

Home Affairs Committee

Oral evidence: [Police conduct and complaints](#), HC 140

Wednesday 19 May 2021

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Members present: Yvette Cooper (Chair); Ms Diane Abbott; Laura Farris; Dame Diana Johnson; Tim Loughton.

Questions 251 - 333

Witnesses

I: Craig Guildford, Chief Constable, Nottinghamshire Police; and Matt Parr CB, HM Inspector of Constabulary, HMICFRS.

II: Michael Lockwood, Director General, Independent Office for Police Conduct; Kathie Cashell, Director, Strategy and Impact, Independent Office for Police Conduct; and Claire Bassett, Deputy Director General, Operations, Independent Office for Police Conduct.

Written evidence from witnesses:

[IOPC submission \(PCO0029\)](#)

[NPCC submission \(PCO0032\)](#)

[IOPC submission \(PCO0045\)](#)

[IOPC submission \(PCO0061\)](#)

[IOPC submission \(PCO0069\)](#)

[IOPC submission \(PCO0072\)](#)



Examination of witnesses

Witnesses: Craig Guildford and Matt Parr.

Chair: Good morning and welcome to both of you this morning. We are very glad to have you with us. Before we begin our main questions, which are around police complaints and conduct, Mr Parr, we have a couple of questions for you about the report that the HMICFRS has done on the policing of the Clapham Common vigil, so let me turn to Diane Abbott.

Q251 **Ms Diane Abbott:** What is your assessment of the Metropolitan police's response to your report so far?

Matt Parr: Good morning. We have not done a revisit of any of the recommendations and points that we made. All I can offer on that—and we are only talking about five or six weeks since we published that—is I am moderately encouraged by the response of the commissioner and Louisa Rolfe in front of your Committee. Nothing I have heard suggests that there is any recalcitrance in agreeing with the comments that we have made. They accepted the report fully, including its criticisms of the Met, and have taken it in the right spirit.

Q252 **Ms Diane Abbott:** Your report found that the Metropolitan police's open letter to the organisers of public gatherings could have spelt out the position on protest more fully by referencing the existence of a "reasonable excuse" defence. But AC Rolfe reflected this, telling us that it is not for the police to define reasonable excuse. Were you asking them to define reasonable excuse?

Matt Parr: I do not think we were asking them to define reasonable excuse. I am just back this week from another report on something not that dissimilar, which was into the policing of a controversial funeral during lockdown in Northern Ireland. As a consequence of that, and there being no prosecutions, there has been some pronounced criticism of the police and calls for the chief constable to resign and so on. One of the criticisms we made there, and we looked at this in some detail and compared it with what happened at Clapham, is the clarity of the communication that senior police officers have with—I am going to call them "events"—event organisers in the run-up to something like this happening.

On reflection, the Met did a pretty good job in communicating with Reclaim These Streets, the organisers, or the intended organisers, of the vigil. Compared to what we saw in Northern Ireland, which was a significantly more informal and undetailed list of appreciation of what the regulations were and the approach that the police service was going to take to it, I think the Met's approach actually stands up to pretty good scrutiny.

Q253 **Ms Diane Abbott:** I am sure the Met will appreciate your remarks. To what extent were you able to draw upon the information about other vigils conducted in other force areas on that weekend to support your



investigation? What lessons, if you think there are any, were you able to draw from those vigils for the Met police?

Matt Parr: We actually had a little bit of a disagreement, because my instinct when conducting the inspection was that we needed to look at some of the other vigils, which had different outcomes and had different atmospheres and so forth. The NPCC were initially quite reluctant for us to go there, and I had an exchange of letters with the NPCC lead in which he argued that we should not look elsewhere. In the end we insisted that we did, and we did look at a number of others to see where there were contrasts that could be drawn.

I also read through Chief Constable Guildford's evidence to the Committee a few weeks ago, and I think he and I would agree that the great pitfall in this is that you are not comparing like with like. One of the takeaways of the legal advice and the legal appreciation of the situation that we got—and indeed almost reached a point of agreement on with the Met—is that whereas you cannot have a blanket ban on protests or vigils or assemblies of any kind, you have to judge each one on its merits. Each one has to be taken on the circumstances presented to police decision makers at the time. The thing I would urge caution on is drawing any conclusion between a vigil of—Craig will say how many it was—dozens or 150 or something in Nottingham and the challenge that the Met faced on Clapham Common, which was far, far greater in number, and indeed the type of vigil that was under way.

If there is a similarity, events up until about 6 o'clock on Clapham Common were not fundamentally different from some of the vigils we saw in other parts of the country, and in fact were policed in a not dissimilar way—very low-key, almost with very little emphasis on going through any of the Es, because it was seen to be conducted in a covid-friendly, entirely respectful and sensible way. There is a contrast between what we saw on Clapham Common before 6 o'clock and perhaps what we saw in some other places, and what we saw in Clapham Common later on that evening, which really does not bear comparison with anything we saw anywhere else.

Q254 **Chair:** To clarify, when you are doing a report like this, is the question you are seeking to answer, was this a reasonable course of action by the police? Is the question, was this the best course of action by the police? Or is the question, was this the only course of action by the police? I am not sure which of those three questions you were answering with your report.

Matt Parr: The slightly simplistic answer to that is we answer the question, by and large, that the terms of reference invite us to. The terms of reference from the Home Secretary and from the Mayor of London, who commissioned us almost simultaneously to look at the events, are in the front of the report. They are slightly different, but broadly they cover the same ground.



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We distilled it down to three questions. The first was, did the force's desire to maintain consistency justify its stance? Was it a reasonable stance that they took towards the vigil? That was the first one. The second was, essentially, could it have been arranged in a way that would have been covid-compliant? Could they have done more work with Reclaim These Streets or Lambeth Council to plan it, particularly after the court case that had clarified both sides' positions, and could it have been planned in a covid-friendly way? The third one was, at the event itself, were the actions proportionate?

To answer your question, there will be different opinions on what the best way to approach it is. Our test is what was asked in the terms of reference, which was fundamentally to get to the bottom of it, and has the Met acted in a proportionate and reasonable manner?

Q255 **Chair:** In other words, obviously, yes, this was a reasonable course of action for the police. But you did not consider whether it was either the best course or the only course of action for the Metropolitan police.

Matt Parr: I think we did. On the first question, which is whether the need to demonstrate consistency outweighed making a special case for the nature of that vigil, I am not saying it would have been unreasonable to have gone the other way, but I think what they did was the best decision. Our conclusion was that the need for consistency outweighed the idea of making a special case for that particular vigil and effectively ignoring it. There are all sorts of reasons for that that go wider than just the particularly shocking case of Sarah Everard. There are all sorts of reasons why—I am sure Craig would say the same—there are pitfalls in demonstrating partiality to any cause, regardless of how easy it is to associate and sympathise with. So our conclusion was that they did the right thing.

On the second question, about whether it could have been managed or organised in a way that allowed them to police it in a different way, our conclusion was pretty solidly that it could not. There was no realistic prospect of that vigil being organised in a way that would have allowed the police to stand back, as indeed they did—just remember that, up until about 6 o'clock, there were 12 police officers on Clapham Common, and it was entirely respectful, entirely dignified. That was the part where the Duchess of Cambridge came. We made some criticisms of how the Met managed it, and some of the information flow and some of the intelligence gathering was not top-drawer, but up until that point it was entirely possible for it to carry on in a way that did not infringe the regulations and did not present a threat to public health. But as to what they were facing after 6 o'clock, I do not think there was any meaningful prospect of them ever being able to organise it in a way that would have been allowed.

Q256 **Chair:** We need to move on to complaints in a second, and I want to bring Diane Abbott back in briefly, but I am still not clear whether you think that there was an alternative approach to enforcement on the day,



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and whether, even if you do not think it was the best, it would have been better to do anything different. We heard evidence, for example, from people who were there at the beginning, around 6 o'clock, who said they thought that it would have dispersed itself because it was cold and that the crowd would have dispersed themselves, and that there might have been other ways of managing it. Do you think that there could have been other ways of managing it, even if you do not think they would have been the best ways of managing it?

Matt Parr: Clearly, they could have chosen to completely ignore the all tiers regulations, as they were. That was the choice they had. They could have just said, "We're just going to stand back and watch that." Our conclusion was that that would not have been a good idea. It was clearly an alternative course of action, but I do not think it was the right one. For that reason, I kind of go along with the arguments the Met used before then and what the Commissioner has said to your Committee—

Chair: Sorry, I am going to interrupt you to bring Diane Abbott in. You can come back on any further points on that.

Q257 **Ms Diane Abbott:** This Committee knows, and your report noted that, local stakeholders strongly believed that an event would occur whether a formally planned gathering was facilitated or not. Are you really saying that, given there was going to be an event anyway, and given the strength of feeling on the issue, that the best way to secure public safety would not have been to support a planned gathering?

Matt Parr: They could not support public safety by supporting a planned gathering of the nature that transpired. That is the point. Let's also be clear that what transpired was not what local organisers planned. The event morphed into something quite different to what Lambeth Council and Reclaim These Streets had discussed with the Met. Yes, there was a recognition that a number of people were going to go, but Reclaim These Streets' plan was to maintain social distancing and so on, and that is not what happened.

The nature of the gathering that confronted the decision makers shortly after 6 o'clock was quite different to what had been discussed with Reclaim These Streets. At that point what we are saying is that the Met were alive to the fact that that had the potential to happen, which is why they were able to give Reclaim These Streets the guarantees that they wanted. The idea that there was an alternative, which was to just say, "We're with you, Reclaim These Streets, that looks good, we'll go along with it," I do not think was a realistic one.

Chair: We need to move on now. We are turning to our main inquiry, which is into police complaints and conduct. I will begin with Tim Loughton.

Tim Loughton: I want to turn to Operation Midland particularly, which has been quite a big focus of this inquiry. Mr Parr, the HMIC report on the Met's response to issues raised in Operation Midland found, "an



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underwhelming approach to organisational learning from the Henriques report during 2017, 2018 and most of 2019”, noting that it was not until the formation of a diamond group in August 2019 that a “robust structure to implement the Henriques and Kentia recommendations” was put in place. Were you surprised, and why do you think it was, that it took such a long time first for the Henriques report to be published and then so long for the Met to respond to it?

Matt Parr: Yes, I was surprised at how long it took—*[Interruption.]*

Tim Loughton: You are breaking up, Mr Parr, I am afraid, and you have frozen on the screen. Do you want to try going off video? That might help your broadband for a moment, because we cannot hear you. Now we cannot hear you at all.

Chair: Mr Parr, can you hear us? Try switching your video off so we can just hear your audio, because then we might get the full audio. Yes, we can hear you even if we cannot see you. We may need to begin that answer again.

Matt Parr: When I said “underwhelmed” in that report, it was a bit of understatement. It was not a good response to Richard Henriques’s report. The Met did not like Richard Henriques’s report. I did not agree with it 100%, but I think the main thrust of what he said was spot on, and it was difficult not to agree with an awful lot of his criticism.

If you read the report, you will see that we chronicle the initial flurry of activity when the Henriques report landed in October 2016. Then, the Met’s focus was elsewhere. Such as it was on Midland, it was on issues such as disclosure. It was more about internal PR and external PR than it was about learning lessons. It was not until they formed Larimar at the end of 2019 that things started to move.

When we went in to inspect, it was a little bit like the Queen with fresh paint on the walls everywhere she goes. There were obvious signs of activity that had been sparked by the fact that our inspection had been commissioned. In terms of the reasons for the Met being slow, first, they claimed that, in some cases, there were not recommendations. For example, on the thorny issue of warrants, they said, “Richard Henriques did not have any specific recommendations about warrants for us to get on with.” I reject that as an idea. That is not a good enough excuse. There was certainly enough in there for them to realise that they needed to do work, and they should have got on with it.

Another excuse was that a lot of the recommendations were for policing as a whole and not for the Met, and therefore, “Let’s leave them for the Home Office to lead on. Let’s leave them for the NPCC to lead on.” So that was a bit disappointing, and I did not entirely agree with that either. There were also a couple of points where they wanted to see the IOPC investigation play out without doing anything. To be honest, I was not entirely convinced with that as a justification either.



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Equally, there were some areas, and there was more criticism in the report here as well, where the Met would tell us that they had done something and changed all their training— “Yes, we get it, and everyone is being taught to do this the right way now.” We would then go and ask in staff surveys, “Has anyone heard of any of the new training post-Henriques?” and we got very disappointing results. That is the background to that report.

I do not question the determination of the team running Op Larimar to get things done, but on reflection I think the Met should have got on with that rather quicker. They not just should but could have got on with not only the Henriques recommendations but the things that they themselves should have been able to identify earlier than that.

Q258 Tim Loughton: That is quite damning comment. Are you saying that they actively deflected taking the report seriously? In your report you said that senior officers were preoccupied with “restricting access” to the Henriques report. For three years, effectively, you are saying it was all about PR, deflecting criticism, trying to turn attention from the questions on the Met to more general police questions, and doing everything to evade blame and having to take seriously the flaws that had been unveiled and doing anything about it. Is that a fair assessment?

Matt Parr: That might be going slightly too far, but there is an element of truth in what you say. We do say in the report that some of those early meetings were more concerned with restricting access, how things were going to play out, reputational damage and so on. Also there were disclosure issues about individual officers and what any misconduct proceedings would be against them. What I am saying is that they did not prioritise the lessons to be learned from what Richard Henriques said, and they found a number of reasons which, although we said in the report that some of those reasons had some validity, were not sufficient justification not to get on with things.

Q259 Tim Loughton: You will have heard the evidence we had—some pretty damning evidence—from Lady Brittan, who has made some quite shocking statements publicly as well. She said, “Not a single person in this case has resigned, lost their job, been fired, demoted or disciplined. Nobody whatsoever.” Are you surprised by that as well?

Matt Parr: You will forgive me, but I am not going to comment on that. I have not seen the individual cases against any of the individual officers. We, as an inspectorate, are interested in systemic failings and systemic successes, and in improving the effectiveness of forces as a whole. We do not get involved in individual misconduct and, frankly, I try to avoid commenting on the performance of individuals where I can.

Q260 Tim Loughton: Without commenting on individuals, given the very damning statements made in your report and what you have been saying already about the conduct of the Met and their subsequent behaviour when they were caught out for their “underwhelming” approach, as you



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have called it, and given that the inspectorate has done lots of inspections into other cases, are you surprised that nobody has, effectively, taken the rap for what was a very serious systemic failing of the Met in this inquiry, which had a dramatic and damaging impact on a number of key, high-profile individuals? Do you not just find that surprising, without having to finger a particular individual that might have had repercussions for them personally?

Matt Parr: I am on the grounds of skating around your question again, I am afraid. To be fair, there are a couple of points to be made. I am sympathetic to what you say, of course. I completely agree with you that it was a really serious blow not just to the Met but to policing in general.

I say that for this reason. Although we make the point in the report that there have been other—I am not going to use the word “scandals”—very notorious areas that have cast doubt on policing’s effectiveness, some of the others have had multiple deaths or very serious crimes committed. At the end of this, some of those things do not apply to this case. However, as well as the damage done to the people who were so awfully damaged by this—and I completely recognise that—the real damage was done to reputation. It absolutely hurt people’s confidence in policing when you saw those 43 principal policing failures that Richard Henriques highlighted. You saw the bits of evidence that he described as completely implausible—I cannot remember, but I think that was the word he used. After all that, it left a lot of people scratching their heads on how an investigation could go so wrong. So, yes, I get the public clamour for closure or something, but I am not going to comment on the individuals.

I will say two further things, however. The first is that I am aware that the current commissioner has very publicly apologised. I have had a number of conversations with her, as you would expect, on this very subject, and she completely understands the damage that it did, not just for the individuals affected, but also to the wider reputation of policing. She gets that, and I know she has apologised.

The last thing to say, in the Met’s favour, is that Henriques was not compulsory. It was not done to them; it was something that Met asked to do. They started off with the best intentions. What I cannot quite put my finger on is why, between October 2016 and Priti Patel commissioning us to do this inspection, there was such a lethargic response to getting those things right. There are a number of reasons for that. They are in the report; some of them are convincing, some of them frankly less so.

Q261 **Tim Loughton:** But with respect, Mr Parr, saying that you have to give a deal of credit to the Met because it commissioned Henriques, and then took three years basically in denial and, as you have put it, being preoccupied with restricting access to the report that they commissioned themselves, is not much of a defence, is it?

Matt Parr: I agree with you. That is entirely what we said in the report.



Q262 **Tim Loughton:** To give the Met credit for having commissioned the Henriques, when they then tried to stifle its findings, is not much credit.

Looking forward, what do you think changed in 2019 that the Met are now apparently taking these shortcomings seriously? You will have seen the correspondence published by the Met commissioner last week about progress that has been made on the Henriques report. It has been a major criticism by Sir Richard himself that he has seen, certainly until recently, absolutely no progress made in taking the recommendations he made seriously. Do you think that has changed, and do you think that there are grounds to believe that the systemic problems are now seriously being addressed, notwithstanding the fact that still nobody has taken the rap for anything that went wrong in the last few years?

Matt Parr: The answer to that in short terms is I cannot be sure, because we have not gone back, in fieldwork and face-to-face inspection of the Met, to look at the progress. I have seen the letter and, as I said in the report, Op Larimar, which was the operation set up under a deputy assistant commissioner to get things moving, had a lot of energy and a lot of plans. But one of the things we tend to see in the Met, which is the largest police service in the country, is that there is sometimes an air gap between the good intent of the senior leaders and how it translates into changed practices and changed outcomes to the public on the ground.

I have to remain sceptical about some of those things. I do not mean I do not believe them, but until we have re-inspected, I would not be able to say just how productive and effective those impressive Op Larimar figures are about how many more people have been trained in warrants and so on. At the time of our inspection, we were told that there had been some training since, but when we started lifting the stones and doing public surveys and doing focus groups with officers who had to produce warrants, there was not much evidence of the training that had been claimed. I am not saying I do not believe them; I am saying that just because the Met have said they have now trained all these people, it does not necessarily follow that all those people have changed.

Q263 **Tim Loughton:** So the jury is out. What is the role now of HMIC going forward? Clearly, you have made some criticisms in your report and again today. You have just said you are not yet convinced—you have not seen the evidence—that the criticisms had been taken seriously and are now being turned around. What is your role now? Is there going to be a follow-up report on assessing how many of those recommendations have been followed through and how effectively, or not? Richard Henriques does not have any further role, as it stands at the moment, in overseeing his own recommendations.

Matt Parr: As Craig will tell you, we keep a list for every police force around the country of outstanding recommendations, and we do monitor them. We will monitor against our recommendations; we will not formally monitor against the recommendations that Richard Henriques and indeed the IOPC made on this matter, but in many ways they are related. On the



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outstanding recommendations, we continue to go back and ask, "How are you getting on with this? Show us the evidence." But at the moment I do not have a formal inspection planned to follow up on recommendations.

Now, we can do that. I did one recently for the London Fire Brigade and its progress against the recommendations of the Grenfell Tower inquiry. So we can do those, but normally we have a slightly more stand-backish engagement with the force, where they tell us, "We have done this now," and we ask for evidence and go and look at it. We have not done that yet with the Met with the recommendations for Midland.

Q264 **Chair:** Thank you. I want to look at the broader issues around complaints and conduct now. Can I ask both of you what your is assessment currently of the overall complaints and conduct processes, starting with Chief Constable Guildford?

Craig Guildford: Good morning, everyone. Thanks for inviting me this morning. Specifically, the system has been massively changed by a huge collective effort. I know you have just focused on one particular case there, which is quite proper to do, but the whole system has been changed quite dramatically over a period of about three or four years. We were delayed somewhat with Brexit. We have had some excellent buy-in from Home Office, IOPC, all the staff associations, Chiefs' Council and HMIC to try to reform the system in such a way that we focus on serious misconduct, that we absolutely embed a reflective practice and learning culture and, importantly, that we focus down on some of the delays, particularly the delays associated with aggravating complainants and placing officers in situations where investigations, quite frankly, have taken too long.

Those delays centred around the history with the IOPC and also some of the currency with the IPCC. Lots of this has been down to a collective will across the sector to change things. What we have seen in some of that change and timeliness is the introduction of a system called "practice requiring improvement", whereby the officers reflect for lower-level transgressions and issues that conflate performance and lower-level misconduct.

In terms of the timeliness of IPCC investigations, they used to run at over 12 months. The average at the moment—I am sure you will be taking evidence later on—is around eight months. They close now—around 90%—in just under 12 months. But as we all know, some of those processes can take years, particularly with some of the longer investigations, coronial processes and other associated Crown Court trials, for example.

It is important to reflect the journey. I very much come from a position of a chief who has been in this field for quite a while, who has investigated other chiefs, and who has investigated people from the IOPC, back in the day, and also of someone who is a friend to individuals who are served notices. So I see it from both sides of the system. In general, Chair,



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there is very good progress. It is looking much more positive than it was, and that is certainly the feedback from staff associations too.

On a personal basis, I am involved in a couple of cases where, recently, letters have indicated that things will take at least another 12 to 18 months. That involves some individuals who are senior police officers who have long since retired.

So there is good progress. The regulation has only just changed, delayed by Brexit. It came in in February 2020, there is a much more learning-centred approach without this quest for a head on a spike.

Q265 **Chair:** What are your reflections on the overall complaints process?

Matt Parr: First of all, we do not inspect the IOPC; we inspect the police services. It would not be for us to pass too much judgment on how the IOPC's reforms are going and how the new regulations are playing out, although of course we are aware of them and we are watching them. We have regular engagement with the IOPC, and we share concerns. We often construct inspection questions around things that have been raised by the IOPC. A perfect example is a report we did a couple of years ago on the abuse of position for sexual purpose, and that was something that came out of a shared understanding of the problem from the IOPC. I think the relationships are pretty good.

In our next round of inspections, we are not going to look at professional standards departments, complaints and misconduct. With the big change that Craig has just talked about in February last year, we decided, having discussed it with the Home Office and some other stakeholders, that we would give police services time to embed the new legislation and process. We will not be going back and looking at PSD and the complaints misconduct process until next year at the earliest.

From what I have heard anecdotally, I am picking up the same messages as Craig is, that the extensive delays are coming down and that, in terms of the huge backlog the IOPC inherited from the IPCC, it has made pretty good progress with getting rid of that. We have to remind ourselves—I cannot remember what figure it is—that the vast majority of misconduct cases are not handled by the IOPC; they are handled by the police forces themselves.

Q266 **Chair:** That is what I wanted to ask both of you about. For the vast majority of complaints that are made about policing, most often the complainant does not want to see these as even being a misconduct issue; they just want something done. It might be that the complaint has been made about repeated inaction on drug dealers around a school. It might be a complaint about a particular individual case that was not followed up, maybe because the investigating officer was then seconded somewhere else and no one else was put in charge. The frustrating thing very often, as a constituent MP representing people who put in those kinds of complaints, is that they end up either being treated as



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misconduct, when the failing that has happened may be much more systemic, or nothing happens at all. What is your assessment of the way in which the police respond to those kinds of things, which are, ultimately, the vast majority of the frustrations that most people have?

Craig Guildford: You are absolutely right, Chair, and I may have responded to one of your letters in the dim and distant past. You are spot on. People want a response, and people want an explanation, and, where appropriate, people quite rightly deserve an apology if we have messed things up. We need to be able to operate in that space effectively and efficiently. The regulations have changed in such a way that it encourages officers to be able to reflect in that way and to give a rapid explanation, so that the complainant is in a position of knowing what has gone on, and if an apology is required, it is given, rather than, as you said, bringing the whole monolith of the system down on to something, which is completely disproportionate.

Part of the statutory guidance changes that we have made to the whole system, and the Home Office guidance, encourages forces, PCCs and decision makers to focus on the timeliness angle and on reasonable and proportionate investigations, so that a quick explanation can be given and people can understand what has happened. So I entirely agree with you, and that is certainly the focus that we have been pushing nationally and through all the regional working groups.

Q267 **Chair:** Are you confident that the new processes address that? Again, from the point of view of constituency MPs, the responses that we probably still get will be maybe an email from an officer. Maybe it is about something that is being done. It is very informal; it can be quite haphazard. Sometimes you get a great response; sometimes you do not. There is no sense of there being any formal process to review things—“Maybe we have mishandled this, and we need to do something differently. We need to get out and deal with the drug dealing around by the school” or whatever the problem might be.

Craig Guildford: One of the old humbugs was a complainant has made another complaint about a force refusing to record the original complaint. We record things now dynamically in a force control room, but we also have one national system of recording complaints, which is called Centurion. We have done a load of work with the College of Policing, HMIC and forces around making sure that we can search and use that data so that forces can pick up on those trends effectively and then, hopefully, improve the service to the public. Specifically answering your question, it is definitely a work in progress, but it is certainly moving in the right direction.

Q268 **Chair:** This is a question to both of you. On the follow-up from IOPC reports and HMIC reports, when we put this to the Metropolitan Police Commissioner, she told us she had huge numbers of reports and recommendations and it was not possible to implement all of them or to follow up all of them. Again, we come across frustration from lots of



different places, where people feel that important conclusions were come to—perhaps in the Operation Midland case, perhaps in other cases—where recommendations were made and then they go nowhere, and nobody has any sense that they are actually implemented or followed up. What are the systems that police forces have to make sure that recommendations, be they from the IOPC or from HMICFRS, are implemented, and what proportion of those recommendations do you think are probably not being implemented in practice? Let me start with Craig Guildford, and then I will come to you, Mr Parr.

Craig Guildford: It varies by force on some occasions but broadly this is the system: when the IOPC has concluded an investigation—we will talk about them first before HMIC—in terms of the way that forces react, some of the recommendations can come out very quickly, halfway through an investigation, and they are rapid learning. That is sent to a force, and if it is a national issue, it is distributed through our network, usually.

The second issue is that when an investigation is concluded, it is shared and it is made public. The IOPC write formally to the chief constable and require a response on some of those recommendations. The recommendations have a formalised response. That is scrutinised publicly, because it is a public, recorded document, by the police and crime commissioner or the mayor in certain other areas, and also HMIC can see that.

Most forces send that to something that is called the equivalent of an organisational risk and learning board. It is corporate learning the lessons and corporate information. That is usually headed by a deputy chief constable, and tends to be reviewed very regularly

On top of that, the IOPC do something that it is realistically worth while having a look at, which is the learning lessons report. It is a quarterly thing. They share the lessons and learning from loads of their investigations. There are educational professionals, professionals from all different sectors, that put into the report itself. For instance, the last really meaty ones I read were the December and March ones. December was around road traffic, and March was child sexual abuse. Some of the case studies in there are really good because they go into the detail of what happened, the circumstances, and they ask decision makers in forces, “Could that happen here?” There are obvious ones like cross-border pursuits—people undertaking pursuits who have not had the right training—procedures in control rooms and so on. The methodology that the IOPC uses in that publication has been refined over time and is a decent bit of learning. They share that with me and my portfolio, and we have an input into those reports that go into that learning the lessons bulletin, and that goes out to all forces.

That is how it is fed in on a force-wide basis. Then, as a chief looking at the HMIC—I am going to let Matt speak next—all those recommendations come in a big matrix, and each force will have a formal record of those on



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one side, and the HMICFRS have a record on their side. They go back some years, and everybody looks at that matrix and reports on progress. We can be held to account by the commissioner and by a mayor and also on a revisit by HMICFRS.

Matt Parr: I do not have all the figures. We started two or three years ago. We were not very good at this, but we now have this thing called the monitoring portal, which is the database that Craig talked about. For every force—in fact for all policing—there is a list of extant recommendations for all the reports that we have written, going back to about 2013. To give a flavour—I am sure that in Nottinghamshire it is not hugely different—there will be a mix of recommendations that are specific for, let's say, Nottinghamshire and then there will be a national report or thematic report and there is a recommendation that is for all police forces. A typical police force would probably have a mix of about half and half of those.

To give you an idea of how many, when we opened the portal 18 months or two years ago, the Met had 284 recommendations from us. I am sure Craig's eyes will be watering at the thought of 284 recommendations, and I suspect that, for most police forces, it is substantially fewer than that. They were about a mix of 50:50 of national reports and things specific to the Met.

They also had 20 causes of concern. A cause of concern is something when we raise something that we think is a systemic failure that has implications for the public. When we have outstanding causes of concern, we are constantly monitoring to see where they are going. When we put the portal up, the Met had 20 of those, of which 13 were national. They might have been about fraud, road traffic, domestic violence or crime recording on almost any subject, and they had six that were specific to the Met. In about the two years, 18 months, since we put that portal live, the Met has completed 152 out of its 284 recommendations, so it has done more than half, but that is still 130 recommendations that are outstanding, and it is a lot.

I get why the commissioner was complaining that they come so thick and fast, not just from us but from the IOPC, and that it is difficult to keep on top of them. Most police forces do a pretty good job of keeping on top of them, and there is a very good dialogue between us and the force about, "What progress have you made with this? What haven't you done? What are you still to do? You have told us this. We'll check it next time we inspect"—something like that. It works pretty well. I would say that the Met is probably more overwhelmed with recommendations from various quarters than most other police services.

What then happens, of course, is that when we make recommendations within a certain time—within 30 days—the police and crime commissioner is obliged to write to the Policing Minister to give an update on what the plan is for reconciling them, so there is that as a further check.



Q269 Dame Diana Johnson: I want to ask some questions about lessons being learned. Chief Constable Guildford, you have said in previous answers that it is a much more learning-centred approach these days. But we have also heard from some police officers who feel that the police complaints decision-making process remains sanction based as opposed to being learning based, as you talked about, and that lessons could be learned from the aviation industry, where, some felt, the organisational culture encouraged people to willingly report wrongdoing. To the contrary, they told us that, in their view, that individuals in the police service were still scared to put their hands up. Chief Constable Guildford, how far do you think the recent reforms to the complaints system have embedded and enabled a culture within the police service that encourages and supports officers to willingly report any wrongdoing? How do lesson learning and officer responsibility for wrongdoing interplay?

Craig Guildford: A couple of good questions there. First and foremost, quite a few of the approaches, particularly around practice requiring improvement, are based upon those lessons from the aviation industry, where it was positively encouraged and rewarded and culturally acceptable to reflect in the interests of passenger safety to stop planes falling out of the sky.

In the police service, very much the old system was exactly as you have described—punitive, focused on an old, regimented system—and there was not the encouragement to reflect and to improve one's own personal practice. It was quite a defensive culture—defensive from staff associations, from officers and on occasions from the investigators. The reforms are deliberate in so far as we have created an opportunity and a space within the system to facilitate that happening.

Secondly, we have regulated in such a way that supervisors are in a very strong, mandated position to follow the new direction. Culture does not change overnight; it takes time. For individuals I have spoken to very recently, particularly from staff associations, about where practice requiring improvement had been used—it is also a step-off within the formal system for an appropriate authority to consider as a decision maker—the feedback has been very warmly received.

Also, the timeliness of the response back to the complainant is much better, which improves satisfaction. Even though some complainants may not agree with the outcome, they certainly appreciate the speed of the response and the transparency of the response. Also, where it is right to do so, it is about making an apology on behalf of the organisation, and putting the officer's point of view quite directly across, where the officer feels that the complainant was more than a little out of order on a Friday evening, when he was told to go forth and multiply. We have to get that balance right.

The second part of your question is an interesting one, and it is where the two elements meet. In the regulations, we have made a system whereby formalised misconduct is treated seriously. The bar has been raised. You



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focus your investigators and the IOPC on things that are very much more serious. That then impacts on timeliness, which is positive for the complainant and positive for the officer, and it is certainly in the public interest.

So it is a two-pronged attack: create the space and regulate, and also push that bar up so that you have space to deal with things outside of what you describe to be that very punitive, old-fashioned culture.

Q270 Dame Diana Johnson: Thank you for that. Do you feel that the police have got it right yet in how they adequately respond to the general public who are making a complaint? If your focus now is about improving practice and getting that right, how do you feel that that is being communicated? Is what you are trying to achieve being communicated effectively to the member of the public who has made the complaint? Do you feel that that is working well, or is there confusion with the member of the public about what the police are doing and whether any action will be taken?

Craig Guildford: It is working much better than it did in the past. It is also working in a much more timely manner, with a more timely response and more early responsibility for dealing with things, rather than documenting a call and then referring it on to the professional standards department. Hopefully, later in the session, we will get on to disproportionality, because that is also a common theme that I have found, and we have worked hard to meet that head on in the design of the system.

Q271 Dame Diana Johnson: Are there statistics to back up what you are saying? Are there data available to show that this is being dealt with and that the satisfaction levels of the public are matching what you have just said to me?

Craig Guildford: Yes. On a local basis, we monitor and we provide that to the public forum in terms of the timeliness and the outcomes for all the public complaints that are made. We also monitor the ones that are resolved there and then in the control room environment, with an explanation, and we monitor and publicise the outcomes where officers have gone to misconduct meetings or gross misconduct hearings, and what the outcomes of those are. Forces place the outcome on their website so that the public can see.

Q272 Dame Diana Johnson: We heard from Nick Glynn, a former police officer, who said that the most important factor in ensuring trust and confidence in the police complaints and discipline systems is for "justice to be done and be seen to be done" so that it is clear that police forces and officers have been held accountable for their actions. To what extent have the 2020 reforms improved the processes to hold police officers and forces to account for any wrongdoing and how forces are communicating outcomes to the public? Should more be done by police forces to improve communications with the public about police accountability and police



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complaints/discipline outcomes? What more could happen?

Craig Guildford: As I said, forces publish that data on the website so you can see the number of people who have been sanctioned when they have appeared before the hearings. That is good; it is in the public interest. Also, the IOPC do a report on the whole of the system. By mandate they have to do one on an annual basis. The Home Office also monitor that and produce reports. The HMICFRS have an annual inspection round. Okay, part of the system is not being inspected, but what Matt did not say is that everybody is being inspected this year anyway on anti-corruption, so there is a good deep-dive going on there.

Broadly, I concur with the point that Mr Glynn made, which you highlighted. That sense of organisational justice and fairness to the service is important. We found that when we were formulating these reforms with partners across the sector. We have tried to focus on the transparency—not going on fishing expeditions, but making sure that we are tight with the terms of reference, that we share the terms of reference with the officer who is being investigated, and that we share, subject to the harm test, the outcome of the actual investigation—so the independent officers report on what they found about what has gone on. I think that helps things.

Further to that, we have also made sure that the system is very much focused on the really serious misconduct and on trying to make sure publicly that individuals are rightly held to account, but also that nobody is below the law—in other words, it is about the rights of the complainant but also, importantly, the rights of the officer, because on many of these investigations the officers are exonerated.

Secondly—I want to emphasise this point—we changed in some of the directions what is called the “case to answer” test. Let’s say I have done an investigation, I produce a report and then I make a recommendation on a case to answer. That test used to have a very low threshold, and it was built up over some stated cases. What was happening on occasions, which I thought was against the public interest, was that, because that was a low threshold, cases with a hopeless expectation of gaining an outcome at a misconduct hearing or a meeting were being pushed through because the system was directing that they were. Then, hey presto, the outcomes were such that the public certainly would think, “This is taking ages and nothing has happened at the end of it.” I could have predicted that right from the beginning. We changed that system with the help of people across the sector—the Home Office, the IOPC—and there has been refined Home Office and statutory guidance to stop that problem.

Chair: Sorry to hurry you slightly. We do need to hear from Mr Parr as well on this and move on. Did you want to complete that answer?

Craig Guildford: I will stop.



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Matt Parr: I will be brief. Going back slightly to your earlier question, I came into policing about four or five years ago from a background with a safety culture and a learning culture much more akin to the aviation industry than policing. I was initially shocked at what Craig described as a defensive, hunkering-down approach to learning from things that go wrong. I remember someone early on describing the feeling they had. Senior police officers recognised that this was not healthy but often felt themselves to be victims of the system, as Craig has just described, and of the procedures they were obliged to follow.

As I understand it, one of the key aims of the 2020 changes is to try to take some of that away. I find in some of the inspections that we have done that, very often, more junior people are slightly frightened, or have in the past been slightly frightened, of the regulations and have felt obliged to follow them rather than use their initiative, for fear of being consequently criticised for getting it wrong or covering something up.

We have inspections. We are very interested in communication with the public and, if you make a complaint, in the nature of the communication you get back. There are some good examples, but in general I do not think it is of a particularly high standard, and we have seen some really patchy performance in some places, or we have done in the past. We will see again the next time we come to inspect it.

Q273 **Dame Diana Johnson:** Could I ask a quick question about apologies, because that has been referred to a number of times? To quote what Nick Glynn said to the Committee, he said that sorry "is the hardest word for the police" and that many complainants "will be satisfied with just an apology". Do both of you think there is still a reluctance within policing to accept responsibility for wrongdoing and to apologise? Is it still the hardest word?

Craig Guildford: I do not think it is anymore at all. I think society has changed, the culture of the cops has changed and it is certainly heading in the right direction.

Matt Parr: I would echo that. I agree with that. Increasingly, senior leaders I talk to recognise the value of doing that and are much more willing to do so.

Q274 **Ms Diane Abbott:** I want to ask a question about timeliness. As you will both know, one of the things that has undermined public confidence in the complaints system is how long it all seems to take. This Committee has had written evidence from the IOPC talking about police officers delaying providing evidence to investigations. It is almost as if they are dragging their feet.

Craig Guildford, do you share the IOPC's concern that a substantial amount of the delays to investigations are caused by the police service? If police officers are not dragging their feet, what do both of you think are the key causes for delay from the police force side in IOPC investigations?



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Craig Guildford: Diane, that is a good question. I do not share that view about delays and the IOPC, but I was concerned by that perception. The federation definitely have their house in order. It is much more professional, with an officer who is now represented by an individual in every force. That professional federation representative is much better trained and equipped, which is good for the system. That works well now.

I am concerned if we have any delays in providing that information, but in terms of that perception, what we did with the regulations, and working together, was that we introduced a new regulation, which was the duty to co-operate as a witness. That places a positive obligation on us all as cops to make sure we co-operate and provide information and assistance in a timely way.

I tend to find with the IOPC that, on occasions, the senior investigators lack a little bit of pressuring influence that they can bring to bear on timeliness. In the cases that I know personally, where I am friending individuals, and that are going to run on for about three and a half or four years, it probably needs a proverbial tap on the bottom to move things along, Diane, if I am being perfectly frank.

The second aspect with the IOPC on occasions is workload. Clearly, a death or serious injury will take priority and, quite rightly, if there is a police shooting, that will need a surge in resources. But to give credit where it is due, under the leadership of Mr Lockwood, we have certainly seen some gargantuan progress, and it needs to keep being pushed.

Matt Parr: I do not have anything to add to that, Chair, I am afraid. It is not something we have inspected against, and I do not have any evidence.

Chair: That is fine. Short answers are good.

Q275 **Laura Farris:** If I could pick up on that time limit issue, the time taken for police investigations is exceptionally lengthy. I heard you say in an earlier answer that 12 to 18 months was something of a norm, although you are working towards less. Is there a sufficient method for differentiation between a performance-based complaint and a conduct-based complaint? Does the police force in general lack the agility to deal with what is, as the Chair mentioned, sometimes just a complaint about a police officer not acting properly on the ground and in the situation? Would that be a fair criticism?

Craig Guildford: I don't think so. To pick up on your points, the average now when it goes to the IOPC is about eight months. When I was talking about 12 to 18 months, that was one case I am involved in, friending two people. We have just had a letter to say it will take another 12 to 18 months, which is quite exceptional. Those are the ones that need some strategic focus.



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Going back to your question about performance and the conflation, we have changed the procedures to focus on decision makers doing just what you said. If it is a lower-level performance/misconduct issue, they should deal with it now and get on with it and should not take a long time to deal with it. That message is certainly loud and clear across the service and is welcomed.

You will always get one or two examples where you feel let down by an initial decision maker, and I do as chief on occasions, but the fundamental issue is pushing the cultural change, which we have been trying to do.

Q276 **Laura Farris:** On that point, how would somebody at the helm of a disciplinary investigation understand the complaint to be either performance or conduct-related and how the dividing line would fall?

Craig Guildford: That is really easy. Initially, it comes in, and it is assessed. There is a small piece of scoping to be done, and then an experienced decision maker, in every force across the country, consistently decides in which direction it will go. They can now, as we have changed the regulations, direct it into “practice requires improvement”—in other words, an expeditious response—as opposed to a formalised, lengthy investigation.

Q277 **Laura Farris:** We have heard quite a lot of evidence about the asymmetry between the success of internally raised conduct-type issues and complaints that come in from the general public. Is there a mindset of resistance to complaints from the general public? Is that because they often come about in the context of, say, an arrest that is contested or other predictable contexts?

Craig Guildford: You have to judge each one on its own merits. They are all different. As a service, we are the most transparent and accountable. People come from all over the world to look at us and to look at the system of the IOPC. I welcome the transparency and the accountability and being held to account. Look at some of the moves with body-worn video. That has massively helped things. If somebody says, “This has been wrong” with an arrest, particularly where force may have been used, playing the video fills some of those gaps and quickly allows us to get to the position of decision making.

Q278 **Laura Farris:** If a member of the public was watching this session, what would you wish them to understand about the fact that the data shows that if they were to submit a complaint, it would be far less likely to go anywhere than if another police officer raised a complaint?

Craig Guildford: I have not seen that data, so I am not agreeing with you on that one. But I would always say to the public that the police are the public and the public are the police. If you are not happy with the service you have received, I want you to be able to ring the police and express that dissatisfaction. If you feel that you want to make a complaint, you absolutely should do. If you cannot make it to the police,



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you can go to the IOPC or you can go to a police and crime commissioner and make that complaint. You should do because we work on your behalf, not the other way around.

Q279 **Chair:** Finally, to Craig Guildford, the National Black Police Association has given us evidence previously about how shocking it was that the professional standards departments often had no black or ethnic minority police officers or staff. Do you have the latest figures? I understand it was previously 63% of police forces that had no BME police officers or staff.

Craig Guildford: I do not have any further figures than that, Chair, but my encouragement to my fellow chiefs at the last council was to reflect on that statistic. There is competition in many specialist departments to attract members of the BAME community who are cops into those departments, but I have always had success doing that. If you listen to the views—which I have done extensively—of individuals from those communities who are members of the cops and who have been subject to the system, they would welcome that with open arms. It would have a positive beneficial effect on trust in the whole system from some of my colleagues.

Q280 **Chair:** There has, though, been a series of concerns raised over some time about the disproportionality in the misconduct system towards black and ethnic minority officers. We have raised concerns about it, and we have heard concerns about it. Is there any sign of that being taken seriously enough yet or that being turned around? The lack of progress on the proportionality within PSDs suggests that this still is not being taken seriously enough.

Craig Guildford: The proportionality of officers in PSDs is not the solution to this problem. We have changed the system, whereby an individual supervisor has to deal with the situation in front of them.

I have done a piece of work with the Black Police Association and DCC Phil Cain from North Yorkshire, who leads on some of those diversity issues. I have only just submitted my report on disproportionality to you because I have just finished the last feedback session to the officers, who quite gracefully gave me a lot of their time and gave me the anecdotal evidence to put some meat on the bones. We did a 12-month data trawl across the system, based upon a report that was done three years ago. We found last year that there was disproportionality but that it was at a much lower level. Across the forces, roughly the breakdown was a third of forces with no disproportionality whatsoever, a third with some disproportionality in the cases that went forward to an eventual hearing, and about a third with some disproportionality in that measure and also disproportionality in outcomes. The headline figure from that data trawl, which I have shared with all the focus groups, is that it is 1.39 times more likely that a BAME police officer would be subject to a misconduct investigation.



The bit in the system that I have changed deliberately looks at the outcomes, and this is important. Disproportionality was greatest in the lower-level outcomes from a misconduct meeting or hearing. In other words, in my opinion, inappropriate cases were going through because, at the end of the process, the lower-level sanctions were prevalent. The design of the new system and the “practice requires improvement” places a positive obligation on a supervisor to deal with issues in front of them. It allows the PSD to send cases back, and really focuses in on any issues of disproportionality.

I have shared 12 learning points with the group, which will help the system going forward. The trajectory is that the disproportionality is decreasing. The note of caution is that in some forces one or two people are the statistics, so it is low numbers, Chair.

Chair: Thank you very much. We will move now on to our second panel. Thank you very much to Craig Guildford and Matt Parr for your evidence this morning.

Examination of witnesses

Witnesses: Michael Lockwood, Kathie Cashell and Claire Bassett.

Q281 **Chair:** We now welcome our second panel. Thank you for joining us. We have with us in the room now Michael Lockwood, IOPC Director General, Claire Bassett, Deputy Director General, and Kathie Cashell, IOPC Director, Strategy and Impact, all from the IOPC. Welcome to you. We will begin with some questions on Operation Midland.

Tim Loughton: Good morning. Mr Lockwood, you will not be surprised that I want to ask about Operation Midland and the IOPC’s investigation. Do you think your report, Operation Kentia, which was last produced in October 2019, is an exemplar in the standard of reports that the IOPC should be producing and in the way in which it was produced?

Michael Lockwood: Our report on Operation Midland—Operation Kentia, as you referred to it—was a very comprehensive report. It involved some very experienced staff and decision makers. It involved a multidisciplinary team of policy advisers, and it had strong legal input. Particular individuals in that team had expertise in applying and conducting property searches. It was an experienced team with something in the order of 70 years of experience. They looked at a significant amount of information, including the unredacted report of Sir Richard Henriques, the HOLMES account and witness accounts. The report is 150 pages. It is a comprehensive report that is in the public domain for transparency reasons.

Q282 **Tim Loughton:** That is as good as it gets from the IOPC, basically?

Michael Lockwood: We are always learning as an organisation. If you look at the report, as well as making some important strategic and systemic learning suggestions about applying and executing search



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warrants, we also refer to improvements we can make as an organisation. There were two. First, we referred to the time delay for our report. I would like at the outset to apologise to all the individuals concerned for the excessive time delay our report caused and the impact that would have had on them as individuals. On that time delay issue now, we are in a much better place—91% of our cases are undertaken within 12 months.

Q283 Tim Loughton: I want to come back to this report before we go on to whether things have improved since then. Sir Richard Henriques called that report, which you said is basically as good as it gets from the IOPC, a “lamentable and inadequate inquiry”. He said that no effective interrogations took place and there was a lack of knowledge of criminal procedures by the lead investigator, who informed Sir Richard Henriques that she had “no legal training and was not fully aware of the processes for obtaining warrants and initial attempts to create a statement failed.” He concluded, “The delay in reaching their findings of almost three years is gross and inexcusable and goes some way to inhibiting any further investigation”. It was referred to in front of this Committee by Lady Brittan as “as good as a whitewash”. Are Sir Richard and Lady Brittan wrong?

Michael Lockwood: I fundamentally disagree with your characterisation of the individual investigator concerned. That investigator is somebody of great experience and is qualified and led the investigation. But as I said—

Q284 Tim Loughton: Sir Richard Henriques was wrong?

Michael Lockwood: We had a multidisciplinary team involved in this investigation. It involved very clear legal advice, a very clear QA process and policy advice. It came to the decision based on the material we saw. We are the independent body to do that, and we are the proper body to undertake that.

Q285 Tim Loughton: You have said that you are happy with this report and you had lots of wonderfully qualified people, and it is comprehensive. Sir Richard Henriques, who knows quite a lot about this, having spent quite a lot of time investigating—he is probably one of the leading authorities on Operation Midland and the way it was conducted—still thinks that it was a “lamentable and inadequate inquiry”. It was 20 months before that cornucopia of expertise within the IOPC actually spoke to Sir Richard Henriques, after which you had already said that there was no further action to be taken about two of the lead officers you were supposed to be investigating. Why is Sir Richard wrong?

Michael Lockwood: This was not a review of Sir Richard’s report. We spoke to lots of people. We gathered lots of evidence. We had a full copy of his unredacted report. We did not need to speak to him, to start with—

Q286 Tim Loughton: What do you mean you didn’t need to speak to him? He knew more than most people about Operation Midland. He was a key witness, and you chose not to speak to him for 20 months.



Michael Lockwood: We relied on his unredacted report but, as an independent body, we sourced our own information as well—additional information to what Sir Richard Henriques looked at. Remember that our review was not a review of Operation Midland. It was a review of four allegations within Operation Midland. Our report was specific to four allegations. We used Sir Richard’s report as a basis, but we also accessed more information to satisfy ourselves as to the outcomes.

Q287 **Tim Loughton:** So Sir Richard was a second-tier witness, effectively, even though he has written an exceedingly comprehensive report on what went into Operation Midland and remains vociferous on the way things have happened since then?

Michael Lockwood: We used Sir Richard’s information and advice and his report as part of our evidence to come to our conclusions. But, as I said, we are an independent body and, as Sir Richard quite rightly said, we are the proper body to look at this. We used this information, but also accessed additional information from the Metropolitan police and from people we needed to speak to when coming to that conclusion. The conclusion has come without fear or favour and was undertaken as an independent body.

Q288 **Tim Loughton:** Would you acknowledge that Operation Midland and the investigation into Operation Midland is probably one of the most important investigations into how a police operation has gone wrong that the IOPC—and its predecessor, the IPCC—has been asked to look into?

Michael Lockwood: It is a very important investigation. That is why we resourced it properly and had a comprehensive team on it. We looked at more information than Sir Richard. What is important is that there were a lot of lessons learned from this issue. We put in place some 16 recommendations, which I hope will systemically change the application and execution of search warrants.

Q289 **Tim Loughton:** I understand all that, Mr Lockwood, but it was an important inquiry into what has been found to be a seriously badly handled investigation involving a lot of money, a lot of resource, a lot of police officers and a lot of trashing of reputations of some key individuals who were found to have done absolutely nothing wrong, only one of whom is now still alive. As Lady Brittan said in front of this Committee, she finds it odd, to say the least, that, “Not a single person in this case has resigned, lost their job, been fired, demoted or disciplined. Nobody whatsoever”. Who is learning these lessons? Nobody has taken the rap for anything. In several cases, the officers you have investigated have been promoted, gone on to greater things or have been allowed to take early retirement and have suffered no consequences whatsoever, and nor indeed have any other police officers involved in that investigation. Is that not a bit odd?

Michael Lockwood: Our investigation focused on four allegations. We looked at those allegations. We assessed the officers for both criminality



and misconduct. We based our information not only on the report of Sir Richard, but also on a lot of additional information that we sourced, to come to a view. We looked at the issue of criminality and we did not feel that the district judge was deliberately misled in any way. We also looked at the conduct of three of the officers and found that, while mistakes were made, there was no misconduct.

Q290 **Tim Loughton:** The district judge—a very senior district judge—has said he was certainly misled. He and Sir Richard have indicated that they think criminal activity took place. Why do you know better than them?

Michael Lockwood: We interviewed the district judge and took a statement from him. He did not say in his statement at the time that he felt he was misled.

Tim Loughton: He does now.

Michael Lockwood: We can only base our information on his statement. With the greatest of respect to the district judge, we also looked at the information that went into the compilation of the search warrant. We felt mistakes were made in that search warrant, and our report is clear about those three mistakes: referring to the premises of Lord Brittan when he had, sadly, died, saying that Nick had been consistent and not referring to the Wiltshire issue, but phrasing it as developing. We put in our report where there were mistakes, and they are very clearly in that transparent 150-page report. We, as I said, did speak to the district judge.

Q291 **Tim Loughton:** The evidence you provided to the Committee after Lady Brittan had given her evidence said, “As the investigation progressed, the investigator formed the view, based on the available evidence, that there was no misconduct in relation to DAC Rodhouse and DSU McDonald and these matters were discontinued”. They were not actually interviewed, were they? And nor, in fact, were four out of the five officers under investigation. Two of them declined to be interviewed, and you took no further action.

Is it not extraordinary that the people you have been tasked to investigate are not even summoned for interview by your own expert team and that within three months the two leading protagonists were completely cleared and have gone on to greater things? Do you not acknowledge that it will appear odd to the public that, whether they should have been vindicated or not, they were not even interviewed face to face by your staff?

Michael Lockwood: With regard to Mr Rodhouse and Mr McDonald, we looked at many hundreds of documents and policy decisions. We were fortunate and in quite a unique situation in this investigation, in that we had a fully formed report from Sir Richard. We had a document with all the interview notes, the policy advice and the responses from Sir Richard in one place. We were able to access that, which is unique in terms of investigation. In addition, we took our own information from the Metropolitan police.



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Having looked at all that information, we did not believe there were any issues of criminality or misconduct. The IPCC decision makers at the time concluded that, and that was based on legal advice. If we do not think there is criminality or misconduct, our job is, as early as possible under our statutory scheme, to discontinue the investigation, so that is what we did.

The issue with Mr Rodhouse and Mr McDonald is that they did not in any way prepare the search warrant. They did not draft it, approve it or sign it. We did not feel there were any issues of criminality.

Tim Loughton: But they had senior positions in the investigation that was responsible for those search warrants, which are now being called into question. Why, particularly when you quickly dismissed any of the charges against two out of the five, did it take you three years to produce this report? Part of this inquiry is about the lack of timeliness, certainly in recent years, in the IOPC and its predecessor in producing its report. Sir Richard has said quite clearly, "The delay in reaching their findings has gone some way to inhibiting any further investigation". I know from personal experience—and we have had other witness statements—that because these investigations take so long, at times frustrated by the police officers being investigated failing to produce documents or evidence in a timely way, by the time it comes to your findings and conclusions being published, the officers involved have often moved on or have taken early retirement and are therefore not subject to any penalties whatsoever. Isn't that the case?

Michael Lockwood: First, in this investigation, it is important that we have been very open in our 150-page report about the areas we need to get better at. When I came in as Director General and I spoke to policing and non-policing stakeholders, the message I got back was, "Speed up your investigations. It is not good enough." I put my hand up to that and said that we needed to get better. When we first became the IOPC, on day one, 68% of our investigations were being done in 12 months. Today that stands at 91%.

Q292 **Tim Loughton:** I think colleagues will come on to that. I want to finish with one question. Where does a victim go if they are not happy with your report? Where do Harvey Proctor, the family of General Brammall, or Diana Brittan go if they think, as they have said, that this report is a whitewash? Who are you answerable to? Where do people who have been materially disadvantaged by the activities of the police, as clearly has been the case in Operation Midland, go from here?

Michael Lockwood: First, this report was comprehensive. We were the proper body to do it. We looked at all the information we did. It is now in the public domain for people to look at. There are two routes people can take if they feel they are unhappy with the report. The first is the JR mechanism—to judicially review the report—

Q293 **Tim Loughton:** It will cost at least £50,000 to get a QC's opinion before



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you even start the whole process, so it is not available or accessible to the vast majority of members of the public, in practical terms, is it?

Michael Lockwood: We are accountable to the courts. Some 35 people applied to JR us in the last year. People do use that mechanism. If they believe the decision was irrational, that is the proper route to do that. They did not do it when the investigation came out. The door is open if they wish to do that. There is a JR route through which our decision can be challenged if they believe it was irrational.

The second route is that, under the February 2020 new regulations, we are allowed to reopen a case if there are compelling reasons that, one could argue, would have made the initial decision a flawed decision. If there are compelling new reasons—

Q294 **Tim Loughton:** Do you think there are compelling reasons here to reopen the case?

Michael Lockwood: I have heard a lot of opinion. I would like to see some new evidence. If there is new evidence, I am under an obligation to scope that information, to talk to the affected parties and to come to a decision on whether we would reopen it.

Q295 **Tim Loughton:** Sir Richard and the judge involved in the warrant are certainly suggesting there is new evidence in terms of the legality of those warrants. That alone should justify reopening the inquiry, shouldn't it?

Michael Lockwood: All I would say to you is that I read and hear and see a lot of opinions. If somebody provides me with compelling and significant new information that would come to the view that that original decision was flawed, I would scope that, talk to the individual parties and make a decision on whether that is something we would do. We have done it in other cases.

Q296 **Chair:** When we had evidence from Lady Brittan, she described being twice, in her words, "treated as a suspect, once when my home was being searched [for Operation Midland] and the other time at the offices of the IOPC". She described when she was invited to review the Operation Kentia report feeling as though she was "under such areas of suspicion in the room...They could not answer questions. We could not leave the room...and, at the end of it all...we were given 48 hours to make comments on a substantive report for me." Her description was troubling. She has been through a very difficult experience initially and was badly wronged by Operation Midland. To then feel that the process of investigation into it was also stressful and treated her as a suspect again was troubling. What are your reflections on that?

Michael Lockwood: I heard Lady Brittan's evidence, and I really apologise to her if she felt that process was a distressful one and she was treated as a suspect. It was not our intention to do that. I genuinely apologise for the extra anxiety we caused her. The aim of visiting the



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offices was to allow individuals to look at the document at an early stage, to check whether there were any factual errors in that document and to check that, if they had been named, they were happy with that or if there was a need to do any redactions. The process allows individuals to have early sight of our report.

We allow representatives to come along, and I thank Lady Brittan was accompanied by somebody else. I apologise if she felt that was a stressful and difficult session. Interestingly, she did write to me afterwards, because I went to see her to introduce myself, which I think was an appropriate thing to do. She wrote back to me thanking me for introducing myself and for allowing her to attend and for the courteous way our staff helped her in that process. I absolutely take away any lessons we have to learn about making those processes better, but there was a process for that and she did write a letter thanking us for that opportunity.

Q297 **Chair:** Have you reviewed those processes?

Michael Lockwood: I have reviewed that process—that is absolutely right—because we want to make the experience of somebody going through something like this at a difficult and vulnerable time for them as customer-friendly and as warm as possible.

Q298 **Chair:** Have you reflected on it in terms of the impacts for other cases as well?

Michael Lockwood: For other cases as well. Indeed, Lady Brittan wrote about a second issue—the issue of complaints—and we have also reflected on that. I am trying to make sure we are a learning organisation. The feedback from Lady Brittan—that she had felt that level of distress from that experience—had quite an impact on me. We have made changes as a result.

Claire Bassett: We have learned a lot from that. A good example is the work we have done with the families in the Hillsborough case. Again, we have taken a lot of learning from that experience and the specialist teams we had working on that, and we have applied that to other cases. That is an area where we have been learning quite continuously since then.

Q299 **Chair:** Let me come now to the wider issues of where things are at now with the complaints process, the progress you have made and the areas where you think the IOPC still needs to improve further. Can I ask you not to repeat yourselves, but to decide between you who wants to answer each question, so that we can cover as much territory as possible? I do not know who wants to respond.

Michael Lockwood: I will do the challenges. Kathie, do you want to do the pluses? Claire, you can pick up where we forget.

We group the challenges into three Cs: confidence, collaboration and culture. The word “culture” has already been raised. While progress has



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been made on confidence, we think issues like George Floyd and Sarah Everard have had an impact on communities, particularly issues of disproportionality, stop and search, Taser use and discrimination. We are doing particular work on these areas. Forces need to work better with communities to win their trust and to listen to their views.

The second issue is collaboration. A theme we have encountered in the last few years is where we have a system that works well vertically—people work together in their boxes but are quite fragmented. A great system is one that works horizontally, either around a person, around a family or around a police officer. A system that works more collaboratively and more horizontally around a person or around a family is a better one. Underpinning that is a more shared ambition to work together as a system. It is sometimes quite adversarial, negative and polarising. It is about that shared ambition and that horizontal working.

The third issue is culture, which is the hardest thing to change. That can manifest itself in the fact that we need police forces to speed up recruitment so that their workforces better reflect the communities they serve. We also need to create a policing culture, as you have touched on, that is more open and responsive to change, to learning and to listening to communities more.

They are my three areas: confidence, collaboration and culture.

Kathie Cashell: Let me say a little bit about what we think is working well. I am sure we will come on to a number of these things. You have heard evidence about the progress the IOPC has made on the timeliness of our investigations. Our focus on learning is also something we would like to talk about. There is a lot of optimism that the reforms we have waited so long for, which are now in place, are showing signs of progress. We will need to see the impact of those reforms over the next few years, but we are confident that, as Mr Guildford said, this is a collective effort that will change the police complaints system in the future. They create a space for that but, again, there is that point around culture and making sure that we take the regulations and change the complaints system on the ground in the way that is intended. We cannot do that through legislation but will need the collective effort of all of us working on that.

Chair: Claire Bassett, do you have anything to add?

Claire Bassett: No, I am sure you will ask questions on those particular areas, so I am happy to leave it.

Q300 **Chair:** On the broader issues of confidence in policing more widely, as opposed to your precise processes around individual complaints and so on, what do you see as your role in improving confidence in the police more widely? Do you think it is working?

Kathie Cashell: We have always been of the view that a responsive complaints system is integral to confidence in policing overall. In terms of



what Michael did when he joined the IOPC and we came up with our unitary board and our strategy, our mission—all organisations have one—is really ambitious. It is to improve confidence in policing. We have a joint venture in that with a range of other stakeholders. A responsive police complaints system that shows accountability and learning when things go wrong is integral to that. Our statutory duty is to increase confidence in the police complaints system, but they are obviously joined. Perceptions of the police complaints system and confidence in it are also linked to broader views around policing itself. You cannot do one without the other and they both impact each other. We have a significant role to play in that, but we cannot do it alone. We need to work with those other partners as well.

Q301 Dame Diana Johnson: I want to drill down a little bit on this issue of cultural change. You told us in written evidence that the recent reforms to the IOPC and the wider police complaints system need to be “supported by cultural change in policing to address issues when they go wrong and learn from mistakes rather than just apportioning blame”. Could you go into a bit more detail about what you mean by “cultural change in policing”? I know you talked in one of your answers about the need for recruitment and workforce development, but what else is required? How important is it that we get this right?

Michael Lockwood: First, the new reforms are a significant opportunity in a number of ways. They make the system, we hope—it is early days yet—more transparent, more independent, more proportionate and less bureaucratic. They help our trajectory in terms of focusing on learning, improving timeliness and being more proportionate to misconduct issues. The system issues are good ones on paper. Technically, they are the right direction of travel and they give us as an organisation certain additional powers, which will hopefully embed our independence.

A system requires a change in behaviours as well. We want policing to move away from a culture of bureaucracy and process. The old complaints system almost tried to kick you out of the system. It had so many criteria and technical objectives you had to meet. Now we want a system that is about more openness and more approachability, and about an openness to criticism and challenge and listening. As I mentioned, saying sorry has such an impact on a complainant. When somebody says sorry, it humanises the process. It makes it a real person speaking to them. The issue of saying sorry is an important one. There is also showing respect and being open to scrutiny.

The system sets some good intentions. It is whether the culture behind it makes those good intentions real. The early signs are that complaints have significantly improved in the last year, which shows, hopefully, that the system is more open to any expression of dissatisfaction. We are also getting fewer appeals, so, hopefully, the criteria of reasonable and proportionate is making sure people are happy. The system is focusing on



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the customer and solving their problem, not trying to end up in a long investigatory process going forward.

Q302 **Dame Diana Johnson:** Do you think that sorry is still the hardest word for the police to say?

Michael Lockwood: I smile when I heard that so many times. On a personal level, it is a very easy thing to say. People should say sorry when it is appropriate, because, to me—and as Amania from our youth panel, who came along, said—it shows respect and humanity. It means a lot to somebody who receives a sorry, and it can de-escalate a situation.

Anecdotally, we did some research on stop and search. A young person talked about some of the ingredients of how that tool could be used better. They said, “Say sorry or thank you when you’ve had that interface.” When we talked to police about that, it is the area that seems to cause the most debate. To me, it is the simplest thing to do: treating people with respect and stopping them, where they want to, but saying sorry at the end of that connection—that was what policing found most difficult to do.

Q303 **Dame Diana Johnson:** How can police and crime commissioners, police forces and other policing bodies reinforce a learning approach to reduce mistakes being made in policing? What do you expect them to do?

Kathie Cashell: All of those stakeholders have a role to play. It is about that culture. It is about being open to learning from complaints, listening to the complainant who has come forward and engaging with the issues they are raising.

There is space for two types of learning. We talk a lot about learning. There is the individual learning, removing the assumption that there is misconduct in a complaint at the outset. We have moved from a complaints system that defined a complaint as a complaint about the conduct of a person serving, which immediately starts you into that blame space, to any expression of dissatisfaction. That frees up and creates the space for people to look at what happened here, what the issues are and, secondary to that, whether there is a conduct issue. There is much more space for the kind of reflective practice we have talked about and for individuals reflecting on why that interaction maybe felt the way it did for the complainant, what they could have improved and what they could have done better.

There is also that organisational learning. Organisations—the systems, the processes, the culture and the training—all have an important role to play in ensuring that individuals can maintain the standards of professional behaviour. We all need to look at what people are complaining about, how complaints are being resolved and what those issues are. Particularly when we make learning recommendations, which I know we have spoken a lot about, we need to make sure that those are



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both accepted and implemented and are shared not just with the one police force but across all the police forces if they can learn from that.

The other thing I was going to say about the reform is that, previously, the data we had been able to collect about complaints—what they are about, the situations they happen in and the outcomes, in terms of whether there has been an apology or an explanation and how it has been resolved—has been quite poor. About 40% of complaints have been recorded under one “other” category.

With the reforms coming in, we have tried to completely overhaul how we record both what complaints are about and the outcomes. We will be able to report on things like apologies, whether something has gone into reflective practice, whether there has been an explanation and whether there has been organisational learning. I think that will tell us a lot more. We need to use the data to make sure those reforms actually happen, but also to demonstrate to people that there is an outcome when there is a complaint and that something changes. I hope that will improve confidence in the system, which, as we all know, has been quite stable over a long time.

Q304 **Chair:** At what point will you have full feedback from that system?

Kathie Cashell: We are collecting the data from all 43 forces. They have all upgraded their systems so that they reflect our new recording standards. We have collected data for the first three quarters, which we are analysing now. We are seeing an increase in the number of complaints, which we would expect now that there is not this recording gateway to go through. All expressions of dissatisfaction are recorded. We are seeing much larger numbers of complaints. We are seeing indications that there are fewer requests for review coming in. That would indicate that people are happy with the outcome they have had.

We have collected the first three quarters, and we are collecting the final quarter of last year now. We hope to publish those in the late summer or early autumn. As I said, I think it will give a much better insight into what is being complained about and what is happening with those.

Q305 **Chair:** What further information will you have about the assessment of which reforms are being implemented, which are not and so on?

Kathie Cashell: We will be able to see the numbers of complaints that are being made and also how they are handled. In terms of those that we have talked about, the vast majority are what we call service complaints. With that quick response to them—not going down the investigative schedule 3 route but resolving them very quickly—we will be able to see which bucket they go into. We are seeing early indications that the number of formal investigations is falling quite considerably, and there is much more early intervention and early resolution, which, as I say, is perhaps leading to fewer requests for review.

Q306 **Chair:** What about data collection on your recommendations and



reforms?

Kathie Cashell: At the moment, we have a database that lists all of the recommendations we make to the police service. We make them under two powers. One is quite quick-time learning that we put out. We record those by police force and by theme. Then, there is another power we use—usually at the end of an investigation—for a formal learning recommendation, with a statutory duty to respond and for us to publish the response. All of those are available on our website and they are published. As you heard earlier, we feed those through to police and crime commissioners and HMIC to pick up on in their inspections. That reporting exists now.

Q307 **Chair:** Do you have figures for the proportion of your recommendations made over the last two years that have been implemented and the proportion that have not?

Kathie Cashell: Over the first three years of the IOPC's existence, we have made just over 400 learning recommendations. More than half have been made under the power where there is a statutory duty to respond. Some 82% of those have been accepted, and we have a response from the police force or the other organisation about what they intend to do.

We do follow those up, but not in the systemic way that you heard from HMIC that goes right through to implementation. Our expectation is that when someone accepts a learning recommendation, they will implement it. We follow up on some of the high-profile ones or when we are perhaps thinking of making a similar recommendation in the future to see whether it has had the impact we want. But the IOPC is not in the space of going in and inspecting whether those have been implemented all the way through and what impact they have had. You heard from Matt Parr earlier about how much fieldwork that can take, and seeing whether it has had the impact you were inspecting is quite a significant piece of work. We feed those to HMIC, we talk to police and crime commissioners about them, we look at whether they have been accepted and then it is for others to ensure they are implemented.

Q308 **Chair:** Might there be a case for doing something broader on this, whether it is a sampling approach or some sort of further assessment? I have seen over many years, in your predecessor organisations as well as yourselves, cases where important recommendations were made and then just disappeared into the ether and there was no further implementation or learning despite everyone saying that they would do that. I am concerned if there is not really any feel for this. They might be implementing 99% over the course of a year or it might be 5%, in terms of what is actually being implemented in practice. Should someone not be doing a broader assessment of whether there is a point to your reports?

Michael Lockwood: For me, prevention is better than cure. Dealing with conduct issues is quite reactive as a principle. How can we stop these things happening in the first place and improve confidence? As Kathie



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said, we have section 28A and those recommendations are on our website and are available. We try and monitor them through our regional directors, who visit forces, and our oversight team, and, as Kathie said, through HMICFRS.

I have always felt that there is a possible need to draw these together. The commissioner talked about 1,000 recommendations. There are recommendations from us, from HMICFRS and from coroners. There is something to be said for putting them all in one place first, particularly if they are systemic issues and—rather than having them boxed in different little places—for having a point that forces can go where all the learning and issues are collected in one place and people can see them, without having to go around looking for them, whether it is on mental health or domestic abuse. To me, that is quite simple and straightforward and will help policing practice going forward.

Q309 **Chair:** I think, though, that it might be shocking, given how long all of these different institutions and so on have been interacting, that there is not such a system already.

Michael Lockwood: That goes back to my issue about horizontal working and working as a system, as opposed to different boxes in that system. There are opportunities in this and in many areas to join up our knowledge, information and intelligence and to have somewhere forces can go to get the best advice, the best practice and the best intelligence on various areas. That being in one place—where forces can go for best practice, who the author of that best practice is and what impact it has—would take the learning agenda a significant step further forward.

Q310 **Ms Diane Abbott:** As our witnesses will know, public confidence in the police complaints system prior to 2018 was quite poor, particularly among certain sections of the community. You have touched on this, but what evidence can you share with the Committee of key areas within the public complaints system where there has been a significant upward shift in public confidence?

Michael Lockwood: As an organisation, we have tried to look at the areas that influence public confidence. We have now put in place a set of thematic areas. These are areas where the public have said to us, “If you look at these, they will give us more confidence in the system.” They are police using their powers for sexual gain; domestic abuse; mental health; discrimination; near-misses in custody; and RTIs. We are looking at those areas in a thematic way, taking more cases and trying to identify systemic learning, which we hope will improve confidence in the system.

In addition, people have asked us to make our organisation better reflective of the community we serve. We are at 17%. That is ahead of the national average. They have asked us to be improve approachability, confidence in us and trust in us.



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The third thing we have tried to do to improve confidence is to spend time on those who have least confidence in the system—young people. You heard from Amania and also those from black, Asian and minority ethnic communities. We spend more time working with them to understand why they have least confidence in the system and what we can do about that.

We have done a lot of work on getting out and being more outward-focused. We have invested a lot in our stakeholder engagement teams. We go along to many events—something like 300 in the last year—to try to make people aware that we exist. We found that the first challenge is a lack of awareness that we exist as an independent body and that you can come to us, and about how you can complain. Getting out there and talking to communities and also getting intelligence back has been a big issue.

The final thing that gives confidence is when people think we are making a difference. I have introduced what we call an impact report. Every year, I make myself accountable in terms of what difference this organisation has made, whether it is in terms of investigations or learning. If the Committee would like a copy of that, we have done a second one, and we are due a third. It shows the difference we make.

In terms of the numbers, public confidence has plateaued. There are some mitigations with that, given covid and the situation last year. What is pleasing is that awareness of us, which I think is always the first stage towards confidence, has improved quite significantly in young people. When we started it was 22%; it is now at 38%. For those from a black, Asian and minority ethnic community, it has gone from 32% to 53%. I am not saying we are near the winning line, but we are starting to see an upward trend in people's awareness of us—that we exist—and of their ability to complain and how to do that.

Q311 Ms Diane Abbott: But you do not have any evidence that there is an improvement in public confidence?

Michael Lockwood: Public confidence has been flat. It is about 50% with us. The important thing is that 40% of those respondents do not know about us. For me, the first port of call is making sure that people are aware that we exist as an organisation, what our role is and that we are independent and encourage people to make complaints.

Q312 Ms Diane Abbott: In my experience, for some of the people who knew about your predecessor organisation, that did not actually encourage them in being confident.

You will know that 60% of the respondents to the 2019-20 crime survey for England and Wales said that they had been dissatisfied with the police in the last five years, but only 10% said they had complained. Why in your view are so few people complaining?



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Kathie Cashell: As we have said, public confidence in the police complaints system has been pretty static for a long time and there has been a long-standing gap between awareness and confidence in the general public versus young people and people from a BAME background. That is why the reforms were so badly needed and why the IPCC, and later the IOPC, have called for those reforms and pushed for the ones we have talked about.

A complaints system where your first interaction is a long conversation around whether it is an eligible complaint and whether it should be recorded, and where you then have an appeal right against whether your complaint should be recorded—before the reforms, we saw over 1,300 of those appeals each year, where people were just appealing just to get their complaint recorded—is not a complaints system that instils confidence.

So the reforms were much needed. They have only been in place for just over 12 months, so it is not surprising that we have not seen a big uplift in confidence. Those reforms need time to land. The work Michael has described about raising awareness of our organisation and the police complaints system itself, and demonstrating those outcomes, will be important to that. The awareness is the first one. We are seeing improvements there.

We also do a stakeholder survey of those people who are not just aware of us but have actually worked with us. We speak to a range of stakeholders across the police accountability system, partners we work with and also non-policing stakeholders and community stakeholders. They are reporting much more favourable interactions with the IOPC and perceptions of us than ever before.

We have not seen uplifts in public confidence. That is not surprising given the longstanding nature of that issue and the fact that the reforms have only just come in. But we are getting much better feedback from stakeholders we work with and the communities we speak to. We have had some excellent feedback about that engagement from those reference groups. We are hopeful that confidence, with the reforms, with the work we are doing, will start to increase.

Q313 **Ms Diane Abbott:** You keep saying that confidence was static. “Static” is not quite the word I would use. Certainly in the communities I represent and communities I work with, confidence was poor.

You were talking about working with stakeholders. We have been speaking to some of your stakeholders. We spoke to Amania Scott-Samuels, one of the IOPC Youth Panel members, who told us that while there had been good senior-level IOPC engagement with Youth Panel members in her region, you had not visited youth groups in her region to speak to them about their experiences of dealing with the police and making police complaints. Do you intend to do that? If not, why not?



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Michael Lockwood: I speak to Amania very often, and the challenge was given to go to Brixton. Unfortunately, because of covid I have not been able to do that. But through the meetings we have had—the 300 we have talked about—I have met various groups. In the last month, I joined the Thurrock Equality and Fairness Commission. I had a meeting about the work of the force. We discussed issues like stop and search and representation in that force.

A couple of weeks ago I joined a meeting led by the Youth Panel for the Pembrokeshire Young Carers—these are carers aged 12 years plus—to get their understanding. Do they know we exist, first of all, and what is our role? They talked about their view of policing. I introduced myself and talked to the panel and got some good feedback about their experiences of the system.

My aim as an organisation is to get out more. As well as talking to communities, I talk a lot to bereaved families. I spent a lot of time at Grenfell Tower straight after the fire, and I was in charge of community engagement with the bereaved and survivors. I still have a role there in my own time as part of the Royal Commission. I spend time talking to bereaved families after events about their experiences with us and with police officers and about how we can make that experience with us easier.

I am doing work with families that have lost loved ones as a result of Tasers. I spoke to a family who had a death and a serious injury last week as a result of an interface with policing about their experiences. I am trying to get out and listen, to be visible and to learn from the experiences they have to make them less bad than they are. Those listening days have impacted and influenced our user standards. The standards we have in our relationships with families and communities have reflected the conversations I have had with those bereaved families and communities.

So it is much more outward-facing, with much more listening and much more learning from the experiences that people who go through these processes have.

Q314 **Ms Diane Abbott:** I accept that coronavirus makes meetings difficult, but how many youth groups—not general community groups—in England and Wales have you met with in, say, the last 12 months? If you cannot tell us off the top of your head, can you give us a note to that effect about your active engagement with youth groups over and above your Youth Panel?

Michael Lockwood: I am happy to share that with you. Yes, I am happy to do that.

Q315 **Laura Farris:** I want to briefly return to Operation Kentia and some of the answers you gave to my colleague Tim Loughton. Would those investigations be undertaken differently today?



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Michael Lockwood: The message I got from Grenfell Tower and my conversations with police is that, obviously, accountability is important, but they do not want what happened to them to happen to anybody else—

Q316 **Laura Farris:** Sorry, I think you might have misunderstood my question. I was asking about the earlier questions Tim Loughton put to you about Lady Brittan and Operation Kentia. If the IOPC were to undertake that work again, would it do anything differently?

Michael Lockwood: We are a learning organisation. In our report, we made very clear some of the areas we could have done better, but the investigation was done by a very experienced team, looking at a significant amount of material.

Q317 **Laura Farris:** Would it be a true statement to the general public that the IOPC might well conduct an investigation in the future where it also would not interview the police officers concerned and that, even in the event of their wrongdoing, they might find themselves promoted rather than dismissed? Would that be a fair assumption?

Michael Lockwood: No, I don't think it would not be. Since Operation Kentia, we have learned about some of our QA processes. I have introduced critical case panels. Our quality and service improvement team looks at more cases. There is a whole area of quality, which Claire can talk about, as a result of learning from those investigations.

Q318 **Laura Farris:** So would it be your view that Operation Kentia was mishandled?

Michael Lockwood: No, it was not mishandled. Our part of it was done by an experienced team with experienced investigators who came to the right view and the right decision based on the evidence they had looking at those four allegations.

Q319 **Laura Farris:** The public could know that, in an equivalent investigation, serious wrongdoing might be identified but those police officers might also end up being promoted rather than dismissed. Would that be a fair conclusion?

Michael Lockwood: Based on the information we looked at, we did not find any criminality and misconduct. We found mistakes. What I was keen to do—and the part I played in Operation Kentia—was to make that that systemic learning, which will pervade through all of policing in terms of changes to authorised professional practice and changes to the way officers are trained in search warrants, is in the DNA of policing so that this sad situation does not happen again. That was my responsibility, and I have taken it away to try to make sure that this does not happen again.

Q320 **Tim Loughton:** I want to come back, Mr Lockwood, on the question I asked earlier about who you are accountable to. You gave the answer then that those victims who do not like the findings of the reports you



produced can go to the courts. That is, of course, a very high threshold. Apart from that, who do you think you are accountable to? Clearly, it is not to the chairman of your board, because you are the chairman of your board.

Michael Lockwood: I am accountable to many different stakeholder groups, policing and non-policing. We as an organisation meet external stakeholders—for example, once a quarter we meet representatives from Rape Crisis to Stonewall and the Suzy Lamplugh Trust. We go and share our work and what we are trying to achieve, and we get their advice and challenge and input. We talk to the Police Federation and the Police Superintendents' Association about the work we are doing, and we get challenge and advice back. All our decisions, whether they are inquest decisions, trials or conduct panels, are subject to scrutiny. In addition, we have our JR process and the ability to reopen an investigation.

As you will know, the governance arrangement of the IOPC was not something I made. I inherited that governance arrangement. My job was to try to make it work. I think it reflected a situation that predated the IPCC times, when there was ambiguity between the commissioners at the time and the executive team. This was to give a clear line of sight, and I am accountable for all the decisions, ultimately—

Q321 **Tim Loughton:** Yes, but to whom? That is my point. You have described a whole list of stakeholders. You choose who those stakeholders are. They have no statutory position or role. If you do not like what they say, you can say, "Thanks very much. Get lost." You are not accountable to them. You choose to enter into a dialogue with them. Who can say to you, "Hold on. I do not like that. You need to change your ways"?

Michael Lockwood: First, I am accountable to Parliament. I am here today because I am accountable for what I do, the work I do and how I spend public money. I am here for you to scrutinise me. Our annual reports and accounts are subject to that issue, so I—

Q322 **Tim Loughton:** If this Committee comes up with a report that says we think the Director General of the IOPC should resign, you do not have to.

Michael Lockwood: I cannot respond to hypothetical questions. I am saying—

Q323 **Tim Loughton:** It is not that hypothetical. It is the sort of thing we might well come up with, but it has no basis in law, and we cannot force you to go. Again, you are not accountable to this Committee. We have asked you to come and account for the actions in certain cases. We do not have the power to then say, "That is not good enough. You have to resign."

Michael Lockwood: On my board I have a majority of non-executive directors, who can out-vote me. If a senior NED feels things are not going in the right direction, they can go to the Home Office to raise those concerns. We have put together a system that is about independence of



operational decision making. Parliament wanted and desired that. But for the finance management, the business strategy and all that comes with that, I am accountable to my board, who give me good advice and also give me good challenge. We have a senior independent director who can go to the Home Office if they are not happy.

Q324 **Tim Loughton:** If the majority of your non-executive directors vote that you should no longer be the Director General of the IOPC, would you have to resign?

Michael Lockwood: I do not know the detail. I would like to think that people would reflect on the fact that three years on this organisation—

Q325 **Tim Loughton:** No, that is not the question. I am not in any way criticising the clear activity and developments that you have made, many of which I am sure will be improvements, but time will tell on that. I just want to know how we get rid of you if it was deemed that that would be in the interests of the police complaints system. If even a majority of your board votes to get rid of you but you stay, I am still completely unclear who you are accountable to. I think your governance system—you might comment on it now—is not fit for purpose. I cannot think of any other business organisation—you are not a business organisation—where it is modern practice for the chair and the chief executive, director general or whatever you want to call them of that company to be one and the same person. It is poor business practice. Do you agree that it is poor business practice for the IOPC, too?

Michael Lockwood: I go back my point that I inherited this governance arrangement. I did not ask for it. My job is to try to make it work. A majority of non-executive directors is appointed by the Home Secretary. An audit and risk assurance committee looks at the controls and processes within the organisation. It is led by a non-executive director and I have no voting rights. I have a senior non-executive director who, if they feel things are not working as well, can out-vote me and can report to the Home Office about that.

Q326 **Tim Loughton:** But they cannot get rid of you. Should there be an independent chairman?

Michael Lockwood: I think that is an issue for Parliament.

Q327 **Tim Loughton:** Why?

Michael Lockwood: My job is to make the system work. My view is that people are more important than structures.

Q328 **Tim Loughton:** Okay, but would you prefer to see an independent chair who is not you?

Michael Lockwood: I would not have a strong view against that, no.

Q329 **Chair:** Thank you. I have some final quick questions, and I will ask for brief responses to these. We have seen the figures showing big



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improvements in timeliness. We have also heard responses at different stages of this inquiry complaining about police forces, police officers or the Police Federation resisting or adding delays to the processes. Is that still an issue for you? Has that changed at all?

Claire Bassett: It is something that we do see. We have seen improvements, and we have some really good examples where we have worked well. It is really welcome that the Fed, for example, will contribute to our investigator training about its role. However, we still see delays caused by the time it takes to get witness statements. Perhaps initial statements are given in writing within the time required but they are only a couple of lines long, so then we have to follow up.

We have processes for compelling that and for following them up. They are quite lengthy in themselves but we do—indeed, I have a recent example—write to the federation for the area, asking them to speed that up. But it is disappointing when we have delays of three or four months in investigations because of a lack of co-operation.

Q330 **Chair:** You have started a thematic review on your approach to race. What does that mean you will do in practice?

Michael Lockwood: That is one of our thematic areas I mentioned at the start. It means taking more cases with a race category. At the moment, we have identified 53 independent investigations that we are looking at. We have already identified something like 27 learning recommendations, and we have identified some misconduct practice in that area. Hopefully, the objective is to identify some systemic themes and issues that are underpinning this, whether that is equality and diversity training, unconscious bias training, how the intelligence officers interact on the ground, or culture or supervision. We will look at the themes that are causing this.

We are interested in restorative practice. How can a police officer talk to someone being affected and better understand the consequence and impact of that interaction? We hope to do that by the second half of the year and I will be happy to share that with you.

Q331 **Chair:** Thank you. That has been helpful. There have been recent reports in the media about problems with investigations, or lack of investigations, in cases where police officers have been accused of domestic abuse. Have you had any thematic consideration of that issue?

Kathie Cashell: Domestic abuse is one of the themes we have looked at, but the recent reporting has been around a super-complaint that has been raised, where the alleged perpetrator is a police officer, and the police response to that. That is a live investigation at the moment that we are working closely on with the College of Policing.

That demonstrates how the new super-complaint system, which is new with the reforms, where the HMIC, IOPC and the college work together, has real potential to look at those issues to perhaps shine a light on areas



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that the three organisations were not looking at previously and to bring our collective experience. It is a live investigation at the moment. We are looking at that.

Q332 **Chair:** Is that just one individual case?

Kathie Cashell: No, it is a super-complaint that has been raised by the Centre for Women's Justice, saying that they think that this is a systemic issue. They have raised a number of examples of cases with us and asked us to investigate that. The investigation is ongoing at the moment. We are looking into that and are working closely with the college and HMIC to do that.

Q333 **Chair:** Do you have a sense of the timescale for that?

Kathie Cashell: I do not have a timescale at the moment. I know that we are right in the middle of the investigation, doing file reviews and so on. There is an issue about the super-complaints system. All three organisations feel that it is shining a light in areas and it has real potential to bring those organisations closer together. We do have some concerns about the resourcing. To do that well with the number and breadth of complaints we are expecting to get, all three organisations feel that we need to resource it well to meet those expectations. We are raising that with the Home Office.

Chair: Thank you very much to our second panel for your time this morning. Thank you for the work you are doing at the IOPC and thank you for giving evidence to us today.