



College of
Policing

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Reforming the Independent Police Complaints Commission: structure and governance

Home Office Consultation Response

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The College of Policing

The College of Policing is the professional body for everyone working in policing. Our purpose is to provide those working in policing with the skills and knowledge to protect the public, prevent crime and secure public trust.

The College of Policing has three, complementary functions:

- Knowledge: developing the research and infrastructure for growing evidence of 'what works'. Over time, this will ensure policing practice and standards are based on knowledge, not custom and convention.
- Standards: drawing on the best available evidence of 'what works' to set standards in policing for forces and individuals. For example, through Authorised Professional Practice (APP) and peer review.
- Education: supporting the development of individual members of the profession. We set educational requirements to assure the public of the quality and consistency of policing skills, and facilitate academic accreditation and recognition of our members' expertise.

Working with the IPCC

The College has signed a concordat with the IPCC (Independent Police Complaints Commission) and HMIC (Her Majesty's Inspectorate of Constabulary), setting out how the three bodies will work together in the public interest. For example, the College uses evidence to set standards, guidance and to define effective practice and where appropriate, HMIC inspects forces against these standards. If an IPCC investigation indicates the need for specific changes to police standards, guidance or training, the concordat sets out our intent to work with the IPCC to engage and resolve these matters.

The College supports any reform of the policing landscape that enhances a culture of evidence-based professionalism in policing. We would therefore welcome reforms which will support the IPCC in completing investigations speedily, releasing findings in a way which helps to build trust and confidence among both the public and police, and basing its conclusions on firm evidence. When the IPCC releases findings that relate to a standard of police action, it should always consult with the College. The IPCC should also provide analysis of complaints received, which represents a learning opportunity and should be made accessible to the College to inform development of policing standards. A structure for the future of the IPCC which addresses these points will help raise standards of professionalism in policing, to the benefit of the public.

Consultation Questions

Question 1 – Do you agree with the Government's proposed package of measures, as summarised above, to reform the IPCC's governance structure?

The consultation sets out the Government's proposal to implement a new organisational structure which will involve a single head of the organisation, independent of government, who will be a Crown appointment and cannot have worked for the police. Decisions made will be independent of government but continue with administrative oversight by the Home Office.

There will be a single, clear line of decision-making with governance of the organisation provided by a unitary Board, with a majority of non-executives to provide robust external challenge.

We agree. These proposals are not contentious and steps to visibly increase independence could contribute towards building confidence in the IPCC in the public and police service.

Question 2 – Specifically, do you agree that there should be a single line for decision-making and accountability within the reformed IPCC rather than the current ‘dual’ structure?

We agree. Our experience working with the IPCC suggests that the increase in workloads resulting from a larger IPCC may make a dual structure (where Commissioners have both governance and operational responsibilities) difficult to sustain. This proposal could lead to a professional structure with clearly defined, and separate, responsibilities for governance and operational matters.

Question 3 – Do you agree that the IPCC’s decision-making should be completely independent of the Government, but that the Home Office should retain oversight of the IPCC’s administration and financial arrangements?

We agree that the IPCC’s decision-making should be completely independent of the Government. As mentioned above, steps to visibly increase independence could contribute towards building confidence in the IPCC in the public and police service. We note that Sheila Drew Smith’s report on the IPCC highlighted that there is no evidence of interference from government now. There may be some benefits in the Home Office retaining oversight of the IPCC’s administration and financial arrangements where this helps to enhance accountability for the IPCC.

Question 4 – Do you think the reformed IPCC should have the flexibility to decide for itself how it operates at regional level?

The Government believes that the reformed IPCC could benefit from organising itself with a greater regional presence to increase its visibility and interface with the public and stakeholders such as the police. The Government is interested in views on whether the reformed organisation should have discretion to operate along regional lines or whether it should be required to do so.

The College of Policing agrees that the IPCC should have discretion and flexibility to make decisions as to how it operates at regional level. It may not be necessary to legislate to create such a requirement. Policing organisations continue to go through profound changes including greater collaboration between forces and with other agencies. In light of these continued changes, it may be beneficial to preserve future flexibility for the IPCC. The objective of introducing greater flexibility or other changes to operations should be to assist the IPCC in delivering proportionate and timely investigations, so that the most serious cases are allocated appropriate time and resources and other cases can be dealt with quickly and efficiently.

Question 5 – Should there be some restriction on people with a policing background taking up posts as senior management employees of the IPCC?

The Government considers that there should be a restriction on the head of the reformed organisation having worked for the police in the past. The Government is interested in views as to whether some restriction should apply to other senior posts (i.e. those with public-facing roles such as the proposed Deputy or Regional Heads).

The College believes that it is critical to the success of the IPCC that it is able to recruit the best quality individuals, irrespective of their background. The capability to act with impartiality and integrity should be integral requirements when the IPCC is making judgements about who it chooses to employ. These factors should be essential to recruitment into all positions rather than simply those at senior management level. A capability framework based on the knowledge, skills, experience and behaviours required for roles should allow for independent thinking to be tested and assist the IPCC in ensuring it is able to appoint the right people to the right positions.

Former police officers and staff may be uniquely placed to contribute towards the organisation's effectiveness precisely because of their experience, knowledge and skills. The College Leadership Review has highlighted the value of police leaders being exposed to other organisations and encourages movement in and out of the service. Similarly the IPCC will benefit from the experience (especially in criminal investigations) that former officers bring.

In the most senior positions, appointing a former police officer or member of police staff could be seen to place public perceptions of the IPCC's independence from policing at risk of compromise. The position of head of the reformed organisation should therefore not be open to anyone with prior policing experience. If appointment to the position of regional head confers delegated powers to independently instigate and manage investigations, then this restriction should also apply to these positions.

Question 6 – Do you agree with the suggested name 'Independent Police Conduct Authority' as a title for the reformed IPCC?

No. The IPCC already oversees and investigates complaints relating to other policing bodies, such as the National Crime Agency, Her Majesty's Revenue and Customs, the Border Force and Police and Crime Commissioners. Future changes could bring other bodies such as fire services within their remit as well. Using the term 'police' rather than the more inclusive 'policing' in the title of the organisation may be misleading and potentially confusing.

The term "conduct" is also problematic; complaints do not necessarily mean police conduct is an issue and in any event, the conduct of officers and police staff is a responsibility of chief officers. Including the term "conduct" could mistakenly imply that the IPCC has a role in regulation of the profession.

A possible alternative title could be: Policing Complaints Authority.

Question 7 – Do you have any other comments in response to the above questions, or on other matters in relation to this public consultation, or about the IPCC and the way it is structured and organised?

The College of Policing Leadership Review identified a need to address elements of policing culture that can impede change, prevent internal challenge, restrict innovation and damage individual and institutional legitimacy. Professional development in policing will be supported by a shift towards a culture where reflective practice, peer review and other techniques are used to enhance practice and learning.

The IPCC has an important contribution to make to this cultural shift. Where possible, changes in approach should be made to allow for investigations to be carried out more quickly and effectively. The most serious cases should be allocated appropriate time and resources and other cases dealt with speedily, efficiently and proportionately. The College supports an accountable, open and transparent approach to investigations which helps to create opportunities to learn from mistakes as part of strengthening professionalism.

It could also benefit the IPCC if there were an established external audit or review function to identify good practice and areas for improvement. Sheila Drew Smith's recommendation 13 on this suggested that this innovation would help the IPCC itself develop a culture of continuous improvement and learning.

In her review Sheila Drew Smith observed that the lack of clarity about whether the IPCC has the power to re-open an investigation "once an investigation report has been issued and final decision taken, even if errors or failings in the original investigation come to light later" could be addressed in the impending Policing & Crime Bill. This does not form part of the formal consultation but the College of Policing believes there would be benefits in addressing it. Public confidence in the IPCC can only be maintained if investigations are thorough, searching and accurate and it cannot be in the public interest that parties have to resort to judicial review to get a decision changed.

It is in the interests both of the public and the police service that the IPCC is a credible and effective investigation body. To this end Sheila Drew Smith also expressed the view that 'police confidence should be enhanced by the improvements to transparency, quality assurance and changes in the governance of the IPCC. The police are inextricably part of the public.'

If the police service is confident in the fairness and impartiality of the IPCC there is a likelihood of greater co-operation (essential in most IPCC investigations) and less need to legislate in order to compel officers or police staff in certain situations. The remit of the Police Ombudsman of Northern Ireland includes a focus on enhancing police confidence as well as public confidence and there is an argument that this represent the better model. Although Sheila Drew Smith concluded against recommending this be introduced to the IPCC, we believe that an extension of the IPCC's statutory obligations to take account of these arguments is worthy of fresh consideration.