confidence.

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. Significant work has been undertaken to improve the recording of complainant ethnicity and a new complaint recording system will be introduced to mandate the requirement for a complainant's ethnicity unless they would 'prefer not to say'. Furthermore, a new 'QR code' feedback survey is being implemented to further capture complainant ethnicity and to enable them to provide feedback around their complaints handling experience. The continued work of the IAG is also supporting our understanding as to how our workforce impact on people from different ethnic backgrounds and how we can continually improve our approach.

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 Professional Standards in consultation with the Complaints Manager and the Detective Chief Inspector with responsibility for Counter Corruption and Prevention.

8.0 Actions for Improvement

Areas for development during 2023/2024 have been detailed in the narrative of this paper.

9.0 Future Work/Development and Expected Outcome

During 2023/2024 the department will take a prominent role in delivering against the Professionalism Strategy by ensuring the workforce understands the cultures and behaviours demanded by policing in 2023 and beyond. This will be driven widely by the Chief Superintendent with responsibility for Professionalism, but heavily supported by the Prevention and Engagement team, and specifically the Professionalism Engagement Officers, who will have the focus of dedicated engagement with frontline officers.