

Deputy Mayor's Executive (Police)

Date: 1st October 2022

Subject: Professional Standards Branch (PSB) – Complaints, Misconduct and Vetting

Report of: Detective Chief Superintendent Michael Allen (Head of Professional Standards)

Report type: Investigations/responding to the public/protecting vulnerable people etc

1. Purpose of report

The report provides an overview of the level of demand within Greater Manchester Police (GMP) with regard to (i) police complaints, (ii) officer and staff misconduct, (iii) death and serious injury (DSI) matters and (iv) force vetting. The report also considers the performance of (a) the Professional Standards Branch (PSB) and (b) the forces districts and branches in respect of complaints handling. The standard reporting period used within the report is 01/09/2021 – 31/08/2022. Where comparisons are made against the most similar forces (MSFs) and the national landscape, information from the Independent Office for Police Conduct (IOPC) has been used with a slightly different date range of 01/04/2021 – 31/03/2022 due to data availability.

2. Recommendations and asks:

To seek views and comments on both (i) the current performance of complaints handling and the investigation of police officer and police staff misconduct in GMP and (ii) the areas of focus for improvement to better deliver against the 3 strategic objectives of the PSB, these being:

1. To maintain public confidence and the reputation of the police service.
2. To uphold high standards in policing and deter misconduct.
3. To protect the public.

3. Executive Summary

This report provides a comprehensive overview of both the purpose of the branch and its current performance supported by data from the preceding 12 months. It outlines the challenges faced and demonstrates the impact of legislative restructure and a global pandemic on dissatisfaction, complaint reporting and conduct. It provides explanations where variations have occurred and gives clear insight into the current status of complaint recording, timeliness and resolution in comparison to most similar forces (MSF) and the national arena. The report details our ambition for accuracy regarding the recording of dissatisfaction in all forms and efficiency of processes. In adherence to the legislative framework, it is our vision to apply pragmatism where appropriate and a strong culture of organisational learning and continued improvement.

4. Detail

High Level Overview of the PSB Structure

Working alongside the Complaints and Misconduct Assessment Unit that is responsible for the triaging of new police complaints and notification of conduct matters receipted by the PSB, the department has 3 investigation teams who investigate complaints and alleged misconduct where if proven, disciplinary action¹ would be justified. Additionally, within the establishment there is small coronial function that provides an investigative service to both the branch and His Majesty's (HM) Coroners in respect of DSI matters. On conclusion of any disciplinary investigation where a case to answer for a breach of the Standards of Professional Behaviour has been determined, the case will be then handled by a dedicated Misconduct Proceedings Unit (MPU). A separate team within the PSB will take forwards all identified organisational learning to promote continual service improvement and feeds into the force's Strategic Organisational Learning Board (SOLB).

The PSB additionally comprises the following distinct functions:

- a) Anti-Corruption Unit (ACU): In addition to investigating serious corruption and misconduct, the unit leads on a number of prevention and deterrent activities including drug testing programmes, business interests and secondary employment, notifiable associations, gifts and hospitality and financial vulnerability.
- b) Force Vetting Unit (FVU): Provides a regime in assessing a person's integrity and critical line of defence in protecting the force from criminal infiltration and insider threat. It manages risk relating to protection of police assets, public safety and confidence, operational safety, leadership, corruption and coercion and integrity.

Performance

Current demand

Over the course of the period under review (01/09/2021 – 31/08/2022) GMP PSB received a total of 2522 public complaints. This is an increase of 7.1% on the same period last year when 2353 public complaint cases were received. In the same period the PSB logged 110 reports from members of the public who under sections (ss.) 12 and 29 of the Police Reform Act (PRA) 2002 and the Independent Office for Police Conduct (IOPC) Statutory Guidance on the Police Complaints System, were ineligible to make a complaint. In accordance with paragraph (para.) 4 of schedule (sch.) 3 to the PRA 2002 and regulation (r.4) of the Police (Complaints and Misconduct) Regulations 2020, 75 complaints [2.9%] complaints were referred to the IOPC in the main because they met the mandatory referral criteria.

¹ Disciplinary action means at least a written warning or above.

Number of Complaints Received by PSB	01/09/2021 – 31/08/2022
Number of complaints recorded	2522
Number referred to IOPC	755
Percentage referred to IOPC	2.9%
Number of complaints not eligible to record	110

PSB is presently averaging receiving 210 complaints per month over the last year, compared to 196 for the preceding 12-month period. On 1st February 2020 part 2, chapter 1 of the Policing and Crime Act 2017 commenced and as such section 14 of the Act extended the definition of police complaint in order to make the system less about apportioning blame and more customer focused. In summary the definition changed from a complaint being an expression of dissatisfaction about the conduct of a person serving with the police to simply any expression of dissatisfaction with a police force. The first 12 months following this change in legislation saw a circa (c.) 35% rise in complaints against the police, but as can be seen from this latest 12 months under review, the rate of increase has reduced (to a 7.1% increase).

Despite this steady increase in demand, the PSB Complaints and Misconduct Assessment Unit are taking on average 5 to 6 days to record complaints and make initial contact with the complainant. The time to contact complainants compares favourably with the most similar force² (MSF) average standing at 12 days and the national average being 13 days, as reported in the IOPC's quarter (Q) 4 bulletin 2021/22 [with a reporting period of 01/04/2021 to 31/03/2022].

i. Single Online Home

At present complaints made via Single Online Home (SOH) are triaged initially in the Force Contact Centre (FCC), but only a small portion of that dissatisfaction, commonly police stop and search and use of force are then referred to the PSB. Instead, most of the complaints are either resolved at source in the FCC or a police incident created for resolution by district resources. But for the dissatisfaction referred to the PSB, these complaints made via SOH are not recorded in line with para. 2 sch.3 PRA 2002 nor logged by the branch if handled outside the primary legislation. Accordingly, the current complaints data reported by the PSB and to the IOPC does not fully reflect the level of dissatisfaction recounted to the force by our communities. As a guide, in the 2021 calendar year, only 56% of complaints made via SOH were referred to PSB; c. 2000 expressions of dissatisfaction whilst resolved at source in the FCC or referred to district for resolution were not reported within an annual data return (ADR) and part of the police complaints statistics. At present, the force is averaging c. 450 complaints per calendar month (pcm) made via SOH.

² MSG Group comprises, Cleveland, GMP, Merseyside, Northumbria, South Wales, South Yorkshire, West Midlands and West Yorkshire.

To improve complaints recording and handling, with an uplift in police (agency) staff [1 manager and 5 assessment officers to be recruited], the PSB will imminently be taking responsibility for the initial handling all complaints made via Single Online Home (SOH). Whilst this will increase demand within the branch, concurrently it will allow for more accurate performance analysis and improved customer service and it is anticipated the number of complaints reported as being handled outside the primary legislation for swift resolution (as allowable by the Statutory Guidance on the Police Complaints System), will increase. In the first instance, the PSB will be piloting the handling of SOH complaints relating to Trafford and Bury districts and the branches of Criminal Justice and Custody and Specialist Operations (Spec Ops).

IOPC Complaint Referrals

Complaints must be referred to the IOPC when (i) the conduct complained of has resulted in death or serious injury (DSI), (ii) falls within the mandatory referral criteria,³ or (iii) the IOPC notifies the force it must refer the matter.⁴ Insofar as (ii) is concerned, in summary these are matters involving serious assault, a serious sexual assault, serious corruption, discrimination or any criminal offence where a sentence of 7 years or more may be imposed. In addition to the mandatory referral criteria, the force may refer complaints on a voluntary basis where the gravity of the matter or exceptional circumstances justifies it.

During the period under (01/09/2021 – 30/08/2022), the force referred 75 complaints to the IOPC. On referral, the IOPC will decide if the matter should be investigated and if it deems it should, then the IOPC will decide the ‘mode of investigation.’⁵ To do this, the IOPC will consider the seriousness and the public interest. If the IOPC decide that a matter does not need to be investigated, then it may refer it back to the appropriate authority who must handle it in a reasonable and proportionate manner (or complete the force investigation if already commenced). The table below shows the mode of investigation decisions for the 75 complaints referred.

Mode of Investigation	Independent	Directed	Local	Refer Back	Total
Number of complaints	17	1	49	8	75

Independent investigations are undertaken by the IOPC, whilst local investigations are conducted solely by the PSB. In directed investigations the IOPC will be the ultimate decision maker insofar as the conduct of the inquiry is concerned, but the PSB delegated appropriate authority is responsible for appointing the investigator (in certain circumstances subject to the approval of the IOPC).

³ R.4(1) PCMR 2020.

⁴ Para. 4, sch.3 PRA 2002.

⁵ Para. 5, sch.3 PRA 2002.

Complaint allegations

A complaint case may contain more than 1 allegation against more than 1 person serving with the police⁶. In the period under review (01/09/2021 – 31/08/2022) GMP recorded 3009 individual allegations [an average 251 per month], which then when linked to subject officers rose to 4684 allegations [an average of 390 per month].

In their Q4 bulletin (with the reporting period being 01/04/2021 to 31/03/2022), the IOPC reported force, MSF and national data as follows:

Reporting Period (01/04/2021 – 31/03/2022)			
	Force	MSF Average	National
Allegations logged	3983	3748	120,694
No of allegations per 1000 employees	341	563	497

From the data in the table above, the number of allegations recorded by the PSB is at 61% of the MSF average and 67% of the national average. Given that not all complaints reported via SOH are currently recorded by the PSB, as this practice changes, it is anticipated that the number of allegations logged by the branch will fall more into line with the MSF and national averages.

The below table is also generated from the data within the IOPC Q4 bulletin, which compares the way allegations were handled by the force, compared to the MSF average and national statistics. As a guide to the terms used in the table the following should be noted:

- i. Special procedures must be followed if at any time during an investigation into a complaint, it appears to the investigator (or the IOPC in a directed investigation) that there is an indication that a member of a police force, or special constable may have committed a criminal offence, or behaved in a manner that would justify the bringing of disciplinary investigations.⁷ At this juncture an initial severity assessment is undertaken⁸ and the individual whose conduct the investigation relates to is notified of the formal disciplinary investigation.⁹
- ii. Complaints handled other than by investigation (OTBI) are those where there is no indication that a person serving with the police has committed a criminal offence or behaved in a manner that would justify the bringing of disciplinary proceedings. These complaints are therefore sent by the PSB to the districts and branches where the individuals subject of the complaint are posted, with an expectation that the handling

⁶ In accordance with s.29 PRA 2002 a person serving with the police may be a police officer, police staff member, special constable, designated volunteer or a person contracted to provide services to a chief officer.

⁷ Para. 19A, sch.3 PRA 2002.

⁸ R.16 PCMR 2020.

⁹ R.17 PCMR 2020.

of the dissatisfaction is dealt with in a reasonable and proportionate manner, ordinarily by direct line managers.

Handled	Force	%	MSF	%	National	%
PSB investigated - not special procedure	379	10%	360	8%	16810	14%
PSB investigated - special procedure	109	3%	31	1%	1359	1%
OTBI	2662	69%	1475	44%	56077	48%
Outside sch.3	734	19%	1768	47%	43127	37%
Total	3884	100%	3633	100%	117373	100%

For the period under review (01/09/2021 – 31/08/2022), the figures documented by PSB as to the handling of allegations and reported in the table immediately below, were essentially analogous in their trend to the data reported in the IOPC Q4 bulletin covering a slightly earlier date range. However, the main difference between the 2 data sets was an increase in the number of allegations [19% to 30%] handled swiftly and consensually outside the primary legislation and to complainant's satisfaction. Further improving performance in the handling complaints in this manner will continue to be an area of focus for the PSB.

Handled	Force	%
PSB investigated - not special procedure	273	7%
OTBI	2533	63%
Outside sch.3	273	30%
Total	4014	100%

The top 3 complaint allegations linked allegations whether standalone or linked to a subject were consistent and are shown in the table directly below:

Complaint Allegations		
Allegation Type	Standalone Total	Linked to Subject Total
Police action following contact	1097	1514
Use of force	299	686
Unprofessional attitude and disrespect	167	227

The PSB also recorded 971 organisational allegations where the expression of dissatisfaction was linked to the force rather an individual officer's alleged behaviour.

Organisational Allegations	
Allegation Type	Total
Police action following contact	550
Handling of or damage to property / premises	55
Detention in police custody	50

Whether it be dissatisfaction indexed to an individual person serving with the police or the force itself, 'Police action following contact'¹⁰ stood as the highest allegation category covering matters such as interactions following the report of an incident or a lack of a response to a communication.

Complaints as to Discrimination

In the period under review (01/09/2021 – 31/08/2022) the number of allegations of discriminatory behaviour recorded in response to police complaints stood at 350 allegations recorded within 182 cases (since the same allegation within 1 case can be made against more than 1 person serving with the police. When considering the slightly different reporting period of 01/04/2021 to 31/03/2022 as published in the IOPC's Q4 bulletin, the number of discrimination allegations stood at 198 (5% of all allegations) which was slightly higher than both MSF average of 120 (3% of all allegations) and the national average of 3%.

The data present in the table below includes both allegations against individual officers and the force) with the highest allegation category at 63% being discrimination based on race. No allegations were received in relation to gender reassignment, pregnancy / maternity, or marriage civil and civil partnership.

Complaint Discrimination Allegations 01/09/2021 – 31/08/2022				
Allegation	Individual	Organisational	Total	Percentage
Race	196	25	221	63.1%
Disability	59	5	64	18.3%
Sex	19	5	24	6.9%
Religion or belief	18	2	20	5.7%
Other	8	7	15	4.3%
Sexual orientation	4	1	5	1.4%
Age	1	0	1	0.3%
Total	305	45	350	100.0%

All discrimination complaints are quality assured at the initial point of recording in the PSB and then subject of further review at the branch's Senior Leadership Team (SLT) daily meeting to ensure that such allegations are referred to the IOPC on a mandatory footing. Further quality assurance of discrimination complaints and investigations of the same is further provided at the monthly Tactical Tasking and Coordination Group (TTC&G), which is chaired by the Head of PSB.

¹⁰ Under the previous complaints and misconduct regime prior to implementation of phase 3 of the Home Office Improving Police Integrity reform programme that commenced on 01/02/2020, the most similar allegation type was 'Neglect / failure in duty.'

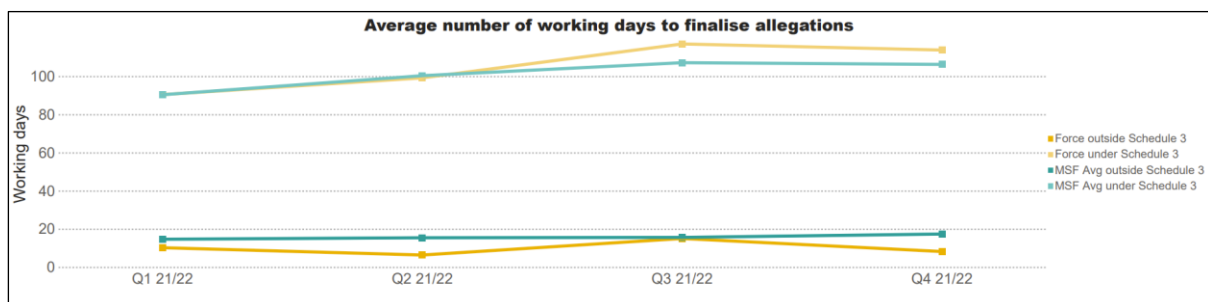
Investigation Timeliness

Improvement in investigative timeliness remains a key PSB priority and further progress must be made in reducing the same in order to improve both service to our communities and organisational justice within the force, this being intrinsically linked to legitimacy and the delivery or procedural fairness to the public. When combining both police complaints and conduct investigations, currently the average time for the PSB to complete an investigation [excluding suspending an inquiry because it could prejudice criminal proceedings] is 137 days (c. 4 months). This is against a demand environment of 183 active PSB investigations and 102 cases suspended for reasons of sub-judice (SJ). Further progresses as to investigative expediency must be made with continual scrutiny at PSB TTC&G and purposeful engagement of staff associations and staff support networks (SSNs).

In their Q4 bulletin (the reporting period being 01/04/2021 to 31/03/2022), the IOPC reported the following timeliness for the handling of police complaints [excluding therefore conduct and recordable conduct matters]:

iii. Allegation timeliness

Complaint handling type	Average No. Working Days		
	Force	MSF	National
Outside sch.3	10	16	21
Sch.3 – Other than by investigation (OBTI)	82	88	84
Sch.3 – PSB investigation	221	169	134
Sch.3 – IOPC directed investigation	0	0	0
Sch.3 – IOPC independent investigation	278	160	231

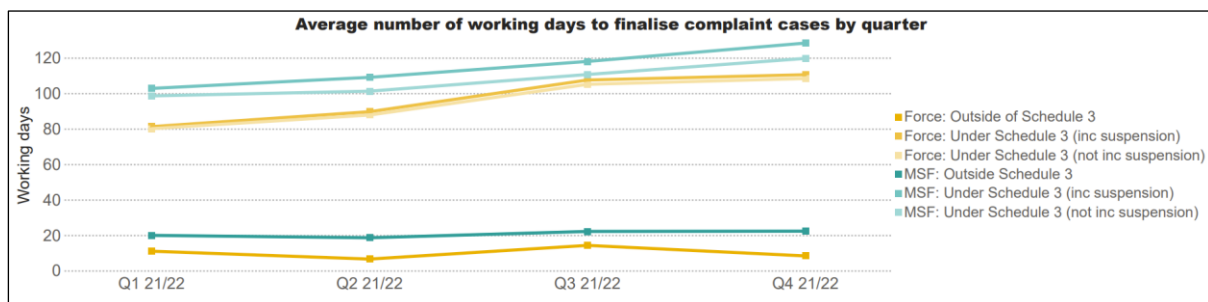


To improve both the quality and speed of the resolution for OTBIs, which in turn should reduce the number of reviews made to both the Greater Manchester Combined Authority (GMCA) local policing body (LPB) and the IOPC, district and branch Senior Leadership Team (SLT) oversight is being introduced at a Superintendent level and subject of inspection at Quarterly Performance Reviews (QPRs).

iv. Complaint case timeliness

As can be seen from the table below, timeliness data improves when the average number of working days to finalise complaint cases (as opposed to allegations) is considered.

Complaint handling type	Average No. Working Days		
	Force	MSF	National
Outside sch.3	10	21	27
Under Sch.3 (included SJ suspension)	96	116	111
Under Sch.3 (excluding SJ suspension)	94	109	106



Outcome of Complaints

The table below shows the outcomes per complaint case for matters finalised between 01/09/2021. The majority of complaints [at 36%] were 'resolved' swiftly without engaging the primary legislative framework, second to the handling of dissatisfaction OTBI where it was determined the service level provided was acceptable [at 33%]. In only 12% cases was the service level deemed unacceptable, whilst in 0.4% of outcomes was it concluded that a person serving with the police had a case to answer for a breaching the Standards of Professional Behaviour.

Case Outcomes (01/09/2021 – 31/08/2022)		
Case outcome	Total	%
Resolved outside sch. 3	899	36.0
Service provided acceptable	824	33.0
Service provided not acceptable	311	12.4
Not determined if the service was acceptable	186	7.4
No further action required	108	4.3
Not resolved – No further action	108	4.3
Withdrawn	27	1.1
No case to answer	24	1.0
Case to answer	11	0.4
Resumption after criminal proceedings	1	0.0
Total	2,499	100

The table below shows the outcomes per complaint allegations. The trend in the main similar to the outcomes per complaint cases, but for the fact that by number, less allegations were resolved without engaging the primary legislative framework [at 20%] and more were assessed as relating to an acceptable level of service after being handled OTBI [at 50%]

Allegation Outcomes (01/09/2021 – 31/08/2022)		
Allegation outcome	Total	%
Service provided acceptable	2900	50.6
Resolved outside sch. 3	1162	20.3
Service provided not acceptable	752	13.1
Not determined if the service was acceptable	382	6.7
No further action required	202	3.5
Not resolved – No further action	128	2.2
No case to answer	94	1.6
Withdrawn	90	1.6
Case to answer	23	0.4
Resumption after criminal proceedings	2	0.0
Total	5735	100

44 finalised allegations [or 1%] were subject of an officer taking part in the Reflective Practice Review Process (RPRP)¹¹ under Part 6 of the Police (Conduct) Regulations (PCR) 2020, after it was determined that the individual’s behaviour amounted to Practice Requiring Improvement (PRI).¹²

Reviews

Where a complaint has been recorded under sch. 3 PRA 2002, the complainant has a right to apply for a review of the outcome whether it has been investigated by the PSB or handled OTBI by a district or branch. Dependent on the circumstances of the complaint, the review will be undertaken by either the LPB or the IOPC who will consider whether the outcome of the handling of the complaint was reasonable and proportionate; **where it finds it was not, the review will be upheld.** Between 01/09/2021 and 31/08/2022 a total of 241 reviews were received by the LPB and a further 50 reviews were conducted by the IOPC. The outcome can be seen in the following 2 tables:

GMCA Received 01/09/2021 – 31/08/2022						
	R&P	Not R&P	Not Valid	Withdrawn	Pending	Total

¹¹ The Reflective Practice Review Process is not a disciplinary process or a disciplinary outcome. It is intended to provide an open environment to encourage all those involved in the process to reflect, learn and, where necessary, put things right and prevent any issues identified from reoccurring.

¹² Defined by r.2 PCR 2020 as means underperformance or conduct not amounting to misconduct or gross misconduct, which falls short of the expectations of the public and the police service as set out in the “Code of Ethics” issued by the College of Policing under section 39A of the Police Act 1996 (codes of practice for chief officers)

OTBI (District/branch led)	34	57	11	3	136	241
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IOPC Received 01/09/2021 – 31/08/2022					
	R&P	Not R&P	Not Valid	Pending	Total
OBTI (District/ branch) led)	10	1	2	2	31
PSB Investigation	1	9	0	0	19

Internally Referred Conduct

During the period under review (01/09/2021 – 31/08/2022), the PSB recorded 356 conduct¹³ cases of either misconduct¹⁴ or gross misconduct.¹⁵ Cases may contain more than 1 specific allegation against more than 1 person serving with the police and as such in the same period, 543 separate conduct allegations were recorded and when linked to individual subjects equated to a total of 672 allegations. Of the 356 conduct cases, 77 [or 22%] were recordable conduct matters and referred to the IOPC in accordance with para. 13, sch.3 PRA 2002 and r.7 PCMR 2020.

Internal Conduct Matters	01/09/2021 – 31/08/2022
Number of conduct identified	356
Number of cases referred to the IOPC	77
Percentage of cases referred to the IOPC	22%

Recordable Conduct Referrals

Recordable conduct¹⁶ is a matter where the alleged conduct (i) appears to have resulted in DSI, (ii) has had an adverse effect on a member of the public, or (iii) is of a description specified within r.7(1) PCMR 2020 [essentially identical to complaints that must or may be referred to the IOPC and conduct of a chief officer]. Save for one exception,¹⁷ all recordable conduct must be referred to the IOPC.¹⁸

During the period under (01/09/2021 – 30/08/2022), the force referred 78 recordable conduct matters to the IOPC. The table below shows the mode of investigation¹⁹ decisions determined by the IOPC.

¹³ Defined by s.12 PRA 2002 as any matter which is not a complaint where there is an indication that a person has committed a criminal offence or behaved in a manner that would justify disciplinary proceedings.

¹⁴ A breach of the Standards of Professional Behaviour so serious as to justify disciplinary action, where disciplinary action means at least written warning or above.

¹⁵ A breach of the Standards of Professional Behaviour so serious as to justify dismissal.

¹⁶ Para. 11, sch.3 PRA 2002.

¹⁷ R.7(1)(f) PCMR 2020.

¹⁸ Para. 13, sch.3 PRA 2002.

¹⁹ Para. 14, sch.3 PRA 2002.

Mode of Investigation	Independent	Directed	Local	Refer Back	Total
Recordable conduct cases	14	1	63	0	78

Discreditable conduct is the leading allegation category which relates to both on or off duty misconduct and is engaged when behaviour discredits the police service or undermines public confidence in policing. It may include off duty criminal actions or on duty behaviour that falls outside the execution of a policing duty.

The top 3 conduct allegations linked allegations whether standalone or linked to a subject were consistent and are shown in the table directly below:

Conduct Allegations		
Allegation Type	Standalone Total	Linked to Subject Total
Discreditable conduct	275	304
Sexual assault	39	50
Police action following contact	21	40

The PSB also received an additional 507 referrals where a delegated appropriate authority assessed that even if the referred conduct were proven, any alleged breach of the Standards of Professional Behaviour was not so serious as to justify disciplinary action. Whilst it is on one hand it is reassuring that officers and staff across the force are openly engaging with the PSB and are thus confident in reporting their concerns to the branch, the fact that 507 referrals did not meet the new misconduct threshold set by the Home Office Improving Police Integrity reform programme, provides for an indication that line managers are not seizing the opportunity to instigate immediate experiential learning for sub-optimal conduct that does not meet with service expectations as set out in the Code of Ethics. Consequently, there will be a renewed focus towards improving district and branch ownership of sub-optimal conduct and underperformance without referral to the PSB, to be addressed rapidly through local learning and development.

Conduct Discrimination

In the period under review (01/09/2021 – 31/08/2022) the force recorded 11 discrimination conduct cases, which comprise a total of 34 allegations. These conduct cases receive the same internal scrutiny as for complaint discrimination [set out on page 4 of this report] and in accordance with para. 13, sch.3 PRA 2002 and r.7(d) PCMR 2020 are in most cases referable to the IOPC on a mandatory footing. The table below shows a breakdown by discrimination type of the 34 allegations.

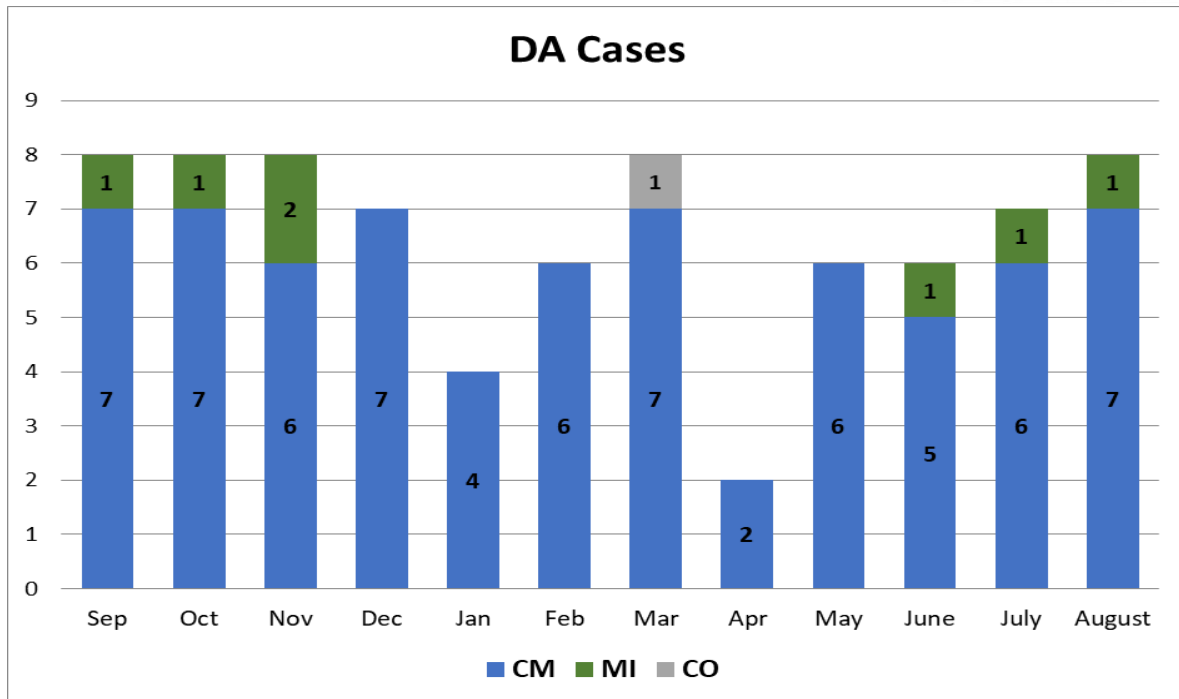
Conduct Discrimination Allegations (01/09/2021 – 31/08/2022)	Total	Percentage
Race	13	38.2%
Pregnancy and maternity	6	17.6%
Religion or belief	6	17.6%
Disability	4	11.8%
Sexual orientation	3	8.8%
Sex	2	5.9%
Total	34	100%

Violence Against Women and Girls and Domestic Abuse

In mid-September 2021, a national inspection by His Majesty’s Inspectorate of Constabulary Fire and Rescue Service (HMICFRS) concluded that whilst great improvements had been made in policing in response to violence against women and girls (VAWG) over the last decade, these were not enough and there were significant inconsistencies in the service that forces provided. The inspectorate recommended a fundamental shift in prioritisation, aimed at bringing greater consistency and universal higher standards and the National Police Chiefs’ Council (NPCC) have produced a [VAWG delivery framework](#) to coordinate and standardise policing of VAWG. The PSB are committed to take every possible step to root out those who do not uphold the culture and high standards that the public rightly expect of police officers, staff, the special constabulary, other volunteers, and contractors. As such it is redoubling its efforts under pillar 1 [build trust and confidence] of the VAWG delivery framework to both respond unequivocally to allegations of police-perpetrated abuse and challenge and address sexism and misogyny within policing. There are 13 separate areas of activity of focus for the PSB, the majority of which map over to other key thematic areas, specifically Sexual Harassment in the Workplace (SHWp) and Abuse of Position for a Sexual Purpose (APSP).

The PSB has adopted the new ‘national factor’ definitions collectively agreed by (i) the VAWG Taskforce, (ii) the NPCC Complaints and Discipline portfolio and (iii) the IOPC. This allows for both the flagging and reporting of cases indexed to VAWG allegations and this method of recording has been retrospectively applied to matters dating back to 01/01/2021 to support the provision of both local and nationwide analysis under the VAWG delivery framework. Additionally, and in line with direction of the VAWG Taskforce, the PSB have undertaken a qualitative review of such cases under investigation for quality assurance, learning and identification of local themes to aid national analysis. Excluding domestic abuse (DA) there are currently 98 cases open within the PSB that are indexed to a VAWG category.

The graph immediately below shows the number of DA cases recorded by the PSB over the last 12 months.



All DA allegations reported to the branch are assessed at a minimum rank of Detective Chief Inspector (DCI) and reviewed in the branch as part of the TTC&G. There are currently 37 open domestic abuse investigations being conducted by the PSB.

In March 2020 the Centre for Women’s Justice (CWJ), working with the Bureau of Investigative Journalism, submitted a [super-complaint](#)²⁰ alleging that forces were not responding appropriately to cases of domestic abuse involving police officer or police staff suspects. Its submission included highly concerning victim testimonies that described victims feeling failed and sometimes further harmed by the police response. In summary, the [super complaint investigation](#) led by the College of Policing in collaboration with the HMICFRS and IOPC found that the way forces are responding to PPDA cases is a feature of policing that is significantly harming the public interest. The 2 recommendations for all police forces, which comprise 7 differing actions in total, have been accepted by the Chief Constables and these will be delivered by the PSB and where appropriate in collaboration with the Public Protection and Serious Crime Division (PPSCD) and districts.

Case to Answer Decision Making

During the period under review (01/09/2021 – 31/08/2022), the PSB finalised 269 disciplinary investigations relating to 423 internally referred conduct (or recordable conduct) allegations. Of those 423 allegations, a case to answer (CTA) for either gross misconduct or misconduct was found for 64 allegations. In total 42 [or 9.9% of all allegations] of those 64 allegations

²⁰ A feature, or combination of features, of policing in England and Wales by one or more than one police force is, or appears to be, significantly harming the interests of the public. (S.29A, PRA 2002)

were referred to disciplinary proceedings as 6 were dealt with by RPRP,²¹ 1 finalised through learning from reflection and no action was taken for the remaining 15 allegations as the officer resigned.²²

Allegation outcome	Total	Percentage
No CTA	357	84.4%
CTA	64	15.1%
Discontinuance	2	0.5%
Total	423	100.0%

In total, no action was taken against 244 allegations, whilst RPRP was engaged for 79 allegations [18.7%]. This number is higher than the figure of 6 allegations quoted in the previous paragraph (when the decision as to instigating RPRP followed a CTA assessment), because RPRP can also be instigated earlier within the regulated framework at the initial severity assessment.²³ That said the number of allegations dealt with by RPRP is assessed to be low and will be an area of focus insofar as increasing the number of cases handled with the PSB seeking to promote a culture of learning by reflection from all matters falling short of serious misconduct where disciplinary action must follow.

Action Taken	Total	Percentage
No action	244	57.7%
Referral to RPRP	79	18.7%
Learning from Reflection	56	13.2%
Referral to Proceedings	42	9.9%
Unsatisfactory Performance Procedures (UPP)	2	0.5%
Total	423	100.0%

Disciplinary Proceedings

v. Police Officers

Police officer misconduct hearings apply to allegations where there the appropriate authority has determined there is CTA for gross misconduct. They are heard in accordance with Part 4 PCR 2020 and are chaired by a Legally Qualified Chair (LQC) appointed by the LPB with an Independent Panel Member (IPM) also appointed by the LPB and a Police Panel Member (PPM) appointed by the appropriate authority comprising a panel of 3 members. The PPM will be of the rank of Superintendent or above (or police staff equivalent) and must be more senior than the officer subject of disciplinary proceedings.

²¹ R.23(5)(a) PCR 2020

²² R.23(5)(c) PCR 2020. Para. 5.36 Home Office Statutory Guidance on Professional Standards, Performance and Integrity in Policing – Only those officers who choose to give notice to resign following an allegation that amounts to gross misconduct will be subject to the PCR and PCMR 2020 by virtue of the former officer provisions.

²³ R.14(2)(a) PCR 2020

Where there is sufficient evidence in the form of written statements or other documents to establish on the balance of probabilities that the conduct of a police officer concerned constitutes gross misconduct i.e., the evidence is incontrovertible and it is in the public interest for the individual to cease to be a police officer forthwith, an accelerated misconduct hearing (AMH) will be chaired by the Chief Constable under Part 5 PCR 2020. There are no other panel members. As the term AMH suggests, these disciplinary proceedings are faster than conventional misconduct hearings.

The presumption is that misconduct hearings are held in public and open to the public and media to attend.²⁴ However the chair may exclude any person from a hearing in whole or in part, considering a variety of factors²⁵ and whether such outweigh the public interest in holding the hearing in public. The chair may also require the appropriate authority to give public notification on the force [website](#) of the misconduct hearing or AMH as the case may be.²⁶ For allegations proven to a level of gross misconduct, the outcomes available are dismissal, reduction in rank and final written warning (FWW).

Misconduct meetings hear allegations of (serious) misconduct and are ordinarily chaired by a Chief Inspector or Superintendent (or police staff equivalent). They must be held in private²⁷ and the outcomes available for proven allegations of misconduct are a written warning (WW) or FWW.

vi. Police Staff

Disciplinary proceedings for police staff are currently governed by the force Discipline Policy version 13 (01/10/2021). Misconduct panel comprise 2 persons, those being an appropriate manager and a Human Resources (HR) representative. Gross misconduct panels are up of 3 persons, comprising a chair of the panel who will be a manager who has the authority to dismiss,²⁸ a senior HR professional and a HR representative.

The PSB are currently consulting with staff associations to introduce a new police staff misconduct procedure that in the main adopts the Police Staff Council (PSC) handbook '*Part 3 Guidance [...].*' This national guidance is analogous in a large part to the PCR 2020 and its introduction to the force will provide for greater legitimacy and organisational justice for police staff against police officer comparators.

At present there is a backlog of pending disciplinary and this has been caused by two different but compounding issues. Firstly, in 2020, there was a temporary pause in disciplinary proceedings for several months because of COVID-19 pandemic public health restrictions

²⁴ R.39(1) PCR 2020 and r.59(1) PCR 2020.

²⁵ Para. 11.84 Home Office Statutory Guidance on Professional Standards, Performance and Integrity in Policing.

²⁶ R.36 PCR 2020 and r.53 PCR 2020.

²⁷ R.39(2) PCR 2020.

²⁸ A gross misconduct panel chair can dismiss up to the grade of Assistant Director or Deputy Branch Head.

before all interested parties adapted to remote proceedings. Secondly, as a result of the Chief Constable of Avon and Somerset appealing²⁹ an Employment Tribunal (ET) determination that it was they who were liable for discriminatory actions by a misconduct hearing panel, with no initial guarantee as to indemnification, the National Association of LQCs (NALQC) balloted for industrial action. This had the temporary effect of the LPBs across the North West being unable to appoint misconduct hearing chairs, but LQCs have in the main since returned to sitting and with the country have now exited lockdown restrictions, disciplinary proceedings are now taking place at pace. The current number of disciplinary proceedings pending and managed by the Misconduct Proceedings Unit (MPU), which is headed by a PSB Detective Inspector, is as follows:

Disciplinary Proceedings	Proceedings Outstanding
AMH	11
Misconduct Hearing	31
Misconduct Meeting	13

The performance of the MPU is subject of PSB SLT scrutiny who as delegated appropriate authorities provide support to its operation pre-proceeding administration, disclosure, interested party representation and legal provision can at times become complex. To assist in increasing the efficiency of the MPU and to assist efforts in reducing the backlog of pending disciplinary proceedings, through internal reorganisation within the PSB, an additional Sergeant has been posted to the unit and the Complaints and Misconduct Support Unit (CAMSU) manager has had their role adapted to provide additional support.

To assist with the promptness and professionalism environment of misconduct proceedings, the Chief Constable has invested in the construction of a dedicated force disciplinary hearings suite at Unit A, Central Park. The suite is scheduled to be operational by the end of October 2022.

Misconduct Outcomes

Due to the backlog of cases pending disciplinary proceedings, a small fraction of cases prosecuted between the period under review (01/09/2021 – 31/08/2022) first came to the attention of the appropriate authority before 01/02/2020 and had to be tried under the PCR 2012. In that regime and unlike the current PCR 2020, where misconduct is found, a lesser outcome of management advice is available³⁰ and furthermore the meeting chair has the option of taken no further action (NFA) even where an allegation is proven.³¹ Similarly under the PCR 2012, where gross misconduct is found, in addition to dismissal or a FWW, an

²⁹ *Chief Constable of Avon and Somerset Constabulary v Eckland* UKEAT/0123/20/JOJ and *Eckland v The Chief Constable of Avon and Somerset Constabulary* (Rev3) [2021] EWCA Civ 1961.

³⁰ R.35(3)(a)(i) PCR 2012.

³¹ R.35(1)(b) PCR 2012.

outcome of either a written warning (WW) or management advice (but not reduction in rank) is available.³²

The outcomes arising from police officer misconduct meetings held during the period under review (01/09/2021 – 31/08/2022) can be seen in the following table:

Outcome	Number
Proven – NFA	1
Management Advice	2
WW	15
FWW	1
Total officers at misconduct meeting	19

Of the officers receiving an outcome from a misconduct meeting, 3 [or 15.7%] had a self-defined ethnicity of Asian-Pakistani. This compares with a GMP Black Asian Minority Ethnic (BAME) police officer population of 9.9%.

The outcomes arising from police officer misconduct hearings held during the period under review (01/09/2021 – 31/08/2022) can be seen in the following table:

Outcome	Number
Case dismissed	2
Not proven	3
WW	5
FWW	3
Dismissed if still serving	8
Dismissal with notice	1
Dismissal without notice	9
Total officers at misconduct hearing	31

Of the officers receiving an outcome from a misconduct meeting, 3 [or 12.9%] had a self-defined ethnicity of Asian-Pakistani and all received a dismissal sanction. Again, this number compares with a GMP BAME police officer population of 9.9%.

The outcomes arising from police staff disciplinary proceedings held during the period under review (01/09/2021 – 31/08/2022) can be seen in the following table:

Outcome	Number
Not proven	1
No sanction	1
WW	3
FWW (post-employment hearing)	1

³² R.35(3)(b) PCR 2012 and

FWW	3
Dismissal if still serving	9
Dismissal	5
Total staff at disciplinary proceedings	23

Of the police staff receiving an outcome from disciplinary proceedings, 10 [or 43.4%] had a BAME self-defined ethnicity. Of the 23 police staff in total subject of disciplinary proceedings, 6 were Police Community Support Officers (PCSOs) and 3 [or 50%] had a BAME self-defined ethnicity. Of the other 17 police staff, 7 [or 41.1%] self-defined as BAME. These figures compare with GMP BAME police staff population of 6.22% and a BAME PCSO population of 14.15%.

Death or Serious Injury

DSI's must be recorded³³ and must be referred to the IOPC.³⁴ A DSI matter³⁵ means any circumstances (unless the circumstances are or have been subject of a complaint or amount to a conduct matter) in, or as a result of which a person has died or sustained serious injury and:

- at the time of death or serious injury the person had been arrested by a person serving with the police and had not been released or was otherwise detained in the custody of a person serving with the police; or
- at or before the time of death or serious injury the person had contact of any kind – whether direct or indirect – with a person serving with the police who was acting in the execution of their duties and there is an indication that the contact may have caused – whether directly or indirectly – or contributed to the death or serious injury. However, this sub-category excludes contact that a person who suffered the death or serious injury had whilst they were acting in the execution of their duties as a person serving with the police.

Serious injury means a fracture, a deep cut, a deep laceration, or an injury causing damage to an internal organ or the impairment of a bodily function.³⁶

During the period under (01/09/2021 – 30/08/2022), the force referred 65 confirmed DSI matters to the IOPC. The table below shows the mode of investigation³⁷ decisions determined by the IOPC. Insofar as those 74 cases 'referred back' to force are concerned, the majority relate to incidents where the police contact and / or the level of injury was initially unclear, but out of an abundance of caution early referral was made to the IOPC and it then subsequently transpired the recording criteria was not met.

³³ Para. 14A, sch. 3 PRA 2002.

³⁴ Para. 14C, sch. 3 PRA 2002.

³⁵ S.12 PRA 2002.

³⁶ S.29 PRA 2002.

³⁷ Para. 14D, sch.3 PRA 2002.

Mode of Investigation	Independent	Directed	Local	Refer Back	Total
Recordable conduct cases	17	0	48	74	284

Vetting

The demand on the FVU has notably increased for the period under review (01/09/2022 – 31/08/2022) as set out in the table below:

Vetting Type		New Apps. Completed 01/09/2020 - 31/08/2021	New Apps Completed 01/09/2021 - 31/08/2022	% dif.
Recruitment (RV)	Vetting	1697	1969	+16
Management (MV)	Vetting	115	207	+80
Non-police personnel vetting (NPPV)		1022	1036	+1
Overall Totals		2834	3212	+13

The increase in RV clearances is predominantly attributable to the Police Uplift Programme (PUP) and recruitment into the Force Contact Centre (FCC). These two areas along with 'Investigative Resilience' recruitment stand as the priority for the FVU. The significant increase in MV clearances has arisen from the FVU's continued review of designated posts across the force, in particular assigning such clearance levels to a greater number of posts within the PPSCD and ensuring an increase in the number of management posts, arising from new command structures across the force, are properly vetted.

The FVU has been subject of focus within a plan on a page (POAP) board programme and the unit has seen growth and restructure to deal with the increase in demand. 3 separate thematic teams have been established within the FVU with increased governance. Each of these teams with their own Vetting Manager has a separate focus on (i) police officers and police staff, (ii) contractors, and (iii) workforce aftercare. Additionally, their collective Vetting Researcher capacity has been uplifted in establishment from 12 to 19 police staff and to aid recruitment their salary has been uplifted so that is more market competitive. 4 new Vetting Researchers will commence employment imminently, although training and development of these police staff will be required before performance improvement will be fully realised and the remaining 2 vacancies within the establishment are currently advertised.

On 01/05/2022 the new FVU case management system was delivered, this being a fully hosted version of Core-Vet version 5 providing for online vetting applications, reducing the need for data administration transfer within the unit.

5. Risks/Issues and Mitigations

There are no risks or issues that need to be escalated to the Deputy Mayor. At present there are 3 recorded risks being managed by the PSB as summarised below, in addition to the other areas for improvement as signposted to within section 4 of this report:

1. Complaints submitted by SOH and whilst received in the FCC and handled by a variety of methods across the force, not all are registered in the PSB. As such these more minor complaints are not recorded and handled in accordance with the legislative police complaints framework or rationalised as to why handling outside the formal regime is appropriate.
2. Backlog of disciplinary proceedings giving rise to (i) complainant, witness and officer dissatisfaction and issues of wellbeing for both, (ii) adverse impact on operational effectiveness viz-a-viz restricted and suspended officers, and (iii) failure to deliver the purpose of the misconduct regime in a timely manner.
3. Lack of required capacity in the FVU causing delays in vetting clearances for those posts falling outside the priority areas of (i) PUP, (ii) FCC and (iii) investigative resilience recruitment.

6. Conclusions and reiteration of any recommendations/asks

The police complaints and misconduct regime is a notoriously complex environment insofar as the governing legislative framework is concerned. As such capability takes some time to synchronise with capacity achievements in Professional Standards departments; the PSB is no exception to this national trend. Additionally, professional standards departments across England and Wales are still fine-tuning their operations to meet the policy intent underpinning the Home Office Phase 3 Improving Police Integrity reform programme i.e., promoting a culture of learning and development delivered by local supervisors for all matters constituting underperformance and sub-optimal conduct [minor misconduct], allowing for professional standards investigators to focus intently, in a timely fashion, on serious, gross and criminal misconduct. Whilst a new head and deputy head of PSB, both of whom have significant professional standards experience external to GMP have been appointed in the last fortnight, they are still very much assessing the operations and performance landscape before deciding on forward plan for an improved local police complaints and misconduct regime. That said, it is apparent that to build on performance improvements developed over the last circa 2 years with an objective of increasing both external and internal confidence and satisfaction, the following areas will be of priority:

1. PSB assessment accountability for all police complaints including those submitted via SOH, thus allowing for accurate data reporting and its analysis, providing for evidence based learning and disciplinary focus.

2. Improved timeliness and quality in complaints handling, misconduct investigations and disciplinary proceedings that will be intrinsically linked to a clear and consistent threshold for engaging PSB disciplinary investigations, concurrently increasing delivery of reflective practice by local supervisors to engender a culture of continuous learning and improvement. In part, this will likely involve an improved standard of training for PSB investigators and case supervisors.

3. Delivery of national recommendations to improve both (i) police culture and (ii) the quality of professional standards investigative and safeguarding services in key risk areas that are of prominent national concern and having a significant adverse impact on both communities and the workforce alike, including, but not limited to, VAWG (including misogyny), APSP, SHWp, PPDA and inappropriate use of social media.