

OFFICE OF THE POLICE AND CRIME COMMISSIONER	
LEAD CHIEF OFFICER:	DCC Amanda Blakeman
TITLE:	PSD Performance Report, Q2 2020-21
DATE:	24th November 2020
TIMING:	Routine
PURPOSE:	For monitoring
1.	<u>RECOMMENDATION</u>
1.1	The purpose of this report is to provide a narrative to accompany the IOPC National Police Complaints Information Bulletin and an update on misconduct outcomes and vetting.
2.	<u>INTRODUCTION & BACKGROUND</u>
2.1	<p>The IOPC has previously produced a National Police Complaints Data Bulletin on a quarterly basis which included comparative data against the MSFs and nationally. It provided an overview of the number and types of complaints; timeliness; the number of appeals to the force and the IOPC; and the outcome of these appeals.</p> <p>NOTE: There is still a delay with the IOPC bulletin being published. This is due to IT issues and the development of a new performance framework in line with the New Regulations which is currently being piloted by a number of forces. Gwent is one of the pilot forces. Therefore, this performance report is based on PSD data only for quarter 2. The vetting data is based on quarter 1 due to the way the information is configured.</p>
2.2	A brief overview of Conduct cases concluded in this period is also included; however, where the case was held in public, full details will already have been published on the force website.
2.3	The force vetting function forms part of the Professional Standards Department. They carry out vetting checks on potential new recruits and police staff applicants; contractors; and re-vetting current officers, staff and contractors.
3.	<u>ISSUES FOR CONSIDERATION</u>
3.1	<p><u>Appeals</u></p> <p><u>IOPC Appeals:</u></p>

There were no IOPC appeals during quarter 2.

OPCC Reviews (Appeals dealt with by OPCC under the New Regulations):

There were 5 OPCC reviews in quarter 2

	Investigation	Non-Investigation	Total
No Data	0	1	1
Outcome of Complaint Not Reasonable and Proportionate	0	1	1
Outcome of Complaint Reasonable and Proportionate	2	1	3
Total	2	3	5

Force Appeals:

There was one Force appeal in quarter 2, the outcome of which was not upheld.

Complaint Timeliness:

Under the new regime the 10-day recording target has been removed to allow forces time and flexibility to resolve matters at an early stage.

Complaint Regulations 2020

The new complaints regulations commenced on 1st February 2020. This has changed the way that complaints are now dealt with. They are split into:

- 1) Non schedule 3 (Logged); this allows complaints to be dealt with outside of the Police Reform Act 2002, previously regarded as dissatisfaction.
- 2) Schedule 3 (Recorded) which relate to complaints dealt with under the Police Reform Act 2002, whereby the complainant can request a review if they are not satisfied. Schedule 3 complaints are further split into Special Procedures (Misconduct/Gross Misconduct), the review body being the IOPC; or Non-Special Procedures (handled reasonably and proportionately), the review body being the OPCC.

Therefore, during the quarter 2 period we will still have a mixture of old and new regulations, which instantly highlight an increase in complaints, as all complaints whether logged or recorded are recorded under the complaint register, which is prefixed by a CO reference. It will be 6-12 months before we can accurately ascertain our baseline.

Complaint Cases Recorded in Qtr 2

	Finalised	Pending	Total
2012 Regulations	0	5	5
Non Schedule 3	130	54	184

Allegations Recorded : (Note: still allegations recorded under Old Regulations headings)

The below table illustrates the top three groups of complaints:

Allegations recorded by Qtr and Year to Date					
	Qtr 1	Qtr 2	Qtr 3	Qtr 4	YTD
Category	No	No	No	No	
A1. Police action following contact		4			
A2. Decisions		1			
A3. Information		10			
A4. General level of service		53			
B1. Stops, and stop and search		1			
B2. Searches of premises and seizure of property		2			
B3. Power to arrest and detain		3			
B4. Use of force		5			
B5. Detention in police custody		7			
B7. Evidential procedures		3			
C1. Handling of or damage to property/premises		3			
D2. Disclosure of information		4			
E. Unlawful/unnecessary arrest or detention		1			
F6. Race		1			
G. Irregularity in evidence/perjury		1			
G5. Obstruction of justice		1			
H. Corrupt practice		1			
H1. Impolite language/tone		2			
H2. Impolite and intolerant actions		2			
H3. Unprofessional attitude and disrespect		16			
H4. Lack of fairness and impartiality		1			
H5. Overbearing or harassing behaviours		1			
L. Breach Code B PACE		3			
L1. Other		2			
M. Breach Code C PACE		2			
S. Other neglect or failure in duty		2			
T. Other irregularity in procedure		1			
U. Incivility, impoliteness and intolerance		1			
X. Improper disclosure of information		5			
Total		139			

In line with the national picture, Delivery of /Duties and Service (Ref A – Delivery of duties and Service 2020 Regs) / Other neglect of failure of duty remains the most prevalent category for allegations. Overall total being 71:

A1	Police action following contact	4
A2	Decisions	1
A3	Information	10
A4	General Level of Service	53
S	Neglect of Duty (Old Regs)	2
Total		71

Ref H Individual Behaviours - 2020 Regs – Overall total being 23:

H1	Police action following contact	2
H2	Decisions	2
H3	Information	16
H4	Lack of Fairness and Impartiality	1
H5	Overbearing or harassing behaviours	1
U	Incivility, Impoliteness and intolerance (Old Regs)	1
Total		23

Ref B Detention in Custody - 2020 Regs - Overall total being 9:

B5	Detention in Police Custody	7
M	Breach Code C (Old Regs)	2
Total		9

Allegations Finalised in (Qtr 2) (Note: still allegations finalised under Old Regulations)

	disappacaton by Force	Local Resolution - by Division	No further action required	Not determined if the service acceptable	Not Upheld - by PSD	Resolved	Special Requirements	The service provided was acceptable	The service provided was not acceptable	Upheld - by PSD	Withdrawn	Withdrawn - by Force	Total
03. General policing standards	0	0	0	0	1	0	0	0	0	0	0	0	1
A1. Police action following contact	0	0	0	0	0	4	0	0	0	0	0	0	4
A2. Decisions	0	0	0	0	0	2	0	1	0	0	0	0	3
A3. Information	0	0	0	0	0	7	0	0	1	0	0	0	8
A4. General level of service	0	0	1	0	0	35	0	4	3	0	0	0	43
B1. Stops, and stop and search	0	0	0	0	0	2	0	0	0	0	0	0	2
B2. Searches of premises and seizure of property	0	0	0	0	0	0	0	0	0	0	1	0	1
B3. Power to arrest and detain	0	0	0	0	0	0	0	0	0	0	1	0	1
B4. Use of force	0	0	0	0	0	0	0	1	0	0	2	0	3
B5. Detention in police custody	0	0	0	0	0	0	0	1	0	0	0	0	1
B9. Other policies and procedures	0	0	0	0	0	1	0	0	0	0	0	0	1

C. Other assault	0	0	0	0	1	0	0	0	0	0	0	0	1
C1. Handling of or damage to property/premises	0	0	0	0	0	3	0	0	0	0	0	0	3
D2. Disclosure of information	0	0	0	0	0	2	0	4	0	0	0	0	6
E. Unlawful/unnecessary arrest or detention	0	0	0	0	2	0	0	0	0	0	0	0	2
G6. Abuse of position for other purpose	0	0	0	0	0	0	0	1	0	0	0	0	1
H1. Impolite language/tone	0	0	0	0	0	1	0	1	0	0	0	0	2
H2. Impolite and intolerant actions	0	0	0	0	0	1	0	0	0	0	0	0	1
H3. Unprofessional attitude and disrespect	0	0	0	1	0	9	0	0	0	0	1	0	11
H5. Overbearing or harassing behaviours	0	0	0	0	0	0	0	1	0	0	0	0	1
L. Breach Code B PACE	0	0	0	0	1	0	0	0	0	0	0	0	1
M. Breach Code C PACE	0	0	0	0	1	0	0	0	0	0	0	0	1
Q. Lack of fairness and impartiality	0	1	0	0	0	0	0	0	0	0	0	0	1
S. Other neglect or failure in duty	2	1	0	0	3	0	0	0	0	0	0	1	7
T. Other irregularity in procedure	0	0	0	0	1	0	0	0	0	1	0	0	2
U. Incivility, impoliteness and intolerance	0	1	0	0	1	0	0	0	0	0	0	0	2
W. Other	0	0	0	0	0	0	1	0	0	0	0	0	1
X. Improper disclosure of information	0	0	0	0	0	0	1	0	0	0	0	0	1
Total	2	3	1	1	11	67	2	14	4	1	5	1	112

During Quarter 2, there were only 3 allegations resolved by way of Local Resolution. Local resolution will phase out completely over the next few months, due to the changes in the New Regulations.

The allegations resolved during quarter 2 were mainly those which were Non-Schedule 3 Complaints (logged) resulting in **67** being resolved which equates to **60%**. There were **18** Schedule 3 complaints finalised during quarter 2 which equates to **16%**.

3.2 Distribution of Complaints

The distribution of complaints in Qtr 2 are as expected a little higher in the West, having recorded 20 complaint cases more than the East. A large percentage have been logged and dealt with under non Schedule 3 complaints, which will have been actioned and resolved by the two Decision Makers within PSD.

3.3 Equality Monitoring – complainants

The force has adopted the national electronic complaints form which has allowed improved equality monitoring. The form is used by complainants reporting on-line and by staff to record complaints made via 101 or at the station. This will soon be moving over to the Single Online Home platform (SOH).

Ethnicity	Percentage 2019/2020 % / No.s		2020/21 Q1	2020/21 Q2 % / No.s		2020/21 Q3	2020/21 Q4
White	79%	230		80%	161		
Unknown	12%	34		16%	32		

Asian	3%	10		2%	5		
Black	5%	16		1%	2		
Other	1%	2		1%	2		

Disability	Percentage 2019/20 % / No.s		2020/21 Q1	2020/21 Q2 % / No.s		2020/21 Q3	2020/21 Q4
No data	88%	256		95%	193		
Unknown	2%	7		1%	1		
Mental Health	3%	9		1%	2		
Physical	1.5%	3		-	0		
Learning Difficulty	0.5%	2		-	0		
Sensory	0.5%	2		-	0		
Prefer not to say	1.5%	3		-	0		
none	3%	10		3%	6		

Sexual Orientation	Percentage 2019/20 % / No.s		2020/21 Q1	2020/21 Q2 % / No.s		2020/21 Q3	2020/21 Q4
No data	9%	25		13%	27		
Heterosexual	79%	230		66%	134		
Unknown	4%	12		7%	13		
Prefer not to say	3%	11		8%	16		
Gay / lesbian	2%	7		3%	6		
Bisexual	1%	2		1.5%	3		
Other	2%	5		1.5%	3		

3.4 **Conduct**

Conduct			
Reporting Period	Number	Reporting Period	Number
Q1 2019 /20	10	Q1 2020/21	6
Q2 2019/20	16	Q2 2020/21	4
Q3 2019/20	5	Q3 2020/21	
Q4 2019/20	2	Q4 2020/21	
Total	33	Total	

The number of conduct cases has reduced however the majority of matters relate to off-duty conduct.

3.5 **Misconduct Outcomes for Q2 2020/21**

There were Misconduct Hearings for 5 Officers during quarter 2.

1. A Detective Inspector appeared before a misconduct panel relating to a conduct and complaint matter between 6th and 9th July 2020. The matter related to the following breaches:

- Honesty & Integrity x 6.

The findings were proven and the Detective Inspector was Dismissed Without Notice.

2. A Police Constable appeared before a misconduct panel relating to a conduct matter between 4th and 5th August 2020. The matter related to the following breaches:-

- Authority, Respect and Courtesy
- Discreditable Conduct

The findings were proven and the Constable was Dismissed Without Notice.

3. A former Police Constable appeared before a misconduct panel relating to a conduct matter on 17th September 2020. The Constable had resigned prior to the hearing. The matter related to the following charges:

- Authority, Respect and Courtesy x 5

The findings were proven and the outcome was 'Would have been dismissed'.

4. Two former Police Constables appeared before a Misconduct panel, having both resigned prior to the hearing which took place between 21st and 23rd September 2020.

Constable 1 – relating to the following charges:

- Honesty & Integrity
- Discreditable Conduct x 2
- Duties and Responsibilities

Constable 2 – relating to the following charges:

- Honesty & Integrity
- Discreditable Conduct x 4
- Duties and Responsibilities

The findings for both Constables were proven and the outcome was 'Would have been Dismissed'.

There were 2 Misconduct Meetings held during quarter 2

	<p>1. A Police Constable appeared at a Misconduct Meeting on 17th July 2020 in relation to a conduct matter. The matter related to a breach of Honesty & Integrity. The findings were proven and the outcome was a Written Warning.</p> <p>2. An Officer appeared at a Misconduct Meeting on 10th and 13th August 2020 in relation to a conduct matter. The matter related to the following breaches:</p> <ul style="list-style-type: none"> • Honesty & Integrity • Discreditable Conduct • Duties and Responsibilities <p>The findings were proven and the outcome was a Written Warning.</p>																																																																											
3.6	<p>External scrutiny</p> <p>There is one live Independent IOPC investigation.</p> <p>There are currently three managed IOPC conduct investigations being undertaken by an external force (under the old regulations).</p> <p>There is one directed IOPC conduct investigation being undertaken by Gwent PSD.</p>																																																																											
4.	<p>Vetting</p> <p>(Please note due to the functionality of OLEEO Vetting data moving forward will be a quarter behind.)</p>																																																																											
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Vetting Refusals- Protected Characteristics (Police officer / staff)

Please note that the below data relates to application that went through OLEEO only.

	Q1	Q2	Q3	Q4
BAME	5 received 1 refused			
Sexual Orientation	5 received 1 refused			
Disability	1 received 0 refused			
Gender Reassignment	2 received 0 refused			
Male	42 received 7 refused			
Female	29 received 0 refused			

Decisions Following Vetting Appeals- Protected Characteristics- (Police officer / staff) 2020/21

	Q1	Q2	Q3	Q4
BAME Accepted	2			
BAME Rejected	1			
Sexual orientation Accepted	0			

	Sexual orientation Rejected	1				
	Disability Accepted	0				
	Disability Rejected	0				
	Gender Reassignment	0				
	Gender Reassignment	0				
	Please note that 2 of the cases heard at the vetting appeals panel were from Q4 2019/2020					
5	<p><u>Other Matters</u></p> <p>DI Thomas has been carrying out 1-hour briefing sessions for supervisors to raise awareness of PSD and our priorities.</p> <p>PSD have undertaken awareness training on new entrants to Gwent Police.</p> <p>Strategic Assessment and Control Strategy have been completed and signed off.</p> <p>Gold Group chaired by the DCC in relation to attribution and monitoring of devices.</p>					
6	<p><u>NEXT STEPS</u></p> <p>Awareness sessions on Abuse of Position for a Sexual Purpose and the other priorities being delivered digitally to partners across Gwent in November 2020.</p> <p>Launch of the PSD newsletter 'Integrity Matters'.</p>					
7.	<u>FINANCIAL CONSIDERATIONS</u>					
7.1	Request for an additional resource for vetting due to increased workload and change in pre vetting checks for new candidates. Paper submitted to the Workforce Resource Meeting.					
8.	<u>PERSONNEL CONSIDERATIONS</u>					
8.1	None					
9.	<u>LEGAL IMPLICATIONS</u>					
9.1	None.					
10.	<u>EQUALITIES AND HUMAN RIGHTS CONSIDERATIONS</u>					
10.1	This report has been considered against the general duty to promote equality, as stipulated under the Strategic Equality Plan and has been assessed not to discriminate against any particular group.					
10.2	In preparing this report, consideration has been given to requirements of the Articles contained in the European Convention on Human Rights and the Human Rights Act 1998.					
11.	<u>RISK</u>					

11.1	No issues to risk to note.
12.	<u>PUBLIC INTEREST</u>
12.1	Significant reporting in the media regarding recent hearings and associated matters.
13.	<u>CONTACT OFFICER</u>
13.1	Detective Superintendent Leanne Brustad
14.	<u>ANNEXES</u>
14.1	None.

For OPCC use only

<p>Office of the Chief Constable</p> <p>I confirm that PSD Q2 report has been discussed and approved at a formal Chief Officers' meeting. It is now forwarded to the OPCC for monitoring.</p> <p>Signature:</p> <p>Date:</p>
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<p>Police and Crime Commissioner for Gwent</p> <p>I confirm that I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. The above request has my approval.</p> <p>Signature:</p> <p>Date:</p>
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