

Dame Diana Johnson MP  
Chair, Home Affairs Committee  
House of Commons  
London  
SW1A 0AA

PO Box 473  
Sale M33 0BW

Blwch Post 473  
Sale M33 0BW

**Tel/Ffôn:** 0300 020 0096

**Email/E-bost:**

[enquiries@policeconduct.gov.uk](mailto:enquiries@policeconduct.gov.uk)

By Email to: [johnsond@parliament.uk](mailto:johnsond@parliament.uk); [homeaffcom@parliament.uk](mailto:homeaffcom@parliament.uk)

Dear Dame Diana,

**Re: IOPC response to Report HC140, Police Conduct and Complaints, Sixth Report of Session 2021/2022**

Thank you to you and your Committee for your inquiry into the Police Conduct and Complaints System and the advice and recommendations you have made.

We will use your feedback to help improve our work and influence future plans as part of our forthcoming strategy.

We thought it would be helpful to set out our response to some of the issues raised by your Committee in the Report, and to highlight some of the challenges we face as we look to further improve the Police Complaints and Discipline Systems.

## Engagement

We welcome the Committee's recognition of the concerted efforts we have made to build public trust, actively listen to policing bodies and communities about their concerns, and to provide greater transparency in the publication of our outcomes.

In summary, we have held over 300 stakeholder meetings in the last year to listen to issues of concern in communities and to tell them about the work we are doing. Our national and regional teams met with a range of groups including advocacy organisations and youth groups as well as creating community reference groups so we can provide reassurance when there are particular community concerns about events we are investigating. We also meet regularly with police staff associations, visit police forces, and hold a quarterly External Stakeholder Reference Group with representation from policing and non-policing stakeholders. This increased engagement has improved awareness of us, particularly among black communities and young people who have least confidence in the police complaints system.

As part of our next strategy, we will continue listening to our stakeholders and communities and there will be an even greater focus on concentrating our resources on areas that matter most to them through our thematic work. As an example, proposals for this year include areas such as Violence Against Women and Girls and continuing our focus on

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Discrimination, particularly on the grounds of Race. We will continue highlighting where we think changes to policing practice, culture and leadership might prevent issues arising in the first place - prevention is better than cure.

An effective complaints system is vital for public confidence in policing, and we know there is more work to do to improve awareness of the police complaints system and our role within it.

## **Timeliness**

We are pleased the Committee recognised our sustained achievements in reducing the time taken to complete our core independent investigations. When we became the IOPC, 68% of our investigations were completed in 12 months. In the last year (2021/22), 90% of our core investigations have been completed in 12 months. This has been achieved against the backdrop of the Covid 19 pandemic and significant delays in the wider criminal justice system.

We are very grateful to our colleagues for their hard work in improving our timeliness performance in difficult circumstances. To improve transparency around our performance, we have now introduced a target for investigations completed within 6 months and 9 months.

Looking forward we are seeing increased challenges. Demand for our services is increasing significantly. Between 2017/18 (the financial year the IOPC began operation) and 2020/21, referrals have increased by nearly a quarter to 4,700.

Increased complexity in Reviews under the new system has meant these take significantly more effort and are taking longer to complete. We welcome the changes to the system of Appeals which often saw complainants being passed between the IOPC and police forces when further work was needed to resolve their complaint. Reviews give us greater scope to resolve issues to the satisfaction of the complainant, including commissioning further work and recommending remedies where appropriate. However, this can require lengthier consideration by our staff which is impacting on the level of resource required. We are having to recruit and train additional caseworkers to meet this increased workload. We know that Police and Crime Commissioners are also finding this challenging. In the coming year we will work with them to ensure Reviews can be handled in a proportionate and efficient manner across the complaints system.

Our shift in focus to those areas where the public have the least confidence, such as our thematic work on Discrimination, Abuse of Position for a Sexual Purpose and Corruption has meant we are considering issues that are more complex to investigate, are likely to have links to other cases, take longer, and are higher profile. For example, our investigations into abuse of position for a sexual purpose can begin with one incident and grow to involve multiple complainants as the investigation progresses, who may also be vulnerable and may require support; will often be criminal investigations; and will likely require extensive examination of digital devices and evidence.

Thoroughly investigating allegations of discrimination is challenging; investigating and making decisions where the alleged discrimination is not overt, particularly discriminatory bias and stereotyping, is particularly difficult. The evidence of discrimination often relies on

drawing on the cumulative picture of circumstantial evidence. It is often appropriate to look at how the incident under investigation may fit with any patterns of behaviour which could indicate a discriminatory approach. This expands the scope and complexity of investigations, with lines of enquiry that may extend beyond the single incident in question.

Meeting this increasing demand, satisfying the public's expectations of us, and maintaining our performance in circumstances where the work is becoming more complex will be challenging at a time when our financial settlement remains the same.

### **Wider Criminal Justice and Discipline System Timeliness**

We remain concerned at the time taken by other agencies to make their decisions or to arrange proceedings. As an illustration of the wider system delays we face, as at the end of March 2022:

- We had 56 cases awaiting a decision from the CPS; of these, 51 had been awaiting a decision for more than twelve months since we had completed our investigation.
- We had 19 cases awaiting trial, of which 17 had been waiting more than 12 months since we completed our investigation.
- We had 95 cases awaiting misconduct proceedings, of which 57 had been waiting more than 12 months since we completed our investigation.

Such delays impact public confidence; affect officers, complainants and families awaiting an outcome; increase the prospect of proceedings collapsing because of a loss of victim engagement or successful abuse of process arguments, and impact on our capacity to take on new investigations.

We have also seen a steady increase in our post investigation caseload, which currently stands at 442 cases.<sup>1</sup> These are cases we have finished but are awaiting decisions relating to Inquests, misconduct proceedings, or criminal charges. Over the course of the next year, we will be examining how best to manage this in order to protect our investigative resource.

We will of course work with Government and our partners to look at how we might help them improve the time taken to bring proceedings to a conclusion. However, we do not hold the levers to effect the change needed and reducing these delays will require a focus by all concerned.

For example, the timetabling of misconduct proceedings is determined by police forces (as Appropriate Authority) and Legally Qualified Chairs. Appropriate Authorities are also responsible, alongside the Crown Prosecution Service, for determining whether proceedings can take place in parallel with consideration of charging decisions for criminal offences or whilst a trial is awaited. In many instances, a decision is taken to hold proceedings in sequence, delaying either a return to full duty where an officer is exonerated or proper sanction where a breach of professional standards is proven.

In many instances, in those cases we refer to the CPS where they choose not to charge, complainants or bereaved families exercise their right to a review. This is an important right

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<sup>1</sup> Figures as at 7 April 2022

and ensures decisions are properly scrutinised, but it can double the time taken for the CPS to consider a case.

The timetabling of court cases is a matter for HM Courts Service. Delays to court cases are affecting the criminal justice system more broadly and are well publicised.

Reducing these delays requires increased focus by PCCs, Chief Officers, the CPS, Legally Qualified Chairs and HM Courts Service to ensure that the improvements made in the speed with which investigations are completed are not lost in subsequent delays and officers and the public see fast, fair and transparent outcomes to criminal and conduct proceedings. These are issues that span agencies with different responsible Government departments and Ministers or bodies that operate independently of the Government.

## **Co-operation**

We agree police officers should co-operate openly with investigations and inquiries where they are a witness to events.<sup>2</sup> In many investigations we carry out, police officers and police staff involved provide good evidence in a timely way to assist us in concluding our enquiries. Regrettably, this is not yet a universal experience, as we outlined in evidence to the Committee.

In the light of your advice, we have revised our guidance for police witnesses to make clear what our expectations of them are and what they can expect from us. Whilst this is not statutory guidance, we will be encouraging police forces to adopt this in investigations handled by Professional Standards Departments so there is consistency across the system. We are currently seeking views from policing stakeholders on the guidance and will publish it soon.

We will also be publishing our position paper on a duty of candour in light of the experience of the Hillsborough families. This will set out in greater detail our approach to the issue of co-operation at both an individual and corporate level.

## **Learning**

We welcome the Committee's acknowledgement of our thematic work. Whilst accountability is still a key cornerstone of our work, we have also increased our emphasis on stopping issues happening in the first place through the identification of learning.

We would really like to see a greater emphasis on the follow up to learning system wide, including learning from ourselves, HMICFRS, Coroners, Public Inquiries, Domestic Homicide Reviews, and other periodic reviews of investigations or issues. Our work tracking public perceptions of the police complaints system has consistently told us that

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<sup>2</sup> Paragraph 117 (page 35), Police Conduct and Complaints, House of Commons Home Affairs Committee Sixth Report of Session 2021-22, HC 140 published 1 March 2022

demonstrating changes to policing practice as a result of adverse incidents is the one of the impacts most likely to increase public confidence in the police complaints system.

Since becoming the IOPC, we have made more than 500 learning recommendations. Our work over the last year highlighted important areas for improvements in policing, including national learning recommendations in relation to stop and search, use of Taser, and child sexual exploitation. Our Operation Hotton Learning report highlighted the importance of supervision and leadership in setting the right culture and the need for a robust response when concerns are raised. We are pleased the Metropolitan Police has now accepted all fifteen of our recommendations. Last March we also raised concerns regarding the use of social media by police officers to the National Police Chiefs' Council following several cases we investigated. We were pleased that the NPCC responded with a national programme of work to address these issues as we recognise these matters understandably undermine confidence in Policing.

We have continued to develop and improve our Learning the Lessons magazine to ensure that learning from our investigations is disseminated to police officers and others with an interest in policing. Recent editions have covered child sexual abuse, roads policing and young people.<sup>3</sup>

In addition, we now publish an annual Impact Report to highlight to the public some of the difference we have made in the last year.<sup>4</sup> The third edition of this will be published later this year.

As part of our future strategy we intend to work with HMICFRS, NPCC, Police and Crime Commissioners and others to support work to follow up the implementation of our learning recommendations. As well as sharing all our recommendations with HMICFRS for their inspections,

We agree with the Committee there needs to be better co-ordination between the recommendations coming from HMICFRS, Coroners and ourselves. Given the number of different bodies involved in identifying learning, we believe there is a role for government in this co-ordination. We will be happy to work with Government and our partners to improve the follow up to recommendations and the information made available to the public in order to demonstrate that this learning is improving policing practice.

## **Outcomes**

Our third outcomes report, for the financial year 2020/21 was published in December 2021.<sup>5</sup> This showed that in 2020/21, in nearly 80% of the proceedings following an IOPC investigation a conduct panel agreed with our findings and found gross misconduct or misconduct proven against an officer. We will continue to publish outcomes from our work, both at the conclusion of any proceedings and annually in statistical form.

As you know, Abuse of Position for a Sexual Purpose (APSP) has been a particular focus

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<sup>3</sup> [Learning the lessons library | Independent Office for Police Conduct](#)

<sup>4</sup> [IOPC Impact Report 2021 - Making a difference | Independent Office for Police Conduct](#)

<sup>5</sup> [IOPC independent investigations outcomes | Independent Office for Police Conduct](#)

for the IOPC over the last few years. In 2020/21, all 6 trials following IOPC APSP investigations resulted in a conviction; misconduct or gross misconduct was proven in 40 of 42 proceedings, and 16 officers were dismissed following proceedings.

We recognise the concerns the Committee have raised regarding the sanctions applied in misconduct proceedings. The sanctions applied to a breach of the standards of professional behaviour are decided by the relevant panel and not by the IOPC. In our evidence, we called for a review of the work of Legally Qualified Chairs to consider whether:

- Decision-Making by panels is suitably consistent, and in line with the College of Policing's guidance on outcomes in police misconduct proceedings.
- Decisions made by panels, and the rationale for them, are adequately transparent and being communicated effectively to the public.

We continue to believe that this would be a valuable exercise, 7 years on from the introduction of Legally Qualified Chairs.

## **Quality investigations**

To ensure our investigations and casework reaches the high standard the public expect, we need to ensure we meet our service user standards and make decisions which withstand external scrutiny. Since 2018, we have introduced a quality assurance framework which includes minimum service user, operational and legal standards. The former are published on our website. We also introduced national and regional case panels and a dedicated Quality and Service Improvement team who carry out a range of quality assurance activities and share learning to improve our policy and practice.

In addition, we have introduced an annual review by external Counsel of a sample of our investigation decisions to inform our learning and improve the quality of our work.

All IOPC investigators and casework managers are required to undertake accreditation. Our investigator accreditation is awarded by an external body (Pearson). Since the Committee's inquiry began, we have conducted an exercise to ensure our investigator accreditation programme is comparable with relevant elements in the professionalising investigations programme (PIP) 1 and 2 from the College of Policing.

As part of our work for the coming year we are reviewing our service user, operational and legal standards to see where further improvements can be made. This will look at training, better resourcing our quality assurance team and widening our reporting on key performance indicators to include qualitative as well as quantitative standards.

## **Governance**

We acknowledge the Committee's recommendation regarding the Governance of the IOPC. This is an issue that we will wish to look at. There is a governance review by the Home Office due and we will discuss the outcome to that review, and any proposed changes to our governance arrangements with the Government following its conclusion.

## **Accessibility<sup>6</sup>**

We recognise the importance of an accessible police complaints system which is understandable to the public. The accessibility of the police complaints system will remain a key focus in our next strategy and Police Forces and Police and Crime Commissioners will be central to this.

The IOPC translates general information published on our website into the 10 most regularly requested languages in addition to English and Welsh. Information is also available in Easy Read, Braille, audio and large print formats and on a British Sign Language DVD.

However, we have widened this work. In conjunction with our Youth Panel, we have produced a Young Person's Guide to the Police Complaints System. We have also been exploring broadening accessibility through digital channels, including a Know your Rights campaign by the Youth Panel to raise awareness of the right to complain and how to access the complaints system.

We will continue to consider how we might improve the information we publish, and the information published by police forces regarding the police complaints system. It is our intention to revise our website this year which will include more accessible content.

The IOPC is responsible for guidance on the police complaints system, and I am pleased the Committee were appreciative of our Statutory Guidance. However, we are not responsible for the guidance on the police discipline system, which is produced by the Home Office.

Could we again thank the Committee for their advice and feedback which will assist us in planning our next Strategy. We will be happy to share our new Strategy and Business Plan with the Committee once we have received Ministerial approval.

Yours sincerely,

IOPC Unitary Board  
May 2022

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<sup>6</sup> Paragraph 12, Conclusions and Recommendations (Page 48) Police Conduct and Complaints, House of Commons Home Affairs Committee Sixth Report of Session 2021-22, HC 140 published 1 March 2022