

# 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).

### Professional Standards Departments new starter sessions

Our Oversight team will host a number of introductory sessions for new starters at Professional Standards Departments (PSDs) in the coming months. Places are available for the session on 16 January 2024 and, due to high demand, we have added in an extra session on Thursday 9 November 2023.

Please continue to send the names and email addresses of any PSD new starters who would like to attend a session to [oversight@policeconduct.gov.uk](mailto:oversight@policeconduct.gov.uk). If they have booked on another session already and wish to change their first choice preference to the November or January session, then please email Oversight as soon as possible. Please include first choice and second choice date preferences and we will do our best to accommodate them.

### Violence against women and girls – update on thematic work

We have started our end-to-end review of violence against women and girls (VAWG) cases. Dip sampling will continue in the eight selected forces throughout the summer and end in August. Once dip sampling ends, we plan to hold early discussions with policing and non-policing stakeholders to talk about our findings and possible next steps. These discussions will help to shape our report and recommendations.

To complement the work of our Oversight team, and so we can look inwardly at our operational effectiveness, our Quality and Service Improvement team will conduct a parallel dip sample internally. This will provide an end-to-end review of IOPC practice in cases where any form of VAWG has featured. The dip sample will include independent investigations and review cases.

### Handling discrimination complaints

Over the coming year the IOPC will be delivering a programme of work to promote effective practices and consistency in the handling of discrimination complaints.

Building on the work and engagement activities that informed [Focus 22](#), we will work with forces and LPBs to embed our guidance and share our own and others' practices for handling discrimination complaints. This will include the updated IOPC guidance on handling discrimination complaints that is currently being developed. We look forward to working with you over the next 12 months to develop the complaints sector's understanding and handling of discrimination complaints.

We have received some questions on the handling of these complaints, making now a helpful time to answer them in advance of the more complete guidance and advice we will share.

**Q. Is the IOPC the RRB for all discrimination complaints?**

A. There are several grounds that determine when the RRB is the IOPC (as set out in Statutory Guidance and issue 19 of Focus). Where none of the definitive grounds apply, such as it has been or should be referred to the IOPC because it meets the two-part criteria for referral, then in practical terms the RRB test will be assessed on whether the allegation, if proven, would result in criminal or misconduct proceedings.

The assessment should be based on the wording of the complaint and not on the merit or likely outcome. In these circumstances the College of Policing's 'Guidance on Outcomes in Police Misconduct Proceedings' provides a helpful framework to guide whether the seriousness of the allegations, as worded in the complaint, meets the criteria, or not.

If it is not clear, from the wording of the complaint, in what capacity the discrimination has occurred, then as part of initial contact with the complainant it can be explored why the complainant feels they have been discriminated against. In these circumstances it would be reasonable to take into consideration this further information before assessing and deciding on the RRB. Should the discrimination complaint not meet any of the grounds, the RRB would be assessed as the LPB, and the complainant should be notified accordingly.

**Q. Can the RRB decision be determined when the outcome of the complaint is known?**

A. No. The RRB test must be assessed on the substance of the complaint alone, not on the apparent merit of the allegations or with hindsight after the complaint has been dealt with.

**Q. Can discrimination complaints be handled outside of Schedule 3 of the PRA?**

A. Some discrimination complaints may be appropriate for handling outside of Schedule 3. Where complaint handlers believe that this is the appropriate handling option, they should:

- Ensure that the complaint does not meet the threshold for recording as defined in the IOPC's Statutory Guidance. This may involve contacting the complainant to be clear on what is being complained about and to fully understand the discrimination element of the complaint
- Be clear that a complaint will not be suitable for handling outside of Schedule 3 where accounts need to be taken from officers, or other investigative type steps are needed to provide a satisfactory outcome
- Be mindful that handling outside of Schedule 3 attracts no right of review for the complainant
- Adhere to the guidance confirming that handling a complaint outside of Schedule 3 is no longer appropriate if:
  - a complainant is dissatisfied with how the matter has been handled and wants the complaint to be recorded
  - at any time, the complainant asks that the matter be treated as a formal complaint
  - further information obtained during the handling of the complaint means that it must be recorded as a complaint under Schedule 3
  - detailed enquiries that cannot be completed promptly are needed to resolve the matter

If a complaint can no longer be handled outside of Schedule 3, the complaint should be recorded as a Schedule 3 complaint and forwarded to the appropriate authority. The complainant should be informed of this

## **? Common questions from forces and LPBs**

**Q: If a person makes a complaint and then later goes on to join the same police force as a member of staff, are they still considered a complainant?**

A: Yes, providing the date the complaint was made is before the date the complainant joined the force, they would still be considered a complainant. The person was not under the direction and control of the chief officer at the time of the alleged conduct so would not be excluded. The complainant would also retain their right to review under these circumstances.

Further guidance on who is eligible to make complaints is at section 5.6 of the [IOPC's Statutory Guidance](#).

## **Corporate news**

### **IOPC investigation recommends that search wands are introduced in all forces following shooting of Sergeant Matt Ratana**

Following our investigation into the tragic murder of Metropolitan Police Service custody sergeant, Matt Ratana, we made a learning recommendation which could see handheld search wands introduced widely throughout England and Wales.

Sergeant Ratana was fatally shot by Louis De Zoysa in Croydon Custody Centre, on 25 September 2020 after he had been arrested by police. De Zoysa was found guilty of the murder of Sgt Ratana and will be sentenced on 27 July.

Following our investigation, in June 2021 we recommended the National Police Chiefs' Council consider the implementation of handheld metal detectors (or search wands) in all vehicles used to transport detained persons. Our recommendation was accepted and the NPCC is exploring the implementation of search wands.

Handheld metal detectors may improve the safety of officers and those held in custody by helping police to locate concealed metallic items or weapons at an early stage, before the detainees are transported to custody.

The handheld metal detectors could be a screening device available to officers already conducting a lawful and justified physical search of a person following their arrest.

They should not replace the requirement for a physical search. Handheld detectors should be used at the discretion of the officer conducting the search, taking into account the search powers relied upon and the grounds for the search.

We understand the Met has made good progress by growing the use of metal search wands. Within weeks of the murder, it began a roll-out of wands to vehicles used to transport suspects and other frontline operational vehicles.

It now has 4,300 wands deployed for use across the force for trained officers across custody and in vehicles, and a pool of devices for use by officers on foot/cycle patrol.

Director of Operations, Amanda Rowe, said: "My thoughts continue to be with the family, friends and colleagues of Matt Ratana and all of those affected by this shocking incident.

“I hope the recommendation we have made will improve officer safety and help to prevent detained persons from being able to harm themselves or others in custody.”

## 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.

[West Mercia Police constable responding to emergency call charged with death by dangerous driving](#)

[Greater Manchester Police officer convicted of unauthorised access to computer material](#)

[Met officer convicted of assault for using PAVA incapacitant spray on man climbing down a high-rise building](#)

[Investigation begins into the death of a man detained in custody by Cleveland Police](#)

[Update on investigation into use of force during arrest by North Wales Police officer](#)

[Cleveland Police officer cleared by magistrates court of driving without due care and attention](#)

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

