



**College of  
Policing**

**Improving Police Integrity:  
reforming the police complaints and  
disciplinary systems**

05 February 2015

College of Policing response to consultation

## **Introduction**

The College of Policing is the professional body for everyone working in policing. Our vision is to be a world class professional body, equipping our members with the skills and knowledge to prevent crime, protect the public and inspire public trust.

The College of Policing sets standards of professional practice. We identify, develop and promote good practice based on evidence. We work to support the professional development of those working in policing. We support police forces and other organisations to work together to protect the public and prevent crime; and we identify, develop and promote ethics, values and standards of integrity.

In setting standards, the College may take a range of approaches, from sharing guidance or practice between police forces where it will help tackle a crime or policing problem, to issuing Codes of Practice which are laid in Parliament and require Chief Constables to have regard to the standards set.

The College has responsibility for supporting its members to make ethical decisions and promote integrity in policing. We have published a Code of Ethics for police professionals in England and Wales. The Code provides principles to guide people working in policing when exercising discretion in the difficult decisions they face each day. It also sets out the standards and behaviour expected from everyone who works in policing.

## Reforming the Police Complaints System in England and Wales

The analysis provided within the consultation document provides an accurate reflection of some of the problems with the police complaints system; it is cumbersome, slow, overly bureaucratic and difficult to navigate for all parties. It is of concern that this can lead people to express a lack of confidence in the police to deal with issues raised in a fair and transparent way.

The system has been judged ripe for significant change, but any amendment must focus on improving accessibility, transparency and effectiveness. Some of the reforms initiated within the Police Reform and Social Responsibility Act 2011 (establishing the opportunity to locally resolve a complaint without the consent of the complainant and providing a route of appeal for some complaints investigations to the Chief Constable) have made the system less accessible, less transparent and consequently less effective.

### Consultation Question 1

The concept of Police and Crime Commissioners (PCCs) having a role in the police complaints system is sound; they are the elected official responsible for policing in their area and as such should have an interest in public dissatisfaction with the service provided. Direct involvement with the complaints process will provide them with a barometer of public opinion.

The consultation document suggests that as a single point of contact the PCC will provide an improved experience for complainants. It should be pointed out that there is a single point of contact currently – the relevant force Professional Standards Department (PSD). The introduction of a PCC into the complaints system will not necessarily improve the *experience* of complainants, but it could improve their *confidence* in the process. Clearly this would be a good thing, but it is important to be clear about precisely where any improvement should be – that way the effectiveness of the changes can be measured properly.

While the direction proposed is sensible, if it is to be implemented it is essential this is done on a national basis rather than allowing individual PCCs to decide whether to adopt it or not. The welcome emphasis of the consultation is to improve the police complaints system; to move to multiple different approaches would be a significant retrograde step. It would not improve public confidence (if anything it would undermine it) but would make the complaints system appear even more opaque and inaccessible. Under this proposal, a person could make separate complaints to two different forces and could be treated completely differently – with decisions taken by an officer in one force and a person acting for the PCC in another. If implemented it would no longer be possible to make direct comparisons between forces.

Where forces have collaborated and have a single PSD there would also be significant difficulties if one PCC decided to adopt the system and the other did not. Fundamentally, if it is a good idea for PCCs to be responsible for complaints oversight, this should be applied across the country.

If adopted nationally, it is essential that a PCCs office is resourced to enable them to take on this responsibility. The resource commitment is likely to be significant. If this were to be implemented without suitable resource it would lead to slow resolution of complaints and ultimately dissatisfaction with the system, and the PCC. PSD staff often have a myriad of different responsibilities so it is unlikely to be possible to simply transfer a number of personnel from here to the PCCs office without impacting on other professional standards work. Clearly, should the position of PCCs be changed after the election, this proposal would need to be reconsidered. However it is important to acknowledge there would still be a need to change the police complaints system.

### **Consultation Question 2**

It is reasonable for the PCC to be responsible for considering appeals for local resolution cases dealt with by the force and other cases where the current appeal authority is the Chief Constable. It should be made clear within the legislation that this is the final point of appeal in these cases (rather than providing an effective right of appeal against the PCCs determination to the IPCC) – otherwise this would only serve to elongate the process. If appeals are to be considered by the PCC, this needs to be a policy that is applied nationally (see previous response).

The proposed power for a PCC to have access to “*any information or data held by the police regarding particular cases*” needs careful consideration. In making a decision about an appeal it is right that the PCC should be in possession of all *relevant* information, but the proposal appears far wider than this and it is unclear whether this relates simply to appeal cases or all cases. The police force may have a range of information and data about a particular case or individual(s) and it is important this is only shared where relevant. The police have a duty to safeguard information and data and it would only serve to undermine public confidence if this were shared more widely than necessary. It would be helpful if any new legislation specified in what circumstances a PCC could order a review of an investigation or decision the force has made in a specific case.

### **Consultation Question 3**

Further streamlining of the appeals process would be helpful. Currently there are cases where following an appeal, a matter is referred back to a force by the IPCC, further action is taken and then another appeal is received. While it is important to resolve issues with complainants as far as possible, there are occasions where this process can hinge on the most arcane of points, with little value being added in spite of considerable resource input. This can have a disproportionate impact on other work and if it can be prevented it would enable PSDs to invest their time in more productive enquiries.

It is not agreed that PCCs should deal with appeals that could result in misconduct proceedings against an officer or member of police staff. Decisions linked to misconduct proceedings should only be taken by the force as employer or a suitable independent body (i.e. the IPCC). There is a risk that if a politician has any involvement in decisions linked to misconduct their considerations could be either clouded or influenced by political considerations, or perceived to be so

influenced, rather than guided solely by fair, evidential assessment. It is acknowledged that PCCs have this role in respect of Chief Constables, but they have a unique position as the head of the organisation.

It should be noted that proposals within the misconduct element of the consultation could lead to the removal of lower level misconduct sanctions; if this were the case, there may be a stronger argument for extending the appeal authority of the PCC to those matters that will not result in dismissal.

#### **Consultation Question 4**

If HMIC are to judge the health and effectiveness of policing it is sensible that they should have the remit to inspect how complaints are dealt with. This forms part of their work on legitimacy and HMIC should have a role in inspecting how the complaints system operates within a force area.

#### **Consultation Question 5**

It is acknowledged that the current definition of a complaint can be unhelpful. It is unclear from the consultation document exactly what is meant by 'policing practice' or 'service failure'. If a person believes they have been let down by a police force in an individual case (or series of cases) then it is entirely appropriate they should be able to resort to the police complaints system.

#### **Consultation Question 6**

The theory that all complaints should be recorded is sound. However, this would have a resource implication and is likely to add a considerable additional bureaucratic burden – potentially with little added benefit.

#### **Consultation Question 7**

The terms "discontinuance" and, especially, "disapplication" are poor ones to use and should be replaced. Advising a complainant that an investigation has been ended is clearer.

Where a decision is made not to investigate a complaint at all this should also be made clear at the outset – i.e. by advising that no action will be taken, rather than saying the investigation has been ended.

#### **Consultation Question 8**

When a person makes a complaint it is important to establish what they are dissatisfied with and what they would like to see happen as a result. The service should then examine whether there is an explanation for what happened, whether further action is required and should consider what (if any) remedial action is required. If this were the extent of the complaints system it would be clearer for complainants and members of the police service alike.

Currently the emphasis is on identifying whether a member of the police service has done anything wrong. While this may be what a complainant is seeking in some cases, it is not true in all. The emphasis on identifying 'blame' has compromised the system and as a result led to a defensiveness within the service that defeats the ends that are sought. Any changes to the complaints

system need to be focused on resolving concerns at the earliest stage possible without the need for a complicated bureaucracy to support the process.

### **Consultation Question 9**

It would be helpful to identify an independent route whereby a complaint (or complainant) could be deemed vexatious or persistent. If PCCs are to have a role within the complaints process it would be sensible for them to be the decision-maker in respect of vexatious, or persistent, complaints and complainants. This would provide an element of democratic accountability to the decision.

To ensure adequate scrutiny and fairness and a right of appeal to the PCCs decision could be introduced with the final arbiter being the local Police & Crime Panel – thereby preserving a degree of local accountability.

### **Consultation Question 10**

While it is acknowledged there are additional requirements in respect of victims of crime, it is important to have only one process for dealing with complaints irrespective of whether they come from victims or any other person. The consultation acknowledges the complexity and difficulties navigating the current complaints system and it is important that any changes do not establish a two-track complaint process where someone is dealt with differently only because they are defined as a victim of crime. The principles enshrined in the Code should apply to all complainants whether they are victims of crime or not.

### **Consultation Question 11**

Police legitimacy is built through public confidence and trust. The service must be transparent and unafraid of addressing concerns raised by the public. There are examples of cases where media and public concerns about policing practice have been raised but where there has been no independent and authoritative way to address them outside the judicial process – meaning the issue remains unresolved in the public mind, with a consequent impact on confidence in the service.

From this perspective, the concept of super complaint would be welcome if it provided a means of surfacing significant legitimate concerns and allowing them to be addressed without having to resort to judicial inquiry. The considerable difficulty would be in defining what constitutes grounds for a super complaint.

It is unclear from the consultation document whether super complaints would relate only to the police service or to other bodies involved in policing generally (e.g. National Crime Agency, Her Majesty's Revenue and Customs, Her Majesty's Prison Service). Application to the broader grouping would be advisable. However, as a concept this does have merit and should be considered further.

### **Consultation Question 12**

If a super complaint is made about policing then it is sensible that the IPCC (as the independent body responsible for dealing with police complaints) should receive them.

By their very nature it is likely super complaints would be complex, lengthy and would require a significant resource commitment; this would undoubtedly impact on the IPCC's other work. There must be considerable doubts that the IPCC in its present format would have either the capacity or the experience to undertake all investigations into super complaints.

**Consultation Question 13**

Depending on the circumstances of the super complaint, it may be that a body other than the IPCC may be the most appropriate to examine the issues.

Realistically it is likely that a collaborative approach would be required involving IPCC, HMIC, the College of Policing and in some cases other agencies. Dealing with super complaints would be an additional responsibility – possibly a very significant one – and would require more resources.

The powers held by the IPCC, HMIC and College of Policing are probably sufficient to undertake this responsibility but it would be advisable for legislation to lay out precisely what the expectations of each body would be in respect of super complaints.

## **Reforming the Police Disciplinary System**

Before responding to the specific questions laid out in the consultation it is important to highlight the position of the College as the professional body for policing. In general terms, a professional body will have some involvement in assessing or adjudicating when an individual is suitable to continue as a registered individual in the relevant profession; decisions about whether the individual should be dismissed from their job are taken by their employer. In effect, decisions on dismissal and 'striking off' are generally separated.

The police misconduct process has only one decision point; dismissal ultimately results in an officer being barred from re-joining the service. The College's only existing role in this process is to maintain a Disapproved Register of those who have been dismissed by their force (or who have resigned or retired while subject to gross misconduct investigation). It should be emphasised there is currently no statutory basis for the Disapproved Register. It would be helpful if this could be addressed as a result of this consultation process.

Where an officer breaches standards of professional behaviour to the extent that the public cannot any longer have confidence in them in the role, then as a professional body the College may properly have an interest in ensuring they can no longer practice. If there were a formal registration requirement for all involved in policing (consistent with other professions) it would be possible to better differentiate between a decision to dismiss (taken by the relevant force or independent panel) and a decision to effectively 'strike off' the register. The quite unique situation for the police service (when compared to other professions) provides a challenge for the College as the professional body.

The overriding objective of the police disciplinary system is to ensure public confidence; where it is necessary for an officer to be subject to the misconduct process it is important this is actioned without delay and that any sanction is proportionate to the misdemeanour. Above all the disciplinary system must be fair to all parties, transparent, accessible and effective.

Major General Chapman found that the police service is effective at dealing with misconduct (albeit there may be inconsistencies between forces) however as hearings are not open to the public (except in exceptional cases) there is little transparency which contributes to a suspicion that officers may not be treated as robustly as they deserve. Although greater transparency will expose misdemeanours by individual officers the service should not be afraid of this; better to demonstrate that miscreants are dealt with properly than to leave a suspicion that they are not.

As the professional body for policing the College has an interest in ensuring public confidence in the service and as such has an interest in the effectiveness of the police disciplinary system. However, the proposal that the College should take an "oversight" responsibility for the disciplinary system requires further clarification. The College is responsible for setting standards within the service, so production of guidance on the disciplinary system falls within our current remit; this will be developed as Authorised Professional Practice (APP) which will

be updated as appropriate to take account of any developing trends. The College also has a role in ensuring appropriate training is made available to those within the service. However, the College has no current role (nor the funding) to provide training to lay members of hearing panels.

It is right that there should be consistent minimum standards in respect of misconduct outcomes; there should be the same baseline irrespective of where in England & Wales an officer is serving. Development of guidance ('benchmarking') in this area is likely to be challenging but it is something the College can progress on behalf of the service. It should be emphasised that guidance (in effect, 'sentencing guidelines') will never lead to a guarantee that two similar cases will result in exactly the same outcome; mitigation and past discipline history will influence the result, as may a Chief Constable who adopts a more 'hardline' approach to a particular issue.

The proposal suggests the College could develop a 'kitemark' programme, setting standards for the service. As above, the College will develop evidence-based APP which HMIC can inspect against as appropriate. APP is a core product for the College and it would be sensible that guidance on the disciplinary system is developed to this standard rather than establishing a separate 'kitemark'. The proposal recommends misconduct hearings should be heard regionally, and appeal hearings either regionally or nationally. There is considerable merit to both; regional (or national) hearings would provide an additional layer of independence and would be likely to achieve some economies of scale for the service as a whole. Clearly, the downside would be a need for witnesses and those involved in the process to travel further.

Within the consultation it is suggested that the College could coordinate or support the administration of regional/national hearings with funding coming from forces. It is acknowledged that some form of centralised administration would probably be more cost efficient and lead to higher standards of support to the hearing process. Nevertheless it must be emphasised that if the College were to take on this role it would represent a significant additional responsibility and would need to be funded in full.

As mentioned above, it is also important to reiterate that the police disciplinary system is different from other professions in that a decision to dismiss is also an effective decision to bar from re-joining. As the police disciplinary system is now being reviewed it may be appropriate to consider the development of an Independent Police Disciplinary Tribunal Service along the lines of the Medical Practitioners Tribunal Service or the Solicitors Disciplinary Tribunal. Such a body could be responsible for the recruitment and training of lay panel members (including legally qualified chairs) and for administering the whole process. It could also be accountable to Parliament. If such a body were developed there would need to be a clear and effective relationship with the College of Policing.

#### **Consultation Question 14**

The factors described are all relevant when considering the benchmarking of sanctions.

### **Consultation Question 15**

Strongly agree.

The area between misconduct and unsatisfactory performance can be unclear and some cases could be assessed as either. The complexity and bureaucracy associated with the performance regime often leads to cases being dealt with as misconduct when this is not appropriate. It would be easier for officers, and the public, if there were a single regime that considers the failings in an individual case and where an appropriate outcome will address these in order to ensure future performance is improved.

The present unsatisfactory performance process is used inconsistently and is not fit for purpose.

### **Consultation Question 16**

Strongly agree.

### **Consultation Question 17**

Disagree.

Various time limits already apply to elements of the misconduct process but these have not guaranteed cases move expeditiously through the system. Although both appropriate authority and officer sides can be responsible for delay, where the fault lies with the 'defendant' there is often no effective sanction; they must have sufficient time to prepare their case and any restriction on this is likely to result in a finding they have been treated unfairly – as a result they are often given more leeway than may be required.

The introduction of independent legally qualified chairs will probably improve the timeliness of proceedings as they will expect a more effective pre-hearing process. It would be advisable to assess how successful they have been in speeding up the process before considering imposition of additional, or alternative, time limits.

### **Consultation Question 18**

Currently larger forces may conduct a reasonable number of hearings each year, with the result that their processes are slick and effective. Other forces may only hold a limited number of hearings and consequently find it more difficult to achieve the same level of experience. The Metropolitan Police have established an effective and efficient process of hearing management due to its size, a regional approach is likely to produce a similar level of experience and professionalism.

There is a likelihood that a regional approach would produce some economies of scale.

It would be sensible to have a single administrative system to facilitate all hearings nationally. It would be more efficient, would remove the burden from forces and would allow for the allocation of panel members on a national basis

where this is appropriate. As mentioned above, this might be delivered by an Independent Police Disciplinary Tribunal Service.

**Consultation Question 19**

No additional suggestions.

**Consultation Question 20**

No observations on this.

**Consultation Question 21**

If a national body is introduced (e.g. an Independent Police Disciplinary Tribunal Service) it would probably be easier and more efficient to hold appeal hearings on a national basis. There should be limited need for witnesses to attend hearings so this does not need to feature in considerations.

If the organisation of hearings is to rest with forces it would be preferable for appeals hearings to be arranged regionally.

**Consultation Question 22**

Agree.

National appointment of lay appeal panel members would be appropriate if the hearings are to be held nationally (see above).

In which ever way members are appointed there would need to be clarity about which body is responsible for selection, appointment, training and payment of them. The establishment of an Independent Police Disciplinary Tribunal Service would provide a body that could properly assume this responsibility – consistent with other professions.

**Consultation Question 23**

No.

**Consultation Question 24**

Where an officer receives a formal warning it should be possible for this to be referred to in future proceedings if relevant. It would be relevant if it relates to behaviour of a similar nature to that alleged, was for a serious matter (e.g. amounted to a final written warning) or was relatively recent.

Details of a formal warning should remain on an officer's record throughout their service, but should only be disclosable where relevant. The exception to this would be where the matter is historic and the officer has effectively proven their rehabilitation; in these circumstances it should be permissible for an officer to apply for the relevant record to be expunged.

**Consultation Question 25**

Agree.

Option one.

The College is the professional body for *policing* – responsible for all, whether they are sworn officers or police staff. Therefore the concept of a single, consistent disciplinary system for all is strongly supported.

Policing is a profession where the need to maintain public confidence is paramount. Other professions have broadly similar approaches to discipline as are in place (or proposed) for the police service; hearings in public with legal representation, a regulated system etc.

It is acknowledged that the police officer and police staff systems are different and outcomes between the two are inconsistent. It should also be noted that some police staff roles are so similar to police officers that the current difference in approach is difficult to justify to the public; a Constable and PCSO may be involved in exactly the same incident, but one is dealt with in a regulated system and the other is not. This disparity will become even more apparent if hearings for officers become public.

It may be advisable to differentiate between those members of police staff who are involved in operational, public-facing roles (e.g. PCSO, control room operators, detention officers, crime scene investigators etc.) and not those in functions that are often termed 'support' (e.g. human resources, finance) where individuals may already be members of a separate professional body. The guiding principle should be maintenance of public confidence in policing.

To implement such a change would require negotiation with unions and is likely to be involved and time-consuming.

It should be noted that recent changes in legislation have been specifically targeted at police officers (e.g. prohibition on retire/resign while under gross misconduct investigation and the proposed Police Corruption offence). This actually serves to reinforce the separation of officer and staff disciplinary processes and ultimately makes it more difficult to bring the two systems closer together.

### **Consultation Question 26**

As acknowledged, it will be necessary to consider the Office of Constable. It will also be necessary to consider whether the public hearing element of police hearings could be properly delivered if Option One was adopted.

### **Consultation Question 27**

None of the three options is acceptable.

Officers with material information are already expected to co-operate with investigations and if they do not can be liable for disciplinary action. Without some evidence this is a relevant issue it is difficult to provide a more detailed response, however it surely offends natural justice to compel a person to co-operate with an investigation at the threat of prosecution. Where evidence is provided with this threat in the background it is not unreasonable to suspect the defendant in a consequent prosecution may suggest the officer's evidence was only provided under duress.

If an officer has confidence in the investigating body they are likely to provide witness evidence. If the issue is a lack of confidence by officers in the IPCC, then it would be more productive to address this rather than taking a more draconian approach. Compulsion to answer questions will only elicit answers to the direct questions, it will not lead to active co-operation – which is likely to lead to more beneficial results in an investigation.

It should be noted that the proposal only relates to police officers. If implemented, this could mean that an officer, member of police staff and member of the public at the same incident (e.g. death in custody) would be treated differently; the officer could be compelled to answer whereas the others could not. This would be arbitrary, illogical and difficult to understand for the public.

## **Strengthening Protections for Police Whistleblowers**

### **Consultation Question 28**

Where a concern is raised with the IPCC it is sensible that they are able to register the concern and take action to ensure it is addressed. However, it is both unrealistic and impractical to believe the IPCC could initiate enquiries without some form of consultation with the relevant force. If nothing else, the IPCC would need to check whether action had already been taken by the force to deal with the concerns.

As has been highlighted within the consultation, officers and staff regularly report concerns about colleagues and these are dealt with effectively; the evidence of systemic issues not being identified and acted upon is very limited. That is not to say a proper referral route outside of a force is not required, but it is important to acknowledge this is not a widespread problem in policing. A fundamental issue with this proposal is the assumption that the IPCC should be the body to whom a whistleblower would make a report (if they feel unable to report within force). For a whistleblower to be confident to report a concern they need to have confidence in the referral process. The IPCC has faced criticism from some within the police service and it is unlikely that all would see this as a realistic route to report a concern. While the IPCC should still be an option for police whistleblowers, it should not be the only route.

As the professional body, the College of Policing could be a point of referral for an officer or member of staff who has a concern. Clearly, this would need to be resourced, but common with other professional bodies the College should provide this facility for its members.

As important as it is to define referral routes, it is more important to define what should happen once a report is received. The emphasis should be on seeking to resolve the problem – whatever it is. Some issues may be about an individual's behaviour whereas others could be about poor practice or a lack of guidance. Not all the issues would neatly fall within the remit of the IPCC. Therefore, it would be preferable for a joint initial assessment that could involve the College, IPCC and potentially HMIC and the relevant national lead. If this assessment also included staff associations it may provide additional credibility to the process. Considerably more work would be required to establish an effective process but it is important to ensure policing as a whole is involved in dealing with this type of issue – rather than simply leaving responsibility with one body.

### **Consultation Question 29**

If a case is neither serious nor sensitive it should be referred back to the relevant force to deal with.

### **Consultation Question 30**

Disagree.

The concept of a sealed investigation is flawed. In any case where an investigation is conducted into an organisation there needs to be some level of engagement where investigative powers like PACE or RIPA are not deployed

(and in many of these cases engagement will also be necessary). It would be impractical, and potentially dangerous, for the IPCC to undertake investigations into a force without an appropriate level of engagement. There would be a significant risk of compromising ongoing PSD or criminal investigations.

This is not to say that the IPCC should not be able to initiate enquiries in a force with only a limited number of individuals from the force being aware. This can happen now; restricting awareness of investigations is common practice in forces. To describe this as a 'sealed investigation' would be mis-leading – to whistleblowers and the public.

### **Consultation Question 31**

This needs to be agreed with the whistleblower at the outset. It is reasonable to provide updates at key points or where significant decisions are made.

### **Consultation Question 32**

As a matter of good practice, a whistleblower should be consulted at each stage proposed. It should be emphasised that consultation is only that; it is not a right to make decisions in respect of the conduct of the investigation, but the consultation must be genuine.

### **Consultation Question 33**

Disagree.

This proposal suggests a process separate from misconduct proceedings. This is not advisable; an appropriate authority will make a decision based upon the evidence of the case. A whistleblower should be able to raise this as a concern at an early stage in misconduct proceedings, and where they do so, it should be for the appropriate authority to consider whether their whistleblowing is relevant. Should they decide it is not, an independent legally qualified chair would consider this again in advance of any misconduct hearing. This does not need a separate process.

There is no value in providing a timescale within which time a person has whistleblown.

### **Consultation Question 34**

Agree.

Where it is justified and possible, anonymity should be available to a police whistleblower. However, this should only be in the most serious cases. There would need to be considerable safeguards to ensure the interests of justice are not interfered with.

It should be acknowledged that in many cases it will be evident who the whistleblower is, and in these circumstances there can be no expectation of anonymity.

### **Consultation Question 35**

No. There is no evidence to show this is necessary.

## **The Role and Powers of the IPCC**

### **Consultation Question 36**

Yes. This needs to be reconsidered in light of the additional IPCC resources. In addition, if the proposal to deal with non-dismissal cases as rehabilitative, rather than misconduct, is accepted, the current level of appeals dealt with by the IPCC would drop dramatically (unless the guidance is changed). This would provide the IPCC with additional capacity.

### **Consultation Question 37**

In practice, the value of 'supervised' investigations is very limited. Often the IPCC involvement is little more than cursory. In effect, these investigations are carried out by the force and the 'supervised' badge gives a misleading impression.

Likewise, to describe an investigation as 'managed' by the IPCC is also misleading as the direction of the investigation is effectively set by the force within the parameters set with the IPCC.

The proposal (to have only IPCC or police investigations) is sensible and likely to be clearer to the public. However, there will be occasions where it is simply impractical for the IPCC to undertake all enquiries necessary in a particular investigation. If it is necessary to outsource some elements of an investigation this needs to be very clear with specific terms of reference. In these circumstances the force (or other agency) will be acting as the agent for the IPCC but should not be responsible for setting any element of investigation strategy.

### **Consultation Question 38**

Where the IPCC does not possess the skills or capability to undertake the necessary enquiries.

With the increase in resources, a lack of capacity should not justify the use of police resources.

### **Consultation Question 39**

Agree.

### **Consultation Question 40**

Agree.

### **Consultation Question 41**

Neither agree or disagree.

### **Consultation Question 42**

Strongly agree.

There is no sense in requiring a force to present a case where they do not consider this is justified.

### **Consultation Question 43**

With a significant increase in workload it will be impractical for Commissioners to continue with the same level of 'hands on' involvement as they do now.

It is important for public confidence that the IPCC is a transparent and effective organisation. Now it will be responsible for the investigation of all serious and sensitive investigations relating to police officers and staff, it is vitally important that members of the public, and Chief Constables, have a right of independent appeal where they are dissatisfied with an independent investigation conducted by the IPCC. Currently this can only be by judicial review – something that is expensive, and for many people largely inaccessible – there should be consideration of an alternative means of independent assessment. Ultimately this will ensure the public have confidence in the process.

## **Chapman Recommendations**

The following recommendations were not subject to a specific question with the consultation, but observations are provided for completeness:

### **Recommendation 23**

It is acknowledged that the absence of a representative from the accused officer's force will provide greater transparency, and therefore fairness, to the process. However this would mean that a Chief Constable effectively has no involvement in the dismissal of one of their officers. As the person responsible for standards in the force this poses some challenges. That said, there are a number of hearings that have been held without any force involvement. Provided there are clear nationally agreed standards (the 'benchmarking' referred to earlier in the consultation) the absence of a force representative on a hearing panel would be acceptable and would provide the transparency and fairness sought.

Although it is acknowledged that the Metropolitan Police is a large organisation where there can be a reasonable guarantee that the accused officer will not be known to the panel and vice versa, from a transparency perspective it may be advisable for the same principle to be applied (i.e. panel member from another force). If the hearing process is nationally co-ordinated this would be more easily achievable.

### **Recommendation 26**

Disagree with this recommendation. Although as a principle, a final written warning should mean exactly that, there may be cases where it is appropriate to extend it. Even though the number of cases may be limited, it should be an option that remains open to a panel.

### **Recommendation 27**

Agree with this recommendation provided it is for cases that are heard at a misconduct hearing. This is something that should be available to a panel as an option.

### **Recommendations 28, 29 & 30**

Disagree with these recommendations. This would not lead to any greater understanding, and if anything, the language is more obscure.