



Professional & Ethical Standards Panel



ANNUAL ASSURANCE REPORT 2019

Introduction and Background

1. The Police and Crime Commissioner for Thames Valley (PCC) is responsible for securing the maintenance of an efficient and effective police force. The Chief Constable of Thames Valley Police (TVP) is responsible for maintaining the Queen's peace and has direction and control over TVP officers and staff.
2. The PCC, on behalf of the public, is responsible for holding the Chief Constable to account for the exercise of his functions, including those of persons under his direction and control, and for the overall performance of the Force. However, in law, the PCC must not fetter the operational independence of the Force or the Chief Constable who leads it.
3. Under the Police Reform Act 2002, the Chief Constable is the 'Appropriate Authority' responsible for dealing with complaints and misconduct matters raised against TVP police officers and staff below the rank of Chief Constable and/or complaints about the quality of service members of the public have received from the Force. In practice, the Chief Constable delegates this statutory responsibility to his Professional Standards Department (PSD).
4. One of the PCC's 'holding to account' duties is to monitor the adequacy and effectiveness of the Force's handling of all complaints made against police officers, staff and the quality of service provided by the Force. The Chief Constable, therefore, has a duty to ensure adequate and effective systems and procedures are in place for managing and monitoring complaints against the Force, and for ensuring the PCC is kept informed of matters relating to the handling of complaints against TVP in such a way as to enable the PCC to discharge his statutory 'holding to account' obligations in relation to complaints made against the Force.
5. To help discharge their respective responsibilities, in April 2014 the PCC and Chief Constable jointly established the 'Complaints, Integrity and Ethics Panel'. As of December 2019, the Panel comprised of 8 independent members of the public who were originally appointed following an open recruitment and selection process. However, as of January 2020, the Panel had 7 members with 1 due to resign in April 2020.
6. As well as ensuring the Chief Constable and PCC are dealing with complaints appropriately, other functions of the Panel include monitoring the proportionality

and consistency of decision making by the Force as well as constructively challenging the way that the Chief Constable and the PCC handle professional and ethical standards issues. Full details can be found in the Terms of Reference which are attached.

7. In the April 2019 meeting the Panel welcomed the new Head of PSD Colin Paine.
8. Panel Chair and Deputy Chair elections took place in the June 2019 meeting, with Mark Harris nominated and agreed to continue as Chair by the Panel and Olga Senior nominated and agreed to continue as Deputy Chair.
9. In the August 2019 meeting, the Deputy PCC proposed that the Panel's Terms of Reference (TOR) should be updated and that the Panel be renamed as the 'Professional and Ethical Standards Panel'. After discussion and questions from the Panel, the new TOR were agreed (attached at Appendix A) and the new name was adopted.
10. In the February 2019, meeting the Panel congratulated John Campbell on his promotion to Chief Constable at what would be his last PESP meeting. The next meeting (and all future meetings) were to be attended by the new Deputy Chief Constable, Jason Hogg.

Purpose of Report

11. The purpose of this Annual Assurance Report is to provide the PCC and Chief Constable with an assurance, as appropriate, as to the adequacy and effectiveness of the Force's arrangements for handling and dealing with complaints made against the Force. This report brings to the attention of the Chief Constable and the PCC whether the Panel has any collective views, concerns or recommendations, based on its assessment of the type and volume of complaints made against the Force. The report also details how they were dealt with, concerning issues relating to policing integrity, ethics and professional standards.

Panel Findings – Complaints Handling

12. The Panel may receive, upon request, a random selection of closed complaint files based on a theme agreed by members. Files are randomly selected from those held by the PSD. The case files are made available before meetings for the Panel to scrutinise in readiness to feed back comments at the Panel meeting and to address issues arising. Panel members also attend confidential PSD Tasking meetings where live cases are discussed.
13. During the period December 2018 to December 2019, Force-wide themes and cases reviewed at the Panel meetings were as follows:

- Ethics of undercover policing and Covert Human Intelligence Sources (CHIS)
- Backlog of vetting records
- Ethical dilemmas and decisions facing TVP staff

14. The random testing of some complaints revealed queries that required further information to be provided by PSD. This served to provide assurance to members as to the appropriateness of the outcome for those complaints and/or to facilitate informed consideration by members as to whether some operational practices giving rise to a complaint may benefit from formal policy review by the Force.

15. Nevertheless, the Panel's scrutiny of complaint cases has revealed no serious procedural failures. We are satisfied that, overall, the procedures themselves (as pertinent to the categories of complaints reviewed) comply with the requirements of the national police complaints system and appear fit for purpose, and the management of complaints handling overall by PSD is considered by members to be of a high standard.

Panel Findings - PSD Complaints & Misconduct Performance Reporting and Monitoring System

16. At each meeting, the Panel received a copy of the PSD performance monitoring report presenting data covering complaints and misconduct matters. The data is divided into two sections, namely 'Complaint Information' and 'Conduct Information'. Previously the Panel changed the frequency of data presented to make it more pertinent.

17. Matters of concern and issues raised or noted by members during the year included:

- The ethics of undercover policing and the risks involved.
- The handling of complainants with learning disabilities.
- The arrest in Milton Keynes of YouTube Prankster Mr Ally Law.
- Vetting issues in relation to TVP staff not yet being cleared.
- TVP ICT systems and the need for them to 'talk to each other'.
- The increase in admin on the OPCC due to the new complaint reforms being implemented.
- Concerns with using Artificial Intelligence during calls to the Contact Management Centre (CMC) from members of the public.
- Black and Minority Ethnic (BME) representation within the Force.
- Poor victim contact.
- Ethical dilemmas.
- Abuse of authority in relation to officer relationships with victims of crime.
- High number of complaints against Roads Policing.

All of these concerns and issues were satisfactorily considered and explained either at the relevant meetings or 'action items' were tabled to address the concerns at future meetings.

18. The Panel decided that they would like a programme as far ahead as possible for scheduled Local Police Area (LPA) visits so that they may accompany PSD. In March 2019 a member of the Panel visited Milton Keynes as the LPA had a higher level of complaints.

19. The Panel have been updated on the Operating Model and the on-demand access to complaints information and no issues were raised with these.

Panel Findings – policies and practices concerning professional standards, integrity and ethics issues

20. During the year the Panel received presentations, reports and 'question and answer' sessions that have provided the opportunity for members to reflect on professional standards, integrity and ethical issues and how well they are reflected in operational policing policies and practices.

21. Presentations received covered the following topics:

- Vetting Procedures/Backlog.
- Early Intervention Scheme.
- Crime Prediction Software.
- Investigative Algorithms.
- 'Drugs Plugging' in Custody.
- CHIS.
- Police Complaints Reforms.
- Crime Data Integrity.
- Visit to Abingdon CMC with a presentation on the Control Room and CMC. (The Panel have now requested a visit to Kidlington CMC).

22. The Panel have offered independent observations and advice which has been positively received by the Force as 'constructive challenge' and acted upon as necessary and appropriate. They were also asked by the Head of PSD to deliberate on decisions taken by him that particular officers' actions were misconduct and not gross misconduct.

Other Panel Business – General

23. The Panel's new Terms of Reference are attached at Appendix A.

24. In January 2020 1 Panel member tendered his resignation for his last meeting to be April 2020. Another also resigned in January 2020 with immediate effect. It has

been decided however that no new Panel members will be recruited until the next PCC is in post.

25. Members requested and adopted a new procedure for personal 'self-reporting of potential conflicts of interest' which was implemented in February 2019.

Conclusions

26. The Panel's purpose is to monitor and, where necessary, challenge the way complaints against TVP police officers and staff are handled by the Force, and how the adequacy and effectiveness of these arrangements and outcomes are overseen by the Chief Constable and PCC. In addition, the work of the Panel includes the review and challenge of associated ethics and professional standards issues.

27. Constructive challenges over the past twelve months on a wide range of topics have given the Panel a greater insight to the types of complaints and conduct issues faced by the Force and how they are handled.

28. In receiving this insight, however, the Panel continues to appreciate the various external challenges faced by the Force, and the instrumental role played by the PSD. The role of PSD entails investigating complaints in a consistent, transparent and fair manner and identifying police officers and staff who do not reflect the values, ethics and professional standards expected by Thames Valley Police and the communities it serves. The Panel also recognised the importance of 'best practice' and the way PSD seeks this out and implements it across the Force.

29. Nevertheless, the Panel feel that the positive relationship and degree of trust that has developed with the Chief Constable, the PCC and senior staff has enabled the members to contribute constructively and objectively to the ongoing monitoring of the adequacy and effectiveness of the arrangements for handling complaints and the testing of operational policies and practices, from an external, independent, professional standard, integrity and ethics viewpoint.

Assurance Statement

30. In summary, based on the information and knowledge that the Panel have gathered collectively or know about individually, the Panel can provide an assurance to the PCC and Chief Constable that the complaints handling and management arrangements in place within Thames Valley Police are operating efficiently and effectively.

Professional & Ethical Standards Panel

30 March 2020

Panel members:

Mark Harris (Chairman)

Olga Senior (Deputy Chairman)

John Barlow

Dr Hazel Dawe

Ian Jones

Dr Hannah Maslen (now resigned)

Verity Murrice

Andrew Pinkard (due to resign in April 2020)

PROFESSIONAL & ETHICAL STANDARDS PANEL

TERMS OF REFERENCE

Purpose

Policing in this country is by consent of the public. Police integrity is critical if the public are to trust the police to use their powers wisely and fairly.

The Professional & Ethical Standards Panel (the Panel) has been jointly commissioned by the Chief Constable and the Police and Crime Commissioner (PCC). The purpose of the panel is to provide a transparent forum that encourages constructive challenge over the way complaints against police officers and staff and professional and ethical standards issues are handled by Thames Valley Police and overseen by the Chief Constable and the PCC.

This will help to ensure that Thames Valley Police has clear ethical standards and achieves the highest levels of integrity and service delivery.

Terms of Reference

1. To regularly review a selection of complaints files so that the panel can satisfy itself that the Force's working policies and procedures for handling and resolving complaints made against police officers and staff comply with current legislation, regulation and statutory guidance.
2. To use performance data regarding complaints to ensure that the force has an effective complaints reporting and monitoring system in place and is identifying and learning from any recurring patterns or themes.
3. To review the progress of live complaint cases or misconduct investigations, including appeals, which cause or are likely to cause particular community concern.
4. In undertaking terms (1) to (3), to continually monitor the proportionality and consistency of decision making, and raise any concern with respect to the occurrence of, or potential for, apparent bias or discrimination against minority groups as appropriate.
5. To review areas relating to professional and ethical standards and to make appropriate recommendations.
6. To consider specific matters referred to the Panel by either the Chief Constable, the PCC or Panel Members and to make recommendations.

7. To report, on an annual basis, the summary findings, conclusions and recommendations of the panel to the Chief Constable and the PCC.
8. To consider within one month any allegation of misconduct or proposal for dismissal made against the Chief Executive and/or the Chief Finance Officer of the office of the PCC, and recommend to the PCC whether it should be further investigated or progressed.
9. At all times, to maintain confidentiality with respect to the matters and information to which the panel have access.

August 2019