

OFFICE OF THE POLICE AND CRIME COMMISSIONER

LEAD CHIEF OFFICER:	DCC Amanda Blakeman
TITLE:	PSD Performance Report, Q4 2019-20
DATE:	3rd September 2020
TIMING:	Routine
219PURPOSE:	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, provide an update on misconduct outcomes and on force 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 a delay with the IOPC bulletin for quarter 4 being published. This is due to IT issues and the development of a new performance framework in line with the New Regulations. Therefore, this performance report is based on PSD data only.</p>
2.2	A brief overview of Conduct cases concluded in this period is also included. Where cases were 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. It carries out vetting checks on potential new recruits and police staff applicants, contractors and re-vetting current officers, staff and contractors. This report includes an update on the work of the Vetting team.
3.	<u>ISSUES FOR CONSIDERATION</u>
3.1	<p><u>Commentary on attached IOPC Complaints Information Bulletin</u></p> <p><u>IOPC Appeals:</u></p> <p>There were no IOPC appeals during the quarter 4 period.</p> <p><u>LPB Reviews</u></p> <p>There no LPB reviews during the quarter 4 period.</p> <p><u>Force Appeals:</u></p> <p>There were 4 force appeals against outcome not upheld in this period. 1 related to the way a road traffic accident was dealt with; 1 in relation to abuse which was not taken seriously by police; 1 in relation to an officer not informing the complainant that</p>

he was recording on his body worn video; and 1 in relation to comments regarding using Taser.

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.

Allegation Timeliness:

There were 2 locally resolved complaint allegations completed during quarter 4. The 2020 Complaints Regulations commenced on 1st February 2020, therefore over the next few months there will be less and less resolved in this way. The overall timeliness on all local investigations for quarter 4 is **30 days**.

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 LPB (Local Policing Body).

Therefore, during the quarter 4 period we 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 for Qtr 4

	Finalised	Pending	Total
2012 Regulations	2	22	24
Non Schedule 3	55	14	68
Schedule 3	1	15	16

The Non-Schedule 3 outcomes were as follows, 53 resolved and 2 not resolved NFA as the complainant did not engage.

The Schedule 3 matter which was finalised resulted in NFA.

There were no Non-Schedule 3 complaints which became Schedule 3 during quarter 4.

Out of the Schedule 3 Complaints, two met Special Procedures.

Allegations recorded:

<i>Allegations Recorded by Qtr and year to date</i>						
	Qtr 1	Qtr 2	Qtr3	Qtr4	YTD	
<i>Category</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>%</i>	<i>No</i>
<i>Other Neglect or failure in duty)/ A4 General Level of Service/A1. Police action following contact/A3 Information/ A2 Decisions – (2020 Regs from 1.2.20)</i>	62	83	64	88	49%	297
<i>Incivility/Impoliteness/Intolerance H4. Unprofessional Attitude and Disrespect)/H2. Impolite and intolerant action/H4. Lack of fairness and impartiality/H5. Overbearing or harassing behaviours (2020 Regs from 1.2.20)</i>	16	30	19	19	14%	84
<i>Breach of Code C / B5. Detention in police custody/B6. Bail, identification and interview procedures</i>	7	23	7	5	7%	42
<i>Discriminatory Behaviour/ F6. Race/ F8. Sex(2020 Regs from 1.2.20)</i>	8	8	1	3	3%	20

In line with the national picture, “Other neglect of failure of duty”/ Delivery of /Duties and Service (Ref A – 2020 Regs) - remains the most prevalent category for allegations.

Whilst Neglect can be a catch all for allegations that do not fit within the other available options, in general terms in quarter 4 complainants were unhappy with:

- Poor quality of service provided.
- Failure to investigate
- Dissatisfied with Treatment by Police.
- Being Kept up to date/informed

Incivility is broken down as conduct that is:

- Unhelpful/Unprofessional
- Rude or Abrupt
- Intimidating/Aggressive

The discriminatory behaviour allegations relate to:

1. An officer making a racist comment to a member of the public whilst in custody.
2. Not being dealt with fairly by Gwent Police due to race, religion and belief.
3. That officers have discriminated by not dealing with a male victim of domestic abuse as they would if he was a female.

Allegations Finalised: (Quarter 4)

	Organisational	Disapplication - by Force	Local Resolution - by Division	No further action required	Not Resolved - NFA	Not Upheld - by PSD	Resolved	Upheld - by PSD	Withdrawn - by Force	Total
03. General policing standards		0		0	0	0	1	0	1	2
A1. Police action following contact		0		0	1	1	0	3	0	5
A2. Decisions		0	0	0	0	0	5	0	0	5
A3. Information		0	0	0	0	0	4	0	0	4
A4. General level of service		0	0	0	0	0	33	0	0	33
B3. Power to arrest and detain		0	0	0	0	0	1	0	0	1
B9. Other policies and procedures		0	0	0	0	0	1	0	0	1
C. Other assault		1	0	0	0	0	0	0	1	2
C1. Handling of or damage to property/premises		0	0	0	1	0	1	0	0	2
D. Oppressive conduct or harassment		0	0	0	0	6	0	0	0	6
E. Unlawful/unnecessary arrest or detention		0	0	0	0	1	0	0	2	3
E1. Use of police vehicles		0	0	0	0	0	1	0	0	1
F. Discriminatory Behaviour		1	0	0	0	0	0	1	1	3
F6. Race		0	0	0	0	0	1	0	0	1
H. Corrupt practice		0	0	0	0	0	0	0	2	2
H1. Impolite language/tone		0	0	0	0	0	1	0	0	1
H3. Unprofessional attitude and disrespect		0	0	0	0	0	2	0	0	2
L. Breach Code B PACE		1	0	0	0	0	0	0	0	1
M. Breach Code C PACE		1	0	0	0	0	0	0	0	1
S. Other neglect or failure in duty		4	2	0	0	11	0	5	12	34
U. Incivility, impoliteness and intolerance		1	0	0	0	3	0	0	5	9
X. Improper disclosure of information		0	0	0	0	4	0	1	1	6
Total		9	2	1	2	26	53	8	24	125

During Quarter 4, there were only 2 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 4 were mainly those which were Non-Schedule 3 Complaints (logged) resulting in **55** being resolved which equates to **44%**. There were no Schedule 3 complaints finalised during quarter 4.

The percentage of withdrawn allegations during quarter 4 is fairly high, resulting in **19%**. The **YTD** being **29%**.

The higher withdrawal levels are believed to be as a result of the dedicated PSD Sergeants based within the LPAs having the time to visit complainants, discuss their concerns and deal with any issues raised by explanation of police action / processes or service recovery (such as arranging the return of property).

This type of action fits with the ethos of the new complaint's regime and the high level of withdrawn complaints is seen as a positive move towards this new style of dealing with concerns raised by the public.

3.2

Distribution of Complaints

Within Qtr 4 the distribution of complaints remains proportionately split between East and West with no discernible patterns in any area.

There have been no complaints in Q4 that related to the Investigative Framework.

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.

The level of data recorded is much improved on previous years; however, there is further work to be done to understand the outcome of these complaints and how they relate to the local population.

Ethnicity	Percentage 2018/2019	2019/2020 Q1		2019/2020 Q2		2019/2020 Q3		2019/2020 Q4	
		%/	No.s	%	No.s	% /	No.s	% /	No.s
White	60%	75%	46	82.5%	66	81%	47	80%	83
Unknown	28%	11.5%	7	9%	7	9%	5	13%	14
Asian	9%	5%	3	2.5%	2	7%	4	2%	2
Black	2%	6.5%	4	6%	5	3%	2	4%	4
Other	1%	2%	1	-	-	-	-	1%	1

Sexual Orientation	Percentage 2018/2019	2019/2020 Q1		2019/2020 Q2		2019/2020 Q3		2019/2020 Q4	
		% /	No.s	% /	No.s	% /	No.s	% /	No.s
No data	52%	15%	9	4%	3	5%	3	10.5%	11
Bisexual		-		1%	3	-		-	
Hetero	42%	66%	40	91%	73	86%	50	74%	77
Unknown	2.5%	3%	2	3%	2	-		6.5%	7
Prefer not to say	2%	6.5%	4	1%	4	2%	1	6%	6
Gay / lesbian	1%	8%	5	0		2%	1	2%	2
Other	1%	1.5%	5	0		5%	3	1%	1

Disability	Percentage 2018/19	2019/2020 Q1		2019/2020 Q2		2019/2020 Q3		2019/2020 Q4	
		%	No.s	%	No.s	%	No.s	%	No.s
No data	96%	90%	55	84%	67	96%	56	97%	101
Unknown	1.5%	2%	1	5%	4	-		-	

Mental Health	1%	6%	4	2%	2	2%	1	1%	1
Physical	0.5%	3%	2	1%	1	-	-	-	-
Learning Difficulty	0%	2%	1	0		-	-	-	-
Sensory	0%	2%	1	1%	1	-	-	-	-
Prefer not to say	0%	2%	1	1%	1	-	-	-	-
none	1%	0%		9%	7	2%	1	2%	2

3.4

Conduct

Conduct			
Reporting Period	Number	Reporting Period	Number
Q1 2018 /2019	11	Q1 2019/2020	9
Q2 2018/2019	10	Q2 2019/2020	16
Q3 2018/2019	10	Q3 2019/2020	4
Q4 2018/2019	6	Q4 2019/2020	2
Total	37	Total	31

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

3.5

Misconduct Outcomes for Q4 2019/20

1. A Police Constable attended a Misconduct hearing between 3rd and 7th February 2020, which arose from a complaint by a member of the public. The matter related to the following breaches:-

Authority, Respect and Courtesy/Discreditable Conduct x 3

The Findings were proven and the outcome being a Final Written Warning.

2. A Former Officer attended at a Special Case Hearing on 4th March 2020, chaired by an outside Force in relation to the following breach: -

Conviction for Perverting the Course of Justice.

The finding was proven, and the outcome being would have been Dismissal.

3. A Police Constable attended at a Special Case Hearing on 5th March, in relation to the following breaches: -

Discreditable Conduct
Duties and Responsibilities

The findings were proven and the outcome was Dismissal Without Notice.

4. A Police Constable attended a Misconduct Meeting on 18th March 2020, in relation to the following breaches: -

Discreditable Conduct x 2

The finding was proven, and the outcome was a Written Warning and a Final Written Warning.

5. A Police Constable attended a Misconduct Meeting on 18th March 2020, in relation to the following breaches: -

Authority, Respect and Courtesy
Discreditable Conduct

The finding was proven, and the outcome was a final written warning.

3.6 **External scrutiny**

There is currently one live independent IOPC investigation, relating to the abuse of power for a sexual purpose.

There are currently three managed IOPC investigations being undertaken by external forces.

4. **Vetting**

Of the 429 people vetted during this period 405 were granted vetting; 24 were refused.

Vetting Completed – Quarter 2 2019/20

	Q1	Q2	Q3	Q4
Police officer / staff	114	210	108	202
Contractors / outside agency	225	178	190	210
Vetting Health Checks	29	31	13	17
Total	398	419	311	429

Vetting Refusals – 2019/20

	Q1	Q2	Q3	Q4
Previous conviction / caution	6	13	8	11
Financial Vulnerability	4	2	5	5
Negative Intelligence	3	3	0	4
Associates	1	3	4	4
Residency	1	0	0	0

Total	15	21	17	24
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Due to a change in process and a requirement for training in OLEOO we are unable to provide the information for Protected Characteristics for Q4. This should be available for the next report.

Vetting Refusals- Protected Characteristics – (Police officer / staff) 2019/20*				
*To be populated from Q3				
	Q1	Q2	Q3	Q4
BAME			2 received 1 refused	/
Sexual Orientation			1 received 1 refused	/
Disability			1 received 1 refused	/
Gender Reassignment			0	/
Male			18 received 3 refused	/
Female			25 received 1 refused	/

Decisions Following Vetting Appeals- Protected Characteristics– (Police officer / staff) 2019/20				
	Q1	Q2	Q3	Q4
BAME Accepted		1	0	
BAME Rejected		0	1	
Sexual orientation Accepted		0	0	
Sexual orientation Rejected		1	0	
Disability Accepted		0	0	
Disability Rejected		0	0	
Gender Reassignment		0	0	
Gender Reassignment		0	0	

Of the 202 police staff/officers vetted during quarter 4, 11 were refused vetting clearance.

We do not have the information regarding protected characteristics for contractors/miscellaneous staff.

The DCC now chairs the vetting appeals panel. The panel conducts a review of all

	<p>cases where applicants with protected characteristics have failed the vetting process (whether they have submitted an appeal or not). The vetting team do not receive applicants protected characteristics data as part of the vetting process and therefore need to have access to this data on the HR system. Training will be taking place to rectify this following agreement from HR.</p>
5.	<u>NEXT STEPS</u>
5.1	<p>The Q4 report contains a mixture of old and new complaint categories as the new Regulations came into force on 01/02/2020.</p> <p>The new regulations bring about significant change to the way complaints are recorded and the new definition of a complaint will result in a significant rise in the number of complaints that are recorded. There is also a change to the outcome categories and therefore, data comparison with other forces is unlikely to offer insight into force performance until at least 6 months data has been gathered under the new regime.</p> <p>The review (previously called appeal) responsibility for the majority of complaints moves from the Head of PSD to the OPCC under the new regime.</p> <p>A forum will be brought together to encompass learning from PSD; Joint Legal Services; Inquests and Gold Groups. A rag rated document with progress will be produced and the DCC will have oversight.</p>
6.	<u>FINANCIAL CONSIDERATIONS</u>
6.1	None
7.	<u>PERSONNEL CONSIDERATIONS</u>
7.1	None
8.	<u>LEGAL IMPLICATIONS</u>
8.1	None.
9.	<u>EQUALITIES AND HUMAN RIGHTS CONSIDERATIONS</u>
9.1	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.
9.2	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.

10.	<u>RISK</u>
10.1	No issues to risk to note.
11.	<u>PUBLIC INTEREST</u>
11.1	No public interest issues.
12.	<u>CONTACT OFFICER</u>
12.1	D/Supt Leanne BRUSTAD
13.	<u>ANNEXES</u>
13.1	None.

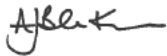
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Office of the Chief Constable

I confirm that the above report has been discussed and approved at a formal Chief Officers' meeting.

It is now forwarded to the OPCC for **approval / information / monitoring purposes.**

Signature:



Date : 24/08/20

Police and Crime Commissioner for Gwent

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.

Signature:

Date: