

The logo for the Service Police Complaints Commissioner (SPCC) features the letters 'SPCC' in a large, bold, white, sans-serif font. The letters are contained within a white rectangular border that is set against a dark purple background. The 'S' and 'P' are connected at the top, and the 'C's are also connected at the top. The 'C's have a rounded, blocky appearance.

SPCC

SERVICE
POLICE
COMPLAINTS
COMMISSIONER

Annual Report 2023

Service Police Complaints Commissioner Annual Report 2023

This Annual Report is presented to Parliament pursuant to Regulation 7 of the Service Police (Complaints etc.) Regulations 2023



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Service Police Complaints Commissioner's Foreword



This report is prepared for the Secretary of State for Defence and covers the period June 2023 to December 2023.

I took up the role as the first Service Police Complaints Commissioner in February 2023. The role is part time. It is a post that I know many inside and outside the Ministry of Defence have welcomed and expectations are high. This is my first annual report and strategic plan since the new statutory Service Police complaints system came into effect on 19 June 2023.

As this annual report only covers the first six months (23 June 2023 to 31 December 2023 inclusive) of the new Service Police complaints system, I have taken the opportunity to include:

- The circumstances, which led to the establishment of independent oversight of Service policing;
- The priorities and values that underpin my commitment to securing confidence in the Service Police complaints system, and the confidence of persons subject to Service law as well as public confidence more widely;
- The work that has been undertaken to ensure that my office is ready for the challenges ahead;
- Who I have engaged with and how this has informed my strategic plan for 2023-2026, which sets out my aims for the first three years; and
- The strategy for achieving these goals and how success will be measured.

Since taking up the inaugural role of Commissioner I have conducted a number of visits within the UK and taken the opportunity to seek the views of as wide a range of people as possible, including staff at all levels within the single Services, service users and senior stakeholders. This has provided me with an understanding of their experiences and views of the previous non-statutory arrangements, which lacked the degree of independent oversight found within civilian police forces and as a consequence led to a perception that there was “something to hide”. Service Police are granted extensive powers, which include the ability to arrest and search suspects, use reasonable force, enter and search premises, seize property and engage in covert surveillance operations. The purpose of these powers is to support the delivery of military capability and the Service Justice System, but they must be subject to constant and critical scrutiny. The vast majority of the encounters between the Service Police and the Service community are conducted to the highest standard, but there are occasions when they fall short. Complainants should feel able to come forward when this happens. Nobody should be worried about reporting a genuinely held concern.

It is important that the Service Police know if the decisions they make or the actions they take are having negative or unintended consequences. Expressions of dissatisfaction are valuable feedback. When something goes wrong, we should be grateful when complainants tell us about it because fair criticism presents significant opportunities to make improvements to Service policing.

My primary focus will be on ensuring that members of the Service Police are held to account for poor conduct, but I am equally committed to improving Service policing by sharing best practice, learning from each other and making recommendations.

My role in ensuring Service Police accountability is an important part of a wider Service Justice System and involves working closely with other bodies and organisations that have a role to play in improving Service policing. These include the Defence Council, the single Service Boards (Navy, Army and RAF), the Defence Serious Crime Command, the Service Prosecuting Authority and His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS). However, I am independent. I am not part of the Ministry of Defence, and my only agenda is to fulfil my brief. Without exception I have received complete co-operation from all whom I have approached. It is important that our collective efforts continuously improve the Service Police complaints system to ensure that it delivers impartial, evidenced-based and timely outcomes. We must ensure that those who have the least confidence in Service policing understand their right to complain and are able to access the Service Police complaints system without fear of adverse consequences. Building confidence requires us to demonstrate that complainants are treated fairly and justly. Moreover, complaints should be dealt with expeditiously, and seen as an opportunity to ensure that the Service Police are held accountable for their actions, including individual accountability through learning by reflection. It is also important that our investigations, reviews and oversight procedures generate practical learning to improve Service policing for everyone.

The operational arm of my office is not yet at full complement, but I have an expectation that will change within the next few months. In the meantime, the gap has been temporarily filled by a small but dedicated team. I am grateful for the considerable help I have received from them and other officials within government. I am indebted to them for their support.

Anyone wishing to provide me with information is welcome to do so by writing to me at: Service Police Complaints Commissioner, 6th Floor Zone M, MOD Main Building, Whitehall, London SW1A 2HB or by sending an email to People-DPT-SPCC-enquiries@mod.gov.uk.

There is much to do. I look forward to delivering my strategic plan and reporting on my progress in future annual reports.



Margaret Obi

Introduction

On 20 February 2023, it was announced that I had been appointed by His Majesty the King as the first Service Police Complaints Commissioner (SPCC) to oversee the new Service Police complaints system. The system subsequently came into force on 19 June 2023 with the commencement of the Service Police (Complaints etc.) Regulations 2023¹ (“the Regulations”). The Regulations set out the functions of the SPCC and establishes the procedures for the handling of complaints, conduct matters and death and serious injury (“DSI”) matters.

There is a statutory duty for the SPCC to produce an annual report to the Secretary of State on the delivery of their functions. As the Service Police complaints system was only implemented at the end of June 2023, this annual report covers the six months of the new system’s operation. As such, this report is set out in three Chapters:

- The first chapter covers the **background** to the establishment of the SPCC role, as well as the wider context of the Service Justice System and the Service Police.
- The second chapter provides an **overview** of the Service Police complaints system and how it operates, as well as setting out the work undertaken in 2023.
- The third chapter provides my **strategic plan**, which sets out how I intend to carry out my statutory functions moving forward.



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¹ [The Service Police \(Complaints etc.\) Regulations 2023 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

Chapter 1: Background

The creation of the role of the Service Police Complaints Commissioner and the Service Police complaints system

In 2017, the Ministry of Defence (MOD) commissioned a review of the Service Justice System, ('the Service Justice System Review') which was carried out by HH Shaun Lyons and supported by former Chief Constable Sir Jon Murphy QPM DL². Recommendation 44 of the Review stated as follows:

“A new niche independent body is established to deliver independent oversight of the Service Police and of investigative functions in the SJS. The new independent body is policy led and funded by the MOD, but at arms-length from the MOD. The class of persons able to make complaint should include all those subject to the [Armed Forces Act 2006] and all those who have been subject to the Act. Those not subject to the Act but directly affected by the exercise of powers contained in the Act should also have access to the system. The MOD will wish to consider a time limit to be set on the bringing of complaints. Clear distinction should be drawn as to which complaints fall to the newly created independent body and which to the SCO.”

On 13 October 2020, the Defence Secretary commissioned a further review by Sir Richard Henriques.³ The purpose of the review was to build upon the recommendations of the Service Justice System Review. Sir Richard's report contained 64 recommendations, approximately a third of which focused on taking forward the establishment of a Defence Serious Crime Unit (DSCU).

The Government accepted the recommendation that a new independent body should be established. Having considered the various options presented in the Service Justice System Review, it determined that the oversight functions should largely mirror those in place for the civilian police forces in England and Wales, overseen by the Independent Office for Police Conduct (IOPC).

Section 11 of the Armed Forces Act 2021 implemented this recommendation by amending the Armed Forces Act 2006 to create a new office holder (the SPCC) and provide for regulation-making powers to enable the creation of statutory procedures for dealing with complaints and other matters about the Service Police. These procedures correspond with the provisions set out in, and under Part 2 of the Police Reform Act 2002.

² [Service Justice System review - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/612222/service-justice-system-review-report-2017-2018.pdf)

³ [Sir Richard Henriques' Review Report on strengthening the Service Justice System - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/612222/service-justice-system-review-report-2017-2018.pdf)

The Service Justice System

The Armed Forces Act 2006 provides a single system of Service law for the armed forces and covers such matters as command, discipline, and justice. It is not the intent of this report to cover the Service Justice System in any great depth, but it is important to provide some context in terms of where my role as the SPCC sits.

The overall military disciplinary system is more extensive than the Service Justice System alone. Discipline is primarily maintained through the command structure, which exercises daily control over subordinates in maintaining the standards expected in Service life. Minor Administrative Action can be used to deal with Service personnel who fail to meet these standards or to deal with minor disciplinary issues, but it is important to stress that this does not form part of the Service Justice System.

The Service Justice System is the formal disciplinary system that deals with 'Service offences', which can be further separated into 'Service disciplinary offences' and 'criminal conduct offences'. Service disciplinary offences include insubordination or disobedience to lawful commands and, as such, are offences that are exclusively of a Service nature. A criminal conduct offence is committed where a Service person (or civilian subject to Service discipline⁴) commits an act, which is an offence under the criminal law of England and Wales or would be an offence if it were committed in England and Wales.

Within the Service Justice System, Commanding Officers can deal with less serious offences summarily, and the Court Martial deals with serious offending (equivalent to the procedures and standards of a trial in the Crown Court).

The Service Police

The Service Police are an integral part of the Service Justice System.⁵ There is a Service Police force for each of the Services headed by a Provost Marshal:

- The Royal Navy Police;
- The Royal Military Police and
- The Royal Air Force Police.

In addition, there is also a Provost Marshal for Serious Crime who heads the tri-Service Defence Serious Crime Command (DSCC). The DSCC is the strategic command headquarters for the DSCU, was established in April 2022. The DSCU became operational on 5 December 2022 and incorporates the previous single Service Special Investigation Branches into a single unit, which investigates the most serious crime.

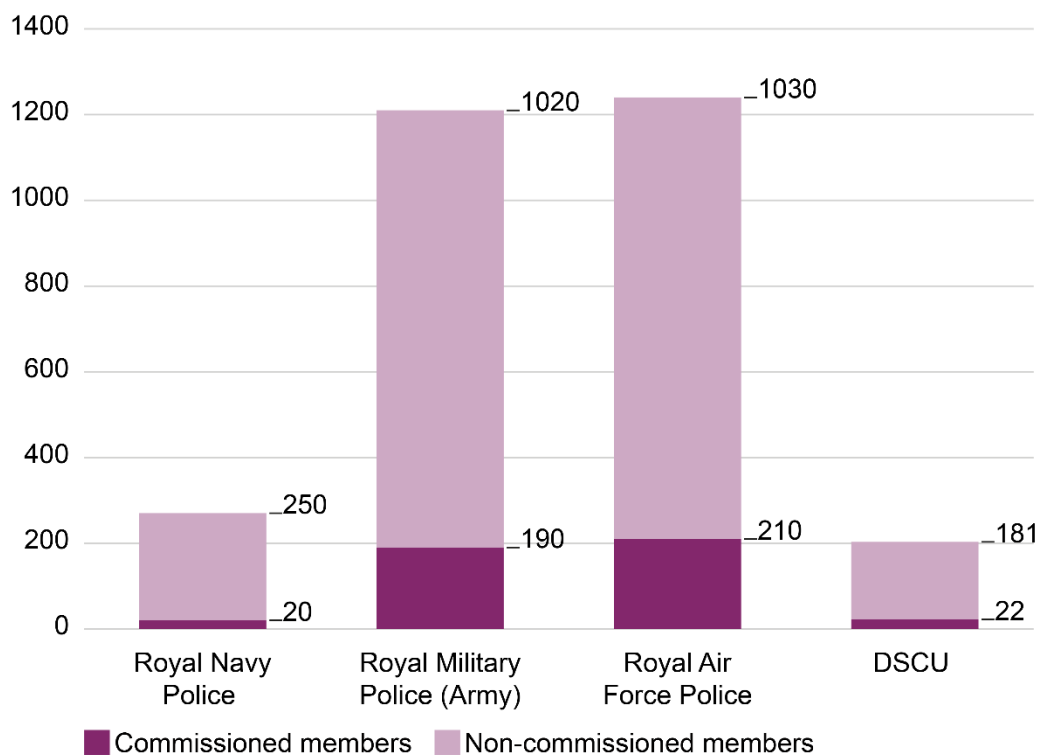
⁴ Certain categories of civilians who accompany or work in support of the British Armed Forces outside the United Kingdom in permanent operating bases are also subject to Service discipline.

⁵ For the avoidance of doubt, the Ministry of Defence Police (MDP) does not form part of the Service Justice System. It is a civilian police force established under the Ministry of Defence Police Act 1987. The MDP is deployed at approximately 50 Defence locations around the United Kingdom and its primary focus is armed security and the protection of critical defence sites and assets.

The Service Police forces are independent of the chain of command by virtue of section 115A of the Armed Forces Act 2006, which prohibits interference or attempts to direct investigations by persons outside the Service Police.

The Service Police forces currently have **2,923**⁶ personnel, located alongside other military units throughout the UK and overseas (to put this into some context the Metropolitan police force has 47,670 employees).

Service Police	Commissioned Officers ⁷	Non-commissioned members	Combined
Royal Navy Police	20	250	270
Royal Military Police (Army)	190	1,020	1,210
Royal Air Force Police	210	1,030	1,240
DSCU	22	181	203
Totals	442	2,481	2,923



The Service Police provide policing both in the traditional sense (like their civilian counterparts) and in supporting military operational effectiveness both in the UK and overseas. It is this latter aspect that makes it difficult to draw direct comparisons with

⁶ This figure is only an indicative amount as of 7 February 2024. The figure can fluctuate every quarter owing to outflow, inflow and gains to trained strength (those from phase 1 but also internal trade transfer etc).

⁷ There are two distinct tiers within the Armed Forces' rank structure. Commissioned Officers are at the top of the hierarchy and their ranks indicate that they hold positions of authority, granted through a commission – a formal document of appointment signed by the monarch. Non-commissioned members include enlisted personnel, non-commissioned officers and Warrant Officers.

civilian policing. The Service Police are at times required to operate in hostile environments, which present unique challenges that do not exist for civilian police forces. Furthermore, it is not just the environments in which each force operates that is unique. There are also differences between each of the Service Police forces. For example, the RAF Police is responsible for the security and safety of RAF aircraft, bases, and personnel whilst the Royal Navy Police and the Royal Military Police are trained in other specialist fields.

To protect the Service community and bring justice to victims of crime, members of the Service Police are granted a wide range of powers. These include powers to:

- stop and search;
- arrest;
- use reasonable force;
- search premises and seize property; and
- engage in covert investigation and surveillance.

These powers are regulated by various pieces of legislation and Codes of Practice. In addition, Service Police Codes of Conduct set out the professional standards that reflect the expectations that the Service community and wider public have of the behaviour of those working in Service policing.

Service Police powers provide for concurrent jurisdiction with the civilian police forces in the UK, and a global jurisdiction for persons subject to Service law (and in certain circumstances civilians subject to Service discipline overseas).

Recent changes to the Service Police and wider Service Justice System

There have been a number of improvements made to the Service Justice System in recent years, some requiring legislation (e.g the establishment of the SPCC and the Service Police complaints system) while other improvements have been made through changes in policy.

Defence Serious Crime Command

The creation of the DSCC is perhaps the most significant change that is relevant to my role as the SPCC. As stated earlier, the DSCC was established in April 2022 and delivers on the recommendations made by the Lyons, Murphy and Henriques reviews.

The DSCC sits outside of the single Services' chain of command to ensure operational independence, and it is commanded by the Provost Marshal for Serious Crime (PM(SC)). It provides strategic direction to the DSCU, allowing the DSCU to focus on the delivery of serious crime policing, which includes the most serious and complex crimes alleged to have been committed by persons subject to Service law in the UK and overseas, including sexual offences, domestic abuse, and offences of violence.

As mentioned previously, the tri-Service DSCU was formed from the merging of the single Service Special Investigation Branches, bringing together investigators and specialist teams from across the Royal Navy, Army and Royal Air Force.

Further recommendations from the Reviews were focused on victim support and witness care in the Service Justice System, as it was recognised that there was inconsistency in the level of support being offered to victims and vulnerable witnesses of crime. As a result, a Victim Witness Care Unit was established in March 2023 to provide a centralised support function in the Service Justice System.



Chapter 2: Work undertaken by the SPCC and overview of the Service Police complaints system

Service Police Complaints Commissioner

The SPCC role is independent from the Service Police and the MOD. My general functions include:

- A statutory duty to secure, maintain and review arrangements in respect to the procedures that deal with complaints, conduct matters, and death and serious injury (DSI) matters;
- Secure the confidence of persons subject to Service law and discipline, as well as the wider public, in the Service Police complaints system; and,
- Make recommendations and provide advice in relation to those arrangements, (for example, training or procedures where this may improve policing practice).

Criteria for SPCC investigations

In addition to the general functions, in my role as the SPCC I am required to consider certain types of complaints or other matters referred to them, which can include allegations relating to **serious sexual assault** and **serious corruption**. For the most serious matters, I will decide whether an investigation is necessary, and if so, the type of investigation. The types of investigation are:

- Local investigation (by the appropriate authority on its own behalf – usually a Service Police force); or
- Directed investigation (by the appropriate authority who are directed by, and report to, the SPCC); or
- Independent investigation (by the SPCC or persons designated by the SPCC).

When determining the type of investigation, I will have regard to the seriousness of the case and the public interest.

I also have a review function for cases where complainants are dissatisfied with the way their complaint has been dealt with if the complaint was not subject to a directed or independent investigation.

I have powers to make recommendations more broadly from the delivery of their general functions, in addition to making recommendations resulting from directed or independent investigations. This enables me to make recommendations where there is a potential opportunity for organisational learning for a Service Police force (for example, a change to

guidance, training or practice where this may improve policing practice or prevent a recurrence of something that went wrong). Such a recommendation can be made at any time, including before the conclusion of an investigation or review and may therefore be used for 'quick-time learning'.

Finally, my remit includes oversight of the Service Police complaints system, no matter at which level a matter may be handled. My role involves using learning from complaints and other matters to influence changes in Service policing to reduce the risk of repetition of poor practice or behaviours.

Work of the SPCC

I took up my role in February 2023. Between February and 19 June 2023, when the new Service Police complaints system went live, my primary focus was to ensure structures were in place for when complaints and other serious matters had to be handled under the new regime. This included working with MOD officials on the development of the Joint Service Publication (JSP 849) which provides direction and guidance for those wanting to make a complaint, and for those involved in the handling of complaints and other matters.

Outreach and Stakeholder Engagement

I can only drive system-wide improvements by working with other stakeholders, including the Provost Marshals, HMICFRS, and service users. In collaboration with partners, inside and outside of Service policing, I will ensure that individual cases and the complaints system as a whole form part of a cycle of continuous learning with the aim of improving Service policing.

Therefore, my other primary focus in 2023 was to meet various stakeholders and start building collaborative relationships, especially with the Provost Marshals and Service Police forces, as without them the Service Police complaints system cannot deliver effective outcomes. This involved visits to the Headquarters for each Service Police force, including the then recently established Defence Serious Crime Command, and the Victim Witness Care Unit, based in Southwick Park near Fareham.

Part of this engagement has been about understanding the needs and concerns of the Service Police, and the work of the Service Police Professional Standards Departments (these are staffed by members of the Service Police and are primarily responsible for handling and investigating complaints made against the Service Police).

In terms of wider engagement, I have met with the Director of Service Prosecutions, the Service Complaints Ombudsman, the Director General of the Independent Office for Police Conduct, and HMICFRS.

Raising awareness of the Service Police complaints system and role of the SPCC

Before and after the implementation of the Service Police complaints system, my support staff worked with Defence Communications to inform Service Personnel of the changes made in relation to complaints about the Service Police.

Work is also in hand to develop a Service Police Complaints Commissioner website, and the development and delivery of a comprehensive outreach programme.

Resources

As a government-funded office holder, the operating budget for the SPCC functions is derived from the Defence budget. For instance, funding has been allocated for the SPCC to carry out independent investigations. A “contract for service” using the Crown Commercial Service’s Public Sector Resourcing was used to establish a pool of contract investigators, which enables me to call upon external experienced investigators at short notice and on an ad hoc basis, where I determine an independent investigation is required.

Any person designated by me to take charge of an SPCC investigation will have the same powers as a member of the Service Police for the purposes of carrying out investigations. They are required to have an appropriate level of knowledge, skills and experience to plan and manage an investigation. There were no independent investigations required during 2023.

In terms of support staff, MOD officials were temporarily assigned to support me in the delivery of my functions during the six-month period from June to December 2023. However, while I am grateful to these individuals for the work that they have managed to do to support me, it should be noted that this is not their primary role within the MOD. Only recently has a full-time dedicated role been created to support the SPCC functions. My concern is that without adequate resources and additional dedicated support staff, there is a risk that it could both undermine my independence and make it difficult for me to deliver my priorities (as set out in my Strategic plan), especially should the need arise for an independent investigation, or to manage and respond to a super-complaint.

Recommendation

- 1.1 That the MOD provides the SPCC with adequate resources including full-time dedicated staff members to assist the SPCC in the delivery of their statutory functions and to deliver the Strategic Plan. There also needs to be some resilience to ensure adequate resources can be called upon should there be a significant increase in workload (for example, a super-complaint is made).

Referrals

My office received five referrals in 2023; four were complaints and one was a conduct matter;⁸ these were made either due to the matter meeting the mandatory referral criteria or there were exceptional circumstances (meaning that it was appropriate for the matter to be referred).

As the conduct matter was already being investigated by a Home Office police force, no decision was required by the SPCC.

For three of the complaint cases, it was decided that those matters must be investigated, but having considered the seriousness of each matter and applying the public interest test, I determined that they did not meet the threshold for a directed or independent investigation. All three cases were referred to the DSCC (who were already investigating the matter) for them to complete the investigation. For the remaining complaint case, there was no investigation underway, and it was felt that the matter should be investigated and referred to the DSCC for them to conduct a local investigation.

A mandatory referral means it must be referred without delay. In one instance, it took over 10 days after the date of the incident for the matter to be referred. However, upon further investigation, it became apparent that the Service Police force had referred the complaint as soon as they had been made aware of it. This case highlighted a particular challenge: where the member of the Service Police force was on overseas operations but not in a policing role at the time, and Discipline matters for this soldier sat with the unit to which they were assigned.

Reviews

Reviews consider whether the outcome of the handling of the complaint is reasonable and proportionate. There was only one request for a review during this reporting period.

Overview of the Service Police complaints system

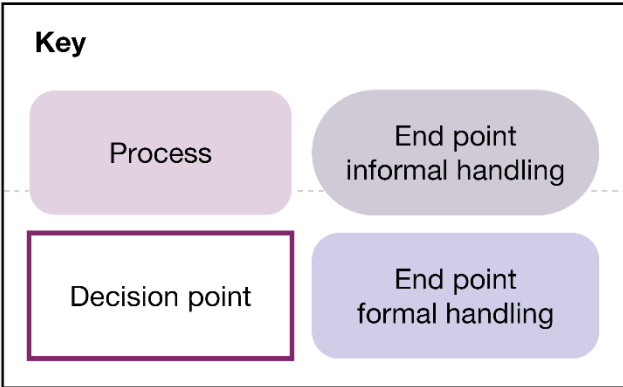
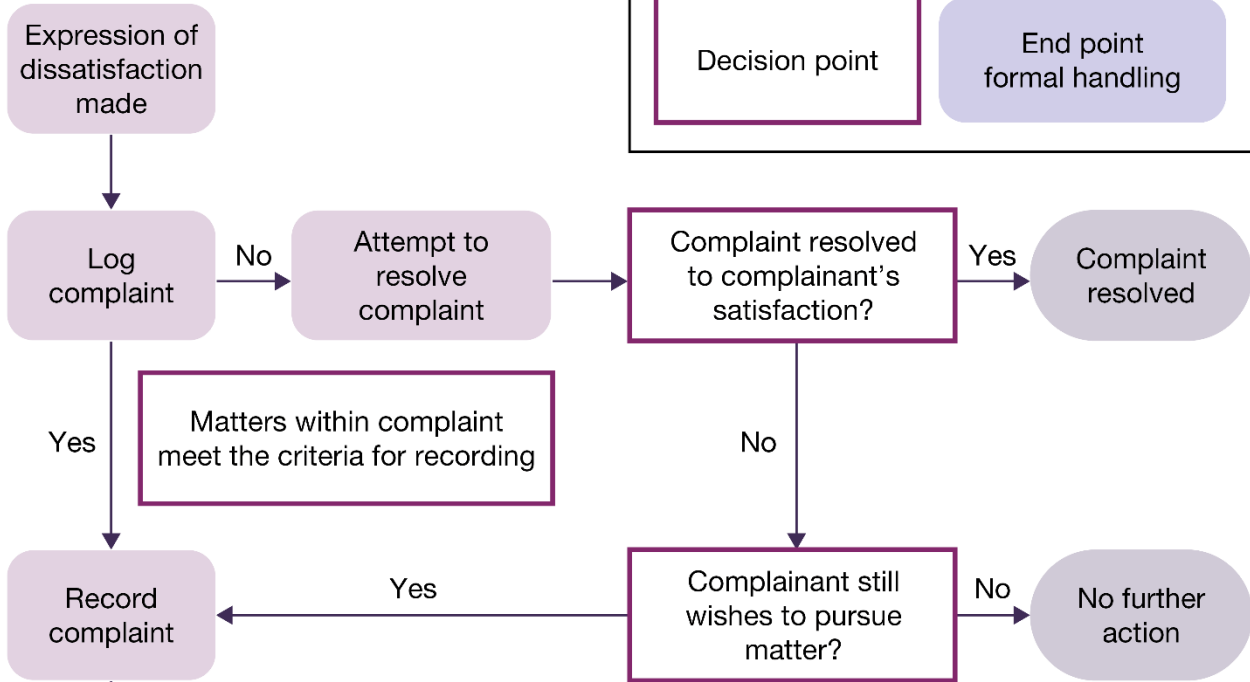
The following diagram provides a simplified overview of the Service Police complaints system, as the procedures for the handling of complaints and other matters are complex and the Regulations that contain said procedures run to some 80-plus pages. A more comprehensive overview of the Service Police complaints system is provided in the MOD's Joint Service Publication (JSP) 849.⁹

⁸ A conduct matter is any matter which has not been the subject of a complaint, but in the case of which there is an indication (whether from the circumstances or otherwise) that a member of a Service Police force may have committed a Service offence or behaved in a manner which would justify the initiation of administrative action procedures.

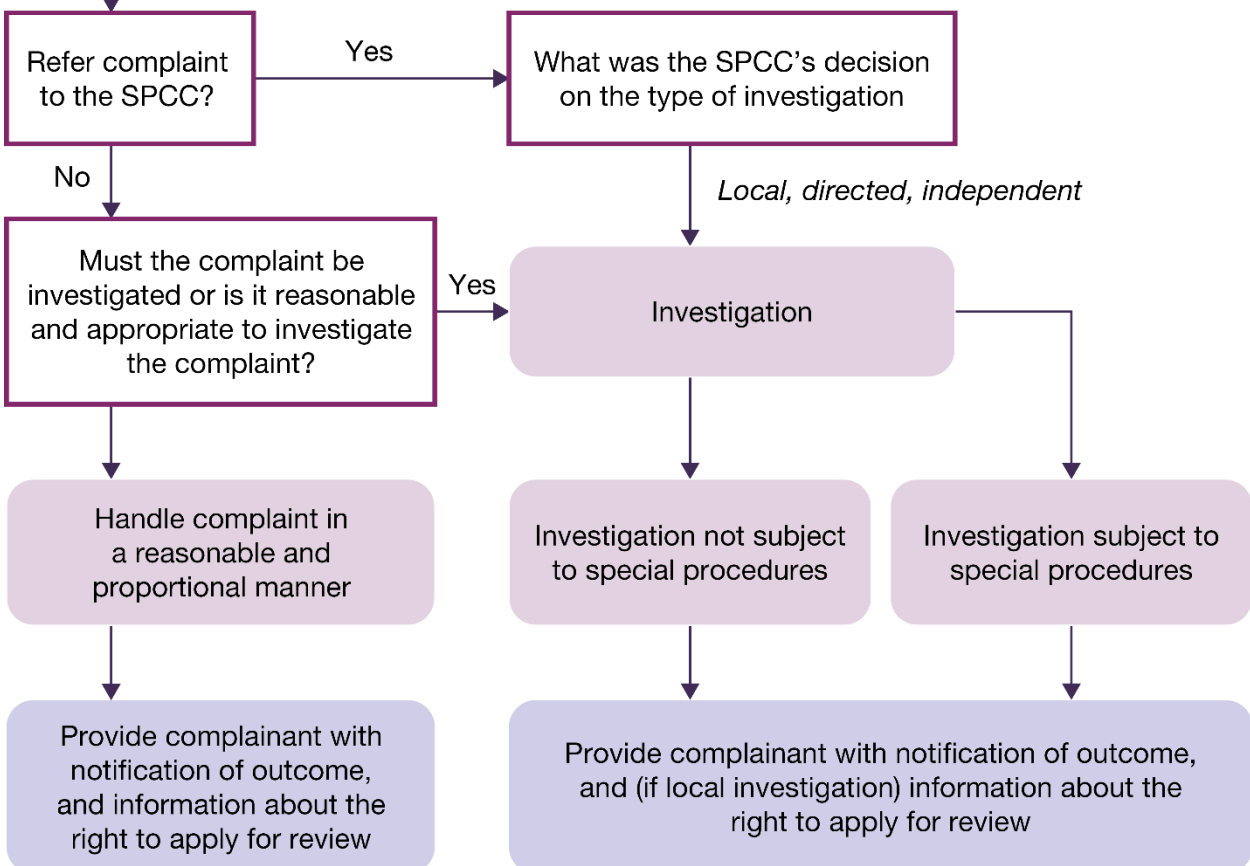
⁹ [Service Police Complaints \(JSP 849\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/service-police-complaints-jsp-849)

Overview of Service Police Complaints System

Informal handling and recording



Formal handling and investigations



The diagram begins with a complaint being made, which is defined as any expression of dissatisfaction with a Service Police force. All complaints must be logged, but complaints are only 'recorded' if:

- The matters which form the basis of the complaint meet the criteria for recording (as set out in the Regulations);
- The Service Police force decides it is appropriate to record the complaint;
- The complainant wants it to be recorded at any stage; or
- The complainant is dissatisfied following informal handling and wishes to pursue the matter.

An important aspect of the Service Police Complaints system is the principle of **reasonableness and proportionality**. While non-recorded complaints can be dealt with informally outside of the regulatory framework, it must still be handled in a reasonable and proportionate way as well as handled in a manner, which is considered appropriate to resolving the complaint to the complainant's satisfaction.

For all recorded complaints the appropriate authority¹⁰ will need to decide whether the complaint must or should be referred to the SPCC. Matters meeting the mandatory referral criteria include, for example, allegations of a serious sexual assault; but a complaint can also be referred voluntarily by the appropriate authority where the gravity of the subject matter or exceptional circumstances justify referral.

Where a complaint has not been referred me in my role as the SPCC, the appropriate authority must investigate in certain circumstances (for example where there has been an infringement of a person's rights under Article 2 or 3 of the European Court of Human Rights) or decide whether it is reasonable and proportionate to conduct an investigation. Where there is no investigation, the appropriate authority will consider other reasonable and proportionate steps that can be taken to address concerns raised and seek to resolve them.

Special procedures exist to protect the rights of those under investigation for more serious matters. Special procedures are used at any time during an investigation of a complaint, where it appears to the investigator (or the SPCC in a directed or independent investigation) that there is an indication that a member of a Service Police force may have committed a Service offence, or behaved in a manner that would justify initiating administrative actions procedures.

The appropriate authority must inform the complainant and/or interested person(s) of the outcome of the handling of a complaint. Where a complaint has been recorded, the complainant has a right to request a review of the outcome of their complaint. This right occurs in two circumstances: (i) where a complaint was dealt with other than by an investigation, or (ii) where the complaint was subject to a local investigation. There is no right of review where there has been either a directed or independent investigation.

¹⁰ In general terms, an appropriate authority is the Provost Marshal of the Service Police force about which dissatisfaction is expressed or, where a complaint relates to the conduct of an individual, the Provost Marshal who had direction and control over that person. Where a complaint relates to the Provost Marshal, the appropriate authority is the Admiralty Board in relation to the Provost Marshal (Navy); the Army Board in relation to the Provost Marshal (Army); the RAF Board in relation to the Provost Marshal (RAF); and the Defence Council in relation to the Provost Marshal (Serious Crime).

Summary: Performance of the Service Police complaints system

Data collection

Collecting data is important. It will help develop my understanding of how different appropriate authorities are dealing with the Service Police complaints system, and enables the SPCC to identify good practice, trends and differences year on year.

There are two caveats that need to be addressed when considering Service Police complaints statistics.

First, the data set is small. This creates a challenge in measuring how effectively complaints are being handled, investigated and reviewed. As such, in addition to the collection of data, I am considering other methods to supplement the annual collection of data including surveys, end of SPCC service user feedback forms, semi-structured interviews (both complainants and complaint handlers), and 'dip sampling' of cases.

Secondly, the data referred to below was recorded by each Service Police force and collected on my behalf. The consistency of the data reported relies on the Service Police forces accurately recording data. While I have no concerns on the accuracy of the data *per se*, there are differences in how data is being recorded by each of the Service Police forces. This has not been helped by the recent replacement of the Service Police REDCAP, Coppers and Tribase Intel systems with the new Connect system. While Connect is designed to record police investigations, it does not record complaints; this has led to an inconsistent approach across the single Services in relation to how they record complaints data.

I intend to work with the Service Police to consider how best to record and manage complaints information so that it can be made easily accessible for the purposes of reporting. In addition, I intend to consider whether additional guidance is required which sets out how I expect the Service Police forces to record information.

Recommendation

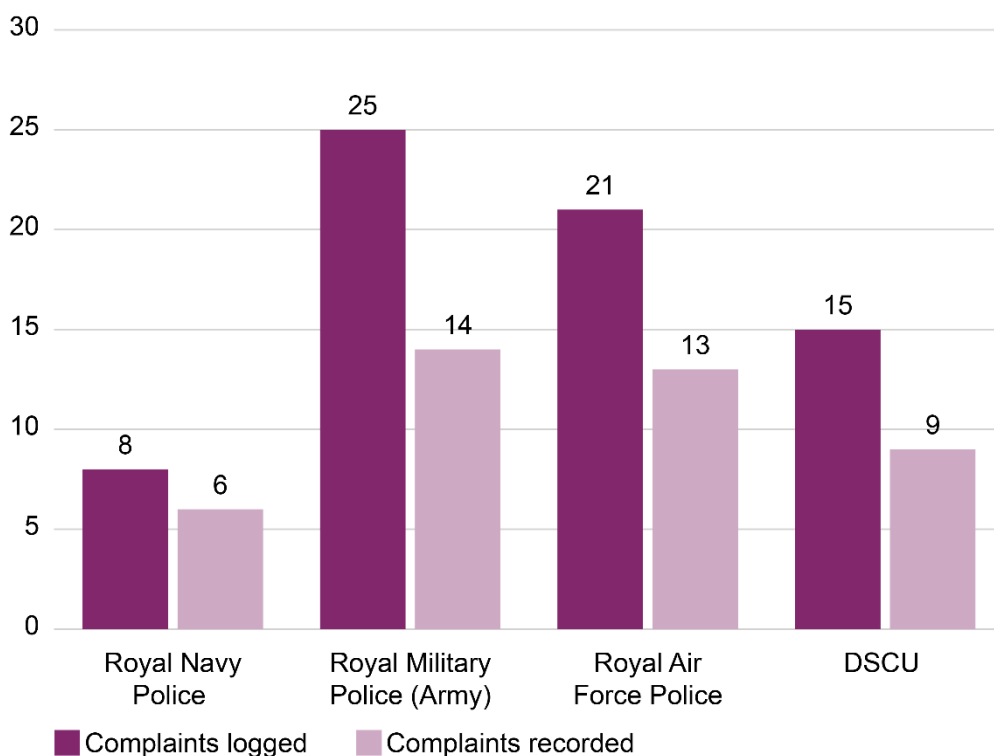
- 1.2 That Service Police Professional Standards Departments and MOD officials develop a uniform approach on the collection and storage of data for statistical and reporting purposes. That data should ideally be shared with the SPCC quarterly to assist in the development and measuring of future Key Performance Indicators (KPIs).

Logged and recorded complaints

All complaints must be logged. However, a complaint does not need to be formally recorded if it can be resolved quickly and to the satisfaction of the complainant. The following table shows that around 62% of complaints logged were subsequently recorded.

Complaints	Royal Navy Police	Royal Military Police (Army)	Royal Air Force Police	DSCU	Total
Complaints logged	8	25	21	15	69
Complaints recorded	6	14	13	9	42

* Complaints made between 19 June 2023 to 31 December 2023, the data collected prior to the statutory regime coming into force has not been included as direct comparisons cannot be made.



The main reason for complaints being recorded was due to the complainant wanting the complaint to be recorded, although in most cases the Professional Standards Departments also stated that it was appropriate to record the complaint. One complaint was recorded following informal handling and the complainant wishing to pursue the matter.

Allegations

A complaint case may include one or more allegations. In total, there were 102 separate allegations for recorded complaints. Each allegation is allocated to a category to capture the root cause of the dissatisfaction expressed in the complaint.

There were several allegations that met the threshold for recording – where the allegation was that the conduct by a member of a Service Police force, which (if proved) might

constitute the commission of a Service offence,¹¹ or would justify the initiation of administrative action procedures.¹² These allegations were either referred to my office or are being investigated by a Civilian Police force.

The most recorded allegation category was the **delivery of duties and service** – which is related to the service received from a Service Police force. Complaints in this category can be organisational or can be about individual behaviour.

Other recorded allegation categories included:

- **Use of police powers** – which relates to the use of Service Police powers, including where an available power has not been used, as well as policies and procedures;
- **Misuse of confidential data** – which involves the handling, retention and sharing of information held for police purposes, and the handling of information not held by the Service Police but obtained during the execution of policing duties; or
- **Abuse of position** – which is any attempt or intention by a member of the Service Police to, inappropriately or illegitimately, take advantage of their: position; authority their position affords them; or any powers conferred on them by virtue of their position as a member of a Service Police force.

Who is making complaints?

One of my priorities is to increase the confidence of those who are known to have the least trust in the Service Police complaints system; for example, ethnic minorities and women, so that they understand their right to complain and feel confident in accessing the system. It should be noted that the Equality of Service monitoring form was not completed by complainants in the majority of cases (only 27.5% of complainants completed the form), but where they were:

- Most complainants were female – 56.6% (complainants' sex was captured in most cases);
- All complainants who provided information were White (English/Welsh/Scottish/Northern Irish/British); and
- The most common group to complain were aged 31–49.

Even less information is known about those being complained about where the complaint was about an individual; where known, those being complained about were mostly male Service Police members. Moving forward, I intend to consider options to try to encourage a higher completion rate of the Equality of Service Monitoring forms by complainants.

¹¹ An offence under section 42 of the Armed Forces Act 2006 for which the sentence is fixed by law; or a person of 18 years or over (not previously convicted) may be sentenced to imprisonment for a term of seven years or more or might be so sentenced.

¹² This means the procedures and processes under which the conduct of a member of a Service Police force is considered in order to determine whether it is misconduct or gross misconduct, and if so whether as a result any administrative action is to be taken in relation to it.

Recommendation

- 1.3 That Professional Standards Departments facilitate the completion of Equality of Service monitoring forms to capture the protected characteristics (age, sex, race etc.) from individuals who make complaints. The aim is to provide a more informative picture of the interactions and experiences that individuals, groups and communities have with the Service Police complaints system.

Time taken to investigate and outcomes

All complaints recorded formally should be handled in a reasonable and proportionate manner. This may mean:

- An investigation;
- Otherwise responding to concerns raised and seeking to resolve them; or
- Notifying the complainant that no further action will be taken.

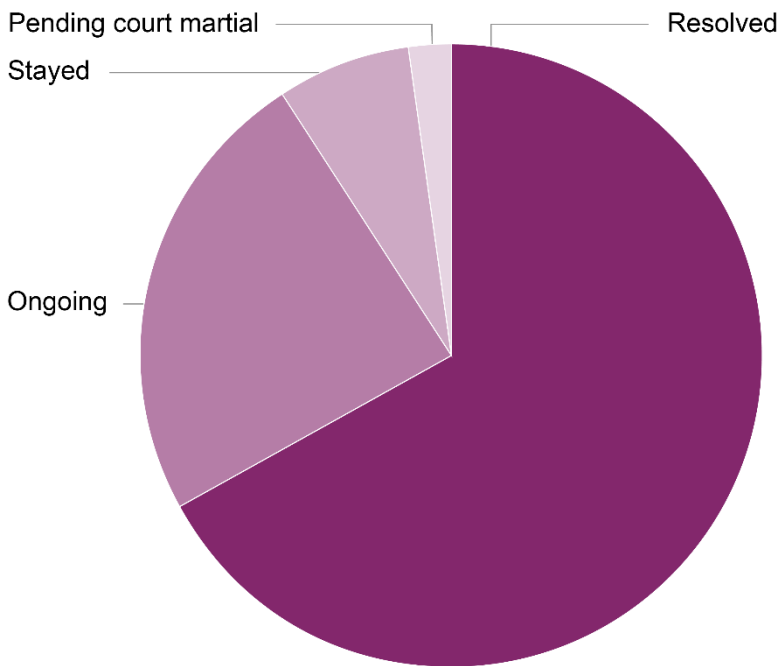
It is important to note that an investigation does not necessarily mean a criminal investigation within the context of the Service Police complaints system. An investigation could be a complaint investigation (involving investigatory steps to determine what led to the complaint being made or what went wrong), a Professional Standards investigation, or a Service offence/criminal investigation depending upon the circumstances of a particular case. In most complaint cases there will be some type of investigation.

As investigations are likely to have the most impact on the time taken to handle a recorded complaint, it is important to monitor the length of time taken for investigations. Based on the available data, the average time taken for an investigation is just under 71 days – with the shortest being seven days, and the longest 181 days.

In terms of outcomes, of the 42 recorded complaints:

- 28 have been resolved;
- 10 are ongoing;
- 3 have been stayed; and
- 1 is pending a Court Martial.

Of the 28 cases that have been resolved, six have led to major administrative action being taken, and one where disciplinary action is being taken (through the Service Justice System).



For less serious matters, local units have been informed of outcomes, and where personnel have been found to have fallen below the expected standards, units have been instructed to carry out further learning and training. There have been a number of recommendations made as a result of local investigations, or other handling at local level, that have provided opportunities for further organisational learning. Where appropriate, apologies have also been offered to the complainant, where it has been determined that the service provided by the Service Police force was not acceptable.

Service Police super-complaints

In addition to the Service Police complaints system, the SPCC has functions in relation to the Service Police super-complaints system.

As with the civilian police super-complaints system, the aim of the Service Police super-complaints system is to identify systemic failures in policing, which may not be identified through the Service Police complaints system, or by the HMICFRS inspection regime. As such, Service Police super-complaints are not an alternative way to raise an individual complaint; only designated bodies are able to make a super-complaint on behalf of the public about patterns or trends in Service policing that are, or appear to be, significantly harming the interests of the public.

In July 2023, the MOD opened the application window for organisations wishing to apply to become designated bodies; this required them to be able to meet specified criteria set out in legislation. Four organisations were designated as super-complaints bodies by the Secretary of State for Defence:

- Advocacy After Domestic Abuse;
- Centre for Military Justice;
- Royal Air Force Association; and
- Salute Her.

While there are only a small number of designated bodies, these organisations are required to collaborate effectively with non-designated organisations and, where appropriate, make a complaint on the matters raised with it by a non-designated body.

As with civilian police super-complaints, HMICFRS will have a partnership role in the Service Police super-complaints system due to its oversight function of the Service Police (under section 321A of the Armed Forces Act 2006 they are required to inspect, and report on, the independence and effectiveness of investigations carried out by each Service Police force). However, the College of Policing has no statutory functions in relation to the Service Police and the Service Police super-complaints system.

At the time of writing this report, I am working with HMICFRS on an agreed approach for the purpose of securing cooperation, in the delivery of their respective functions in relation to Service Police super-complaints.



Chapter 3: SPCC Strategic Plan 2023-2026

SPCC's Mission and Values

Mission

To secure and maintain the confidence of:

- persons subject to Service law;
- persons subject to Service discipline; and
- the wider public.

This will be achieved by ensuring that Service Police are accountable for their actions and lessons are learnt when things go wrong.

Values

Accountability

- Taking responsibility;
- Doing the right thing for the right reasons;
- Acting promptly;
- Ensuring accessibility; and
- Keeping accurate data and records.

Integrity

- Telling the truth;
- Giving credit where it is due;
- Valuing diversity and inclusion;
- Adhering to high standards; and
- Approaching challenges with courage.

Trust

- Valuing and demonstrating independence;
- Demonstrating mutual respect; and
- Being transparent.

Service

- Maintaining fairness;
- Making impartial decisions;
- Delivering effective and efficient outcomes;
- Providing feedback and learning; and
- Ensuring flexibility and innovation.

Introduction

This is my first three-year plan as the SPCC and sets out my vision for the future and the strategy for achieving it. This will be the guiding document for all work undertaken by me until 2026. It explains my priorities and what I hope to achieve in each of those areas. It sets out the actions I intend to take over the coming years and how success will be measured. The value of the work is not defined solely by individual cases, but by the impact of my work on Service policing, and trust and confidence in the Service Police complaints system. Quality is defined by how well my work meets the service user's needs. I intend to focus my efforts on areas that I believe will make a difference.

The strategy will be reviewed each year. This review will include considering performance targets and success measures, where appropriate.

Priorities

1. To work with key stakeholders to improve the Service Police complaints system.

To work to improve all parts of the Service Police complaints system so that it consistently delivers impartial, fair and evidence-based outcomes in a timely way. This includes both my work as the SPCC and working with key stakeholders.

2. To improve Service policing by identifying and sharing learning.

To focus on areas of concern to Service Police, those subject to Service law and Service discipline and the wider public. Work with partners to share our learning to improve Service policing and protect those that come into contact with Service Police from harm.

3. To improve confidence in Service Police accountability.

To engage with a range of key stakeholders, focusing on those with the least confidence in Service policing. The aim is to ensure that complainants understand their right to complain and that they can expect to be treated fairly and justly.

4. Ensure the SPCC's functions are carried out efficiently and effectively.

To provide an excellent service while ensuring the use of resources in the carrying out of the SPCC's functions provide value for money.

What the SPCC aims to achieve by focusing on these priorities

1. The Service Police complaints system delivering impartial, fair and evidence-based outcomes in a timely way.
2. Recommendations that lead to improvements in Service policing.
3. Those with low confidence in Service policing value the complaints system.
4. The Service Police complaints system delivers an excellent service while providing value for money.

Priority 1 –To work with key stakeholders to improve the Service Police complaints system

Why is this important?

When complaints are made, the complainant should be assured that their concern will be dealt with impartially, fairly and in a timely way. Members of the Service Police must be held to account for poor conduct but where thematic issues arise these will be reviewed in collaboration with stakeholders to ensure that Service Police learn and improve.

In providing independent oversight of the Service Police complaints system I will review the way in which complaints are handled. Those that complain about Service policing must be able to do so without fearing adverse consequences. The system must deliver high quality evidence-based decisions for both complainants and those subject to complaints. This applies to complaints handled by individual forces and those independently investigated by me or on my behalf.

Delays can have a negative impact on complainants, those subject to complaints and officers involved in investigations. They can also undermine trust and confidence in the Service Police complaints system. The aim is to ensure that any delays are reduced to a minimum.

What the SPCC hopes to achieve focusing on this priority

The Service Police complaints system delivering impartial, fair and evidence-based outcomes in a timely way.

How this will be achieved?

I intend to:

1. Ensure that my work adds value by independently investigating the most serious cases and developing a clear strategy to focus on areas of concern that indicate that improvement is required. Thematic areas will be reviewed as and when required. These may include discrimination, mental health, domestic abuse, abuse of authority and 'near misses' in custody.
2. Ensure working arrangements with key stakeholders have demonstrable benefits for complainants and those that are the subject of the complaint;
3. Keep the quality and consistency of decisions under review;
4. Set standards, produce guidance and share best practice to ensure oversight improves the quality and consistency of Service Police complaints;
5. Seek to remove the causes of any internal delay and working with key stakeholders to improve efficiency across the Service Police complaints system;
6. Identify and address factors that impact on quality and may cause inconsistent outcomes for users of the Service Police complaints system; and
7. Develop knowledge and information strategies to make best use of data and use it to make improvements where needed.

Priority 2 – To improve Service policing by identifying and sharing learning

Why is this important?

Complaints generally, and the serious incidents investigated by my team, offer opportunities to understand how Service policing can be improved to prevent similar issues occurring in future. Changes made as a result of this learning will ultimately improve Service policing for everyone.

In appropriate cases, the focus will be on identifying learning opportunities, making robust learning recommendations, and ensuring that complaint handling leads to real improvements in Service policing.

Making system-wide improvements will only be possible through working with all those that play a role in it. Therefore, I intend to work closely with partners such as HMICFRS, the Defence Council, and the single Service Boards, to develop shared priorities, share learning across our work and develop collaborative work programmes to promote improvements.

What the SPCC hopes to achieve focusing on this priority

Recommendations that lead to improvements in Service policing.

How this will be achieved?

I will:

1. Work closely with colleagues across the Service policing environment to improve the approach to learning recommendations and work with them to drive change;
2. Develop knowledge and identify themes relevant to Service Police complaints. This will ensure a deep understanding of the context within which the Service Police work and engage with stakeholders to develop effective learning recommendations that drive improvements; and
3. Provide feedback to key stakeholders, ensuring it is effective in supporting continual improvement in Service policing.

Priority 3 – To improve confidence in Service policing accountability

Why is this important?

Independent oversight of the Service Police complaints system is vital to maintaining trust and confidence in Service policing, drive up standards and ensuring accountability both at an individual and at Service Police force level. I intend to engage with a range of key stakeholders to understand their concerns, share the impact of my work and communicate that my operational decision-making role is independent from the Service Police and government.

Furthermore, no person can be appointed to carry out a local or directed investigation if it could reasonably give rise to a concern as to whether the person could act impartially. This includes if they work, directly or indirectly, under the person whose conduct is being investigated. Where the conduct of a senior officer is being investigated, no person from that Service Police force can be appointed.

My work will focus on increasing the confidence of those who are known to have the least trust in the system – for example, ethnic minorities and women – so that they understand their right to complain, can access the Service Police complaints system and expect to receive fair and just treatment. I will also ensure greater transparency about both the system and outcomes achieved through its use.

What the SPCC hopes to achieve focusing on this priority

Those with low confidence in Service policing access and value the Service Police complaints system.

How will this be achieved?

I will:

1. Make impartial, fair and evidence-based decisions and expect complaints handled by all appropriate authorities to do the same;
2. Listen and consider the views of all those involved carefully, but decisions will be based solely on facts and available evidence;
3. Explain the evidence and rationale for decisions clearly to those subject to investigations and complainants;
4. Maintain a separate identity from the Service Police, the Ministry of Defence, and other organisations, understanding the context of Service policing and working with key stakeholders to have a greater impact;
5. Recognise that a power imbalance exists between the Service Police and complainants and design support and guidance to help people understand their rights and navigate the system, signposting to other organisations as required. This will not affect decision making;
6. Engage with diverse stakeholders to enable them to influence the focus of the SPCC's work, express areas of concern and provide them with accessible information about the Service Police complaints system;
7. Take reasonable steps to ensure that complainants have received and understood the information provided;
8. Use feedback from complainants to design processes that respond to their needs and create a culture of customer focus and make particular efforts to identify hard-to-reach and disadvantaged groups and individuals;
9. Regularly review the opportunities to engage and consult with complainants to ensure that the methods used are effective;
10. Embed the stated values and ensure independence is demonstrated internally and externally through all my work and behaviours; and
11. Report on the outcomes that are through the Service Police complaints system.

Priority 4 – Ensure the SPCC’s functions are carried out efficiently and effectively

Why is this important?

As the role of the SPCC is publicly funded, resources must be used effectively to deliver the greatest impact and provide value for money. It is important that my work continuously identifies opportunities to introduce efficiencies and ways of delivering services using modern technology to support improvements.

To deliver this plan, I will need to ensure the appropriate use of internal and external resources and that staff receive the right training and development. I am committed to a diverse and inclusive work environment.

What I hope to achieve focusing on this priority

The Service Police complaints system delivers an excellent service while providing value for money.

How this will be achieved?

I will:

1. Role model the stated values and inspire trust and confidence;
2. Monitor and meet complaint handling standards across the Service Police complaints system;
3. Identify any dips in performance and take action to put these right and prevent further recurrence;
4. Ensure that staff understand what independence means and can explain and demonstrate this through their work and behaviour;
5. Review learning and development opportunities and create an environment where learning is continuous through everyday experiences;
6. Develop and learn from best practice identified within and outside the Service Police complaints system; and
7. Create a culture in which staff feel highly supported, trusted and empowered to suggest innovative ways to improve and deliver value for money.

Successful Outcomes

What the SPCC hopes to achieve

1. The Service Police complaints system delivering impartial, fair and evidence-based outcomes in a timely way

I will know this has been achieved when:

- Complaints are resolved first time leading to fewer requests for review;
- The time taken to respond is reduced when dealing with complaints and other matters, complete investigations and reviews;
- Complaints and serious incidents are recorded and handled consistently across all Service Police forces;
- Those involved in complaints, investigations and reviews are satisfied with how their case was handled.

2. Recommendations lead to improvements in Service policing

I will know this has been achieved when:

- My office works closely with a range of stakeholders both within and outside of Service policing to identify themes and learning;
- Learning recommendations are accepted and demonstrate their impact on operational policing across the single Service Police forces and the DSCC;
- My work has supported partners (for example, HMICFRS, the Defence Council, single Service Boards) by influencing their work to improve operational policing; and
- Stakeholders are confident that my role promotes learning and improvement.

3. Those with low confidence in Service policing value the complaints system

I will know this has been achieved when:

- Those that have cause to complain about Service policing have confidence in the Service Police complaints system and are willing to make a complaint;
- Ethnic minorities and women have confidence in the system and are willing to make a complaint; and
- The demographics of those who make complaints are captured and monitored so that is fed through to learning and improvements.

4. The Service Police complaints system delivers an excellent service while providing value for money

I will know this has been achieved when:

- Staff are motivated, engaged and committed to providing an excellent service; and
- Financial efficiency is achieved which can be benchmarked against similar organisations.

Chapter 4: Summary and focus for 2024

Recommendations

Based on my work to date and the performance of the Service Police Complaints system in 2023, the following recommendations have been made in this report:

Recommendation 1.1. That the MOD provides the SPCC with adequate resources including full-time dedicated staff members to assist the SPCC in the delivery of their statutory functions and to deliver the Strategic Plan. There also needs to be some resilience to ensure adequate resources can be called upon should there be a significant increase in workload (for example, a super-complaint is made).

Recommendation 1.2. That Service Police Professional Standards Departments and MOD officials develop a uniform approach on the collection and storage of data for statistical and reporting purposes. That data should ideally be shared with the SPCC quarterly to assist in the development and measuring of future KPIs.

Recommendation 1.3. That Professional Standards Departments facilitate the completion of Equality of Service monitoring forms to capture the protected characteristics (age, sex, race etc.) from individuals who make complaints. The aim is to provide a more informative picture of the interactions and experiences that individuals, groups and communities have with the Service Police complaints system.

Looking Forward

I have set a number of goals to be achieved within the next 12 months. The following are some of the key areas which have been targeted.

Website

I will establish a website in 2024. It will contain essential information including the Regulations, necessary forms, guidance documents (see below) and how to contact my office. Complainants will be able to communicate electronically.

Tracking complaints to implement lessons learnt by hosting webinar events for key stakeholders and focusing on making continuous improvements to Service Policing.

I will aim to implement a case management system. The new system will enhance abilities to track complaints at each stage of the process. My office will be able to quickly and easily produce statistical reports in an easy-to-understand format.

Outreach to secure trust and improve dialogue

Closer links will be established with grassroots the single Services and the DSCU. The aim will be to:

- Establish true partnerships;
- Establish a consistent and accurate complaint data collection and reporting process in accordance with the recommendations set out in paras 1.2 and 1.3 of Chapter 4;
- Develop feedback and measurement systems;
- Maintain profile and contacts to influence system improvements;
- Measure improvements and set objectives for 2025; and
- Develop communications to expand reach.

Accessible Guidance documents

Additional guidance documents will be published on the website. These will include guidance on handling allegations of discrimination and an unreasonable behaviour complaint policy. The policy will recognise the importance of ensuring that the complaints system is as accessible as possible and that a persistent complaint is not necessarily unreasonable. However, when complainants demonstrate unreasonable behaviours, this must be dealt with appropriately and consistently to protect the welfare of complaint handlers and the integrity of the complaints process.

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