

# OVERSIGHT

## newsletter

Welcome to our monthly newsletter which provides updates about the work of the Independent Office for Police Conduct (IOPC). The newsletter is for complaint handlers in forces and local policing bodies (LPBs).

### **A reminder: appointing a suitable investigator and appropriate authority**

Our Statutory Guidance outlines the considerations that an appropriate authority should have, when handling complaints or conduct matters and appointing an investigator. It may be a helpful reminder to note:

#### **Regulation 46 Police (Complaints and Misconduct) Regulations 2020:**

Where a senior officer (above the rank of Chief Superintendent) is the subject of a complaint, the role of the Chief Officer/appropriate authority may only be delegated to:

- (i) a senior officer, or
- (ii) a police staff member who, in the opinion of the chief officer, is of at least a similar level of seniority.

In all other cases:

- (i) a member of a police force of at least the rank of inspector, or
- (ii) a police staff member who, in the opinion of the chief officer, is of at least a similar level of seniority.

#### **Where it's determined that a complaint or matter is to be investigated locally, or in a directed investigation, under Regulation 12:**

- the investigator must have an appropriate level of knowledge, skills and experience to plan and manage the investigation
- the investigator must not work, directly or indirectly, under the management of a person being investigated
- a person must not be appointed if their involvement in that role could reasonably give rise to a concern about whether they could act impartially
- where an investigation relates to a senior officer, the investigator must not be a person serving with the same force as the senior officer.

More information on this can be found in chapter 13 of our statutory guidance.

[Statutory guidance on the police complaints system \(policeconduct.gov.uk\)](https://www.policeconduct.gov.uk)

## Referrals relating to child sexual abuse/child sexual exploitation

When submitting referrals relating to child sexual abuse/child sexual exploitation (CSA/CSE) which contain distressing or graphic material, we ask that you please flag this content at the start of the 7.1 form and in the referral email. Please mark the top of the 7.1 form as 'REFERRAL RELATES TO CSA/CSE'.

For these cases it is unlikely that we will need explicit descriptions of offences or associated material such as images/text messages. If this is available, please state this on the 7.1 form and we will request it if we feel it is necessary.

To assess the referral, we only require the number and nature of the alleged offences, whether the offence occurred when the officer was on or off duty, and age of any children involved e.g. the officer has been arrested for sexually assaulting a 7 year old family member on a number of occasions between 2008 and 2012.'

## Update on two upcoming Focus publications

### Focus – Handling complaints involving race discrimination

We will soon publish our special edition of Focus dedicated to the handling of complaints involving race discrimination. This issue will provide guidance on areas of complaints handling that are particularly challenging, showcase force and local policing body initiatives designed to improve complaints handling and cultural awareness, and deal with commonly asked questions.

We would like to thank everyone who engaged with us along the way. If you have any thoughts or ideas still to share, it is not too late. Please do continue to let us know of any initiatives that you have implemented and we will contact you to discuss them and where appropriate, we will share them via the Oversight Newsletter.

This Focus is part of a suite of products that support our thematic work on race discrimination. Part of this work will involve the revision of the IPCC guidelines for handling allegations of race discrimination. We will keep you updated about further activities we have planned as part of this work.

### Focus – Reflective practice

A new issue of Focus on reflective practice will be launched at the end of November 2022. This issue will cover the use of reflective practice discussions as the outcome to a complaint or conduct matter, as well as a method of handling a complaint otherwise than by investigation. It will provide case studies and practical guidance on reflective practice, from decision-making and engagement to record-keeping, review rights and culture.

## Recent initiative on building an inclusive culture

West Midlands Police have successfully run a new 'moral courage' training course for frontline officers. The course is online (guided and self-paced training with live virtual workshops). It aims to assist officers in creating an inclusive environment where they feel safe, and actively encouraged and supported to speak out about any inappropriate behaviour in the workplace. This includes

looking at what standards are expected of staff and demonstrating the force's values through behaviour. The training received positive feedback from participants and was supported by senior leaders within the force.

## Learning recommendations follow-up pilot

On the 20 October 2022, we wrote to police professional standards departments to advise you of our pilot to follow-up on IOPC learning recommendations.

The pilot will follow-up IOPC recommendations made under Schedule 3, paragraph 28A of the *Police Reform Act (2002)* and aims to understand how many recommendations are implemented and the impact of those. We also want to understand if there are any barriers to implementation and any improvements we could make to the process.

A summary of the pilot design was included in the email briefing document. If you haven't received the email, please contact [oversight@policeconduct.gov.uk](mailto:oversight@policeconduct.gov.uk).

We would like to hear your thoughts on the planned pilot, which we hope to start in November 2022. If you have any questions or considerations you'd like to raise, please respond to [oversight@policeconduct.gov.uk](mailto:oversight@policeconduct.gov.uk) by 3 November 2022.

## PSD new starter sessions

As we outlined in our previous newsletter, we are developing an overview of the IOPC for new starters in professional standards departments. We will let you know when the dates of these sessions are confirmed. In the meantime, please email [oversight@policeconduct.gov.uk](mailto:oversight@policeconduct.gov.uk) if you have new starters you would like to add to the first session, and we will do our best to accommodate you. The sessions will be held quarterly (remotely), last around 60-90 mins and will cover how the IOPC started, the work we do, complaints handling tips and a chance to ask us questions on any area of our work.

## ❓ Common questions from forces and LPBs

**Q: A complaint was made about a death or serious injury (DSI) incident that has already been referred and returned for a local investigation. The complainant is unhappy with the force used by officers and the injury he sustained. Is it necessary to produce two outcome reports?**

A: If the complaint covers the same issues as the DSI matter, the complaint takes precedence and just one complaint outcome report is needed. Any matters being considered under the DSI investigation that aren't covered by the complaint, should continue as a DSI investigation and a report should still be produced for that matter.

**Q: Can reflective practice review process (RPRP) be used as an outcome for police staff?**

A: There is no legislative provision to refer a police staff member to RPRP. However, earlier this year the Police Staff Council updated the [Police Staff Handbook section on misconduct procedures](#) to include RPRP as a possible outcome. If you are considering RPRP for a police staff member, please check the terms and conditions of their employment and the force's staff discipline policy to ensure that RPRP has been adopted for police staff.

## Corporate news

### Statement in response to HMICFRS report into vetting, misconduct and misogyny in policing

IOPC Director General Michael Lockwood said:

"I welcome the findings of His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) inspection into vetting, misconduct and misogyny in the police service.

"The report highlights issues we have been concerned about for some time – and I welcome the inclusion of our previous recommendations within this report. The IOPC, and our predecessor organisation the IPCC, raised a number of these concerns as far back as 2012. Many of our findings were reiterated in 2016 and again, very recently.

"Our [Operation Hotton investigation](#) - which uncovered cultural issues around misogyny, bullying and harassment at Charing Cross police station - made 15 learning recommendations which were all accepted by the Metropolitan Police Service – and have now been rolled out nationally across England and Wales.

"And in June, following our joint investigation – alongside the College of Policing and HMICFRS – into a [super-complaint by the Centre for Women's Justice](#), we urged all chief constables to act on our findings that forces needed to improve how they respond to domestic abuse allegations against officers and staff.

"I have previously spoken publicly on vetting procedures and the need for change. In light of today's report, I reiterate the need for vetting to be more intrusive and diligent - including social media and background checks on those hoping to become police officers.

"It's important that where there are disciplinary issues – and/or a history of behaviours that question the character of an individual, red flags are raised that, where necessary, stop an application, or force transfer from progressing.

"This year, the IOPC has committed to a programme of work focused on Violence against Women and Girls (VaWG) - prioritised in response to increasing public concern about the police response to VaWG, and cultural attitudes in policing towards women and girls.

"We are committed to holding the police service to account in their handling of complaints and conduct matters of this issue, helping to drive improvements in policing practice and build trust and confidence in those who have reason to make a complaint.

"The IOPC will work collaboratively with policing stakeholders to drive learning and fundamental change in this area – engaging with women to ensure their voice is heard and at the centre of our work.

"Policing now too, must use the findings of this report as an opportunity to learn and to demonstrate real change - the trust and confidence of the public depends on it."

## Latest news

Keep up to date on our investigations and other work to increase public confidence in the police complaints system. You can find our [latest IOPC news](#) on our website.

[Inquest concludes into shooting of man during West Yorkshire Police surveillance operation](#)

[Investigation following fatal collision after vehicle failed to stop for Cumbria Constabulary officers](#)

[South Wales Police officer found guilty of common assault of a 16 year old boy](#)

[Greater Manchester Police officer found not guilty of assault after attending a domestic violence incident](#)

[Former Devon & Cornwall Police officer would have been dismissed for inappropriate relationship](#)

[Civil Nuclear Constabulary officers under investigation over offensive WhatsApp messages](#)

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If you have any questions, please get in touch with your Oversight Liaison or a member of the Oversight team.

