

**IPCC STATUTORY GUIDANCE –
MAKING THE NEW POLICE COMPLAINTS SYSTEM WORK BETTER**

BACKGROUND

1. Earlier this year, this Committee considered the Independent Police Complaints Commission (IPCC) draft Statutory Guidance (minute 115 refers). Comments from this Committee were fed into the final version of the Guidance, which was published in October 2005.
2. The Guidance sets out minimum standards expected of forces in handling complaints and sets out practical ways in which the police can make the system work better and learn from complaints.
3. The Guidance is primarily addressed to a police service audience, particularly Chief Officers and Professional Standards Departments. However, as the Guidance states at paragraph 4.1:
“...under the Police Reform Act, police authorities must investigate complaints against officers of ACPO rank and discharge specific statutory functions. Where the guidance is not explicitly addressed to a police authority, the IPCC expects all authorities to adopt the principles set out within it.”
4. The role and responsibilities of police authorities are set out in the Guidance (the list being slightly amended from the draft Guidance):
 - Keep themselves informed about complaint and discipline matters within their force
 - Provide the IPCC with the information and documentation to carry out its functions (including inspection)
 - Ensure that the IPCC or person nominated by the IPCC has access to any police premises and material/documentation within those premises during the course of an investigation
 - Ensure that the Investigating Officer carrying out the investigation is given all the assistance that they may reasonably require
 - Refer complaints or misconduct matters to the IPCC, where the Chief Police Officer has decided not to
 - Act as the ‘appropriate authority’ in the recording and investigation of complaints and conduct matters against officers of ACPO rank. This includes a statutory requirement to obtain and preserve evidence in such cases
5. The Guidance will be reviewed in 2007-08.

ISSUES AND GAP ANALYSIS

6. An analysis of the Guidance has been carried out and the key issues for Humberside Police Authority are set out at Appendix A. This Appendix also highlights any action that needs to be taken to ensure that Humberside Police Authority is complying with the Guidance. The key issues for the Police Authority include:
- One of the key changes from the draft Guidance is the inclusion of standards of timeliness which apply to the IPCC, forces and police authorities. Amendments have already been made to the Police Authority's procedure for dealing with complaints against Chief Officers to bring it in line with the standards set out in the Guidance for example, recording complaints within 10 working days from receipt
 - Learning lessons from complaints: the Guidance states that "throughout the investigation, the Investigating Officer should consider whether the force can learn and identify emerging lessons". Humberside Police Force are adopting a new form "Learning the Lessons from Investigations" which will ensure that all investigations will be examined from a learning perspective, irrespective of whether they are upheld or not. Scrutinising such learning is a key role of the Police Authority in its oversight of complaints in the Force, so the information gathered on the new form will be invaluable to this Committee in the future.
7. The Force have undertaken a similar gap analysis and are currently completing a number of actions as a result, which include setting a system for identifying the lessons to be learned from investigations and complaints, both from an individual perspective and organisational standpoint. Additionally, the PSB now records the complaint as having been made at the time the complainant makes the complaint as opposed to when the complaint arrives in the PSB, in line with the Guidance. Other issues around better marketing of the Local Resolution procedure have also been addressed through the Professional Standards Branch newsletter "Standards Matter" which is published in the Guidance and Information document.

RECOMMENDATIONS

8. It is proposed that:
- i. Members discuss the issues for the Police Authority arising from the IPCC's Statutory Guidance
 - ii. The actions required to comply with the Guidance, as set out in the Appendix, are completed and a further report be brought to this Committee in six months reporting progress with the actions.

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Background documents: IPCC Statutory Guidance: making the new police complaints system work better Secretariat Files 2.2.6, 2.2.22