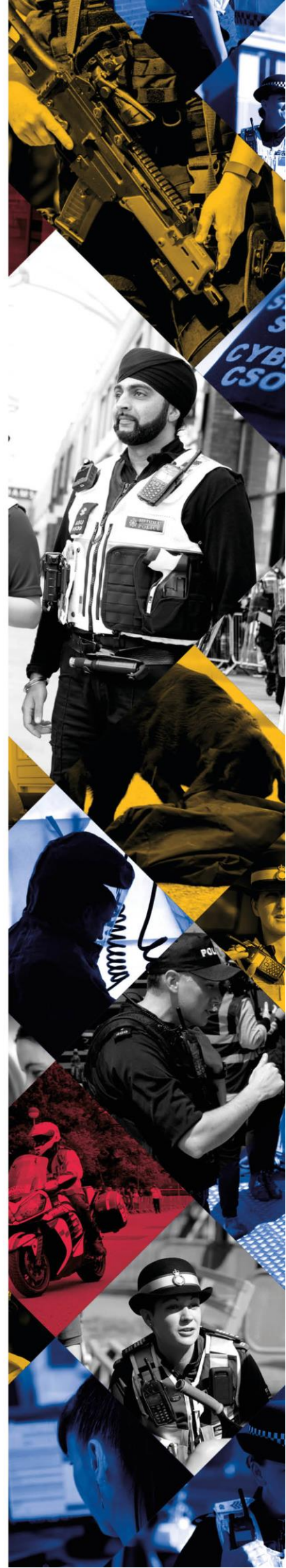




# Professional Standards Department

## Quarter Report

Quarter 2 | 2022-23



## 1. PURPOSE AND RECOMMENDATION

- 1.1 The purpose of this report is to provide a narrative to accompany the Independent Office for Police Conduct (IOPC) National Police Complaints Information Bulletin and an update on misconduct outcomes and vetting.
- 1.2 There are no recommendations made requiring a decision.

## 2. INTRODUCTION & BACKGROUND

- 2.1 The IOPC has previously produced a National Police Complaints Data Bulletin on a quarterly basis which included comparative data against 'Most Similar Forces' and nationally. It provided an overview of the number and types of complaints, timeliness, the number of appeals to both the force and the IOPC and the outcome of these appeals. 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.

**NOTE:** The IOPC bulletin relating to Quarter 1 has been received, however they have identified an issue with the data relating to active investigations in Section B1 of the report. Whilst this issue is being investigated the IOPC will be unable to provide this data. This performance report is based on Professional Standards Department (PSD) data only for quarter 2 (with the exception of vetting data).

- 2.2 A brief overview of Misconduct proceedings 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 data contained within the relevant section of this report is a quarter behind all other data due to configuration dependencies with the recruitment system. For this reason, the reporting of the vetting data for this performance report is for quarter 1 2022/ 23.

## 3. ISSUES FOR CONSIDERATION



### 3.1 Appeals/Reviews

#### IOPC Reviews:

There were no IOPC Appeals/ Reviews in quarter 2 of 22/23.

#### Office of the Police and Crime Commissioner (OPCC) reviews:

There were 6 OPCC reviews received in quarter 2:

- 4 related to Investigation, and 2 to Non-Investigation.
- 1 of the reviews received to-date (Investigation) determined that the outcome was not reasonable and proportionate, this is where one of the allegations within the complaint needed to be reviewed, that has now been completed. There are no issues.
- 1 investigation determined the outcome was reasonable and proportionate.
- 1 Non investigation determined the outcome was reasonable and proportionate.
- The outcome of 2 Investigations and 1 non investigation review is awaited.

### **Extract from Interim Police Complaints Information Bulletin – IOPC Quarter 1 (2022/23)**

#### **Section D1: Reviews Received**

	Complaint cases finalised under Schedule 3	Reviews received	Reviews received as proportion of complaint cases finalised under Schedule 3	Number LPB reviews received - investigation	Number LPB reviews received - non-investigation	Number IOPC reviews received - investigation	Number IOPC reviews received - non-investigation
Force	61	11	18 %	4	7	0	0
SPLY	52	16	31 %	6	10	0	0
MSF Average	139	30	24 %	3	20	4	4
National	7,579	1,565	21 %	63	1,022	199	281

There were no IOPC reviews received in quarter 1, more complaint cases were finalised in quarter 1 with less reviews being received compared to the same period last year (SPLY). This highlights the quality of investigations conducted.

#### Complaint Regulations 2020

The new complaints regulations commenced on 1<sup>st</sup> February 2020. This changed the way complaints are dealt with splitting them into two categories of:

- 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 for which is the IOPC; and Non-Special Procedures (handled reasonably and proportionately) the review body for which being the OPCC.

**Complaint Cases Recorded in quarter 2 - ‘Schedule 3’**

41 cases were recorded between 01/7/22 and 30/09/22:

	Total complaints recorded	Finalised during this period
Q3 21/22	40	13
Q4 21/22	49	17
Q1 22/23	43	21
<b>Q2 22/23</b>	<b>41</b>	<b>14</b>

At the time of writing, there are currently 32 live Schedule 3 complaints being investigated.

**Complaint Cases Recorded in quarter 2 - ‘Non-Schedule 3’**

89 cases were logged between 01/07/22 and 30/09/22:

	Total complaints recorded	Finalised during this period
Q3 21/22	94	92
Q4 21/22	89	89
Q1 22/23	73	72
<b>Q2 22/23</b>	<b>89</b>	<b>89</b>

At the time of writing there are no live non schedule 3 complaints.



## Extract from Interim Police Complaints Information Bulletin – IOPC Quarter 1 (2022/23)

### Section A1.1 : Complaint Cases logged and initial handling

#### To contact complainants

Average number of working days...	Customer perspective	Initial handling performance
Force	4	3
SPLY	11	11
MSF Average	4	4
National	5	5

#### To log complaint cases

Average number of working days...	Customer perspective	Initial handling performance
Force	15	9
SPLY	23	22
MSF Average	4	3
National	5	4

There has been a notable improvement compared to the Same Period Last Year (SPLY) in making contact with complainants. Whilst there is improvement in logging complaint cases, we still have more to do to be in line with the MSF average.

#### Allegations Recorded: (combination of Schedule 3 and Non Schedule 3)

This table illustrates the top three groups of complaints:

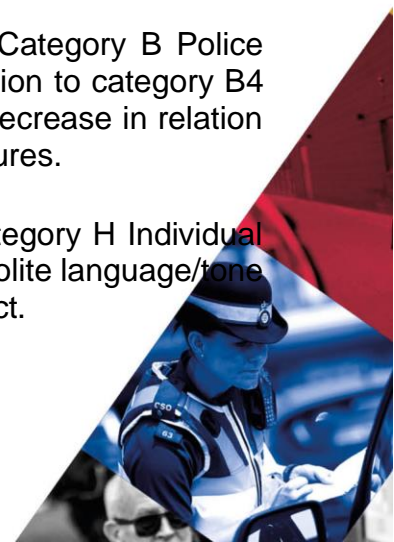
1	A Delivery of Duties and Service	137
2	B Police Powers, Policies and Procedures	66
3	H Individual Behaviours	37

Allegations recorded by Qtr and Year to Date				
	Qtr 3 21/22	Qtr 4 21/22	Qt1 22/23	Qtr2 22/23
Category	No	No		
A1. Police action following contact	100	97	84	79
A2. Decisions	35	24	26	14
A3. Information	24	26	15	15
A4. General level of service	10	4	14	29
B1. Stops, and stop and search	3	4	0	0

B2. Searches of premises and seizure of property	6	12	9	11
B3. Power to arrest and detain	2	10	7	10
B4. Use of force	8	10	9	16
B5. Detention in police custody	8	8	23	21
B6. Bail, identification and interview procedures	1	4	11	3
B7. Evidential procedures	3	0	5	2
B8. Out of court disposals	0	1	0	0
B9. Other policies and procedures	2	4	1	3
C1. Handling of or damage to property/premises	0	6	6	2
D1. Use of police systems	1	0	0	0
D2. Disclosure of information	2	2	5	2
D3. Handling of information	1	2	5	0
D4. Accessing and handling information from other sources	1	1	1	1
E1. Use of police vehicles	1	1	1	4
F1. Age	1	0	0	0
F2. Disability	0	0	0	1
F6. Race	1	1	3	0
G. Irregularity in evidence/perjury	2	0	0	0
G1. Organisational corruption	1	0	0	2
H1. Impolite language/tone	11	6	14	4
H2. Impolite and intolerant actions	9	6	8	6
H3. Unprofessional attitude and disrespect	24	19	28	16
H4. Lack of fairness and impartiality	5	5	8	5
H5. Overbearing or harassing behaviours	7	10	9	6
J2. Sexual harassment	1	0	0	0
K1. Discreditable Conduct	0	2	0	1
L. Breach Code B PACE	1	0	0	0
L1. Other	3	1	4	1
S. Other neglect or failure in duty	8	0	0	0
<b>Total</b>	<b>283</b>	<b>266</b>	<b>296</b>	<b>256</b>

The table highlights that:

- Complaint allegations have decreased by 14% during quarter 2 compared to quarter 1.
- There has been an increase in complaints relating Category B Police Powers, Policies and Procedures, in particular in relation to category B4 Use of Force. However there has been a significant decrease in relation to Category B6 Bail Identification and interview procedures.
- There has been a decrease in complaints relating Category H Individual Behaviours, in particular in relation to Category H1 Impolite language/tone and Category H3 Unprofessional attitude and disrespect.





## **COVID19**

During Quarter 2 22/23 there have been no complaint allegations relating to COVID19. Consideration to remove this from the report in future.

## **Violence Against Women and Girls (VAWG)**

During Quarter 2 of 22/23 there have been 5 complaint allegations which have related to VAWG, 3 of which relate to Dissatisfaction Handling and 2 to Police Victim. There were 10 complaint allegations relating to VAWG recorded in Quarter 1 of 22/23.

These 5 allegations relate to 3 Cases:

- **Case 1 - (CO 341/22)**  
Failed to Investigate and interview the offender of a domestic violence incident. NFA decision had been made. The complaint was resolved to the complainant's satisfaction and logged under Non Schedule 3, with an explanation being offered and the officer receiving development.  
The case of harassment was re-investigated
- **Case 2 – (CO 429/21)**  
Complaint relates to domestic violence issues and that the VRR was not dealt with correctly in that additional evidence had not been investigated and would have a bearing on the outcome of the review. Failure to deal with a report of breach of a non-molestation order in a timely manner, allowing further breaches to happen. Unprofessional attitude of officer who told her to move on, talked over her and refused to listen. The complainant was visited during the complaints process, an explanation was provided, and she decided to withdraw her complaint.
- **Case 3 – (CO 316/22)**  
Complainant unhappy with the outcome of the case involving her neighbour and wants the matter reviewed. An OTI (other than investigation) letter was provided to the complainant, which offered an explanation and the complaint resulted as " The Service provided was acceptable)

## **Allegations Finalised in (Quarter 2)**

Of the **267** allegations resolved during this period:

- **36 %** related to schedule 3 Non-Special Procedures complaints, **6%** of which were resolved by NFA.
- **49 %** related to non-Schedule 3 complaints.
- **5%** of complaints were under the old regulations, locally resolved.
- **1.%** related to Schedule 3 – Special Procedures
- **3%** were withdrawn.

- 26 allegations (7 complaint cases) moved from Non-Schedule 3 to Schedule 3 as complainants were dissatisfied after initial handling. This is a decrease when compared with quarter 1 of 22/23.

## Extract from Interim Police Complaints Information Bulletin – IOPC Quarter 1 (2022/23)

### Section A3.1: How allegations were handled and their decision

How allegations were handled	Force No.	Force %	MSF Average No.	MSF Average %	National No.	National %
Under Schedule 3 investigated (not subject to special procedures)	180	45 %	74	12 %	3,667	12 %
Under Schedule 3 investigated (subject to special procedures)	0		4	2 %	367	1 %
Under Schedule 3 - not investigated	113	29 %	197	44 %	13,079	43 %
Outside of Schedule 3	103	26 %	230	41 %	13,622	44 %
<b>Total</b>	<b>396</b>	<b>100 %</b>	<b>506</b>	<b>100 %</b>	<b>30,735</b>	<b>100 %</b>

The above chart shows that in Quarter 1, 26% of complaints were handled outside of schedule 3. However, in quarter 2 this has turned around and 49% have been handled in

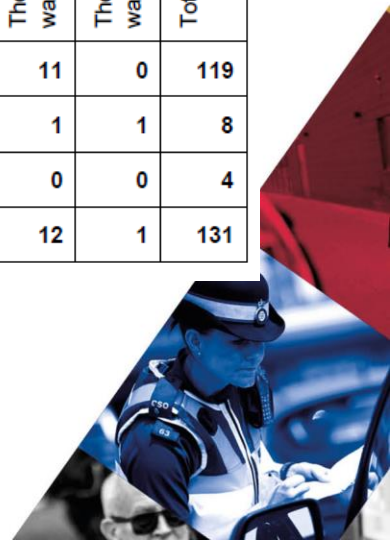
### Cases Finalised in Quarter 2

Albeit timeliness is no longer a 'Key Performance Indicator' nationally, Gwent PSD resolve most complaints in a timely manner. The table below shows cases that have been resulted during Quarter 2 119 of which were resolved within 30 days. 68% of the cases relate to non-Schedule 3 complaints.

### Investigation Times

Please note the blank column relates to organisational complaints

SUMMARY			No further action required	Not determined if the service acceptable	Not Resolved - NFA	Resolved	The service provided was acceptable	The service provided was not acceptable	Total Cases
Complaint	(A) 0 - 30 days	10	8	1	2	87	11	0	119
	(B) 31 - 60 days	6	0	0	0	0	1	1	8
	(C) 61 - 90 days	4	0	0	0	0	0	0	4
	<b>Total</b>	<b>20</b>	<b>8</b>	<b>1</b>	<b>2</b>	<b>87</b>	<b>12</b>	<b>1</b>	<b>131</b>





## Extract from Interim Police Complaints Information Bulletin – IOPC Quarter 1 (2022/23)

### Section A2: Allegations Timeliness

Average number of working days to finalise allegations	Force	SPLY	MSF Average	National
Outside of Schedule 3	10	16	9	18
Under Schedule 3 - not subject to investigation	54	102	79	99
Under Schedule 3 - by local investigation	145	142	134	152
Under Schedule 3 - by directed investigation	0	0	0	0
Under Schedule 3 - by independent investigation	0	0	0	212

There is a marked improvement in timeliness relating to non schedule 3 and OTI complaints, compared to the same period last year. There is still more work to do in relation to Non Special Procedures investigations.

### Section A4: Complaint Cases finalised - timeliness

Average number of working days to finalise complaint cases	Force	SPLY	MSF Average	National
Outside of Schedule 3	9	17	9	21
Under Schedule 3 (inc suspension)	109	168	101	125
Under Schedule 3 (not inc suspension)	104	164	95	119

There is improvement in all areas relating to cases being finalised, which is positive, it is on a par with MSF and lower than the National average.

### 3.2 Distribution of Complaints

The distribution of complaints in Quarter 2 is not disproportionate to the staffing levels in both Local Policing Areas.

West - **75** cases, **53** of which were finalised under non-Schedule 3.

East - **52** cases, 34 of which were finalised under non-Schedule 3.

## Extract from Interim Police Complaints Information Bulletin – IOPC Quarter 1 (2022/23)

### Section E1.1 Allegations actions on complaint cases handled outside of Schedule 3

Actions following outside of Schedule 3 complaint cases	Force		SPLY		MSF Average		National	
	No.	%	No.	%	No.	%	No.	%
Organisational learning	0	0 %	0	0 %	0	0 %	41	0 %
Individual learning	0	0 %	0	0 %	0	0 %	77	1 %
Policy review	0	0 %	0	0 %	0	0 %	6	0 %
Goodwill gesture	0	0 %	0	0 %	0	0 %	32	0 %
Apology	24	33 %	12	11 %	18	12 %	1080	9 %
Debrief	18	25 %	5	5 %	3	4 %	118	1 %
Explanation	18	25 %	19	18 %	143	60 %	6045	50 %
No further action	6	8 %	45	42 %	20	17 %	3569	30 %
Informal action by a line manager	0	0 %	0	0 %	0	0 %	8	0 %
Learning from Reflection	1	1 %	24	23 %	1	1 %	152	1 %
Other action	6	8 %	2	2 %	6	8 %	690	6 %

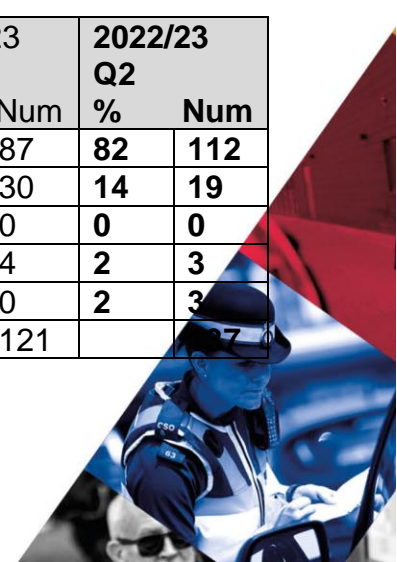
Changes have been made in processes and the actions taken in relation to the outcome of Non Schedule 3 complaints which has seen an improvement in the results. It is particularly good to see that the use of “apology” is being utilised.

### 3.3 Equality Monitoring of Complainants

Complaints are either recorded online, via 101 or in person at police stations. As can be seen in the tables below, the data remains consistent throughout the quarters in relation to protected characteristics. The Joint Strategic Equality Plan will drive any work in relation to engagement, awareness and any identified themes and PSD are working with the force’s Diversity and Inclusion lead to progress this.

**(Note: 1 complaint case can contain more than one complainant)**

Ethnicity	2021/22		2021/22 Q3		2021/22 Q4		2022/23 Q1		2022/23 Q2	
	%	Num	%	Num	%	Num	%	Num	%	Num
White	74	462	72.5	104	73	102	72	87	82	112
Unknown	21	131	23.5	34	23	32	25	30	14	19
Asian	2	14	3	4	0.5	1	0	0	0	0
Black	2	13	1	1	1.5	2	3	4	2	3
Other	1	7	0	0	2	3	0	0	2	3
<b>Total</b>		627		143		140		121		127



### 3.4 Conduct

<b>Conduct</b>			
<b>Reporting Period</b>	<b>Number</b>	<b>Reporting Period</b>	<b>Number</b>
Q3 2020/21	2	Q3 2021/22	15
Q4 2020/21	7	Q4 2021/22	13
Q1 2021/22	9	Q1 2022/23	12
Q2 2020/21	4	Q2 2022/23	<b>14</b>
<b>Total</b>	<b>22</b>	<b>Total</b>	<b>54</b>

The number of conduct cases has increased compared to last year. In the main conduct relates to off duty behaviour, however for the 2<sup>nd</sup> quarter running there has been an increase in on duty behaviour. During this quarter, 8 out of the 14 conduct matters raised relate to on duty behaviour.

### 3.5 Misconduct Outcomes for Q2 2022/23

There was one historic Misconduct hearing under the old regulations, which concluded in quarter 2, this related to 3 Senior Officers which arose from an incident of inappropriate behaviour on 28<sup>th</sup> June 2019 at a function for the then retiring Chief Constable Julian Williams. Two officers were dismissed without notice and one had retired prior to the conclusion of the hearing and would have been dismissed. One of the officers has lodged an appeal.

There was one misconduct meeting held during quarter 2, this related to a complaint by a member of the public, who attended the process. There was a case to answer in relation to two allegations of Unprofessional attitude and disrespect. The officer received a final written warning in relation to :-

- **Honesty and Integrity and Duties and Responsibilities**: in that you provided an update to the complainant that her assault allegation was deemed no further action by the CPS. when the case was statue barred
- **Duties and Responsibilities**: in that you failed to submit the case file to the CPS within the required time scales.

### 3.6 External scrutiny

There are currently 7 live Independent IOPC investigations, 3 of which relate to 3 separate complaints which involve the same officer. 1 is a DSI matter. There is another DSI matter however no further details of the complaint have been received from the IOPC.

One investigation involving two separate conduct matters which has been finalised and the officer received a custodial sentence for two counts of Misconduct in a Public Office. This matter will be proceeding to a misconduct hearing for a former officer.

There is one directed IOPC conduct investigation being undertaken by Gwent PSD, the matter is currently being prepared for misconduct charges

#### Death or Serious Incident Matters (DSI)

DSI Matters appear to be on the increase, there are currently 29 live investigations. There were 16 referrals to the IOPC during quarter 2.



3.7

**Vetting - note:** due to the functionality of the recruitment system (OLEEO), vetting data will be one quarter behind.

<b>Vetting Completed – 2022/2023</b>				
<b>Vetting Data</b>				
	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23
Police Staff/Officers	205	151	209	<b>165</b>
Contractors/outside agency	208	184	200	<b>260</b>
Vetting Health Checks	54	34	12	<b>35</b>
MV Annual Assessments	126	108	0	<b>0</b>
<b>Total</b>	<b>593</b>	<b>477</b>	<b>421</b>	<b>460</b>

<b>Vetting Refusals – 2022/23</b>				
	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23
Previous conviction / caution	6	13	10	<b>13</b>
Financial Vulnerability	3	3	8	<b>2</b>
Negative Intelligence	5	6	6	<b>1</b>
Associates	0	1	2	<b>3</b>
Residency	0	1	0	<b>0</b>
Non-disclosure	0	5	5	<b>2</b>
<b>Total</b>	<b>14</b>	<b>29</b>	<b>31</b>	<b>21</b>

#### **Vetting Refusals- Protected Characteristics (Police officer / staff)**

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

	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23
BAME	14 received 1 refused	4 received 0 refused	8 received 1 refused	<b>6 received 0 refused</b>
Sexual Orientation	19 received 1 refused	11 received 2 refused	20 received 2 refused	<b>17 received 1 refused</b>
Disability	0 received 0 refused	0 received 0 refused	0 received 0 refused	<b>0 received 0 refused</b>
Gender Reassignment	0 received 0 refused	0 received 0 refused	0 received 0 refused	<b>0 received 0 refused</b>
Male	130 received 8 refused	71 received 3 refused	85 received 5 refused	<b>94 received 5 refused</b>
Female	96 received 1 refused	80 received 5 refused	81 received 3 refused	<b>82 received 4 refused</b>

Appeal Panels				
	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23
BAME Accepted	0	No panel in this quarter	0	0
BAME Rejected	1		0	0
Sexual orientation Accepted	1		0	0
Sexual orientation Rejected	2		0	2
Disability Accepted	0		0	0
Disability Rejected	1		0	0
Gender Reassignment	0		0	0
Gender Reassignment	0		0	0

## COLLABORATION

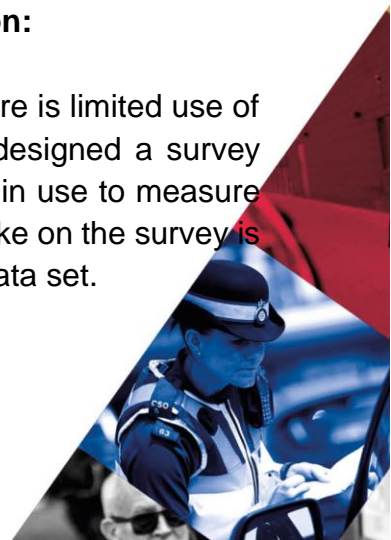
4.1 Nothing to add

## 5. NEXT STEPS

5.1 • The Home Office have released additional requirements to the Specified Information Order (SIO) which dictates what information PCC's have to publish on their website. The Home Office guidance recommends that the narrative relevant to PSD should include:

### 1. How the force is measuring complainant satisfaction:

Benchmarking has been undertaken with other forces and there is limited use of customer satisfaction surveys within PSDs. PS Briggs has designed a survey question set in partnership with a force Analyst which is now in use to measure user satisfaction of the Gwent Police complaints system. Uptake on the survey is low at this time but we continue to try a gather a meaningful data set.





**2. Progress updates on implementing relevant recommendations made by the IOPC and/or HMICFRS in relation to complaints handling, or where recommendations were not accepted an explanation as to why.**

This is fed-back to us after the review point by either the IOPC or the Local Policing Body (LPB). Once they have made relevant recommendations PSD have 28 days to respond. If any matters have been raised after the Investigation has been reviewed, the complainant would be directed to make a new complaint using the on-line platform. There have been no HMICFRS recommendations in relation to complaint handling. A mechanism is being developed to pull out any recommendations from IOPC/LPB to monitor progress.

**3. A summary of any mechanisms put in place to identify and act on themes or trends in complaints.**

PSD Sergeants meet with LPA (Local Policing Area) Chief Inspectors monthly to summarise the themes with an expectation that they are filtered through SMT's. If there is a more obvious trend in between meetings direct conversations with Inspectors overseeing the officers who they supervise take place.

PSD's provide a forcewide electronic newsletter 'PSD Times' which will continue to be utilised as an efficient and centralised method for communicating trends and key messages. The department also continues to feed into the forces' 'Learning the Lessons' meeting.

**4. A summary of systems in place to monitor and improve performance in the timeliness of complaints handling.**

As noted above, timeliness in Q2 is reflected positively. The complaints Inspector continues to meet with the team every Monday morning to prioritise caseloads and then with PSD Sergeants monthly to monitor workloads with a focus on timeliness of complaints. The IOPC 'National Police Complaints Data Bulletin' has just been published for quarter 1 containing data against our 'Most Similar Forces' and nationally and extracts appear in this quarterly report.

**5. The number of written communications issued by the force under regulation 13 of the Police (Complaints and Misconduct) Regulations 2020 where an investigation has not been completed within a "relevant period".**

Data no available for this meeting.

**6. Quality Assurance mechanisms in place to monitor and improve the quality of its responses to complaints.**

This continues to be monitored via feedback from National PSD forums and through dynamic updates from the LPB about any recommendations post investigation.

**7. Details of the administrative arrangements the PCC has put in place to hold the Chief Constable to account for complaints handling e.g., frequency of meetings and a summary of discussions.**

A Performance report is delivered through Scrutiny Executive Board, to Strategic Performance Board on a quarterly basis.

## **FINANCIAL CONSIDERATIONS**

6.1 None.

## **7. PERSONNEL CONSIDERATIONS**

7.1 PSD review completed. Business case and recommendations to be presented at Service Improvement Board November 24<sup>th</sup> 2022.

## **8. LEGAL IMPLICATIONS**

8.1 None

## **9. EQUALITIES & HUMAN RIGHTS CONSIDERATIONS**

9.1 This report has been considered against the general duty to promote equality, as stipulated under the Joint 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 RISK**

10.1 None

## **11. PUBLIC INTEREST**

11.1 In producing this report, has consideration been given to 'public confidence



**Yes**

11.2 Are the contents of this report, observations and appendices necessary and suitable for the public domain? **Yes**

11.3 If you consider this report to be exempt from the public domain, please state the reasons: **not applicable**

11.4 Media Stakeholder and Community Impacts:

## **12. REPORT AUTHOR**

12.1 Detective Superintendent Sam Payne

## **13. LEAD CHIEF OFFICER**

13.1 T/ACC Nicholas McLain

## **14. ANNEXES**

14.1 None

## **15. CHIEF OFFICER APPROVAL**

15.1 I confirm this report has been discussed and approved at a formal Chief Officers' meeting.

I confirm this report is suitable for the public domain.

**Signature:**

A handwritten signature in grey ink, appearing to read 'NONE' followed by a flourish.

**Date: 07.11.2022**