



POLICE AND CRIME COMMISSIONER'S COMPLAINTS OVERSIGHT

1. Purpose

This report is intended to provide the Police and Crime Panel with an overview of work done by the Police and Crime Commissioner (PCC) to hold the Chief Constable to account for the management of police complaints and to provide an update on developments in the way that complaints are handled in West Yorkshire. The report builds on the previous report to the Panel (12/06/15).

The PCC is responsible for holding the Chief Constable to account for police complaints in West Yorkshire and for dealing with complaints made against the Chief Constable.

The PCC holds the Chief Constable to account for police complaints via Community Outcome Meetings (COM), the PCC's Good Governance Group whose membership includes the Deputy Chief Constable, Chief Executive, Head of Audit and Risk and Chair of the Joint Independent Audit Committee, through regular meetings between the Chief Executive and the Head of the Force's Professional Standards Department. The PCC's oversight is informed by regular meetings with the Independent Police Complaints Commissioner, with Her Majesty's Inspector of Constabulary and through regular surgeries with members of the public.

2. National Context

Police complaints have recently been the focus of a number of reviews by the Independent Police Complaints Commission (IPCC) whose remit has been expanded in order to undertake more investigations of the most serious complaints.

The IPCC has published reviews which examined access to the police complaints system and how allegations of discrimination are dealt with. The IPCC's report on the role of PCCs in the complaints system was published in February 2015. Following this the Government announced plans to increase the role of PCCs in police complaints with changes to the relevant legislation anticipated by late 2016.

The IPCC also publish regular statistical analyses of police complaints across all forces, reporting data for 14-15 in October 2015 which showed that, nationally, the numbers of complaints recorded has increased for the third year running (an increase of 62% since 2004/5).

3. West Yorkshire Approach

(a) Holding the Chief Constable to account

The Chief Constable provides regular information to the PCC relating to police complaints which shows trends and analyses. In the report for the period ending July 2015 it was reported that the number of complaint allegations made had increased by 28% compared to the previous year. The Chief Constable's explanation that the increase resulted from changes in the way that complaints are recorded was tested by the PCC in the Community Outcomes Meeting on 8 September 2015. The PCC was informed that this is a result of a widening of the definition of 'complaint' and has also been reflected in the statistics reported by the IPCC across all forces. For the same period the number of complaints formally recorded by the Force under the Police Reform Act 2002 has increased by 53% which correlates with the decision in West Yorkshire to record more matters as complaints rather than as 'miscellaneous incidents'. (The number of 'miscellaneous incidents' recorded in the previous year to July 2015 had reduced by 58%).

The main increases in recorded complaints over the previous year to July 2015 have been for allegations of neglect or failure of duty (57%) and lack of fairness and impartiality (82%). The PCC was advised that allegations of unfairness and impartiality include complaints about the issue of harassment warnings and investigations where the complainant is the suspect. The increase in allegations of neglect or failure of duty were attributed to changes in recording practice. Reductions were observed in the number of complaints recorded relating to oppressive conduct or harassment, irregularity of evidence/perjury and other irregularities in procedure.

The PCC notes that West Yorkshire ranks favourably compared with the national average of the number of allegations per 1,000 employees. The IPCC police complaints statistics for 2014/15 show West Yorkshire having 214 allegations per 1,000 employees compared with a national force average of 293.

In the COM meeting the PCC questioned the apparent increase in allegations of discreditable conduct and was advised that this is a direct result of the counter-corruption work undertaken by the Force's Professional Standards Department (PSD). The actual numbers of cases remain low for the size of the Force, 71 conduct allegations of discreditable conduct were made in the year ending July 2015 compared with 41 in the previous year. Overall, 142 conduct cases were recorded in the year to July 2015 containing 171 allegations.

Finally, the PCC was advised that 'lessons learned' are embedded across the force in a number of ways, which are presently under review. This includes one-to-one feedback, newsletters, roadshows and surgeries as well as via the network of Federation and staff association representatives.

(b) Access to the police complaints system.

The IPCC published its findings on the ease of access to the police complaints system on 2 September 2015. It found that only a marginal improvement had been made, nationally, since its last review in 2010.

This is also an area that was identified by the Crawford Review in 2014. Following the Crawford Review and the IPCC review West Yorkshire Police have introduced a number of changes to increase the accessibility of the police complaints system.

After reviewing other force websites and taking account of the recommendations of the PCC's Good Governance Group the Force have revised the website to include a direct link, on the home-page, for people wishing to make a complaint. This gives information about PSD, how to make a complaint and also information about police officer misconduct hearings which are now held in public. The website has standard forms for making appeals against complaint outcomes (which can be filled in and submitted on-line). The Force website complies with the recommendations made by the IPCC.

The Crawford Review observed that the police complaints system is complex and difficult to understand and apply. Catherine Crawford recommended that PSD reviews the language that is used in communications with complainants. As a result the Force has introduced separate information sheets for complainants which are included with correspondence which means that the complex, technical information can be removed and letters can be personalised more. The Force are also introducing email communication with complainants as standard (if the individuals provide an email address) which will improve the timeliness of correspondence.

(c) Dealing with allegations of discrimination

The IPCC published revised guidelines for all forces in dealing with allegations of discrimination in September 2015. This followed a review of a sample of forces in 2013, including West Yorkshire. West Yorkshire Police hosted an IPCC event for the region where the revised guidelines were introduced to forces and have an implementation plan which includes issuing a guide and presentations to each policing district, implementation meetings within PSD and a decision that discrimination allegations will not be handled by 'local resolution'. The implementation of the new guidelines will be reviewed by the Chief Officer Team during regular accountability meetings with local District Commanders, by dip-sampling complaint files and the regular audit programme which is run by PSD.

The PCC questioned, in the COM on 8 September 2015, the increase in complaint cases relating to discriminatory behaviour which had increased from 10 in the year to July 2014 to 55 in the year to July 2015. This was confirmed to be a direct result of changes in complaint recording practice following the IPCC review in 2013. The PCC was further advised that complaints are scrutinised by an independent advisory and scrutiny group in PSD.

(d) Service Recovery Approach

In June 2015 the Panel was informed of a successful pilot of an early resolution approach to complaints in West Yorkshire (the Service Recovery Team). Following this, and with support from the Panel and the PCC's Good Governance Group, the Chief Officer Team have agreed to introduce this approach across the whole force. A decision has been made to centralise police complaints within PSD to improve consistency and efficiency. PSD will also deal, in liaison with the HR Department, with all police staff as well as police officer complaints. The service recovery approach will be applied which focusses on achieving timely local resolution wherever possible by contacting complainants in person promptly to deal with the complaint to their satisfaction.

The OPCC is also leading on a pilot to introduce independent mediators to assist in the local resolution of certain complaints. This will be trialled and assessed over the next 4 months and reported back to the Panel at a future meeting.

(e) Chief Constable complaints

The PCC is responsible for dealing with complaints against the Chief Constable / Temporary Chief Constable. Information relating to this is published on the OPCC website and is attached as Appendix A.

(f) Litigation

Litigation can often be an indicator of poor performance or conduct and the Chief Executive and Solicitor has 'general counsel' responsibility for any litigation matters involving West Yorkshire Police. This means that the PCC's office is consulted on any legal proceedings against the Force and involved in any decisions regarding settlement, defending or otherwise resolving the matters. These cases are reported back to the Good Governance Group which is also attended by the Chair of the Joint Independent Audit Committee.

(g) Ethical Governance

Early discussions following the Crawford review focussed on a jointly owned ethics committee as a forum through which the PCC and CC could discharge their responsibilities around standards within WY and build trust and confidence in all matters of policing integrity including the recently published Code of Ethics. Consideration is being given to a number of options including an Audit and Ethics Committee, expanding the role of the audit committee or developing the WYP Integrity and Ethics Board.

(h) Risk Management

Complaint handling is included in risk assessments undertaken at a Force and OPCC level which are reviewed by the Force's risk management group, the PCC's Good Governance Group and the Joint Independent Audit Committee.

4. Future plans

The PCC has been briefed by the Force on potential changes to the police complaints system to allow a greater role for PCCs. The PCC and Chief Constable have agreed to work together to consider the options available to the PCC as this change is introduced in the present administration. The PCC invites members of the Police and Crime Panel to contribute to this discussion.

5. Recommendation

The Police and Crime Panel are asked to note the information provided in this report to satisfy themselves that appropriate processes are in place to hold the Chief Constable to account for the management of police complaints.

The Police and Crime Panel are invited to contribute to the discussions about the role of the PCC in police complaints in West Yorkshire as the changes planned by the Government are implemented.

APPENDIX A

Conduct/Complaint	Date Received /Notified	IPCC Referral	IPCC Referral Date	Status	Remarks	Outcome
Lying in a BBC interview (complaint against John Parkinson)	10/09/2012	-	-	Complaint not upheld	Complaint carried forward from WY Police Authority. IPCC appeal upheld. Reinvestigation by another Force. Second appeal made to the IPCC.	IPCC (2) upheld. No further action required
Lying in a meeting with an MP (Complaint against Sir Norman Bettison)	08/11/2012	-	-	Complaint not recorded	IPCC ref 2012/15925	Appeal to IPCC withdrawn by the complainant
Lying in a meeting with an MP (Complaint against Sir Norman Bettison).	22/03/2013	-	-	Complaint not recorded	IPCC advice - WYPCC is not the appropriate authority	Transferred to Merseyside PCC 25/04/2013
Collusion and lying to prevent the complainant claiming compensation from Airedale NHS Trust (Complaint against Sir Norman Bettison)	30/10/2012	-	-	Complaint not upheld	IPCC ref 2012/016842. Appeal not upheld.	No further action.
Collusion and lying to prevent the complainant claiming compensation from Airedale NHS Trust (Complaint against Sir Norman Bettison)	19/12/2012	-	-	Complaint not recorded	IPCC ref 2012/021391. IPCC direct that this non-recording decision is void in view of appeal (above)	No further action.

Lack of a response to a letter of 03.01.12 (Complaint against John Parkinson).	14/01/2013	-	-	Complaint not upheld	Finalised, not upheld	No further action.
Persistently breaching standards of professional behaviour for police officers (Complaint against John Parkinson).	31/01/2013	-	-	Complaint not recorded	Complaint also subject to investigation by Cheshire Constabulary (via WYP) and not upheld.	No further action.
False assertions deliberately made as a result of a conspiracy between the Chief Constable, Force Solicitors and PSD (Complaint against John Parkinson).	04/02/2013	-	-	Complaint not upheld	IPCC appeal upheld. Reinvestigation by Cleveland Police - complaint not upheld.	No further action.
Failure to investigate complaints against PSD officers (Complaint against Sir Norman Bettison).	08/05/2013	-	-	Finalised	Local resolution to complainant's satisfaction	No further action.
Race discrimination - historical treatment of grievance amounts to discrimination on grounds of race by employer (Complaint against Mark Gilmore).	15/06/2013	Part 2, Sch 3, Police Reform Act 2002	24/06/2013	Finalised	Conduct matter arising from civil proceedings in the employment tribunal	IPCC decision - no further action required by the PCC
Failure to investigate complaint of assault (Complaint against Mark Gilmore)	27/06/2013	-	-	-	Finalised, not upheld	No further action.
The inappropriate commissioning of a report into a witness to the MacPherson Inquiry (Complaint against Sir Norman Bettison).	03/07/2013	Part 2, Sch 3, Police Reform Act 2002	03/07/2013	IPCC Independent Investigation ongoing	IPCC reference 2013/010692. No evidence of misconduct or gross misconduct.	No further action.
Breach of Article 3 of the ECHR (Complaint against Mark Gilmore).	25/11/2013	Para 7, Sch 3, Police Reform Act 2002	03/02/2014	Finalised, no further action	Application to IPCC to disapply the Police Reform Act 2002 approved by IPCC.	No further action.

Chief Constables Gilmore, Cramphorn, Moore and Bettison have perverted the course of justice and failed to ensure effective investigations.	22/10/2013	Para 7, Sch 3, Police Reform Act 2002	03/02/2014	Police Reform Act disapplied. Reg 5, Police (Complaints and Misconduct Regs) 2012		No further action.
Chief Constable has not referred the complainant's complaints to the IPCC or upheld the victim's code (Complaint against Mark Gilmore).	12/02/2014	Para 7, Sch 3, Police Reform Act 2002	27/02/2014	Ongoing	Sub-judice	
Ex-Chief Constable Bettison and Chief Constable Gilmore have failed to make all frontline officers aware of the ACPO guidance relating to members of the public photographing in public places.	19/02/2014	-	-	Not upheld	Appeal to IPCC not upheld.	No further action.
Ex-Chief Constable Bettison may have been deliberately dishonest during the appointment process for Chief Constable of Merseyside Police in 1998.	19/05/2014	Para 13 (1) (c) Sch 3, Police Reform Act, 2002	21/05/2014	Ongoing	Recordable conduct matter arising from IPCC inquiry into the Hillsborough disaster	Ongoing, with IPCC
Ex-Chief Constable Bettison has not told the truth when claiming that the complaint has been recorded under the prior complaints legislation.				Police Reform Act disapplied. Reg 5, Police (Complaints and Misconduct Regs) 2012	Appeal to IPCC not upheld.	No further action.

T/CC John Parkinson incorrectly appointed ACC Robins to investigate a complaint and failed to keep the complainant updated or preserve evidence. CC Mark Gilmore failed to provide updates to the complainant and respond to correspondence sent to him.	02/07/2014			Ongoing		Ongoing.
CC Mark Gilmore has failed to formally record a public complaint, failed to record a crime and failed to investigate any of the associated matters involved.	08/12/2014			Police Reform Act disapplied. Reg 5, Police (Complaints and Misconduct Regs) 2012		No further action.
Ex-Chief Constable Norman Bettison has caused great distress to the relatives of the victims of the Hillsborough disaster by preparing a video compilation of scenes of hooliganism at football matches which includes graphic images of the victims of the Hillsborough disaster and infers that this disaster was a result of football hooliganism. Ex-Chief Constable Norman Bettison has caused further offence by using this video to justify the actions of the police on the day of the Hillsborough disaster.		Para 4, Sch 3, Police Reform Act, 2002	11/02/2015	Ongoing		Ongoing, with IPCC