

Commissioning further work

Allocating enquiries to be conducted by the appropriate authority

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Introduction

Where the IOPC does not have enough information to determine a review following an investigation or complaint handled otherwise than by investigation (OTBI), we are able to request that the appropriate Authority (AA) and delegate on behalf of the AA, gather evidential material. This is called 'commissioning further work'.

Commissioning further work usually involves seeking extra information through supplementary enquiry, which had not been obtained during the original complaint handling or investigation. It is a useful tool to proportionately address any identified small omissions.

What are the benefits of commissioning further work?

Improved timeliness for case resolution

If a review is upheld, the time it takes to carry out a (re)investigation with the potential for a further review, can mean a complaint is in the system for a lengthy period. However, if the AA can provide the necessary information during the review period by commissioning further work, there is no need to return the complaint for (re)investigation.

Service user focused: helping to manage expectations

Commissioning further work can help to manage the expectations of the service user. It can help to resolve small gaps in complaint handling at the review stage, rather than by returning the complaint for (re)investigation.

More effective use of police resources

The role of the casework manager is to assess whether a complaint has been handled correctly and if the outcome provided is reasonable and proportionate. If the casework manager is able to obtain any additional information needed to make their assessment by commissioning further work, then the need to return the complaint for (re)investigation will be avoided. This will result in saving police resources and reducing demand for any subsequent review.

What kind of information can the IOPC ask for?

Examples of the kind of information the IOPC might ask for include:

Evidence from witnesses

When considering a review, it may become apparent that there were witnesses to the incident who may not have been identified by the investigating officer/complaint handler, or who were identified but not approached for an account. Evidence could include:

- taking a statement or obtaining other evidence, either in the possession of the complainant or elsewhere, that was not considered previously
- requesting representations on any new evidence obtained or aspects of the complaint where the evidence is lacking

Note: Commissioning further work will not be used to obtain an account from a subject officer in a complaint subject to special procedures.

Other objective evidence

This might include:

- CCTV
- mobile phone footage
- body-worn camera footage
- custody record
- other documentary evidence
- expert opinion, for example, from a manager in a road policing department or use of force trainer

Note: The investigating officer / complaint handler will be asked to provide any comments they may have on the new information / evidence. This may also include seeking comments from the appropriate authority, if necessary.

What is the legislation?

The legislation states that there is a duty on an AA to “provide the Director General and every member of the Office’s staff with all such assistance as the Director General or that member of staff may reasonably require for the purposes of, or in connection with [...] any review under paragraph 25 of Schedule 3”. (Section 15(4), *Police Reform Act 2002*) and

- a) to provide the Director General with all such other information and documents specified or described in a notification given by the Director General to [them], and
- b) to produce or deliver up to the Director General all such evidence and other things so specified or described, as appear to the Director General to be required by the Director General for the purposes of the carrying out of any of the Director General's functions. (Section 17(2), *Police Reform Act 2002*).

What is the process?

1. The casework manager will approach the investigating officer / complaint handler to ascertain if there was a reason why the line(s) of enquiry were not conducted as part of the original complaint handling.



2. The casework manager will outline, either in a phone call or email, the enquiries that they are planning to ask the investigating officer / complaint handler to conduct, to seek their opinion on whether the enquiries are feasible and how long they might take.



3. Once the line(s) of enquiry and timescale are agreed, the casework manager will send a formal commissioning further work letter to the AA (via the investigating officer / complaint handler) outlining the work required and agreed timescales.



4. The letter will serve as an auditable record of the request and a trigger for the investigating officer/complaint handler to start the agreed actions. The letter will include expected timescales for completion and a requirement to notify the IOPC where work will not be completed on time.

Considering the new material

There is no requirement for the investigating officer / complaint handler to produce an updated complaint outcome, after commissioning further work. The casework manager will explain the further enquiries that were conducted and their outcome in the decision letter to the complainant.

When the casework manager receives the new material, they will consider the following:

- Does the new material support or contradict the original findings of the AA?
- Has the new material revealed further lines of enquiry?
- Are they in receipt of all the material necessary to determine whether the outcome of the complaint was reasonable and proportionate?
- Is it necessary to provide any interested parties an opportunity to submit representations about the new evidence?

Note: Not every case is suitable for commissioning further work. Occasionally, the further work that was commissioned will reveal that a (re)investigation is, in fact, required. Issues of fairness will be at the forefront of the casework manager's decision-making at all times.

Summary

Commissioning further work is used when the information obtained during an investigation or complaint handling is not sufficient for the IOPC to determine a review. It allows the AA to conduct new lines of enquiry, that could yield evidence that was not previously revealed, commented on or properly considered by the investigating officer / complaint handler, without initiating a full (re)investigation. The new information is then assessed as part of the review by the IOPC to determine its impact and whether any further steps are required.

This approach has huge benefits for everyone involved in the complaints process. It can improve timeliness by avoiding unnecessary (re)investigations, address gaps or discrepancies of concern to the complainant and reduce the demand on police resources.

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