

INDEPENDENT POLICE COMPLAINTS COMMISSION Response to *Inspection Reform: Establishing an Inspectorate for Justice and Community Safety*

Introduction

1. The Independent Police Complaints Commission welcomes this opportunity to respond to the *Inspection Reform: Establishing an Inspectorate for Justice and Community Safety* Consultation document. The IPCC is broadly supportive of the principles within the document.
2. It maybe helpful to provide a context for our response. The IPCC is a complaints body and not an inspection body. It does have, however, inspection type functions. In carrying out these functions the Commission is under a statutory duty to co-operate with the HMIC, who are one of the five bodies who it is being proposed will form the new inspectorate.

Public Confidence

3. The new police complaints system and the IPCC are part of a wider public sector reform agenda, based on the principle of providing service to the public which is citizen-focussed, instils confidence and targets resources where they are needed most. Public confidence is integral to the success of the criminal justice system. The complaints system provides a powerful lever for building public confidence.
4. One of the functions of the IPCC is to ensure suitable arrangements are in place for dealing with complaints or allegations of misconduct against any person serving with the police in England and Wales. The aim of these arrangements are to increase public confidence by demonstrating the independence, accountability and integrity of the complaints system and so contribute to the effectiveness of the police service as a whole.
5. The IPCC, by directly intervening in individual investigations and through broader guardianship activity, looks to deliver this confidence improvement by focussing on:
 - Opening up access to the complaints system
 - Ensuring complaints are dealt with in a proportionate and timely manner
 - Ensuring learning from complaints
 - Developing confidence of those directly involved – both the public and the police, in the process itself
6. IPCC exercises its guardianship role by gathering data both as a statutory requirement and on behalf of the Home Office, setting standards for the system and publishing statutory guidance. It acquires intelligence both directly through casework, investigations and appeals and indirectly through its relationships with organisations involved in the system.
7. A brief summary of the functions and powers of the IPCC is attached in annex A.

Oversight Powers

8. Section 10 of the Police Reform Act 2002 provides the IPCC with wide oversight powers to secure the effective and efficient arrangements for the handling of

complaints and conduct matters by Chief Officers, Police Authorities and the IPCC itself. In particular to ensure these arrangements 'contain and manifest an appropriate degree of independence' and 'secure public confidence is established and maintained'.

9. Sections 17 and 18 of the Police Reform Act 2002 require police forces and authorities to provide information and documentation when requested and also allows the IPCC access to police premises. These powers are important for the IPCC to fulfil both its investigation and guardianship duties.
10. Section 10 also covers the IPCC's relationship with HMIC. It places a duty on the IPCC to establish arrangements in order to secure cooperation in carrying out each of their duties. It also requires the IPCC to provide HMIs with any assistance and cooperation they require.

The IPCC's interface with inspection

11. The IPCC is a complaints body provided with monitoring and oversight functions to support its overall responsibility for the complaints system. These oversight/monitoring functions, which are described above, are integral to and inseparable from its unique guardianship function. The IPCC exercises its guardianship function in many ways:
 - Its investigations form part of oversight where it can gain real time information on what is happening in forces, and can disseminate quick time learning as well as long term learning from these investigations.
 - The IPCC also will obtain information (both qualitative and quantitative data) from many other areas such as the national complaints data, appeals, regional contact between the IPCC and local communities.
 - The IPCC shares its information and intelligence with other oversight bodies, supporting them in the effective delivery of their responsibilities - for example proactively working with HMIC on their autumn inspection of Professional Standard Departments and working with the Association of Police Authorities to develop protocols to support their oversight.
12. It is one of the requirements on the IPCC to ensure effective and efficient arrangements for the complaints system. These can only be delivered by working effectively and efficiently with others who also have responsibilities which impact on the complaints system. This will help avoiding duplication of roles.
13. Early experience from IPCC investigations has illustrated the importance of a joined-up criminal justice system in order to avoid people being failed by parts of the system where agencies have not worked together. Examples of this include where vulnerable people have committed suicide in courts or prison and there has been a failure in the transfer of information between police and other criminal justice agencies.
14. The detention and care of people with mental health problems is an area where there are significant shortcomings in how agencies work together (around half of deaths in police custody involve people with some form of mental health problem) and where there is a clear need for their to be a joined up approach not only in the provision of services but also in how they are inspected. This makes a strong

case for a joint criminal justice inspectorate which has close links with inspectorates outside of the criminal justice system (e.g. the inspectorate who has responsibility for health services).

15. For ease of reference, the IPCC has structured the remaining part of its response in accordance to the main headings outlined under the Annex E of the consultation paper.

The purpose of inspection for justice and community safety

16. The IPCC agrees in principle with the proposed definition of future CJS inspection, as outlined in paragraph 7.3 of the inspection paper. There does, however, need to be more clarity as to the purpose and role of a single inspectorate.
17. The IPCC is clear that inspection should be about assuring the public, focussed on outcomes (in particular measuring the impact on the service user), strong emphasis on self assessment and targeted inspection where there are particular concerns.
18. The IPCC supports the independence of the new inspectorate and the principles outlined in paragraphs 7.4 of the consultation paper. In its own area of work, the IPCC has first hand experience of the direct relationship between public confidence and independence. This applies equally to the police where the independence and visible impartiality provided by the IPCC has been welcomed by police officers and staff.
19. While the inspectorate must be independent from the service providers it is important that inspectors have an understanding of the delivery of the services concerned. It is not only important to gain the confidence of the public, but also the body that is being inspected.
20. The issue of thematics relates back to the need for a clearly defined purpose, which would then determine the answer to this point.
21. One of the advantages of the new proposals is the opportunity it provides to look at the complaints system as a whole. The IPCC knows from experience that complainant's concerns are often not just about what they perceive to be the police's shortcoming but also about the CPS, the courts and probation. In the case of a victim of crime, they will want to have confidence not just in the police but in the probation and prison service as well.
22. A single inspectorate would offer an opportunity to ensure that human rights is central to all parts of the criminal justice system and the single inspectorate approach would help identify tensions within the system and between institutions.

Structural reform

23. The IPCC supports the objectives outlined in the structural reform, and broadly supports the principle of a single inspectorate, but recognises the need for further work on the purpose and remit of the inspectorate before appropriate structures can be developed. The IPCC hopes that a single inspectorate, focussing on the process flow of system users, would be able to develop effective working arrangements with the other bodies impinging upon the system, or who have responsibilities within the system. This would enable a more consistent approach

and effective implementation of improvements in a broader context, for example work with health agencies.

24. The IPCC strongly agrees with the reduction of the regulatory burden on the police. On the same basis that it argues and works towards a more proportionate complaints system it welcome reforms to make the inspection system less onerous and more effective.
25. In regards to approaching structural reform, the IPCC has found from experience that in engaging closely with voluntary and community stakeholders as well as the institutional stakeholder will pay dividends. The Commission was encouraged by the number of voluntary organisations that were present at the consultation event on 6 May and would recommend continuing with this approach.

Delivering a single inspectorate

26. The IPCC feels it is difficult to comment on the structure of the single inspectorate at this early stage, for the reasons referred to above. However the IPCC would commend a regional structure. The value of the regional approach has been demonstrated for the IPCC as it allows greater consideration of local context and issues, improved relationships with local stakeholders and the ability to respond to local concerns with the benefit of national consistency and feedback into national policy. This helps it to become credible to local communities and build confidence.

Approaches to inspection

27. The IPCC feel that “intelligent inspection”, supported by a range of measures including effective self-assessment would allow an effective and flexible model. There is opportunity to reduce burdens without reducing the effectiveness of inspection.
28. Inspection should be driven by outcomes, identified by the minimum standards approach, incorporate the service user perspective and give clear and specific recommendations on improvements. The mechanisms for ensuring implementation of any recommendations should be made clear.

ANNEX A

1. The Police Reform Act 2002 created a new body to oversee the system and replace the Police Complaints Authority which was established under the Police and Criminal Evidence Act 1984). The IPCC is a Non-Departmental Public Body (NDPB). The IPCC has a statutory duty to:
 - increase the efficiency and effectiveness of the system for handling complaints against the police¹
 - improve openness and accountability²
 - ensure an appropriate degree of independence throughout the system³
 - gain and maintain public confidence⁴

Independent investigations

2. The IPCC investigates the most serious cases (police shootings, deaths in custody where there is a suspicion or allegation of misconduct etc). The police have a duty to refer serious matters, i.e. where there is a death or serious injury, or where the incident impacts on public confidence or the reputation of the police. The IPCC has powers to call in any matter even when there is no complaint or any referral and the police can also voluntarily refer matters to the IPCC.
3. Depending upon the seriousness and the impact on public confidence, the IPCC can decide whether to independently investigate, manage or supervise a police investigation. Less serious matters will be investigated by the police themselves, but complainants will have a right of appeal to the IPCC in specified circumstances.

Investigative powers

4. Investigators have the powers of a constable when on duty in independent investigations and in those investigations are able to enter police premises and seize and retain documentation or other evidence where necessary. Chief Officers are under a legal duty to provide documents or information requested by investigators.

Guardianship role

5. The IPCC's general duty under the Police Reform Act 2002 to increase confidence in the police complaints system in England and Wales and in so doing, to contribute to increasing confidence in policing as a whole, is the basis of the IPCC's guardianship function. The IPCC has a wide responsibility to set standards and monitor the way that complaints are handled by local police forces. The IPCC has a responsibility for increasing accessibility to the complaints system and ensuring that it is citizen-focussed. The lessons learnt from the Commission's work will be fed back to forces so

¹ Section 10(1)(c), Police Reform Act 2002

² Section 10(1), Police Reform Act 2002

³ Section 10(1), Police Reform Act 2002

⁴ Section 10(1)(d), Police Reform Act 2002

they can improve the way they deal with peoples' complaints and strengthen operational policing

6. All the IPCC's activities contribute to guardianship. One of the most significant differences between the previous police complaints system and this one is the *independence* and *impartiality* that the IPCC can bring to these activities.