

POLICE AND CRIME PANEL

11th MARCH 2022

PROFESSIONAL STANDARDS DEPARTMENT
REPORT



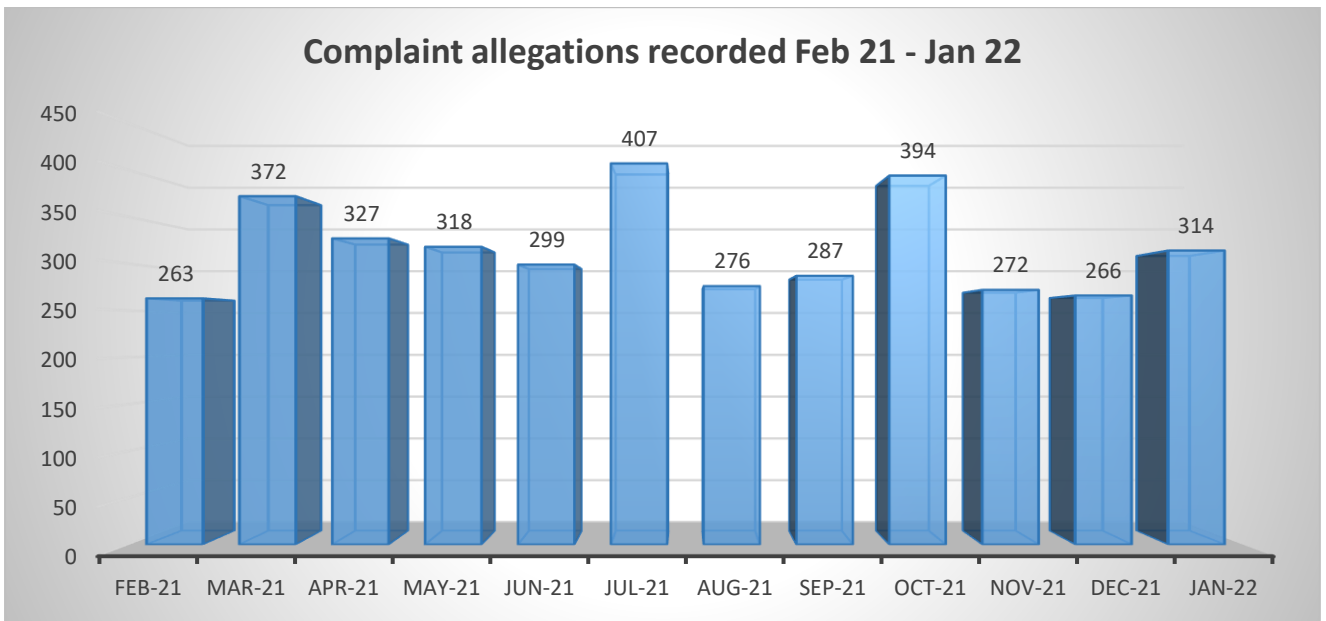
**WEST YORKSHIRE
POLICE**

FEBRUARY 2021 – JANUARY 2022

EXECUTIVE SUMMARY

Complaints

- Total complaint allegations have increased in January 2022 compared to the previous month. There were 314 complaint allegations recorded in January 2022 (239 complaint cases) compared to 266 in December 2021 (224 complaint cases) and 272 in November 2021 (234 complaint cases). This equates to an increase of 18% but is mainly due to staff leave over the Christmas holiday period and the subsequent catch up. The average number of complaint allegations received over the 12 month period now stands at 316.
- Complaint allegations have decreased slightly over the last 12 months from 5028 in Feb 20- Jan 21 to 4269 in Feb 21- Jan 22 (15%) and complaint cases have increased slightly by 0.5% from 3246 to 3258. The new complaint legislation has now been in Force for 2 years therefore the numbers have steadied from the initial sharp increase.



- Of the 3258 complaint cases which have been recorded under the new regulations since 1 February 2021 56% have been dealt with outside Schedule 3. Logging outside Schedule 3 removes bureaucracy and is a more efficient process – these are dealt with by the PSD Service Review Team.
- These complaints are usually dealt with within 1-10 days if the complainant is happy with the resolution and usually involves either an explanation or an apology. If the complainant remains dissatisfied the case will be converted to be formally recorded Inside Sch 3 and a right of review to either the Mayor’s Office or IOPC will be given.

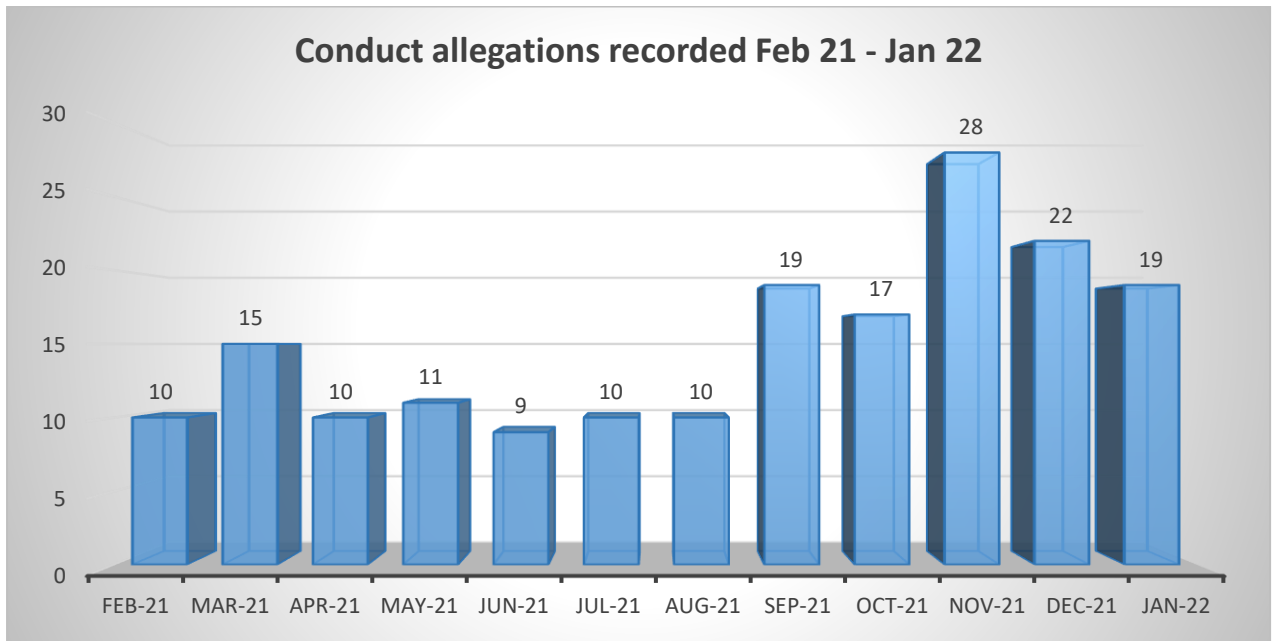
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- 44% of complaints have been or are in the process of being dealt with inside Sch 3 in a reasonable and proportionate manner (either because the complaint meets the definition for formal recording or the complainant insists that the matter is formally recorded).
- The time taken to deal with complaints recorded inside Sch 3 has increased over the last 12 months due to significant staff shortages in the Service Review Team and the summer holiday leave period. This has meant that cases were waiting to be assessed and recorded and then waiting to be allocated to an Investigating Officer, sometimes for several months.
- Of the 241 cases finalised inside Sc 3 the average time to deal from recording to finalisation is 136 days, however this includes the period where the complaint was waiting to be allocated. This backlog has now been reduced as staffing has been increased in the Service Review Team and the PSD Helpdesk which should improve the time taken to deal with complaints. There are also over 500 complaint cases which are in the review period and waiting to be finalised so once finalised the average time taken should reduce and a more accurate figure can be provided.
- The top three categories of complaints which account for 64% of all complaints remain delivery of duties and service, individual behaviours and use of force. Under the new legislation the complaint categories have been changed to allow for more meaningful analysis to see patterns and trends across Districts and Departments. We hope to break this down even further in the future to pinpoint specific District issues.
- The IOPC revised Performance Framework in relation to public complaints was last received in the summer of 2021 and covered the 12 month period from April 2020 – March 2021 so it is now significantly out of date. All Forces were asked to provide their most recent data in October 2021 and this was provided by WYP PSD, however we have been advised by the IOPC that the Bulletin has been delayed due to several Forces being unable to submit their data due to technical IT issues. There is no date currently for when the next Bulletin will be published.
- Under the new legislation PSDs are now required to provide an update letter in relation to complaints, recordable conduct matters and DSI (death and serious injury) investigations which are over 12 months old. This will be sent to both the IOPC and the Mayors Office and there is also the same obligation on the IOPC to report on their cases which have passed this time limit.
- The update must be meaningful and report on the circumstances of why the case has exceeded the 12 month limit. A process has been implemented within PSD to capture these cases and the updates are provided every month, although the numbers are currently low, around 5 – 10 per month..

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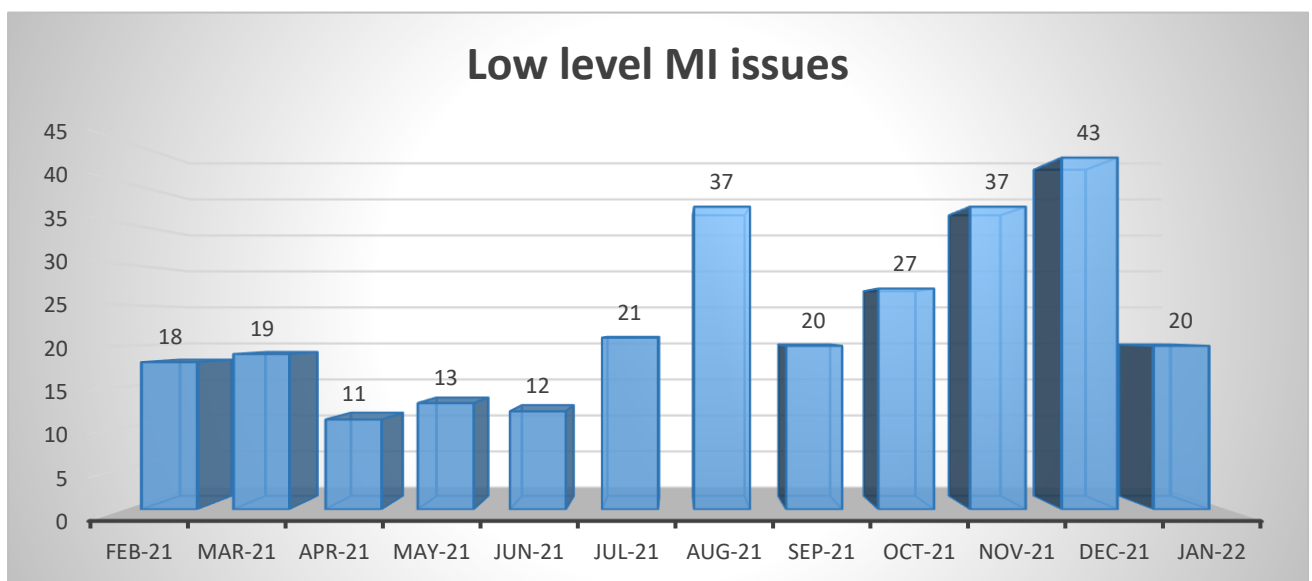
Conducts

- Total conduct allegations have decreased over the last 3 months with 19 in January 2022 compared to 22 in December 2021 and 28 in November 2021. Over the last 5 months however there has been a steady increase in the number of conduct cases recorded as shown in the chart below.



- Yearly totals for conduct allegations have also decreased with 185 recorded between February 2021 – January 2022 compared to 207 in February 2020 – January 2021 (11%) and conduct cases have decreased by 8 (5%).
- There has however been a noticeable increase in the number of cases recorded relating to sexual assault/ sexual misconduct both on and off duty. All such cases are initially assessed as gross misconduct and the officer/ staff member is suspended from duty until the conclusion of the investigation.
- There has also been an increase in the number of cases around the use of social media/ team WhatsApp groups where inappropriate and discriminatory messages have been sent. The most recent case involves 20 members of staff and is currently being independently investigated by the IOPC.
- There have been recent internal communications campaigns and training packages to try to prevent problems or provide guidance around this issue. These include a corporate communications animation which covers the PSD Messaging of inappropriate workplace behaviours, which includes the issue of inappropriate social media usage by officers and staff.

- This covers not taking pictures from scenes on personal mobile phones and not sharing police data. There is also a whole section on Social Media usage in the new culture and behaviour in the work place I-learn which will be compulsory for all officers and staff to complete in the force.
- Given the recent Met Police case the WYP Sudden Death Policy has also been updated to direct the officers should not take scene photographs using their personal mobile phones. Where images are required and there is no CSI attendance then these must be taken using the Force issue handheld device. A refresh is also currently taking place of our Force Policies which cover this area.
- Under the new conduct legislation all conduct cases which do not meet the threshold for misconduct (less than a written warning) are being passed back to Districts to deal with under 'Performance Requiring Improvement (PRI) and the Reflective Practice Review Process. This places the onus back on local line managers to deal with their staff appropriately without the need to go down a formal misconduct process and promotes learning and reflection.
- 394 officers and staff have been linked to conduct cases recorded since Feb 21 and of those 75 have been dealt with by way of PRI and 40 by way of reflective practice – this equates to 29%. This is an efficient and effective way of dealing with these types of lower level performance issues, however they are still recorded as conduct cases.
- PSD also receive a considerable number of very low level cases which do not even justify PRI and should be dealt with by local managers as part of their supervisory responsibility. Work is ongoing to understand why so many cases are passed to PSD and if there is a fear around dealing with low level staff issues.
- A response is provided by the Duty Reviewing Officer with a course of action and these are recorded on PSD systems as a miscellaneous incident (MI) case for audit purposes and future reference.



Suspended and Restricted Officers and Staff and Misconduct Outcomes

- There are currently 23 police officers suspended and 40 police officers and staff on restricted duties. There are 5 police staff members suspended. It is of note that there has been a rise in the number of cases of sexual assault/ abuse and social media cases (8 officers have been restricted in relation to the IOPC independent investigation).
- There were 4 misconduct hearings between November 2021 – January 2022 involving 3 police officers and 1 police staff member. One hearing was in relation to an officer who used excessive force on a male he was arresting. The case was referred to the IOPC who undertook an independent investigation. At the conclusion of the hearing all charges against the officer were not proved.
- The police staff hearing related to a staff member being convicted for arson and s47 assault. The charge against the staff member was proved and she would have been dismissed if still serving with the Force (she is currently serving a custodial sentence).
- The remaining cases were against 2 former police officers who had resigned from the Force. One officer was convicted of drink driving and the other was convicted of dangerous driving. Both officers would have been dismissed had they still been serving with the Force.

Vetting Compliance – Violence against Women and Girls

- Following the guilty verdict of a Met police officer to the murder of Sarah Everard key requirements have been sent to all Forces from the NPCC to progress in relation to Vetting and other PSD processes.
- **Review compliance of vetting APP. Any deviation should be underwritten and documented rationale by designated Chief Officer lead.** WYP are in the main, compliant with the APP (Approved Professional Practice). The Force Vetting Manager sits on the National Vetting Working Group which is the strategic board with overall responsibility for vetting. He is also a member of the National Vetting Tasking Group that undertakes actions on behalf of the NVWG and reports to the Strategic Group and he is also a member of the APP review body that looks at refreshing and amending the APP on a 12-18 month basis. The one area where WYP are not fully compliant is in the collection and storage of data in respect of protected characteristics, this impacts on the ability to monitor disproportionality in the vetting process.
- This matter is being addressed as a business case being completed to consider the purchase of an external IT system, which uses online forms and has the capability to store and report on disproportionality. In the meantime, the Force Vetting Officer has monthly meetings with the Positive Action Co-ordinator where they discuss cases involving underrepresented groups and the reasons for granting or refusing clearance. The Force Vetting Officer also presents a number of these cases to the Scrutiny Panel on a three monthly basis.

- WYP are currently reviewing the designated posts within force to ensure that staff have the required level of vetting. A recent dip sample identified that some internal moves within Districts into Safeguarding Units had not taken into account the enhanced level of vetting required. This is now being addressed and has been included within the Force Risk Register.
- **Review capacity and capability to deal with vetting demands including recruitment, renewals and aftercare.** There are currently just over 500 cases in the vetting system, with an estimated turnaround time of 4-6 weeks. WYP do have an aftercare process where they renew clearances at the expiry date and this is currently up to date.
- WYP also request checks annually for Developed Vetting and at 3 years and 5 years for Management Vetting, however these latter checks have been slightly delayed outside this time period due to current demand, but still complying with APP. A business case is being considered in respect of an update to the IT system currently used which will hopefully reduce the administrative burden and can easily provide the management data which will allow for more effective supervision of outstanding workloads.
- **Review and understand current backlogs in vetting demand particularly if you have an outstanding action plan from the HMICFRS 2016 Inspection.** Apart from the work mentioned above there is no backlog in relation to the HMICFRS action plan. This plan was for all forces to ensure that everybody working for or with a force had a current vetting clearance. WYP achieved this target in 2019 and have been inspected by the OPCC Audit Team and HMICFRS on this aspect.
- **The onus is on individual officers/staff to report any material change in circumstances. Consider refreshing work force message of responsibility and link to annual integrity checks/questionnaire.** There is a legal requirement in the Vetting Code to report any material changes in circumstances. A number of reminders have been issued on the Force Intranet system regarding this and this will be embedded into the annual Integrity Check questionnaire which is completed in the Force PDR process. Checks on change of circumstance are done annually for those with National Security clearances and at three and five years for Management Vetting clearances. WYP do not currently review Recruitment Vetting until the date of expiry which is currently set at 10 years.

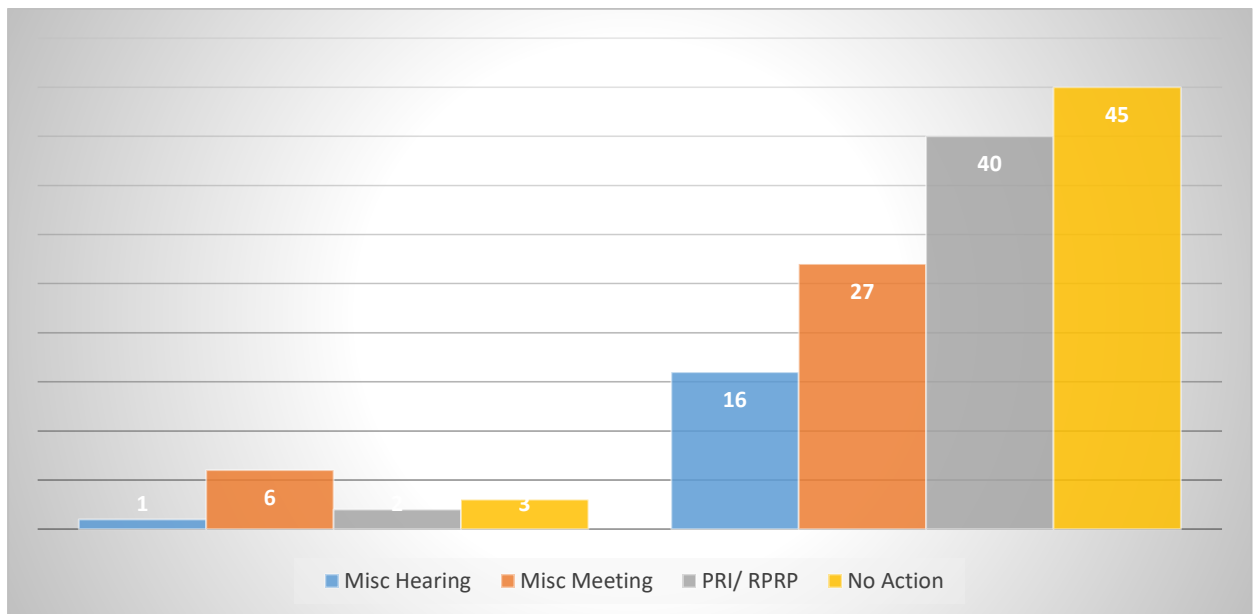
Disproportionality Data for Disciplinary Outcomes and Conducts

- Issues in relation to disproportionality remain the subject of national focus after several key reports and disciplinary outcomes. The Cain report suggested a number of recommended actions to address disproportionality the majority of which have been acted on.
- West Yorkshire's most recent data shows that there was a total of 140 conduct cases finalised with officers and staff linked between 1 February 2021 – 31 January 2022. (these cases could have been recorded prior to that time period and the same officer could have several different cases). Of 140 assessments of conduct 35 were in relation to females (25%) and 105 were in relation to males (75%).

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- 12 involved Ethnic Minority officers and staff (8.6%) and 128 involved white officers and staff (91.4%). Ethnic Minority officers and staff currently make up 6.3% of the total workforce.
- Of those cases, 17 were finalised as having a case to answer and the officer/staff member went to a misconduct hearing for gross misconduct. 16 staff members were white and 1 was Ethnic Minority (94.1% v 5.9%).
- 33 were finalised as having a case to answer for misconduct and the officer/staff member went to a misconduct meeting for misconduct. 27 staff members were white and 6 were Ethnic Minority (82% v 18%)
- 42 were finalised as Practice Requiring Improvement/ Reflective Practice Review Process. 40 staff members were white and 2 were Ethnic Minority (95.2% v 4.8%)
- 48 were finalised as no further action. 45 staff members were white and 3 were Ethnic Minority (93.8% v 6.2%)

Ethnic Minority vs White



- In terms of disciplinary proceedings, there appears to be no disproportionality in relation to misconduct hearings, however there is in relation to officers and staff attending misconduct meetings as the rate is 18% for Ethnic Minority officers and staff, almost 3 times higher than the representation across the Force. It also appears the Ethnic Minority officers are less likely to be assessed as PRI /Reflective Practice in comparison to their white colleagues so this issue will need to be looked at further.
- Of the 17 officers and staff who went to misconduct hearings all but 1 were dismissed without notice for gross misconduct. Of the current officers and staff members suspended from duty 23 are white and 5 are Ethnic Minority. (82% v 18%).
- West Yorkshire PSD continue to work on the recommendations of the Cain Report – in particular enhanced workforce representation of Ethnic Minority officers and staff

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working in PSD. Ethnic Minority representation in WYP PSD is around 10% (9 out of 90 staff members).

- PSD continue to record hate incidents after a request by AMP (Association of Muslim Police Officers) - PSD now record all hate incidents as they are perceived by the person making the complaint. This assists in mapping patterns of behaviour and incidents where there are certain officers and staff who re-offend. Other Forces are following this lead and good practice after meetings with staff within WYP PSD.
- The Directorate also has a strong working relationship with AMP on Positive Action - all PSD staff and officers are now trained on faith unconscious bias as are all officers across the Force. PSD are currently testing a new IT solution which aims to remove all personal data when the report is first received. This will allow a severity assessment of conduct to be undertaken without knowing the protected characteristic of the parties involved.

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