



National Audit Office

# The Independent Police Complaints Commission

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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.