The background of the entire page is a blurred image of police lights, showing various colors like blue, red, and white, creating a bokeh effect. The lights are out of focus, giving a sense of depth and activity.

Independent Review of the Independent Office for Police Conduct (IOPC)

Dr Gillian Fairfield

December 2023

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I am also grateful to Home Office colleagues spanning policy development, sponsorship of the IOPC and finance for their input and support.

The Review has been informed by interviews with many key stakeholders and my thanks go to:

- groups representing the perspectives of complainants and victims;
- national policing bodies and groups representing police officers and staff;
- a cross-section of police forces;
- key statutory IOPC partners;
- partners in Wales;
- the IOPC's equivalents in Scotland and Northern Ireland;
- thought leaders and academics.

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Dr Gillian Fairfield, Lead Independent Reviewer

12 December 2023

Executive Summary

The Home Secretary commissioned this independent review of the Independent Office for Police Conduct (IOPC) in February 2023. A [summary of the terms of reference](#) was published on 1 March 2023, alongside statements from the relevant Ministers to both Houses of Parliament updating actions to improve police standards and culture. This review assesses the IOPC as it stands at the conclusion of this Review and recommends where improvements are required to lay a stronger foundation for its future.

The context within which the IOPC operates is challenging. This review has been carried out in the context of increasing case complexity, crowded stakeholder landscape, declining public confidence in policing, increasing demand on the police complaints system, a substantial fall in the number of independent IOPC investigations carried out annually, and significant (and growing) financial pressures.

There is a multiplicity of statutory and non-statutory stakeholders with whom the IOPC interacts. Even amongst those working closely within the system, **many do not fully understand how everything fits together or fully understand the IOPC's role and remit.**

Following a number of high-profile police incidents and investigations over recent years, public confidence in policing has fallen sharply. Since the IOPC was established in 2018, the overall number of police complaints has risen significantly, with complaints made against 1 in 5 of the police in 2022/23¹.

On current IOPC projections, referrals that the police and others send the IOPC will have grown 113% since the IOPC was established in 2018/19, in sharp contrast to a 61% fall in the number of independent IOPC investigations it launches annually (between 260 and 280 this year) over the same time.

Notwithstanding the reasons behind the IOPC conducting far fewer independent investigations than it used to (and there are many), one crucial impact of this is that, **as referrals continue to rise, the IOPC is investigating a smaller and smaller proportion of complaints, conduct and deaths and serious injuries (DSI) referred to it.** In 2018/19, it investigated 1 in 6 referrals it received. This year (2023/24) it will investigate 1 in 28 and this will fall further to 1 in 32 by 2025/26. This could decrease public confidence in the system.

The IOPC also faces significant financial pressures. The Home Office set out an expectation, in this Review, that the IOPC's cash budget falls a further 5% between 2022/23 and 2025/26. On current forecasts, this would mean the IOPC would see a 34% real-terms cut to its budget over 7 years, when its work has never been more vital.

Police have immense power and play a key role in upholding the law, maintaining order and keeping people safe. It is imperative the public has confidence that police use their powers fairly, appropriately and responsibly. This is vital to maintain

¹ The underpinning data and sources for all statistics in this executive summary are detailed in the main body of the report.

[‘policing by consent’](#). The IOPC is an essential part of the complex system holding the police to account.

The IOPC is a relatively new organisation and stakeholders recognise the IOPC has made progress over the last 5 years, but told us it has much still to do.

Since the departure of its inaugural Director-General (DG) in December 2022, the IOPC has been in a state of flux, but the issues we found are longstanding and do not stem from this departure. The Acting DG, his team and the Board should be commended for stabilising the organisation following the previous DG’s unforeseen resignation. We have been impressed by the many highly committed, professional and dedicated members of IOPC staff we met. However, **we find IOPC staff often perform admirably despite, rather than because of, the systems and structures that should support them.**

There are significant issues that must be addressed to: put the organisation on a sustainable footing; ensure it effectively delivers its remit; speed up its investigation processes; improve transparency; and, ultimately, improve public confidence in policing. This executive summary cannot do justice to the detailed findings and commentary within the body of the report. Accordingly, it should not be read in isolation, but alongside our full report. We make 93 recommendations about the IOPC’s effectiveness, governance, accountability and efficiency.

A substantial amount of this Review has focused on the IOPC’s reviews, investigations and assessment of referrals. The legislation underpinning this work is extremely complex and confusing for even the most well-informed reader. We make no apology for providing detailed explanation and background in this report and annexes on the legislative framework the IOPC operates in and how it interacts with others. We consider this critical to facilitating a better understanding of our findings and recommendations.

Effectiveness of IOPC reviews

The IOPC conducts around 3,000 reviews annually of whether complaints and deaths and serious injuries from police contact have been handled ‘reasonably and proportionately’. Following reforms in 2020, which replaced a system of ‘appeals’ with a system of ‘reviews’, the number of applications it received for reviews of complaint handling grew substantially. The IOPC has put concrete measures in place to tackle this, but a significant backlog developed and remains.

As of October 2023, the IOPC was taking 24 weeks on average to complete reviews from receipt of the relevant papers. On its current trajectory, it will not reach previous turnaround times (10 weeks) until September 2025. This is unacceptable. We recommend the IOPC maintains the additional, temporary workforce it has recruited with prioritised funding for this until service levels return to previous levels.

Effectiveness of IOPC assessment of referrals

With the IOPC independently investigating a far smaller proportion of cases referred to it, how it decides which it will investigate is ever more critical. It currently considers: the seriousness of a case; whether it potentially undermines public legitimacy of the police; where an independent investigation adds greatest value; and whether the case falls within one its themes (currently: discrimination; and

violence against women and girls). However, interviews with IOPC stakeholders and groups representing complainants and victims, highlighted a uniformly poor understanding of this use of themes, and how the IOPC selects them.

We share the widespread concerns raised with us – from police forces, groups representing complainants and stakeholders – that the IOPC’s weighting of cases that fit certain themes may mean it reacts to issues in the public eye currently, at the expense of emerging issues it might therefore miss. We also found **the IOPC does not currently have the requisite buy-in to justify its continued use of themes to weight decisions on which cases it investigates**. So, we recommend the IOPC discontinues its consideration of themes in the assessment of referrals.

The IOPC currently has no insight into the outcome of individual *conduct* cases referred that it sends back to local police forces to consider. It reviews all Death and Serious Injury (DSI) cases investigated by local police and will see cases where *complainants* apply for a review of their case (where the IOPC is the relevant review body). But it does not see individual outcomes of conduct cases considered by local polices, including those where the IOPC had reviewed a referral and decided to send this back to forces. This means both that it has no feedback from which it can evaluate these referral decisions and that there are inadequate checks on the effectiveness of handling of conduct matters. We recommend the Home Office and IOPC consider how this gap could be addressed, through legislation if necessary.

Effectiveness of IOPC investigations

Despite improvements, core IOPC investigations still take too long (9 months on average; with 15% taking over a year, according to the latest 12 month rolling figures). The impact this has on complainants and bereaved families, and police officers and staff under investigation cannot be overstated.

We make multiple recommendations on timeliness and quality, for example: introducing specialised investigation teams (e.g. fatal use of force team, that could look at firearms, taser, and physical restraint cases); introducing dedicated functional teams; speaking to complainants early to understand what they want from the investigation; having clearer and narrower investigation terms of reference; establishing primary findings of fact much earlier in the process; establishing the best way to establish facts rather than following overlong processes; removing blocks in the system involving multiple stakeholders.

The IOPC should review its communications strategy during investigations – with the public, complainants, police and stakeholders – with a view to being as transparent (and consistent) as possible about the progress of its investigations and communicating to the public earlier (without prejudicing their outcome and potential misconduct proceedings or criminal cases).

A great many issues can cause investigation delays; some of these are outside of the IOPC’s control. We recommend the Government brings together the Home Office, Ministry of Justice, IOPC, CPS, Office of the Chief Coroner, police and HSE to map key processes and identify pinch points in police, IOPC, CPS and coronial activities. This group should ensure and encourage *proportionality* at each stage (particularly in IOPC investigations and whether appropriate use is being made of existing accelerated procedures) and options to hasten the conclusion of all such

proceedings, including, as appropriate, legislative reform and time periods set out in law.

Many stakeholders and staff told us that the IOPC should be more forthright and bolder in defending its role in ensuring police accountability, its work and processes when it is justified in doing so.

Overarching considerations for reviews, referrals and investigations

Whilst feedback from groups representing complainants and victims, police forces and staffing associations and other stakeholders acknowledged that many reviews and investigations are of high quality, **we also heard from some stakeholders that consistency of quality is a problem and thus recommend several key actions to oversee and improve quality in the body of our report.** For example, the IOPC should: introduce an annual quality report alongside its Annual Report and Accounts; review its quality assurance framework; and review the consistency of the quality of its decision-making, evidence and investigation report clarity, through frequent dip-sampling of cases, and publish a summary of the findings of these assessments.

Many stakeholders told us there were material inconsistencies in the calibre of IOPC investigators with gaps or inconsistencies in training, particularly around police procedures (e.g. Police and Crime Evidence Act 1984) and understanding the police environment. We recommend senior operational leaders within the IOPC consider how to improve training, in particular to ensure: familiarity with trauma-informed practice; stronger appreciation of policing environments (including through training alongside police forces, where appropriate) and understanding of police powers. Alongside this, we recommend the IOPC reviews the extent of training and looks for opportunities to **accredit** analysts who assess referrals and casework managers who conduct reviews.

The ability to challenge IOPC decisions is limited; the main recourse is Judicial Review. We recommend the Home Office and IOPC consider options to make challenges to IOPC decisions more accessible, for example by capping the financial liability someone might incur from covering IOPC's legal costs if they applied unsuccessfully for Judicial Review of an IOPC decision or investigation. If such a cap is rejected, an equally effective alternative should be introduced.

Further work is required to consider how 'near miss' cases may be handled to ensure learning is encouraged and individuals held accountable where a death or serious injury during or following police contact is only narrowly averted.

Wider effectiveness of the IOPC

The legislative framework under which the IOPC operates is complex and has been amended many times. In general, we found that the IOPC has the correct broad functions, with two notable exceptions. First, the IOPC is not empowered through legislation to follow up on its many recommendations, which leaves a real gap in the current system. Second, where its assessment unit decides a local police force should investigate a case that had been referred to the IOPC, it has no visibility of the outcome of *conduct* cases and therefore cannot learn lessons from how it determines its mode of investigation decisions. The Home Office, with the IOPC, should consider whether and how both gaps should be addressed.

We found fundamental misunderstandings of the IOPC's core purpose and role among some of its key stakeholders and groups representing complainants, and meaningful differences in how staff, the Home Office and stakeholders describe these.

The IOPC's Board should clarify its core purpose and how to further communicate and build understanding of this internally, among key stakeholders and the public.

In particular, the IOPC should discuss with the Home Office and clarify the degree to which it balances its limited resources and attention between:

- securing the right outcomes and ensuring all appropriate learning and improvements are made from *individual* investigations and reviews; and
- wider 'thematic reviews' that look at *many* complaints and investigations to identify broader learning and improvements to police complaint handling and wider policing practice.

Whilst 2/3 of people have heard of the IOPC, 74% do not know enough about it to say anything about what it actually does. Only 1/3 of survey respondents (over 2022/23) consider the IOPC is doing a good job. We recommend the IOPC survey public attitudes about it conducting significantly fewer independent investigations.

In assessing the effectiveness of the IOPC operating model to deliver its key functions **we consider the corporate organisational design to be suboptimal. IOPC regions operate in silos, with material differences in how it conducts investigations and limited best practice sharing.** Excellent practice in one region is often not adopted in others. **We recommend the IOPC considers what can best be done nationally across its operations while still preserving a regional outreach function to maintain regional relationships.** Given the volume and profile of IOPC engagement with the Metropolitan Police Service, the IOPC must consider their place in this model.

The IOPC needs to develop a workforce strategy in tandem with a revised estates strategy, future operating model and revised financial plan. It should also establish an integrated performance report, bringing together operational, financial and quality performance measures.

Governance

We have found some but not all of what we would expect to find in a well governed public body. However, we believe **that the governance of the organisation and in particular the ability of the Board to hold executives to account must be strengthened.**

While too many are temporary appointments, all Board members are committed and engaged. However, oversight of IOPC finances; engagement with staff; strategic planning and performance management must be improved. Most importantly **we found that the current approach to independence is inhibiting both board and Home Office 'holding to account'.** Independence and accountability should not be mutually exclusive but are often treated as if they are.

It is essential that for the IOPC to fulfil the purpose for which it is established both IOPC and Home Office can demonstrate that decisions such as those about policing

have been made independently from political consideration. At the same time, Ministers must be able, directly or through their officials, to hold the IOPC to account for their performance and consequently give account to Parliament.

We have recommended that **Home Office and IOPC should agree a new framework document which sets out the broad principles of how the IOPC's independence in respect to decision making will be protected while allowing the IOPC to be held to account.** The need for a shared understanding goes beyond the IOPC and Home Office. We encourage the IOPC and Home Office to create a debate with interested stakeholders to inform the framework content.

Currently, all operational powers are vested in the DG, who then delegates them. This approach was put in place when the IOPC was constituted and is not working as it should. The vital checks and balances for good governance are missing. It is now time to strengthen governance to facilitate stronger accountability. We have been steered by the principle that no one individual should have unchallenged decision-making powers.

We recommend that governance arrangements are changed as follows:

- **the Crown appoints, following Home Affairs Select Committee (HASC) scrutiny, an independent Non-Executive Chair to lead the IOPC;**
- **Ministers appoint other Non-Executive Directors (NEDs)**
- **NEDs appoint a Chief Executive (who would customarily be the IOPC's Accounting Officer) and other executive directors to the Board**
- **All functions of the IOPC are vested in the body corporate, the legal entity.**

For avoidance of all doubt this does not mean a return to the former IPCC commissioner model. NEDs should not, as individuals, have any decision-making authority, other than in respect to how board business is conducted. We set out in the report how we envisage the Board will exercise its responsibilities without, itself taking operational decisions.

These changes are not simply about appointing someone to chair a Board. They are about strengthening the overall model of accountability and support for those charged with the onerous responsibility of making decisions on behalf of IOPC and, by extension, complainants and those complained about.

As the IOPC's governance is set out in law, these governance reforms will require legislative change. Recognising that legislation may take time to secure, we have carefully considered whether our proposed strengthening of governance could be achieved without recourse to legislation. We have concluded that any alternative is substantially weaker. Nevertheless, we recognise that the Home Office or IOPC may wish to put interim arrangements in place ahead of legislative change taking effect. While we do not propose an interim arrangement, we have set out in the body of the report the principles any such arrangement should strive to meet.

Accountability

This Review considers accountability to the public; victims and complainants; parliament; the Home Office; and wider stakeholders.

We recommend the IOPC should review how to better clearly communicate to the public the complaints and disciplinary system and its role within it. Its website, whilst much improved, must be made still more navigable and clearer on the IOPC's role. **It must be transparent by default.** The IOPC should develop and publish on its website a monthly performance report that meaningfully facilitates transparency and external scrutiny. The IOPC should consult the public and stakeholders as part of a review of its publication policy. It should consider publishing investigation reports in full by default and extending how long reports are available on its website in order to facilitate transparency.

All publications should be intelligible to the general public without a detailed understanding of the complex legislative framework it operates within. But the IOPC should also broaden its wider engagement, beyond existing channels and publishing documents and spreadsheets on its website.

We were struck from interviews with groups representing complainants that many feel they face barriers in: making police complaints; asking the IOPC to review how their complaint has been handled; or challenging IOPC decisions or investigations. In particular some bereaved families, complainants and victims struggle to engage with the complexity of the police complaints and disciplinary systems and their interaction with the courts and coroner. The IOPC should provide greater support to those who struggle to make police complaints, apply for reviews or engage with investigations.

To facilitate accountability to Parliament, the IOPC's annual report must be laid before Parliament and, as it is an arm's length body of the Home Office, its work and performance is scrutinised by the Home Affairs Select Committee (HASC). Its Annual Reports should set out the challenges, risks and opportunities it faces, and actions it is taking to address them.

Accountability to the Home Office for its use of public money should be strengthened. Further work is required to develop a better working relationship with the Home Office Sponsorship Unit (HOSU). The Home Office should be clear on the differing accountabilities and working relationships between the Home Office Police Integrity Unit and HOSU.

The IOPC works closely with many statutory stakeholders but its Memoranda of Understanding (MOUs) are almost all years out of date. It needs to review and update the MOUs it has with key partners to clarify how they interact in this crowded stakeholder landscape.

Funding, spending and financial future

The IOPC's current funding model is not sustainable. Over the last 5 years, its real-terms budget has been cut by 23%. The Home Office and IOPC need to work together much more closely to inform and constructively challenge the IOPC's financial plans. We do not have confidence – nor do some key figures in the IOPC – in its medium-term (3-year) financial plan agreed in February 2023. IOPC Finance and Business Development are urgently revising it.

We suggest the IOPC should: develop best- and worst-case scenarios, across a range of factors (including demand, finances) and apply sensitivities, and agree its planning assumptions on pay, inflation and demand with the Home Office; seek much more extensive input and challenge from across the organisation;

bring together more clearly pressures and efficiency plans; include a risk of delay in the completion of IOPC's Hillsborough work; review planned savings to staffing costs, in light of the review's observations. It must also review its estates strategy and discuss with the Home Office options to enable the IOPC to move to less expensive accommodation.

Financial management

The Home Office must move away from focusing exclusively on the IOPC's bottom line. It needs to ensure effective governance and challenge for the taxpayer and support the Board in analysing the IOPC's financial information and whether it delivers value for money for the taxpayer. Scrutiny around this is currently weak. Clarifying what is meant by the IOPC's 'independence' would be helpful in building a better working relationship between both the IOPC and Home Office in terms of financial accountability, transparency and governance. **The IOPC should appoint a Finance Director** – with singular accountability for the organisation's financial planning – to the Board without undue delay to provide greater financial leadership. **Finance discussions should receive higher priority and more time at Board level.** The Board should consider whether it currently has the most effective committee structures to support it.

Concluding comments

We recommend an iterative, evolutionary process of improvements. Whilst some of our recommendations can, and should, be addressed quickly, and others may take longer (a small number would require legislation), all should be pursued at pace.

Disappointingly, some of our findings and recommendations are similar to those from previous reviews and inquiries (e.g. The Home Affairs Select Committee (HASC) [HASC Inquiry into Police Conduct and Complaints](#) (2022), [Independent Review of Deaths and Serious Incidents in Police Custody](#) (2017)). **This strongly suggests the IOPC (and others) have failed to adequately act on previous findings and important learning opportunities have been missed. We are left with the impression that recommendations may fall into an abyss. This must not happen again. To ensure it does not, once a permanent IOPC DG is appointed, they should grip implementation of these recommendations.**

We recommend the permanent DG provide updates to the HASC as required, from April 2024. Regular scrutiny from this Committee, on implementation of this Review's recommendations, will help ensure agreed recommendations are adequately acted on and with all due pace.

It is important the IOPC continues to improve. It is a significant organisation that fulfils a vital function. It has already begun this journey of improvement and we hope our report facilitates a different kind of conversation between the IOPC, the Home Office and wider stakeholders, to address the key issues raised. A full [Table of Recommendations](#) is contained at the end of this report.

Chapter 1. About this Review

Background

1. The Home Secretary agreed the terms of reference for this independent Review of the IOPC in February 2023. **Annex A** – Terms of reference for the Review sets out the full terms of reference for this Review. The terms of reference were informed by a self-assessment by the IOPC, as well as [Cabinet Office guidance for the wider Public Bodies Review Programme](#). A [summary of these terms of reference](#) was published on 1 March 2023 alongside a statement from the Minister of State for Crime, Policing and Fire updating the House of Commons on [actions to improve police standards and culture](#).
2. We have endeavoured to follow these Terms of Reference closely, to produce a thoughtful, objective, evidence-based review that recognises that the police complaints system has undergone significant evolution over the years. The IOPC is still a relatively young organisation and will continue to evolve as the context in which it operates changes. The goals of this Review were to: assess the IOPC as it stands today; recommend where it (and its sponsoring department, the Home Office) could make further improvements; and base recommendations on sound change principles that lay a stronger foundation for the IOPC's future.

Areas of focus

3. The IOPC's remit extends beyond the police, to elected Local Policing Bodies (LPBs)² which comprise: Police and Crime Commissioners (PCCs) and their deputies; the London Mayor's Office for Policing and Crime (MOPAC) and their deputy. Given the wide scope of this Review and the time available, we have focused on the IOPC's role in relation to police officers and staff in the forty-three territorial police forces in England and Wales, which account for the vast majority of the IOPC's workload. Nevertheless, many of the Review findings will apply to the IOPC's work with other groups.

Methodology

4. We have interviewed more than thirty senior IOPC leaders, attended various IOPC Boards, operational groups and sub-committees and met with large groups of staff (including frontline investigators, operations managers and casework managers).

² The IOPC's remit relating to Local Policing Bodies (LPBs) is limited to investigating allegations of criminal offences.

5. As well as holding interviews with IOPC management, investigators and staff we engaged with stakeholders across the sector, including:
 - civil servants from the Home Office spanning policy development, sponsorship of the IOPC, finance and ministers' private offices;
 - groups representing the perspectives of complainants and victims (e.g. INQUEST, Office for Victims' Commissioner, Victim Support);
 - national policing bodies (e.g. National Police Chiefs Council) and groups representing police officers and staff (e.g. Police Federation);
 - a cross-section of police forces (e.g. Metropolitan Police London and South Yorkshire Police);
 - key IOPC partners (e.g. College of Policing, Crown Prosecution Service, His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS));
 - partners in Wales (Welsh Government and Welsh Chief Officers' Group);
 - equivalents to the IOPC in Scotland³ and Northern Ireland⁴; and
 - thought leaders and academics (e.g. Institute for Government).
6. In common with many other reviews within the Public Bodies Review Programme, the time allowed did not provide opportunity for a public call for evidence. However, we received and reviewed a number of written submissions from IOPC stakeholders and members of the public.
7. We have reviewed more than six hundred documents requested from the IOPC about its work. We have extensively reviewed the provision and accessibility of information provided on the IOPC's recently improved [public website](#). We have also reviewed underpinning legislation and related materials on the police complaints system, including: reports from previous reviews of the IOPC's predecessors; reviews of related bodies; and the [Home Affairs Select Committee inquiry into Police Conduct and Complaints](#) which concluded in 2022.
8. We also sought and benefited from the perspectives provided by: groups representing complainants and victims; charities supporting victims; and groups advocating for victims and police accountability. We are enormously grateful to each for generously sharing their insights which we have drawn from throughout this report.
9. To support the Review and in line with Cabinet Office Guidance, a small Reference Group leaders with relevant knowledge and expertise was

³ The Police Investigations and Review Commissioner for Scotland (PIRC)

⁴ The Office of the Police Ombudsman for Northern Ireland (OPONI)

established to provide challenge and insight to the Review. The Group met three times and was responsible for discussing and providing views on key issues, emerging findings and many of the recommendations of the Review.

10. **Annex B – Methodology of this Review** on the Review’s overall methodology has further information on:
- Review team’s engagement with the IOPC (Board meetings observed, senior managers interviewed and groups of staff we have met with);
 - individuals interviewed from the Home Office;
 - the IOPC’s external stakeholders consulted;
 - the groups that represent, support or advocate for complainants and victims consulted;
 - written submissions received
 - documents requested to inform the Review; and
 - the terms of reference for the Reference Group convened to discuss these findings and recommendations.

Format of the Review

11. This report follows the outline of the terms of reference and is divided into sections that cover the main themes of:
- the effectiveness of IOPC reviews;
 - the effectiveness of IOPC assessment of referrals;
 - the effectiveness of IOPC investigations;
 - overarching considerations of reviews, referrals and investigations;
 - the IOPC’s wider effectiveness;
 - governance;
 - accountability;
 - the IOPC’s funding, spending and financial future; and
 - financial management.
12. It became evident during the Review that, even among close IOPC stakeholders, not all are completely clear on its role, purpose, the parameters under which it operates or indeed how it operates. We have therefore taken the decision to include a longer introductory section to the report in **Chapter 2**. Introduction and background to help the reader understand the operating and financial context in which the IOPC operates.

Chapter 2. Introduction and background

History of police complaints system

13. Police have immense power and play a key role for society in upholding the law, maintaining order and keeping people safe. The fundamental principle underpinning policing in this country is the Peelian principle of '[policing by consent](#)'. It is therefore vital that the public have confidence that the police are using their powers fairly, appropriately and responsibly. The IOPC is a vital part of a complex system that hold the police to account.
14. The UK Government created the *Police Complaints Board* in 1977 to be responsible for oversight of the police complaints system in England and Wales. Over time, the police complaints system has been iteratively strengthened.
15. The Brixton riots in 1981 and the Scarman report on allegations of racism in the police led to pressure to reform the Police Complaints Board. As part of the Police and Criminal Evidence Act (PACE) 1984, the Board was replaced by the *Police Complaints Authority* in April 1985, a body independent of the police and government.
16. Following the murder of Stephen Lawrence in April 1993, public confidence in policing was again questioned. Sir William Macpherson's public inquiry into Stephen's murder reported in 1999 and called for the creation of a new, independent watchdog to oversee and investigate police complaints. In addition, a study in 2000 by Liberty, the human rights organisation, argued for an independent body to investigate police complaints. This was followed by the Police Reform Act 2002 which, among other policing changes, replaced the Police Complaints Authority with a completely independent investigatory body, the *Independent Police Complaints Commission (IPCC)* which became operational in 2004, replacing the Police Complaints Authority. The IPCC had greater powers and its own team of investigators to probe the most serious incidents.
17. In accordance with a major change programme announced by the Home Secretary in 2013, the IPCC was subject to an expansion of its investigative remit to include "all serious and sensitive" matters involving the police. This led to significant growth in the organisation's size and caseload over the following three years. This was accompanied by an uplift to its resources.

Recent reforms and scrutiny of police complaints system

18. In December 2014 the Government launched a public consultation on reforms to the police complaints and discipline systems (following the [Independent \(Chapman\) Review of the police disciplinary system in England and Wales](#)). The [Government's response to the consultation](#) was published in March 2015 and proposed a number of structural reforms to the police complaints system to streamline complaints procedures and to introduce greater accountability, transparency and independence to the system.
19. In addition, in 2015 two reviews on the IPCC concluded. The first was a [Home Office-led 2015 Triennial Review](#) of the functions, efficiency and governance of the IPCC (March 2015). The second was an [independent review, led by Sheila Drew Smith OBE in November 2015](#) of governance proposals put forward by the IPCC. Following these two reviews, the Home Office accepted Sheila Drew Smith's recommendations to replace the Commission structure with a unitary board and separate single head of operational decision-making, the Director General (DG).
20. The Government legislated for these reforms to the police complaints and disciplinary systems through the Policing and Crime Act 2017. To reflect these reforms, the IPCC was renamed the Independent Office for Police Conduct.
21. The purpose of these changes was to put customer service at the forefront of complaint handling and to increase the focus on learning and improvement. The complaints system was expanded to cover a broader range of matters. Formerly, the way that the term 'complaint' was defined meant that it needed to relate to the conduct of an individual officer. Following these reforms, complaints could be made about a much wider range of issues, including the service provided by the police as an organisation.
22. These reforms were designed to improve access to the complaints system to ensure matters are dealt with at the appropriate level. Accordingly, police forces – and LPBs such as Police and Crime Commissioners (PCCs) – deal with most complaints, with each force having a Professional Standards Department (PSD)⁵ responsible for most complaint handling.
23. They also introduced a more streamlined process, underpinned by an overarching requirement to handle complaints in a reasonable and proportionate manner.
24. Other changes aimed to increase the focus on learning and improvement with a new *Reflective Practice Review Process* introduced to encourage officers to reflect and learn from mistakes or errors, increasing the emphasis on finding solutions, rather than focusing on an exclusively punitive approach to errors

⁵ Or, less commonly, a Directorate for Standards and Ethics (DSE), for example in Cleveland Police.

and mistakes. As such, misconduct proceedings are now focused on serious breaches of the Standards of Professional Behaviour.

25. The governance reforms created:
- a single head of the IOPC – a DG, reflecting a desire to ensure a single line of accountability for decision-making; and
 - a framework wherein the DG became the unified Chair and head of the organisation retaining all operational decision-making powers. An Office was also formed, in which a majority of members were Non-Executive directors (NEDs). It was tasked with⁶:
 - ensuring the IOPC *has ‘appropriate arrangements for good governance and financial management’*;
 - determining and promoting the IOPC’s strategic aims and values;
 - *‘monitoring, reviewing’, ‘providing support to and advising the Director General in the carrying out their functions.*
26. Part of the rationale for the governance changes was to remove the duality of decision-making and governance roles that existed within the remit of the Commissioners under the IPCC model where Commissioners had been decision makers on individual cases. It was perceived that a move towards a single head of decision-making would provide greater clarity and improved efficiency around decision-making, and that a ‘single voice’ in communicating decisions would help with the external perception of the body.
27. In 2020, the police complaints system was further reformed. The IOPC received new powers, including the ability to investigate without waiting for a referral from a police force and powers to present cases at police hearings. A greater emphasis was placed on taking the learning from complaints to help improve policing practice overall, to ensure an appropriate balance between holding individual officers to account and using learning from the IOPC’s work to improve policing practice.
28. These reforms also emphasised how local police forces should handle underperformance and conduct below the threshold for misconduct but which still falls short of the expectations of the service or public, to put things right through clear actions and constructive outcomes.⁷
29. In September 2020, the House of Commons Home Affairs Select Committee (HASC) began an 18-month inquiry into Police Conduct and Complaints. Its [final report](#) was published in March 2022. The [Government’s response](#) was published in April 2022. This response noted that *this* Independent Review would examine the IOPC’s overall governance, including the Committee’s

⁶ Police Reform Act 2002, Part 2, s.10A (1): <https://www.legislation.gov.uk/ukpga/2002/30/part/2>

⁷ [Home Office Statutory Guidance](#)

recommendation that *‘the Government appoint an independent Chair alongside the director general of the IOPC as a matter of urgency to restore the usual checks and balances’*.

Current complaints system⁸

30. Police complaints are expressions of dissatisfaction by a member of the public about the service they have received from a police force.⁹ Per IOPC Statutory Guidance: *‘A complaint can be made about the conduct of any person serving with the police, i.e. a police officer, police staff member, special constable, designated volunteer or a person contracted to provide services to a chief officer.’*¹⁰ As of 2020, complaints can be made about policing practice and service failure, as well as individuals serving with the police.
31. The Police Reform Act (PRA) 2002, the Police Act 1996 and underpinning statutory regulations passed by Parliament and statutory guidance published by the IOPC and Home Office govern the police complaints and disciplinary systems¹¹. [Home Office statutory guidance](#) covers the Police (Conduct) Regulations 2020. The PRA has been amended significantly since 2002, most notably through the Policing and Crime Act 2017 which introduced some of the most recent reforms, the majority of which came into effect from February 2020.
32. Members of the public can complain directly to a police force, to a Local Policing Body (LPB) – for example, a PCC – or they may complain via the IOPC. In the case of the latter, the IOPC is legally obliged (unless there are exceptional circumstances¹²) to refer initial complaints they receive to the relevant police force directly, except where it pertains to the chief officer of the police force, in which case they are sent to the LPB.
33. LPBs, such as PCCs, have responsibility for reviews where they are the relevant Review Body. They are also responsible for: monitoring police complaints; holding chief officers to account for the performance of their officers and staff; and directing chief officers to take remedial steps where they consider aspects of the legislative framework are not being complied with.

⁸ Pertaining to Home Office police forces. [A House of Commons Library Briefing Paper](#) (39 pages, published September 2020) provides a helpful introduction to the Police complaints and discipline system.

⁹ Police Reform Act 2002, Part 2, s.12 (1)(c): <https://www.legislation.gov.uk/ukpga/2002/30/part/2>.

¹⁰ [IOPC Statutory Guidance on the Police Complaints System 2020](#), para 5.4

¹¹ Other significant legislation in this area includes:

- Police (Complaints and Misconduct) Regulations 2020 (which deal with public complaints and other discipline related matters arising under Schedule 3 to the Police Reform Act 2002) <https://www.legislation.gov.uk/uksi/2020/2/contents>; and
- Police (Conduct) Regulations 2020 (which deal with internal conduct matters brought to the attention of the police otherwise than under Schedule 3 to the Police Reform Act 2002): <https://www.legislation.gov.uk/uksi/2020/4/contents/made>

¹² For example, if there would be a danger to personal safety. Police Reform Act 2002, Schedule 3, Part 1, paragraph 2 (1A): <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/1>

Depending on arrangements in the local area¹³, PCCs may have additional responsibilities to keep complainants and interested persons properly informed of both the progress of the handling and the complainant's outcome.

34. By law, police forces are required to formally 'record' certain complaints. They must record all complaints where an individual wants their complaint recorded¹⁴, and all that are a certain level of seriousness (e.g. where allegations, if proven, '*might constitute a criminal offence or justify the bringing the bringing of disciplinary proceedings*'¹⁵). In other cases, where complaints can be resolved quickly (for example, if the complainant is satisfied with an explanation they receive), a police force will *log* the complaint, but it will not necessarily be formally '*recorded*' within the meaning of Schedule 3 of the PRA 2002. Formal procedures under Schedule 3 must be followed for complaints officially '*recorded*' (e.g. complainants must be updated on the progress of their case every 28 days) and complainants dissatisfied with the outcome of the original complaint can apply for the relevant Review Body to review how their complaint has been handled.
35. Complaints about PCCs and other elected LPBs are handled by the relevant Police and Crime Panel (PCP) which challenge and support LPBs as they fulfil their duties. Any allegation of criminality concerning an elected LPB or their deputy must be referred to the IOPC which must carry out or manage an investigation if it decides one is needed.
36. Exemplifying the complexity of the legislation around police complaints, '*misconduct*' has two definitions depending on which legislation applies; either '*a breach of the Standards of Professional Behaviour*'¹⁶ (or '*a breach of Standards of Professional Behaviour so serious as to justify disciplinary action*' (i.e. at least a written warning)).¹⁷ '*Gross misconduct*' is defined as '*a breach of these standards so serious that dismissal would be justified*'.¹⁸
37. If a complaint is upheld, potential outcomes include:

¹³ As set out in the IOPC Statutory Guidance, Local Policing Bodies (LPBs) have the option of assuming direct responsibility for certain parts of police complaints handling that would otherwise sit with the appropriate authority.

All LPBs are responsible for carrying out reviews where they are the relevant Review Body; this is referred to as 'model one' (the default model where no other model has been adopted).

Model two means that as well as the responsibility in model one, LPBs are responsible for making initial contact with complainants and handling complaints outside of Schedule 3. They are also responsible for recording complaints under Schedule 3.

Model three – currently adopted only North Yorkshire and Cleveland police forces – means that, in addition to all the responsibilities of model two, they also assume responsibility for updating keeping complainants and interested persons updated on the handling of complaints by the relevant police force, and updating the complainant on the outcome of their complaint.

¹⁴ Police Reform Act 2002, Schedule 3, Part 1, paragraph 2(6A):

<https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/1>

¹⁵ Police Reform Act 2002, Schedule 3, Part 1, paragraph 2(6B):

<https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/1>

¹⁶ Police Reform Act 2002, Schedule 3, Part 3, paragraph 29: <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

¹⁷ The Police (Complaints and Misconduct) Regulations 2020: <https://www.legislation.gov.uk/uksi/2020/2/contents/made>

¹⁸ Police Reform Act 2002, Schedule 3, paragraph 29: <https://www.legislation.gov.uk/ukpga/2002/30/section/29>

- an apology to the complainant;
- an individual's performance is reviewed and/or they may be referred for further training;
- unsatisfactory performance proceedings;
- individual or organisational learning, or improvements in general police practice;
- gross incompetence proceedings;
- disciplinary proceedings¹⁹ may be brought against individuals serving with the police that have a case to answer for misconduct or gross misconduct for breaching Standards of Professional Behaviour expected of them – potentially resulting in a written warning or their dismissal²⁰; and
- criminal proceedings may be brought by the Crown Prosecution Service (CPS) against individuals who appear to have committed a crime.

38. The IOPC plays a key role in independently investigating 'super-complaints'²¹ (with HMICFRS) and the College of Policing.

Overview of IOPC role, objectives and remit

Role

39. The IOPC's role in the complaints system and its functions are set out in the PRA 2002. Whilst its statutory functions are addressed in more detail later in the report, the IOPC is broadly²² responsible for:

- **Overseeing the complaints system** – by making (and keeping under review) effective and efficient arrangements and [statutory guidance](#) in England and Wales for the police complaints system that **secure and**

¹⁹ In its [guidance on outcomes in police misconduct proceedings](#) (para 2.3), the College of Policing describes the purpose of the disciplinary / police misconduct regime is to: *'maintain public confidence in and the reputation of the Police Service. uphold high standards in policing and to deter misconduct; and protect the public.'*

²⁰ Disciplinary proceedings can include unsatisfactory performance proceedings. Disciplinary proceedings have different meanings for different people serving with the police.

²¹ Police Reform Act 2002, Part 2, s.29A: a super-complaint is a complaint made by a designated body that *'a feature, or combination of features, of policing in England and Wales by one or more than one police force is, or appears to be, significantly harming the interests of the public.'* <https://www.legislation.gov.uk/ukpga/2002/30/part/2>

²² This brief and simplified description of the IOPC's role does not fully reflect every function the IOPC performs, for example the IOPC's role in overseeing and investigating bodies under its remit other than police forces, which are set out in 'IOPC's remit' immediately below.

maintain public confidence in these arrangements²³, in particular, that:

- *‘contain and manifest an appropriate degree of independence²⁴;*
 - facilitate and are conducive to reporting of misconduct²⁵; and
 - assist LPBs and forces to achieve high standards and comply with their legal obligations in the handling of complaints, conduct matters and death and serious injury (DSI) matters concerning those serving with the police – through the IOPC’s access to data and analysis of trends, patterns and issues²⁶.
- **Considering applications for reviews of the handling of complaints by police forces’ PSDs (or LPBs), and whether the final outcome of these complaints, was reasonable and proportionate²⁷ (where it is the Review Body);**
 - **Reviewing cases investigated by local police forces concerning a death or serious injury during or following police contact;**
 - **Assessing cases referred to them from police forces and LPBs and deciding whether and how these should be investigated²⁸;**
 - **Independently investigating the most serious complaints and incidents involving the police (including, for example, deaths in police custody, and certain deaths and serious injuries following police contact which may have caused or contributed to them);**
 - **Independently investigating super-complaints²⁹ in conjunction with HMICFRS and the College of Policing; and**
 - **Making recommendations and giving advice regarding police practice or in relation to these arrangements (as appears to the DG to be necessary or desirable).**

²³ Per Police Reform Act 2002, Part 2, s.10(1)(a), s.10(1)(b), s.10(1)(c), s.10(1)(d) and s.10(2): <https://www.legislation.gov.uk/ukpga/2002/30/part/2>.

²⁴ ²⁴ Per Police Reform Act 2002, Part 2, s.10(1)(c) <https://www.legislation.gov.uk/ukpga/2002/30/part/2>.

²⁵ Police Reform Act 2002, Part 2, s.10 (4)(b), and with the consent of the Home Secretary, the Director General can issue guidance under Police Reform Act 2002, Part 2, s.22. The Home Office can issue regulations under s.23 on the processes to procedures for handling complaints, conduct matters, death and serious injury.

²⁶ [IOPC Young Person Complaints Guide](#).

²⁷ Other reviews are handled by LPBs: Police and Crime Commissioners and Mayors. Police Reform Act 2002 Sch.3 paragraph 30(1)(a) <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3/crossheading/appeals-the-relevant-appeal-body>

²⁸ Police Reform Act 2002, Schedule 3, Part 3, paragraph 15: <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

²⁹ Police Reform Act 2002, Part 2, s.29A: a super-complaint is a complaint made by a designated body that “a feature, or combination of features, of policing in England and Wales by one or more than one police force is, or appears to be, significantly harming the interests of the public.” <https://www.legislation.gov.uk/ukpga/2002/30/part/2>

Objectives

40. The [IOPC's 2022-2027 Strategic Plan](#) sets out the IOPC's mission as: *'improving policing by independent oversight of police complaints, holding police to account and ensuring learning effects change'*. It seeks to deliver this through four strategic objectives:
- (1) *'People know about the complaints system and are confident to use it'* (Awareness and Confidence);
 - (2) *'The complaints system delivers evidence-based, fair outcomes which hold police to account'* (Accountability);
 - (3) *'Our evidence and influence improves policing'* (Leading Improvement);
 - (4) *'An organisation that delivers high performance'* (Performance).
41. The IOPC also has an internal-facing equality objective to: ensure it is fit for purpose, agile, able to manage significant expansion and representative of the communities it serves.

Remit

42. Within the forty-three Home Office police forces in England and Wales, the IOPC's remit covers: police officers of any rank; police staff (including Community Support Officers and civilian investigators); special constables; and certain contracted staff who provide services to a chief officer.³⁰
43. In addition to Home Office police forces, the IOPC's remit extends to various other bodies (many of whom exercise police-like functions), as set out in separate agreements or legislation, namely:
- LPBs, such as PCCs and the London Mayor's Office for Policing and Crime (MOPAC), and their deputies;
 - other 'bodies of constables not maintained by LPBs, with whom it has procedures (this includes specialist police forces, such as the Ministry of Defence Police, the British Transport Police and Civil Nuclear Constabulary³¹);
 - His Majesty's Revenue and Customs (HMRC)³²;

³⁰ Contractors are brought under IOPC jurisdiction under the Independent Police Complaints Commission (Complaints and Misconduct) (Contractors) Regulations 2015 (<https://www.legislation.gov.uk/ukksi/2015/431/made>) which relate to any contractors who have contracted with an LPB or chief officer of police to provide services to a chief officer.

³¹ Police Reform Act 2002, Part 2, s.26 provides for the IOPC to enter into arrangements with other bodies of constables maintained other than by LPBs. Under this provision, the IOPC has an agreement with the Civil Nuclear Police Authority concerning the IOPC's remit pertaining to the Civil Nuclear Constabulary. It also requires the Home Secretary to ensure procedures are established for the IOPC to specifically oversee complaints about MoD Police and British Transport Police.

³² As per Commissioners for Revenue and Customs Act 2005 and Revenue and Customs (Complaints and Misconduct) Regulations 2010: <https://www.legislation.gov.uk/ukksi/2010/1813/contents/made>

- staff who carry out certain border and immigration functions who now work within the UK Border Force (BF) and the Home Office³³;
- the National Crime Agency³⁴; and
- Labour Abuse Prevention Officers at the Gangmasters and Labour Abuse Authority (GLAA)³⁵.
- Various port police with whom the IOPC has so-called 'section 26 agreements' (Port of Bristol Police, Port of Liverpool Police, Port of Tees and Hartlepool Police and Port of Tilbury Police).³⁶

44. Possible extensions to the IOPC's current remit, their suitability and viability are considered in **Chapter 7**. Wider effectiveness of the IOPC.

Progress since the IOPC was formed

45. Since the IOPC was created, the IOPC has made progress on timeliness of its investigations. In its first five years of operation, the IOPC completed over 2,600 investigations, with 90% completed within 12 months, compared to 68% in 2018. The improvement in timeliness was acknowledged in the HASC report into Police Conduct and Complaints, published on 1 March 2022
46. The IOPC has increased its focus on system learning, including taking a more thematic approach to its work and it also carries out other types of work, such as research, stakeholder engagement and oversight to influence improvements in policing practice and the complaints system.
47. Since 2018, the IOPC has made over 850 learning recommendations to improve policing. The IOPC is working to redesign core operational processes to include:
- Improving processes for reviews;
 - Implementing a new Digital Evidence Management System which enables staff to work with digital media remotely, securely and efficiently;
 - Launching a Digital Investigations Unit to provide specialist support, reducing reliance on external suppliers; and

³³ Police and Justice Act 2006: <https://www.legislation.gov.uk/ukpga/2006/48>; and UK Border Agency (Complaints and Misconduct) Regulations 2010: <https://www.legislation.gov.uk/uksi/2010/782/contents/made>

³⁴ Per Police Reform Act 2002, Part 2, s.26C <https://www.legislation.gov.uk/ukpga/2002/30/part/2>.

³⁵ Per Police Reform Act 2002, Part 2, s.26D <https://www.legislation.gov.uk/ukpga/2002/30/part/2>.

³⁶ The IOPC advised this Review that it would like to develop a single collective section 26 agreement that covers all ports police forces.

- Piloting a new investigation model focused on quick-time decision-making and improved early engagement with police forces, the Police Federation and CPS.
48. In its [final report into its inquiry into Police Conduct and Complaints](#), published in March 2022, HASC remarked:
- *‘The IOPC has made concerted efforts in its first three years to build public trust in the police complaints system by actively listening to policing bodies and communities about their concerns and by providing greater transparency in the publication of the outcome of its investigations’*
 - *‘The Committee finds substantial work has been done to rectify the failings of its predecessor, the IPCC. The body has looked to build public trust, listen to policing bodies and most importantly build transparency in how investigations are carried out.*
 - *However, it is clear that much more needs to be done. Lengthy inquiries, poor communications and opaque processes are still having a detrimental impact on complainants and officers alike...*
 - *...complainants [feel] let down by a system failing to treat their complaints with the severity they merited’.*
49. The IOPC has received some strong criticism in the media and from some prominent stakeholders in particular over the handling of some high-profile cases, for example, its report ([Operation Kentia](#)) into matters related to MPS Operation Midland and Operation Vincente.
50. On 2 December 2022, the DG resigned his position³⁷ and an Acting DG was appointed. Following this appointment, a series of improvement programmes has commenced to make the IOPC fit for the future, albeit many are still relatively embryonic as of September 2023. This work will be referred to in later sections of this report.

Context for this Review

The crowded space

51. The landscape and context within which the IOPC operates is challenging. The IOPC must work with a multiplicity of stakeholders as set out in the diagram provided by the IOPC below. This list of stakeholders is not exhaustive. The most complex of these groups is the statutory stakeholders with their different roles in the police complaints and disciplinary systems. Stakeholders told us

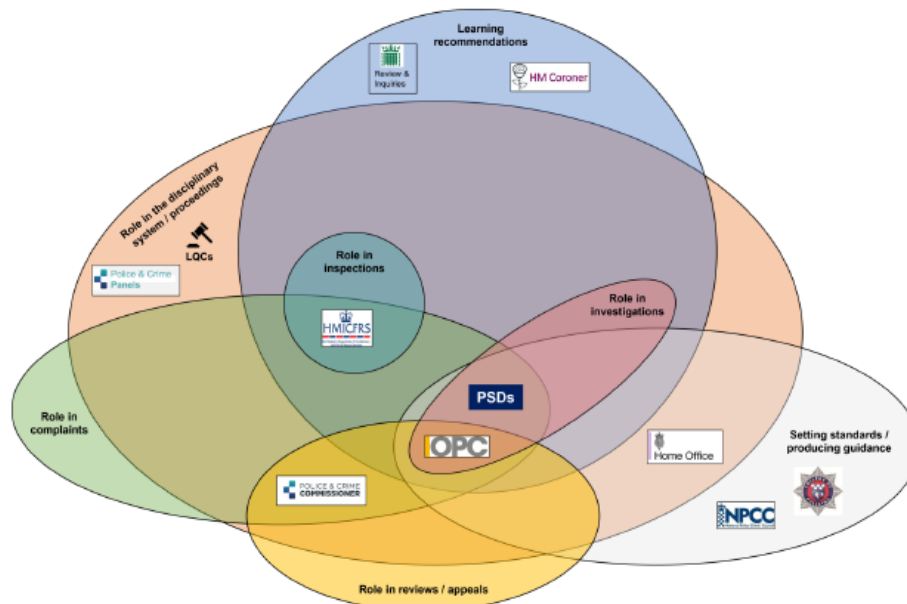
³⁷ [Statement from former IOPC DG Michael Lockwood](#)

they are often not clear how the different groups interact, and their relationship to each other, be it formal or informal.

THE POLICE COMPLAINTS & DISCIPLINARY SYSTEM

KEY ROLES IN THE SYSTEM

Coroners	CPS	PCCs / elected Mayors	College of Policing	IOPC	Chief Constables	HMICFRS	PSDs	Police & Crime Panels	LQCs	Home Office
<ul style="list-style-type: none"> Inquests into the manner or cause of death. (Legal inquiry) Reporting the findings and issuing prevention of future deaths reports - making recommendations to the relevant organisation/s involved in the circumstances of the deceased's death. 	<ul style="list-style-type: none"> Advising on cases for possible prosecution. Reviewing cases submitted by the police or other agencies. Determining charges in more serious or complex cases. Preparing cases for court. Presenting cases at court. 	<ul style="list-style-type: none"> Holding the chief officer to account for the exercise of their functions. Agreeing their police and crime plan and setting the force budget and precept. Engagement with the public and communities. Chief constable appointment / dismissal. Handling chief constable complaints. Handling reviews. 	<ul style="list-style-type: none"> Setting national standards of professionalism in policing. (APP etc) Supporting the education and professional development of police officers and staff. Handling super-complaints. Maintaining the barred list. Guidance on outcomes of disciplinary proceedings. 	<ul style="list-style-type: none"> Oversight of the police complaints system in England and Wales. Conducting and directing investigations. Presenting at disciplinary hearings. Conducting reviews / appeals / DSI reports. Using learning to improve policing practice. Producing statutory guidance. Handling super-complaints. 	<ul style="list-style-type: none"> Delivering the strategy and aims of the PCC's police and crime plans. Overall responsibility for leading the force and accountability for operational delivery. Appropriate authority (AA) for complaints, conduct matters and DSIs. Mandatory referral of complaints, conduct matters and DSIs to IOPC. AA for misconduct proceedings. 	<ul style="list-style-type: none"> Inspecting the efficiency and effectiveness of police forces. Thematic inspections of the police service - commissioned by the Home Office. Conducting joint inspections with other criminal justice bodies. Making learning recommendations - identifying 'areas for improvement' or 'causes for concern' in forces. Handling super-complaints. 	<ul style="list-style-type: none"> Investigating complaints, misconduct and criminal allegations. Referring matters to the IOPC. Presenting at disciplinary hearings. Vetting. Counter corruption. Identifying and sharing learning. 	<ul style="list-style-type: none"> Assessing if PCCs have achieved the aims set out in their police and crime plan. Monitoring complaints against PCCs, dealing with non-criminal complaints and referring criminal allegations to the IOPC. Reviewing proposed chief officer appointments. (Have power to veto appointment if 2/3 of a panel vote to do so) 	<ul style="list-style-type: none"> Chairing misconduct proceedings. (Appointed by PCCs - usually to serve in a pool of LQCs on which their force PSDs can draw) 	<ul style="list-style-type: none"> Responsible for policing policy, SPR & police grants. Managing policing legislation and producing guidance on the disciplinary system. Statutory guidance for PACE and IPA codes. Sponsoring dept. for the IOPC / NCA / CoP / GLAA. Home Secretary appoints IOPC DG, the HMI, MPS Commissioner and the NCA DG. Commissioning 'thematic' HMIC inspections. Responsible for policy and guidance on the police discipline system.



Policing context

52. Following several high-profile police incidents and investigations, there has been a greater focus in recent years on police standards and culture and shared responsibilities for maintaining public confidence in policing.
53. Significant developments and changes with a particular bearing on the police complaints and disciplinary systems – or public confidence in policing more generally – include:

- An [Independent Review of Deaths and Serious Incidents in Police Custody](#) by Rt. Hon. Dame Elish Angiolini DBE QC, published in January 2017 and to which the [Government responded in October 2017](#). Among other areas, this review looked at investigations by the

IPCC (the IOPC's predecessor) and major issues surrounding deaths and serious incidents in police custody. These included the events leading up to such incidents, as well as existing protocols and procedures designed to minimise the risks, the immediate aftermath of a death or serious incident, and the various investigations that ensue. It also examined how families of the deceased are treated at every stage of the process.

- The [Police Plan of Action on Inclusion and Race](#), published in 2022, developed jointly by the National Police Chiefs' Council (NPCC) and the College of Policing ('the College'). This set out a vision '*to create an anti-racist culture, values and behaviours within policing*' to inform all operational policing practice, improving the experience and outcomes for Black people. The NPCC and College formed and funded an [Independent Scrutiny and Oversight Board](#) (ISOB)³⁸ to provide overview and external scrutiny of it.
- The **Police Uplift Programme** has improved recruitment processes so that they are now valued-led and standardised. As of March 2023, this programme has led to a 20,947 net increase in police officers in the 43 police forces across England and Wales.³⁹ However, alongside an increase in police complaints expected from a larger workforce, a sizeable proportion (8%) of the police workforce is less experienced. Moreover, concerns have been raised about whether there are sufficient supervisors to exercise an appropriate level of supervision for inexperienced frontline officers.
- **Angiolini Inquiry – established following the murder of Sarah Everard in 2021 by a then-serving officer.** Part 1 of this Inquiry is focused on establishing a definitive account of the career and conduct of her murderer, and identifying any opportunities missed. The overarching aim of Part 2 is to examine broader issues in policing such as vetting, recruitment and culture, as well as the safety of women in public spaces.
- Chief Constable Serena Kennedy, Merseyside Police (NPCC Lead for Crime Prevention) is co-ordinating [work to check the records for all existing police officers and staff against the Police National Database \(PND\)](#). This will identify any intelligence or allegations that need further investigation. Police forces completed the checks against their data returns at the end of September 2023. The NPCC intends to publish relevant data from this exercise in January 2024 or before. The NPCC are also looking at how some continuous integrity checks

³⁸ [ISOB Terms of Reference](#).

³⁹ 20,947 FTEs of 247,995 FTEs overall – [Government statistics for police workforce in England and Wales \(31 March 2023\)](#)

could be automated; which would help to quickly identify allegations against members of the force which may require investigation.

- A Home Secretary-commissioned [HMICFRS inspection into vetting, misconduct and misogyny in the police service](#) reported in Nov 2022, making 43 recommendations to forces and policing bodies. The Home Secretary then commissioned HMICFRS to conduct a rapid review of progress against these recommendations in January 2023. [The Rapid review](#) was published in May 2023, concluding that there was some good interim progress but that more needs to be done. The rapid review provided a snapshot of force progress, it's expected that significant improvements have since been made, which are being monitored by the NPCC.
- The MPS published its ['New Met for London' strategy and delivery plan](#) for 2023-5, its response in part to the Casey Review.
- The [Casey Review into MPS' standards of behaviour and internal culture](#) concluded in March 2023;
- The College of Policing published (July 2023) an updated [Vetting Code of Practice](#). In addition, the College of Policing is currently reviewing [policing's Code of Ethics](#). The current Code of Ethics, published in 2014 sets out the practice for the principles and standards of professional behaviour for the policing profession of England and Wales. The new code will include revisions to vetting practices. The Review has two broad aims:
 - providing greater transparency for the public about how policing makes decisions and the standards they can expect from the service – leading to greater legitimacy, confidence and support for policing; and
 - creating an environment that supports everyone in policing to be their best.
- The IOPC opened (July 2023) multiple independent investigations into concerns MPS and Wiltshire police officers repeatedly failed to take appropriate action when serious criminal allegations were made against serial rapist **David Carrick** (arrested in October 2021), who committed offences while he was a police officer over a 17-year period from 2003-2020.
- On 18 September 2023, the Home Office published its report following the [HO-led review of police dismissals processes](#). The Government, among other things, has committed to:
 - Give chief constables (or other senior officers) greater responsibilities to decide whether officers should be dismissed,

- increasing their accountability for their forces by having them chair public misconduct hearings;
- Creating a presumption for dismissal where gross misconduct is proven: officers found guilty of gross misconduct can expect to be dismissed;
 - Ensuring officers who fail their vetting can be dismissed, making it a statutory requirement for officers to hold vetting;
 - Streamlining the unsatisfactory performance procedures (UPP) making it easier to use, identifying under-performing officers and, where there is no improvement in performance, effectively dismissing them.
- On 24 September 2023 the Home Secretary announced a review of investigatory arrangements which follow the police use of force and police driving related incidents. On 24 October, the Home Secretary published the [review's terms of reference](#). The Home Office will lead this review, working with the Ministry of Justice and Attorney General's Office, with the aim to provide findings to the Home Secretary by the end of 2023. Areas the review will assess include:
 - the existing legal frameworks and guidance on practice that underpin police use of force and police driving;
 - the subsequent framework for investigation of any incidents that may occur, in particular whether:
 - the system of examining DSIs following police contact is working effectively for the police and the public;
 - the requirements for police referrals of DSIs and other matters to the IOPC are appropriate;
 - the thresholds for launching a misconduct or criminal investigation are appropriate, and whether cases involving those acting in the line of duty should be treated differently; and
 - the thresholds for the IOPC to direct disciplinary proceedings or to refer a matter to the CPS should be amended, and whether cases involving those acting in the line of duty should be treated differently.
 - the timeliness of investigations and legal processes, including whether:
 - the system can deliver more timely outcomes for police officers and the public, focusing on DSI cases specifically, including options for time limits and fast-tracking for investigations on the grounds of public interest;

- more effective working between IOPC and CPS can reduce timescales in criminal investigations;
- there is scope to reduce duplication in the criminal, coronial and misconduct processes and whether more activity can happen in parallel, whilst ensuring that ongoing or concluded criminal proceedings are not prejudiced or interfered with;
- how post-incident learnings and communications can improve both officers and the public's confidence in these frameworks.

Public confidence in policing

54. A range of survey evidence⁴⁰ indicates public confidence in police has fallen materially over recent years. For example, confidence in the MPS fell steadily from 69% in June 2017 to 50% in March 2023.⁴¹ The IOPC's function in maintaining public confidence in the police complaints system and its contribution to public confidence in policing remains vital, as it explains in its Statutory Guidance⁴²:

'The way in which complaints, conduct matters and death and serious injury matters are dealt with has a huge impact on confidence in the police. Where they are dealt with well, it helps to restore trust, bring about improvements in policing and makes sure something that has gone wrong does not happen again. Where they are dealt with badly, it damages confidence in both the police and the police complaints system.'

55. This Review takes place at a critical time for trust and confidence in policing and specifically police misconduct. The public are understandably concerned about officer misconduct (and criminality) and have questions about the police misconduct regime and how it works. We consider public confidence in policing and the IOPC in **Chapter 7**. Wider effectiveness of the IOPC
56. The rise of social media and other rapid communication channels means that the complaints system often must react and respond in real time to incidents for which it may not be prepared. Failure to respond quickly to significant incidents and to engage with community groups appropriately may result in significant unrest.

⁴⁰ Sources: Crime Survey of England and Wales; YouGov Data; IOPC Public Perceptions Tracker; Institute for Government Analysis.

⁴¹ [Greater London Authority Datastore](#): Community Safety Dashboard, headline figure on Confidence in the police.

⁴² [IOPC Statutory Guidance on the Police Complaints System 2020](#), para 1.3

Demand on the police complaints system

57. Since the IOPC was established in 2018, the overall number of police complaints has risen significantly⁴³. Roughly 1 in 5 of the overall police workforce (51,720) were the subject of a complaint over 2022/3⁴⁴. The IOPC and its stakeholders expect the number of police complaints to continue rising in the short-term.
58. The IOPC will receive around 1,000 DSI matters investigated by local police forces themselves (having reviewed 933 in 2022/23).
59. Depending on the circumstances⁴⁵, the IOPC or LPBs are required to consider complainants' applications for a review of whether their complaint was considered in a 'reasonable and proportionate' manner.⁴⁶ This is without regard as to whether the complaint was investigated by the police force or LPB.⁴⁷ In the first year (2020/21) after reforms replaced the previous system of 'appeals' with this system of 'reviews', the IOPC received 969 applications. By 2025/26, the IOPC projects it will receive 2,025 applications, as set out in **Chart 1** below.
60. The IOPC's published target for 2023/24 is for it to '*review locally investigated DSI cases within an average of 30 working days from receipt of background papers*'. Over 2021/22, these reviews took on average 29 working days. By Q4 2022/23, this had slipped to 42 working days.

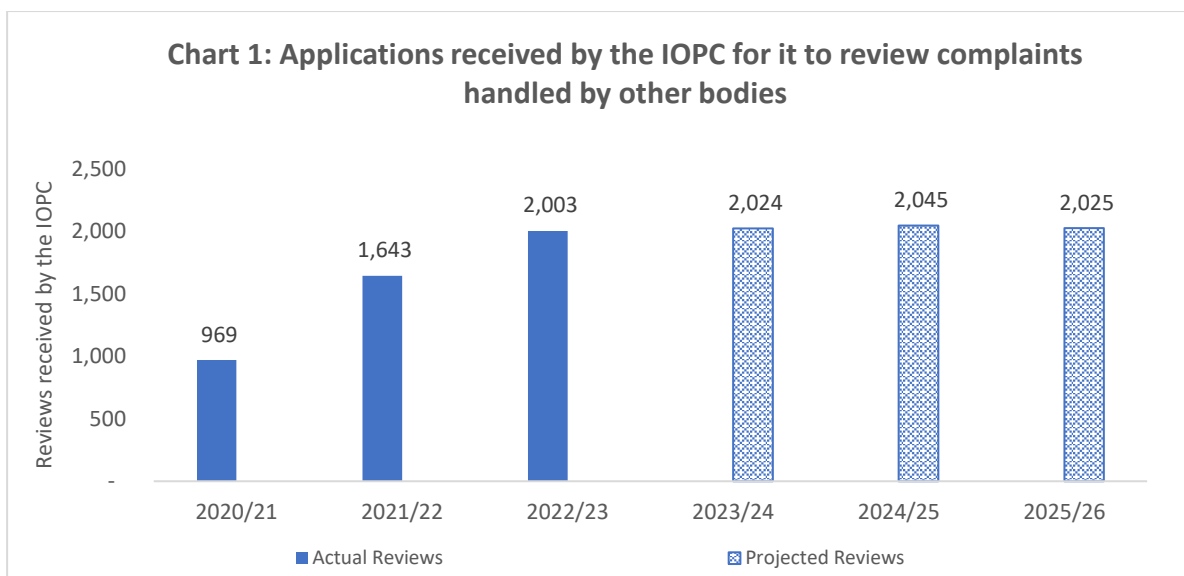
⁴³ The Policing and Crime Act 2017 and Regs made significant changes to the police complaints and disciplinary system, including a change to the definition of a complaint. A police complaint is an expression of dissatisfaction by a member of the public about the service they have received from a police force. As these changes came into effect from Feb 2020, it isn't possible to directly compare how complaint figures published by the IOPC from 2020/21 onwards with those from 2019/20 and earlier.

⁴⁴ 51,720 individuals equates to 20.8% of the overall workforce within police forces of 247,995 FTEs as of March 2023, when the police workforce across the 43 territorial police forces in England and Wales stood at 233,832 FTEs, excluding 6,841 special constables and 7,322 police support volunteers ([Government statistics for police workforce in England and Wales \(31 March 2023\)](#)). Complaint figures for 2022/23 were provided by the IOPC – and are expected to be published in October 2023.

⁴⁵ [IOPC FAQs on Reviews](#), page 4

⁴⁶ As per Police Reform Act 2002, Schedule 3, paragraph 6A(4) and paragraph 25(4A), review bodies '*must determine whether the outcome [of a complaint] is reasonable and proportionate*'.

⁴⁷ Police Reform Act 2002, Schedule 3, Part 1, paragraph 6A(4): <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/1> and Schedule 3, Part 3, paragraph 25(4A): <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>



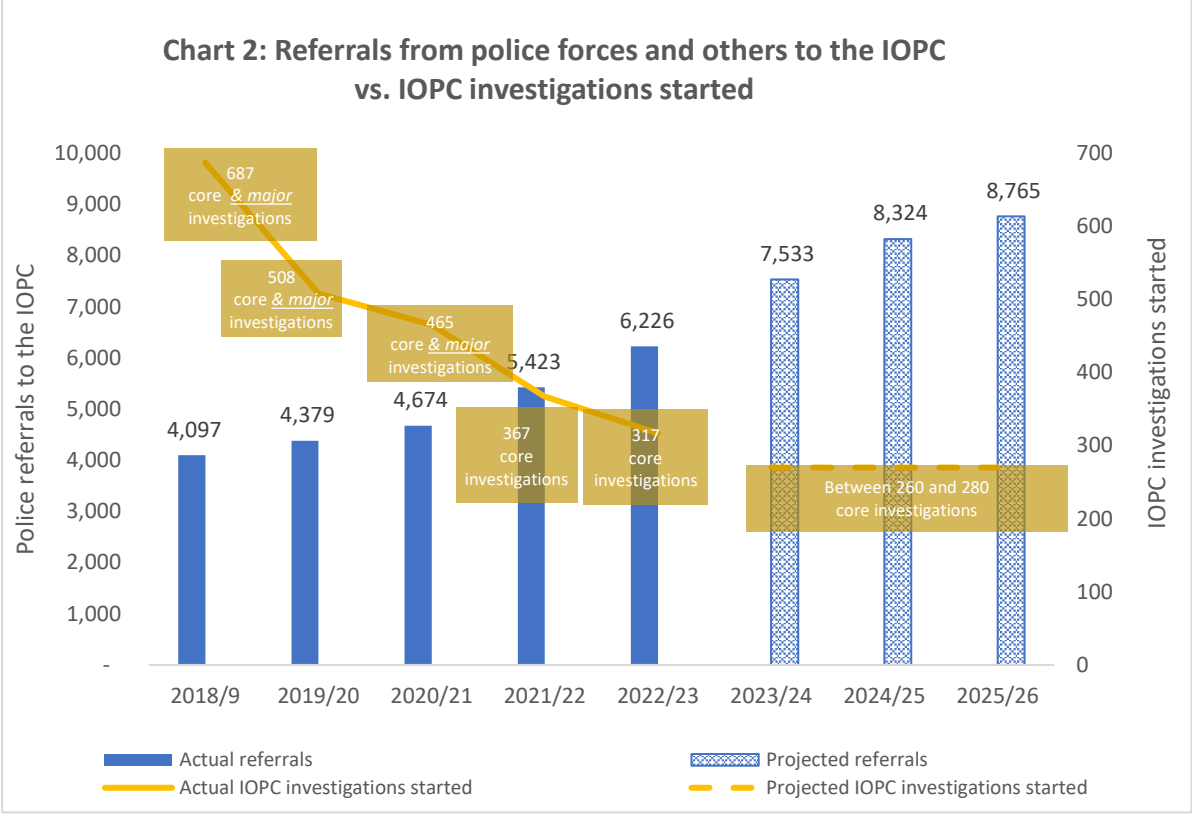
61. By law, police forces and LPBs are required to refer the most serious complaints⁴⁸, conduct matters⁴⁹, and deaths and serious injuries⁵⁰ (where there is an indication that police contact caused or contributed to the death or serious injury) to the IOPC. The IOPC has a dedicated Assessment Unit which assesses referrals to determine whether an investigation is required and, if so, what form this should take (e.g. which complaints should be investigated independently by the IOPC, which complaints should be sent back to a local police force or LPB to investigate (a local investigation), or led by the local police force or authority, but under the IOPC's direction (a directed investigation).
62. If the number of police referrals to the IOPC continues to climb as the IOPC projects, police referrals to the IOPC will have more than doubled since the IOPC was established (from 4,097 referrals in 2018/19 to 8,765 projected referrals in 2025/26). (See **Chart 2** below).
63. In the five years since the IOPC was established, the number of independent investigations the IOPC undertakes each year has fallen significantly (to a projection of between 260 and 280 core investigations in 2023/24). There are multiple causes of the IOPC conducting far fewer independent investigations (e.g. increasing case complexity, the IOPC having to prioritise its increasingly-strained resources to investigate the serious complaints and conduct matters). Indeed, in **Chapter 5. Effectiveness of IOPC investigations** we consider some of these in a detailed assessment of why the IOPC has not been able to further reduce the length of its investigations, despite this huge fall in the number of IOPC investigations.

⁴⁸ Police Reform Act 2002, Schedule 3, Part 1, paragraph 4: <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/1>

⁴⁹ Police Reform Act 2002, Schedule 3, Part 2, paragraph 13: <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/2>

⁵⁰ Police Reform Act 2002, Schedule 3, Part 2A, paragraph 14C: <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/2A>

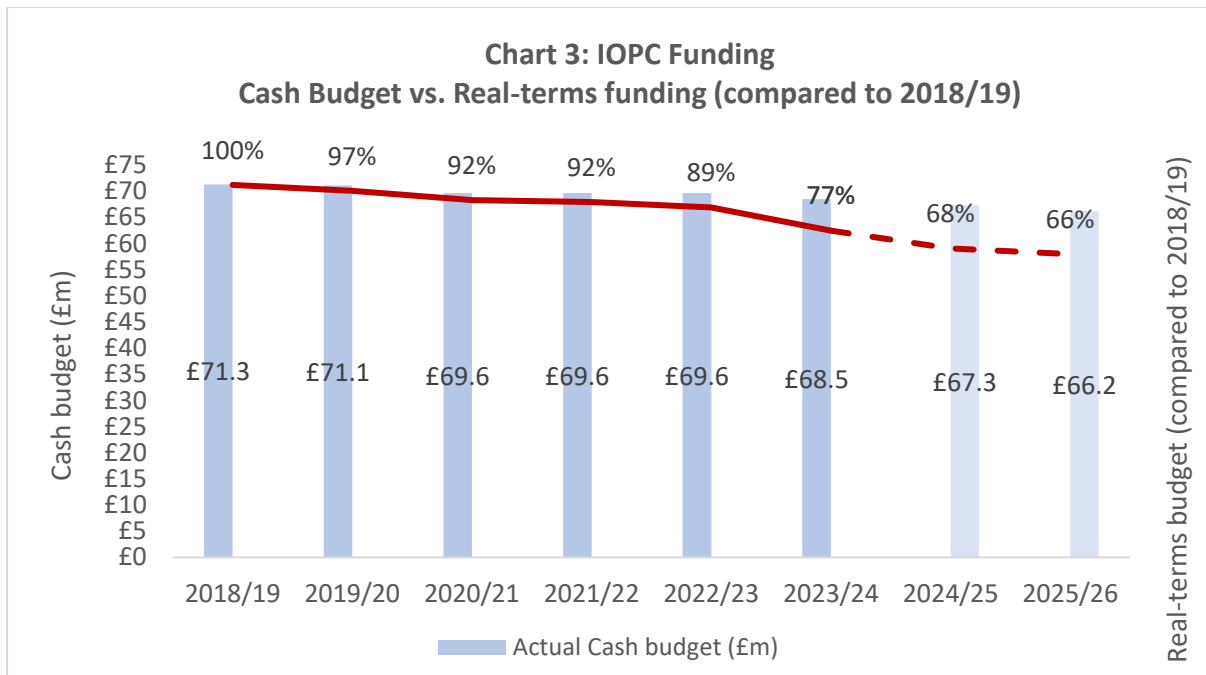
64. Nonetheless, regardless of the *causes* of this fall in independent investigations, one key impact – with referrals continuing to rise – is that **a much smaller proportion of complaints will be investigated independently by the IOPC: from 1 in 6 (16.7%) in 2018/19, to 1 in 28 (3.6%) this year (2023/24), and 1 in 32 (3.1%) by 2025/26.** This could impact public confidence in the system.



Macro-economic context and financial outlook

- 65. Since it was established (2018/19 to 2023/24), the IOPC has had a 22.7% real-terms cut to its funding (after inflation is accounted for).
- 66. The Home Office is expected to apply a further 5% cut to the IOPC’s RDEL budget in nominal (cash) terms (from 2022/23) over the next three years following this Public Body Review (in line with expectations that each such review identify at least 5% RDEL savings)⁵¹. As set out in **Chart 3, on current forecasts, the IOPC would see a 34.4% fall to its real-terms budget in the 7 years since its establishment in 2018/19.**

⁵¹ When conducting each Public Body Review, ‘Lead Reviewers are required to identify where savings to Resource Departmental Expenditure Limits (RDEL) of at least 5% can be made for an average review’ ([Requirements for Reviews of Public Bodies: Efficiency](#)).



67. This Review has been carried out in the context of increasing case complexity, crowded stakeholder landscape, declining public confidence, increasing demand on the complaints system, a falling number of independent investigations carried out each year and significant financial pressures. The IOPC is also in a period of instability following the resignation of its DG. That being said, it is vital that the IOPC and its sponsor department, with the support of key stakeholders, tackle the key issues set out in this Review in order for the IOPC to play its significant role in the complaints system.

68. We now turn to address the findings and recommendations of our Review.

Chapter 3. Effectiveness of reviews

69. The IOPC has some operations organised nationally and its 'core investigations' organised regionally. The IOPC's 'National Operations Directorate' leads reviews of the handling of complaints and death and serious injury cases handled by other bodies; assessments of referrals; and delivers the IOPC's customer contact centre.⁵²
70. The IOPC has two further centralised directorates which lead the IOPC's 'major' independent investigations and its independent investigations into the Hillsborough disaster. The IOPC's 'core' investigations - that the IOPC leads independently, or directs – are delivered, by contrast, on a regional basis, with responsibility delegated by the DG to the Director for Wales and the South West England, or one of five other Regional Directors across England (North East, North West, Midlands, London, South East). The Strategy and Impact Directorate – which is separate to the IOPC's Operations directorates – co-ordinates the IOPC's work on super-complaints, drawing on colleagues across operations, policy, research and legal teams as necessary.
71. This chapter considers the effectiveness of reviews. Effectiveness can be described as the degree to which any actions result in desired outcomes.
72. We consider:
- the effectiveness of IOPC assessment of referrals from police and others in **Chapter 4**. Effectiveness of IOPC assessment of referrals from police and others;
 - the effectiveness of IOPC investigations (including Hillsborough) in **Chapter 5**. Effectiveness of IOPC investigations; and
 - super-complaints in **Chapter 6**. Overarching considerations for reviews, referrals and investigations
73. The IOPC leads two, quite different, types of reviews:
- reviews of how complaints have been handled by Appropriate Authorities; and
 - reviews of investigations by local police forces into deaths and serious injuries during or following police contact.
74. Both types of reviews are handled by 'casework managers' in the IOPC's National Operations team.

⁵² National Operations also still receives investigation appeals (into issues before 2020 reforms replaced the system of appeals with a system of reviews). It also considers suspended complaint reviews (challenges by complainants who do not agree with a police decision to suspend the investigation of their complaint, because of a risk of prejudicing criminal proceeding). We have not evaluated either as they comprise only a very small proportion of National Operations' work, and an even smaller proportion of the IOPC's work.

IOPC reviews of complaint handling

75. Following reforms to the police complaints and disciplinary system introduced in 2020⁵³, complainants have a right to apply to the relevant 'Review Body' to 'review' whether their complaint has been handled in a 'reasonable and proportionate' manner⁵⁴. This single point of potential 'review' at the end of the complaints process replaced five previous points of 'appeal'.
76. Complainants have 28 days to lodge an application for a review of how their complaint was handled⁵⁵, from the date of the letter informing them of the complaint outcome. Review Bodies must determine whether the outcome is reasonable and proportionate⁵⁶.
77. A detailed overview of the process for reviews of complaint handling is found at **Annex C** – Detailed process of reviews.

Forecasting of demand for reviews of complaints handled by police forces⁵⁷

78. In 2022/23, the IOPC received 2,003 applications to review complaints dealt with by police forces' Professional Standards Departments⁵⁸, a 24% increase on 2021/22⁵⁹.
79. The IOPC *completed* 1,590 such reviews over 2022/23. This was strictly up 8% on the year before but, in reality, the comparable increase was higher⁶⁰.
80. Over the last year, the IOPC's National Operations unit has developed a forecasting capability; it is currently projecting that applications for IOPC reviews – over which the IOPC has no control (unlike the number of independent investigations it conducts) – will remain similar in the coming years. **Chart 4** shows the number of applications for review of complaint

⁵³ The Police (Complaints and Misconduct) Regulations 2020, Regulation 29 on Reviews:

<https://www.legislation.gov.uk/uksi/2020/2/contents/made>

⁵⁴ Police Reform Act 2002, Schedule 3, Part 1, paragraph 6A(4):

<https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/1>

⁵⁵ The right to seek a review does not include 'the outcome of any criminal or disciplinary proceedings brought in relation to any matter which was the subject of the complaint'. (Police Reform Act 2002, Schedule 3, Part 1, paragraph 6A(10):

<https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/1>. Furthermore, only a complainant, or someone acting on their behalf, can make an application for a review in relation to a complaint.

⁵⁶ [IOPC Statutory Guidance on the Police Complaints System 2020](#), para 18.38.

⁵⁷ The IOPC also reviews the handling of death and serious injury investigations conducted by local police forces, addressed later in this chapter.

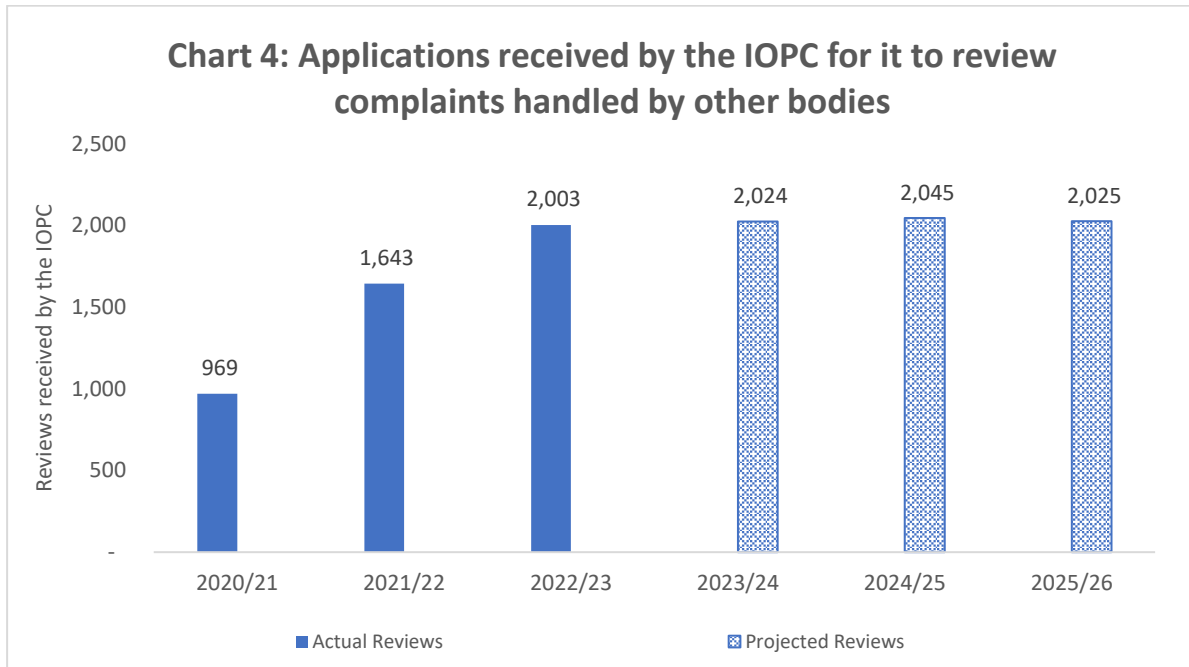
⁵⁸ [Police Complaints Data Tables \(2022-23\)](#), table 26: Applications for a review received by the IOPC in 2022/23.

⁵⁹ [IOPC Police Complaints statistics in England and Wales report \(2021-22\) for England and Wales](#).

⁶⁰ Per IOPC's External Stakeholder Reference Group (ESRG) June 2023 briefing, this excluded 'appeals' which the IOPC still receives from members of the public unhappy with the way the police handled their complaint made before 1 February 2020, when the legislation was changed to replace the former right of appeal with a new right of review. It completed 87 such 'appeals' over 2022/23.

handling the IOPC has received and it projects it will receive over coming years.

81. Notably, in terms of the types of reviews the IOPC conducts, the IOPC advised us that it is commonly looking at the most time-consuming reviews.⁶¹



Performance and evaluation

82. Following the 2020 reforms, the number of applications for *reviews* the IOPC is receiving is lower than the number of *appeals* it used to receive. However, as the IOPC began to receive and consider reviews of complaint handling, it became clearer that each review under the new system took significantly more time than the system of ‘appeals’ it replaced.
83. We cannot offer a view on the degree to which this was reasonably foreseeable, but the result was that the IOPC found it could not keep on top of the reviews it received, the time it took to conclude reviews increased and a very large backlog of reviews developed.
84. As a result of this deteriorating performance, in April 2022 the IOPC’s Management Board agreed a ‘National Operations Turnaround Plan’ including funding for additional resources to tackle the backlog; improve timeliness; and ultimately bring performance levels back to its original target when ‘reviews’ were introduced: 50 working days (the time the IOPC took to complete ‘appeals’ pre-2020).

⁶¹ In the last year for which there is data (2021/22), 88% of the reviews that LPBs received concerned cases where complainants asked for a review because their case was not investigated. Collectively, LPBs reviewed 574 cases in total between them, where there had been an investigation, compared to the 788 cases the IOPC received in this year. [IOPC Police Complaints statistics in England and Wales report \(2021-22\) for England and Wales](#).

85. As part of its Turnaround Plan the IOPC recruited additional casework managers to meet expected longer-term demand and address its backlog, respectively. It also redesigned its review processes to make them more efficient and placed greater emphasis on casework managers taking a more proportionate approach. It has also analysed performance data and developed national and team-level modelling and an enhanced prioritisation function to improve its casework management, improve quality and timeliness.
86. In parallel to this Turnaround Plan, now being implemented, is work with police forces to ensure complaints are handled correctly at the outset, to improve the service forces provide the public and ultimately reduce the number of reviews complainants request of the IOPC. However, whilst very sensible, we suggest that materially improving all police forces' handling of complaints – such that the IOPC receives fewer applications for reviews – is likely to take some time to achieve.
87. Performance over 2022/23: As the IOPC's backlog of cases continued to grow last year, on average the IOPC completed reviews of complaint handling in 119 working days (24 weeks), quicker than the 150 working day (30 week) target it set itself.⁶²
88. Performance over 2023/24: The IOPC's review targets for 2023/24 are dynamic, falling from 150 working days (30 weeks) in Q1, to 115 working days (23 weeks), in Q4.⁶³ Latest data suggests the IOPC is on track to meet these targets, with average time to complete reviews (from when the IOPC receives the requisite paperwork from police forces) around 125 working days (25 weeks) in November 2023.⁶⁴
89. Addressing the backlog of cases: Nevertheless, the IOPC does not expect the average time taken to complete reviews to fall to 50 working days (10 weeks, its previous turnaround of appeals pre-2020) until around September 2025. As per **Chart 5** below, the IOPC projects it will have reduced its caseload of active reviews to around 350 active cases by September 2025. At this caseload, National Operations expects to be able to complete reviews within 50 working days (10 weeks).
90. **Chart 6** sets out reviews received, completed and their timeliness in 2022/23 and 2023/24 to date. **Chart 7** sets out the average time to complete a review from receipt to outcome between April 2021 and October 2023.

⁶² Average completion time for reviews over 2022/23 was 119 working days (24 weeks), compared to IOPC's Q4 target of 150 working days (30 weeks) ([IOPC Performance Framework for 2022/23](#)).

⁶³ The IOPC's review KPI for 2023/24 is: "Ensure the average time taken, from receipt of background papers, to completing a review is: 150 working days (Q1; equivalent to 7 months), 135 working days (Q2; just over 6 months), 125 working days (Q3; equivalent to just under 6 months), and 115 working days (Q4; equivalent to just over 5 months). NB These are a quarterly targets." [IOPC Performance Framework – April 2023](#).

⁶⁴ The IOPC's website, as of October 2023, [advises](#) those with reviews that due to exceptional demand, to allocate a review to an individual member of staff, it may take up to 50 weeks where a complaint was investigated; and 32 weeks where a complaint was not investigated (known as 'other handling'). See Drop-down question: 'How long will I have to wait for my review to be allocated and considered?' The IOPC advises, however, that these are not intended to convey average turnaround times, but to manage individuals' expectations as some cases will take considerably longer than the mean (average) turnaround.

Chart 5: Actual and projected active IOPC caseload of reviews of complaints handled by other bodies (from April 21 to October 2026)

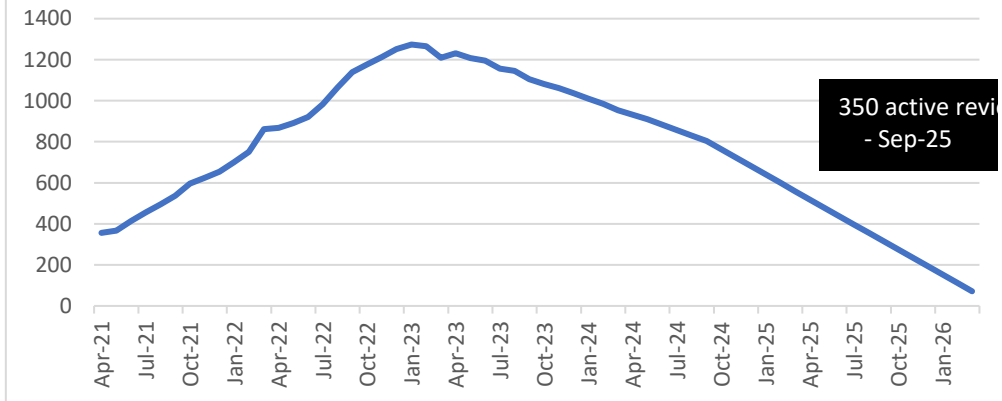


Chart 6: Reviews received, completed and their timeliness in 2022/23 and 2023/24 to date

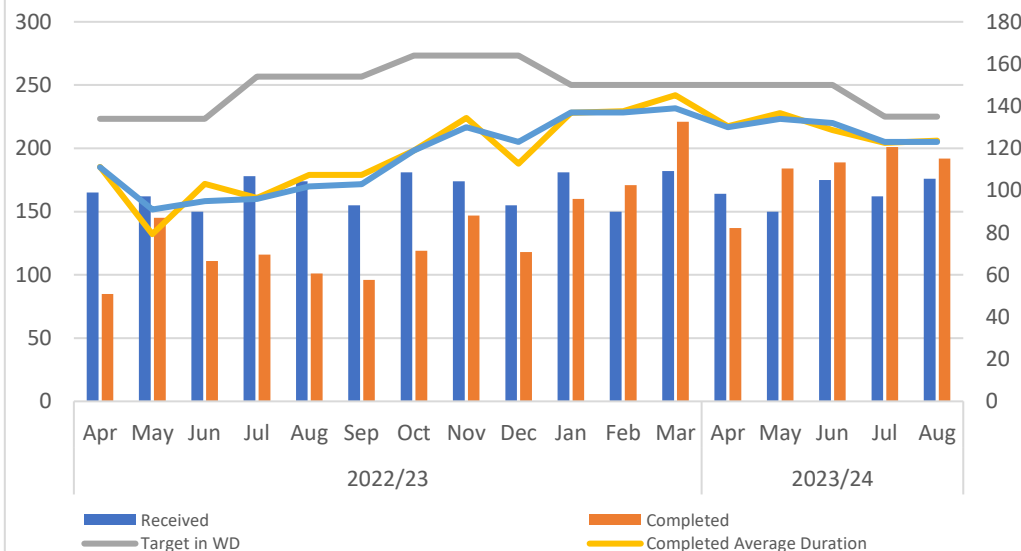
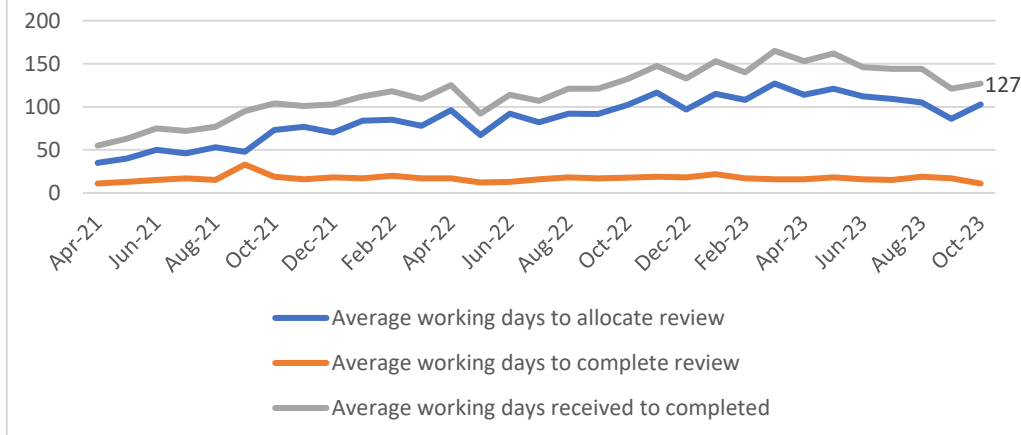


Chart 7: Average total time to complete a review from receipt to outcome between April 2021 and October 2023



91. Notwithstanding the IOPC's efforts to turnaround its backlog and performance with reviews, we share the unanimous view from groups representing complainants interviewed, that current performance levels are likely to materially undermine individual complainants' public confidence in the system of checks and balances designed to ensure police accountability and improve general policing and police handling of complaints.
92. However, with the rollout of new efficiency measures, new data indicates each casework manager is now able to take on about a third more cases than before. This suggests productivity gains in being able to conduct reviews more quickly⁶⁵. The initiatives that comprise the National Operations Turnaround Plan appear well-targeted.

RECOMMENDATION:

The IOPC should continue to prioritise tackling its backlog of reviews and give due consideration to keeping in place the additional, temporary casework managers it has recruited, so it can far more quickly address its backlog and the long delays facing complainants.

93. Casework Managers are required to follow a set list of Minimum Standards for Reviews. Senior Casework Managers provide support to Casework Managers in applying these standards and check each review against these criteria.
94. In addition, Operations Managers quality check all reviews that:
 - make recommendations that police officer or staff have a case to answer for misconduct, a matter should be referred to the CPS, or for wider learning; and
 - may warrant additional scrutiny due to high levels of public interest or media attention.
95. To further test review quality, the IOPC's Quality and Service Improvements team (which sits outside its National Operations structures), conducts regular dip-samples of review reports and decisions, draws conclusions and makes recommendations for how review handling could be improved.

IOPC reviews of DSI cases investigated by local police forces⁶⁶

96. Another critical function the IOPC provides is reviewing investigations by local police forces into 'DSI matters' to make any statutory determinations as

⁶⁵ Between March 2023 and October 2023, average cases per casework manager FTE increased from 2.5 to 3.3 (a 32% increase).

⁶⁶ Police Reform Act 2002, Schedule 3, Part 3, paragraph 24A(a) to paragraph 24(d): <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3> and [IOPC statutory guidance](#), paragraphs 17.40 to 17.43:

appropriate. DSI matters are defined as deaths and serious injuries during police contact, or where there is some indication that prior police contact may have caused or contributed to the death or serious injury.⁶⁷ In these circumstances, regardless of whether any complaint has been made, local police forces are required by law to refer the case to the IOPC to decide whether an investigation is required and if so to determine what type of investigation it should be (known as the appropriate 'Mode of Investigation').

97. We have been told that the IOPC's Assessment Unit, which considers all such referrals, is likely to determine an independent IOPC investigation is needed in cases where there appears to be: (a) stronger evidence of causality between police contact and a person dying or serious injury; and/or (b) the injury is particularly serious.
98. However, cases where injuries still meet the threshold for 'serious injury' but are less significant, and/or causality between police contact is less clear are more likely to be sent back to police forces to investigate locally.
99. In these cases, at the conclusion of their DSI investigation, police forces are required to send their report and provisional outcomes to the IOPC for them to review⁶⁸ and determine whether there is an indication that a person serving with the police may have (a) committed a criminal offence; or (b) behaved in a matter that would justify the bringing of disciplinary proceedings.
 - If it decides this is the case, it notifies the local police force who must then record the matter as a recordable conduct matter. As with any recordable conduct matter, the local police force will then investigate it as a **conduct matter** and consider whether they should refer it back to the IOPC.
 - If it decides this is not the case, it may tell the Appropriate Authority (AA) it now has to determine whether any person's performance is unsatisfactory and, if so, what action (if any) it will take. On receipt of such a notification, the AA must make the required determinations and submit a memorandum to the IOPC setting those out. The IOPC expects this to be submitted within 28 days, starting the day after the AA is notified. On receipt of that memorandum, the IOPC will consider whether the determinations made are appropriate. Where it disagrees with the determinations, it may recommend and, if necessary, direct

⁶⁷ Specifically where:

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

Page 47. [IOPC's Statutory Guidance on the Police Complaints System 2020](#).

⁶⁸ Under Statutory Guidance, the IOPC's National Operations team may comment in their review on anything else it wishes to, with the exception of providing a view on whether an individual's performance was satisfactory.

that the performance was or was not satisfactory and what action should be taken in respect of it. The AA must keep the IOPC informed of whatever action it takes in response to the IOPC's recommendation or direction.

100. In 2022/23, the IOPC reviewed 933 DSI matters investigated by local police.
101. The IOPC's published target for 2022/23 and 2023/24 is for it to 'review locally investigated DSI cases within an average of 30 working days from receipt of background papers'. Over 2021/22, these reviews took on average 29 working days. By Q4 2022/23, this slipped to 42 working days.

IOPC casework manager training and accreditation

102. New casework managers receive approximately 2 weeks training on complaints, conduct, death and serious injury cases and reviews. This includes:
 - relevant legislation (Police Reform Act 2002, IOPC statutory guidance 2020, PACE 1984 and Human Rights Act 1998);
 - the use of mandatory criteria in their assessment of reviews that casework managers are expected to adhere to (e.g. assessments of the severity of the subject-matter, potential risks related to the case); and
 - minimum quality standards expected of them.
103. Once complete, new casework managers' work is peer-reviewed and appraised by more experienced casework managers for around 4-6 months (subject to their individual progress). For quality assurance, a senior case manager will assess cases against established minimum standards and consider how cases have been handled, and, as part of this, identify any learning needs for individual casework managers. Once casework managers have completed their initial training, they do not routinely receive 'refresher' training, except for those returning from maternity leave and training rolled out to all casework managers as needed. For example, casework managers would receive training on new criminal offences introduced that they need be aware of (e.g. the coercive or controlling behaviour offence introduced in 2015).
104. Much of our comment on investigators' training and skills (in **Chapter 5**. Effectiveness of IOPC investigations) will also apply to casework managers, in particular that senior operational leaders within the IOPC should consider how training might be improved, standardised and accredited to ensure: familiarity with trauma-informed practice, strong appreciation of policing environments and understanding of police powers.
105. Accreditation: Casework managers used to be accredited (like investigators). However, IOPC's external accreditation provider – *Pearson* – declined to continue this service for the IOPC's relatively small volumes of casework

managers, as it was not considered commercially viable. We were told that, at the time, the IOPC had explored alternatives, but none were suitable, so *Pearson* accreditation for IOPC casework managers lapsed without a replacement. This was unfortunate and we recommend the IOPC considers potential sources of accreditation with a view to reintroducing some alternative.

Chapter 4. Effectiveness of IOPC assessment of referrals from police and others

106. In this chapter, we begin by summarising the procedures for when and how referrals are made to the IOPC, how the IOPC assesses matters referred to it before turning to our evaluation of this. **Annex D** – Detailed process for referrals contains a detailed overview of the processes for the IOPC’s assessment of referrals it receives.

Summary of when and how referrals are made to the IOPC

107. Police forces, other AAs and LPBs must refer:

- all deaths and serious injuries where an individual ‘has direct or indirect contact with the police when, or shortly before, they were seriously injured or died’, OR ‘where the contact may have caused or contributed to the death or injury’.⁶⁹
- all *recordable conduct* by a chief officer or Deputy MPS Commissioner and any *complaint*⁷⁰ about a chief officer or Deputy MPS Commissioner that could lead to criminal or disciplinary proceedings being brought;
- *conduct* and *complaints* alleging one or more of the following: a serious assault occasioning actual bodily harm; a serious sexual offence; serious corruption (including abuse of position for a sexual purpose, or for the purpose of pursuing an improper emotional

⁶⁹ Specifically where:

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

Page 47. ([IOPC 2020 Statutory Guidance on the Police Complaints System](#)): Furthermore, the following must also be referred to the IOPC:

- complaints alleging that the (*conduct or other matter complained of*) has resulted in death or serious injury;
- recordable conduct matters relating to any incident or circumstances in or in consequence of which any person has died or suffered serious injury;
- complaint arising from or any conduct which is alleged to have taken place in the same incident as one in which any conduct of the nature listed in the paragraph below is alleged.

⁷⁰ Specifically: ‘where the appropriate authority is unable to satisfy itself, from the complaint alone, that the conduct complained of, if it were proved, would not justify the bringing of criminal or disciplinary proceedings’. [IOPC’s Statutory Guidance on the Police Complaints System 2020](#).

relationship)⁷¹; a criminal offence that either carries a potential 7 year+ sentence⁷² or is aggravated by discrimination; behaviour liable to lead to disciplinary proceedings that is discriminatory⁷³.

- complaints and recordable conduct⁷⁴ they feel they should refer due to the gravity of the matter; and/or any exceptional circumstances;
- any cases where the IOPC exercises its 'call in power'⁷⁵ perhaps where a complaint or conduct has been recorded by the AA, but they refuse to refer it when requested.

108. Lastly, the IOPC has a 'power of initiative' which allows it to treat a complaint, conduct or DSI matter as having been referred to it without it having been.

Summary of process for how the IOPC assesses referrals it receives

109. All referrals are considered by 'Assessment Analysts' and 'Senior Assessment Managers' in the IOPC's Assessment Unit of 20-25 staff.

110. Referrals concerning a PCC or the London Mayor's Office for Policing and Crime, or their deputies, will come from a Police and Crime Panel (PCP) and are effectively escalated automatically to a Senior Assessment Manager or Head of the Assessment Unit to consider. Depending on the circumstances, after their decision, the Assessment Analyst may alert other IOPC staff, such as the relevant Regional Director and Director for Operations.

111. There are separate assessment routes where referrals concern:

- Child Sexual Abuse (CSA) – these are sent to a nominated CSA Assessment Analyst;
- Terrorism – where the Directorate for Major Investigations heavily informs Assessment Unit decisions; and
- Covert matters.

⁷¹ Some serious corruption cases are handled by a special Anti-Corruption Unit within the IOPC's Directorate for Major Investigations although others, for example overt abuse of position for a sexual purpose, might be investigated by core investigation teams.

⁷² Specifically: criminal offences that could result in a prison sentence (for those over 18) of seven years or more. [IOPC's Statutory Guidance on the Police Complaints System 2020](#).

⁷³ Specifically: '*criminal offence or behaviour which is liable to lead to disciplinary proceedings and which, in either case, is aggravated by discriminatory behaviour on the grounds of a person's: age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation*'. [IOPC's Statutory Guidance on the Police Complaints System 2020](#).

⁷⁴ Police Reform Act 2002, Schedule 3, Part 1, paragraph 4 and paragraph 13: <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/1>

⁷⁵ Per Statutory Guidance 2020 under the Police Reform Act 2002, Schedule 3, Part 1, paragraph 4(1)(c) and Part 2, paragraph 13(1)(c): 'The IOPC may require any complaint or recordable conduct matter to be referred to it by the appropriate authority. The IOPC may use the power to 'call in' a matter, regardless of whether the matter is already being investigated or has previously been considered by the IOPC.' [IOPC's Statutory Guidance on the Police Complaints System 2020](#).

112. For all other cases, firstly *Assessment Analysts* summarise referrals and all supporting information (e.g. custody log, incident log, officer statements) and criminal allegations against PCCs or other policing body such as HMRC. They set out: the evidence; whether the referral is valid; their analysis of the information provided; whether a referral requires investigation; their recommendation and rationale what type of investigation is warranted (known as the 'Mode of Investigation' decision).

Whether an investigation is necessary

113. Cases are required to be referred to the IOPC will, by their nature, often require an investigation, by the Appropriate Authority or the IOPC. An investigation is highly likely necessary where one or more of the following apply:

- there is an indication a person serving with the police may have committed a criminal offence or behaved in a manner that would justify the bringing of disciplinary proceedings;
- there may have been an infringement of an individual's rights under Article 2 (right to life) or Article 3 (Freedom from torture and inhuman or degrading treatment) of the European Convention on Human Rights⁷⁶;
- an investigation is in the public interest, taking into account: the profile of a case; levels of public concern; and the vulnerability of the individual/s involved (*for example*, a child).

114. Where the IOPC determines no investigation is required, it will refer the matter back to the AA ('return to force') to handle in whatever 'reasonable and proportionate manner' it decides (which may or may not involve a local investigation).⁷⁷

What type of investigation is warranted (Mode of Investigation decision)

115. In their referral summary, assuming they consider an investigation is necessary, *Assessment Analysts* will set out their recommendation and rationale for what type of investigation is warranted, between⁷⁸:

- A local investigation – referred back to the AA (usually the local police force), to be investigated by itself '*in such reasonable and proportionate manner as they determine*'.

⁷⁶ Police Reform Act 2002, Schedule 3, paragraph 4: <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/1>

⁷⁷ Unless a local investigation is already underway, in which case the appropriate authority is required to complete it. Paragraph 9.48 [IOPC Statutory Guidance on the Police Complaints System 2020](#).

⁷⁸ The mode of investigation options for referrals about Police and Crime Commissioners (PCCs) and London Mayor's Office for Policing and Crime (MOPAC) and their Deputies are either an independent, or directed investigation.

- A directed investigation – led by the local police force or authority, but under the IOPC’s direction; and
 - An independent investigation by IOPC staff (for which the IOPC is best known in the public domain), where the IOPC judges it would not be appropriate for the police force to investigate itself.
116. When considering what MOI is most appropriate, analysts consider the seriousness of a case and the public interest, the latter currently defined as where:
- the complaint or conduct calls into question the legitimacy of the police in the eyes of the public and/or has the potential to damage the ability to police by consent; or
 - an IOPC-led investigation would add significant value (e.g. through independence, bringing together issues across policing, raising the profile of an issue, or following up on an issue).
117. **In considering the public interest, the IOPC also weights whether the case fits one of its ‘themes’, of which it currently has two: discrimination and violence against women and girls.** In previous years, the IOPC has had different themes. The IOPC told us its current themes were identified as those of greatest concern to the public, although we do not know how. Recent selection of these two themes was approved by Management Board which is reviewing these monthly. IOPC senior management told us that many cases within these two themes would have been investigated independently anyway on other grounds (e.g. seriousness), so ‘fit’ to a theme is only determinative in 5%-20% of cases.
118. Once the IOPC has established that an investigation into a referred complaint, conduct matter or DSI is necessary, a local investigation is required *unless the IOPC determines an independent or directed investigation is appropriate.*⁷⁹
119. Then *Senior Assessment Managers* consider these assessments to formally determine the MOI. Either they endorse the Assessment Analyst’s recommendation. Or they set out a different MOI decision and explaining why they did not follow the analyst’s recommendation.
120. The IOPC has advised that its Assessment Unit will typically decide that the IOPC should lead its own investigation into the most serious DSI cases. In certain cases, it may determine that a directed investigation is most appropriate; in others, it will send the case back to a local police force to investigate.
121. By law, the IOPC must lead an independent or directed investigation into Chief Officers where:

⁷⁹ Police Reform Act 2002, Schedule 3, Part 3, paragraph 15 (4A) to (4C):
<https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

- there is a conduct referral in relation to a Chief Officer;
- there is an indication, from a complaint, that a Chief Officer ‘may have committed a criminal offence or behaved in a manner which would justify the bringing of disciplinary proceedings’.⁸⁰

122. In certain circumstances, where an AA contacts IOPC investigation staff ‘out of hours’ (by phone) about an urgent issue (known as a ‘telephone referral’), they can declare an independent investigation without a full assessment, and this decision will, in effect, be later ratified by a Senior Assessment Manager.

Forecasting of demand for referrals to the IOPC

123. In 2022/23, the IOPC received 6,226 referrals from police forces and others, up 15% on the 5,423 referrals it received over 2021/22.⁸¹ Referrals include complaints, conduct and DSI matters. It is notable that over 2022/3, the vast majority of referrals were ‘mandatory referrals’, suggesting that if the number of complaints rises as expected, the IOPC can be reasonably confident in a similar increase in referrals.

124. With referrals to the IOPC having grown 52% (13% p.a.) over the last four years (as set out in **Chart 8** below), those interviewed as part of this Review expect that referrals to the IOPC will continue to increase. More police complaints are expected about a higher number of police officers following completion of the Police Uplift Programme to add 20,000 police officers⁸², and an increase is also likely as police forces work through historical allegations against hundreds (or thousands) of staff, even if the scale of such an increase is not yet clear. For example, more than 1,500 historical allegations have been made against hundreds of officers and staff, in MPS alone⁸³. The IOPC has recently begun developing forecasts for the number of referrals it will receive. It currently projects it will receive 7,533 referrals in 2023/24, 8,324 referrals in 2024/25 and 8,765 referrals in 2025/26.

125. With the number of police referrals to the IOPC rising and the IOPC independently investigating a smaller percentage of these itself, the IOPC will

⁸⁰ Police Complaints and Misconduct Regulations 2020, Regulation 5.

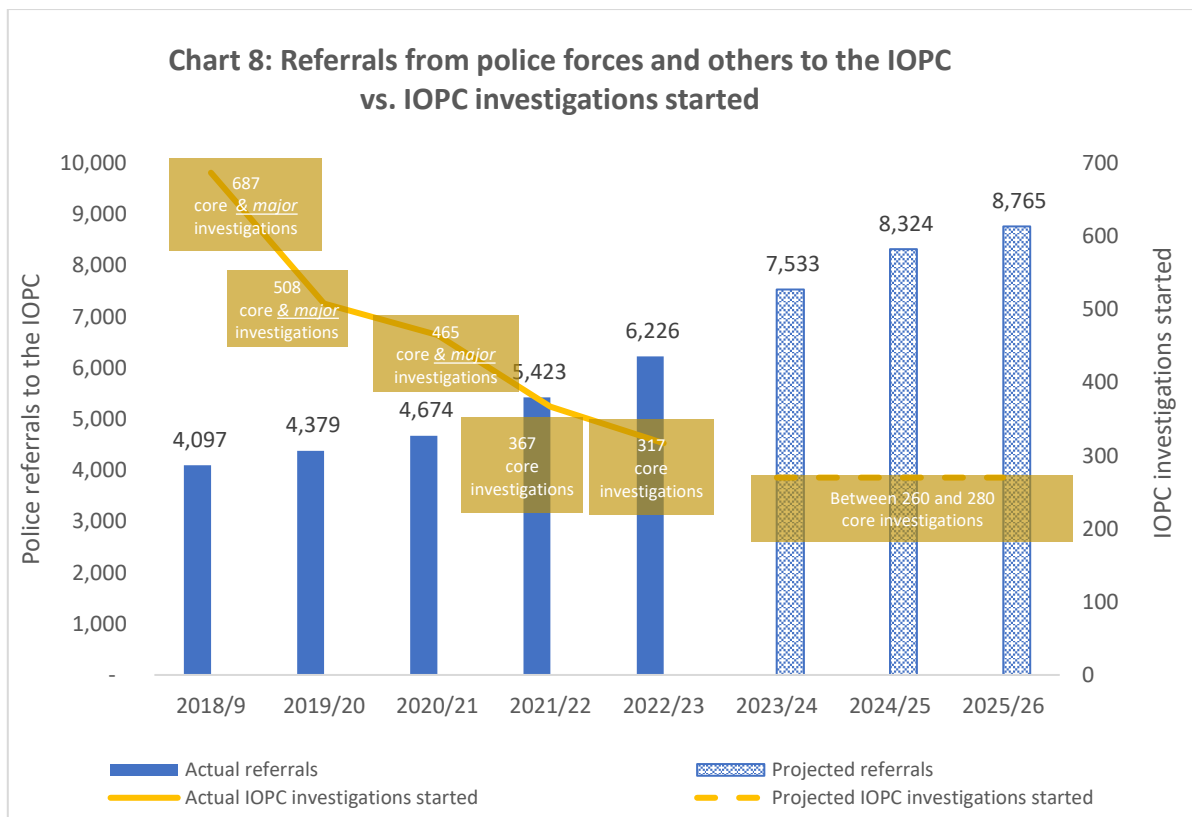
⁸¹ Statistics on referrals pertain to 2022/23 and were provided by the IOPC.

⁸² The increase in police officers between April 2022 and March 2023 – the final year of the Police Uplift Programme, during which the number of police officers rose by over 7,000 – was yet to be reflected in the 12 months of police complaints data to March 2023.

⁸³ For example, the Met Police Commissioner, Sir Mark Rowley, stated in January 2023 that MPS is reviewing a total of 1,633 cases over the preceding 10 years of alleged sexual offences or domestic abuse by individuals serving with the police, to ensure appropriate decisions were made. Sir Mark said he believed there were hundreds of officers and staff working for the Met who should have been kicked out, with “well over 500” MPS officers on restricted duties and “several hundred” suspending following investigations into police standards. When reviewed, a proportion of these cases are likely to be referred to the IOPC, given police forces must refer, for example, allegations of serious assault, serious sexual offences, serious corruption (including abuse of position for a sexual purpose) and criminal offences or discriminatory behaviour liable to lead to disciplinary proceedings: <https://www.theguardian.com/uk-news/2023/jul/05/2000-police-in-england-and-wales-may-face-sack-in-vetting-revamp>

be sending an increasing volume of referrals back to police forces to investigate locally.

126. This will have significant implications for Professional Standards Departments (and potentially for IOPC casework managers who may receive a higher number of applications for reviews of how forces' PSDs have handled their complaints).
127. As for the IOPC's ability to assess higher volumes of referrals, over 2022/3 it completed 6,239 police referrals, basically the same amount as it received over this period (6,235)⁸⁴, suggesting IOPC had kept on top of referrals until March 2023 at least. However, more recent data suggests the IOPC has begun to struggle to process referrals as quickly as it receives them.



⁸⁴ IOPC External Stakeholder Reference Group June 2023 briefing.

Performance and evaluation of IOPC assessment of referrals

Clarity and transparency over how the IOPC assess referrals

128. With the IOPC investigating a smaller proportion of referrals⁸⁵, the role of the Assessment Unit in deciding which cases the IOPC investigates is more critical than ever, as is the IOPC transparently and clearly explaining this.
129. We agree with the unanimous feedback from groups representing complaints and victims that whatever approach the IOPC takes to decide which cases it investigates, it must be clear and transparent.
130. We find that the IOPC's website does not adequately achieve this. The extent of its description for how it assesses referrals on its 'guide to the complaints process'⁸⁶ is:
- *'Certain complaints must be referred to us (further information on this is available in the Statutory guidance on the police complaints system)'* and
 - *'We only independently investigate the most serious and sensitive matters. These are the type of matters that have the potential to affect public confidence in the police, such as deaths and serious injuries.'*
131. It provides no insight into what complaints or conduct it considers the 'most serious'. Moreover, pointing the public to its statutory guidance (to better understand how it assesses referrals to it) is no substitute for a clear description on its website, particularly when the IOPC acknowledges this guidance is aimed at practitioners, not the public. We consider the IOPC's website in further detail in **Chapter 9. Accountability**
132. Notwithstanding inadequate transparency and clarity on its website on case selection, it was clear from our interviews that there is a widespread lack of understanding about how the IOPC decides which cases it investigates, even among those we would expect to have this understanding. When we spoke to stakeholders and groups representing and supporting complainants, victims and bereaved families, many were aware of – but none were able to accurately explain (even among the police and CPS) – how the IOPC uses themes to inform case selection, how it selects these themes, who is consulted on their selection and how far they are determinative.
133. This lack of understanding and buy-in for the use of themes in case selection extends to some IOPC operations staff. We spoke to a group of investigators who told us they did not understand how the Assessment Unit made its MOI

⁸⁵ As outlined in projected demand in the police complaints system, on projections made for this Review, a much, much smaller proportion of complaints will be investigated independently by the IOPC over coming years, down from 1 in 6 (16.7%) in 2018/19, to 1 in 28 (3.6%) this year (2023/24), and 1 in 32 (3.1%) by 2025/26.

⁸⁶ <https://www.policeconduct.gov.uk/complaints/guide-to-complaints-process>

decisions, and why some cases were selected for independent investigations over others. For example:

“The cases selected for IOPC investigation don’t make sense to us. For example, we’ve previously investigated lots of dog bites. We did dog bites to death.”

134. In the context of this lack of general understanding and buy-in, some police forces told us they felt the IOPC artificially fits some cases to its ‘themes’ to justify investigating cases that had no actual bearing on the theme. We can offer no view on the degree to which this is accurate; but we do suggest it illustrates that inadequate clarity can – and has – led to distrust in some cases.
135. When we explained how the IOPC uses and selects its themes to inform which cases the IOPC investigates, a great many stakeholders, groups representing complainants – and some IOPC staff – interviewed expressed serious reservations that using themes *“which seem arbitrary”* or *“this year’s trend”* presented significant risks that the IOPC may reactively prioritise investigations into cases topical in the press today. There was concern that this implicitly means some cases are deprioritised because they do not fit into a theme, and this might mean the IOPC does not investigate cases it should, nor adequately identify other emerging trends. Several stakeholders questioned whether this reactive approach would help the IOPC to stay abreast of emerging issues, like child strip search, before they receive widespread press attention.
136. Moreover, of those with some partial understanding of the IOPC’s use of themes in case selection, most thought they were determinative in a vastly greater proportion than appears to be the case. Over the last two years, about 45% of IOPC’s independent investigations fell within one of its current themes: VAWG or discrimination. However, we have been told that the majority of these would have been investigated anyway on other grounds, so the proportion where ‘fit to a theme’ actually determined the MOI is small, somewhere between 5%-20%. However, such a small proportion does not align with our interviews with IOPC assessment staff who suggested themes had a far stronger bearing on which cases were selected for an independent IOPC investigation.

RECOMMENDATION:

The IOPC should discontinue the use of themes as a criterion in its decisions about which cases it will investigate independently. It does not have the requisite buy-in to justify their continued use in this way. It might be able to address this in part by more clearly explaining how it decides which cases should be independently investigated over others. But this would not address an inherent risk in using themes, that emerging issues are potentially overlooked at the expense of whatever attracts greatest public attention today.

Outcome of local investigations following referral to the IOPC

137. The IOPC has no insight into the outcome of individual conduct cases where the Assessment Unit decides a local investigation is necessary. **We share concerns from IOPC’s senior leadership and other interviewees that there is no oversight of local handling of recordable conduct. We also have concerns that this means the IOPC cannot adequately evaluate the work of its Assessment Unit and its mode of investigation decisions.**
138. At least where a complaint is referred to the IOPC and then sent back to a local force to investigate, a complainant has a right to appeal (or, more accurately, the right to apply for a review of whether their complaint was handled in a ‘reasonable and proportionate’ manner⁸⁷), which alerts the IOPC to the outcome of those cases. This still leaves a gap where such a complainant is unhappy with how their complaint has been handled, but gives up on the process and decides they do not wish to apply for a review, either due to the extra time, burden or potential harm or trauma involved in revisiting the circumstances of their complaint. But, at least they have this option and some will take it, potentially providing the IOPC with valuable insight into whether it made the right decision in having a local force investigate a complaint about one of its officers or staff, or whether it should have opted to investigate the complaint independently.
139. The larger gap exists where a police force decides certain conduct should be referred to the IOPC (where there is no complaint formally ‘recorded’ at least) and the IOPC sends the case back to the local force to investigate. As there is no complainant to apply for a review of how the case has been handled, the IOPC has no idea how these conduct cases are investigated, nor their individual outcomes.
140. Local force investigation outcomes (into both complaints and conduct) are assessed by the IOPC in aggregate through statistics forces must provide it. But this does not provide a feedback loop for the IOPC to learn from its individual mode of investigation decisions and identify themes as easily. Importantly, it also means there is no backstop to forces’ inappropriate handling of such conduct cases⁸⁸.

RECOMMENDATION:

The Home Office should work with the IOPC to consider the merits and implications of providing the IOPC with the mandate and appropriate legislative powers, to enable it to routinely understand the outcome of referred *conduct*

⁸⁷ Police Reform Act 2002, Schedule 3, Part 1, paragraph 6A(4):
<https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/1>

⁸⁸ Other than applications for Judicial Review, or Victims Right to Review whether a referral to the CPS should be made in criminal cases. Both are considered in further detail in **Chapter 6**. Overarching considerations for reviews, referrals and investigations.

cases the IOPC decides should be investigated locally and thereby evaluate its mode of investigation decisions.

Training and accreditation of analysts and senior assessment managers in the Assessment Unit

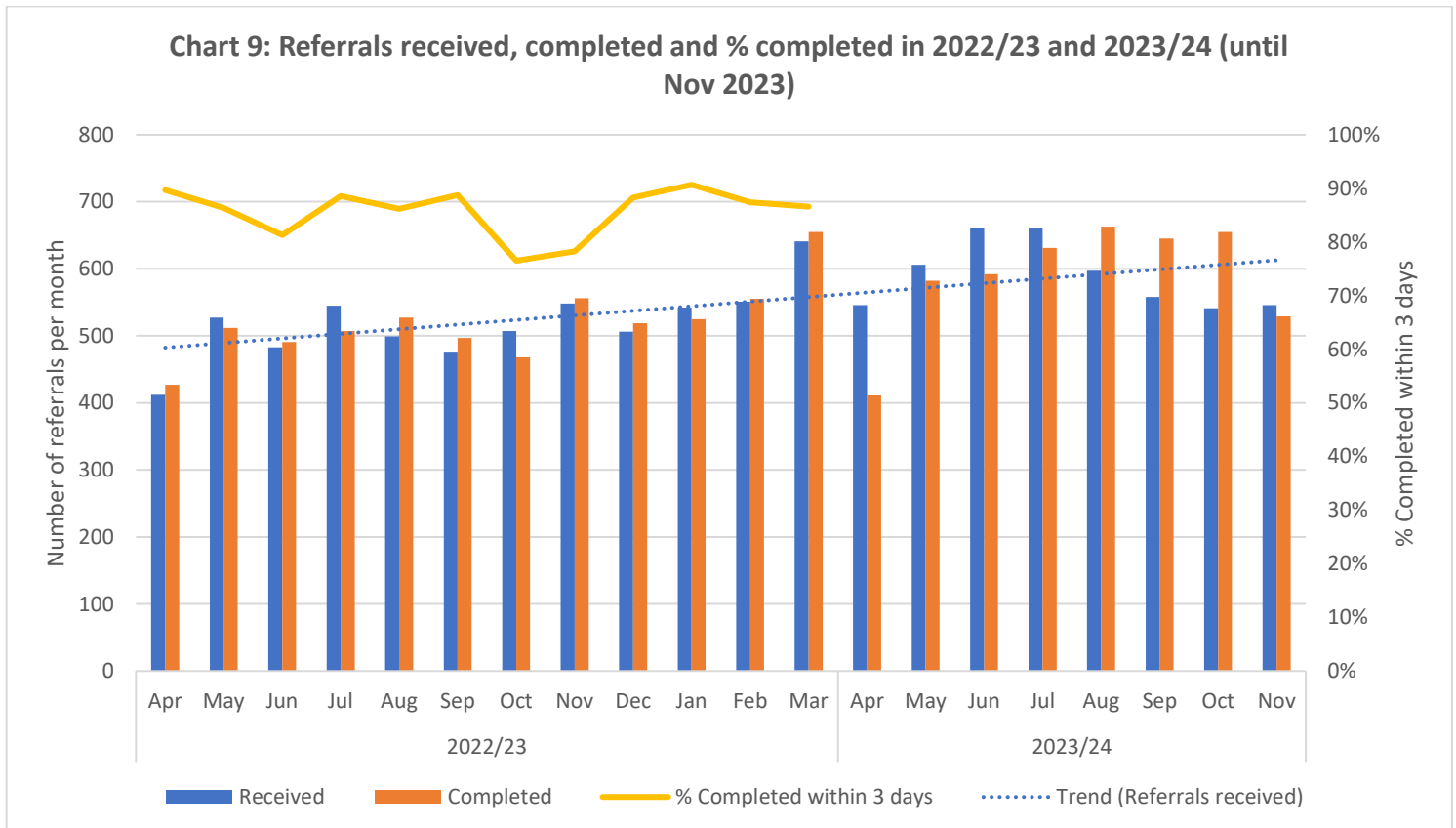
141. A police complaints system – where only a tiny fraction of complaints are investigated by an external body – depends significantly on the calibre of those deciding which cases the IOPC should investigate.
142. Analysts usually join the Assessment Unit from outside the IOPC. On arrival, they typically receive two weeks' induction training (developed and delivered in-house). This training covers different referral types and the different types of complaints or conduct that the IOPC considers. After this, they summarise and assess MOI decisions on five to six inactive cases, which Senior Assessment Managers look over to provide them with feedback and check that the summaries and MOI assessments are robust and sufficiently high quality. Once Senior Assessment Managers assess they are ready, they move onto 'live cases'.
143. Analysts are assigned two cases per day, so on average, a case has to be summarised and assessed in half a day. In this time, they can suggest lines of enquiry should the matter be investigated. This is just a guide, however, to inform the investigation team that picks up the case. Senior Assessment Managers review case summaries drafted by Assessment Analysts and then make the MOI decision.
144. Nevertheless, we have some concerns that: only three hours to assess each referral on average may be too little time to ensure high enough levels of consistency and accuracy in this work; and that two weeks' training, even with follow-up, is inadequate to ensure sufficient consistency in referral assessment and proper review of each referral (not least given the variety of referrals the IOPC receives). Groups representing claimants expressed some alarm about this level of training for IOPC analysts, given the pivotal role they play in determining which cases IOPC investigates.
145. Moreover, given this training is delivered in-house, some stakeholders also raised concern that any issues or errors could be 'baked in' and taught to new starters.

RECOMMENDATION:

The IOPC should review the extent of training and look at opportunities for accreditation for its Casework Managers (who consider reviews) and Assessment Analysts (who decide which referred cases require an investigation and decide which cases the IOPC should investigate independently and which can be investigated by police forces or PCCs). It should consider seeking external input to quality assure samples of referral decisions.

Operational performance

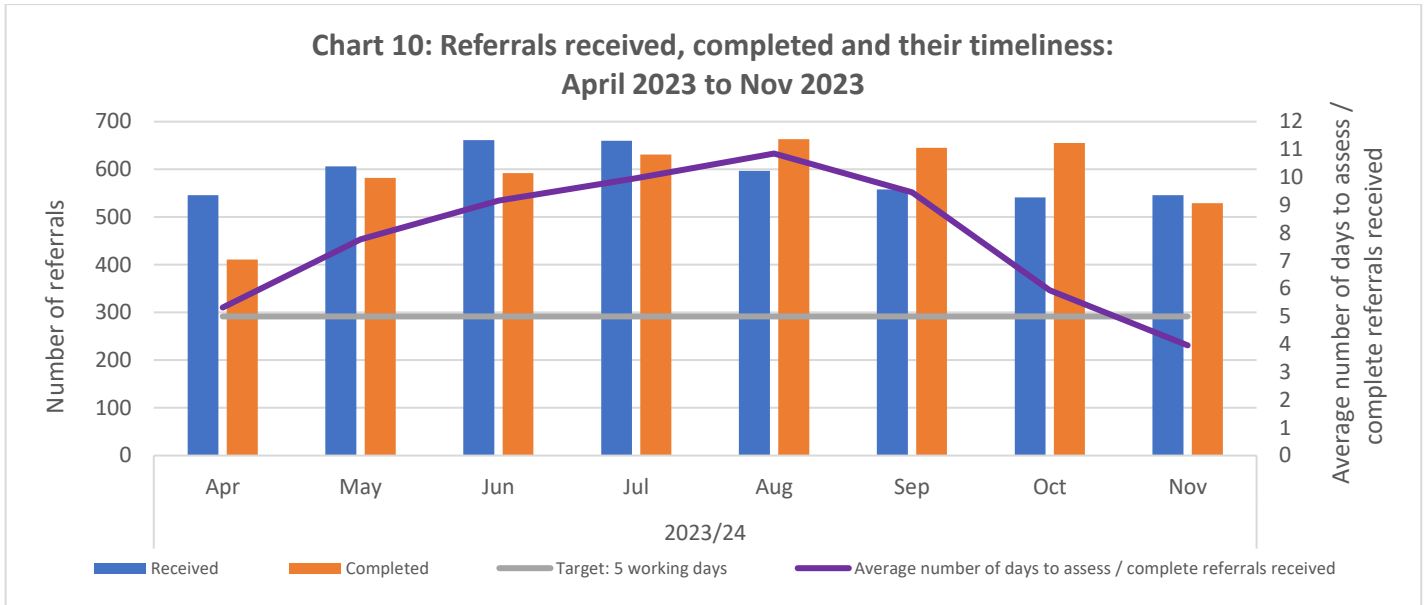
146. Over 2022/23, the IOPC’s target was assessing 85% of all referrals received within 3 days, which it just surpassed (86%).⁸⁹ **Chart 9** illustrates how the number of referrals is increasing (the dotted line shows this trend linearly), and how the IOPC met its target of determining MOI within 3 days on average over 2022/23.



147. Nevertheless, we were told by IOPC staff that internal feedback from the Assessment Unit flagged that trying to meet this 3-day target meant analysts were in some cases not requesting relevant information from police forces.

148. IOPC management contests this and told us the decision to extend the target from 3 days (in 2022/23) to 5 days (in 2023/24) was not because the target was driving analysts to make decisions based on inadequate information, but rather to create greater unit resilience in light of increasing referrals.

⁸⁹ https://www.policeconduct.gov.uk/sites/default/files/documents/Performance_framework_2022_23_March_0.pdf; YTD Actual.



149. **Chart 10** illustrates how, despite changing its target for assessing referrals to 5 days for 2023/24, by August 2023 continued growth in referrals the IOPC received and staff absences meant the IOPC was taking more than treble the time to complete referrals it took just a few months before⁹⁰.
150. Over recent months, the IOPC implemented a series of measures to accelerate its turnaround time, with some process improvements and deployment of additional temporary resource. This enabled the Assessment Unit to address its performance before a backlog built, such that around turnaround time of reviews had fallen to just under four days by November 2023.
151. However, the IOPC has advised that if it is unable to backfill vacancies and recruit to cope with 40% projected growth⁹¹ in the number of referrals it receives between 2022/23 and 2025/26, its performance again will deteriorate. So it is imperative it continues to work to improve assessment unit productivity and considers what learning the Assessment Unit might draw from process improvements made to reviews from its National Operations Turnaround Plan.

⁹⁰ In March 2023, the IOPC assessed 90% of referrals within 3 days per **Chart 9**. By August 2023, it was taking on average nearly 11 days to assessing referrals, per **Chart 10**.

⁹¹ Per **Chart 8**.

Chapter 5. Effectiveness of IOPC investigations

Summary of process for independent and directed investigations

152. All IOPC investigations (with the exception of ‘major investigations’ and Hillsborough) are led by one of the IOPC’s regional offices, each headed up by a Regional Director (RD) responsible for investigations in their area.
153. Decision Maker (DM): Investigators and Lead Investigators are overseen by Operations Team Leaders (OTLs) and Operations Managers (OMs), who are also responsible for making key decisions about the terms of reference for, and outcomes of investigations. OMs work for RDs and ultimately for the DG, exercising the delegation of the DG’s powers.
154. Directed investigations: Where the IOPC decides a case should be investigated by the AA under the IOPC’s direction, the IOPC is required to keep this under review⁹². The IOPC must approve the person appointed to investigate and can require that a different person is appointed to take over an investigation already underway.⁹³ Similarly, the IOPC sets out directed investigations’ scope and investigative strategy, controls these investigations by reviewing the policy books and confirms that directed investigations have met the terms of reference and makes the decisions at the end of the directed cases.
155. Detail of the process for independent and directed investigations is set out in **Annex E** – Detailed process for independent and directed investigations.

Criminal proceedings during an investigation

156. Until the investigator completes their final report and the DM provides their opinion, the CPS cannot bring criminal proceedings in relation to the IOPC investigation⁹⁴, unless it assesses there are ‘*exceptional circumstances which make it undesirable to delay the bringing of criminal proceedings*’ against a police officer or special constable.⁹⁵

⁹² Police Reform Act 2002, Schedule 3, Part 3, paragraph 15(5): <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

⁹³ Police Reform Act 2002, Schedule 3, Part 3, paragraph 26: <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

⁹⁴ Police Reform Act 2002, Schedule 3, Part 3, paragraph 20(1): <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

⁹⁵ Police Reform Act 2002, Schedule 3, Part 3, paragraph 20(3): <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

Disciplinary proceedings during an investigation

157. Similarly, disciplinary proceedings cannot be brought against an individual in relation to the IOPC investigation until a DM provides their opinion⁹⁶, unless it is clear⁹⁷:

- an individual has committed gross misconduct; AND
- it is in the public interest to commence 'accelerated procedures' so that they cease to be a police officer without delay.

Decision makers' (DM) provisional opinion and outcomes at the end of IOPC investigations and consultation with Appropriate Authorities (AAs)⁹⁸

158. Once an investigator has completed their investigation and written their report (analysing and summarising the evidence collected), this is passed to an IOPC DM to consider and write the IOPC's provisional opinion⁹⁹ on whether:

- the individual may: (a) have committed a criminal offence and (b) it would be appropriate to refer it to the CPS;
- the individual may have behaved in a manner justifying the bringing of disciplinary proceedings¹⁰⁰ (notwithstanding whether a criminal offence may have occurred or not) and therefore whether an individual has a case to answer for potential misconduct.

159. After forming their *provisional* opinion, the IOPC DM must reach out to the AA for their views on certain issues.

160. Typically, a DM shares their provisional opinions with the AA, alongside investigation reports for their views and evidence for gross misconduct cases.

⁹⁶ Police Reform Act 2002, Schedule 3, Part 3, paragraph 20A: 'Accelerated procedures for special cases' <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

⁹⁷ The precise way such 'accelerated' disciplinary proceedings work is an investigator (at any point within their investigation) provides an interim report to a DM who must, in turn, agree with their assessment that the Appropriate Authority would likely consider that evidence establishes – on balance of probabilities that (a) an individual has committed gross misconduct; AND (b) it is in the public interest to commence 'accelerated procedures' so that they cease to be a police officer without delay.

⁹⁸ Other than in special cases, where the aforementioned 'accelerated procedures' may apply. This is informed by Regulation 27 of the Police (Complaints and Misconduct) Regulations 2020 <https://www.legislation.gov.uk/uksi/2020/2/regulation/27>.

⁹⁹ Depending on the type of investigation, these opinions are noted in a standardised DM's Opinion template.

¹⁰⁰ They will consider whether the individual has a case to answer, specifically whether there's sufficient evidence upon which a *reasonable* misconduct meeting or hearing could, on the balance of probabilities, make a finding of misconduct or gross misconduct.

DM referrals of relevant cases to the CPS for potential criminal proceedings

161. The DM will¹⁰¹ refer an individual/s to the CPS to consider, independently from the IOPC, whether criminal charges should be brought, where the DM assesses:
- (a) there is an indication that an individual/s may have committed a criminal offence; AND
 - (b) such a referral would be appropriate.¹⁰²

DM 'final determinations' on whether disciplinary proceedings should be brought (in conduct and complaint cases)

162. After seeking and considering the views of the AA, the DM must determine: whether any subject of the investigation has a case to answer (or not) in respect of misconduct or gross misconduct (if they consider the individual breached Standards of Professional Behaviour sufficiently to justify bringing disciplinary proceedings¹⁰³ and whether a reasonable tribunal could find misconduct or gross misconduct).
163. They must also determine whether the individual's performance is satisfactory.

DM directions to the AA

164. Where they make such a determination, the DM is required to direct the AA that disciplinary proceedings should be brought and on the specific form they must take.¹⁰⁴
165. The DM may also *recommend* to an AA that an individual's performance is or is not satisfactory. Where necessary, a DM may direct the AA to take specific steps in respect of an individual's performance, to refer an officer to any stage of the unsatisfactory performance procedure.

¹⁰¹ Police Reform Act 2002, Schedule 3, Part 3, paragraph 23(2)(c), paragraph 23(2A), paragraph 23(2B) and paragraph 23(3): <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

¹⁰² Police Reform Act 2002, Schedule 3, Part 3, paragraph 23(2B)(a): <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>. 'This second condition is that the circumstances are such that, in the opinion of the [Decision Maker] it is appropriate for the matters dealt with in the report to be considered by the [CPS]'. Examples of where a DM may consider there is an indication an individual may have committed a criminal offence, but they might consider it would not appropriate to refer the matter to the CPS include if a suspect is dead, or the time passed bars a prosecution for that type of criminal offence.

¹⁰³ Police Reform Act 2002, Schedule 3, Part 3, paragraph 23(2) and (5A)(b)(ii) <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

¹⁰⁴ Police Reform Act 2002, Schedule 3, Part 3, paragraph 23(5A)(e) and paragraph 27(9). An AA must comply with such a direction. <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

166. After being notified of the DM’s decision, the AA must tell the IOPC whatever action it takes following DM directions or recommendations with respect to disciplinary proceedings¹⁰⁵.

Steps after a DM opinion is finalised

167. The IOPC must notify complainants and interested parties of its decision-making in relation to a referral to the CPS and more generally keep them informed of the progress and outcome of the investigation.
168. The IOPC determines what complainants receive, but often it shares the investigation findings with the complainant, victims, bereaved family and subject under investigation¹⁰⁶ (although it formally has no obligation to update the subject of investigation).

Forecasting of demand for independent IOPC investigations

169. Last year (2022/23), the IOPC started 367 independent core investigations, 14% fewer than in 2021/22. The IOPC did not distinguish between core and major investigations until 2020/21, so figures from before 2020/21 cannot be compared accurately. Nevertheless, the significant fall in investigations contrasts sharply with the 32% increase in police referrals to the IOPC over the same period – see **Chart 8** above.
170. The IOPC began core 89 investigations between April and June 2023. If it continued at this rate, it would start core 356 investigations over 2023/24. However, the IOPC has advised this Review that it only has the capacity to conduct between 260-280 independent core investigations in 2023/24, and potentially fewer over coming years if it receives further cuts to its real-terms funding.
171. Such a fall in the number of IOPC investigations would continue a downward trajectory over recent years, in sharp contrast to an 84% *increase* in police referrals over the last five years, as illustrated in **Chart 8** above.
172. This would mean that, whereas, in 2018/19, about 1 in 6 police referrals to the IOPC were independently investigated (16.7%), this would fall to 1 in 28 over 2023/24 (3.6%) and 1 in 32 (3.1%) by 2025/26. Notwithstanding that the IOPC told us that the smaller number of investigations over recent years has been partly due to a conscious decision to investigate only the most serious cases,

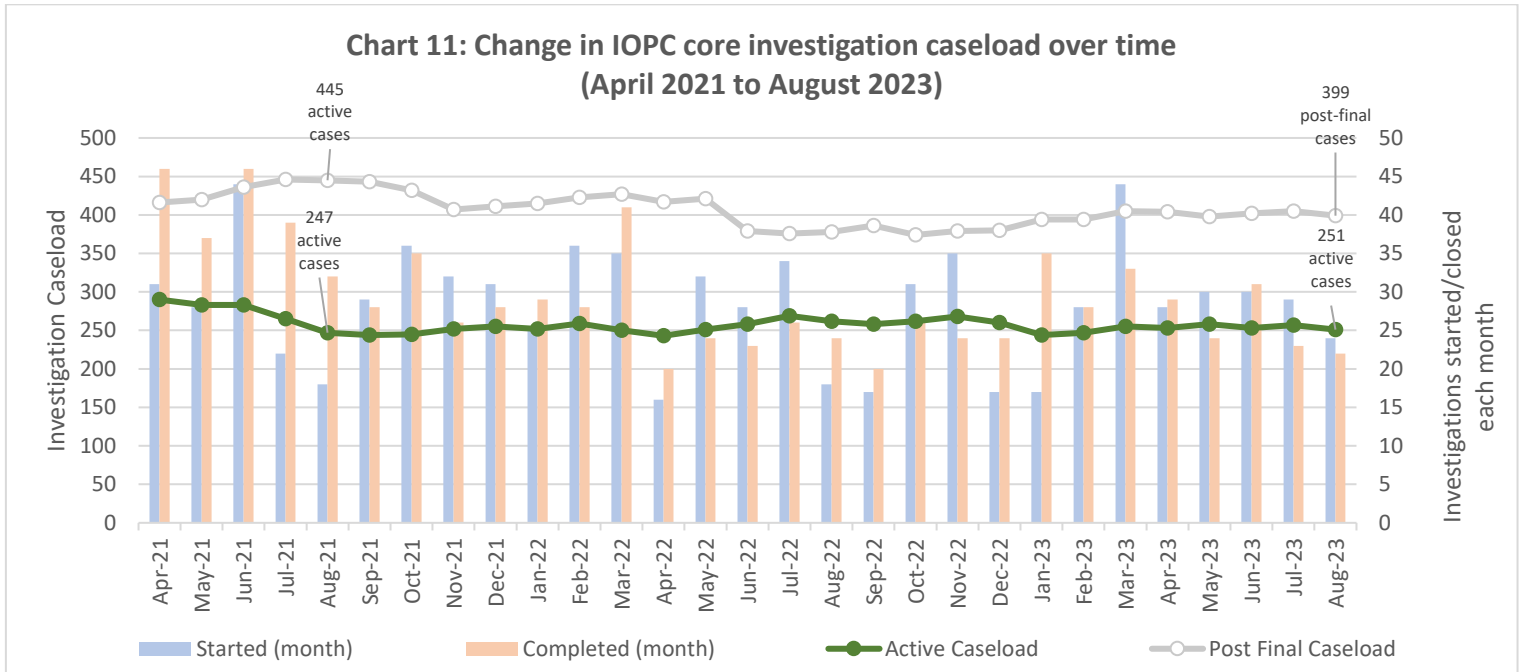
¹⁰⁵ Police Reform Act 2002, Schedule 3, Part 3, paragraph 23(5D):
<https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

¹⁰⁶ The IOPC considers whether the report and decision maker opinion is shared, subject to the harm test. If they are not shared, the manner in which findings are shared is considered. For complainants/victims/families, this may be face to face, via a legal representative, or by letter. For those under investigation, this may be via the force PSD, their staff organisation representation (e.g. Federation or Trade Union), or their welfare officer.

we assess this could have significant implications for public confidence in the police complaints system.

Core investigations, timeliness and what causes delays

‘Core’ investigation caseload



Active caseload: 251 ‘core’ investigations

173. The number of active ongoing investigations has remained steady over the last 2.5 years, from 247 active investigations in August 2021 to 251 active investigations in August 2023 (the latest data available, see **Chart 11**), although it is worth noting the number of cases the IOPC is taking on has fallen sharply.¹⁰⁷

174. Of the IOPC’s current active investigative caseload, as of August 2023:

- 15% were at an early stage (their terms of reference being agreed);
- 52% were under active investigation;
- 24% were at final report stage; and
- for 8%, the status of them was not immediately known (due to incorrect status selection on IOPC’s live case management system).

¹⁰⁷ The IOPC expects to start between 260 and 280 independent core investigations this year (2023/24), compared to 367 core investigations in 2021/22: a 30% fall over 2 years.

Post-final caseload: 399 'core' investigations

175. The IOPC calls a case 'post-final' when an investigator has completed their investigation report and a DM has approved their report and: (a) made a final determination as to whether disciplinary proceedings should be brought against any investigation subject/s; and (b) referred the case – where appropriate – to the CPS to consider potential criminal charges. The IOPC does not mark them as completed at this stage, as it may yet need to 'reveal'/ disclose file materials and otherwise provide support to the CPS, a police force / LPB, or inquest. It may need to present its findings at misconduct proceedings, for example where it required these be brought and the local police force disagreed with the DM's determination that there was a case to answer and that misconduct proceedings should be brought.
176. As of August 2023, the IOPC had 399 of its core investigations at 'post-final' stage (down 10% from 445 cases in August 2021, see **Chart 11**).

How the IOPC manages cases

177. Each operational region manages its caseload slightly differently, depending on the general practice and preferences of their RD.
178. In general, however, each regional director holds regular meetings with operations managers and operations team leaders, if not with wider staff, to review caseload, investigation timeliness and delays and progress with particularly high-profile cases. These are supported by reports provided by the Performance team within the Strategy and Impact directorate, who will also support deep-dives into particular regional trends, where requested.
179. In particular, the performance team developed a dynamic 'Delay Report' with input from regional directors and managers to ensure it met their needs.
180. Each region has an administrative function (typically called an Investigation Support Unit) that facilitates appropriate document management and relevant disclosure to external parties. The role of the ISU is greater in some regions, where they can assist on post-final cases, for example preparing for when a case goes to a misconduct proceeding or inquest.

'Core' investigation timeliness

181. We consider the timeliness of IOPC core investigations in particular depth, given our terms of reference (**Annex A** – Terms of reference for the Review) had a particular focus on this issue. We were asked whether investigations are completed as quickly as possible and proportionately? What steps could be taken to reduce their length?

Performance in completing ‘core’ investigations¹⁰⁸ over recent years¹⁰⁹

182. Over 2017/18, investigations by the Independent Police Complaints Commission (IPCC) took on average 11.5 months to complete. This statistic excluded ‘major’ investigations’, so is comparable with later data set out below for ‘core’ IOPC investigations.
183. In the 5 years since, the IOPC has worked hard and made significant progress in reducing the length of its investigations. Over the last full year (2022/23), the IOPC was, on average, completing core investigations about 3 months quicker, in 8.7 months. The latest data available (for April 2023 to August 2023) suggests steady performance.¹¹⁰
184. The IOPC’s progress in reducing the length of its investigations was acknowledged by the [HASC report](#) published in March 2022 and indeed, the IOPC reports its investigations now take less time than some forces’ internal complaints investigations.
185. A number of stakeholders interviewed for this Review also noted this significant improvement. For example:

“The IOPC has come leaps and bounds with regards to timeliness, but there’s more it needs to do.”

Current timeliness performance against published targets

186. Last year (2022/23), the IOPC performed slightly above both of its public targets for its ‘core’ investigations’ timeliness¹¹¹. (‘core’ investigations excludes ‘major’ investigations, which typically take longer). It completed:
- 38% of investigations within 6 months (above its 33% target); and
 - 89% of investigations within 12 months (above its 85% target).
187. Latest available data (April to September 2023) suggests timeliness of IOPC investigations is about the same as the last full year (2022/23), with a slightly greater percentage completed within 6 months:
- 45% of investigations were concluded within 6 months (above its 33% target); and

¹⁰⁸ The IOPC distinguishes between ‘major’ investigations handled by the IOPC’s Directorate for Major Investigations (DMI), which typically take longer to complete – and all others, described as ‘core’.

¹⁰⁹ Data on IOPC active caseload is dependent on information being updated on its case management system, a live data source, so it is indicative only.

¹¹⁰ In the 5 months (April to August 2023), the IOPC’s average time to complete core investigations was 195 working days. Source: unpublished data provided to this Review.

¹¹¹ [IOPC Performance Framework 2022/23 – March 2023](#): YTD 2022/23 Actual

- 85% of investigations were concluded within 12 months (above its 85% target).
188. According to the latest data available (April to September 2023), the IOPC completed a slightly higher proportion within 6 months (45%) and its longest cases slightly longer to complete, such that it had completed 85% of cases within 12 months.
189. A set of measures was introduced in 2020 to ensure lengthy investigations (by police forces or the IOPC) are transparent and accountable. Where investigations take longer than 12 months (and at 6-monthly intervals thereafter), the investigating body must write to the LPB, estimating when the final report will be submitted and explaining the length of time taken.

Views on the length of IOPC investigations

190. Notwithstanding the IOPC's progress in reducing the length of its 'core' investigations since it was established in 2018, the length of IOPC investigations has continued to attract criticism.
191. The length of some high-profile cases over recent years in particular – for example [Operation Kentia](#) (the IPCC/IOPC investigation between November 2016 to July 2019 into MPS Operation Midland) – has attracted particularly strong criticism.
192. We note the average length of IOPC investigations has reduced and the IOPC is generally meeting its performance targets (which it agrees with the Home Office). **Nevertheless, we share the near-unanimous view of those interviewed (outside the IOPC)** that complainants, subjects of investigation, bereaved families and the public have a reasonable expectation that these investigations are concluded even quicker. One stakeholder captured the general sentiment we heard as follows:
- “There should be time limits for everything. The IOPC thinks it is good to reduce it to 12 months, but this is not good enough, taking into account the impact and high stress on all parties involved.”*
193. The need to complete investigations quicker was one the most common themes in all the interviews we conducted (set out in **Annex B** – Methodology of this Review); and clearly one of the most pressing issues (along with quality) for complainants, bereaved families and victims.
194. Equally, we haven't spoken to any group or stakeholder outside of the IOPC who did not think steps could be taken to conclude some or many of the IOPC's investigations quicker. Indeed, many IOPC staff we spoke to agree. The following are illustrative of the views we heard:

“Very often, the IOPC do a thorough investigation where they could have done something light touch and reached a valid decision sooner and managed their time and resources better”.

Investigator sub-group: “A lot of investigations could be done faster.”

Impacts from investigation delays

Impact of delays on individuals’ wellbeing

195. **We cannot overstate the huge impact that lengthy investigations and unanticipated delays clearly have on complainants and bereaved families, as well as on subjects under investigation.**

“The impact of protracted investigations upon so many people’s wellbeing cannot be over emphasised.” (group representing police officers and staff)

196. The trauma that some families suffer in the wake of a death or serious injury during or following police contact is exacerbated by the lengthy process that often follows. Families cannot begin the grieving process or achieve closure when, in some cases, they wait years for a resolution.¹¹²

197. The following is a representative sample of feedback we received from different groups interviewed for this Review:

“If IOPC investigations take a long time, it gives the impression that they don’t care enough.” (group representing complainants)

“Timeliness is the biggest issue for complainants.” (group representing complainants)

“Whilst the complainant was relieved at the eventual outcome of their complaint, they told us they would not have made their complaint had they known how long it would take.” (group representing complainants)

“Speed of investigation is probably the biggest area which undermines public, complainant and officer confidence in the system.” (stakeholder)

“Delays are the enemy of justice and accountability. They undermine trust and confidence in the process, and delay opportunities to learn and effect change.” (stakeholder)

“Delays really weaken confidence in the IOPC and policing in general.” (stakeholder)

¹¹² As noted in 2017 [Independent Review of Deaths and Serious Incidents in police custody](#) by Dame Elish Angiolini DBE QC.

198. We also heard about the impacts on individuals under investigation from interviews with groups representing police officers and staff, and from submissions we received from individuals placed under investigation – in some cases for years – before the IOPC found they had no case to answer.
199. It is evident investigations take a huge toll on the mental health of many of the police officers and staff under investigation who, in some cases, also face the uncertainty of suspension for prolonged periods of time.

“Investigations can go on for years, which is unfair both to serving officers, and retired officers in jeopardy in new jobs.” (group representing police officers)

Impact of delays on police accountability

200. Many cases where police officers and staff have been found guilty of misconduct or criminal offences have followed lengthy IOPC investigations. Nevertheless, last year’s Home Affairs Select Committee inquiry on Police Conduct and Complaints heard of some instances where lengthy IOPC investigations were used by police officers and staff facing gross misconduct allegations to justify abuse of process arguments, resulting in the effective collapse of their misconduct hearings without any evidence being heard.¹¹³
201. Equally, by the time some cases are concluded, stakeholders told us that individuals may have moved on, reducing ultimate accountability. However, we cannot comment on the extent to which this view is representative.
202. Lengthy delays may also impact the memories of complainants, those under investigation and witnesses who might not remember as clearly what happened and, in the case of investigation subjects, might say they cannot.

Wider impacts from delays

203. There is also a huge cost to the public purse of having many police officers and staff on suspended pay, in some cases for several years.
204. Investigations should provide timely opportunities for learning and to improve police practice and the IOPC has told us that it ‘often’ issues ‘quick-time learning’. However, we have also heard from some stakeholders that the length of some investigations means any eventual IOPC recommendations are often out of date, by the time learning is published, commonly because learning has been implemented in the meantime, notwithstanding that an IOPC investigation is yet to conclude.

¹¹³ [Written evidence from INQUEST, PALG and ILG](#). INQUEST is a charity providing expertise on state related deaths and their investigation to bereaved people, lawyers, advice and support agencies, the media and parliamentarians. The Police Action Lawyers Group (PALG) is a national organisation comprised of lawyers who represent complainants the police throughout England and Wales. INQUEST Lawyers Group (ILG) is a national pool of lawyers who provide preparation and legal representation for bereaved families.

Why IOPC investigations can take a long time

205. There is no single or straightforward answer to why IOPC investigations can take a long time. The IOPC must balance completing investigations as quickly as possible with ensuring they reach the right conclusions, correctly identify misconduct and criminality, and are defensible in court. The risks from ‘rushing’ investigations are clear and the IOPC has a duty to maintain confidence in the police complaints system, and public confidence requires that its investigations are high quality as much as they are concluded quickly.
206. Nevertheless, it is clear to us that a great many issues cause delays, and that some of these are outside of the IOPC’s control, which many of its stakeholders readily acknowledge.
207. Indeed, IOPC investigators told us of their frustration that the IOPC is often blamed unfairly, in their view, for the legislative framework governing their work or delays caused by others. Indeed, IOPC investigation length is often conflated or confused with the length of time to conclude all related proceedings over which the IOPC has little, if any, control.
208. Whilst the average time to conclude an independent IOPC investigation has fallen from around 11.5 months¹¹⁴ (5 years ago), one underlying and particularly pertinent question remains:

Why has the time taken for the IOPC to complete its core investigations remained stubbornly high over recent years, even though it is now conducting a lot fewer investigations? ¹¹⁵

209. To address this question, we consider, in turn:
- potential structural causes of lengthy investigations;
 - other potential causes of investigation *delays* (almost all outside of the IOPC’s control); and
 - whether (and to what degree) the IOPC’s current operating model might be hindering further progress on reducing investigation length.

¹¹⁴ Statistic provided by the Home Office Police Integrity Unit.

¹¹⁵ Over the last full year (2022/23), the IOPC was, on average, completing core investigations in 8.7 months / 188 working days. The number of independent investigations has fallen from 687 independent core (and major) investigations started in 2018/19, to 317 core independent investigations started in 2022/23. The IOPC expects to start fewer independent core investigations still over 2023/24 (between 260-280). See **Chart 8** earlier in this chapter.

Structural causes of lengthy investigations

Resources

210. The answer would not appear to be fewer resources – or at least not entirely. Total IOPC operations resources fell only slightly (5%) over the last 5 years.¹¹⁶
211. We have not been provided with a detailed breakdown of how resources *within operations* have changed over recent years. So, we cannot say whether the IOPC had to move some resource previously dedicated to ‘core’ investigations to manage its ‘major’ investigations. Nor can we say whether resources were moved to National Operations, to handle ever-growing volumes of referrals the IOPC must assess and reviews of complaints and DSI cases that the IOPC is required to take on. We are confident, however, that even if the number of resources dedicated to core investigations *did* fall over this period, this would only partly explain why timeliness issues remain.

The legislative framework

212. We comment more broadly on the legislative framework underpinning the police complaints and disciplinary systems and the IOPC’s role in them in Specific operational support: on-call arrangements
213. The IOPC has an **on-call** team for any urgent operational need out of hours. Whilst on-call arrangements are not exclusive to them, DSI cases are those most often attended to ‘out of hours’. In some circumstances, the IOPC may have to attend a scene (e.g. a death in police custody), take control of it, and potentially declare an independent IOPC investigation.
214. Interviews with IOPC staff suggest current on-call arrangements:
- are inadequately resilient, often with only one operations manager on call to make decisions about deployments and light staffing to respond (to however many incidents in England and Wales that develop out of hours);
 - do not adequately support individuals on-call who receive no specific training and do not have an ‘on-call’ manual for the types of decisions they may need to take out of hours; and
 - may be inadequately remunerated (with staff paid only £13 to be on-call on weeknights and £60 over a weekend) to rely upon volunteers to perform this function, when it restricts what they may do in their otherwise-free time.

¹¹⁶ From 606 FTEs in 2018/19 to 578 FTEs in 2022/23, a fall of 28 FTEs, 4.6%. (See **Chart 22**). We note a similar fall (25 FTEs) in the resources dedicated to investigating the Hillsborough disaster, from 97 FTEs in 2018/19 to 67 FTEs in 2022/23 (a fall of 5.4%).

RECOMMENDATION:

The IOPC should review the resilience and adequacy of its on-call arrangements, including whether further bespoke training should be offered to those who are on-call and whether it may be preferable to have a dedicated team or unit providing this service, in common with how many government departments and operational ALBs manage out of hours incidents.

215. Chapter 7. Wider effectiveness

216. For current purposes, it is sufficient to note that **the legislation is very complex and provides some specific periods of time for different parties to respond at different part of the process, which limits the IOPC's ability to reduce some investigation steps.** As one IOPC investigator put it:

"The statutory framework lends itself to delays."

217. For example, once the IOPC has completed its report, a police force has 28 days from receiving an IOPC DM's provisional decision – on whether disciplinary proceedings should be brought against one of its police officers – to revert to the DM with its views.¹¹⁷

218. Reducing such time periods in the legislation could conceivably allow investigations to be completed quicker. However, we do not have the data to show how long, in the case above for example, police forces take to revert with their views. Nor can we comment on their ability to provide such views quicker, given they face significant pressures on their resources and the complexities and time needed to consider some cases.

219. In some cases, the legislation enables the IOPC to act more nimbly where it considers a course of action facilitates or is conducive to the IOPC's broad statutory functions. For example, following former police officer David Carrick's 28 rape convictions, the IOPC was able to do some preliminary scoping work to understand what interactions any police forces might have had with him prior to these criminal offences coming to light. However, this scoping activity – as with any other using the authority from the IOPC's general statutory functions – was only possible because the IOPC had not been referred any conduct on the part of other police officers at that stage. As such, the vast majority of the IOPC's operational work must follow the more prescriptive elements of its legislative powers and functions.

¹¹⁷ The Police (Complaints and Misconduct) Regulations 2020 (<https://www.legislation.gov.uk/uksi/2020/2/part/3/made>), Regulations 27 (5).

The legal threshold for IOPC referral to the CPS and delays obtaining investigatory advice

220. One feature of the legislative framework that causes the IOPC more work is the legal test for the IOPC (and other Appropriate Authorities) to refer cases against the police to the CPS. As noted in the Director for Public Prosecution's (DPP) letter to the Home Affairs Select Committee inquiry:

'The IOPC has a lower threshold for referral to the CPS than a police investigator. This is established by the Police Reform Act 2002 which enables the IOPC to refer cases to the CPS where there is an indication that a criminal offence may have been committed AND where the investigator considers that it is appropriate to refer the matter for a charging decision'.¹¹⁸ [our emphasis]

221. By contrast, in tackling street crime say (i.e. outside of the scope of the Police Reform Act), a police officer has to consider whether there is sufficient evidence of a crime, whether there is sufficient evidence to secure a realistic prospect of conviction and the public interest. The CPS, then consider (regardless of whether a referral is from the police or IOPC) whether it is in the public interest to prosecute a case.¹¹⁹

222. Senior IOPC staff told us they can be aware during an investigation that there is unlikely to be evidence to realistically secure a conviction, but the Police Reform Act requires them to complete their full investigation reports alongside the relevant form relating to the *'Manual of Guidance for the preparation, processing and submission of prosecution files'*¹²⁰ before they can refer a case to the CPS when investigations conclude. This compares to a police officer investigating street crime (i.e. outside of the scope of the Police Reform Act) who need only complete this shorter form.

223. CPS guidance says it will *'provide expert legal advice early in investigations to help build strong cases, or identify where a suspect should not be charged.'* However, the IOPC told us that, in practice, whilst CPS will provide early investigatory advice, the IOPC cannot rely on this exclusively and must make its own judgments on referrals to the CPS¹²¹.

224. The net effect of this that even if an investigation report is needed for misconduct, coronial or other proceedings, IOPC staff are required to spend significant time preparing paperwork for a CPS decision even where they know there is little prospect of the CPS 'taking the case on'.

¹¹⁸ [Letter from Director of Public Prosecutions Max Hill QC to Home Affairs Select Committee – 8 June 2022:](#)

¹¹⁹ <https://www.cps.gov.uk/cps/news/cps-says-role-cps-deciding-whether-charge-individual-criminal-offence>

¹²⁰ Most commonly, this is a [MG03 form for sending a report to the CPS for a charging decision, decision log and action plan.](#)

¹²¹ Per the IOPC's Operations Manual, *'Advice from CPS lawyers that an investigation is unlikely to lead to prosecution should be given appropriate weight when the IOPC determines whether a criminal offence may have been committed and whether a referral [is appropriate], but the decision does remain with the IOPC.'*

225. It is outside of the scope of this Review to comment on the merits – or not – of a changing the legal threshold for referral to the CPS in the relevant parts of the Police Reform Act relating to IOPC and other AA investigations.
226. In the absence of legislative change, an up-to-date memorandum of understanding (MOU) between the IOPC and CPS could partially address these issues. The current MOU dates from 2016, two years before the IOPC was formed and is clearly inadequate. We have heard an updated MOU has been under discussion for a long time. The IOPC advises that a new MOU should be agreed shortly. However, it has not answered how long these discussions have been ongoing, nor the cause of delays. We only know from the DPP's letter (June 2022) that they have been ongoing for 18 months, possibly much longer, which does not inspire confidence.

Interactions with the CPS, coroners and police forces about misconduct proceedings

227. Engagement with the CPS and coroners can be a significant cause of delays to active IOPC investigations and extend the overall time of collective proceedings once an investigator's report is final and IOPC has made any relevant decisions.
228. On active cases, the IOPC might:
- have to wait for the CPS to revert where an IOPC investigator has sought CPS' early investigatory advice to inform their investigation¹²²;
 - need to suspend an investigation having concluded, after representations from CPS, where otherwise pressing ahead might otherwise prejudice a parallel criminal proceeding – this can be for some time;
 - be asked by a coroner (often before they adjourn an inquest until the IOPC completes its investigation) to obtain certain information critical to the inquest. IOPC investigators will generally try to fulfil such requests, which might extend an investigation's length, even where they are not always strictly necessary for the IOPC investigation itself.¹²³
229. Once the IOPC has completed its final investigation report, such that it considers it 'post-final', it may remain post-final for many months or even years until the conclusion of any CPS review and charging decision and any subsequent trial, a coroner's inquest and misconduct proceedings are

¹²² We have heard that while CPS' Special Crime team is usually quite quick to respond, but responses from local CPS may take much longer.

¹²³ For example, where the IOPC is investigating call handling before a death, rather than the circumstances of the death itself.

completely concluded. (For example, in one case, the IPCC completed its investigation in 2017 and the inquest was only held in 2022.)

230. The IOPC's core investigation post-final cases as of August 2023 broke down as follows¹²⁴:
- 145 (37%) were currently the subject of ongoing inquests;
 - 82 (21%) were the subject of ongoing (or potential) disciplinary misconduct proceedings;
 - 73 (19%) were with the CPS and the subject of ongoing (or potential) criminal proceedings;
 - 54 (13%) were 'post-final' for some other reason (e.g. pending a domestic homicide review, 'appeal proceeding'); and
 - 42 (10%) were marked 'post-final invalid', where the investigation is complete but, due to input error, no reason is provided for the case not being entirely concluded.
231. As with the MOU between IOPC and CPS, an MOU between the IOPC and Chief Coroner might help address delays because of their interactions. We do not know the cause but have been told such a prospective MOU has been 'stuck' now for 4 years.

The changing nature of IOPC investigations

232. One apparent reason staff told us why IOPC investigation length has not fallen further over recent years, despite fewer investigations being conducted, is a change in the types of investigations it now conducts, for example involving lots of witnesses, significant volumes of digital evidence to review or expert testimony sought. The IOPC advised this is also one cause of it conducting far fewer investigations.
233. Where, for example, the IOPC had conducted more investigations into serious injuries in police custody, which could be relatively quick to investigate (due to a more limited 'scene' and fewer witnesses etc.), by comparison, today, the IOPC conducts a greater number of investigations, for example, into:
- Abuse of position for a sexual purpose (APSP) – which might require it, for example, to look over many thousands of WhatsApp messages between a police officer and vulnerable victim or use of police powers;
 - Discrimination – which requires investigation not just into whether treatment may have not been favourable to a particular individual by virtue of their protected characteristic, but also the thought processes

¹²⁴ We note and are not able to explain a small discrepancy (c. 1%) between the total number of post-final cases broken down here (which add up to 394 cases) and the total number of 'post-final' cases (399) provided in **Chart 11** above. Both references draw on data provided by the IOPC at the same time.

of the individual under investigation and analysis of comparator evidence;

- Complex use of force cases – which can require expert witness testimony (e.g. on whether acute behaviour disturbance or positional asphyxia may have caused or contributed to a death or serious injury).

Turnover of IOPC investigators and senior operational staff

234. We heard during interviews, both with IOPC staff and wider stakeholders, how turnover in IOPC investigators over recent years, which has been particularly high in some regions, has resulted in vacancies and how significant loss of experience has directly contributed to investigations' length. It would appear the causes of such high attrition are numerous (e.g. stress, lack of progression), but we were told higher pay for equivalent work in other investigatory bodies (e.g. £20k more p.a. in the Financial Conduct Authority) has been a particular factor in London, the South East and North East (where a third of all investigators in Wakefield left within a 6 month period to earn more elsewhere).¹²⁵
235. Another implication of investigator turnover is one member of staff having to pick up an investigation from another, which inevitably takes longer. (Indeed, one stakeholder told us of one case where the lead investigator had changed three times.)

Other causes of *delay* to investigations

236. Notwithstanding wider, structural, causes of lengthy investigations, the IOPC uses the following long list of potential causes of delays in a dynamic 'Delay Report' that regional directors and their teams use to track investigation delays:
- Case changes – for example: changes to an investigation such as the identification of new conduct, the redrafting of terms of reference, or opening of a new linked case;
 - Delays caused by complainants or witnesses;
 - Delays caused by a parallel CPS criminal investigation to the case (addressed above);
 - Legal delays – for example, an appeal or action taken against the IOPC by a third party;
 - Awaiting material – or forms – from an AA;
 - Awaiting evidence / material from a third party *other than the AA;*

¹²⁵ We address pay strategy and staff turnover in **Chapter 10. Funding, spending and financial future.**

- Delays serving or receiving a response from a notice;
- Delays relating to interviews with police officers/staff;
- Delays relating to statements from police officers/staff;
- Internal operational issues – for example, staffing issues or faulty equipment;
- Awaiting a Mode of Investigation decision or other matter handled by the IOPC's Assessment Unit.

237. We have not been provided with a detailed data breakdown of these causes that would enable us to inform an overall judgement as to which occurs most frequently or causes the longest delays. However, our interviews with IOPC have highlighted the difficulties they face in accessing all evidence in a timely way and delays in scheduling interviews with police officers and staff, as two key causes of investigation delays.

238. In addition to the above list, just as we noted that IOPC investigator turnover can cause delays, we have been told that turnover within police forces' PSDs is also a significant recent cause of delays.

Delays in accessing evidence

239. Due to forces' and the IOPC's use of different IT platforms, it can take time for the IOPC to access digital evidence held by different police forces.

240. Furthermore, toxicology and forensic reports are essential to many DSI cases but the IOPC does not have internal capability in these areas, so is dependent on private laboratories' specialist functions. However, we have heard a toxicology report for an isolated IOPC case will often be a lower priority for the laboratory, which will prioritise testing relating to live police enquiries that might identify potential criminal suspects, over other testing. As a result, the IOPC can wait a long time on such results, which then delay various other elements of DSI matters.

"We have had huge issues with forensics. And we cannot complete a DSI case without a post-mortem, many of which, in turn, depend upon toxicology reports." (IOPC Regional Director)

241. It is not immediately clear how these various bottlenecks could be addressed, short of increasing the capacity of such functions (or using foreign laboratories) to meet demand; or the IOPC developing such in-house capabilities (both of which, presumably, would take some time to achieve).

Delays in scheduling interviews with police officers and staff under investigation (or in securing their written answers to questions)

242. We have heard contradictory accounts on the degree to which, if at all, reluctance or delay on the part of police officers or staff under investigation, their representatives and police witnesses to be interviewed in IOPC investigations lengthens investigations or delays their conclusion.
243. PSDs, groups representing police officers and staff associations all refuted the suggestion either that they – or the individuals they represent – cause investigation delays and argued that this was not in their interests, when they sought quicker investigations.
244. Nevertheless, groups representing complainants reported they were often told by IOPC investigators that this was a key reason for delays. As one such group put it to us:

“We’re told delays are due to officers’ reps taking a long time to arrange an interview. The police wouldn’t put up with that, as an excuse. And the IOPC has the same powers relating to their investigation as the police. So they have the powers, they just need to use them properly. Why does it take months of the IOPC cajoling to get police officers to co-operate, rather than more readily invoking the powers they have?”

245. Whilst we cannot comment on the scale of such contributions to delays, many IOPC regions we spoke to provided anecdotal evidence of such delays, for example: police interviews being rescheduled at no notice; or IOPC investigators arranging an interview weeks ahead of time and travelling several hours to interview a police officer, only for the officer to request IOPC questions be put in writing so they could provide a written response.
246. Police officers have a general duty to cooperate with an IOPC investigation, implied within their requirement to perform their ‘duties and responsibilities’ in the Standards of Professional Behaviour and ultimately the IOPC could serve them with notice if they assess them to breach this standard. However, a ‘duty to cooperate’ does not go as far as a ‘duty of candour’, which is included in the Criminal Justice Bill 2023 recently introduced to Parliament.¹²⁶

Whether the IOPC’s current operating model contributes to lengthy investigations

247. Notwithstanding structural causes of lengthy investigations and other potential causes of delay outside of the IOPC’s control, **we suggest there are several areas the IOPC might consider to reduce investigation length**, which the IOPC’s Improving Operational Delivery programme might helpfully consider.

¹²⁶ <https://www.gov.uk/government/collections/criminal-justice-bill-2023>. Introduced to the House of Commons on 14 Nov 2023.

Layers

248. Some stakeholders and IOPC staff alike have suggested some investigations, at least, might have too many layers, for example with an investigator, lead investigators, operations team lead (OTL), operations manager (OM) and regional director all having some role at the end of some investigations.

“Decisions and actions go through so many layers. Do they need so many layers?” (Stakeholder)

“The IOPC is very hierarchical.” (Regional Director)

249. Whilst multiple layers might assist with quality assurance, we heard from some senior IOPC staff that the current number of layers is not necessary for appropriate quality assurance.

Workload distribution *within* teams

250. Whilst all regions have regular meetings to consider pinch points, some regions appear to have done more than others to eliminate siloes and spread investigation case workload more amongst their regional office, whereas others appear to place more on the shoulders of individual Lead Investigators.

Workload distribution between regions

251. Whilst the IOPC has gone some way to addressing temporary differences in case volumes and workload between offices with National Tasking helping to reallocate some cases, we suggest more of a national model of operations – considered in further detail in **Chapter 7**. Wider effectiveness of the IOPC – might provide greater scope to address longer backlogs in some areas.

Function specialism

252. We have heard some investigation staff and DMs identify that DMs can be bottlenecks in investigations, especially where cases are escalated for Regional Directors to act as DMs. It has been suggested to us that, just as investigations into the Hillsborough disaster have had a dedicated DM, one way to address this might be to have dedicated DMs. By the time a final investigator report has been written and quality assured by an OTL and/or OM, it should clearly set out all relevant information, to enable someone without prior knowledge of the investigation to act as DM. For example: the alleged conduct, complaint and/or DSI matter at hand; any relevant legislation; the content, nature and quality of evidence and investigation findings.
253. Several regions have piloted or established permanent function-specific teams, with a view that greater specialisation (for example Cardiff’s report-writing unit) can lead both to higher quality and more efficient investigations overall.

Similarly, a recent pilot of a Proceedings Support Unit appears to demonstrate the value of a dedicated team to handle support to criminal, coronial and misconduct proceedings) which freed up core investigators from this time-consuming engagement.

254. However, we understand there are two major hurdles to greater functional specialisation, lack of best practice sharing between regions and funding. In the case of the latter, some offices, for example, have been able to pilot Proceedings Support Units due to additional temporary funding. However, for a regional director to make such functions permanent, they would need to reduce the number of investigators, which they cannot currently afford to do, even if they think, in the long-term, this would be more efficient. Again, a review of the IOPC's operating model provides an opportunity to consider the IOPC's desired end state and options for how it could get there.

Case specialisation

255. We have also heard that it takes investigators longer to investigate these more complex cases if they are not familiar with the offences in question (e.g. APSP, discrimination, coercive control, firearms fatalities), and that there are weaknesses in the current operating model where cases are not necessarily being allocated to investigators with greater understanding of the conduct or offences in question. **This suggests there may be advantages to the IOPC considering teams of investigators that specialise in certain categories of behaviour or criminal offences.**
256. Whilst each region cannot have a unit dedicated to cases that are too specific, for example mental health, investigations involving mental health have commonalities with investigations into other vulnerable groups, so a dedicated vulnerability unit, for example, could lead cases focusing on mental health, domestic abuse, sexual offences and child abuse.
257. This ties into feedback from some IOPC stakeholders that the quality of IOPC core investigations could be significantly improved if cases were led by investigators with previous experience in that type of case.
258. Some stakeholders voiced particular frustration that learning that one investigator gained from working on a firearms case appeared to them to be lost because an investigator without experience of a fatal shooting was then assigned to the next. As one put it:
- "If there's a directorate for major investigations, why is there not a directorate for death and serious injury cases for example?"*
259. The 'creation of a specialist Deaths and Serious Injuries unit' was a specific recommendation from the Dame Angiolini '[Independent Review of Deaths and](#)

[Serious Incidents in Police Custody](#)¹²⁷. In its [response](#)¹²⁸, the IPCC said a specialist DSI unit would be *'impractical'*, given DSI matters comprised more than 40% of IPCC cases and varied *'considerably from, for example, fatal shootings to domestic violence killings by a third party, requiring different types of investigation and investigative skills'*. Instead, the IPCC said that a *'more flexible and effective resource'* would be achieved by: improving investigator skills; improving support materials; and introducing *'specialist accreditation for staff investigating a death'* and bespoke process for DSI investigations.

260. We address investigator training later in this chapter, but note here the IOPC does not have specialist accreditation for staff investigating DSI matters (over and above general investigator training), so it would appear the IPCC's intention to introduce this (in lieu of the recommendation of introducing a DSI unit) was never fulfilled.
261. IOPC staff we interviewed also suggested a DSI unit specifically may not be appropriate, given the different types of deaths and that 'DSI matters' often become the subject of conduct and complaint investigations and/or broaden in scope. However, having a firearms and tasers deaths team, or road traffic deaths team, might achieve the result sought by the stakeholder quoted.
262. Furthermore, specialised teams could help provide greater scope for those with less investigative experience to build their understanding (and confidence) in a discrete area, when, as one IOPC staff put it:

'You cannot specialise in everything. To conduct the highest quality investigations, investigators need a strong understanding of the investigation area.'

263. We suggest a review of the IOPC's operating model provides an opportunity to consider whether specialised investigation teams might improve both timeliness and quality.

How investigations could be concluded more quickly and quality improved

Proportionality as a guiding principle

264. We heard from stakeholders – and received corroborating submissions from a number of subsequently-cleared individuals previously under investigation –

¹²⁷ Key finding paragraph 7 (page 8) addressed further in paragraphs 9.55 to 9.62 (pages 133-134). *'The causes of delay and problems with the quality of investigation may be addressed by the creation of a specialist Deaths and Serious Injuries Unit within the IPCC and through a fundamental change in how such cases are investigated, supervised and resourced...[Deaths following police contact] clearly demand the highest priority in terms of resources and expertise of the organisation. Complexity and seriousness should not in itself be an excuse for unnecessarily long and protracted investigations.'*

¹²⁸ (Pages 3, 11-12). Neither the Government's [interim update published in 2018](#), nor its [final response in 2021](#) set out in particular why this recommendation was not followed.

that the IOPC overly goes through the motions investigating a case when the ultimate outcome can seem pretty clear from a preponderance of evidence at the outset.

265. One possible explanation for this might have been the threshold for the IOPC to refer a case to the CPS.
266. Another potential explanation might be investigators (and the IOPC) believing it to be better that investigations are overly thorough, even if it means an investigation might take significantly longer, than have investigations successfully challenged in court. We suggest case supervisors should constructively challenge investigators taking an overly-cautious approach and emphasise investigation approaches need be proportionate. **The risks and impacts from investigations being challenged must be balanced against the very real impacts – on all concerned – from very long investigations.**
267. It was suggested to us that IOPC investigators should draw from direction the police are given, not to pursue *all* lines of enquiry, but all *reasonable* lines of enquiry. We suggest the IOPC should, with relevant key stakeholders, look at how it can further consider proportionality as a fundamental principle of its investigations and interactions with others. In doing so, it should draw upon learning from the National Operations Turnaround Plan which has looked at the proportionality of reviews it handled of complaints handled by other bodies. Our engagement with IOPC stakeholders and the Review's Reference Group suggests considerable support for such a focus on proportionality, even if we accept proportionality as a guiding principle would not mean all investigations would be made quicker and indeed, it is plausible some could take longer.

RECOMMENDATION:

The Government should convene a senior working group – including the Home Office, Ministry of Justice, IOPC, police, CPS, Office of the Chief Coroner and HSE – to map key processes and identify common pinch points in police, IOPC, CPS and coronial activities. This group could consider:

- **how to ensure or encourage proportionality at each stage (in particular in IOPC investigations and whether appropriate use is being made of existing accelerated procedures);**
- **options to hasten the conclusion of all such proceedings, including, where appropriate, legislative reform and time periods set out in law.**
- **whether a new MOU agreed between all parties could helpfully govern how they work together and what they expect from one another; and**
- **suitable performance metrics.**

RECOMMENDATION:

The IOPC should consider internally, as part of a review of its operating model, whether and how the investigations' timeliness and quality might improve from introducing:

- **specialised investigation teams**. Examples might include: adverse incident or deaths in custody team; fatal uses of force team (firearms, taser, physical restraint); or a vulnerability unit to lead all mental health, child abuse, domestic abuse, sexual offences cases.
- **dedicated functional teams**. Examples might include teams dedicated to: writing or quality assuring investigating reports; making investigation decisions; and engaging with external stakeholders on criminal, misconduct or coronial proceedings.

268. We wholeheartedly agree with Dame Angiolini's 2017 view that proportionality demands that the most experienced investigators are assigned to the most complex and/or highest-profile cases (for example, a firearms fatality or misfeasance in public office) which, from stakeholder feedback, does not always appear to have been the case. A number of those interviewed raised this issue.

269. A more proportionate approach to core investigations might enable the IOPC both to complete some investigations quicker *and complete more of them* and thereby partially reverse the 62% decline over the last 5 years in the number of independent investigations the IOPC completes annually.¹²⁹

270. Indeed, we note that the IOPC's own [Statutory Guidance](#) stresses the importance of proportionality in how others should handle complaints:

- *'All complaints should be handled in a way that takes account of the seriousness of the allegation, any actual or potential impact or harm caused, and the potential for learning and improvement. The more serious a complaint, the greater the need for accountability and scrutiny. For more serious complaints, this may mean that more wide-ranging enquiries need to be carried out, or that efforts need to be made to corroborate information, where it otherwise may not be considered to be reasonable or proportionate in the circumstances.'*

¹²⁹ The number of independent core investigations the IOPC starts annually has fallen from 687 independent core investigations started in 2018/19, to 317 core independent investigations started in 2022/23 (a fall of 54% over 4 years). The IOPC expects to start fewer core investigations still over 2023/24 (between 260-280 core investigations), which would equate to a fall of 61% over 5 years).

Inconsistencies of investigation quality and limited best practice sharing

271. Whilst feedback from groups representing complainants and victims, police forces and staffing associations and other stakeholders acknowledged many investigations are high quality, we received mixed feedback on the consistency of their quality.
272. All operational teams are required to follow the same operating policies and Minimum Standards for Investigations (summarised at **Annex H** – Minimum quality standards for investigations), to promote consistency.
273. However, interviews with investigators and Regional Directors, for this Review, highlighted material differences and inconsistencies in the approaches taken by investigators in different regions. Indeed, a recent update on the IOPC’s own Improving Operational Delivery programme acknowledged the IOPC has inadequate insight into the extent and impact on quality of different regional approaches to investigations:
- “The scope of varied regional practices to standard operating procedures is unclear” (senior member of IOPC operations staff at an Operations Management Board meeting)*
274. We agree with IOPC staff who raised concerns with us about the relatively limited extent of best practice sharing across the IOPC’s current regional operations structure.

Common themes on general approach to investigations

275. Whilst it is not within the remit of this Review to examine individual IOPC cases, individual complainants, groups representing complainants and stakeholders interviewed – and submissions we have received – shared with us what they perceive as shortfalls in the way the IOPC currently conducts its investigations that directly impact investigation quality. We found their insights extremely powerful.

RECOMENDATION:

The IOPC should consider embedding the following as core investigation principles:

- **investigators should speak – or, even better, meet – with any complainant or bereaved family members at the outset of an investigation to understand what they want from the investigation;**
- **investigation terms of reference should not be drawn so wide that quality suffers as a result;**

- investigation terms of reference (and investigation reports) should have a clear mission statement requiring investigators to establish preliminary findings of fact as quickly as possible (and before entertaining detailed representations from the parties and their lawyers, other than establishing what any complainants want) which can quickly obfuscate the matter at hand);
- investigators should draw from any findings of fact already made by a reputable source (e.g. court, inquiry or coroner) as their starting point;
- IOPC lawyers should be engaged early on (and advice sought from them where relevant) in cases that require specialist understanding of legislation, to establish and set out the relevant law in the investigation report;
- investigators should concentrate on the best method of establishing the facts or consolidating all of the evidence, rather than following a process that overly goes through the motions, where these are not relevant;
- all relevant parties – and not just the complainants, bereaved family and investigation subject – should have reasonable opportunity to participate in the investigation;
- all potential interviewees should be contacted at the earliest opportunity with an investigation and where appropriate given an opportunity to review excerpts of the draft investigation report; and
- the IOPC should ensure it always draws any relevant inference from a failure on the part of police officers or staff to cooperate fully with the investigation.

276. It has been suggested to us that ensuring all parties can participate in an investigation might compromise criminal investigations. However, we have not seen any legal advice that would indicate that is the case. Indeed, we note this principle in IOPC's own [Statutory Guidance](#) which we consider the IOPC is not consistently meeting in respect of these principles. It reinforces, for example:

- *'Complainants should feel confident that their complaint is understood properly. Complaint handlers will need to fully understand the complaint, why the complainant has made it, and the outcome they are seeking.'* (Para 3.6)
- *'Those involved should have the opportunity and be encouraged, where appropriate, to participate throughout the handling of a complaint (not just where required by the legislation) and to discuss their views and any concerns'.* (Para 3.20)

277. We note the Government's intention, through a new [Criminal Justice Bill](#), to introduce an 'organisational duty of candour, aimed at chief officers, but which will filter down to all police officers and staff'.

RECOMMENDATION:

The Home Office should ensure the 'organisational police duty of candour' is designed in such a way to strengthen the IOPC's ability to infer from lack of candour on the part of police officers and staff during IOPC investigations.

278. A number of police forces also expressed concern that investigators with insufficient experience are sometimes allocated to 'directed' investigations, such that the PSD feel that they have, in effect, had to 'direct the investigator on how they should direct the PSD'.

Clarity of analysis and decisions at end of investigations

279. In November 2021, the IOPC commissioned an external barrister-led review of the legality of IOPC end of investigation decision making. For the most part, this was positive. In particular, the review found in "the vast majority" of the 25 cases reviewed, the 'actual end of investigation DMs' decisions would withstand judicial scrutiny". It found the judgment of DMs was sound; they had made the right decisions and articulated their decisions with clarity. The review made five broad recommendations which the IOPC has since addressed.

280. Nevertheless, this barrister-led review was very narrowly focused on end of investigation decisions-making, it sought to answer whether cases could be successfully challenged in court (which is a higher bar than, say, considering whether the investigations were high quality in themselves).

281. We also highlight concerns raised that:

- *'Some improvement in the depth of analysis is called for'.*
- Reports had *'insufficient analysis of whether – just because an officer did something that he/she was trained or permitted to do – it was reasonable or acceptable to do so, in the particular circumstances of that case (e.g. knee strikes; accessing information)'*;
- To the limited degree to which the barrister could comment on it, given it was out of scope for their review, investigation reports could be much clearer – *'for example in setting out the complainant's evidence, body worn video or other incontrovertible evidence such as CCTV, WhatsApp messages, before turning to the 'subject officer accounts'.*
- There was *'an over-reliance on what an officer says, as compared with the weight to be given to 'independent' witnesses – the need for a critical, objective eye was lacking to a degree'.* (Indeed, this critique of investigators' critical thinking resonates with feedback from one complainant that the IOPC should recognise that, in cases of alleged

misconduct (and in particular where the allegation is one of lying), there may be attempts to conceal evidence or misstate the facts.)

- There was *'a failure [in reports] to consider potential additional weight to the power imbalance between police officers and other members of the public who may be vulnerable'*.
- Investigation reports were not always clear, when they need to be, when assessing whether there had been any misconduct, which of the 10 headings of Standards of Professional Behaviour may have been breached.

282. We draw attention to these concerns, because similar concerns around the depth of investigation analysis were also raised by some complainants and groups representing them.

283. We note similar criticism – specifically about clarity of analysis and decisions at end of investigations – in some of the most recent Judicial Review and other claims against the IOPC which have been drawn to our attention. For example:

- In R (Northumbria CC) v IOPC (Dec 2019) – the Judge said the IOPC report had 'compartmentalised the evidence so as to rob it of context'.
- In Hill v IOPC (December 2020), the judge case said:
 - *'There has been a failure on many levels:*
 - *There has obviously been a failure in training to ensure the legitimate way to proceed was understood and that it could not be bypassed by another,*
 - *There has been a failure in oversight and supervision. In this case the errors are those of senior staff, not junior investigators acting on a whim.*
 - *There has been a failure to obtain proper legal advice:*
 - *Finally, there was no system as in place to check that the correct procedure had been followed.*
 - *'These failings can rightly be categorised as systemic...The failings go to the very heart of the investigation process and the very reason the IOPC exists. There appears to have been a cavalier attitude to the correct process and the law bordering on the arrogant in the sense that available legal advice was not sought. ...The facts of this case demonstrate and reveal a number of significant and alarming failings on the part of the IOPC. The conduct goes beyond laxity...Poor performance, ignorance, incompetence and system failures of the type exposed by this case cannot be accepted...'*

- In R (Watson) v IOPC (Nov 2022) – an IOPC decision (redetermination of an appeal) in May 2021 was upheld, but the judgment said that the IOPC’s rationale for the decision was a *‘lengthy and, it has to be said, a somewhat discursive document’* and also noted the judge’s comments in earlier proceedings that the previous IOPC decision document was *‘inadequately reasoned’*.

284. We have not been able to review all applications for Judicial Review of IOPC decisions over recent years, so cannot comment on the degree to which these criticisms are representative.

Specific consideration of death and serious injury investigations

285. IOPC investigations into the most serious death and serious injury (DSI) cases during or following police contact are one of the most important ways it ensures confidence in the police complaints system and policing more widely.

Procedures specific to DSI matters

286. Mandatory referral to the IOPC: Police forces¹³⁰ must record¹³¹ and refer to the IOPC any instance any ‘DSI matter’ defined as where an individual:

has direct or indirect contact with the police when, or shortly before, they were seriously injured or died, OR

*where the contact may have caused or contributed to the death or injury.*¹³²

287. Mode of Investigation Determination: The IOPC’s Assessment Unit will typically decide the IOPC should lead its own independent investigation into the most serious DSI cases. In certain cases, it may determine that a directed investigation is most appropriate; in others, it will send the case back to a local police force to investigate.

288. Change of investigation type: If, at any point *during a DSI investigation*, an investigator considers there is an indication that a person serving with the police MAY have either: (i) committed a criminal offence or (ii) behaved in a manner justifying the bringing of disciplinary proceedings, they will make a submission to the DM. If the DM agrees, they must notify the AA which is then required to record¹³³ the case as a **conduct** matter.¹³⁴ The investigation then

¹³⁰ The same applies to other Appropriate Authorities and LPBs.

¹³¹ Police Reform Act 2002, Schedule 3, Part 2A, paragraph 14A
<https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/2A>

¹³² Police Reform Act 2002, Part 2, s.12: <https://www.legislation.gov.uk/ukpga/2002/30/part/2>.

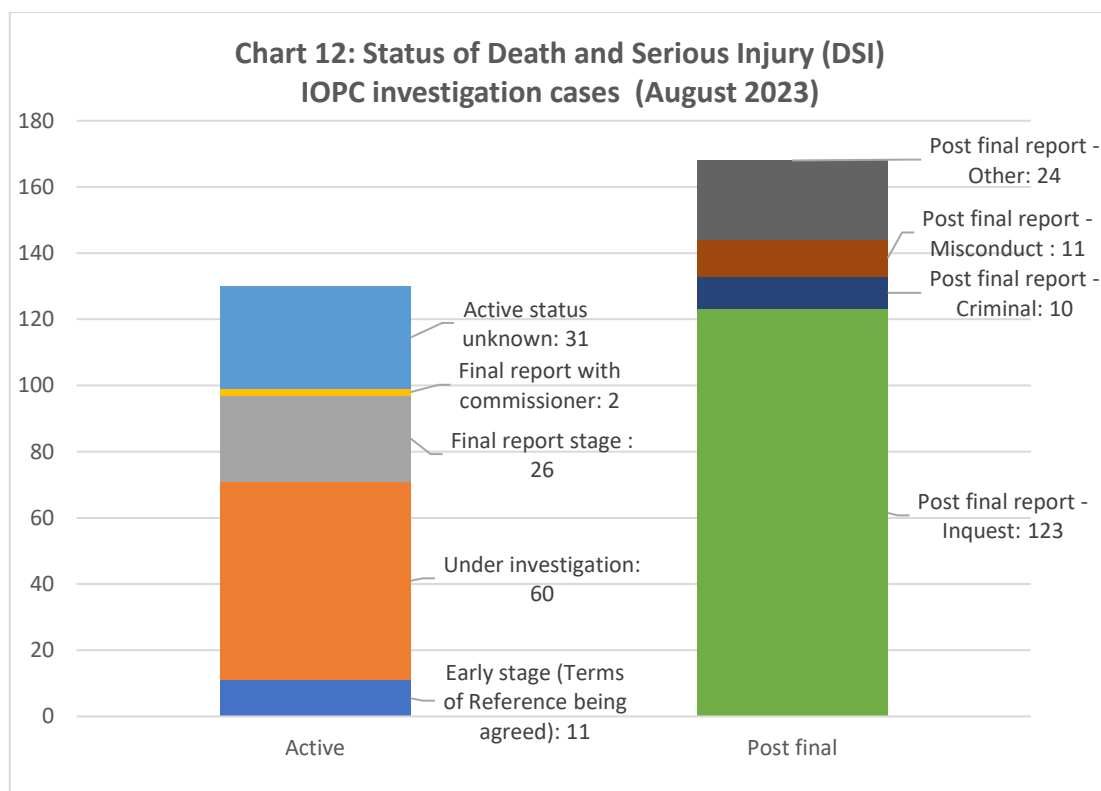
¹³³ Police Reform Act 2002, Schedule 3, Part 3, paragraph 21A: <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

¹³⁴ If such an indication is found, then the IOPC investigation will continue as a conduct matter, per Police Reform Act 2002, Schedule 3, paragraph 21A(5) and paragraph 21A(6): <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

proceeds as a *conduct* investigation. Similarly, if a compliant is made about a death or serious injury, the DSI investigation proceeds as an investigation into a *complaint* investigation.

- 289. At the end of a DSI investigation, assuming no conduct has been recorded and no complaint made (which would change the nature of the matter to a conduct or complaint matter respectively), investigator’s report and DM will not consider whether there is a case to answer and will determine only whether the performance of a person serving with the police is unsatisfactory and what action should be taken as a result. The DM *may* notify the AA that it must determine whether or not the performance serving with the police is unsatisfactory and what action (if any) the authority will take in respect of their performance.
- 290. IOPC investigators liaise directly with the bereaved family and the coroner, and sometimes maintain this direct link with the family for many years as they prepare for criminal, coronial or misconduct proceedings.

Performance and evaluation of IOPC DSI investigations



- 291. **Chart 12** illustrates the breakdown of the IOPC’s DSI cases as of August 2023. In total, the IOPC had 130 active cases’ 168 so-called ‘post-final’ cases (where the final investigation report is complete but there are ongoing or potential associated proceedings). Unsurprisingly, inquests make up a high percentage (73%) of post-final DSI cases.
- 292. In assessing how the IOPC’s effectiveness in improving policing (addressed further in **Chapter 7**. Wider effectiveness of the IOPC) learning from DSI

cases, we note a gap – in the legislative framework and therefore IOPC functions and powers – that instances where a death or serious injury is only narrowly avoided are not routinely investigated for potential learning (as, for example, HSE or NHS trusts investigate equivalent ‘near-misses’).

293. The IOPC acknowledges this potential gap and advised us that it has previously considered whether and how it might address it – if Parliament were to address it in statute – including the difficulties of defining such a ‘near-miss’. Ultimately, however, it concluded it has no mandate to investigate such cases. We suggest the Home Office and IOPC reconsider this potential gap and potential options to address it.

RECOMMENDATION:

The Home Office should consider, in consultation with the IOPC, the merits and implications of options to address an apparent gap in the police complaints and disciplinary systems, to ensure learning is made and individuals held accountable where a death or serious injury during or following police contact is only narrowly averted. These should include whether the IOPC’s statutory functions and/or powers should be extended (with commensurate additional funding) to cover these instances.

294. One particular focus of feedback from groups representing and supporting bereaved families was that clearer, more accurate expectations should be set at the beginning of DSI investigations about how long they will last and how they will interact with coronial and CPS processes.

295. Furthermore, we also note the new Home Office-led review into ‘investigatory arrangements which follow the police use of force and police driving related incidents [terms of reference](#)’ (published 24 October). Specifically, its considerations will include ‘*options for time limits and fast-tracking*’ and ‘*responses to incidents (including investigations and criminal, coronial and misconduct proceedings.)*’)

296. The IPCC rejected¹³⁵ two recommendations, among others, by Dame Elish Angiolini in her 2017 [Independent Review of Deaths and Serious Incidents in police custody](#) on cooperation between the IPCC, CPS and others:

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- ‘We agree that it is important always to consider whether liaison with HSE and the CPS is necessary or beneficial at the outset of an investigation, and if so to ensure that this happens as swiftly as possible so that the relevant organisations can carry out their respective roles as expeditiously as possible. However, it is not clear that this would be necessary in all cases. We also have concerns about the proposal for a 14 day time limit. In some circumstances this may be premature or inappropriate. This is especially pertinent given that there may not yet be a clear position on the possibility of criminal charges. The current MOU between the IPCC and the CPS states that the IPCC will notify the CPS of an independent investigation within 5 working days of a mode of investigation decision. It also provides that in cases involving a death in custody, the IPCC lead investigator and CPS reviewing lawyer will hold an initial meeting within 20 working days of the notification, although this can be delayed in specific circumstances. The IPCC also has a protocol with the HSE, which facilitates co-operation between the bodies, although this does not specify formal meetings following a death or serious injury. As stated above, it is not clear that the involvement of the HSE will be necessary or appropriate in all cases.’
- Neither the Government’s [interim update published in 2018](#), nor its [final response in 2021](#) set out in particular why this recommendation was not followed.

- *‘The IPCC should urgently consider whether to adopt a formal time limit for the completion of Article 2 investigations, with the lead investigator obliged to set out in writing why any extension to this limit is required’.* (Recommendation 59, Investigation Chapter)¹³⁶
- *‘There should be a formal meeting between the CPS, HSE, and IPCC within 14 days of a death or serious incident. This meeting should be chaired by the IPCC to discuss the emerging evidence, the probability and/or possibility of criminal charges and the nature of these charges, and be a precursor to regular cooperation and advice between these bodies for the duration of the investigation. The meeting should set a timetable to be submitted to the Coroner. The liaison should be formalised through a Memorandum of Understanding.’* (Recommendation 71, Investigation Chapter)

297. The IPCC and CPS agreed an unpublished MOU in May 2016 (*i.e.* preceding the Angiolini Inquiry)¹³⁷. This specifies:

- the IOPC will notify the CPS of an independent investigation within 1 week of a mode of investigation decision;
- in DSI cases, the IOPC and CPS will meet within 4 weeks of such notification.

298. We suggest there would appear to be value in the IOPC and wider stakeholders reconsidering the principle of a meeting between *all* relevant parties early in every DSI case to discuss interactions between them and expected timeframes for the different stages and completion of the IOPC’s investigation. We suggest this is considered alongside our recommendation around process-mapping and options to improve timeliness and whether a new MOU agreed between all parties could helpfully govern how they work together and what they expect from one another.

Investigations into the Hillsborough disaster

299. The Hillsborough disaster in 1989 resulted in the deaths of 97 Liverpool Football Club supporters and led to the largest investigation into alleged police misconduct and criminality ever carried out in England and Wales.

300. The IPCC’s investigation into the matter launched in October 2012 and this is now managed by a centralised IOPC unit, led by a Director and DM who reports directly to the Acting DG.

¹³⁶ We acknowledge this recommendation is addressed *in part* through the requirements to set out in writing why an investigation exceeds 12 months, and every 6 months thereafter.

¹³⁷ The IPCC and CPS committed to reviewing this MOU annually. It is unclear to what degree that commitment was kept. As outlined earlier in this chapter, IOPC and CPS have been discussing an updated MOU (for at least 18 months, possibly longer) – but are yet to agree this.

301. The IOPC intends to publish a comprehensive report once all processes surrounding the investigation have completed, taking great care to explain the conclusions reached. The report is expected to provide a detailed account of the events surrounding the disaster and cover both the IOPC and Operation Resolve investigation into the actions of all those organisations involved in the disaster. It will include the findings of around 150 individual complaint and conduct investigations.
302. Considering the scale and significance of the investigation, there are a number of inherent risks including (but not limited to) the risk of loss of key staff and potential legal challenges.
303. Operational assurance of the investigation has been provided through oversight by a Senior Investigator. Decision-making is centralised and concentrated, with a single Lead DM acting as decision maker on all reports. This results in substantial responsibilities and, considering the timespan of the investigation, progress has relied to an extent on the current postholder's detailed corporate knowledge. We believe the potential loss of this postholder poses a considerable risk.

RECOMMENDATION:

The IOPC should review how it manages and mitigates risks in high-profile and large-scale investigations and ensure arrangements are in place to mitigate 'single points of failure' risks in its delegation framework.

304. Engagement with relevant stakeholders has been complex and a myriad of mechanisms have been in place to support this, including family forums and focus groups. IOPC staff have had substantial engagement with victims, bereaved family members and witnesses. It is clear they have engaged with empathy individuals who, in some cases, are severely impacted by trauma. Building strong relationships with key stakeholders remains a key pillar of a separate Hillsborough stakeholder engagement strategy, alongside the IOPC's main stakeholder engagement strategy. Media monitoring is in place, including social media monitoring, and there is some continued parliamentary engagement. We comment on IOPC support to its staff working on its most serious cases in **Chapter 7**. Wider effectiveness of the IOPC.
305. As the Hillsborough Directorate sits outside of the rest of the IOPC's operational structures, it operates with a degree of separation from the rest of IOPC operations and its current regional framework. Consequently, there is potentially less interaction with this part of the IOPC and the IOPC Unitary Board. Whilst the Hillsborough Directorate has participatory links with the wider Operations Management Board (OMB) in theory, we suggest these could be strengthened in practice. We consider this in more detail in **Chapter 7**. Wider effectiveness of the IOPC. The Hillsborough Directorate has developed some of its own culture, understandably, and with the nature and pressures of the work, its staff may have differing needs from a performance and wellbeing perspective.

306. At its peak, the IOPC employed 200 members of staff in its Hillsborough Directorate, including to resource Operation Resolve. This has now shrunk to c. 75 FTE. Its resourcing includes investigators, a communications team, an engagement team, and staff working on information management overseeing and managing materials for preservation to the National Archives. It also draws on wider legal expertise from within the IOPC. Most investigators in the Hillsborough Directorate are from an ex-police background which ensures it is making use of those with practical investigative experience, whilst it has also had benefited from investigators from a non-police background. However, these investigators are not, as a standard, included in the same accreditation process as the wider investigative workforce in the IOPC. The IOPC told us that further training would be a precondition of the transfer of such staff upon completion of the Hillsborough investigation.
307. As we note in **Chapter 10. Funding, spending and financial future**, any extensions to the completion of the Hillsborough investigation would have implications for the IOPC's ability to meet projected figures in its the IOPC's Medium Term Financial Plan. Whilst IOPC costs will reduce in winding down this function, some exit costs are anticipated due to the reduction in posts, and some of those impacted may retire. Over 2023/24 to 2025/26, as the investigation winds down, posts across the Hillsborough investigation will start to reduce, an incremental process, driven by the needs of the investigation. At present, work continues on scenario planning, including on the restructuring of teams to assess impacts on accommodation requirements.
308. The Hillsborough Directorate place a strong focus on learning, both for external partners (including internationally) and within the IOPC. We commend the general and technical learning being gleaned from the Hillsborough Directorate's complex investigation, for example in how the IOPC improves its operational strand management, report writing, referencing and information management.

Major investigations

309. The IOPC's predecessor, the IPCC, established a directorate for Major Investigations in 2017, in recognition that the most complex, large-scale and high-profile investigations require different structures and support. This had initially included the IOPC's Hillsborough work until this became its own 'directorate' over time.
310. Today, the Directorate for Major Investigations (DMI) comprises of 3 large teams:
- Major investigations in the North;
 - Major investigations in the South; and
 - Specialist teams (covert anti-corruption investigations, intelligence team; operations specialist support team).

311. These structures also encompass a digital investigations team.
312. At the assessment stage, where relevant factors indicate an investigation should be considered a major investigation and managed by the Directorate for Major Investigations (DMI), the Assessment Unit liaises with DMI Operations Managers and respective regional Operations Managers to determine whether to categorise it as a 'major investigation'. A range of factors are considered in assessing whether a referral or investigation should be classed as a major investigation / managed by the IOPC's DMI. These include:
- size and scale of the investigation;
 - IOPC resource required to deliver the investigation;
 - the complexity of evidential requirements, such as voluminous and historic evidence to gather and analyse and/or multiple subjects, witnesses or survivors;
 - the likelihood that the investigation will be managed on HOLMES 2¹³⁸ due to its size and complexity;
 - the likelihood of the investigation will take longer than 12 months to conclude (based on the previous 4 factors)
 - final investigative outputs are likely differ to 'core' investigations, e.g. an overarching report will need to draw together investigative themes which will probably attract national and potentially international interest;
 - referrals where 'Direction and Control' of a force/s may be a factor;
 - indications of system-wide failings by a force/s, which may include other agencies such as the local authority;
 - significant political, cultural or community impact, which, if the matter is not independently investigated, may significantly undermine public confidence in the police or the IOPC; and
 - significant profile, including sustained media coverage (regionally or nationally), such as debate in Parliament, interest from ministers, Home Office officials, or links to other bodies such as the Home Affairs Select Committee (HASC) or an ongoing inquiry.
313. The two Directors for Operations ultimately take final decisions on whether cases are considered 'major investigations'. In this, they are supported by the Operations Management Board.
314. The Directorate of Major Investigations typically leads 5-10 major investigations at any one time. In October 2023, it had 8 active major investigations and 5

¹³⁸ HOLMES 2 (Home Office Large Major Enquiry System) is an information technology system that is predominantly used by UK police forces for the investigation of major incidents.

'post-final' cases. The IOPC expects to start around 3 major investigations p.a. over the next few years.

315. In general, major investigations, by their nature, are expected to take longer to complete than the IOPC's 'core investigators', with most taking over a year to conclude. As of April 2023 (the latest available data), it took on average 432 working days to complete major investigations. (Timeliness of IOPC investigations is only reported publicly against 'core' investigations which exclude 'major' investigations).
316. The profile of major investigations usually requires that the Director of Major Investigations is the DM. A minority are delegated to Operations Managers, and a small number are decided by the DG, in exceptional circumstances.
317. Notwithstanding that major investigations are centralised in a single directorate with national reach (outside of the IOPC's wider regional structure for core investigations), **'major investigations' follow the same broad processes, quality standards and quality assurance protocols as the IOPC's 'core investigations'**. However, some steps (such as agreeing a major investigation's terms reference) may take longer than other investigations. For this reason, evaluation on core investigations' timeliness, quality, and 'independence', communications and engagement, training and skills of investigators and challenging IOPC will generally apply equally to 'major investigations' as 'core investigations.'
318. At the conclusion of each major investigation, the IOPC conducts a review of the case to identify any potential learning (albeit that any significant issues are addressed contemporaneously during an investigation).
319. DMI also houses a specialist survivor engagement team who provide advice to DMI and core investigations on how to engage particularly vulnerable complainants or witnesses.

Identifying internal learning from investigations

320. We were told by a Regional Director that at the end of each investigation, there is meant to be a debrief – in accordance with a Debrief Matrix – to consider any potential learning for that investigator, investigation or the IOPC collectively, but that this not always followed.

"There is meant to be a de-brief process and learning cycle that takes place after each investigation, but it's not really done." (Regional Director)

321. In part, we were told this is because it can be difficult to determine the right point to do this, with many cases in a status the IOPC describes as 'post-final' for a long time before they are ultimately concluded. This is where an investigator report, DM opinion and outcomes has been finalised, but disciplinary, criminal or coronial proceedings are yet to conclude, so the IOPC may be called upon to provide support to them.

322. However, IOPC management advised us that IOPC guidance is that a debrief is of value but that it is not necessary, nor proportionate to undertake one in all cases. Investigators *initiate* a debrief *only after all proceedings have concluded*, but the OTL, OM or DM make the final decision on whether to hold one (depending on the risk level in the case).
323. That very senior IOPC operational staff do not appear to understand, follow or encourage their teams to follow formal IOPC guidance (and this is not a sole example) is concerning. Similarly, we suggest some formal reflection of potential learning should be conducted after *every* investigation, with the level of time invested and process involved proportionate to the investigation (considering the seriousness of conduct, length of investigation and other factors). If the 'Debrief Matrix' takes too long or is too cumbersome for all cases, an alternative – ideally scalable – should be used.

RECOMMENDATION:

The IOPC should review and clarify its procedures (and compliance with them) on end of review 'debriefs' to ensure potential learning is identified from every investigation.

Communications and engagement during IOPC investigations

324. We consider the effectiveness of IOPC engagement generally in **Chapter 9. Accountability**. In this chapter, we consider communication and engagement during ongoing investigations specifically.

Communication with complainants, bereaved families and relatives of seriously injured individuals

Legal requirements

325. By law, the IOPC must keep complainants¹³⁹ properly informed about the progress and outcome of the handling of their complaint.
326. The IOPC has mirror obligations¹⁴⁰ to individuals which the IOPC considers have sufficient interest in being kept properly informed about the handling of a complaint, conduct matter or DSI matter (known as 'interested persons'). In DSI matters, legislation specifies these persons include:
- bereaved family members of those whose death has followed police contact; and

¹³⁹ Police Reform Act 2002, Part 2, s.20: <https://www.legislation.gov.uk/ukpga/2002/30/part/2>

¹⁴⁰ Police Reform Act 2002, Part 2, s.21: <https://www.legislation.gov.uk/ukpga/2002/30/part/2>

- individuals seriously injured following police contact;
- family members of individuals seriously injured (following police contact) where such individuals are unable to make a complaint themselves and therefore be materially kept informed.

Feedback from groups that represent and support complainants, victims, and bereaved families

327. Groups representing complainants and bereaved families interviewed were unanimous in stressing the importance of meaningful, regular, empathetic updates on investigations' progress. As one commented:

“Communication is key to maintaining confidence. If parties, particularly the victims, don't know what's going on and aren't kept informed, it creates distrust”.

328. The IOPC is legally obligated to keep complainants and 'interested persons' properly informed with updates at least every 28 days. However, groups representing complainants and bereaved families told us that they “struggled” to get monthly updates on investigations' progress and of their frustration that they had to resort to engaging lawyers to write to the IOPC to demand progress updates. As one told us:

“We always have to chase for updates, which is extremely frustrating.”

329. Other groups criticised the content of IOPC updates during investigations:

“Updates on investigations are overly formal and lacking empathy.”

“Progress letters are terribly legalistic and don't say much.”

330. As the Rt. Hon. Dame Elish Angiolini DBE QC put it in the report following her 2017 [Independent Review of Deaths and Serious Incidents in Police Custody](#):

‘The involvement of families in the process should not be seen as a matter of being sympathetic or benevolent to bereaved relatives. Under Article 2 of the European Convention on Human Rights, families of the deceased must be allowed to be involved in the investigation in a meaningful way.’

331. Some victims' advocacy groups noted there have been improvements in how the IOPC engages with complainants during investigations, with one remarking:

“I don't think there are barriers to communication like there used to be.”

332. We also note the [2023 external assessment the IOPC's Customer Service Excellence](#) that noted:

'At an operational level, staff explained how they identify service users at risk, for example, suicidal, experiencing mental health issues, struggling to cope, etc., and, as a result, quickly identify appropriate action to be taken. For example, they are signposting to other organisations or agencies to provide professional support, increasing communications, or providing access to a Family Liaison Manager.'

333. Moreover, whilst it also contained some significant criticism of the IOPC's engagement, [written evidence](#) to the Home Affairs Select Committee inquiry on Police Conduct and Complaints also provides several examples of positive feedback about IOPC engagement with bereaved families:

"The IOPC have been absolutely brilliant and kept me informed throughout. I can't think of anything they could have done better."

"[Staff member] from IOPC was considerate and informative throughout his investigation. Remaining professional throughout, he couldn't have done any more for me, I will always be grateful."

"We were met at home by IOPC officials the day after our loss. We were given a booklet which was very helpful and informative it has to be said."

334. Nonetheless, in general, victims' and complainants' groups interviewed for this Review were critical about the quality and consistency of IOPC communication with complainants and bereaved families during its investigations and reviews. We were told that in one instance, an IOPC investigator had explained the IOPC's function to a bereaved relative as:

"The role of the IOPC is to sit on the fence."

335. However unrepresentative this very ill-advised comment might be of investigators' sensitivity and empathy, it highlights the high degree of care needed in engaging vulnerable parties, and the importance of this in IOPC investigator training. Worryingly, it also, however, reflects a more general – and common – sentiment shared by groups representing complainants, that sometimes the IOPC and some of its investigators have appeared to perceive their role – inappropriately – as providing *balance* between a police officer and a complainant, for example. We suggest it should be as an objective arbiter of the facts of a particular case to inform potential misconduct, performance or criminal proceedings. We agree with one interviewee who told us:

"Independence does not – and should not – mean neutrality."

336. We heard mixed views on IOPC engagement with families and police forces about public statements during individual IOPC investigations. For example:

"The IOPC has got much better about speaking to families before significant announcements."

“It’s really important police forces do not put out statements – despite any police confidence concerns they may have – without running it past the IOPC, and IOPC shouldn’t clear these without input from families.”

337. We note that engagement with families is not addressed in the [Joint Media Protocol between the IOPC and NPCC](#) that governs how the IOPC and police forces communicate publicly in a matter referred to or being investigated by the IOPC (last updated since June 2018).
338. Lastly, a number of those consulted emphasised it is essential investigation teams and DMs are mindful of supporting vulnerable people and individuals with disabilities or conditions that may have a bearing on their ability to participate in or contribute to an investigation or review - whether they be complainants, bereaved family members, individuals under investigation or witnesses. We can offer no view on the consistency with which these factors are already borne in mind; we merely note that multiple stakeholders commented on the importance of this.

Communication with subjects under investigation

339. There are various specific legislative requirements for individuals under investigation to be notified at certain key points within an IOPC investigation, for example on agreement of the investigation’s terms of reference and with the investigator’s assessment of the severity of the alleged conduct, if proven). However, there is – oddly, in our view – no general duty on the IOPC to provide four-weekly updates to subjects under investigation (as there is to complainants and ‘interested persons’).
340. Nevertheless, the IOPC’s Operations Manual guidance instructs:
- ‘Although there is no statutory requirement to do so, subjects should also be kept updated as to the progress of an investigation.’*
341. Representative bodies of police officers and staff associations told us they did not always receive monthly updates on an investigation’s progress. To this end, we were also told about the importance of the IOPC setting appropriate expectations. As one put it:
- “The IOPC shouldn’t tell police officers under investigation that they’ll be updated on an investigation’s progress every 28 days if they’re then not going to receive updates every 28 days.”*
342. They also emphasised to us that regular and meaningful updates to those under investigation can, understandably, help reduce these individuals’ stress and anxiety, as well as wider negative impacts on any individuals with pre-existing relevant medical and neurological conditions.
343. One consistent theme in feedback from representative bodies of police officers and staff associations and some policing stakeholders was a view that the

IOPC must do more to consider the welfare of those under investigation (in addition to complainants', of course):

“Complainants are at the centre of every investigation. The welfare of individuals under investigation needs to be a higher priority.”

“IOPC follow investigation processes, but they don't really consider the welfare of officers or victims.”

344. A number of representative bodies of police officers and staff associations told us that better dialogue is needed to stop things being as adversarial, which would also improve timeliness. We also heard from some interviewees that groups representing police officers and staff bore the same if not more responsibility for the adversarial nature of aspects of IOPC investigations.

345. Police representatives also told us they did not think the IOPC conducted risk assessments of the wellbeing for staff served notice that they are under investigation, in contrast to police officers who must consider this for all subjects arrested or charged.

“There is no consistent misconduct welfare risk assessment for those served papers. This needs pushing forward with the College of Policing. The IOPC is culpable in exacerbating mental health issues by not addressing this.”

“An important difference between police officers and staff is that staff aren't used to investigations, so formal interviews by IOPC investigators can be frightening. The IOPC needs to recognise this.”

346. However, the IOPC advises that its Operations Manual includes examples of such risk assessments (e.g. search warrant risk assessment, to consider the mental health of a subject). It also draws repeatedly from the same [PACE Act 1984 Codes of Practice](#) that police officers must follow. It tells investigators they should consider how:

- *‘the nature of the interview, which could include particularly probing questions, might affect the subject...’*
- *‘the extent to which the subject's replies may be affected by their physical or mental condition, rather than representing a rational and accurate explanation of their involvement in the offence...’*
- *‘conducting the interview could harm [a subject's] physical or mental state...’*

347. The IOPC has a [guide for police officers, staff and their representatives](#), which covers what both subjects and witnesses can expect which refers to the interview process, and communication with subjects during investigations, but this makes no reference to subjects' welfare.

348. One of those interviewed recommended that the IOPC might consider developing a public Code of Conduct for how the IOPC engages with both complainants and those under investigation. Another told us of the importance of ensuring police officers are promptly and appropriately notified they are under investigation and told us of one worrying case of a police officer hearing they were under investigation for the first time in a press release.
349. Whilst the IOPC's published Service Standards¹⁴¹ set out in broad terms what individuals should expect of the IOPC, they do not go as far as a more detailed Code of Conduct of what parties can expect by way of engagement at different stages of an IOPC investigation. For example, it does not set out what information or updates parties will be provided with, under what circumstances and when. Nor does it set out a description of what police officers and staff can expect from an IOPC interview (and level of notice they will have of one). It does not state how the welfare of all parties is important to the IOPC and what they might expect from the IOPC by way of consideration for welfare.

RECOMMENDATION:

The IOPC should consult with groups representing police officers and staff associations on whether, and how, it could improve how it engages with – and considers the wellbeing of – individuals under investigation. It is important adequate attention is given to the welfare of individuals under investigation as well as to the welfare of complainants and bereaved families.

Communication with other individuals with a particular interest in, or connection to, an investigation

350. Whilst the IOPC is under no legal obligation to keep parties other than complainants and 'interested persons' already mentioned updated on investigations' progress, IOPC staff have told us it is not unusual for investigators to provide investigation updates to some statutory stakeholders, in certain circumstances.
351. Indeed, we note there is specific legislative provision for it to do so where the IOPC considers an individual to have sufficient interest to make it appropriate

¹⁴¹ <https://www.policeconduct.gov.uk/about-us/our-independence-and-governance/governance/our-service-standards>.

Relevant excerpts:

- *'...we will always treat you with respect and courtesy*
- *we will make sure our service is accessible and meets your needs*
- *we will ask you how you want to be kept informed about the progress of our work, and how often you want to be contacted*
- *we will be open and honest with you about how long we think our work will take. If we think we will take longer than anticipated, we will let you know and explain why*
- *we will explain our processes to you and what you can expect from us at every stage of our work*
- *we will tell you our finding(s) in relation to your case, which will be independent and based on all the evidence that is available to us*
- *...We will give you direct contact details for the relevant member of staff when we deal with your complaint or appeal, or investigate your case....'*

for them to be updated.¹⁴² We suggest the IOPC might consider more formally applying this provision, and seeking relevant individuals' consent to provide them with monthly updates, where an individual is likely to have a strong interest in a complaint, conduct or DSI matter and EITHER:

- IOPC knowledge of any conduct in question is largely or exclusively because of that individual (for example a coroner, judge or inquiry Chair uncovering it); OR
- conduct relates directly to that individual which, if proven, indicates a police officer or staff may have committed a criminal offence or behaved in a manner justifying the bringing of disciplinary proceedings against them, especially if the interested person may otherwise be unaware of the full circumstances of that conduct and/or the IOPC's investigation. An example might be where an individual unknowingly and without fault directly facilitates a police officer committing a criminal offence.

Engagement with the public and communities during investigations

The importance of transparency and proactive public communication and community engagement early on in high-profile investigations

352. One common theme in feedback about IOPC's public communications during investigations – from groups representing complainants, police staffing associations and stakeholders – was a perception that the IOPC commonly says it cannot comment publicly on a complaint, conduct or death during an investigation until it is finished for fear of prejudicing the IOPC investigation and any connected proceedings, including misconduct proceedings. For example, one stakeholder commented:

“Communication with victims and the accused is terrible. The IOPC go into limbo. Perhaps the IOPC needs to look at training or developing guidelines for investigators on things they can or cannot share. Communication is key to maintaining confidence. If victims, in particular, aren't kept informed, it creates distrust”.

353. We were also told that this perceived reluctance to comment on ongoing investigations seemed inconsistent when, in other cases, the IOPC appeared to be more forthcoming in providing quite detailed statements about ongoing

¹⁴² Police Reform Act 2002, Part 2, s.21(3): <https://www.legislation.gov.uk/ukpga/2002/30/part/2>: 'A person [other than a complaint or bereaved relative] has an interest in being kept properly informed about the handling of a complaint recordable conduct matter or DSI matter if (a) the Director General or an appropriate authority considers that he has an interest in the handling of the complaint, recordable conduct matter or DSI matter which is sufficient to make it appropriate for information to be provided to him in accordance with this section; and (b) he has indicated that he consents to the provision of information to him in accordance with this section.'

investigations. Recent examples of more detailed statements during ongoing, high-profile investigations include investigations into:

- the [deaths of two young people on bicycles in Ely \(Wales\) after a police van was seen travelling closely behind them](#) (31 Aug 2023); and
- [ten serving or former police officers or staff facing investigations into allegations about their handling of reports about serial rapist David Carrick](#) (18 Oct 2023).

354. A recurring theme from interviews with IOPC stakeholders was a view that the IOPC could and should be proactive early on, especially in high-profile investigations that have the potential to inflame community tensions, to communicate key facts:

“There is a role I think for the IOPC, whilst maintaining their independence, in getting as much information out to the public and media as soon as possible, so the public isn’t jumping to the wrong conclusions.”

“The IOPC could be better at putting out messages on high profile incidents for example following a police shooting, where it would be helpful to clarify quickly whether the person shot was armed or not.”

“A key issue is early messaging around high-profile cases aimed at calming tensions. It is possible to get information out while remaining independent. When the IOPC doesn’t do this, it leaves a void quickly filled by social media.”

355. The IOPC can and should comment on process and keep everyone up to date once an incident first happens, during and after an investigation concludes. Complainants commented that a simple ‘explaining document’ setting out process from the incident, right through to report publication, would be very useful. We note, however, that the IOPC has a [guide for complainants](#), a [guide for what police officers and staff under investigation can expect from the IOPC](#) and [a guide for bereaved families](#) about DSI cases. So, the IOPC may wish to highlight or publicise these guides further. In addition, it was noted at the time of publication of reports there did not seem to be a consistent way in which IOPC reports were ‘explained’ to the public and ‘in person’ interaction with community groups could helpfully be made more consistent.

356. Indeed, in his [public letter](#) to the Home Secretary (24 September 2023) ahead of the ongoing review of the use of force, the MPS Commissioner commented on similar lines when he said he would welcome the review considering:

‘Improving the balance in communications and the release of information following an incident to ensure public confidence in policing is emphasised and matters which may cause community tensions are managed more effectively. A presumption of providing more contextual information about the incidents as part of the initial narrative should be introduced’.

357. In response to critical incidents of wider interest or concern to specific communities, the IOPC sets up **Community Reference Groups (CRGs)**, mostly commonly on a short-term basis. Their purpose is to:
- keep stakeholders informed about an investigation’s progress, providing transparency and clarity around an investigation, sharing relevant and appropriate information to stakeholders where this will not prejudice the investigation; and
 - help the IOPC understand and respond to a community’s views or concerns in a timely and appropriate manner, and inform where it may need to conduct further stakeholder engagement.
358. Community Reference Groups are made up of local community members, for example local council leaders and MPs, community safety leads, youth engagement officers, local council cabinet leads for crime and safety. Recent examples of CRGs include:
- On 8 September 2022, [following the fatal police shooting of Chris Kaba in Lambeth](#) three days before (5 September); and
 - during the [IOPC’s investigations into police actions prior to the deaths of two boys in Ely](#).
359. They are one example of the steps the IOPC has taken to improve its stakeholder engagement over recent years. However, some of those interviewed for this Review felt they could be improved further. Some groups representing complainants suggested that the IOPC should take greater care, in some cases, not to reinforce community or victim perceptions that it is on the side of the police. One example of feedback we received was:
- “I think the IOPC are a lot more public facing than they have been. But I don’t think it’s necessarily done them favours.”*
360. Another told us that, despite the IOPC holding Community Reference Groups, the IOPC lacked an adequate understanding of who to engage with locally, how to engage with and how IOPC press statements might be received in the community, and that the IOPC could improve its engagement with Police and Crime Commissioners and local council leaders.

“Community Research Groups are a sticking plaster where engagement is otherwise poor.”

RECOMMENDATION:

The IOPC should review its communications and engagement strategy during investigations – with the public, complainants, police and stakeholders – to be as transparent and consistent as possible about the progress of its investigations and communicate with the public earlier (without prejudicing

investigation outcomes and potential misconduct proceedings or criminal cases).

Defending its work, processes and staff and calling out poor conduct

361. We agree with the Home Affairs Select Committee inquiry into Police Conduct and Complaints, that the IOPC should – more proactively – communicate, and defend, its investigation decisions. We consider its recommendation just as relevant today as when the [inquiry report](#) was published in March 2022:

‘Evidence to our inquiry suggests the IOPC could do better in defending its role in police complaint decisions. The IOPC has a statutory duty to uphold confidence in the police complaints system; and we urge the IOPC to embrace this role and to proactively communicate and defend the decisions it makes.’
(Paragraph 142)

362. Many stakeholders, including victims’ groups, also told us that they wanted the IOPC to be more assertive in the defence of its investigators’ work and its robust processes. For example, where during an IOPC investigation, a police force comments that the circumstances of police conduct do not warrant an investigation, it was perceived that the IOPC should, much more proactively and publicly, challenge and correct any such misleading public statements. As one put it:

“The IOPC’s silence does little to demonstrate its independence”.

RECOMMENDATION:

The IOPC should be more forthright in defending its role in ensuring police accountability, its work and processes, when it is justified in doing so. For example, it should not shy away from correcting public statements by police forces if they present misleading or inaccurate information to the media about ongoing or concluded IOPC investigations. Equally, it should publicly defend its work, decisions and staff where courts have found in the IOPC’s favour in Judicial Review challenges brought against it.

363. Where the IOPC report indicates there is a case to answer that a police officer has acted inappropriately, complainants groups told us they would like to see the IOPC ‘call out’ this behaviour or breach of professional standards more publicly.

Taking ownership for IOPC shortcomings

364. Some advocacy groups us told that, in cases where the IOPC concedes it has made mistakes or there were material flaws in its investigations, they **would like the IOPC to take greater ownership in public statements, acknowledge previous failings** and set out how it has or will prevent them in future. It is not clear the IOPC always meets the statutory guidance it has

written for others in this respect, in particular the need to “willingly demonstrate organisational accountability where appropriate” and “not be defensive” ([IOPC Statutory Guidance](#), Chapter 3).

365. One group told us of their disappointment, for example, that the IOPC had not taken greater ownership for material flaws in a previous investigation in its public statement about its decision to re-investigate MPS handling of the deaths of Anthony Walgate, Gabriel Kovari, Daniel Whitworth and Jack Taylor, by convicted murderer Stephen Port:¹⁴³

“The IOPC has an institutional defensiveness.”

366. In its [policy on reopening investigations](#), the IOPC says:

‘Any consideration of conducting a re-investigation represents an opportunity to identify internal learning, particularly where it appears that we have got things wrong. When learning is identified, it is essential that it is communicated to the individuals involved or at wider organisation level.’

367. However, whilst we have been told by IOPC staff that at least some reinvestigations have been used as opportunities to promote learning, we have concerns that some public statements on the decision to reinvestigate do not appear to address organisational learning. One example is the IOPC press release announcing it would reinvestigate [MPS handling of the deaths of Anthony Walgate, Gabriel Kovari, Daniel Whitworth and Jack Taylor](#).

368. We agree with interviewees’ feedback that instances, where the IOPC decides to reinvestigate a case *as its previous investigation had material flaws*, should prompt introspection, clear public acknowledgement and expression of regret for previous shortcomings and explanation for how the IOPC has learned from these, or will.

Engagement with wider criminal justice system and police forces during (and after) investigations

369. Lead investigators liaise with a wide variety of stakeholders during investigations, including: CPS, police forces and coroners. We addressed: interactions between IOPC investigations and CPS prosecutions and coroner’s inquests in particular (and the potential value of MOUs between them) in [Interactions with the CPS, coroners and police forces about misconduct proceedings](#); and the need to get all relevant parties together early, in DSI matters in particular, under [Performance and evaluation of IOPC DSI investigations](#).

¹⁴³ The decision to reinvestigate this case was made on the dual grounds that the original investigation was ‘materially flawed in a manner which had an impact on the subsequent decisions made on discipline, performance and/or referral to the CPS’, and that there was ‘significant new information’ that required further investigation. <https://www.policeconduct.gov.uk/news/iopc-reinvestigate-met-police-handling-deaths-anthony-walgate-gabriel-kovari-daniel-whitworth> (23 June 2022).

'Revelation' to CPS, police and coroners of all relevant documents to facilitate preparations for proceedings (including their disclosure to subjects under investigation)

370. 'Revelation' refers to the IOPC revealing to CPS all relevant material that has been retained in the investigation. As set out in CPS' Disclosure Manual¹⁴⁴:

'To support prosecutors' assessment of the impact of unused material, it is essential that prosecutors are provided with schedules and material potentially capable of meeting the test for disclosure [by CPS to the defence] at an early stage.'

371. The same principles apply for providing information to appropriate authorities / local police forces to support misconduct proceedings, and to coroners for inquests.

372. We received consistent feedback from the CPS and police forces that was quite critical about IOPC engagement in support these wider processes. We heard that they want the IOPC to engage with them earlier and work to improve the consistency of investigation file quality.

373. Some stakeholders highlighted cases where poor quality investigation files and/or not sharing material promptly had – or could have had – substantial adverse impact on their proceedings. CPS told us that, too often, it had to do a lot of work to bring IOPC investigations and files up to the required standard.

374. The consistency of feedback suggests this has persisted as an issue, notwithstanding particular attention drawn to this, we note, by the Angiolini 2017 Inquiry:

*'Delays may be caused by a lack of early engagement with the CPS during the course of the [IOPC] investigation. Independence does not call for isolation and indeed isolation weakens [IOPC] independence. Regular liaison allows each of the respective agencies to bring their own expertise and perspectives and to make their own preparations and plan for the presentation of any evidence in the event of a prosecution. Delays in any one part of these processes can be reduced by a more coherent and consultative approach by all to the death from the earliest opportunity.'*¹⁴⁵

RECOMMENDATION:

IOPC investigators and any new Proceedings Support Units should prioritise: early engagement with CPS, police forces and coroners during investigations;

¹⁴⁴ <https://www.cps.gov.uk/legal-guidance/disclosure-manual-chapter-11-revelation-prosecutor>

¹⁴⁵ An Independent Review of Deaths and Serious Incidents in Police Custody by Rt. Hon. Dame Elish Angiolini DBE QC, published in January 2017. https://assets.publishing.service.gov.uk/media/5a821d1040f0b6230269ae98/Report_of_Angiolini_Review_ISBN_Accessible.pdf

maintaining high file quality; and prompt and thorough ‘revelation’ of materials to these parties as needed.

375. The rolling out of Proceedings Support Units should help to address CPS feedback that too few IOPC investigators adequately understand when and how to engage them.

Engagement with police forces and policing stakeholders

376. Feedback from police forces highlighted how the IOPC engages police forces differently (depending on their size and geography), but also important commonalities, for example, on how they all want earlier engagement with the IOPC and more consistent support to misconduct proceedings.
377. Police forces relayed that earlier engagement would enable them to learn lessons quicker and/or commence disciplinary proceedings prior to the end of a lengthy IOPC investigation.
378. One force also told us they felt that once the IOPC completes its investigation, investigators have sometimes inappropriately ‘washed their hands of it’ and not turned up to misconduct proceedings. We cannot comment on the degree to which this is representative of other forces’ views of IOPC ‘post-final’ engagement.
379. A number of interviews also highlighted the importance of co-ordinating with police forces on engagement with complainants, victims and bereaved families. For example, if the IOPC determined early on that it would independently investigate a death, and misconduct is subsequently identified during the investigation – which would result in the investigation being taken forward as a ‘conduct’ investigation – engagement with a bereaved family will have been through the IOPC, so a police force might not have spoken with them until any misconduct proceeding.
380. In view of our other recommendations, a more national operating model might also facilitate a dedicated national lead tasked with improving engagement with (and revelation to) PSDs, for example through NPCC and others.

Engagement with CPS and coroners

381. CPS told us IOPC engagement with some CPS staff can feel “adversarial” when it should not be and that sharing learning between them should be a higher priority.
382. In light of our other recommendations, we recommend the IOPC retains clearly designated senior management leads for IOPC engagement with CPS and the Chief Coroner, following reviews of its senior structures and operating model.

Training, accreditation and skills of investigations staff

Investigator workforce composition

383. 36% of IOPC investigators have a background in the police, per **Table 1**.

Table 1: Background of IOPC staff, from IOPC Diversity statistics 2022/23 ¹⁴⁶

Category	Total staff [headcount]	Staff with police background [headcount]	Staff with police background [%]
Investigators	339	123	36%
Operational staff other than investigators	293	61	21%
Non-operational staff	425	46	11%
Total	1,057	230	22%

Training for investigators of all grades

384. IOPC staff told us the core skills needed to be good investigators include: strong interpersonal skills and empathy; the ability to communicate with people from all backgrounds and confidently have difficult conversations; personal resilience; thoroughness and attention to detail; and an ability to write clearly and logically in investigator reports.

385. There are two primary routes the IOPC recruits for its investigator roles:

- Individuals join with some investigatory experience from another body (e.g. a former police officer, a former NCA investigator); and
- Individuals might be recruited as trainee investigators *without an investigative background* (e.g. as new graduates). They would complete a 18-24 month hybrid course, partly online and partly in person.

386. *Trainee investigator* training consists of 10 weeks learning, typically within an investigator’s first 6 months in post. It comprises a mixture of classroom and practical training, delivered by trainers expert in the following different areas:

Training modules for trainee investigators, completed over 10 weeks	
Wellbeing and resilience	Scene management
Safeguarding and survivor engagement management	Discrimination

¹⁴⁶ https://www.policeconduct.gov.uk/sites/default/files/documents/IOPC_staff_diversity_tables_2022-23.xlsx

Training modules for trainee investigators, completed over 10 weeks	
Recording, referrals, types/modes of investigation	Subject interviewing theory and practical
Powers and obtaining evidence	Road traffic investigations
Police misconduct	Firearms
Systems, processes, document management, actions and policies	Post-incident procedures
Basic exhibits and CCTV	Deaths in custody
Witness interviewing and statements: theory and practical.	Digital investigations
Exhibits management and forensic awareness	Abuse of position for a sexual purpose
National decision model and use of force	Concluding investigations
Intelligence unit	Final reports
Disclosure	Introduction to HOLMES2 ¹⁴⁷
Relevant law	Accreditation
Investigating deaths	

387. After initial training, investigators' work is continuously assessed for a period by team leaders, with case supervisors and DMs providing quality assurance of final investigator reports. (We addressed the other stages of case supervision and investigation quality assurance earlier in this chapter.) Otherwise, investigators benefit from other more *ad hoc* training including:

- An initiative looking at the strength of subject interviews and comparing these against training best practice, to check they remain high standard subject interviews.
- Some – but not all – staff receive training in Achieving Best Evidence (ABE) from video capture of evidence of vulnerable witnesses.
- Training days. This varies by region. For example, Wakefield has learning days every 2 months, with a day every 3 months where all regional operations staff get together, which will typically include some training, development or guest speakers.

388. All IOPC staff can access an internal training platform called BRIDGE (which has mandatory and optional training); and '*Civil Service Learning*'.

389. Investigators do not receive formal annual appraisal. Instead, they have monthly meetings with supervisors on their delivery against their objectives

¹⁴⁷ The Home Office Large Major Enquiry System (HOLMES) 2 is an information technology system that is predominantly used by UK police forces for the investigation of major incidents.

using DRIVE – the IOPC’s performance management framework – and more focused six-monthly meetings on their development needs.

Training for operations team leaders (OTLs), operations managers (OMs) and regional directors

390. The majority of Operations Team Leaders, Operations Managers (the grade above OTLs), and current Regional Directors above them have been promoted to their posts from within the IOPC. This has many substantial positives in that they have a good understanding of the IOPC’s work, often years of experience as investigators and familiarity with the local police force and key stakeholders. Two potential drawbacks from such a high proportion of staff promoted from within are: a higher risk of embedding behaviours or practices that might not always meet best practice (as more senior staff train and coach more junior staff); and potentially fewer fresh perspectives on whether the way things are currently done could be improved upon. We offer no view on the prevalence of either risk, but suggest they can be mitigated, respectively, by: continuous learning and accreditation that requires renewal; and ensuring some recruitment from outside the IOPC at more senior operational grades and strong best practice sharing to ensure learning and innovation are applied as effectively and promptly as possible.
391. Lastly, we note that there is no bespoke training for OTLs, OMs, Regional Directors and DMs specifically, which is a gap as a strong investigator might not always be an excellent case supervisor, for example, without training on leadership and management for example. So, the IOPC could consider greater and more consistent provision of management training as staff are promoted, with an expectation that a newly promoted OTL might attend management training of some type within their first 3 months in post, for example. We heard from some staff that OTLs and OMs might benefit from training in HR policies, for example how to support direct reports who might be sick.

Investigators’ accreditation

Current investigator accreditation (through to Dec 2024)

392. All Trainee Investigators, Investigators and Lead Investigators are required to achieve accreditation. The DG’s Scheme of Delegation requires the DG to delegate decision making and investigations to an appropriate level, accreditation provides such assurance of investigators’ professional competence.
393. Trainee investigators and investigators complete three units to get their Level 5 Professional Certificate. To get a professional diploma, a fourth unit is completed on promotion to Lead Investigator. The Level 5 Certificate, which is work-based takes 18 months to complete, on a full-time basis, and the Diploma 24 months – structured flexibly around operational work. Learning is also

supplemented through other materials and resources primarily accessed through the organisations 'Ops Manual'.

394. Existing accreditation, provided by *Pearson Education*, acts as a permanent qualification, there is no periodic re-accreditation. Once accredited, managers use the performance and development review process to identify and address individual development needs.
395. Whilst many Operations Team Leaders (OTLs) and Operations Managers (OMs) will have this investigator accreditation, there is no specific accreditation for the role of case supervisor, or for OTL or OM grades.

Future accreditation from 2025

396. Pearson Education is withdrawing its accreditation provision to the IOPC in December 2024, after which the IOPC will fully transition to the 'Professionalising Investigations Programme' (PIP) model¹⁴⁸ licensed by the College of Policing and widely used across police forces. PIP is a structured incremental development programme which provides the police and other law enforcement sectors with the skills to conduct professional investigations. It provides consistent registration, examination, training, workplace assessment and accreditation to a national standard, at four levels:
- PIP 1 - Priority and volume crime investigations (e.g. street robbery, burglary and vehicle-related criminality, criminal damage, assaults);
 - PIP 2 - Serious and complex investigations (e.g. use of violence including use of weapons and firearms, sexual assaults);
 - PIP 3 - Major crime or serious and organised crime investigations;
 - PIP 4 - Strategic management of highly complex investigations.
397. Moving to PIP is expected to increase investigator competence and improve individual and public confidence, in light of its status as a nationally recognised programme. As it brings the IOPC more into line with policing, and the qualification is more transferable, this might help the IOPC attract talent. Conversely, it could lead to retention challenges if IOPC's benefits package, salary, and overall career opportunities are weaker than other organisations, such as police forces, that employ PIP.
398. Once rolled out across the IOPC, completion of PIP will become a mandatory requirement of investigator roles going forward with Trainee IOPC Investigators and IOPC Investigators required to be accredited to PIP 1 and Lead IOPC Investigators required to be accredited to PIP 2. All existing accredited investigators will be given the opportunity to complete the appropriate PIP

¹⁴⁸ Professionalising Investigations Programme (licensed by the College of Policing): Programme Policy 2023: https://assets.college.police.uk/s3fs-public/2023-04/PIP-programme-policy-2023_0.pdf

portfolio for their grade, as a development opportunity and as investigators must complete annual CPD requirements to retain PIP accreditation, in effect moving to PIP will introduce an element of revalidation.

399. Whilst immediate plans are focused on accreditation to PIP 1 and PIP 2, stakeholders told us the IOPC must have specialist expertise (in areas, such as violence against women and girls) to adequately scrutinise police actions. Going forward, as the IOPC evaluates its transition to PIP, the IOPC will want to consider the feasibility of addressing these needs through PIP or otherwise enhancing expertise through other means.
400. Going forward the IOPC should consider whether it is feasible to address these needs through PIP or enhance expertise through other means as the IOPC evaluates its transition to the training programme.
401. We have already commented on the lack of accreditation for assessment analysts and casework managers. Unfortunately, PIP does not appear to be an immediately viable model for accreditation of assessment analysts and casework managers.

Vetting

402. An evaluation of IOPC vetting practices is outside the terms of reference for this Review (set out at **Annex A** – Terms of reference for the Review). We note, however, that with high-profile stories about inadequate vetting in the police forces, **it is vital the IOPC – and the Home Office, as its sponsor – are able to assure themselves that the IOPC has appropriately stringent vetting practices**, albeit that, as one stakeholder put it:

“Vetting needs to be intelligent though, as it’s also important to employ those with experience being policed or over policed.”

Assessment of investigators’ skills

403. Generally, feedback from stakeholders, groups representing police officers and staff associations, complainants and bereaved families suggest they consider a great many investigators perform their roles well, handle difficult situations appropriately and benefit from the right skills. However, many also commented on a perceived inconsistency in the calibre of some investigators. The following are a representative sample of the views we received:

“The IOPC has some really determined and impressive people...but there’s no consistency in the calibre of its investigators.” (group representing complainants)

“Delayed investigations are sometimes just down to investigator incompetence”. (stakeholder)

“The IOPC needs to do a lot of work to bring all of its investigators up to an appropriate standard.” (stakeholder)

404. We heard mixed views from IOPC staff on the strength of the new trainee investigator route. For example:

“The induction for new trainee investigators is a very stringent process.”

405. By contrast, another very senior member of operations staff told us that, in their view, whereas newly-inducted trainee investigators were able to lead on some of the simpler matters the IOPC used to investigate, now that the IOPC’s case mix is more complex, new trainee investigators’ induction was insufficient and should be reappraised, even accounting for significant on-the-job learning.

406. Our recommendation – that the IOPC considers introducing specialised investigation teams – might help to address this, as it would provide new joiners with the opportunity to repeat similar types of cases to reinforce this learning and improve, in contrast to current arrangements where newly-inducted trainee investigators’ first investigations may be very different from one another.

Engagement with complainants, bereaved families and vulnerable victims or witnesses

407. A number of groups interviewed raised concerns about investigators’ ability to sensitively engage bereaved families, children, and vulnerable victims or witnesses (for example with mental health conditions or learning disabilities).

408. Earlier in this chapter, we made observations about Communication with complainants, bereaved families and relatives of seriously injured individuals. More broadly, victims advocacy groups reported that, too often, victims feel re-victimised through the criminal justice system by the police, CPS and IOPC too. Some suggested IOPC investigators need to be more sensitive and bespoke training should be offered to help investigators engage those, many of whom (by the time of an IOPC investigation) will have had poor experiences in engaging police. For example, they may not feel ‘listened to’, might feel intimidated, unsafe or anxious in being interviewed.

409. A number of groups representing victims and complainants suggested operational staff – investigators, casework managers and referral assessment analysts – should be trained in trauma-informed practice so they:

- realise that trauma can affect individuals, groups and communities;
- recognise the signs, symptoms and widespread impact of trauma;

- avoid re-traumatising victims, leading them to re-experience thoughts, feelings or sensations during their traumatic event or circumstance in a person's past.¹⁴⁹

410. We note this feedback resonates with similar findings and recommendations previously made by the [2017 Independent Review of Deaths and Serious Incidents in police custody](#).¹⁵⁰

Understanding of specific crime types

411. Groups representing complainants and victims reported that some investigators appeared to have insufficient understanding of the types of crimes they were investigating. Two groups told us:

“The IOPC appeared to have poorly assigned an investigator to deal with crimes they did not adequately understand. They were not aware, nor had they looked at guidance around harassment, coercive control, stalking protection orders etc.”

“A discernible lack of confidence by IOPC staff can itself be harmful to public confidence in the IOPC.” (group representing complainants)

412. Our recommendation earlier in this chapter, that the IOPC considers specialised investigation teams (e.g. a vulnerability unit), if adopted, would help staff build a stronger understanding of the crime types they investigate. As one Regional Director told us, *“it isn't possible to specialise in everything”*.

Understanding of policing environment

413. Several policing stakeholders and groups representing police officers and staff commented on some investigators' perceived lack of basic understanding of the policing environment.

414. Interviews with IOPC staff were particularly revealing of differences in approach between regional offices and directors:

- In some regions, staff were encouraged to approach the police to arrange familiarity training in areas like police pursuits or dog handling and had arranged training in a number of areas over many years; and
- In many others, we heard that staff refrained – or were actively discouraged – from receiving training from the police, for fear that this would somehow compromise their independence.

¹⁴⁹ This draws from a [working definition developed to inform trauma-informed practice in the health and care sector](#).

¹⁵⁰ In particular, the inquiry recommended *‘investigators are trained in dealing with bereavement... and developing relationships with families without judgement, using skills of empathy, understanding and compassion’*.

415. One police force told us they had actively invited IOPC staff, among others, to get a better understanding of the policing environment, but there had been no take-up from the IOPC, out of a misplaced fear it would compromise their independence. By contrast, others who had just as much of a reason to protect their independence – like judges – had attended and reported that they had gained a lot from the session.
416. We strongly reject the suggestion that investigators inherently compromise their actual (or even perceived) independence by improving their understanding of policing environments and practices (e.g. by visiting custody suites). Indeed, when we consulted groups representing complainants and victims, their concern was not that the police might improve such understanding of police environments and practices, but with the appearance given in some cases that IOPC investigators ‘looked chummy, joking around with the police officers’ in front of complainants, which made the complainant suspect bias in favour of the police. We are clear that whilst the latter should be discouraged, this need and should not follow from the former.

Understanding of police powers and procedures

417. Concerns were raised by a number of stakeholders about investigators’ perceived weak understanding of basic police powers and provisions within the [Police and Criminal Evidence Act 1984 \(PACE\)](#) which regulates the powers and procedures of the police and the courts in relation to the arrest, detention, search, seizure and interrogation of suspects and the production of evidence. We heard this was particularly concerning, because investigators have these police powers for the purposes of investigations into potential criminal offences. Several stakeholders commented on investigators’ lack of understanding of [PACE Codes of Practice](#), including Code B: Code of practice for searches of premises and seizure of property¹⁵¹. Others commented on the importance that training include the fundamental protections offered by PACE to individuals who may be the subject of criminal investigation.

RECOMMENDATION:

IOPC senior operational leaders should review IOPC investigator training in light of the findings of this Review, in particular to ensure familiarity with trauma-informed practice; stronger appreciation of policing environments (including through training alongside police forces, where appropriate); improved understanding of police powers, procedures and protections to individuals who may be subject to a criminal investigation (including through the Police and Criminal Evidence Act 1984).

¹⁵¹ <https://www.gov.uk/government/publications/pace-code-b-2013/pace-code-b-accessible>

Subject matter networks

418. The IOPC set up a network of subject matter networks following an initial pilot, which sought to bring together staff from different disciplines across the organisation (e.g. policy, legal, operations, communications) to act as a source of support and information for staff on certain themes/issues. They aim to share best practice between staff and across regions, on a range of independent investigation types such as: domestic abuse, abuse of position for a sexual purpose, stop and search and discrimination, among others. Experts can provide a valuable source of insight and advice to staff across the organisation, in particular in investigations and reviews. Members of the network seek to keep their knowledge up to date.
419. However, membership on such groups has no influence on the cases investigators are allocated and they are not resourced. We were surprised to learn they are kept together only by the interest, dedication and commitment of the staff involved. There was also no governance around the activities of these networks.
420. These networks are no substitute for the specialised teams we recommend the IOPC considers (considered above, under *How investigations could be concluded more quickly and quality* improved). We recommend they are better supported and more actively encouraged (at least until the IOPC establishes specialised teams). Currently, they seem a wasted opportunity to enhance learning, support staff and improve the quality of the investigative process.

RECOMMENDATION:

The IOPC should formalise the use of subject matter networks ensuring adequate resources and governance.

Misconduct and criminal proceedings and their outcomes – from IOPC investigations and more broadly¹⁵²

421. The IOPC publishes statistics on misconduct proceedings but these only focus on [outcomes following its independent investigations](#); as such they do not include misconduct hearings that take place as a result of local investigations.
422. The Home Office publishes overall outcomes following [police misconduct proceedings and criminal investigations](#)¹⁵³.
423. Whilst the two publications contain significant data points, neither are presented in formats easily intelligible to the public and they must be combined

¹⁵² This excludes the outcome of IOPC reviews of complaints handled by local police forces and others.

¹⁵³ Home Office data is marked as experimental, due to limitations and quality control of information coming from 'Centurion'. The Home Office advised us that some police forces do not use to record complaints, especially complaints handled outside of the prescriptive framework (Schedule 3 of the Police Reform Act 2002), whereas IOPC data captures these.

to quantify outcomes in misconduct proceedings that are not brought following an IOPC investigation.

424. They facilitate neither easy comparison over time, nor comparison between forces in terms of the percentage of police officers, for example, found to have breached professional standards.¹⁵⁴ Both datasets could helpfully be brought together – either on the Home Office or IOPC website – and made more accessible to the public, for example with the ability to filter cases by police force. **Chapter 9. Accountability**) has further comment and recommendations.
425. The latest and most comprehensive¹⁵⁵ data available at the time of writing this report (see **Table 2**) indicates there were 2,029 allegations arising from police complaints, conduct matters and recordable conduct matters referred to misconduct proceedings, involving police officers and staff in England and Wales, of the cases finalised in the year ending 31 March 2022.

Table 2: Police complaint, conduct matter and recordable conduct matter allegations referred to misconduct proceedings, in England and Wales, relating to cases finalised in 2021/22¹⁵⁶

Misconduct finding level	Police Officer					Police Staff			
	Meeting	Hearing	Accelerated Hearing	Not known ⁵	Total	Meeting	Hearing	Not known ⁵	Total
Gross misconduct	-	284	305	-	589	1	346	8	355
Misconduct	644	36	-	-	680	30	167	-	197
Not Misconduct	122	35	-	-	157	5	14	-	19
Proceedings Discontinued	7	6	-	-	13	-	5	-	5
Not known ⁵	3	-	-	8	11	-	-	3	3
Total	776	361	305	8	1,450	36	532	11	579

Number of police complaint, conduct matter, and recordable conduct matter allegations¹ referred to proceedings, relating to cases finalised in the year ending 31 March 2022^{2,3}, by proceeding type misconduct finding level⁴ and worker type (Tables PC7, CM7 and RC7)

Notes

- 1. Denotes nil
- 1. An allegation may involve multiple individuals. As each individual may face a different outcome, a single allegation involving 2 individuals is counted twice in these statistics. For further information on how cases, individuals and allegations are counted in the statistics, please refer to the user guide.
- 2. Data has been supplied by police forces from Centurion - a product used by each force for the case recording, management and processing of professional standards data.
- 3. The current police complaints and conduct regulations came into effect from 1 February 2020. Cases received before this date are handled under the previous regulations and are therefore not included in these statistics. For further information refer to the user guide.
- 4. Full definitions of each proceeding type and misconduct finding level can be found in the user guide accompanying these statistics.
- 5. A small number of allegations referred to proceedings did not have a proceeding type or misconduct finding level recorded.

426. Of the 2,029 allegations against police officers and staff referred to misconduct proceedings finalised in the year ending 31 March 2022, 1,821 allegations were found proven for misconduct or gross

¹⁵⁴ Comparison over time is not currently possible due to changes both to the legislation and how the Home Office calculates these statistics for publication.

¹⁵⁵ Source: [Police misconduct, England and Wales: year ending 31 March 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/police-misconduct-england-and-wales-year-ending-31-march-2022). Table 2 captures proceedings following police complaint, conduct matter and recordable conduct matter allegations. An allegation may involve multiple individuals. As each individual may face a different outcome, a single allegation involving 2 individuals is counted twice in these statistics. Similarly, 1 individual may receive multiple allegations against them. If an individual receives 3 allegations against them. They will be counted 3 times in the statistics.

¹⁵⁶ Source: [Police misconduct, England and Wales: year ending 31 March 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/police-misconduct-england-and-wales-year-ending-31-march-2022). Tables PC7, CM7, and RC7.

misconduct, meaning the Standards for Professional Behaviour were breached¹⁵⁷. Of these:

- gross misconduct' was proven in 944 allegations, and
- 'misconduct' was proven in 877 allegations (see **Table 2**).

427. Home Office data covers allegations referred to misconduct proceedings in cases finalised in the year ending March 2022 following investigation by either local forces or the IOPC¹⁵⁸. Furthermore, the Home Office only reports on misconduct proceedings pertaining to the new regulations which came into effect on 1 February 2020, whereas IOPC data also reports on those relating to the old regulations (i.e. prior to 1 February 2020). As such, Home Office data focuses on all allegations, so is not comparable with IOPC data focused on complaints.

428. As **Chart 13** illustrates, independent investigations by the IOPC led to 105 cases where misconduct proceedings were finalised in 2021/22, where misconduct was proven against 30 individuals and gross misconduct was proven against 75 individuals.¹⁵⁹ Of these 75 individuals where gross misconduct was proven after an IOPC investigation, 60% (45) were dismissed. As set out in **Chart 14**, a further 17 were given a final written warning, 20 others were given a written warning and 12 individuals had retired or resigned before they could be sanctioned¹⁶⁰ and added to the list of individuals barred from serving with the police.

Comment

429. The focus of this Review is the IOPC, not the overall police complaints and disciplinary system. However, it would be remiss of us not to note concerns raised with us by victims' groups during interviews that the small proportion of disciplinary sanctions compared to the number of complaints, in their view, stretches the credibility of the police complaints and disciplinary systems. We were told that such low figures could bolster a perception among some that a serious complaint about a police officer's conduct is unlikely to result in any concrete disciplinary action and so put off people coming forward and making a complaint in the first instance.

430. We do not suggest, in the slightest, that the health of the complaints and disciplinary systems depends upon there being a high number of disciplinary sanctions. Clearly what matters is that the right outcome is achieved in each

¹⁵⁷ Whilst IOPC data is available for 2022/23, at the time of writing this report, the Home Office had not published their 2022/23 misconduct statistics, so 2021/22 data was the latest available data.

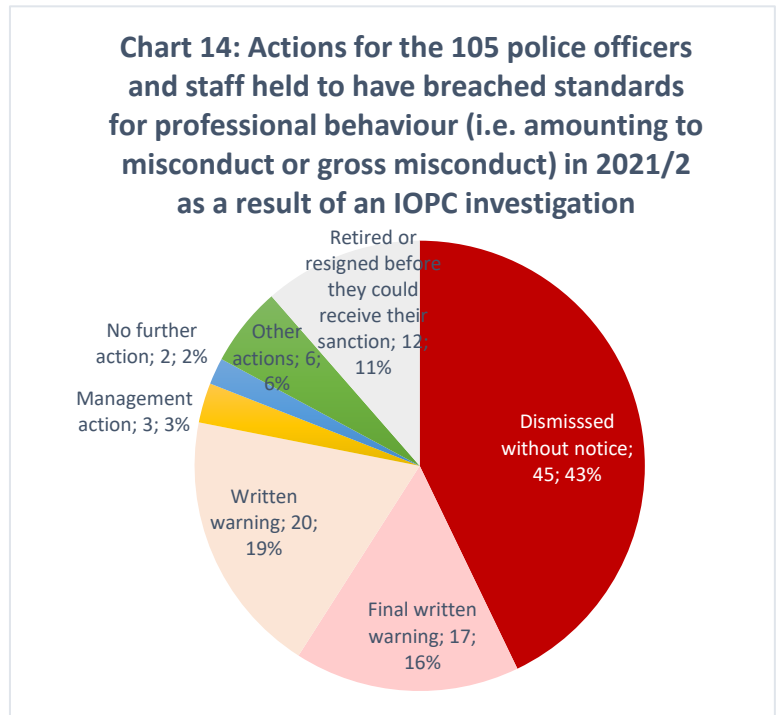
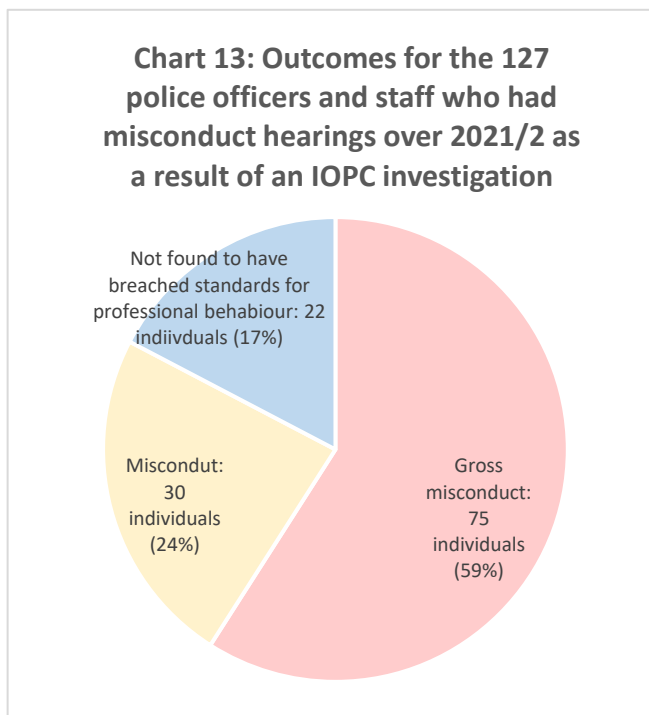
¹⁵⁸ At the time of writing this report (December 2023), the Home Office had not yet published its 2022/23 misconduct statistics, so 2021/22 data is the latest available data.

¹⁵⁹ IOPC Outcomes following IOPC independent investigation Report 2021/2 (Page 10)
https://www.policeconduct.gov.uk/sites/default/files/documents/Outcomes_report_21_22.pdf

¹⁶⁰ IOPC Outcomes following IOPC independent investigation Report 2021/2: page 10:
https://www.policeconduct.gov.uk/sites/default/files/documents/Outcomes_report_21_22.pdf

case, based on all available evidence. Fault should not be found where there is none. Indeed, we realise many complaints will be more general in nature. They may not be conduct issues at all and even if they do relate to conduct, many cases will be less serious and not warrant formal misconduct proceedings. Furthermore, accountability comes in many forms; learning, wider system reform, apologies and other remedies will be more appropriate than disciplinary procedures in many circumstances.

431. Nevertheless, the IOPC may wish to consider, together with the Home Office, what steps, if any, they could take to address a perception – ill-founded or not – that a complaint about a police officer’s conduct is unlikely to be upheld or lead to any consequence for the officer involved.



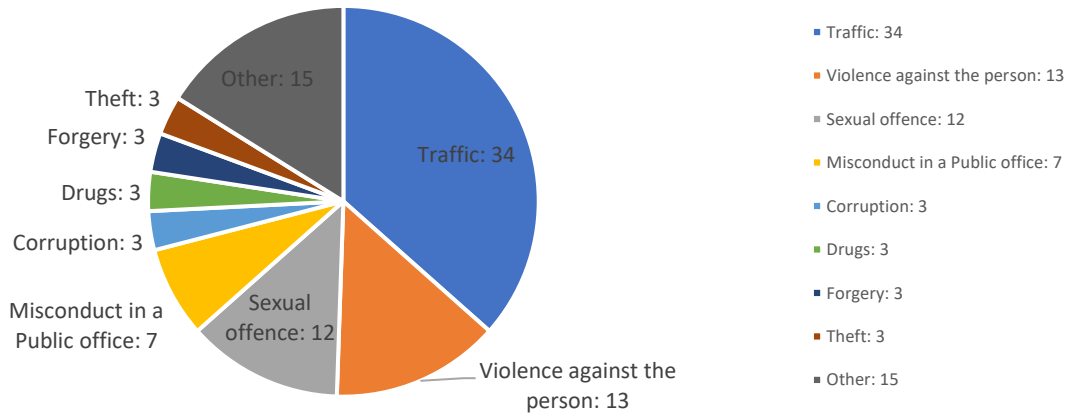
432. Over 2021/22, CPS finalised criminal proceedings against 113 police officers and staff¹⁶¹ (37 following an *independent IOPC investigation*¹⁶²), resulting in 93 guilty verdicts or pleas.¹⁶³ Chart 15 provides a breakdown of the offences where police officers and staff were found or pled guilty in 2021/2, which included: 34 traffic offenders; 13 violent offenders; and 12 sexual offenders.

¹⁶¹ <https://www.gov.uk/government/statistics/police-misconduct-england-and-wales-year-ending-31-march-2022>. Table CR1: Number of criminal proceedings related to cases finalised in the year ending 31 March 2022

¹⁶² IOPC Outcomes following IOPC independent investigation Report 2021/2 (Page 14) https://www.policeconduct.gov.uk/sites/default/files/documents/Outcomes_report_21_22.pdf

¹⁶³ These figures relate only to charges brought under current police complaints and conduct regulations which came into effect from Feb 2020; complaints brought before under previous regulations are excluded.

Chart 15: Guilty verdicts or pleas in criminal proceedings finalised against police officers and staff in 2021/2



Chapter 6. Overarching considerations for reviews, referrals and investigations

Forecasting volume of reviews, referrals and independent investigations

433. 74,543 people complained about the police in 2022/23, reporting a total of 134,952 allegations, which were logged¹⁶⁴. The IOPC and key stakeholders anticipate that the number of police complaints is likely to continue to increase over 2023/24, for reasons set out further below.
434. Over 2022/23, police forces finalised 71,805 allegations on complaint cases handled formally under Schedule 3 of the Police Reform Act 2002. 24% of the 71,805 allegations handled under Schedule 3 were investigated¹⁶⁵.
435. The vast majority (94%) of allegations logged in 2022/23 related to¹⁶⁶: delivery of duties and service (55%); police powers, policies and procedures (20%); individual behaviours (13%); handling of or damage to property/premises (3%); and discriminatory behaviour (3%).
436. **Around 1 in 5 of the overall police workforce (51,720) was subject to a complaint over 2022/23.**¹⁶⁷ Just under 2 in 5 'logged' complaints¹⁶⁸ were subsequently formally 'recorded' under Schedule 3 of the Police Reform Act 2002.¹⁶⁹

¹⁶⁴ <https://www.policeconduct.gov.uk/sites/default/files/documents/police-complaints-data-tables-2022-23.ods>. Total number of complainants (Table 8): 74,543. Total number of allegations (Table 5): 134,952.

¹⁶⁵ <https://www.policeconduct.gov.uk/sites/default/files/documents/police-complaints-data-tables-2022-23.ods>. Table 18: Nature of allegations finalised under Schedule 3 by how they were handled in 2022/23. Number investigated: 17,097 of total handled under Schedule 3: 71,805.

¹⁶⁶ <https://www.policeconduct.gov.uk/sites/default/files/documents/police-complaints-data-tables-2022-23.ods>. Table 7.

¹⁶⁷ 51,720 individuals were the subject of a complaint (<https://www.policeconduct.gov.uk/sites/default/files/documents/police-complaints-data-tables-2022-23.ods> Table 12). Subjects are only counted once, regardless of how many complaints they have been subject to in the year.

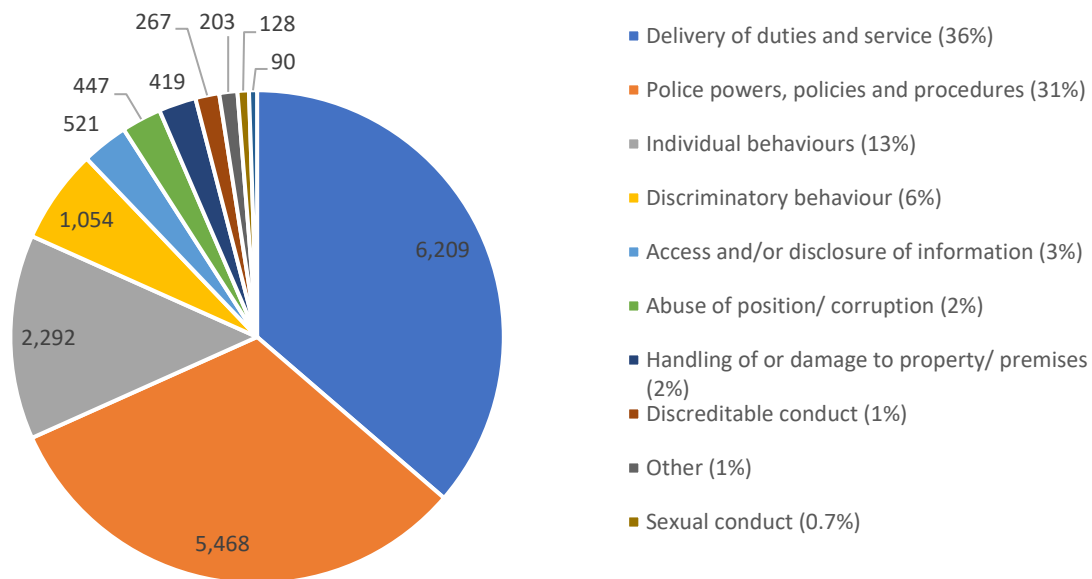
This equates to 20.8% of the overall workforce within police forces of 247,995 FTEs as of March 2023, when the police workforce across the 43 territorial police forces in England and Wales stood at 233,832 FTEs, excluding 6,841 special constables and 7,322 police support volunteers. <https://www.gov.uk/government/statistics/police-workforce-england-and-wales-31-march-2023/police-workforce-england-and-wales-31-march-2023>.

¹⁶⁸ Under reforms introduced in 2020, a complaint is 'any expression of dissatisfaction with a police force that is expressed by or on behalf of a member of the public'. (IOPC 2020 Statutory Guidance on the Police Complaints System)

¹⁶⁹ 31,620 (Table 4) of the total 81,142 logged complaints (Table 1) were officially 'recorded' under Schedule 3 in 2022/23, equating to 39.0%. Source: <https://www.policeconduct.gov.uk/sites/default/files/documents/police-complaints-data-tables-2022-23.ods> The relevance of Schedule 3 is that specific procedures under Schedule 3 of the Police Reform Act 2002 must be followed for all complaints that are officially 'recorded' (e.g. complainants must be updated on the progress of their case every 28 days). In addition, complainants unsatisfied with the outcome of an original formally 'recorded' complaint can apply for a review of how their complaint has been handled.

Chart 16: Nature of allegations that were investigated and finalised under Schedule 3 in 2022/23

(Source: Table 18, 2022/3 Police Complaints data)



437. Over the last year, IOPC’s National Operations team has begun forecasting referrals to the IOPC and applications for IOPC reviews of complaints handled by Appropriate Authorities. However, the IOPC has no equivalent established capability to forecast the number of independent investigations it has the capacity to undertake.

438. We received mixed views from IOPC staff interviewed on the IOPC’s forecasting capabilities. Some saw this as a capability gap the IOPC needed to address. One pointed to recent *ad hoc* workshops with some police forces’ Professional Standards Department, organised by the IOPC’s oversight team which would aid the IOPC in gauging potential referral volumes. A small number of operations staff told us the IOPC could not develop such a capability.

“Forecasting doesn’t really happen in any meaningful way. We are very reactive.” (Regional Director)

439. We reject the view that forecasting demand volumes is unachievable. Recent initiatives to forecast national operations volumes are welcome, but we consider modelling and credible demand projections for all aspects of the IOPC’s core operations are a pre-requisite for an organisation of the IOPC’s size to improve its financial planning and manage its budget more effectively. This is more critical in light of resource constraints.

RECOMMENDATION:

The IOPC should develop a centralised strategic operational planning function with responsibility for horizon-scanning and projecting future demand for IOPC work.

- 440. This new function should work closely with strategy, business development, finance and operations teams to ensure a shared basis for medium-term planning and budgeting.
- 441. This function should develop its forecasts and planning assumptions with the Home Office which can provide constructive challenge and support. Such collaboration on horizon-scanning and forecasting would not impinge on the IOPC’s operational independence, influence the cases the IOPC takes on, nor the course of its investigations and investigations decision. We suggest it would, however, helpfully ensure both are signed-up to a shared understanding of its medium-term context and help to improve the accuracy of IOPC budgeting and inform Home Office funding decisions.

Quality assurance

Quality assurance framework

- 442. The IOPC’s Quality Assurance Framework (June 2020, see diagram) ‘provides assurance of the quality of IOPC investigations, supports operations colleagues and aims to increase the confidence of IOPC stakeholders and service users.’ It brings together a number of strands of first- and second-line quality assurance.
- 443. It emphasises the first-line of quality assurance is in operations teams themselves:



- The IOPC has Minimum Standards for Investigations (MSI, summarised at **Annex H – Minimum quality standards for investigations**) and separate Minimum Standards for Reviews. They set out what the IOPC expects investigators, case supervisors, operations team leaders and operations managers to do, to ensure a consistent approach, quality assurance and appropriate customer service standards are in place. For example, MSI set out what is expected, after a mode of investigation decision, within 5, 15 and 35 days.
- Similarly, regular and effective case supervision forms the ‘first line of defence’ for the organisational quality assurance process. The Quality and Service Improvement (QSI) team completed a thematic review of supervision, which highlight improvements could be made in this area.

- Operations convenes a Critical Case Panel of high-risk cases, to ensure senior figures are sighted on them and their progress throughout.
444. Second-line of quality assurance is primarily provided by a central QSI team within the Strategy and Impact directorate. QSI then advise regions on good practice, and what they should be doing better, in particular, through:
- Minimum Standards for Investigations (MSI), and Minimum Standards for Reviews;
 - Dip-sampling of compliance with MSI;
 - Convening a Critical Case Panel of high-risk cases, to ensure senior figures are sighted on them and their progress throughout;
 - We note in particular that the QAF refers to Peer Reviews / Scrutiny Panel to be developed by the QSI team, **which we have been told have not been established, due to lack of QSI resources**;
 - Triggered and tasked reviews – cases where there are high risk triggers which QSI might proactively review. Tasked review from critical case panel or senior person.
 - Triggered: The Performance Team already collate and publish data on a fortnightly basis in respect of investigations. Going forward, the Quality and Service Improvement Team will use this data to select cases for review. The selection will be made using fluid criteria, such as changes in Lead Investigator or changes in target end dates.
 - Tasked: An OTL , OM or Regional Director / Director can request a specific review of any part of an investigation. The QSI team will agree a terms of reference for the review and complete a report with recommendations. The reviews can be really wide ranging from looking at a specific strategy to reviewing an entire investigation.
 - The IOPC’s annual, external accreditation for Customer Service Excellence (which we refer to below).
445. Several stakeholders – and IOPC staff – commented that quality was opaque and measuring this in investigations and reviews was challenging. Also, finding metrics to measure quality was challenging. Some stakeholders noted that, in general, existing investigation metrics seem to be process- and timeliness-based, rather than quality-based:

‘There are lots of process hoops, rather than quality hoops.

How to meet the IOPC's aspiration to put quality at the heart of everything it does

446. Generally, the individual initiatives outlined above each provide some value. However, we consider that due to their dispersed nature, quality does not adequately come together to inform an overall, credible, assessment of the quality of IOPC investigations and reviews.
447. **We are not able to make any firm judgments on IOPC's consistency of quality in relation to investigation and review quality because we find that the IOPC does not have the requisite overview of quality itself.**
448. The lack of quality (and timeliness) benchmarking was also drawn out as an area for improvement in the IOPC's latest [Customer Service Excellence accreditation report](#):

'The [IOPC] currently undertakes minimal benchmarking of timeliness and quality of service against other organisations or sectors. As a result, consideration should be made to comparing the performance of timeliness and quality of service against other industry sector contact centres, investigatory services, etc. This may identify other areas to consider for further improvement.'

RECOMMENDATION:

The IOPC should review and update its Quality Assurance Framework and processes and benchmark its quality assurance activities against similar organisations.

449. The IOPC's latest [Customer Service Excellence accreditation report](#) highlighted how some dip-sampling has been conducted across the organisation, whilst noting the scope for greater dip-sampling of the quality of its work:

'To ensure a quality service is delivered in some areas of the Organisation, dip sampling has been implemented, which addresses many functions. For example, systems and processes are being implemented correctly, information is current, accurate and meaningful, reports meet the standard, telephone conversations demonstrate empathy, and staff are polite and friendly, etc. This is good practice, and as a result, consideration could be made to appropriate areas being subject to different quality assurance activities, including dip sampling.'

RECOMMENDATION:

The IOPC should review the consistency of the quality of its decision-making, evidence and investigation report clarity, through frequent dip-sampling of cases, and publish a summary of the findings of these assessments.

RECOMMENDATION:

The IOPC should produce an annual quality report to be published at the same time as or alongside its Annual Report and Accounts, to report on its lessons learned and provide transparency on how it is measuring and improving quality within its processes.

Board oversight of quality

450. We also found the Unitary Board does not have an adequate visibility or overview of investigation quality to assure itself of the quality of operational decisions. Whilst the Board itself recognised this and decided in mid-2022 that it should set up a new Quality Committee to address it, to date progress has been limited following a regrettable 11 month delay from this decision to the new Quality Committee meeting for the first time.
451. The new Quality Committee is chaired by a NED and aims to provide assurance to the Board that the QAF is working and driving improvement. It is intended to provide *‘independent and constructive challenge and identifies opportunities for enhancement to help the IOPC put quality at the heart of everything it does, to oversee operational work and decision-making being done to the highest standards and to build a culture that supports high quality work’*. It has been charged with providing strategic focus, scrutiny and assurance on quality’.
452. Moreover, to support the focus on quality, an executive organisational quality assurance group has also been put in place to help drive improvements, starting initially with learning identified through an investigation quality assurance framework. It aims to function as a place where QSI recommendations are tracked. (Nevertheless, the Operations Management Board will also have some, undefined, role in promoting quality.) The executive organisational quality assurance group will set priorities for QSI and report into and support the Quality Committee.

Operational independence

453. We have been asked, in our terms of reference¹⁷⁰, to what extent the IOPC fulfils its legislative requirement that its investigations, reviews and Mode of Investigation decisions when it assesses referrals ‘manifest an appropriate degree of independence’.

¹⁷⁰ This Review's Terms of Reference (set out at **Annex A**), paragraph 13(d).

What ‘independence’ means

454. As stated in the Policing Protocol (2023): ‘The operational independence of the police is a fundamental principle of British policing.’¹⁷¹
455. Operational independence is no less essential to the IOPC, the ‘police watchdog’ charged with ‘*securing and maintaining public confidence*’¹⁷² in arrangements for complaints, conduct and DSI cases against the police and others, that ‘*contain and manifest an appropriate degree of independence*’.¹⁷³
456. However, as we discuss in further detail in **Chapter 8**, there is a lack of clarity about what it means for the IOPC to operate independently (and the related boundaries it should draw around its decision-making and wider work with key partners). We suggest a good starting point for discussion might be:
- The course and outcomes of IOPC reviews and investigations (including which cases it decides to investigate itself against those investigated by police forces) must be determined only by the evidence and the public interest, without actual or perceived external influence, for example from the police and policing stakeholders, police staff associations, government, complainants and bereaved families.

Perceptions of IOPC independence

457. During interviews for this Review, broadly and unsurprisingly, police staffing associations and policing stakeholders shared their concerns that the IOPC is biased towards complainants, at the expense of police officers and staff. By contrast, groups representing complainants told us they feel quite strongly that the IOPC is biased towards police officers and staff.
458. Moreover, the prevailing view from a roundtable we held with groups representing victims and complaints was that the IOPC is:
- neither independent from the police (given the proportion of former police officers and staff in the IOPC),
 - nor independent from the Government, given the DG is thought by them to be a political appointment by the Home Secretary (even if the DG is actually a Crown appointment) and the Home Office alone decides how much funding to provide the IOPC.
459. The most recent, more representative *quantitative* information we have is a [Public Perceptions Tracker survey by YONDER, commissioned by the IOPC](#)

¹⁷¹ Policing Protocol Order Statutory Instrument 2023, Schedule, paragraph 32
<https://www.legislation.gov.uk/uksi/2023/649/schedule/made>

¹⁷² Per Police Reform Act 2002, Part 2, s.10(1)(a), s.10(1)(b), s.10(1)(c), s.10(1)(d) and s.10(2):
<https://www.legislation.gov.uk/ukpga/2002/30/part/2>.

¹⁷³ ¹⁷³ Per Police Reform Act 2002, Part 2, s.10(1)(c) <https://www.legislation.gov.uk/ukpga/2002/30/part/2>.

[\(from April 2023\)](#). This showed **64% of the public think the IOPC is ‘completely’ or ‘somewhat’ independent from the police** (22% and 42% respectively). Demographically, belief in the IOPC’s independence was weakest among black respondents, only 22% of whom think the IOPC is independent from the police.

Current or former employment in policing bodies

460. By law, the Crown cannot appoint to the role of DG any individual who has ever worked for a police force or LPB in the UK, or as a National Crime Agency officer¹⁷⁴.
461. There are currently no individuals in the IOPC at Director-level or above *with a background in policing* with any responsibility for impartial operational decision-making.
462. However, the IOPC’s current Senior Independent Director was formerly a Police and Crime Commissioner (PCC) and Director of the Association of Police and Crime Commissioners (APCC). They are also Chair of the Police Advisory Board and the Chair of the Gangmasters and Labour Abuse Authority (GLAA), the latter of whom the IOPC does have remit in relation to its Labour Abuse Prevention Officers¹⁷⁵. With reference to the statutory restrictions on the Crown Appointment of the DG, none of these former or current employers are included in the list of bodies that a DG cannot have worked for and there are no other formal restrictions on other senior appointments. **However, the Home Office needs to take a view on whether a declaration of interest is sufficient to allay any public perceptions of lack of independence of the Unitary Board.**

Potential investigator bias

463. We consider the IOPC has strong policies in place to mitigate the risk of bias from investigators.
464. At the start of each investigation, investigators must declare in writing whether there is anything that could reasonably give rise to a concern that they – or any member of the investigation team – may not act impartially:
- where no such concern is identified, this is noted for the purposes of transparency; and
 - where concern is noted, an alternative investigator is appointed.

¹⁷⁴ Police Reform Act 2002, Part 2, s.9(3)(dc): <https://www.legislation.gov.uk/ukpga/2002/30/part/2>

¹⁷⁵ Police Reform Act 2002, Part 2, s.10(1)(ga): The functions of the DG shall be to ‘carry out such corresponding functions corresponding functions in relation to officers of the Gangmasters and Labour Abuse Authority in their capacity as labour abuse prevention officers’: <https://www.legislation.gov.uk/ukpga/2002/30/part/2>

Potential improper influence on individual cases by senior operational management

465. The DG is ultimately responsible for all IOPC investigation and review decisions, a responsibility they have delegated according to a defined, written and public [Scheme of Delegation](#).
466. Accordingly, in the most sensitive cases, decisions may be taken directly by: Regional Directors, the Director for Major Investigations or the Director for National Operations. Very rarely, in the most high-profile cases, the DG may take operational decisions themselves.
467. Whilst it is outside the scope of our terms of reference to look at individual IOPC cases, we note a former IOPC investigator publicly alleged¹⁷⁶ in January 2023 that one of their investigation decisions was “*overturned by senior managers*” and that this was “*politically motivated*”. We also note that an internal inquiry investigated their claims and dismissed their whistle-blowing as “without merit”.
468. None of those interviewed for this Review told us they had any concerns about such senior ‘interference’ in individual investigations. Indeed, interviews with front-line investigators, operations team leaders and operations managers (as well as IOPC senior management) strongly refuted any such suggestion. **We have heard and seen no evidence that would suggest improper influence by senior operational management on individual cases.**

Challenge to IOPC decisions

469. Whilst complainants can ask the IOPC to review how a complaint has been handled by a police force for example, complainants cannot appeal an IOPC investigation or decision. Nor can they challenge an IOPC decision not to *independently* investigate a complaint, conduct or DSI matter it decides should be investigated or otherwise handled by a local police force (e.g. if a complainant does not feel confident or safe reporting their complaint to a local police force). Some complainants and groups representing them told us that they strongly feel this is unacceptable and suitable avenues must exist to challenge IOPC decisions or investigations.
470. We heard from victims’ groups that victims of ‘abuse of position for a sexual purpose’ (APSP) in particular are unlikely to report complaints to a local police force where the alleged perpetrator works, nor report their complaint to the IOPC if they know the IOPC will automatically send their details to the local force to consider (which it what the IOPC does). We heard such victims feel they have nowhere they feel they can safely go. Even where they may be comfortable doing so, we heard they do not trust the local police force to

¹⁷⁶ <https://www.bbc.co.uk/news/uk-64304500>

investigate their complaint but cannot challenge any MOI decision the IOPC makes to send their complaint, if referred, back to a local force to handle.

471. Concerns about inadequate opportunities to challenge IOPC decisions were also raised by groups representing police officers and staff – and in written representations we received from former police officers who had been the subjects of criminal investigations by the IOPC for multiple years before being exonerated.
472. There are four avenues to challenge the IOPC, each with material limitations:
- Making a complaint about the IOPC itself;
 - Exercising a limited Victims Right to Review certain IOPC decisions;
 - Asking the IOPC to reinvestigate a case; and
 - Challenging the lawfulness of an IOPC decision or investigation by applying to the high court for Judicial Review (JR) of it.
473. We were asked in our terms of reference whether these provide individuals affected by IOPC decisions with adequate opportunity to challenge or appeal them.
474. Beyond the four avenues set out above, the IOPC advised us that individuals otherwise currently resort to lobbying their MP to write to the IOPC on their behalf, or engage a solicitor to challenge a decision (by threatening to apply for JR). We suggest neither provide adequate opportunity to challenge IOPC decisions; better alternatives must be available.

Complaints about the IOPC itself

475. Whilst anyone can file a complaint against the IOPC, including the standard of service you are receiving from it, one cannot complain '*about its case decisions*'¹⁷⁷, investigations or reviews.

Victims' Right to Review in the IOPC

476. In limited circumstances – specifically where an IOPC investigation into alleged criminal activity has been concluded and the IOPC decides against referring the case to the CPS for a charging decision – when the IOPC notifies a complainant of its provisional decision not to refer the case to the CPS, they will be informed of their right to ask the IOPC to review this decision. This right also extends to close relatives of a person who died during or following police contact, where it is alleged a criminal offence directly caused or contributed to their death. This is known by the IOPC as a 'Victims Right to Review' (VRR).

¹⁷⁷ <https://www.policeconduct.gov.uk/our-independence-and-governance/governance/our-service-standards/challenge-our-decisions>

477. Whilst not a statutory entitlement, the IOPC introduced this in December 2020 following feedback from victims. It brought the IOPC in line with similar schemes operated by police forces and the CPS¹⁷⁸. These give victims the right to ask: [the police to review their decision not to charge a suspect](#); and [CPS to review certain decisions](#), for example a decision not to prosecute, or decision to stop a prosecution.
478. When requested, a ‘reviewer’ (without any decision-making role in the investigation) will be allocated. To reduce the risk of actual and/or perceived bias, wherever possible, the reviewer will not come from the office where the investigation was conducted (or the decision taken not to refer the case to the CPS). The reviewer will consider the investigation report and all evidence gathered, ask and consider why a victim wants the IOPC to refer the case to the CPS. The IOPC aims to complete these reviews within 28 days, with the reviewer notifying a victim of the outcome of their review.¹⁷⁹
479. However, this only has applicability to investigations into potential criminal offences, so it provides no opportunity for a complainant – or person affected by police conduct – to challenge an IOPC investigation into behaviour that falls below the threshold for criminal offences.

Reinvestigations

480. In 2020, the IOPC was granted the power¹⁸⁰ to re-investigate a complaint, conduct matter or death or serious injury (DSI) matter. As per its [reinvestigation policy](#), any decision to carry out a reinvestigation is made by one of IOPC’s Regional Directors, the Director for Wales or the DG. If they decide a case should be reinvestigated, the Assessment Unit will consider who should lead the investigation.
481. However, cases are not reinvestigated merely because a complainant disagrees with the outcome. Cases are only reinvestigated where there is a ‘compelling reason’ to do so, specifically that it is the public interest and either:
- the original investigation was flawed in a manner that had a material impact on subsequent decisions on discipline, performance and/or referral to the CPS – for example following an inquest that highlights an investigation was materially deficient; and/or
 - significant new information that requires further investigation and a real possibility that the new information, had it been available, would have led wholly or partly to different decisions on discipline, performance and/or referral to the CPS.

¹⁷⁸ Victims’ rights are now set out in the [Code of Practice for Victims of Crime in England and Wales \(Victims’ Code\), updated in September 2023](#).

¹⁷⁹ https://www.policeconduct.gov.uk/sites/default/files/documents/IOPC_VRR_leaflet.pdf

¹⁸⁰ Police Reform Act 2002, Schedule 3, Part 3, paragraph 18B: <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

482. A 'material flaw' in an original investigation could be on account of:

- a failure to take proper account of relevant evidence;
- affording undue weight to irrelevant evidence in what was selected for inclusion in a final investigation report, or the analysis of that material;
- a failure to pursue a relevant line of enquiry;
- a failure to observe significant procedural requirements;
- an irrational or illogical decision during the life of the investigation which affected its scope or the procedures followed (for example when there is objectively no logical connection between information available to the investigator and their conclusions).

483. Where decisions are taken to reinvestigate a matter, especially where they might appear to have taken some time to make, we suggest the IOPC could helpfully better explain what is meant by such a decision. In particular, they could explain the degree to which even such a decision requires significant document review and, presumably, how such consideration directly informs the reinvestigation itself, so is not in addition to a new investigation but rather constitutes the first element of one. This would better address perceptions we heard from a group representing complainants that:

"The IOPC moves so slowly. Even though it was obvious from the inquest the original investigation was flawed, it then took ages for the IOPC to even decide whether to reinvestigate, and that's before the inevitable long wait for the new investigation to finish."

Challenges to the lawfulness of an IOPC decision or investigation by applying to the high court for judicial review

484. The IOPC [advises that](#) *'except in limited circumstances, our appeal, review and investigation decisions are final. This means that the decisions we make and communicate to those involved in our cases can only be challenged and overturned through the judicial review process'*.¹⁸¹

485. Individuals can apply for judicial review of IOPC policies or decision, which will be granted (only) when the court concludes a decision was one which no reasonable authority could reach or, to put it another way, it was not a decision which "was in the reasonable range of decisions open to the decision maker".

¹⁸¹ NB IOPC 'appeal' decisions are now limited to appeals the IOPC still receives from members of the public unhappy with the way the police handled their complaint made before 1 February 2020, when the system of 'appeals' was replaced by a system of 'reviews'.

Ease of access to information about challenges to IOPC decisions

486. IOPC has a page on its website where it sets out [how to challenge its decisions](#). However, if you do not know which search terms to use specifically, we found it very difficult to find, in part as it does not feature in any of its drop-down menus.¹⁸²
487. One Regional Director suggested to us that avenues to challenge decisions may be deliberately hard to find by the IOPC because, if they were more prominent or proactively advertised, the IOPC might not be able to cope with an increase in the number of challenges to its decisions. We consider it unlikely that the IOPC has deliberately made this information hard to find. However, we also accept that greater prominence to it could see increased calls for reinvestigation, or requests under the Victims Right to Review scheme.
488. Nevertheless, public accountability demands that those that use IOPC's services can access this information easily. **We suggest 'How to challenge our decisions' is made far more accessible and prominent on the IOPC's website, for example under the top banner of menu options (or given equivalent prominence to being able to 'submit a complaint').**

Adequacy of avenues to reasonably challenge the IOPC

489. Notwithstanding that the Victim's Right to Review and the ability to ask the IOPC to reinvestigate a case provide valuable opportunities to challenge the IOPC, they are very limited in their application.
490. Complainants, groups representing them and individuals previously the subject of IOPC investigations all told us they feel it is inadequate that claimants have no alternative in challenging the IOPC other than seeking judicial review, which is likely to be prohibitively expensive for most. Whilst only a small proportion of those who might wish to challenge the IOPC are likely to be able to afford to cover their own legal fees to seek judicial review, still fewer are likely to be able to take the financial risk of having to cover the IOPC's potentially high legal costs too if they lose. As one individual put it to us:

"It cannot be in the public interest that the only mechanism to challenge the IOPC is for an individual to effectively gamble a significant sum of their own money, in the hope that the court will overturn a decision by the IOPC."

491. We also received representations that the IOPC should be subject to some external inspection regime, on the grounds that such regimes exist for police forces and the CPS, without challenge to their operational independence.

¹⁸² An individual must know the precise right path to find information about how to challenge IOPC decisions, clicking on 'About us', then 'Independence and governance', then further detail on 'Governance', then 'Service Standards' at the bottom of this page, before a final link to the page 'How to challenge our decisions' even appears (at the very bottom of this page).

492. We agree **there are inadequate opportunities for individuals to challenge IOPC decisions**. How this could best be addressed, however, is less clear. We do not recommend – nor do most of those we interviewed – creating a new authority above the IOPC for individuals to appeal to.
493. One option put to us that could address this would be capping the cost of IOPC legal fees recoverable (for example, to £5,000) from those who apply for judicial review unsuccessfully. (Alternatively, some form of means testing could be used; for example, the IOPC could be prohibited from enforcing an order for costs against a party that qualified for legal aid.) Such legislative change, if introduced, would facilitate more claimants being able to challenge the IOPC in court. We accept this could encourage judicial review applications that are less likely to succeed, with commensurate administrative and financial implications for the IOPC, and for the courts system, which would need to be carefully considered. However, if improving access to justice by enabling claimants to challenge the lawfulness of IOPC decisions more easily in this way was rejected, we suggest some equally effective alternative is necessary.
494. In the interim, we suggest the IOPC includes a breakdown of the outcome of applications for judicial review in its annual report and in published performance management information. This might include, for example: the number of cases concluded over a given period, their outcomes and costs incurred both from settling cases and from successful applications for judicial review.

RECOMMENDATION:

The Home Office, Ministry of Justice and IOPC should consider and consult on options to make challenges to IOPC decisions more accessible, in particular whether the financial liability to cover the IOPC’s legal costs should be capped if an application for Judicial Review of the lawfulness of an IOPC decision is rejected. If such a cap were rejected, an equally effective alternative must be introduced.

Specific operational support: on-call arrangements

495. The IOPC has an on-call team for any urgent operational need out of hours. Whilst on-call arrangements are not exclusive to them, DSI cases are those most often attended to ‘out of hours’. In some circumstances, the IOPC may have to attend a scene (e.g. a death in police custody), take control of it¹⁸³, and potentially declare an independent IOPC investigation.
496. Interviews with IOPC staff suggest current on-call arrangements:
- are inadequately resilient, often with only one operations manager on call to make decisions about deployments and light staffing to respond

¹⁸³ Part of IOPC accreditation includes seizure of evidence and IOPC can direct and control others as necessary (e.g. police collisions team).

(to however many incidents in England and Wales that develop out of hours);

- do not adequately support individuals on-call who receive no specific training and do not have an 'on-call' manual for the types of decisions they may need to take out of hours; and
- may be inadequately remunerated (with staff paid only £13 to be on-call on weeknights and £60 over a weekend) to rely upon volunteers to perform this function, when it restricts what they may do in their otherwise-free time.

RECOMMENDATION:

The IOPC should review the resilience and adequacy of its on-call arrangements, including whether further bespoke training should be offered to those who are on-call and whether it may be preferable to have a dedicated team or unit providing this service, in common with how many government departments and operational ALBs manage out of hours incidents.

Chapter 7. Wider effectiveness of the IOPC

497. Having considered the effectiveness of the IOPC's work on reviews, its assessment of referrals and its investigations in **Chapters 3-6**, we now consider the IOPC's effectiveness in delivering its other functions:

- promoting awareness and securing public confidence in the police complaints system; and
- improving complaints handling and policing more generally, including through its recommendations – from individual cases and otherwise.

498. Lastly, we turn to the IOPC's internal effectiveness:

- its operating model and operations in general;
- staffing; and
- performance management.

Statutory functions

Current statutory functions

499. The IOPC DG's statutory duties, under the Police Reform Act, are to ensure '*public confidence is established and maintained*'¹⁸⁴ through arrangements by the IOPC's '*DG, Local Policing Bodies and chief officers*'¹⁸⁵ for:

- '*the handling of complaints*'¹⁸⁶ about police officers (and other specified individuals)¹⁸⁷;
- *matters 'where it appears that a person has died or suffered serious injury during, or following, contact with a person serving with the police'*¹⁸⁸; and
- matters where it '*appears there have been conduct by persons serving with the police which constitutes or involves the commission or a criminal offence or behaviour justifying disciplinary proceedings*'¹⁸⁹.

¹⁸⁴ Police Reform Act 2002, Part 2, s.10 (1)(d): <https://www.legislation.gov.uk/ukpga/2002/30/part/2>

¹⁸⁵ Police Reform Act 2002, Part 2, s.10 (1)(a): <https://www.legislation.gov.uk/ukpga/2002/30/part/2>

¹⁸⁶ Police Reform Act 2002, Part 2, s.10 (2)(a)

¹⁸⁷ and in relation to other positions and bodies over which it has obligations and powers, per Police Reform Act 2002, Part 2, s.10 (1)(f), (g), (ga), (gb)

¹⁸⁸ Police Reform Act 2002, Part 2, s.10 (2)(ba)

¹⁸⁹ Police Reform Act 2002, Part 2, s.10 (2)(b)

500. The DG is further required to:

- maintain and ‘keep under review’¹⁹⁰ these arrangements, ensure they facilitate and are conducive to the recording of misconduct¹⁹¹ and ensure they are *‘efficient and effective, and contain and manifest an appropriate degree of independence’*¹⁹²; and
- *‘make recommendations... and ...give...advice’* for the modification of these arrangements and in relation to police practice that they consider to be *‘necessary or desirable.’*¹⁹³

501. The IOPC’s primary statutory obligations also include:

- entering into arrangements to secure co-operation between the IOPC and His Majesty’s Inspectorate of the Constabulary and Fire and Rescue Services (HMICFRS) and providing HMICFRS inspectors with whatever support and arrangements as necessary to this end¹⁹⁴; and
- considering super-complaints¹⁹⁵ from bodies designated by the Home Secretary, working jointly with HMICFRS and the College of Policing (CoP), to identify systemic issues not otherwise dealt with by the existing complaints systems;

502. In addition, with respect to disciplinary matters, the DG has a power to:

- make recommendations that the AA take action in respect of a person’s performance¹⁹⁶ and direct them to take steps to implement his recommendation¹⁹⁷, which he may specify.

Potential extensions to the IOPC’s current remit

503. The Police, Crime and Sentencing and Courts Act (2022) gave the Government powers to extend the law enforcement powers of the National Food Crime Unit (NFCU) with the Food Standards Agency (FSA) under the Police and Criminal Evidence Act 1984 (PACE). Alongside this, the 2022 Act also includes amendments to allow for this part of the FSA to come under the

¹⁹⁰ Police Reform Act 2002, Part 2, s.10 (1)(b)

¹⁹¹ Police Reform Act 2002, Part 2, s.10 (4)(b) and, with the consent of the Home Secretary, the Director General can issue guidance under Police Reform Act 2002, Part 2, s.22. The Home Office can issue regulations under s.23 on the processes to procedures for handling complaints, conduct matters, death and serious injury.

¹⁹² Police Reform Act 2002, Part 2, s.10 (1)(c)

¹⁹³ Police Reform Act 2002, Part 2, s.10 (1)(e)

¹⁹⁴ Police Reform Act 2002, Part 2, s.10 (5)

¹⁹⁵ Police Reform Act 2002, Part 2A, s.29. <https://www.legislation.gov.uk/ukpga/2002/30/part/2A>. Super-complaints are defined under section 29A of the Police Reform Act 2002 as “a feature, or combination of features, of policing in England and Wales by one or more than one police force is, or appears to be, significantly harming the interests of the public.”

¹⁹⁶ Police Reform Act 2002, Schedule 3, Part 2, paragraph 27 (3A)(b): <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

¹⁹⁷ Police Reform Act 2002, Schedule 3, Part 3, paragraph 27 (4)(a): <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

oversight of the IOPC, with scope for the IOPC to charge for its investigative work.¹⁹⁸

504. The Northern Ireland Troubles (Legacy and Reconciliation) Bill also includes similar provisions to potentially extend the IOPC's jurisdiction to cover activities of the Independent Commission for Reconciliation and Information Recovery (ICRIR) in England and Wales.¹⁹⁹
505. Separately, the Government has announced plans in its DWP policy paper, Fighting Fraud (May 2022), for additional powers under PACE for DWP fraud officers and a new overarching 'Public Sector Fraud Authority'. The Government has been clear that *'ensuring proper regulation and oversight of these new powers is critical and we will continue to work with stakeholders to ascertain the right oversight arrangements.'*²⁰⁰
506. Furthermore, the IOPC and Home Office have advised this Review that there is another extension of the IOPC's remit under active consideration that could include the exercise of new law enforcement roles for an existing body or further enforcement body.

RECOMMENDATION:

The Home Office should carefully consider the merits and drawbacks involved before extending the IOPC's remit to cover an ever-wider range of organisations, in particular if its remit is extended without additional resource.

Legislative framework and potential changes to the IOPC's statutory functions

507. In the Review's terms of reference, we were asked if any of the IOPC's statutory functions need to change. We find the IOPC broadly has the right statutory functions, with the notable exceptions of the findings and recommendations that:
- where the IOPC's assessment unit decides a local police force should investigate a conduct case that had been referred to the IOPC, it has no visibility of the outcome of these cases and therefore cannot learn any lessons from how it makes its mode of investigation decisions on conduct cases (addressed in **Chapter 4. Effectiveness of IOPC assessment of referrals from police and others**);
 - the IOPC does not have the powers to properly follow up on its recommendations; and the Home Office should work with the IOPC to

¹⁹⁸ Police Reform Act 2002, Part 2, s.26E – and Police, Crime, Sentencing and Courts Act (2022) s.54.

¹⁹⁹ This could be achieved through Police Reform Act 2002, Part 2, s.26 or separate Regulations. The timing for the extension of the IOPC's remit in this regard is unknown.

²⁰⁰ <https://www.gov.uk/government/publications/fighting-fraud-in-the-welfare-system/fighting-fraud-in-the-welfare-system-2> Paragraph 56.

consider whether its mandate should be extended to address this gap in the current system (as set out later in this chapter).

508. We note that the legislative framework concerning police complaints and disciplinary proceedings centres around the Police Reform Act 2002, which has been repeatedly amended, to reflect changes when the IPCC and the IOPC were formed, extend their scope and give the IOPC more teeth. In the 21 years since the Police Reform Act (PRA) 2002 was published, Parliament has passed amendments to this framework 16 or more times, with 5 or 6 more significant reforms²⁰¹ and multiple others²⁰². For example, the Policing and Crime Act 2017 aimed to improve the efficiency and effectiveness of the complaints system, in part by replacing some complaint handling procedures and processes with a single overarching duty to handle complaints in a reasonable and proportionate manner.
509. At an organisational level, police forces, PCCs and the IOPC should be clear on their responsibilities, even if some individuals within these organisations who work in this field are not always clear on its functioning. Remarkably, even some of the policing and IOPC stakeholders interviewed for this Review were unclear on their understanding of the police complaints system, let alone the IOPC's role.
510. For those who rely upon this system, however, and the wider public, the framework can be particularly hard to follow, especially as some are, at the same time, also trying to navigate the process of inquests, the way CPS considers bringing criminal charges and how court proceedings work.
511. A great many stakeholders told us that, whilst they broadly welcomed recent amendments to the PRA and new regulations over recent years, they feel the current legislation keeps being "*patched*"; it remains "*too complicated*" and they would far prefer a comprehensive legislative reform to provide a clearer, more straightforward system overall. We were told that policy decisions within the PRA meant the IOPC had no discretion on whether to investigate conduct matters relating to Chief Officers.
512. Until any political imperative demands further substantial reform, what seems more likely is continued amendments to the current system. For example, the IOPC has advised this Review of tentative proposals it is discussing with the Home Office for 28 legislative changes: 8 specific changes to address issues arising in the current legislative regime; 18 legislative changes within the

²⁰¹ The Independent Police Complaints Commission (Transitional Provisions) Order 2004; Police Reform and Social Responsibility Act 2011; Police Complaints and Conduct Act 2012; Police (Complaints and Misconduct) Regulations 2012; Policing and Crime Act 2017; The Police (Conduct, Complaints and Misconduct and Appeal Tribunal) (Amendment) Regulations 2017; The Police (Complaints and Misconduct) Regulations 2020; Police (Performance) Regulations 2020 and the Police Appeals Tribunals Rules 2020; IOPC Statutory Guidance 2020.

²⁰² Serious Organised Crime and Police Act 2005; The Revenue and Customs (Complaints and Misconduct) Regulations 2005; Criminal Justice and Immigration Act 2008; Crime and Courts Act 2013; Anti-social Behaviour, Crime and Policing Act 2014; Covert Human Intelligence Sources (Criminal Conduct) Act 2021; Police, Crime, Sentencing and Courts Act 2022; The Independent Police Complaints Commission (Complaints and Misconduct) (Contractors) Regulations 2015.

existing regime but requiring additional policy consideration; and 2 system-wide changes likely to require replacement legislation. It is beyond the terms of this Review to provide a detailed assessment of the policy merits of each of these proposals.

513. We are mindful too that fulfilling our recommendations also requires, in some cases, legislative change.
514. Without wider overhaul of the complex legislative framework in place, we emphasise that those that work within the system (including the IOPC and police forces) have a particular obligation – albeit a challenging one – to clearly communicate how the whole system works and their role in it.

Purpose and focus

515. A fundamental starting point for any organisation is ensuring its purpose is clear and well-communicated and that its staff and stakeholders can consistently articulate it.
516. The [IOPC's 2022-2027 Strategic Plan](#) (agreed by the Home Office) sets out that the IOPC's:
- **Vision** is: 'that everyone is able to have trust and confidence in the police'; and
 - **Mission** is: 'improving policing by independent oversight of police complaints, holding police to account and ensuring learning effects change'.
 - **Values** are: 'seeking truth, being inclusive, empowering people, being tenacious and making a difference'.
517. The IOPC also has an internal-facing equality objective to: 'ensure it is fit for purpose, agile, able to manage significant expansion and representative of the communities it serves.'
518. In general terms, most IOPC staff – and most of its stakeholders – described the IOPC's purpose, in varying degrees, as:
- improving confidence in policing by holding the police to account;
 - investigating complaints, deaths and serious injury and conduct cases; and
 - identifying learning to improve forces' handling of complaints in future and, to a lesser extent, improving general police practice and handling of complaints.
519. These descriptions are clearly consistent with the IOPC's statutory functions and powers, that we have already highlighted. Nevertheless, confusion on the part of some stakeholders on the IOPC's role points to potential areas of

weakness in its communications and engagement to date. And differing views between the Home Office, IOPC staff and its stakeholders on the emphasis and value placed on different aspects on its functions and powers are illuminating.

520. Some of these difference in views centred on the IOPC's so-called 'thematic reviews' or 'thematic learning'. Unlike recommendations from individual investigations or reviews, thematic reviews are where the IOPC considers an issue in the round (e.g. police use of Tasers), may draw insights from multiple investigations, reviews, complaints and wider insights to inform recommendations it makes for improvements to general policing practice or, less commonly, the police complaints system. (We consider the different types of recommendations the IOPC makes under 'Improving policing').
521. Self-evidently, interviews conducted for this Review – and IOPC-commissioned surveys of public and stakeholder views on how well the IOPC does its job, for example – were clearly informed by what different groups think the IOPC *should* be doing. So, it is instructive to understand what different constituencies think the IOPC's purpose and focus are or should be.

Home Office understanding of the IOPC's purpose and focus

522. Home Office views varied on the extent to which the IOPC should be focusing on investigations and reviews of how complaints have been handled, compared to its more thematic learning. The Sponsorship Unit and policy leads all highlighted the importance of the IOPC's individual investigations and IOPC recommendations from them.
523. However, some policy officials told us they considered the IOPC's work on thematic learning discretionary, and suggested the IOPC should prioritise investigations and reviews over this, particularly in the context of the increased resource pressures it faces from real-terms cuts to its funding and the continued rise in referrals it receives from police forces. A few officials questioned whether IOPC thematic reviews led to some overlap with the work of HMICFRS.

"The IOPC aspires to do discretionary activity around more thematic learning, but it needs, firstly, to be good at fulfilling its statutory obligations."

"Thematic work is not the IOPC's core activity."

"Over the past few years, the IOPC has tried to do much more work in the thematic space. The argument being it that can draw out learning from investigations into thematic reports, to provide advice to police that prevent the mistakes from happening and therefore drive public confidence. However, within its limited resource envelope, it needs to consider how it prioritises those two things."

“The IOPC could potentially do without the reports on thematic learning. There does seem a bit of mission drift.”

“There are blurred boundaries between IOPC and HMICFRS in this space.”

Staff understanding of the IOPC’s purpose and focus

524. IOPC staff varied considerably in the emphasis they placed on ensuring accountability from individual investigations, compared to ensuring learning improves general policing practice.
525. Most staff noted the IOPC’s role in promoting public confidence in *policing*. The majority emphasised the IOPC’s oversight of the *police complaints system* and maintaining confidence in that system. Carrying out investigations into police conduct, police complaints, and death and serious injury cases was frequently cited by staff as a critical part of IOPC’s mission, with an emphasis placed by many on the IOPC’s independence.
526. Some highlighted the IOPC’s role in holding the police to account, whereas others stressed the IOPC’s role stopped, in most cases, when investigations concluded and decisions taken about whether individuals had a case to answer at misconduct proceedings.

“We say we hold police to account, but we don’t. We do investigations.”

“We need to address some misconceptions. The IOPC is not the judge and jury, for example; we’re not responsible for what misconduct panels decide on cases.”

527. Some staff questioned whether the IOPC was spreading itself too thin, with its thematic learning work and questioned whether it was well placed to follow up on its recommendations to ensure learning occurs.

“We need to be honest in what we can do; we can’t do everything.”

“We sometimes position ourselves in an area we can’t deliver.”

528. We suggest inconsistencies of staff understanding of the IOPC’s primary focus that we found are also apparent from the IOPC’s annual staff surveys²⁰³. These reveal a 20 percentage point fall over recent years on scores around clarity of the IOPC’s organisational objectives and purpose, from 89% in 2019 to 69% in 2022 (the last year for which comparable staff survey results are available).

²⁰³ Staff survey results are addressed in more detailed under ‘Effectiveness of IOPC workforce and staff management’ later in this chapter.

529. However, in June 2023, 76% of IOPC staff said they understood (very well or fairly well) its five-year Strategic Plan for 2022-2027 ('Building trust and confidence in policing') and how the Plan related to their work.²⁰⁴

Stakeholder and public understanding of the IOPC's purpose and focus

530. Most stakeholders placed greater emphasis on the IOPC's role in ensuring police accountability through individual outcomes of complaint, conduct and DSI cases. Generally, they less frequently highlighted its oversight function, its work in identifying learning and part of the IOPC's stated objective to ensure learning effects change.

"Learning is a side-issue for victims, their primary concern is seeing individual officers held to account."

"The IOPC's primary function is ensuring police accountability by leading investigations and reviews. The quality of any learning it wants to encourage derives from the quality of its investigations. Without proper, well-resourced investigations and proper decision making, any learning lacks credibility."

"The IOPC investigates far too many simple cases."

531. Most stakeholders commented that the whole system was 'very busy' with many commenting on considerable perceived overlap between organisations which would benefit from simplification.

532. However, many external stakeholders – even some of the IOPC's policing and statutory stakeholders – were either confused or incorrect in their description of the IOPC's role in the complex arrangements around how individuals are ultimately held accountable in misconduct hearings.

"The IOPC investigates every police complaint."

"The IOPC is responsible for conduct."

RECOMMENDATION:

The IOPC's Board, together with the Home Office, should clarify its core purpose and how to further communicate and build understanding of this internally, among key stakeholders and the public. It should clarify, in particular, the extent of its role in focusing on individual complaints versus delivering improvements in general police practice and complaint handling,

²⁰⁴ 'Super Six' Key Themes internal pulse survey results as of June 2023.

and the degree to which it holds the police accountable and the complex landscape around this.

Promotion of public awareness and confidence in the police complaints system

533. The IOPC seeks both to increase public awareness about the police complaints system and people have the confidence to use it. Both are clear barometers of the IOPC’s effectiveness in meeting its statutory duty to ensure and maintain confidence in the police complaints system. This is, sensibly, a key focus of IOPC-commissioned regular tracking of public perceptions of the IOPC.

Extent of public awareness of the IOPC

- 534. As of April 2023, 66% of survey respondents – to the IOPC’s *Public Perceptions Tracker, undertaken annually by YONDER* – had heard of the IOPC²⁰⁵. This is level with the 65% awareness target the IOPC set itself (and published) for 2023/24²⁰⁶, and a significant improvement on the same measure two years before (March 2021: 49%)²⁰⁷. Nevertheless, awareness of the IOPC still lags behind public awareness of the IPCC before the organisation changed (when 76% of survey respondents had heard of the IPCC in Oct 2017).²⁰⁸
- 535. However, even if 2 in 3 members of the public have heard of the IOPC, 74% don’t know enough about the IOPC to say ‘anything about what it actually does’.²⁰⁹
- 536. This suggests that more awareness-building is needed for the IOPC to achieve its goal of ensuring public awareness and confidence in the police complaints system, or at least the IOPC’s role in it. Over this period, awareness of the IOPC among young people was 41% and awareness of those from black, Asian and minority ethnic backgrounds was 59%.

Extent of public confidence in the IOPC and the police complaints system

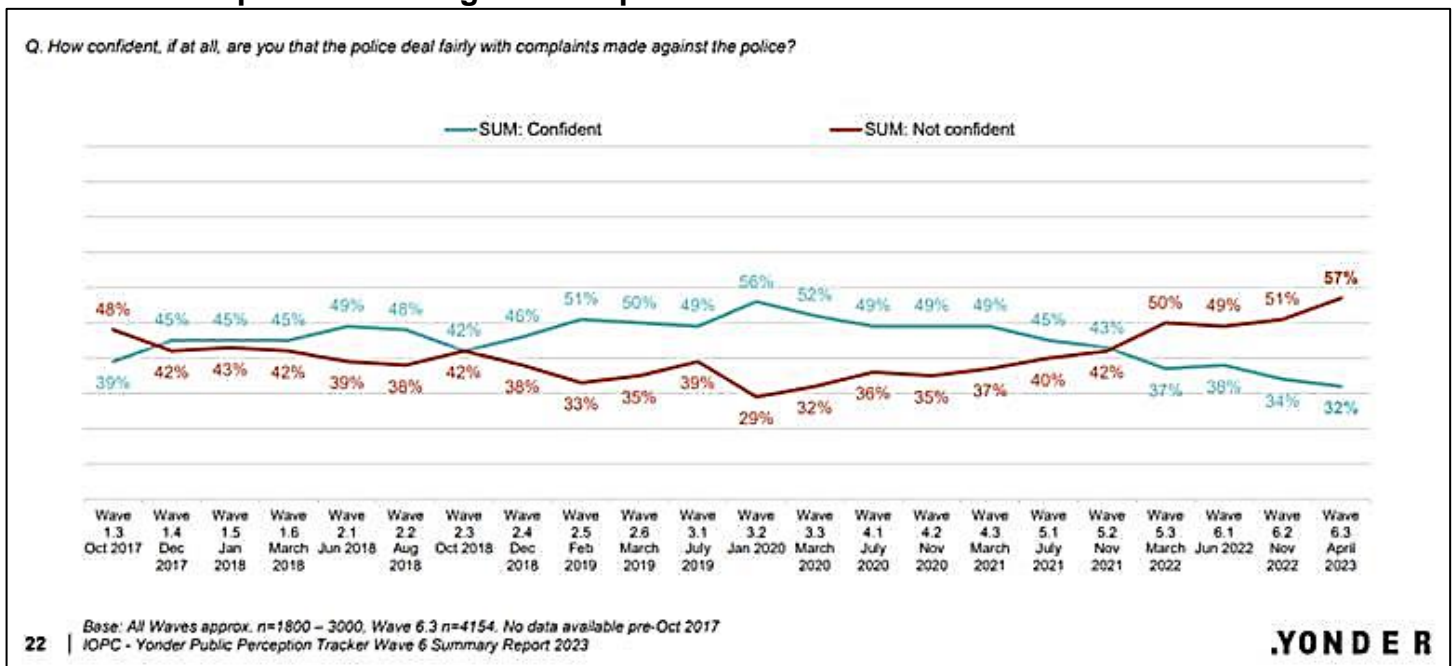
537. As illustrated in **Chart 17** below, public confidence that the police deal fairly with complaints about themselves has deteriorated in the years since the

²⁰⁵ IOPC Public Perceptions Tracker Summary Report 2022-23 (by YONDER): slide 27; <https://www.policeconduct.gov.uk/publications/public-perceptions-tracker-summary-report-202223>
²⁰⁶ <https://www.policeconduct.gov.uk/sites/default/files/documents/Performance-framework-April-23.pdf>
²⁰⁷ [IOPC Public Perceptions Tracker Summary Report 2022-23 \(by YONDER\)](#): slide 27. Wave 4.3 (March 2021)
²⁰⁸ [IOPC Public Perceptions Tracker Summary Report 2022-23 \(by YONDER\)](#): slide 27, Wave 1.3 (Oct 2017)
²⁰⁹ [IOPC Public Perceptions Tracker Summary Report 2022-23 \(by YONDER\)](#): slide 28. Survey responses between June 2022 and April 2023.

Government reformed the police complaints system through the Policing and Crime Act 2017. Confidence in the police dealing with complaints fell especially sharply over the last 3 years:

- In January 2020, 56% of respondents said they were confident that the police deal fairly with complaints made against them, against 29% said they were not confident.
- By April 2023, these figures had almost reversed, with: 32% saying they were confident, against 57% who said they were not confident.²¹⁰

Chart 17: How confident, if at all, were respondents that the police deal fairly with complaints made against the police?²¹¹



538. Research shows that female respondents have least confidence that the police deal with police complaints fairly (31%).²¹²

539. Public confidence 'that the IOPC does a good job' has fallen over recent years, from 45% in July 2021 to 35% in April 2023.²¹³ This mirrored a similar fall in wider positive attitudes towards the police (from 53% to 46%)²¹⁴ between 2021/22 and 2022/23, both measures potentially partly attributable due to the prolonged, negative media coverage of policing in the wake of PC Wayne Couzens' guilty verdict (9 July 2021) for the murder of Sarah Everard.

540. YONDER attributes the decline in confidence in the IOPC to the public lacking 'substantial knowledge' about what the IOPC does and the current context of

²¹⁰ IOPC Public Perceptions Tracker Summary Report 2022-3 (by YONDER), slide 22. <https://www.policeconduct.gov.uk/publications/public-perceptions-tracker-summary-report-202223>

²¹¹ IOPC Public Perceptions Tracker Summary Report 2021-22 (by YONDER), slide 34, wave 5.3.

²¹² [IOPC Public Perceptions Tracker Summary Report 2022-23 \(by YONDER\)](#): slide 23.

²¹³ [IOPC Public Perceptions Tracker Summary Report 2022-23 \(by YONDER\)](#): slide 32

²¹⁴ [IOPC Public Perceptions Tracker Summary Report 2022-23 \(by YONDER\)](#): slide 13.

policing, with the public noticing news stories about police failings, misconduct and criminality, which it contends reflects negatively on the IOPC.

541. Confidence that the IOPC does a good job is highest (42%) among Asian respondents, with confidence in the IOPC varying between 32% and 37% for all other available demographics.²¹⁵
542. The public's willingness to report if they were 'really unhappy' with how a police officer behaved towards them (or handled a matter they were involved in) has remained static since the IOPC's inception, with 61% likely to make a complaint as of April 2023 (28% *very* likely and 33% *fairly* likely to report as of March 2023).²¹⁶
543. Interestingly, one government stakeholder told us they were worried that:

"victims may not come forward out of concern that the officer(s) who the complaint is about will see the complaint."

IOPC action to improve awareness and confidence

544. The IOPC works to improve confidence through its investigation and review quality assurance processes and through outreach efforts, to develop stronger relationships with stakeholders at national, regional and local level.
545. The IOPC undertakes a range of outreach work and stakeholder engagement, including through four long-term reference groups:
 - IOPC's **External Stakeholders Reference Group** brings together a variety of statutory and non-statutory stakeholders to challenge and provide constructive feedback on the IOPC's performance and key projects, and act as an informal sounding Board to discuss specific pieces of IOPC work and relevant topic areas. A range of stakeholders are represented with the aim of increasing the range of perspectives shared at meetings and improving the group's ability to act as a critical friend to the IOPC.
 - The IOPC has established a **Race Discrimination National Advisory Group** to bring together a range of policing and statutory stakeholders with national and community organisations, academic experts, and people with lived experience, help the IOPC shape its race discrimination work and act as a critical friend.
 - The **Police Staff Associations and Trade Unions meeting** is a forum aimed at bringing together representatives from the Police Superintendents' Association, the Police Federation, Unison and the

²¹⁵ [IOPC Public Perceptions Tracker Summary Report 2022-23 \(by YONDER\)](#): slide 33

²¹⁶ [IOPC Public Perceptions Tracker Summary Report 2022-23 \(by YONDER\)](#): slide 24. Of responses between June 2022 and April 2023.

Chief Police Officers' Staff Association to discuss IOPC operational performance and strategic updates, as well as any relevant topical matters.

- In 2018, to support engagement with young people, IOPC commissioned *Leaders Unlocked* to set up a [Youth Panel](#) comprising 40 young people aged 16-25 from diverse communities across England and Wales. It provides a youth voice and perspective on IOPC work and policing. IOPC's engagement with young people through this Panel, alongside direct engagement with young people, police services, and professionals has enabled it to increase its reach and visibility with young people. This engagement and the views gathered resulted in three reports making recommendations to the IOPC and the police and the creation of youth-focused resources and communications.

546. We commented on the **Community Reference Groups** that the IOPC sets up to support the response to a critical incident, in **Chapter 5**. Effectiveness of IOPC investigations.

Interviewee comments on public awareness and confidence

547. Notwithstanding these IOPC efforts to build awareness and confidence, a commonly held view amongst those we interviewed was that **the IOPC needs to be bolder in their communications to the public both about individual cases and on lessons learned**. As one representative quote from an IOPC member of staff put it:

"I'm proud of what I do, I just wish my organisation would sell it better".

548. An interesting view, expressed frequently, was that the IOPC does much to consult and work with stakeholders but is not as effective as it might be in communicating that.

549. Another prevailing view was that the levers to mandate improvements that IOPC has available to it are very limited, and that the overall system of police complaints is 'rather opaque' and difficult for the public to understand, which does not help confidence in the system.

550. It is also evident that the public generally sees or hears information about the IOPC from the TV and newspapers, though younger demographics saw more about the IOPC on social media (Facebook, Twitter), and older demographics also heard about the IOPC over the radio.²¹⁷

551. The IOPC currently surveys the public on:

²¹⁷ IOPC Public Perceptions Tracker Summary Report 2022-23 (by YONDER): slide 34.
<https://www.policeconduct.gov.uk/publications/public-perceptions-tracker-summary-report-202223>

- whether they think the police fairly investigate complaints about them; and
- whether the IOPC does a good job.

552. The IOPC told us it would not make sense to seek public views on the ‘police complaints system overall’ due to lack of understanding about what the police do and what the IOPC does. In doing so, the IOPC accepts a wider lack of public understanding about the police complaints system as a whole and the IOPC’s role in it. Nevertheless, ideally, it would gauge confidence in the police complaints system overall, since this is its statutory mandate.

RECOMMENDATION:

The IOPC should consider, with its stakeholders, whether there is any direct measure of public confidence in the police complaints system as a whole, that it could seek the public’s views on. This would more directly link to the IOPC’s overall mission and statutory mandate.

Oversight of police complaints system

553. The Police Reform Act 2002 is appropriately not specific about the nature of the IOPC’s role in ensuring public confidence by maintaining and keeping under review arrangements for police complaints.

554. However, the IOPC told us it keeps arrangements under review in various ways, including by identifying concerns through its work on reviews and investigations, subsequent proceedings, legal challenges, feedback from service users and stakeholders; and work with police practitioners. It identifies where it believes changes to legislation, practice or the system are required, and works with the Home Office and other bodies to help shape reforms.

555. The IOPC has a dedicated ‘Oversight team’ (17 staff) within its Strategy and Impact Directorate. It draws on statistics and insight about police complaints, referrals and reviews, engagement with stakeholders, feedback from police forces and PCCs, IOPC’s own learning recommendations, HMICFRS reports, IOPC’s Public Perceptions Tracker, media and issues raised in Parliament.

556. The IOPC highlights the following oversight activities:

- developing additional guidance for practitioners in regular editions of Focus - a newsletter shared with all police forces;
- publishing a monthly [‘Oversight’ newsletter](#) for complaints handlers at police forces and LPBs about the IOPC’s work, including corporate news, guidance, tips, and answers to common questions the IOPC receives.

- improving policing practice through the development of mutual oversight work with the Offices of Police and Crime Commissioners (OPCC);
- sharing learning from the IOPC's operational work;
- holding police forces' Professional Standards Departments (PSD) and OPCCs to account for local complaint handling, improving confidence in their accountability; and
- identifying national themes about complaint handling.

557. The IOPC delivers this work through: direct feedback to forces via investigations, referrals and reviews decisions; research and complaints data reports; strategic relationship discussions; and dedicated liaisons to police forces who work with them to improve complaint handling standards.

558. The IOPC points to the following as evidence of the effectiveness of these activities:

- Referrals numbers are increasing year-on-year, from forces' improved understanding of referral criteria;
- Measurable improvements in complaints handling practices at local and national levels; and
- At individual officer-level, evidence that the [IOPC's 'Learning the Lessons' magazines](#) delivers real improvements in police complaint handling.

559. Despite the IOPC's commendable attempts at oversight of the police complaints system, we are left with the impression that its oversight is not completely comprehensive. In particular:

- there are no real levers to ensure Professional Standards Departments (PSDs) improve;
- meetings with PSDs are risk-based, rather than routine, and standards used to judge PSDs are a judgement call;
- PSDs use the information as they see fit;
- PSDs staff turnover means learning may not be maintained.

560. Of significant note, in its oversight function, the IOPC cannot ensure its insights are used by relevant other bodies. For example, we have heard different views as to how far the HMICFRS uses IOPC insights in its inspection regime, which may indicate the system is not sufficiently joined up.

Super-complaints

What super-complaints are and why they were introduced

561. In November 2018, a system of super-complaints was introduced, following enactment of the Policing and Crime Act 2017, to identify systemic issues not otherwise dealt with by the existing complaints system. Super-complaints are defined as complaints made by designated bodies where *'a feature (or combination of features) of policing in England and Wales by one or more than one police force is, or appears to be, significantly harming the interests of the public'*.²¹⁸
562. Super-complaints must be made to HMICFRS. However, they will be considered by HMICFRS, the College of Policing and the IOPC, who together decide what (if anything) needs to happen because of the super-complaint.

The process for making a super-complaint and who can bring them²¹⁹

563. Certain organisations²²⁰ designated by the Home Secretary²²¹ can bring a super-complaint raising an issue or concern on behalf of the public about a feature of policing in England and Wales which is, or appears to be, significantly harming the interests of the public.

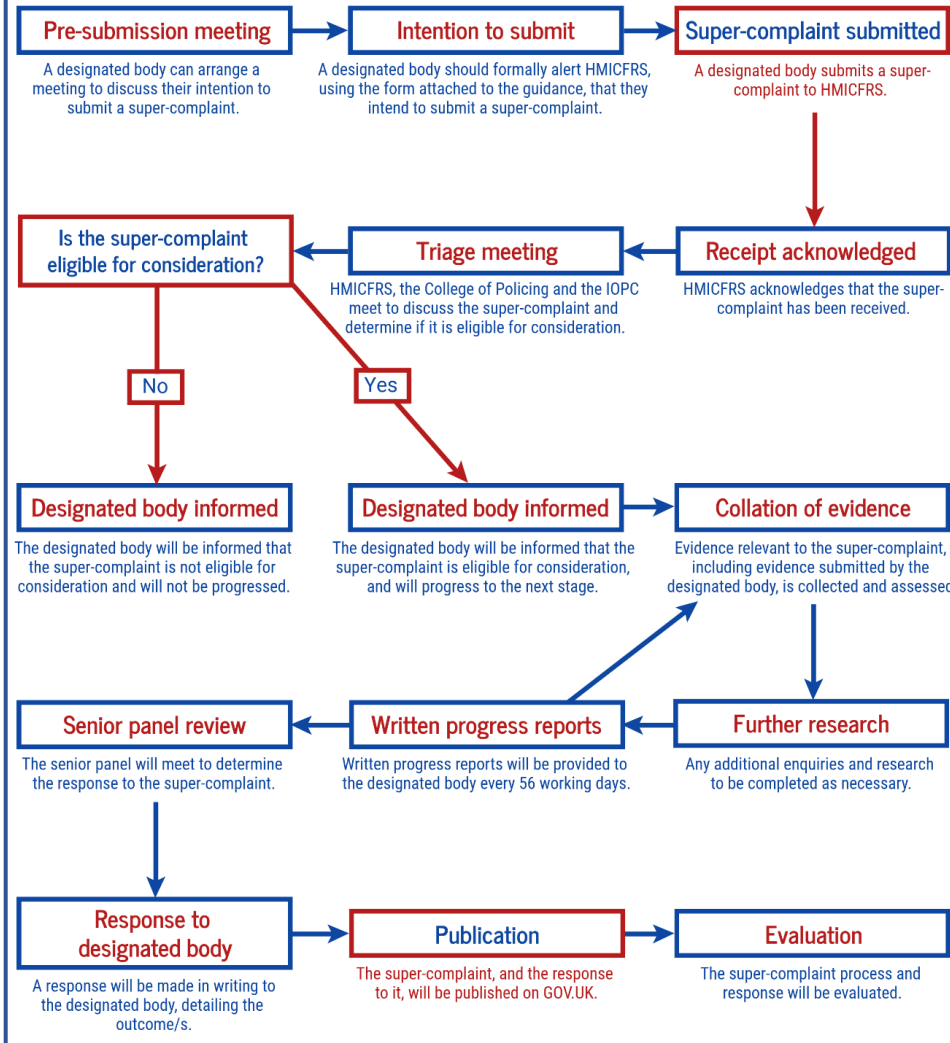
²¹⁸ Police Reform Act 2002, Part 2A, s.29A(1). Super-complaints were introduced in Part 2A of the Police Reform Act and Police Super-complaints (Designation and Procedure) Regulations 2018.

²¹⁹ Diagram: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/749079/Super-complaints_infographic.png. Text description: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907574/super-complaint_process.odt

²²⁰ The Police Super-complaints (Criteria for the Making and Revocation of Designations) Regulations 2018: <https://www.legislation.gov.uk/uksi/2018/748/contents/made>

²²¹ Police Reform Act 2002, Part 2A, s.29B

Making a Super-complaint



Designated Bodies who can bring super-complaints

- Action on Elder Abuse
- Advocacy After Fatal Domestic Abuse
- Centre for Women’s Justice
- Children’s Commissioner for England
- Criminal Justice Alliance
- Faith Matters
- Galop
- Hestia
- Liberty
- Missing People
- Pathway Project
- Southall Black Sisters
- Suzy Lamplugh Trust
- Tees Valley Inclusion Project
- Welsh Women’s Aid
- Women’s Aid Federation of England

Super-complaints to date

564. Over the last five years, joint investigations have been conducted by HMICFRS, IOPC and College of Policing into super-complaints on:

- [Forces’ data-sharing for immigration purposes](#) – Report on Super-complaint from Liberty and Southall Black Sister’ (super-complaint submitted in 2018, report published in Dec 2020);
- Police response to [Victims of modern slavery](#) – Report on Super-complaint from Hestia (May 2021);
- Police use of ‘suspicion-less’ stop and search and scrutiny of [stop and search powers](#) – Super-complaint from the Criminal Justice Alliance

(ongoing investigation; assessed as 'eligible for investigation' in Aug 2021);

- [Police-perpetrated domestic abuse](#) – Report on Super-complaint from the Centre for Women's Justice super complaint (June 2022);
- How the police respond to [victims of sexual abuse when the victim is from an ethnic minority background and may be at risk of honour-based abuse](#) – Report on super-complaint from the Tees Valley Inclusion Project (Dec 2022); and
- [Police use of protective measures in cases of violence against women and girls](#) – super-complaint made by the Centre for Women's Justice.
- [Stalking](#) – super-complaint from the Suzy Lamplugh Trust, on behalf of the National Stalking Consortium (ongoing investigation; assessed as 'eligible for investigation as of Dec 2022).

Commentary on super-complaints

565. The time afforded to complete this Review has not afforded a detailed review of the IOPC's work with HMICFRS and the College of Policing on super-complaints. Instead, we have deliberately focused, within the IOPC's core business, on the IOPC's role in assessing referrals, applications for reviews of how complaints have been handled and the IOPC's investigations. Nevertheless, we would make the following observations.
566. Super-complaints are relatively new involving new ways of working cross-organisationally and only five super-complaint investigations have been completed (with two more currently ongoing). The super-complaint from the Suzy Lamplugh Trust into stalking is the first super-complaint that the IOPC is taking the lead on.
567. Currently, whilst the three investigative bodies are working to improving efficiency and timeliness, they have not jointly agreed any timeliness targets for completing super-complaint investigations.
568. There are considerable learning opportunities from IOPC reviews, referrals and investigations which can be relevant as the super-complaints process evolve. In turn lessons from cross organisational working could be useful for developing the current IOPC systems.
569. The IOPC's work on super-complaints is one of the very significant ways that the IOPC does join up with other parts of the system to co-ordinate learning.

Improvements to policing

Making recommendations and giving advice

570. The DG has several legislative powers to make recommendations: at the widest on police complaints handling and even general police practicing; and recommendations that can be both broad or very specific at the conclusion of individual investigations or reviews.

IOPC role on making recommendations on general police complaints arrangements and wider police practice

571. The DG can make recommendations under 'section 10' of the Police Reform Act ²²² and give advice:

- to modify police complaints and conduct arrangements, and death and serious injury cases during or following police contact; and
- in relation to 'police practice'.²²³

IOPC role in making recommendations on completion of specific investigations and reviews

572. The DG can also make learning recommendations under paragraph 28A²²⁴ – which must be published – at the end of:

- IOPC reviews of how complaints have been handled by an AA (whether they investigated the complaint or not);
- IOPC independent or directed investigations into police conduct and complaints (on receiving a report);
- IOPC death and serious injury investigations (on receiving a report);
- IOPC review of a death and serious injury investigation led by a local police force.

²²² Police Reform Act 2002, Part 2, s.10 (1)(e): '*make recommendations... and ...give...advice*' for the modification of these arrangements and in relation to police practice that they consider to be '*necessary or desirable*'.
<https://www.legislation.gov.uk/ukpga/2002/30/part/2>

²²³ The broader nature of these powers means the IOPC can use them to make general recommendations following super-complaints.

²²⁴ Police Reform Act 2002, Schedule 3, Part 3, paragraph 28A: <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

Processes once recommendations have been made

573. As part of 2020 reforms to the police complaints and discipline system²²⁵, the IOPC can make recommendations to a person serving with the police or an LPB.
574. Any person, to whom such learning recommendations under paragraph 28A are made, must respond within 56 days either to advise, following the recommendation:
- what action they have taken or propose to take; or
 - why they have not and do not propose to take any action²²⁶.
575. On receiving such a response, in normal circumstances, the DG must within 21 days send a copy to anyone who was sent a copy of the original recommendation and publish the response²²⁷ – unless there are given reasons not to disclose, or to publish in part.²²⁸

Thematic reviews

576. As described above, use of themes to weight which cases the IOPC investigates is distinct from wider reviews of broader themes ('thematic reviews') where the IOPC uses insights from multiple sources to identify more general improvements and recommendations.
577. Some high-profile examples of the IOPC making recommendations from *thematic* reviews of police complaints include:
- a 'Review of IOPC cases involving the use of Taser 2015-2020'²²⁹ published in August 2021, in which it reviewed 101 cases and made 17 learning recommendations²³⁰; and
 - a 'National stop and search learning report'²³¹ in April 2022 made 18 learning recommendations for national bodies such as the NPCC, College of Policing and the Home Office, which it is following up with a survey to understand local practice in police forces.
578. Responses we received on the effectiveness of this work were mixed, some of the feedback indicated that the IOPC should consult stakeholders earlier on in

²²⁵ The Police (Complaints and Misconduct) Regulations 2020, Part 3, Regulation 30 on Recommendations: <https://www.legislation.gov.uk/uksi/2020/2/part/3>

²²⁶ Police Reform Act 2002, Schedule 3, Part 3, paragraph 28B: <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

²²⁷ Police Reform Act 2002, Schedule 3, Part 3, paragraph 28B(5): <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

²²⁸ Police Reform Act 2002, Schedule 3, Part 3, paragraph 28B(8): <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>. NB LPBs and chief officers are also required to publish the recommendation and response.

²²⁹ https://www.policeconduct.gov.uk/sites/default/files/documents/IOPC_Taser_review_2021.pdf

²³⁰ <https://www.policeconduct.gov.uk/publications/review-iopc-cases-involving-use-taser-2015-2020>

²³¹ <https://www.policeconduct.gov.uk/publications/national-stop-and-search-learning-report>

the development process with the potential benefits being more accurate products and avoiding duplication. There was also little evidence of the impact of this work, in part due to the difficulty of measuring the direct correlation of this form of intervention with its intended effects.

579. Some felt strongly that this is where the IOPC could add significant value, that given the IOPC investigates only a small proportion of all complaints and conduct matters, it is the IOPC's thematic learning that has the potential to significantly increase its reach and positive impact. By contrast, another senior stakeholder told us that the IOPC's thematic learning had not always been well-received, that at least one of its thematic learning reports had been drawn, in their view, on:

“minimal evidence and faulty assumptions, which ultimately damaged the IOPC's credibility”.

580. However, the nature of the IOPC's thematic work will mean some of its recommendations will not always be popular with, and attract criticism from, some policing stakeholders, but this does not mean the criticism will always be unfair.

581. We note the [HASC Inquiry into Police Conduct and Complaints](#) welcomed:

‘the IOPC’s work on thematic reviews, specifically its aim to identify systemic learning by taking on more independent investigations in these areas and to improve public confidence in policing and the wider system.’

582. In our interviews, some stakeholders suggested the IOPC needs to give greater consideration to the potential implications of its recommendations produced at the end of an investigation or review. Where an investigation or review has taken some time to complete, some stakeholders told us the issue may have already been addressed by the force or, in less favourable circumstances, the issue may have laid unresolved for longer to significant, negative effect. Some stakeholders also felt that some recommendations were *“wishy washy”* or *“watered down”* and should be much bolder.

583. Many stakeholders commented that the system is out of balance with perennial problems. One way of solving these problems could be to use the lessons learnt from multiple sources as the touchpoint to address these problems. Currently there is a lack of problem solving at both tactical and strategic level. To the extent that cross-sector work is ongoing – e.g. Police Systems Working Together, Ministerial Board on Deaths in Custody workplan, Homicide Prevention work and super-complaint investigations –this should seek to focus more on agreeing and trying to solve these perennial problems.

584. Some advocacy groups and groups representing complaints and victims told us that they would like the IOPC to use publication of its thematic reviews as a greater communications opportunity, with one commenting:

“When the IOPC does a thematic review, it should use the opportunity to speak publicly about what it expects from police forces. There have been some real missed opportunities.”

585. In addition to learning recommendations the IOPC produces a range of learning materials. This includes *‘Focus’* which provides police force professional standards departments with detailed practical guidance on dealing with complaints and improving standards and is produced by its Oversight function as a supplement to giving ongoing advice and feedback to forces on complaints handling through its regular contact with them. This also includes the ‘Learning the Lessons’ magazine produced by its Policy and Engagement team to improve policy and practices within policing with most issues focusing on a particular theme.

Perception of a trade-off between investigations and learning

586. Using its powers in legislation, the IOPC rightly considers whether it should make any recommendations when investigators are identifying whether failures were due to individual conduct or performance, or due to wider organisational issues requiring organisational learning.

587. The IOPC asserts that police accountability is about more than discipline and its focus on a more comprehensive accountability system means its work looks not only at individuals, but also the policies, management strategies, and professional and organisational culture which might have led to adverse incidents or enabled misconduct. Indeed, learning to improve one or more bodies’ police complaints handling or wider police practice is one of the key outputs from IOPC investigations and one of the IOPC’s core statutory functions²³². The IOPC told us this preventative approach aims to improve policing and tackle systemic issues that cannot be achieved through holding individual police officers and staff accountable alone. For these reasons, the IOPC says it has increased the emphasis it places on learning, not just from individual cases, but its wider thematic work. We heard from interviews with police and other stakeholders that they value the IOPC’s learning work and publications.

588. Nevertheless, with the IOPC conducting 61% fewer independent investigations than it used to²³³, and the length of its investigations still considered unacceptably long to almost everyone we interviewed, the IOPC’s increased focus on thematic learning has attracted criticism – rightly or wrongly – of ‘mission drift’ and that it should instead prioritise on what many see as its core mission of holding the police to account.

²³² Police Reform Act 2002, Part 2, s.10 (1)(e): *‘make recommendations... and ...give...advice’* for the modification of these arrangements and in relation to police practice that they consider to be *‘necessary or desirable’*.
<https://www.legislation.gov.uk/ukpga/2002/30/part/2>

²³³ Per **Chart 2**, the number of independent investigations the IOPC starts each year is projected to fall from 687 core and major investigations in 2018/19 to between 260 and 280 core investigations in 2023/24.

589. This criticism appears to be underpinned by:

- a sincerely held view that there is a direct trade-off in resources and/or senior management attention between investigations and reviews, and the IOPC's thematic learning; and
- a perception amongst some, that the significant fall in independent investigations the IOPC is conducting is at least partly attributable to this increased focus on learning.

590. The IOPC strongly contests both that any operational resource has been re-tasked to thematic learning. Instead, it told us that the causes in the reduction of IOPC investigations include:

- increased complexity of cases it is investigating independently, investigating more 'multi-strand' investigations which include higher volumes of digital evidence and the need to support more vulnerable witnesses;
- work involved in managing cases after the IOPC has made decisions at the end of its investigations. It highlights the increasing number of 'post-final' cases, with delays in criminal, disciplinary and coronial proceedings for which others are responsible; and
- the recruitment landscape continues to see market rate increases and differentials between similar roles in public sector organisations - making recruitment and retention of experienced lead investigators challenging.

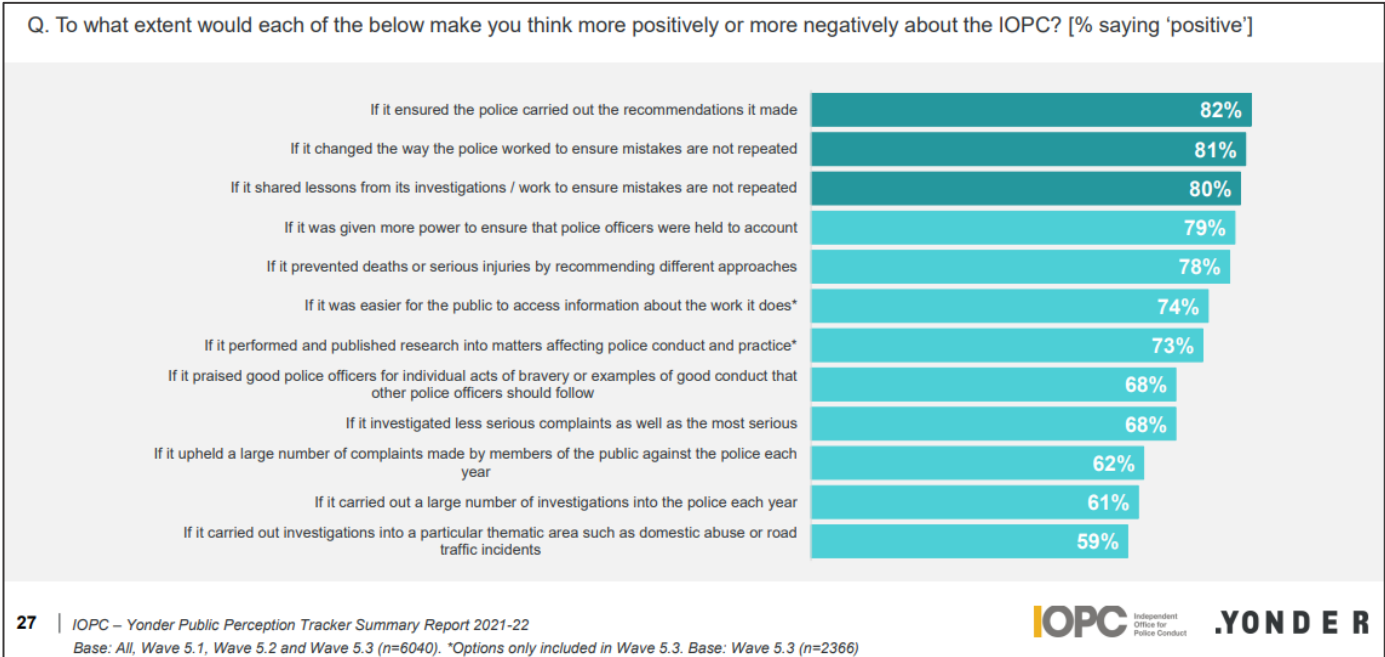
591. However, the IOPC does not refute that it now places greater focus on learning, which we presume has some corollary implications for resourcing. Overall, we are unable to rule out any trade-off in resourcing, but we note the IOPC's strong view that its increased focus on learning has not contributed to it conducting fewer investigations.

592. In interviews for this Review, and questioning on this point, IOPC senior management argued passionately in favour of the IOPC's increased focus on learning, pointing to independent research which they argue demonstrates that the public places greater value on the IOPC's work on learning than conducting a higher number of independent investigations. In particular, they highlighted responses (see **Chart 18** below) to the question *'To what extent would [particular activities] make the respondent answer more positively or more negatively about the IOPC?'*. Specifically, the IOPC pointed to the responses that the IOPC's work on learning and recommendations²³⁴ scored far more positively (~80%) than investigating less serious complaints as well as the most serious (73%) and conducting a higher number of investigations (61%).

²³⁴ For example, 'ensuring the police carry out the recommendations the IOPC made', 'changing the way the police work and sharing lessons from its investigations to ensure mistakes are not repeated'.

593. However, we are unconvinced that asking, in isolation, whether particular activities make respondents think more positively or negatively about the IOPC²³⁵ (see **Chart 18**) is as helpful as the IOPC suggests. The trade-off between prioritising learning and conducting more independent investigations to ensure the police are held to account is not made clear. Moreover, asking ‘*what makes one feel more positively or negatively about the IOPC?*’ is not the same as asking ‘*what would improve your confidence in the overall police complaints system?*’

Chart 18: Factors that would make people think more positively about the IOPC (from 2021/2 IOPC Public Perceptions Tracker)



594. Moreover, interviews for this Review with groups representing victims and complainants suggest public confidence is materially dented by a very significant decline in the number of independent investigations, even if this facilitates wider more general work to improve policing practice.

595. Nevertheless, the IOPC told us their analysis showed no statistical correlation between the number of investigations it conducts and public confidence. We suggest this may be because the public is unaware of the dramatic fall in independent IOPC investigations. The IOPC also pointed to a survey from 2018/19 that asked what actions were most important following a police complaint. 73% of respondents answered that police officers learned from the complaint, compared to only 23% who responded that it was important a police officer was punished.

235 https://www.policeconduct.gov.uk/sites/default/files/documents/IOPC_Yonder_Public_Perceptions_Tracker_Annual_Summary_Report_2021_22_Final.pdf (Slide 27): ‘To what extent would each of the below make you think more positively or more negatively about the IOPC? [% saying ‘positive’]’

596. Given the importance given to this finding in terms of where the IOPC focuses its limited resources, the next survey ‘wave’ could helpfully test public views on this question more specifically.

RECOMMENDATION:

The IOPC should use future iterations of its Public Perceptions Tracker to test public attitudes around the IOPC conducting significantly fewer independent investigations, and public support for the IOPC’s increased focus on learning, even if this means conducting fewer independent investigations into serious police complaints and potential misconduct as a result.

Overall learning and recommendations made

597. Since the IOPC was established, it has issued 878 recommendations in total²³⁶ (as set out in **Table 3**), made because of specific investigations, reviews of complaints and reviews of local DSI investigations. This consists of:

- 304 ‘*section 10 recommendations*’ on police complaints arrangements and police practice;
- 574 ‘*paragraph 28A recommendations*’ at the completion of specific investigations. Of these, 83% (477) have been accepted, 7% (43) were not accepted and 10% (40) were awaiting a response or it was unclear. (The IOPC’s public target is that 80% of its paragraph 28A recommendations are accepted.)

Table 3 – Total number of recommendations issued by the IOPC (section 10 and paragraph 28A combined 2017/18 to 2023/24)

Financial year of issue	Number of recommendations issued	Notes
2017/18	17	Includes recommendations issued by the IOPC from 08 January 2018 to 31 March 2018 only. Excludes recommendations issued by the IPCC from 01 April 2017 to 07 January 2018.
2018/19	38	
2019/20	161	
2020/21	234	
2021/22	207	
2022/23	170	

²³⁶ Between January 2018 and the latest data available (up to 7th September 2023)

Financial year of issue	Number of recommendations issued	Notes
2023/24^	51	<ul style="list-style-type: none"> • 51 recommendations were made by the IOPC between 1st April and 7th September 2023. • NB Over 2023/24, we have been advised that the IOPC is on track to issue c. 156 recommendations. This would be a 20% reduction in the average of 193 recommendations made annually over the preceding four years, reflecting the significant fall in independent investigations that the IOPC is now conducting annually
Total	878	

598. The IOPC maintains an Organisational Learning Recommendations Tracker (OLRT). Some areas are followed up as below:

- IOPC informed us that *custody-related* recommendations are often followed up by HMICFRS/HMIP during joint unannounced inspections of police custody;
- Regional Directors follow-up *ad hoc* on some high-profile cases;
- The IOPC has followed up on a number of significant recommendations arising from specific pieces of thematic work, including recommendations arising from work around stop and search, and Taser;
- A pilot project was recently undertaken to follow up on IOPC recommendations arising from work on Violence Against Women and Girls (VAWG), with proposals being put forward for how national and other significant recommendations will be followed up moving forward;
- Where a finding affects more than one force, the IOPC considers making a recommendation to one or all police forces in England and Wales.

Implementation of recommendations

599. Whilst the number of IOPC recommendations and what proportion have been accepted is clear; it is less clear to what extent accepted recommendations have actually been acted on. We agree with the consistent feedback we received from groups representing complainants and victims, that one group captured as follows:

“It’s not enough to know whether recommendations have been accepted, we need to know if they have been acted on.”

600. We note that the IOPC does not have legislative powers to compel and interrogate those who have accepted its recommendations, on the degree to which they have been acted on them. This appears to leave a real gap in the current system that should be addressed and makes analysis of the IOPC's effectiveness in improving policing practice difficult.

RECOMMENDATION:

The Home Office should work with the IOPC to consider the merits and implications of providing the IOPC (or other organisation) with a mandate – with commensurate legislative powers and resources – to follow up on the degree to which police forces and other bodies act on IOPC recommendations.

Identifying and collating IOPC recommendations with others' recommendations

601. From a systems perspective, several stakeholders commented on the fact that other bodies recommend the police apply learning and make improvements. Moreover, we were told that recommendations which can impact the police are made to other actors in the criminal justice system and other emergency services. This includes, but is not limited to, recommendations made by the National Police Chiefs' Council, HMICFRS, His Majesty's Crown Prosecution Service Inspectorate (HMCPSI), the Coroners' Society for England and Wales, and through commissioned reviews and inquiries.
602. When talking to the IOPC, HMICFRS and College of Policing, we gained the impression the IOPC may be considered a 'junior partner' in the working arrangements with less frequent meetings. We also noted that in respect to learning recommendations there appeared to be no overall coordination between the organisations.
603. Some interviewees suggested HMICFRS does not rigorously follow up on the degree to which forces have implemented IOPC recommendations in its inspections.
604. There is no central point where recommendations from these three organisations or indeed from other important stakeholders such as the CPS and Coroners offices, are collated. This is clearly a gap in learning which links to accountability.
605. There was consensus amongst these stakeholders that there would be significant benefit to a more cohesive system in relation to recommendations potentially with one organisation tracking all such recommendations or the key organisations involved collaborating more closely towards maintaining a shared, comprehensive knowledge base.
606. We note the Home Affairs Select Committee had similar concerns and suggestions in its Inquiry (Feb 2022):

We are concerned that IOPC learning recommendations made to police forces across England and Wales to improve policies and practice in the handling of police complaints are not monitored for follow-up action. We have heard of a lack of clarity about how recommendations are monitored, and whether forces implement them. Even where the IOPC makes key recommendations, and even where there may be interaction with HMICFRS recommendations, it is unclear how they are followed up.

We recommend that the Government monitor and review bi-annually how effectively LPBs are holding their chief constables accountable for implementing IOPC recommendations to their forces, and report the outcomes to us.

We urge the Government to review how IOPC, HMICFRS, and Coroners' learning recommendations are reported to the public in a more joined-up and meaningful way. We recommend that data be published centrally, in order to simplify and streamline access to this important information.'²³⁷

RECOMMENDATION:

The Home Office, working with the Ministry of Justice, IOPC, HMICFRS, the College of Policing, NPCC, Chief Coroner and other partners, should identify all organisations with recommendation-making powers within the emergency services and criminal justice systems in England and Wales, and consider options for a more cohesive system – including a database or other collation – of recommendations and learning.

Co-operation with HMICFRS

607. The IOPC is obligated to enter arrangements to secure co-operation between the IOPC and His Majesty's Inspectorate of the Constabulary and Fire and Rescue Services (HMICFRS) and provide HMICFRS inspectors with whatever support and arrangements as necessary to this end²³⁸. The IOPC works with HMICFRS by:

- Feeding into terms of reference for inspections;
- Participating in HMICFRS working groups;
- Acting as a critical friend (reviewing certain draft inspection reports and recommendations);
- Supplying data to HMICFRS in advance of each custody inspection (including organisational learning recommendations we have made);

²³⁷ <https://committees.parliament.uk/publications/9006/documents/166181/default/> – Paragraphs 151-152 (page 44)

²³⁸ Police Reform Act 2002, Part 2, s.10(5): <https://www.legislation.gov.uk/ukpga/2002/30/part/2>

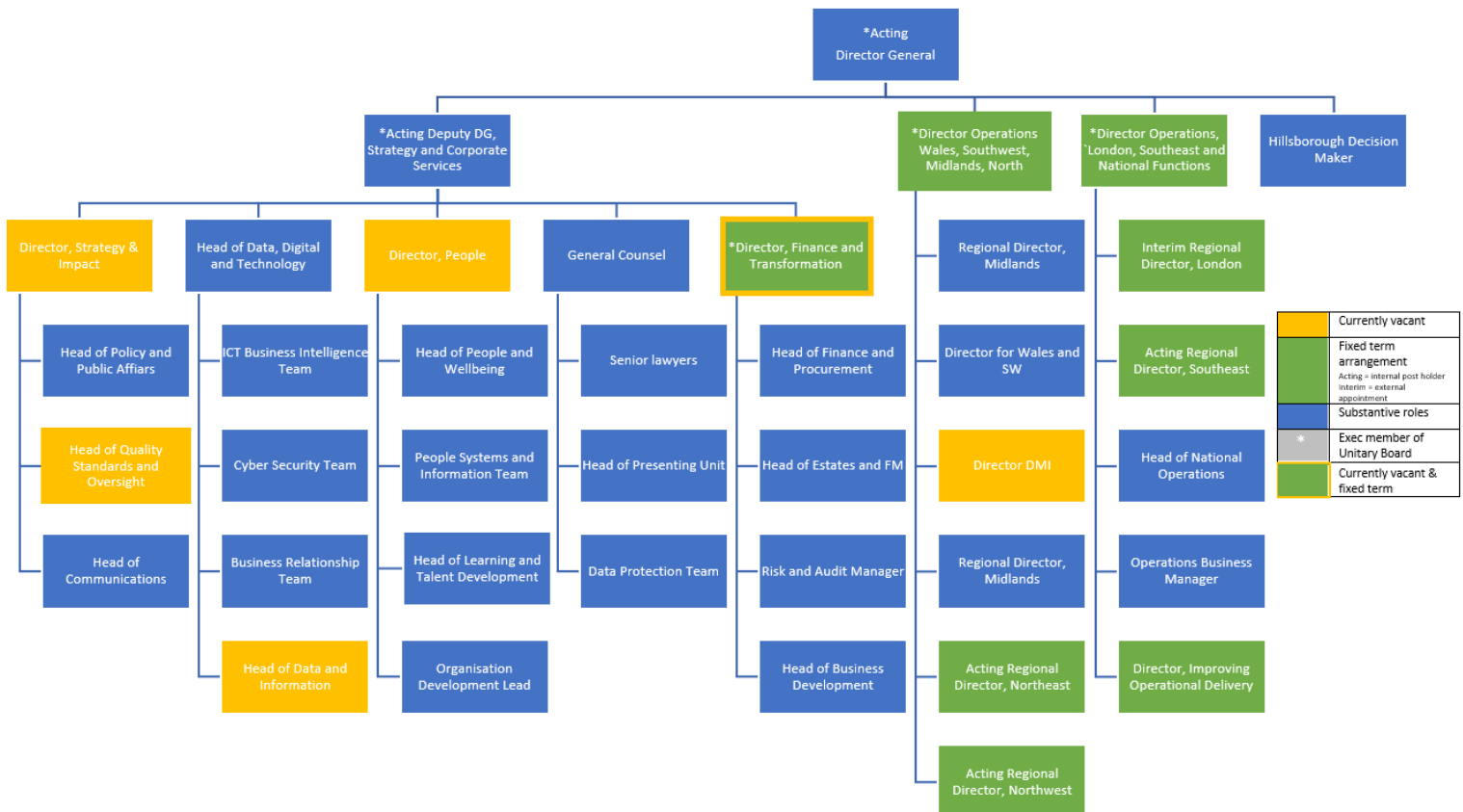
608. Conversely, HMICFRS provides the IOPC with information about its custody inspections ('hot debriefs').

Operating model

Senior management and corporate functions

609. During this review the senior management structure kept changing, in part in response to the feedback we provided to the senior team throughout the review regarding lack of clarity and confused accountability. No organisational chart was in place at the start of the review. The chart below outlines the current 'state of play' at the end of the review with some potential new posts as we recommend in this report (e.g. director of finance). The Acting DG has commissioned an external consultancy to review the structure. While this is useful, we question the use of external consultancy for something the Executive team should be gripping itself with Board oversight.

Organisation chart: Overview of interim IOPC structure pending senior leadership review, November 2023²³⁹



610. Under its current structures, a Deputy DG for Strategy Corporate Services manages: a Director for Strategy and Impact (covering Policy, Business Development, Quality and Service Improvement, Communications, Data and

²³⁹ Excluding NEDs

Information); Director for People (and Estates); Head of Finance; Head of ICT; General Counsel; and Head of Risk and Audit. Although we note the IOPC's intentions – following early discussion of this Review's recommendations – as indicated above to:

- recruit a Director for Finance and Transformation into whom the Head of Finance, Head of Business Development, Head of Estates, Head of Risk and Audit will report; and
- to reduce the span of the Director of Strategy and Impact and have a Head of Data, Digital and Technology report directly to the Deputy DG of Strategy and Corporate Services.

611. Two Directors for Operations (North and South) manage six Regional Directors, whose responsibilities include operations across England and Wales, as well as a Directorate for Major Investigations and National Operations (which includes assessment of police reviews, reviews of local DSI investigations, referrals of complaints handled by police forces or LPBs and IOPC's Customer Contact Centre). Their responsibilities also include line management of Operations Business Managers and leading the Improving Operational Delivery (IOPC) programme.
612. The Director / Decision Maker for Hillsborough Investigations reports directly to the DG.
613. Every current executive member of the Unitary Board, including the DG, is acting in the grade above and in a temporary capacity. We understand that the departure of the previous DG has put extra strains on the senior leadership and that it is difficult for the acting DG to address this. Nevertheless, the nature of acting positions adds significant difficulty to the effective leadership of the IOPC.
614. Many of those interviewed at all levels commented that the corporate structure was not easily understandable or effective with significant gaps, for example commercial and contract management; and overlap between roles, for example finance and business planning. A frequent comment was that it was not entirely clear who was responsible or 'held the ring' for key areas, such as performance and change management. Staff also commented that the organisation wasn't good at 'joining the dots'. This latter point was borne out by our observation that finance, business planning, workforce and estates are disjointed. We are left with the overwhelming impression that there is a need for the DG to reconsider the senior structure and corporate functions to reduce overlap, address gaps and give much greater clarity to where responsibility and accountability lies.
615. We have also been concerned that some roles on the management team are extremely broad so, we recommend the IOPC considers the management span of some its key executive leads.

RECOMMENDATION:

The IOPC should reconsider its senior structure and corporate functions as soon as possible.

RECOMMENDATION:

The IOPC should reduce the number of senior leadership positions filled on an acting basis as soon as possible.

Operational management

616. Beneath the senior leadership team, day-to-day business is run through a number of 'management Boards'.

- A Management Board (MB), chaired by the DG, is the de facto decision-making body for day-to-day running of the IOPC. It convenes monthly with a pre-agreed agenda and has weekly touch-points without a formal agenda. Notwithstanding that some members (e.g. the General Counsel and People Director) provide a cross-functional perspective, its membership is currently weighted heavily towards Strategy and Corporate Services, with the Director/s for Operations the only representatives from operations which comprises the bulk of the IOPC's activity and staff. Whilst Strategy and Impact has some operational elements, for example in investigating super-complaints and its work on quality, the IOPC may wish to consider whether lack of wider representation from operations is advisable.
- An Operations Management Board (OMB) meets monthly and is responsible for providing scrutiny and assurance across operations. Chaired by one of the Directors for Operations, it comprises the top leadership across operations: the Regional Directors, Director for Wales and South-West, Head of National Ops, Director for Major Investigations, Hillsborough DM. It escalates issues it cannot resolve to MB.
- A Strategy and Corporate Services (SCS) Board meets monthly but is not an equivalent to OMB, being a monthly senior management team meeting but not a decision-making forum.
- A Strategy and Impact (SI) Board meets monthly, is chaired by the Director for Strategy and Impact, and its members include: Heads of Policy and Public Affairs, Business Development, Communications and Data and Information Management; and representatives from Digital Projects, Knowledge and Performance and other areas.
- An Information Assurance Board (IAB) oversees IOPC-wide information and data management (including data protection compliance), cyber security and IT.

- Lastly, a Critical Case Panel sights and provides assurance of high risk and critical cases, in particular to the DG as ultimate DM.

617. These various management Boards are supported by a significant number of programme Boards and *ad hoc*/ temporary groups which makes clarity of decision-making unclear at best, confused at worst. A typical reflection from an IOPC member of staff was:

“It’s not clear which Boards are responsible for making decisions. We need those decisions to be adhered to and remembered. It is frustrating to revisit decisions that have already been taken.”

618. A frequent comment from staff interviewed was that there is a plethora of groups attended by the same people. The default action when presented with a problem appears to be to set up another group. **While *ad hoc* working groups are a useful management tool, the size and scale of such groups in the IOPC suggests the management and governance structures are not sufficiently robust to accommodate the issues it faces.**

RECOMMENDATION:

The IOPC should rationalise the number of ad hoc groups it convenes and ensure its management structure and governance can accommodate issues as they arise.

Programme management and change

619. The IOPC has three major programmes of work as described to the review team:

- The Case Management System (CMS) Programme;
- The National Ops Turnaround Programme; and
- The Improving Operational Delivery (IOD) Programme.

Case Management System (CMS)

620. The IOPC has an ongoing, significant project to replace existing case management solution (CMS) with a new, cloud-based alternative. CMS is the system that supports the co-ordination of activities and recording of information throughout a case lifecycle. It supports all IOPC operational cases across Investigations and National Office in line with the various unique statutory processes that we are subject to. The system represents the single most important source of information processed by the IOPC and is used across the organisation and wider police complaints arena in areas such as Research and Policy.

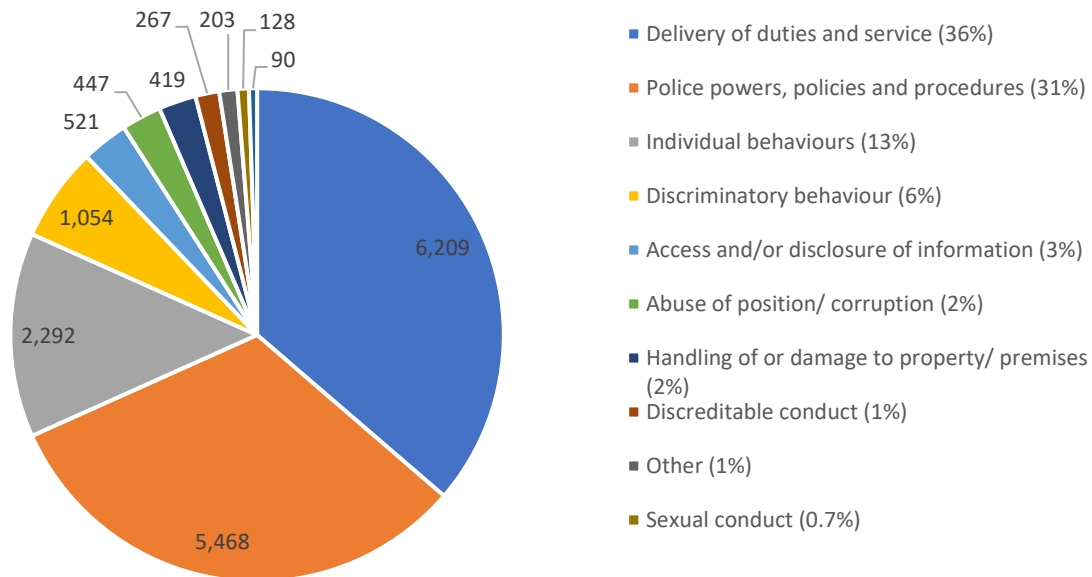
621. The current case management system is around 14 years old and the technology platforms on which it is based are becoming unsupported. The costs of changing it have been and will remain high. Over time, the poor state of the existing CMS has led to the creation of alternative temporary solutions that created inefficient, duplicative user experience, with poor data quality and control, for example using SharePoint and Excel in addition to CMS to help with data analysis and specific processes (e.g. tracking organisational learning) that are not built into the CMS.
622. The IOPC told us that the new CMS will pull together the requirements of the current disparate systems into a single user experience, with features that will enable the IOPC to continually improve and change it over coming years. This is clearly a pivotal programme of work for the IOPC.

National Ops Turn-around Programme

623. Following legislative reforms that replaced a system of appeals with a system of reviews, that came into effect from February 2020, the IOPC set up a National Ops Turnaround programme to improve its performance in this area as its backlog of reviews began to grow. A range of work packages have been approved and launched with the key focus being to address performance, efficiency and timeliness of reviews. We addressed this in detail in **Chapter 3. Effectiveness of reviews**. 74,543 people complained about the police in 2022/23, reporting a total of 134,952 allegations, which were logged. The IOPC and key stakeholders anticipate that the number of police complaints is likely to continue to increase over 2023/24, for reasons set out further below.
624. Over 2022/23, police forces finalised 71,805 allegations on complaint cases handled formally under Schedule 3 of the Police Reform Act 2002. 24% of the 71,805 allegations handled under Schedule 3 were investigated.
625. The vast majority (94%) of allegations logged in 2022/23 related to: delivery of duties and service (55%); police powers, policies and procedures (20%); individual behaviours (13%); handling of or damage to property/premises (3%); and discriminatory behaviour (3%).
626. **Around 1 in 5 of the overall police workforce (51,720) was subject to a complaint over 2022/23.** Just under 2 in 5 'logged' complaints were subsequently formally 'recorded' under Schedule 3 of the Police Reform Act 2002.

Chart 16: Nature of allegations that were investigated and finalised under Schedule 3 in 2022/23

(Source: Table 18, 2022/3 Police Complaints data)



627. While still at an early stage, from recent improvements in performance, it appears this programme is starting to have a positive impact on performance.

Improving Operational Delivery (IOD) Programme

628. The Improving Operational Delivery (IOD) Programme is a three-year transformative programme that Operations Management Board (OMB) is leading to support the organisation to meet the aims within the [IOPC's 2022-2027 strategy: Building Trust and Confidence in Policing](#).

629. The programme seeks to develop new ways of working, improve operational delivery and improve efficiency, to help ensure it can continue to work effectively in the context of wider organisational financial pressures, whilst maintaining (or enhancing) quality and meeting service users' needs. The IOPC told us that the focus of the programme over 2023/24 includes exploring demand and capacity processes, as well as the structures and processes within investigations more widely, with the focus, in future years, shifting to improving the quality of IOPC investigation processes and outputs and better meeting IOPC's service user needs.

630. Despite being widely mentioned in the organisation and seen as the way to improve many issues, we were surprised that it appears very much to still be in its embryonic stages and is far less developed than we were led to believe.

Programme management and change

631. We were informed that the IOPC has a Programme Management Office (PMO) overseeing any planning / approval / delivery of significant programmes with

key financial analysis and impact embedded for effective decisions to be made. Having looked at delivery of programmes in the IOPC this needs to be strengthened to ensure programmes are run efficiently and to achieve the desired outcomes.

632. At the time of the review there was no overall change methodology in place in the organisation and no effective change governance process in place to approve investment plans, changes to existing plans/milestones/finances and impact to the organisation. Without this there is a significant risk to the organisation. We were informed that the IOPC has convened a Change Board and this is to be welcomed. It is important given the number of groups and Boards in place that this Board fits into a formal governance structure.

RECOMMENDATION:

The IOPC should strengthen its programme management approach and its governance of change.

National and regional operating models

633. The IOPC has both a national and regional approach. Geographically, the IOPC has six 'regional' offices, with operations focusing on investigations in each headed up by a Regional Director for Operations. An additional office in Warrington has staff leading Hillsborough investigations; this unit is led by a Director who reports to the Acting DG.
634. Strategy and Corporate Services are organised on a national basis, with Canary Wharf HQ being its largest office. Other than finance which is entirely led from Cardiff, strategy and corporate services staff may work from any of the regional offices.
635. National Operations activities are centralised in key locations (e.g. the Assessment Unit (which considers referrals to the IOPC) is based in Birmingham (which considers referrals to the IOPC).
636. Regional operational structures are broadly similar. The regions do operate a National Tasking approach to apportion investigations to other regions if any region is struggling with volume of cases. However, we heard many comments that the regions 'act in silos'. Some regions operate very effective initiatives (e.g. Cardiff piloted a very successful report writing function, but this has not been adopted elsewhere; other regions are piloting proceedings support units). However, these appear to be isolated initiatives, dependent on Regional Directors' support and often they are not funded. Standardisation and consistency of approach is lacking, potentially leading to inefficient use of resources. Various Regional Directors remarked to us that:

"The sharing of best practice is not systematic."

"A heck of a lot of inconsistency springs up."

637. There is also a marked difference in workload between regions, for example the MPS accounts for 25% of IOPC workload, albeit that two regional offices support MPS.
638. We found all Regional Directors to be extremely enthusiastic, dedicated and committed. One thing stood out consistently from our interviews. The regional presence of the IOPC and its staff was greatly appreciated by police forces' Professional Standard Departments and others who worked closely at regional level. However, it was the personal relationships and interactions they valued, not having a dedicated regional building. The IOPC should consider whether and how these important relationships could be preserved without requiring physical offices (or as many offices), for example through use of a national approach, but with a dedicated regional outreach service. The IOPC should also consider the impact of this on the number of regional Directors required with rescoping of the Regional Director role.

RECOMMENDATION:

The IOPC should consider what can only be done by the centre and what can be best delivered regionally. It should consider the feasibility of moving to a national operating model across its key operations, whilst preserving effective regional outreach. It should consider the place of the Metropolitan Police in this model.

Performance management

Key performance indicators (KPIs)

639. A suite of key performance indicators that the IOPC collates is set out at **Annex F** – Full table of IOPC key performance indicators. These are supplemented by supporting KPIs in a quarterly strategic report. It published many of these KPIs – and targets where it has them – on its [website](#) in a monthly performance framework from July 2022 until this ceased in April 2023. However, it is unclear why only some of these metrics are published and why this welcome initiative to publish greater monthly performance data was short-lived and ceased in April, without any replacement or alternative. As of 30 October 2023, the website did not provide any information whatsoever on the IOPC's performance over the previous 6 months.
640. The IOPC's accountability to the public would be enhanced greatly through its transparency about *how* it measures its performance and by publishing monthly tracking on its performance.

RECOMMENDATION:

The IOPC should publish on its website – and proactively share with the Home Office – all data on Key Performance Indicators it collects, to facilitate scrutiny of its performance and improve its public accountability. It should move to

publish all anonymised performance data by default unless there are compelling reasons not to.

641. Publishing data, however, is not an end in itself. Data should be in an easily accessible and understood format.
642. We do not consider, for example, an average reader would easily discern the following metric:
- “Ensure the average time taken to complete a review is 150, 135, 125, 115 working days (Q1-4 respectively) from receipt of background papers. * Reviews completion target is a quarterly target Q1 = 150, Q2 = 135, Q3 = 125, Q4 = 115.”
643. Similarly, the KPI to “Achieve 80% of our para.28A learning recommendations that are accepted by police forces” requires an understanding of the IOPC’s paragraph 28A learning recommendations, and how these may differ from its other recommendations.
644. The IOPC should be able to explain how it measures its performance, how its performance is changing and why, to those without any prior understanding of the Police Reform Act or detailed understanding about what the IOPC does. Short descriptions in plain English against each metric could dramatically improve reader comprehension. The primary purpose of performance information though is to aid management to manage performance, the IOPC should determine the right measures to do that and then think through how to communicate them. The public is not the primary audience for raw performance information.
645. Notwithstanding some improvements to its website over the summer 2023, we assess that, as with many documents the IOPC publishes on its website, the Performance Framework Dashboard (published until March 2023), was not readily understandable. True transparency will require a cultural shift on behalf of the IOPC to visibly promote and place importance on facilitating greater accessibility and simplicity in its publications.

RECOMMENDATION:

The IOPC should develop and publish on its website a monthly performance report that meaningfully facilitates transparency and external scrutiny. This should include descriptions of its performance metrics and targets in plain English, intelligible to general members of the public. It should also provide comparisons with how its performance has changed and include commentary on what the IOPC attributes these changes to and, where applicable, what steps it is taking to improve its performance.

646. Whilst we appreciate different measures and targets may be appropriate to track its performance in completing ‘core’ investigations and ‘major’ investigations, the IOPC should explain the difference between the two and

provide alternative public KPIs to track its performance in completing major investigations.

647. The IOPC also lacks adequate performance indicators to measure the quality of its work. These should be developed and introduced at pace. In **Chapter 9. Accountability** we address and recommend how the IOPC could respond to criticism we have heard from complainants during this Review that the IOPC lacks any measurement of service-user satisfaction in its KPIs.
648. We are aware that the IOPC is collecting a range of data on its performance to understand delays in processes. It is not clear that this data is being drawn upon as effectively as it could be to support the organisation's continuous improvement.

Responsibility for performance management

649. Currently, responsibility for performance of operational delivery sits with operational directors, with performance at corporate level sitting with the Director of Strategy and Impact, supported by a data team.
650. The IOPC's 'Power BI' performance management system has huge potential but is not yet used effectively at strategic management level. Elements of performance information are considered at various management fora but not presented or considered in an integrated way.
651. We were left with the impression that there is no one place where responsibility for performance improvement comes together in the organisation at either a strategic or operational level. There is also no integrated performance report at operational or strategic level which links all elements of the business including finance together or that would facilitate the creation of an easily understandable performance dashboard.
652. Feedback from policing stakeholders for this Review also suggests external frustration at a perceived lack of IOPC governance or accountability for IOPC performance. As one police force put it to us:

"No-one seems to hold the IOPC to account for how long its investigations take. No police force could get away with its investigations taking as long as the IOPC."

RECOMMENDATION:

The IOPC should consider, as part of its organisational redesign, where responsibility for improving performance should sit.

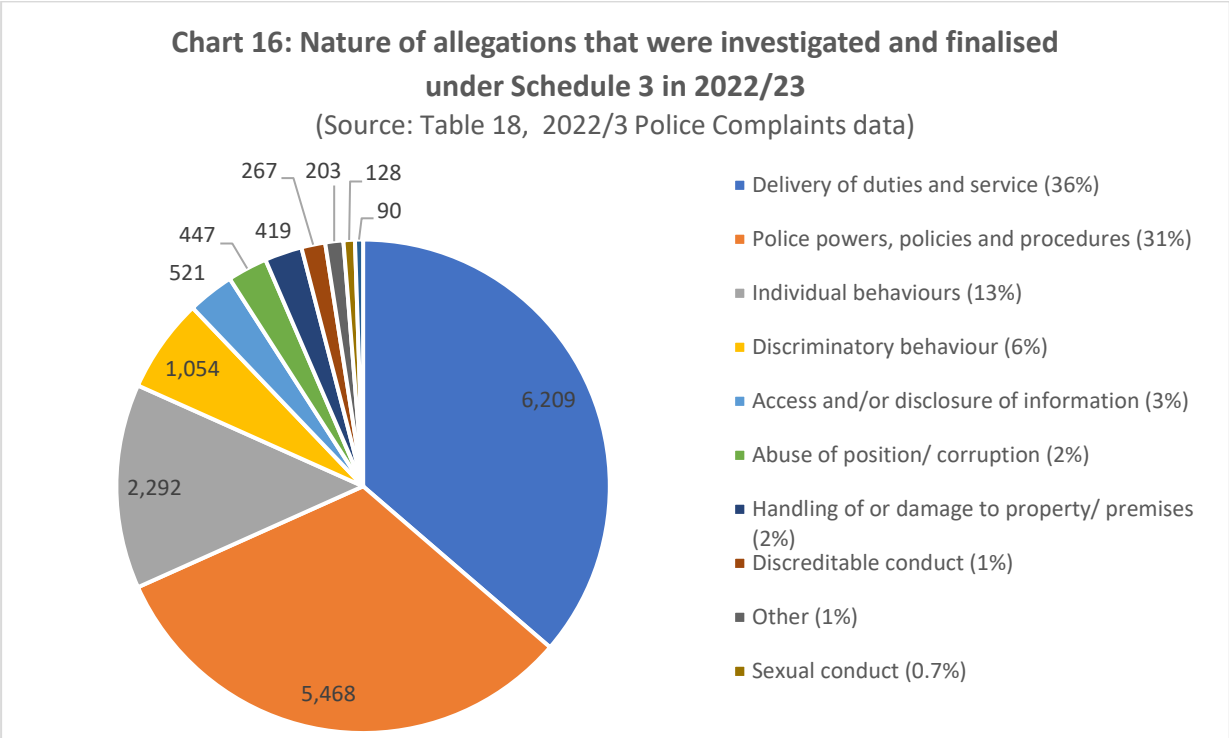
RECOMMENDATION:

The IOPC should establish an integrated performance report (bringing together operational and financial performance) to be used by senior management and

Board. The Board should also consider how to incorporate quality insights into the same report and how it will assure itself of quality and performance.

Workforce and staff management

- 653. We have addressed how operational workloads are managed and training and accreditation for investigators, casework managers who lead reviews of how complaints have been handled, reviews of local DSI cases and analysts who consider referrals to the IOPC in **74,543 people** complained about the police in 2022/23, reporting a total of 134,952 allegations, which were logged. The IOPC and key stakeholders anticipate that the number of police complaints is likely to continue to increase over 2023/24, for reasons set out further below.
- 654. Over 2022/23, police forces finalised 71,805 allegations on complaint cases handled formally under Schedule 3 of the Police Reform Act 2002. 24% of the 71,805 allegations handled under Schedule 3 were investigated.
- 655. The vast majority (94%) of allegations logged in 2022/23 related to: delivery of duties and service (55%); police powers, policies and procedures (20%); individual behaviours (13%); handling of or damage to property/premises (3%); and discriminatory behaviour (3%).
- 656. **Around 1 in 5 of the overall police workforce (51,720) was subject to a complaint over 2022/23.** Just under 2 in 5 ‘logged’ complaints were subsequently formally ‘recorded’ under Schedule 3 of the Police Reform Act 2002.



657.

658. The IOPC currently lacks a cohesive workforce strategy or plan, with management conducted at local business level and no evidence of central ownership.
659. This is a significant risk, as highlighted by a recent audit undertaken in 2022 by Government Internal Audit Agency with recommendations made to have a plan in place. Without this plan, it is difficult to define its accommodation requirements effectively, with workforce assumptions to deliver efficiencies, even more so as the IOPC transforms.²⁴⁰
660. We have already commented on the interim nature of Executive positions. We also note that there are a significant number of staff in the organisation that have been on temporary promotion for a considerable period. Staff also reported a perception of disparity between which roles are made permanent and which are not, leading to poor morale.
661. There are also a significant number of staff on fixed term contracts. While this may provide some financial and workforce flexibilities, the duration that some of these staff have been on these contracts provides them with regular employment rights, with associated costs.

RECOMMENDATION:

The IOPC should develop a workforce strategy in tandem with a revised estates strategy, future operating model and revised medium-term financial plan, to ensure human resources and financial planning are delivered effectively. The IOPC should review its fixed term contracts and temporary promotions within a revised workforce strategy.

Staff morale, wellbeing and wider insights from ‘People Surveys’

662. Throughout our interviews, without fail we found an enthusiastic, committed workforce proud of the work they do.
663. It is also clear that IOPC staff face unique pressures from the type of work they do. Some investigators and operations staff are exposed to disturbing allegations about police conduct and complaints (e.g. police abuse of their position for sexual purpose); others engage with bereaved families at one of the most difficult times in their lives. Many others have regular contact with individuals who already feel aggrieved through their experience before the IOPC gets involved in a matter. Most commonly, these are complainants. However, IOPC staff also relayed to us the challenges they face through what they feel are at-times forceful defence from police officers and staff, frustrated or upset that they are being investigated or by the amount of time investigations may take.

²⁴⁰ Internal Audit report into Workforce Planning (Review reference 53S)

664. In general, the IOPC's People Survey results for 2022 (the latest large-scale survey available) were positive. There were many areas where scores were impressive, for example: 96% awareness of IOPC's Code of Conduct; and 81% reporting that 'workforce diversity is valued at the IOPC'.
665. However, staff *wellbeing* scores from this survey are concerning, for example with:
- 65% reporting that work-related stress impacts their wellbeing;
 - 47% reporting they experience work-related stress *frequently*;
 - 43% feeling like they need to work through illness '*despite not feeling well enough to do their job*'.
666. The IOPC advised this Review it had methodological concerns about the basis on which its contractor had provided this survey (intended to largely replicate 'People Surveys' common across the vast majority of the wider Civil Service). Nevertheless, a more recent survey as of June 2023 (in which 35% of staff responded) found **27% of IOPC staff experienced stress that was "extreme", "work-related" and on a "frequent basis" frequently. This is very concerning given the very high bar set in the question.**²⁴¹ The most commonly reported causes for this extreme work-related stress were: workload (80%); timescales (69%), IOPC culture (43%); the nature of their work (36%); and senior management (25%).
667. It was striking too that a small number of interviews with IOPC *stakeholders* raised significant concerns that the IOPC appears to provide inadequate wellbeing support to its investigators who work on emotionally difficult cases.
668. Greater granularity behind these organisation-wide scores should provide the IOPC with greater clarity on where particular functions, regions or roles require greater support.
669. We have been told that a recent review of non-clinical counselling – including work on multiple exposure and post-traumatic stress disorder (PTSD) – has helped to tackle reports from interviews that indicated that some staff need greater support when dealing with sensitive cases. The IOPC told us that it recently piloted a project on exposure to distressing materials which we were told was positively received. A programme of wellbeing check-ins is now being rolled out with the intention that it identifies and prevents IOPC staff suffering from PTSD following repeated exposure to distressing materials. We have also been told that the IOPC has introduced wrap-around plans where it is aware that staff need greater support when dealing with specific cases.
670. Nevertheless, staff survey and interviews for this Review suggests this must remain a top priority for senior IOPC management.

²⁴¹ Super Six Key Themes internal Pulse Survey of IOPC staff – June 2023 – not published.

RECOMMENDATION:

IOPC senior management should monitor staff wellbeing closely and consider how else it can enhance support given to staff working on emotionally difficult cases.

RECOMMENDATION:

The IOPC should review the nature and extent of the employee assistance support available for staff working on its most serious and sensitive cases particularly over long periods of time and the training it provides in relation to safeguarding and trauma informed response.

671. Similarly, whilst the proportion in the last 2022 People Survey who reported bullying, harassment or discrimination may be broadly comparable with the wider Civil Service, it is concerning that, of those who reported bullying or harassment, 75% did not think *'appropriate action was taken to address the behaviour they experienced'*.
672. On a similar theme, staff generally reported low confidence in 2022 (52%) that directors would act on survey results. Nevertheless, we assess that the organisation has a strong, mature People Survey Action Plan with ten workstreams to address each of its weaker areas from its 2022 results, with designated action leads, activities and timescales. This action plan also addresses some perceived weaknesses around leaders' visibility, addressed in more detail in **Chapter 8**. Furthermore, the IOPC's 2023 [Customer Service Excellence external accreditation report](#) also noted: *'following the surveys and network forums, staff recognised that their voice was heard, as senior leaders actively communicated the outcome/sand action to be taken because of their feedback'*.
673. IOPC advises that annual staff turnover was 13% over 2021/22, with 137 new starters joining.
674. Potential links between the demands of the job, staff morale and wellbeing, mental health, stress, sickness and turnover are helpfully explored through a formal exit survey. So, we welcome the IOPC's June 2022 introduction of exit surveys and interviews, though we have not been provided with an overview or any information as to the findings from these exit interviews, nor how they are used.

Staff learning and career development

675. In **Chapters 3-5** we made recommendations regarding training and development of casework managers who work on applications to the IOPC for reviews of how complaints have been handled and reviews of local DSI cases; analysts in the IOPC's assessment unit that consider case referrals to the IOPC; and the workforce that support the IOPC's investigations.

676. Subject to their area of work, IOPC staff receive basic training in order to acquire relevant skills alongside receiving some further learning and development opportunities. Accompanying this is the IOPC's performance and development framework: 'DRIVE'. This provides for structured performance planning and assessment conversations over a three-month cycle. It aims to instil, across the organisation, a regular and consistent approach to performance management and appraisal, although in practice some regions may operate differently.
677. The DRIVE framework aims to encourage staff to consider future aspirations and there is evidence of career progression with a notable number of staff moving up to more senior roles over the course of their employment. Feedback suggested that in some areas there was a more limited or less defined career path and in areas with pathways, such as investigations, it was considered, by some, that there was more scope to advance and receive higher pay by moving to other regulatory and investigative bodies. This feedback points to a general business need to understand its business-critical roles and keep under review the organisation's ability to attract and retain talent through the strength of its pay, reward and recognition approach.

Organisational learning

678. The IOPC provides a lot of its own organisational learning; for example, its policy function has some responsibility for developing operational policy and, in doing this, draws insights from a range of sources including applying the IOPC's own cases as case studies.
679. Learning can also come from, or through, collaboration with other stakeholders in the system such as coroners, legally qualified chairs and the CPS. In the case of the CPS, insights can be gained through surveying the successes and failures in prosecutions and deeper practical knowledge of disciplinary proceedings can be obtained through exposure to, and engagement with, these processes. In all cases, the IOPC can consider and reflect on the differences in findings and perspectives that may be present in the system.

RECOMMENDATION:

The IOPC should develop an organisational learning strategy.

Chapter 8. Governance

680. Corporate governance is “*the way in which organisations are directed, controlled and led. It defines relationships and the distribution of rights and responsibilities among those who work with and in the organisation, determines the rules and procedures through which the organisation’s objectives are set, and provides the means of attaining those objectives and monitoring performance. Importantly, it defines where accountability lies throughout the organisation.*” ([Corporate Governance Code for Central Government Departments](#))
681. Good governance is vital for any public body to function efficiently and effectively. As previously set out by Cabinet Office, a key principle for good governance is that “*no one individual has unchallenged decision-making powers*”²⁴²; we strongly agree with this principle which accords with HASC’s concern that checks and balances need to be restored.
682. Good governance involves transparency, accountability and a commitment to ethical behaviour. It means that public bodies must operate with integrity, honesty and fairness so that decisions are taken in the best interests of the public and that those responsible for them are held to account and help build trust and confidence. These themes are explored throughout this chapter.
683. We have found examples of the principles set out above demonstrated through our detailed consideration of the IOPC. Staff and leaders, both within the IOPC and Home Office, have demonstrated an ethical approach to their work and a strong desire that the IOPC acts in such a way that there is public confidence in policing and that police across England and Wales can have confidence that complaints against them are considered fairly. Staff care deeply about their work and are very committed to their roles wanting to make a real impact.
684. Cabinet Office has set out [guidance](#) about the governance of arm’s length bodies (ALBs) which includes that they shall:
- be led by a Non-Executive Chair;
 - have a majority of independent NEDs on the Board;
 - have a professional Finance Director or equivalent as a permanent Board member qualified in line with the requirements in Managing Public Money and who holds Board status equivalent to other Board members;
 - have the following Board committees chaired by independent NEDs:
 - Audit and Risk Committee (ARAC);
 - Remuneration Committee; and

²⁴² [Tailored Review Guidance on public bodies -May-2019.pdf \(publishing.service.gov.uk\)](#)

- Nominations Committee.

685. We have found some but not all of what we would expect to find in a well governed public body, both in terms of the relevant documents and evidence that they are being followed and applied in practice. There are exceptions – there will be in any organisation – and we hope that the details of what we have found and the recommendations set out later in this chapter are helpful in further strengthening the governance of the IOPC.
686. We have met with stakeholders from Scotland and Northern Ireland to understand the equivalents to the IOPC in Scotland and Northern Ireland. Both have fundamentally different models. We have also looked briefly at international comparisons.
687. As would be expected under devolved arrangements, IOPC’s sister bodies in Scotland and Northern Ireland differ from the IOPC in terms of remit and structure although both place similar emphasis on independence.
688. Similarly considering international counterparts, external police oversight bodies are widespread in Europe, North America and Australasia and international studies have emphasised their role as an addition to judicial and internal oversight.²⁴³ The importance of independence in relation to the protection of rights is also emphasised. Key factors of independence have been identified as: independence of appointment of the head, independence of action, independence of the head during tenure and statutory independence from the police force and the parent department²⁴⁴.
689. Having considered the variety of models internationally and in the United Kingdom, we are content that the model for the IOPC, subject to our recommendations, is appropriate at this time in the context of England and Wales. Additionally, we believe that the devolved administrations in Scotland and Northern Ireland although operating under different models to England and Wales face some of the same challenges and that formal opportunities for active learning with these counterparts and with other members of Independent Police Complaints Authorities Network²⁴⁵ (IPCAN) would be beneficial.
690. The IOPC might wish to consider the potential benefit of sharing best practice with the Office of the Police Ombudsman for Northern Ireland and the Police Investigations and Review Commissioner for Scotland. There may be helpful learning about how the IOPC’s counterparts engage their respective police forces and wider stakeholders.

²⁴³ External police oversight agencies: emergence and consolidation. A comparative study of 25 agencies in 20 countries. Sebastian Roche, Simon Varaine, Noelle Castagne. (December 2022)

²⁴⁴ Ibid. See also **Chapter 6**. Overarching considerations for reviews, referrals and investigations. on IOPC’s independence.

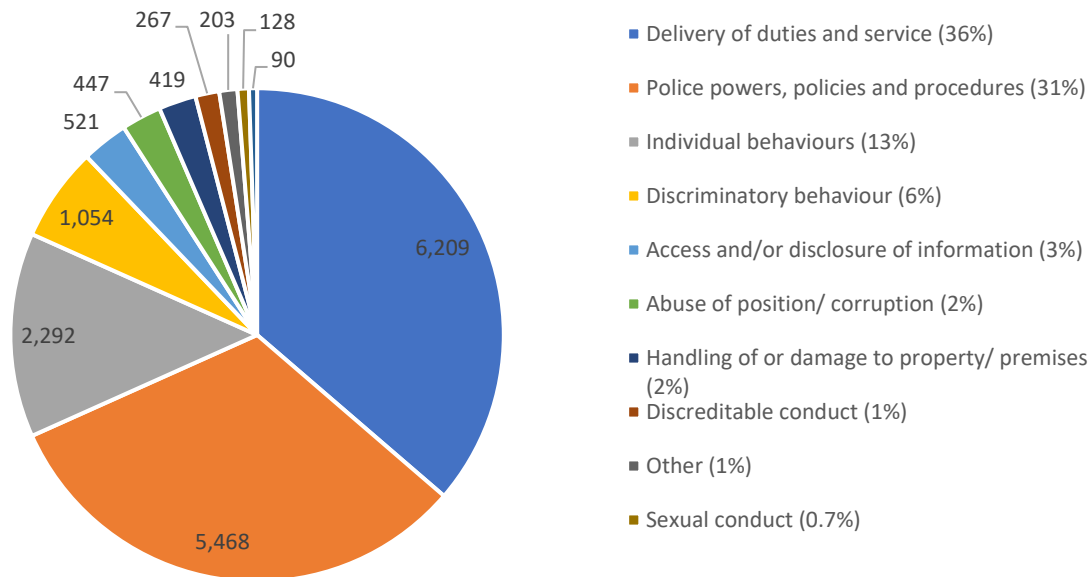
²⁴⁵ The Independent Police Complaints Authorities Network (IPCAN) is an informal network of exchange and cooperation amongst bodies, mainly within Europe including Scotland and Northern Ireland, that receive and process complaint against public security forces <https://ipcan.org/>.

Independence

691. Before setting out detailed findings and recommendations on the IOPC's governance, there is a broad theme about independence which is useful to address at this point.
692. The IOPC sets out in its [Strategic Plan 2022-27](#) that its mission is *'improving policing by independent oversight of police complaints, holding police to account and ensuring learning effects change'*.
693. Rightly and sensibly, the IOPC has been established so that its *decision making* is independent of government. However, it has become evident during the review that the emphasis on independence of operational decision-making has evolved unhelpfully to some extent into an emphasis on the IOPC and the DG's independence more generally resulting in a lack of appropriate and helpful scrutiny and accountability for that decision making. We have observed this operating internally within the IOPC and in terms of the relationship between IOPC and Home Office. Both IOPC and Home Office have inadvertently been contributing to this unhelpful perception of general independence.
694. In its desire to prove it and the DG's independence the IOPC has tended to set itself apart from others. We discussed for example, how training investigators is affected by the desire to avoid working too closely with the police in **Chapter 5. Effectiveness of IOPC investigations** 74,543 people complained about the police in 2022/23, reporting a total of 134,952 allegations, which were logged. The IOPC and key stakeholders anticipate that the number of police complaints is likely to continue to increase over 2023/24, for reasons set out further below.
695. Over 2022/23, police forces finalised 71,805 allegations on complaint cases handled formally under Schedule 3 of the Police Reform Act 2002. 24% of the 71,805 allegations handled under Schedule 3 were investigated.
696. The vast majority (94%) of allegations logged in 2022/23 related to: delivery of duties and service (55%); police powers, policies and procedures (20%); individual behaviours (13%); handling of or damage to property/premises (3%); and discriminatory behaviour (3%).
697. **Around 1 in 5 of the overall police workforce (51,720) was subject to a complaint over 2022/23.** Just under 2 in 5 'logged' complaints were subsequently formally 'recorded' under Schedule 3 of the Police Reform Act 2002.

Chart 16: Nature of allegations that were investigated and finalised under Schedule 3 in 2022/23

(Source: Table 18, 2022/3 Police Complaints data)

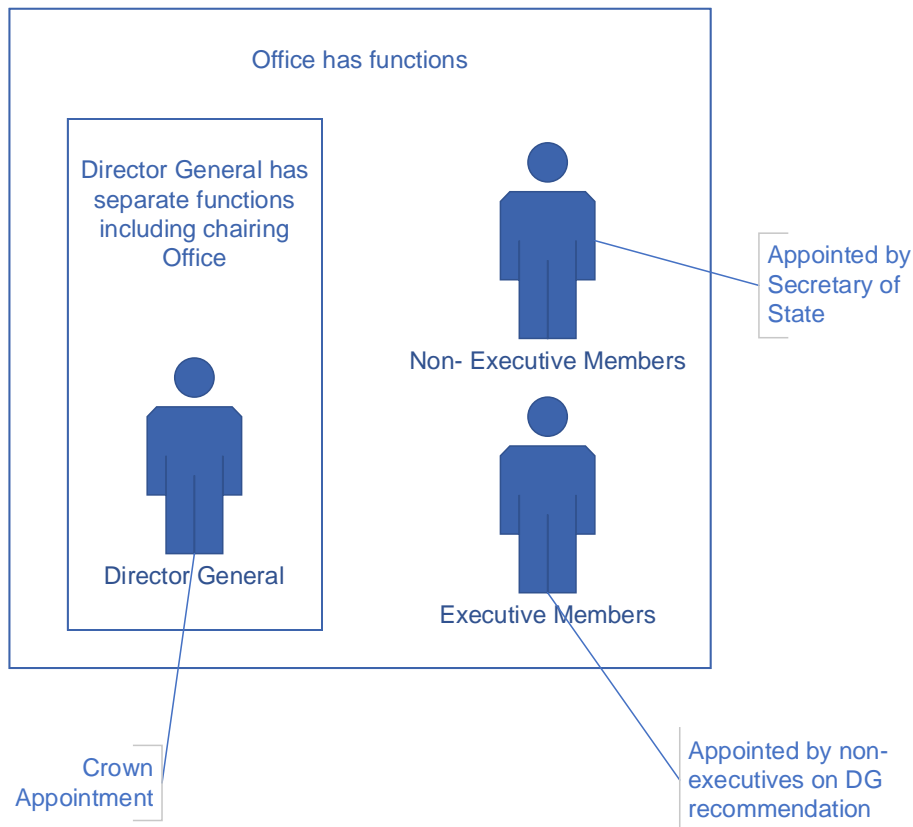


698.

699. We believe it important that there is a shared agreement of what the principles of independence and accountability are in respect to the IOPC. Independence and accountability are not mutually exclusive. Independence should not be a shield that prevents accountability and good governance.

Independence of the DG

700. The Police Reform Act 2002 constitutes the IOPC so that operational functions are vested in the DG who can delegate them, while the Office (the body corporate known as the Unitary Board comprised of the DG, Non-Executive members appointed by the Secretary of State and employee members appointed by the Non-Executives) has a more limited oversight function.



701. Appropriately, the DG has in place a scheme of delegation setting out how his functions are delegated through his staff group. However, it was reported to us and we witnessed the Office being prevented from scrutinising or holding to account the DG for his decision making.
702. One NED advised us that they believed that legislation prevented NEDs scrutinising cases in terms of quality. We do not believe this to be the case, indeed we believe the Office and DG are required to agree how the DG's functions will be monitored and reviewed by other members of the Office.
703. Prevention of scrutinising or holding the DG to account extended, not only to consideration of live cases, but also historic cases and the policies and approaches taken to decision making.
704. This avoidance of scrutiny came from a well-intentioned belief, expressed by both IOPC and Home Office colleagues we interviewed, in the criticality of independence, in this case the DG's independence, as a cornerstone of public confidence. There is a balance to be struck here. Public and police confidence in the IOPC's functions rest on being able to demonstrate that decisions are free from any form of untoward interference. It also rests on being able to demonstrate strong governance, which as noted above, is typified by no one person having unchallenged decision-making powers. The DG is presently left in the unenviable position of not having the benefit of scrutiny or collaboration which could strengthen the quality of their decision making and hence strengthen public and police confidence. The DG was described by one Home Office official, as very much like a one-man band. That was not a criticism of

the individual but is we believe a weakness inherent in the present arrangements and goes against the principle of *'no one individual having unchallenged decision-making powers'*.

705. The asserted position that the Office could not look at current or historic cases appeared to be accepted or tolerated by NEDs. Even within the current paradigm this could and should be challenged by the Office exercising its function *'to provide support and advice to the Director General in the carrying out of the Director General's functions'* and fulfilling its duty to monitor performance.'
706. We believe, and some interviewees commented that the introduction of a quality committee may lead to the Office paying increasing attention to the quality of decision making exercised by or on behalf of the DG.
707. **During stakeholder interviews, we heard the view expressed in respect to high profile cases the IOPC had dealt with that, while the DG asserted a view that the case had been dealt with correctly, the lack of internal challenge meant that it was difficult to be assured that this was in fact the case.**

Independence of the IOPC

708. The IOPC is accountable to Parliament and Home Office ministers for its performance; and its DG, together with the Home Office's Permanent Secretary, are accountable for its use of public money.
709. It is essential for the IOPC to fulfil the purpose for which it is established that:
- both IOPC and the Home Office can demonstrate that decisions such as those about policing have been made independently from political consideration, either direct or indirect, while at the same time;
 - Ministers can, directly or through their officials, hold the IOPC and the DG to account for their performance and consequently give account to Parliament.
710. We believe that the focus on independence is inhibiting the proper and appropriate holding to account. Such holding to account could lead to improved performance and strengthened public confidence, certainly as expressed by Parliament holding to account on the public's behalf.
711. Examples that we saw of this were firstly that in order to demonstrate IOPC independence, Home Office officials that we met with had a limited insight or oversight into the general approach taken to investigations, how quality of them is managed and how they are completed as quickly as possible. This lack of insight is mirrored by the Unitary Boards similar lack of insight internally of DG decision making, meaning Home Office is unable to take assurance from the IOPC Board for the conduct of investigations.

712. Secondly, it was apparent that the quality of dialogue between Home Office and IOPC could be further strengthened to facilitate greater resolution of needs. Whether that be an appreciation of the IOPC's estate needs or an appreciation of how the government's levelling up policies can be facilitated and the consequent impact of them. If it is the case that these are understood, then we would expect to see that understanding translating into timely action and resolution.
713. Speaking with a Home Office official charged with some responsibility for IOPC, they noted that IOPC is at a longer arm from government than other ALBs sponsored by the Home Office. We question whether the present distance from government is right (although it is a strength that Home Office adjusts its arrangements to reflect the nature of different bodies). The Home Office has not provided us with evidence suggesting a considered decision has been taken to keep the IOPC at greater distance than other ALBs. For example, we have not seen anything suggesting ministers or the Permanent Secretary have made such a decision. Whilst each Framework agreement between the HO and its ALBs will be unique to their circumstances, the current Framework (from 2018) does not set out such a considered, shared view, nor has it been reviewed recently to indicate such.
714. The current IOPC constitutional arrangement creates a distinction between the Office and the DG, creating unusually an executive Chair role with critical decision-making functions preserved only for that role. This is not consistent with the principle of good governance that '*no one individual has unchallenged decision-making powers*'²⁴⁶ and we believe the arrangements create a considerable impediment to the IOPC fully achieving its objectives despite the commitment and hard work of those operating within that constitution.
715. We note that HASC raised a similar concern in its [report](#):
- 'Concern that the IPPC's (sic) leadership structure led to confused and divided decision making also led the Government to streamline governance within the new IOPC, meaning that its DG is also Chair of its Board, and therefore without direct internal oversight of his actions and decisions, even if he remains accountable to his Board and to Parliament. While this suspension of normal checks and balances within a publicly funded body may have appeared to have a practical justification four years ago, we believe the time has come to review this arrangement and to consider adding an independent Chair to the Board, in line with common practice.'*
716. We believe that the detailed findings set out in the following pages of this chapter show why we believe current governance should now be changed and why we agree with the HASC recommendation regarding an independent Chair. It is important to note however that such an appointment is not sufficient in itself to address the issues outlined. This is covered in more detail below.

²⁴⁶ [Tailored Review Guidance on public bodies -May-2019.pdf \(publishing.service.gov.uk\)](#)

717. As currently constituted, the DG's role is a 'lonely place' without the benefit of a Chair to support and challenge. Where a Chair and DG role could work well is when the Chair and Board play a 'critical friend' role and can provide a place where the DG can test their thinking and have it challenged in a way in which the thinking is strengthened. The DG can then be confident to progress accordingly.

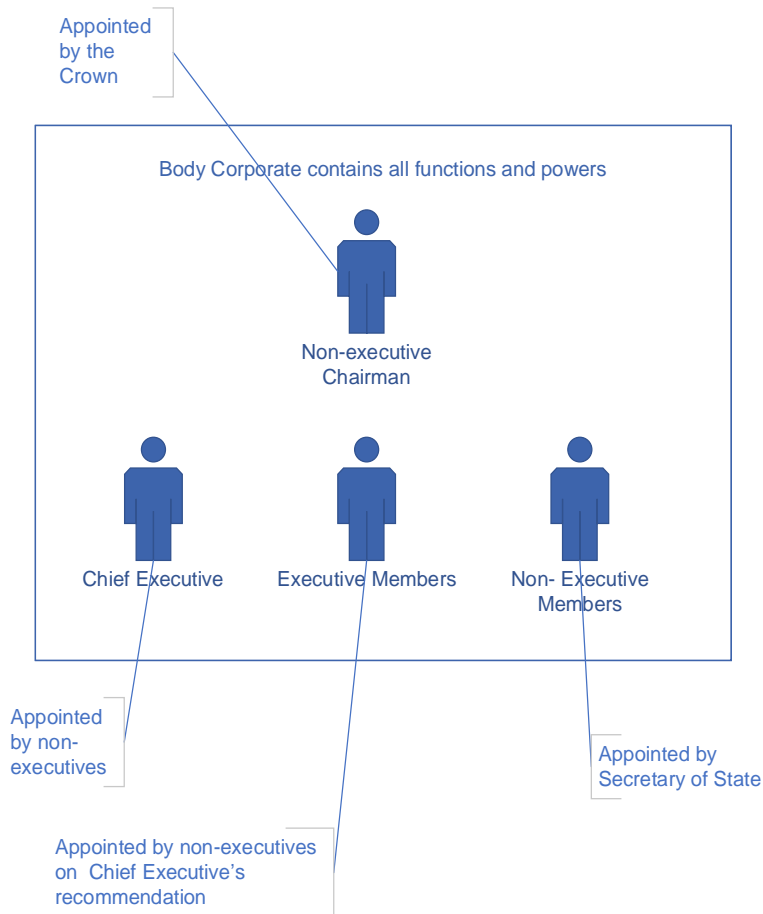
RECOMMENDATION:

The Home Office should change the IOPC's overall governance arrangements – through changes to legislation where necessary – so that:

- **all functions of the IOPC are vested in the body corporate (Unitary Board) not a single person;**
- **a Non-Executive should be appointed as a Crown Appointment to provide leadership and to Chair a Unitary Board;**
- **Non-Executive Directors, one of whom will be a senior independent director, are appointed by Ministers;**
- **the Senior Independent NED should have a defined role in line with best governance practice;**
- **the Non-Executives appoint a Director General/Chief Executive²⁴⁷ who, subject to the Principal Accounting Officer's decision will normally be the IOPC Accounting Officer; and**
- **the Non-Executives appoint directors on the Director General/Chief Executive's recommendation, provided there is a majority of Non-Executive members.**

718. This approach is illustrated in the diagram below.

²⁴⁷ We use the titles Chief Executive and DG interchangeably. Ministers may want to consider which is the most appropriate title.



719. We are conscious that the present constitutional arrangements were introduced in response to a previous commissioner model, where commissioners as public appointees were empowered to make decisions on individual cases. **For the avoidance of all doubt we are not proposing a return to that model:** considerable progress has been made on which we are seeking to build.
720. We are instead proposing a unitary Board comprising a majority of Non-Executive members (Chair and other NEDs) and executives (chief executive and other executive directors). Ministers will determine the number of Non-Executive members which will determine the maximum number of executive members given there must be a majority of Non-Executive members. This is a common, tried and tested model followed in many corporations and in other public sector bodies such as NHS Foundation Trusts.
721. In proposing this model, we envisage that the Board will set the overall framework for decision making and necessary governance but will delegate the chief executive/DG, who may delegate further, to make ultimate decisions about individual cases in accordance with that framework. **Individual Non-Executive members will have no input into individual case decisions** but will ensure good process is followed through the governance framework. We believe this model will maintain independence while strengthening accountability.

722. We suggest that the Chair's appointment is made subject to pre-appointment HASC scrutiny. As overall leader of the IOPC, the Chair plays a vital role in securing confidence in the police complaints system and a central role in ensuring good governance and accountability. As such, we consider this position meets the criteria – set out in [Cabinet Office guidance on pre-appointment scrutiny by House of Commons Select Committees](#) which suggests pre-appointment scrutiny is appropriate for:

'posts in organisations that have a major impact on public life or the lives of the public where it is vital for the reputation and credibility of that organisation that the post holder acts, and is seen to act, independently of Ministers and the Government.'

723. We also consider these posts are analogous in this respect to the following three posts in Home Office-sponsored public bodies that already attract pre-appointment scrutiny²⁴⁸:

- Independent Chief Inspector of Borders and Immigration;
- HM Chief Inspector of Constabulary and HM Chief Inspector of Fire and Rescue Services;
- Chair of the Gangmasters and Labour Abuse Authority.

RECOMMENDATION:

The Home Secretary and Chair of the Home Affairs Select Committee (HASC) should agree that, before a recommendation is made to the Crown, the appointment of an IOPC Chair is subject to pre-appointment scrutiny by the Committee.

724. We have heard the view that it would be possible to appoint a Chair without legislative changes however this misses the point and would not provide the desired strengthening of the IOPC. This is not about appointing someone to simply chair Board meetings but represents a fundamental change to the body corporate and to accountability and governance arrangements in the IOPC. Consequently, the Home Office will need to consider and progress the legislative changes required to enact this change.

725. In drafting the legislation, it will be necessary to decide the extent to which legislation compels the Board to delegate to the Chief Executive as opposed to leave it to the Board's judgment. We propose the legislation should facilitate adherence to the following principles:

- No one individual should have unchallenged decision-making powers.

²⁴⁸ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/771845/Cabinet-Office-Guidance-pre-appointment-scrutiny-of-public-appointments.pdf#:~:text=Pre-appointment%20scrutiny%20by%20select%20committees%20is%20an%20important,out%20in%20the%20Governance%20Code%20on%20Public%20Appointments. Annex D (pages 12-14)

- NEDs should not, as individuals, have any decision-making authority, other than in respect to how Board business is conducted at meetings they are chairing.
- The most senior executive responsible for operational decision-making (the DG under present arrangements) should not also lead the Board; leading the Board includes determining the membership for committees, setting agendas, chairing meetings and determining how Board business is conducted.
- The most senior executive responsible for operational decision-making must be supported and held to account by the Board for the propriety of those decisions.
- The most senior executive responsible for operational decision-making should be empowered by the Board to make or delegate all such decisions. The Board should avoid direct involvement in operational decisions.
- The Board should have full, unfettered access to IOPC information it considers it requires to secure assurance.
- Notwithstanding that Parliament holds IOPC's Accounting Officer to account for stewardship of resources, the Board should see itself as ultimately accountable to Ministers for IOPC's performance and Ministers should look to the Board, principally the person leading the Board, for reassurance on IOPC's performance.

726. We envisage that under this approach the Board will have a role in the following.

- Agreeing key policies applicable to operations.
- Assuring itself on the application of those policies and IOPC's performance and quality of decision making. That assurance should not extend to interfering with the most senior executive's empowerment to make or delegate all operational decisions.
- Being briefed in advance of significant media announcements to facilitate members' (most likely the Chair), ability to respond publicly following an announcement.

727. Some of the recommendations we make regarding governance in this chapter can be quickly actioned but others may take longer and will require legislation. The appointment of the next substantive DG is a critical appointment which the Home Office should pursue with pace. To implement the recommendation we have made regarding an independent Chair the role of the DG as set in legislation must change materially. Therefore, it is important that a new appointee to the role of DG must have the skill and objectives to deliver the changes recommended while continuing to satisfy the DG functions until they are reformed.

728. Recognising that legislation may take time to secure, we have carefully considered whether our proposed strengthening to governance could be achieved without recourse to legislation. We have concluded that any alternative is substantially weaker. Nevertheless, we recognise that the Home Office or IOPC may wish to put interim arrangements in place ahead of legislative change taking effect. While we do not propose an interim arrangement, we would draw attention to the principles we enumerated at paragraph 725; any interim arrangements should apply these principles as closely as possible.
729. In terms of implementation of future governance arrangements, it is critical that there is a clear understanding of how the principles of independence and accountability are operationalised. The relationship between the IOPC and Home Office is governed by a [Framework](#) agreed between both. This is an appropriate place for IOPC and Home Office together to agree how independence and accountability are operationalised.

RECOMMENDATION:

The Framework Document governing the relationship between the Home Office and IOPC should set out the broad principles of how the IOPC's independence in decision making is protected while ensuring the IOPC can be held to account by Home Office. The revised framework should:

- **acknowledge explicitly the need for independence in IOPC decision making while being accountable to Parliament for the way it functions and should set out in high level terms how both those needs are being met;**
 - **summarise the information that will be shared routinely and the mechanisms for sharing that information;**
 - **acknowledge an expectation that the Chair will routinely meet with Ministers and the Permanent Secretary to keep them informed of performance and strategic direction; and**
 - **establish a single meeting between DG / CEO, senior sponsor and relevant staff with the purpose of sharing and discussing shared risks, holding each other to account for respective responsibilities and discussing performance.**
730. In considering what information should be shared, Home Office and IOPC should consider how Home Office will assure itself of the quality of IOPC decision making and to what extent it will rely on the work of IOPC governance such as its board and committees.
731. The need for a shared understanding of independence and accountability goes beyond the IOPC and Home Office alone. Consequently, we believe this would benefit from an open debate as the agreement is drafted and we would

encourage both IOPC and Home Office to create such a debate with interested stakeholders to inform the content of the Framework document.

Board and Home Office governance

732. Having addressed the theme of independence and accountability, we turn to address detailed findings and recommendations. We make recommendations on the basis that a Chair is appointed in line with our recommendation above.
733. Accountability in more general terms is considered further in **Chapter 9**.
Accountability

Board conduct

734. All effective Boards should have a membership and composition that provides effective insight and foresight to deliver its strategy and business plans. Additionally, Board members should have a clear understanding of their respective responsibilities (including complying with the Cabinet Office's code of conduct for Board members of public bodies).
735. IOPC's Unitary Board comprises:
- the four most senior (executive) leaders: Acting DG and Chair, Acting Dep DG for Strategy and Corporate Services, Acting Director for Ops (North; position currently vacant) and Acting Director for Operations (South)
 - a 'Senior Independent Director'; and
 - five other NEDs including one vacancy following the June 2023 departure of one NED.
736. The IOPC is currently in a state of flux and it is evident that the current Board is carrying considerable acting and vacant positions. Board members commented that in recent years many matters were '*reserved solely to the DG*' which meant that not all members had as active a role as might be expected of a Unitary Board.
737. All members of the Unitary Board demonstrated a commitment to the IOPC's mission and to its values. The sudden departure of the previous DG has been a challenging test for IOPC and Home Office. All parties and in particular the Non-Executive Board members commented that gaps in current governance meant that handling the issues of this departure was complex and uncertain. An examination of the circumstances around the departure of the previous DG is not within the terms of reference of this Review but we have seen strong interim leadership exemplified following the departure. The Unitary Board has commissioned a separate review into these matters.

738. The current governance arrangements of a combined chair and chief executive mean that inevitably, the function of other members on the Board may be considered atypical, particularly in the role of holding executives to account.
739. All Non-Executive Members are public appointees appointed by the Home Secretary. The IOPC's current framework document establishes a Senior Independent Director (SID) role. This is modelled on the typical SID role²⁴⁹ but adapted to align with IOPC's unique arrangements. The role of the SID is not set out in statute.
740. The framework document sets out that communications between the Board and Home Secretary should normally be through the DG but that the SID is also directly responsible to the Home Secretary and must identify matters to be brought to the Home Secretary's attention by themselves or the DG. The current post holder does not have a job description other than what was described in the job advert and there is no evidence that the role is being conducted in line with the framework document. For example, there were no regular meetings between the SID and Ministers or senior HO officials prior to the departure of the previous DG. Most NEDs felt the role was not working optimally.
741. We are aware of individual NEDs reporting important matters to the Home Office via letters. This indicates to us that the normal channels of governance and communication are not effective and suggests that they do not feel they have sufficient 'voice' within formal meetings. To be clear, these are not whistleblowing matters of public interest disclosure nature which every individual must have the opportunity to appropriately disclose; they are matters that should fit into normal operational and governance channels.
742. In part, this may be a consequence of the constitutional arrangement to which we have recommended change but it is also a matter which would be worthy of consideration as part of future effectiveness reviews to ensure members are properly empowered.
743. The Cabinet Office's Code of Conduct for Board Members of Public Bodies (included within IOPC Standing Orders) requires that it should form part of individual members' terms of appointment. It is only applicable to NEDs (and therefore does not apply to the DG nor other executive directors). Home Office, in appointing NEDs, do not make explicit reference to the code, but they do include the seven principles of public life, which are the heart of the code.
744. All NEDs confirmed that they were aware of the code of conduct and believed that it was being followed.
745. One of the principles in this code of conduct is that public office holders have a duty to resolve any conflicts in a way that protects the public interest. We note that one of the IOPC NEDs is also the Chair of the Gangmasters and Labour

²⁴⁹ 2018-uk-corporate-governance-code-final.pdf (frc.org.uk)

Abuse Authority (GLAA). This has been clearly declared in the publicly available register of interests but given that the GLAA comes under the IOPC's remit and jurisdiction (to quote the framework document) we question whether a reasonable person would consider there to be the appearance of a conflict of interest and if so, whether this is appropriately resolved by declaration in the register of interests. Both IOPC and GLAA are Home Office sponsored bodies and so Home Office must form a judgement on this matter.

746. The point was made to us that it may not be a conflict because investigations are operational and so come outside a NED's role. We do not accept as a general statement; it provides further evidence of why the present functioning of the Unitary Board needs to be strengthened.

Board composition

Knowledge, skills and expertise

747. All Board members must have the knowledge, skills and expertise required to run a Board and govern effectively.
748. We have met with each member of the Unitary Board. We found all members to be engaged, committed to IOPC's mission and that they gave freely of their time to this Review and to help inform our thinking. All members without fail were clearly committed to improving the IOPC.
749. However, we noted that the Board has not recently completed a formal Board skills assessment – an assessment of the knowledge, skills and expertise they would want to have on the Board compared to the skills the current membership present. In the absence of such an assessment, there cannot be confidence that the Board is currently optimally composed.
750. We make the following observations for the Board to consider in developing its assessment and in particular, the abilities the Non-Executive members, including the Chair, will require to properly fulfil their roles.
- [Guidance](#) suggests that the IOPC should have a professional Finance Director or equivalent as a permanent Board member qualified in line with the requirements in Managing Public Money. Given the financial challenges that the IOPC faces, we fully endorse that guidance in its applicability to the IOPC. Such insight would strengthen the Board's ability for medium-term financial planning, oversight of its delivery and insight into strategic planning.
 - The skills and knowledge that legal training and experience bring would be very helpful contributions to equipping the Board to support and challenge the DG, especially regarding the conduct and conclusion of investigations. Some interviewees have suggested that the head of the organisation should have a legal background. While we are not persuaded that these skills are essential to lead the

organisation we believe that the IOPC would benefit from such skills and knowledge at Board level.

- The Board as a whole, and Non-Executive members in particular, must have a combination of inter-personal skills, tenacity and wisdom to both support and empower the DG in their decision making and leadership of the executive, and to hold them to account for the way they deliver.
- The Board will benefit from having members who are able, either because of experience or insight, to understand and articulate the likely views of key IOPC stakeholders. The IOPC must maintain confidence across the breadth of policing, those who have serious concern about police actions, the wider public and IOPC staff group. We do not propose this as simply finding 'representatives' from different stakeholders, rather to have those who will have good understanding of those stakeholders.
- We have observed that the present Board has little or no media experience and little oversight of communication governance.
- We believe that a robust understanding of how to lead investigations in general and in particular an overview of quality improvement will be useful to the Board in supporting and challenging the chief executive.
- The IOPC's strategic plans should drive the abilities required on the Board. In developing the assessment the Board should consider the implications of the strategic plan in terms of how the Board will oversee its achievement and develop future plans.

Balance and diversity

751. All bodies, and the IOPC will be no exception, make the strongest most effective decisions when they are informed by a diverse group of individuals able to bring different perspectives and insights to the consideration.
752. There is a level of diversity within the Unitary Board and we have been impressed by the work the Board has done to ensure that insights from for example the youth panel are able to shape its thinking.
753. That said, diversity and inclusion are areas on which no Board should be complacent. The IOPC and Home Office should continue to strive as they make appointments and thinks about IOPC stakeholders to ensure that IOPC's decisions are being informed by a diverse range of views, either because its membership is diverse, or because it is deliberately engaging with those who may bring a different perspective.

RECOMMENDATION:

The IOPC should conduct a formal Board skills assessment – and reflect on the current Board's experience, diversity of backgrounds and perspectives – to inform future Crown and Ministerial appointments to the IOPC (including DG/CEO, NEDs and potential Chair roles).

Board effectiveness

754. The IOPC has an extensive suite of governance documents covering most of what is expected that a body of IOPC's nature should have in place. We have observed that those documents are largely followed.
755. We have, though, observed that it is not always clear to those who require it – DG, NEDs etc. – where to turn to obtain IOPC governance advice, be that in relation to its internal governance or its external relationships and accountabilities. Neither is it clear who is thinking strategically about governance and how it can be developed to further IOPC's strategy.
756. When we asked different people 'who is responsible for advising the Board on governance matters, both internal and external governance', we were struck by the range of different answers provided.
757. While all concerned are working hard to make the present arrangements work, it is apparent that there is not a single view of how governance across the IOPC works and neither is there a single person below the DG accountable for leading it. Instead, there are several individuals, who while not coordinated provide some of this function in different ways to different people.
758. We note that a similar observation was made by GIAA in 2019 and can see that the agreed action to provide clarification in the standing orders was fulfilled. While this is positive, we believe it is possible and beneficial to go further to set out clear leadership, under the overall responsibilities of Chair and DG/chief executive.

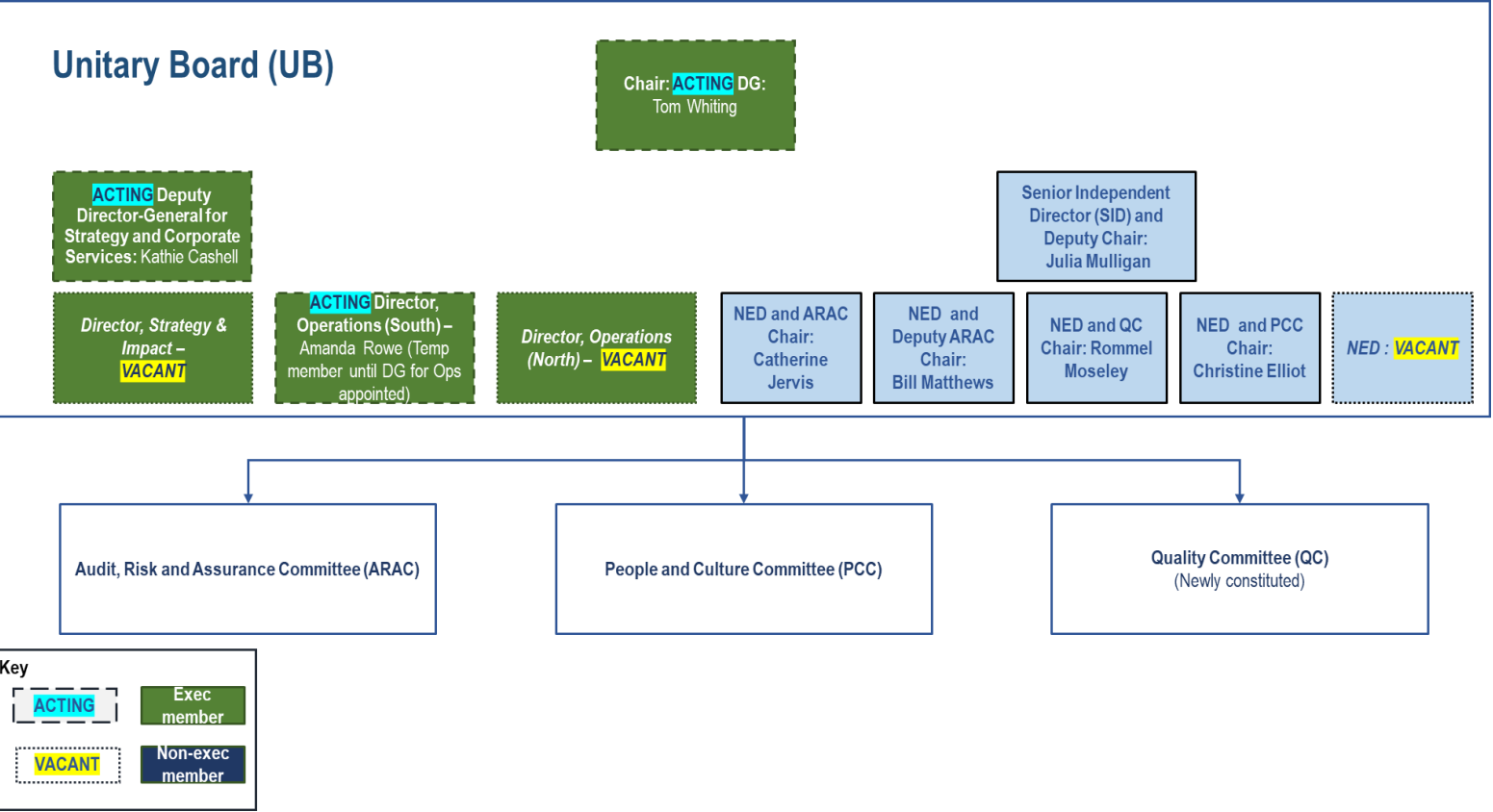
RECOMMENDATION:

The IOPC should strengthen its governance by appointing a suitably qualified Board Secretary with responsibilities to lead, advise on and support the functioning of corporate governance.

Board and committee structure and functioning

759. Accurate information presented in an agreed way is fundamental to Board and Committee operation. For the IOPC meetings we have observed, we have seen the preparation and issue in advance of the meeting an easy to navigate pack of papers presented as a single PDF document and papers generally adopting the approved template.

- 760. We did observe that papers being presented to the Unitary Board were transparently a paper previously drafted for a different audience. This is indicative that the roles of different meetings and audiences is not understood by the person bringing the paper or is an indication of not recognising the need to present information relevant to the Unitary Board.
- 761. Members of the relevant committees or Board have, at times, been critical of the content of papers. Providing this is addressed in a constructive manner, we regard constructive criticism as being a sign of healthy discussion.
- 762. We suggest that governance would be strengthened by being clear from the outset what is being sought. We say this because we have seen documents purporting to be a strategy which were far from our and the NEDs' expectations of what should form a strategy for Board consideration.
- 763. As set out below, the present Board and committee structure comprises a Unitary Board chaired by the DG, three committees chaired by NEDs: Audit and Risk Assurance Committee, People and Culture Committee and Quality Committee. The quality committee has only recently started meeting. Given that [IOPC reported to the Home Secretary in December 2019](#) that it was developing proposals for a new Quality Committee, we are concerned it did not begin meeting sooner.



764. Sitting beneath this Board structure is a management Board, also chaired by the DG and as would be normal in any organisation, other committees at a management level supporting the IOPC's operation and management. We have not focussed on the structure at management level although we have

commented about the proliferation of organisational sub-groups established to address individual issues.

765. No structure will be perfect for every circumstance and therefore it is entirely appropriate that less formal, ad-hoc arrangements should be put in place from time to time. However, the current proliferation of informal, ad-hoc arrangements may be an indication of deficiency in the overall Board committee structure.

766. We were concerned that there seemed to be doubt as to how senior remuneration and appointment to the Board was managed. The typical answer was that this was a responsibility of the People and Culture Committee (PCC) and indeed, the committee's terms of reference set such a responsibility:

'To consider and advise on the Director General's proposals regarding pay progression and bonus awards (if applicable) for each executive Director through:

o The consideration of the differentiation of pay awards and bonuses to ensure that the allocation of any pay awards and/or bonuses fit within the annual pay award for Directors as agreed with the Home Office and remain within the boundaries of Director's contractual terms;

o Monitoring the result for gaps and differences on grounds of gender, ethnicity, disability or working pattern, and recommending appropriate action.'

767. Reviewing previous PCC minutes and forward look however, we could find no evidence of the committee having considered this. This may explain why, despite a reasonably clear term of reference, there was doubt in people's mind how it worked in practice.

768. We think it particularly noteworthy that we were unable to find anything related to senior remuneration given that the Unitary Board had just made an appointment to the Interim DG appointment (it is apparently the Board that appoint to the interim position even though the permanent position is a crown appointment). It would be appropriate for the Unitary Board to satisfy itself that it has appropriately overseen this aspect of remuneration. Both the IOPC and HO think this is the others responsibility.

769. The [Cabinet Office requirements for reviews of public bodies](#) indicate that IOPC should have a Remuneration Committee (Remco) and a Nominations Committee. While it may be possible to argue that IOPC satisfy the requirement through its PCC, we do not consider that best practice because the other perfectly proper PCC concerns relating to IOPC's entire staffing arrangements create the risk that the focus on senior remuneration is lost, and indeed, the evidence is that this is happening.

770. We note that the PCC terms of reference quoted above set an expectation that the Home Office will determine the pay award for Directors. This is a novel arrangement and does not appear consistent with IOPC's founding legislation

which instead empowers the DG to determine terms and conditions of staff. The exercise of this function will need to be in accordance with the DG's (as Accounting Officer) delegation which will vary from time to time.

771. A Board cannot scrutinise and test every aspect of an organisation's operation and therefore a judgement must be made what it will focus on. It is normally a given that there will be an audit and risk assurance committee, remuneration committee and often a separate nominations committee. We note that the IOPC has not established committees addressing:

- Financial performance;
- Investment decisions;
- Strategic planning and performance;
- Change.

772. While positive that that the estate strategy was being scrutinised somewhere, it was incongruous to see that the role had fallen to the PCC. We take this as a further indication that the structure of committees could be improved.

773. Setting the strategic direction for an organisation, including decisions as to where its financial resources are to be allocated is typically one of the critical functions of a Board. Other than a very high-level description of revenue funding in the business plan and a proposed budget for 23/24 which merely set out the effect of pressures and opportunities on the expected outturn and funding, we did not see evidence of the Board determining where resources would be allocated. Indeed, the budget the Board was invited to approve exceeded the assumed available funding. The Board was not able to make choices about where funding could be allocated to realise strategic choices.

774. In part, we believe this is because the novel role of the DG appears to empower them to determine where resources are allocated and, as per the DG's scheme of delegation set the budget for the IOPC. This is an area which would benefit from scrutiny to ensure the budget optimises delivery of the Board's strategic direction.

RECOMMENDATION:

The IOPC's Board should review its committee structure to consider:

- **creating a remuneration committee to focus only on senior staff (staff reporting directly to the DG/CEO or who would be considered equivalent to a Senior Civil Service grade) remuneration and appraisal;**
- **creating a nominations committee to lead the process for appointments, ensure plans are in place for orderly succession to both the Board and senior management positions and oversee the development of a diverse pipeline of succession. The Board may consider the remuneration and nomination functions may be combined in a single committee.**

- **whether the Board would benefit from additional committees in assuring and scrutinising: performance; strategic planning; budget setting, investment decisions and financial investment; and change.**

775. We have hesitated proposing a committee structure, believing that the Board is better placed to determine this and the means to resourcing it. It is possible to limit the number of committees by combining functions *e.g.* A nominations and Remuneration Committee, a quality and performance committee, a finance and strategy committee. A change committee could be a temporary time limited committee formed during complex change programmes.

776. It is important to note that currently it is the DG who proposes which NED sits on which committee. This is inappropriate as it is akin to the DG deciding who 'marks his homework'. An independent Chair should determine committee membership.

Appraisal

777. All Board members should undergo robust appraisal on an annual basis.

778. Under the current framework document:

- The IOPC's DG should have their performance appraised annually by the DG of Public Safety Group;
- The SID should have their performance appraised by the Policing Director;
- Other NEDs should have their performance appraised by the SID.

779. We found that some of the appraisals had happened but not all and not to the quality that would be commensurate with empowering, developing, directing and holding senior roles to account. The choice of who appraises who seemed arbitrary and, in some cases, other relevant people who could usefully provide feedback were not asked. For example, we note that until this year NEDs were not routinely asked to comment on the DG's appraisal. The SID should continue to be asked by the Home Office to provide input into the Chair's appraisal and the SID should convene a meeting of all NEDs to inform that input.

780. We note that the appraisals of other Non-Executive members are not routinely disclosed to the Home Office. Given that they are public appointees we consider it appropriate that they are.

781. Appraisal of executives below the DG are expected to be conducted in accordance with IOPC's policies. We have already commented on the number of temporary appointments in these roles; this will make effective appraisal and development more challenging.

782. Cabinet Office has set out proposals in its [Arm's Length Body Sponsorship Code of Good Practice](#) for an annual letter to the Chair of ALBs from the responsible minister, setting out outputs or objectives for the ALB to deliver. This will be a helpful addition to aid the IOPC's strategic planning provided that the letter is issued sufficiently early to facilitate planning.

RECOMMENDATION:

The Home Office and IOPC should review how it sets objectives and conducts appraisals for all Board members.

Training and development opportunities for Board members and other senior leaders, including induction

783. IOPC advised us that they support all new starters including senior executives and NEDs through their internal induction processes. At a senior level this induction, they advise, would include introductions to the work of IOPC and introductory meetings with key stakeholders. Cabinet Office run a programme for new publicly appointed NEDs which IOPC advise they would encourage attendance at. However, IOPC also recognises and places reliance on the fact that NEDs are members of other Boards and bring significant experience with them, there is undoubtedly merit in this but it is not sufficient as a means of ensuring a suitably skilled Board.
784. It appears that the IOPC does not have a means of knowing that its induction of NEDs has been effective, and there is the possibility that it could be more effective than it currently is. With a new cohort of NEDs to join the IOPC, it is a good opportunity to strengthen the induction.

RECOMMENDATION:

The IOPC should ensure an induction is in place for all new NEDs.

785. Furthermore, in terms of building in opportunities for continuous improvement, we noted that neither the IOPC nor the Home Office has historically undertaken formal exit interviews with NEDs. Exit interviews are an opportunity to retain critical information and insight when NEDs leave their role. So, we welcome the IOPC's recent introduction of exit surveys and interviews (since June 2022).
786. During 2022, the Board commissioned Board development work from a third party and implemented the recommendations from this work. This included assessment of the Board's strengths and areas for development.
787. The Board has identified scope to increase NEDs' understanding of decision-making and quality assurance. We support that and furthermore support the IOPC's commitment to training, for example, the acknowledgment in ARAC terms of reference to ongoing training. This commitment would be further strengthened by demonstrating a grip on development through Unitary Board appraisals to inform a Board development plan, specifying what action the

Board will take to address gaps in its skills or understanding or changes to the operating environment.

RECOMMENDATION:

The IOPC should develop a Board Development Plan.

Holding to account

788. A fundamental role for Non-Executives is to hold executives to account.
789. To address the efficacy with which NEDs carry out their accountability functions, it is necessary to have a sense of what those functions are and who it is that they are holding to account. There has been no consensus from the wide range of interviews that we have conducted where accountabilities lie. The DG, for example is currently Chair of the Unitary Board, is a Crown appointment, appraised by Home Office officials. NEDs are appraised by the SID and the SID by different HO officials to the Chair.
790. The present structure militates against the NEDs' ability to carry out their accountability functions. This is not a comment on the incumbents to that post but a reflection of the inevitable dynamic of the structure. Chairing, appointing to committees, setting agendas etc. are all manifestations of how a holding to account is facilitated and these are curtailed under the present structure. That said we have seen evidence of NEDs holding IOPC executives to account and testing propositions put to the Board in a way that has added value.
791. NEDs in all organisations have a challenge in playing the role of a 'critical friend', to judge how to criticise in a way that builds an executive's ability to deliver their role and not to criticise in a way that breaks down and undermines an executive's ability to excel in their role.
792. Effective accountability requires effective scrutiny; and scrutiny requires appropriate information against which to scrutinise. We believe that the Non-Executives' efficacy could be strengthened further through changes to the type of information they receive. For example, at the Board we observed they received what purported to be a strategy, but was little more than a list, they did not receive any performance information to judge the organisation's operational performance and they were told an announcement was going to be made the next day about a high-profile investigation but the executive declined to provide any information about the substance of the announcement. It is very difficult to scrutinise and hold to account in such circumstances.
793. We believe the recommendations we have made about the IOPC constitution will fundamentally change the nature and therefore quality of the relationship. We must stress in making the observations that we have that we do not believe the Board is being misled, rather it does not benefit from a comprehensive quality of reporting that enables it to function properly.

794. We observed the Unitary Board and working between Board members at a time of unusual strain and therefore we acknowledge that this was not a typical period of observation. We do think the question of whether an appropriate balance of holding to account, assurance and development (strategy and Board) would be usefully explored as part of a future Board effectiveness review.

Underlying Board culture

795. We have already commented that having the DG chair the Board has a profound effect on behaviours. Overall, we found discussions in meetings to be well-conducted, and respectful. We have witnessed discussions and positioning outside of formal meeting which we took to be indicative of a concern in the quality of working relationships and which we believe will be aided by the recommendations we make throughout this chapter.

796. We have already commented on the good quality of governance documents and this follows through in the administration of meetings which we similarly found to be of a good quality.

797. We have observed the Unitary Board seeking to learn lessons and improve its performance. It worked with an external agency to carry out a self-evaluation and help the Board with development work. This led to the Unitary Board establishing two types of Board meeting – one focussed on business and the second a more discursive meeting, including inviting external stakeholders to participate.

798. The rigour and effectiveness with which this is done could be markedly strengthened by adopting the normal practice of the Board annually conducting a review of its effectiveness and ensuring that at least every three years, this is conducted externally. [Cabinet Office has published guidance on Board effectiveness reviews](#) which would help the IOPC gain most impact from the reviews.

799. While this Review will supplement the gap left by the absence of a formal effectiveness review, it should not be seen as a substitute for it. The Board would benefit from exploring further:

- The quality of reporting to it;
- The quality of its strategies and how it obtains assurance on their delivery;
- How it balances scrutiny, assurance, strategy delivery and championing activities; and
- How it oversees performance and the Chief Executive's decision making.

RECOMMENDATION:

The IOPC Board should conduct an annual review of its effectiveness ensuring that, at least once every three years, this is conducted externally.

Performance

800. We were not assured that the Board and Home Office oversight of performance was effective. We discuss this in **Chapter 7**. Wider effectiveness of the IOPC. However, from a governance perspective, the present arrangements could be strengthened. The IOPC should use a single unified report as recommended in **Chapter 7**. Wider effectiveness of the IOPC to understand performance. The recent intent to focus on oversight of quality is a positive step, but in our view this should be coupled with an understanding of performance shared appropriately with the Home Office following Board consideration.

Strategic planning, reports and accounts

801. Strategic planning should drive operational activity and transformation.
802. There is evidence that the Board has thought about issues from a strategic perspective, but we believe that this could be strengthened.
803. The IOPC's strategic plan for 2022-2027 was published in May 2023 (*i.e.* 10 months after its intended start date) having sat with Home Office for a protracted period. The Home Office has advised that these delays, in part, stem from changes to the ministerial team over this period. The IOPC's Annual Business Plan for 2022/23 was published in January 2023²⁵⁰, 9 months into the financial year. As of the time of drafting (December 2023), the IOPC had not yet published its Business Plan for 2023/24.
804. The framework document sets out the DG's responsibility to inform the Home Office of IOPC's plans and to seek Ministerial approval prior to laying. We discuss the merits of this requirement below. We have not felt it necessary to explore the causes of delay: it is unacceptable in strategic planning terms to tolerate this level of delay because it inhibits strategic planning truly driving operational activity and transformation. This is not the only example we have seen of key documents languishing in a similar way.
805. We consider the delay in finalising plans to be a significant issue in facilitating IOPC's strategic development. We were somewhat surprised when one of the Home Office officials responsible for governance, said that they were unclear where sign-off of the strategic plan had got to. We infer from this that Home Office's failure to agree a strategic plan almost a year into its intended life was not being given sufficient priority.

²⁵⁰ <https://www.policeconduct.gov.uk/publications/business-plan-202223>

806. Legislation is clear that the DG and the Office must jointly:
- '(a) prepare a strategy for the carrying out of their functions, and
 - (b) review the strategy (and revise it as appropriate) at least once every 12 months', which they must then publish.'²⁵¹
807. The framework document between IOPC and Home Office acknowledges the IOPC's obligation to produce the strategy but has inserted an expectation that once the Board has approved it, it should be submitted to the Home Office as soon as practicable for approval by the Permanent Secretary and Ministers. The implication is that only once this has happened can it be published by the IOPC and made available to stakeholders and staff.
808. In terms of the accounts, the Police Reform Act 2002 requires the Office to:
- '(b) prepare in respect of each financial year of the Office a statement of accounts in such form as the Secretary of State may direct; and
 - (c) send copies of the statement to the Secretary of State and the Comptroller and Auditor General before the end of August in the financial year of the Office following that to which the statement relates.'²⁵²
809. The Comptroller and Auditor General is required to 'examine, certify and report on every statement'²⁵³, and they are required to 'lay copies of every such statement, and of his report on it, before Parliament.'²⁵⁴
810. This is largely mirrored in the framework document other than in the framework document the accounts are coupled with an annual report the DG and Office are obliged to provide to the Secretary of State on the carrying out of their functions. The framework document describes this as an Annual Report and Accounts and, similarly to the strategy, inserts that it "will be submitted to the Home Office and HM Treasury for Ministerial approval" following which it can be certified by the Comptroller and Auditor General.
811. We suggest the arrangement created by the framework agreement is inappropriate and that Ministers should be consulted rather than required to approve these documents. These documents are statutorily required and are a key plank of the DG and the Unitary Board's accountability for the discharge of the relevant functions provided by Parliament. That is not to say that IOPC should not be collaborative, but ultimately the framework document needs to empower them to act within the legislative framework.
812. The subtle differences between the legislation and the framework document contribute to the lack of confidence that we have observed in dealing with these key documents and ultimately contributes to the unacceptable delay in

²⁵¹ Police Reform Act 2002, Part 2, s.10C: <https://www.legislation.gov.uk/ukpga/2002/30/section/10C>

²⁵² Police Reform Act 2002, Schedule 2, paragraph 17 (1) (b) and (c) <https://www.legislation.gov.uk/ukpga/2002/30/schedule/2>

²⁵³ Police Reform Act 2002, Schedule 2, paragraph 17 (2) (a) <https://www.legislation.gov.uk/ukpga/2002/30/schedule/2>

²⁵⁴ Police Reform Act 2002, Schedule 2, paragraph 17 (2) (b) <https://www.legislation.gov.uk/ukpga/2002/30/schedule/2>

their publication. Annual reports are, by their nature, retrospective. However, publication in April 2023 of the IOPC's Annual Report for 2021/22, for example, does not facilitate timely transparency and scrutiny of IOPC work that took place nearly two years prior to its publication.

RECOMMENDATION:

The Home Office and IOPC should prioritise a prompt review of the Framework document between them, to ensure that it empowers the IOPC to act within its legislative framework in respect to the publishing of strategies, business plans, annual reports and accounts. This should set clear expectations for how quickly the Home Office will review key IOPC documents to ensure it prioritises their far more timely publication, to facilitate scrutiny of its activities.

813. Beyond the strategy and business plan it was evident that strategic planning could be used more by the Board to shape the IOPC's development. An estate strategy was presented at Unitary Board and then scrutinised further at the People and Culture Committee (PCC), notwithstanding that it seemed a strange committee to address this we found the Non-Executive's challenge to be helpful in as much as it was evidently a draft strategy which could be developed further.
814. A committee member observed that it was difficult for PCC to do its job well when there was not a people strategy. We agree that it is difficult for the Board to drive operational activity where there is not a clearly understood strategy which the Board is content with and against which progress can be assured. We were advised that there was a people strategy, but this was not finalised and had been to PCC 3 or 4 times. Drawing on the evidence of the estates and PCC strategies, we infer IOPC is struggling to develop strategies which meet with Board approval. We believe the IOPC's work would be strengthened by undertaking development activity on strategy creation.
815. A NED commented to us that they were trying to help executive colleagues improve their strategic thinking by asking strategic questions. This appears an appropriate approach for a NED to take in helping an organisation to develop its thinking.

RECOMMENDATION:

The IOPC Board should decide which areas it would be helpful to have a clearer articulation of strategy to shape its direction. We suggest that obvious candidates are: people, estate, finance, IT and stakeholder management.

816. Effective Boards use all appropriate information sources, insight and analysis to develop strategy. They review strategy regularly and communicate widely.
817. We have commented many times that the IOPC operates in a complex arena and faces significant challenges in its operating environment. Some of those challenges are within its control, others it has some influence over and others it

will have relatively limited influence over and it must just find means of accommodating the challenges.

818. We have seen evidence of the Board working to consider the development of its strategy but all organisations are capable of improvement and we doubt that there are many which could truly say that the Board uses **all** appropriate information sources, insight and analysis to develop its strategy.
819. Overall, it appears, having reviewed the recently published overall strategy, that it is a thoughtful and well set out document. We would have preferred to see more in a strategic plan, particularly for an organisation in a challenging financial position, on the allocation of resources and how, 'the books will be balanced' over the period of the strategy. We note instead that the strategy explains that the annual business plans will provide information on how resources will be used to deliver the plan.
820. IOPC adopts an approach to strategic planning followed by many organisations of setting a strategic plan for a period and only reviewing that plan toward the end of that period. IOPC's previous strategic plan was for the period 2018-22 and the recently published plan is for the period 2022-27.
821. The weakness with this model is that toward the end of the period of the strategic plan, strategic decisions are being made on increasingly short time horizons. The alternative, and one which we would recommend given IOPC's operating environment, is to annually refresh the five year (or whatever time period the Board considers appropriate) strategic plan, with the first year of that containing the detail forming the business plan. Following such an emergent strategic planning approach will enable the IOPC to always have a longer-term view which is adaptive to the circumstances pertaining at the time.

RECOMMENDATION:

The IOPC Board should adopt an emergent strategic planning approach, agreeing a refreshed and costed strategic and business plan on an annual basis.

822. IOPC's approach to strategic planning would be further strengthened by developing a clearer and more deliberate approach to addressing:
- hindsight – what patterns can be drawn from the past that are relevant now;
 - insight – analysing all available and relevant information to inform the plan; and
 - foresight – forming an informed perspective of the likely future to plan for and alternative scenarios that may develop.
823. Such an approach could help the IOPC approve plans such as the MTFP which make assumptions that are unlikely to crystallise. Finance is considered in detail in **Chapter 8. Governance** and **Chapter 9. Accountability**.

Governance risk management and internal controls

824. [Managing Public Money \(MPM\)](#) requires that bodies such as the IOPC have a framework document in place which it describes in the following terms:
- *‘Framework documents constitute a core constitutional document of the arm’s-length body and it is imperative that accounting officers, Board members and senior officials are familiar with them, ensure they are kept up to date and use them as guide to govern the collaborative relationship between the arm’s-length body, the sponsor department and the rest of government’*
825. MPM requires that the framework document is reviewed and updated at least every three years. While Home Office and IOPC has an agreed framework, it has not been reviewed since it was agreed in January 2018.
826. At various points in this Review, it has been clear that even those in the IOPC and Home Office who should have a strong grasp of the detail of this document did not have such understanding and it has not been treated as intended as “a core constitutional document”. For example, there was lack of understanding on the input the Home Office and its Ministers should have in the development or sign-off of key IOPC documents. The fact that the Framework document has not been revisited since 2018 has contributed to this lack of understanding. For example, as discussed on page 201, the IOPC was unable to publish its ‘new’ [Strategy for 2022-2027](#) on time because Home Office ministers had yet to sign it off - despite legislation not obliging that. In the meantime, the IOPC was working to this new strategy for over a year, on the assumption it would be agreed.
827. The IOPC and Home Office advise that they intend to review their 2018 Framework following this Review, most likely in the beginning of 2024, nearly six years since it was last reviewed. The Home Office told us the review of its Framework with the IOPC would have been earlier, had it not been awaiting CO guidance on these Frameworks and had the start of this Review not been delayed from its original announcement in June 2021²⁵⁵. The planned review of this framework is welcome, but in future this really must be revisited more frequently and at least every three years.
828. The IOPC has an appropriately constituted and resourced audit and risk assurance committee. Its terms of reference explain that its purpose include to advise the Unitary Board and the Accounting Officer on “the strategic processes for risk, control and governance”. There is nothing we have seen which suggest that arrangements for risk management and internal control are not materially effective. We have already commented on how roles in respect to governance could be further strengthened.

²⁵⁵ [Statement to the House of Commons from the Home Secretary](#) Rt. Hon. Priti Patel MP: “I am therefore announcing today that I am bringing forward the next periodic review of the IOPC to start this summer. This will include an assessment of the IOPC’s effectiveness and efficiency.”

829. It is evident that there is not a structured means of assurances gained (or not) through this means being fed back into Home Office's assurance structures.
830. Our assessment is that although risks are discussed at senior sponsorship meetings, the Home Office does not actively work with the IOPC on its risks; it doesn't share its risk appetite, substantively, so it cannot have assurance that the IOPC is achieving the right balance, commensurate with Home Office risk appetite. Home Office and IOPC hold a quarterly senior sponsorship meeting and we would expect that this is a key means of ensuring there is a shared understanding of strategic risk – both IOPC and Home Office's strategic risks and how each can help contribute to the mitigation of those risks.

RECOMMENDATION:

The Home Office should consider its assurance needs in respect of the IOPC, how they are met and how they are reported to the Senior Sponsor and Principal Accounting Officer.

Decision making

831. We have been asked to consider if decision-making processes in the IOPC are effective and efficient. We focus our thinking here on decision making at the current Unitary Board level rather than decision-making throughout the depth of the IOPC.
832. The IOPC's scheme of delegation clearly sets out where responsibility for decision making lies. In terms of the conduct of Board meetings, papers provide a clear recommendation although often that is limited to recommending Board consider a report rather than a recommendation to make a decision of substance. That is in part a function of the present structure meaning that the Unitary Board's role is more limited than that we recommend for a Board.
833. Board minutes clearly record the decisions and actions arising from Board and its committees. The Board meeting that we observed merely received a log of matters arising, creating the possibility that some previous actions may not be followed through to the Board's satisfaction. We note that the latest Board meeting received an action log containing all actions that remained unresolved, this is better practice.
834. We have already set out our concerns about the Board not determining where resources would be allocated and we believe this is an area of decision making that could be strengthened.
835. We also observe that the execution of decisions made by the Board can be protracted. For example, the Board determined in July 2022 to establish a quality committee but its inaugural meeting was not until nearly a year later (June 2023). One of the reasons for this was cited as the previous DG was not on board with the decision. Whether this is correct, it still illustrates an area of

governance that can be strengthened because the DG should be incapable of playing a role in respect to how he or she is held to account.

836. Overall, we felt that there was considerable scope to sharpen decision making at Board level.

Board engagement with staff and stakeholders

837. There is evidence of executive members of the Board engaging constructively with stakeholders including staff. The DG routinely reports to the Board on external engagements.

838. The IOPC is developing a stakeholder engagement strategy and actively tracks public perceptions of the IOPC which informs the IOPC's strategic development. It has a youth panel which demonstrates an effective engagement with this demographic and which the Board put considerable effort into strengthening. The Board might consider that this is an effective means of engagement and could question why it is so heavily focussed on this demographic and whether it should focus a greater effort into engagement with other critical demographics.

839. There is little evidence of NEDs engaging effectively either with staff or other external stakeholders and the Board might consider that it is missing an opportunity to capitalise on the experience, contacts and reach that NEDs could bring to strengthening engagement with external stakeholders. Stakeholders commented that Board members had no visibility and that this was disappointing.

840. The evidence from the staff survey 2022 is that engagement with staff is an area that could be strengthened. From what overall was a positive picture of staff engagement with an index score of 67%, we note that:

- only 30% responded positively to "I believe the actions of Non-Executive Directors / Unitary Board are consistent with the IOPC's values"
- only 29% responded positively to "Overall, I have confidence in the decisions made by Non-Executive Directors / Unitary Board"
- only 14% responded positively to "I believe Non-Executive Directors / Unitary Board are sufficiently visible".

841. In a large organisation building staff confidence in the Board level of governance is challenging, but these perceptions strike us as indicative of a need to strengthen that. In part, we perceive that because of the IOPC's novel structure the Board is uncertain what its relationship with IOPC staff should be. We note that while not high, in the same survey respondents respond more positively to the management Board.

842. Staff interviewed across IOPC's regions for this Review report good visibility of the Acting DG and his predecessor. This suggests to us that the staff survey responses to Unitary Board visibility are likely to be a comment on NEDs' visibility.
843. This matters because if IOPC's staff lack confidence in the Board's decisions, for example the strategic and business plans or efficiency savings, they will become even more difficult to implement.
844. There are a variety of approaches available to improve the link between Board and staff: attending staff events, blogs after Board meetings, inviting staff groups to present to the Board etc. We do not presume to suggest to the Board which approaches will be optimal for the IOPC but we do feel this is an area which will benefit from consideration.

RECOMMENDATION:

The IOPC Board should strengthen its engagement with critical stakeholder groups and consider how NEDs may contribute to that engagement.

Chapter 9. Accountability

845. Without challenge to the principle discussed in **Chapter 6**. Overarching considerations for reviews, referrals and investigations and **Chapter 8**. Governance that the IOPC is operationally independent from the police, government and complainants, we have considered mechanisms to hold the IOPC to account. This includes transparency and the broader relationship with the Home Office. We have already made recommendations regarding independence and accountability at Home Office and Board level in **Chapter 8** and addressed accountability for decision making in investigations in **Chapter 6**. Overarching considerations for reviews, referrals and investigations. We explore financial accountability in more detail in **Chapter 10**. Funding, spending and financial future. In this chapter we now consider wider aspects of accountability.
846. We have commented before that the IOPC operates in a crowded stakeholder landscape and that it has become evident during the review that many stakeholders are not clear about the parameters under which the IOPC operates; this inevitably has affected how accountability operates.
847. The IOPC has accountabilities, formal or informal, to Parliament, its sponsor the Home Office, the public, complainants and victims, and to its wider stakeholders. It also has accountabilities to the police and those against whom a complaint has been made. We address communications and engagement with the latter, the impact of delays on them and their welfare at length earlier in the report. We now turn to accountabilities to the other groups outlined above.

Parliament

848. As Accounting Officer for the IOPC the DG is the person who Parliament can call to account for stewardship of its resources²⁵⁶. As such, they are liable to appear before the Public Accounts Committee (PAC) to give evidence on the discharge of their responsibilities. In addition, the IOPC must provide an Annual Report and Accounts (ARA) which Ministers are required to lay before Parliament. We have found that the Annual Report and Accounts fulfil their basic function but there are improvements that could be made, as set out below. We have already discussed in **Chapter 8**. Governance areas where the treatment of the ARA could be strengthened: late laying and the framework agreement imposing a role for Ministers to approve. These have a critical impact on IOPC's accountability to Parliament.

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1174979/Managing_Public_Money - May 2023 .pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1174979/Managing_Public_Money_-_May_2023_.pdf) paragraph 3.1.2

849. The latest ARA provides a summary of performance during 2021/22²⁵⁷, the operational performance measures published focus on timeliness and give a general sense of the time taken for IOPC investigations and decision making. However, there are no published indicators that measure quality. We understand IOPC is developing some which is to be encouraged.
850. The ARA does not present an adequate sense of increasing demand, the risks this presents and how the IOPC is responding. It also does not provide sufficient narrative about realisation of financial efficiencies – that is progress made from efficiency measures implemented in previous years.
851. In effect, the report could provide more information of how the IOPC is responding to its main challenges.
852. We note that IOPC also publishes an annual [Impact Report](#) which presents an analysis of the IOPC's work against its priorities. We make no criticism of the report but are unclear of its intended audience compared to the ARA; we believe the IOPC should consider bringing the reports together because this could both reduce the effort and improve the quality of reporting.

RECOMMENDATION:

The IOPC should more clearly articulate, in its Annual Report and Accounts, the main challenges or risks the IOPC faces and the actions it is taking to address them.

853. The Home Affairs Select Committee (HASC) has taken evidence on IOPC matters on several occasions. Its thoughtful and insightful reports are an example of Parliamentary accountability being exercised effectively.

The Home Office

854. We have discussed independence and accountability at some length in **Chapter 8. Governance**. We do not repeat that discussion here other than to recognise that it is vital that relationships between the IOPC and the Home Office at all levels (ministers, senior policy sponsor and Sponsorship Unit) strike the right balance between accountability, scrutiny and independence and that the Department can intervene or work with the IOPC to effect or support change, whilst also respecting the IOPC's independence.
855. It remains important that ministers are informed and engaged; both Home Office and IOPC have a role in facilitating that.
856. The IOPC has developed constructive relationships with both the Policy team and the HOSU although the former is more mature. Regular meetings take place between IOPC officials and both teams. In addition, there are regular

²⁵⁷ As of 8 December 2023, the IOPC's Annual Report and Accounts for 2022/23 are yet to be finalised and submitted to Parliament.

senior sponsorship meetings. Notably however, Home Office sponsorship and policy officials do not attend IOPC Board meetings, nor do they receive papers. A Home Office representative does attend the Audit and Risk Committee, but we suggest senior representation could strengthen further this accountability.

857. It was not evident that there was a formalised route for insights gained by Home Office officials at IOPC's ARAC to flow through Home Office systems to inform Home Office's level of assurance, ultimately informing its ARA. We address this with some caution. An IOPC ARAC shining a light on control weaknesses and management addressing them could be an indication of strong governance, but Home Office officials could easily report the instances as concerns. The Home Office official attending the meeting will require appropriate skill and experience. Insights can be nuanced and sophisticated and to serve the Home Office well, officials must do more than merely amplify matters being addressed in the IOPC.
858. We were surprised when some Home Office Officials described lines of accountability between Home Office and IOPC as more informal than formal. On the other hand, other officials confirmed that they were clear how accountability arrangements operated within the Home Office and described positive internal working relationships. We took from this that the present arrangements could be strengthened and agree that a greater degree of formality, in addition to the natural flow of informal contact, would further strengthen the accountability arrangements.

RECOMMENDATION:

The IOPC should invite the Home Office to observe its Board and committee meetings – including the Audit and Risk Assurance Committee and new Quality Committee – at appropriate seniority, recognising that there will be some matters which should be considered in a closed session. The Home Office should make full use of insights gained through these observations.

859. We note that Non-Executive Board members were not aware of the HO sponsorship maturity exercise but would have wished to make comments. This was a missed opportunity to enhance accountability.
860. Both the IOPC and Home Office officials commented that Senior sponsorship meetings were working reasonably well. Implementation of changes arising from this report will require robust oversight. Consequently, Home Office and IOPC should ensure sponsorship meetings are as helpful as possible.
861. Overall while the relationship between the Home Office and the IOPC is developing, we assess there is much room for improvement and this must be addressed as a priority.

The public

862. Clearly, Parliament plays a critical accountability function on behalf of the public. In this section, we look at accountability as exercised directly with the public. For this accountability to be effective, good quality information needs to be communicated in a way that is accessible for the intended audience. This is challenging because the IOPC's functions sit within a complex framework²⁵⁸. This places a responsibility on the IOPC to clearly explain how they function and facilitate public scrutiny of them.

863. A key question for this Review is to assess if the IOPC is adequately transparent about how it measures and acts to improve its operational performance, including through clear and appropriate performance metrics.

864. We are grateful to complainants, victims and those who represent them who spoke with us. An insightful comment made to us when discussing accountability was:

'Without transparency, there is distrust. With distrust, there is no confidence and without confidence, there will be unrest.'

865. This perfectly summarises our view that transparency is a key feature of accountability and, in the case of the IOPC, plays an essential role in confidence in the police complaints system.

866. An [assessment of the IOPC's Customer Service](#) in June 2023 concluded:

'A focus of the IOPC is [sic] awareness of the purpose and range of services available, as well as ensuring that the information provided to service users is accessible and understandable, current, accurate and complete. As a result, work continues across the IOPC to improve the range, content, and quality of verbal, published and web-based information'.

867. However, in conducting this Review we have noted that documents are not always clear and understandable and that information can be difficult to obtain or interpret. Negative comments from stakeholders about how the IOPC explains its work were frequent, with a prevailing view that the IOPC can overcomplicate information, which does nothing to manage public expectations.

868. We note that a new Head of Communications has recently been appointed who enthusiastically described to us his plans to improve communications and transparency. A presentation outlining plans for a communication strategy was also given to the Unitary Board we observed. We did however note that Board members, in particular Non-Executive Directors, had little or no media

²⁵⁸Principally, this is the [Police Reform Act 2002](https://www.legislation.gov.uk/ukpga/2002/30/contents/2004-02-27) (<https://www.legislation.gov.uk/ukpga/2002/30/contents/2004-02-27>); [Police \(Conduct\) Regulations 2020](https://www.legislation.gov.uk/uksi/2020/4/contents/made) (<https://www.legislation.gov.uk/uksi/2020/4/contents/made>) and [Police \(Complaints and Misconduct\) Regulations 2020](https://www.legislation.gov.uk/uksi/2020/2/contents) (<https://www.legislation.gov.uk/uksi/2020/2/contents>).

experience and little oversight of communication governance. The communications function has thirty staff and covers media, digital communications, social media, corporate communications and design and print. While IOPC's communication requirements are significant, this is a significant resource with which to tackle communication issues.

869. IOPC has now finalised and published this [communications and engagement strategy](#). This is to be welcomed and it naturally goes beyond accountability to the public. IOPC's focus now needs to be in implementing the strategy.

RECOMMENDATION:

The IOPC should introduce a media dashboard, presented to the Board on a regular basis, to help Board members understand and monitor communications and engagement.

870. Our terms of reference include consideration of whether the IOPC can go further to improve its communications to secure public confidence through better provision of information and better communication of its decisions and investigations. We therefore set out below some detailed suggestions.

The IOPC website

871. The IOPC deserves credit for several commendable website features that promote access to its work and aid accessibility and the user testing measures it takes. For example, its website:

- has a [small 'easy read' portal](#) and [easier to understand guide to making a police complaint](#) - developed in conjunction with *KeyRing* (a charity that works with those with learning disabilities, mental health issues, people who experience homelessness, older people and others);
- includes [a guide to police complaints specifically targeted at young people](#), developed in response to feedback from its Youth Panel, complete with [one-page poster](#) (even if both are not especially easy to find on its website);
- is available in [Welsh](#);
- provides an [online form](#) members of the public can use to complain about the police; and
- explains how those with [hearing or speech difficulties](#) can speak to the IOPC over the phone using Text Relay.

872. Moreover, an update to its website in July 2023 is far clearer, easier to navigate, has short videos of staff explaining what the IOPC does and is a significant improvement on the IOPC's previous website, which, by its own admission, was not fit for purpose.

873. The IOPC advises of its new format that it conducted successful public user testing²⁵⁹. However, despite spending many hours using its new website, we still find it hard to find crucial information (such as how to challenge the IOPC) and reports²⁶⁰.
874. We consider the IOPC still needs to do a lot more to better explain, in an understandable way: its role in assessing referrals and how it decides which cases to investigate independently; how it conducts independent investigations; and how it links to misconduct and criminal proceedings.
875. The IOPC may wish to consider a suggestion we heard from some complainants that it would be helpful if the IOPC developed a service where people could sign up for alerts when the IOPC publishes news, recommendations or documents containing keywords.

RECOMMENDATION:

The IOPC should work with statutory stakeholders and complainants to improve its website to make it easier to navigate and find relevant information; improve engagement; make it more dynamic and intuitive; and provide clear explanations for how it decides which cases to investigate and the extent of its role in the police complaints and disciplinary system.

Use of wider online media

876. In addition to its website, the IOPC also uses the following platforms:
- YouTube;
 - X (formerly Twitter);
 - Threads (new rival app to 'X', owned by Meta, the owners of Facebook and Instagram, which the IOPC intends to use); and,
 - Instagram.
877. It is to IOPC's credit that it is seeking to communicate through whatever means are available. The IOPC should continue to develop the use of these and consider whether any other existing channels (e.g. TikTok, Facebook) or new channels might support this goal. They are likely to provide access to different demographics such as young people and minority groups. The IOPC may wish to draw upon examples of good practice of how public bodies and the charity sector communicate services with the public. For example, it could consider greater provision on YouTube, taking part in podcasts or hosting online seminars (webinars) on the police complaints process or how to complain about the police

²⁵⁹ Members of the public were given 12 tasks to complete and were able to do so in 91% of cases.

²⁶⁰ For example, one cannot find investigation reports even on high profile cases by searching on its publication library. A [search for the investigation report into the fatal shooting of Chris Kaba](#) returns no results:

RECOMMENDATION:

The IOPC should broaden and strengthen its communication with the public, beyond provision of text or spreadsheets of statistics on its website.

Understanding of statistics on police complaints and misconduct proceedings

878. In its oversight function, the IOPC collects data from all police forces in England and Wales about the volume and types of complaints they are receiving, including how long forces take to deal with complaints and their outcomes and any relevant trends. It also includes the number and percentage of complaints where the outcome was found, on review, not to have been reasonable or proportionate. Publication of [police complaints statistics](#), affording comparison between police forces is fundamental to meeting basic requirements for transparency of the police complaints system.
879. The IOPC publishes an [annual report of police complaints statistics on its website, most recently for 2022/23](#). This annual report assesses what complaints were about and publishes key information about each police forces' performance in handling complaints. The datasets within it could be used to highlight significant differences in the outcomes of police complaints about different police forces. For example, where, from complainants' perspective, Greater Manchester Police dismissed complaints made against them without an investigation in 2021/22 and complainants challenged this²⁶¹, the IOPC found this was not reasonable in 75% of cases, twice the national average (37%) across England and Wales²⁶².
880. As such, these statistics have the potential to shine a light on significant differences in police forces' handling of complaints and prompt further media and public scrutiny as to why this may be. However, whilst this report contains lots of data, we do not find it is likely to be easily intelligible to the public without a pre-existing understanding of the police complaints system or the legislation underpinning it. We consider that the IOPC could perform its oversight function more effectively and facilitate greater transparency and scrutiny, by ensuring its data releases and annual reports like this one are far more usable for the public, with data tables and statistical publications accompanied by executive summaries in plain English, and dynamic data charts that are easy-to-use, navigable and facilitate insightful comparisons between police forces' performance.
881. While the IOPC publishes lots of data online, it is too often published in static PDF or spreadsheet form, without adequate explanation, or it cannot easily be

²⁶¹ By asking the IOPC to review whether their complaint had been handled in a reasonable and proportionate way

²⁶²

https://www.policeconduct.gov.uk/sites/default/files/documents/Police_complaints_Statistics_for_England_and_Wales_2021-22.pdf. Page 38, Table 27: Outcome of reviews completed by the IOPC in 2021/22. IOPC reviews – (of complaints not investigated by police forces), outcome not reasonable and proportionate.

analysed. We believe that the IOPC's provision of information to the public is not as good as it could be and compares unfavourably against other public sector counterparts in facilitating transparency and public scrutiny of important data and performance. As it continues to improve, the IOPC could helpfully consider far stronger provision from others in the public sector. For example:

- The Greater London Assembly's award-winning [London Datastore](#) is a free and open data sharing portal which hosts interactive, dynamic dashboards which include the London Mayor's Police and Crime Outcomes (under community safety). One of the guiding observations behind its development is particularly instructive: *'Releasing data is just half the battle. Raw data often doesn't tell you anything until it has been presented in a meaningful way and most people don't have the tools to do this.'*
- The [Government's Dashboard for Covid-19 Data](#) which was developed and refined during the pandemic to improve access and ease of public understanding, resulting in a doubling of trust in UK government covid statistics over just 5 months.²⁶³
- The *Office for National Statistics'* online presence is better designed around its customers, with a clear landing webpage and insightful yet accessible analysis on areas such as the latest inflation figures.²⁶⁴

RECOMMENDATION:

The IOPC should ensure all IOPC publications and statistical bulletins are easily understood by the public and facilitate greater scrutiny of local forces' data. For example, this could include executive summaries (and press releases) published online in plain English, with clear analytical insight into statistically relevant differences in forces' handling of police complaints.

RECOMMENDATION:

The IOPC should make the statistics it publishes (including those on police complaints) dynamic and far more accessible to the public, to facilitate greater transparency and public scrutiny of police forces and IOPC performance in the police complaints system, for example, through a software Dashboard with data updated frequently, refining it iteratively, based on proactively sought feedback.

882. Perhaps confusingly for the public, there is no one place to look for information about the real-world outcomes following police complaints, misconduct proceedings or independent investigations. For example, in addition to the IOPC's police complaints statistics, the Home Office also publishes [police misconduct statistics](#) on the number of police complaints and recordable

²⁶³ <https://ukhsa.blog.gov.uk/2020/09/04/the-covid-19-dashboard-bringing-together-data-and-statistics-in-one-place> (Sep 2020)

²⁶⁴ <https://www.ons.gov.uk/> and <https://www.ons.gov.uk/economy/inflationandpriceindices/bulletins/consumerpriceinflation/latest>

conduct matters across the 43 territorial police forces in England and Wales²⁶⁵. We are sure that there are organisational reasons for this separation, but this is not a user-centric perspective.

RECOMMENDATION:

The IOPC and Home Office should make their statistics about police misconduct proceedings and related criminal proceedings more easily accessible, irrespective of which organisation is publishing the information.

Understanding of statistics on deaths or serious injury following police contact

883. The IOPC produces an [annual report and statistics on deaths during or following police contact](#). This report is in plain English and understandable to the public without detailed knowledge of the police complaints system or legislative framework. A PowerPoint [narrative](#) published alongside the detailed dataset provides qualitative insights into trends and summaries of relevant cases and it was also accompanied by a [press release](#), and [comments on the report from the Acting DG](#). This could serve as a model to be applied to the annual report on Police Complaints Statistics.

Publication of IOPC's investigation reports

884. At the end of each IOPC investigation, a report is produced that sets out what happened, how it was investigated, what evidence investigators found, investigators' analysis of the evidence and decisions about whether police officers and staff have a case to answer for potential misconduct.

885. At the end of each investigation, DMs in each case follow the [IOPC's publication strategy](#) (which has not been changed since the IOPC was established in Jan 2018). This policy places a presumption against publication of full investigation reports to protect the privacy of individuals concerned, unless the DM decides otherwise, after considering a range of factors. For example:

- *'Is there a particular need to demonstrate the full detail and context of the investigation rather than just its outcome, in order to maintain and increase public confidence in the police complaints system and/or work of the IOPC?'*
- *'Is there substantial public or media interest in the case, demonstrated for example through high volume of coverage over a sustained period,*

²⁶⁵ This Home Office dataset covers complaints and conduct matters that come under new regulations which came into effect from February 2020. An explanation for the differences between the statistics the IOPC publishes and statistics on police misconduct published by the Home Office is set out in paragraph 6.1 <https://www.gov.uk/government/publications/user-guide-to-police-misconduct-statistics/user-guide-to-police-misconduct-statistics>

or through significant direct representations to the IOPC from stakeholder or community groups?’

- *‘Has there been an adverse finding in relation to the conduct of an officer of a senior rank or who was acting in a supervisory role? If the answer is yes, this should increase the likelihood of publishing the full report.’*

886. Accordingly, the IOPC only publishes full investigation reports for the most serious and high-profile cases it investigates, a small proportion of its investigations. In most cases, it only publishes anonymised short summaries. We suggest this presumption is reversed, that public confidence in the complaints system requires greater transparency, so full reports are published by default, unless there are good reasons not to. We believe this would help to address some of the criticism of the IOPC’s processes and including a broad investigation timeline would also help explain why cases take as long as they do.

887. Notwithstanding this proposed shift, we fully understand that reports will sometimes need to be redacted, as they are currently, to remove sensitive or private information and that some reports and summaries will not be published due to the nature of the incidents investigated – for example, sexual offences. These reports also explain any outcomes for those involved – for instance, what happened if there was a misconduct hearing.

888. Furthermore, the IOPC currently removes full and summary investigation reports from its website six months and five years respectively after an investigation concludes. We question whether this hampers their legitimate use. For example, it can mean where there are criminal proceedings, inquests or judicial reviews, the IOPC report is not available online at a point when the public may have a legitimate interest in understanding the IOPC’s consideration of the case (for example, following news reports of inquests, misconduct proceedings or judicial review court cases).

889. The IOPC also publishes [news releases](#) about some of its investigations.

RECOMMENDATION:

The IOPC should consult the public and stakeholders as part of a review of its publication policy. It should publish full investigation reports by default (rather than investigation report summaries) and extend how long reports are available on its website to facilitate transparency and appropriate public scrutiny.

Complainants and victims

890. For this Review, we consulted charities and groups (detailed in **Annex B – Methodology of this Review**): representing complainants and victims;

supporting victims; and advocating for victims and police accountability. We sought their views and perspectives on:

- the time taken to complete investigations and reviews;
- communication during investigations;
- investigation quality and consistency;
- the use of themes to inform which cases the IOPC independently investigates;
- challenging the IOPC;
- training (and vetting) of IOPC staff and investigators; and
- the value of thematic reviews.

891. We heard that complainants can feel that they face barriers in making police complaints, asking the IOPC to review how their complaint has been handled, or challenging IOPC decisions or investigations. Some bereaved families, complainants and victims struggle to engage with the complexity of the police complaints system. Many of those interviewed advocated for the IOPC providing greater support to those who struggle to make police complaints, apply for reviews or engage with and understand its investigations. We received the suggestion from one government stakeholder, that:

“Each case should have an assigned caseworker/single point of contact to act as a mediator between the victim and IOPC to assist with making the complaint, update on progress and ensure everything moves along.”

892. As noted in commentary on investigations, the IOPC must explain the police complaints system as a whole and its part in it (including how it decides which referrals it will independently investigate, and the extent of its role in misconduct proceedings) more clearly. Whilst the IOPC operates within the framework for police complaints that is set by Parliament and we accept this is very complex, the strength and consistency of feedback from those interviewed makes clear that the IOPC needs to further improve its communication about its role and how it conducts its work. As one interviewee put it to us, in comments that are representative of many views we received:

“I don’t think people are aware that IOPC may present things to the CPS but they can’t press charges. They can recommend things, but they can’t actually mandate the changes, or check they’re made.”

RECOMMENDATION:

The IOPC should review how it communicates its role publicly and how it conducts its work including: its website, press releases, IOPC comments provided to media reports on its work, written materials provided to victims and those under investigation, and in person briefing to communities and

stakeholder groups. It might consider consulting its users or convening a focus group or other forms of testing to establish which of multiple different potential descriptions of its role and processes are most easily understood.

893. We provided feedback in **Chapter 5**. Effectiveness of IOPC investigations from victims' groups on the significant impact on complainants of IOPC reviews and investigations taking a very long time. Multiple interviewees suggested the IOPC should track and publish the number of victims and complainants who decide to withdraw from the IOPC processes due either to frustration with the length of IOPC investigations, or an inability to navigate the complexity of the police complaints system.

RECOMMENDATION:

The IOPC should track the proportion of reviews or investigations that are not completed because complainants pull out of the process, as well as the reasons given for this.

894. A separate, recurring theme in feedback was a widespread concern from complaints and victims that the IOPC is, as one interviewee put it, "*filled with ex-coppers*" and because of this biased against complainants. Most agreed, when it was put to them, that there could be value in the IOPC having some staff with a background in policing to reinforce the rigour and efficacy of investigations, through experience in conducting police investigations and understanding of police processes. However, the strong perception was that the IOPC has more former police officers than it should, albeit that none were sighted on how many or indeed whether the IOPC disclosed this publicly.

- The [IOPC's web page on its staff](#) explains: '*We are a diverse team of people from a wide range of backgrounds and professions ... By law, the DG can never have worked for the police. None of our executive team or directors have previously worked for the police... We are not the police, in fact less than 20 per cent of our staff have previously worked for the police*'.
- In its [staff diversity statistics](#)²⁶⁶, the IOPC publishes detailed breakdowns of the proportion of staff with a background in policing. As with a great many aspects of its website (even after it was recently revamped), this data is not especially easy to find.

RECOMMENDATION:

The IOPC should step up its efforts to counter a widespread perception that a majority of its staff are former police officers, by more prominently enhancing

²⁶⁶ As of 31 March 2023, the IOPC employed 1,069 staff. Of these, 110 individuals were former police officers, 107 were former police civilians and 25 had worked as both a police officer and police civilian. Collectively, 20.3% of the IOPC's workforce as of March 2023 had a background in the police, with this proportion having stayed broadly static since the IOPC was established in 2018. (Over the last 5 years, the average proportion of IOPC staff that were ex-police officers or ex-police civilian staff was 20.4%). The proportion of staff with a background in the police is highest among the IOPC's investigator grades (38%), with police backgrounds within the IOPC's wider operational staff comprising 33%.

on its webpage its description of ‘what we do’. Equally, it should explain the insight and value of employing some former police officers and staff.

895. Similarly, we heard from victims’ charities and advocacy groups that the IOPC should signpost complainants and victims more to groups who may be able to assist complainants and victims, as well as resources and groups that support victims of crime, in line with the Victims Code which emphasises the importance of being *‘referred to services that support victims and have services and support tailored to your needs.’*²⁶⁷
896. IOPC has advised us that its customer contact centre signposts support groups.

RECOMMENDATION:

The IOPC should ensure all bereaved families are provided with its guide for families on how the IOPC investigates and supports them following a death²⁶⁸ and the deaths in or following police custody leaflet²⁶⁹ developed following the Independent Review of Deaths and Serious Incidents in Police Custody. It should routinely signpost support groups through its customer contact centre.

897. In **Chapter 6**. Overarching considerations for reviews, referrals and investigations we addressed feedback from victims’ groups on better provision of explaining the IOPC’s Victims Policy and Right to Review, a vital tool by which complainants and victims can hold the IOPC to account.
898. It is striking – and also commented upon by multiple victims’ groups – that, of the many performance measures the IOPC tracks (set out in **Annex F** – Full table of IOPC key performance indicators), none directly assess customer satisfaction.
899. We also note the IOPC’s external Customer Service Excellence accreditor highlighted in their latest report (June 2023)²⁷⁰ that their previous recommendation – that the IOPC should look to measure whether complainants and IOPC service-users believe they have been treated fairly – had not been acted upon.

²⁶⁷ <https://www.gov.uk/government/publications/victims-and-prisoners-bill/victims-code-fact-sheet> and https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/974376/victims-code-2020.pdf

²⁶⁸ https://www.policeconduct.gov.uk/sites/default/files/documents/a_brief_guide_to_investigations_2020.pdf

²⁶⁹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/763639/CPFG_Leaflet_plain_HM_Gov_colours_FINAL.pdf. Developed by the College of Policing, Home Office, NPCC, Chief Coroner, IOPC and INQUEST.

²⁷⁰ <https://www.policeconduct.gov.uk/about-us/our-independence-and-governance/governance/customer-service-excellence/report-2023#improvement> (2.1.4)

RECOMMENDATION:

The IOPC should review its performance measures and what data it could collect from complainants on their satisfaction with the outcome and handling of IOPC reviews and investigations.

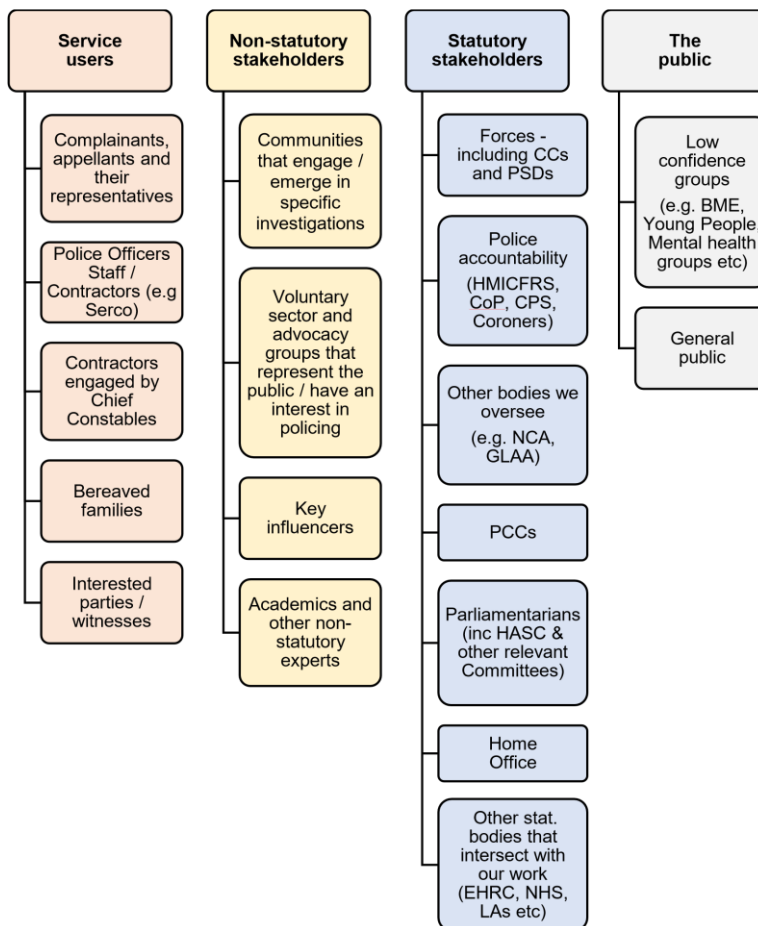
900. Almost without exception, every group representing or supporting victims and complainants proposed that the IOPC must have powers to enforce its recommendations following its investigations or thematic reviews. Several commented on the disconnect that recommendations do not appear to automatically inform the frequency and focus of HMICFRS investigations. We addressed both points in **Chapter 7. Wider effectiveness of the IOPC.**

Wider stakeholders

901. As noted previously the IOPC works with many stakeholders in what we have described as a crowded space. This necessarily means that working relationships and lines of accountability are varied. As set out in IOPC's stakeholder map below, the IOPC divides its complex stakeholder landscape into:

- Service users;
- Non-statutory stakeholders;
- Statutory stakeholders; and
- The public.

IOPC Stakeholder map



902. The IOPC recognises that its stakeholders are sometimes diametrically opposed in their views about its work and the operation of the wider police complaints system. The IOPC told us it strives to understand the different perspectives and motivations of the organisations in its network through listening to a range of perspectives, as demonstrated through its approach to stakeholder engagement which it has recently combined with its communications strategy.
903. The IOPC clearly invests significant time in its stakeholder management, community engagement and in understanding its service user experience and it has established specific forums for ongoing engagement on its work and long-term relationship building, most notably through its Youth Panel which is an excellent example of stakeholder engagement.
904. The IOPC's efforts in relationship building, including in introducing its Acting DG to stakeholders, have been well-received. However, consideration may need to be given to what regular contact is in place with all its key stakeholders, at senior levels e.g. CPS, Coroners victims organisations. It should make wider links with those organisations that sit outside of its Reference Groups to build or strengthen positive working relationships.
905. Whilst clear in its approach to creating mechanisms and spaces for collaboration, the IOPC's approach is less well defined in relation to capitalising on and participating in externally created spaces. It should be noted that there

are 43 police forces and only one DG, so the voice of the IOPC may not be sufficiently loud enough.

906. It would appear it ought to be on a similar footing to strategic partners such as the College of Policing and HMICFRS in terms of its presence in external forums however through conducting interviews with external stakeholders it has seemed that the IOPC may be further removed. The Home Office needs to promote its inclusion and the IOPC needs to ensure that its position on independence does not preclude it from constructive participation. We welcome that the IOPC DG post has recently been affirmed as a standing member of the [National Policing Board](#), the Home Office's most senior level policing Board with responsibilities for setting the long-term strategic vision and direction across the law enforcement system.
907. Outside of the policing sector the IOPC needs to ensure it engages with a sufficiently wide pool of stakeholders representing or providing insight to the perspectives of victims and witnesses. The IOPC should consider how it works with these stakeholders in signposting and referring parties to a complaint to sources of advice and support.
908. Most stakeholders recognised that the IOPC has made some progress in reducing the length of its investigations, but consider they are still too long. It was noted by several stakeholders that working relationships can sometimes be strained with apportionment of blame when things go wrong and that this can often be unhelpful. Stakeholders also commented that sometimes the IOPC was protective of its independence to the detriment of working in partnership. This is an interesting perspective and one to be considered, but equally, we recognise that there is a tension between competing priorities which IOPC need to navigate with care. As would be expected, there were a variety of views on the effectiveness of the IOPC's wider stakeholder engagement:

"IOPC's wider stakeholder engagement groups can feel like box-ticking."

"It's an organisation that is trying. They're open to external critique, feedback, want to improve and engage with stakeholders."

909. The IOPC has developed several Memoranda of Understanding (MOU) with key stakeholders over the years, but most are out of date. Many were signed by previous leaders in each organisation that had left some years ago. At a time of heightened interest in police complaints, it is essential that key stakeholders work together. The public expect nothing less. MOUs can aid this process as each organisation works through how they can work together in a synergistic way while maintaining their independence to fulfil their statutory roles.
910. While MOUs are undoubtedly useful we gained the impression from our interviews that frank discussion on roles and accountabilities had not been a priority in recent years. We believe that the Home Office should play a role in

convening key stakeholders to discuss how they should operate in this crowded space to aid transparency, reduce duplication and make best use of public resources.

911. Our Terms of Reference specifically refer to lines of accountability between the IOPC and its partner organisations HMICFRS and College of Policing. We are grateful for key leaders from these organisations who generously gave us their time and insights in a thoughtful and reflective manner. Each organisation has a different remit which while independent should be complimentary to the system. There is no doubt that each organisation has a great respect for its partners and that they meet regularly to discuss key issues. That provides a good platform for addressing areas of overlap such as learning recommendations which may be better coordinated between organisations. We addressed this in **Chapter 7. Wider effectiveness of the IOPC.**

RECOMMENDATION:

The IOPC needs to review all MOUs it has with key partners and stakeholders, starting with those organisations it works with most closely.

Wales

912. The IOPC's remit covers England and Wales. In 2021/22 Welsh forces comprised just under 6% of the complaint cases logged by forces in England and Wales, this ranged from 616 cases logged by Gwent Police to 2,252 cases logged by South Wales Police with responsibility for Cardiff city.
913. We are impressed with the steps IOPC has taken to ensure its operation within Wales is appropriate to the context. In part, this is a positive reflection of the flexibility of IOPC's statutory framework.
914. The justice system and policing are not devolved in Wales, although other public services working with the police are. While the IOPC is accountable to Parliament through Home Office ministers, to be effective it must also maintain a relationship with Welsh Government and Assembly Members. The IOPC recognises in its approach that differences in Wales including differences in public services administration, management and collaboration need to be considered in its approach. The IOPC has a director responsible for Wales and Southwest of England with a corresponding regional team located in Cardiff. It has established a Wales Stakeholder Forum which provides a forum for challenge and constructive feedback from stakeholders in Wales.
915. The importance of recognising the context and differences in Wales cannot be understated and was commented on positively by stakeholders. The IOPC, along with the Home Office, will need to maintain this strong level of engagement during the implementation of change.

Chapter 10. Funding, spending and financial future

Funding from the Home Office

916. The IOPC is funded by the Home Office in the form of Grant-in-Aid, with its Resource Department Expenditure Limited (RDEL) budget allocation funded by Home Office from two sources. For 2023/4, 68% of its allocation came from the Police Grant Settlement, with the remaining 32% allocated through the Home Office Grant (see **Table 4** below).
917. In the 5 years since the IOPC was formed, its total RDEL budget fell in cash terms by 4.0% (from £71.3m in 2018/9, to £68.5m in 2023/4) as illustrated in **Table 4**. However, this masks a 22.7% cut to its funding in real terms (*i.e.* after accounting for inflation) as illustrated in **Table 5** below.
918. The Government has set an [expectation within its Public Bodies Review Programme](#), of which this Review is part, that an average review should aim to identify at least 5% annual RDEL savings, to be achieved within 1-3 years of the review.²⁷¹ As set out in our Terms of Reference at **Annex A** – Terms of reference for the Review, this Review has been asked to consider the scope for 5% savings (£3.5m) against the IOPC's £69.6m 2022/23 RDEL budget by 2025/26 (£65.1m).
919. If the Home Office were to require the IOPC to absorb inflationary pressures over this period, in addition to this 5% cut (with CPI above 6% in 2023/24²⁷² alone), by 2025/26 the IOPC would have received a 34.4% real-terms cut to its budget over 7 years. **Table 4** and **Chart 19** illustrate this projection of the IOPC's cash budget and real-terms funding over this period.
920. The IOPC is currently in the process of revising its Medium-Term Financial Plan (MTFP), agreed by the Unitary Board in February 2023, in light of the recent Civil Service pay award and wider financial pressures.

²⁷¹ 'This government wants ALBs that are accountable, efficient and effective, as such the review must be used to carefully consider the efficiency of the ALB. Lead Reviewers are required to identify where savings to Resource Departmental Expenditure Limits (RDEL) of at least 5% can be made for an average review'... As with all review recommendations, ministers are able to accept or reject the recommendation. Where agreed as a recommendation, the target of more than 5% should be achieved by the body within 1-3 years.'

²⁷² CPI was 6.4% in the 12 months to July 2023 (<https://www.ons.gov.uk/economy/InflationAndPriceIndices>)

Table 4: IOPC RDEL Grant Allocation table (2018/19 to 2023/24)

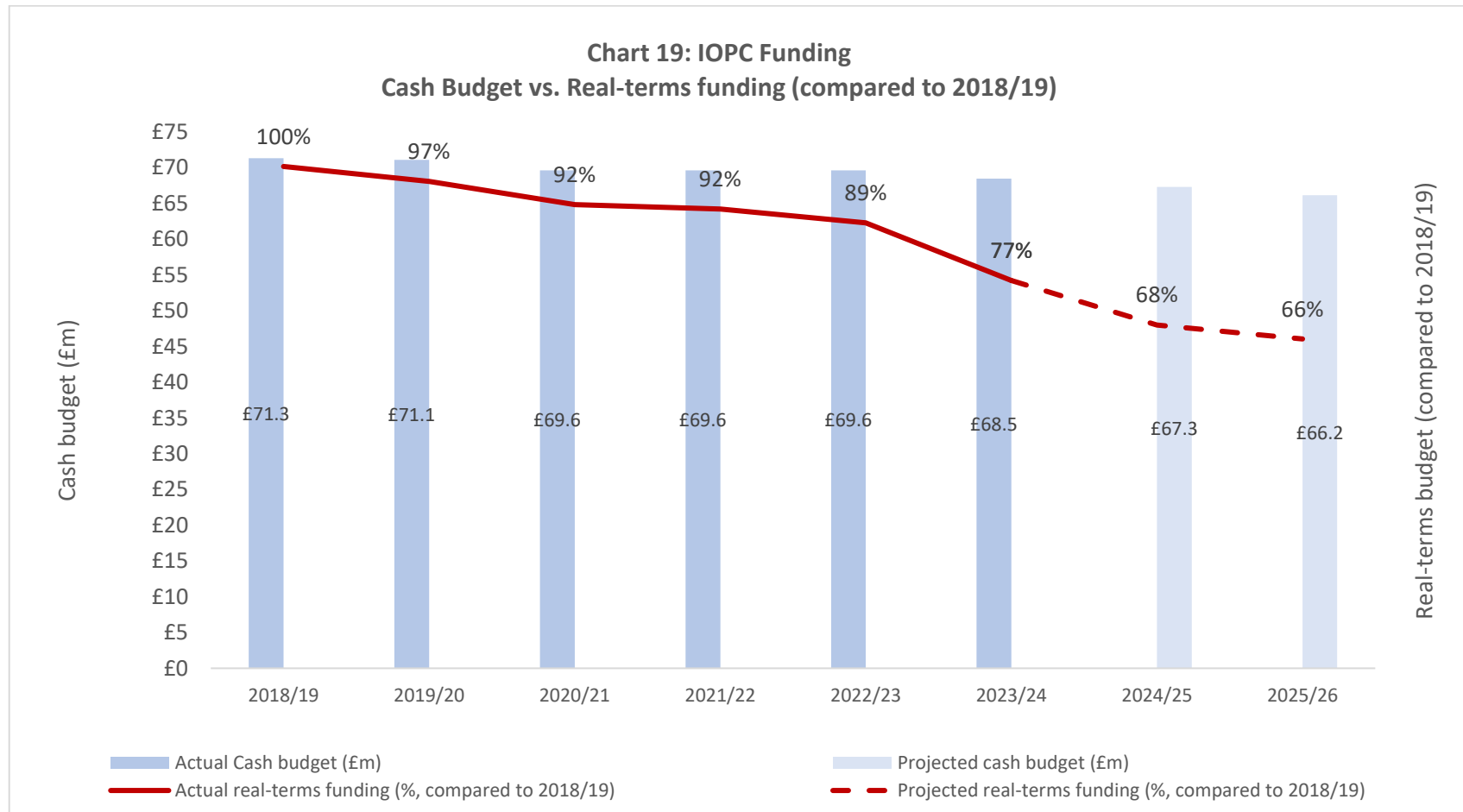
Financial Year	RDEL Budget Split		TOTAL	Change in Total RDEL Budget (cash terms)	COST	RDEL Budget Variance vs. Actual Costs
	Police Grant Settlement	Home Office Grant				
2018/19	£37,600,000	£33,743,000	£71,343,000	N/A	£68,673,947	£2,669,053
2019/20	£37,600,000	£33,513,730	£71,113,730	-£229,270 (-0.3%)	£69,832,261	£1,281,469
2020/21	£46,600,000	£23,045,000	£69,645,000	-£1,468,730 (-2.1%)	£69,937,695	-£292,695
2021/22	£53,100,000	£16,545,000	£69,645,000	£0 (%)	£67,202,224	£2,442,776
2022/23	£46,600,000	£23,045,000	£69,645,000	£0 (0%)	£69,653,788	-£8,788
2023/24	£46,600,000 (68.0%)	£21,893,000 (32.0%)	£68,493,000	-£1,152,000 (-1.70%)	N/A	N/A

Table 5: Inflationary pressures since the IOPC was established

	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26
Year-on-Year inflation (CPI)	2.68%	2.47%	0.85%	2.59%	9.07%	6.1% (Forecast) ²⁷³	0.9% (Forecast)	N/A
<i>Cumulative CPI inflation from 2018/19</i>	2.68%	5.21%	6.11%	8.85%	18.73%	25.97% (Forecast)	27.11% (Forecast)	N/A
Total RDEL Budget in <u>cash-terms</u> 2018/19 to 2023/24: Actual 2024/25 and 2025/26: Forecast	£71,343,000	£71,113,730	£69,645,000	£69,645,000	£69,645,000	£68,493,000 <i>(-2.1% from 2018/19)</i>	£67,327,875 (Forecast) ²⁷⁴	£66,162,750 (Forecast) <i>(-5.0% from 2022/23)</i>
Hypothetical Total RDEL budget if a) it had grown in line with inflation (CPI) to date and b) grew in line with projected inflation		£73,254,992	£75,064,391	£75,702,438	£77,663,131	£84,707,177	£89,874,315 (Forecast)	£90,683,184 (Forecast)
<u>Change in real-terms RDEL budget</u> <i>(compared to 2018/19)</i>						<i>-£16,214,177</i> <i>(-22.7%)</i>		<i>-£24,520,434</i> <i>(-34.4%)</i>

²⁷³ Full year CPI projections taken from Statistica.com (as of 18th September 2023): <https://www.statista.com/statistics/306720/cpi-rate-forecast-uk/>

²⁷⁴ The Total RDEL budget in cash-terms for 2024/25 is calculated as the mid-point between the actual RDEL cash 2023/24 budget and the forecast budget for 2025/26 assuming a 5% cash reduction compared to 2022/23, in line with



921. Whilst costs to IOPC have increased year-on-year, we have not been provided with details of its cost base to assess what has driven this. Our assumption is that with so much of spend on salary, this has mostly been from salary increases. There may also be some CPI increases to contracts which could be linked to CPI, which predominantly will have been absorbed by efficiencies to achieve the IOPC's delegated budget control total.

922. IOPC also receives funding for Capital, Depreciation (cover for fixed assets and estates) as illustrated in **Table 6** below.²⁷⁵ IOPC depreciation expenses cover a range of tangible and non-tangible items, split as follows in 2023/24:

• Right of Use (ROU) Asset	£2,244,000
• Intangible IT Assets	£1,119,000
• IT and Other Equipment	£882,000
• Property Related	£504,000
• Service Concession Intangible	£228,000
• Dilapidation	£168,000
• Motor Vehicles	£120,000
TOTAL:	£5,265,000

923. The depreciation budget as seen below is proportionately high for the years, however with the IOPC focusing their efforts to downsize the Estate and Fleet, there is an opportunity in the budget to achieve some savings over the next 3 years.

Table 6: Capital and Depreciation

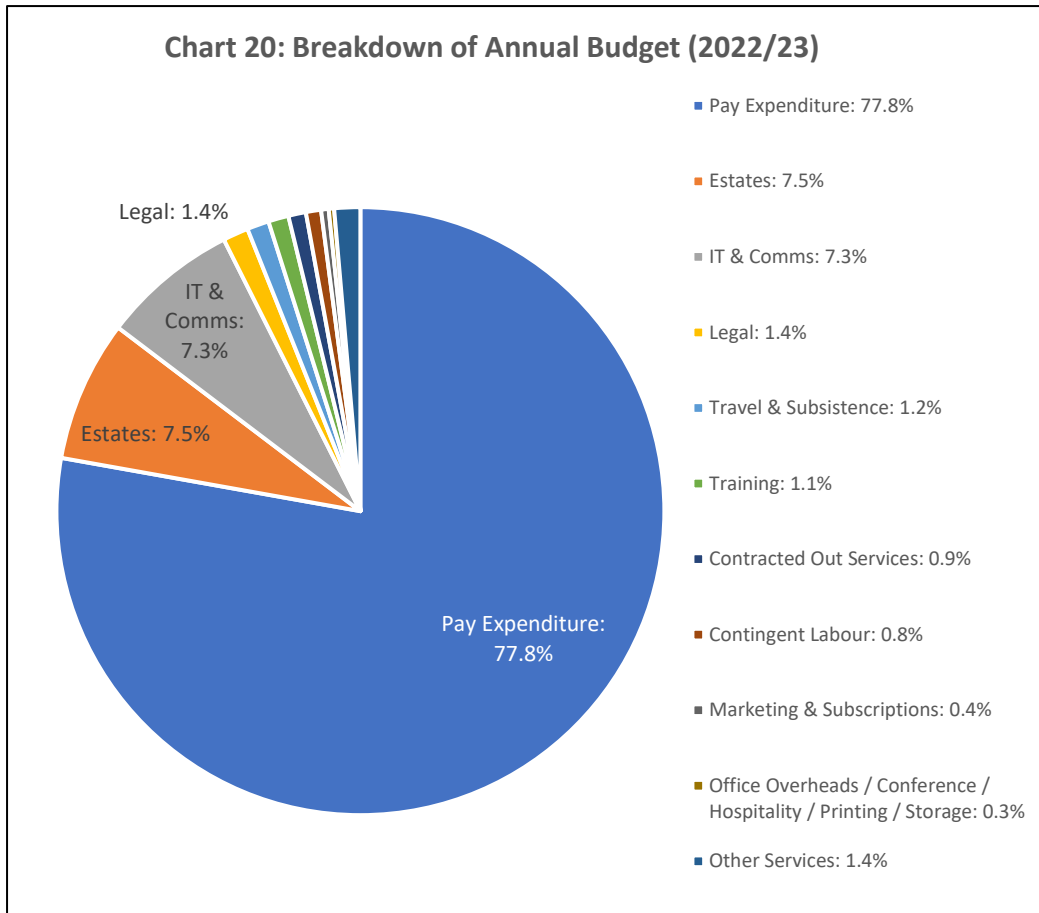
Financial Year	Capital	Depreciation
2018/19	£3,289,000	£7,020,000
2019/20	£2,046,000	£6,020,000
2020/21	£4,000,000	£7,189,800
2021/22	£3,000,000	£4,279,000
2022/23	£2,000,000	£6,798,000
2023/24	£3,016,000	£5,265,000

Overview of spending

924. Budget figures quoted below are for 2022/23, as this is the starting point against which the 5% savings would be achieved. Excluding modest income (£0.45m), IOPC's budget for 2022/23 was primarily made up of Pay (78%), Estates (8%) and ICT (7%). The remaining 7% covers Legal, Training, Travel

²⁷⁵ The IOPC also receives funding for its Hillsborough Programme, the funding for which had been ringfenced until a decision was taken in 2020/21 to remove this ringfencing, such that it then became part of its total Cash RDEL allocation.

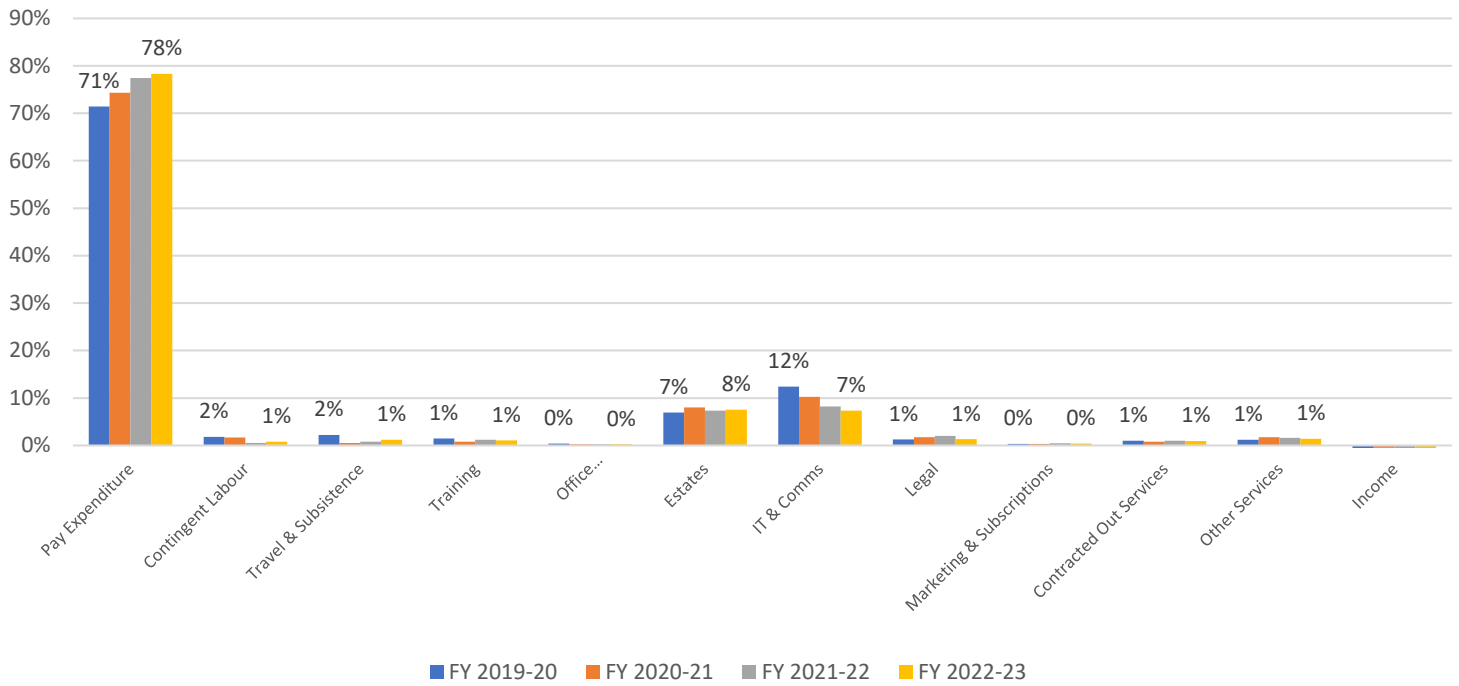
and Subsistence, Office overheads and other corporate services and illustrated in **Chart 20**.



925. The most significant changes to the IOPC's spend over the last four years, as illustrated in **Chart 21** below, are:

- a greater proportion of its overall spend now goes on pay (up from 71% to 78%), no doubt as it has cut other costs over recent year whilst protecting overall staff numbers (see Staffing and pay below);
- it spends proportionately less on ICT (down from 12% to 7%) as a result of substantial savings delivered 2019-2022 by the IOPC exiting a historic outsourcing contract and re-commissioning its ICT services and taking some ICT services in house;
- its estate cost increased marginally (up from 6.9% to 7.6%), making it now the second largest area of spend.

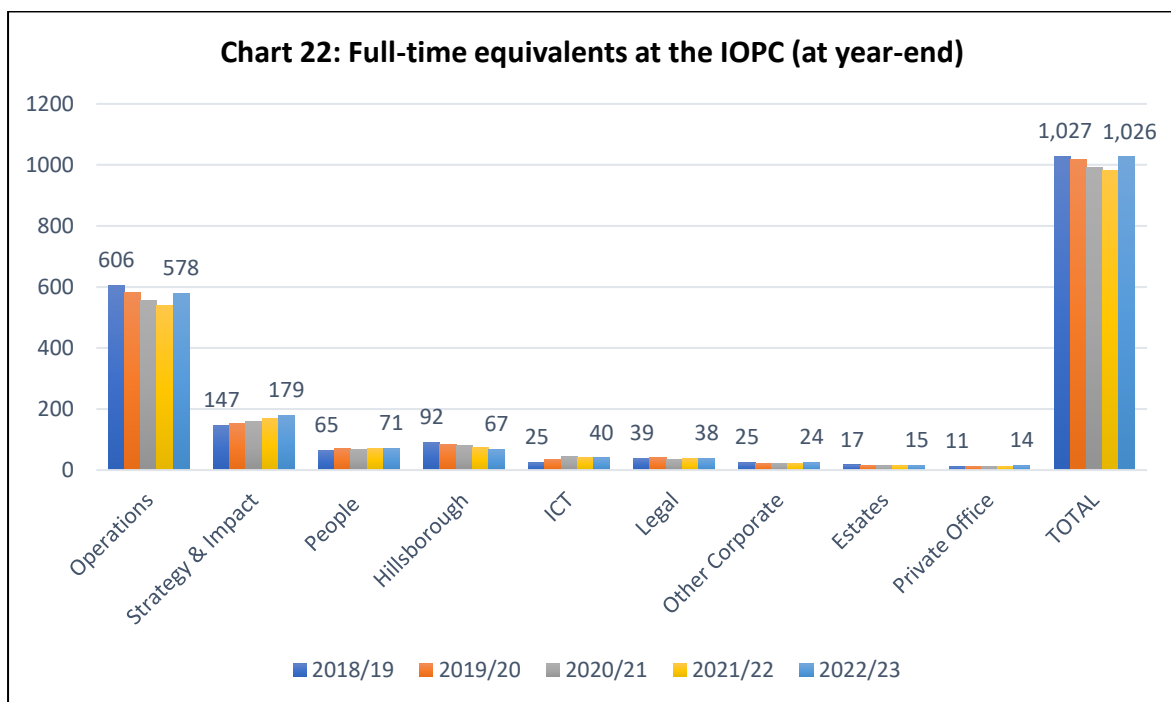
Chart 21: Change in IOPC spend by category (2019/20 to 2022/23)



Staffing spend

926. It is impressive that the IOPC has been able to maintain its staffing level between 2018/19 and 2022/23, despite a 22.7% real-terms cut to its RDEL budget over this period.

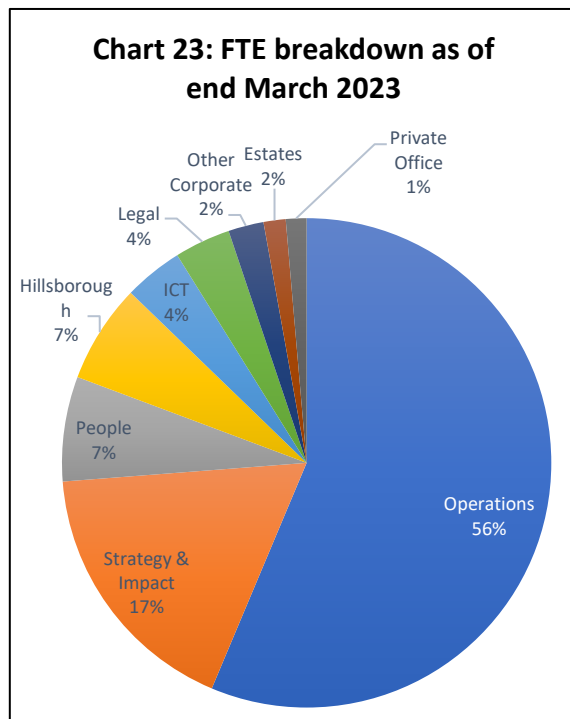
Chart 22: Full-time equivalents at the IOPC (at year-end)



927. The fall in staff from operations directorates (-4.6%) and Hillsborough (-25 FTEs) over the last four years has been offset by equivalent growth in staffing in ICT (+37%), other back-office functions, and Strategy and Impact (+21.8%). However, many strategy and impact staff directly support its operations work and other statutory functions, including its: oversight team; policy and engagement team who work to identify and share learning recommendations; stakeholder engagement team who support Community Reference Groups during critical incidents; and quality and service improvement team and communications team who directly support operational staff.
928. The growth in ICT staff stems from bringing some of its services back in-house (such as its ICT helpdesk and cyber security), after the IOPC exited a previous, expensive contract and retendered for these services.
929. As of March 2023, a slim majority of IOPC staff work in Operations (56%), with the unit responsible for Hillsborough investigations comprising a further 7%. As set out in **Table 7** and **Chart 23**, Strategy and Impact is the next largest group of staff at 17% with corporate functions comprising the remaining 20% of staff (including 7% in 'People', 4% in ICT and 4% in legal).

Table 7: Headcount By IOPC Area - March 23

Area	Headcount in 2022/23	% By Area
Operations	578	56%
Hillsborough investigations	67	7%
Strategy and Impact	179	17%
People	71	7%
ICT	40	4%
Legal	38	4%
Other Corporate functions	24	2%
Estates	15	1%
Private Office	14	1%
TOTAL	1,026	100



Pay strategy

930. Pay and reward is a significant issue in IOPC as there is no pay and reward strategy and there is no Remuneration Policy. The pay structure for the IOPC is not aligned to the Civil Service Pay structures, so comparison between the two is hard to make objectively. However, on observation, it appears IOPC pay is lower than equivalent Civil Service pay ranges. This has challenged the organisation which has struggled, as confirmed through interviews with IOPC staff, to attract and retain talent as the IOPC is unable to match the salaries offered by other similar organisations.

- Competition for investigators is high from multiple industries, but especially police forces. As a result, turnover of investigators has seen annual attrition of 12% (higher than IOPC's target of 7-8%) with pay seen as the primary factor.
- In Wakefield, we were advised that one third of all investigators left within 6 months, many leaving to the Food Standards Agency which paid £20k p.a. more at the equivalent grade.
- HMICFRS and HMRC Investigators salary in comparison to IOPC is on average between c.£17k-£20k more annually.
- A senior investigator (G7 level) at HMICFRS and HMRC earns £61,950 p.a. in London, £19,950 more than in the IOPC where they earn £42,000 p.a.
- An investigator (SEO level) at HMICFRS and HMRC earns £45,150 p.a. in London, £17,650 more than in the IOPC where they earn £27,500 p.a.

- As the IOPC struggles to recruit for some posts, interviews with IOPC staff suggest it often recruits candidates at the grade above their ability or experience e.g. recruiting SEO-quality at G7 rates, resulting in significant grade inflation.

Non-payroll resources

931. We are unable to comment on the degree to which the IOPC relies on non-payroll resources, such as consultancy, agency staff and contractors. The IOPC advises however that there has been a gradual decline in contingent labour since 2018/19, other than an increase in agency staff in operations over 2022/23 to cover vacancies.

Estates spend

932. The IOPC operates from seven properties across England and Wales to service its operations. The IOPC's offices, headcount, lease terms and attendance figures (as of May 2023) are set out in **Table 8** below, sourced from the IOPC's 'lease events'.²⁷⁶ As of May 2023, the IOPC paid for 791 desks for 981 FTEs, with its estates costs projected to be £5.4m over 2023/24 (c.8% of annual IOPC spending).

933. The IOPC's lease for its office space in Canary Wharf London is its most expensive. To service the 243 FTEs based from Canary Wharf, the original Canary Wharf lease is for 202 desks. Since September 2022, however, the GPA has sublet half of this space, leaving the IOPC with 100 desks for £1.8m p.a. (about one third of the IOPC's entire estate spend).

Commercial leases

934. The IOPC was given permission (Property Holding Rights, with commercial authorisation) to source its own estate without going through government estates functions, albeit that all leases must be approved by the Cabinet Office. The IOPC has commercially leased from third party landlords for five of its offices: Birmingham, Cardiff, Croydon, Sale and Wakefield. The IOPC DG signed these leases for which the IOPC receives regular and timely invoices.

²⁷⁶ The costs in **Table 8** include rent, rates, service charges (covering cost of overseeing building facilities, operations and utilities) and insurance. They also include the cost for parking spaces under lease agreement for vehicles used by IOPC staff for operational deployment, with the exception for parking spaces for Canary Wharf (London) and Wakefield) which are sourced privately (as car space is unavailable at both locations) at an annual cost of £66,000 p.a

Leases secured through the Government Property Agency (GPA) – and Canary Wharf and Warrington – and the IOPC’s subletting of them

935. After the signing of its five commercial leases, the IOPC was told to secure its further estates needs by using the CO property controls process. Acting only as sponsors for the IOPC, the Home Office signed Memoranda of Terms of Occupation (MOTO) with the Government Property Agency (GPA) for the IOPC’s other two leases: Canary Wharf and Warrington (from which the Hillsborough investigation team is based).²⁷⁷
936. The Canary Wharf lease was entered into in 2018. At the time, the GPA had ruled out an extension to the IOPC’s lease for its Holborn Office. IOPC wanted to join a Government ‘hub’ run by the GPA and was advised the only such ‘hub’ that met its estates needs was its site in Canary Wharf. The IOPC told us it was offered only a long lease to 2032, without a break clause.
937. Nevertheless, the Home Office told us that the decision to lease from the GPA hub in Canary was the IOPC’s alone; and that the IOPC could have sought alternative accommodation with greater flexibility (albeit this had to comply with central government’s estates strategy, be approved by the Cabinet Office and a shorter lease may have been more expensive, depending on the property).
938. In both Canary Wharf and Warrington, the IOPC does not need all the space it has leased. So, whilst it retains ultimate responsibility for any void space, it has signed a Memorandum of Agreement with the GPA to vary its existing lease, giving the GPA authority to lease IOPC surplus space. As a result, GPA charges the IOPC reduced rental, rates and service charge, depending on the space occupied by any other tenant, whom GPA invoices directly. The costs provided in **Table 8** reflect the reduced cost to the IOPC from the GPA leasing some of the IOPC’s surplus space. As a rough guide, the IOPC estimated in May 2023 that this would save c.£830k p.a.²⁷⁸
939. However, the IOPC has encountered significant problems obtaining accurate and timely invoices from the GPA for both the Canary Wharf and Warrington offices. The GPA has neither invoiced the IOPC for its Canary Wharf office costs for 2022/23, nor provided it with a projection of its 2023/24 costs, so the IOPC cannot accurately assess its costs in either location and has only been able to make best-informed estimates of costs at both sites. The IOPC has advised this Review that it has tried, unsuccessfully, to resolve this for over a year, which is clearly unacceptable.
940. The IOPC would appear to need some support in escalating this issue. Whilst the Home Office has minimal involvement in IOPC’s estates (not least as the

²⁷⁷ The original MOTO for Warrington was signed by the Home Office and GPA. It has two sub-MOTOs, one between the Home Office and the IOPC, and another between the Home Office and Op Resolve – the criminal investigation into the Hillsborough disaster. However, GPA has recently taken over the Warrington site.

²⁷⁸ Draft Property Strategy for 2022-2025, discussed at the May 2023 Unitary Board.

Home Office transferred the provision of its estates services to MoJ since the Canary Wharf lease was signed²⁷⁹), as it is IOPC's sponsor department and the Home Office remains the ultimate signatory to the lease with the GPA, we suggest the Home Office should look to escalate this issue with GPA.

RECOMMENDATION:

The Home Office – as the ultimate signatory to the Memoranda of Terms of Occupation with the Government Property Agency, and the IOPC's sponsor department – should support the IOPC by escalating unacceptably long delays the IOPC has faced in obtaining accurate invoices from the GPA for its Canary Wharf and Warrington offices.

²⁷⁹ To complicate matters still further, since the Canary Wharf lease was signed (in 2015), the provision of estates services to the Home Office, IOPC's sponsored department, was transferred to the Ministry of Justice (in 2016). As a result, the Home Office's estates Intelligent Client Function (ICF) now manages the relationship between MoJ and HO customers. As an ALB of the Home Office, the IOPC can and does draw upon this MoJ contract to use its Estates Property Services (EPS) and Facilities Management (FM) Services. However, GPA also provide EPS and FM services (at additional cost) to the IOPC and as Canary Wharf is a GPA hub, it is managed separately from the Home Office and MoJ.

Table 8: Lease costs and attendance rates as of May 2023 (ordered largest to smallest FTE based in each office)

Location	Lease Ends	Projected Annual Cost (2023/24)	AVERAGE attendance (over April and May 2023)	Cost / desk at AVERAGE attendance (over April and May 2023)	PEAK attendance (over April and May 2023)	Cost per desk at PEAK attendance (over April and May 2023)	MAX CAPACITY	Cost per desk (at 100% attendance / MAX CAPACITY)	FTEs at this office	Annual cost per FTE
Canary Wharf	MOTO to June 2032	£1,805,065 (after sublet income)	32 desks (16%)	£56,408	66 desks (33%)	£27,349	202 desks (after sublet)	£8,936	243 FTEs	£7,428
Sale	1st Floor: Feb 2026 2nd Floor: Feb 2024	£704,413	20 desks (14%)	£35,221	42 desks (30%)	£16,772	140 desks	£5,032	225 FTEs	£3,131
Birmingham	April 2024	£932,643	30 desks (26%)	£31,088	69 desks (59%)	£13,517	116 desks	£8,040	156 FTEs	£5,978
Cardiff	December 2024	£311,464	21 desks (29%)	£14,831	28 desks (38%)	£11,124	73 desks	£4,267	111 FTEs	£2,806
Wakefield	March 2025	£223,168	12 desks (17%)	£19,431	32 desks (44%)	£7,287	72 desks	£3,238	93 FTEs	£2,508
Warrington	MOTO to December 2026	£846,047 **	25 desks (19%)	£33,842	34 desks (26%)	£25,884	132 desks	£6,409	78* FTEs	£10,847
Croydon	May 2025	£578,135	17 desks (30%)	£34,008	32 desks (57%)	£18,067	56 desks	£10,324	75 FTEs	£7,708
Total across England and Wales	N/A	Total £5,400,935	At AVERAGE attendance: 157 desks (20%)	Cost per desk at AVERAGE attendance: £34,401	At PEAK attendance across all sites: 303 desks (38%)	Cost per desk at PEAK attendance: £17,824	TOTAL: 791 desks	Cost per desk with ALL desks in use: £6,828	Total FTEs: 981 FTE	Cost per FTE: £5,506

**Warrington space is currently under review with GPA and HO as this has been reduced due to sublet, however clarification of cost and capacity is not yet available.

Current occupancy rates

941. Across the IOPC's estate as a whole: only 1 in 5 desks (20%) were being used on average in April and May 2023; and fewer than 2 in 5 desks (38%) were being used even at peak attendance across the same period. However, this masks significant difference in attendance rates between offices, with average attendance in Croydon and Warrington (29%-30%), twice that in Sale and Canary Wharf (14%-16%).
942. Low occupancy is driven, in large part, because many leases began before the shift to greater home-working during the Covid-19 pandemic. As such, there is potentially significant scope for the IOPC to reduce its estates costs over coming years.
943. **Table 8** illustrates the absolute cost of each property, as well as the cost per desk at average attendance, peak attendance and max capacity (all desks in use).
944. At 100% occupancy, it would cost the IOPC £8,936 per desk at Canary Wharf (inclusive of subletting income), approximately 20% more than the cost of Birmingham (£5,978) and 58% more than the cost of Sale (£3,131).
945. However, the relative cost of IOPC's Canary Wharf office space is particularly stark after accounting for occupancy rates. Even after subletting 37% of its space²⁸⁰, the cost of each desk in Canary Wharf was:
- even at peak attendance within April and May 2023: a staggering £27,350 per desk (compared to £13,517 in Birmingham, for example);
 - at average attendance across April and May 2023: £56,048 per desk.
946. The Home Office had advised this Review that the standard hybrid working desk ratio used by the Home Office and Government Property Agency in 2023/24 is 10:4 (albeit that the Department is consulting on implementation of a 10:6 ratio from 2024/25). If a 10:6 split were applied (as it will be across the Civil Service) across all IOPC sites, the Home Office suggests the IOPC could reduce its floor space in half (c.50%), with 981 FTEs requiring 393 desks which would more than cater to peak monthly attendance (as of April and May 2023) of 303 desks.

Estates Strategy

947. Significant pressures to the IOPC's budget, the huge variation in its estate costs between offices and overall low attendance rates all highlight the need

²⁸⁰ To date, the IOPC has sublet 766m² from its original space of 2,050m².

for the IOPC to have a strong, coherent estates strategy, linked to its future operating model and workforce strategy.

948. However, we assess the 'Property Strategy 2022-2025' (dated November 2022) that was presented to the Unitary Board in March 2023 as the estates strategy as wholly inadequate to the task, as it lacks a cohesive strategy with action plan linked to workforce planning and a coherent vision for the IOPC's future operating model addressed in **Chapter 7**. Wider effectiveness of the IOPC. We support the Boards decision not to accept the strategy as presented.
949. It quoted out of date occupancy data from April-June 2022, the paper contained no financial information of any sort, neither the IOPC's current lease costs, nor estimates for the scope of efficiencies achievable from downsizing each office as envisaged; and it did not link to the IOPC's Medium Term Financial Plan.²⁸¹ This is an area of significant weakness, a clear, coherent and detailed estates strategy would support the IOPC in making the necessary changes to its operating model to address its changing needs.

RECOMMENDATION:

The IOPC should develop a robust estates strategy, with clear plans for its accommodation needs, aligned to its future operating model, its Medium-Term Financial Plan and to a workforce strategy it should develop in tandem. At a minimum, its new estates strategy must: account for the degree to which staff need to be based in the operational region they support; forecast expected utilisation and attendance in light of future expectations for office, remote or hybrid working; reduce its geographical footprint; and include any investments required to deliver it.

950. As we recommend in the governance section, the board should decide whether this strategy is one that it would want to be deciding and securing assurance on delivery.

²⁸¹ IOPC's Unitary Board agreed its Medium-Term Financial Plan for 2023/24 to 2025/26 in May 2023, but it had input to the developing MTFP in October and December 2022, so the Property Plan could have linked to the draft MTFP, or discussion of it delayed by two months, to align to it.

Places for Growth (PfG) Strategy

951. The IOPC submitted its draft Places for Growth Strategy (PfG) for Home Office consideration in November 2021.
952. The IOPC's draft Property Strategy, discussed at the IOPC's Unitary Board discussion in May 2023 (and presumably drafted by IOPC estates leads) suggested the IOPC was still waiting on the Home Office to respond on its Plan submitted 18 months earlier.²⁸² However, whilst there have been recent instances where documents have awaited Home Office ministerial sign-off for some time, in this instance, the Home Office had written to the Acting DG several months before this Board meeting, setting out the Home Secretary's expectations of the IOPC for Places for Growth. It is unclear what led to this confusion; however, the Home Office has told us IOPC staff have attended the Home Office's ALB PfG Steering Group with Sponsorship and Home Office estates officials. This group was established to ensure ALBs have appropriate guidance on PfG strategies, discuss different strategies and share best practice.
953. A good estates strategy must also address the Government's Places for Growth agenda to move roles away from London and South-East England, to spread economic opportunity more evenly across the country and provide better value for money for the taxpayer. The IOPC's Places for Growth Strategy (from December 2021) centred on moving about a third of staff (120 posts) of the 358 roles then based in Canary Wharf or Croydon that the IOPC had assessed could be performed outside of London and South-East England. However, delivering any savings before 2032 (when the MOTO for Canary Wharf ends) depends on the IOPC's ability to sublet more of its space or exit the arrangement.
954. IOPC's plan to relocate posts in London and the South East is predicated on attrition and recruitment, rather than redundancies. This will minimise disruption and avoid high redundancy costs, but will of course take longer to implement.
955. However, notwithstanding the impetus to save money, interviews with IOPC staff and some stakeholders stressed the importance that the IOPC maintains a strong working relationship with MPS and a strong regional presence in London and the South East. These collectively account for over a third²⁸³ both of the IOPC's independent investigation caseload, as well as the IOPC's cases that remain live even after it has completed its final report (so-called 'post-final report caseload').

²⁸² A paper on the IOPC's Draft Property Strategy 2022-2025, discussed at the Unitary Board's May 2023 meeting advised Unitary Board members that the IOPC was waiting for a Home Office response to the IOPC's Places for Growth Strategy submitted to the Home Office in November 2021: '*At present, do we not understand how [Places for Growth] applies to us*'.

²⁸³ London and South East account for 37% of active investigations and 34% of post-final cases, as of October 2023.

RECOMMENDATION:

The IOPC should refresh its Places for Growth strategy and explore options to move more of its staff out of London and the South-East, whilst also preserving dedicated engagement leads for MPS and other south-east police forces, complaints about which comprise over a third of IOPC independent investigations.

Planned savings to estate costs and whether these are achievable

956. **Table 9** below estimates²⁸⁴ the broad range in the potential for savings on the IOPC's estates bill, assuming it could perfectly scale the footprint of its existing offices to cater to average or peak attendance (in any given month). It suggests up to £3.3m could be saved from the IOPC's estate costs if it reduced its current office to cater only to peak attendance (Column G), rising to £4.3m if the IOPC reduced the size of its offices to cater only to average attendance levels (Column E).

Table 9: IOPC's *planned* estates cost savings and comparison with *potential* cost savings by reducing the size of IOPC estates to match peak monthly occupancy over April and May 2023

Column A: Location	Column B: Annual Cost 2023/24	Column C: Saving to annual costs by March 2026	Column D: Cost of existing leases if they were scalable to cater to AVERAGE Attendance	Column E: Saving in annual costs if existing estate scaled to AVERAGE attendance	Column F: Cost of existing leases if they were scalable to cater to PEAK Attendance	Column G: Saving in annual costs if existing estate scaled to PEAK attendance
Canary Wharf	£1,805,065 (after sublet income)	£500,000	£285,951	£1,519,114	£589,774	£1,215,291
Birmingham	£932,643	£315,000	£241,201	£691,442	£554,762	£377,881
Warrington	£846,047	£200,000	£160,236	£685,811	£217,921	£628,126
Sale	£704,413	£213,000	£100,630	£603,783	£211,324	£493,089
Croydon	£578,135	£300,000	£175,505	£402,630	£330,363	£247,772
Cardiff	£311,464	£0	£89,599	£221,865	£119,466	£191,998
Wakefield	£223,168	£0	£37,195	£185,811	£99,186	£123,982
TOTAL	£5,400,935	£1,528,000	£1,090,317	£4,310,618	£2,122,795	£3,278,140

²⁸⁴ We accept that the office space will not be perfectly scalable in this way, as space is also used for interview rooms, archives and exhibit stores and each office given its design may not be viable to scale down in size in exactly the numbers proposed. However, we consider these are credible estimates for the purposes of this Review, which seeks to identify broad avenues for savings, not sign off the IOPC's estates strategy or investment choices.

- 957. The IOPC’s efficiency plan for 2023/24 to 2025/26 (Column C), agreed as part of its Medium-Term Financial Plan in May 2023 (see below), envisages that it will reduce its annual estate costs (currently £5.4m) by £1.5m savings by the end of this period. However, we assess there are significant risks to achieving the savings, at least *as planned*.
- 958. The IOPC’s ability to make further planned savings (£0.5m) to the annual cost of its Canary Wharf lease (which costs £1.8m p.a. after its existing sublet) depends on its ability to sublet more of its space in Canary Wharf – or otherwise extricate itself from its MOTO in Canary Wharf which runs for another 9 years until 2032) – both of which are far from certain.
- 959. Furthermore, 96% of the efficiencies is backloaded to be delivered in the last two years of the plan. Delays to its plans have the potential to push the full-year effect of these savings beyond this period. The efficiencies plan contained no contingency measures as such to achieve estimated savings if it cannot realise all of its planned savings, albeit that it projected a surplus based on fault planning assumptions (e.g. pay inflation).
- 960. The IOPC plans to make £200k saving from its Warrington / Hillsborough investigations office. This stems from the completion of the IOPC’s Hillsborough investigations (sited in its Warrington offices: Renaissance House). This assumes: there are no delays in publishing the Hillsborough investigation’s Final Report; the ‘Salmon process’ progresses to plan; and no party submits an application for Judicial Review. One or more of these would have implications for the IOPC’s ability to close its investigations and achieve the full planned savings over this period. If really delayed, the IOPC might even need to secure additional space beyond its current Warrington lease which ends in December 2026.
- 961. With every IOPC office significantly under-utilised and every IOPC lease expiring within the next three years (other than Canary Wharf, addressed separately below) and Warrington (addressed above), there should be significant opportunities to reduce costs across the IOPC’s wider estate.
- 962. Excluding Canary Wharf and Warrington, IOPC expects to spend £2.76m p.a. on estates costs in 2023/24, see **Table 10** below.

Table 10: Scope to make potential savings across IOPC leases other than Canary Wharf and Warrington

Location	Lease ends	Annual Cost 2023/24	Planned savings on annual costs achieved by March 2026	Planned savings (%)	PEAK attendance (over April and May 2023)	Saving in annual costs if existing estate scaled to PEAK attendance
Sale	1 st floor: Feb 2026 2 nd Floor: Feb 2024	£704,413	£213,000	30%	30%	£493,089 (70%)

Location	Lease ends	Annual Cost 2023/24	Planned savings on annual costs achieved by March 2026	Planned savings (%)	PEAK attendance (over April and May 2023)	Saving in annual costs if existing estate scaled to PEAK attendance
Birmingham	April 2024	£932,643	£315,000	34%	59%	£377,881 (41%)
Cardiff	December 2024	£311,464	£0	0%	38%	£191,998 (62%)
Wakefield	March 2025	£223,168	£0	0%	44%	£123,982 (64%)
Croydon	May 2025	£578,135	£300,000	52%	57%	£247,772 (48%)
TOTAL	N/A	£2,759,823	£838,000	30%	N/A	£1,434,722 (52%)

963. We assess that the IOPC should be able to reduce its annual estates costs by more than the 30% planned (£838k) across these offices by March 2026:

- It is unclear why the IOPC assessed that no savings at all could be made to its annual estates costs in Cardiff and Wakefield, given very low attendance at both sites and their leases expiring in December 2024 and March 2025, respectively. Attendance in Cardiff and Wakefield is lower than in Croydon where, by contrast, the IOPC plans to make annual savings of £300k (described to us as a ‘finger in the air’ estimate), equating to a 52% saving. Whilst the IOPC has advised there may be practical and legal hurdles to reducing its office space in both locations, once both leases are up, we see no clear reason why alternative sites could not be secured given even peak attendance across April and May 2023 would facilitate half the desk space in new offices, well before March 2026.
- Similarly, we assess that the IOPC ought to be able to achieve more than the 30% saving planned at its Sale site (even accounting for the fact that you couldn’t scale the site perfectly given the need for meeting room space, core storage rooms, exhibit stores etc.) With peak monthly attendance at 30%, the IOPC could potentially reduce its estate size by 70% and still accommodate peak attendance.
- Peak monthly attendance in Birmingham across April and May 2023 was recorded at 59%, suggesting up to 41% savings could be made once a new lease is sought. However, given peak attendance was nearly double that of some of the IOPC’s offices, the IOPC should explore whether peak monthly attendance over other months is any greater, as it is possible a large atypical event in April or May 2023 skewed its attendance figures.

RECOMMENDATION:

As part of its future operating model and new estates strategy, the IOPC should explore whether further savings can be made to its estates costs across its Sale, Birmingham, Cardiff and Wakefield offices.

Moving staff based in Canary Wharf to another London site

964. As addressed above, as the IOPC contracted through the Home Office for such a long lease for its Canary Wharf estate (through another nine years, through to 2032) *without any break provision*, for it to make savings on its estates spend in London before 2032, it would have to achieve one of the following:

- subletting **all** of its Canary Wharf estate and move into cheaper suitable accommodation in Greater London²⁸⁵; or
- subletting **more** of its Canary Wharf estate on account of one of the following²⁸⁶:
 - its continued under-utilisation of the site, even after subletting 37% of its leased space;
 - relocating some of its roles in Canary Wharf to Croydon, which we assess could reduce its overall estates costs as it would likely be able to achieve a cheaper price per desk by increasing its space in Croydon – although we note that the Croydon lease ends in 2025 so (assuming this is or cannot be extended), the IOPC would need to find alternative premises before then anyway;
 - relocating some roles based in Canary Wharf to areas of the country with reduced estates costs, albeit that it would incur one-off costs in doing so (as set out in Places for Growth strategy above).

965. When this long lease for Canary was signed²⁸⁷, the societal shift to greater remote working that was precipitated and accelerated by the Covid-19 pandemic could not reasonably have been predicted. Furthermore, the Home

²⁸⁵ If IOPC sought to move offices from Canary Wharf to another site in London, the Home Office advised us that this would need to be in outer London (per London Board principles and direction from the Home Secretary), within the existing civil estate and would, of course, be subject to availability.

²⁸⁶ The Home Office told us that the GPA has changed its position in respect of the original tenant (the IOPC) retaining liability for any surplus space (void spaces), so it might be possible for the IOPC to release more space, without retaining liability for voids. However, this has not been IOPC staff's understanding in discussions with them to date.

²⁸⁷ At the time of signing in 2018, the rent for the 2,050m² occupied (Net Internal Area) was £772k p.a., index-linked to RPI (up to 5%). Other costs such as rates, service charges, utilities and insurance charged separately as these are driven by either Local Authority or the suppliers servicing the accommodation.

Office has told us that the IOPC might have expected to pay up to 25% more over the course of this lease had it been able to negotiate a break clause.

966. In our view, it was ill-advised on the IOPC's part to sign such a long 14 year lease (2018-2032) without any break clause. Furthermore, whilst the Home Office only signed the MOTO as the IOPC's sponsored department, we consider that more effective scrutiny of its ALB's efficiency and finances might have led the Department to advise the IOPC against such action. Whilst we understand the GPA only provided the IOPC with one option to join a 'large government hub', we believe the high cost of this Canary Wharf lease and inability to secure a break lease should have provided the IOPC with pause to reflect and instead secure a cheaper commercial lease outside of a large government hub. Regardless, however, of how the IOPC came to sign this expensive lease, we suggest the IOPC and Home Office need to work together to help move the IOPC onto firmer financial footing.
967. The only other way the IOPC could reduce its estates spend in London would be by extricating itself from its long Canary Wharf lease, by asking the Home Office to take on this office space and financial liability on its behalf. Home Office officials have suggested this is unlikely and would not come without cost (given IOPC is an independent ALB with property holding rights and estates funding), with Home Office involvement likely limited to its Estates Intelligent Client Function providing IOPC with advice and guidance. However, we assess that the Home Office and IOPC must seriously consider the IOPC's financial future, given its unsustainable financial model, so this option might helpfully be considered as a 'least worst' option to put the IOPC onto firmer financial footing.

RECOMMENDATION:

The Home Office and IOPC should explore options to reduce IOPC exposure to its expensive Canary Wharf lease. In particular, the Home Office should consider:

- **whether it could use any of IOPC's Canary Wharf desks for Home Office staff, at good value for money compared to its existing estate; and**
 - **the potential merits – or not – of the Home Office absorbing some of IOPC's exposure, even if it increases the Home Office's own costs, in favour of putting the IOPC onto sustainable finances sooner than 2032.**
968. It is not value for money public funds to be used funding underutilised accommodation and therefore we would expect HOSU, given IOPC's agreement is with another branch of central government, to take responsibility for resolving the issue on IOPC's behalf.
969. As part of its revised Medium-Term Financial Plan, the IOPC needs to estimate its potential saving if Home Office were to take on some or all of the space in

Canary Wharf long lease. This estimate should consider the cost of increasing capacity in Croydon, or elsewhere in the south-east.

IT spend

970. ICT budget equates to 7% of the total annual budget allocated to the IOPC. This has reduced in recent years where it was 12% of the total following disaggregation of a very expensive IT contract which was replaced by many smaller contracts that were providing more meaningful solutions as required by the business. In changing the ICT contract, this has delivered savings of £2.1m in prior years.
971. IOPC are in the process of changeover to Microsoft products allowing for all to be using One Platform with CRM, EDRM and legal CRM to be functioning from the same platform. This investment will ensure that all areas of the business is working consistently, allowing for flexibility in hybrid working.
972. ICT cumulative efficiency savings is expected to be £0.73m (represent 8.5% of total efficiencies planned) which will see £0.3m achieved in 2023/24 through a reduction in projects and cessation of a contract no longer needed with technical experts recruited in house to service the business operations.
973. The next 2 years will see recruitment of roles for IT systems used which are currently being supported by specialist contractors who are engaged in embedding the new IT system which will assist to deliver on the modest savings projected for 2025/26.
974. ICT lead developed the Digital and Technology Strategy to take IOPC technological solutions to the next level, which is in its 3rd year, allowing for all to work from One Platform. However, this did not incorporate any outcomes from the Future Ways of Working and will look to include in the next update.²⁸⁸
975. ICT are also looking at digitisation, particularly on transcribing and other roles to deliver efficiencies in processes and performance in roles. The new solutions recently introduced in door entry systems is already delivering benefits for all, allowing for management information to be collated to assist with business decisions.
976. ICT work closely with the Estates and Planning teams to ensure that they are sighted on any major work. Notwithstanding that the IOPC does have a small PMO, which we have recommended needs to be strengthened we heard that sometimes the team do feel isolated on decisions being made without any knowledge which poses significant challenge in resource deployment and being able to deliver to requirements when ICT have not been party to any decisions. Strengthened programme management and engagement from this

²⁸⁸ IOPC Digital and Technology Strategy (Review reference 77)

central office with ICT would allow better governance and participation from the right areas to focus on delivering requirements working collaboratively.

Fleet spend

977. IOPC have a total of 81 vehicles in their fleet which are used to be deployed to investigation work as seen in **Table 11** below. The vehicles are currently located across all the sites of operations.
978. Of the vehicle ages, 3 are from 2011, 48 are from 2016 and 30 are from 2021. There are 36 vehicles (44% of 81 vehicles) that are Hybrids, with all 30 purchased in 2021. All areas except Warrington have an allocation of 6 Hybrid vehicles by location.
979. The annual running cost of the vehicles is £198,358 which is made up of the following areas:
- £70,000 - covering fuel, repairs, tax and MOTS
 - £55,000 - covers cost of motor insurance
 - £66,358 - cost of parking spaces leased for Canary Wharf, London and Wakefield. The other locations cost of parking is combined in the lease and not broken down.
980. IOPC's vehicles have a book value that depreciates each year. The vehicles procured in 2016 (48 of the vehicles) have a total book value as at 31 March 2023 to be ~£38,000.
981. IOPC is looking to revise the models of vehicles purchased in 2016 with newer and electric vehicles to meet Government's initiative to reduce Carbon footprint. For this, a Capital sum of £450,000 has been set aside for this purpose, however with limited availability of charging points in the current locations, this will cost a significant sum which will also need to be agreed with the leaseholder for approval.
982. A sum of £10,000 has been agreed to be released as part of the efficiency plans on the Fleet, however a recent audit conducted on the Fleet Management by Government Internal Audit Agency (GIAA) presented on 10 April 2023, recommends that IOPC Fleet Management process is deemed to be **'unsatisfactory'** and therefore needs urgent attention.

RECOMMENDATION:

The IOPC should defer purchase of any new vehicles until all GIAA recommendations on Fleet have been acted on, given underuse of existing fleet and inadequate oversight of fleet usage.

Table 11: IOPC Vehicles and Net Book Values

Fleet Location	Registered 2011	Registered 2016	Registered 2021	TOTAL
Birmingham		10	5	15
NBV (Net Book Value)		7,504	75,820	83,324
Cardiff		8	5	13
NBV		6,239	74,062	80,300
Croydon		5	5	10
NBV		4,141	75,960	80,101
Canary Wharf, London		5	5	10
NBV		3,964	67,714	71,678
Sale		14	5	19
NBV		10,898	75,820	86,718
Wakefield		6	5	11
NBV		4,888	80,875	85,763
Warrington	3			3
NBV	0			0
TOTAL FLEET	3	48	30	81
TOTAL NVB	0	37,634	450,251	487,885

983. The assessment by GIAA review show that Fleet vehicles in Warrington and Sale were used the least, with Warrington's average utilisation at 11% and Sale (both teams combined) at 22%. The fleet vehicle in Birmingham, Cardiff and Wakefield were used, on average, less than 35% of the period.

984. The fleet vehicles at Canary Wharf were used the most, with an average utilisation of 74% and 6 days in that period all vehicles were used and set out below as per **Table 12** which is an extract for the GIAA audit report.

985. This said and whilst the fleet in Canary Wharf location was utilised the most, however as IOPC are downsizing the Canary Wharf estate and with a view to eventually release the offices completely, any future requirements on increasing/decreasing fleet should be reflected in their Estates Strategy to drive efficiencies, as the site also incurs additional parking costs paid to a Third Party to safeguard the vehicles.

Table 12: Use of Fleet vehicles in terms of days booked and average miles

Locations	Vehicles	Fleet Usage - Q1 (Miles)	Fleet Days Used	Utilisation	Files per Fleet Day
Canary Wharf, London	10	12,477	652	74%	19
Croydon	10	4,094	535	61%	8
Wakefield	9	14,324	268	34%	53
Cardiff	13	19,069	380	33%	50
Birmingham	15	18,022	420	32%	43
Sale	19	11,207	368	22%	30
Warrington	6	1,869	57	11%	33

986. From review with the Operations Manager responsible for the Fleet, there is acknowledgement that the governance and management is unsatisfactory and working on the recommendations made.

987. It is also clear that IOPC do not have satisfactory processes to monitor usage is concerning and the above utilisation confirms that there should be a reduction to the fleet by at least by 30% to deliver value for money and reduction to carbon footprint.

988. IOPC should also consider looking at other modes of transport, particular in London where public transport is more accessible. This should also incorporate a plan to use Hire Cars which can be requested flexible which will deliver value to the organisation.

RECOMMENDATION:

The IOPC should align its revised fleet strategy with a new estates strategy and its future operating model and consider using other modes of transport and car hire.

Commercial spend

989. The commercial team currently sits under the Head of Finance (HoF) and have 5 commercial team members with varied experience carrying out the roles. It is clear from interviews that there is a capacity issue in this team and therefore that certain activities such as contract management cannot be performed.

990. All contracts for IOPC from inception are held in a register which has, at the point of sharing, 229 contracts awarded to supplier over several years to the value of £29.6m. Some 67 (29% of total) contracts expired over the financial year.

991. This register contains no start or end date for a similar (67 contracts, 29% of the total), which is concerning.
992. Contract values recorded against each contract is the same value in the Spend to Date column (AF), again which is concerning if IOPC team are working to this data as it is evident that they are not recording expenditure accurately against each contract which suggests a weakness in governance and will lead to potential financial risk for the organisation.
993. Contracts on the register are not categorised to their value or strategic importance. Categorising contracts under Gold, Silver and Bronze will help to ensure that a proportionate and risk-informed contract management approach is adopted. It also aids in standardising the contract management approach across the whole portfolio based on the tiering of contracts. This has also been highlighted in recent audit conducted by GIAA in November 2022.
994. Currently, there is a risk that critical contracts may not receive sufficient stakeholder engagement and oversight, whereas lower risk contracts may incur effort that is not proportionate leading to inefficient use of contract management resources across the portfolio. This is also compounded by limited contract management plans and approach embedded to allow IOPC to manage risks and identify any opportunities. Both the NAO Good Practice Contract Management Framework guidance and Government Functional Standard GovS008 stipulate that there should be contract management plan in place for each contract, a recommendation made by GIAA and yet to be implemented.
995. On review of the contract register, we have identified 88 contracts (38% of total contracts) that are due to expire in this current financial year, ending 31 March 2024, of which 26 contracts on the register did not record any contract value which is concerning.
996. This was highlighted in the discussions with various staff in IOPC including those with responsibility in this area who was unaware many contracts were shortly expiring. Finance officials appear similarly unsighted on whether potential commercial savings could be made, with the exception of one contract expiring reducing its commercial spend is not otherwise considered in the IOPC's Medium-Term Financial Plan.
997. Since the recommendations made by GIAA March 2023, only a few recommendations on contract management and procurement have been taken forward which shows the low importance given to commercial contracts and contract management. This needs a significant change with a new structure to allow for the governance and compliance to be achieved.

RECOMMENDATION:

The IOPC should review how it manages its commercial contracts, developing and implementing strong central identification and tracking of when contracts

are coming to an end or might need to be re-tendered or renegotiated. Such tracking should assess risks from inflationary pressures and potential opportunities to potentially reduce costs during contract renegotiations.

Planned efficiencies

Monitoring of efficiencies and delivery of previous efficiencies

998. Through its budget-setting process, the IOPC agreed efficiencies for 2020/21 and 2021/22.²⁸⁹ Monthly 'Resources' reports to IOPC Unitary Board meetings include an efficiency tracker, that sets out planned efficiencies by category and how far annual costs will reduce over given years. It includes a 'savings delivery confidence RAG (Red, Amber, Green) rating' but provides no key or detail to explain the rating, nor what steps have been taken to get delivery back on track. We assess that this tracker has insufficient granularity to facilitate effective Board scrutiny.
999. Where planned efficiencies are being used to fund wider investments, Board papers should make this far clearer. Moreover, assessments and tracking of efficiencies appears to be conducted in isolation from inflationary or other financial pressures, which makes it harder to quantify the performance management and tracking of progress. Poor tracking of delivery of efficiencies has the potential to impact accuracy of forecasting, reporting and oversight of risks and opportunities if efficiencies cannot be realised in full to the timelines expected.
1000. Therefore, understanding and assessing benefit realisation is unclear, thus leads to inaccuracy in forecast and reporting with the Board unable to take timely decisions.
1001. This assessment is consistent with feedback from interviews with IOPC staff who acknowledged IOPC tracking of whether efficiencies are being achieved is currently inadequate. Where savings have been achieved, Savings (set out in **Chart 24** below) were used to absorb inflationary pressures and separate investment in several areas.

RECOMMENDATION:

The IOPC should develop a more robust tool for monthly tracking of efficiencies. This should be used to update annual and medium-term financial plans and the Board kept informed on whether efficiencies are being achieved. To inform its effective decision-taking, regular financial reporting to the Board could helpfully include a clear RAG status on risks to delivery against each

²⁸⁹ Source: IOPC Strategic Efficiency Plan PowerPoint dated November 2019 (Review Reference 8A). This was Annex 1 to a November 2019 Unitary Board paper on Cost reduction and efficiency plans 2018-22 (Review Reference 8B).

planned efficiency and mitigations in place where delivery of efficiencies is off track, aligned to the MTFP and Risk Register.

RECOMMENDATION:

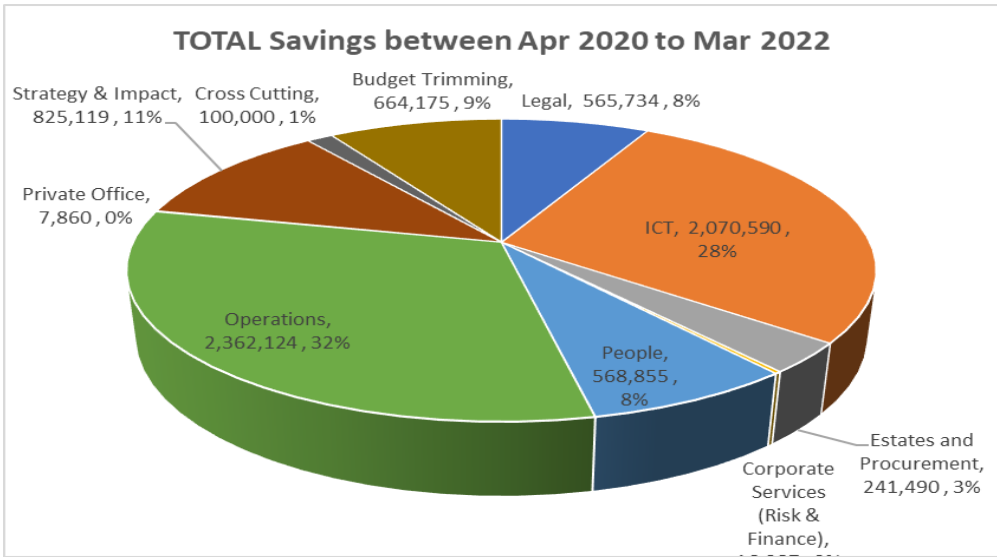
In the revisions the IOPC is making to its Medium-Term Financial Plan, the IOPC should bring together more clearly pressures alongside its efficiency plans to understand overall impact, allowing for any risks or opportunities to be flagged and managed effectively.

1002. IOPC has advised that efficiencies over recent years were primarily from a reduction and or exit of staff. However, this must have been matched by equivalent increases to staffing in other areas, as overall staff numbers stayed static.

1003. ICT costs fell by £2.1m (28% of total savings) from the disaggregation of an expensive ICT contract with Sopra Steria with some services brought in house and further alignment of systems to business needs.

1004. Reduced staffing in Strategy and Impact, and People saved £1.4m together (19% of overall savings).

Chart 24: Total Savings realised between 2020/21 and 20221/22



1005. Over 2020/1 and 2021/2, the IOPC indicates that it saved a total of £7.4m (as illustrated in **Table 13**), that enabled it to absorb inflationary pressures over this period. This illustrates that most planned savings were delivered in 2020/21 and all efficiencies were achieved over 2021/22.

Table 13: Strong track record of IOPC achieving planned efficiencies

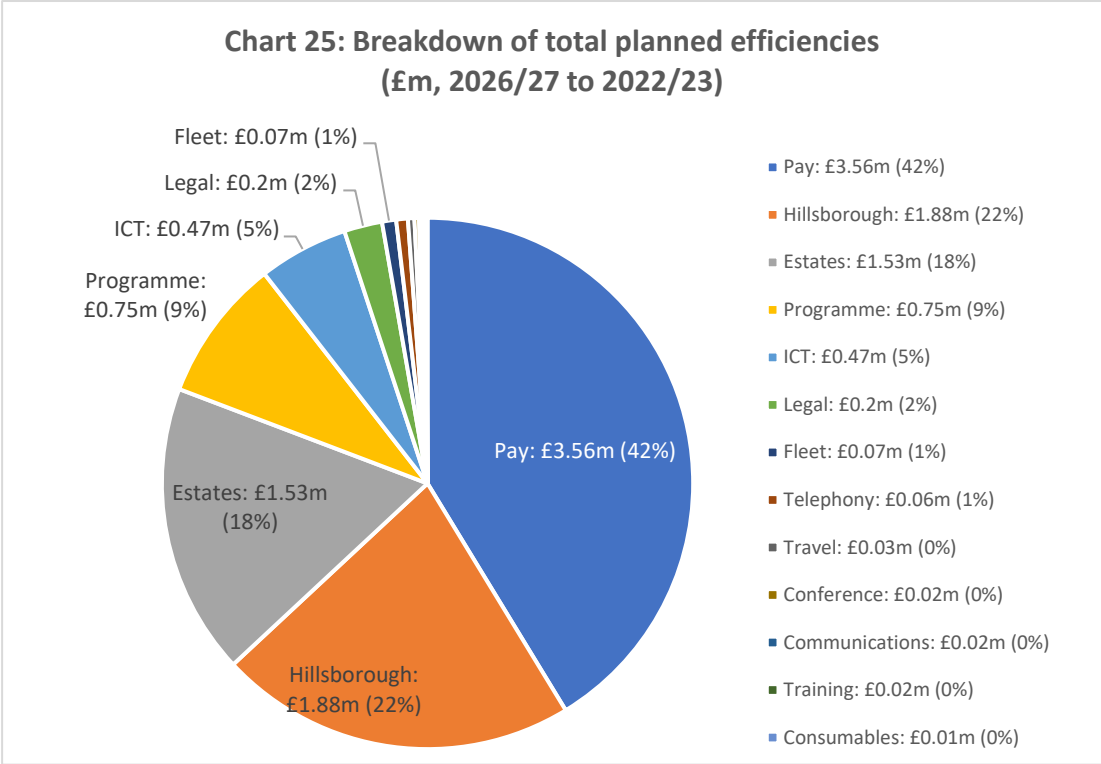
Financial Year	SAVINGS (Agreed)	SAVINGS (Achieved)	Savings (Not Achieved)
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2020/21	£3,728,753	£3,527,753 (95%)	£201,000 (5%)
2021/22	£3,905,181	£3,895,181 (100%)	£10,000 (0.3%)
2022/23	IOPC advises that there was no specific efficiency programme or reporting for 22/23. Instead, agreed savings were reflected in budget allocations and managed through budget reporting.		

1006. IOPC advises its 2022/23 budget reflected full-year effects of previous efficiency savings (including Digital Evidence Management Solution (DEMS), ICT disaggregation and team restructures and end of short-term investment budgets. It also advises that the smaller footprint at Canary Wharf to reduce estate costs, travel costs were also re-based for hybrid working and savings from vacancies increased to reflect higher staff turnover. Work to develop the IOPC's medium-term financial plan over 2022/23 informed its delegated budget for 2023/24, which included the impact of 'considered recruitment', introduced in 2023/24 (this is where the IOPC is applying a risk-based approach to recruitment to ensure all departments contribute to required efficiency savings) introduced in 2023/24. IOPC advises it plans to realise £1.56m savings in 2023/24.

Overview of planned efficiencies for 2023/24 to 2025/26

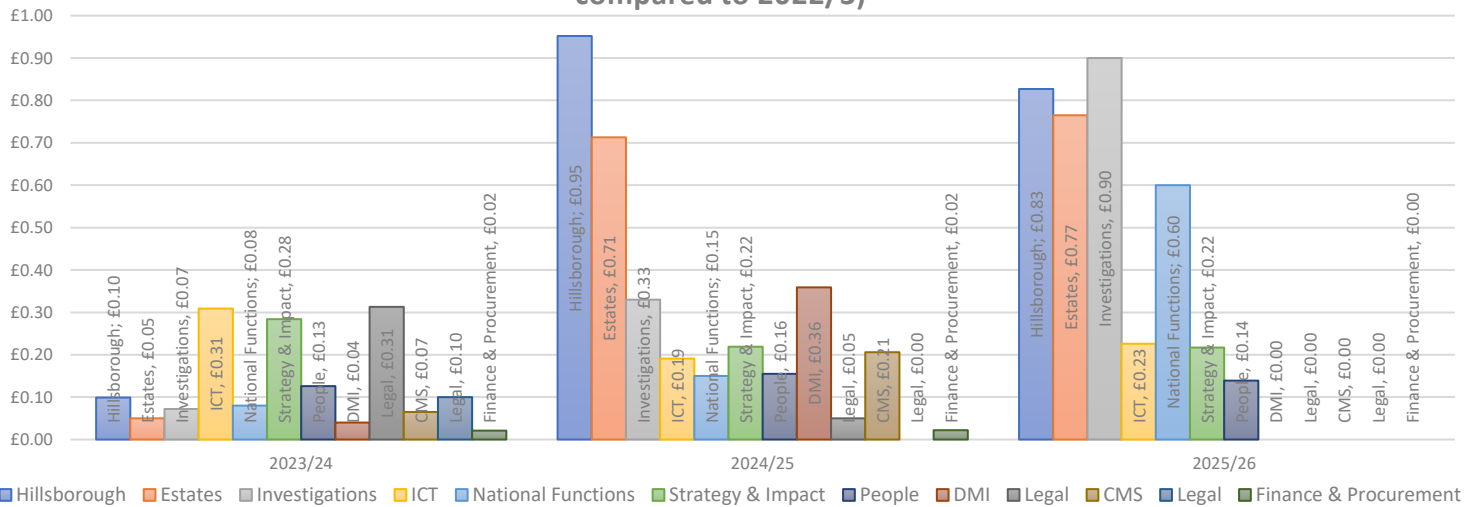
1007. In total, the IOPC plans to make £8.6m efficiencies between 2023/24 and 2025/26, as set out in the IOPC's Medium-Term Financial Plan – addressed in further detail below. **Chart 25** provides a breakdown of total planned efficiencies. (It includes potential savings to estates costs that we have addressed under estate spend above.)



1008. As evident from **Chart 26**, the IOPC’s plans are backloaded, with only 18% of savings (£1.6m) expected to be realised in 2023/24, 40% in 2024/25 (£3.3m) and 42% in 2025/26 (£3.7m). IOPC advised this Review that many of these savings are transformational in nature (for example the Improving Operational Delivery programme and National Operations Turn-around Plan), hence delivery of savings is back ended. Nevertheless, as noted elsewhere, whilst it takes time to achieve efficiencies, such back-loading means there are significant risks that any material delay to achieving them could mean they are not fully realised over the period in question.

Chart 26: Planned efficiencies by category and by year (2023/24 to 2025/26)

Chart 26: Planned efficiencies savings (£m) over the next 3 years (by end 2025/6, compared to 2022/3)



1009. We found it concerning that senior IOPC individuals – including some of those who share responsibility for developing and delivering planned efficiencies – had very little confidence in the IOPC’s planned efficiency plan, describing planned efficiencies in 2023/24 as ‘probable’, planned savings in 2024/25 as ‘risky’ and planned savings in 2025/26 as ‘very risky’ and highly likely to slip. This does not inspire confidence, especially as we note that the MTFP agreed in February 2023 had no contingency if planned efficiencies were not realised in full over this period.

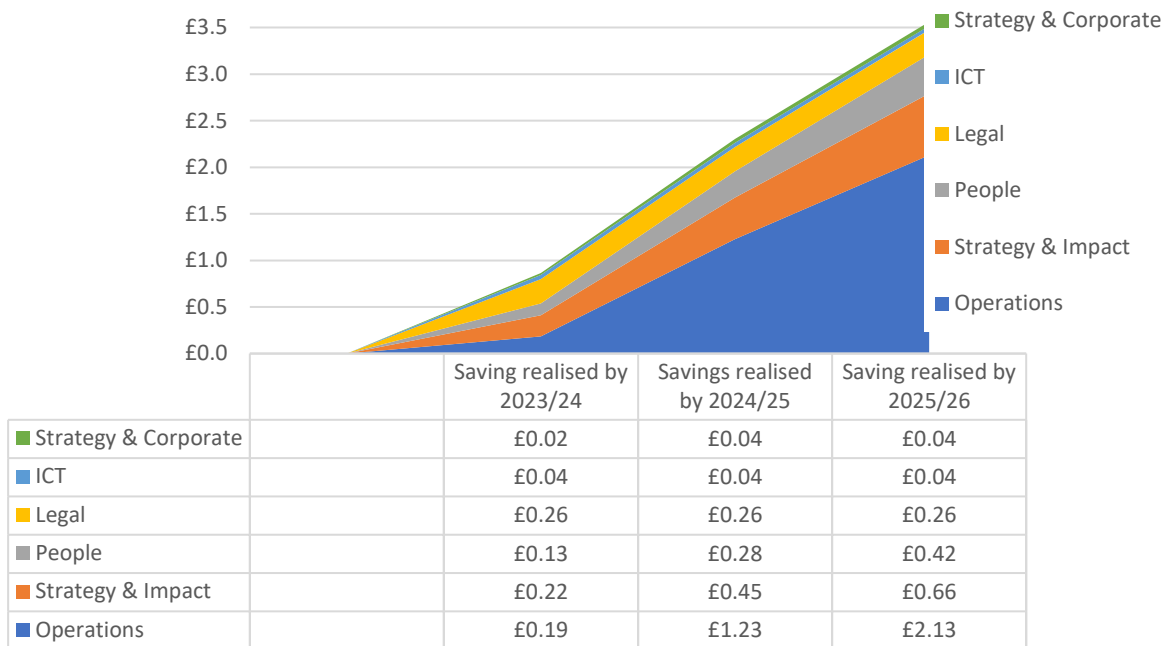
1010. It was also concerning that numerous IOPC staff we interviewed consider that planned efficiencies simply ‘salami-slice’ individual budget items, without there having been a thorough review and identification of where savings can actually be achieved.

Planned savings from reduced staffing

1011. The IOPC’s efficiency plans for the next 3 years include significant savings to its staffing costs (£3.5m, 42% of the IOPC’s total planned £8.6m efficiencies) as shown in the below **Table 14**.

Chart 27 and Table 14: Planned savings from planned IOPC efficiencies to be cumulatively realised between 2023/24 and 2025/26

Chart 27 and Table 14: Planned savings (£m) from planned IOPC efficiencies to be realised between 2023/24 and 2025/26



1012. We have not seen any detail about planned staffing reductions to form firm judgments on the credibility of most of these savings. Indeed, it is unclear if planned efficiencies from reduced staffing provided to this Review account for any increase in staffing the IOPC may be planning in particular areas, especially given that historical staffing reductions were offset by equivalent growth in staff in other areas of the IOPC. Equally, where staffing efficiencies imply a 'net' headcount cut, it is unclear to what degree any redundancy costs the IOPC might incur (assuming reductions are not all achieved through attrition) are accounted for in its efficiencies plan.

1013. A more resource-intensive and detailed analysis of the IOPC's costs, for example through activity-based costing, would be needed for us to provide actionable findings and recommendations on whether IOPC staffing levels could be reduced in some areas without material impact to the IOPC's mission. We recommend the DG investigate this further.

1014. In the interim, however, we make the following observations against the IOPC's plans to make annual savings by March 2026:

- Operations: £2.1m. The DG may wish to consider what precipitated the 28 FTE reduction in operations staff (from 606 FTEs in 2018/19 to 578 FTEs in 2022/23), and to what extent this contributed to the steep fall in number of independent investigations the IOPC takes on. We note that these planned £2.1m savings would need to be achieved in the context of projections that IOPC's operational workload will change as follows:

- a 30% decline in core independent investigations from 2022/23 (367) to 2025/26 (260-280);
 - 41% growth in referrals from 2022/23 (6,226) to 2025/26 (8,765); and
 - 1% growth in reviews from 2022/23 (2,003) to 2025/26 (2,025).
- Strategy and Impact staffing: £662k, to be achieved through restructuring and reducing some services on: stakeholder events; and learning and development. We note that this follows 21% growth in staff in this function since the IOPC was formed (from 147 FTE in 2018/9 to 179 FTE in 2022/23). We suggest that, if the IOPC has no option but to reduce its overall headcount given the state of its finances, once appointed a permanent DG may wish to consider whether a modest fall in the 179 FTEs dedicated to ‘strategy and impact’ – or, more specifically, to those staff in Strategy and Impact that do not directly support frontline operations²⁹⁰ – would have the same impact on the IOPC’s core mission as an equivalent fall in its operations teams;
 - ‘People’ staffing (including estates): £828k through restructuring and reducing corporate teams. Once a permanent DG is appointed, they may wish to consider whether a team the size of 71 FTEs focused on ‘People’ is warranted and proportionate to an organisation of the IOPC’s size.
 - Training and recruitment: after spending £1.0m less than the £1.7m budgeted in 2022/23 for training and recruitment, the IOPC expects to spend £0.7m less in 2024/25.

1015. Over the same period, the IOPC plans to reduce its annual Hillsborough investigation staffing costs by £1.88m (in addition to the £200k savings in estates costs, set out above). We note that, with this being heavily back-loaded (with 99% of these savings expected to be achieved over the last 2 years), there are material risks to achieving these staffing savings in the event publication of the Final Report is delayed and/or an application is made for a Judicial Review of these investigations, as noted in **Chapter 6**. Overarching considerations for reviews, referrals and investigations.

²⁹⁰ Many – but not all – strategy and impact staff directly support its operations work and other statutory functions, including its: oversight team; policy and engagement team who work to identify and share learning recommendations; stakeholder engagement team who support Community Reference Groups during critical incidents; and quality and service improvement team and communications team who directly support operational staff).

RECOMMENDATION:

The IOPC's revised Medium-Term Financial Plan should consider the risk and higher costs associated with any delay to the completion of the IOPC's Hillsborough investigations.

RECOMMENDATION:

The IOPC Director General should review planned savings to staffing costs, in light of the Review's observations. They should consider whether, as IOPC Hillsborough investigations conclude, its skilled investigators could be redeployed to wider operational work to backfill investigators lost through turnover, or arrest, or indeed reverse, the steep decline in the number of other independent investigations the IOPC conducts annually.

Scope to achieve efficiencies through other cost reduction 'levers'

1016. We are unable to provide any firm judgments on the degree to which the IOPC could make further efficiencies through greater digitisation of its services. However, we note that the IOPC is already rolling out a new digital Case Management System which looks to improve productivity among its operations and a Digital Evidence Management Solution (DEMS). The IOPC has told us that the IOPC's Improving Operational Delivery programme and National Operations Turnaround Plan will also identify where digitisation could be expanded, for example using Artificial Intelligence (AI), or Optical Character Recognition (OCR) to digitise images of text. Another opportunity may be the use of generative AI in case summarisation and analyses potentially in the assessment unit or case work. The later should be discussed with the Home Office about potential pilots in these areas.
1017. We have not seen any evidence that the IOPC has considered to what degree it should share services with other ALBs or indeed the Home Office. However, concern to preserve the IOPC's operational independence should not preclude any consideration of sharing corporate back-off functions. The IOPC has told us that some recent scoping work it had conducted on Shared Services for a revised Medium Term Financial Plan did not appear to support a strong business case for Shared Services; and that this was confirmed in discussion with other ALBs.
1018. IOPC staff have outlined how, whilst the IPCC had previously considered how its costs fared against those incurred by potential comparators, CIPFA benchmarking was stopped in 2017/2018, in a bid to save money from the resources invested in this. It is unclear what assessment was used to inform this judgment that modest resource looking at benchmarking outweighed the potential savings.
1019. Lastly, whilst we have considered that the IOPC could – with the approval of the Home Office – consider charging for its services, this raises two key

concerns. Firstly, any charging to police forces, for example, to consider their referrals could perversely disincentivise them from making referrals when they should. Second, we are also conscious, from stakeholder interviews, of the financial constraints that police forces face and what effect imposing IOPC charges on them would have.

Assessment of medium-term financial plan

1020. After Unitary Board input to the development of the MTFP (covering 2023/24 to 2025/26) in October 2022 and December 2022, the Board agreed the first iteration of the MTFP in February 2023, updating it in May 2023.

Table 15: Medium-Term Financial Plan v1 – agreed by Unitary Board in February 2023

Medium Term Financial Plan £m	2023/24 Pressure (Saving)	2024/25 Pressure (Saving)	2025/26 Pressure (Saving)
Directorate Budgets b/fwd	71.284	70.488	69.226
Pressures from pay/prices less savings already agreed in 2022/23	1.973	0.742	1.710
Pressures on Travel in 2023/24	0.100		
Efficiency proposals	(1.459)	(3.347)	(3.674)
Exits costs	0.300	0.513	0.790
Saving options	(1.710)	0.830	-
Total Directorate Budgets for each year	70.488	69.226	68.052
Central overlay for under spend risk from optimism bias (2% in 2023/24, then 1.5%)	(1.400)	(1.027)	(1.027)
Expected Outturn for year	69.088	68.199	67.025
Assumed Funding	68.493	68.493	68.493
Budget Deficit / (Surplus)	0.595	(0.294)	(1.468)

1021. The development of a new medium-term financial plan (following on from a plan for 2020-2023) is welcome and sensible, given the IOPC's 5-year Strategic Plan for 2022-2027. Nevertheless, we find that, even at the time this was agreed, this was not fit for purpose. There are several, significant factors that strongly call into question its forecasts, in addition to those already addressed around the deliverability of the £8.6m planned efficiencies.

1022. Firstly, the MTFP agreed by the Unitary Board in February 2023 accounted for a 2% staff pay award in 2023/24 (identifying a risk that it could be as high as 3%), and 3% pay rises in 2024/25 and 2025/26. However, the annual pay rise later awarded to IOPC staff (which the Home Office made clear in writing that it expected the IOPC to pay²⁹¹) was 4.5% (+0.5% for the lowest paid) with a £1,500 (non-recurring) pay award for 2023/24. As an organisation where

²⁹¹ Whilst the Home Office does not instruct ALBs what to pay on their pay awards, the Home Office did make clear its expectation that IOPC's pay award was in line with Civil Service remit guidance.

c.78% of spending goes on salaries, this immediately placed c. £1.2m strain on the IOPC's annual budget.

1023. Civil Service Pay Remit Guidance for 2023/24 was published in April 2023²⁹² which made explicit a 4.5% pay award, with an 0.5% for those lowest paid. The additional £1,500 non-recurring payment for 2023/24 was announced in June 2023.²⁹³ IOPC management strongly contests that a pay rise this high was foreseeable at the time, given its planning assumption was shared with the Home Office, who did not contest it. We note, however, that CPI was very high (it rose 10.1% in the 12 months to January 2023²⁹⁴), which might have suggested a pay rise higher than 2% or 3% was at least plausible. Regardless, if inflation does not fall as quickly as some predict, we assess that it remains plausible that there could be civil service-wide pay increases in 2024/25 and/or 2025/26 in excess of the 3% pay rises currently budgeted for.

1024. Second, several budget-holders from operations interviewed for this Review told us that the MTFP was a top-down exercise rather than a financial strategy, with no collaboration, validation or assessment undertaken with local business teams to understand if the plan was realistic or achievable. Whilst IOPC senior management told us that strategy and corporate heads of unit had been involved in developing the MTFP, budget-holders in operations reported that they had not been able to meaningfully contribute to its development and testing. They expressed significant frustration that this has been the approach, in their view, for many years and that engagement with them was limited to receiving a 'salami-sliced' budget without any consultation with those who would have responsibility for delivering these savings.²⁹⁵ It was clear from interviews that poor engagement and communication around financial budgeting has negatively impacted working relationships and trust within the IOPC. This top-down budgeting increases our concerns both that demand-led and inflationary pressures may not have been adequately accounted for and that planned efficiencies do not stem from a cohesive strategy for where savings can realistically be made, with least impact to the IOPC's mission.

1025. Third, notwithstanding that IOPC senior management told us that they had engaged corporate leads in the development of the MTFP to ensure alignment for example with the new property strategy, we consider that the MTFP agreed in February 2023 had inadequate detail, for example on:

- the planning assumptions underpinning it (for example on demand) and the basis for them;

²⁹² <https://www.gov.uk/government/publications/civil-service-pay-remit-guidance-2023-to-2024> (first published on 14 April 2023)

²⁹³ <https://www.gov.uk/government/publications/civil-service-pay-remit-guidance-2023-to-2024/civil-service-pay-remit-guidance-addendum-guidance-202324>

²⁹⁴ CPI figures published on 15 February 2023
<https://www.ons.gov.uk/economy/inflationandpriceindices/bulletins/consumerpriceinflation/january2023>

²⁹⁵ We note that, notwithstanding these genuinely-held views from IOPC staff, IOPC senior management refutes that the budget process amounted to 'salami-slicing'.

- how it aligned to the organisation’s operating model, workforce and estates strategies;
- the risks to the plan’s delivery and mitigations proposed.

1026. Fourth, whilst some papers during the development of the MTFP note different potential pay awards, this appears to have been the extent of any consideration of different scenarios the IOPC could face, with no scenarios developed within the MTFP, for example, to reflect:

- varying inflationary pressures the Home Office may require it to absorb (for example by making explicit planning assumptions for CPI, and how this related to cash funding from the Home Office);
- how demand on IOPC services might change (other than the number of applications it might receive for reviews of how complaints had been handled), such as the number of police referrals it may receive, nor how many independent investigations it would need to undertake based on these referrals and its statutory guidance.

1027. Lastly, the IOPC’s practice of over-delegating directorate budgets at the start of each financial year (e.g. delegating to directorates a total budget of £71.4m for 2023/24²⁹⁶, when the total funding it received from the Home Office in its delegation letter for 2023/24 was £68.5m) is not reassuring. Financial risks including any efficiencies (including pressures) are delegated to all budget holders, which results in financial pressures rolling forward each year.

RECOMMENDATION:

The IOPC should urgently review and revise its medium-term financial plan (MTFP), with much more extensive input and challenge from across the organisation, including from the Board. This revised MTFP should make assumptions on pay increases, other inflationary pressures and demand more explicit, having tested and agreed these assumptions with the Home Office. Unless or until the Home Office advises otherwise, it should take as its premise that the IOPC’s annual budget will be 5% lower in cash terms from the 2022/23 budget, to be achieved by the start of 2026/27 (with assumed funding of £65.1m in 2025/26). Best-case, base-case and worst-case scenarios and sensitivities that model different factors should be applied.

RECOMMENDATION:

IOPC Finance should review how it delegates budgets to budget-holders, to avoid or significantly reduce the risk of ‘baking-in’ financial pressures by delegating more than the HO funding it receives.

²⁹⁶ Management Board May 2023 Resource Report

Ongoing revisions to the Medium-Term Financial Plan

1028. We are aware that, as this Review concludes, the IOPC is conducting a significant revision to its MTFP as we have suggested. We have been advised that this revised MTFP will: likely account for higher pay rises; take as its starting point a 5% cash fall in its funding from the Home Office over coming years; that it will engage far more significantly in where the IOPC must make savings to live within these reduced means; and bring efficiencies further forward within the plan, so they are no less backloaded. To inform this, the Unitary Board and Management Board have asked budget-holders to advise what effect cuts to their funding would have, so that they can assess where reduced funding would have the least impact on the IOPC's service to the public.

Financial future

1029. Notwithstanding our comments on the significant improvements the IOPC needs to make to the way it conducts its financial planning, it is our opinion that the IOPC faces a very significant challenge in balancing its books if it receives a 5% cash fall in its funding by 2025/26 as expected and has to absorb inflationary pressures over this period. We project this would equate to a further 11.7% real-terms cut to its funding over the next 3 years, on the back of a 22.7% real-terms cut its to funding over the last 5 years. We are struck that whilst its budget is falling, demand on the IOPC, in particular the number of police referrals continues to climb significantly. Public expectations of the IOPC are also only likely to grow, as addressed in **Chapter 2. Introduction and background.**

1030. **The IOPC's current funding model is not sustainable**, as illustrated by the five times²⁹⁷ in the last 18 months alone that the IOPC has written to the Home Office – outside of the normal budgeting process – seeking additional funding to address budget pressures. Whilst formal, written correspondence between the IOPC and Home Office is necessary for audit purposes, we suggest this number of requests *for additional in-year financial support* demonstrates IOPC's management does not feel able to balance the organisation's books; and this is before the additional 11.7% real-terms cut expected to its funding over coming years.

1031. We consider it is in neither party's interests for the IOPC to be writing to the Home Office every few months to advise it cannot keep within the budget delegated to it; this is clearly unsustainable.

²⁹⁷ Letter from DG to Kit Malthouse MP (Jan 2022), Letter from DG to Mary Halle (Head of HOSU, 27 September 2022), Letter from Acting DG to Mary Halle (January 2023), Letter from DG to Mary Halle (30 June 2023); and email from People and Culture Committee Chair Christine Elliot to Mary Halle (30 June 2023).

1032. It also suggests **the relationship between the IOPC and its sponsor department is not working optimally**. The IOPC evidently requires greater support than it is currently receiving from Home Office sponsorship, finance and policy teams to help put it onto a sustainable financial footing.
1033. Greater input into and engagement from the Home Office in IOPC forecasting and budget-setting would help lay sounder foundations for the IOPC's long-term financial future; build greater trust and confidence between both parties in IOPC's management of its finances; and reduce the likelihood of further extraordinary in-year requests for greater funding.
1034. The completion of this Review and appointment of a permanent DG provide opportunities that we encourage both parties to grasp to review the IOPC's finances and the implications that further real-terms cuts could have on the number of independent investigations the IOPC can conduct, and its ability to secure and maintain public confidence in the police complaints system.

RECOMMENDATION:

The IOPC and Home Office should work together more closely to inform and constructively challenge and support IOPC's financial plans, consider what steps are necessary and in both parties' interest to put the IOPC onto a more sustainable financial footing and what activity and service it can provide with the funding it is given.

1035. At the same time, we cannot say with confidence that the IOPC is making best use of its resources. Material weaknesses in the IOPC's Medium-Term Financial Plan are worrying. Similarly, lack of confidence among some senior IOPC staff that it will achieve its own planned efficiencies over coming years – that they have played a not insignificant part in developing – is cause for significant concern. Transformation activity, noted in **Chapter 7**. Wider effectiveness of the IOPC including the Improving Operational Delivery (IOD) programme will help. But a comment from one of the IOPC's Regional Directors – that "I don't think anyone signed up to IOD efficiencies being achievable" – was particularly instructive in demonstrating that the IOPC's existing projects to improve productivity will not be a silver bullet for its finances.
1036. The IOPC should look to accelerate efforts to reduce its back-office costs, particularly its estates costs which account for 8% of its spend. However, its Canary Wharf costs are fixed for the foreseeable future (in the absence of additional support from the Home Office, given this lease runs to 2032 without a break clause). Moving to a cheaper site within Greater London would help the IOPC to reduce its operating costs in the medium-term, especially if it rationalised its wider estate at the same time, in the context of significant under-utilisation and a recommended review of its operating model.

1037. At a macro level, however, reducing its estate costs and pursuing existing planned efficiencies will not be enough to make the IOPC financially sustainable going forward, especially when demand for its services, in particular the number of police referrals and public expectations of the IOPC are only likely to grow.

1038. These steps, whilst vital, should be pursued alongside a radical rethinking of its organisational structure, operating model, governance and the development of a workforce strategy²⁹⁸. As outlined in **Chapter 7**. Wider effectiveness of the IOPC the IOPC should explore the potential merits and drawbacks of adopting a national model to its operations and reducing its footprint in the regions. It must also engage with the Home Office on the choices it faces about the balance of its efforts between its oversight role and encouraging learning through thematic reviews, and the operations for which it is best known: conducting reviews, assessing referrals and leading independent investigations.

²⁹⁸ The lack of a workforce strategy was also raised as a concern by the Government Internal Audit Agency in March 2023.

Chapter 11. Financial management

Financial accountability to the Home Office

1039. As set out in the HM Treasury's document 'Managing Public Money' (MPM), the Permanent Secretary, as Principal Accounting Officer for the Home Office 'must be able to assure Parliament and the public of high standards of probity in the management of public funds'²⁹⁹ for the Department and its public bodies. The Permanent Secretary therefore has a duty to satisfy himself that the IOPC has adequate financial systems and procedures in place to promote the efficient and economical conduct of its business and to safeguard financial propriety and regularity.

1040. The IOPC's DG is its Accounting Officer (AO), held accountable for all operations and financial governance. Their role as Accounting Officer is explained in their appointment letter from the Home Office Permanent Secretary references guidance MPM and HM Treasury Handbook on '*Regularity, Propriety and Value for Money*' which contains learning examples for Accounting Officers.

1041. The Home Office, as the IOPC's sponsor department, formally delegates certain financial authority to the IOPC's DG each year, in a letter from the Home Office Strategy Director. This annual budget delegation letter emphasises the IOPC DG's responsibilities for:

- providing strong financial leadership and appropriate governance to ensure they deliver value for money for the taxpayer, in line with MPM and Department's Spending Review settlement;
- keeping IOPC spend within their delegated 'control total'; and
- providing regular, timely and accurate forecasts to the Home Office, to allow the Department to manage its expenditure within HM Treasury requirements.³⁰⁰

1042. We find that the Home Office Sponsorship Unit (HOSU) and Finance teams appear to focus solely on the bottom line, *i.e.* whether the IOPC keeps within its 'control total', the amount delegated to it by the Home Office. The Home Office provides limited support to the IOPC and scrutiny to any other aspect of its finances. This means that HOSU therefore may have limited oversight of the key financial issues facing the IOPC and potential response to these. To ensure the Accounting Officer acts within the authority of the Minister and has controls to assure high standards of probity and value for money, the

²⁹⁹ <https://www.gov.uk/government/publications/managing-public-money>

³⁰⁰ Annual letter of budget delegation from the Home Office (Aug 2023)

Department needs to move away from focusing exclusively on the bottom line, to ensure effective governance and challenge for the taxpayer and carry out analysis of financial information.

1043. On review of the IOPC financial accounts against Home Office delegations, there is evidence that the HO and the IOPC financial positions are not aligned.
1044. The Home Office Sponsorship Unit (HOSU) attends separate monthly meetings with both Finance and IOPC Finance. The Sponsorship Unit further meets with the IOPC DG's Private Office to discuss any issues. However, these are quite informal with no minutes taken, and only actions recorded by email. There is no regular discussion of the IOPC's efficiency plans, nor its progress against its Medium-Term Financial Plan. The Board needs to take a view on this.
1045. From interviews with Home Office officials, it appears the Department has often received information later than it should, to inform it of any decisions affecting the IOPC's finances. The Sponsorship Unit would benefit from earlier sight of any pressing issues that arise at the IOPC, so it can respond and assist the IOPC as necessary. The IOPC should proactively provide more detailed information for transparency, and to facilitate the Department's effective challenge, working collaboratively to deal with any emerging issues.
1046. The IOPC and Home Office are both, rightly, eager to preserve the IOPC's operational independence, in particular ensuring that individual decisions and investigations are free, and seen to be free, from Home Office influence. However, this must not preclude good governance, scrutiny and accountability. The IOPC should facilitate greater transparency on its activities outside of individual investigations, particularly financial and organisational risks. For example, the Department should have greater sight of organisation business continuity plans, workforce plans and tracking of internal audit issues to name a few key areas. Planned revision to the Framework governing the relationship between the Home Office and IOPC provides welcome opportunity to clarify what independence means and facilitate a better working relationship between the two, in terms of financial accountability, as well as transparency and governance.

RECOMMENDATION:

The Home Office must move away from focusing purely on the IOPC's bottom line and improve its analysis of the extent to which IOPC's delivery represents good taxpayer value for money in order to provide adequate assurance to the Home Office's Permanent Secretary, as Principal Accounting Officer, that public money is being managed effectively.

RECOMMENDATION:

The Home Office Sponsorship Unit and the IOPC Finance must embed processes, with better sharing of management information and look to widen

the performance measures IOPC uses to ensure it adequately manages its finances.

Accounts

1047. The IOPC prepares an Annual Report and Accounts (ARA), providing annual performance of investigations with statistics and financial outturn of Resource Departmental Expenditure Limit (RDEL) and Capital Departmental Expenditure Limit (CDEL) expenditure, risks and efficiencies incorporated. The accounts are signed off by the DG as the Accounting Officer and laid in Parliament by the Home Secretary. They are also audited by the National Audit Office.
1048. The ARA are prepared in line with the Government Financial Reporting Manual (FReM) issued by HM Treasury with accounting policies contained in line with International Financial Reporting Standards (IFRS) and working with International Accounting Standards (IAS). They are published on the IOPC's website³⁰¹ and on gov.uk³⁰², but as of November 2023, these only cover up to 2021/22 as the Annual Report and Accounts for 2022/23 have not been agreed and laid in Parliament.
1049. The Annual Report includes a chapter on the IOPC's finances. However, the accounts reported are not consistent with expenditure information the IOPC provides to Home Office finance teams. For example, in 2020/21, we noted a £752,000 difference between the published accounts and data that the IOPC provided to the Home Office, equating to about 1% of IOPC spending.³⁰³ The IOPC advised us that the difference was due to holiday accrual during Covid-19.
1050. We understand that Home Office considers any difference below £1m as immaterial. However, if this approach of governance on taxpayer funds is operated, and if other ALMs make similar adjustments, then the consolidated position could reach overall materiality and provide the HO with significant financial risk.
1051. HOSU coordinates the ARA for sign-off by ministers and laying to Parliament. The IOPC shares its ARA in draft for Home Office comment. Home Office Sponsorship Unit, Finance and policy teams scrutinise it and provide feedback. The IOPC then make any revisions as necessary and share a final ARA with the Sponsorship Unit who submit the report to ministers with advice for their sign-off. This is because whereas IOPC undertakes adjustments at Period 13, with figures not included in the HO Finance system, the Department works up to Period 12 of the reporting year.

³⁰¹ <https://www.policeconduct.gov.uk/about-us/our-strategy-and-performance/annual-report>

³⁰² <https://www.gov.uk/government/organisations/independent-office-for-police-conduct>

³⁰³ In 2020/21, annual accounts published (net spend) was £73.815m, compared to IOPC Finance Metis Outturn maintained by the Home Office of £69.938m and non-cash depreciation of £3.125m, leaving a variance of £0.752m.

Delegated spending authority and accountability in the IOPC

1052. Under the DG's Scheme of Delegation (recently revised, in July 2023³⁰⁴), the AO sub-delegates their budget to specified budget-holders within the IOPC. These are set out in formal delegations from the Finance team and authorised by the DG. The IOPC's delegation policy aligns with *Managing Public Money*³⁰⁵. This is also adopted via IOPC Standing Financial Instructions.³⁰⁶

Ownership for financial planning and financial management

1053. Financial planning and financial management are carried out jointly by IOPC's Finance and Business Development teams. Business Development runs annual business planning and the process of developing IOPC's strategy. Finance assesses the affordability or deliverability of IOPC's financial plans. Finance is split between three teams focusing on:

- financial accounting (with responsibility for management accounts and financial reporting);
- business partnering with budget-holders, to challenge them on their financial performance and identify financial risks; and
- financial transactions (with responsibility for purchase orders, invoices, debt management etc.)

1054. Whilst collaboration between these Finance and Business Development teams is welcome, from observing the Board and interviews with IOPC staff, it is clear ownership for financial planning and financial management is not entirely co-ordinated. Clearer defined roles are required and in particular who is responsible for the 'bigger picture'.

1055. As noted in **Chapter 8. Governance**, presently neither the Head of Finance nor Head of Business Development are formally members of the Unitary Board meetings, albeit that the Head of Finance typically attends most meetings, with the Head of Business Development also attending for relevant items.

1056. We welcome the ongoing recruitment of a Board-level Finance Director and the IOPC's intention that they are made a formal member of Unitary Board.

³⁰⁴ <https://www.policeconduct.gov.uk/publications/iopc-scheme-delegation>

³⁰⁵ HMT guidance on how to handle public funds: <https://www.gov.uk/government/publications/managing-public-money>

³⁰⁶ Standing financial instructions (Review Reference 14)

RECOMMENDATION:

The IOPC should appoint a Finance Director to the Board without undue delay to provide greater financial leadership and ensure singular accountability for the organisation's financial planning.

Financial reporting

1057. The IOPC currently have 51 cost centres to facilitate financial management at a local level. This appears excessive for an organisation of this size. This level of granularity may be hindering governance and accountability. It would be more effective if the cost centre structure was streamlined to Director-level responsibilities. Reducing and consolidating corporate activities (such as Estates) into a single cost centre would benefit reporting and free up capacity in the finance team to improve Board-level reporting.

1058. The IOPC should look to rationalise the number of its cost centres, align its financial reporting practices with the Home Office and HMT and otherwise streamline its reporting practices.

Financial management

1059. The IOPC lacks a system that integrates finance and HR that would more easily facilitate central co-ordination, workforce and financial planning. Presently, people and salary information is held on manual spreadsheets at business level and maintaining it is resource-intensive.

RECOMMENDATION:

The IOPC should explore the merits of sourcing an integrated finance and HR management system.

1060. Existing IOPC financial management mechanisms and horizon-scanning can both be improved to better bring together financial pressures and efficiencies to deliver the work of the organisation and manage financial risk.

1061. A further observation is that the reporting of over/underspends is not aligned to the approach taken by Government departments. Current IOPC reporting shows overspends as negative and underspends as positive, the opposite to how Government and the Home Office operates. Given its finances are delegated by the Home Office, the IOPC should consider aligning its reporting of over- and under-spends to government's reporting approach.

1062. IOPC's income budget is very modest (0.7%). As such, it does not have a strict strategy around debt management, however IOPC's Finance team has a clear view of what income must be recovered and conducts the management process to recover the income timely to mitigate any impact to the budget position.

Board discussion of finances

1063. Beyond the need for a Finance Director to formally attend Board discussions, we assess that the Unitary and Management Boards more generally lack the financial expertise and mix of skills necessary to provide adequate challenge on the direction of the organisation's finances to deliver the efficiencies needed to balance the IOPC's books in the years ahead. Nor are adequate links made between other items for discussion and the IOPC's medium-term financial plan.
1064. IOPC's Unitary Board and Management Board receive monthly updates on the financial position. Then, quarterly, they discuss and receive reports on performance, project delivery and progress in delivering the strategy.
1065. Whilst we cannot speak to the depth of discussion at quarterly meetings, the Board meeting we attended, with only the monthly update, did not provide the Board with adequate opportunity to engage with the organisation's financial performance, identify and track delivery of planned efficiencies, consider and challenge potential investments or identify and manage financial risks. Particularly if this is mirrored in quarterly discussions, it would increase the likelihood that financial risks are inadequately mitigated.
1066. Finance should be at the heart of decision making, which is currently not the case, particularly with significant budgetary challenges being faced by the IOPC. This should include discussion of the Medium-Term Financial Plan; performance against this plan should be tracked to identify emerging issues of risk and opportunities to the IOPC's future financial health.
1067. Greater priority given to finance discussions at the Board, coupled with improved scrutiny and challenge from Board members, could provide additional support to the DG to aid their engagement with the Home Office and ministers on the IOPC's performance and financial outlook.

RECOMMENDATION:

Finance discussions should receive higher priority and more time at IOPC Board meetings, to allow strategic discussion and challenge for effective decisions to be taken. Board members should have greater opportunity to interrogate IOPC Finances, its efficiency performance, risks, opportunities and investment proposals for efficient and effective decision-making.

Board papers

1068. We assess financial reporting across the organisation as somewhat inconsistent. Financial management with budget-holders at business level is undertaken in detail, however the consolidated financial picture at Board level is less clear and less granular, reducing the ability of the Board to take effective decisions on the IOPC's finances.

1069. Board papers lack detail on financial risks associated with strategies and plans, which need to be clearly defined, progress against them tracked, risks to their delivery identified and mitigations put in place to ensure efficiencies are delivered. We addressed the need for the IOPC to develop an Integrated Performance Report that brings together operational and financial performance in **Chapter 7**. Wider effectiveness of the IOPC and the tools to monitor delivery of efficiencies in **Chapter 10**. Funding, spending and financial future.

Internal audit

1070. The IOPC uses Government Internal Audit Agency (GIAA) as its internal audit function. Its Audit Risk and Assurance Committee (ARAC) oversees all audit activity, considers management's response to GIAA recommendations and monitors and assures management's agreed actions. The Home Office is sighted on all audit activity through its attendance at ARAC.

1071. Tracking of audit actions: Once GIAA present their audits to ARAC, any agreed actions are added to a tracker of actions. In addition to ARAC tracking implementation of these, the Unitary Board receives a monthly progress report with updates against internal audit recommendations, with any risks that could impact business operations highlighted and any reasons for missing deadlines and action taken. The Acting DG also meets with IOPC's Risk and Audit Manager monthly to review progress against audit actions. The IOPC told us that it sends evidence that it has acted on GIAA findings to the GIAA every 6 months. GIAA considers these and reports back to the IOPC by exception if it considers the evidence insufficient. As of mid-2023, the IOPC was tracking 18 actions from previous audits, of which 8 (44%) had not been completed by the original due date set.

1072. Findings from recent audits: We note three recent audits – on workforce planning and performance, business continuity and fleet management – and a previous audit of the IOPC's assurance all highlighted significant areas for improvement, with GIAA only able to provide LIMITED assurance in these areas.

1073. Evaluation: We agree with the Head of Internal Audit's latest annual report and opinion that:

'IOPC's processes to monitor and track internal audit recommendations are mature.'

1074. We note that some of the findings in this Review are brought out in recent GIAA analysis and recommendations. This suggests that the way the IOPC is currently ensuring improvements are made on the back of audit reports could be strengthened.

Fraud and error

1075. The IOPC's current management of Fraud and Errors are through the IOPC Counter Fraud, Bribery and Corruption Policy³⁰⁷ which was developed in April 2018 and reviewed every 3 years, with first undertaken in April 2020 and then in April 2023. The policy clearly sets out the process and reporting requirements should there be a detection identified.
1076. The policy is also supported by a separate IOPC Counter Fraud, Bribery and Corruption Strategy which reviewed every 3 years; having been first developed in April 2020, it was reviewed in April 2023. The strategy provides a clear view of the importance of maintaining a rigorous approach to managing counter fraud, bribery and corruption with 6 key components of delivery through governance, risk management, policy and procedures, due diligence and fraud awareness. All staff are also required to complete Civil Service online counter-fraud training every year.

Financial management next steps

1077. The planned appointment of a new Finance Director presents an opportunity for the IOPC to review and improve how it manages its finances, including clarifying the roles and responsibilities of the finance and business development units. As we have recommended the board should consider the Finance Director being a board member which is the normal arrangement. This would facilitate better accountability to – and scrutiny from – the Board. This should include improving existing financial reporting and securing more substantive Board discussions on the IOPC's financial future and day-to-day financial management. They will want to work with the ARAC Chair to review how internal audit recommendations are considered and the IOPC ensures prompt remedial action is taken where necessary.
1078. As highlighted in **Chapter 10**. Funding, spending and financial future significant revision and improvements to the Medium-Term Financial Plan should be an early priority for a new Finance Director and the DG, especially given the state of the IOPC's finances. They should also establish closer working with the Home Office to address our observations on the IOPC's governance, its accountability to the Home Office. We suggest a new Finance Director will want to prioritise early dialogue with the Department about its financial future. This will require which the IOPC will need to facilitate by offering greater transparency over its finances.

³⁰⁷ IOPC Counter Fraud, Bribery and Corruption Policy (Review reference 81)

Table of Recommendations

Chapter 3. Effectiveness of Reviews

1. The IOPC should continue to prioritise tackling its backlog of reviews and give due consideration to keeping in place the additional, temporary casework managers it has recruited, so it can far more quickly address its backlog and the long delays facing complainants..... 42

Chapter 4. Effectiveness of IOPC assessment of referrals

2. The IOPC should discontinue the use of themes as a criterion in its decisions about which cases it will investigate independently. It does not have the requisite buy-in to justify their continued use in this way. It might be able to address this in part by more clearly explaining how it decides which cases should be independently investigated over others. But this would not address an inherent risk in using themes, that emerging issues are potentially overlooked at the expense of whatever attracts greatest public attention today..... 53
3. The Home Office should work with the IOPC to consider the merits and implications of providing the IOPC with the mandate and appropriate legislative powers, to enable it to routinely understand the outcome of referred *conduct* cases the IOPC decides should be investigated locally and thereby evaluate its mode of investigation decisions..... 54
4. The IOPC should review the extent of training and look at opportunities for accreditation for its Casework Managers (who consider reviews) and Assessment Analysts (who decide which referred cases require an investigation and decide which cases the IOPC should investigate independently and which can be investigated by police forces or PCCs). It should consider seeking external input to quality assure samples of referral decisions. 55

Chapter 5. Effectiveness of IOPC investigations

5. The Government should convene a senior working group – including the Home Office, Ministry of Justice, IOPC, police, CPS, Office of the Chief Coroner and HSE – to map key processes and identify common pinch points in police, IOPC, CPS and coronial activities. This group could consider: 80

- how to ensure or encourage proportionality at each stage (in particular in IOPC investigations and whether appropriate use is being made of existing accelerated procedures);
 - options to hasten the conclusion of all such proceedings, including, where appropriate, legislative reform and time periods set out in law.....
 - whether a new MOU agreed between all parties could helpfully govern how they work together and what they expect from one another; and....
 - suitable performance metrics.
6. The IOPC should consider internally, as part of a review of its operating model, whether and how the investigations' timeliness and quality might improve from introducing: 81
- *specialised investigation teams*. Examples might include: adverse incident or deaths in custody team; fatal uses of force team (firearms, taser, physical restraint); or a vulnerability unit to lead all mental health, child abuse, domestic abuse, sexual offences cases.
 - dedicated *functional* teams. Examples might include teams dedicated to: writing or quality assuring investigating reports; making investigation decisions; and engaging with external stakeholders on criminal, misconduct or coronial proceedings.
7. The IOPC should consider embedding the following as core investigation principles: 82
- investigators should speak – or, even better, meet – with any complainant or bereaved family members at the outset of an investigation to understand what they want from the investigation;
 - investigation terms of reference should not be drawn so wide that quality suffers as a result;
 - investigation terms of reference (and investigation reports) should have a clear mission statement requiring investigators to establish preliminary findings of fact as quickly as possible (and before entertaining detailed representations from the parties and their lawyers, other than establishing what any complainants want) which can quickly obfuscate the matter at hand);
 - investigators should draw from any findings of fact already made by a reputable source (e.g. court, inquiry or coroner) as their starting point; ..

- IOPC lawyers should be engaged early on (and advice sought from them where relevant) in cases that require specialist understanding of legislation, to establish and set out the relevant law in the investigation report;
 - investigators should concentrate on the best method of establishing the facts or consolidating all of the evidence, rather than following a process that overly goes through the motions, where these are not relevant;.....
 - all relevant parties – and not just the complainants, bereaved family and investigation subject – should have reasonable opportunity to participate in the investigation;.....
 - all potential interviewees should be contacted at the earliest opportunity with an investigation and where appropriate given an opportunity to review excerpts of the draft investigation report; and
 - the IOPC should ensure it always draws any relevant inference from a failure on the part of police officers or staff to cooperate fully with the investigation.....
8. The Home Office should ensure the ‘organisational police duty of candour’ is designed in such a way to strengthen the IOPC’s ability to infer from lack of candour on the part of police officers and staff during IOPC investigations... 84
 9. The Home Office should consider, in consultation with the IOPC, the merits and implications of options to address an apparent gap in the police complaints and disciplinary systems, to ensure learning is made and individuals held accountable where a death or serious injury during or following police contact is only narrowly averted. These should include whether the IOPC’s statutory functions and/or powers should be extended (with commensurate additional funding) to cover these instances..... 88
 10. The IOPC should review how it manages and mitigates risks in high-profile and large-scale investigations and ensure arrangements are in place to mitigate ‘single points of failure’ risks in its delegation framework. 90
 11. The IOPC should review and clarify its procedures (and compliance with them) on end of review ‘debriefs’ to ensure potential learning is identified from every investigation..... 94
 12. The IOPC should consult with groups representing police officers and staff associations on whether, and how, it could improve how it engages with – and considers the wellbeing of – individuals under investigation. It is important adequate attention is given to the welfare of individuals under investigation as well as to the welfare of complainants and bereaved families. 99

13. The IOPC should review its communications and engagement strategy during investigations – with the public, complainants, police and stakeholders – to be as transparent and consistent as possible about the progress of its investigations and communicate with the public earlier (without prejudicing investigation outcomes and potential misconduct proceedings or criminal cases)..... 102
14. The IOPC should be more forthright in defending its role in ensuring police accountability, its work and processes, when it is justified in doing so. For example, it should not shy away from correcting public statements by police forces if they present misleading or inaccurate information to the media about ongoing or concluded IOPC investigations. Equally, it should publicly defend its work, decisions and staff where courts have found in the IOPC’s favour in Judicial Review challenges brought against it. 103
15. IOPC investigators and any new Proceedings Support Units should prioritise: early engagement with CPS, police forces and coroners during investigations; maintaining high file quality; and prompt and thorough ‘revelation’ of materials to these parties as needed. 105
16. IOPC senior operational leaders should review IOPC investigator training in light of the findings of this Review, in particular to ensure familiarity with trauma-informed practice; stronger appreciation of policing environments (including through training alongside police forces, where appropriate); improved understanding of police powers, procedures and protections to individuals who may be subject to a criminal investigation (including through the Police and Criminal Evidence Act 1984)..... 114
17. The IOPC should formalise the use of subject matter networks ensuring adequate resources and governance. 115

<p>Chapter 6. Overarching considerations for reviews, referrals and investigations</p>

18. The IOPC should develop a centralised strategic operational planning function with responsibility for horizon-scanning and projecting future demand for IOPC work. 121
19. The IOPC should review and update its Quality Assurance Framework and processes and benchmark its quality assurance activities against similar organisations. 124
20. The IOPC should review the consistency of the quality of its decision-making, evidence and investigation report clarity, through frequent dip-sampling of cases, and publish a summary of the findings of these assessments. 124

- 21. The IOPC should produce an annual quality report to be published at the same time as or alongside its Annual Report and Accounts, to report on its lessons learned and provide transparency on how it is measuring and improving quality within its processes..... 125
- 22. The Home Office, Ministry of Justice and IOPC should consider and consult on options to make challenges to IOPC decisions more accessible, in particular whether the financial liability to cover the IOPC’s legal costs should be capped if an application for Judicial Review of the lawfulness of an IOPC decision is rejected. If such a cap were rejected, an equally effective alternative must be introduced..... 133
- 23. The IOPC should review the resilience and adequacy of its on-call arrangements, including whether further bespoke training should be offered to those who are on-call and whether it may be preferable to have a dedicated team or unit providing this service, in common with how many government departments and operational ALBs manage out of hours incidents..... 134

Chapter 7. Wider effectiveness

- 24. The Home Office should carefully consider the merits and drawbacks involved before extending the IOPC’s remit to cover an ever-wider range of organisations, in particular if its remit is extended without additional resource. 137
- 25. The IOPC’s Board, together with the Home Office, should clarify its core purpose and how to further communicate and build understanding of this internally, among key stakeholders and the public. It should clarify, in particular, the extent of its role in focusing on individual complaints versus delivering improvements in general police practice and complaint handling, and the degree to which it holds the police accountable and the complex landscape around this. 142
- 26. The IOPC should consider, with its stakeholders, whether there is any direct measure of public confidence in the police complaints system as a whole, that it could seek the public’s views on. This would more directly link to the IOPC’s overall mission and statutory mandate. 147
- 27. The IOPC should use future iterations of its Public Perceptions Tracker to test public attitudes around the IOPC conducting significantly fewer independent investigations, and public support for the IOPC’s increased focus on learning, even if this means conducting fewer independent investigations into serious police complaints and potential misconduct as a result. 158

28. The Home Office should work with the IOPC to consider the merits and implications of providing the IOPC (or other organisation) with a mandate – with commensurate legislative powers and resources – to follow up on the degree to which police forces and other bodies act on IOPC recommendations. 160
29. The Home Office, working with the Ministry of Justice, IOPC, HMICFRS, the College of Policing, NPCC, Chief Coroner and other partners, should identify all organisations with recommendation-making powers within the emergency services and criminal justice systems in England and Wales, and consider options for a more cohesive system – including a database or other collation – of recommendations and learning. 161
30. The IOPC should reconsider its senior structure and corporate functions as soon as possible. 164
31. The IOPC should reduce the number of senior leadership positions filled on an acting basis as soon as possible. 164
32. The IOPC should rationalise the number of ad hoc groups it convenes and ensure its management structure and governance can accommodate issues as they arise. 165
33. The IOPC should strengthen its programme management approach and its governance of change. 168
34. The IOPC should consider what can only be done by the centre and what can be best delivered regionally. It should consider the feasibility of moving to a national operating model across its key operations, whilst preserving effective regional outreach. It should consider the place of the Metropolitan Police in this model. 169
35. The IOPC should publish on its website – and proactively share with the Home Office – all data on Key Performance Indicators it collects, to facilitate scrutiny of its performance and improve its public accountability. It should move to publish all anonymised performance data by default unless there are compelling reasons not to. 169
36. The IOPC should develop and publish on its website a monthly performance report that meaningfully facilitates transparency and external scrutiny. This should include descriptions of its performance metrics and targets in plain English, intelligible to general members of the public. It should also provide comparisons with how its performance has changed and include commentary on what the IOPC attributes these changes to and, where applicable, what steps it is taking to improve its performance. 170

- 37. The IOPC should consider, as part of its organisational redesign, where responsibility for improving performance should sit. 171
- 38. The IOPC should establish an integrated performance report (bringing together operational and financial performance) to be used by senior management and Board. The Board should also consider how to incorporate quality insights into the same report and how it will assure itself of quality and performance. 171
- 39. The IOPC should develop a workforce strategy in tandem with a revised estates strategy, future operating model and revised medium-term financial plan, to ensure human resources and financial planning are delivered effectively. The IOPC should review its fixed term contracts and temporary promotions within a revised workforce strategy. 173
- 40. IOPC senior management should monitor staff wellbeing closely and consider how else it can enhance support given to staff working on emotionally difficult cases. 175
- 41. The IOPC should review the nature and extent of the employee assistance support available for staff working on its most serious and sensitive cases particularly over long periods of time and the training it provides in relation to safeguarding and trauma informed response. 175
- 42. The IOPC should develop an organisational learning strategy. 176

Chapter 8. Governance

- 43. The Home Office should change the IOPC’s overall governance arrangements – through changes to legislation where necessary – so that: 184
 - all functions of the IOPC are vested in the body corporate (Unitary Board) not a single person;.....
 - a Non-Executive should be appointed as a Crown Appointment to provide leadership and to Chair a Unitary Board;
 - Non-Executive Directors, one of whom will be a senior independent director, are appointed by Ministers;.....
 - the Senior Independent NED should have a defined role in line with best governance practice;.....
 - the Non-Executives appoint a Director General/Chief Executive who, subject to the Principal Accounting Officer’s decision will normally be the IOPC Accounting Officer; and.....

- the Non-Executives appoint directors on the Director General/Chief Executive's recommendation, provided there is a majority of Non-Executive members.
44. The Home Secretary and Chair of the Home Affairs Select Committee (HASC) should agree that, before a recommendation is made to the Crown, the appointment of an IOPC Chair is subject to pre-appointment scrutiny by the Committee. 186
45. The Framework Document governing the relationship between the Home Office and IOPC should set out the broad principles of how the IOPC's independence in decision making is protected while ensuring the IOPC can be held to account by Home Office. The revised framework should:..... 188
- acknowledge explicitly the need for independence in IOPC decision making while being accountable to Parliament for the way it functions and should set out in high level terms how both those needs are being met;.....
 - summarise the information that will be shared routinely and the mechanisms for sharing that information;
 - acknowledge an expectation that the Chair will routinely meet with Ministers and the Permanent Secretary to keep them informed of performance and strategic direction; and.....
 - establish a single meeting between DG / CEO, senior sponsor and relevant staff with the purpose of sharing and discussing shared risks, holding each other to account for respective responsibilities and discussing performance.
46. The IOPC should conduct a formal Board skills assessment – and reflect on the current Board's experience, diversity of backgrounds and perspectives – to inform future Crown and Ministerial appointments to the IOPC (including DG/CEO, NEDs and potential Chair roles). 193
47. The IOPC should strengthen its governance by appointing a suitably qualified Board Secretary with responsibilities to lead, advise on and support the functioning of corporate governance. 193
48. The IOPC's Board should review its committee structure to consider: 196
- creating a remuneration committee to focus only on senior staff (staff reporting directly to the DG/CEO or who would be considered equivalent to a Senior Civil Service grade) remuneration and appraisal;

- creating a nominations committee to lead the process for appointments, ensure plans are in place for orderly succession to both the Board and senior management positions and oversee the development of a diverse pipeline of succession. The Board may consider the remuneration and nomination functions may be combined in a single committee.
 - whether the Board would benefit from additional committees in assuring and scrutinising: performance; strategic planning; budget setting, investment decisions and financial investment; and change.
49. The Home Office and IOPC should review how it sets objectives and conducts appraisals for all Board members. 198
 50. The IOPC should ensure an induction is in place for all new NEDs. 198
 51. The IOPC should develop a Board Development Plan..... 199
 52. The IOPC Board should conduct an annual review of its effectiveness ensuring that, at least once every three years, this is conducted externally. 201
 53. The Home Office and IOPC should prioritise a prompt review of the Framework document between them, to ensure that it empowers the IOPC to act within its legislative framework in respect to the publishing of strategies, business plans, annual reports and accounts. This should set clear expectations for how quickly the Home Office will review key IOPC documents to ensure it prioritises their far more timely publication, to facilitate scrutiny of its activities. 203
 54. The IOPC Board should decide which areas it would be helpful to have a clearer articulation of strategy to shape its direction. We suggest that obvious candidates are: people, estate, finance, IT and stakeholder management.. 203
 55. The IOPC Board should adopt an emergent strategic planning approach, agreeing a refreshed and costed strategic and business plan on an annual basis. 204
 56. The Home Office should consider its assurance needs in respect of the IOPC, how they are met and how they are reported to the Senior Sponsor and Principal Accounting Officer. 206
 57. The IOPC Board should strengthen its engagement with critical stakeholder groups and consider how NEDs may contribute to that engagement. 208

Chapter 9. Accountability

58. The IOPC should more clearly articulate, in its Annual Report and Accounts, the main challenges or risks the IOPC faces and the actions it is taking to address them..... 210
59. The IOPC should invite the Home Office to observe its Board and committee meetings – including the Audit and Risk Assurance Committee and new Quality Committee – at appropriate seniority, recognising that there will be some matters which should be considered in a closed session. The Home Office should make full use of insights gained through these observations. 211
60. The IOPC should introduce a media dashboard, presented to the Board on a regular basis, to help Board members understand and monitor communications and engagement..... 213
61. The IOPC should work with statutory stakeholders and complainants to improve its website to make it easier to navigate and find relevant information; improve engagement; make it more dynamic and intuitive; and provide clear explanations for how it decides which cases to investigate and the extent of its role in the police complaints and disciplinary system. 214
62. The IOPC should broaden and strengthen its communication with the public, beyond provision of text or spreadsheets of statistics on its website..... 215
63. The IOPC should ensure all IOPC publications and statistical bulletins are easily understood by the public and facilitate greater scrutiny of local forces' data. For example, this could include executive summaries (and press releases) published online in plain English, with clear analytical insight into statistically relevant differences in forces' handling of police complaints. 216
64. The IOPC should make the statistics it publishes (including those on police complaints) dynamic and far more accessible to the public, to facilitate greater transparency and public scrutiny of police forces and IOPC performance in the police complaints system, for example, through a software Dashboard with data updated frequently, refining it iteratively, based on proactively sought feedback. 216
65. The IOPC and Home Office should make their statistics about police misconduct proceedings and related criminal proceedings more easily accessible, irrespective of which organisation is publishing the information. 217
66. The IOPC should consult the public and stakeholders as part of a review of its publication policy. It should publish full investigation reports by default (rather than investigation report summaries) and extend how long reports are available on its website to facilitate transparency and appropriate public scrutiny. 218

- 67. The IOPC should review how it communicates its role publicly and how it conducts its work including: its website, press releases, IOPC comments provided to media reports on its work, written materials provided to victims and those under investigation, and in person briefing to communities and stakeholder groups. It might consider consulting its users or convening a focus group or other forms of testing to establish which of multiple different potential descriptions of its role and processes are most easily understood. 219
- 68. The IOPC should track the proportion of reviews or investigations that are not completed because complainants pull out of the process, as well as the reasons given for this. 220
- 69. The IOPC should step up its efforts to counter a widespread perception that a majority of its staff are former police officers, by more prominently enhancing on its webpage its description of ‘what we do’. Equally, it should explain the insight and value of employing some former police officers and staff. 220
- 70. The IOPC should ensure all bereaved families are provided with its guide for families on how the IOPC investigates and supports them following a death and the deaths in or following police custody leaflet developed following the Independent Review of Deaths and Serious Incidents in Police Custody. It should routinely signpost support groups through its customer contact centre. 221
- 71. The IOPC should review its performance measures and what data it could collect from complainants on their satisfaction with the outcome and handling of IOPC reviews and investigations. 222
- 72. The IOPC needs to review all MOUs it has with key partners and stakeholders, starting with those organisations it works with most closely. . 225

Chapter 10. Funding, spending and financial future

- 73. The Home Office – as the ultimate signatory to the Memoranda of Terms of Occupation with the Government Property Agency, and the IOPC’s sponsor department – should support the IOPC by escalating unacceptably long delays the IOPC has faced in obtaining accurate invoices from the GPA for its Canary Wharf and Warrington offices. 237

74. The IOPC should develop a robust estates strategy, with clear plans for its accommodation needs, aligned to its future operating model, its Medium-Term Financial Plan and to a workforce strategy it should develop in tandem. At a minimum, its new estates strategy must: account for the degree to which staff need to be based in the operational region they support; forecast expected utilisation and attendance in light of future expectations for office, remote or hybrid working; reduce its geographical footprint; and include any investments required to deliver it. 240
75. The IOPC should refresh its Places for Growth strategy and explore options to move more of its staff out of London and the South-East, whilst also preserving dedicated engagement leads for MPS and other south-east police forces, complaints about which comprise over a third of IOPC independent investigations..... 242
76. As part of its future operating model and new estates strategy, the IOPC should explore whether further savings can be made to its estates costs across its Sale, Birmingham, Cardiff and Wakefield offices..... 245
77. The Home Office and IOPC should explore options to reduce IOPC exposure to its expensive Canary Wharf lease. In particular, the Home Office should consider:..... 246
- whether it could use any of IOPC’s Canary Wharf desks for Home Office staff, at good value for money compared to its existing estate; and.....
 - the potential merits – or not – of the Home Office absorbing some of IOPC’s exposure, even if it increases the Home Office’s own costs, in favour of putting the IOPC onto sustainable finances sooner than 2032.
78. The IOPC should defer purchase of any new vehicles until all GIAA recommendations on Fleet have been acted on, given underuse of existing fleet and inadequate oversight of fleet usage. 248
79. The IOPC should align its revised fleet strategy with a new estates strategy and its future operating model and consider using other modes of transport and car hire..... 250
80. The IOPC should review how it manages its commercial contracts, developing and implementing strong central identification and tracking of when contracts are coming to an end or might need to be re-tendered or renegotiated. Such tracking should assess risks from inflationary pressures and potential opportunities to potentially reduce costs during contract renegotiations..... 251

81. The IOPC should develop a more robust tool for monthly tracking of efficiencies. This should be used to update annual and medium-term financial plans and the Board kept informed on whether efficiencies are being achieved. To inform its effective decision-taking, regular financial reporting to the Board could helpfully include a clear RAG status on risks to delivery against each planned efficiency and mitigations in place where delivery of efficiencies is off track, aligned to the MTFP and Risk Register. 252
82. In the revisions the IOPC is making to its Medium-Term Financial Plan, the IOPC should bring together more clearly pressures alongside its efficiency plans to understand overall impact, allowing for any risks or opportunities to be flagged and managed effectively. 253
83. The IOPC’s revised Medium-Term Financial Plan should consider the risk and higher costs associated with any delay to the completion of the IOPC’s Hillsborough investigations. 259
84. The IOPC Director General should review planned savings to staffing costs, in light of the Review’s observations. They should consider whether, as IOPC Hillsborough investigations conclude, its skilled investigators could be redeployed to wider operational work to backfill investigators lost through turnover, or arrest, or indeed reverse, the steep decline in the number of other independent investigations the IOPC conducts annually. 259
85. The IOPC should urgently review and revise its medium-term financial plan (MTFP), with much more extensive input and challenge from across the organisation, including from the Board. This revised MTFP should make assumptions on pay increases, other inflationary pressures and demand more explicit, having tested and agreed these assumptions with the Home Office. Unless or until the Home Office advises otherwise, it should take as its premise that the IOPC’s annual budget will be 5% lower in cash terms from the 2022/23 budget, to be achieved by the start of 2026/27 (with assumed funding of £65.1m in 2025/26). Best-case, base-case and worst-case scenarios and sensitivities that model different factors should be applied... 262
86. IOPC Finance should review how it delegates budgets to budget-holders, to avoid or significantly reduce the risk of ‘baking-in’ financial pressures by delegating more than the HO funding it receives. 262
87. The IOPC and Home Office should work together more closely to inform and constructively challenge and support IOPC’s financial plans, consider what steps are necessary and in both parties’ interest to put the IOPC onto a more sustainable financial footing and what activity and service it can provide with the funding it is given. 264

Chapter 11. Financial management

88. The Home Office must move away from focusing purely on the IOPC’s bottom line and improve its analysis of the extent to which IOPC’s delivery represents good taxpayer value for money in order to provide adequate assurance to the Home Office’s Permanent Secretary, as Principal Accounting Officer, that public money is being managed effectively. 267
89. The Home Office Sponsorship Unit and the IOPC Finance must embed processes, with better sharing of management information and look to widen the performance measures IOPC uses to ensure it adequately manages its finances. 267
90. The IOPC should appoint a Finance Director to the Board without undue delay to provide greater financial leadership and ensure singular accountability for the organisation’s financial planning. 270
91. The IOPC should explore the merits of sourcing an integrated finance and HR management system. 270
92. Finance discussions should receive higher priority and more time at IOPC Board meetings, to allow strategic discussion and challenge for effective decisions to be taken. Board members should have greater opportunity to interrogate IOPC Finances, its efficiency performance, risks, opportunities and investment proposals for efficient and effective decision-making. 271

Other

93. Once a permanent IOPC DG is appointed, they should grip implementation of these recommendations (where agreed). They should provide progress updates to HASC, from April 2024.

Annexes

Annex A – Terms of reference for the Review

Independent Review of the Independent Office for Police Conduct (IOPC): Full Terms of Reference

Summary of terms of reference

Background

1. The Independent Office for Police Conduct (IOPC) is an executive non-departmental public body responsible for overseeing the police complaints system in England and Wales. It investigates the most serious matters and allegations against the police and other law enforcement bodies, including deaths and serious injuries following police contact, and sets the standards by which the police should handle complaints. It also carries out reviews of complaints investigated by the police and has powers to make learning recommendations and issue statutory guidance. It is operationally independent of the Government and the police.
2. The IOPC is established under the Police Reform Act 2002 as amended by the Policing and Crime Act 2017. It is sponsored by the Home Office. This review forms part of the Government's central Public Bodies Review Programme.

Purpose

3. The central purpose of the review is to consider the IOPC's governance, accountability, efficacy and efficiency and make recommendations to Ministers to inform decisions on future delivery arrangements and efficiency savings.

Scope

4. In addressing governance, the review will consider amongst others:
 - whether arrangements and structures for governance, risk management and internal control are effective;
 - the organisation's purpose, leadership and effectiveness;
 - whether the governance arrangements support the organisation's ability to drive the delivery of wider government objective;
 - whether appropriate and suitable processes are in place in relation to appointments, skills and training;
 - whether processes are in place to maintain high standards of personal and professional conduct and behaviour; and

- whether processes are in place to support transparency with the public and other key stakeholders.
5. In addressing accountability, the review will consider amongst others:
 - the sponsorship arrangements in place in line with the [Cabinet Office Arm's Length Body Sponsorship Code of Good Practice](#) and its effectiveness in delivering objectives; and
 - whether the organisation's accountability, in its use of public funding, to the Home Office, Parliament and the public is effective.
 6. In addressing efficacy, the review will consider amongst others:
 - the form and function of the organisation;
 - how the organisation delivers outcomes for citizens;
 - how the organisation measures, monitors and improves performance;
 - the extent to which the IOPC and its DG delivers its statutory functions, including the requirement to establish and maintain public confidence in: the police complaints system and in the handling of its functions in relation to the investigation of complaints; conduct matters and deaths and serious injuries involving the police;
 - whether the investigation process is effective and how it may be improved;
 - whether the length of IOPC investigations is necessary and proportionate to the objectives of maintaining public confidence in the IOPC's investigations of complaints and other matters, and ensuring investigations are appropriately rigorous to the circumstances of individual cases;
 - whether there are some investigations – in general terms – that could be concluded more efficiently to provide greater certainty for all parties concerned;
 - whether decision-making processes are effective and efficient; and
 - whether there is sufficient scope to challenge and scrutinise decision-making.
 7. In addressing efficiency, the review will consider amongst others:
 - financial management arrangements in place and the IOPC's ability to track progress towards goals;
 - what efficiency improvements could be made, for example through benchmarking, where possible, against similar organisations and digitisation;
 - options to drive productivity and efficiency within its workforce; and
 - how the IOPC can deliver recurring savings on its Resource Departmental Expenditure Limit (RDEL) of at least 5% (in nominal terms), against 2022/3 allocations (including any reduction in indicative budget allocation from the Home Office for 2023/4), to be delivered at the latest within three years of the Review.
 8. The review will consider other matters pertaining to the above outlined themes as they emerge.

Approach

9. The review will draw upon data and evidence including through consultation with wider stakeholders, representative bodies and the Welsh Government as appropriate.
10. A small number of these stakeholders will form a Reference Group which will support the review to gather thoughts and discuss emerging findings.
11. The review will be led by Dr Gillian Fairfield, Chair of the Disclosure and Barring Service, as the Independent Lead Reviewer. She will be supported by a review team drawn from within the Home Office.

Timing

12. Commencement of the review follows formal appointment of the Lead Reviewer by the Home Secretary.
13. The Lead Reviewer will submit to the Home Secretary and Permanent Secretary a final report for internal review in Autumn 2023, with subsequent proposals for a summary of key findings and recommendations for publication.
14. Given these timelines, there will be no formal interim report. However, the Home Office may seek progress updates during the course of the review, as needed.

Detailed terms of reference

Background

1. The remit of the Independent Office for Police Conduct (IOPC) includes the 43 Home Office police forces and other bodies that exercise police-like powers. All of its decisions are made independently of the police, government and interest groups. It has a statutory duty to secure and maintain public confidence in the police complaints system in England and Wales and to ensure that it is efficient and effective.
2. The IOPC was launched in 2018, following reforms to the Independent Police Complaints Commission (IPCC). The IPCC had doubled in size since 2013 and was taking on significantly more investigations. In this context, the IPCC proposed that a separation between governance of the organisation and operational roles (previously IPCC Commissioners held both roles), would allow it to deliver its work in a more effective and efficient way. An [independent assessment of the IPCC's governance](#) led by Sheila Drew Smith OBE, commissioned by the then Home Secretary, endorsed these proposals and recommended in November 2015 that:
 - a. there should be a single head of the organisation, reflecting the need to ensure a single line of accountability for decision-making; and

- b. the unified Chair and head of the organisation should retain all operational decision-making powers, with the Board providing vital steers on leadership and culture, and challenge and support on issues of efficiency and effectiveness, but otherwise having no say on operational decisions.
3. These proposals were implemented through the Policing and Crime Act 2017 following an earlier [Triennial Review of the IPCC's functions, efficiency and governance](#) in March 2015.
4. The IOPC is led by a DG who by law can never have worked for the police. The DG chairs a Unitary Board, comprised of six Non-Executive directors (NEDs, including one Senior Independent NED and a smaller number of executive members. This Board is supported by two formal sub-committees (Audit, Risk and Assurance, and People and Culture). The IOPC otherwise has a number of other Boards and Committees, that do not formally report into the Unitary Board.
5. The DG is a Crown Appointment, appointed by HM The King on the recommendation of the Home Secretary. IOPC NEDs are appointed by the Home Secretary. The appointment processes for the DG and NEDs are run by the Home Office Public Appointments Team, in accordance with the Police Reform Act 2002 (as amended) and the Cabinet Office's Governance Code on Public Appointments.
6. On the executive side, the organisation is overseen by two Deputy Directors General who report directly into the DG. One has responsibility for Operations and the other for Strategy and Corporate Services (encompassing Communications, Business Development, Oversight, Finance, ICT, Legal, People, Policy, Procurement, Risk and Audit). Operational decision-making is delegated by the DG to relevant staff within the Operations directorate (as per the DG's Scheme of Delegation).
7. The IOPC has six offices in which regional operational teams are based (as well as some other staff). Each regional operational team is led by a Regional Director. The IOPC also has one further office which is focused solely on the Hillsborough investigation.
8. The IOPC's 2022/3 net RDEL budget is £69.7m and its CDEL budget £2m; it has c. 1,000 staff (967 FTE).
9. In August 2020, the House of Commons Home Affairs Select Committee (HASC) announced an inquiry into Police Conduct and Complaints included the IOPC's role and remit in relation to the police conduct and discipline system. It also looked at how the IOPC and police forces around the country work to resolve complaints and progress in reforming the system following criticisms of the time taken to resolve complaints. It considered what changes might be required to improve public confidence in the police complaints and discipline systems.

10. The Select Committee's [report](#), published in March 2022, and the Government's [response](#) in April 2022 have informed the scope of this Review, which forms part of a wider [Cabinet Office-led Public Bodies Review Programme](#).

Scope and purpose of the review

Governance

11. The Review will assess the current organisational governance in place to ensure the smooth running of the IOPC and effective delivery of their functions. This includes organisational decision-making, financial monitoring and controls, performance and risk management and other internal controls. To aid the assessment, the following questions will be considered:

- a. Is the IOPC's purpose clear and well-communicated? Can staff consistently articulate it?
- b. Does the Unitary Board's current membership and composition provide effective insight and foresight to deliver the IOPC's strategy and business plans? In particular:
 - Do Board members have clear understanding of their respective responsibilities (including the Cabinet Office's code of conduct for Board members of public bodies)?
 - Do Board members have the required knowledge, skills and expertise required – and are they sufficiently balanced and diverse – to run the Board and govern effectively?
 - Is the DG's leadership effective and supported by Directors, NEDs and the Unitary Board's sub-committees?
 - Are effective appraisal arrangements in place for Board members and the Executive?
 - Does the IOPC provide suitable training and development opportunities for Board members and other senior leaders, including induction?
- c. Would IOPC's governance be enhanced through the introduction of an independent Chair alongside the DG? (as recommended by the HASC report, para 54)?
- d. Are the Non-Executives effectively carrying out their accountability functions (for example, promoting the IOPC's strategic aims and supporting and advising the DG in carrying out their functions, encouraging the efficient and effective use of resources)?
- e. Do governance arrangements have the right processes and underlying culture in place to provide effective decision-making and strategic prioritisation to deliver its long-term strategy and annual business plans? In particular:

- How far does central strategic planning and decision-making drive operational activity and transformation?
 - Is information presented to the Board and committees accurate, timely and appropriate?
 - Are Board and committee structures clear, effective and efficient? Do governance meetings have clear agendas and papers, consistent with a strategic forward plan?
 - Are decision-making processes effective and efficient?
 - Does the Board engage effectively with staff and stakeholders?
 - Does the Board use all appropriate information sources, insight and analysis to develop its strategy? Does the Board review its strategy regularly? Does it communicate the strategy widely?
 - Are Business Plans and Annual Reports delivered in a timely and accurate manner?
- f. How effectively does the Board and NEDs identify, assess and manage risk? Is relevant learning identified and acted upon?

Accountability

12. Without challenge to the central principle that the IOPC is operationally independent from the police, government and complainants, the review will assess the current mechanisms in place to hold the IOPC to account for delivery of their functions and operational performance. This includes transparency and the broader relationship with the Home Office. In particular, to aid the assessment the following questions will be considered:

- a. Are there clear lines of accountability between the IOPC and its partner organisations (including the Home Office, HMICFRS and College of Policing)?
- b. Is the IOPC adequately transparent about how it measures and acts to improve its operational performance, including through clear and appropriate performance metrics?
- c. Do current relationships between the IOPC and the Home Office at all levels (ministers, senior policy sponsor and Sponsorship Unit) strike the right balance between accountability, scrutiny and independence?
- d. Is the Department able to intervene and effect change where things have gone wrong, whilst also respecting the IOPC's operational independence?
- e. Is there adequate and effective scrutiny of IOPC investigative decision-making, both internal and external to the organisation?
- f. Could the IOPC go further to secure public and policing confidence through proactive communication and defence of the decisions it takes (as recommended in the HASC report, paragraph 142)?

- g. How far do the IOPC's Annual Report and Accounts and other publications facilitate adequate public scrutiny and ministerial accountability to parliament?

Effectiveness

13. The review will assess the degree to which the IOPC delivers its different functions effectively, whether it has the right performance metrics and operational capabilities in place to perform highly. It will consider the degree to which it currently meets its legislative mandate to maintain public confidence in the handling of complaints about police conduct, and how its operating context impacts this. It will also consider the extent to which the IOPC delivers its legislative requirement that investigations 'manifest an appropriate degree of independence'. In particular, to aid the assessment the following questions should be considered:

- a. Are IOPC decision-making and investigations completed as quickly and efficiently as possible, particularly in those investigations where the circumstances are clearer?
- b. What steps, if any, could be taken to reduce the duration of investigations to achieve certainty for all parties as quickly as possible, particularly given concerns from some, that some IOPC investigations take too long? (further to HASC report, paragraph 117)
- c. Do IOPC policies and processes about complaints about its work provide a proportionate opportunity for individuals affected by its investigations and work to reasonably appeal these?
- d. Does the IOPC have the correct mix and balance of skills and capabilities at all levels to fulfil its statutory responsibilities and perform highly, for example the right skills and experience to carry out quality investigations? (further to HASC report, paragraph 28)
- e. How effectively does the IOPC deliver its statutory functions and meet its legislative mandate to establish and maintain confidence [in its operations], including by ensuring its activities 'contain and manifest an appropriate degree of independence'?
- f. Do any of its statutory functions need to change?
- g. How effectively does the IOPC measure, monitor and take action to improve its performance?
- h. How is IOPC performance impacted by other criminal justice system stakeholders, and vice versa?

Efficiency

14. The review will assess the degree to which the IOPC is an efficient organisation. This includes whether it makes the best use of its resources, has plans in place to drive efficiencies and is confident and competent enough to do so and deliver at least 5% recurring savings against the IOPC's 2022/3 RDEL. The review will analyse staffing levels, corporate functions and alignment with the shared services strategy, reliance on non-payroll resources, use of property and procurement, fraud and error rates, value for money of grants, and digitalisation of services. To aid the efficiency assessment the following questions should be considered
- a. Does the IOPC have the correct systems, documentation and processes in place to ensure that it can operate effectively and in line with Managing Public Money?
 - b. Is the IOPC on track to meet any previously agreed efficiencies?
 - c. Is there capacity to deliver more efficiently?
 - d. Does the IOPC produce similar outcomes to its comparators (where it is possible to make comparisons), for a similar cost?
 - e. Does the IOPC adhere to Cabinet Office and HM Treasury spending controls?
 - f. What usage does the IOPC make of consultancy, agency staff and contractors and how does this compare to similar ALBs?
 - g. Are grants made in accordance with best practice?
 - h. What are the IOPC's Places for Growth strategy and relocation strategy?
 - i. Are there efficiencies to be made by shifting processes to digital?
 - j. Broadly speaking, does the IOPC have the IT infrastructure it needs to deliver effectively, or does it need to be upgraded?
 - k. Are there options for more efficiencies in sharing services with other ALBs?
 - l. Do workforce pay and conditions align with public sector pay policy?
 - m. Does the IOPC require skills that it cannot currently recruit?
 - n. How does the Home Office ensure that the Accounting Officer acts within the authority of the Minister and has controls to assure high standards of probity and value for money?
 - o. Are there any suitable opportunities to charge for any of IOPC's work?

Department and Public Body arrangements for review

15. The relevant Minister for the review is the Home Secretary, supported by the Minister for Crime, Policing and Fire. The Home Secretary has appointed the Independent Lead Reviewer, will receive their final report and determine the timing and manner of publication of the review's high-level outcomes.

16. The Home Office's Permanent Secretary, Matthew Rycroft, is the Principal Accounting Officer for the review. He will have no direct involvement in the development of the review's findings.
17. The Home Office's Strategy Director, Mary Halle, is the Senior Sponsor of this Review, with oversight of the review team and will meet with the reviewer as requested. The Strategy Directorate's Sponsorship Unit will ensure that review's corporate matters are dealt with in a timely manner, including processing payments.
18. The Home Office's DG of the Public Safety Group, Jae Samant, is the Home Office's day-to-day Senior Sponsor of the IOPC.
19. The IOPC and Review team will work together collaboratively to ensure all documents and support are provided to enable an effective and efficient review to take place.

Independent Lead Reviewer

20. Dr Gillian Fairfield, Chair of the Disclosure and Barring Service, will lead the review in line with these terms of reference and produce a final report and recommendations to the Home Secretary. The reviewer is expected to work two days a week, in addition to 10 days reading at the outset of the review.

Gathering information, views and perspectives

21. The review will be objective and draw its conclusions based on the evidence found. It will gather and be informed by various reports and data, including:
 - a. IOPC's self-assessment – submitted at the beginning of the review – of its governance, accountability, efficacy and efficiency, to inform this Review;
 - b. IOPC's internal corporate policies and governance arrangements;
 - c. IOPC's financial accounts, annual business plans, medium-term strategic plans, stakeholder engagement strategy and its strategy for improving policing by identifying and sharing learning from its work;
 - d. IOPC's staffing;
 - e. relevant legislation and statutory guidance;
 - f. IOPC's processes and guides for its investigations;
 - g. agreements the IOPC has made for working with other agencies (including the Home Office, the Association of Police Chief Constables (APCC), His Majesty's Inspectorates of Prisons and Constabulary, for inspections of police custody facilities).
 - h. statistics on police complaints and referrals it receives;
 - i. IOPC performance reports on the IOPC's impact, its interventions and improvements to the complaints system;

- j. surveys and research into public confidence in the IOPC and stakeholder perceptions of the IOPC; and
 - k. Home Affairs Select Committee Report on police conduct and complaints (March 2022) and the Government's response (April 2022).
22. The review will also be informed by meetings and interviews with key stakeholders, including:
- a. IOPC's senior leaders, Non-Executive directors and investigators;
 - b. Home Office policy and sponsorship leads, and the Ministry of Justice; and
 - c. policing and law enforcement bodies that interact with the IOPC, for example: the National Police Chiefs' Council (NPCC); the Association of Police and Crime Commissioners (APCC); His Majesty's Inspectorate of Constabulary, Fire and Rescue Services (HMICFRS); and the College of Policing.
23. As the remit of the IOPC and the Home Office covers policing in England and Wales, the Lead Reviewer will provide an opportunity for the Welsh Government to input to the review. Furthermore, the reviewer may wish to engage the IOPC's equivalent bodies in Scotland (The Police Investigations and Review Commissioner) and Northern Ireland (Police Ombudsman for Northern Ireland) to make comparisons and consider best practice.
24. A small Reference Group of key stakeholders will be established to discuss and seek views on key issues and emerging findings.

Timetable and Deliverables

25. The review is expected will comprise of broadly four phases:
- Establishing the landscape and research gathering;
 - Engaging the IOPC and wider stakeholders;
 - Analysis and discussion; and
 - Reporting and recommendations
26. Ahead of the Review's formal commencement, the IOPC provided a self-assessment (Jan 2023) of its governance, accountability, efficacy and efficiency. This self-assessment will help to inform the Review, its direction and focus.
27. The Home Secretary will write to the House of Commons Home Affairs Select Committee on the announcement of the review.
28. A final report and recommendations for internal review – complete with supporting evidence – will be presented to the Permanent Secretary (as Principal Accounting Officer) and the Home Secretary in Autumn 2023. The reviewer may

be asked to meet with the Permanent Secretary and Ministers to discuss their findings.

29. The Home Office will publish a summary of the report's key findings in a timely manner. Ministers will determine the final timing and manner of publication and the Government's decisions on the review.

Principles

30. The review will be conducted in accordance with the following set of principles:

- **Independent** – The review will not be subject to influence by Ministers, the Department, the IOPC or others, and not bound by any prior statements or publications related to governance, accountability, efficacy or efficiency (subject to the requirement from the Cabinet Office to provide recommendations for how best to achieve at least 5% savings against IOPC's 2022/3 budget).
- **Reflect existing best practice** – The Review will draw where possible from wider Arms-Length Bodies and other bodies with similar or comparable functions.
- **Take account of current structures and the statute** – The review will focus on current arrangements and make recommendations for change that are achievable, including changes to statute if deemed necessary.
- **Mindful of value for money** – The Review will have due regard to the importance of delivering value for money for the taxpayer, balancing the need for a comprehensive review with the costs involved in delivery.
- **Innovative** – The Review will be prepared to consider creative and radical options where the evidence indicates this, and not be bound by precedent.
- **Transparent** – The Review will set out its reasoning clearly in a way which stands up to robust challenge. The Home Office will publish its key findings.
- **Able to deliver at pace** – The Review will be delivered in a timely and efficient manner, without compromise to its breadth and depth.

Annex B – Methodology of this Review

Engagement with the IOPC

1. Over thirty interviews were conducted with senior leaders across the operational, strategy and corporate services within the IOPC (See **Table 1** below)
2. A range of senior governance Boards and management meetings were attended to understand how these Boards fulfilled their terms of reference and operate. These consisted of:
 - Unitary Board (UB);
 - Audit and Risk formal sub-committee (ARAC);
 - Management Board (MB);
 - Operations Management Board (OMB);
 - External Stakeholder Reference Group (ESRG);
 - IOPC ‘Youth Panel’, in collaboration with *Leaders Unlocked*.
3. We were unable to attend a meeting of the People and Culture sub-committee (PCC).
4. The Unitary Board determined to establish a new Quality formal sub-committee in 2022 but its inaugural meeting was not until a year later in June 2023 and it was not felt it would be useful for us to attend this meeting. We were subsequently unable to attend its next meeting in October 2023.
5. A series of discussion groups were convened to facilitate engagement with staff across the IOPC, including those who lead its operational investigations and assessments ‘on the ground’. These comprised:
 - Investigators sub-group (Wakefield);
 - Assessment unit sub-group (Birmingham);
 - Casework sub-group (Sale);
 - National Operations Managers sub-group (Sale);
 - Corporate Services sub-group (London) – Oversight, Policy, Quality, Super-Complaints, Research, Stakeholder Engagement, Learning;
 - IOPC Multi-disciplinary sub-group (PRA, Legacy, Comms, Engagement) (Warrington).
6. We attended a demonstrations of the IOPC Operations Manual and Power BI Performance Management database.

Table 1: List of IOPC interviews

Area	IOPC Interviewees
N/A	<i>Acting</i> DG
Non-executive Directors (NEDs)	Senior Independent Director
	NEDs x4
	NB A further NED position was vacant during this Review
Operations	NB The IOPC's Deputy DG for Operations was vacant during this Review, with their responsibilities undertaken by two Acting Directors for Operations
	<i>Acting</i> Director of Operations (North).
	<i>Acting</i> Regional Director for North West England
	<i>Acting</i> Regional Director for North East England
	<i>Acting</i> Director of Operations (South)
	Regional Director for Midlands (Birmingham)
	Regional Director for South West England and Wales
	<i>Acting</i> Regional Director, South East England (Croydon)
	IOPC's Regional Director for London position was vacant during the interviews for this Review
	Director of Major Investigations (DMI)
	Head of Assessment Unit (AU)
	Head of National Operations
	Oversight Manager
	PandE Manager
	Operations Manager, Fleet
Operations Manager for the North East	
Operations (Hillsborough)	Hillsborough DM
	Lead Senior Investigator, Hillsborough
	Hillsborough Planner

Area	IOPC Interviewees
Strategy and Corporate Services	<i>Acting</i> DG, Strategy and Corporate Services
	NB The IOPC position of Director for Strategy and Impact was vacant during this Review after appointment to the post of Acting DG for Strategy and Corporate Services in May 2023
	Director of People
	General Counsel
	Head of Finance
	Head of Estates and Facilities
	Head of Business Development
	Head of Policy and Public Affairs
	Head of Communications
	Head of Private Office
	Governance Secretary

Engagement with the Home Office

7. Interviews were conducted with senior policy, sponsorship and finance leaders across the Home Office, as set out in **Table 2**.

Table 2: List of Home Office Interviewees

Home Office interviewees
DG, Public Safety Group
Director of Policing
Head of Police Integrity Unit
Principal Private Secretary to the Home Secretary, latterly Strategy Director
Private Secretary to the Home Secretary
Head of Home Office Sponsorship Unit
Head of Public Safety and Immigration Sponsorship
Police Strategy and Reform Unit

Home Office interviewees

Home Office Sponsorship Unit

Home Office Finance team

Engagement with external stakeholders

8. To build a comprehensive understanding of the IOPC's engagement with its key stakeholders, how it is perceived, and secure a diverse range of views on its work, we met with a cross-section of its external stakeholders, interested parties and representative groups, as set out at **Table 3**.

Table 3: External Stakeholders interviewed

External stakeholder groups interviewed	
Association of Police and Crime Commissioners (APCC)	National Legal Association of Qualified Chairs (NLAQC)
Association of Police and Crime Commissioners' Chief Executives (APACE)	National Police Chiefs' Council (NPCC)
Chief Police Officers' Staff Association (CPOSA)	Office of the Police Ombudsman for Northern Ireland (OPONI)
College of Policing (CoP)	Office of Victims' Commissioner (OVC)
An Area Coroner	Police Action Lawyers Group (PALG)
Crown Prosecution Service (CPS)	Police Federation
His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS)	Police Investigations and Review Commissioner for Scotland (PIRC)
Home Affairs Select Committee (HASC) of the House of Commons	Police Scotland
Independent Custody Visitors' Association (ICVA)	Police Superintendents Association of England and Wales (PSAEW)
INQUEST	South Yorkshire Police
INQUEST Lawyers' Group (ILG)	UNISON
Institute for Government (IfG)	University of Manchester
Members from the London Assembly Police and Crime Committee (providing representations as individual members only)	Victim Support
London Mayor's Office for Policing and Crime (MOPAC)	Wales Government

External stakeholder groups interviewed	
Metropolitan Police Service (MPS)	Welsh Chief Officers' Group
National Black Police Association (NBPA)	

9. 'Roundtable discussion' were held with a number of groups representing complainants, victims and bereaved families, to discuss views on the IOPC's work and wider police complaints and disciplinary systems.

Table 4: Participants at Roundtable on Complainants' and Victims' Perspectives

Organisation	Focus
London School of Economics and Political Science	Criminology, regulation and reform of police powers and concerns about the over-policing of minority communities.
National Appropriate Adults Network	'A charity working to create a fairer justice system for children and vulnerable adults through an effective appropriate adult network'
Refuge	'The largest specialist domestic abuse organisation in the UK' which supports survivors, 'helping them to overcome the physical, emotional, financial and logistical impacts of abuse and rebuild their lives free from fear'
StopWatch	'A coalition of academics, lawyers, civil society organisations, and community stakeholders that works to promote fair, effective, and accountable policing in England and Wales, with a primary focus on stop and search'
Suzy Lamplugh Trust	'The UK's pioneering personal safety charity and leading stalking authority' which works to 'reduce the risk and prevalence of abuse, aggression, and violence - with a specific focus on stalking and harassment - through education, campaigning and support'.
United Family and Friends Campaign (UFFC)	'A coalition of families seeking justice for loved ones lost at the hands of the state'
University of Liverpool	Discretion by front line officers in conducting stop and search.
Youth Justice Board (YJB)	'An independent public body appointed by the Secretary of State for Justice, with statutory responsibility to oversee the whole of the youth justice system' and 'provide evidence-based advice and guidance on the provision of youth justice services'

10. Written submissions were received from a number of those interviewed for this Review, as well as from the following organisations:
 - Disabled Police Association (DPA);
 - Ministry of Justice (MoJ); and
 - Police forces, including: West Midlands Police and Warwickshire Police.
11. Review findings were also informed by a number of written submissions received from members of the public, including: those who had made police complaints; those who had been subject to complaints whom the IOPC found had no case to answer for misconduct; and those who had been subject to criminal investigation by the IOPC whom were later exonerated.

Documents requested to inform the review

12. The following list of documents were sought and provided:
 - IOPC Self-Assessment for this Review;
 - Annual accounts;
 - Annual letter of delegation;
 - Assurance framework;
 - Board and committee terms of reference;
 - Board agendas, minutes and action logs;
 - Board development plans;
 - Board forward look;
 - Board skills assessment;
 - Committee structures and terms of reference;
 - Communications and Stakeholder Engagement;
 - Complaints policy;
 - Corporate, organisational and supporting strategies;
 - Customer Service Excellence external accreditation reports;
 - Decision-making framework;
 - Estates details;

- Finances – Accounts, Medium-Term Financial Plan, Efficiencies, Pay;
- Governance – Boards, Audit, Framework with HO, Assurance, Risk;
- Legislation and Statutory Guidance;
- Memoranda of Understanding with other agencies;
- Operations and investigations structures and processes;
- Performance and statistics;
- Scheme of delegation;
- Staffing – workforce breakdown, policies, surveys, skills and training;
- Standing orders;
- Strategic Planning documents;
- Whistleblowing policy.

13. In addition, the Review has drawn upon various other public reports:

- The Home Office-led 2015 Triennial Review of the functions, efficiency and governance of the IPCC (March 2015).³⁰⁸
- Independent Review³⁰⁹ of the governance of the IPCC (November 2015), led by Sheila Drew Smith OBE.
- **An Independent Review of Deaths and Serious Incidents in Police Custody** by Rt. Hon. Dame Elish Angiolini DBE QC, published in January 2017³¹⁰ and the Government's response to it published in October 2017³¹¹.
- **House of Commons Home Affairs Select Committee (HASC) report into Police Conduct and Complaints**³¹² (March 2022) including 57 written submissions to the HASC Inquiry and oral evidence provided to the Committee.

308

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/411566/IPCC_Triennial_Review.pdf

309 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/486702/20151215-Independent_review_of_IPCC_governance-WEB-UK_O.pdf

310

https://assets.publishing.service.gov.uk/media/5a821d1040f0b6230269ae98/Report_of_Angiolini_Review_ISBN_Accessible.pdf

311

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/660978/Gov_Response_to_Angiolini_Report.pdf

312 The Home Affairs Committee's report was published in March 2022.

<https://committees.parliament.uk/publications/9006/documents/166181/default/>

- Correspondence between Home Office Ministers and HASC.
 - The Government’s Response³¹³ to the Home Affairs Committee’s report into Police Conduct and Complaints (April 2022).
 - **Part 2 of the Review of Police and Crime Commissioners** (PCC Review) – Written Ministerial Statement³¹⁴ and recommendations in March 2022.
 - The **Police Plan of Action on Inclusion and Race**³¹⁵, published in 2022, developed jointly by the National Police Chiefs’ Council (NPCC) and the College of Policing.
 - The **Casey Review** into MPS’ standards of behaviour and internal culture reported in March 2023.³¹⁶
14. The following list of documents were requested from the IOPC, but either did not exist or were not provided to the Review team:
- Annual budget delegation letter for 2023/24;
 - Annual Impact Report for 2022/23;
 - Annual Report and Accounts for 2022/23;
 - Breakdown of spend on non-payroll resources and usage of consultancy, agency staff and contractors;
 - Budget approved by Unitary Board for FY 2019-20;
 - Budget approved by Unitary Board for FY 2021-22;
 - Final Report for expenditure position for FY 2022-23;
 - Overview of insights from staff exit interviews (introduced in June 2022);
 - Policy for annual appraisals of the DG and NEDs;
 - Quality Committee minutes;
 - Staff retention survey;
 - Terms of Reference for multiple key Boards including: Management Board (MB); Strategy and Corporate Services Board; Strategy and Impact Board; Health and Safety Committee.

³¹³ <https://committees.parliament.uk/publications/22040/documents/165761/default/>

³¹⁴ [https://qna.files.parliament.uk/ws-attachments/1438235/original/Annex A - Recommendations \(PCC Review Part 2\).pdf](https://qna.files.parliament.uk/ws-attachments/1438235/original/Annex A - Recommendations (PCC Review Part 2).pdf)

³¹⁵ <https://assets.college.police.uk/s3fs-public/Police-Race-Action-Plan.pdf>

³¹⁶ <https://www.met.police.uk/police-forces/metropolitan-police/areas/about-us/about-the-met/bcr/baroness-casey-review/>

- Unitary Board conflict of interest policy;
- Unitary Board development plans;
- Unitary Board or NED skills assessment;
- Workforce strategy.

Reference group – terms of reference

15. A reference Group was set up to provide challenge and insight to the Review by virtue of their experience and expertise. The Terms of reference are outlined below:

Responsibilities and scope

- To discuss and provide views on key issues, emerging findings and recommendations of the Review as set out by the Lead Independent Reviewer.
- To support with the provision of further information, that is within their organisation's remit, to help inform the review so far as is appropriate.
- Whilst the Reference Group can highlight lines of enquiry or further issues to consider as part of the review, this is to the extent they fall within the existing remit of the review, as outlined in the review's Terms of Reference agreed by the Home Secretary.

Meetings

- The Reference Group will meet at least twice during the review.

Membership

- Lead Reviewer Dr Gillian Fairfield (Chair)
- Association of Police and Crime Commissioners (APCC)
- Chief Police Officers' Staff Association (CPOSA)
- College of Policing (CoP)
- His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS)
- INQUEST
- National Police Chiefs' Council (NPCC)
- Office of the Victims' Commissioner (OVC)

- Police Action Lawyers Group (PALG)
- Police Federation of England and Wales
- Police Superintendents' Association for England and Wales (PSAEW)
- Victim Support

Annex C – Detailed process of reviews

1. **Following reforms to the police complaints and disciplinary system introduced in 2020³¹⁷, complainants have a right to apply to the relevant ‘Review Body’ to ‘review’ whether their complaint has been handled in a ‘reasonable and proportionate’ manner³¹⁸. This single point of potential ‘review’ at the end of the complaints process replaced five previous points of ‘appeal’.**
2. The reforms also ensured all reviews are conducted externally to the police, either by Local Policing Bodies (LPB) or the IOPC (whereas the chief police officer had previously held some appeals).
3. LPBs are the Review Body in most cases³¹⁹ which are less serious. The IOPC is the Review Body³²⁰ where any of the following apply: ³²¹
 - the LPB is the AA;
 - the complaint is about the conduct of a senior officer (specifically, a rank above chief superintendent);
 - the complaint alleges misconduct or criminality;
 - the complaint has been, or must be, referred to the IOPC³²²;
 - the AA who originally considered the complaint cannot rule out a potential infringement of an individual’s rights under European Convention on Human Rights Article 2 (right to life)³²³ or Article 3 (freedom from torture and inhuman or degrading treatment).

³¹⁷ The Police (Complaints and Misconduct) Regulations 2020, Regulation 29 on Reviews: <https://www.legislation.gov.uk/uksi/2020/2/contents/made>

³¹⁸ Police Reform Act 2002, Schedule 3, Part 1, paragraph 6A(4): <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/1>

³¹⁹ <https://www.policeconduct.gov.uk/publications/police-complaints-statistics-england-and-wales-202122-plain-text#findings-reviews>

³²⁰ [IOPC Statutory Guidance on the Police Complaints System 2020v](#), Chapter 18 (Reviews). The Statutory Guidance says the IOPC is the Review Body where *‘The appropriate authority is unable to satisfy itself, from the complaint alone, that the conduct complained of (if it were proved) would not justify the bringing of criminal or disciplinary proceedings or would not involve an infringement of a person’s rights under Article 2 or 3 of the European Convention on Human Rights.’*

³²¹ [Per IOPC Statutory Guidance on the Police Complaints System 2020](#), Chapter 18 (Reviews), para 18.6, the same applies where any part of a complaint, or a complaint arises from an incident that meets these criteria. The IOPC is also the Relevant Review Body where:

- the complaint arises from the same incident as a complaint falling any of the bullets in this paragraph (*i.e.* two complaints may have been made about the same incident, one referred and one not but both would have a right of review to the IOPC);
- any part of the complaint falls within any of the bullets in this paragraph (this would account for situations where different elements of a complaint may be split out for handling in different ways).

³²² Or the IOPC is treating the complaint as having been referred, also known as its ‘power of initiative’.

³²³ Article 2 of the European Convention on Human Rights imposes a procedural obligation on the UK to conduct an effective, impartial, independent and prompt investigation into deaths for which the State might be responsible. This Article also forms one of the Convention rights incorporated in the Human Rights Act 1998.

4. **Complainants have 28 days to lodge an application for a review of how their complaint was handled³²⁴, from the date of the letter informing them of the complaint outcome.**
5. **Review Bodies must determine whether the outcome is reasonable and proportionate³²⁵.** Factors they should consider include, but are not limited to:
 - whether reasonable lines of enquiries were undertaken to be able to provide a reasonable and proportionate outcome and if not, whether there were sound reasons for this;
 - whether the findings or determinations reached logically follow from the information or evidence obtained; and
 - whether the original complaint handler attempted to understand the outcome the complainant was seeking and gave that due consideration.
6. Where the IOPC upholds a review, it may:
 - make its own findings in place of an investigation;
 - direct that it is necessary for the complaint to be investigated (or reinvestigated where it is a review of an investigation);
 - recommend to the AA that³²⁶:
 - the person has – or does not have – a case to answer for misconduct or gross misconduct³²⁷,
 - the individual’s performance is – or is not – satisfactory; or
 - disciplinary proceedings should be brought (or, if in motion, amended as necessary);
 - refer the case to the CPS to consider bringing criminal proceedings³²⁸;
 - make recommendations with a view to remedying the dissatisfaction of a complainant.³²⁹

³²⁴ The right to seek a review does not include ‘the outcome of any criminal or disciplinary proceedings brought in relation to any matter which was the subject of the complaint’. (Police Reform Act 2002, Schedule 3, Part 1, paragraph 6A(10): <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/1>. Furthermore, only a complainant, or someone acting on their behalf, can make an application for a review in relation to a complaint.

³²⁵ [IOPC Statutory Guidance on the Police Complaints System 2020](#), para 18.38.

³²⁶ Police Reform Act 2002, Schedule 3, paragraph 25(4C): <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

³²⁷ Police Reform Act 2002, Schedule 3, paragraph 25(4C)(c)(i): <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

³²⁸ Police Reform Act 2002, Schedule 3, paragraph 25(4F): <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

³²⁹ Police Reform Act 2002, Schedule 3, paragraph 28ZA: <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

Annex D – Detailed process for referrals

When and how referrals are made to the IOPC

1. Deaths and serious injuries: Police forces, other appropriate authorities and Local Policing Bodies (LPBs) must refer all deaths and serious injuries during police contact, or where there is some indication that prior police contact may have caused or contributed to the death or serious injury.³³⁰

When police forces, other appropriate authorities and local bodies **must** refer complaints and conduct to the IOPC

2. Police forces, other appropriate authorities and LPBs **must** refer to the IOPC:
 - conduct and complaints alleging³³¹:
 - serious assault occasioning actual bodily harm;
 - a serious sexual offence;
 - serious corruption (including abuse of position for a sexual purpose, or for the purpose of pursuing an improper emotional relationship)³³²;
 - a criminal offence that either carries a potential 7 year+ sentence³³³ or is *aggravated by discrimination*;

³³⁰ Specifically where:

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

Page 47. ([IOPC 2020 Statutory Guidance on the Police Complaints System](#)): Furthermore, the following must also be referred to the IOPC:

- complaints alleging that the (*conduct or other matter complained of*) has resulted in death or serious injury;
- recordable conduct matters relating to any incident or circumstances in or in consequence of which any person has died or suffered serious injury;
- complaint arising from or any conduct which is alleged to have taken place in the same incident as one in which any conduct of the nature listed in the paragraph below is alleged.

³³¹ These mandatory referral criteria are set out, as per Regulation 4 and 7 Police (Complaints and Misconduct) Regulations 2020, in Chapter 9 (Referrals) of the [IOPC's Statutory Guidance on the Police Complaints System 2020](#).

³³² Some serious corruption cases are handled by a special Anti-Corruption Unit within the IOPC's Directorate for Major Investigations although others, for example overt abuse of position for a sexual purpose, might be investigated by core investigation teams.

³³³ Specifically: criminal offences that could result in a prison sentence (for those over 18) of seven years or more. [IOPC's Statutory Guidance on the Police Complaints System 2020](#).

- behaviour liable to lead to disciplinary proceedings that is discriminatory³³⁴;
 - a complaint about a chief officer (or Deputy MPS Commissioner) that could lead to criminal or disciplinary proceedings being brought³³⁵;
 - recordable conduct by a chief officer (or Deputy MPS Commissioner);
 - conduct and complaints that the IOPC, at any point, '**calls in**' (by 'notifying' them that the IOPC 'requires' it to refer to the IOPC);³³⁶
3. In addition, the Appropriate Authority (AA, e.g. police force) and LPBs specifically (such as a PCC) **may** also refer to the IOPC complaints and recordable conduct³³⁷ where they consider it would be appropriate to do so by reason of the gravity of the matter; or any exceptional circumstances.
 4. The IOPC's 'call in' power is typically used only when a complaint or conduct has already been recorded by the AA but they refuse to refer it when requested. In this instance, IOPC management told us that that, in some cases, it found that exercising the '**call in**' power the IOPC had been given – with the inevitable back and forth of representations between the IOPC and the AA, once the IOPC asked it to refer a complaint or recordable conduct – was too slow.
 5. So, the IOPC was provided with an additional '**power of initiative**' in 2020 which allows it to treat a complaint, conduct or DSI matter as having been referred to it, without it having been (and direct an AA to record a matter where it has not been)³³⁸, so it can make a MOI determination and begin an independent investigation more quickly, where the circumstances demand it. It enables the IOPC to 'seize the initiative' so the IOPC may not always communicate with the AA before using this power (although it would usually aim to do so).
 6. Both call in power and power of initiative are only really used where the IOPC wants to³³⁹ independently investigate the matter in question.

³³⁴ Specifically: '*criminal offence or behaviour which is liable to lead to disciplinary proceedings and which, in either case, is aggravated by discriminatory behaviour on the grounds of a person's: age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation*'. [IOPC's Statutory Guidance on the Police Complaints System 2020](#).

³³⁵ Specifically: '*where the appropriate authority is unable to satisfy itself, from the complaint alone, that the conduct complained of, if it were proved, would not justify the bringing of criminal or disciplinary proceedings*'. [IOPC's Statutory Guidance on the Police Complaints System 2020](#).

³³⁶ Per Statutory Guidance 2020 under the Police Reform Act 2002, Schedule 3, Part 1, paragraph 4(1)(c) and Part 2, paragraph 13(1)(c): 'The IOPC may require any complaint or recordable conduct matter to be referred to it by the appropriate authority. The IOPC may use the power to 'call in' a matter, regardless of whether the matter is already being investigated or has previously been considered by the IOPC.' [IOPC's Statutory Guidance on the Police Complaints System 2020](#).

³³⁷ Police Reform Act 2002, Schedule 3, Part 1, paragraph 4 and paragraph 13:
<https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/1>

³³⁸ Per the Police Reform Act 2002, Schedule 3: Part 1 paragraph 4(a); Part 2 paragraph 13(a); Part 2 paragraph 14CA and IOPC Statutory Guidance (2020), the IOPC can do this in the absence of a matter having been recorded. Per Statutory Guidance para 9.37: 'In contrast to the 'call in' power, the power of initiative allows the IOPC 'to consider the matter for the purposes of determining whether an investigation is necessary and making a mode of investigation decision without receiving a referral from the appropriate authority'. [IOPC's Statutory Guidance on the Police Complaints System 2020](#).

³³⁹ or considers that it is highly likely to want to independently investigate , subject to assessing the referral

7. A complaint or conduct matter that has been referred cannot be referred again unless the DG either consents to the referral being made or directs the AA to make such a referral.

When complaints and conduct must be investigated

8. An AA is required to investigate³⁴⁰ conduct or a complaint locally if any of the following apply:
 - it considers a local investigation is a reasonable and proportionate way to handle the case;
 - there is an indication that someone serving with the police may have committed a criminal offence or behaved in a manner that would justify the bringing of disciplinary proceedings; or
 - there is an indication there may have been the infringement of an individual's rights under Article 2 (right to life) or Article 3 (Freedom from torture and inhuman or degrading treatment) of the European Convention on Human Rights.³⁴¹; or
 - the IOPC has determined it should be investigated locally following a referral;
 - the IOPC has determined it should be investigated locally following an IOPC review of how a complaint has been handled.
9. In other cases, the AA may decide:
 - a complaint that falls *within* the Police Reform Act Schedule 3 can be better handled otherwise than by investigation³⁴². It could decide no further action will be taken because, for example: the complaint has already been looked into or there is a more appropriate process for raising the complaint, such as the Victims' Right to Review Scheme;
 - the complaint that falls *outside* of PRA Schedule 3 can be resolved *informally*, for example by providing an explanation or apology.

³⁴⁰ Some exceptions apply. See page 72 of [IOPC's Statutory Guidance on the Police Complaints System 2020](#) for further details. Where a complaint, conduct or DSI has been referred to the IOPC, the Appropriate Authority is only required to investigate the matter if the IOPC determines an investigation is necessary and the matter is referred back to them.

³⁴¹ Police Reform Act 2002, Schedule 3, paragraph 4: <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/1>

³⁴² Chapter 12 – [IOPC's Statutory Guidance on the Police Complaints System 2020](#).

How the IOPC assesses referred complaints, conduct and DSI matters

Stage 1: Whether an investigation is necessary

10. The law allows discretion for the IOPC to decide what and how any referred cases should be investigated (providing they meet the definitions for complaints, conduct matters and DSIs and the ‘indication’ tests are met). The only exception is that the IOPC is obliged to investigate chief officers or Deputy MPS commissioners where there is:
 - recordable *conduct*,
 - a *complaint* where there is an indication the individual may have either committed a criminal offence or behaved in a manner that would justify the bringing of disciplinary proceedings.
11. However, the IOPC advises that it is highly likely to determine complaints must be investigated (whether by an AA or the IOPC) where there is an ‘indication’ that³⁴³:
 - ‘a person serving with the police may have committed a criminal offence or behaved in a manner that would justify the bringing of disciplinary proceedings’; or
 - there may have been the infringement of a person’s rights under Article 2 (Right to Life) or Article 3 (Prohibition of torture, inhuman, or degrading treatment) of the European Convention of Human Rights.³⁴⁴
12. The IOPC has advised it is more likely to decide an investigation:
 - is necessary where: this is in the public interest, taking into account: the profile of a case; levels of public concern; and the vulnerability of the individual/s involved (*for example*, a child).
 - not necessary where:
 - there is independent evidence available to refute a complaint; or a complaint has been investigated before; or
 - no conduct sanction could be made against a former officer (depending on when they left the police), in which case a DM would consider whether it is now in the public interest to investigate given the passage of time.

³⁴³ Police Reform Act 2002, Schedule 3, Part 1, paragraph 6: <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3>

³⁴⁴ In internal papers provided to this Review (Paper to Management Board – January 2023), the IOPC highlights that this obligation is technically on the UK state, rather than the IOPC solely, so there is “*nothing to nothing legislative preventing these matters being handled in another way if it is reasonable and proportionate to do so for example these matters may be handled by another body such as the Health and Safety Executive*”.

13. Where the IOPC determines no investigation is required, it will refer the matter back to the AA ('return to force') to handle in whatever 'reasonable and proportionate manner' it decides (which may or may not involve a local investigation).³⁴⁵

Stage 2: Decisions on the appropriate Mode of Investigation (MOI)

14. Once the IOPC has established that an investigation into a referred complaint, referred conduct matter, death or serious injury is necessary, a local investigation is required *unless the IOPC determines an independent or directed investigation is appropriate*.³⁴⁶
15. In practice, IOPC Senior Assessment Managers consider the seriousness of the case and the public interest to make a 'Mode of Investigation' decision' between the following³⁴⁷:
- A local investigation – referred back to the Appropriate Authority (usually the local police force), to be investigated by itself '*in such reasonable and proportionate manner as they determine*'.
 - A directed investigation – led by the local police force or authority, but under the IOPC's direction; and
 - An independent investigation by IOPC staff (for which the IOPC is best known in the public domain), where the IOPC judges it would not be appropriate for the police force to investigate itself.
16. By law, the IOPC must lead an independent or directed investigation into Chief Officers where:
- there is a conduct referral in relation to a Chief Officer;
 - there is an indication, from a complaint, that a Chief Officer 'may have committed a criminal offence or behaved in a manner which would justify the bringing of disciplinary proceedings'.³⁴⁸

How 'public interest' informs Mode of Investigation decisions

17. Currently, a large majority of the cases – that the IOPC determines require an *independent IOPC* investigation – either potentially 'engage' European Convention on Human Rights Article 2 (Right to life) or Article 3 (Prohibition of

³⁴⁵ Unless a local investigation is already underway, in which case the appropriate authority is required to complete it. Paragraph 9.48 [IOPC Statutory Guidance on the Police Complaints System 2020](#).

³⁴⁶ Police Reform Act 2002, Schedule 3, Part 3, paragraph 15 (4A) to (4C): <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

³⁴⁷ The mode of investigation options for referrals about Police and Crime Commissioners (PCCs) and London Mayor's Office for Policing and Crime (MOPAC) and their Deputies are either an independent, or directed investigation.

³⁴⁸ Police Complaints and Misconduct Regulations 2020, Regulation 5.

torture, inhuman, or degrading treatment)³⁴⁹, or are sufficiently in the ‘public interest’ *for the IOPC to independently investigate*.

18. Primary legislation (*i.e.* the Police Reform Act 2002) does not define public interest. However, in its 2020 Statutory Guidance³⁵⁰, it notes that ‘*an independent investigation is often used for the most serious incidents and/or those with the greatest public interest. For example, those that cause the greatest level of public concern, have the greatest potential to impact on communities, or have serious implications for the reputation of the police service*’.
19. In determining what is in the public interest, the IOPC:
 - draws a distinction between what is in the public interest (which should inform MOI decisions) and what is of interest to the public (which should not);
 - considers what is most likely to have the greatest impact on public confidence in policing, which it is currently defined as:
 - the complaint or conduct calls into question the legitimacy of the police in the eyes of the public and/or has the potential to damage the ability to police by consent; or
 - an IOPC-led investigation would add significant value (*e.g.* through independence, bringing together issues across policing, raising the profile of an issue, or following up on an issue).

How the IOPC uses ‘themes’ to inform what it is in the ‘public interest’

20. In 2018, the IOPC introduced ‘themes’ as one criterion to use alongside wider criteria in determining whether an independent IOPC investigation was in the public interest, in effect weighting case selection (*i.e.* making a case more likely to be selected for an IOPC investigation) where it touched on certain themes. This **use of ‘themes’ (among other criteria) to inform IOPC MOI decisions** is distinct from – but very often confused with – the IOPC’s ‘**thematic reviews**’ where it uses insights from *multiple sources* to identify more general improvements and recommendations. (We return to thematic reviews in **Chapter 7.**)
21. The IOPC describes the principles behind its use of themes to inform case selection as identifying:

³⁴⁹ If there is evidence that Article 2 or 3 may be engaged (*i.e.* that the actions of a police force or other body may have contributed to infringing anyone’s right to life or right to freedom from torture and inhuman or degrading treatment), there is an obligation on the state to investigate such matters. Accordingly, it is likely that such matters will require IOPC oversight.

³⁵⁰ [IOPC 2020 Statutory Guidance on the Police Complaints System](#).

- 'learning to improve policing practice (concerns / the potential for learning identified which would merit the need for investigation);
 - police force-specific issues (either HMICFRS, IOPC intelligence or local Assessment Unit concern);
 - good practice (which is worth sharing and capturing as part of our thematic work)'.
22. The themes it has selected have changed over time. Until mid-2023, in **theory, the IOPC had six current themes**³⁵¹ (as of 2023/24):
- Abuse of Position for a Sexual Purpose (APSP, launched 1 October 2018);
 - Domestic Abuse (launched 1 October 2018);
 - Road Traffic Incidents (launched 18 February 2019);
 - Mental Health (launched 7 October 2019);
 - Discrimination (launched 28 September 2020); and
 - Violence Against Women and Girls (increased focus since Autumn 2022).
23. However, **Management Board agreed in mid-2023 to shift the IOPC's use of themes in weighting case selection to race discrimination and VAWG (including APSP) only.** The IOPC's work across these other previous areas is effectively on pause, given resource constraints.

Notification of the MOI decision

24. By law, in normal cases³⁵², the IOPC is required to notify and set out the reasons³⁵³ for its 'Mode Of Investigation' decision to any complainant³⁵⁴, any person being investigated and others such as the AA.

³⁵¹ (Internal) Paper to Management Board (MB) January 2023, provided to the Review.

³⁵² Unless, for example, doing so would prejudice a covert investigation.

³⁵³ Police Reform Act 2002, Schedule 3, Part 3, paragraph 15(8) and (9): <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

³⁵⁴ The IOPC is required to notify all persons entitled to be kept properly informed for the purposes of section 21 of the PRA. In some cases concerning death or serious or serious injury following police contact, there may not be a 'complainant', so this will primarily be relatives of those who have died or suffered serious injury.

Annex E – Detailed process for independent and directed investigations

The course of independent and directed investigations

1. All IOPC investigations (with the exception of ‘major investigations’ and Hillsborough) are led by one of the IOPC’s regional offices, each headed up by a Regional Director responsible for investigations in their area.
2. Following a ‘mode of investigation’ decision by the IOPC’s Assessment Unit that an investigation into a police referral is both (a) necessary and (b) should be led independently by the IOPC – or directed by the IOPC – the IOPC aims to:
 - within 5 working days, both have a dedicated investigator allocated to the case and the wider investigation team to hold a ‘Case Commencement Meeting’ with a case supervisor.
 - within 15 working days, have the investigation’s terms of reference, (setting out the scope of what will be investigated) agreed and approved by a senior Decision Maker (DM) in what is described as an ‘Initial Meeting’. This meeting decides the broad expected timeline of an investigation by agreeing a Target End Date (TED) of one of the following: between 0-3 months; within 3-6 months, within 6-9 months, or within 9-12 months. The expected timeline should be shared with all relevant parties, for example, the complainant, a bereaved family and individual/s under investigation.
3. At the outset of *conduct* investigations, a severity assessment³⁵⁵ is conducted to decide whether, if proven, the allegation would amount to misconduct, gross misconduct or neither. This severity assessment is kept under review until a decision taken on whether there is a case to answer. Before an equivalent severity assessment is made at the beginning of *complaint* investigations, a decision is taken on whether special procedures apply – determined by whether there is an indication of a breach of the Standards of Professional Behaviour or a criminal offence.
4. (and complaint investigations, once an indication of potential misconduct has been identified and the investigation has become subject to ‘Special Procedures’)
5. The investigation team then develop and implement an investigation plan, to gather all available evidence to establish all the circumstances of what happened. Within 15 days of the MOI decision, a proportionate Investigation Plan should be in place, consisting of the terms of reference, main lines of enquiry, supervision plan and milestones, and target date to complete the investigation. A full Investigation Plan may involve:

³⁵⁵ The Police (Conduct) Regulations 2020: Regulation 14. <https://www.legislation.gov.uk/uksi/2020/4/made>

- taking witness statements;
 - interviewing police officers or members of police staff;
 - analysing footage from CCTV and any police officers' body-worn cameras;
 - obtaining other documents and records, such as telephone records;
 - reviewing policies that are relevant to what's happened; and
 - forensic analysis and independent advice from experts.
6. Within 35 days of the MOI decision, case supervisors must conduct the first formal investigation quality review.
 7. At case supervisors' discretion, they may convene supplementary, intermediary investigation quality reviews, as necessary. These will typically be conducted by Case Supervisor, but may be conducted by an Operations Manager, DM or member of the Quality and Service Improvement (QSI) team.
 8. Anyone appointed to lead an independent IOPC investigation has the same powers and privileges as the police³⁵⁶, for the purposes of conducting the investigation.³⁵⁷ In particular:
 - Investigators can require any information they reasonable require for their investigation.³⁵⁸ (Separate to the powers the IOPC has for criminal investigations, if the person required to provide this information fails or refuses to provide it, or 'knowingly or recklessly' provides information that is materially false, the IOPC's DG can certify this to the High Court, which may then hold them in contempt of court.³⁵⁹)
 - Investigators can seize anything they reasonably believe relates to the investigation and retain this as long as necessary for the purposes of any criminal proceedings (the IOPC does not have the powers of seizure for non-criminal matters).
 9. Decision Maker (DM): Investigators and Lead Investigators are overseen by Operations Team Leaders (OTLs) and Operations Managers (OMs), who are also responsible for making key decisions about the terms of reference for, and

³⁵⁶ Police Reform Act 2002, Schedule 3, Part 3, paragraph 19(4): <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>. IOPC investigators have all the powers and privileges of a constable when they are conducting an independent investigation. Powers of a constable are largely confined to criminal investigative powers. Therefore, IOPC investigators exercising criminal investigative powers can seize and retain evidence using these criminal investigative powers as part of a criminal investigation (these powers are largely derived from Police and Crime Evidence Act – PACE). However, these powers are not available for non-criminal investigations. The statutory scheme may well provide implied powers of seizure and retention in specific circumstances. However, the ambit of implied powers are inherently uncertain and therefore, the IOPC sought legislative change to the statutory scheme to add express powers of seizure and retention for independent investigations. Paragraphs 19ZE-ZH were added to Schedule 3 of the Police Reform Act 2002 by the Policing and Crime Act 2017, however, to date these paragraphs have not been brought into effect because of concerns raised by police stakeholders as to their scope and effect.

³⁵⁷ Police Reform Act 2002, Schedule 3, Part 3, paragraph 19(4): <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

³⁵⁸ Police Reform Act 2002, Schedule 3, Part 3, paragraph 19ZA: <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

³⁵⁹ Police Reform Act 2002, Schedule 3, Part 3, paragraph 19ZB: <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

outcomes of investigations. Operations Managers work to Regional Directors and ultimately for the DG, exercising the delegation of the DG's powers. An Operations Manager is ordinarily the DM, except for the most complex or high-profile cases where Regional Directors will act as the DM.

10. Workload management: Where the closest regional office may have too many ongoing / live investigations, a National Tasking meeting will consider allocating cases to another regional office to lead the investigation (remotely, where possible). If National Operations Tasking is unable to adequately balance workload of investigations between regional offices, it can escalate the situation to the Operations Management Board (OMB) which will advise regional offices how best to prioritise between cases, including which investigations can be taken forward at a slower rate in order to prioritise others. (The IOPC's operating model and Operations Management Board are considered further in **Specific operational** support: on-call arrangements)
11. The IOPC has an on-call team for any urgent operational need out of hours. Whilst on-call arrangements are not exclusive to them, DSI cases are those most often attended to 'out of hours'. In some circumstances, the IOPC may have to attend a scene (e.g. a death in police custody), take control of it, and potentially declare an independent IOPC investigation.
12. Interviews with IOPC staff suggest current on-call arrangements:
 - are inadequately resilient, often with only one operations manager on call to make decisions about deployments and light staffing to respond (to however many incidents in England and Wales that develop out of hours);
 - do not adequately support individuals on-call who receive no specific training and do not have an 'on-call' manual for the types of decisions they may need to take out of hours; and
 - may be inadequately remunerated (with staff paid only £13 to be on-call on weeknights and £60 over a weekend) to rely upon volunteers to perform this function, when it restricts what they may do in their otherwise-free time.

RECOMMENDATION:

The IOPC should review the resilience and adequacy of its on-call arrangements, including whether further bespoke training should be offered to those who are on-call and whether it may be preferable to have a dedicated team or unit providing this service, in common with how many government departments and operational ALBs manage out of hours incidents.

13. Chapter 7. Wider effectiveness).
14. Directed investigations: Where the IOPC decides a case should be a case should be investigated by the AA under the IOPC's direction, the IOPC is

required to keep this under review³⁶⁰. The IOPC must approve the person appointed to investigate and can require a different person is appointed to take over an investigation already underway.³⁶¹ Similarly, the IOPC sets out directed investigations' scope and investigative strategy, controls these investigations by reviewing the policy books and confirms that directed investigations have met the terms of reference and makes the decisions at the end of the directed cases.

Criminal proceedings during an investigation

15. Until the investigator completes their final report and the DM provides their opinion, the CPS cannot bring criminal proceedings in relation to the IOPC investigation³⁶², unless it assesses there are '*exceptional circumstances which make it undesirable to delay the bringing of criminal proceedings*' against a police officer or special constable.³⁶³

Disciplinary proceedings during an investigation

16. Similarly, disciplinary proceedings cannot be brought against an individual in relation to the IOPC investigation until a DM provides their opinion³⁶⁴.
17. The sole exception to this is where legislation permits 'accelerated procedures', a high bar:
 - there must be sufficient evidence, in the form of written statements or other documents, to establish on the balance of probabilities that the conduct of the officer concerned constitutes gross misconduct; AND
 - it is in the public interest they cease to be a police officer or staff without delay.³⁶⁵

Decision maker opinion and outcomes at the end of independent (or directed) investigations³⁶⁶

18. Once an investigator has completed their investigation and written their report (analysing and summarising the evidence collected), this is passed to an IOPC DM to consider and write the IOPC's opinion on conduct, performance and learning. The DM will also offer a view on any complaint that is not subject to

³⁶⁰ Police Reform Act 2002, Schedule 3, Part 3, paragraph 15(5): <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

³⁶¹ Police Reform Act 2002, Schedule 3, Part 3, paragraph 26: <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

³⁶² Police Reform Act 2002, Schedule 3, Part 3, paragraph 20(1): <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

³⁶³ Police Reform Act 2002, Schedule 3, Part 3, paragraph 20(3): <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

³⁶⁴ Police Reform Act 2002, Schedule 3, Part 3, paragraph 20A: 'Accelerated procedures for special cases' <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

³⁶⁵ The precise way such 'accelerated' disciplinary proceedings work is an investigator (at any point within their investigation) provides an interim report to a DM who must, in turn, agree with their assessment that the Appropriate Authority would likely consider that evidence establishes – on balance of probabilities that (a) an individual has committed gross misconduct; AND (b) it is in the public interest to commence 'accelerated procedures' so that they cease to be a police officer without delay.

³⁶⁶ Other than in special cases, where the aforementioned 'accelerated procedures' may apply.

special procedures, for example whether the service was acceptable or not, or there is insufficient evidence to be able to say one way or another.

19. By law, IOPC investigations are required to be alive to the possibility and consider whether a disciplinary body *may* reach findings of fact open to them on the evidence, that could be contrary to the findings that they as an investigator would make. If there is a case to answer on one legitimate construction of the facts, DMs (to whom the DG has delegated their authority in law) must decide that there is a case to answer.
20. Where applicable, IOPC investigation reports will also draw attention to evidence which suggests that individuals' performance may have been satisfactory or unsatisfactory.

Decision makers' (DM) provisional opinion and consultation of Appropriate Authorities (AA)³⁶⁷

21. On receipt of a final investigation report, a DM reviews them and writes their *provisional opinion*³⁶⁸ on whether the evidence indicates:
 - the individual may: (a) have committed a criminal offence and (b) it would be appropriate to refer it to the CPS;
 - the individual may have behaved in a manner justifying the bringing of disciplinary proceedings³⁶⁹ (notwithstanding whether a criminal offence may have occurred or not) and therefore whether an individual has a case to answer for misconduct or gross misconduct; and
 - any matter which was the subject of the investigation should be referred to be dealt with under the reflective practice review process.
22. After forming their *provisional* opinion, the IOPC DM must reach out to the AA for their views on certain issues.
23. In most cases³⁷⁰, the AA is the chief police officer of the police force with direction and control over the relevant police officer or member of staff. In many cases, they will delegate this role to the Head of Professional Standards. However, where the relevant individual under investigation is the chief police officer (or acting chief police officer), the AA will be LPB (e.g. PCC or London Mayor Office for Policing and Crime).

³⁶⁷ This is informed by Regulation 27 of the Police (Complaints and Misconduct) Regulations 2020 <https://www.legislation.gov.uk/uksi/2020/2/regulation/27>.

³⁶⁸ Depending on the type of investigation, these opinions are noted in a standardised DM's Opinion template.

³⁶⁹ They will consider whether the individual has a case to answer, specifically whether there's sufficient evidence upon which a *reasonable* misconduct meeting or hearing could, on the balance of probabilities, make a finding of misconduct or gross misconduct.

³⁷⁰ For complaints that do not concern the conduct of a person serving with police, the Appropriate Authority is the chief officer of the police force with which dissatisfaction is expressed by the complainant.

24. Typically, a DM shares their provisional opinions with the AA, alongside investigation reports for their general views, and evidence for gross misconduct cases.
25. Formally, the DM³⁷¹:
- *must* seek the AA's view on whether any person has a case to answer for misconduct or gross misconduct³⁷². The DM *may* also seek the AA's view on disciplinary proceedings should be brought against any person and, if so, what form those proceedings should take, taking into account, in particular, the seriousness of any breach of the Standards of Professional Behaviour.
 - *must* seek the AA's view on whether any person's performance is unsatisfactory. The DM *may* also seek the AA's view on whether performance proceedings should be brought against anyone.
 - *may* seek the AA's view on whether any matter should be referred to be dealt with under the Reflective Practice Review Process.³⁷³
26. The DM may require the IOPC to hand over any evidence it considers is either relevant to the investigation³⁷⁴ or necessary to ensure the individual receives a fair hearing at any disciplinary proceedings³⁷⁵.

DM referrals of relevant cases to the CPS for potential criminal proceedings

27. The DM will³⁷⁶ refer an individual/s to the CPS to consider, independently from the IOPC, whether any criminal charges should be brought, where the DM assesses:
- (a) there is an indication that an individual/s may have committed a criminal offence; AND

³⁷¹ Police Reform Act 2002, Schedule 3, Part 3, paragraph 27: <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

³⁷² At the end of a DSI investigation, assuming no conduct has been recorded and no complaint made (which would change the nature of the matter to a conduct or complaint matter respectively), investigator's report and DM will not consider whether there is a case to answer and will determine only whether the performance of a person serving with the police is unsatisfactory and what action should be taken as a result. The DM *may* notify the AA that it must determine whether or not the performance serving with the police is and what action (if any) the authority will take in respect of their performance.

³⁷³ The Reflective Practice Review Process is intended to deal with behaviours, mistakes and performance that falls short of the expectations of the police service in a way that is constructive and proportionate.

³⁷⁴ Police Reform Act 2002, Schedule 3, Part 3, paragraph 22(9): <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

³⁷⁵ Police Reform Act 2002, Schedule 3, Part 3, paragraph 22(10): <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

³⁷⁶ Police Reform Act 2002, Schedule 3, Part 3, paragraph 23(2)(c), paragraph 23(2A), paragraph 23(2B) and paragraph 23(3): <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

- (b) such a referral would be appropriate.³⁷⁷
28. The DM is not required to consult the AA on CPS referral.
29. Referral to the CPS involves sharing the final investigation report, final DM opinion and all relevant evidence, including schedules of unused material (to comply with the National File Standard).

DM ‘final determinations’ on whether disciplinary proceedings should be brought (in conduct and complaint cases)

30. After seeking and considering the views of the AA, the DM must make a determination in relation to each of the following:
- whether any person to whose conduct the investigation related has a case to answer (or not) in respect of misconduct or gross misconduct. To make this determination, they must first consider whether or not there has been a breach of the Standards of Professional Behaviour and if so, whether that breach would justify the bringing of disciplinary proceedings³⁷⁸, specifically ‘whether a reasonable tribunal could find misconduct or gross misconduct’. This will also determine what form any disciplinary proceedings should take;
 - whether or not any such person's performance is unsatisfactory; and
 - any other matters (if any) dealt with in the report.

DM directions to the AA

31. Where they make such a determination, the DM is required to direct the AA that disciplinary proceedings should be brought and on the specific form they must take³⁷⁹.
32. The DM may also *recommend* to an AA that an individual's performance is or is not satisfactory. Where necessary, a DM may direct the AA take specific steps in respect of an individual's performance, to refer an officer to any stage of the unsatisfactory performance procedure.
33. The DM may also recommend:

³⁷⁷ Police Reform Act 2002, Schedule 3, Part 3, paragraph 23(2B)(a):

<https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>. ‘This second condition is that the circumstances are such that, in the opinion of the [DM] it is appropriate for the matters dealt with in the report to be considered by the [CPS]’. Examples of where a DM may consider there is an indication an individual may have committed a criminal offence, but they might consider it would not appropriate to refer the matter to the CPS include if a suspect is dead, or the time passed bars a prosecution for that type of criminal offence.

³⁷⁸ Police Reform Act 2002, Schedule 3, Part 3, paragraph 23(2) and (5A)(b)(ii)
<https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

³⁷⁹ Police Reform Act 2002, Schedule 3, Part 3, paragraph 23(5A)(e) and paragraph 27(9). An AA must comply with such a direction. <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

- any areas where general police practice should be improved;
 - individual or organisational learning; or
 - other remedies are considered to the complainant's satisfaction³⁸⁰.
34. After being notified of the DM's decision, the AA must tell the IOPC whatever action it takes following DM directions or recommendations with respect to disciplinary proceedings³⁸¹.

Steps after a DM opinion is finalised

35. The IOPC is obliged to notify the complainants and interested parties of its decision-making in relation to making a referral to the CPS and more generally to keep them informed of, among other others, the outcome of the investigation.
36. The IOPC determines what the complainant receives, which may be subject to the views of the Coroner/CPS where there are outstanding proceedings. Often, the IOPC will share the investigation findings with the complainant, victims, bereaved family and subject under investigation³⁸² (although the IOPC is under no legal obligation to update the individuals investigated). The legislation expressly permits the sharing of the final report, subject to any obligations of secrecy and a number of exceptions (referred to as the 'harm test').
37. The AA may facilitate sharing of the report or DM log with the police officer or staff. Where there are going to be proceedings, the force will likely share the report/DM log as part of its disclosure process.
38. Where criminal, disciplinary or inquest proceedings arise from an investigation, Case Supervisors should conduct a Pre-proceedings quality review.

³⁸⁰ Police Reform Act 2002, Schedule 3, Part 3, paragraph 28ZA: <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

³⁸¹ Police Reform Act 2002, Schedule 3, Part 3, paragraph 23(5D): <https://www.legislation.gov.uk/ukpga/2002/30/schedule/3/part/3>

³⁸² The IOPC considers whether the report and decision maker opinion is shared, subject to the harm test. If they are not shared, the manner in which findings are shared is considered. For complainants/victims/families, this may be face to face, via a legal representative, or by letter. For those under investigation, this may be via the force PSD, their staff organisation representation (e.g. Federation or Trade Union), or their welfare officer.

Annex F – Full table of IOPC key performance indicators

This table, provided by the IOPC, includes a significant number of KPIs that the IOPC did not include in its previous monthly Performance Framework releases published online between July 2022 and April 2023.³⁸³ These are **coloured in red**.

Category	KPIs used by the IOPC (with 2023/24 targets, where these exist)
Awareness and Confidence	Increase <u>awareness</u> of the IOPC to 65%
	<i>Monitor the proportion of respondents who think the IOPC is <u>independent of the police</u></i>
	<i>Monitor the proportion of respondents who believe the IOPC is <u>effective in improving public confidence in policing</u></i>
	<i>Monitor the proportion of respondents who are <u>confident that the police deal fairly with complaints made against them</u></i>
	<i>Monitor the proportion of <u>people from a Black, Asian or minority ethnic background, women and young people who are confident that the police deal with complaints fairly</u></i>
	<i>Monitor the <u>proportion of police complaints made by people from a Black, Asian or minority ethnic background, young people and women</u></i>
IOPC investigations	<u>Decide on the mode of investigation</u> for cases referred to the IOPC within an average of 5 working days
	Complete 33% of <u>investigations within 6 months</u> (excluding major investigations)
	Complete 85% of <u>investigations within 12 months</u> (excluding major investigations)
	<i>Monitor <u>Independent Investigation compliance with agreed quality measures regarding single point of contact and feedback.</u></i>
	<i>Monitor <u>independent investigation compliance with agreed quality measure in relation to terms of reference consultation.</u></i>
	<i>Monitor the proportion of <u>'Directed' investigations</u> that are completed within 12 months (excluding major investigations)</i>

³⁸³ <https://www.policeconduct.gov.uk/about-us/our-strategy-and-performance/our-performance>

Category	KPIs used by the IOPC (with 2023/24 targets, where these exit)
Oversight of <u>complaints</u> system	<i>Monitor the <u>outcomes of public complaints</u></i>
	<i>Monitor the <u>proportion of investigations where the recommended outcome procedure is concluded within 12 months of our final report</u></i>
	<i>Monitor the average # of working days forces take to <u>finalise complaint cases under PRA Schedule 3</u></i>
	<i>Monitor the average # of working days forces take to <u>finalise complaint cases outside of PRA Schedule 3</u></i>
<u>IOPC-led Reviews</u>	Review locally investigated DSI cases within an average of 30 working days from receipt of background papers
	Ensure the average time taken, from receipt of background papers, to completing a review is: 150 working days (Q1; equivalent to 7 months), 135 working days (Q2; just over 6 months), 125 working days (Q3; equivalent to just under 6 months), and 115 working days (Q4; equivalent to). NB These are a quarterly targets.
Oversight of wider police complaint <u>reviews</u>	<i>Monitor the average # of working days Local Policing Bodies take to complete reviews</i>
	<i>Monitor the proportion of reviews upheld by Local Policing Bodies</i>
	<i>Monitor the proportion of reviews upheld by IOPC</i>
Super-complaints	<i>Monitor the average time to complete 'Super Complaints' (Proposed new measure – (Date confirmed as eligible to the date the report is published – via Gov.UK)</i>
Learning and improving police practice	Achieve 80% of our para.28(a) learning recommendations that are accepted by police forces
	Increase the percentage of policing and accountability stakeholders who think we are effective at sharing learning to improve policing practice to 67%
	Increase the percentage of non-policing stakeholders who think we are effective at sharing learning to improve policing practice to 46%
	<i>Monitor the proportion of respondents who believe the IOPC will help improve policing by identifying learning from its work</i>
IOPC staff	Maintain a staff engagement score of at least 67%
	Ensure at least 64% of employees think it is safe to challenge the way things are done in the IOPC

Category	KPIs used by the IOPC (with 2023/24 targets, where these exit)
	Ensure at least 50% of employees feel that change is well managed in the IOPC
	Ensure at least 67% of employees believe that our Leadership is in line with our values
	Ensure at least 93% of employees believe they have the skills needed to do their job effectively
	Ensure that at least 80% of our investigators, who have been in post for at least 24 months, achieve accreditation
	Improve the proportion of our people, including managers and leaders, from a Black, Asian and minority ethnic background towards representation with demographics of urban areas to 18% (target for 2023/24)
Finance	Achieve budget for the 23/24 FY

Annex G – Glossary and acronyms

<p>Accelerated misconduct hearing (previously known as a Special Case Hearing)</p>	<p>A hearing brought when there is sufficient evidence (on the balance of probabilities) that the conduct of the officer concerned constitutes gross misconduct and that it is in the public interest that the officer concerned ceases to be a member of a police force or a special constable without delay.</p> <p>Source: User Guide to Police Misconduct Statistics - GOV.UK (www.gov.uk)</p>
<p>Accounting Officer</p>	<p>A person appointed by the Treasury or designated by a department to be accountable for the operations of an organisation and the preparation of its accounts. The appointee is the head of a department or other organisation or the Chief Executive of a non-departmental public body (NDPB) or other ALB.</p>
<p>Allegation</p>	<p>This describes what is being complained about. An allegation is made by someone defined as a complainant under the Police Reform Act 2002 (see ‘complainant’). An allegation may be made by one or more complainants about the service they received from a police force. For example, about force-wide crime initiatives, organisation of policing resources, or general policing standards. However, it can also be about the conduct of any person serving with the police. A complaint case may involve more than one allegation. For example, a person may allege that an officer pushed and was rude to them. This would be logged as two separate allegations forming one complaint case. Each allegation is logged against a specific category (a full list of the allegation categories and their definitions can be found in the IOPC’s guidance on capturing data about police complaints).</p> <p>Source: Police complaints statistics for England and Wales report - 2021/22 Independent Office for Police Conduct (IOPC)</p>
<p>APCC</p>	<p>Association of Police and Crime Commissioners</p>
<p>Appropriate Authority (AA)</p>	<p>The appropriate authority for a person serving with the police is:</p>

	<ul style="list-style-type: none"> • for a chief officer or an acting chief officer, the local policing body for the area of the police force of which that officer is a member; or • in any other case, the chief officer with direction and control over the person serving with the police. <p>In relation to complaints not concerning the conduct of a person serving with police, the appropriate authority is the chief officer of the police force with which dissatisfaction is expressed by the complainant.</p> <p>Source: IOPC 2020 Statutory Guidance.</p>
Assessment Unit (AU)	IOPC's Assessment Unit receives and considers referrals to the IOPC from police forces, Local Policing Bodies and other bodies.
Case to answer decision	<p>A determination as to whether there is sufficient evidence upon which a reasonable misconduct meeting or hearing panel could make a finding of misconduct or gross misconduct, on the balance of probabilities.</p> <p>Source: User Guide to Police Misconduct Statistics</p>
CDEL	Capital Departmental Expenditure Limit
CO	Cabinet Office
CoP	College of Policing
Complaint	<p>A complaint is any expression of dissatisfaction with a police force that is expressed by or on behalf of a member of the public. It must be made by a person who meets the definition of a complainant [see paragraph IOPC Statutory Guidance]. There must also be some intention from the complainant to bring their dissatisfaction to the attention of the force or local policing body. A complaint does not have to be made in writing, nor must it explicitly state that it is a complaint for it to be considered as one.</p> <p>Source: IOPC 2020 Statutory Guidance.</p>

<p>Complainants</p>	<p>A person who makes a complaint about the conduct of someone serving with the police or about a police force. The law sets out the circumstances that need to exist for someone to make a complaint (see section 5.6 of the IOPC Statutory guidance on the police complaints system).</p> <p>Source: Police complaints statistics for England and Wales report - 2021/22 Independent Office for Police Conduct (IOPC)</p>
<p>Conduct matter</p>	<p>A conduct matter is any matter which is not and has not been the subject of a complaint, where there is an indication (whether from the circumstances or otherwise) that a person serving with the police may have committed a criminal offence or behaved in a manner which would justify disciplinary proceedings</p> <p>Source: IOPC 2020 Statutory Guidance.</p>
<p>CPS</p>	<p>Crown Prosecution Service</p>
<p>Death or serious injury (DSI) matters</p>	<p>A DSI matter means any circumstances (unless the circumstances are or have been the subject of a complaint or amount to a conduct matter) in, or as a result of which, a person has died or sustained serious injury AND:</p> <ul style="list-style-type: none"> • at the time of death or serious injury the person had been arrested by a person serving with the police and had not been released or was otherwise detained in the custody of a person serving with the police; OR • at or before the time of death or serious injury the person had contact of any kind – whether direct or indirect – with a person serving with the police who was acting in the execution of their duties and there is an indication that the contact may have caused – whether directly or indirectly – or contributed to the death or serious injury. However, this sub-category excludes contact that a person who suffered the death or serious injury had whilst they were acting in the execution of their duties as a person serving with the police. <p>‘Serious injury’ means a fracture, a deep cut, a deep laceration or an injury causing damage to an internal organ or the impairment of any bodily function.</p> <p>Source: IOPC 2020 Statutory Guidance.</p>
<p>Decision Maker (DM)</p>	<p>The decision maker is the person who is responsible for overseeing the investigation and makes the key decisions such as signing of the terms of reference and end of investigation determinations. This</p>

	<p>will usually be an Operations Manager but in some serious cases will be the Regional Director. Source: IOPC Ops Manual (not published).</p>
Directed investigation	<p>An investigation conducted by the appropriate authority under the direction and control of the IOPC. The IOPC directs the investigation in terms of its scope, investigative strategy and findings of the report. Tasks such as completing the policy log and writing the final report will be carried out by the police investigator under the IOPC's direction. The IOPC will review policy books and confirm the investigation has met the terms of reference. Source: IOPC 2020 Statutory Guidance.</p>
DG	IOPC's Director General
DMI	Directorate for Major Investigations
Disciplinary action	<p>Either a written warning, final written warning, reduction in rank or dismissal without notice. Under the 2012 regulations this included management advice but did not allow reduction in rank. Police staff can also be dismissed with notice, but reduction in rank is not an available sanction. Source: User Guide to Police Misconduct Statistics</p>
Dismissal	<p>A sanction which terminates the officer's appointment, or a member of police staff's employment, with the police force they are serving with. Dismissals result in the individual being placed on the barred list, preventing them from working in policing again. Source: User Guide to Police Misconduct Statistics</p>
ESRG	IOPC's External Stakeholder Reference Group
Final written warning	<p>A disciplinary sanction following a finding that misconduct or gross misconduct has been proven which remains on the officer's record for two years.</p>

	Source: User Guide to Police Misconduct Statistics
HMICFRS	His Majesty's Inspectorate of Constabulary and Fire and Rescue Services
HMCPSI	His Majesty's Crown Prosecution Service Inspectorate (HMCPSI)
HMT	His Majesty's Treasury
HO	Home Office
HOLMES	The Home Office Large Major Enquiry System (HOLMES) 2 is an information technology system that is predominantly used by UK police forces for the investigation of major incidents.
HOSU	Home Office Sponsorship Team
HOLA	<i>Home Office Legal Advisors</i>
GPA	<i>Government Property Agency</i>
Gross misconduct	A breach of the Standards of Professional Behaviour that is so serious as to justify dismissal. Source: IOPC 2020 Statutory Guidance .
Independent investigation	An investigation carried out by the IOPC itself. An independent investigation is often used for the most serious incidents and/or those with the greatest public interest. For example, those that cause the greatest level of public concern, have the greatest potential to impact on communities, or have serious implications for the reputation of the police service. Source: IOPC 2020 Statutory Guidance .

<p style="text-align: center;">Investigation</p>	<p>The purpose of an investigation is to establish the facts behind a complaint, conduct matter, or DSI matter and reach conclusions. An investigator looks into matters and produces a report which sets out and analyses the evidence. There are three types of investigations: local, directed or independent.</p> <p>Source: explanation from hovering over this term on IOPC website.</p>
<p style="text-align: center;">IPCC</p>	<p>Independent Police Complaints Commission –The predecessor body to the Independent Office for Police Conduct (IOPC), which had many of the same functions as the IOPC and which investigated the most serious complaints and incidents involving the police until it was replaced by the IOPC in 2018.</p>
<p style="text-align: center;">Learning from reflection or reflective practice</p>	<p>A non-statutory learning outcome designed to deal with allegations of underperformance or conduct that do not amount to misconduct or gross misconduct, but which fall short of the expectations of the public and the police service. See Reflective Practice Review Process (RPRP) which is the statutory outcome.</p> <p>Source: User Guide to Police Misconduct Statistics</p>
<p style="text-align: center;">Local investigation</p>	<p>An investigation carried out by the appropriate authority on its own behalf (Paragraph 16, Schedule 3, Police Reform Act 2002).</p> <p>Source: IOPC 2020 Statutory Guidance.</p>
<p style="text-align: center;">Local policing body (LPB)</p>	<p>This is a collective term for:</p> <ul style="list-style-type: none"> • police and crime commissioners • the Mayor’s Office for Policing and Crime (in relation to the Metropolitan Police Service district) • the Common Council (in relation to the City of London police area) <p>In addition, the Home Secretary may make an order in accordance with Section 107F of the Local Democracy, Economic Development and Construction Act 2009 that the mayor of a combined authority is to exercise the functions of a police and crime commissioner in relation to a specific area.</p> <p>Source: IOPC 2020 Statutory Guidance.</p>

MAP	IOPC Management Accounting Pack
MTFP	Medium-Term Financial Plan
Misconduct	<p>The Police Reform Act 2002 defines 'misconduct' as 'a breach of the Standards of Professional Behaviour'. However, where a matter is being dealt with under the Police (Conduct) Regulations 2020, the following definition applies: 'a breach of the Standards of Professional Behaviour that is so serious as to justify disciplinary action'.</p> <p>Source: IOPC 2020 Statutory Guidance.</p>
Misconduct hearing	<p>A misconduct hearing for cases where there is a case to answer in respect of gross misconduct or where the police officer has a live final written warning or has been reduced in rank less than 2 years prior to severity assessment stage and there is a case to answer in respect of a further act of misconduct. The maximum outcome at this hearing would be dismissal from the police service without notice.</p> <p>Source: Home Office Statutory Guidance</p>
Misconduct meeting	<p>A misconduct meeting for cases where there is a case to answer in respect of misconduct and where the maximum outcome would be a final written warning.</p> <p>Source: Home Office Statutory Guidance</p>
Misconduct proceedings	<p>For a member of a police force or a special constable, misconduct proceedings means a misconduct meeting or a misconduct hearing</p> <p>Source: IOPC 2020 Statutory Guidance.</p>
Most similar force (MSF) average	<p>In the force bulletins, the results for each police force are compared against a most similar force average and a national average. The most similar force average is calculated using the individual results of the forces in that most similar force group.</p>

	<p>Decisions on which forces are the most similar to each other are based on information about forces geography and population make-up, and socioeconomic information. The most similar force groups used in the force bulletins are the same groups used by the Home Office (British Transport Police is not a 'Home Office' police force and therefore does not have a most similar force group). It was not possible to identify a most similar force grouping for City of London Police.</p> <p>Source: Glossary for Police Complaints Information Bulletins</p>
NAO	National Audit Office
NPCC	National Police Chiefs Council
OPCC	Office of the Police and Crime Commissioner
PACE	The Police and Criminal Evidence (PACE) Act 1984 provides police officers and others with powers to combat crime. The Act and various Codes of Practice under it are primarily with powers of arrest and to search an individual or premises, including their powers to gain entry to those premises, the handling of exhibits seized from those searches, and the treatment of suspects once in custody, including during interviews. Powers under the Act are sometimes referred to as PACE powers.
PBRP	Public Bodies Review Programme – the overarching programme of reviews, owned by the Cabinet Office
PCC	Police and Crime Commissioner (Alternatively, within the Governance Chapter, this references the IOPC's People and Culture Committee under the Unitary Board)
PRA	Police Reform Act 2002
PSD	A Professional Standards Department, within a police force

PSHO	Parliamentary and Health Service Ombudsman
RDEL	Resource Department Expenditure Limit
Recordable conduct matter	<p>A recordable conduct matter is a conduct matter that has been recorded under the Police Reform Act 2002. 'Recording' in this context means that the conduct matter is given formal status and must be handled under the Police Reform Act 2002.</p> <p>Source: IOPC 2020 Statutory Guidance.</p>
Reduction in rank	<p>Reduction in rank as a sanction is an available outcome at a misconduct hearing where the officer's conduct is found proven as misconduct or gross misconduct. In cases of gross misconduct, it is suitable where dismissal is not justified but the conduct warrants a tougher penalty than that provided by a final written warning and the circumstances of the behaviours in question and the findings made make this an appropriate outcome. [...]In the case of misconduct, reduction in rank can only be imposed where the officer concerned had a final written warning at the time of the risk assessment or where the officer's conduct arose from more than one incident and those incidents are not closely factually connected.</p> <p>Source: Home Office Statutory Guidance</p>
Referral	<p>Police forces must refer to the IOPC certain complaints or incidents that meet certain criteria. Referral to the IOPC is an important part of ensuring public confidence in the independence, accountability and integrity of the police complaints system.</p> <p>Forces must refer any complaint where the conduct complained of has resulted in death or serious injury. They must also refer matters (where there is no complaint) that relate to an incident or circumstances in which a person has died or suffered serious injury. Other matters that forces must also refer to the IOPC include those relating to serious assault by a person serving with the police and serious corruption. A full definition of the referral criteria and categories can be found in section 8 of the IOPC's Statutory Guidance (2015): www.policeconduct.gov.uk/statutory-guidance.</p> <p>When a referral is received, the IOPC assesses the seriousness of the case and the public interest, and determines the mode (type) of investigation: independent, managed, supervised or local, or if the matter should</p>

	<p>be referred back to the force (which means the force should handle the matter as they think fit). Please see 'investigation' for a definition of the four types of investigation</p> <p>Source: Glossary for Police Complaints Information Bulletins</p>
Reflective practice review process (RPRP)	<p>The handling of Practice Requiring Improvement matters, and the Reflective Practice Review Process (see Part 6 of the Conduct Regulations) is intended to deal with behaviours, mistakes and performance that falls short of the expectations of the police service in a way that is constructive and proportionate.</p> <p>Source: Home Office Statutory Guidance</p>
Relevant Review Body (RRB)	<p>On receipt of a police complaint, the Appropriate Authority (usually a police force's Police Standards Department (PSD)) should inform the complainant about their right to a review. The substance of the complaint alone, not the apparent merit of the allegations or with hindsight after the complaints has been dealt with – determines whether the IOPC will be the Relevant Review Body (RRB). The IOPC will be the RRB if:</p> <ul style="list-style-type: none"> i. the Appropriate Authority is a local policing body; ii. the complaint is about the conduct of a senior officer (an officer holding a rank above chief superintendent); iii. the appropriate authority is unable to satisfy itself, from the complaint alone, that the conduct complained of (if it were proved) would not justify the bringing of criminal or disciplinary proceedings or would not involve an infringement of a person's rights under Article 2 or 3 of the European Convention on Human Rights; iv. the complaint has been, or must be, referred to the IOPC; v. the IOPC is treating the complaint as having been referred; vi. the complaint arises from the same incident as a complaint falling within ii-v; vii. any part of the complaint falls within ii-vi. <p>Source: IOPC 2020 Statutory Guidance.</p>
Review (in the context of complaint outcomes)	<p>Where a complaint has been recorded under Schedule 3 to the Police Reform Act 2002, the complainant has a right to apply for a review of the outcome of the complaint. This applies whether the complaint has been investigated by the appropriate authority or handled otherwise than by investigation¹⁴². The review will</p>

	<p>consider whether the outcome of the handling of the complaint is reasonable and proportionate. Where the relevant review body finds that the outcome of the complaint is not reasonable and proportionate it will uphold the review.</p> <p>Source: IOPC 2020 Statutory Guidance.</p>
<p>Severity assessment</p>	<p>An assessment as to:</p> <ul style="list-style-type: none"> • whether the conduct, if proved, would amount to misconduct that is so serious as to justify disciplinary action or gross misconduct; and • if the conduct were to become the subject of disciplinary proceedings, the form which those proceedings would be likely to take <p>Source: IOPC 2020 Statutory Guidance.</p>
<p>Special procedures</p>	<p>Special procedures apply only to investigations that relate to a complaint against, or the conduct of, a member of a police force or a special constable. In the case of any other person, the investigator must adhere to the relevant policies and procedures for investigating allegations of any form of misconduct. Investigators must apply special procedures:</p> <ul style="list-style-type: none"> • in a complaint investigation, when it appears to the investigator that there is an indication that a person to whose conduct the investigation relates may have committed a criminal offence behaved in a manner that would justify the bringing of disciplinary proceedings • in all investigations into recordable conduct matters <p>Throughout the investigation, the investigator must consider whether such an indication exists even if they initially decided it did not.</p> <p>Source: IOPC 2020 Statutory Guidance</p>
<p>Subjects</p>	<p>A subject or subject of a complaint is the person to whose conduct the complaint or investigation relates.</p> <p>A complaint can be made about the conduct of any person serving with the police, i.e. a police officer, police staff member, special constable, designated volunteer or a person contracted to provide services to a chief officer. Source: IOPC 2020 Statutory Guidance</p>

<p style="text-align: center;">Sub judice</p>	<p>This term was used to describe the suspension of an investigation or other procedure for dealing with a complaint when continuing the investigation/other procedure would prejudice a criminal investigation or criminal proceedings.</p> <p>However, sub judice is a broad legal term that refers to cases being before any kind of proceedings and is not the correct legal term to use to refer to the suspension of an investigation under section 22 of the Police Reform Act (PRA) 2002. From 1 April 2018, the term ‘sub judice’ in our police complaints bulletins has been replaced with the term ‘suspension’.</p> <p>Source: Glossary for Police Complaints Information Bulletins</p>
<p style="text-align: center;">Standards of Professional Behaviour (SoPB)</p>	<p>The Standards of Professional Behaviour are set out in Schedule 2 to the Conduct Regulations. The Standards of Professional Behaviour reflect relevant principles enshrined in the European Convention on Human Rights and the Council of Europe Code of Police Ethics.</p> <p>The Standards of Professional Behaviour are a statement of the expectations that the police and the public have of how police officers should behave. They are not intended to describe every situation but rather to set a framework which everyone can easily understand. They enable everybody to know what type of conduct by a police officer is acceptable and what is unacceptable. The standards should be read and applied having regard to the Code of Ethics.</p> <p>Source: Home Office Statutory Guidance</p>
<p style="text-align: center;">Suspension (of an investigation)</p>	<p>An appropriate authority may suspend an investigation or other procedure that in its opinion would, if it were to continue, prejudice any criminal investigation or proceedings.</p> <p>Source: IOPC 2020 Statutory Guidance</p>
<p style="text-align: center;">Unsatisfactory performance procedure (UPP)</p>	<p>The purpose of UPP is to provide a clear framework for handling issues of unsatisfactory performance. UPP provides the officer concerned with the opportunity to improve with a formal staged process for demonstrating an improvement in performance.</p> <p>If performance remains at a level that is not satisfactory, the formal process can commence and continue with formal meetings to consider the officer’s performance and how it should be improved. If performance remains unsatisfactory it can ultimately result in dismissal at a third stage meeting.</p>

	Source: Home Office Statutory Guidance
VAWG	Violence against women and girls
Withdrawn complaint	<p>A complaint that is withdrawn in accordance with regulations 38 and 39, Police (Complaints and Misconduct) Regulations 2020 following an indication or notification from the complainant.</p> <p>Source: IOPC 2020 Statutory Guidance</p>
Written warning	<p>Written warnings should be used for those cases where learning alone would not be sufficient given the gravity or seriousness of the matter which therefore warrants a formal sanction. The alleged conduct must be sufficiently serious that it is not appropriate for the matter to be handled through the Reflective Practice Review Process or through another performance or management process.</p> <p>Source: Home Office Statutory Guidance</p>

Annex H – Minimum quality standards for investigations

Phase	Standard	Indicator
Phase 1: Start of investigation	We will undertake initial actions	We will provide an on-call function for incidents that require independent oversight, and we will provide a rationale for deployment decisions.
		When we attend a scene, we will make a record of our scene management decisions.
		We will make contact with service users within 24 hours when there has been a death.
		We will introduce ourselves to the AA PSD SPOC within five working days of an MOI decision.
		We will notify the Coroner of our independent investigation where a death has occurred, within five working days of the MOI decision. When we are responsible for the coroners file, we will send this notification within 24 hours of the MOI decision or of the death occurring.
		We will conduct quick-time evidential enquiries and where necessary, direct the police to gather and preserve evidence which may otherwise be lost due to the passage of time. Quick-time evidential enquiries might include conducting activities such as a CCTV trawl and house-to-house enquiries.
		The allocated lead investigator will notify the Crown Prosecution Service (CPS) by email of any independent or directed cases in the following categories: deaths, road traffic fatalities, fatal shootings, deaths in or following police custody and other deaths subject to an independent investigation (unless it is clear from the outset that no prosecution is likely to follow) within five working days of the MOI decision being made.
		In cases where the police have appointed a Family Liaison Officer, our appointed Family Liaison Manager will conduct a handover with them within 5 working days of the MOI decision.
	BAU only We will introduce an IOPC Single Point of Contact (SPOC) to our service users within 5 working days of the MOI decision. DMI only We will introduce an IOPC Single Point of Contact (SPOC) to our service users in an appropriate amount of time given the circumstances of the case and what specialist resources are required.	
	We will ask service users how they would prefer to be contacted . We will acknowledge reasonable adjustment requests within three working days of receiving them. We will make a commitment to ensuring all agreed reasonable adjustments are made in a timely manner.	

Phase	Standard	Indicator
	We will demonstrate our commitment to service user focus	We will provide our service users with information about how to provide feedback about our work within 15 working days of the MOI decision/following first contact.
	We will produce proportionate Terms of Reference	Where appropriate, we will consider the views of the complainant /family/survivor, when we produce our Terms of Reference .
		Where an allegation of discrimination has been made, or it is apparent that discrimination may be a relevant factor, we will explicitly address this in the Terms of Reference .
		We will ensure that the Terms of Reference set out the parameters of the investigation to be conducted.
		BAU only We will share approved Terms of Reference with interested persons within 15 working days of the MOI decision. DMI only We will share approved Terms of Reference with interested persons within 15 working days of our initial contact with them.
		We will inform all interested persons of how long we think our work will take by sharing our target range with them as is set out in the approved Terms of Reference. If this target range is extended, we will notify all interested persons within five working days of the authorisation decision.
	We will ensure that the processes underpinning a good investigation are in place	We will hold an initial meeting for all investigations within 15 working days of the MOI decision.
		We will determine what is a conflict of interest within five working days of the MOI decision. We will consider any potential conflicts of interest of those working on the investigation throughout.
		BAU only We will ensure a proportionate investigation plan is in place within 15 working days of the MOI decision. This plan should consider TOR, main lines of enquiry, supervision plan, milestones, and target date. DMI only We will ensure a proportionate investigation plan is in place. This plan should detail main lines of enquiry, strategies, and actions which is regularly updated throughout the investigation.

Phase	Standard	Indicator
		We will assess the risk of all independent investigations and review this throughout.
Phase 2: Conducting the investigation	We will maintain accurate and effective information and data management	Investigative actions should be assessed for health and safety risks and all significant risk assessments recorded, including dynamic risk assessment records.
		We will ensure case supervisors provide support for investigations through decision making, resource allocation and providing quality assurance of the investigations as they progress. Case supervisors will keep a record of their supervision throughout.
		BAU Only We will ensure the investigation record is used to record regular investigation updates, policy decisions, actions, records of meetings and supervision. We will only utilise blue books, when necessary, in line with IR guidance for example, when out of the office/place of work.
		DMI Only We will ensure the HOLMES account is used to record regular investigation updates, policy decisions, actions, records of meetings and supervision. We will move towards using blue books only when absolutely necessary in line with IR guidance for example, when out of the office/place of work.
		We will complete document management records for all retained material.
	We will proactively seek, store, and manage evidence effectively	We will handle exhibits in line with policy and procedure.
		We will handle digital exhibits in line with policy and procedure.
		We will consider the use of specialist Support Teams within the Organisation where appropriate.
		For witnesses we will utilise specialist resources (Tier 5 coordinators, Achieving Best Evidence (ABE), interpreters and intermediaries) where appropriate to achieve best and effective evidence.
		For subjects we will produce an interview strategy and utilise specialist resources (Tier 5 coordinators, interpreters, and appropriate adults) where appropriate to achieve best and effective evidence.

Phase	Standard	Indicator
	We will demonstrate our commitment to service user focus	We will produce severity assessments within ten working days of an indication of conduct arising and ensure we review severity assessments on a regular basis, and at least every three months.
		We will confirm the status of an officer following a complaint within three months of our MOI decision and if we cannot do this, we will explain why. This decision will be kept under constant review.
		We will arrange service of regulation notices within 5 working days of the severity assessment being communicated with the Appropriate Authority (AA).
		The Terms of Reference must be provided to the subject at the same time as the notice (or within five working days) unless doing so would prejudice the investigation.
		If the Terms of Reference are not provided , the subjects and interested persons must be told and provided with the reason(s) why.
		We will inform all interested persons of the status and level of the investigation (remains a DSI , misconduct, GM, criminal) once this is confirmed. We will notify them in the next 28-day update unless it is appropriate to do so sooner.
		Where an investigation exceeds 12 months , we will write to all interested parties to advise them of the progress of the investigation, the plan for its conclusion and an estimated timeframe. A further letter will be sent every six months until the investigation has concluded.
		We will actively follow up matters outside of our control such as referrals to CPS and requests for experts, in order to minimise delays.
		We will consider the views of interested persons, where possible, when we produce press releases.
		We will commit to doing all we can to keep our service users and those we come into contact with , in our roles, safe from harm. We will do this by supporting our staff to recognise signs of abuse or distress and know how to report them.
	We will continually review the	We will revise Terms of Reference where the type of investigation changes or where there have been new significant lines of enquiry.
		Where Terms of Reference are revised, the amended version will be provided to the subjects and interested persons within 10 working days.

Phase	Standard	Indicator
	parameters of the investigation	We will revise main lines of enquiry to support the approved Terms of Reference.
	We will demonstrate our commitment to continual learning	We will identify, record, and share learning with AA during the course of an investigation.
Phase 3: End of investigation	We will ensure that the Terms of Reference have been met	We will ensure the Terms of Reference have been met at the conclusion of the investigation.
	We will produce a final report to set out the findings of our work	We will consider the Salmon principles when it becomes clear that an individual might be criticised in our final report or DMD, unless that individual has had an opportunity to respond to criticism or adverse comment.
		We will produce a final report that meets the Terms of Reference , provides an unbiased and accurate summary and analysis of the evidence, and enables the decision maker and AA to make appropriate decisions and determinations. This report will adhere to the IOPC style guide.
		We will identify, record, and share learning with AA at the conclusion of an investigation.
		We will record the decision makers opinion on the Decision Makers Opinion Document .
	We will produce and share decisions about our work	At the conclusion of all conduct or complaint investigations, we will record a CPS referral decision on the CPS referral template.
		We will share the final report, the decision makers opinion document and supporting evidence with the AA.
We will make the Final Report, Decision Makers Document and supporting evidence available to IP's if appropriate and agreed. If this is not suitable a comprehensive outcomes letter, which details findings and outcomes, will be shared.		
		We will fulfil our legislative obligations in terms of supporting all forms of proceedings.

Phase	Standard	Indicator
Phase 4: Post-final report	We will acknowledge our responsibilities and resource appropriately until all proceedings are concluded	We will complete the risk matrix for misconduct proceedings as soon as the ‘final decision’ has been made that the matter should proceed to a hearing or a meeting.
	We will continue to liaise and support service users throughout proceedings	Once a charging decision is received, we will inform all interested persons of the decision.
		Decision makers will make a publication decision regarding the final report and record their rationale for that decision.
		We will proactively seek updates on the progress of all external proceedings and escalate any delays to the decision maker.
	At the end of all investigations, we will either retain/return/dispose of material gathered during the course of the investigation in accordance with guidance and policy.	
We will demonstrate our commitment to continual learning	A debrief will be conducted which fits the debrief criteria.	