



National Audit Office

# The Independent Police Complaints Commission

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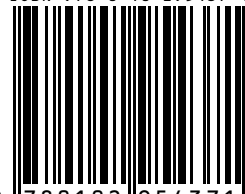
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# The Independent Police Complaints Commission

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**Comptroller and Auditor General**  
**National Audit Office**

**7 November 2008**

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# SUMMARY

## Rationale for and scope of the NAO examination

**1** The Independent Police Complaints Commission (IPCC), which operates in England and Wales only, became operational in April 2004 under the Police Reform Act (2002), succeeding the former Police Complaints Authority. The IPCC has responsibility for the performance of the whole police complaints system. Its remit is to investigate complaints and conduct matters involving police officers; and to recommend appropriate action by the police force concerned and, where appropriate, to forward information to the Crown Prosecution Service for a decision on prosecution.

Its remit does not include determining disciplinary action by individual forces or bringing prosecutions itself. The IPCC becomes involved following a direct complaint from a member of the public or as a result of a referral by the police. Some incidents – involving death or serious injury – are required by statute to be referred to the IPCC.

**2** Since 2004, the remit of the IPCC has been expanded to include the investigation of serious allegations against officers of HM Revenue & Customs, the Serious Organised Crime Agency and the UK Border Agency. This report focuses on the IPCC's investigation of complaints against the police.



**3** The IPCC is overseen by a Board of 12 Commissioners appointed by the Home Secretary and had just under 400 staff as at 31 March 2008. The IPCC's net resource expenditure in 2007-08 was £32.2 million of which £30.1 million was financed by Grant-in-Aid from the Home Office.

**4** Nearly 29,000 complaints were made against the police in 2007-08. The majority of these complaints were dealt with locally by the relevant police force and did not involve the IPCC. In 2007-08, the IPCC:

- opened 100 independent investigations, which were the most serious cases undertaken solely by IPCC investigators;
- opened 152 managed investigations using local police force staff under IPCC control;
- opened 245 supervised investigations run by local police forces; and
- received 4,141 appeals. Appeals can be against a complaint not being recorded by the police; against a complaint being dealt with by local resolution by the police force concerned; or against the outcome of an investigation of a complaint by the police. Complainants do not have the right of appeal to the IPCC in respect of an independent investigation undertaken by the IPCC or against investigations managed by the IPCC. In such cases a complainant would need to seek a Judicial Review if they were unhappy about the way their case had been handled by the IPCC.

**5** Given that the IPCC has had four years in which to establish its systems and procedures, it is a good time to assess whether the IPCC has met its objectives. This report therefore examines whether the IPCC:

- is managing its workload of complaints, referrals and appeals efficiently (Part 1);
- has in place appropriate mechanisms for ensuring the quality of its work (Part 2);
- is following up investigations appropriately; and is communicating effectively with complainants, police officers under investigation and stakeholders (Part 3).

It was not within the ambit of this examination to assess the outcome of specific IPCC investigations. The report does not therefore comment on whether or not the decisions made by the IPCC in individual cases are appropriate.

**6** The methodology for this study includes interviews with key officials within the IPCC, with key stakeholders including police and complainant representative groups, and with Professional Standards Departments from five police forces. We reviewed a sample of independent and managed investigations and appeals at each of the IPCC's regions. Appendix 1 provides more detail about our study methodology.

## Main findings

### On the IPCC's workload and performance against targets

**7** The IPCC's workload has increased significantly since 2004-05. The IPCC opened 100 independent investigations in 2007-08 compared to 31 in 2004-05 and handled over 4,100 appeals in 2007-08 compared to just over 1,000 in 2004-05. The number of independent investigations has increased in part because of the impact of Human Rights case law, which has expanded the range of investigations where the IPCC is legally obliged to conduct an independent investigation.

**8** The balance of the IPCC's investigation activities has also since its inception shifted from managed investigations to independent investigations. As a result of the increase in the number of independent investigations the IPCC considers that it is now working above full capacity, since in 2007-08 the IPCC began 100 independent investigations as compared to a planned figure of 50 independent investigations. To help address its increasing workload the IPCC approved a Business Change Programme in 2008, building on a project initiated in 2007. The Business Change Programme is designed to increase the IPCC's productivity and flexibility and realise efficiency savings. The Programme includes a review of IPCC's estates, including the need for a central London base, and local complaints handling systems.

**9** The IPCC also undertook a stock-take of the wider police complaints system in 2007-08, to assess how the complaints system operates and to identify improvements to the system. The IPCC published its interim findings and proposals in June 2008 and, subject to the outcome of a public consultation, aims to implement these changes from late 2008 onwards. The proposals include broadening the definition of a complaint against the police to include issues of public concern and poor service delivery by police forces as well as individual police conduct.

**10** The IPCC completed 82 **independent investigations** in 2007-08, which exactly met its target. In 2007-08, for the first time, the IPCC also met its target of completing 50 per cent of investigations within 157 working days. However, because of the rise in workload, the number of independent investigations open at the year end rose from 57 at the end of 2006-07 to 75 at the end of 2007-08. Delays in processing cases are largely due to factors outside the IPCC's direct control. They include cases becoming sub judice because of a court case being underway, delays in receiving information from pathologists, coroners and the Crown Prosecution Service, and delays in being able to obtain witness statements from police officers under investigation. A minority of cases (16 per cent of our sample of independent investigations) encountered significant delays because of problems within the IPCC, primarily as a result of staff changes on investigations.

**11** The IPCC undertakes investigations, known as **managed investigations**, which are dealt with by local police forces on its behalf but which are under the IPCC's overall control. In 2007-08, only 39 per cent of cases were completed within 157 working days compared to the IPCC's target of 50 per cent.

**12** The IPCC also supervises cases which are undertaken entirely by local police forces (**supervised investigations**). There is a strong consensus between the IPCC and the police forces we spoke to that supervised investigations are not an effective way of handling complaints. These cases add to the workload of both the IPCC and the investigating police force without improving the quality of the investigation from that of a local-level investigation. Consequently, the IPCC has reduced the number of supervised investigations from 562 opened in 2005-06 to 245 opened in 2007-08.

**13** The IPCC has a target to process 80 per cent of the investigation **appeals** it receives within 25 working days. Only the North region of the IPCC's four regions achieved this target in 2007-08, although the Central region came close to doing so. The London & South-East region dealt with only 27 per cent of appeals within the target. During the year, as part of its strategy to manage capacity issues, the IPCC transferred some of the appeals received by the London & South East region to the Central and North regions which had some resource capacity to absorb additional appeals and investigations, thereby improving overall performance to 51 per cent by the year end, but still below the 80 per cent target.

**14** Performance against key targets varies significantly between the IPCC's four regions, as does demand for IPCC services. The resource model used for the London & South-East region at set-up has proved inadequate, resulting in poorer performance for the average duration of appeals and independent investigations. The region has also received more appeals and started more independent and managed investigations than any other region. This sustained demand combined with staff recruitment and retention challenges has led to a backlog of outstanding work in the London & South-East region, which, as noted above, IPCC management has addressed by re-directing a proportion of appeals cases to other regions. This course of action is more difficult to take for investigations, which rely on investigators maintaining geographical proximity to the incident and the police force involved but, where possible, the IPCC has moved some investigators temporarily to help out or transferred some investigations to other regions.

### On the IPCC's quality control procedures and independence

**15** Ensuring the quality of investigations is crucially important. We found that, while the IPCC has produced a coherent written manual and case tracking management system for its casework staff who manage the administrative elements of investigations and handle appeals, there is a less developed manual for investigator staff who are responsible for conducting independent investigations. This position reflects the situation in 2004 when there was a greater need for caseworker guidance than guidance for investigators, who brought with them relevant skills and experience from previous roles. Developing a single operations manual setting out best practice and roles and responsibilities for the casework, investigation and Commissioner functions is an IPCC objective for 2008-09. Investigators undergo accredited training made up of a six week full-time course, whereas such training for casework staff started only in April 2008 and the IPCC does not expect that all casework staff will have completed the training until March 2010. Investigator training is being re-launched in 2008-09 to ensure that it is tailored to the needs and previous experience of new investigators.

**16** Since it was set up, the IPCC's investigations have been overseen by Commissioners who have individual accountability for investigations. We examined a sample of cases at the IPCC's four regional offices and found that, contrary to procedures, there was no auditable record of Commissioner sign-off for 25 per cent of applicable investigation reports.

**17** Our examination also found that many cases were not subject to the formal on-going quality control review that the IPCC itself has laid down. The IPCC's own statistics show that a required self-assessment of the progress of an investigation took place in only 55 of the 100 independent investigations started in 2007-08. This low return rate may be partly explained by the extreme length of the self-assessment form. Only 19 of the 100 cases were then subject to the required review by the IPCC's senior investigator assigned to review cases. The senior investigator has now been reassigned to investigations because of the workload demands upon the IPCC, with the review function re-allocated to several investigative staff on a part-time basis. From mid-2008 onwards, Regional Directors have been responsible for recommending whether an internal review should take place and, if not, explaining to the IPCC's Quality Assurance Panel why an internal review is inappropriate.

**18** The IPCC does not have any formal procedure for review of cases once they have been completed, although it is now piloting such reviews in its Central region.

**19** The IPCC does not routinely submit any of its investigative work to any form of external scrutiny. The IPCC recognises the potential benefits of external scrutiny but believes that it is difficult to find appropriate, impartial expertise to undertake such work. The IPCC also considers that its Commissioners, who are appointed by the Home Secretary, have a key role in overseeing and scrutinising the IPCC's work.

**20** The level of successful legal challenges to IPCC decisions is low. The IPCC has not yet lost a case in relation to the substantive content of investigation reports. The nine cases it has lost or conceded to date have been because the IPCC accepted that casework managers had made errors in handling appeals, dispensations or discontinuances, or the IPCC had made unjustifiable decisions on the disclosure of evidence gathered in the course of an independent investigation.

**21** We assessed the IPCC's level of independence using criteria developed by the International Organisation of Supreme Audit Institutions. While the IPCC is not an audit body, the criteria can be usefully adapted to assess the IPCC's perceived independence from government and the police. Our assessment showed that the IPCC scores well on most of the criteria of independence.

## On the outcomes of the IPCC's work and whether it is communicating effectively with complainants, police officers and stakeholders

**22** The IPCC was set up to bring independent oversight to the police complaints system and to improve system access and transparency. Since it was established there has been a big increase in the number of recorded complaints, suggesting that the IPCC has made progress in increasing access to the police complaints system and improving the transparency of the system.

**23** Over 60 per cent of the independent investigations that we examined in our sample led to the IPCC recommending that further action should be taken. Recommendations included general lessons for the police force involved and action affecting individual police officers, ranging from informal words of advice to criminal charges.

**24** The IPCC is responsible for ensuring that its recommendations are accepted or rejected by police forces, but recognises that no single organisation has responsibility for monitoring that recommendations are implemented by police forces. The IPCC accepts that this is a weakness and is willing to work with the Association of Police Authorities and HM Inspectorate of Constabulary to identify suitable monitoring arrangements. We found that different regions were adopting widely varying approaches to tracking the acceptance of recommendations. In the North and Central regions, all recommendations and acceptance or rejection were centrally recorded whereas in the London & South-East and Wales & South-West regions, there was no such central monitoring.

**25** The IPCC also has a remit to identify and disseminate wider lessons arising from its work. In 2007 the IPCC started to issue *Learning the Lessons* bulletins that provide summaries of process failings and best practice. These bulletins have been widely welcomed by the police. The IPCC also disseminates learning through in-depth research studies, which have also been well received.

**26** A key requirement of any complaints organisation is to ensure that it keeps complainants and those being investigated up to date with progress. The statutory guidance states that complainants should be updated every 28 days, and police officers informed at appropriate points in the investigation. We found from our sample of cases that the IPCC is good at keeping complainants up to date through formal updates, with regular written contact being maintained in 92 per cent of applicable cases. The IPCC provided police officers under investigation with regular written contact in 69 per cent of applicable cases, and also made use of the process of contacting officers through their home force.

**27** The IPCC has undertaken surveys of the public which show a high level of confidence in the impartiality of the complaints process but to date the IPCC has not sought feedback from complainants, police officers or appellants on how the IPCC has handled their case, although the IPCC plans to conduct surveys of this nature in 2008-09.

**28** The IPCC engages with stakeholders at national, regional and local levels on organisational and case-specific issues. It also has an Advisory Board which meets quarterly and includes police representative groups and organisations representing complainants. Out of the 15 member organisations, all but two represent government, police or staff interests. Part of the challenge in dealing with non-police organisations is the lack of a single over-arching group to represent complainant interests. The Advisory Board is the main forum for stakeholders to provide feedback to IPCC Commissioners and senior managers on how the IPCC is performing. We found that generally the police groups were content with the way the Advisory Board was operating and were supportive of the IPCC's aims and its overall effectiveness in handling complaints, although they had concerns about the time taken by the IPCC to deal with some cases. The complainant groups were less content with the Advisory Board, and questioned its usefulness.

## Overall conclusion on value for money

**29** The IPCC has been in existence for four years after taking over from the Police Complaints Authority, and has made significant progress in overcoming the antipathy with which its predecessor organisation was viewed. At a time when its resources are stretched because its workload is increasing, the IPCC has increased its efficiency in dealing with cases and has improved its performance against targets for managing an increasing workload, although there are variations between regions and work streams. It has also embarked on a stock-take of the police complaints system and a Business Change Programme to improve the IPCC's efficiency and effectiveness further.

**30** It is difficult to obtain full assurance about the quality of the IPCC's work because the IPCC's quality control procedures are underdeveloped and inconsistently applied, and there is no effective external scrutiny of the IPCC's investigative work. Quality control reform is one of the IPCC's objectives in its Business Plan for 2008-09.

**31** As regards the outcomes from its work, the IPCC has made significant strides in disseminating wider lessons for the police, which have been well received. It does not do enough, however, to satisfy itself that the recommendations it makes on individual investigations are acted upon and implemented. Nor does it survey complainants, police officers and appellants to gain feedback on its impartiality and effectiveness. In these respects, value for money remains to be demonstrated.

## Recommendations

**32** Against the above background, we make the following recommendations.

- i** **Supervised investigations are not an effective use of IPCC resources, since they add to the IPCC's workload without allowing the IPCC any direct role in the way the investigation is managed by the police.** In the light of the outcome of its stock-take of the police complaints system and in conjunction with the Home Office, the IPCC should decide whether this category of investigation should be retained.
- ii** **The IPCC is facing an increasing workload at a time when its funding is being reduced in real terms.** As part of its Business Change Programme, the IPCC should continue to investigate the possibility of relocating its head office from Central London.
- iii** **The IPCC is not yet providing full guidance and training for its staff, although new starters are given induction guidance, 'on-the-job' training and supervision.** The IPCC should develop a comprehensive manual for investigators; and update guidance on the role of Commissioners. Accredited training should be provided for all caseworkers on an accelerated basis.
- iv** **The IPCC's Commissioners are ultimately accountable for the quality and timeliness of an investigation but we found a number of examples where there was no auditable record that a Commissioner had reviewed and approved an investigation report.** Commissioners should provide written evidence to confirm that they have reviewed and agreed the conclusions and recommendations of the senior investigator's report.
- v** **The IPCC's internal review function is not operating as intended.** The IPCC should streamline its self-assessment process to focus on the key aspects of the investigation that need to be reviewed. Senior investigators should complete self-inspection assessments for all independent investigations at least once during the duration of an investigation. Each self-inspection should be reviewed by a responsible person in the IPCC, who is independent of the investigating team responsible for the case.
- vi** **There is currently no formal review of cases after they have been completed.** The IPCC should institute a system of post-investigation reviews of independent investigations, to include reviewing the role of the Casework Manager and investigators.
- vii** **The IPCC's investigative work is not currently subject to any external scrutiny.** The IPCC should explore how to introduce a system of external review of its cases, for example, by engaging a suitable organisation or organisations to undertake a quality review of a sample of its investigations and appeals. Possible organisations might include other UK police complaints handling, audit or investigatory bodies.
- viii** **There is significant inconsistency across IPCC regions in the way recommendations arising from investigations are being followed up.** The IPCC should agree and standardise the monitoring of police forces' acknowledgement and acceptance of recommendations in all its regions.
- ix** **No one organisation has responsibility for monitoring the implementation of recommendations by police forces.** The IPCC should develop suitable arrangements to satisfy itself that IPCC recommendations accepted by a police force have been properly implemented.
- x** **The IPCC's lack of research into the experiences of complainants and affected members of police forces is a weakness.** The IPCC should undertake regular satisfaction surveys to obtain feedback and identify actions that need to be taken to improve client satisfaction with the way the IPCC does its work. The IPCC should also review and agree the format and frequency of updates for complainants and affected police officers for independent investigations, managed investigations and appeals.



# PART ONE

## The IPCC's performance in managing its workload

**1.1** This part of the report considers how well the IPCC is coping with its workload and assesses its performance against its key performance indicators.

**1.2** The IPCC was established under the Police Reform Act 2002 and became operational from 1 April 2004. It is a Non-Departmental Public Body sponsored by the Home Office. The cost of running the IPCC increased in its first four years as the organisation developed its staffing and expanded its range of activities, but the rate of increase has now slowed (**Figure 1**) and budgeted funding for 2008-09 has levelled off. The Home Office allocated grant-in-aid of £31.7 million for 2007-08 which has remained at the same level for 2008-09. Since April 2007, the IPCC has identified as a high risk the probability that it will not be able to meet its obligations to carry out independent investigations where legally required under its present funding settlement. To mitigate this risk and to meet its legal requirements, the IPCC has redeployed some investigator staff between regions and re-allocated some staff from its support functions, such as internal review. The IPCC has also asked the Home Office for additional funding and commenced a Business Change Programme which aims to deliver improved efficiencies.

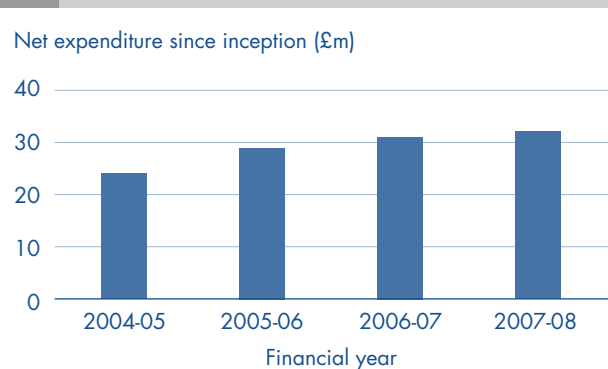
### The IPCC Board of Commissioners

**1.3** The IPCC is run by a Chief Executive and nine Directors and is overseen by a Board of Commissioners, of whom there are 15. The Commissioners have an executive role and are individually accountable for the investigation of complaints. The Home Secretary is responsible for appointing the IPCC's Chair and Commissioners (on a three to five year contract) and may dismiss Commissioners during their contracts in the event of gross misconduct. The Chief Executive is appointed by the Commission and is accountable for the IPCC's use of resources.

**1.4** Since it was set up, the IPCC's investigation work has been overseen by Commissioners, who are appointed by the Home Secretary and have individual accountability for the investigations of specific police forces. The Police Reform Act 2002 designated Commissioners as the guardians of the IPCC's independence and the key decision-makers in the IPCC's activities. Each Commissioner is responsible for a specific tranche of police forces (primarily designated by geographic area) and is ultimately responsible for providing oversight of all investigation reports and the choice of method used to investigate a complaint, independent of any external body or individual. By law, no Commissioner can have served as a police officer.

**1.5** The IPCC Chair and the Home Office considered that such a large number of Commissioners precluded the Commission from acting as a team. The quasi-executive nature of the Commissioner role has also inhibited Commissioners from maintaining impartial oversight of IPCC management in a traditional non-executive role. To address these issues, the Home Secretary, on the advice of the IPCC Chair, reduced the number of Commissioners

**1** The IPCC's net expenditure since it was established in April 2004



Source: IPCC

due to serve from July 2008 from 15 to 12, to include two part-time non-executive Commissioners who will not have operational responsibilities for overseeing investigations.<sup>1</sup> Following a recent selection process, seven operational Commissioners have been re-appointed and two Deputy Chairmen have been appointed, all for terms of three to five years. External recruitment for the remaining operational Commissioner and the two part-time Non-Executive Commissioner posts is currently underway.

**1.6** As a result of these changes to the Commission, each executive Commissioner will have a greater number of police forces in their portfolio. To enable Commissioners to manage this increased workload, final responsibility for deciding on the method of investigation for complaints and referrals will rest with the Regional Director rather than the Commissioner. Commissioners' backgrounds prior to being appointed to the IPCC include the voluntary and charity sector, community relations, central and local government, and legal services. The statutory role of the Commissioners requires them to fulfil both operational and non-executive functions which can make for complex reporting and accountability.

## Staffing levels

**1.7** The two main cadres of staff involved in investigation work are investigators and casework managers (**Box 1**).

**1.8** **Figure 2** sets out the various reporting lines for key staff in the IPCC.

### BOX 1

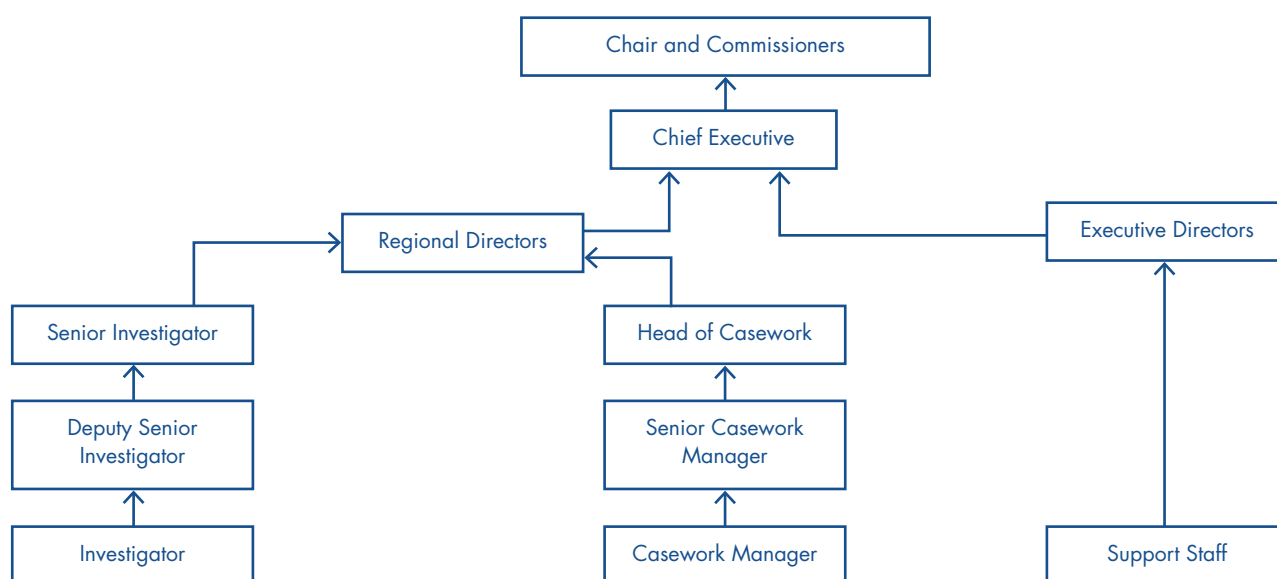
#### IPCC Investigators and Casework Managers

**IPCC Investigators:** Investigators are responsible for conducting independent investigations, both drafting the investigation's terms of reference for approval by the Commissioner and collecting and analysing all relevant evidence. The senior investigating officer signs off the final investigation report with the relevant Commissioner. Investigators are also responsible for maintaining direction and control of managed investigations (conducted by the local police force) and, with the Commissioner, signing off the final report. Investigators are split into three grades: Investigators, Deputy Senior Investigators and Senior Investigators.

**IPCC Casework Managers:** Casework Managers have two distinct roles. A Casework Manager is responsible for maintaining most of the administrative side of independent and managed investigations. Key roles include updating any complainant or affected police officer of the investigation's progress and responding to queries raised by interested parties. For supervised investigations, Casework Managers are responsible for approving the terms of reference and confirming that these have been met by the police investigation at the conclusion of the investigation. Casework Managers also have an executive role for some types of IPCC activity. They are responsible for issuing an initial opinion on the appropriate mode of investigation for any referral or complaint received by the IPCC, to be confirmed by the Regional Director. A Casework Manager is usually the sole arbiter of appeals received by the IPCC (subject to review by senior staff for a sampled minority of cases). Casework Managers are managed by Senior Casework Managers (who maintain a portfolio of appeals and investigations in some regions).

Source: National Audit Office

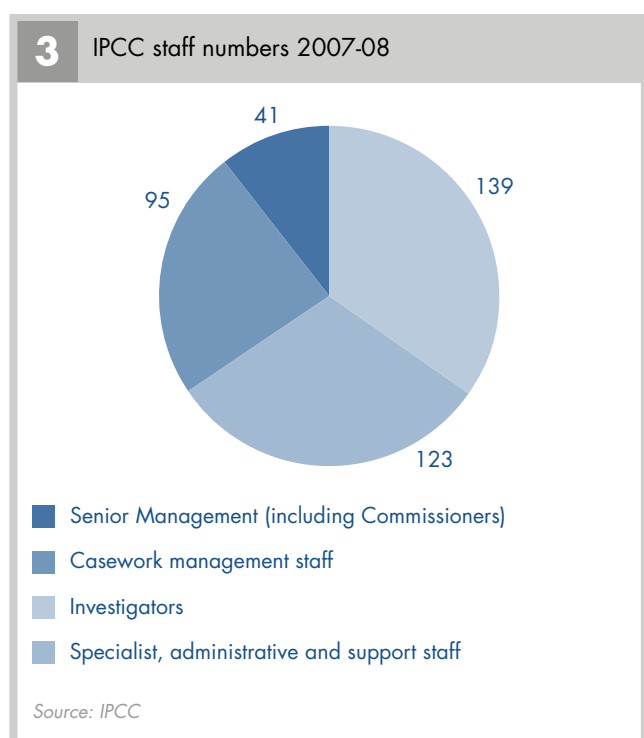
## 2 IPCC key staff categories and reporting lines



Source: IPCC

<sup>1</sup> The three remaining Commissioners are being paid until the end of their contracts; one until 31 December 2008 and two until 31 March 2009.

**1.9** IPCC staffing numbers have now stabilised at a level of approximately 400 full-time equivalent staff, compared to a budgeted staff establishment of 418 full-time equivalent staff. The IPCC has found it difficult to recruit and retain its budgeted establishment of caseworker managers in its London & South-East region, based in central London, and considers its initial resource model to have underestimated the amount and proportion of staff required for this region. The London & South-East office has also had to cope with a comparatively high volume of appeals compared to other regional offices and its timeliness in processing appeals has suffered as a result. The average number of staff in post in the year to 31 March 2008 was 398. A breakdown of these staff is in **Figure 3**.



## The IPCC regional structure

**1.10** The IPCC splits its activities into four regions and five offices (**Figure 4**). With effect from July 2008, the IPCC changed its regional boundaries to re-balance more fairly demands across the organisation. Each Commissioner oversees a specific set of police forces linked to a particular region, in addition to specialist non-geographical forces.

**1.11** The IPCC's head office is located in central London. The premises were procured on a 15-year lease by the Home Office in the build-up to the IPCC starting operations in April 2004. The IPCC is concerned about the value for money delivered by this lease, as a large number of staff are housed in comparatively high-cost premises without a compelling business need for the IPCC to maintain offices for these staff in central London. The IPCC is beginning to address options for future premises and remote working through its Business Change Programme, approved in 2008, and has not committed itself to keeping a head office in central London following the break option in its head office lease in 2013. Since 2006, the IPCC has also defrayed some accommodation costs by sub-letting part of its head office to the Security Industry Authority, receiving some £600,000 annually in rent, compared to total IPCC rental expenditure of around £2.8 million in 2007-08.

## The IPCC remit

**1.12** Unlike its predecessor, the Police Complaints Authority, the IPCC was given powers to perform investigations for the most serious categories of complaints, in addition to overseeing police investigations of less serious categories of complaints and adjudicating appeals against local police investigations (**Box 2**). The IPCC's main objective is to improve confidence in the police complaints system. This objective forms part of the framework of police accountability, as part of a wider government aim to increase public confidence in the police, at a time when police powers have increased.



## 4 Map of IPCC regions and offices

### North East and Yorkshire

Independent Police  
Complaints Commission  
Evergreen House  
Unit C, Cedar Court Office Park  
Denby Dale Road  
Calder Grove  
Wakefield WF4 3DB  
Fax: 01619 695 659

### North West

Independent Police  
Complaints Commission  
1st Floor, Oaklands House  
Washway Road  
Sale M33 6FS  
Fax: 01619 695 659

### Wales and South West England

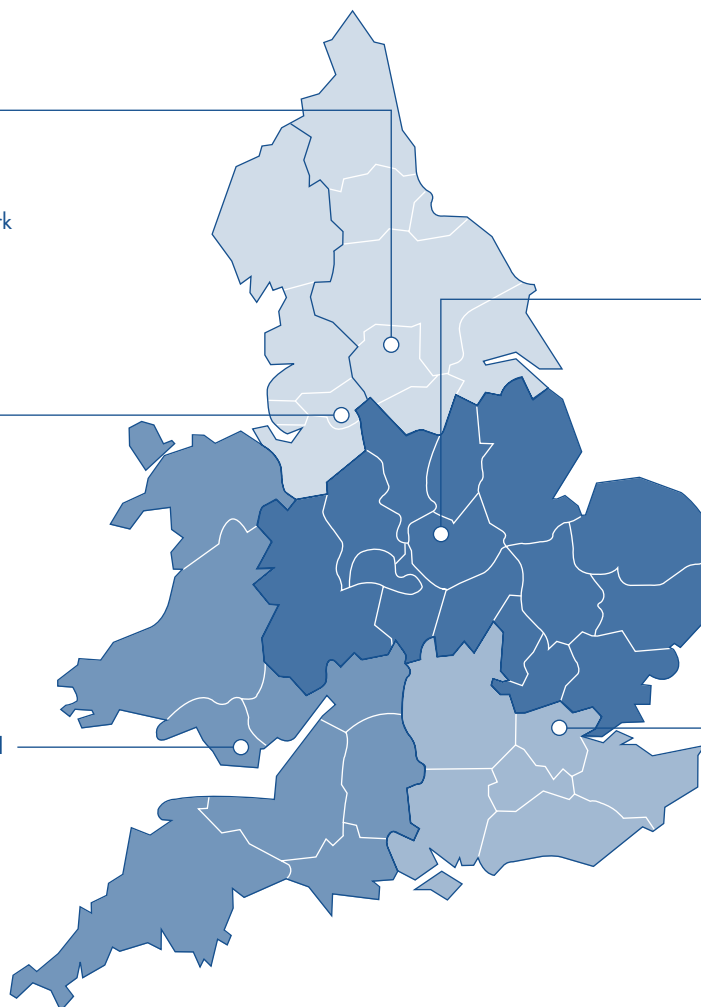
Independent Police  
Complaints Commission  
Unit 2, Eastern Business Park  
Wern Fawr Lane  
St Mellons  
Cardiff CF3 5EA  
Fax: 02920 361 967

### Central and Eastern England

Independent Police  
Complaints Commission  
Independent House  
Whitwick Business Park  
Stenson Road  
Coalville LE67 4JP  
Fax: 01530 510 718

### London and South East England

Independent Police  
Complaints Commission  
90 High Holborn  
London WC1V 6BH  
Fax: 020 7242 4695



Source: IPCC

## BOX 2

### The IPCC's remit

Under the Police Reform Act (2002) and related statutory guidance, the IPCC's remit includes the following functions:

- Making 'Mode of Investigation' decisions on the referrals and complaints it receives;
- Conducting independent investigations for the most serious incidents and allegations;
- Overseeing managed and supervised investigations conducted by the local police force;
- Deciding on appeals it receives against the non-recording of complaints and the way local police investigations and the local resolution of complaints have been undertaken;
- Setting, improving, reviewing, monitoring and inspecting standards for the operation of the police complaints system;
- Promoting confidence in the complaints system as a whole amongst the general public and national and regional stakeholders;
- Ensuring the accessibility of the police complaints system; and
- Promoting policing excellence by drawing out and feeding back lessons arising from the IPCC's work.

Source: Police Reform Act (2002) and IPCC

**1.13 Box 3** outlines the main types of investigations and activities undertaken by the IPCC.

**1.14** Complainants can access the IPCC's services by submitting a complaint against police conduct or an appeal against the local resolution, local investigation or non-recording of a complaint by the local police force to the IPCC (**Figure 5**). Direct complaints are forwarded to the relevant force to determine whether the complaint should be recorded and, if so, what action should be taken. The IPCC will make a "Mode of Investigation" decision on whether to process a direct complaint itself or to refer it back to the local police force for internal investigation, based on the apparent seriousness of the complaint. By contrast, all appeals are processed by the IPCC itself. In 2007-08, the average time taken to resolve an independent investigation was 172 working days (197 days for managed investigations) while the average time taken to resolve an appeal was 38 working days.

## The IPCC's workload

**1.15** The IPCC's work is largely demand-led. Since it was set up in April 2004 the IPCC's workload has increased significantly as has its efficiency in dealing with cases. While the average number of staff in post increased by 91 per cent from 208 in 2004-05 to 398 in 2007-08, the number of independent investigations it has begun has increased more than three fold from 31 in 2004-05 to 100 in 2007-08 (**Figure 6**) and the number it has closed in a year has increased from eight in 2004-05 to 82 in 2007-08. Although the number of managed investigations dropped slightly from 176 in 2006-07 to 152 in 2007-08 (**Figure 7**) the number of appeals the IPCC received has also increased three fold from 1,033 in 2004-05 to 4,141 in 2007-08 (**Figure 8 overleaf**).

**1.16** Despite the increase in efficiency the demands upon the IPCC have increased more quickly than the IPCC's forecasts and have run ahead of its ability to complete investigations on time (**Figure 9 overleaf**). As a result, the number of independent investigations underway has increased from 23 at 31 March 2005 to 75 at 31 March 2008 while the number of managed investigations underway has increased from 93 to 186 over the same period. The IPCC considers that it is now working at over full capacity having redeployed staff to investigations from support activities such as quality review and by redeploying work and staff between regional offices. The IPCC has also had to end its use of third-party police forces to carry out 'externally managed' investigations in place of independent investigations since receiving legal advice in late 2007 that it would be liable for the costs incurred by the investigating force.

**1.17** The IPCC's corporate plan for 2005-08 stated that the IPCC should have the capacity to open 50 independent investigations each year. In 2007-08, the IPCC opened 100 cases and, by June 2008, it had already opened 53 in 2008-09.

**1.18** The IPCC's understanding of the impact of Human Rights case law has developed since the IPCC's inception. Under the terms of Articles 2 & 3 of the Human Rights Act 1998, the IPCC is obliged to investigate all incidents where a person has died or where a 'near-miss' incident (such as a non-fatal suicide attempt) occurs, proximate to contact with the police. As the IPCC's understanding of its obligations has grown, it has increased the number of independent investigations under the terms of Articles 2 and 3.

### BOX 3

#### The IPCC's main activities

**Complaints:** When it receives a complaint or referral the IPCC has four options under the *Police Reform Act 2002*. If the IPCC Commissioner responsible for the police force believes that the case does not require IPCC involvement, he or she may refer the case back to the police force to investigate locally. Alternatively, the IPCC may choose one of the following three methods of investigation:

**Independent investigation:** For the most serious complaints, an independent investigation is undertaken by IPCC investigators.

**Managed investigation:** These investigations are undertaken by the local police force against whom the complaint has been made, under the direction and control of an IPCC investigator. The IPCC is responsible for setting out the avenues of enquiry to be followed, monitoring progress, issuing further instructions if necessary and signing-off the completed investigation report when satisfied.

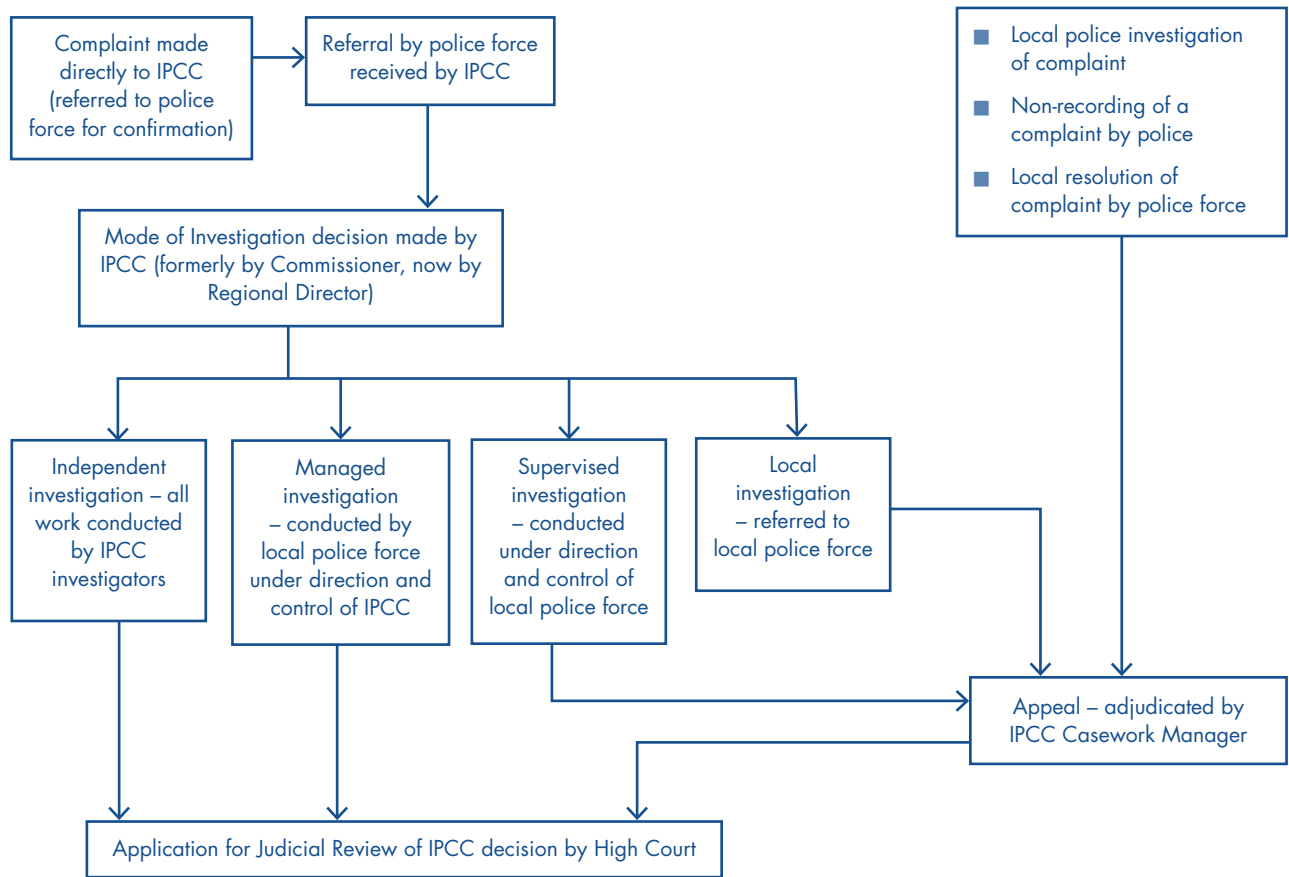
**Supervised investigation:** The investigation is performed by the local police force and is under its direction and control. The IPCC's role is limited to approving the investigation's terms of reference and confirming that these have been met at the conclusion of the investigation.

**Appeals:** The IPCC also processes appeals made by complainants. Appeals may be about the local resolution process, local investigation by the force or a force's non-recording of a complaint.

**Dispensations and discontinuances:** The IPCC decides whether to approve or reject applications by police forces to have a complaint terminated if it is either vexatious or repetitious (dispensation), or if the police force has not received sufficient assistance from the complainant to progress the complaint (discontinuance).

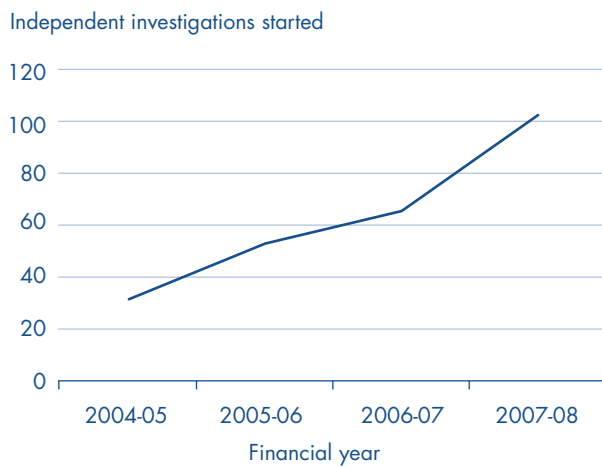
Source: National Audit Office

## 5 How complaints and appeals are dealt with by the IPCC



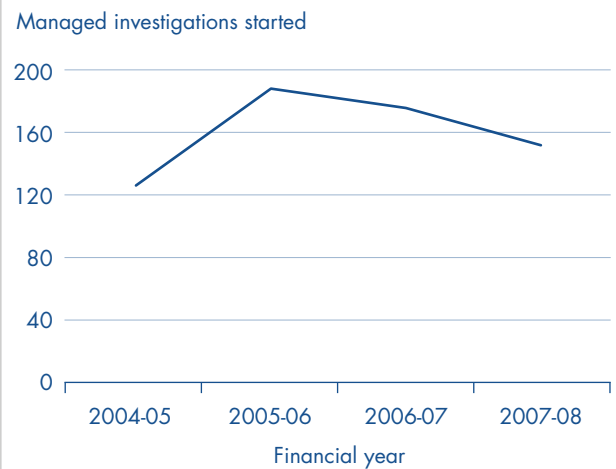
Source: IPCC

## 6 Independent investigations started by the IPCC since inception



Source: National Audit Office analysis of IPCC performance data

## 7 Managed investigations started by the IPCC since inception



Source: National Audit Office analysis of IPCC performance data

**1.19** Since the IPCC was set up the balance of the types of investigations has shifted from a preponderance of supervised investigations towards a higher proportion of managed and independent investigations. This shift has occurred as a result of the developing legal requirements to conduct independent investigations in a wider range of circumstances as noted above and growing scepticism about the value of supervised investigations. IPCC investigators and members of police forces and representatives (such as the Police Federation) told us that they consider that supervised investigations add to the workload of both the IPCC and the investigating police force without improving the quality of the investigation from that of a local-level investigation.

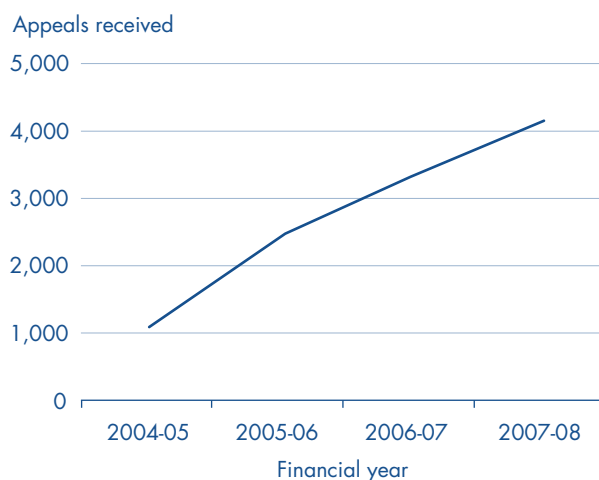
### The IPCC stock-take of the police complaints system

**1.20** As part of its duty to oversee the police complaints system, and four years on since the introduction of the current system, the IPCC felt that it was the right time to take stock. The aims of the stock-take were:

- to check how well the system was working against its original aims;
- to check if the original aims were still appropriate in the current environment; and
- to improve the system based on learning from the last four years of operation.

**1.21** The stock-take found that the current system was too focused on identifying who was to blame rather than what went wrong and how it can be put right; too bureaucratic and slow; and did not resolve enough complaints at the local level. The IPCC published the stock-take report in June 2008 with a set of 10 proposals (**Figure 10**), intended to make improvements to the system. The report and proposals are currently out for public consultation and, subject to the response, the IPCC intends to begin implementation later in 2008. The proposals range from measures that may be straightforward to implement, such as issuing an interim findings report at an early stage of an independent investigation, to proposals that would require primary legislation, such as widening the definition of a complaint.

**8** Appeals received by the IPCC since inception



Source: National Audit Office analysis of IPCC performance management data

**9** IPCC predicted and actual workload for 2007-08

	Forecast operational capacity	Actual demand
Independent investigations opened	50	100
Managed investigations opened	120	152
Supervised investigations opened	400	245
Appeals received	3,500	4,141
Dispensation and discontinuation requests received	2,200	3,045

Source: IPCC Corporate Plan and performance management data

## 10 Results of the IPCC's stock-take of the police complaints system in June 2008

### Issue

The current legislation defines a complaint in terms of the conduct of an individual officer, which results in legitimate concerns being excluded from the complaints system because they are about systemic failure and don't relate to the conduct of an individual officer. It is also difficult for the public to understand what they can complain about and how to complain.

The majority of complaints could be most effectively resolved by those at the local level as they are in the best position to put things right.

The focus on the complaints system needs to be more about fixing the problem rather than assigning blame.

Currently, a complaint is only substantiated if there is discipline or criminal action – but doesn't recognise service failure.

Local resolution or investigation of complaints can be effectively reviewed locally if the complainant is initially unsatisfied.

The current appeal structure is complex and insufficiently transparent.

If more complaints are handled at a local level, the importance of IPCC oversight of local force complaint handling to maintain public confidence will increase.

Current police complaints performance data does not adequately highlight the causes of poor performance.

There is room for efficiency gains (in both time and resources) to be made, without undermining essential safeguards, if the bureaucratic procedures in receiving a complaint are rationalised.

Confidence in the police complaints system may be affected by the long duration of some independent investigations.

### Proposal

- 1 Remove the current distinction between conduct, maladministration and service failure matters.
- 2 All complaints to be dealt with at the lowest appropriate level (keeping a direct route to the IPCC for the most serious cases).
- 3 Local assessment and handling with the aim of resolving complaints and improving service through a range of techniques.
- 4 Separate consideration of whether a complaint is upheld from any finding of misconduct/poor performance against an officer. A complaint can be upheld regardless of whether there is evidence of individual misconduct or poor performance.
- 5 Review within the force if the complainant is still not satisfied.
- 6 Review the appeal structure. Introduce one overarching right of appeal to the IPCC, a public interest test and clearer standards showing how appeals to the IPCC will be handled.
- 7 Greater oversight role for the IPCC to check force handling of lower-level complaints.
- 8 Introduce measures to make complaints data more meaningful so as to drive improvement in the system.
- 9 Remove excessive bureaucracy from the complaints system.
- 10 IPCC should normally issue an early interim statement on independent investigations.

Source: IPCC

## The IPCC performance against targets for managing its workload

**1.22** From 2004-05 to 2006-07, the IPCC reported its performance against a set of 25 targets. From 2007-08 onwards it reduced the number of performance targets to nine Key Performance Indicators (**Figure 11**) so as to bring a tighter focus to bear on key measures, although a further 15 management information indicators are included in monthly performance reports. Between 2006-07 and 2007-08, the IPCC substantially improved its performance against its targets, with eight of its nine key performance indicators showing an improvement in performance and only the completion of managed investigations showing a decline in performance.

**1.23** Appendix 2 sets out in full the IPCC's key performance indicators analysed by region. We focused our analysis on three key measures as indicators of

the IPCC's key outputs: the numbers of independent investigations, managed investigations and appeals completed. We examined the drivers of the IPCC's performance against the relevant targets for these three measures.

### Independent investigations

**1.24** The IPCC completed 82 independent investigations in 2007-08, which exactly met the IPCC's target for the year. The number of independent investigations the IPCC has completed has steadily increased (**Figure 12**). However, the demand for new independent investigations (largely driven by the legal requirement to launch an independent investigation for deaths following police contact) still outstrips the IPCC's output of completed investigations. As a result the number of open independent investigations rose to 75 at the end of 2007-08 from 57 at the end of 2006-07 (**Figure 13**).

#### 11 The IPCC's performance against its key targets, 2006-07 and 2007-08

Key Performance Indicator	Timeframe	Performance		Target	Target met
		2006-07	2007-08	2007-08	2007-08
Number of <b>independent investigations</b> completed		55	82	82	Yes
Number of <b>managed investigations</b> completed		180	147	197	No
Percentage of <b>Mode Of Investigation decisions</b> told to force within timeframe	Within 2 working days	65%	85%	75%	Yes
Percentage of <b>appeals</b> communicated to force within timeframe	Within 1 working day	86%	90%	90%	Yes
Percentage of <b>Local Resolution and Non-Recording Appeals</b> completed within timeframe	Within 25 working days	35%	78%	60%/80% <sup>1</sup>	Yes/No
Percentage of <b>Investigation Appeals</b> completed within timeframe	Within 25 working days	21%	51%	35%/80% <sup>2</sup>	Yes/No
Percentage of <b>Direct Complaints responses</b> provided to complainant within timeframe	Within 2 working days	50%	54%	80%	No
Percentage of <b>Direct Complaints forwarded</b> to force within timeframe	Within 2 working days	52%	54%	80%	No
Percentage of responses to <b>complainant against IPCC personnel</b> given on time	Within 10 working days	80%	83%	75%	Yes

Source: IPCC performance data

#### NOTES

1 The target for the completion of appeals against Local Resolution and the Non-Recording of Appeals within 25 working days was increased from 60 per cent for Quarter 1 to 80 per cent for the year end.

2 The target for the completion of Investigation Appeals within 25 working days was increased from 35 per cent for Quarter 1 to 80 per cent for the year end.

**1.25** The average length of time taken to complete an independent investigation has fallen to 172 working days from an all-time high of 231 working days in 2006-07. In 2007-08, for the first time, the IPCC met its target of completing 50 per cent of investigations within 157 working days. The sharp drop in the average length of independent investigations in 2007-08 has been driven by a concentration of IPCC resources on independent investigations, particularly those nearing completion.

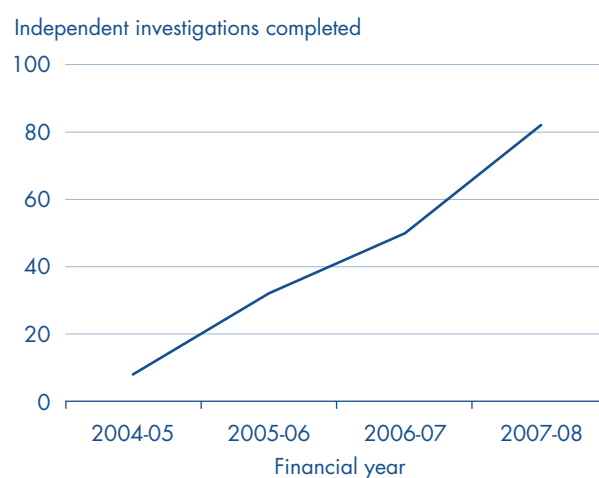
**1.26** As part of this study, we examined a sample of 57 independent investigations and 30 managed investigations completed in the calendar year 2007, and 109 appeals which failed to meet the IPCC's performance target and which were completed in October 2007. This sample was drawn from the 33 per cent of appeals which did not meet the performance target of completion within 25 working days in October 2007. The investigations and appeals covered cases in each of the IPCC's four regions.

**1.27** Our initial work had found that, while the IPCC effectively identified barriers to improving its performance, a number of those barriers were outside the IPCC's control. From our sample of independent investigations, we confirmed that the majority of delays on investigations were caused by factors outside the IPCC's direct control (**Figure 14 overleaf**).

**1.28** The failure to obtain statements promptly from witnesses and/or police officers under investigation provided a significant delay in about a fifth of cases sampled. An underlying cause was the request from officers under investigation to be able to obtain legal advice before agreeing to interviews. Delays were also caused in about a sixth of sampled investigations by difficulties in obtaining key evidence from pathologists or forensic experts, which is externally contracted.

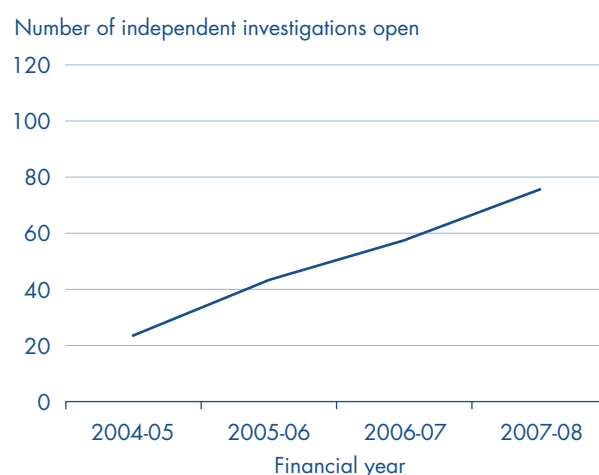
**1.29** We looked for the reasons for the longer delays on cases and found delays on four investigations of up to 18 months because the case had at some point been sub judice; the investigation could not progress until a related court case had been completed to prevent the investigation possibly prejudicing the trial (**see Case Example 1 overleaf**). Other external delays of more than three months included delays caused by reviews of the investigators' findings being undertaken by the Crown Prosecution Service and delays in receiving information from pathologists and state coroners. The IPCC updated its management information software in April 2008 and can now measure the lengths and frequency of delays due to external factors.

## 12 Trend of independent investigations completed by the IPCC since inception



Source: IPCC performance management data

## 13 Trend of independent investigations open at year-end



Source: IPCC performance management data



**1.30** A minority of cases (16 per cent of our sample of independent investigations) encountered significant delays because of problems within the IPCC (see **Case Example 2**). Internal delays included the impact of a change in the lead investigator on a case or the absence of key investigation staff. While internal delays are currently a relevant factor in only a small proportion of delays, the proportion may rise as the increasing demand for independent investigations has left the IPCC with little spare investigator capacity to deal with contingencies and unplanned absences.

**1.31** The IPCC's Key Performance Indicators measuring the duration of independent investigations deem the end of an investigation to be the date when the investigation report is signed off by the relevant Commissioner. However, IPCC investigators are also responsible for undertaking a significant amount of work for external organisations following the completion of the IPCC investigation. Such work includes:

- the submission of information to the coroner's court where an inquest is held into a death;
- redaction of a report holding confidential information before the report is published; and
- obtaining feedback from police forces and police authorities on recommendations made in reports.

### CASE EXAMPLE 1

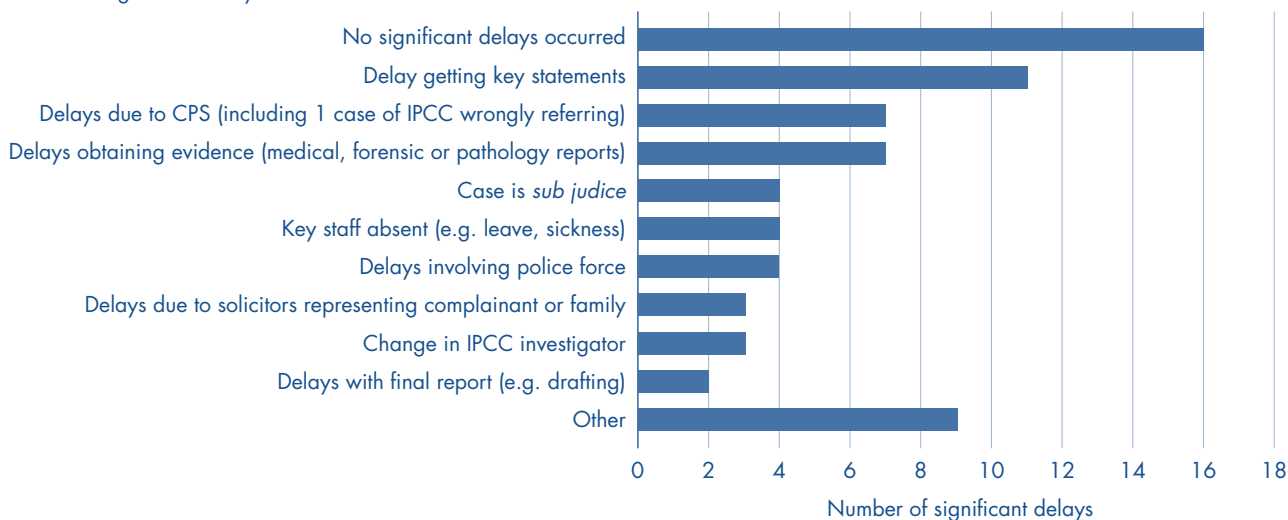
The IPCC launched an independent investigation into a murder case in August 2004 to examine if the victim had received adequate police protection. The investigation was not completed until January 2007. The investigation was halted in August 2005 at the start of a criminal trial relating to the victims' murder and did not resume until July 2006, to avoid prejudicing the result of the criminal trial. By the time the IPCC could re-start its investigation the investigator had become unfamiliar with the case, which contributed to a 'domino-effect' of minor internal delays in completing the investigation.

### CASE EXAMPLE 2

A complaint of an alleged assault on a civilian was opened in November 2006 but not closed until October 2007, despite being a relatively straightforward investigation. The primary cause of delay was the departure from the IPCC of the senior investigating officer in April 2007 and the familiarisation required by the new Senior Investigating Officer to complete the investigation while meeting its terms of reference. These delays were exacerbated by the prioritisation of another investigation in the new Senior Investigating Officer's portfolio, which required urgent attention following pressure from the coroner. These delays extended the length of the investigation from six to ten months.

## 14 Categorisation of significant delays during sampled independent investigations

### Nature of significant delays



Source: National Audit Office analysis of independent investigation files

#### NOTE

We have defined a "significant delay" as an event delaying an investigation's progress by two weeks or more.



The IPCC's management information system does not currently capture the time taken to undertake this additional work and therefore the IPCC's performance measures do not accurately measure the true length of time taken to complete an independent investigation.

## Managed investigations

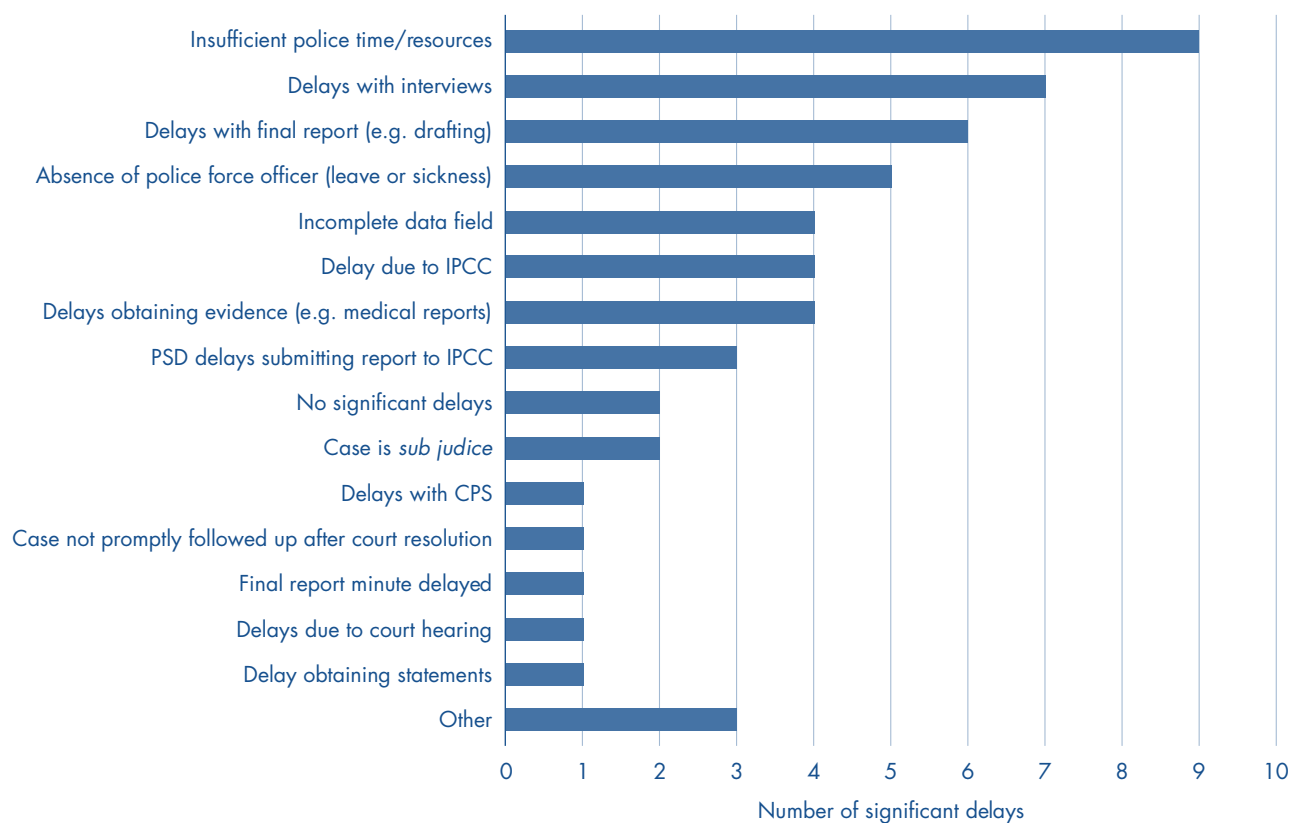
**1.32** The IPCC did not meet its target to complete 197 managed investigations in 2007-08; it closed 147 such investigations in that year. The average length of a managed investigation has steadily increased to reach 197 working days in 2007-08, compared to a target of 177 days. The proportion of managed investigations completed within the performance timeframe of 157 working days was 39 per cent in 2007-08 compared

to a target of 50 per cent. The IPCC has cited the prioritisation of independent investigations over managed investigations as a reason for the failure to meet managed investigation targets.

**1.33** Completion of managed investigations is one of the IPCC's Key Performance Indicators as managed investigations are a vital strand of IPCC activity. However, the IPCC considers that achieving these targets is challenging as the police are responsible for undertaking the investigations; the role of IPCC staff is limited to managing the investigation. Our categorisation of delays in our sample of managed investigations (**Figure 15**) shows that only a small minority were due to delays within the IPCC.

### 15 Categorisation of significant delays during sampled managed investigations

Nature of significant delays during managed investigations: all regions



Source: National Audit Office summary of the reasons for delay compiled by IPCC staff

## Processing appeals

**1.34** The IPCC has struggled to meet its performance targets for processing appeals, partly as a result of the requirement for it to process all appeals received, and the statistics show wide variations between the four regional offices (**Figure 16**). Since July 2007 the IPCC has had a target to complete 80 per cent of appeals within 25 working days although this target has been revised to 35 working days from 2008-09 onwards for investigations appeals only. Only the North region met the 2007-08 target, although the Central region came close to doing so. Appeals processing varies significantly by the type of appeal; the majority of delayed appeals analysed were for appeals against local police investigations, which tend to be more complex than appeals against the non-recording and local resolution of complaints.

### 16 Regional split of investigation appeals completed within target in 2007-08

Proportion of investigation appeals completed within 25 working day timeframe	3 months to end of:			
	Jun-07 %	Sep-07 %	Dec-07 %	Mar-08 %
<b>Overall</b>	<b>39</b>	<b>47</b>	<b>49</b>	<b>51</b>
North	68	77	81	82
London & South East	14	20	22	27
Central	62	72	75	75
Wales & South West	33	49	52	50

Source: IPCC performance management information

**1.35** From November 2007, the IPCC re-allocated a proportion of appeals from the London & South-East region to the Central and North regions, which had some resource capacity to absorb additional appeals and investigations. As a result, the IPCC's performance against its target of dealing with 80 per cent of investigation appeals within 25 working days improved during the remainder of 2007-08. The overall proportion of investigation appeals meeting the target increased from 39 per cent to 51 per cent between June 2007 and March 2008, while performance in the London & South-East region improved from 20 per cent to 27 per cent over the same period.

**1.36** In our October 2007 sample of appeals, the causes of delay fell into two main categories (**Figure 17**):

- 35 per cent of delays were due to delays in receiving information from the police force (or arose because additional data demands were made of forces);
- 43 per cent of delays were caused by delays on the part of the IPCC in opening or processing the case.

Internal IPCC delays were particularly evident in the London & South-East region, where the majority of delayed cases in our sample arose. Internal processing delays in the London & South-East region were caused by a shortage of staff. The IPCC took an average of 56 days to complete an appeal in this region, excluding the time spent waiting for background information to arrive from the police. During 2007 a backlog of cases built up to the point where many of these cases had already exceeded the IPCC's performance target duration when first read by the Casework Manager.

## 17 Causes of delays in processing Appeals in October 2007

	London & South East	Central	Wales & South West	North	Total by type
Police delay returning file to IPCC	25	2	0	9	36
Unspecified IPCC delay (e.g. 'processing')	39	3	0	12	54
Delay in appointing IPCC Casework Manager/ change in Casework Manager	8	4	1	0	13
Delay caused by reallocating case between IPCC offices	0	0	2	2	4
IPCC delay in initially contacting police force	2	0	0	0	2
Delay in obtaining evidence/information from police	3	1	1	1	6
Legal advice sought	4	0	0	0	4
Additional information required from police	0	2	2	1	5
Complexity of case	1	0	1	1	3
Other	3	0	2	0	5
Incomplete data field	4	0	0	0	4
<b>Total delays by region</b>	<b>89</b>	<b>12</b>	<b>9</b>	<b>26</b>	<b>136</b>

Source: National Audit Office analysis of sampled appeals files

# PART TWO

## The IPCC's quality control procedures

**2.1** This part of the report examines whether the IPCC has in place appropriate mechanisms for ensuring the quality of its work. We looked in particular at guidance and training for staff, and internal and external assessment and review. We also assessed the independence of the IPCC against criteria applying to audit bodies worldwide.

### Guidance for caseworkers and investigators

**2.2** We found that, although a Casework Manual had been developed, work remained to be done to finalise similar manuals for Investigation work and for Commissioners. The Casework Manual issued in 2006 sets out the procedures and best practice for the IPCC's casework function. The manual includes guidance on how to make initial 'Mode of Investigation' decisions, how to process the administrative work for independent and managed investigations and how to make decisions on appeals. We found that generally the guidance was comprehensive and up to date.

**2.3** We found that the position is not the same for investigators. The IPCC has produced some guidance for investigators on its intranet but the guidance remains under development and does not currently encompass all the tasks and scenarios commonly encountered by investigative staff. The IPCC considers that the difference in initial treatment of the manuals for investigators and casework staff was justified because investigators generally had significant prior experience of conducting similar types of investigation before joining the IPCC, augmented by accredited training which reduced the need for a comprehensive manual.

**2.4** The IPCC is also developing an integrated guidance framework setting out best practice and roles and responsibilities for the Casework, Investigation and Commissioner functions. Delivering this framework is an objective for 2008-09. The Commissioner Practice Guide, setting out the roles and responsibilities of Commissioners, was approved by the Commission in July 2008. Until this guide was published, the main guidance available to Commissioners was from occasional paragraphs within the Casework Manual, designed primarily for the use of casework staff.

### Training for investigators and caseworkers

**2.5** Since 2005, the IPCC's investigators have undergone accredited training, made up of a six week full-time course. This training leads to accreditation as an investigator.

**2.6** Before early 2008, casework staff, responsible for performing administrative work on investigations and making decisions on appeals, were not given structured accredited training although they did receive introductory basic training, augmented by 'on-the-job' learning and a comprehensive reference manual. The IPCC has since launched an accredited training scheme (accredited by the training company EdExcel) for their casework function, including basic training on the principles and framework of British law. This scheme started in April 2008. The IPCC does not expect that all casework staff will have completed the training until March 2010.

## Internal quality control procedures

### Approving reports

**2.7** We found that the IPCC had no formal quality control framework in place. We therefore looked at the methods employed by the IPCC to ensure the quality of its work. A key role of Commissioners is to provide oversight and accountability for the IPCC's activities. Our case review of a sample of the reports of independent and managed investigations found that there was often not an auditable record of approval by the relevant Commissioner before publication. In our sample, eight out of 32 applicable cases (25 per cent) had been formally approved only by the senior investigator and not by the Commissioner. To demonstrate a clear line of accountability and to enhance the report's perceived independence, it is important that each published report should be formally approved by a Commissioner.

### The IPCC's internal review function

**2.8** The IPCC introduced an internal review function for independent investigations in July 2005 to assess the quality of investigations and to suggest potential improvements to the conduct of investigations. The reviews are undertaken by a review team consisting of a senior investigator and deputy senior investigator. Internal reviews are scheduled to take place four to six weeks after the start of an investigation and are triggered by the review team's receipt of a self-assessment form, which must be completed by the investigation's senior investigator for all independent investigations. These reviews are 'hot reviews' in the early stages of an investigation, aiming to identify methodological and practical improvements to be carried forward into the remaining stages of the investigation.

**2.9** In 2007-08, the review team received just 55 self-assessment forms, while during the same period, 100 investigations were started. This low return rate may be partly explained by the length of the self-assessment form which is thirty three pages long, and has been described by one investigator as taking "up to a day and a half to complete" for a standard-complexity independent investigation. The review team has not historically followed up outstanding self-assessment forms to increase the return rate.

**2.10** Only 19 internal reviews were completed in 2007-08. The senior investigator responsible for quality review was re-allocated to oversee investigations in early 2008 as a result of the increased demand for senior investigative staff. The team of two internal reviewers were both based in the IPCC's London office until then. The regional split of internal reviews in 2007-08 showed that only one of 19 internal reviews took place for the Wales & South-West region, and only two occurred for the Central region. The internal review function has been taken on by a panel of senior investigator staff on a part-time basis for 2008-09.

**2.11** The IPCC is aware of the low response rate for internal reviews and is seeking to address the problem as part of its Quality Assurance Framework, which aims to improve the IPCC's quality control regime by establishing universal standards and procedures for review. From mid-2008 onwards, Regional Directors have been responsible for recommending whether an internal review should take place and, if not, explaining to the IPCC's Quality Assurance Panel why an internal review is inappropriate.

### Post-investigation reviews

**2.12** There are no formal procedures in place for post-investigation reviews to be held. Such reviews would allow best practice to be disseminated and would help to identify potential improvements to the investigation process. Individual investigation teams may hold post-investigation reviews but they occur on a sporadic basis. The IPCC recognises that post-investigation reviews may improve performance and is now piloting such reviews in its Central region.

## External reviews

**2.13** There are currently no arrangements for investigations or casework decisions to be externally reviewed, although the IPCC considers that Commissioners have a key role in overseeing and scrutinising the IPCC's work. The Police Ombudsman for Northern Ireland has in the past been contracted to review IPCC work but such external scrutiny has not occurred on a regular basis. The IPCC's re-organisation of Commissioner roles in 2008 has created two Commissioner posts without a portfolio of investigations to preside over: these Commissioners will fulfil a non-executive function, including scrutiny of the organisation's operational performance. The IPCC plans that at least one of these Commissioners will have an audit and inspection background to enhance internal scrutiny. Discussions are also taking place with police oversight bodies in Northern Ireland and the Republic of Ireland to explore the possibility of establishing a system of mutual review and scrutiny.

## Legal challenge to IPCC decisions

**2.14** Complainants may challenge IPCC decisions by applying for Judicial Review of the decision in the Administrative Court. **Figure 18** shows the outcome where there was a notice of intent to apply for Judicial Review issued up to 31 March 2008.

<b>18</b> Judicial Review applications received to 31 March 2008	
Challenge not followed up or leave to apply refused by court	78
Compromise between IPCC and complainant – Judicial Review hearing did not take place	10
IPCC conceded or partially conceded issue (only two cases actually went to a hearing)	9
IPCC won Judicial Review hearing	3
Pending – pre-action letter outstanding but not yet ruled out of time	46
Details of outcome unavailable from IPCC	5
<b>Total sample population</b>	<b>151</b>

Source: National Audit Office analysis of IPCC Judicial Review data

**2.15** Figure 18 indicates that the proportion of pre-action letters leading to a Judicial Review hearing remains very low, although the number of compromise actions agreed 'out of court' by the IPCC (with actions agreed such as re-opening an appeal) has risen slowly over time. The IPCC maintains a policy of not contesting Judicial Review applications unless it expects to have its decision upheld by the court and tends to aim for a compromise agreement with the plaintiff where it considers that its original decision may be successfully challenged. The IPCC has not yet lost a case (or incurred a negative verdict at Judicial Review) relating to the substantive content of investigation reports. All nine cases it has lost or conceded have been based on recognised Casework Manager errors in handling appeals, dispensations or discontinuances, or on the disclosure of evidence gathered in the course of investigations.

## IPCC independence

**2.16** The IPCC has been established with a remit to improve confidence in the police complaints system and to provide an independent assessment of complaints against police officers. Being independent and being seen to be independent are therefore important attributes to which the IPCC must aspire.

**2.17** We assessed the IPCC's level of independence using criteria developed by the International Organisation of Supreme Audit Institutions (INTOSAI). These criteria have been designed to measure the independence of state audit institutions. While the IPCC is not an audit body, the criteria can be usefully adapted to assess the IPCC's perceived independence from government and the police (**Figure 19**). Our assessment shows that the IPCC scores well on most of the criteria.

## 19 Assessment of the IPCC's independence

INTOSAI Standard	Interpretation of Standard for IPCC context	IPCC Practice	Compliance
The existence of an appropriate and effective constitutional/statutory/legal framework.	The IPCC's powers, organisational framework and responsibilities should be set out in statute.	This is formally stated in the Police Reform Act (2002). The IPCC's Chair is appointed by the Crown and the Commissioners are appointed by the Secretary of State.	The IPCC is appropriately constituted in statute law.
The independence of SAI heads and members (of collegial institutions), including security of tenure and legal immunity in the normal discharge of their duties.	IPCC Commissioners should not be removable by the police or by government, with the exception of the expiry of their contract of employment.	Commissioners are appointed for set terms by the Home Secretary and are accountable to the IPCC Chair. The Chair and Chief Executive are accountable to Parliament for the exercise of the IPCC's functions.	The Commissioners are appointed by the Secretary of State but may not be removed by government within their contract period, except in cases of gross misconduct.
A sufficiently broad mandate and full discretion, in the discharge of SAI functions.	The IPCC should be given a mandate to inspect any complaint of police misconduct as it sees fit.	The IPCC's mandate, as set out by the Police Reform Act, allows it to define the level of investigation to be carried out (including independent investigation if deemed appropriate) and to recommend disciplinary sanctions to be actioned by the relevant police force.	The IPCC has the right to inspect any complaint or referral received and has a legal obligation to investigate independently certain types of incident.
Unrestricted access to information.	The IPCC should be able to obtain information from police forces and have access to staff to perform investigations in a timely manner.	The Police Reform Act requires police authorities to provide any information or evidence required by the IPCC.	Under the Police Reform Act and the Police (Complaints and Misconduct) Regulations 2004, the police must refer a number of categories of situation to the IPCC and the IPCC has the right to mount an investigation and to gather evidence on any complaint or referral made to the IPCC. Once an investigation has been mounted, the designated investigator has all the legal powers of a police constable to carry out the investigation.
The right and obligation to report on their work.	The IPCC should be able to publish reports on the outcome of its investigations and decisions.	The IPCC has the right to publish reports on the outcome of its investigations but may choose not to publish or to redact sections if the Commissioner responsible deems this appropriate.	The IPCC maintains the right but not the obligation to report on its work. This does not represent an impairment on its independence.
The freedom to decide the content and timing of audit reports and to publish and disseminate them.	The IPCC should have the ability to choose the timing and format of the publication of investigation reports and decisions as it sees fit, subject to legal considerations on court cases which may render investigations <i>sub judice</i> .	Subject to consideration of <i>sub judice</i> issues, the IPCC has the right to publish its investigation reports and has the final decision on whether to withhold publication or to redact sections therein.	The IPCC has the legal and practical right to publish its findings and may choose not to publish some or all of its reports, subject to legal advice.

**19** Assessment of the IPCC's independence *continued*

<b>INTOSAI Standard</b>	<b>Interpretation of Standard for IPCC context</b>	<b>IPCC Practice</b>	<b>Compliance</b>
The existence of effective follow-up mechanisms on SAI recommendations.	The IPCC should have the ability to monitor recommendations and obtain confirmation that recommendations have been accepted and implemented.	In the majority of sampled cases, the IPCC obtains confirmation from the relevant Deputy Chief Constable that its recommendations have been accepted. Responsibility for auditing the implementation of recommendations rests with the relevant Police Authority, not the IPCC.	The IPCC does not uniformly record acceptance of its recommendations. While this does not impair its independence, it may impair the impact of its recommendations.
Financial and managerial/administrative autonomy and the availability of appropriate human, material, and monetary resources.	The IPCC should possess an adequate budget to perform its functions and should have the autonomy to acquire its staff and assets.	The IPCC possesses the right to appoint staff and to acquire assets as necessary, within its resource and capital budgets. Its budget is set annually by the Home Office.	The IPCC is dependent on the Home Office for over 90 per cent of its resourcing.

*Source: National Audit Office adaptation of INTOSAI standards*



# PART THREE

## The outcome of the IPCC's work and its communications with affected parties and stakeholders

**3.1** This part of the report considers the outcomes of the IPCC's work, including investigations and appeals, and the work the IPCC undertakes to monitor the recommendations made within its investigation reports and to disseminate the wider lessons. It considers too whether the IPCC keeps complainants, police officers under investigation and stakeholders well informed about its work and the progress of individual complaints.

### Access to the police complaints system

**3.2** The IPCC's statutory responsibility is to increase public confidence in the police complaints system. Significant reasons for establishing the IPCC were to introduce an independent oversight, improve access to the complaints system and to improve the transparency of the system. The IPCC has launched an increasing number of independent investigations for the most serious complaints and conduct matters. In 2004-05 it started 31 independent investigations while in 2007-08 it began 100 independent investigations. The number of complaints recorded has seen an 83 per cent increase from 15,885 in 2003-04 to 28,963 in 2007-08. In addition, the IPCC's dedicated telephone contact centre established for complaints to be reported direct to the IPCC, has seen a significant increase in its use from 4,321 complaints in 2004-05 to 11,449 in 2007-08. IPCC investigation reports are generally published (subject to a public interest harm test) which was not the case under the old system.

**3.3** During 2008, the IPCC published the results of its latest public confidence survey. Of those respondents who had heard of the IPCC, 88 per cent thought that they would be treated fairly if they made a complaint to the IPCC, 69 per cent considered that the IPCC was independent and 67 per cent considered that it was impartial.

### Recommendations of independent investigations

**3.4** As part of our case review analysis, we examined the outcomes of our sample of independent investigations and appeals. Some 39 per cent of the independent investigations we sampled led to no action being deemed necessary (**Figure 20**).

**20** Outcomes of sampled independent investigations completed in 2007

	Percentage	
No recommendations made	22	39
No disciplinary recommendations made but best practice guidance issued to police force	10	17
Sanction: "words of advice" to officer(s) recommended	12	21
Outcome not finalised (e.g. with CPS for consideration)	4	7
Sanction: "formal warning" to officers precommended	4	7
CPS charges made against officers/ "criminal case to answer" declared	2	4
Case sent to CPS, but no charges issued by the Director of Public Prosecutions	2	4
Refresher training for officer(s) recommended	1	1
<b>Total sample population</b>	<b>57</b>	<b>100</b>

Source: National Audit Office analysis of sampled independent investigation files

**3.5** For the remaining 61 per cent of cases, a variety of actions were recommended, including general lessons for the police force involved and recommendations for action affecting individual police officers, ranging from informal words of advice to criminal charges. Disciplinary sanctions or potential criminal charges against officers were recommended in 32 per cent of cases while recommendations to the investigated force without disciplinary sanctions were issued in 17 per cent of sampled investigations; in 13 per cent of cases, best practice guidance was issued to the investigated force in addition to other actions being taken. Our sample analysis found little difference in outcomes between the IPCC's four regions.

## Appeals to the IPCC

**3.6** Only 14 per cent of the appeals that we sampled were upheld or partially upheld while 86 per cent of appeals were not upheld (Figure 21).

## Lessons learned from investigations and monitoring of recommendations

**3.7** The IPCC issues recommendations in several formats: it may issue specific recommendations to a police force as part of its investigation report; it collates and disseminates thematic best practice to all police forces as part of its 'Learning the Lessons' programme; and it publishes occasional research bulletins for a wider audience. Box 4 sets out the main stages of an independent investigation, showing what types of action can be taken.

## The monitoring of police responses to IPCC recommendations

**3.8** The IPCC recognises that its remit includes confirming that specific recommendations from IPCC investigations have been received and accepted (or rejected) by the subject police force. However, the IPCC does not consider it to be part of its remit to monitor the implementation of its recommendations by individual police forces. The IPCC considers that this task lies within the remit of individual police authorities. Although the IPCC maintains regular liaison with the Association of Police Authorities and HM Inspectorate of Constabulary, no formal framework exists for monitoring the implementation of the IPCC's recommendations to the police. HM Inspectorate of Constabulary told us that:

- generally, in the course of conducting inspections of forces and systems, relevant recommendations made by the IPCC will be considered by HM Inspectorate of Constabulary when appropriate;
- when prioritising HM Inspectorate of Constabulary's national inspection programme, IPCC recommendations will be considered as part of a risk assessment process; and
- a serious concern or shortcoming may generate more direct involvement, for example, at the request of the Secretary of State.

### 21 Outcome of sampled appeals

Category	Sample	Sample percentage	All 2006-07 appeals percentage
Not upheld	84	79	76
Upheld	8	7	24
Partially upheld	8	7	–
Ruled out of time	7	7	–
<b>Total</b>	<b>107</b>	<b>100</b>	<b>100</b>

Source: National Audit Office analysis of sampled appeals files and IPCC management information

### BOX 4

#### The stages of an independent investigation

On receipt of a referral or complaint, the Commissioner (since May 2008, the Regional Director) decides whether an independent investigation is appropriate.

IPCC investigators draft the investigation's terms of reference, which is then approved by the Commissioner, and gather and analyse evidence accordingly.

If an identifiable officer may be liable for disciplinary charges, the IPCC issues the officer(s) with a 'Regulation 9' notice.

If the IPCC considers that a criminal offence may have been committed, the IPCC sends an evidence file to the Crown Prosecution Service. The IPCC's investigation report is not published until any Crown Prosecution Service action is completed.

The IPCC publishes its investigation report, together with recommendations for the police force. It does not monitor implementation of its recommendations but expects to receive confirmation from the force's Deputy Chief Constable that the recommendations have been accepted.

The IPCC considers if wider lessons for the police can be learned from the case and may include best practice recommendations in a 'Learning the Lessons' bulletin to all police forces.

Source: IPCC

**3.9** The IPCC's monitoring of the acceptance or rejection of its recommendations varies significantly by region. In the North region, all recommendations and acceptance or rejection are centrally recorded by a Casework Manager. In the Central region, recommendations are recorded and monitored by the police force, with a Casework Manager designated to monitor recommendation status for each force separately. In the London & South-East and Wales & South-West regions, however, we found no evidence of centralised recording of police responses to specific recommendations and staff were sometimes unsure as to whether a recommendation had been acknowledged and accepted by the relevant police force.

### The IPCC's lessons learned bulletins

**3.10** We found that there is good sharing of knowledge with the police. The IPCC has disseminated a series of *Learning the Lessons* bulletins to police forces, with three bulletins having been issued since June 2007. These bulletins provide a summary of process failings and best practice uncovered by IPCC investigations, arranged by themes, such as dealing with domestic violence and detention in police custody. Reaction from the members of police forces that we interviewed has been uniformly positive; and the initiative is regarded by police professional standards staff and police representatives as a positive step in helping the police to improve performance.

**3.11** A number of Commissioners have engaged with police forces' Professional Standards Departments to provide training and guidance to members of police forces on issues such as improving local resolution of complaints. Professional Standards Department officers interviewed have expressed appreciation of these initiatives and have suggested that this work helps the police both to process complaints more effectively and to understand the role and functions of the IPCC better.

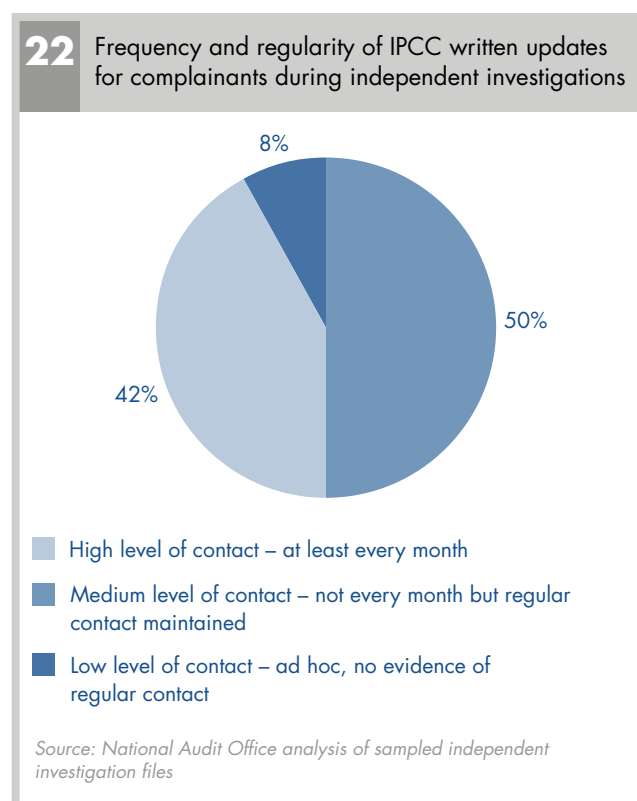
### IPCC research into police practices

**3.12** The IPCC has a research team responsible for publishing annual police complaints statistics and annual statistics on civilian deaths involving the police. The IPCC also publishes thematic research studies. These studies make recommendations to the police and other parts of the public sector designed to improve public service delivery. The research is undertaken in consultation with the police service and other stakeholders and is peer reviewed. This research has been well received and recommendations have been taken forward by the police service, government departments and other stakeholders.

**3.13** In addition to the in-depth research work, the IPCC, in collaboration with the police service, has undertaken short pieces of thematic work which have been fed back into improved police procedures, such as the reissuing of firearms licences and the practice of stop and search.

### Keeping complainants informed

**3.14** The IPCC aims to keep complainants and police officers under official investigation regularly updated on the progress of the investigation. Our review of individual case files indicates that the majority of complainants are kept regularly informed of the progress of independent investigations, with regular written contact being maintained in 92 per cent of applicable cases (**Figure 22**).

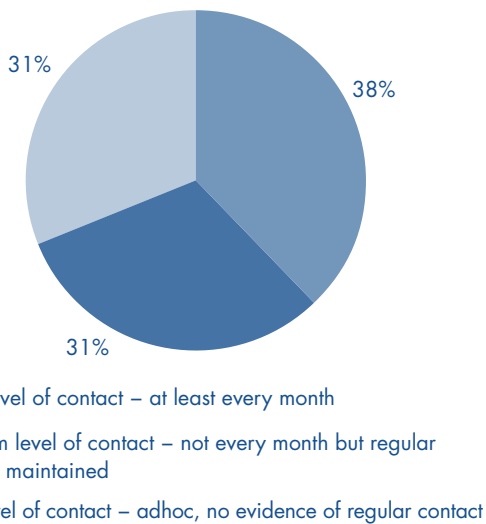


## Keeping police officers under investigation informed

**3.15** Our review of independent investigations suggested that police officers under investigation are not given formal updates as regularly as complainants, with regular written contact being made in 69 per cent of applicable cases (**Figure 23**) (see also **Case Example 3**). The IPCC considers that this reflects the statutory guidance which recognises the different needs of complainants and police officers. Our interviews with Police Standards Departments suggested that, by convention, affected police officers are updated by the IPCC through the relevant police force, rather than receiving a written notification of the investigation’s progress.

**23**

Frequency and regularity of IPCC written updates for affected police officers during independent investigations



Source: National Audit Office analysis of sampled independent investigation files

### CASE EXAMPLE 3

The IPCC launched an independent investigation in December 2005 into the failure to apprehend a suspect who later shot and wounded a bystander. Because of a criminal trial of the suspect in 2006, this investigation was not completed until May 2007. The level of written liaison varied significantly for the complainant and affected police officers. While the complainant received 15 written updates on a near-monthly basis, the IPCC has recorded only five written updates for affected police officers.

**3.16** The IPCC has undertaken two surveys of the general public, in 2004 and 2007, in which two thirds of respondents said they were ‘fairly’ or ‘very’ confident that complaints against the police would be handled impartially. To date the IPCC has not sought feedback from complainants or police officers who have been subject to an investigation by the IPCC, or from appellants, although its 2008-09 Business Plan states an intention to conduct a survey of complainants’ and appellants’ experiences of interacting with the IPCC.

**3.17** We note that the Police Ombudsman for Northern Ireland routinely asks complainants and police officers at the end of an investigation how their case has been handled. An advantage of this good practice is that it avoids the difficulty of asking complainants well after the investigation has ended to revisit traumatic experiences which they are trying to put behind them. We wanted to interview a sample of complainants, police officers and appellants to obtain their views on the IPCC’s effectiveness in handling complaints. We were able to interview sufficient police officers and appellants but because of difficulties with the number of complainants we could approach, we were not able to interview sufficient complainants. As a result we have not sought to draw conclusions from the survey, but we discuss the methodological issues in Appendix 1 (paragraphs 14 and 15) and have published the findings of the survey in a report on our website. We have recommended that the IPCC should put complainant feedback on a firmer footing.

## Stakeholder views of the IPCC’s effectiveness

**3.18** The IPCC engages with a range of stakeholders representing the police, complainants and the public. It does this in several ways including:

- Case specific engagement to support investigations when there is a particular need to engage affected communities, either through pre-existing community fora or ad hoc community reference groups.
- Project specific engagement. For example, the IPCC statutory guidance was developed in 2005 through wide public consultation and engagement with police and complainant interest groups. More recently, the IPCC’s performance framework has been developed in consultation with police and community groups.

- Routine meetings with stakeholder groups including bilateral meetings with INQUEST, police staff associations, the London Independent Advisory Group, and IPCC representation on the Deaths in Custody Forum.
- The IPCC's Advisory Board.

**3.19** The IPCC has held quarterly meetings of its Advisory Board since its inception in 2004 to enable stakeholders in the IPCC's work to exchange views and influence the development of IPCC activities. The Advisory Board's terms of reference are:

- to establish and maintain effective working relationships between the IPCC and all key national stakeholders;
- to have challenging conversations on the priorities for the IPCC;
- to use the experience and expertise of Board members to improve the effectiveness of the new complaints system;
- to absorb the perspectives of Board members' organisations; and
- to identify and help develop strategic policies necessary for the development of the new complaints system and the IPCC's role within it.

**3.20** The members of the Advisory Board are drawn from government bodies, police representative bodies and complainant advocates and representatives (**Figure 24**). Out of the 15 member organisations, all but two represent government, police or staff interests, albeit representing different perspectives and interests.

**3.21** Members' impressions of the Advisory Board have been mixed. Police representative bodies have expressed generally positive sentiments about the Advisory Board, suggesting that it provides a useful sounding board for debate. The Superintendents' Association, for example, told us that the Advisory Board's involvement in the IPCC's June 2008 stock-take of the police complaints system illustrated the Board's cooperation and support for the IPCC. By contrast, complainant advocate groups (the Police Action Lawyers' Group, INQUEST and Citizens Advice Bureaux) have expressed concerns over the Advisory Board's usefulness, suggesting that they were not convinced that they could make a meaningful contribution to a group covering diverse interests and with over twenty attending members. The Police Action

Lawyers' Group withdrew from the Advisory Board in November 2007, stating that it considered bilateral discussions with the IPCC to be a more productive liaison method. The IPCC recognises that it faces a challenge in obtaining sufficient representation from non-police bodies and that this problem is exacerbated by the lack of a single umbrella group that advocates on behalf of complainants.

**3.22** Police representative bodies have been positive about the aims of the IPCC and its overall effectiveness in handling complaints. The Superintendents' Association told us that it sees the IPCC's work as a major advance in handling complaints and improving confidence in the police complaints system compared with its predecessor. The Association of Chief Police Officers considers the IPCC to be working well despite facing challenges from resourcing pressures and the impact of legal requirements to take on increasing numbers of independent investigations. The Association of Chief Police Officers and the Police Federation see the length of independent investigations as a concern and believe a lack of timeliness in completions has a detrimental effect on affected police officers.

## 24 Members of the IPCC's Advisory Board

### IPCC

HM Revenue & Customs

HM Inspectorate of Constabulary

Association of Police Authorities

Police Federation (representing police officers below Superintendent rank)

Unison (representing non-officer police staff)

PCS HMRC Group (representing HM Revenue & Customs staff)

INQUEST (a charity representing bereaved families following deaths involving contact with the police)

Home Office

Crown Prosecution Service

Metropolitan Police

Association of Chief Police Officers

Superintendents' Association

National Black Police Association

Citizens Advice Bureaux

Source: IPCC

**3.23** Within police forces, Professional Standards

Department staff whom we interviewed were generally positive about the effectiveness of the IPCC's activities and were particularly appreciative of the IPCC's work in improving police best practice through *Learning the Lessons* bulletins and research publications. Some interviewed officers expressed concern over the availability of Commissioners to discuss relevant investigation issues. Officers did not generally believe that managed and supervised investigations were worthwhile, regarding them as an unsatisfactory compromise between local investigations conducted by the police force and independent investigations conducted by the IPCC. Professional Standards officers were complimentary about the quality of the IPCC's work but consistently raised concerns about the timeliness of independent investigations, recognising that this problem is primarily due to resource pressures.

**3.24** The Police Action Lawyers' Group told the IPCC in its letter of resignation that its experience of the Advisory Board was one where they were clearly outsiders. The Group told us that it had become disillusioned with the IPCC's processes, citing poor caseworker skills and training and difficulties in attaching accountability for IPCC decisions to Commissioners or senior staff. The Police Action Lawyers' Group expressed its commitment, however, to the "direction of travel" reflected in the statutory framework of the Police Reform Act 2002 for the handling of complaints and, in particular, the extent to which it has served to improve the transparency of the police complaints system since the IPCC's inception. INQUEST expressed concerns that Commissioners do not leave themselves enough time to engage adequately with community and stakeholder groups and that a gap exists between commitments from senior management and actual practice by operational staff.



# APPENDIX ONE

## Study Methodology

**1** The study examined the IPCC's performance in the following areas:

- efficiently managing its workload of complaints, referrals and appeals;
- designing and implementing appropriate quality control mechanisms;
- following up investigations appropriately; and
- communicating effectively with complainants, police officers under investigation and stakeholders.

The study did not attempt to assess the correctness of IPCC decisions on individual investigations.

**2** This appendix outlines the research methods used in the course of our examination.

### Semi-structured interviews

#### Interviews with the IPCC

**3** We conducted semi-structured interviews with the IPCC's Commissioners and members of IPCC management, as follows:

- the IPCC Chair and seven Commissioners, covering all IPCC regions, to discuss the remit and role of Commissioners, including stakeholder liaison work;
- the Chief Executive to discuss the IPCC's overall performance and its relations with the Home Office;
- the Deputy Chief Executive & Director of Corporate Services to discuss the IPCC's use of resources and Business Change programme;
- the Director of Strategy & Business Improvement to discuss the IPCC's research programme and work on disseminating best practice to police forces;
- the Director of Legal Services to discuss legal challenges to appeal and investigation decisions;

- the Head of Facilities and IT to discuss the IPCC's current and planned workspace;
- the Head of Human Resources to discuss the training and recruitment of investigators and caseworkers;
- the Interim Director of Communications to discuss the IPCC's strategy for communicating with external stakeholders;
- the five Regional Directors to discuss the IPCC's handling of independent and managed investigations and distribution of local resources;
- the Head of Strategic Support to discuss the IPCC's development of its performance framework and key performance indicators;
- the Head of Finance to discuss the IPCC's financial position and budgeting;
- the Head of Research to discuss the IPCC's research and surveying work;
- the Risk & Assurance Manager as the study's day-to-day liaison point with management and to discuss the IPCC's quality assurance procedures;
- the Procurement Manager to discuss the IPCC's procurement procedures;
- the Performance Framework Project Manager to discuss the development of the IPCC's balanced scorecard;
- the Head of Casework (London & South-East) to discuss training and workload management for Casework Managers.

#### Interviews with the Home Office

**4** We interviewed a senior manager within the Policing Powers and Protection Unit on two occasions to understand the funding regime in place for the IPCC and the circumstances leading to the IPCC's establishment.

## Interviews with police representative bodies and Professional Standards Departments

**5** We interviewed Professional Standards Department police officers from five forces in England and Wales to obtain an understanding of the forces' experiences of working with the IPCC and the effectiveness of IPCC communications with police forces. We met officers from the following forces:

- Essex Police
- Hertfordshire Police
- Warwickshire Police
- West Yorkshire Police
- South Wales Police

**6** The study team also interviewed police representative organisation staff and a selection of police force Professional Standards Department officers. To understand the interaction of police representative forces with the IPCC, we spoke to senior officers of the following representative organisations:

- Association of Chief Police Officers
- Superintendents' Association
- Police Federation
- Association of Police Authorities

## Interviews with external stakeholders

**7** We interviewed the following external stakeholders to obtain their perceptions of the IPCC's effectiveness and their experiences of working with the IPCC:

- Police Action Lawyers Group
- INQUEST
- Citizens Advice Bureaux

## Visits to IPCC regional offices and case review

**8** We visited the five IPCC regional offices and sub-offices between March and May 2008 to review a sample of independent investigations, managed investigations and appeals completed in 2007. Our samples were made up of:

- 57 independent investigations completed in 2007;
- 28 managed investigations completed in 2007; and
- 109 appeals completed outside the IPCC's performance target (25 working days) in October 2007.

**9** These samples were drawn from the IPCC's regions in the same proportions that investigations and appeals were completed in 2007. Within these parameters, the sample was selected on a randomised basis.

**10** Our review of these cases focused on:

- the IPCC's compliance with its own policies and procedures for investigation milestones;
- examination of the causes of processing delays of two weeks or more; and
- the frequency and regularity of communications with complainants and affected police officers.

**11** We reviewed sampled investigations and appeals by reading key documents within case files and informally interviewing investigators and casework managers to explain missing or unclear paperwork and to explain undocumented issues such as the cause of significant delays.

## Benchmarking

**12** We assessed a number of non-commercial organisations for suitability as comparators, against which to assess the IPCC's performance and procedures. However, we were unable to identify suitable organisations with both a comparable remit and a comparable scale of activities and organisation. As an alternative we carried out a regional benchmarking exercise to compare the performance of each of the IPCC's regions.

## Review of documentation and data analysis

**13** We obtained published information data extracts from the IPCC's management information systems. We used this information to inform our interviews and case reviews, and to assess the IPCC's use of resources over time, having performed successful 'reasonableness tests' on key performance data against collected investigation and appeals sample data. We reviewed information in the following categories:

- Performance and workload data
- Police complaint system "stock-take" and Business Change Programme documentation
- Minutes of Advisory Group meetings
- Actual and budgeted staffing trends
- Quality reviews of independent investigations
- Minutes of Senior Management Team meetings



## Surveys of complainants, appellants and affected police officers

**14** We appointed King's College London's Institute for Criminal Policy Research in March 2008 to carry out a survey of the experiences of complainants who had been through an independent investigation, police officers who had been subject to an independent investigation and appellants to the IPCC for their views of the IPCC's effectiveness in handling complaints. We had intended to interview 30 complainants, 30 police officers and 100 appellants.

**15** From IPCC records we identified 97 closed independent investigations which had an identifiable complainant. On the advice of the IPCC we did not approach bereaved complainants on the grounds of tact and sensitivity while a number of complainants had requested on their file not to be contacted for further research. We also excluded cases where there was an on-going matter related to the case such as an inquest or legal proceedings. These exclusions reduced the number of complainants we could contact to ask to be interviewed to 27 complainants. Of these complainants only six were prepared to be interviewed. This was too low a sample for us to use from which we could draw robust audit conclusions. We were able to interview 30 police officers who had been subject to an independent investigation and 100 appellants. Although we have not referred to the findings of the survey in the body of this report, we have published the report produced by the Institute for Criminal Policy Research on our website.

# APPENDIX TWO

## The IPCC's key performance indicators analysed by region

### 25 Key Performance Indicators by IPCC region, 2006-07 and 2007-08

Target	London & South East 2006-07	London & South East 2007-08	Central 2006-07	Central 2007-08	Northern 2006-07	Northern 2007-08
KT1 Number of independent investigations completed	18	27	18	14	8	23
KT2 Number of managed investigations completed	45	69	42	22	58	39
KT3 Percentage of Mode of Investigation decisions told to force within timeframe (2 working days)	51%	80%	71%	83%	75%	87%
KT4 Percentage of appeals communicated to force within timeframe (1 working day)	84%	85%	93%	95%	91%	95%
KT5 Percentage of Local Resolution and Non-Recording Appeals completed within timeframe (25 working days)	21%	57%	47%	92%	47%	92%
KT6 Percentage of Investigation Appeals completed within timeframe (25 working days)	13%	27%	27%	75%	34%	82%
MI1 Percentage of independent investigations completed in timeframe (157 working days)	39%	44%	28%	50%	50%	52%
MI2 Average length of independent investigations (working days)	247	217	269	156	205	166
MI3 Percentage of managed investigations completed in timeframe (157 working days)	47%	35%	33%	23%	59%	62%
MI4 Average length of managed investigations (working days)	178	203	243	220	162	166
OC1 Number of <b>referrals</b> received	586	736	518	479	601	551
OC2 Number of new <b>independent investigations</b> started	23	41	18	13	16	27
OC3 Number of new <b>managed investigations</b> started	64	74	29	18	55	28
OC4 Number of <b>appeals</b> received	1255	1648	725	860	817	1008

Source: IPCC performance data, March 2008

<b>Wales &amp; South West 2006-07</b>	<b>Wales &amp; South West 2007-08</b>	<b>National 2006-07</b>	<b>National 2007-08</b>
11	18	55	82
35	17	180	147
65%	91%	65%	85%
72%	89%	86%	90%
25%	79%	35%	78%
14%	50%	21%	51%
45%	61%	38%	51%
255	125	250	172
43%	29%	47%	39%
204	212	193	197
339	442	2044	2208
13	19	70	100
23	32	171	152
574	625	3371	4141

