



Home Office

Reforming the Independent Police Complaints Commission: structure and governance

Summary of consultation responses and
next steps

Foreword from the Home Secretary

Police integrity is at the heart of public confidence in the police and underpins the model of policing by consent. It is what gives rank and file officers the legitimacy to do their jobs effectively. In 2010, the Coalition Government set out to deliver radical reforms to policing, introducing Police and Crime Commissioners (PCCs) and a range of measures to improve accountability, increase efficiency and continue to cut crime. We continue to build on this work and, on 10 February this year, I set out further steps to finish the job through the Policing and Crime Bill currently before Parliament.

The Policing and Crime Bill includes a package of measures to make the police complaints system more independent of the police: by expanding the role played by PCCs; overhauling the police disciplinary system; and enabling the Independent Police Complaints Commission to enhance its effectiveness with reforms to increase the independence of its operations and its powers.

The Independent Police Complaints Commission (IPCC) provides a vital service to the public by independently investigating serious allegations made against the police, overseeing how the police deal with complaints, and how they provide the public with redress in case of failures. In doing so, the IPCC has a key part to play in securing the integrity of the police.

In 2013, I announced additional resources for the IPCC to increase its capacity to deliver its own investigations into all serious and sensitive allegations made against the police. Since then, the IPCC has increased the speed and volume of its casework. In the summer of 2015, I asked Sheila Drew Smith to conduct an independent review of the IPCC's proposals for reforms to its governance in light of the increased role of the organisation.

I am grateful to the IPCC for its own work on proposals for reform, and to Sheila Drew Smith for her thoughtful report on those proposals. I am also grateful to those who provided input to Sheila's review, and to those who took the time to consider that report, the public consultation, and for their responses to it. When I launched the public consultation in December 2015, I explained the need for a new governance structure for the IPCC to meet its new challenges and play a stronger role in securing and maintaining public confidence in the reformed police complaints and discipline systems.

This document sets out the results of that public consultation, and, having considered those results, provides the details of the Government's proposed reforms to the IPCC's governance and structure. I will reform the IPCC's structure to provide for a new single head of the organisation, the Director General, to provide for greater clarity in decision-making and transparency and accountability to the public, with a board with non-executive directors to provide challenge and oversight. The organisation's decision-making process will be robustly independent of Government, Ministers and the police, as has always been the case. To mark these changes, and the importance of investigations into matters of police conduct, I propose that the reformed organisation be renamed as the 'Office for Police Conduct'.

Together with the extension and clarification of the IPCC's powers in the Policing and Crime Bill, these reforms will empower this important reformed organisation in undertaking its duties, and ensure that it commands the confidence of the public.



The Rt Hon Theresa May MP

Introduction

1. On 17 December 2015, the Government launched a consultation on “*Reforming the Independent Police Complaints Commission: structure and governance*”¹, seeking the views of the public and key stakeholders on proposals to reform the governance arrangements of the Independent Police Complaints Commission (IPCC).
2. This document provides a summary of responses to the consultation, and sets out the Government’s plans for reform in light of those responses. Further details about the consultation are provided in Annex A, and a list of key respondents to the consultation is provided in Annex B.

Background

3. The IPCC was established by the Police Reform Act 2002 (PRA 2002) and began operations in 2004. It is a Non-Departmental Public Body (NDPB) sponsored by the Home Office, and is responsible for overseeing the police complaints system in England and Wales, assessing appeals against police complaints decisions, and investigating serious matters involving the police, including their conduct, and all Deaths and Serious Injuries (DSI) following police contact.
4. The Home Secretary announced a major change programme for the IPCC in 2013², to provide the Commission with increased capacity and funding to enable it to investigate “all serious and sensitive matters” involving the police.
5. The change programme has enabled the IPCC to increase the number of cases it investigates year on year, from opening 109 cases in 2013/14 to 241 in 2014/15. The IPCC is on course to meet its target of opening between 400 and 700 independent investigations in 2015/16. The IPCC is also improving the rate at which cases are closed, closing more cases in the first six months of 2015/16 than it did throughout 2014/15.
6. In addition to the IPCC’s change programme, the Government announced in July 2014 an end-to-end review of the police complaints and disciplinary systems, including the role and powers of the IPCC. This resulted in a number of proposals for reform which were the subject of the *Improving Police Integrity* public consultation³, concluding in February 2015.
7. In response to that consultation, the Government set out its plans to strengthen the role of Police and Crime Commissioners (PCCs) in the police complaints system, make the system easier to understand and more independent, and to streamline the appeals process. Alongside these plans, the Government set out proposals for significant reforms to the police disciplinary and conduct systems.

¹ *Reforming the IPCC: structure and governance*. The Home Office. December 2015. ISBN 978-1-911194-63-7.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/486700/20151216-IPCC_Governance_ConDoc-WEB-v6_0-UK_O_3_.pdf

² Statement to Parliament by the Home Secretary. HC Deb12 February 2013, vol 604, col 714-720.
<http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm130212/debtext/130212-0001.htm#1302125000004>

³ *Improving police integrity: reforming the police complaints and disciplinary systems*. The Home Office. December 2014. Cm 8976. ISBN 978-1-47411-323-6.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/385896/45363_Cm_8976_Accessible.pdf

8. The Government also set out its plans to clarify and extend the powers of the IPCC, enabling it to initiate its own investigations, to recommend remedies, and to present its own cases at police disciplinary hearings⁴. Further to this, the Government will end managed and supervised investigations, so that the IPCC's investigations are more independent of the police. These changes are being taken forward in the Policing and Crime Bill introduced in the House of Commons on 10 February 2016⁵.

IPCC governance

9. The inaugural Triennial Review of the IPCC was published in March 2015⁶, and noted that most Commissioners have a “dual” role, being engaged in both the governance of the organisation and its operational activity. The review considered the IPCC's existing governance arrangements were “not sustainable in the much larger organisation that the IPCC will become”. The IPCC agreed with this view, stating that its “lines of governance, accountability and decision-making are not as clear as we would like or as are needed within a considerably larger organisation”. The Triennial Review recommended that the IPCC “consider what governance arrangements...will best secure efficient, effective and accountable operations”.
10. The IPCC's response to the Triennial Review⁷ included proposals to significantly change the Commission's governance arrangements. Under the IPCC's proposals, the reformed organisation would be structured as a corporation sole, with its powers vested in a single Crown appointee, to be known as an ‘Ombudsman’. In addition, the reformed organisation would no longer be sponsored by the Home Office, but would report directly to Parliament.
11. In Summer 2015, the Home Secretary invited Sheila Drew Smith OBE to undertake an independent review of the IPCC's proposals for reform and, in particular, to consider their likely impact on public confidence in the complaints system. Her report included a number of recommendations for new governance arrangements for the IPCC, and these formed the basis of the *Reforming the IPCC: structure and governance* public consultation launched on 17 December 2015. Sheila Drew Smith's report⁸ was published alongside the consultation document, and formed the basis for the questions asked by the consultation.

⁴ Improving police integrity: reforming the police complaints and disciplinary systems. Summary of consultation responses and next steps. The Home Office. March 2015. Cm 9031. ISBN 978-1-47411-641-1.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/411970/improving_police_integrity_reforming_the_police_complaints_and_disciplinary_systems.pdf

⁵ Policing and Crime HC Bill (2015-16) [134] <http://services.parliament.uk/bills/2015-16/policingandcrime.html>

⁶ Triennial review of the Independent Police Complaints Commission. The Home Office. March 2015. ISBN 978-1-78246-786-1.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/411566/IPCC_Triennial_Review.pdf

⁷ Response to the Triennial review. IPCC. June 2015.

⁸ Smith, SD. An independent review of the governance arrangements of the Independent Police Complaints Commission. The Home Office. December 2015. ISBN: 978-1-911194-62-0.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/486702/20151215-Independent_review_of_IPCC_governance-WEB-UK_O.pdf

Consultation responses and next steps

12. The following section summarises the responses received to each of the seven questions in the consultation, grouped by the headings used in the consultation document, and sets out the Government's subsequent proposal for reform of the IPCC in each area.

The IPCC's Governance structure

13. In its response to the Triennial Review, the IPCC proposed a governance model in which powers are vested in a single Crown appointee, with final accountability for decision-making. This would be expressed as an 'Ombudsman' role, operating as a corporation sole. The IPCC believed this model would achieve the required single line of accountability and decision-making necessary for effective governance and operational capability. They also considered retaining the title of Commissioner, for continuity, but concluded this would cause confusion with other police commissioner roles, including PCCs and the Commissioner of the Metropolitan Police Service (MPS).
14. Sheila Drew Smith agreed with the IPCC that a single Crown appointment should be the head of the reformed organisation, but recommended governance via a unitary board, with a majority of non-executive directors, to provide challenge and support on performance, efficiency and effectiveness. The head would retain all decision-making powers on individual investigations.

The Government's core proposal

15. The Government consulted on the core proposal to implement a new governance structure based on Sheila Drew Smith's recommendations for the following key elements:
 - a single head of the organisation, who makes decisions about investigations independent of government, will be a Crown appointment, and cannot have worked for the police;
 - decisions made independently of government, but continuing with administrative oversight by the Home Office; and
 - a single, clear line of decision-making, with governance of the organisation provided by a unitary board, with a majority of non-executive directors to provide robust external challenge.

QUESTION 1: DO YOU AGREE WITH THE GOVERNMENT'S PROPOSED PACKAGE OF MEASURES, AS SUMMARISED ABOVE, TO REFORM THE IPCC'S GOVERNANCE STRUCTURE?

QUESTION 2: SPECIFICALLY, DO YOU AGREE THAT THERE SHOULD BE A SINGLE LINE FOR DECISION-MAKING AND ACCOUNTABILITY WITHIN THE REFORMED IPCC RATHER THAN THE CURRENT "DUAL" STRUCTURE?

Consultation feedback

16. There was overwhelming support amongst the respondents for the broad package of measures to reform the IPCC's governance structure, with 80% of respondents agreeing that the IPCC should be led by a single head, to be a Crown appointment, and with complete independence from government in operational decisions.

17. An even greater majority of respondents (91%) agreed that the reformed IPCC should have a clear line of decision-making within the organisation, with the IPCC itself⁹ agreeing that Sheila Drew Smith's proposals would provide *"a more resilient and supportive governance structure, while avoiding replicating the current dual accountability structure"*. The IPCC was also *"strongly of the view that the new board should...be appointed through an open and transparent procedure, with selection criteria that ensure diversity and a breadth of experience and that command public confidence"*.
18. A total of 32 respondents chose to comment further on the Government's proposed changes to the governance of the IPCC. One respondent was of the opinion that the non-executives should be *"entirely independent of the police force and have not ever worked for it in any role"* to ensure that not only are they *"independent and free from bias but are publicly perceived to be so"*.
19. Another respondent felt that the board *"must provide strong and credible governance, including strategy, financial planning, policy, audit and accountability"* in the reformed organisation, whilst one felt that the board *"must be powerful enough to challenge and add value without compromising the role of the Crown Appointee"*.

The Government's response

20. The Government intends to implement the core recommendations made by Sheila Drew Smith in her review of the IPCC's governance. The response to the consultation indicates strong support for these changes.
21. The new arrangements will move away from the current Commission structure, with:
 - a Crown-appointed single head, to be known as the Director General (DG), who makes decisions about investigations independent of Government, and cannot have worked for the police; and
 - governance provided by a unitary board, with a majority of non-executive directors.
22. The DG will be ultimately responsible for all investigation and casework decisions, and will lead the executive of the organisation. The DG will chair the board, which will consist of a majority of non-executive directors, to ensure robust and constructive challenge to the DG. One of the non-executives directors will be designated as a lead non-executive director, ensuring that the non-executives have a cohesive voice. All non-executive directors will be recruited via the Public Appointments process.
23. The board will not be able to review or intervene in individual cases, but will provide strategic input and constructive challenge on the effective and efficient running of the organisation. The relationship between the board and the DG will be established in legislation, including provision for a code of practice for more detailed arrangements.

The IPCC's governance structure

The Government's reforms will mean:

- A single head, to be known as the Director General (DG), being a Crown appointment with ultimate responsibility and accountability for investigation and casework decisions
- Governance through a unitary board with a majority of non-executive members, including a lead non-executive director
- Clarity on the relationship between the DG and the board

⁹ Letter to the Home Secretary. Dame Anne Owers (IPCC Chair). 19 January 2016.

Independence and reporting

24. The IPCC's proposals made the case for the IPCC to be accountable directly to Parliament, rather than to the Home Office as at present.
25. Sheila Drew Smith concluded that the Home Office should continue to provide financial and administrative oversight of the IPCC, noting that it was doubtful whether a Parliamentary Committee would be able to provide the same degree of consistent oversight as the Home Office is able to through a dedicated sponsorship function. Sheila Drew Smith also recommended that the Home Office should continue to strengthen these arrangements, stating that transparency is key to accountability, and recommending that the IPCC take steps to publish more data around its performance in order to increase public confidence in its operations and the quality of its investigations.
26. The Government consulted on the proposal that the Home Office should retain oversight of the IPCC's administration and financial arrangements, and continue to work with the IPCC to deliver greater transparency around reporting of the IPCC's performance, efficiency and effectiveness. Under the Government's proposal, the reformed IPCC would retain full independence for its investigative processes and decision-making.

QUESTION 3: DO YOU AGREE THAT THE IPCC'S DECISION-MAKING SHOULD BE COMPLETELY INDEPENDENT OF THE GOVERNMENT, BUT THAT THE HOME OFFICE SHOULD RETAIN OVERSIGHT OF THE IPCC'S ADMINISTRATION AND FINANCIAL ARRANGEMENTS?

Consultation feedback

27. The vast majority of respondents (86%) agreed that the IPCC should retain operational independence regardless of any other changes made to its organisation and structure and for continuation of the Home Office's role. A small number of respondents (14%) expressed the view that Departmental responsibility for the IPCC should move from the Home Office.
28. The Suzy Lamplugh Trust consider it "*would be difficult for public confidence in the independence of the IPCC to grow whilst it is still accountable to the Home Office instead of Parliament*", whilst the Office of the PCC for Devon and Cornwall suggested that oversight of the IPCC be moved to a "*Department away from the Home Office... one possible Department might be the Ministry of Justice*".
29. A total of 29 respondents chose to expand on their answers to this question. One approved of the IPCC's proposed changes, considering that they would "*aid the perception of independence from Government but will not be sufficient in itself to improve confidence in the current IPCC*". Another respondent was in agreement with the Government's proposal "*provided there is clear guidance on where 'oversight' ends and independence begins*".
30. One respondent felt it was important that "*the Home Affairs Select Committee should still be able to conduct inquiries into the Commission or whatever agency replaces it*". An alternative arrangement was proposed by one respondent, who stated that there should be a "*role for PCCs, who are democratically elected*".

The Government's response

31. The Government agrees with Sheila Drew Smith's conclusion, and the opinion of the majority of respondents to the consultation, that financial and administrative oversight of the IPCC should remain with the Home Office, which will continue to recognise the IPCC's complete independence in investigation and casework decision-making. As at present, the reformed organisation will have statutory obligations to report to the Secretary of State and the Comptroller and Auditor General annually on its operations¹⁰ and budget¹¹.
32. The Home Office will work closely with the IPCC throughout the governance transition, and will seek to strengthen and enhance its sponsorship to ensure that the reformed organisation will continue to provide efficient and effective oversight of the police complaints system. This will include supporting the organisation to enhance its performance reporting, and to strengthen its Quality Assurance (QA) arrangements.

Independence and reporting

The Government's proposals will:

- Retain the Home Office as the sponsor Department for the reformed organisation
- Strengthen its performance reporting, quality assurance and transparency arrangements

Regional structure

33. In its proposals the IPCC favoured enshrining a regional structure in legislation, and believe it is important for the Commission to have a senior regional presence. The IPCC said that the 'Regional Ombudsmen' would have decision-making powers delegated from the 'Ombudsman'.
34. Sheila Drew Smith concurred with the IPCC's priority on implementing a regional structure, though she disagreed with the terminology around 'Regional Ombudsmen' proposed by the IPCC. Sheila Drew Smith considered that the current legislation be amended from allowing the IPCC to have a regional structure to making it a requirement.
35. In the consultation document, the Government acknowledged that the reformed IPCC may benefit from organising itself with a greater regional presence, to increase its visibility and interface with the public and key stakeholders, including the police. The Government sought views on whether the reformed organisation should have discretion to operate along regional lines, or whether it should be a requirement.

QUESTION 4: DO YOU THINK THE REFORMED IPCC SHOULD HAVE THE FLEXIBILITY TO DECIDE FOR ITSELF HOW IT OPERATES AT REGIONAL LEVEL?

Consultation feedback

36. Opinion was divided on whether the IPCC should be required to have a regional presence. 49% considered that the IPCC should retain the flexibility to organise itself as it so chooses, whilst 46% were in favour of making it a requirement. The remaining 5% "did not know".

¹⁰ Police Reform Act 2002 c.30 sch 2 para 17.

¹¹ Police Reform Act 2002 c.30 sch 3 pt 3 11(1).

37. Several respondents emphasised the need for consistency of approach across regions to “ensure that everyone, in all parts of the country, receive the same level and method of care”, and that the reformed organisation “must work as one body” to give “nationally consistent decisions, not a series of regional fiefdoms”.
38. A total of 42 respondents chose to expand on their answers regarding the regional structure. The IPCC considers that a “regional footprint, which requires good relationships with forces, PCCs, community stakeholders and, in the case of Wales, national bodies, is essential”. One respondent was of the view that it should be “mandated in legislation that there will be a strong regional presence with delegated decision-making powers and responsibility for oversight, confidence and stakeholder engagement”, and another warned of the “risk of regional disparity if a clear national model is not applied and regional differences and practices are allowed to develop”.
39. Several respondents, including the Welsh Minister for Public Services, the Welsh Local Government Association, the Welsh Government Ombudsman and the Welsh Language Commissioner, commented on the IPCC’s responsibility to oversee police complaints in Wales. The Welsh Language Commissioner noted that “there are unique requirements and structures in Wales, partly due to devolution, that strengthen the case for a strong regional presence” whilst the Welsh Minister for Public services stated that it was “crucial that devolved responsibilities are recognised and taken account of” by the reformed organisation.

The Government’s response

40. The Government recognises the importance of the IPCC building positive links with the police, families and communities at regional and local level across England and Wales, but, reflecting on the mixed consultation responses, it is not convinced a stipulation in legislation is the right way to deliver this.
41. The IPCC currently has a regional presence in a number of locations across England and Wales. The Government does not consider it appropriate to change the existing legislation which enables the IPCC, with the consent of the Secretary of State, to establish regional offices if it considers it necessary to deliver its functions efficiently.
42. The Government notes the mixed views in the consultation responses and recognises that for many respondents it is important that the IPCC engages with local communities and local police forces. The Government believes that it is important that the reformed organisation does have an appropriate presence across the English regions and Wales, and considers this is best managed through the Framework Agreement between the organisation and the Home Office.

Regional Structure

The Government’s proposals will:

- Deliver the right regional presence for the reformed organisation through the Framework Agreement between the organisation and the Home Office, rather than in legislation

Police experience

43. The IPCC's original proposal stipulated that senior personnel (for example, the Ombudsman, Deputy and the Regional Ombudsmen) should not have worked for the police in any capacity at any time.
44. Shelia Drew Smith recommended that the IPCC's governance should not be modelled on an Ombudsman scheme. She recommended that the head of the reformed organisation should not have worked for the police, mirroring the condition that applies to the current Chair and Commissioners. In her governance model all executive roles (apart from the Head) would be employees of the organisation rather than public appointments. She recommended that the Home Office should consider whether such a restriction should apply to senior employees, or whether a less restrictive condition should apply e.g. the persons may not have worked for the police within the previous 10 years.
45. The Government acknowledged that it is of great importance that the public have confidence that the IPCC will act independently, and that its investigations are unprejudiced. It also recognised that as well as independence, the quality and timeliness of investigations is essential to inspire public confidence, and that the organisation needs to be able to appoint the best people, including those with the appropriate skills and experience. The Government therefore sought views on whether there should be some restriction on people with a policing background taking up senior management posts.

QUESTION 5: SHOULD THERE BE SOME RESTRICTION ON PEOPLE WITH A POLICING BACKGROUND TAKING UP POSTS AS SENIOR MANAGEMENT EMPLOYEES OF THE IPCC?

Consultation feedback

46. A sizeable majority of respondents (63%) to the consultation considered that people with prior police experience should be restricted from occupying senior positions within the reformed organisation, whilst a minority (32%) did not consider such restrictions to be appropriate.
47. 7% of respondents considered that people with policing experience should not be permitted to work at the reformed organisation in any position, with one stating that it "*should be a mandatory requirement that NO ex-police*" could work for the IPCC. 13% of respondents considered that a broad restriction on people with policing experience would mean that the reformed IPCC "*may miss out on some exceptionally high performing candidates who would bring experience, knowledge and perspective*", and that the restriction would serve "*no tangible purpose and only appears to imply automatic suspicion of individuals who have policing experience*".
48. As to the extent of these restrictions, several respondents shared the opinion "*that those in public facing and key decision making roles*" should not have worked for the police. The IPCC itself considered that public confidence in its decisions had been "*greatly strengthened by the 'top cover' provided by senior public-facing decision-makers who have never worked for the police*".
49. A very small number of respondents (4%) did not know whether such a restriction should be put in place, with one respondent considering the background of staff as "*of less importance than the question of whether their experiences to date would enable them to deliver thorough investigations*".

50. This issue attracted the most additional comments from respondents, with 46 choosing to expand on their answer. The IPCC noted that “*the role and number of ex-police staff has always been a matter of public and parliamentary concern and comment*”, and considered it “*integral to public confidence*” that all senior operational roles were not open to those that have worked for the police.
51. Other respondents had an alternative view; the Police Staff Associations suggested that a “*12 month restriction post resignation/retirement*” on former police would be sufficient, whilst another respondent considered that potential applicants “*should not have worked with the police for the previous 10 years*”. Reflecting the split in opinion on this issue, another respondent considered that “*to have a blanket denial for people with policing backgrounds limits a potential pool of highly qualified and experience candidates*”.

The Government’s response

52. The Government considers it essential that the DG of the reformed organisation is demonstrably independent. This will ensure that the organisation can continue to command public confidence in the impartiality and independence of its decisions. Under current legislation governing the IPCC, those who have served with the police are disbarred from Commissioner roles.
53. The Government intends to apply a similar restriction to the DG of the reformed organisation. The Government acknowledges that those who have police experience do make vital contributions to the investigative functions of the IPCC, and will continue to do so for the reformed organisation. They will contribute essential skills, knowledge and expertise to ensure that the reformed organisation’s investigations are thorough and fair.
54. The Government will provide the DG of the reformed organisation with a power to determine which senior roles within the organisation should not be open to those who have served with the police. In doing so, the DG should have regard to certain requirements, including the need to maintain public confidence. The Government will require that the organisation publish the details of the posts to which restrictions will apply, and will consider making provision to further prescribe key posts in secondary legislation.

Police Experience

The Government’s proposals will:

- Place an absolute restriction on the Director General (DG) from having worked for the police in any capacity
- Provide the DG with powers to restrict those that have worked for the police from roles within the reformed organisation
- Require that the DG publish a list of roles to which these restrictions apply, and the nature of those restrictions

New name for the reformed IPCC

55. The IPCC, in line with their proposal to have an Ombudsman overseeing the organisation, proposed that the reformed organisation be renamed as 'The Police Ombudsman'.
56. In recommending that the IPCC should not adopt an 'Ombudsman' model, Sheila Drew Smith nonetheless recommended that an alternative name for the IPCC be considered, to reflect its functions beyond complaints, and to minimise confusion with other organisations in the policing landscape. Sheila Drew Smith's preferred title for the reformed organisation was the 'Independent Police Conduct Authority'.
57. In line with its proposal to move away from the Commission model of governance, the Government believes that the title IPCC would no longer be suitable for the reformed organisation, and changing its title provides an opportunity to clarify the organisation's purpose within the police complaints and disciplinary systems. The Government acknowledged the importance of a clear and recognisable name in generating awareness of the organisation and its role, and so was keen to seek the opinion of the public before committing to a new title.

QUESTION 6A: DO YOU AGREE WITH THE SUGGESTED NAME "INDEPENDENT POLICE CONDUCT AUTHORITY" AS A TITLE FOR THE REFORMED IPCC?

QUESTION 6B: WHAT ALTERNATIVE SUGGESTION WOULD YOU MAKE?

Consultation feedback

58. Almost a third of respondents, 31%, agreed with the suggestion in Sheila Drew Smith's report for a new name for the reformed IPCC as "the Independent Police Conduct Authority". But more respondents (48%) did not agree with that suggestion. The remainder (21%) were unsure.
59. The consultation provided respondents who disagreed with the proposal an opportunity to suggest their own name for the reformed organisation, and a wide variety of suggestions were received. Some of these revolved around the words 'independent', 'authority' and 'agency', and there was a small measure of support (8%) for the IPCC's original proposal to reform itself as an 'Ombudsman'.
60. Other suggestions included: "Police Regulations Watchdog"; "The Independent Policing Investigator"; "Office of Police Integrity"; or "Office of the Independent Investigator of Policing", which would be similar to other "watchdog" bodies. Respondents were split over whether the words 'conduct', 'complaints' or 'standards' adequately reflected the "*whole range of the organisation's remit over the public complaints system*".
61. Some respondents did not like the word 'conduct'. The IPCC itself was concerned "*that 'Conduct Authority' is not a suitable title...because it focuses only on conduct, rather than the whole range of the organisation's remit over the... complaints system*". The joint response from the policing staff associations argued that the word 'complaint' "*is a largely pejorative term*", and should not be used for the reformed organisation.
62. There was a measure of support (26%) amongst respondents for the IPCC to retain its current title, seeing the change of name as having the potential to "*weaken its profile*". The IPCC itself considered Sheila Drew Smith's suggestion "*reminiscent of the title of the IPCC's predecessor body, which did not command sufficient public confidence*".

63. A number of respondents provided comments on the proposed name. One respondent stated that *“the order of the wording sustains the confusion which exists within the current name; in that it can appear on first reading that it the IPCC is an organisation run by the police”*.

The Government’s response

64. The Government acknowledges that the IPCC plays a vital role in securing public confidence in the police complaints system in England and Wales. The changes to the IPCC proposed by the Government, whilst significant, do not represent a complete break with the good work that the IPCC has undertaken to date. At the same time, there is value in having a new name to signal a break with the past and a new governance structure.
65. Independence, fairness, and the key objective of securing public confidence must remain at the organisation’s core. The title should be replaced with a name which reflects its remit within the police complaints and disciplinary system, and its increasing role investigating serious and sensitive cases and police conduct matters. The Government therefore proposes that the organisation should be renamed as the Office for Police Conduct.

New name for the reformed IPCC

The Government’s proposals will:

- Rename the IPCC as the Office for Police Conduct

Other Comments

66. The Government was keen to invite further discussion of the proposals put forwards in the consultation, reflecting the wide impact the police disciplinary and complaints systems have on both the public and the police, and the central role that the Office for Police Conduct will continue to play in overseeing these systems.

QUESTION 7: DO YOU HAVE ANY OTHER COMMENTS IN RESPONSE TO THE ABOVE QUESTIONS, OR ON OTHER MATTERS IN RELATION TO THIS PUBLIC CONSULTATION, OR ABOUT THE IPCC AND THE WAY IT IS STRUCTURED AND ORGANISED?

Consultation feedback

67. A number of respondents took the opportunity to raise issues which were not covered in questions one to six. Comments were made by 81 respondents (76% of the total). A total of 34 comments centred on the issues of public confidence, quality and transparency with regards to the IPCC. One respondent suggested the *“creation of a simple league table”* for police forces with regards to complaints, remarking that the *“current published figures are too complex and not easy to find”*, whilst another would like to see *“publication of more performance data”*.
68. The Crown Prosecution Service (CPS) was of the opinion that *“public confidence in the reformed Commission would be boosted by greater transparency of performance, and through implementing more robust quality assurance”*. Another respondent was eager to see *“common agreed standards across national policing in terms of investigations of complaints and misconduct”* in order to better *“share learning and best practice”*. The joint response from the police staff associations remarked that the IPCC should have *“a duty to provide clear and transparent rationale for the decisions that it makes in individual cases”*.

69. A total of 27 respondents considered that additional powers should be given to the IPCC, or that additional processes should be included in their interactions with the organisation. One respondent suggested that *“the IPCC should deal with all complaints and have the power to investigate complaints properly”*, whilst another went as far as suggesting *“a wider public sector complaints arrangement”* be put in place, noting that *“your standards and ethics should be the same, whether you are a GP, a Police Officer or a teacher”*. The joint response from the police staff associations advocated for *“an appeal mechanism to be built into the IPCC decision making process”*.
70. One respondent highlighted a perception that there is *“almost always an assumption that the IPCC will be on the side of the police, or that it is run by the police”*, whilst another considered that the *“complaints system is over complicated and could be considered as a deterrent to many individuals with a genuine grievance”*. Several respondents highlighted the importance of engendering confidence within Black and Minority Ethnic (BME) communities, with one representative stating that *“improvements in the governance and management of the IPCC are welcomed as important steps in further removing barriers in relations between BME communities and government”*.

The Government’s response

71. The Government appreciates the input on wider issues surrounding the IPCC, and acknowledges the varied concerns of the wide range of stakeholders who interact with the organisation in the course of its work.
72. The Government will reflect upon the points raised, and consider them further during the transition to the new governance structure, and in developing future changes to the police complaints and disciplinary systems. These comments emphasise the importance of strengthening the Office for Police Conduct’s performance reporting, quality assurance and transparency arrangements, as set out earlier in this document.

Annex A

About the consultation

73. The issues on which the Government consulted were set out in the *Reforming the IPCC: structure and governance* consultation document, which included background on the Government's wider programme of police reform, information on the IPCC's current governance arrangements and its proposed changes, and a summary of Sheila Drew Smith's recommendations on each issue.
74. A total of seven questions were posed by the consultation, seeking the opinion of key stakeholders and the public on the Government's proposals. Responses were invited via an online form hosted on the Home Office pages of the GOV.UK website, via e-mail, or by post. The consultation ran from 17 December 2015 to 28 January 2016.
75. A total of 106 responses were received, with 81 coming via the online form, 20 via e-mail, and five by post. 81 of the respondents (76%) chose to expand on their answers to the questions posed in the consultation using the free-text question, in which respondents could expand on the questions posed in the consultation document, or raise issues relating to the governance of the IPCC which were not covered by the consultation.
76. Responses were received from a diverse cohort of police representatives, professional bodies, the IPCC and the public. Annex B lists some of the key groups that responded to the consultation.
77. The free-text responses were analysed, and the key themes noted, forming the basis for the discussion around question seven. Where quotes are included in this response document under the discussion of the issues at questions one to six, they have been sourced from the responses received for question seven.

Annex B

Respondents to the consultation included:

- The Independent Police Complaints Commission
- The National Police Chiefs' Council
- The Chief Police Officers' Staff Association
- The Police Superintendents' Association of England and Wales
- The Police Federation of England and Wales
- The Association of Police and Crime Commissioners
- The Association of Policing and Crime Chief Executives
- The Mayor's Office for Policing and Crime
- The Police and Crime Commissioner for Cheshire
- The Police and Crime Commissioner for Devon and Cornwall
- The Police and Crime Commissioner for Dorset
- The Police and Crime Commissioner for Essex
- The Police and Crime Commissioner for Gwent
- The Police and Crime Commissioner for Humberside
- The Police and Crime Commissioner for Kent
- The Police and Crime Commissioner for Lincolnshire
- The Police and Crime Commissioner for North Wales
- The Police and Crime Commissioner for Northamptonshire
- The Police and Crime Commissioner for Nottinghamshire
- The Police and Crime Commissioner for Staffordshire
- The Police and Crime Commissioner for Suffolk
- The Police and Crime Commissioner for Surrey
- The Police and Crime Commissioner for Sussex
- The Police and Crime Commissioner for Thames Valley
- The Police and Crime Commissioner for West Mercia
- The Norfolk Police and Crime Panel
- Avon and Somerset Constabulary
- Cheshire Constabulary
- Derbyshire Constabulary
- Devon and Cornwall Police
- Kent Police
- Lancashire Police
- Metropolitan Police Service
- South Wales Police
- South Yorkshire Police
- The Crown Prosecution Service
- The Welsh Local Government Association
- The Welsh Language Commissioner
- The Public Services Ombudsman for Wales
- The Children's Commissioner for Wales
- The Police Action Lawyers Group
- INQUEST
- Refuge
- Black Mental Health UK
- The Monitoring Group
- The Suzy Lamplugh Trust
- Victim Support

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