



House of Commons  
Home Affairs Committee

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# Police Conduct and Complaints

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**Sixth Report of Session 2021–22**

*Report, together with formal minutes relating  
to the report*

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## Home Affairs Committee

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## Summary

Our society is policed by consent. That means that police officers are given considerable powers to do the often difficult, often dangerous job of investigating crime and maintaining public safety. It also means that those officers have a duty to the public they serve to conduct themselves according to the highest standards of professional behaviour.

Well-functioning conduct and complaints systems are essential to maintaining the trust on which the founding Peel principles created this balance between police and public. We launched this inquiry 18 months ago, focused on the newly created Independent Office of Police Complaints (IOPC), to explore continuing disquiet at the way in which police forces in England and Wales investigate and deal with complaints about the conduct of forces and individual officers. Dissatisfaction with the handling of police complaints is nothing new—the current system is itself an intended improvement on reforms made because of similar public concern about the previous system. Some of that dissatisfaction is unjustified and unfair; the IOPC has made significant strides towards a more open, transparent and responsive system.

However, the feeling remains that some forces and officers treat complaints against them as challenges to their authority or matters to be sidestepped. In spite of welcome reforms and improvements, sufficient of the submissions we have received for this inquiry demonstrate that the task of providing—and demonstrably providing—a fair, open and, above all, fully trusted mechanism to deal with misconduct remains, as yet, unfinished.

Most complaints about police officers and forces are dealt with at local level within the 43 police forces of England and Wales or by their individual professional standards departments. Investigations into officers may have a devastating effect on them and on their families, and it is essential that they be dealt with quickly and fairly to identify officers whose behaviour requires improvement or dismissal and to lift the cloud of suspicion from those who have acted properly. Even more importantly, it is essential to public trust in the system that those complaints are treated seriously, transparently and quickly, with measurable and transparent sanctions against officers who do transgress, up to and including their dismissal from the police or even their conviction for criminal offences.

It is also apparent that community trust in forces and in their professional standards departments relies on those forces reflecting the communities they police and serve. The low proportion of Black and minority ethnic representation within standards departments is a long-standing concern and urgent evidence is required that the present imbalance is being redressed. The concern this raises is reflected in the statistics demonstrating lower trust among BME communities in the complaints system than is the case for other sections of society.

Directly elected Police and Crime Commissioners (PCCs) also have a role in overseeing the investigation of complaints. PCCs were offered options in 2020 to extend the role they play, and it is disappointing that few have so far opted to do more than the minimum

required of them. We have heard from some that they may be insufficiently resourced to do so; we have also detected little enthusiasm among them, with rare exceptions, to adopt the role offered by the 2020 reforms.

The most serious complaints are handled by the Independent Office of Police Conduct (IOPC), set up in 2018 to replace the IPCC. The new body has made significant advances, notably in speeding the process for dealing with complaints so that most are now disposed of within 12 months. There are, however, concerns about the strength of its investigations, the qualifications of its investigators and the transparency of its operations. Communication of its decisions has also been identified as a continuing problem, notably by Lady Brittan in relation to investigation into the conduct of officers who investigated the case of false allegations made against her late husband, the former Home Secretary Lord Brittan.

Concern that the IPCC's leadership structure led to confused and divided decision-making also led the Government to streamline governance within the new IOPC, meaning that its Director General is also chair of its board, and therefore without direct internal oversight of his actions and decisions, even if he remains accountable to his board and to Parliament. While this suspension of normal checks and balances within a publicly funded body may have appeared to have a practical justification four years ago, we believe the time has come to review this arrangement and to consider adding an independent Chair to the board, in line with common practice.

Police officers do a difficult and dangerous job on all our behalf. At worst, officers risk their lives, and Parliament will not forget that PC Keith Palmer is, sadly, only one of many officers who have died protecting others. However, events during our inquiry also demonstrate the worst that officers can do: the murder of Sarah Everard and the recent IOPC report into the disgraceful, misogynistic, racist and bullying behaviour of a substantial number of officers at London's Charing Cross police station need no further comment here.

We have heard that officers too often see complaints against them as matters to be deflected rather than opportunities to root out those whose behaviour demeans the office of constable or to clear the names and reputations of those who conduct themselves according to the professional standards required. The new IOPC makes recommendations for future learning. We need to see more ready acceptance of those recommendations by forces and clear evidence that national recommendations are being implemented locally. There is a strong need for a cultural change, established by and led from the top, to ensure that lessons are learned, that actions are taken to redress poor and unprofessional behaviour, and that police officers remember always that the trust of the public on which they depend needs to be earned and constantly maintained.

# Introduction

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## Our inquiry

1. This inquiry was set up to examine the role and remit of the Independent Office for Police Conduct (IOPC) in relation to the police complaints and discipline system. We have considered how the IOPC and police forces around the country work to resolve complaints and progress made in reforming the system following criticisms of the time taken to resolve complaints. We also sought to consider what changes might be required to improve public confidence in the police complaints and discipline systems.

2. The IOPC was established in January 2018 to handle complaints against police officers and forces in England and Wales. Its creation was part of a series of measures aimed at improving police accountability and discipline, as well as increasing public confidence in how complaints were handled. It replaced the Independent Police Complaints Commission (IPCC) which had itself replaced the Police Complaints Authority (PCA) in 2003, again following public and political concerns about the failings of the PCA and “the lack of an independent system to deal with complaints and conduct matters within the police service”.<sup>1</sup>

3. The IOPC is only part of the system of dealing with complaints and police conduct. It handles the most serious and sensitive cases (investigation of officers’ conduct in relation to the murder of Sarah Everard, for example, or the recent report on conduct at Charing Cross police station in London).<sup>2</sup> Most complaints are, however, dealt with by local forces themselves. Each of England and Wales’s 43 police force has a separate professional standards department (PSD) that oversees complaints. In addition, chief constables are responsible for ensuring that PSDs handle issues fairly and justly. Chief constables themselves are accountable to elected Police and Crime Commissioners (PCCs) or their equivalents in some areas.

4. We are grateful to all who have contributed written and oral evidence to the inquiry.

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1 [An independent review of the governance arrangements of the Independent Police Complaints Commission, 2015.](#)

2 [Sarah Everard murder: Wayne Couzens given whole-life sentence | Crime | The Guardian, 30 September 2021;](#) [IOPC recommendations to tackle Met culture after investigation uncovers bullying and harassment in the ranks | Independent Office for Police Conduct, 1 February 2022.](#)

## Case study of a complaint

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### Introduction

5. The Home Affairs Committee, in common with other Select Committees, does not investigate individual cases. That is a job for the courts or appropriate professional and investigative bodies. However, numerous individuals wrote to us during this inquiry to raise concern about how their complaints about police conduct have been dealt with and it is always helpful to be able to draw general points about treatment from such individual correspondence.

6. **It is an inevitable part of any complaints system that those whose complaints are not upheld will be discontented. There is none the less a perception that complaints against police officers are unlikely to succeed and that investigations are over-complex, take too long and frequently result in limited action against even officers found to have committed misconduct.**

7. The recent example of the Charing Cross police station where only two of 14 officers investigated for bullying and the exchange of racist, sexist and violent messages were dismissed from the police force is the sort of example that may feed that last perception.<sup>3</sup>

8. **It should be clear that a police officer accused, for example, of mistreating a member of the public or of bullying colleagues or subordinates should be subject, like any other person working in the public service, to investigation and sanction if proven to have done so. Public confidence is undermined if misconduct is not appropriately punished.**

9. A specific example of the type of issues that may arise in a police conduct investigation may be instructive.

### Operation Midland and Lord Brittan

10. In 2012, an ITV documentary alleged that television presenter Jimmy Savile had committed sexual offences, prompting a significant increase of people making complaints of historic sexual abuse. One complainant set out allegations against various prominent public figures, including Lord Brittan, the former Home Secretary, the former MP Harvey Proctor, and Lord Bramall, a former Chief of the General Staff and of the Defence Staff of the British Army. These allegations led the Metropolitan Police Service (MPS) to launch an investigation into these claims, called Operation Midland. This investigation was discontinued in March 2016, as deep flaws emerged about the credibility of the complainant. Carl Beech, the complainant, was himself subsequently jailed for 18 years for sexual offences, fraud and perverting the course of justice.

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3 [IOPC recommendations to tackle Met culture after investigation uncovers bullying and harassment in the ranks | Independent Office for Police Conduct, 1 February 2022.](#)



11. In 2012, a separate complainant alleged that Lord Brittan had raped her in 1967.<sup>4</sup> In 2014, Lord Brittan was named in the press in connection with this allegation. Later, the MPS discontinued the investigation (Operation Vincente) owing to lack of evidence, but Lord Brittan died without knowing his name was cleared.

12. Operation Kentia (2016) was the name of the Independent Office for Police Conduct's subsequent investigation ([the Kentia report](#)) which looked into the conduct of five officers who worked on those cases. The Kentia report found the officers had no case to answer, but made 16 recommendations (IOPC, [Operation Kentia Report, A report concerning matters related to the Metropolitan Police Service's Operation Midland and Operation Vincente](#), October 2019).<sup>5</sup>

13. In 2016, the MPS commissioned Sir Richard Henriques QC to review its handling of Operation Midland. As a result of his report, the Metropolitan Police Service referred the conduct of five officers to the IOPC. This referral related to Sir Richard's finding that the search warrants relating to searches of Lady Brittan's home were inaccurate and misleading, and therefore probably unlawful.<sup>6</sup> The IOPC, in its 2019 report into Operation Kentia (its name for its investigation), concluded that while mistakes were made there was no evidence of criminal behaviour by police officers or intention to mislead the judge (Judge Riddle) who issued the warrants.<sup>7</sup> Sir Richard himself (who was unable to give evidence to the Committee) was subsequently highly critical of this decision, arguing in a letter to the Home Secretary that there were "reasonable grounds to believe that criminal acts have been committed" and calling for an investigation into the conduct both of the officers involved in the original investigation and of the IOPC investigators.<sup>8</sup>

14. His report made 25 recommendations based on lessons learnt from the MPS's investigation.<sup>9</sup> In October 2019, the Home Secretary asked the independent constabulary inspectorate, HMICFRS, to review the MPS's progress in learning from the mistakes identified by the Henriques and Kentia reports. HMICFRS found that the MPS had been slow to learn lessons from Henriques but had made faster progress since October 2019.<sup>10</sup>

### Lady Brittan's experience

15. Lord Brittan's widow, Lady Brittan of Spennithorne, expressed concern to us about her dealings with the IOPC in its investigations of operations Midland and Vincente. These included the speed of investigations, the experience of investigators, poor communication and the treatment of complainants. As a former regulator herself (including as Deputy Chair of the Human Fertilisation and Embryology Authority), Lady Brittan suggested a number of ways in which the police complaints system could be improved.<sup>11</sup>

16. Lady Brittan expressed concern about the knowledge and experience of IOPC investigating officers, specifically their understanding of the criminal law and requirements

4 [Operation\\_Kentia\\_Report.pdf \(policeconduct.gov.uk\)](#), October 2019, Operation Vincente was a separate investigation into an allegation from a different complainant alleging rape by Lord Brittan.

5 [Operation\\_Kentia\\_Report.pdf \(policeconduct.gov.uk\)](#), October 2019.

6 [Judge demands probe into Scotland Yard | Daily Mail Online](#), 11 February 2021.

7 [Operation\\_Kentia\\_Report.pdf \(policeconduct.gov.uk\)](#), October 2019.

8 [Judge demands probe into Scotland Yard | Daily Mail Online](#), 11 February 2021.

9 [Sir Richard Henriques report | Metropolitan Police](#), 4 October 2019.

10 [Met Police slow to learn lessons after Operation Midland – HMICFRS \(justiceinspectorates.gov.uk\)](#), 13 March 2020.

11 [PCO0044](#) Lady Brittan of Spennithorne.

of the Police and Criminal Evidence Act 1984 (PACE) code of practice on search warrants.<sup>12</sup> She said that while Sir Richard Henriques' report found "very serious misconduct by the police officers involved", the IOPC "ignored the Henriques Report 2016 findings", despite its having access to the unredacted report.<sup>13</sup>

17. Lady Brittan said the IOPC investigator had misunderstood policing obligations required for search warrant applications in spite of officers a) failing to take "reasonable steps to verify that the allegations were accurate and reliable" and b) failing to "disclose facts that undermined their application".<sup>14</sup> She emphasised that the Henriques Report had noted that the police had no corroboration for Carl Beech's account when the application for the search warrants was made.<sup>15</sup>

18. Lady Brittan told us:

The IOPC has an obligation to conduct thorough and rigorous investigations, but the catalogue of deliberate and accidental search warrant errors identified by Judge Henriques went largely unpunished and unpublicised. The public are entitled to know that the Henriques Report, which is available only in redacted form, found that police failed to do minimal checks of times and places disclosed by Carl Beech; misled the district judge; searched my property in Leyburn for a second day in Leyburn; and seized property not covered by a warrant. The public are entitled to know that the IOPC Kentia Report lacked rigour and could fairly be described as a whitewash.<sup>16</sup>

19. The IOPC responded directly to those points, defending the conclusions reached in its

comprehensive investigation report, which runs to over 150 pages [and] details the thorough investigative work we conducted on this case and provides an explanation of the decisions that we made. [ ... ]

The investigation team looked at the records of investigation and made detailed enquiries of the subject officers. They reviewed over 1,800 documents, 300 statements, gathered 14 independent witness accounts (including from Sir Richard Henriques, Lady Brittan and Judge Riddle) in addition to obtaining accounts from the three officers subject to misconduct notices [ ... ]

Our investigation found no evidence that police officers had deliberately misled a district court judge but instead found areas of organisational learning.<sup>17</sup>

20. Lady Brittan suggested the "recruitment of qualified personnel and provision of training in relevant skills" could prevent some of the problems she experienced: the IOPC investigator's lack of reasoning and coherence on some matters, and what she saw as the

12 (PCO0044) Lady Brittan of Spennithorne; Q127.

13 (PCO0044) Lady Brittan of Spennithorne.

14 (PCO0044) Lady Brittan of Spennithorne.

15 (PCO0044) Lady Brittan of Spennithorne.

16 (PCO0044) Lady Brittan of Spennithorne.

17 (PCO0061) IOPC

“irrational” decision not to investigate the five officers concerned “for failure to take reasonable steps to verify Beech’s allegations before the decision was made to apply for search warrants”.<sup>18</sup>

21. The IOPC said that a “multi-disciplinary team” worked on its investigation into the three Metropolitan Police officers and that this team included “several investigative staff, supported by lawyers from our in-house legal team and staff with other areas of expertise”.<sup>19</sup> It explained that final decision-making on its investigations is “always undertaken by a senior member of staff” and specified that in Operation Kentia, “the decision-maker was experienced in criminal law, the application of PACE and had expertise in applying for and executing search warrants”.<sup>20</sup> The IOPC clarified that the work which led to the decision to discontinue the investigation into two senior officers was also carried out by “experienced investigative staff” and “subject to review and final decision by an IPCC commissioner”.<sup>21</sup>

22. Lady Brittan told us the obtaining of a search warrant was “one of the most intrusive things you can do to any human being”,<sup>22</sup> and that it was a trespass on an individual’s property. The police searched her home in London shortly after her husband’s death providing her with no reason for the search. She said she was alone in the house, “grieving and in shock when the search began” and was not asked by the officer in charge whether she wished to call someone for support but that an hour later she was able to call a friend who stayed with her for a short time. She told us the search continued all day, until 8.30pm and that she was not allowed to leave the house.<sup>23</sup> She said that the “terrible consequences” and impact of searches on the people concerned in the investigations, and the subsequent press coverage were not taken into account.<sup>24</sup> She agreed that the IOPC has a duty to conduct “thorough and rigorous investigations,” but that the “catalogue of deliberate and accidental search warrant errors identified by Judge Henriques went largely unpunished and unpublicised”.<sup>25</sup> Lady Brittan told us the “investigator’s decision that the officers’ behaviour amounted to misconduct only was faulty” and that misleading a judge on the application of search warrants was a very serious claim, as stated by Henriques in his report.<sup>26</sup> She suggested if the allegation was proven that it could lead to a disciplinary hearing for gross misconduct and dismissal.<sup>27</sup>

23. The IOPC told us it did consider there was potential evidence to suggest that the three officers might “have breached the standards of professional behaviour in relation to the application for search warrants”, and said those were subject to a full investigation in relation to this matter.<sup>28</sup> It noted that all three officers were served with investigation notices, with an assessment of ‘misconduct’. This decision followed its review of the

18 [\(PCO0044\)](#) Lady Brittan of Spennithorne.

19 [\(PCO0061\)](#) IOPC.

20 [\(PCO0061\)](#) IOPC.

21 [\(PCO0061\)](#) IOPC.

22 [Q152](#).

23 [\(PCO0044\)](#) Lady Brittan of Spennithorne.

24 [Q153](#).

25 [\(PCO0044\)](#) Lady Brittan of Spennithorne.

26 [Sir Richard Henriques \(met.police.uk\)](#) p186.

27 [\(PCO0044\)](#) Lady Brittan of Spennithorne.

28 [\(PCO0061\)](#) IOPC.

underlying material, for which its assessment was that, if proven, the officers' behaviour "would not have justified dismissal and that is why the assessment did not reach the 'gross misconduct' threshold".<sup>29</sup>

24. On the application of search warrants, the IOPC investigation "found no evidence of an intention to mislead the court, nor did it find any information to suggest that the officers wilfully neglected their duties". It said there was "a great deal of information available to the investigation at the time of the warrant applications", and the fact the officers "referenced the absence of evidence in relation to the murder offences within the warrant applications", indicated there was no "deliberate attempt to mislead".<sup>30</sup>

25. Lady Brittan called for the complaints system to be reformed to ensure that complainants or those affected by IOPC enquiries were dealt with swiftly and competently, and that there was transparent and honest communication with them of process, outcomes and findings. She was not aware until four years after her husband's death that, as she discovered, from the IOPC Operation Kentia Report in October 2019, Sir Richard Henriques had found: "that no police officer involved in the Midland or Vincente Enquiries would face any disciplinary hearings".<sup>31</sup>

26. The IOPC published the initial findings of its investigation in July 2019 after the conclusion of the criminal trial of Carl Beech. The IOPC said it was not allowed to share its findings any earlier due to the ongoing court proceedings.<sup>32</sup> Its full investigation report was published in October 2019 following its completion of "necessary legal processes ahead of publication".<sup>33</sup>

27. Lady Brittan said reform was needed to ensure police officers were not present when statements were taken as part of an IOPC enquiry. She argued that former police officers "who might have strong links to their police force and colleagues, and the Police Federation, should not normally be involved in obtaining evidence for an "independent" IOPC enquiry into police behaviour".<sup>34</sup>

28. The IOPC said that no serving police officer was involved in its Operation Kentia investigation or present when statements were taken.<sup>35</sup> It said the skills and experience that former police staff bring to the IOPC are valued: "ensuring appropriate checks and balances are in place to ensure any conflicts are managed".<sup>36</sup> It highlighted that "more than three quarters" of its general workforce and "two thirds" of its operation staff were not from a policing background, "much higher than the other oversight bodies in the UK and Ireland".<sup>37</sup> **The question arose during our inquiry whether the IOPC should be staffed by investigators who were not former police officers. Opinion divided on whether those who had served in the police should be excluded for potentially 'marking their own**

29 (PCO0061) IOPC; the IOPC noted in its evidence that it reviewed over 1,800 documents, 300 statements, gathered 14 independent witness accounts (including from Sir Richard Henriques, Lady Brittan and Judge Riddle) in addition to obtaining accounts from the three officers subject to misconduct notices.

30 (PCO0061) IOPC.

31 (PCO0044) Lady Brittan of Spennithorne.

32 (PCO0061) IOPC.

33 (PCO0061) IOPC.

34 (PCO0044) Lady Brittan of Spennithorne.

35 (PCO0061) IOPC; it explained that staff are required to declare perceived or actual potential conflicts at the start of any investigation and subsequently throughout.

36 (PCO0061) IOPC.

37 (PCO0061) IOPC.

homework’ or that of their colleagues. On the other side of the argument, ex-police officers bring the skills learned on the job and an understanding of police culture. It seems that an appropriate balance of former serving officers and investigators with other backgrounds is the right one to strike, but it may be that the IOPC should seek to widen its pool of potential candidates to include those with investigative experience from other spheres, including, for example, former military personnel.

29. Lady Brittan asked for the following observations from her experience to be considered with regard to increasing public confidence in the police conduct and discipline system:

- a protocol should be developed to assess the impact of police action on vulnerable people. She argued that consequent to the increasingly elderly population living alone, police searches and arrests should take place with “officers conducting themselves appropriately with regard to the health and welfare of those affected”.
- The police, newspapers and politicians should ensure when they achieve “full and lasting media coverage” of a police investigation, that it is in the public interest for the IOPC and the police force involved to publicise any errors amounting to misconduct that may have occurred and to clearly communicate they are being dealt with by the appropriate disciplinary procedures. She believed that the Metropolitan Police Service “deliberately refused to tell Lord Brittan before he died that there was no case to answer” and the former Metropolitan Police Commissioner, Hogan-Howe, who “expressed regret” that Lady Brittan had not been told until nine months after her husband’s death, had not apologised for that.<sup>38</sup>

### Follow-up action by IOPC

30. The IOPC’s Operation Kentia report did recommend substantial changes in the training of investigators in the use of search powers and warrants as a result of lessons learned from this case, and greater checking that warrants are properly applied. It told us 25,000 Met officers have since had the improved training.<sup>39</sup>

### Conclusion

31. We do not investigate individual cases and do not seek to do so in highlighting here already well publicised events surrounding searches of Lady Brittan’s homes. **Each complaint has unique features, and we have heard from a significant number of people whose dealings with police forces, the IOPC or its predecessor have left them unsatisfied with the investigation of their complaints or the level of sanction applied to officers found to have misconducted themselves. This includes cases of people whose family members or friends have died as a result of police operations, and who are aggrieved at the outcome of subsequent investigations that they feel do not match the severity of what happened to them. Those people do not have the advantage of high profile or a platform that leads to publicity for their cases. Their accounts may be found in the written evidence published on our website.** We recognise that it is in the nature of any complaints system that those whose complaints are not upheld are unlikely to be entirely satisfied.

38 (PCO0044) Lady Brittan of Spennithorne.

39 (PCO0061) IOPC.

32. What the example of Lady Brittan's case demonstrates, though, is how an investigation feels from the perspective of one caught up in it. She found the IOPC's information on complaints confusing and difficult to find and understand. She felt that its investigators did not always fully understand the law. The investigation into her case lasted three years, a length of time partly dictated by the need to avoid conflict with concurrent legal proceedings. She was also dissatisfied that none of five officers identified by Sir Richard Henriques as having potentially acted unlawfully ultimately faced any sanction.

33. The IOPC stands by its investigation and its findings in relation to those five officers, but it accepts that long delays in investigations are damaging. Steps have been taken, with significant success, since the 2019 Kentia report was produced to reduce the average length of investigations, and work has been undertaken on improving training for investigators and on clarifying information on how to make a complaint and what happens during an investigation, although further clarity of process is required.

**34. The sorry story of Operation Midland and subsequent inquiries into how it was conducted demonstrates why a robust complaints and conduct system is necessary if the public is to be confident that police officers behave properly and will be held to account and suitably sanctioned if they do not. Lady Brittan's account of how she—the wife of a wrongly suspected man not herself suspected of any crime—was treated is salutary. Those investigating potential police misconduct should be ashamed of leaving any vulnerable person feeling as if they are, themselves, a suspect. The families of the now-deceased Lord Brittan and Lord Bramall, as well as the former MP Harvey Proctor, have been left feeling that no one has been sanctioned for the mistakes identified by Sir Richard Henriques in the Operation Midland inquiry and its aftermath. That is a result that satisfies no-one and does nothing to improve confidence that officers will be held to account when an investigation goes quite so badly wrong.**

35. We shall touch elsewhere in this Report on the qualifications of IOPC investigators, the clarity of its communications and the progress it has made in the years that have passed since the events described above took place.

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# 1 Structure and operation of the police complaints process

## Purpose of the police complaints and discipline systems

36. The police complaints and discipline systems are central to ensuring the accountability of the police service in England and Wales. The systems seek to enable members of the public or those who work in policing to raise concerns about police force management and/or the actions of individual police officers.<sup>40</sup> Alongside accountability, the purpose of a well-functioning complaints system is to maintain public confidence, ensuring any misconduct is dealt with by forces and/or the IOPC fairly, transparently and swiftly.

37. The complaints process affects both victims of police conduct and officers and forces themselves. At the start of our inquiry one witness suggested that all actors in the police complaints and discipline systems could work together to see the process less “as an opposition of victims of police misconduct versus police officers or police forces” and instead seek to achieve its purpose.<sup>41</sup> Ultimately, public protection and safety should be at the heart of that purpose.

## Complaints against the police

38. Complaints against police officers take many forms, ranging from incivility to members of the public to involvement in crime or in a death or serious injury. It is also possible to complain about a force’s policies or procedures. Complaints are dealt with in two broad types: complaint and conduct matters.

39. The most serious cases are dealt with by the Independent Office of Police Complaints (IOPC) and the 43 police forces of England and Wales are obliged to refer certain cases there (recordable conduct matters). Such cases include allegations of corruption or other criminal offences by officers; involvement in death and serious injury (for example, a person in custody, or a person injured or killed in an incident involving a police car). Conduct aggravated by discrimination also falls into this category.

40. High-profile recent cases dealt with by the IOPC include racist, sexist and misogynistic text messages and bullying of fellow officers at Charing Cross police station in London, with the effective dismissal of two officers and several more internally sanctioned.<sup>42</sup> In the week from 26 January to 2 February 2022, by way of typical example, the IOPC issued rulings on complaints involving: inappropriate conduct with women met in the course of duty; use of CS spray during the arrest of a 13-year-old suspect; assault; and the death of two men following a police pursuit. Some of the officers concerned were dismissed from the police, others internally sanctioned or cleared of misconduct.

40 The complaints system and discipline systems are separate, however they do sometimes interact with each other. For example, a complaint may move from the complaints system to the discipline system if suspected misconduct is discovered. Some key actors have responsibilities in both systems.

41 [Q1](#).

42 [IOPC recommendations to tackle Met culture after investigation uncovers bullying and harassment in the ranks | Independent Office for Police Conduct, 1 February 2022.](#)

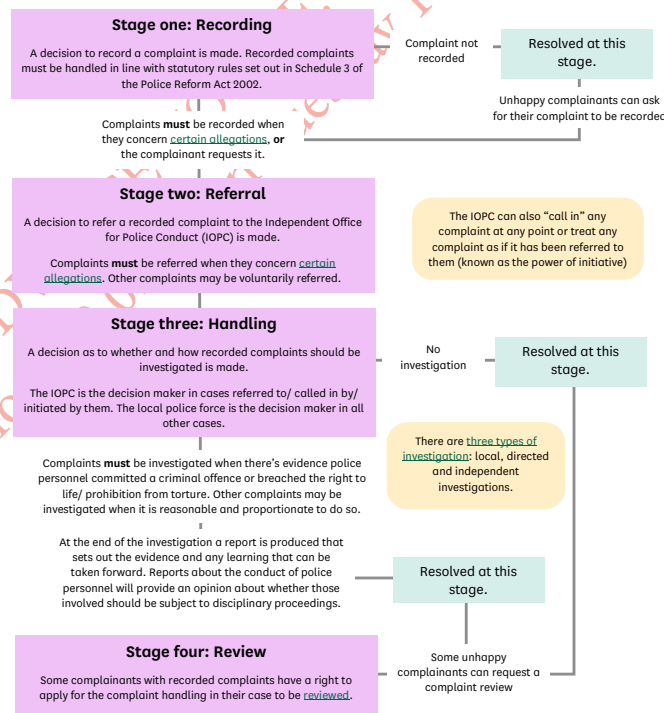
41. The majority of complaints are, however, dealt with at more local level, and each force has a professional standards department (PSD). Complaints may typically be about how the police have treated a person. Gloucestershire’s PSD, by way of typical example, lists perceptions of rudeness by officers, use of excessive force, abuse of rights, or wrongful arrest as some of the reasons why people might complain. All formal complaints are investigated, and this may take some time.<sup>43</sup> Individual forces also offer the choice of making an informal complaint without full investigation, and the feedback gained is intended to be used as a learning tool by forces to improve any substandard or suboptimal behaviour. Any serious complaint arising by either mechanism would, as mentioned above, have to be referred up to the IOPC.

42. For the individual member of the public making a complaint therefore, the usual starting point is the police force concerned. If a person goes direct to the IOPC, it will refer the complaint back to the force concerned for initial recording and consideration, even if it may return to the IOPC once its seriousness has been determined.

**The complaints process**

43. The complaints process has four stages and at each stage decisions must be ‘reasonable and proportionate’.<sup>44</sup> These stages are summarised in Figure 1.

Figure 1: The police complaints process in stages<sup>45</sup>



43 The complainant can always ask for a complaint to be recorded which then makes it formal but not all recorded complaints are investigated. If a vexatious complainant asked for their complaint to be recorded, the force may seek to resolve it without investigation and with no action.

44 IOPC, [Statutory guidance on the police complaints system](#), February 2020, para 3.2 & 3.3.

45 House of Commons library, [a short guide to police complaints](#), 21 June 2021, p7.



44. The complaints and discipline systems are separate but sometimes interact.<sup>46</sup> The complaints system deals with complaints, Death and Serious Injury (DSI) matters<sup>47</sup> and recordable conduct matters.<sup>48</sup>

### **The police disciplinary system**

45. The police disciplinary system deals with conduct matters and suspected misconduct, which may be raised internally by other officers or as a result of a court case, rather than coming from a member of the public. It consists of internal processes within police forces: no single independent body provides oversight of the discipline system. PCCs and their equivalents (local policing bodies) have a responsibility to hold chief constables accountable for the performance of the local complaints and disciplinary processes.<sup>49</sup>

46. In carrying out their duties, police officers and police staff are expected to maintain the highest standards of professional behaviour.<sup>50</sup> The police discipline system does not deal with all poor policing behaviour. When poor policing behaviour which does not warrant disciplinary action occurs, two other processes outside the formal disciplinary system can be used:

- A reflective practice review process is a formal police process (dealt with by line managers/supervisors). This is initiated when conduct has fallen short of what is expected of those working in policing, but is not serious enough to warrant disciplinary action.<sup>51</sup> Two officers in the recent London Charing Cross IOPC investigation were subject to reflective review.<sup>52</sup> In another example, the IOPC asked a force to consider reflective practice for a custody sergeant who had not used the force's vulnerability assessment framework to assess an autistic and non-verbal person who had been arrested and taken into custody.<sup>53</sup> The reflective practice took place "resulting in learning for the officer".<sup>54</sup>
- Unsatisfactory performance procedure is a police HR process. It is initiated when members of police personnel are unable to perform their duties to a satisfactory level, as is the case for most employers.<sup>55</sup> Again, some officers investigated

46 For example, a complaint may move from the complaints system to the discipline system if suspected misconduct is discovered. Some key actors have responsibilities in both systems.

47 House of Commons briefing, [police complaints and discipline](#), 4 September 2020, p7; any circumstances in which the police may have contributed to someone's death or serious injury, that is not the subject of complaint or a conduct matter, is known as a death or serious injury (DSI) matter.

48 IOPC, [Statutory guidance on the police complaints system](#), February 2020, pp 56 and 57.

49 "Local policing bodies" (sometimes known as just "policing bodies") is a legal term used to collectively describe PCCs and their equivalents for the four territorial police forces that do not have PCCs, s101, Police Act 1996; Schedule, paras 2 & 3, The Policing Protocol Order 2011; IOPC, [Statutory guidance on the police complaints system](#), February 2020, para 4.12; we discuss local policing bodies' role in the complaints process in chapter one.

50 Home Office, [Police Workforce England and Wales](#), 30 September 2019, p7; these standards are set out in the Police (Conduct) Regulations 2012 and apply to all police officers and special constables, with equivalents in local policy for police staff.

51 Home Office, [Conduct, Efficiency and Effectiveness: Statutory Guidance on Professional Standards, Performance and Integrity in Policing](#), February 2020, para 4.44 and 4.45.

52 [IOPC recommendations to tackle Met culture after investigation uncovers bullying and harassment in the ranks | Independent Office for Police Conduct](#), 1 February 2022.

53 [IOPC Impact Report 2020/2021, case study, Review into arrest and rights](#), p16: the custody sergeant "assessed the person as attempting to frustrate custody procedures because they didn't speak and were uncooperative but compliant with requests such as to "stand there"". The person was strip searched and placed in a cell.

54 [IOPC Impact Report 2020/2021, case study, Review into arrest and rights](#), p16.

55 Home Office, [Conduct, Efficiency and Effectiveness: Statutory Guidance on Professional Standards, Performance and Integrity in Policing](#), February 2020, para 4.59.

for misconduct at London's Charing Cross police station in the IOPC review published in February 2022 were required to make improvements to their performance under this procedure.<sup>56</sup>

47. Disciplinary proceedings are the most serious process in the police disciplinary system. They can be used only in cases involving police officers.<sup>57</sup> Disciplinary proceedings are initiated when force management or the IOPC consider that “on the balance of probabilities” a proceeding could find an officer’s behaviour amounted to misconduct or gross misconduct.<sup>58</sup> Such proceedings take place when there is a credible allegation of a breach of the policing standards of professional behaviour.<sup>59</sup> A finding of gross misconduct warrants dismissal from the force, as happened to two officers in the recent Charing Cross case.

### Recent reforms to the system (2014–2020)

48. Between 2014 and 2020 Government made substantial reforms to both the police complaints and discipline systems to address concerns about public confidence.<sup>60</sup> Significant changes include:<sup>61</sup>

- establishment of the Independent Office for Police Conduct (IOPC) to replace the Independent Police Complaints Commission (IPCC) in 2018;
- new responsibilities for Police and Crime Commissioners and their equivalents;
- an explicit focus on learning and continuous improvement; and
- a simplified complaints system.<sup>62</sup>

### The role of the IOPC

49. The IOPC is a non-departmental public body sponsored by the Home Office, which oversees the police complaints system in England and Wales. It investigates the most serious police complaint and conduct matters, including deaths following police contact, and sets the standards by which the police should handle complaints.<sup>63</sup> Like its predecessor (the IPCC) the IOPC’s “statutory duty is to secure and maintain public confidence in the police complaints system”.<sup>64</sup>

56 [IOPC recommendations to tackle Met culture after investigation uncovers bullying and harassment in the ranks | Independent Office for Police Conduct](#), 1 February 2022.

57 House of Commons Library Briefing Paper, [Police Complaints and Discipline](#) 4 September 2020, pp 33 and 34; a different internal disciplinary process is initiated when Police Community Support Officers and civilian staff members are accused of serious breaches of the Code of Ethics.

58 Home Office, [Conduct, Efficiency and Effectiveness: Statutory Guidance on Professional Standards, Performance and Integrity in Policing](#), February 2020, para 8.80.

59 [r2, The Police \(Conduct\) Regulations 2020](#); The standards of professional behaviour set out how police officers are expected to behave.

60 See chapter one.

61 [Police complaints and discipline \(parliament.uk\)](#), September 2020, pp 18–20.

62 [\(PCO0029\) IOPC: A complaint has been redefined as any expression of dissatisfaction with a police force, removing the direct link to individual officers/staff conduct.](#)

63 s10(2), Police Reform Act 2002.

64 [Statutory guidance on the police complaints system \(policeconduct.gov.uk\)](#), February 2020, p6.

## The IOPC's new powers and governance structure

50. The IOPC has a new corporate structure: the Home Office appoints its non-executive board, with a Director General (currently Michael Lockwood) responsible for most of the organisation's core functions.<sup>65</sup> Since February 2020 when the latest reforms came into force, the IOPC also has a number of new powers in the police complaints system. These include:

- power of initiative, which enables it to handle any complaint that comes to its attention;<sup>66</sup> for example, it had used this power to open an investigation into an incident reported on social media in response to public concern about police action against individuals of BME heritage;<sup>67</sup>
- power to re-open investigations, which permits the IOPC to reopen a complaint it previously investigated if there is compelling evidence for doing so;<sup>68</sup> for example, in August 2021, the IOPC re-opened its investigation into the circumstances surrounding the death of Kevin Clarke following issues raised during Mr Clarke's inquest in October 2020 which prompted the IOPC's review;<sup>69</sup>
- power to present a case at misconduct hearings in certain circumstances;<sup>70</sup> for example, if the Director General of the IOPC believes there is compelling public interest, or if the appropriate authority (force or local policing body) disagrees with the Director General about whether there is a case to answer when its views are sought;<sup>71</sup>
- power to make recommendations to remedy dissatisfaction expressed by a complainant at the conclusion of investigations and reviews.<sup>72</sup> For example, in October 2021, the IOPC advised the Metropolitan Police Service to apologise

65 House of Commons Library Briefing Paper, [Police Complaints and Discipline](#) 4 September 2020, pp 17 and 18; Sheila Drew Smith, [An independent review of the governance arrangements of the Independent Police Complaints Commission](#), November 2015, para 2.12 to 2.17; previously, the Home Office appointed IPCC 'Commissioners' who, as well as its Crown appointee Chief Executive, were collectively responsible for the work of the IPCC. Now the Crown appointee 'Director General' (currently Michael Lockwood) holds sole responsibility for most of the IOPC's core functions; s10, Police Reform Act 2002; like the previous IPCC Chief Executive and Commissioners, the IOPC Director General must be recruited from outside of policing.

66 Paragraph 4A, 13A, 14CA Schedule 3, Police Reform Act 2002; for example, the IOPC could use its power of initiative to open an investigation into an incident reported in the media; (PC00029) IOPC, Annex 1; the IOPC said it had used this power "sparingly" on three occasions.

67 (PC00029) IOPC: the power of initiative is "a mechanism that allows the IOPC to take immediate control of matters that are clearly sensitive and at face value serious where undue delay by a force or a decision not to refer could be injurious to the trust and confidence in policing at either a local or national level".

68 Paragraph 13B, Schedule 3, Police Reform Act 2002, Part 2; (PC00029) IOPC, Annex 1.

69 Mr Clarke died in March 2018 in London after he was restrained by up to nine Metropolitan Police Service officers. The IOPC provides further details on its [website](#) about this case and why it reopened its investigation.

70 Police (Conduct) Regulations 2020 (Regulation 24); (PC00029) IOPC, Annex 1.

71 Police (Conduct) Regulations 2020 (Regulation 24), (paragraph 23(5A)(a)(i) of Schedule 3, Police Reform Act 2002 (directed and independent investigations); (PC00029) IOPC, Annex 1; In its written submission, (PC00029) (September 2020), the IOPC stated it had not presented its first case because the power to present "only applies in matters that came to the attention of the appropriate authority on or after 1 February 2020".

72 (PC00029) IOPC, para 83 and Annex 1; paragraph 28A, schedule 3, Police Reform Act 2002.

to the family of Nicole Smallman and Bibaa Henry for failings identified in its independent investigation into how the force dealt with missing persons reports about the sisters who were later found murdered;<sup>73</sup> and

- stronger powers to direct some police complaint and conduct investigations which are being conducted by police forces.<sup>74</sup> Directed investigations provide the IOPC with greater control over police resources and are to be used in circumstances where the IOPC is unable to provide specialist resources,<sup>75</sup> such as covert investigations into serious corruption.<sup>76</sup>

## Governance structure of the IOPC

51. The IOPC has a new corporate structure: the Home Office now appoints its non-executive board.<sup>77</sup> The ‘Director General’ (currently Michael Lockwood) holds sole responsibility for most IOPC core functions,<sup>78</sup> he leads the executive team and chairs the board, which is made up of non-executive directors.<sup>79</sup> The IOPC website notes that the “Board provides advice and challenge to the Director General and, with him, sets the strategy” for the organisation.<sup>80</sup>

52. The Home Office told us the new structure was intended to “streamline decision-making and improve accountability”.<sup>81</sup> The Policing Minister, Kit Malthouse MP, acknowledged that it was rare for the director general of a Government arm’s length body also to chair its board but said this structure was recommended for the newly formed IOPC to avoid the previous “problems of the IPCC’s divided leadership”.<sup>82</sup>

53. He said it was important to understand that independent voices on the board (the non-executive directors) could “overrule the executive” if they wished.<sup>83</sup> In addition, the Cabinet Office periodically reviews the IOPC in line with other arm’s length bodies.<sup>84</sup>

73 The Guardian, [Metropolitan police failed family of murdered sisters, watchdog finds](#), 25 October 2021: sisters, Bibaa Henry and Nicole Smallman, were reported missing on Saturday 6 June 2020, the day after they were last seen at a birthday celebration for the older sister in a north London park; IOPC, [Failings identified in how the MPS handled missing persons reports for murdered sisters](#), 25 October 2021.

74 Paragraph 18, Schedule 3, Police Reform Act 2002; IOPC; Since February 2020, directed investigations have replaced managed and supervised investigations. The change reflects the greater extent to which the IOPC is involved in investigations. For example, under directed investigations, the IOPC oversees the entire investigation. Whereas with supervised investigations, the IOPC had a reduced oversight function (though a complainant had a right of appeal to the IOPC), and with managed investigations, the IOPC would only approve decisions of investigators (such as outcomes of severity assessments).

75 (PC00029) IOPC, Annex 1.

76 (PC00029) IOPC, Annex 1; IOPC statutory guidance on the police complaints system, February 2020, 9.22.

77 House of Commons Library Briefing Paper, [Police Complaints and Discipline](#) 4 September 2020, pp 17 and 18; Sheila Drew Smith, [An independent review of the governance arrangements of the Independent Police Complaints Commission](#), November 2015, para 2.12 to 2.17; previously, the Home Office appointed IPCC ‘Commissioners’ who, as well as its Crown appointee Chief Executive, were collectively responsible for the work of the IPCC. Now the Crown appointee ‘Director General’ (currently Michael Lockwood) holds sole responsibility for most of the IOPC’s core functions; s10, Police Reform Act 2002; like the previous IPCC Chief Executive and Commissioners, the IOPC Director General must be recruited from outside of policing.

78 House of Commons Library Briefing Paper, [Police Complaints and Discipline](#) 4 September 2020, pp 17 and 18; Sheila Drew Smith, [An independent review of the governance arrangements of the Independent Police Complaints Commission](#), November 2015, para 2.12 to 2.17.

79 [Our people | Independent Office for Police Conduct](#) [accessed 27 January 2022].

80 [Becoming the IOPC | Independent Office for Police Conduct](#).

81 (PC00036) Home Office.

82 [Q198](#).

83 [Q198](#).

84 [Q199](#).

54. In its short existence, the IOPC has made significant strides in reducing the backlog of complaints it deals with and in cutting the time it takes to do so. This owes something to the clarity of decision-making driven by the choice made to unify the roles of chair of the board and Director General occupied by Michael Lockwood, and in that sense, the changes may be judged a practical success. However, the IOPC has performed less strongly in other areas, as exemplified by some of the concerns raised by Lady Brittan. **It has been argued that uniting the roles of chair and chief executive of the IOPC aids clearer decision-making and action. We disagree. This is not normal practice and it detracts from the ability properly to scrutinise the executive action of the IOPC and to hold it to proper account. We recommend that the Government appoint an independent chair alongside the chief executive of the IOPC as a matter of urgency to restore the usual checks and balances.**

55. Michael Lockwood himself told us his role was to make the governance structure to which he was appointed function properly.<sup>85</sup> In the absence of a separate chair, he told us that he, as Director General, was accountable to Parliament, and that, although he both chaired the board and was the organisation's chief executive, he was also accountable to that board, whose non-executive directors could, if they wished, overrule his views or decisions.<sup>86</sup> Should Parliament seek to change the structure by, for example, adding a separate independent chair to the board, he "would not have a strong view against that".<sup>87</sup>

## Other key actors

### *Professional standards departments*

56. The IOPC deals with comparatively few complaints. The majority are handled locally within police forces. Any police personnel can handle a complaint informally; those complaints that require formal handling, though, are typically dealt with by specialist personnel working in Professional Standards Departments (PSDs). Such departments include teams that: investigate police corruption; vet prospective police personnel; and deal with most complaints and conduct matters.<sup>88</sup>

### *Local policing bodies*

57. Police and Crime Commissioners (PCCs) are directly elected politicians responsible for securing "effective and efficient" police services for police force areas outside London. The role and responsibilities of the PCC are carried out by the Combined Authority Mayor in Greater Manchester and West Yorkshire. Both Mayors delegate their PCC functions to their Deputy Mayor for Policing and Crime. In London the Mayor's Office for Policing and Crime (MOPAC) and the City of London Police Authority perform PCC-like functions for the Metropolitan Police Service and the City of London Police respectively. PCCs and their equivalents are known collectively as "local policing bodies".<sup>89</sup>

85 [Q325](#).

86 [Q323](#).

87 [Q328](#).

88 House of Commons briefing, [police complaints and discipline](#), 4 September 2020.

89 "Local policing bodies" (sometimes known as just "policing bodies") is a legal term used to collectively describe PCCs and their equivalents for the four territorial police forces that do not have PCCs, s101, Police Act 1996; Schedule, paras 2 & 3, The Policing Protocol Order 2011 ; IOPC, [Statutory guidance on the police complaints system](#), February 2020, para 4.12.

58. These bodies hold their chief constable accountable for performance of local complaints and disciplinary processes, and are responsible for complaints about the conduct of the chief constable.<sup>90</sup> They may also handle some complaint reviews.<sup>91</sup>

59. Since 2020, they have been required to adopt one of three models for their complaint-handling responsibilities.<sup>92</sup> Model 1, the statutory minimum required, is as set out above. Models two and three allow the bodies to carry out some complaint-handling functions that would otherwise be performed by police force professional standards departments.<sup>93</sup> Model 2 allows the PCC (or other body) additionally to handle some complaints informally by letting it decide which are ‘recordable’ incidents. Model 3 makes PCCs (or other bodies) further additionally responsible for informing complainants of progress on complaints.

Figure 2: Extending responsibilities for local policing bodies

Model 1	Model 2	Model 3
Responsibility for scrutinising all aspects of force complaint handling.	Same as model one plus responsibility for handling the recording stage of the complaint process. This gives the PCC responsibility for determining whether a complaint should be recorded or not. Allowing them to resolve some complaints without recording and therefore outside the formal system.	Same as model two plus responsibility for keeping complainants informed as their complaint progresses through the system.
Responsibility for handling complaints which concern the conduct of chief officer.		
Responsibility for conducting reviews of complaint handling in cases resolved by their force where the complainant remains unhappy.		

60. To date, North Yorkshire and Humberside are the only PCCs which have adopted Model 3, with most remaining on the Model 1 minimum requirement. PCCs who gave evidence to us recognised the greater role the additional responsibilities might provide them, but also raised the question of whether additional resources might be required if they were to adopt those extra tasks.<sup>94</sup>

61. The Government intended provision of the new models to increase democratic accountability by increasing the involvement of elected PCCs and other local bodies in the complaints process. The limited uptake of the new responsibilities on offer does not suggest that the hoped-for benefits are arising. The Government is considering the scrutiny of PCCs as part of its two-part review into the PCC model (a review that seeks to strengthen the accountability of PCCs and expand their role).<sup>95</sup>

90 [Police complaints and discipline \(parliament.uk\)](https://www.parliament.uk), pp 9, 21.  
 91 House of Commons briefing, [police and crime commissioners](#), 1 October 2021, p25: Some police complainants have a right to have the way their complaint was dealt with ‘reviewed’ when they were unhappy with how it was dealt with; This responsibility was given to local policing bodies following the introduction of the reforms in February 2020.  
 92 IOPC, [Statutory guidance on the police complaints system](#), February 2020, para 1.27.  
 93 IOPC, [Statutory guidance on the police complaints system](#), February 2020, para 1.27  
 94 Home Affairs Committee, [oral evidence: police conduct and complaints, HC 706](#), Wednesday 3 March 2021.  
 95 Home Office, [Part 2 of the Police and Crime Commissioner Review](#), 27 July 2021.

62. *We urge the Government to consider police complaints as part of the review of the PCC model currently under way and to make an early assessment of PCC involvement in the police complaints system.*

63. It may be too soon to understand whether PCC involvement in the police complaints system is realising the benefits the Government hoped for, but we are concerned that the Government is not doing enough to monitor implementation of the new PCC complaint models or to encourage their uptake.

64. We note enhanced opportunities for PCCs to play a greater role in the local complaints process following reforms introduced in 2020. The three models present a unique opportunity for PCCs, as part of their complaint-handling responsibilities, to support proactively and systemically more effective complaints systems within their forces, although nothing in what they do should delay complaint-handling processes any further. Statutory guidance sets out that PCCs and their equivalents hold their chief constable accountable for the performance of the local complaints and disciplinary processes by scrutinising local complaints data for example to identify themes and recurring issues—and how quickly forces resolve those issues—in complaints. *We urge the Government to fund PCCs adequately to take on Models 2 or 3 as a minimum requirement in their complaint-handling roles. This will provide PCCs the opportunity to work more closely with their forces, for example, to record and systematically monitor the root causes of complaints and recurrent issues that affect their communities disproportionately and how their forces resolve those issues. This depth and consistency of monitoring is required to achieve a national understanding of where fault lines exist in the complaints systems of the 43 police forces of England and Wales so that long-standing issues may be tackled.*

EMBARGOED ADVANCE NO PCCs  
in any form before 00.01am on Tuesday 1 March 2023

## 2 Police forces and the discipline system

### Introduction

65. A lack of public confidence in the police complaints and discipline systems and negative perceptions of police accountability are evident from the IOPC's 2020/21 confidence survey; comparatively few people proceed to a complaint.<sup>96</sup> Factors in this lack of confidence are continued delays to resolving complaints and investigations, a lack of transparency and the use of complex language to explain the systems.

### Public confidence in police complaints and discipline systems

66. The Police Federation of England and Wales (PFEW), the Police Superintendents' Association (PSA) and the National Police Chiefs' Council (NPCC) acknowledge that policing depends on public trust. It is important to that trust that individuals are able to raise concerns appropriately and receive timely responses.<sup>97</sup>

67. A number of witnesses expressed concern about public trust and accountability in the complaints system.<sup>98</sup> Some see an absence of accountability in the way that outcomes of a complaint reflect its severity.<sup>99</sup> Possible outcomes of complaints should include: opportunities for learning and development at the individual officer level and force-wide;<sup>100</sup> an apology or offer of mediation from the police when it is obvious a mistake was made;<sup>101</sup> and remedies that are "reasonable and proportionate", such as a formal review of a policy or procedure.<sup>102</sup>

68. Complaint, conduct and death and serious injury (DSI) matters can lead to human resources, formal conduct or disciplinary proceedings against police personnel, or<sup>103</sup> unsatisfactory performance procedure,<sup>104</sup> a reflective practice review process,<sup>105</sup> and

96 The [IOPC impact report 2020/21](#) stated that 43% of people it surveyed were confident the IOPC did "a good job" compared to "44%" in 2019/20. Public awareness of the IOPC fell from 52% in 2019/20 to 49% in 202/21; 60% of respondents to the 2019/20 [Crime Survey of England and Wales](#) (March 2020) said they had been dissatisfied with the police in the last five years, but only 10% of respondents said they had complained in that time period. These figures have hardly changed in nine years, HC Library Briefing [Police Complaints and Discipline](#), p15.

97 [\(PCO0023\)](#) PFEW, [\(PCO0032\)](#) NPCC, [Q35](#).

98 [Q2](#), INQUEST, Police Action Lawyers Group and INQUEST Lawyers Group; [Q179](#), [Q187](#) Kardaya Rooprai, Chair, West Midlands Neighbourhood Watch Force Area Association.

99 [Q181](#).

100 [Statutory guidance on the police complaints system \(policeconduct.gov.uk\)](#) February 2020, para 4.6; Complaint, conduct, Death and Serious Injury (DSI) matters investigation reports must include recommendations for learning – police forces should have processes in place to ensure learning from complaints, conduct and DSI matters is shared with all staff.

101 [Statutory guidance on the police complaints system \(policeconduct.gov.uk\)](#) February 2020, para 11.24.

102 [Statutory guidance on the police complaints system \(policeconduct.gov.uk\)](#) February 2020, para 17.14.

103 [Police complaints and discipline \(parliament.uk\)](#), p10.

104 [Home\\_Office\\_Statutory\\_Guidance\\_0502.pdf \(publishing.service.gov.uk\)](#) February 2020, para 4.5.9; Unsatisfactory performance procedure is a police HR process which is initiated when members of police personnel are unable to perform their duties to a satisfactory level.

105 [Home\\_Office\\_Statutory\\_Guidance\\_0502.pdf \(publishing.service.gov.uk\)](#) February 2020, para 4.44 and 4.45; a reflective practice review process is a formal police process which is initiated when conduct has fallen short of what is expected of those who work in policing but is not serious enough to warrant disciplinary proceedings.



disciplinary proceedings.<sup>106</sup> Criminal proceedings are initiated when there is sufficient evidence that a criminal offence may have been committed.<sup>107</sup> In some circumstances, the complaint handlers may decide it is not “reasonable and proportionate” to take further action; for example, complaints concerning the conduct of off-duty officers that have no relevance to their role as serving police officers and clearly did not bring the service into disrepute, may warrant no action.<sup>108</sup>

69. Deborah Coles, Executive Director of INQUEST, suggested to us that trust in the complaints and discipline systems was affected by a lack of police accountability. She argued that disciplinary or criminal charges and sanctions against police officers were “extremely rare” and that sanctions “should play a key role in upholding professional standards and confidence in policing”.<sup>109</sup> Deborah Coles said failure to hold police officers responsible for their actions “sends out a message” to the public that deaths in custody do not matter and “points to a police complaints system that is not capable of doing its job”.<sup>110</sup> In June 2021, former PC Benjamin Monk was sentenced to eight years in prison for the manslaughter of former footballer Dalian Atkinson.<sup>111</sup> INQUEST said this was the first time in 35 years that a police officer in England and Wales had been found guilty of murder or manslaughter following a death in police contact or custody.<sup>112</sup>

70. Nick Glynn, who served as a police officer for 30 years, told us that accountability following a police complaint was key to public “trust and confidence in policing and in the complaints system”. He said: “the overriding important factor is justice, justice being done and being seen to be done [ ... ] it is in the interests of the public that sanctions are possible and there should not be a way for police officers, or anybody else, to circumvent that”.<sup>113</sup>

71. On the other side of the argument, Phill Matthews Chair, Conduct and Performance Sub-committee, Police Federation of England and Wales, told us officers had to deal with “some of the most chaotic and dangerous individuals in society”, that officers had a difficult job to do where they were often forced into confrontation with people, and in that context it was “no wonder that people want to complain about our members”.<sup>114</sup> He believed the police service “one of the most accountable [..] in the world”, and that the rarity of successful prosecutions was a “massive positive” because it demonstrated that

106 [Home\\_Office\\_Statutory\\_Guidance\\_0502.pdf \(publishing.service.gov.uk\)](#) February 2020, para 29; Schedule 3, Police Reform Act 2002; disciplinary proceedings are formal proceedings that are initiated when there is evidence a police officer may have committed misconduct. Officers are formally sanctioned when these proceedings find their behaviour amounted to misconduct.

107 For information on when charges can be issued see: [Police powers: an introduction - House of Commons Library \(parliament.uk\)](#), July 2020, section 4; [Police complaints and discipline \(parliament.uk\)](#) September 2020, p11, when there is evidence of a criminal offence being committed, complaint/conduct investigations are normally concluded before criminal proceedings are initiated. However, in exceptional circumstances, police personnel can be charged with a crime before a complaint/conduct investigation is completed.

108 [Statutory guidance on the police complaints system \(policeconduct.gov.uk\)](#), February 2020, para 12.10.

109 Police Conduct and Complaints Inquiry, [Oral Evidence Session 1](#), 27 January 2021, Q1, page 3

110 Police Conduct and Complaints Inquiry, [Oral Evidence Session 1](#), 27 January 2021, Q1, page 3.

111 [Dalian Atkinson's family call for justice for others bereaved 'at hands of police' | UK news | The Guardian](#)

112 [Dalian Atkinson: Police officer found guilty of manslaughter | Inquest](#)

113 Police Conduct and Complaints Inquiry, [Oral Evidence Session 4](#), 17 March 2021, Q149, page 16.

114 [Q22](#).

police officers did not often commit those offences.<sup>115</sup> The Federation, he said, was likely to be the first to accept when its members had “done wrong”, and that it would “assist in exiting them from the force” when justified.<sup>116</sup>

72. The Police Superintendents’ Association said police complaints and conduct systems had traditionally focused on blame and punishment at the expense of learning and improvement.<sup>117</sup> It thought the assessment of misconduct for officers under investigation was “often disproportionate”, and some officers perceived that an assessment of criminality to ensure they engaged with the process: investigators have greater powers to gather evidence if cases are criminal cases.<sup>118</sup> The PSA also felt some officers perceived investigation a pointless information-gathering exercise (“fishing expedition”) rather than an accountability mechanism for any potential wrongdoing.<sup>119</sup>

73. Dr Clare Torrible, lecturer in law, University of Bristol, argued that some police associations appeared to equate measures of accountability with blame. She argued that a police association may perceive an officer’s being cleared at a disciplinary hearing as “evidence of system failure when instead it should be viewed as a vital element of an accountability system that is potentially working well”.<sup>120</sup> This perception led to interpretation of misconduct proceedings as “slights on moral character” with ensuing indignant and defensive responses, an attitude that she argued was exemplified in the PSA’s reference to “fishing expeditions”.<sup>121</sup>

### Young people

74. Young people and people from Black and minority ethnic backgrounds are among the groups least confident in the complaints system.<sup>122</sup> The IOPC has a key priority of improving that confidence, and established a Youth Panel in 2018.<sup>123</sup> The IOPC Impact Report 2020/21 recorded that 37% of young people were confident the police dealt with complaints fairly, compared with 52% in 2019/20 (a 15 percentage point drop) and 41% in 2018/19.<sup>124</sup> However, young people’s awareness of the IOPC increased from 22% in 2018/19 to 38% in 2020/21.<sup>125</sup> Michael Lockwood, IOPC Director General, acknowledged that the IOPC should do more to increase young people’s confidence in the system.<sup>126</sup>

75. Amania Scott-Samuels, a Youth Panel member, told us the IOPC had been “very welcoming” and responsive to the Panel’s scrutiny and challenges. She said there was “obviously work to be done” but that the IOPC was listening.<sup>127</sup> She had intergenerational experience of police misconduct, witnessing “many family members being privy to police misconduct or brutality”.<sup>128</sup> She reported serious concern among many communities

115 [Q22](#).

116 [Q22](#).

117 [\(PCO0046\)](#) Police Superintendents’ Association supplementary evidence, para 1.1.

118 [\(PCO0030\)](#) Police Superintendents’ Association.

119 [\(PCO0030\)](#) Police Superintendents’ Association, para 9.

120 [\(PCO0079\)](#) Dr Clare Torrible; see also [\(PCO0030\)](#) Police Superintendents’ Association.

121 [\(PCO0079\)](#) Dr Clare Torrible; see also [\(PCO0030\)](#) Police Superintendents’ Association.

122 [IOPC Impact Report 2021 \(policeconduct.gov.uk\)](#), p29.

123 IOPC Youth Panel, [Key Findings and Recommendations 2019](#), March 2019, page 2

124 [IOPC Impact Report 2021 \(policeconduct.gov.uk\)](#), p30.

125 [IOPC Impact Report 2021 \(policeconduct.gov.uk\)](#) p31.

126 [PCO0029](#), IOPC. Para. 58.

127 [Q162](#).

128 [Q164](#).

represented by the Youth Panel about the “discretion” forces had to make decisions on police complaints which were perceived by some young people to be wrong. She said young people the Panel worked with experienced “at the ground level, but also as far up as the most senior people, police refusing to admit when they have a problem, refusing to apologise if they are at fault, experiencing no repercussions”. She saw “a mismatch” between how long it took to resolve cases of police misconduct and the outcome, relative to the negative impact cases had on individuals or a community.<sup>129</sup>

76. Similarly, Rose Dowling, Chief Executive of Leaders Unlocked Ltd, whose organisation co-ordinates the IOPC Youth Panel, reported that young people the Panel works with “perceive the police as being somewhat of an absolute power that is an unchecked power” and therefore unaccountable.<sup>130</sup> She added that “most young people” had never heard of the IOPC, were not aware of the police complaints process or their rights, and suggested that even if they were informed, would still “feel very hesitant to complain”.<sup>131</sup>

### Complexity of language

77. Recent Government policing reforms set out to simplify the language used to explain the police complaints process. IOPC statutory guidance 2020 sets out, for all organisations with responsibility for handling police complaints, the importance of using accessible language to explain the system to complainants.<sup>132</sup> The guidance states that information should be “clear, accurate and easy to understand” and in a range of formats.<sup>133</sup> For complaints made by people under 18, the guidance specifies that the force or local policing body should provide support to young people, “not only when they first access the police complaints system, but throughout the handling of their complaint, including ensuring that they understand the process and providing them with appropriate support”.<sup>134</sup>

78. Despite the guidance and the Government’s intention to make the language used more accessible, witnesses expressed concern that the system was not easy to understand and the language used technical. Nick Glynn described making complaints against the police as a “tortuous process”.<sup>135</sup> He said police forces and the IOPC would “get no awards from the Plain English society” and that there was “a real need to look at that” to ensure processes were accessible to everyone so they could understand and follow.<sup>136</sup> He said the format of communications was “in police code with abbreviations and with things that the public simply do not understand”.<sup>137</sup>

79. In response to similar concerns raised by Lady Brittan (see Chapter 2), the IOPC acknowledged that “Lady Brittan rightly identifies that the police complaints system is complex and can be difficult for complainants to navigate and understand”. The IOPC believed its recent reforms would “go some way towards addressing this issue and make

129 [Q181](#).

130 [Q176](#); Leaders Unlocked is a not-for-profit social enterprise which works to enable young people and underrepresented groups to have a stronger voice on the issues that affect their lives – in education, policing, criminal justice, health and elsewhere.

131 [Q176](#).

132 [Statutory guidance on the police complaints system \(policeconduct.gov.uk\)](#), p16.

133 [Statutory guidance on the police complaints system \(policeconduct.gov.uk\)](#), p16.

134 [Statutory guidance on the police complaints system \(policeconduct.gov.uk\)](#), p19.

135 [Q124](#); [Q136](#).

136 [Q136](#).

137 [Q136](#).

the system more “user-focused”.<sup>138</sup> Kit Malthouse MP, Minister for Crime and Policing, agreed more could “possibly” be done to enable people to understand the complaints process.<sup>139</sup>

**80. The Government’s recent changes to the police complaints and discipline systems were intended to simplify and speed up the process. Nonetheless, the language used to explain systems to members of the public who wish to make complaints remains too complex and too technical: this contributes to public disengagement and lack of confidence in the system.**

**81. *The police discipline system needs to be simpler and more transparent. We welcome IOPC statutory guidance which encourages forces to use accessible language and formats to explain the system, but it is not evident that all forces are yet doing this. All key stakeholders in the policing sphere (IOPC, NPCC, forces, CoP and the CPS) should be required to publish plain language versions of the systems, available in different languages and accessible formats. These should be made available online and in print.***

### *Professional standards departments*

82. Police forces largely self-govern the police discipline system.<sup>140</sup> This contrasts with the complaints system, which is overseen by the IOPC. Professional standards departments (PSDs) handle the majority of complaint and conduct matters for their force.<sup>141</sup>

83. A number of witnesses raised concerns about the transparency and culture of PSDs. Dr Graham Smith of the University of Manchester told us there was a broad lack of knowledge and understanding about the “full extent of the problem in regard to police complaints”. He said “all the information that has accumulated in the professional standards departments” was not publicly available.<sup>142</sup> Dr Torrible noted a “tendency within professional standards departments to gather an appropriate amount of evidence, look at it and say, ‘We have gone through the process carefully. Look, we have gone through the process’, without that necessarily resulting in a change in appreciating exactly what it is that is happening”. She said forces needed to address this issue by handling complaints “transparently”.<sup>143</sup> In the same vein, former PCC for North Yorkshire, Julia Mulligan, expressed concern about a culture of “defensiveness” in some PSDs which meant “progress to becoming a learning culture” was slow.<sup>144</sup> She argued it was important that forces focused more on providing a service-orientated, rather than process-orientated, response to a complaint. She added that an outward looking customer-focused culture was “largely missing” from PSDs.<sup>145</sup>

84. Sir Tom Winsor, HM Chief Inspector HMICFRS, told us not all PSDs were well resourced and that more attention had to be given to the “competence, diligence and

138 [\(PCO0061\)](#) IOPC.

139 [Q208](#).

140 See chapter one; there is currently no oversight of the discipline system beyond local policing bodies (PCCs’) involvement in the system: key responsibilities of local policing bodies are to hold their chief constable accountable for the performance of the local complaints and disciplinary processes. Local policing bodies are also responsible for handling complaints concerning the conduct of their chief constable.

141 See chapter one.

142 [Q81](#).

143 [Q85](#).

144 [Q54](#).

145 [Q54](#).

industry” of some PSDs, particularly in regard to vetting.<sup>146</sup> He said that the Government’s programme to recruit 20,000 additional officers by 31 March 2023 was a positive step, but placed significant pressure on forces to recruit, and risked the danger that people unsuited to policing could be recruited.<sup>147</sup> Recent newspaper reports about online, rather than face-to-face, interviews of candidates have also raised concern about the calibre of some candidates for recruitment. Sir Tom said the police needed to be “much more assiduous in recognising” and “getting rid of” unsuitable individuals, during probationary periods.<sup>148</sup>

85. Police officers themselves are, perhaps unsurprisingly, more confident that bad apples are identified and rooted out. Phill Matthews said that PSDs did a “very good job at rooting out those who do not deserve to be in the police”. He argued that the “vast majority of dismissals” resulted from conduct investigations instigated by and investigated by the Federation’s members and that a “tiny percentage—less than 0.1%” of public complaints made against its members resulted in a dismissal.<sup>149</sup> Similarly, Victor Marshall argued that PSDs handled complaints well. He said professional standards departments were “very robust in investigating their own officers” and had “a good structure, both in complaint handling and in their anti-corruption commands”.<sup>150</sup>

86. Both Victor Marshall and Phill Matthews supported the potential enhanced involvement of PCCs in the local complaints process afforded by recent reforms; they suggested there could be scope for greater PCC involvement, as elected office holders, in holding forces to account for their handling of complaints. The PCC for South Wales, Alun Michael, also welcomed the enhanced involvement of PCCs in the scrutiny of local complaints but asserted “the ownership of standards and complaints” should remain with the chief constable to ensure force leadership and consistency in investigations.<sup>151</sup>

### *Ethnic diversity in Professional standards departments*

87. The National Black Police Association told us a lack of ethnic diversity in PSDs had to be addressed to secure public confidence in the police conduct and discipline system.<sup>152</sup> It argued that the “paucity” of Black and minority ethnic police officers in England and Wales (7.3%) and the nature of high-profile cases which “reveal experiences of unfair and discriminatory practices around police conduct” should “force” PSDs to raise levels of cultural competence and understanding among their officers and staff.<sup>153</sup>

88. The NPCC’s 2019 report into disproportionality in police complaint and misconduct cases for BME officers and staff identified that 63% of Home Office police forces (25 PSDs) had no BME police officers or staff.<sup>154</sup> The NPBA said the NPCC’s “stark data” and findings were accurately reflected in the experiences of its members: that complaint and conduct issues involving its members were “more likely to be considered serious by those who

146 [Q31](#).

147 [Q31](#); [State of Policing 2020 \(justiceinspectrates.gov.uk\)](#) pp 36–37; For example, individuals displaying attitudes or preferences that are incompatible with the office of constable including misogyny, racism, and homophobia.

148 [Q31](#).

149 [Q28](#).

150 [Q43](#).

151 [Q56](#).

152 [\(PCO0049\)](#) National Black Police Association.

153 [\(PCO0049\)](#) National Black Police Association.

154 [\(PCO0049\)](#) National Black Police Association.

handle them”.<sup>155</sup> It said that 33.1% of complaint matters and 92.6% of conduct matters involving BME officers were initially assessed as gross misconduct by those handling them; the figures for white officers were 12.4% and 84.6%. The NBPA expressed concern that there would not be progress unless the Government actively encouraged structural reform.<sup>156</sup>

89. Three PCCs acknowledged that BME representation in PSDs needed to be addressed.<sup>157</sup> The PCC for South Wales, Alun Michael, attributed this to ongoing challenges with recruitment and retention.<sup>158</sup> Former PCC for Avon and Somerset Sue Mountstevens told us her force had recruited “eight outreach workers” to actively encourage minority communities to apply for roles in the force, with some success.<sup>159</sup> At February 2021, 3.43% of her former police workforce were BME, although the PSD proportion of recorded BME staff was “below this figure”.<sup>160</sup>

90. Chief Constable Craig Guildford, NPCC Complaints and Misconduct Lead, argued that the proportionality of officers in PSDs was not necessarily the cause of disproportion in the number of lower-level internal conduct allegations against BME officers that were referred to PSDs.<sup>161</sup> He said that the new reforms had addressed this problem by placing “a positive obligation on a supervisor to deal with issues in front of them” allowing the PSD to reject cases where appropriate, and to focus on any issues of ethnic disproportionality.<sup>162</sup>

91. Kit Malthouse MP, the policing Minister, told us the lack of BME representation in 63% of police forces PSDs (25 PSDs),<sup>163</sup> was a “statistic of concern” but argued that low ethnic diversity representation was not unique to professional standards departments as not enough BME officers were entering the whole of the police service.<sup>164</sup> The Home Office was doing a “significant amount of work” as part of its officer uplift programme to increase the number of officers from a BME background.<sup>165</sup> Data to the end of December 2021 showed that 11.8% (who stated their ethnicity) of new recruits in England and Wales were from a BME group<sup>166</sup> and that BME officers represented 8% of the police service across England and Wales, far below the estimated 14% of the population who identify as belonging to those groups.<sup>167</sup>

155 [PCO0049](#) National Black Police Association; National Police Chiefs Council (2019) Understanding disproportionality in police complaints and misconduct cases for BAME police officers and staff 2019 pp 5–6; “33.1% of complaint matters and 92.6% of conduct matters involving BAME officers were initially assessed as misconduct gross misconduct by those handling them (compared with 12.4% and 84.6% for white officers respectively)”.

156 [\(PCO0049\)](#), National Black Police Association.

157 Home Affairs Committee, [Oral evidence: Police conduct and complaints, HC 706](#), Wednesday 3 March 2021.

158 [Q74](#).

159 Home Affairs Committee, [Oral evidence: Police conduct and complaints, HC 706](#), Wednesday 3 March 2021.

160 [\(PCO0067\)](#) supplementary evidence, Sue Mountstevens.

161 [Q280](#).

162 [Q280](#).

163 [NPCC: understanding disproportionality in police complaint and misconduct cases for BAME police officers and staff, 2019](#).

164 [Q210](#).

165 [Q210](#).

166 Home Office, [Police officer uplift, England and Wales, quarterly update to 31 December 2021: data tables](#), Table U8, 26 January 2022; 11.8% of officers who stated their ethnicity identified as belonging to a Black, Asian, Mixed or Other minority ethnic group.

167 Home Office, [Police officer uplift, England and Wales, quarterly update to 31 December 2021: data tables](#), Table U6a, 26 January 2022.

92. In our 2021 report, *the Macpherson Report: twenty-two years on*, we expressed concern about the disparity in the number of internal conduct allegations against BME officers which are referred to PSDs.<sup>168</sup> We also welcomed NPCC work to address the shortage but raised concern that racial disparity in police misconduct had been allowed to continue for so long.<sup>169</sup> We acknowledged the positive work done by some forces, reported in the NPCC's most recent review, to draw on BME advisors to address representation in PSDs, but recommended all forces turn their attention to this problem and demonstrate progress by the end of 2021. We urged the NPCC to conduct a specific review into this issue and report within a year.<sup>170</sup> ***More than six months on from its publication, the Home Office has not yet responded to our report on Macpherson and has given no indication of when it will respond. We urge the Home Secretary to respond to that Report.***

93. A number of witnesses expressed concern about excessive length of investigations, which some claimed were due to a lack of cooperation from forces. Long drawn-out inquiries or public perception of delay in investigations undermine the willingness of members of the public to bring a complaint in the first place. In certain cases, production of evidence has obfuscated investigation, with an effect on timeliness, which undermines inquiry.

94. Michael Oswald told us whether it is the police or the IOPC that are at fault for delays to investigations, the primary concern is there should not be a situation where the IOPC “have to act to compel police forces and officers to co-operate”, that they should “recognise the importance of accountability and co-operate accordingly”.<sup>171</sup>

95. Disciplinary proceedings can be brought against some former officers. When investigations are delayed by a lack of police cooperation an officer under investigation for misconduct may have retired by the time the allegations become apparent. This was the case with Operation Kentia, where two senior officers were no longer serving officers at the point of notices being served. They declined to be interviewed and instead submitted written statements.<sup>172</sup> This mitigates any repercussions or sanctions that should follow for officers served with disciplinary proceedings. Following reforms implemented in February 2020, former officers can now face disciplinary proceedings if allegations come to light within 12 months of their leaving the police. In addition, the IOPC has new powers to determine that disciplinary processes may be initiated against officers who have been out of service for longer than twelve months

## How to make a complaint

96. Evidence to our inquiry indicates an absence of public knowledge and understanding about how and where to lodge a police complaint, and how it will be handled.<sup>173</sup> The new focus on learning and improvement, although it enables forces to deal more quickly with low-level conduct matters, may leave some who complain feeling their case has not

168 [The Macpherson Report: twenty-two years on \(parliament.uk\)](#), p82; NPCC, [Understanding disproportionality in police complaint misconduct cases for BAME Police Officers and staff 2019](#), March 2020, p4.

169 [The Macpherson Report: twenty-two years on \(parliament.uk\)](#), p7.

170 [The Macpherson Report: twenty-two years on \(parliament.uk\)](#), p85, para 270.

171 [Q14](#).

172 [Operation\\_Kentia\\_Report.pdf \(policeconduct.gov.uk\)](#), October 2019.

173 [\(PCO0029\)](#), IOPC (para 59); [\(PCO0027\)](#), Greater Manchester Combined Authority (para.17); [\(PCO0044\)](#), Lady Brittan of Spennithorne (para. 2.1).

been adequately addressed.<sup>174</sup> The assessment of lower-level conduct matters relies heavily on a transparent decision-making process that is fair and consistent across forces. We are concerned about the insufficient transparency of PSDs' handling of complaints and oversight of these departments.<sup>175</sup>

**97. Evidence to our inquiry suggests that insufficient focus is given to the staffing and operation of some professional standards departments including their culture, transparency and ethnic diversity representation. PSDs should be properly resourced to ensure complaint and conduct matters are handled to a high standard and in a timely manner. We repeat the recommendations made in our Macpherson report to address urgently the disparity in BME staffing in PSDs.**

**98. There is a clear absence of urgency and a culture of non-co-operation from some police forces involved in investigations. Appropriate sanctions must follow for any officer served with disciplinary proceedings, whether serving or retired. We welcome the legislation that exists to ensure delays to investigations are minimised. Specific reforms were made to the discipline system under the implementation of the 2020 reforms including the possibility for former officers to face disciplinary proceedings if allegations come to light within 12 months of their leaving the force. In addition, the IOPC has new powers to determine that disciplinary processes may be initiated against officers who have been out of service for longer than 12 months. The available statutory and regulatory frameworks must be used by forces and the IOPC to obtain fair, transparent and appropriate sanctions against officers.**

<sup>174</sup> [Police complaints and discipline \(parliament.uk\)](https://www.parliament.uk), September 2020, pp 18–20: misconduct has been redefined to mean a breach of the policing standards that is so serious it warrants disciplinary action (previously misconduct was any breach of the standards). This change is to encourage officers to own and learn from their mistakes by reducing the seriousness of the potential outcome in some cases; recorded complaints must be handled in line with statutory rules set out in Schedule 3 of the Police Reform Act 2002 (as amended). In most police force areas, the local police force is responsible for deciding whether a complaint should be recorded. Complaints must be recorded when they concern certain allegations and when the complainant requests it. Complaints that are not recorded are resolved at this stage; normally by a conversation which satisfies the complainant's concerns. Those unhappy with this outcome can ask for the complaint to be recorded.

<sup>175</sup> Most conduct matters are still dealt with entirely by police forces. Professional standards departments (PSDs) investigate most conduct matters without IOPC involvement and all disciplinary proceedings are run and overseen by police forces (including cases investigated/directed by the IOPC). Much of the discipline system is therefore still conducted out of public view and forces are only required to report information about disciplinary matters finalised as misconduct to the Home Office.



## 3 The IOPC complaints system

### Recent reforms and delays to investigations

99. The Government initiated reforms of the police complaints and discipline systems to address public confidence in the system, delays in dealing with cases and the complexity and independence of the system.<sup>176</sup> Most of the reforms became operational on 1 February 2020.

100. The 2020 reforms set out that investigations into complaints should be completed within 12 months. If this time limit is exceeded there is now a requirement that the IOPC or individual force (appropriate authority)<sup>177</sup> dealing with a complaint must provide a written explanation to the local policing body<sup>178</sup> and specify a plan for completion of the investigation.<sup>179</sup> The Home Office told us this time scale and requirement were introduced because complaints and discipline investigations “have in the past taken a long time to conclude, sometimes several years”.<sup>180</sup>

101. Lengthy or delayed investigations detrimentally affect complainants and also police officers and their families.<sup>181</sup> INQUEST, PALG and ILG reported that bereaved families frequently raised concern about the “inordinate length of time that investigations into police-related deaths take: often over many years and the negative impact these have had on their experience of the IOPC process”.<sup>182</sup> Delays “compound feelings of stress, foster concerns about investigatory collusion with the police and, in cases involving deaths, prolong periods of bereavement or grief for the deceased’s family”.<sup>183</sup>

102. The Police Federation highlighted “the detrimental impact that lengthy investigations have had on officers and their families”.<sup>184</sup> It argued a “significant number of misconduct cases” took years to conclude, sometimes acrimoniously, under the direction of the IOPC, and that officers were frequently placed under restrictions or suspended. It said actions left officers unable to support colleagues in frontline policing roles, becoming de-skilled, and losing confidence.<sup>185</sup>

176 See chapter one; House of Commons Library Briefing Paper, [Police Complaints and Discipline](#) 4 September 2020, pp. 14–17.

177 [Section 29, Police Reform Act 2002](#): the appropriate authority for a person serving with the police is: • for a chief officer or an acting chief officer, the local policing body for the area of the police force of which that officer is a member; or • in any other case, the chief officer with direction and control over the person serving with the police. In relation to complaints not concerning the conduct of a person serving with police, the appropriate authority is the chief officer of the police force with which dissatisfaction is expressed by the complainant.

178 See chapter one (where the term “local policing bodies” is discussed in detail; “Local policing bodies” (sometimes known as just “policing bodies”) is a legal term used to collectively describe PCCs and their equivalents for the four territorial police forces that do not have PCCs, s101, Police Act 1996; Schedule, paras 2 & 3, The Policing Protocol Order 2011; IOPC, [Statutory guidance on the police complaints system](#), February 2020, para 4.12.

179 [\(PCO0036\)](#), Home Office; Home Office Guidance, [Conduct, Efficiency and Effectiveness: Statutory Guidance on Professional Standards](#), 5 February 2020, para 7.53–7.55.

180 [\(PCO0036\)](#), Home Office.

181 [\(PCO0041\)](#), INQUEST, Police Action Lawyers Group and INQUEST Lawyers Group.

182 [\(PCO0041\)](#), INQUEST, Police Action Lawyers Group and INQUEST Lawyers Group.

183 [\(PCO0041\)](#), INQUEST, Police Action Lawyers Group and INQUEST Lawyers Group.

184 [\(PCO0023\)](#), The Police Federation of England and Wales, para 1.1.2.

185 [\(PCO0023\)](#) The Police Federation of England and Wales.

103. The Federation cited the case study of a Metropolitan Police constable “accused of assault and failing to challenge racist comments made by another officer during the London riots in 2011”. Placed on restricted duties, he could not go out on patrol while a criminal investigation was conducted. He was acquitted by a court in 2013 but the IOPC reopened the case and the constable was placed under investigation again. The officer remained on restricted duties until a misconduct panel June 2018, seven years after the original incident, dismissed his case and commented on the unreasonably long delay.<sup>186</sup> **The example of its taking seven years to clear one police officer of misconduct is exceptional, but demonstrates why the IOPC must focus its efforts on concluding investigations as quickly as possible. Quite aside from the effect on an individual’s morale, the removal from officers under investigation from front-line duties for lengthy periods may add to strain on police resources. The IOPC must also take care that its power to reinvestigate cases already concluded locally is used sparingly and when there is a clear public interest in undertaking further inquiry.**

104. Investigations that exceed 12 months will now result in greater scrutiny<sup>187</sup> but the Federation was concerned there were “no consequences in the regulations for failing to comply or continuing past 12 months”.<sup>188</sup> The Police Superintendents’ Association similarly desired timely investigations and welcomed the new requirement placed upon the investigator to explain delay.<sup>189</sup>

105. Michael Oswald Partner, Bhatt Murphy Solicitors, representing Police Action Lawyers Group and INQUEST Lawyers Group, told us that while legislation provides a framework for accountability and public confidence,<sup>190</sup> its success depends on key actors being able and willing to carry out their roles effectively and in a timely manner.<sup>191</sup> He argued that while the reforms could go some way towards speeding up investigations and improving accessibility, there were still indications of “real problems”.<sup>192</sup> He drew attention to an IOPC power amended under the reforms: the IOPC’s ability to direct disciplinary proceedings at the end of an investigation.<sup>193</sup> The Policing and Crime Act 2017 now makes binding the IOPC’s final decision on whether disciplinary proceedings should be brought against an individual.<sup>194</sup> Previously, Mr Oswald argued it could “take months and sometimes years” for the IOPC and police force to reach a decision.<sup>195</sup> The process then required the IPCC first to recommend its decision to the appropriate authority and then write a letter of direction.

186 (PCO0023) The Police Federation of England and Wales, 2.2.5.

187 Home Office Guidance, [Conduct, Efficiency and Effectiveness: Statutory Guidance on Professional Standards](#), 5 February 2020, para 7.53–7.55.

188 (PCO0023) Police Federation of England and Wales, 1.4.2.

189 (PCO0030) Police Superintendents Association, para 20.

190 Q8.

191 Q8.

192 Q3.

193 The amendments to paragraph 23 of schedule 3 of the Police Reform Act 2017 outlines the steps the IOPC and the appropriate authority must take at the conclusion of an IOPC investigation: [Policing and Crime Act 2017 \(legislation.gov.uk\)](#).

194 The amendments to paragraph 23 of schedule 3 of the Police Reform Act 2017 outlines the steps the IOPC and the appropriate authority must take at the conclusion of an IOPC investigation: [Policing and Crime Act 2017 \(legislation.gov.uk\)](#).

195 The amendments to paragraph 23 of schedule 3 of the Police Reform Act 2017 outlines the steps the IOPC and the appropriate authority must take at the conclusion of an IOPC investigation: [Policing and Crime Act 2017 \(legislation.gov.uk\)](#).

106. Legislative amendments to the Policing and Crime Act 2017 also stipulate that the appropriate authority must provide the IOPC its view on whether disciplinary proceedings should be brought against an officer within 28 days of its request unless the IOPC provides an extension.<sup>196</sup> Mr Oswald told us the Police Action Lawyers Group and INQUEST Lawyers Group were encouraged by improvements to this IOPC power but reported continued delays; in one case a force took six months to provide its view to the IOPC.<sup>197</sup> He told us this was not an isolated case.<sup>198</sup>

107. Michael Oswald questioned the extent to which policing had embraced the current legislative framework, arguing that the IOPC's efforts in this area were being met with a "really troubling level" of resistance to accountability and oversight from "police officers, police forces and other policing representative bodies".<sup>199</sup> He thought this resistance surprising given their dependence on public confidence to do their jobs.<sup>200</sup>

108. Other witnesses also expressed concern about timeliness of investigations. The Deputy Mayor of Manchester said the complexity of the system provided "an in-built propensity for delay".<sup>201</sup> She acknowledged the reforms aimed "to instil public confidence by introducing a new ethos to the reasonable and proportionate handling of complaint matters", but said some complainants endured significant waiting times without adequate early discussion of their expectations of how the matter should be handled.<sup>202</sup> Kardaya Rooprai, Chair of the West Midlands Neighbourhood Watch Force Area Association, reported that a number of people had waited up to nine months for police responses to their complaints, with no clear timetable provided.<sup>203</sup> Some gave up and disengaged from the complaints process, particularly individuals from a BME background.<sup>204</sup> The IOPC Youth Panel wrote that while the IOPC had made progress, many people still felt investigations took too long.<sup>205</sup>

109. PALG, ILG and INQUEST also expressed concern about the speed of the IOPC's evidence-gathering and about police cooperation. They reported witnessing "many occasions" on which the IOPC had delayed the initial gathering of evidence and warned that such delays could lead to a loss of evidence including "footage being deleted, or witness memories becoming impaired".<sup>206</sup> They emphasised that the clients and families they supported did not have an opportunity to obtain this evidence themselves and often relied on the IOPC's disclosure.<sup>207</sup>

110. PALG, ILG and INQUEST also drew attention to the importance of police cooperation in evidence-gathering, reporting a lengthy process in the police provision of "documentary evidence (police notebooks, logs, etc) and arrangements for witness statements to be given".<sup>208</sup> They went on to claim it was not "uncommon, particularly in

196 [The Police \(Complaints and Misconduct\) Regulations 2020 \(legislation.gov.uk\)](#), Regulations 27 (5) of the Police (Complaints and Misconduct) Regulations 2020.

197 [Q3](#).

198 [Q3](#).

199 [Q1](#).

200 [Q1](#).

201 [\(PCO0027\)](#) Deputy Mayor of Greater Manchester, Greater Manchester Combined Authority.

202 [\(PCO0027\)](#) Deputy Mayor of Greater Manchester, Greater Manchester Combined Authority.

203 [Qq 185–187](#), Kardaya Rooprai, Chair of the West Midlands Neighbourhood Watch Force Area Association.

204 [Qq 185–187](#), Kardaya Rooprai, Chair of the West Midlands Neighbourhood Watch Force Area Association.

205 [\(PCO0026\)](#), IOPC Youth Panel, Leaders Unlocked.

206 [\(PCO0041\)](#) INQUEST, Police Action Lawyers Group and INQUEST Lawyers Group.

207 [\(PCO0041\)](#) INQUEST, Police Action Lawyers Group and INQUEST Lawyers Group.

208 [\(PCO0041\)](#) INQUEST, Police Action Lawyers Group and INQUEST Lawyers Group.

more serious cases, for IOPC requests for interview to be met with uninformative and pre-prepared statements by officers”<sup>209</sup> and that the IOPC consistently failed “to penalise the silence of such officers”.<sup>210</sup> They called for the IOPC to assert its powers and to shift “the burden of proof onto officers to justify their actions where they refuse to answer questions”.<sup>211</sup> They urged the IOPC to communicate clearly and publicly its expectation of police cooperation to mitigate the risk to public trust where this does not occur.<sup>212</sup>

111. The IOPC called for a “multi-agency approach” from police forces, the Crown Prosecution Service, coroners and expert witnesses to improve the end-to-end timeliness of investigations.<sup>213</sup> It said “delays could occur in officers attending interviews, the provision of forensic evidence, or in receiving CPS charging decisions and/or awaiting hearing/trial dates”.<sup>214</sup> It argued that a substantial amount of delays to investigations were caused by the police service: attending interviews or in arranging misconduct proceedings following the IOPC’s decision to bring disciplinary proceedings against an officer [see Figure 3 below].<sup>215</sup> The IOPC reported that analysis of its investigations in 2018/19 showed “police forces took more than 12 months from the completion of an investigation to arrange misconduct proceedings in over a third of all cases”.<sup>216</sup>

**Figure 3: Case study: police delay to former IPCC investigation**

“Following a five-month investigation, the IPCC found a case to answer for an officer for gross misconduct in March 2017 and provided its findings to the force. The force agreed to convene a misconduct hearing in February 2018 and this hearing finally took place in late August 2020. The officer was dismissed on 3 September. In total, the hearing took place more than three years after we had concluded our investigation”.

Source IOPC written evidence ([PCO0029](#))

112. Phill Matthews, Chair, Conduct and Performance Sub-committee, Police Federation of England and Wales, disputed the idea that delays came from its members. He said they expected scrutiny, wanted to co-operate and did not know what caused the delays.<sup>217</sup> He argued that some delays were due to the IOPC referring the wrong cases for investigation which resulted in “things bouncing backwards and forwards” between the IOPC and forces.<sup>218</sup>

113. Mr Matthews stated that his members usually provided witness statements to the IOPC within 10 days.<sup>219</sup> The IOPC strongly disputed this<sup>220</sup> and reported that some

209 ([PCO0041](#)) INQUEST, Police Action Lawyers Group and INQUEST Lawyers Group.

210 ([PCO0041](#)) INQUEST, Police Action Lawyers Group and INQUEST Lawyers Group.

211 ([PCO0041](#)) INQUEST, Police Action Lawyers Group and INQUEST Lawyers Group.

212 ([PCO0041](#)) INQUEST, Police Action Lawyers Group and INQUEST Lawyers Group; Anne Owers, made a very strong press statement in response to Sir Bernard Hogan-Howe’s (former Metropolitan Police Commissioner) criticism of the IPCC’s investigation into the death of Jermaine Baker in 2015. Ms Owers made asserted the need for scrutiny and accountability, alleging that the delay in the investigation had been due to delays in the Metropolitan Police’s cooperation with the IPCC. See, [IPCC attacks Met chief’s call for more trust in police marksmen | Police | The Guardian](#).

213 ([PCO0029](#)) IOPC.

214 ([PCO0029](#)) IOPC.

215 ([PCO0029](#)) IOPC.

216 ([PCO0029](#)) IOPC.

217 [Q22](#).

218 [Q22](#).

219 [Q25](#).

220 ([PCO0069](#)) IOPC.

branches of the Police Federation continued to insist that “officers who are witnesses and are requested to attend witness interviews offer no comment in the interview and subsequently provide written accounts”.<sup>221</sup>

114. Chief Constable Craig Guildford, NPCC Complaints and Misconduct Lead, also did not share the IOPC’s view that the police cause delays to some investigations.<sup>222</sup> He was concerned by this “perception” and said recent reforms had introduced a regulation placing a positive obligation on an officer to “co-operate and provide information and assistance in a timely way”.<sup>223</sup> He suggested two potential reasons for some delays: 1) that in some instances the IOPC’s senior investigators failed to exert the pressure and influence available to them to “move things along”; and, 2) the extent to which the IOPC rightly prioritised death or serious injury cases as part of its substantial workload.<sup>224</sup> While Mr Guildford acknowledged that challenges remained in timeliness of investigations, he said there had been “gargantuan progress” by the IOPC under the leadership of Michael Lockwood, which needed to be sustained.<sup>225</sup>

115. The IOPC reported improvements in the speed of its investigations: in 2020/2021 it completed 91% of its core investigations within 12 months, with 63% completed within nine months, 38% within six months and 7% within three months. The 91% figure compares with 83% in 2019/20, 82% in 2018/19 and 69% in 2017/18. These figures exclude major investigations (such as Hillsborough), which are necessarily likely to take longer: when those are included, the IOPC completed 86% of all investigations within 12 months in 2020/21.<sup>226</sup> It also reported a new commitment to provide officers early clarity about their status in an investigation, whether they were to be considered witnesses or to be served appropriate misconduct notices, when its investigations exceeded three months.<sup>227</sup>

116. We welcome recent changes to the complaints and discipline systems but we are concerned that, nine years on from a previous Home Affairs Committee report into what was then the IPCC that delays remain in investigations that affect the lives of both complainants and police officers, as well, of course, as the families of both. **It is unsatisfactory and unedifying to hear policing organisations blame the IOPC for delay while the IOPC suggests officers may drag their heels in cooperating with investigations.** Nor is it wholly sufficient for Chief Constable Guildford to suggest the IOPC could resolve some of that dilemma by using its powers more vigorously; police officers should not need to be forced to cooperate with conduct investigations. *A culture needs to be created within police forces—established by and led from the top—that requires rapid, open and non-defensive response to complaints about conduct, both to deal with misconduct where it arises and to clear the names and reputations of officers who have not transgressed.*

117. *The IOPC must use its powers effectively to minimise delays to investigations at an early stage of the process. It should proactively call to account those responsible for delays or who refuse to co-operate with investigations. Police forces, individual officers*

221 [\(PCO0069\)](#) IOPC.

222 [Q274](#).

223 [Q274](#).

224 [Q274](#).

225 [Q274](#).

226 [\(PCO0029\)](#) IOPC.

227 [\(PCO0029\)](#) IOPC.

*and their representative organisations must also take more responsibility for rooting out bad behaviour and lifting the cloud of complaint against officers who have done their exceptionally difficult job properly.*

118. The progress the IOPC has made in clearing 91% of its core investigations within 12 months is welcome and must be maintained. While there are risks in setting time targets for investigations (not least the incentive for those under investigation to delay co-operation if the clock is ticking), the Government should ensure that the drive towards timely investigations is continued and should consider whether stronger guidance on the expected length of inquiries may be required.

## Public confidence in the IOPC and policing

119. Concerns about public trust and confidence in the former IPCC and the police complaints system were key reasons why the Government initiated the February 2020 reforms that created the IOPC and gave it more powers.

120. We have heard some concern about the transparency of the IOPC's work, and specifically about the absence of data showing the outcome of its independent investigations.<sup>228</sup> Lack of information can affect public perception and trust in justice being seen to be done in the complaints system.

121. In May 2021, the IOPC published the outcomes of its independent investigations (for 2018/19 and 2019/20) for the first time as part of its commitment to openness and transparency.<sup>229</sup> The outcomes reports showed that the IOPC examined the conduct of more than 1,500 police officers and staff in two years and “misconduct was proven in 181 of the 311 cases that went to misconduct proceedings”.<sup>230</sup> These figures usefully illustrate that the vast majority of complaints made about conduct do not result in misconduct proceedings, and that proceedings themselves should not be seen as a sign that an officer is necessarily guilty of misconduct. They also demonstrate, though, the value of examining allegations about police misconduct both for identifying the comparatively small number that do result in proven misconduct and for demonstrating that the police can respond to complaints from the public they exist to serve. In a press release about the reports IOPC Director General, Michael Lockwood, said accountability was “crucial for public confidence in policing” and that the reports showed how the “hundreds of investigations” it conducted each year ensured officers’ actions were properly scrutinised.<sup>231</sup>

122. The IOPC highlighted ways in which it seeks to improve public confidence in itself and in the police complaints system, including:

- monitoring public confidence in the IOPC and the police complaints system through regular online surveys of a nationally representative sample of the population;

228 [Q44](#) Phill Matthews, [Q81](#) Dr Graham Smith.

229 [More than 1,500 police officers and staff examined by the IOPC for conduct | Independent Office for Police Conduct](#) 12 May 2021; [Outcomes Report 2020/21 \(policeconduct.gov.uk\)](#), December 2021; [Outcomes Report 2019/20 \(policeconduct.gov.uk\)](#), May 2021.

230 [More than 1,500 police officers and staff examined by the IOPC for conduct | Independent Office for Police Conduct](#).

231 [More than 1,500 police officers and staff examined by the IOPC for conduct | Independent Office for Police Conduct](#), 12 May 2021.

- working with young people to understand their concerns and to improve their confidence in policing through the development of and engagement with the IOPC youth panel;<sup>232</sup>
- building confidence with BME communities by involving communities in IOPC work more frequently and increasing the ethnic diversity of the IOPC workforce;<sup>233</sup>
- launching race discrimination as a thematic area of focus for independent investigations (including the use of stop and search and use of force);<sup>234</sup> and
- monitoring confidence levels of IOPC stakeholders and service users.<sup>235</sup>

123. Michael Lockwood said the new reforms provided a “significant opportunity” to make the system “more transparent, more independent, more proportionate and less bureaucratic”.<sup>236</sup> He thought the new system was moving in the “right direction” but questioned whether the policing culture behind the system was making “those good intentions real”.<sup>237</sup> He emphasised he wanted policing to move away from a culture of “bureaucracy and process” to one that is open to criticism, challenge and listening.<sup>238</sup> Early signs showed the management of complaints had “significantly improved in the last year” and that the IOPC was receiving fewer appeals. He asserted the reformed system was focusing on the “customer and solving their problem” rather than protracting investigatory processes.<sup>239</sup> As part of this cultural shift in policing, he stressed that the practice of apologising for any wrongdoing was an important one which “humanises the process” and has a strong effect on a complainant.

124. The IOPC impact report 2020/21 stated that 43% of people it surveyed were confident the IOPC did “a good job” compared to 44% in 2019/20. Michael Lockwood, acknowledged public confidence in the IOPC had “plateaued” but was pleased awareness of the IOPC had improved significantly in young people, from 22% when the IOPC started in January 2018 to 38% in 2021; and in BME individuals from 32% to 53%.<sup>240</sup> He argued that awareness of the IOPC was the “first stage towards confidence”: that people understand it is independent and how they can complain.<sup>241</sup>

125. Similarly, Kathie Cashell, of the IOPC, said public confidence in the police complaints system had remained “static for a long time” and that there had been a “longstanding gap between awareness and confidence in the general public versus young people and people

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232 In March 2018 the IOPC established a youth panel in response to evidence that young people are less likely to make a complaint about the police than older people. The IOPC Youth Panel provides a mechanism for young adults (aged 16–25 years) to inform the work of the IOPC and to support the IOPC in its work to build trust and confidence among young people.

233 [\(PCO0029\)](#) IOPC.

234 [\(PCO0029\)](#) IOPC.

235 [PCO0029](#)) IOPC.

236 [Q301](#).

237 [Q301](#).

238 [Q301](#).

239 [Q301](#).

240 [Q310](#).

241 [Q310](#).

from a BAME background”.<sup>242</sup> She argued the reforms were “much needed” to address this issue but that “a big uplift in confidence” could not yet be expected given the very recent introduction of the reforms.<sup>243</sup>

126. Chief Constable Craig Guildford drew attention to the importance of lesson learning and development among key policing stakeholders to improve public confidence in the system. He explained that in addition to the learning recommendations the IOPC made to forces,<sup>244</sup> it also published monthly ‘Learning the Lessons’ magazines that provided forces with a “wealth [of] organisational learning, enabling forces to adopt new and best practice operational procedures”.<sup>245</sup> He highlighted the valuable learning that he believed forces gained from some of the published case studies which outlined the circumstances of an incident and subsequently posed questions to decision makers in forces about how they might deal with a similar situation.<sup>246</sup> He noted that for each issue, the IOPC had collaborated with stakeholders: consulting with and seeking the advice of the NPCC complaints and misconduct portfolio lead both to shape the magazines’ content and to ensure any advice published was “feasible from an operational standpoint”.<sup>247</sup>

127. Kit Malthouse MP, Minister for Crime and Policing, told us he had “great confidence” in Mr Lockwood who he believed had shown “significant commitment to try and get the IOPC into great shape”.<sup>248</sup> He told us it was too early to determine whether the Government’s latest reforms to the police complaints system were working as it expected but that there were “signs of progress” since the establishment of the IOPC, particularly with the speed of investigations which had been a longstanding concern for both officers and complainants.<sup>249</sup>

### IOPC engagement with policing and community stakeholders

128. The IOPC told us that since its creation in January 2018 it had consulted with its policing and community stakeholders to identify key matters of concern that impact public confidence.<sup>250</sup> The IOPC has since set out a number of thematic areas: domestic abuse, road traffic incidents, abuse of power for a sexual purpose and mental health.<sup>251</sup> Michael Lockwood told us it was selecting more cases for independent investigation to help it identify systemic learning that could improve public confidence in policing and the wider system.<sup>252</sup>

129. In September 2020 the IOPC brought forward the launch of its discrimination thematic area “in light of the recent Black Lives Matter Movement and to address BAME confidence in the police”.<sup>253</sup> Mr Lockwood told us in May 2021 that it had “identified 53 independent investigations” where race was a potential factor, and 27 learning recommendations that

242 [Q312](#).

243 [Q312](#).

244 See chapter three, Lesson recommendation, implementation and impact for further discussion on IOPC learning recommendations.

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

246 [Q268](#).

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

248 [Q190](#).

249 [Q190](#).

250 [\(PCO0029\)](#) IOPC; [Q310](#).

251 [\(PCO0029\)](#) IOPC.

252 [Q310](#); [\(PCO0029\)](#) IOPC.

253 [\(PCO0029\)](#) IOPC.



sought to address systemic issues underpinning police misconduct in this area.<sup>254</sup> In October 2021 the IOPC published an annual update on its race discrimination work, including disproportionality in the use of stop and search and Taser, cultural issues and failure to investigate where an individual from a BME background was a victim of crime.<sup>255</sup> It noted progress had been made but that there was still a lot to do to ensure “all communities are provided with an equitable service where they feel protected and respected by the police”.<sup>256</sup>

130. The NPCC welcomed the IOPC’s thematic focus on issues of concern to both the public and forces.<sup>257</sup> It told us this methodology had brought “both increased scrutiny to key areas such as domestic abuse, abuse of position for sexual purposes, deaths in custody, mental health, roads [of] policing and use of force” (including use of Taser).<sup>258</sup>

131. Some witnesses told us that communication and meetings with the IOPC had improved. Deborah Coles of INQUEST said there had been “greater communication and willingness” from the IOPC to listen to the INQUEST Lawyers Group concerns, with regular meetings taking place.<sup>259</sup> Phill Matthews from the Police Federation of England and Wales and Victor Marshall from the Police Superintendents’ Association told us their members had more confidence in the IOPC than in its predecessor, the IPCC.<sup>260</sup> Phill Matthews said that Michael Lockwood, Director General of the IOPC, had done “a great deal to build trust” with the Police Federation’s members. However, he expressed concern about the pace at which change was happening and was critical of IOPC communication about investigations involving some Federation members.<sup>261</sup> For example he suggested Federation members feel some press releases treat officers as if they are guilty before the facts are known and concluded. Mr Matthews argued that a change in how the IOPC communicated to the public about some investigations would assist in better co-operation from Federation members.<sup>262</sup>

### *BME confidence in policing*

132. The IOPC engages the public through surveys to assess confidence in the handling of complaints. In 2019 the IOPC reported that “a significant minority are not confident in the police’s ability to deal fairly with complaints” and “BME respondents tend to be slightly less confident than the population overall”.<sup>263</sup> The IOPC highlighted a number of ways in which it is working with members of the public and specific communities including BME communities and young people to develop its approach to investigations and increase public confidence in the IOPC and the police complaints system<sup>264</sup>

133. Deborah Coles, Executive Director, INQUEST, told us it was deeply concerning that the police complaints system “does not garner confidence and trust”.<sup>265</sup> She had not

<sup>254</sup> [Q330](#).

<sup>255</sup> [Update on IOPC race discrimination work | Independent Office for Police Conduct](#), 21 October 2021.

<sup>256</sup> [Update on IOPC race discrimination work | Independent Office for Police Conduct](#), 21 October 2021.

<sup>257</sup> (PCO0032), NPCC.

<sup>258</sup> (PCO0032), NPCC.

<sup>259</sup> [Q5](#).

<sup>260</sup> [Q37](#); [Q39](#).

<sup>261</sup> [Q40](#).

<sup>262</sup> [Q40](#).

<sup>263</sup> IOPC, [The Independent Office for Police Conduct: Public Perceptions Tracker](#), 2019, pp 7 and 9.

<sup>264</sup> IOPC, [Written Evidence \(PCO0029\)](#), para 55 to 76.

<sup>265</sup> [Q2](#).

seen any substantial change in communities' public trust since the establishment of the IOPC and suggested that a disproportionate number of people who die following police use of force come from Black and minority ethnic communities. She argued that those communities were failed by a complaints system that did not hold the police to account despite "investigations and inquests that have recognised the ill treatment of people and have found excessive use of force".<sup>266</sup> Similarly, Michael Oswald, Partner, Bhatt Murphy Solicitors, representing Police Action Lawyers Group and INQUEST Lawyers Group, said there had not been "significant improvement" in public trust particularly among BME communities. He argued that one challenge lay with how the IOPC presented itself publicly: too often it was defensive and apologetic for its work particularly in response to "attacks on IOPC investigations" from some police associations.<sup>267</sup> He said the IOPC does "sometimes" do good and important work and that a strong message would be sent to the public and IOPC staff if the organisation were seen by the public to be "standing up" for its role in securing accountability and public confidence in the police.<sup>268</sup>

### *Vulnerable adults*

134. Individuals with autism and parents of children with autism outlined to us systemic issues on their treatment in the police complaints and criminal justice processes.<sup>269</sup> Some called for the IOPC, and other investigatory bodies, to recognise the particular vulnerabilities of people with autism. Fiona Laskaris whose autistic son, Christopher, was "unlawfully" killed by a drug addict in 2016, wrote that "the IOPC urgently needs to start engaging in a meaningful way in cases involving people with disabilities, and particularly people with autism [ ... ]".<sup>270</sup> She argued that cases involving people with autism warranted "an enhanced level of independent scrutiny" and suggested the existing statutory safeguarding duties to protect vulnerable adults who came into contact with the police were not working.<sup>271</sup>

135. The Home Secretary, Rt Hon Priti Patel MP, wrote on 9 December 2021 that training on "mental ill health and autism" was included in the initial police learning programme which she confirmed "all new recruits—police constables, special constables, and police community support officers—must complete".<sup>272</sup> She stated that many police forces had developed additional training programmes, and "various autism alert card schemes, apps, and the creation of easy-read "widget-based" sheets (using icons or pictographs) to aid communication in custody suites". She also highlighted the IOPC's statutory guidance for forces on complaints handling outlines "the importance of accessibility as well as the duty under the Equality Act 2010 to make reasonable adjustments to ensure that a disabled person does not suffer any substantial disadvantage when accessing a service".<sup>273</sup> She said it was "important that those dealing with complaints recognise the particular vulnerabilities of individuals with autism". It appears, however, from the evidence we have has received that some forces are not following statutory guidance on accessibility and the Equality Act 2010 particularly in respect of individuals with autism.

266 [Q2.](#)

267 [Q2.](#)

268 [Q2.](#)

269 [\(PC00017\)](#) Fiona Laskaris; [\(PC00048\)](#) Anonymous; [\(PC00066\)](#) Fiona Laskaris.

270 [\(PC00066\)](#) Fiona Laskaris.

271 [\(PC00066\)](#) Fiona Laskaris.

272 [\(PC00087\)](#) Home Office.

273 [\(PC00087\)](#) Home Office.

136. We received anonymous evidence that one autistic person who had experienced frequent contact with the police, including being arrested for alleged attacks, was not treated as a vulnerable adult even though they informed the police they were autistic and requested an appropriate adult for assistance.<sup>274</sup> The submission goes on to claim that the police “never acknowledge or check [their] autism awareness card even when [their] wallet is searched, which it always is by the Police when [their] personal items are seized”.<sup>275</sup>

137. Ms Laskaris wrote to us that the IOPC and other investigatory bodies need to acknowledge mistakes and learn lessons to avoid future tragedies. She proposed that the super-complaints process could be used to investigate system failures in the treatment of vulnerable adults, specifically people with autism.<sup>276</sup>

### Super complaints

138. Since November 2018, the super-complaints process has provided for designated public and charitable organisations to ask HMICFRS, the IOPC and the College of Policing to consider for investigation what they think systemic issues affecting policing in England and Wales.<sup>277</sup> Of the 16 organisations designated by the Home Office that can raise such issues or concerns on behalf of the public, no specialist organisation represents complainants with disabilities, including autism. Three super-complaint reports have been published so far, produced jointly by Her Majesty’s Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS), the IOPC and the College of Policing.<sup>278</sup>

139. The Home Secretary wrote in December 2021 that the Government wants the super-complaints process to be as accessible as possible to those who seek to improve the policing system.<sup>279</sup> She said that the 16 designated bodies “do not cover every representative interest” including individuals with autism, but this did not exclude others from the super-complaints process: a designated body should collaborate with non-designated organisations and, where appropriate, make a complaint on the basis of the matters raised.<sup>280</sup> The Home Secretary confirmed the super-complaints system would be subject to review as part of post-legislative scrutiny of the Policing and Crime Act 2017. That review would consider whether additional steps should be taken to broaden further the range of designated bodies.<sup>281</sup>

140. The IOPC has made strides to improve public confidence in itself by meeting and engaging with key policing and community stakeholders. As part of its work to build trust and better communication with key stakeholders, it has started work on a series of thematic areas including on domestic abuse, abuse of power for a sexual purpose, mental health

274 (PCO0048) Anonymous; [About appropriate adults](#): the role of the appropriate adult is to safeguard the interests, rights, entitlements and welfare of children and vulnerable people who are suspected of a criminal offence, by ensuring that they are treated in a fair and just manner and are able to participate effectively.

275 (PCO0048) Anonymous.

276 (PCO0066) Fiona Laskaris.

277 [Police super-complaints – GOV.UK \(www.gov.uk\)](#); [Police complaints and discipline \(parliament.uk\)](#), p20.

278 (PCO0087) Home Office; [Police super-complaints – GOV.UK \(www.gov.uk\)](#) [accessed 9 December 2021], the three published super-complaint reports, produced jointly by Her Majesty’s Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS), the IOPC and the College of Policing are: [Police data sharing for immigration purposes](#), 17 December 2020, [Safe to share? Report on Liberty and Southall Black Sisters’ super-complaint on policing and immigration status](#), 26 May 2021, the Centre for Women’s Justice, [A duty to protect Police use of protective measures in cases involving violence against women and girls](#), 24 August 2021.

279 (PCO0087) Home Office.

280 (PCO0087) Home Office.

281 (PCO0087) Home Office.

and race discrimination. We welcome the IOPC's work on thematic reviews, specifically its aim to identify systemic learning by taking on more independent investigations in these areas and to improve public confidence in policing and the wider system. Ultimately, the result of such thematic reviews should be manifest in increased public confidence in how the police deal with these issues. This should also support forces to improve policing practice, in, for example, how stops and searches are conducted.

141. We welcome the super-complaints process and are encouraged by the Home Office's pledge to review the designated bodies that can submit super-complaints on systemic issues in policing to include a broader range of organisations, including disability organisations. *We urge the Home Office to highlight, on its super-complaints' website, that the 16 designated bodies should collaborate with non-designated bodies as appropriate to make a complaint on matters raised by non-designated bodies. Clarity of information is essential to ensure that the process is accessible to all groups and interests.*

142. Evidence to our inquiry suggests the IOPC could do better in defending its role in police complaint decisions which, though they may not always be amenable to forces or police associations, must be accepted and acted upon if public confidence in accountability in policing is to be improved. *The IOPC has a statutory duty to uphold confidence in the police complaints system; and we urge the IOPC to embrace this role and to proactively communicate and defend the decisions it makes.*

### Learning recommendations: implementation and impact

143. The recent reforms to the police complaints and discipline systems are intended to ensure the systems focus on learning and continuous improvement.<sup>282</sup> The Home Office highlighted that the reforms are “intended to encourage a significant change in culture within policing—providing more scope for policing to focus on learning when things go wrong [ ... ]”.<sup>283</sup>

144. As part of its statutory role the IOPC issues guidance to the police service and makes learning recommendations arising from its investigations.<sup>284</sup> Under the new system police forces are expected to respond to learning recommendations made by the IOPC.<sup>285</sup> On 1 February 2022, the IOPC published 15 recommendations made to the Metropolitan Police Service to “tackle underlying cultural issues” after nine linked investigations found evidence of racism, misogyny, bullying, harassment and the exchange of offensive social media messages, mainly involving officers based at Charing Cross police station in

282 See chapter one, and [Police complaints and discipline \(parliament.uk\)](#), September 2020, pp 18–20.

283 (PCO0036) Home Office.

284 (PCO0036) Home Office.

285 [Police complaints and discipline \(parliament.uk\)](#), p19; [IOPC statutory guidance](#), p119: the IOPC has the power to make learning recommendations to a police force, the police service or another body under both Section 10 to the Police Reform Act 2002 and paragraph 28A of Schedule 3 to the Act. Section 10 recommendations may be made to chief officers, local policing bodies and contractors following or before the conclusion of an investigation or review, and may therefore be used for ‘quick-time learning’. Depending on the circumstances, paragraph 28A Statutory guidance on the police complaints system recommendations may be made to chief officers, local policing bodies, contractors or any other organisation and only following an investigation or review. Where the IOPC makes a recommendation under paragraph 28A, the recipient must provide a written response within 56 days of the recommendation being made (unless the decision is challenged or an extension is sought).

London.<sup>286</sup> In response, the Metropolitan Police Service said it would consider the IOPC's recommendations before replying to the IOPC and outlined further action it was taking to rebuild trust and confidence.<sup>287</sup> Metropolitan Police Commissioner, Dame Cressida Dick, apologised for the "appalling behaviour displayed by officers at Charing Cross police station".<sup>288</sup>

145. Kathie Cashell, Director, Strategy and Impact at the IOPC, explained that the IOPC holds a database which records all the recommendations it makes to forces under two powers: 1) "quick-time learning" which it records by force and by theme; and, 2) a formal learning recommendation, usually made at the end of an investigation, with a statutory duty for the force to respond and for the IOPC to publish the response.<sup>289</sup> She told us the IOPC published all of its statutory (section 28) recommendations on its website and shared them with PCCs and HMIC to "pick up on in their inspections".<sup>290</sup>

146. Nick Glynn, who served as a police officer for 30 years, argued that public trust and confidence in the complaints system remained of concern and that IOPC recommendations needed to "result in action". He asserted that the IOPC's learning recommendations to forces were repeated over time which reflected their lack of power and impact.<sup>291</sup>

147. In contrast, Ms Cashell said the IOPC had made more than 400 learning recommendations to forces of which 82% had been accepted since 2018.<sup>292</sup> Learning recommendations were made to forces in areas such as policy and guidance, training for officers and staff and the use of social media.<sup>293</sup> More than half those recommendations were made under the legislative power<sup>294</sup> to require a written response within 56 days.<sup>295</sup>

148. The IOPC has made it clear that it is primarily "an investigative and appellate" body and that it was neither established nor funded to follow up on recommendations in the way HMI does.<sup>296</sup> It follows up on recommendations "informally through meetings with police forces, Elected Policing Bodies, and Professional Standards Departments".<sup>297</sup> Owing to its primary policing oversight role, the IOPC said it often focused on when

286 [IOPC recommendations to tackle Met culture after investigation uncovers bullying and harassment in the ranks | Independent Office for Police Conduct](#), 1 February 2022.

287 [Met response to IOPC report on officers at Charing Cross | Metropolitan Police](#), 1 February 2022.

288 [Met response to IOPC report on officers at Charing Cross | Metropolitan Police](#), 1 February 2022. Dame Cressida has since announced her intention to stand down from the role of Commissioner.

289 [Q307](#).

290 [Q306](#).

291 [Q156](#); we discuss the topic of learning and recommendations further in chapter three.

292 [Q307](#); [IOPC Impact Report 2021 \(policeconduct.gov.uk\)](#), p20.

293 [IOPC Impact Report 2021 \(policeconduct.gov.uk\)](#), p20.

294 See paragraph 28, Police Reform Act 2002.

295 [IOPC statutory guidance](#), p119: the IOPC has the power to make learning recommendations to a police force, the police service or another body under both Section 10 to the Police Reform Act 2002 and paragraph 28A of Schedule 3 to the Act. Section 10 recommendations may be made to chief officers, local policing bodies and contractors following or before the conclusion of an investigation or review, and may therefore be used for 'quick-time learning'. Depending on the circumstances, paragraph 28A Statutory guidance on the police complaints system recommendations may be made to chief officers, local policing bodies, contractors or any other organisation and only following an investigation or review. Where the IOPC makes a recommendation under paragraph 28A, the recipient must provide a written response within 56 days of the recommendation being made (unless the decision is challenged or an extension is sought).

296 [\(PCO0083\)](#) Supplementary evidence, IOPC; HMICFRS hosts a 'monitoring portal' where recommendations from HMICFRS are published. Forces and HMICFRS assess and report progress on these recommendations. HMI Matt Parr explained how its monitoring portal works in oral evidence to us: [Q268](#). (probably need to find out more, can't find anything more on HMICFRS website).

297 [\(PCO0083\)](#) Supplementary evidence, IOPC.

things went wrong and as such could be “viewed with a degree of trepidation by police officers and staff”.<sup>298</sup> As such it does not consider itself to be the “best placed statutory agency” to inspect police forces’ implementation of accepted recommendations.<sup>299</sup>

149. While considering the legislative changes “a step in the right direction” the IOPC said improvements could be made to strengthen the learning approach within the system.<sup>300</sup> It argued that the latest reforms needed to be supported by a “cultural change in policing” to make sure issues were addressed when they went wrong and that “mistakes were learnt from”.<sup>301</sup> The IOPC emphasised that all stakeholders in the system had a role to play and the IOPC would like to see “more emphasis on how forces, PCCs and other policing bodies are reviewing and responding to the root causes of the matters which they deal with”.<sup>302</sup> Michael Lockwood argued that policing institutions could do more to join up their knowledge and to enable forces to access “the best advice, the best practice and the best intelligence” on various topics.<sup>303</sup> He proposed that institutions such as the IOPC, HMICFRS and Coroners publish their learning recommendations, particularly systemic issues, in one place.<sup>304</sup> He said this was a simple action that would help to improve policing practice.

150. Kit Malthouse MP stressed that the enhanced involvement of local policing bodies in the new system would ensure chief constables were held to account not only for their conduct of the complaints system but for the adoption of recommendations that result from a particular process.<sup>305</sup>

**151. We are concerned that IOPC learning recommendations made to police forces across England and Wales to improve policies and practice in the handling of police complaints are not monitored for follow-up action. We have heard of a lack of clarity about how recommendations are monitored, and whether forces implement them. Even where the IOPC makes key recommendations, and even where there may be interaction with HMICFRS recommendations, it is unclear how they are followed up. We recommend that the Government monitor and review bi-annually how effectively local policing bodies are holding their chief constables accountable for implementing IOPC recommendations to their forces, and report the outcomes to us.**

**152. We urge the Government to review how IOPC, HMICFRS, and Coroners’ learning recommendations are reported to the public in a more joined-up and meaningful way. We recommend that data be published centrally, in order to simplify and streamline access to this important information.**

298 [\(PCO0083\)](#) Supplementary evidence, IOPC.

299 [\(PCO0083\)](#) Supplementary evidence, IOPC.

300 [\(PCO0029\)](#) IOPC.

301 [\(PCO0029\)](#) IOPC.

302 [\(PCO0029\)](#) IOPC.

303 [Q309](#).

304 [Q309](#).

305 [Q191](#).

## Conclusion

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153. The police service upholds the law on behalf of the public and holds a unique position with a need for legitimacy in its use of power. The police complaints and discipline systems should therefore provide appropriate mechanisms to hold police officers and staff to account when their actions are called into question. **The IOPC has made concerted efforts in its first three years to build public trust in the police complaints system by actively listening to policing bodies and communities about their concerns and by providing greater transparency in the publication of the outcome of its investigations.** A number of policing bodies and other organisations have praised the IOPC for its efforts in these areas.

154. Reforms in force from February 2020 have provided the IOPC with a significant opportunity to make the system more transparent, more independent and less bureaucratic. While we have not yet seen the impact of the recent reforms, witnesses to our inquiry reported continuing concerns about the system. **It is troubling, nine years on from the Committee's last report on this topic, that concerns are still raised about delays to investigations that detrimentally affect people's lives, about complexity of language and processes, and about inconsistency in updating and supporting officers and complainants during investigations.** Such concerns continue to blight complaints systems that should be there to protect complainants and ensure that justice is done.

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## Conclusions and recommendations

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### Case study of a complaint

1. It is an inevitable part of any complaints system that those whose complaints are not upheld will be discontented. There is none the less a perception that complaints against police officers are unlikely to succeed and that investigations are over-complex, take too long and frequently result in limited action against even officers found to have committed misconduct. (Paragraph 6)
2. It should be clear that a police officer accused, for example, of mistreating a member of the public or of bullying colleagues or subordinates should be subject, like any other person working in the public service, to investigation and sanction if proven to have done so. Public confidence is undermined if misconduct is not appropriately punished. (Paragraph 8)
3. The question arose during our inquiry whether the IOPC should be staffed by investigators who were not former police officers. Opinion divided on whether those who had served in the police should be excluded for potentially 'marking their own homework' or that of their colleagues. On the other side of the argument, ex-police officers bring the skills learned on the job and an understanding of police culture. It seems that an appropriate balance of former serving officers and investigators with other backgrounds is the right one to strike, but it may be that the IOPC should seek to widen its pool of potential candidates to include those with investigative experience from other spheres, including, for example, former military personnel. (Paragraph 28)
4. Each complaint has unique features, and we have heard from a significant number of people whose dealings with police forces, the IOPC or its predecessor have left them unsatisfied with the investigation of their complaints or the level of sanction applied to officers found to have misconducted themselves. This includes cases of people whose family members or friends have died as a result of police operations, and who are aggrieved at the outcome of subsequent investigations that they feel do not match the severity of what happened to them. Those people do not have the advantage of high profile or a platform that leads to publicity for their cases. Their accounts may be found in the written evidence published on our website. (Paragraph 31)
5. The sorry story of Operation Midland and subsequent inquiries into how it was conducted demonstrates why a robust complaints and conduct system is necessary if the public is to be confident that police officers behave properly and will be held to account and suitably sanctioned if they do not. Lady Brittan's account of how she—the wife of a wrongly suspected man not herself suspected of any crime—was treated is salutary. Those investigating potential police misconduct should be ashamed of leaving any vulnerable person feeling as if they are, themselves, a suspect. The families of the now-deceased Lord Brittan and Lord Bramall, as well as the former MP Harvey Proctor, have been left feeling that no-one has been sanctioned for the mistakes identified by Sir Richard Henriques in the Operation Midland inquiry



and its aftermath. That is a result that satisfies no-one and does nothing to improve confidence that officers will be held to account when an investigation goes quite so badly wrong. (Paragraph 34)

### Structure and operation of the police complaints process

6. It has been argued that uniting the roles of chair and chief executive of the IOPC aids clearer decision-making and action. We disagree. This is not normal practice and it detracts from the ability properly to scrutinise the executive action of the IOPC and to hold it to proper account. We recommend that the Government appoint an independent chair alongside the chief executive of the IOPC as a matter of urgency to restore the usual checks and balances. (Paragraph 54)
7. *We urge the Government to consider police complaints as part of the review of the PCC model currently under way and to make an early assessment of PCC involvement in the police complaints system.* (Paragraph 62)
8. It may be too soon to understand whether PCC involvement in the police complaints system is realising the benefits the Government hoped for, but we are concerned that the Government is not doing enough to monitor implementation of the new PCC complaint models or to encourage their uptake. (Paragraph 63)
9. We note enhanced opportunities for PCCs to play a greater role in the local complaints process following reforms introduced in 2020. The three models present a unique opportunity for PCCs, as part of their complaint-handling responsibilities, to support proactively and systemically more effective complaints systems within their forces, although nothing in what they do should delay complaint-handling processes any further. Statutory guidance sets out that PCCs and their equivalents hold their chief constable accountable for the performance of the local complaints and disciplinary processes by scrutinising local complaints data for example to identify themes and recurring issues—and how quickly forces resolve those issues—in complaints. (Paragraph 64)
10. *We urge the Government to fund PCCs adequately to take on Models 2 or 3 as a minimum requirement in their complaint-handling roles. This will provide PCCs the opportunity to work more closely with their forces, for example, to record and systematically monitor the root causes of complaints and recurrent issues that affect their communities disproportionately and how their forces resolve those issues. This depth and consistency of monitoring is required to achieve a national understanding of where fault lines exist in the complaints systems of the 43 police forces of England and Wales so that long-standing issues may be tackled.* (Paragraph 64)

### Police forces and the discipline system

11. The Government's recent changes to the police complaints and discipline systems were intended to simplify and speed up the process. Nonetheless, the language used to explain systems to members of the public who wish to make complaints remains too complex and too technical: this contributes to public disengagement and lack of confidence in the system. (Paragraph 80)

12. *The police discipline system needs to be simpler and more transparent. We welcome IOPC statutory guidance which encourages forces to use accessible language and formats to explain the system, but it is not evident that all forces are yet doing this. All key stakeholders in the policing sphere (IOPC, NPCC, forces, CoP and the CPS) should be required to publish plain language versions of the systems, available in different languages and accessible formats. These should be made available online and in print. (Paragraph 81)*
13. *More than six months on from its publication, the Home Office has not yet responded to our report on Macpherson and has given no indication of when it will respond. We urge the Home Secretary to respond to that Report. (Paragraph 92)*
14. Evidence to our inquiry suggests that insufficient focus is given to the staffing and operation of some professional standards departments including their culture, transparency and ethnic diversity representation. (Paragraph 97)
15. *PSDs should be properly resourced to ensure complaint and conduct matters are handled to a high standard and in a timely manner. We repeat the recommendations made in our Macpherson report to address urgently the disparity in BME staffing in PSDs. (Paragraph 97)*
16. There is a clear absence of urgency and a culture of non-co-operation from some police forces involved in investigations. Appropriate sanctions must follow for any officer served with disciplinary proceedings, whether serving or retired. We welcome the legislation that exists to ensure delays to investigations are minimised. Specific reforms were made to the discipline system under the implementation of the 2020 reforms including the possibility for former officers to face disciplinary proceedings if allegations come to light within 12 months of their leaving the force. In addition, the IOPC has new powers to determine that disciplinary processes may be initiated against officers who have been out of service for longer than 12 months. (Paragraph 98)
17. *The available statutory and regulatory frameworks must be used by forces and the IOPC to obtain fair, transparent and appropriate sanctions against officers. (Paragraph 98)*

### The IOPC complaints system

18. The example of its taking seven years to clear one police officer of misconduct is exceptional, but demonstrates why the IOPC must focus its efforts on concluding investigations as quickly as possible. Quite aside from the effect on an individual's morale, the removal from officers under investigation from front-line duties for lengthy periods may add to strain on police resources. The IOPC must also take care that its power to reinvestigate cases already concluded locally is used sparingly and when there is a clear public interest in undertaking further inquiry. (Paragraph 103)
19. It is unsatisfactory and unedifying to hear policing organisations blame the IOPC for delay while the IOPC suggests officers may drag their heels in cooperating with investigations. Nor is it wholly sufficient for Chief Constable Guildford to suggest

the IOPC could resolve some of that dilemma by using its powers more vigorously; police officers should not need to be forced to cooperate with conduct investigations. (Paragraph 116)

20. *A culture needs to be created within police forces—established by and led from the top—that requires rapid, open and non-defensive response to complaints about conduct, both to deal with misconduct where it arises and to clear the names and reputations of officers who have not transgressed.* (Paragraph 116)
21. *The IOPC must use its powers effectively to minimise delays to investigations at an early stage of the process. It should proactively call to account those responsible for delays or who refuse to co-operate with investigations. Police forces, individual officers and their representative organisations must also take more responsibility for rooting out bad behaviour and lifting the cloud of complaint against officers who have done their exceptionally difficult job properly.* (Paragraph 117)
22. The progress the IOPC has made in clearing 91% of its core investigations within 12 months is welcome and must be maintained. While there are risks in setting time targets for investigations (not least the incentive for those under investigation to delay co-operation if the clock is ticking), the Government should ensure that the drive towards timely investigations is continued and should consider whether stronger guidance on the expected length of inquiries may be required. (Paragraph 118)
23. We welcome the IOPC's work on thematic reviews, specifically its aim to identify systemic learning by taking on more independent investigations in these areas and to improve public confidence in policing and the wider system. Ultimately, the result of such thematic reviews should be manifest in increased public confidence in how the police deal with these issues. This should also support forces to improve policing practice, in, for example, how stops and searches are conducted. (Paragraph 140)
24. We welcome the super-complaints process and are encouraged by the Home Office's pledge to review the designated bodies that can submit super-complaints on systemic issues in policing to include a broader range of organisations, including disability organisations. (Paragraph 141)
25. *We urge the Home Office to highlight, on its super-complaints' website, that the 16 designated bodies should collaborate with non-designated bodies as appropriate to make a complaint on matters raised by non-designated bodies. Clarity of information is essential to ensure that the process is accessible to all groups and interests.* (Paragraph 141)
26. Evidence to our inquiry suggests the IOPC could do better in defending its role in police complaint decisions which, though they may not always be amenable to forces or police associations, must be accepted and acted upon if public confidence in accountability in policing is to be improved. (Paragraph 142)
27. *The IOPC has a statutory duty to uphold confidence in the police complaints system; and we urge the IOPC to embrace this role and to proactively communicate and defend the decisions it makes.* (Paragraph 142)

28. We are concerned that IOPC learning recommendations made to police forces across England and Wales to improve policies and practice in the handling of police complaints are not monitored for follow-up action. We have heard of a lack of clarity about how recommendations are monitored, and whether forces implement them. Even where the IOPC makes key recommendations, and even where there may be interaction with HMICFRS recommendations, it is unclear how they are followed up. (Paragraph 151)
29. *We recommend that the Government monitor and review bi-annually how effectively local policing bodies are holding their chief constables accountable for implementing IOPC recommendations to their forces, and report the outcomes to us.* (Paragraph 151)
30. *We urge the Government to review how IOPC, HMICFRS, and Coroners' learning recommendations are reported to the public in a more joined-up and meaningful way. We recommend that data be published centrally, in order to simplify and streamline access to this important information.* (Paragraph 152)

### Conclusion

31. The IOPC has made concerted efforts in its first three years to build public trust in the police complaints system by actively listening to policing bodies and communities about their concerns and by providing greater transparency in the publication of the outcome of its investigations. (Paragraph 153)
32. It is troubling, nine years on from the Committee's last report on this topic, that concerns are still raised about delays to investigations that detrimentally affect people's lives, about complexity of language and processes, and about inconsistency in updating and supporting officers and complainants during investigations. (Paragraph 154)

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# Formal minutes

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## Wednesday 23 February 2022

Members present:

Dame Diana Johnson, in the Chair

Rt Hon Diane Abbott

Paula Barker

Tim Loughton

Stuart McDonald

### **Police conduct and complaints**

Draft Report (*Police Conduct and Complaints*), proposed by the Chair, brought up and read.

Question put, That the Chair's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 154 read and agreed to.

Summary agreed to.

*Resolved*, That the Report be the Sixth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

### **Adjournment**

Adjourned till Wednesday 2 March at 9.30am

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## Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

### Wednesday 27 January 2021

**Deborah Coles**, Executive Director, INQUEST; **Michael Oswald**, Partner, Bhatt Murphy Solicitors, Representative, INQUEST Lawyers Group, Representative, Police Action Lawyers Group

[Q1-21](#)

**Phill Matthews**, Chair, Conduct and Performance Sub-Committee, Police Federation of England and Wales; **Victor Marshall OBE**, Professional Standards Coordinator, Police Superintendents' Association

[Q22-53](#)

### Wednesday 3 March 2021

**Rt Hon. Alun Michael**, Police and Crime Commissioner for South Wales; **Sue Mountstevens**, Police and Crime Commissioner for Avon and Somerset; **Julia Mulligan**, Commissioner, Office of the Police, Fire and Crime Commissioner for North Yorkshire

[Q54-80](#)

**Dr Graham Smith**, Senior Lecturer, Manchester University; **Dr Clare Torrible**, Lecturer, Bristol University

[Q81-91](#)

### Wednesday 17 March 2021

**Lady Brittan of Spennithorne**; **Nick Glynn**, Senior Programme Officer, Open Society Foundations

[Q123-161](#)

**Rose Dowling**, Chief Executive, Leaders Unlocked; **Kardaya Roprai**, Chair, West Midlands Neighbourhood Watch Force Area Association; **Amania Scott-Samuels**, Member, Independent Office of Police Conduct Youth Panel

[Q162-189](#)

### Wednesday 12 May 2021

**Kit Malthouse MP**, Minister for Crime and Policing, Home Office; **Michael Cordy**, Head of Police Integrity Unit, Policing Policy Directorate, Home Office; **Paul Regan**, Head of Neighbourhood Crime Unit, Crime Reduction Directorate, Home Office

[Q190-250](#)

### Wednesday 19 May 2021

**Craig Guildford**, Chief Constable, Nottinghamshire Police; **Matt Parr CB**, HM Inspector of Constabulary, HM Inspectorate of Constabulary and Fire and Rescue Services

[Q251-280](#)

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

[Q281-333](#)

## Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

PCO numbers are generated by the evidence processing system and so may not be complete.

- 1 Anonymous, ([PCO0002](#))
- 2 Anonymous, ([PCO0025](#))
- 3 Anonymous, ([PCO0028](#))
- 4 Anonymous, ([PCO0047](#))
- 5 Anonymous, ([PCO0048](#))
- 6 Anonymous, ([PCO0050](#))
- 7 Anonymous, ([PCO0056](#))
- 8 Anonymous, ([PCO0058](#))
- 9 Anonymous, ([PCO0062](#))
- 10 Anonymous, ([PCO0070](#))
- 11 Association of Police and Crime Commissioners ([PCO0031](#))
- 12 CAGE ([PCO0033](#))
- 13 Crawley, John ([PCO0060](#))
- 14 Geaves, Mr ([PCO0018](#))
- 15 Greater Manchester Combined Authority ([PCO0027](#))
- 16 Home Office ([PCO0036](#))
- 17 Home Office ([PCO0087](#))
- 18 INQUEST; Police Action Lawyers Group; and INQUEST Lawyers Group ([PCO0041](#))
- 19 INQUEST; INQUEST Lawyers Group; and Police Action Lawyers Group ([PCO0059](#))
- 20 Independent Office for Police Conduct ([PCO0029](#))
- 21 Independent Office for Police Conduct ([PCO0045](#))
- 22 Independent Office for Police Conduct ([PCO0061](#))
- 23 Independent Office for Police Conduct ([PCO0069](#))
- 24 Independent Office for Police Conduct ([PCO0072](#))
- 25 Independent Office for Police Conduct ([PCO0083](#))
- 26 Inside Justice ([PCO0001](#))
- 27 Just for Kids Law ([PCO0034](#))
- 28 Kane, Professor Eddie (University of Nottingham) ([PCO0007](#))
- 29 Kendall, Dr John ([PCO0014](#))
- 30 Laskaris, Mrs Fiona ([PCO0017](#))
- 31 Laskaris, Mrs Fiona ([PCO0066](#))
- 32 Laskaris, Mrs Fiona ([PCO0084](#))
- 33 Leaders Unlocked ([PCO0026](#))

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- 34 Leaders Unlocked ([PCO0065](#))
- 35 Metropolitan Police Federation ([PCO0020](#))
- 36 Metropolitan Police Service ([PCO0064](#))
- 37 Michael, Rt Hon Alun (South Wales Police and Crime Commissioner) ([PCO0068](#))
- 38 Mountstevens, Sue (Avon and Somerset Police and Crime Commissioner) ([PCO0067](#))
- 39 Mulligan, Julia (Police, Fire and Crime Commissioner for North Yorkshire) ([PCO0063](#))
- 40 National Police Chiefs' Council ([PCO0032](#))
- 41 National Black Police Association ([PCO0049](#))
- 42 Police Federation of England & Wales ([PCO0023](#))
- 43 Police Federation of England & Wales ([PCO0080](#))
- 44 Police Superintendents' Association ([PCO0030](#))
- 45 Police Superintendents' Association ([PCO0046](#))
- 46 Steinberg, Jonathan ([PCO0006](#))
- 47 SafeLives ([PCO0024](#))
- 48 Smith, Dr Graham ([PCO0010](#))
- 49 Smith, Dr Graham ([PCO0055](#))
- 50 Smith, Dr Graham ([PCO0078](#))
- 51 Snook, Colin ([PCO0057](#))
- 52 Spennithorne, Lady Brittan of ([PCO0044](#))
- 53 Thompson, Dr Louise ([PCO0007](#))
- 54 Torrible, Dr Clare ([PCO0054](#))
- 55 Torrible, Dr Clare ([PCO0079](#))
- 56 West Yorkshire Police ([PCO0074](#))
- 57 Wilding, Mr Joe ([PCO0019](#))

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# List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

## Session 2021–22

Number	Title	Reference
1st	Violence and abuse towards retail workers	HC 141
2nd	The UK's offer of visa and settlement routes for residents of Hong Kong	HC 191
3rd	The Macpherson Report: Twenty-two years on	HC 139
4th	Appointment of the Chair of the Gangmasters and Labour Abuse Authority	HC 814
5th	The Windrush Compensation Scheme	HC 204
1st Special Report	Violence and abuse towards retail workers: Government Response to the Committee's First Report	HC 669
2nd Special Report	The UK's offer of visa and settlement routes for residents of Hong Kong: Government Response to the Committee's Second Report	HC 682
3rd Special Report	The Windrush Compensation Scheme: Government Response to the Committee's Fifth Report	HC 1098

## Session 2019–21

Number	Title	Reference
1st	Home Office preparedness for Covid-19 (Coronavirus): Policing	HC 232
2nd	Home Office preparedness for Covid-19 (Coronavirus): domestic abuse and risks of harm within the home	HC 321
3rd	Home Office preparedness for Covid-19 (coronavirus): immigration and visas	HC 362
4th	Home Office preparedness for COVID-19 (Coronavirus): institutional accommodation	HC 562
5th	Home Office preparedness for COVID-19 (coronavirus): management of the borders	HC 563
6th	Appointment of the Independent Chief Inspector of Borders and Immigration	HC 1024
1st Special Report	Serious Youth Violence: Government Response to the Committee's Sixteenth Report of Session 2017–2019	HC 57
2nd Special Report	Home Office preparedness for Covid-19 (coronavirus): domestic abuse and risks of harm: Government Response to the Committee's Second Report	HC 661

Number	Title	Reference
3rd Special Report	Home Office preparedness for Covid-19: coronavirus: policing: Government Response to the Committee's First Report	HC 660
4th Special Report	Home Office preparedness for COVID-19 (coronavirus): immigration and visas: Government Response to the Committee's Third Report	HC 909
5th Special Report	Home Office preparedness for COVID-19 (coronavirus): institutional accommodation: Government Response to the Committee's Fourth Report	HC 973
6th Special Report	Home Office preparedness for COVID-19 (coronavirus): management of the borders: Government Response to the Committee's Fifth Report	HC 974

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