



Agenda

COMPLAINTS AND PROFESSIONAL STANDARDS COMMITTEE

14 May 2007

Bridgebury House, Woburn Road, Kempston, Bedford MK43 9AX

For further information, or to see the papers, please contact the Police Authority:



CALL Janet Wardell on (01234) 842066



IN PERSON, (by appointment) 9am to 5pm, Monday to Friday



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Web-site:- www.bedfordshirepoliceauthority.co.uk

Email:- enquiries@bedfordshirepoliceauthority.co.uk

To: **Members of the Complaints and Professional Standards Committee**

(Mrs S Alexander, Ms C Atkins (MBE), Mrs P Fletcher, Mrs S Gillard, Mrs R Gutteridge, Mr P Hollick and Mr B Spurr

A meeting of the **COMPLAINTS AND PROFESSIONAL STANDARDS COMMITTEE** of the **Bedfordshire Police Authority** will be held at Bridgebury House, Woburn Road, Kempston, at **2.00 pm** on **Monday 14 May 2007**. Files will be available for Members' scrutiny from **10.30 am**.

JANET WARDELL
Member Services Support Manager

AGENDA

(*indicates that a supporting document accompanies this Agenda)

- 1. To confirm the minutes of the meeting held on 26 January 2007**
By Chairman - Minutes*
- 2. Declarations of Interest**
To receive any personal or prejudicial interests from Members
- 3. Policy Authority's Complaints Policy and Procedures**
Report* of the Monitoring Officer and Interim Chief Executive
- 4. Professional Standards Cases and Issues**
Report* of the Chief Constable
- 5. Independent Custody Visitor Scheme**
Minutes* of the meeting of the Independent Custody Visitor's Panel held on 13th March 2007

To consider the exclusion of the press and public from the meeting on the grounds that the items to be discussed are confidential and involve the disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12A to the Local Government Act 1972. Papers are not being sent to the press or made available to the public.

- 6. Summaries of Professional Standards Cases**
The Chief Constable's report will be available for Members on the day of the meeting.

COMPLAINTS AND PROFESSIONAL STANDARDS COMMITTEE

26 January 2007

PRESENT

Mrs S Alexander (In the Chair)

Ms C Atkins Mrs S Gillard, Mrs R Gutteridge Mrs P Fletcher and Mr P Hollick

An apology for absence was received from Mr B Spurr

07/qz/1 RETIREMENT OF SUPERINTENDENT LIZ COULSON

The Chair reported that Superintendent Liz Coulson would be retiring from the Service on 12 March 2007.

On behalf of the Committee the Chair expressed Member's appreciation for her work with the Authority and wished her a long and happy retirement.

The Deputy Chief Constable also expressed his gratitude for her commitment to the Police service and in particular for her enthusiasm in her role as Head of the Professional Standards Department.

07/qz/2 MINUTES

The minutes of the meeting held on 10 November 2006 were confirmed

07/qz/3 MATTERS ARISING

Minute 06/qz/3 1 – Case of Complaints & Discipline

The Deputy Chief Constable agreed to provide Mrs Fletcher with the progress being made to target the 17 –24 year old age group as a Focus Group for monitoring the Quality of Service Commitment.

Mrs Fletcher mentioned that she had attended the last meeting of the Custody Forum and found it to be of particular use for her role as Chair of the Independent Custody Visiting Scheme.

07/qz/4 DECLARATIONS OF INTEREST

There were no declarations of personal or prejudicial interests from Members.

07/qz/5 INTERNAL CONTROLS AND RISK MANAGEMENT AND COMMITTEE EFFECTIVENESS

The joint report of the Treasurer and Chief Constable was considered which reminded Members of the Audit Committee's decision that each Committee

annually review its internal controls for inclusion in the Statement of Control required under the Accounts and Audit regulations 2003.

In addition to this the Audit Committee had agreed that each Committee review the major risks attributed to it.

On this point Members noted that whilst the Force Operational risk register included risks related to Professional Standards and Complaints, the combined strategic risk register for both the Force and Authority did not contain any risks that have been assigned to this Committee for review.

As part of the annual review it was also appropriate for the Committee itself to consider how it feels it was performing. The areas for consideration were highlighted in the report and the Committee was satisfied with its performance in each area.

RESOLVED

1. That the Committee confirms that existing arrangements for internal control are adequate or suggest proposals for additional safeguards to be established
2. That the Committee is assured that there are no major strategic risks attributed to this Committee.
3. That the Committee confirms it has undertaken a self-assessment of its own performance and that there are no areas that require improvement.

07/qz/6 CASES OF COMPLAINTS AND DISCIPLINE

The Committee considered a report of the Chief Constable on the current position with regard to Professional Standards issues.

It was reported that between 1 October and 31 December 2006 106 complaints had been received.

The year to date figure stood at 370 which in comparison to the previous year still indicated a rise in the overall level of complaints. Members were informed that if this trend continued there would be a 27% rise in the number of complaints from the previous year.

Superintendent Coulson was pleased to inform Members that the complaint rate vis a vis arrests and OIS incidents remained low – 2% arrests and 0.2% of OIS incidents.

In this reporting period complaints in the categories of neglect of duty, breach of Code C of PACE, and incivility had the highest number of recorded complaints. Members noted that the factors causing this increase remained under continual

review within Force's Service Improvement Group. Superintendent Coulson mentioned that the IPCC had recently published its Annual report for 2005/06 which had highlighted the national concern in the increasing level of complaints about neglect of duty and incivility.

Data on the number of complaints received based on a Police Officer's or Police Staff's geographic division was also reported. Overall the statistics indicated that the two territorial Divisions had similar level of complaints, which was a good indication that similar recording practices were being used.

Complaints against Police Staff Special Constable's and Police Community Support officers had remained low.

The report provided statistics on the number of completed complaints and their results. The percentage of local resolutions recorded between October and December was 59%. The target set for 2006/07 for complaints dealt with by local resolution was 55% and with the year to date figure already at 54% it was expected that this would be met. For this period there had been 1 substantiated complaint. The year to date total was 6 and was at a same level as that of the previous year. The IPCC Annual report for 2005/06 indicated that Bedfordshire was above the average for complaints dealt with by Local resolution and below average for the number of dispensations and number of complaints that were withdrawn.

With regard to the Appeals process it was noted, that out of a total of 21 appeals arising from the local resolution process, a refusal to record or on the outcome none had been upheld.

The report also provided details on the total number complaints received and finalised in relation to Direction and Control Matters. In this reporting period there were 52 complaints, the year to date figure was 158. 64% of the complaints received related to general policing standards. The average timescale so far in this year for the completion of this type of complaint was improving and currently stood at 31 days. The Home Office target for the completion of such complaints was 28 days.

With regard to the workload of the Department the data indicated a growth of 18% for this period, the year to date figure stood at 32%.

For this period the 120 day closure target was met in 89% for complaints and 87% for cases. The year to date target was met in 81% of complaints and 79% of cases.

One of the most recent time consuming cases had been Operation Bedouin which centred around the conduct of a number of Police Officers and the lessons learnt from that case were highlighted by the Deputy Chief Constable.

Statistics on where Bedfordshire was placed within a number of Forces in the Eastern Region with respect to the numbers of complaints received, those resolved by local resolution, those substantiated and the 120 day performance

target were set out in the report. The statistics indicated that for the third quarter of the year Bedfordshire was just above the average for the % of cases dealt with by Local Resolution, below average for timeliness and remained within the band of acceptability for substantiated complaints. Superintendent Coulson emphasised that the regional average for timeliness was still not yet a reliable figure as some forces were still using different computer software which did not enable them to include the 30 day appeal period in recording the completion of cases. This was soon to be rectified and it was hoped that by the next meeting a more accurate comparison could be made.

The report also provided information on complaints relating to discriminatory behaviour and it was noted that 3 complaints of race discrimination had been recorded during the reporting period. Statistics on the age and gender of the complainants were also provided. The figures continued to show that complainants were mainly male and most were aged between 25 and 44. The Committee was interested to note that there were six complaints received from the 0 -16 age group. The Chair reported that the Children's Act 2004 placed additional duties on Police Authorities in relation to its commitment to children and young people and stated that complaints made against the police either from or on behalf of children and young people should be monitored. It was therefore agreed that a *breakdown of the type of complaints received would be included in future reports.*

Members also noted that there had been 27 cases of misconduct during the period under review. One Police Officer and one Police Staff Constable were currently suspended. Three Police Officers were on restricted duties. There had been no Employment Tribunals recorded during the period under review.

There was currently 1 case with the IPCC awaiting a decision on dispensation. Superintendent Coulson also briefly outlined some recent managed and supervised cases involving the IPCC.

Members noted that 14 civil claims had been received during the period under review and noted the category of the claims. 66 cases had been recorded so far this year and 80 had been finalised out of a total of 64 cases had been closed during the second quarter of the year. Total payments made to claimants amounted to 99K.

The Committee also received a progress report on the work currently being undertaken by the Information Security Unit.

The Committee noted that Superintendent Martin Darlow would be replacing Superintendent Liz Coulson as Head of the Professional Standards Department from 1st April and that the PSD Department would also on 1st April move to the Protective Services Unit under the Command of Detective Superintendent Debbie Simpson

RESOLVED

That the report be noted.

07/qz/7

REVISION OF ASSOCIATION OF POLICE AUTHORITIES GUIDANCE ON COMPLAINTS & PROFESSIONAL STANDARDS ISSUES

The Chair reported that the Association of Police Authorities (APA) had recently finalised the guidance of the Authority's oversight of professional standards matters and that copies of the guidance were expected to be received from the APA within the next few weeks and would be circulated to Members.

Superintendent Coulson gave a brief overview of the guidance and highlighted some of the key issues. Her presentation had been based on the draft guidance that had been received earlier in the year and it was understood that no significant changes had been made to the final guidance

The Committee agreed that overall there were sound procedures and processes already in place for the scrutiny and oversight of complaints and that only some minor changes were required to the Authority's process. These included

1. An annual report to be published on the analysis of statistics and trends and on the action taken in response to the Committee's concerns
2. A periodic Strategic Analysis of an area of Professional Standards
3. Future statistics to contain information about the interaction with the IPCC, public satisfaction and the accessed used to make a complaint

RESOLVED

That subject to the inclusion of the above current process for the scrutiny and oversight of complaints be considered as good practice.

07/qz/8

TRAINING FOR MEMBERS

Superintendent Coulson and the Chair reported on the outcome the discussions that had been taking place with Hertfordshire Police Authority on the provision of joint training for Members on professional standards issues and the complaints process.

The Committee noted that training would be held once the new composition of Independent Members and Luton Borough Councillor Members was known. It was intended that the first part of training would involve a half-day workshop involving both Authorities. The second part of the training would enable Members to visit their respective Professional standards Departments and look at the process involved in the investigation of a complaint.

07/qz/9 **INDEPENDENT CUSTODY VISITING SCHEME – REVISIONS TO HANDBOOK**

The Vice Chair of the Authority orally reported on the work that had been undertaken to review the ICV Handbook which had last been revised in 2001. A small review team had been established to consider any changes and the team had comprised herself, Bridget Murphy the Authority's Scheme Administrator, Independent Custody Visitors George Dykes and Michael Rudd and Geoff Hudspith from the Criminal Justice Department.

The revisions to the Handbook reflected changes made to the PACE Code of Practice and the implications of the utilisation of police cells to accommodate prisoners when prison service accommodation had reached its capacity. The review had also ensured that the running of the scheme fully complied with the Home Office framework of rules and guidance established to support Custody Visiting since it became a Statutory requirement in 2003.

The Vice Chair mentioned that whilst the Review Team wished to see that the scheme was totally impartial from the police force it had questioned whether maintaining that element of the eligibility criteria which stated that Custody Visitors should not have a partner, son or daughter or parent who was in the Police Force impacted upon a person's human rights. The Vice Chair sought the Committee's views on this who considered that there could be potential conflict but further clarification from the Home Office would need to be sought.

RESOLVED

1. That the Committee endorse the action taken to update the Independent Visitors Handbook.
2. That the views of the Home Office be sought on the removal of the eligibility criteria which prevented recruitment of Custody Visitors who have a partner son or daughter or parent who was in the Police Force.

07/qz/10 **SCHEDULE OF MEETINGS FOR 2007/08**

The Committee reviewed the format of the meeting that it had introduced for the meeting on that day. Members considered that they had sufficient time to read to the case files and agreed to maintain a full morning dedicated to scrutinising the files. The public meeting would then follow at 2.00pm.

RESOLVED

1. That meetings of the Committee be held at 2.00 pm on
Monday 14 May
Thursday 6th September
Monday 3rd December

Friday 1st February

2. That Members of the Committee scrutinise the case files from 10.30am on the day of the meeting

07/qz/11 **EXCLUSION OF PRESS AND PUBLIC**

RESOLVED

That the press and public be excluded from the meeting during the discussion of the following item on the grounds that it is confidential and may involve the disclosure of exempt information as defined in paragraph 1 of part 1 of Schedule 12A to the Local Government Act 1972.

07/qz/12 **SUMMARIES OF COMPLAINTS AND DISCIPLINE CASES (In Private)**

A report of the Chief Constable was submitted which summarised those cases of complaints and civil claims which had been completed during the period 1 October – 31 December 2006.

The Chair reported that for the period under review Members had dip-sampled complaints about incivility in the Custody suites.

RESOLVED

That the report be noted

REPORT AUTHORS: Monitoring Officer and Interim Chief Executive

SUBJECT: Police Authority's Complaints Policy and Procedures

Background Papers: (Contact Tony Brown - telephone Bedford 842066)

PURPOSE:

1. To review and endorse the documented policy for handling complaints and:
2. The process followed when dealing with complaints.

RECOMMENDATION: That the Complaints Policy and Procedures as attached are confirmed by the Committee.

1. INTRODUCTION

1.1 The Authority is currently moving through a process of reviewing and where necessary recording its major policies and procedures. This paper covers the arrangements for dealing with those complaints handled directly by the Authority. The process is managed by the Complaints and Professional Standards Committee.

1.3 The categories of complaint directly handled are:

- Complaints against Senior Police Officers.
- Complaints against the Police Authority.
- Complaints against Police Authority Members.
- Complaints against the Monitoring Officer (Clerk),
- Chief Executive -Treasurer or other Authority staff

1.4 The attached Appendix sets out the Authority's policy and process for managing complaints it may receive and captures existing process and requirements.

2. RECOMMENDATION:

2.1 That the Complaints Policy and Procedures as attached are endorsed by the Committee.

Monitoring Officer and Interim Chief Executive

BEDFORDSHIRE POLICE AUTHORITY
DRAFT
COMPLAINTS POLICY and PROCEDURES

Section A - Complaints Policy

1. Background to Policy

- 1.1 The Bedfordshire Police Authority recognises its community leadership role and the responsibility it carries to hold the Bedfordshire Police Force to account in properly and openly managing any complaints against the Force.
- 1.2 The Authority also recognises that it has a responsibility to manage in the same proper and open manner complaints it may receive against senior officers of the Force, its own Members, staff or administration. It needs therefore to ensure there are processes in place that enable this to happen.

2. Policy

- 2.1 To comply with legislative or regulatory requirements and associated advice on managing and effectively handling complaints against the Force or Authority.
- 2.2 To provide clear information and guidance regarding the policies and procedures of the Authority for handling complaints received against senior police officers, Members of the Authority or its staff including the Monitoring Officer (Clerk) and Chief Executive.
- 2.3 In implementing this policy the Police Authority will ensure that its actions are in accordance with the requirements of the Human Rights Act 1998 and the Convention Rights embodied within it. This is to protect the human rights of complainants, other users of police services and, Police Authority Members and Officers.

3. Policy Principles

Bedfordshire Police Authority in establishing this policy and associated procedures is:

- Supporting the Policing Plan Vision of providing high levels of reassurance, and the Police Authority's Strategic Aims of ensuring effective ethical and accountability standards.
- Providing community leadership.
- Embracing the principles of public life and supporting the proper use of public resources.
- Ensuring that its diversity values and statements are recognised within its complaints procedures.

Section B - Complaints Procedures

1. Background

General

- 1.1 The Bedfordshire Police Authority have specific duties in relation to the handling of complaints and has established a range of avenues for handling these depending on the nature of the complaint and against whom the complaint is being made. Appendix 1 attached indicates the appropriate routing for each major category of complaint against officers of the Force and the broad distribution of responsibilities between the Authority and Force when handling such complaints.
- 1.2 Complaints against serving officers below the rank of Assistant Chief Constable are directly managed by the Force and covered by a separately documented policy and procedure. The procedure documented here describe, in outline, the processes for handling the various types of complaint with which the Authority may itself be required to directly manage. These are:
- Complaints against Senior Police Officers. (para 2.1)
 - Complaints against the Police Authority. (para 2.2)
 - Complaints against Police Authority Members. (para 2.3)
 - Complaints against the Monitoring Officer, Chief Executive or other Authority staff/ Support Service contractors. (para 2.4)

The remainder of this section sets out details of the responsibilities that various individuals and organisations have within the process. The processes themselves are outlined within Section 2.

The Police Authority and Monitoring Officer

- 1.3 The Police Authority is responsible for handling complaints against police officers of the rank of Assistant Chief Constable¹ and above, and also for the general oversight of the conduct of complaints and professional standards issues through its Complaints and Professional Standards Committee.
- 1.4 The Authority also has a responsibility for ensuring that its business is conducted effectively and efficiently and with due probity. In relation to the maintenance of probity standards, the Authority is required to appoint a Monitoring Officer². For Bedfordshire Police Authority, the Monitoring Officer is the officer also holding the appointment of clerk to the Authority.

¹ Police Act 1996 s. 68

² Local Government Act 1989 s.5

The Chief Constable

- 1.5 The Chief Constable is responsible for disciplinary matters and handling complaints against police officers.³ The Chief Constable or delegate, reports on this area to meetings of the Police Authority's Complaints and Professional Standards Committee.

The Independent Police Complaints Commission

- 1.6 The Independent Police Complaints Commission (IPCC) was established by an Act of Parliament.⁴ The IPCC may choose to independently investigate the most serious incidents, manage an investigation by the police or supervise such an investigation.
- 1.7 The majority of complaint cases will be dealt with by the Force's Professional Standards Department, which maintains a close link with the IPCC. However, the Police Authority, through its Complaints and Professional Standards Committee, has certain statutory duties in relation to complaints. These are:
- To monitor complaints and discipline matters within the force.
 - To ensure the IPCC, where appropriate is furnished with the access, information and documentation to carry out its functions.
 - Refer a complaint or misconduct issue to the IPCC where the Chief Constable does not, if the Authority deems it appropriate to do so.
- 1.8 The Police Authority is the "Appropriate Authority" in the recording and investigation of complaints and conduct matters against senior police officers; that is officers of Assistant Chief Constable rank and above.

The Standards Board for England

- 1.9 The Standards Board for England was established by an Act of Parliament⁵ to oversee the Code of Conduct for Local Government including Police Authorities. The Standards Board amongst other things, undertakes investigations where Members are thought to have broken the Authority's Code of Conduct.

The Standards Committee

- 1.10 The Bedfordshire Police Authority, as required by the Local Government Act 2000, has established a Standards Committee. This

³ Police Act 1996 s. 69

⁴ Police Reform Act 2002, Part 2

⁵ Local Government Act 2000 s.57

Committee, which meets at least twice a year or more frequently if required, will deal amongst other things with any matter referred to the Authority's Monitoring Officer by Ethical Standards Officers of the Standards Board.

The Local Government Ombudsman

1.11 The Commission for Local Administration in England (CLA) or Local Government Ombudsman service was established under an Act of Parliament⁶ as an independent body responsible for investigating *cases of alleged injustice arising from maladministration on the part of* local authorities, including Police Authorities, and of certain other bodies. The Local Government Ombudsman cannot investigate some specific matters. These include:

- Matters that have already been, or could be appealed to a tribunal or government minister.
- Matters concerning the community in general.
- Court proceedings.
- Personnel matters and the internal management of schools and colleges.

All other maladministration issues can be referred to the ombudsman.

Persistent Complainants

1.12 There are a number of routes available for the handling of complaints depending on the nature of the complaint. If a complainant, having exhausted all the avenues available and having been formally informed of the final results of adjudication on their case, continues to complain about the same issue to the Authority, the Authority may consider actions to protect itself and its staff from continuing unwarranted and unnecessary communication.

⁶ Local Government Act 1974 Part III

2. Procedures

2.1 Complaints against Senior Police Officers

2.1.1 A complaint against a senior police officer (ACPO rank) must be managed, and investigated if appropriate, by the Police Authority. A complaint against a senior officer may be categorised as either:

- A complaint about the misconduct of that officer.
- A complaint about "direction and control".

Complaint concerning Misconduct of a senior police officer (see appendix 2)

2.1.2 The Police Reform Act 2002 broadened the definition of a complainant. A complaint can be made by:

- Any member of the public who alleges that police misconduct was directed at them.
- Any member of the public who alleges that they have been adversely affected by police misconduct, even if not directed at them.
- Any member of the public who claims to have witnessed police misconduct.
- A person or member of an organisation acting, with written permission on behalf of someone in the first three categories.

2.1.3. If a complaint is received about the conduct of a senior officer the Authority will undertake an initial investigation of the allegation(s). A complaint could be about any aspect of a senior officer's conduct including:

- Behaviour/attitude.
- Inappropriate language.
- Actions or omissions.
- Criminal behaviour.

It should be noted that there is a statutory requirement for the Authority to obtain and provide evidence in such cases.

2.1.4 The Authority is required to decide whether to "record" a complaint about a senior officer. IPCC guidance is that the Authority should start with the presumption that where a member of the public expresses dissatisfaction which, prima facie, is a complaint about conduct, it is valid under the Police Reform Act 2002 and should be recorded. Where a decision is taken by the Authority not to record a complaint,

the reason for this should be explained to the complainant. The complainant must be advised of the right of appeal to the IPCC. The IPCC leaflet "Appealing against the non-recording of a complaint" must be given to the complainant.

2.1.5 Detailed guidelines for the handling of complaints about the conduct of senior officers are given in statutory guidance issued by the IPCC⁷ and Bedfordshire Police process complaints in accordance with that advice. A series of standard forms and processes are used to ensure that as far as possible, processes for handling complaints are mirrored across both the Force and Authority. (see appendix 2 for flow diagram)

2.1.6 The Monitoring Officer (Clerk) manages the Authority's complaints process and, following discussion with the Head of Professional Standards, will decide on whether individual complaints against Senior Officers will be recorded. The Chair of the Complaints and Professional Standards Committee will be appraised of the case and those complaints to be investigated will be recorded within 10 working days of their receipt. All complainants should be notified by the Monitoring Officer (Clerk) of the decision and, if appropriate, of any avenues of appeal against a decision not to record.

2.1.7 If recording takes place, the investigation process to be used will be decided by the Monitoring Officer (Clerk) after consultation with the Head of the Professional Standards. Options are:-

- In house investigation by the Professional Standards Department.
- Investigation by another Force.- effectively more removed and should facilitate a more apparent objectivity where a case requires it.
- Referral to the IPCC for investigation - this is a statutory duty in serious cases.

The Chair of the Complaints and Professional Standards Committee will be kept informed of progress and options used.

2.1.8 Each case is also reviewed to ensure it is not sub-judice. If it is, the investigation of the complaint will be postponed until the court process is completed.

2.1.9 A database is maintained by the Professional Standards Department of all recorded complaints against police officers together with their outcomes. Police Authority cases are included in this database and the data recording standards used comply with those required by the IPCC.

2.1.10 All complainants are notified of the results of investigations relating to their complaint.

⁷ IPCC Statutory Guidance, "Making the new police complaints system work better" - August 2005.

Complaints about direction and control exercised by a senior police officer.

2.1.11 Direction and control of the force is defined as the independent operational responsibility and discretion held by a chief officer (Chief Constable). Direction and control of the force by the chief officer is taken to include the direction and control by any person serving under the chief officer e.g., DCC, ACC, BCU Commanders. A complaint relating to direction and control is one that concerns:

- Operational policing policies (where there is no issue of conduct).
- Organisational decisions.
- General policing standards in the force.
- Operational management decisions (where there is no issue of conduct).

2.1.12 Complaints regarding support functions, e.g. Finance, Procurement, Human Resources, Estates, etc. are not considered as direction and control complaints and should be dealt with by the appropriate departmental head within the Force or Authority.

2.1.13 Complaints about direction and control may be received by:

- The Police Authority.
- The ACPO office.
- The BCU in question.
- The Force's Professional Standards Department.

2.1.14 The Monitoring Officer (Clerk) deals with complaints that are received by the Police Authority. Details, together with any initial response, are passed promptly to the Professional Standards Department. These are registered and dealt with in accordance with the procedures outlined in Force Policy/Procedure Ref 8234 and 8234A (attached as appendices 3 and 4). The Head of Professional Standards will provide an update to the Monitoring Officer (Clerk) within 28 days of recording the complaint and regular updates thereafter.

2.1.15 The Authority, as with complaints about police conduct, has a duty to monitor and scrutinise complaints about direction and control. Reports containing details of the number, type and outcome of such complaints will be presented to the Complaints and P.S. Committee (and files will be made available to Members for scrutiny). The Authority will monitor that agreed procedures and time-scales are followed by the Force.

2.2. Complaints Against the Police Authority

- 2.2.1 Any complaint regarding Police Authority activity should initially be directed to the Monitoring Officer (Clerk) to the Authority who will register the complaint and give an initial response to the complainant within 10 days. At a minimum that response will be on whether the matter raised will or will not be investigated. The Monitoring Officer (Clerk) will also regularly report the issue and progress on it to the Police Authority.
- 2.2.2 Where a complaint is registered for investigation, the Monitoring Officer (Clerk) may undertake the investigation personally or where appropriate use internal or external assistance in order to bring a resolution. The Monitoring Officer (Clerk) will regularly inform the complainant of progress.
- 2.2.3 *If agreement cannot be reached and the complainant continues to feel they have suffered an injustice as a result of maladministration by the Authority, they may complain to the Local Government Ombudsman.*
- 2.2.4 Maladministration can include failing to receive a service to which a person is entitled or suffering financial loss or distress as a consequence of something the Police Authority has done or has failed to do. The Local Government Ombudsman cannot deal with complaints about the investigation or prevention of crime nor any of the other exceptions listed earlier in para. 1.11. Only after investigation by the Authority and failure to resolve the complaint will the Local Government Ombudsman agree to become involved.
- 2.2.5 Details of the Local Government Ombudsman's complaints procedures can be found on their web site - www.lgo.org.uk.

2.3. Complaints against individual Members of the Police Authority

Complaints covered by the Standards Board for England

- 2.3.1 There is a national code of conduct that applies to Members of the Police Authority (Local Authorities Code of Conduct). There is also a local code of conduct for Police Authority Members that is based on the national code. The Standards Board for England (SBE) is responsible for overseeing the national code.⁸
- 2.3.2 Complaints about a Member received by the Authority or Force should be channelled to the Monitoring Officer (Clerk) to the Authority who will consider if they fall within the jurisdiction of the SBE. Complaints about a Member's conduct can also be made by anyone directly to the SBE.

⁸ The Local Authorities (Model Code of Conduct) (England) Order 2001 (Statutory Instrument No. 3575 of 2001)

The SBE can only consider complaints that fall within their powers as set out by Parliament.⁹

- 2.3.3 Where, as para 2.3.2, a complaint is initially considered by the Monitoring Officer (Clerk), the guidance found in the SBE publication "How to make a Complaint".¹⁰ will be used in judging whether it should be dealt with by the SBE. (All Members have a copy and additional copies are held in Police Authority Library at Bridgebury House)
- 2.3.4 Where the complaint falls within the jurisdiction of the SBE the Monitoring Officer will formally write to the complainant, explaining this fact, returning any original correspondence and directing them to write directly to the SBE, explaining why and providing address details to facilitate their complaint report. If possible a copy of the SBE leaflet should also be supplied to the complainant.
- 2.3.5 For the SBE to consider a complaint, it has to be about an elected, co-opted or independent member of the Authority and it has to be about something covered by the Code of Conduct. These things are listed in Appendix 5. (For complaints falling outside the remit of the SBE see paragraph 2.3.9 below.)
- 2.3.6 *The complaint must also:*
- be about something that happened after the Code of Conduct came into effect (basically after 30 November 2001)
 - be made in writing
- 2.3.7 If the Standards Board judges that an investigation is merited, the case will be referred to an Ethical Standards Officer (ESO), who will investigate to determine which of the following four findings is appropriate:
- There is no evidence that the Member has failed to follow any part of the Authority's Code of Conduct.
 - No action needs to be taken in relation to the matters investigated.
 - The matter should be referred to the Monitoring Officer of the Authority for local determination. (see para 2.3.9)
 - The matter should be referred to the Adjudication Panel for England.
- 2.3.8 Where requested, the Monitoring Officer (Clerk) will assist any investigation conducted by the SBE. Once the SBE has dealt with the complaint, the closing report will be received by the Authority's Standards Committee.

⁹ Local Government Act 2000.

¹⁰ SBE Leaflet "How to Make a Complaint" March 2006

Complaints not covered by the Standards Board for England
and
Complaints against Members referred locally by the SBE

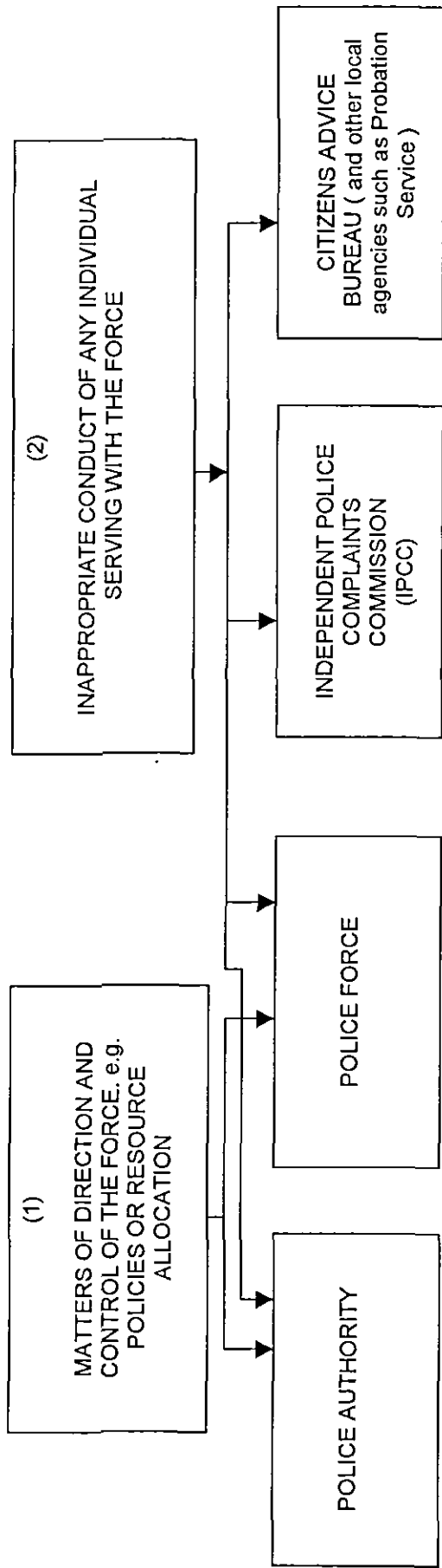
- 2.3.9 In such case the Monitoring Officer (Clerk) will undertake an investigation as the Investigating Officer. The Standards Committee should be informed at this stage of the investigation by means of a confidential memo from the Monitoring Officer (Clerk) to the Chairman and all Members of the Committee. This memo should not name either the complainant or the Member against whom the allegation is made and at the Monitoring Officer's discretion may be copied in confidence to the Chief Constable and Chair of the Authority.
- 2.3.10 The Standards Board for England has issued detailed advice and guidance on the conduct of local investigations¹¹ and any subsequent hearing by the Standards Committee¹² is contained in Standards Board for England publications.
- 2.4. Complaints against the Monitoring Officer (Clerk), Chief Executive or other Authority staff/service contractor.**
- 2.4.1 The SBE does not deal with complaints against Officers/contractors. Where such a complaint is received directly, the following process will be used.
- 2.4.2 In the case of a complaint against a member of staff, the Chief Executive will register the complaint and proceed to investigate it as the Investigating Officer or arrange for the line manager to deal with the issue.
- 2.4.3 A complaint against the Chief Executive will be taken by the Monitoring Officer (Clerk) who will notify the Chairman of the matter. The Monitoring Officer (Clerk) will undertake the Investigating Officer role or request the Monitoring Officer (Clerk) from a neighbouring authority or, other suitably independent person approved jointly by the Chairs of the Authority and Complaints Committee, to investigate the matter as the Investigating Officer.
- 2.4.4 In all cases the Investigating Officer will ensure that the Chairman is briefed on progress and outcomes.
- 2.4.5 In matters of complaint against either the Chief Executive or Monitoring Officer, the Investigating Officer will report the outcome of the investigation to the Standards Committee, together with any recommendations, so that a committee decision can be taken and documented.

¹¹ *Local Investigations - Guidance for Monitoring Officers and Standards Committees* November 2004.

¹² *Standards Committee Determinations - Guidance for Monitoring Officers and Standards Committees* July 2003

BEDFORDSHIRE POLICE COMPLAINTS CATEGORIES AND REPORTING ROUTES

Appendix 1



Responsibilities General:-

1. Oversee and scrutinise Force performance in handling complaints.

Conduct:-

1. Deal directly with complaints against ACPO staff.
2. Assist IPCC in its work including appropriate referrals to the IPCC where Chief Constable has decided not to do so.
3. Where necessary, facilitate IPCC investigations.

Responsibilities General:

1. Have in place a framework that meets statutory and advisory requirements to effectively manage complaints

Conduct

1. Investigate as appropriate in accordance with Beds Police Procedures referenced 8234 / A / B or.
2. Refer on to the Police Authority if an ACPO case or.
3. Refer to the IPCC if a mandatory referral or deemed appropriate for independent investigation.

Responsibilities

1. Sets standards for complaint handling.

1. Duty to oversee the whole of the complaints system.

2. Receive appeals on:-

- Non recording of a complaint
- Local Resolution Process
- Outcome of a local or supervised investigation

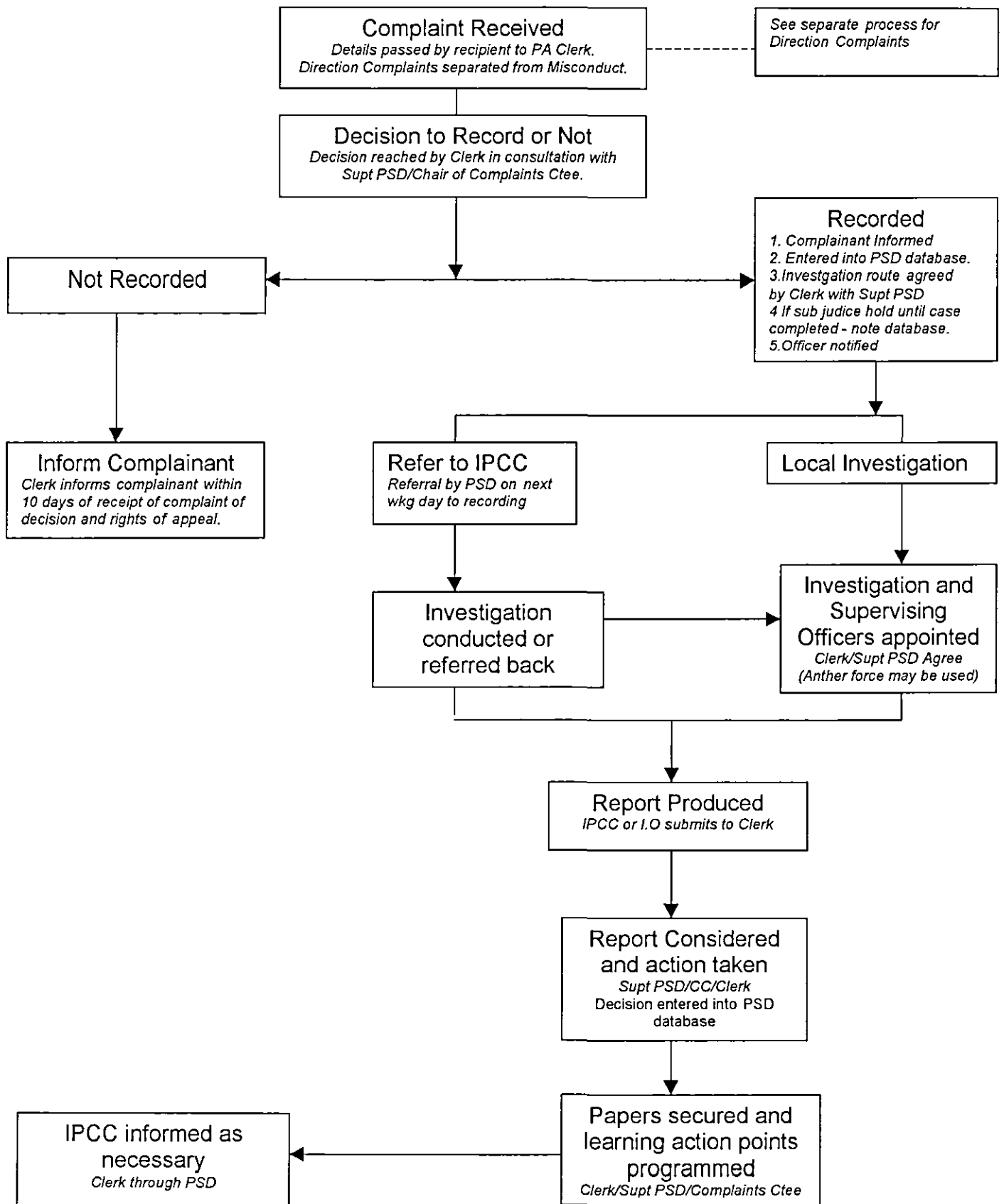
3. Handle Mandatory Referrals

- Serious Assault
- Serious Sexual Assault
- Serious Corruption
- Criminal Offence or behaviour aggravated by discrimination
- Serious arrestable offences

Responsibilities

1. Advise complainants on process and/or where given permission by the complainant, refers cases on to appropriate authority

Bedfordshire Police Authority Inappropriate Conduct-Complaints Procedure for Senior Police Officers





BEDFORDSHIRE POLICE

Complaints of Direction & Control Policy

REFERENCE NUMBER	:	8234
RELATES TO PROCEDURE NO	:	8234A and flowchart 8234B
NEW/REVISED POLICY	:	New
Revision History	:	n/a
POLICY OWNER	:	Head of Professional Standards
POLICY AUTHOR	:	Head of Professional Standards
IMPLEMENTATION DATE	:	1 June 2005
REVIEW DATE	:	March 2006

POLICY OBJECTIVE

To provide all police officers, special constables and police staff with clear guidance regarding the recording and handling of complaints of direction and control.

To ensure a framework exists for the organisation to comply with legal and statutory requirements.

To provide a framework to effectively manage complaints of direction and control in an ethical way.

1.0 Policy

1.1 S14 of the Police Reform Act 2002 provides a power for the Home Office to provide guidance to chief officers and police authorities on the handling of complaints of direction and control. It further places a duty for chief officers and police authorities to have regard to such guidance.

1.2 The Home Office has issued Guidance in HO Circular 19/2005.

2.0 Purpose

2.1 This system exists to deal with complaints that are not about the conduct of an individual member of Bedfordshire Police.

2.2 The system sets out a clear system for dealing with such complaints that will give members of the public confidence that their complaint will be dealt with in a timely and appropriate manner.

2.3 Bedfordshire Police will comply with Home Office Guidance.

3.0 Scope

- 3.1 Complaints of direction and control cannot be made by a member of the organisation who have different means to raise issues.
- 3.2 The complaint must relate to the delivery of policing within Bedfordshire.

4.0 Definition of Direction & Control

- 4.1 Direction and control of the force is a legitimate, independent responsibility and discretion held by the Chief Officer.
- 4.2 Direction and control relates to:-
- Operational policing policies
 - Organisational decisions
 - General policing standards
 - Operational management decisions
- 4.3 Direction and control may be exercised as a delegated authority.

5.0 Procedures

- 5.1 Procedures will be set out in the related procedures template which covers:-

Responsibilities
Categories of complaints
Handling
Openness/keeping the complainant informed
Performance standards

- 5.2 The Police Authority have a key role in overseeing and scrutinising force performance in handling complaints about direction and control as part of their statutory responsibility for efficiency and effectiveness.

ASSOCIATED DOCUMENTATION/LEGISLATION

None

EXEMPTIONS UNDER THE FREEDOM OF INFORMATION ACT

This policy is suitable for access by the General Public

Paragraph:

Exemption: None

Signature of Freedom of Information Officer: V Barham

RATIFICATION BY FORCE STRATEGY BOARD

SENIOR COMMANDER :

DATE :



BEDFORDSHIRE POLICE

Complaints of Direction & Control Procedure

PROCEDURE NUMBER	:	8234A
RELATES TO POLICY NUMBER	:	8234 and Flowchart 8234B
NEW/REVISED PROCEDURE	:	New
Revision History	:	n/a
PROCEDURE OWNER	:	Head of Professional Standards Department
PROCEDURE AUTHOR	:	Head of Professional Standards Department
DATE OF IMPLEMENTATION	:	1 June 2005
REVIEW DATE	:	March 2006

PROCEDURE STATEMENT

These procedures explain how the policy concerning Complaints of Direction and Control should be implemented and who is responsible. A chart laying down the procedural flow of work supplements the document.

1.0 Responsibility

- 1.1 The Register of Direction and Control will be maintained for the force by PSD. No other registers will be kept.
- 1.2 The Chief Officer will provide data on these complaints in the quarterly report on Professional Standards Issues supplied to the Police Authority Professional Standards Committee (PA PSC) by PSD.
- 1.3 PSD will make closed files for the relevant time period, on complaints of direction and control, available to the PA PSC at each meeting for scrutiny
- 1.4 The Head of PSD will have delegated responsibility for the management of complaints of direction and control.
- 1.5 A flow-chart on processes is attached.

2.0 Categories of Complaints

- 2.1 The Register of Direction and Control will include categories of:-
 - Strategy and policy on operational policing
 - Organisational decisions
 - General policing standards
 - Operational management decisions
- 2.2 The Head of PSD will manage any further breakdown of these categories.

- 2.3 Complaints previously categorised, as Quality of Service will normally fall under the *policy of direction and control*.
- 2.4 Complaints of managerial and organisational support and police authority matters are outside the scope of this policy. This means the policy excludes complaints about matters such as personnel and finance. These matters should be referred to the relevant Head of Department who should have procedures in place to deal with them.
- 2.5 Matters of individual conduct must be dealt with under the Complaints against Police Procedure.

3.0 Recording

- 3.1 The Head of PSD will maintain the force register of complaints of Direction and Control.
- 3.2 The following matters will not need to be recorded in the Register:
- where an immediate satisfactory explanation is given to the complainant and where there are no ongoing lessons to be learned or policies that require reviewing;
 - where the complaint has been made previously by the same person and has been dealt with.
 - Complaints that can be evidenced to be frivolous, vexatious, anonymous or over 12 months old (except where there are exceptional reasons for the delay in making the complaint).
- 3.3 The Register will include a record of:-
- Details of the complainant – including name, address, age, ethnicity, and gender.
 - Details of the complaint – including dates, classification, summary.
 - Outcomes – including record of response to the complainant, any details of complainant satisfaction, performance achieved, lessons learnt, details of officer in case.

4.0 Handling

- 4.1 Where the complaint is received by the Police Authority it will be sent to the Head of PSD for handling. The PA will not normally deal with these complaints and the Head of PSD will record and allocate the complaint.
- 4.2 If the complaint is received by PSD, the Head of PSD will record, acknowledge and allocate the case to the appropriate person. Where the complaint relates to a policy this will normally be the owner of the policy as shown on the force policy and procedure file. On completion the file must be returned to PSD for the register to be completed and retention.
- 4.3 PSD will normally allocate complaints of direction and control to the customer care manager of the Division concerned except those about policy which are covered in para 4.2
- 4.4 Where a complaint is received by the Division or Department who own the policy or matter concerned the Division/Department will acknowledge the complaint, deal with it and send a copy, and any response to PSD for recording and retention.

- 4.5 Where the complaint is received by a Department or Division or the Force Executive and it can be dealt with without reference to another Division/Department then the person receiving it should acknowledge it, deal and send a copy together with any response to PSD for recording.
- 4.6 Where the person receiving it cannot deal without reference to another Department or Division the complaint should be sent to PSD for recording and allocation. This will include complaints received by the Force Executive.
- 4.7 Complainants should expect to receive a letter of outcome within 28 days. If this is not possible the complainant should be regularly updated.
- 4.8 When a completed case is received in PSD the Register will be completed. PSD will ask the OIC for any missing information.

5.0 Openness/Keeping the Complainant Informed

- 5.1 Other than cases allocated by PSD the nominated OIC will acknowledge the complaint and ensure the complainant is kept up to date.
- 5.2 In cases allocated by PSD the acknowledgement will be completed by PSD but responsibility for update lies with the nominated OIC.
- 5.3 PSD will retain complaints of direction in line with force Retention and Disposal Policies. They will in most cases be destroyed six years after closure. In exceptional cases the Head of PSD may mark a file for longer retention and record the reason on the file.
- 5.4 Where a decision is made not to record a complaint the complainant should be advised of the reason if it is practical to do so.

6.0 Performance Standards

- 6.1 There is an onus on all staff dealing with complaints to ensure they are being dealt with under the correct process. If a complaint relates to conduct it must be sent to PSD and dealt with under the Police Complaints System.
- 6.2 The Head of PSD will dip sample completed cases of direction and control sent to PSD for quality of completion and to ensure they are not about conduct. The Head of PSD will raise any concerns from this process with the Customer Care Manager concerned and record the matter on the file.
- 6.3 The Head of PSD will provide data to the PA PSC as agreed. This will normally include:
 - No. of complaints recorded
 - No. of complaints completed
 - No. under the various categories
 - No. of cases completed within 28 days.
- 6.4 The Head of PSD will make available all completed files for the period for scrutiny by the PA PSC.
- 6.5 Complaints of dissatisfaction with a case dealt with under the Policy should normally be addressed in the first instance to the Head of PSD who will ensure an appropriate response is made.

7.0 Learning from Complaints

- 7.1 The Head of PSD will ensure lessons from these complaints are incorporated in systems within PSD and ensure they are disseminated within the organisation.

ASSOCIATED DOCUMENTATION/LEGISLATION

Police Reform Act 2002

HO Guidance 19/2005

Policy on Complaints against Police, Police (Complaints and Discipline) Regulations 2004, Police (Conduct) Regulations 2004

EXEMPTIONS UNDER THE FREEDOM OF INFORMATION ACT

This procedure is suitable for access by the General Public

Paragraph:

Exemption: None

Freedom of Information Officer Signature: V Barham

Complaints Dealt with by the Standards Board for England

The following behaviour is covered by the Code of Conduct

- unlawfully discriminating against someone
- failing to treat people with respect
- doing something to prevent those who work for the authority from being unbiased
- revealing information that was given to them in confidence, or stopping someone getting information they are entitled to by law
- damaging the reputation of their office or authority
- using their position improperly, to their own or someone else's advantage or disadvantage
- misusing their authority's resources
- allowing their authority's resources to be misused for the activities of a registered political party
- failing to report another member's misconduct to us
- failing to register financial or other interests
- failing to reveal a personal interest at a meeting;
- taking part in a meeting or making a decision where they have an interest that is so significant that it is likely to affect their judgement

failing to register any gifts or hospitality that they have received in their role as a member worth over £25

2. The Standards Board for England does not investigate the following types of complaints:

- Complaints where a Member is not named.
- Complaints that are not in writing.
- Incidents or actions that are not covered by the Code of Conduct.
- Incidents that are about a fault in the way the Authority has done or not done something. Complaints about maladministration are a matter for the Local Government Ombudsman.
- Complaints about people employed by the Authority.
- Incidents that happened before a Member was appointed.
- Incidents either before the Authority adopted its Code of Conduct or before 5 May 2002, whichever is the earlier.
- Complaints about the way the Authority conducts and records its meeting.

Chief Constable's Report

On

Professional Standards Issues



BEDFORDSHIRE POLICE

END OF YEAR 2006-07

Parts 1 and 2

Bedfordshire Police Authority

14th May 2007

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For publication Bedfordshire Police Authority
Professional Standards Committee

REPORT AUTHOR: CHIEF CONSTABLE

SUBJECT: Professional Standards

.....
BACKGROUND PAPERS Summary of Complaints and Civil Claims
.....

PURPOSE: *To advise members of the current position with regard to Professional Standards issues, including complaints against police, within the Force.*

RECOMMENDATION: The Committee is asked to consider this report.
.....

1. INTRODUCTION

Under the provisions of Section 77 of the Police Act 1996, every Police Authority, in carrying out their duty with respect to maintenance of an efficient and effective Police Force, shall keep themselves informed as to the workings of Sections 67 to 76 of the above legislation in relation to the Force.

2. THE PURPOSE OF THE REPORT

The purpose of this report is to brief members of the Authority on current professional standards issues within the force.

3. *The current report reflects issues for the end of year 2006 - 07.*

A. DEPARTMENTS WORKLOAD

Workload Management

The table shows the workload levels for the department.

	Jan - March		YEAR	
	2007	2006	2006/07	2005/06
Complaint Allegations	151	95	521	389
Civil Claims ¹	25	23	91	72
Conducts Matters ²	17	6	96	66
Direction & Control Cases	54	36	212	144
TOTAL RECORDED	247	160	920	671
% Increase / Decrease	+54%		+37%	

There has been an increase in cases containing multiple allegations.

Types of Investigations

The IPCC can independently investigate, manage or supervise conduct and complaint cases. Local refers to complaint cases only.

	COMPLAINTS		CONDUCTS	
	Jan-Mar 07	2006/07	Jan-Mar 07	2006/07
Independent	1	1	0	0
Managed	0	2	0	0
Supervised	0	0	0	2
Local	100	373	0	48
Cases Referred	1	5	0	0
Awaiting IPCC Decision	0	0	0	0

¹ Excludes 3rd party claims and employment tribunals

² This total includes misconduct against police staff so the total may vary from the table in section I that do not include them.

B. COMPLAINTS

Recorded Complaint Allegations

The table below shows the total number of *Complaint Allegations Recorded* for the period, year to date and year to date for last year.

Code	Type of Complaint	Jan-Mar 07	2006/07	2005/06
A	Serious non-sexual assault	0	0	3
B	Sexual assault	0	0	2
C	Other assault	12	42	40
D	Oppressive Conduct/Harassment	17	47	41
E	Unlawful arrest etc	3	25	19
F	Discriminatory Behaviour	7	19	15
G	Perjury/Irregularity in practice	2	5	12
H	Corrupt Practice	0	3	3
J	Mishandling property	5	10	10
K	Breach Code A	3	6	0
L	Breach Code B	2	9	6
M	Breach Code C	10	41	29
N	Breach Code D	3	3	2
P	Breach Code E	1	1	0
Q	Lack of fairness & Impartiality	13	23	9
R	Breach unspecified or multiple	0	1	3
S	Other neglect of duty	41	141	99
T	Other Irregularity in Procedure	7	15	17
U	Incivility	17	89	56
V	Traffic	2	5	3
W	Other	2	21	18
X	Improper disclosure of information	4	15	2
Y	Other Sexual Conduct	0	0	0
	Total	151	521	389

The implementation of the IPCC Statutory Guidance on 1st December 2005 included new complaint categories: *

- Lack of fairness and impartiality
- Improper disclosure of information and
- Other sexual conduct.

Also, an expansion to complaint category of discriminatory behaviour was introduced; prior to 1st December 2005 it was racial complaints and now incorporates:

- Gender
- Age
- Faith
- Sexual Orientation, and
- Disability.

Complaint Allegations Per 1000 Staff – Geographical Location

The tables show the recorded data by geographic areas where the incident took place as required by HMIC. This is the number of complaint allegations not staff or complaint cases.

All Staff (officers, police staff, specials and PCSO)

Division	Total Complaint Allegations 2006/07	Divisional Strength	Complaint Allegations per 1000 Staff
C Division	198	549	361
J Division	314	844	372
Unknown	2		
Other Force	7		
FORCE TOTAL	521	2320	225

The following four tables show the complaint allegations by geographical location but separate the staff types. The total allegations from these tables will not be equal to force total as one allegation can involve one officer and one police staff.

Officers

Division	Total Complaint Allegations 2006/07	Divisional Strength	Complaint Allegations per 1000 Officers
C Division	316	336	940
J Division	417	505	826
FORCE TOTAL	728	1212	601

Specials

Division	Total Complaint Allegations 2006/07	Divisional Strength	Complaint Allegations per 1000 Specials
C Division	0	42	0
J Division	2	120	17
FORCE TOTAL	2	166	12

Police Staff

Division	Total Complaint Allegations 2006/07	Divisional Strength	Complaint Allegations per 1000 Police Staff
C Division	10	135	74
J Division	35	172	203
FORCE TOTAL	38	863	44

PCSO

Division	Total Complaint Allegations 2006/07	Divisional Strength	Complaint Allegations per 1000 PCSO
C Division	0	36	0
J Division	2	47	43
FORCE TOTAL	2	83	24

Discriminatory Complaint Allegations

It is possible that one complaint can allege multiple discriminative behaviours with the expansion of the discriminatory behaviour category³

This year 19 discriminatory complaint allegations were recorded; all of which are related to race issues.

Complaint Case Access

The table shows how complainants made their initial complaint. It does not include Interested Parties or Agent for Complainant.

	Email	Fax	Letter	Orally	Telephone	Visit	Website	Other	Unknown
2006/07	32	1	245	15	49	51	2	2	2
2005/06	10	1	142	25	39	44	0	3	9

³ Explained in section B recorded complaint allegations

C. COMPLAINT ALLEGATION RESULTS

All Results

The table shows the *Allegation Results* for the force.

Result	Jan-Mar 07	2006/07	2005/06
Locally Resolved by PSD	62	214	178
Locally Resolved by division	7	37	
Withdrawn – not proceeded with	10	48	60
Withdrawn	5	31	
Unsubstantiated	14	60	50
Substantiated	2	8	10
Dispensation by force	1	7	64
Dispensation by IPCC (wavered)	5	37	
Discontinued	0	2	0
Totals	106	444	362

Local Resolutions

The percentage of complaint allegations local resolved for the period is 58% and this year is 57%

Substantiated

Complaint allegations substantiated this quarter is 2, a total of 8 for year. This year 2% were substantiated compared to last year which was 3%.

Dispensations

The table below relates to dispensation applications made during the year. The number of dispensations granted will not reflect those applied for as they could have taken place during different periods.

	Applied for	Granted	Awaiting Decision
2006/07	34	23	8
2005/06	39	37	2

D. APPEALS

The tables show the number of appeals relating to each area. The results may not be the outcome of those recorded during the time of the report.

Local Resolution

	End of Year 06-07	End of Year 05-06
Total complaints Finalised as Locally Resolved	251	178
Number of appeals against the Local Resolution Process	9	6
Number of appeals upheld	0	0
Number of appeals not upheld	9	7

Non Recorded

	End of Year 06-07	End of Year 05-06
Total of non recorded	24	12
Number of appeals against the decision not to record	17	0
Number of appeals upheld	7	0
Number of appeals not upheld	9	0

Final Decisions

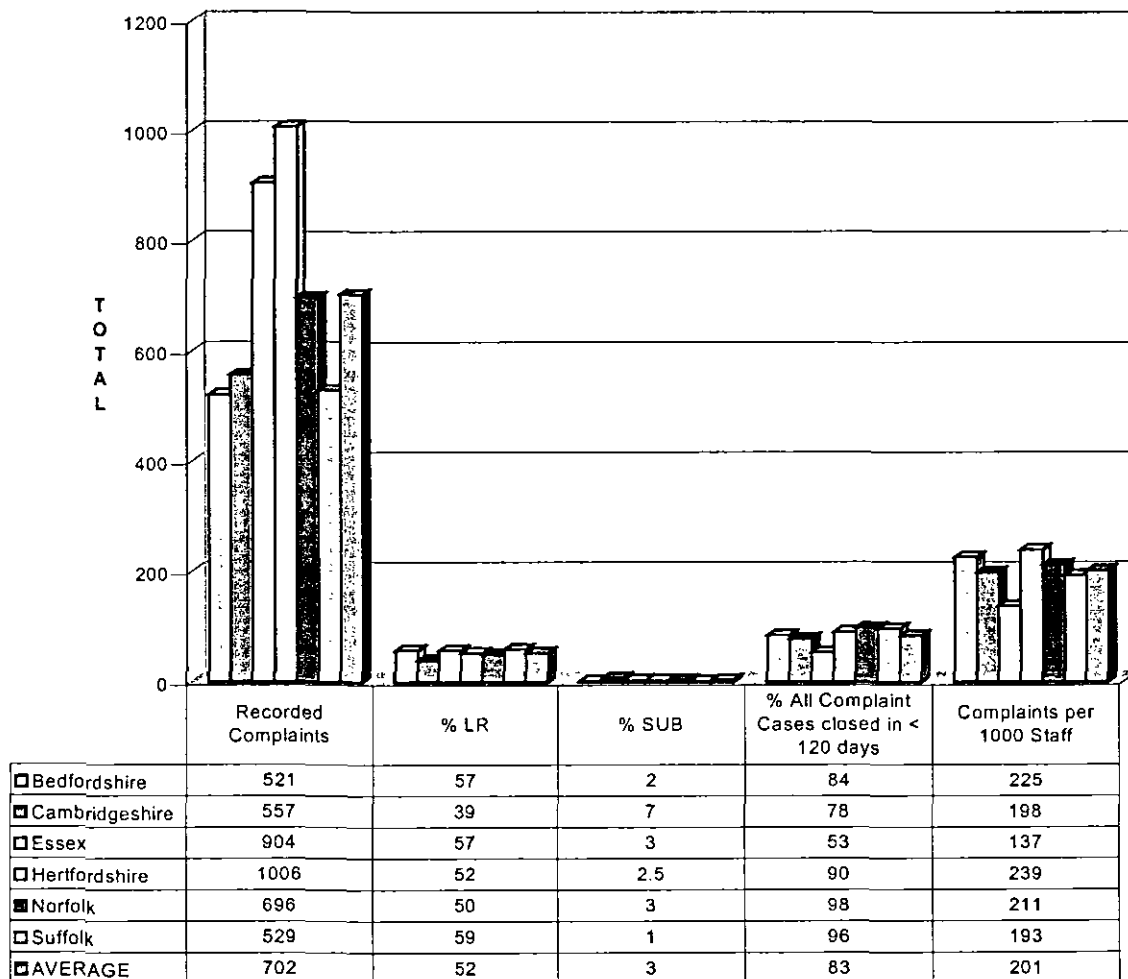
Excludes LR	End of Year 06-07	End of Year 05-06
Total of all finalised complaints	193	184
Number of appeals against the final decision	10	11
Number of appeals upheld	0	0
Number of appeals not upheld	11	9

E. BENCHMARKED COMPLAINTS DATA – 2006/07

Complaint data is regularly compared between forces and Bedfordshire is benchmarked against the Eastern Region.

Complaint allegations are measured per 1000 Force Strength therefore includes Special, Police Staff and PCSO's.

EASTERN REGION BENCHMARKED DATA - APRIL 2006 - MARCH 2007



DATA CATEGORY

F. TIMESCALES

Complaint Case & Allegations

The case time scale is measured from the date received into force until the complainant is informed, therefore excluding the 30-day appeal time. The target time for closures is 120 working days.

Allegation time scale is measured from the date the allegation was received into force until finalised.

The table below is the percentage of all complaint cases and allegations finalised in the stated year.

	End of Year 06-07	End of Year 05-06
Complaint Cases	84%	80%
Complaint Allegations	71%	73%

Complaint Case Investigations

A case investigation time is calculated from the date an investigator is appointed until the date the complainant is informed. The outcome of a full investigation is either substantiated or unsubstantiated. The percentage of these completed within 120 working days is 53%.

G. STAFF AND COMPLAINANT UPDATES

The IPCC has stated that *'The police must keep the complainant informed every 28 days if no specific arrangements have been made'* and that *'The police will keep officers / staff informed at appropriate points in the investigation'*. The requirement for timeliness of updating has been requested during the last seven months, in this time a system for recording and training staff has been implemented. The data currently available is not sufficient to offer a timeliness report.

Staff

Based on finalised cases

Complainant

Based on finalised cases

H. COMPLAINANT CHARACTERISTICS

The tables below show the number of complainants within each group for finalised complaint allegations. Totals exclude Interested Parties

Gender

Male	Female	Company	Unknown	Total
208	116	0	3	327

Age

0-16	17-24	25-44	45-64	65+	Unknown	Total
3	39	170	85	7	23	327

Eighteen of the twenty three unknowns are due to the complainant not being seen; one was an investigation by an outside force, one refused to state and the remaining three have not been recorded.

Ethnicity

A	B	W	M	O	Unknown	Total
33	33	229	1	5	26	327

Eighteen of the twenty six unknowns are due to the complainant not being seen as the complaint was received by letter or fax and then withdrawn or dispensed; one was an investigation by an outside force and the remaining seven have not been recorded.

Complainant Type

Directly Affected	Adversely Affected	Agent	Witness	Total
293	20	9	5	327

Complaint Allegations made by 16 year olds and under

Breakdown and summary for the above based on finalised complaint allegations

CO/00177/05 complainant aged 13 Locally Resolved by Division

As the result of officers attending an incident involving an off duty officer, the following complaint allegations were made:

1) Oppressive conduct or harassment

Officers' behaviour was aggressive and immediately very defensive and completely negated the attack on the complainant by the off duty officer

2) Breach Code C PACE

The OIC did not give sufficient regard to the fact that the complainant was the victim of an attack and the questioning was inappropriate, it was exaggerated and strayed from the circumstances of the arrest.

3) Lack of fairness & impartiality

Complainants arrest was unnecessary.

CO/00035/06 Complainant aged 16 Locally Resolved by PSD

1) Other assault

Officer poked the complainant in the area of his right shoulder for no apparent reason.

2) Incivility, impoliteness & intolerance

Officer swore at the complainant

CO/00081/06 Complainant aged 14 Unsubstantiated

1) Other assault

Complainant was arrested for Breach of ASBO. Complainant alleges that whilst detained he was assaulted, 4 officers visited the cell, 2 entered into the cell. One officer kicked him/strangled him and hit his arm on the radiator and hit his knee on the floor.

I. STAFF CHARACTERISTICS

The tables below show the number of staff within each group for finalised complaint allegations. A staff member is counted once even if linked to more than one case.

Gender

Male	Female	Unknown	Total
301	98	1	400

Age

0-16	17-24	25-44	45-64	65+	Unknown	Total
0	60	280	59	0	1	400

Length of Service

0-5	6-10	11-15	16-20	21-25	26-30	31+	Unknown	Total
238	40	47	30	25	15	4	1	400

Staff Location

HQ	C	J	G	Q	M	Unknown	OF	Total
4	114	202	59	15	4	1	1	400

Ethnicity

A	B	W	O	Unknown	Total
15	5	373	6	1	400

The actual number of unidentified staff complained of this year is 25, but the tables above show 1; the reason for this is that there is a generic nominal for unknown as all staff and therefore counted once.

J. CONDUCT**Police and Specials Misconduct Matters Recorded**

There were 86 misconduct matters recorded during 2006/07, the table does not include those of misconduct for police staff.

CODE OF CONDUCT	End of Year 06-07	End of Year 05-06
A. Honesty & Integrity	24	2
B. Fairness & Impartiality	8	3
C. Politeness & Tolerance	5	6
D. Use of Force & Abuse of Authority	1	3
E. Performance of Duties	10	15
F. Lawful Orders	0	7
G. Confidentiality	6	5
H. Criminal Offences	9	12
I. Property	3	1
J. Sobriety	0	0
K. Appearance	0	0
L. General Conduct	20	10
Neglect of Duty	0	1
Corrupt and Improper Practice	0	1
TOTAL	86	66

Police and Specials Misconduct Matters Finalised

There were 94 misconduct matters finalised during 2006/07, the table does not include those of misconduct for police staff.

CODE OF CONDUCT	End of Year 06-07	End of Year 05-06
A. Honesty & Integrity	28	9
B. Fairness & Impartiality	3	4
C. Politeness & Tolerance	3	13
D. Use of Force & Abuse of Authority	7	3
E. Performance of Duties	19	24
F. Lawful Orders	0	11
G. Confidentiality	4	0
H. Criminal Offences	15	14
I. Property	2	2
J. Sobriety	0	0
K. Appearance	0	0
L. General Conduct	13	9
Neglect of Duty	0	1
Corrupt and Improper Practice	0	1
Racial Discriminatory Behaviour	0	1
TOTAL	94	92

Gross Misconduct Matters for Police Staff Recorded

Currently there are no set police staff conduct regulations, therefore they are currently best placed in the police officers conduct categories

CODE OF CONDUCT	End of Year 06-07	End of Year 05-06
A. Honesty & Integrity	5	0
B. Fairness & Impartiality	0	0
C. Politeness & Tolerance	0	0
D. Use of Force & Abuse of Authority	0	0
E. Performance of Duties	7	4
F. Lawful Orders	0	1
G. Confidentiality	1	2
H. Criminal Offences	1	0
I. Property	0	0
J. Sobriety	0	0
K. Appearance	0	0
L. General Conduct	4	1
Neglect of Duty	0	0
Corrupt and Improper Practice	0	0
TOTAL	18	8

Gross Misconduct Matters for Police Staff Finalised

Currently there are no set police staff conduct regulations, therefore they are currently best placed in the police officers conduct categories

CODE OF CONDUCT	End of Year 06-07	End of Year 05-06
A. Honesty & Integrity	4	10
B. Fairness & Impartiality	0	0
C. Politeness & Tolerance	0	0
D. Use of Force & Abuse of Authority	0	0
E. Performance of Duties	4	0
F. Lawful Orders	0	1
G. Confidentiality	2	2
H. Criminal Offences	1	0
I. Property	0	0
J. Sobriety	0	0
K. Appearance	0	0
L. General Conduct	1	1
Neglect of Duty	0	0
Corrupt and Improper Practice	0	0
TOTAL	12	14

Misconduct Hearings

A summary of each hearing finalised this year is as follows:

- 1) Officer was found guilty for criminal offences and was dismissed.
- 2) The case involved ten members of staff for allegations of Honesty & Integrity and Performance of Duties. No action was taken against three members of staff, one received advice, a reprimand and a one a warning; One resigned and four were dismissed.
- 3) Officer was found guilty for allegations of general conduct and confidentiality. A reprimand and a fine were given.

Gross Misconduct Hearings

A summary of each gross misconduct hearing finalised this year is as follows:

- 1) Case involved one police staff member with nine allegations of performance of duties. The member of staff was found guilty and dismissed, currently there is an ongoing appeal.

K. CRIMINAL PROSECUTIONS

Recorded

A summary of each prosecution recorded during the year is as follows:

- 1) Officer was found drunk in a public place namely High Street acting in a disorderly manner. Offence of Drunk and Disorderly

Finalised

A summary of each prosecution finalised during the year is as follows:

- 1) Officer was found guilty for criminal offences and was fined.

L. DIRECTION AND CONTROL CASES**Recorded**

Home office categories

Type	End of Year 06-07	End of Year 05-06
General Policing Standards	125	105
Operational Management Decisions	41	13
Organisational Decisions	19	5
Strategy and Policy on Operational Policing	27	21
Total	212	144

Finalised

Home office categories

Type	End of Year 06-07	End of Year 05-06
General Policing Standards	124	95
Operational Management Decisions	39	10
Organisational Decisions	17	3
Strategy and Policy on Operational Policing	29	17
Total	209	125

Timescales

Type	End of Year 06-07	End of Year 05-06
Total finalised	209	125
Total days	8002	3257
Average time scale	38	26

A. SUSPENDED STAFF

A summary of staff that were suspended as at 31st March 2007:

One officer has been suspended since 19th September 2006 for an allegation of Honesty & Integrity.

A police staff member is suspended whilst appealing against the decision to dismiss from the force.

B. STAFF ON RESTRICTED DUTIES

A summary of staff that were on restricted duties as at 31st March 2007:

Three Police Officers are currently on restricted duties and one police staff member who is currently off sick.

C. COMPLAINTS WITH THE IPCC

Currently there are 12 complaint cases at the IPCC, of which:

8 are awaiting a dispensation response, the oldest file was sent 30th January 2007

4 awaiting a discontinuance response, 11th December 2006 was when the earliest file was sent.

D. COMPLAINTS WITH THE CPS

Currently there are 4 cases at the CPS

3 complaint cases, the oldest file was sent on 6th September 2006.

1 misconduct case which was sent on 22nd February 2007.

E. CIVIL LITIGATION CLAIMS**Recorded Claims**

The table below relates to claims and not cases

Category	End of Year 06-07	End of Year 05-06
Anxiety / Distress	12	2
Assault/battery	3	1
Consequential Loss	2	0
Dog Bite	1	2
Loss Of Earnings	11	0
Embarrassment / Humiliation	1	11
False Imprisonment	4	0
Harassment	0	10
Malicious Prosecution	2	0
Misfeasance	0	0
Negligence	4	3
Other	2	1
Payment For Services	0	3
Personal Injury	16	14
Property Damage (buildings)	14	8
Property Damage (personal)	7	0
Property - Loss Of	5	0
Property - Unlawful Retention	0	16
Property, Seizure	6	0
Property - Trespass Onto	0	1
Racial Discrimination	0	0
Sexual Discrimination	0	0
Sexual Harassment	0	0
Shock	0	0
Slander / Libel / Defamation	0	0
Trespass Person	0	0
Unlawful Arrest	1	0
Unlawful Search	0	0
Total	91	72

Closed Claims

The table below relates to claims and not cases

Category	End of Year 06-07	End of Year 05-06
Anxiety / Distress	10	2
Assault/battery	1	5
Consequential Loss	0	1
Dog Bite	3	2
Embarrassment / Humiliation	16	1
False Imprisonment	0	8
Harassment	15	0
Loss Of Earnings	1	1
Malicious Prosecution	0	0
Misfeasance	0	0
Negligence	6	10
Other	3	4
Payment For Services	1	0
Personal Injury	30	5
Property - Loss Of	17	6
Property Damage (buildings)	6	0
Property Damage (personal)	8	0
Property, Seizure	0	9
Property - Unlawful Retention	2	3
Property - Trespass Onto	0	2
Racial Discrimination	1	2
Sexual Discrimination	0	1
Sexual Harassment	0	0
Shock	0	0
Slander / Libel / Defamation	0	0
Trespass Person	0	0
Unlawful Arrest	2	4
Unlawful Search	0	1
3 rd Party	0	13
Total	122	80

Costs

Total costs for the year 2006/07 are as follows:

Category	Claimant Costs	Defence Costs	Settlement	Total
False Imprisonment		£ 2,257.90		£ 2,257.90
		£ 999.20		£ 999.20
			£ 500.00	£ 500.00
Misfeasance *			£ 10,000.00	£ 10,000.00
Payment for services		£ 588.43		£ 588.43
Personal Injury	£ 9,000.00	£ 4,885.12	£ 500.00	£ 14,385.12
	£ 20,000.00	£ 2,582.52	£ 10,500.00	£ 33,082.52
		£ 4,500.00	£ 5,000.00	£ 9,500.00
	£ 4,000.00		£ 1,600.00	£ 5,600.00
	£ 13,750.00	£ 3,350.36	£ 4,000.00	£ 21,100.36
	£ 2,852.35		£ 4,670.87	£ 7,523.22
Property - Loss Of		£ 888.60	£ 750.00	£ 1,638.60
			£ 1,000.00	£ 1,000.00
			£ 150.00	£ 150.00
Property damage Personal		£ 386.40		£ 386.40
Loss of Earnings	£ 1,000.00	£ 923.80		£ 1,923.00
Property damage **			£ 448.00	£ 448.00
			£ 500.00	£ 500.00
Harassment		£ 6,167.78		£ 6,167.78
Unlawful Arrest	£ 2,444.00		£ 2,750.00	£ 5,194.00
Dog Bite	£ 50.00		£ 3,500.00	£ 3,550.00
Negligence	£ 8,000.00	£ 2,791.11	£ 4,875.00	£ 15,666.11
Anxiety /Distress	£ 3,492.88		£ 1,500.00	£ 4,992.88
Total	£ 64,589.23	£ 30,321.22	£ 52,243.87	£ 147,153.52

* £10,000 settlement was paid out in 2004 financial year. The solicitor's costs due to negotiations have been paid out in this year.

** £500 Paid by J Division for damage to a door when attending a concern for safety. Division can deal with this amount

F. EMPLOYMENT TRIBUNAL ALLEGATIONS

Recorded Allegations

The table below relates to allegations and not cases

CATEGORY	2006 - 07	2005 - 06
Sex Discrimination	1	0
Constructive Dismissal	0	0
Breach of Contract	1	0
Disability Discrimination	1	1
Unfair Dismissal	2	0
TOTAL	5	1

Finalised Allegations

The table below relates to allegations and not cases

CATEGORY	2006 - 07	2005 - 06
Sex/Race Discrimination	1	0
Constructive Dismissal	0	0
Breach of Contract	1	0
Disability Discrimination	1	1
TOTAL	3	1

Costings

Category	2006 - 07	2006/07 Costs		
		Settlement	Defence	Claimant
Sex/Racial Discrimination	1	Non Disclosable	19,190.00	0
Breach of Contract	1	£8000.00	£4160.00	0
Disability Discrimination	1	£2,500.00	£938.00	0
TOTAL	3	£10,500.00	£24288.00	0

G. INFORMATION SECURITY

Community Security Policy (CSP).

A new CSP Matrix was issued in October 2006. This was refined to take into account a new scoring and weighting system. The Matrix has been submitted to the National Accrerator. No direct comparison can be made between this and the previous matrix because of the changes, but there has been an increase in compliance.

Government Protective Marking Scheme.(GPMS)

The policy on GPMS was ratified at the beginning of 2006. Although the project has been completed, work is continuing to increase compliance, through technical solutions.

Statutory Code of Practice for the Management of Police Information:

The main project is ongoing and the main actions were 1) the review of all information sharing agreements 2) evaluate the 'fit for purpose' status. The development of a Policy and Procedure for central governance and central registry was completed in November 2006.

Multi-Agency Protocols.

This provided central governance, enabling division to develop information sharing agreements, and includes a central registry of all agreements.

Security Management Programme

With the introduction of the latest CSP Matrix, a detailed action plan has been developed and is out for consultation.

ACPO Data Protection Manual of Guidance

The latest version of the manual of guidance was issued in October 2006 gaps in compliance were identified in five areas, four have been addressed and one remains outstanding until there is a technical solution.

Vetting

The paper on Vetting submitted to the Force Strategy Board made 11 recommendations. The following 5 recommendations as yet are still not complete:

- Centralisation of Vetting
- Increase the PSD database checks
- Police officer moves to go through vetting process.
- Audit of vetting procedure

- Review of policy & Procedures

The Annual Assessment process for MV & MV/SC clearances have been carried out for this year. The annual review for DV clearance is underway and assessment will identify if individuals post still requires DV clearance

Bedfordshire Police registration with the CRB is currently on hold due to ongoing national talks

The review for the format and wording of forms used for Vetting for Sensitive Posts (Management Vetting) is still outstanding.

The review of all vetting clearances held by Police Officer /Police Staff, PSCOs etc within Bedfordshire Police is now complete. The staff that was identified as not holding the relevant clearance with the exception of 30 specials have been sent the vetting forms in order that clearance can be put in place.

H. CONCLUSIONS

The Force continues to meet the requirements of the provisions of the Police Act 1996 with regard to the handling of Complaints and Misconduct and the Police Authority remained properly informed of the workings of Sections 67 to 76 of that Legislation.

I. RECOMMENDATIONS

That the report be accepted and noted by members of the Police Authority.

INDEPENDENT CUSTODY VISITORS' PANEL

13th March 2007

PRESENT

Mrs P Fletcher (Chair)

Ms P Brown, Ms S Fairs, Mr M Rudd, Mr G Dykes, Ms A Sigurdur, , Mr I Webster, Mr A R Malik, Mr H Pratt, Ms S Gillard, Ms C Atkins, Mr H Siederer, Mr V Eltringham, Mr R Sutton, Mr N Hill, Mr A Moore, Ms V Yadav, Ms H Yadav, Mrs J Laws, Ms T Lawrence, Mr P Fensom, Mr H Kobir, Ms H Farmer, Mr P Jerred, Ms S Edghill

Apologies for absence were received from Mr K R Raja, Mr R Singh and Mrs A Cranstone

The Chair opened the meeting by welcoming the 13 recently appointed Custody Visitors to their first Panel meeting.

1 MINUTES

The minutes of the Independent Custody Visitors' Panel held on 10th October 2006 were amended to record Mrs C Atkins as present and then confirmed.

2 MATTERS ARISING

There were no matters arising.

3 CUSTODY SUITE MANAGERS

The Chair welcomed Inspector Paul Harris, Custody Suite Manager from Luton to this, his first Panel Meeting. Inspector Harris outlined the changes that had taken place since taking up his post in November 2006.

Due to funding restrictions there had been no cleaners available to clean the Custody Suite in Luton over weekends and the custody staff had been under pressure to maintain cleanliness within the suite. One Detention Officer had also been made redundant.

Custody records showed that since January there had been 1932 arrests, on average approximately 170-180 per week. Drug testing had reached 100% against the Home Office target of 95%. The Custody Suite had been extremely busy but was performing well.

Inspector Harris acknowledged and welcomed the increased number of custody visitors to the station that the newly appointed custody visitors would undertake.

4 CUSTODY VISITING UPDATE

Independent Custody Visitors Conference

Mr Malik, Mr Dykes and Mr Rudd had attended the ICVA Annual Conference held in Cambridge on 4th November 2006. Amongst the items discussed had been the financial difficulties facing ICVA (Independent Custody Visiting Association) and the impeding independent review of the organisation. Consultation regarding PACE Review had concluded in December 2006 and the finding had yet to be reported. There had also been a presentation from "Revolving Doors" an organisation set up to support people experiencing mental health difficulties.

Recruitment and Retention of ICV

The Chair confirmed the appointment of 13 new Independent Custody Visitors who had undertaken their initial training on 10th/11th March 2007. 17 potential independent custody visitors will be trained 29th/30th September 2007.

Handbook Update

The Handbook had been recently updated to take into account, primarily, legislative changes, locked out prisoners and Operation Safeguard. The Handbook was currently being impact assessed against the six strands of diversity (age, race, religion, gender, disability and sexual orientation). A copy would be circulated to all Independent Custody Visitors once the impact assessment had been concluded.

The Chair expressed her appreciation to Mr Hudspith, Mr Dykes and Mr Rudd and to the Scheme Administrator for their assistance in updating the Handbook.

Timing of Visits

The Chair reminded everyone of the need to vary the timing of visits to police stations in order to fulfill the obligations of the Scheme. She encouraged all Visitors to consider undertaking some of their visits at "unsocial hours".

5 MONITORING REPORT

Mr G Hudspith, Administration of Justice Manager, presented the joint report of the Chair and Deputy Chief Constable. This included:

Key issues identified by custody visitors

Three issues had been raised. One concerned the busyness at Dunstable Police station while Luton custody suite was closed for building work. The

custody managers concerned had been aware of this and dealt with any problems that had arisen on a day-to-day basis. The other two issues had concerned aspects of building design and had been brought to the attention of the estates department.

Attitude of custody staff

There had been only positive comments about the custody staff during the period under review.

Developments of interest to custody visitors

The number of locked out prisoners accommodated at police stations in Bedfordshire continued to be a concern particularly as for much of the time the three custody suites in Bedfordshire operated at or near to full capacity, particularly at weekends.

The introduction of the national custody system was now expected to commence in April, with Bedford the first station to get the system. Staff abstractions for training on the new system may cause added pressure in the run-up to the introduction.

During 2006 the number of new custody records opened at the three custody suites was 3% more than in 2005. Interestingly Bedford processed approximately 300 fewer detainees than in 2005, but there were increases at both Luton and Dunstable.

The building work at Luton police station had been completed. As well as an increase in the number of detention rooms, the refurbishment provided for an increased number of interview rooms. This had eliminated a bottleneck in the processing of detainees which had increased the capacity of the unit overall.

Summary of visits

The total number of visits during the period under review was 15, compared with the target of 36. This was less than the number of visits made during the last period reviewed. Forty-eight detainees had been seen, and the average number of detainees seen per visit was 3. At the time of the visits the total number of detainees was 105, therefore just over half of detainees chose to be visited. Bedford received a total of 5 visits, Luton 3 and Dunstable 7. For each station this was below the target figure of 12, 16 and 8 visits to Bedford, Luton & Dunstable respectively.

Overall, the visits had been spread out, with visits on all days of the week except Saturdays and Mondays. Visits had also been spread throughout the day, with one visit commencing after 10.00pm.

6 OPERATION SAFEGUARD

Mr G Hudspith outlined Operation Safeguard to the Panel. Operation Safeguard is a formal arrangement of the utilisation of police cells to

accommodate Home Office prisoners when prison service accommodation had reached its operational capacity. This was distinct from the ad-hoc arrangement of accommodating prisoners who could not be housed in prison prior to the daily closure of prison receptions (known as "lock-outs), which are not subject to Operation Safeguard guidelines.

Bedfordshire Police had offered Ampthill Police Station to the Home Office and since commencement on 21st January 2007, 21 detainees had been received under Operation Safeguard.

Operation Safeguard will be in operation for a period of six months, however it could continue for longer and the Panel will be kept informed of developments.

7 UPDATE FROM SCHEME CO-ORDINATOR

Mr M Rudd encouraged the more experienced Independent Custody Visitors to team up with the newly recruited Visitors to undertake initial visiting. He also reminded the Panel to inform him of their intention to carry out a visit.

A discussion took place regarding the Panel Members meeting informally, away from the Police Authority building and staff, to discuss issues relating to custody visiting. It was agreed that the Scheme Co-ordinator would report back to the next Panel Meeting on an agreed way forward.

8 DATE OF NEXT MEETINGS

Tuesday 5TH June 2007 at 6.30pm at Bridgebury House, Woburn Road, Kempston.

9 ANY OTHER BUSINESS

The Chair requested feedback on the amended Handbook and reminded the Panel that agenda items for Panel Meetings were most welcome.

It was confirmed that, in line with the rest of the Eastern Region smoking had been banned from all three custody suites, including in any of the exercise yards.