

## FOI Disclosures January 2023

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This month we have responded to questions relating to the following topics:

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If you require a full copy of any of the embedded attachments, please contact [Requestinfo@policeconduct.gov.uk](mailto:Requestinfo@policeconduct.gov.uk) quoting the reference number from the relevant response.

<b><u>Ref</u></b> <b><u>5023881</u></b> <a href="#">Back to top</a>	<b><u>Stalking and harassment referrals</u></b>
<b><u>Request</u></b>	<p><i>I am writing to request information under the Freedom of Information Act 2000 on the number of referrals to the IOPC in relation to stalking and harassment for the following calendar years: 2018, 2019, 2020, 2021 and to date (12th December 2022).</i></p> <p><i>Please can you provide me for each calendar year:</i></p> <ol style="list-style-type: none"><li>1. <i>Of the total number of referrals made to the IOPC each year, how</i></li><li>2. <i>many of these are in reference to the sub group of “stalking and harassment” in the count offence classification code. This includes:</i><ol style="list-style-type: none"><li>a. <i>Stalking – classification code 8Q</i></li><li>b. <i>Malicious Communications – classification code 8R</i></li><li>c. <i>Harassment – classification code 8L</i></li><li>d. <i>Racially or religiously aggravated harassment – classification code 8M</i></li><li>e. <i>Controlling or coercive behaviour – classification code 8U</i></li></ol></li></ol>
<b><u>Response</u></b>	<p>We have understood your request as referring to the <a href="https://publishing.service.gov.uk">Offence classification index (publishing.service.gov.uk)</a> While we have received referrals relating to incidents potentially involving one or more of these offence codes, it is unlikely that this will be confirmed in the referral. This is because we do not apply the index to our cases and do not require that any offence disclosed by the referral be classified in this way by the professional standards department. We have decided, therefore, that we hold the requested information only in respect of some of the referrals that</p>

relate to these offences, these being the referrals in which the force has included the offence code.

We would not be required by the FOIA to apply the index to our referrals because this would involve the creation of new information. If we did carry out this work we could apply the index in a reliable way only to the cases that contain enough information to support an assessment.

For these reasons we do not hold information from which we could confirm the total number of referrals relating to these offence codes.

We have extracted the following data from our case management system:

Received Date	Referrals received – has factor of Domestic /gender abuse: Stalking / Harassment
2018	56
2019	57
2020	31
2021	46
2022	66
<b>Grand Total</b>	<b>256</b>

The “stalking/harassment” case factor is defined in our Operations Manual as follows:

*Stalking/Harassment*

*Should be ticked when any stalking or harassment based on an intimate relationship is identified, this includes abusive messages through various mediums e.g. social media, texts and phone calls. It does not include complaints of excessive stop and searching. If the stalking / harassment is conducted by a police officer the ‘Sexual assault / harassment’ factor needs to be selected instead.*

*Example:*

- A woman reports to the police that she is being stalked by a former boyfriend. The police miss opportunities to arrest the individual who then goes on to attack the woman.*

Therefore, this case factor does not apply when the alleged perpetrator is a police officer.

We would emphasise that case factors are manually selected by operational staff to help identify the nature of the circumstances of a case. Therefore, they should not be relied on to provide definitive data since application of case factors is reliant on individual discretion. A factor selected on a case involving a complaint may be relevant to the incident to which the complaint relates but may not be what the complaint is about. It should also be noted that factors may be revised as an investigation progresses and new information comes to light. Therefore data presented using case factors should be used for illustrative purposes only.

A keyword search of the “incident description” field in the same dataset (i.e. all referral cases received in this period) confirms that the word “stalking” appears in

	<p>a significant number of referrals that are not amongst the 256 cases in which the stalking/harassment case factor has been selected. It is likely that some of these incidents meet the definition under this case factor.</p> <p>We have also confirmed via a keyword search that the word “harassment” is included in the incident description in many more referral cases, although this could apply to a much wider range of circumstances, for example harassment on grounds of race.</p> <p>The incident description as notified on first receipt of a case may not be a comprehensive account of the incident and may not indicate the matters that were later considered under an investigation.</p> <p>This illustrates that we would have to carry out extensive work to obtain an accurate figure for all referrals received during this period to which the stalking/harassment case factor should have been applied.</p>
<p><b><u>Ref</u></b> <b><u>5023884</u></b> <a href="#">Back to top</a></p>	<p><b><u>IOPC salary grades</u></b></p>
<p><b><u>Request</u></b></p>	<ol style="list-style-type: none"> <li>1. <i>Is the employee grading structure used by your organisation the same as that used by wider Civil Service and if not, how does it differ and map against Civil Service grades?</i></li> <li>2. <i>Your organisation salary scales, including minimum, mid-point and maximum for each grade</i></li> </ol>
<p><b><u>Response</u></b></p>	<ol style="list-style-type: none"> <li>1. We do not use the Civil Service grading structure and we do not hold information about how it differs or maps to our grades. The Home Office publishes <a href="#">workforce management information</a> that provides information on the number of staff employed at different grades within the Home Office, their agencies and executive non-departmental public bodies, which includes the IOPC and you may find their website useful.</li> <li>2. There are twelve pay grades for staff and three for Directors. The IOPC appoints on a spot salary arrangement with annual cost of living pay progression determined by percentage increases on confirmation of the annual Pay Remit process with the Home Office. There is a London Weighting Allowance of £4438 applicable to offices in Canary Wharf and Croydon for all staff including Directors and Deputy Directors General. This information reflects the current entry level salaries at the time of the request.</li> </ol>

Grade	Salary
16	£68,275
15	£59,740
14	£53,760
13	£44,340
12	£37,120
11	£33,783
10	£30,032
9	£26,665
8	£24,605
7	£23,060
6	£21,271

#### Director pay scales

Grade	Role	Salary
Level 1	Deputy Directors General, Operations	£128,000
Level 2	Director, Strategy & Impact	£104,000
Level 3	Regional Directors <del>Director Wales</del> Director People	<u>£93,000</u>

**Ref**  
**5023885**

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### **Career background of senior IOPC staff**

**Request**

*Would you kindly provide me a list of senior staff at the IOPC and indication of their past history of employment with the police.*

**Response**

Details of the career background of our executive team and Regional Directors (including Director for Wales) are available on [this page of our website](#). We can confirm that none of these persons has served as a police officer or been employed by a police force.

**Ref**  
**5023908**

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### **Cheshire police officers disciplined in 2007**

**Request**

*I am requesting the names of the three Police Officers who were disciplined by Cheshire Police in 2007 following a 3 year and £1m investigation into corruption.*

*I am requesting a Freedom of Information request regarding the news reports dated back to 2007 (two of which I have copied below from Macclesfield Live and The Manchester Evening News).*

	<p><i>The reports relate to three serving Police Officers at the time who were sacked relating to honesty and integrity offences after a lengthy investigation by the IPCC.</i></p> <p><i>The report mentioned that no criminal charges were brought against the Officers, but an internal disciplinary investigation resulted in a PC of 8 years and a DC of 18 years getting sacked and losing their jobs, whilst a DS of 20 years was demoted.</i></p> <p><i>At the time of the report the names of the three Police Officers were not allowed to be published due to legal reasons. I believe the law changed the following year, possible in 2008 following the Taylor Review, and that Officers could then be named following similar offences and investigations.</i></p> <p><i>If you cannot provide the names of the three Officers please can you give an explanation why?</i></p> <p><a href="https://www.macclesfield-live.co.uk/news/local-news/dishonest-officers-sacked-2534851">https://www.macclesfield-live.co.uk/news/local-news/dishonest-officers-sacked-2534851</a></p> <p><a href="https://www.manchestereveningnews.co.uk/news/greater-manchester-news/3-years-and-1m-to-sack-thieving-977969">https://www.manchestereveningnews.co.uk/news/greater-manchester-news/3-years-and-1m-to-sack-thieving-977969</a></p>
<p><b><u>Response</u></b></p>	<p>The IOPC holds this information but we are refusing to release it after concluding that it engages the exemption under section 40(2) of the FOIA, which relates to personal information. Our reasons are as follows.</p> <p>Section 40(2) applies to personal data about someone other than the requester when disclosure would breach any of the data protection principles contained in Article 5 of the UK General Data Protection Regulation (UK GDPR).</p> <p>You believe that officers can now be named in connection with offences and investigations. When deciding whether to name an investigation subject for the purposes of its statutory functions, the IOPC applies the criteria contained in its <a href="#">Policy on the naming of police officers and police staff subject to IOPC investigation, appeal assessment or criminal proceedings</a>. This policy defines the legal context in which the IOPC operates, including its core purpose as provided in statute, and sets out the circumstances in which the IOPC would normally identify investigation subjects.</p> <p>Subject to certain exceptions, it is our usual practice to name an officer in our publications that refer to the misconduct once a misconduct charge has been laid against an officer and that charge is to be the subject of a misconduct hearing.</p> <p>It is likely, therefore, that the officers in this case would have been named by the IPCC if the naming policy had been in place at the time. This is not to say, however, that we could name the officers now if they had been</p>

	<p>named in 2007, since we cannot rely indefinitely on the UK GDPR lawful basis that permits identification under our policy.</p> <p>Different lawful bases apply to disclosure under FOIA, meaning that the same disclosure may be lawful when made for the purposes of our core functions but unlawful under FOIA because neither of the conditions identified in the Commissioner’s guidance would be engaged.</p>
<p><b>Ref</b> <b>5023911</b> <a href="#">Back to top</a></p>	<p><b><u>Complaints about Metropolitan Police Officers</u></b></p>
<p><b><u>Request</u></b></p>	<ol style="list-style-type: none"> <li>1. <i>The total numbers of complaints received by the IOPC which relate to the conduct of Officers attached to the Metropolitan Police Directorate of Professional Standards for each year between 2015-2022;</i></li> <li>2. <i>The total number of complaints regarding the conduct of Officers attached to the Metropolitan Police Directorate of Professional Standards for each year between 2015-2022 which were upheld by the IOPC;</i></li> <li>3. <i>The total number of complaints made to the IOPC regarding criminal investigations conducted by the Metropolitan Directorate of Professional Standards between 2015 – 2022;</i></li> <li>4. <i>The total number of complaints regarding criminal investigations conducted by the Metropolitan Police Directorate of Professional Standards between 2015 – 2022 which were upheld by the IOPC;</i></li> <li>5. <i>Whether the IOPC has received any complaints regarding the conduct of Operation Joseph by the Metropolitan Police Directorate of Professional Standards, or the conduct of Officers attached to Operation Joseph by the Metropolitan Police Directorate of Professional Standards;</i></li> <li>6. <i>If any complaints (at 5, above) have been received – whether any complaints have been upheld.</i></li> </ol>
<p><b><u>Response</u></b></p>	<p>You appear to have made your complaint on the basis that the IOPC holds detailed information about all recorded complaints.</p> <p>Complaints against police must be made to the relevant police force or local policing body who decide whether the complaint should be recorded under Schedule 3 to the Police Reform Act 2002, or if it can be resolved outside of Schedule 3. Most of these complaints are dealt with by the police themselves, or by the local policing body.</p> <p>Complainants may also send their complaint directly to the IOPC and our role is then limited to passing the matter on to the relevant police force so they can consider whether it should be formally recorded. We record only minimal information about these ‘direct’ complaints and do not normally track how they are processed under the legislation. Complaints submitted by means of our online complaint form are automatically referred by the system to the relevant police force without any human involvement. We do not retain any information about the nature of the complaints made to us using this facility.</p>

Further information about making complaints is available on [this page of our web site](#).

We hold more detailed information about police complaints only when they are brought to our attention as required by the legislation, for example in the form of a [referral of a more serious matter](#) or [a request for an IOPC review by a complainant](#).

These case types account for only a minority of the total complaints recorded by police forces. This means we do not hold information from which we could identify the total number of complaints made against any particular group of police officers, as only the relevant police force would hold this information.

### Part 2

We do not hold this information because neither the IOPC nor the police make a determination on whether a complaint is upheld.

Allegation decisions are recorded by police forces. Paragraphs 7.7 to 7.13 of our [Guidance on Capturing data about police complaints](#) provide guidance to the police on the recording of allegation decisions and action taken on complaints. This does not include a requirement to record whether a complaint or allegation has been upheld.

Based on the data provided by police, we produce [annual statistics](#) on the complaints logged by forces and how they deal with them<sup>1</sup>. As we do not receive data about the roles of officers subject of complaint, you would have to contact the Metropolitan Police to request information about decisions and actions taken on any complaints about officers assigned to their DPS.

### Parts 3 and 4

The IOPC does not hold this information for the reasons given above. Operation Embley was an IOPC investigation concerning officers of the Metropolitan Police DPS. Information about this investigation is available on our website via the following links:

[Operation Embley - Metropolitan Police | Independent Office for Police Conduct](#)

[Organisational learning issued after investigation into staff in the Directorate of Professional Standards – Metropolitan Police Service, November 2017 | Independent Office for Police Conduct](#)

[Recommendations - Metropolitan Police Service, August 2021](#)

### Parts 5 & 6

We have carried out searches of our case tracking system using key words and have found no record of any relevant case. We have also taken advice from operational colleagues who would be likely to have knowledge of such a case and they are not aware of any relevant complaints. We have concluded, therefore, that this information is not held.

**Ref  
5023926**

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**Referrals relating to abuse of power for a sexual purpose  
from 2017**



<p><b><u>Request</u></b></p>	<p>For context, in 2017, legislation was amended to make clear that abuse of position for sexual purposes, or the purpose of pursuing an improper emotional relationship, was a type of serious corruption, and any reports of it must be referred to the IOPC.</p> <p>Since 2017, I would be very grateful if you could please provide annual breakdowns of how many referrals have been made for abuse of power by police specifically; giving the number of referrals per year (and month if possible), from 2017/2018 to present, in tabular excel format. I would also request that outcomes of each referral in each case be added to the table.</p> <p>Whilst I am aware that the government publishes generic misconduct statistics, I am making this FOI as the statistics I require are in relation to abuse of power in particular.</p>
<p><b><u>Response</u></b></p>	<p>The legislation relating to the referral of abuse of position for sexual purpose (APSP) was amended in 2020. From 22 April 2017, the IOPC amended its mandatory referral criteria to include, under the category of ‘serious corruption’, abuse of position for a sexual purpose, or for the purpose of pursuing an improper emotional relationship. This change was introduced by <a href="#">The IPCC’s Operational Advice Note (Mandatory Referral criteria update, April 2017)</a>.</p> <p>APSP is now included in Regulations 4 and 7 of <a href="#">The Police (Complaints and Misconduct) Regulations 2020</a> as a form of ‘serious corruption’ that must be referred by the police to the IOPC. These provisions were enacted on 1 February 2020.</p> <p>Referrals to the IOPC disclosing this allegation type cannot be identified from our case management system solely by means of an automated query and we have not carried out any research involving the extraction of the specific data you have requested. This means that compiling this data would involve a manual search of each referral case to assess it against the definition of APSP. Given that we have received well over 20,000 referrals from police since 2017, these searches would clearly exceed the cost limit prescribed by the FOIA by some considerable margin, with the result that we would not be obliged to respond.</p> <p>The tables provided below confirm the number of referrals we received from 1 April 2017 to 31 December 2022 in which the “abuse of position for sexual purpose” case factor is present.</p>



Referrals received between 1 April 2017 and 31 December 2022 with a case factor of Abuse of powers for sexual gains (police forces only)

Received period	Directed/Manged Investigation	Independent Investigation	Invalid	Local Investigation	Return to Force	Supervised Investigation	Outcome not recorded	Grand Total
2017-2018		37	5	113	6	8		169
2018-2019	1	40	2	81	4	13	2	143
2019-2020	5	70	1	40	1	5		122
2020-2021	3	61	1	52		3		120
2021-2022	4	43	1	91	2	1		142
2022-2023	3	17		55	1			76
Grand Total	16	268	10	432	14	30	2	772

Above table by month

Received Date	Directed/Manged Investigation	Independent Investigation	Invalid	Local Investigation	Return to Force	Supervised Investigation	Outcome not recorded	Grand Total
Apr 2017		3		4				7
May 2017		2		8		1		11
Jun 2017		2	1	8	1			12
Jul 2017		3		10	1			14
Aug 2017		4		8				12
Sep 2017		3		9		1		13
Oct 2017		3	1	17	4			25
Nov 2017		6	1	12		2		21
Dec 2017		6	1	11				18
Jan 2018		2		11		1		14
Feb 2018		1		7		2		10
Mar 2018		2	1	8		1		12
Apr 2018		1		8	1			10
May 2018				7		2		9
Jun 2018		1		7		1		9
Jul 2018		2		18		3		23
Aug 2018		2		6	1			9
Sep 2018	1	2	1	6		1		11
Oct 2018		9		6		1		16
Nov 2018		4		4		3		11
Dec 2018		3		4		1		8
Jan 2019		2		5				7
Feb 2019		5	1	5	2	1		14
Mar 2019		9		5			2	16
Apr 2019	1	3		4				8
May 2019		9		4				13
Jun 2019		2				1		3
Jul 2019	1	7		4				12
Aug 2019		5		3		2		10
Sep 2019		4		1				5
Oct 2019		3		3				6
Nov 2019	1	6		4	1			12
Dec 2019		7		5				12
Jan 2020	2	6		6		1		15
Feb 2020		17	1	2				20
Mar 2020		1		4		1		6
Apr 2020		3		2				5
May 2020		6		2		1		9
Jun 2020		6		3				9
Jul 2020		7		6				13
Aug 2020		2		7		1		10
Sep 2020		4		4		1		9
Oct 2020		5		6				11
Nov 2020	1	7		4				12
Dec 2020		7		8				15
Jan 2021	1	5		4				10
Feb 2021		2		2				4
Mar 2021	1	7	1	4				13
Apr 2021		3		5	1			9
May 2021		3		5				8
Jun 2021		5		8				13
Jul 2021		3		10				13
Aug 2021		2		7				9
Sep 2021		2		9				11
Oct 2021	1	6	1	8				16
Nov 2021	3	8		5				16
Dec 2021		4		7				11
Jan 2022		1		10				11
Feb 2022		4		3	1	1		9
Mar 2022		2		14				16
Apr 2022		3		3				6
May 2022		4		11				15
Jun 2022		3		5				8
Jul 2022				8				8
Aug 2022		1		10				11
Sep 2022				5	1			6
Oct 2022	2	1		7				10
Nov 2022	1	4		4				9
Dec 2022		1		2				3
Grand Total	16	268	10	432	14	30	2	772

This case factor is defined in our guidance to staff as follows:

Abuse of position for sexual purpose

i. *Abuse of authority for sexual gain. Please note this only applies to members of the public.*

*Examples:*

- *An officer engages in sexual intercourse while on duty with a vulnerable female.*
- *A police officer comes into contact with a female through an investigation into drugs supply. While off-duty, the officer makes inappropriate contact with the female, texting, calling and visiting her at her home, where they engage in sexual acts.*

We would emphasise that case factors are manually selected by operational staff to help identify the nature of the circumstances of a case. They should not be relied on to provide definitive data since application of case factors is reliant on individual discretion. A factor selected on a case involving a complaint may be relevant to the incident to which the complaint relates but may not be what the complaint itself is about. It should also be noted that factors may be revised as an investigation progresses and new information comes to light. Therefore, data presented using case factors should be used for illustrative purposes only.

When we receive a referral from a police force we assess it to consider whether the matter requires investigation and, if so, what type. This is called a mode of investigation decision. The enclosed table includes data about our mode of investigation decisions on the referrals in which our APSP case factor is present, separated by month and year. These are the outcomes that we record on referrals.

As confirmed by our data, only a minority of the referrals we receive result in an investigation by the IOPC. For more information about referral decisions please see this page of our website: [Assessing referrals | Independent Office for Police Conduct](#)

It may help you to know that our [Investigation Outcomes Report 2021/22](#) includes data relating to the 'case to answer' outcomes of thematic investigations completed during 21/22. Our thematic areas include APSP. The relevant data is on pages 14 and 15 and refers to the outcomes for individual police officers or staff. These figures are based on the 'case to answer' determination by the IOPC at conclusion of the investigation, not the outcome of any subsequent misconduct proceedings.

**Ref**  
**5023934**

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**Referrals relating to abuse of position for a sexual purpose**  
**Jan 2019 to Dec 2022**

**Request**

***1. How many completed referrals have you received from police forces for the category relating to abuse of position for a sexual purpose from January 2019 to the end of 2022?***

(a) Could you please provide a year by year breakdown of these figures.

**Response**

Referrals to the IOPC disclosing this allegation type cannot be identified from our case management system solely by means of an automated query and we have not carried out any research involving the extraction of this specific data. This means that compiling the data would involve a manual search of each referral case to assess it against the definition of APSP. Given that we have received four to 5 thousand referrals each year, these searches would clearly exceed the cost limit prescribed by the FOIA by some considerable margin, with the result that we would not be obliged to respond.

However, the following data relates to cases for which our “abuse of position for sexual purpose” case factor has been selected.

Referrals completed between 1 January 2019 and 31 December 2022 with a case factor of Abuse of powers for sexual gains (police forces only)

Year completed	Completed in period
2019	116
2020	133
2021	134
2022	114
Grand Total	497

This case factor is defined in our guidance to staff as follows:

Abuse of position for sexual purpose

i. *Abuse of authority for sexual gain. **Please note this only applies to members of the public.***

*Examples:*

- *An officer engages in sexual intercourse while on duty with a vulnerable female.*
- *A police officer comes into contact with a female through an investigation into drugs supply. While off-duty, the officer makes inappropriate contact with the female, texting, calling and visiting her at her home, where they engage in sexual acts.*

We would emphasise that case factors are manually selected by operational staff to help identify the nature of the circumstances of a case. They should not be relied on to provide definitive data since application of case factors is reliant on individual discretion. A factor selected on a case involving a complaint may be relevant to the incident to which the complaint relates but may not be what the complaint itself is about. It should also be noted that factors may be revised as an investigation progresses and new information comes to light. Therefore, data presented using case factors should be used for illustrative purposes only.

	For more information about referrals to the IOPC and how we decide them please see this page of our website: <a href="#">Assessing referrals   Independent Office for Police Conduct</a>
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