



House of Commons  
Public Accounts Committee

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# Independent Police Complaints Commission

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**Fifteenth Report of Session 2008–09**

*Report, together with formal minutes, oral and  
written evidence*

*Ordered by the House of Commons  
to be printed 9 March 2009*

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## The Public Accounts Committee

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Mr Philip Dunne MP (*Conservative, Ludlow*)

### Powers

Powers of the Committee of Public Accounts are set out in House of Commons Standing Orders, principally in SO No 148. These are available on the Internet via [www.parliament.uk](http://www.parliament.uk).

### Publication

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at <http://www.parliament.uk/pac>. A list of Reports of the Committee in the present Session is at the back of this volume.

### Committee staff

The current staff of the Committee is Mark Etherton (Clerk), Lorna Horton (Senior Committee Assistant), Pam Morris (Committee Assistant), Jane Lauder (Committee Assistant) and Alex Paterson (Media Officer).

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## Summary

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Since April 2004, the Independent Police Complaints Commission (IPCC) has been responsible for the police complaints system in England and Wales. The IPCC investigates complaints about police officers and staff, recommending what action should be taken by the police force concerned. Where necessary, it forwards information to the Crown Prosecution Service for a decision on possible prosecution. The IPCC gets involved either as a result of a direct complaint from the public or in response to a referral from the police. In cases involving death or serious injury the IPCC is required by statute to investigate.

In 2007–08, nearly 29,000 complaints were made against the police, the vast majority of which were dealt with locally by the relevant police force and did not involve the IPCC. Complaints of a more serious nature requiring IPCC involvement led to it opening 100 independent investigations in 2007–08, compared to 31 in 2004–05. The IPCC also received 4,141 appeals about local police investigations which was a four-fold increase on the number in 2004–05. As a result of its increasing workload, the IPCC has found itself working at above full capacity.

The IPCC has no formal quality control framework in place. The measures that do exist to assess quality have generally not been working as intended. The IPCC's Commissioners have not been formally approving all investigation reports, one of their key responsibilities.

Public confidence in the police complaints system is essential. While the IPCC has commissioned research to look at levels of public confidence in the complaints system, it has not sought the views of complainants, police officers and appellants about their experiences of the IPCC's processes. The absence of feedback from those who have had direct experience of dealing with the IPCC is a significant oversight which the IPCC is now in the process of rectifying.

There is a lack of clarity about who has responsibility for monitoring the implementation of IPCC recommendations. The IPCC accepts responsibility for recording each police force's acceptance or rejection of the recommendations following an investigation, but not for monitoring the implementation of the recommendations. The IPCC has, therefore, only limited evidence on the impact of its work. No other organisation has responsibility for monitoring the implementation of IPCC recommendations. The Home Office needs to decide who should be carrying out this monitoring to ensure that there is a clear and well established line of accountability.

On the basis of a report by the Comptroller and Auditor General,<sup>1</sup> we examined how well the IPCC is managing its resources, the adequacy of the IPCC's quality assurance arrangements and how far the IPCC has sought to assess the impact of its work.

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1 C&AG's Report, *The Independent Police Complaints Commission*, HC (2007–08) 1035



## Conclusions and recommendations

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- 1. In the four and a half years since it was established the IPCC has helped to improve access to, and raise public confidence in, the police complaints system.** However, the IPCC must tighten up its procedures to protect its reputation and to provide a strong platform for taking its work forward. Particular areas for improvement include: quality assurance; obtaining feedback from complainants, police officers and appellants; engaging with key stakeholder groups; and demonstrating the impact of its recommendations.
- 2. Since it was established in 2004, the IPCC's workload has increased significantly, which has led to it operating at above full capacity.** The performance of IPCC regions has been variable, with the London and the South East region in particular underperforming compared to other regions. To make better use of resources, the IPCC has recently re-organised its work to allocate appeals nationally rather than regionally. Allocating work on a national basis enables demands to be prioritised more easily. Building on these changes, the IPCC should consider whether further work or posts can be re-located out of London and the South East to reduce costs, as well as to improve performance.
- 3. In May 2008, responsibility for the decision on how a complaint should be handled by the IPCC was transferred from Commissioners, who are the guardians of the IPCC's independence, to Regional Directors, who are part of operational management within the IPCC.** This change increases the risk that the availability of scarce resources will have an undue influence over decisions about how a complaint should be investigated. To ensure proper accountability, Commissioner oversight of mode of investigation decisions should be restored.
- 4. The IPCC's quality control arrangements are not functioning properly and there is therefore only limited assurance available about the quality of the IPCC's work.** A robust quality assurance framework needs to be introduced that helps to safeguard and maintain the integrity of the IPCC's work and the quality of its investigations.
- 5. There is no specialised external scrutiny of the IPCC's investigation or appeals work.** The IPCC should introduce arrangements for the external scrutiny of a sample of its cases to provide independent assurance about how it handles investigations and appeals. The IPCC should identify bodies that might appropriately undertake such work, for example, another police complaints body or one of the practice assurance organisations that exist in a number of professions such as accountancy and the law.
- 6. The IPCC has not routinely sought the views of complainants or police officers about their experiences of IPCC investigations, nor has it sought feedback from appellants about the appeals process.** Obtaining feedback from complainants, police officers and appellants should be automatic and embedded in the processes for investigations and appeals. Such feedback could be obtained for little extra cost. It is also likely to be more cost effective to ask for this information at the end of each investigation or appeal, than to commission separate surveys.

7. **The IPCC's Advisory Board was established as a 'critical friend' to the IPCC, providing key stakeholders with a forum to provide feedback to IPCC Commissioners and senior managers on how the IPCC and the wider complaints system are performing.** Of the 15 member organisations, however, all but two represent government, police or staff interests. More needs to be done to establish better contacts with complainant groups. The IPCC should re-examine the composition of its Advisory Board with a view to making it more representative of all relevant interest groups.
8. **The IPCC has no mechanism in place for monitoring whether its recommendations have been implemented by the police.** The IPCC acknowledges that there are inconsistencies in the way it records a police force's acceptance or rejection of recommendations and that improvements need to be made. However, it remains unclear as to who has responsibility for monitoring the implementation of IPCC recommendations. Clarification on this matter is needed from the Home Office.
9. **The IPCC has a number of performance measures to identify how well it is handling its workload but does not have any measures which monitor the wider impacts that its work is having on the police.** The IPCC should introduce performance measures that would help to establish its overall impact in improving the performance of the police.

# 1 Managing resources effectively

1. The Independent Police Complaints Commission (IPCC) was established under the Police Reform Act 2002 and became operational from April 2004. It is responsible for the performance of the whole police complaints system in England and Wales. Its remit is:

- to investigate complaints and conduct matters involving police officers;
- to recommend appropriate action by the police force concerned, and
- where appropriate, to forward information to the Crown Prosecution Service for a decision on possible prosecution.<sup>2</sup>

2. When the IPCC receives a complaint it can decide to refer the case back to the relevant police force to investigate locally or it may choose one of three methods of investigation outlined in **Figure 1**. The IPCC also processes appeals made by complainants about the non-recording, local resolution or local investigation of their case by the police.

**Figure 1: Summary of the IPCC's main activities**

**Complaints:** When the IPCC receives a complaint or referral, it has four options under the *Police Reform Act 2002*. If the IPCC believes that the case does not require IPCC involvement, it may refer the case back to the police force to investigate locally. Alternatively, the IPCC may choose one of the following three methods of investigation:

- **Independent investigation:** For the most serious complaints, such as those involving a death after contact with the police, an independent investigation is undertaken by IPCC investigators.
- **Managed investigation:** These investigations are undertaken by the local police force against whom the complaint has been made, under the direction and control of an IPCC investigator. The IPCC is responsible for setting out the avenues of enquiry to be followed, monitoring progress, issuing further instructions if necessary and signing-off the completed investigation report when satisfied.
- **Supervised investigation:** The investigation is performed by the local police force and is under its direction and control. The IPCC's role is limited to approving the investigation's terms of reference and confirming that these have been met at the conclusion of the investigation.

**Appeals:** The IPCC also processes appeals made by complainants. Appeals may be against a police force's non-recording of a complaint, against a complaint being dealt with by local resolution by the police, or against the outcome of the local investigation of a complaint by the police.

Source: C&AG's Report, Box 3

3. Since the IPCC was established the number of complaints against the police has increased from 15,885 in 2003–04 to 28,963 in 2007–08. The IPCC attributed this 83% increase in complaints mainly to improved public access and confidence in the police complaints system. People now believe that if they complain there is a system in place to address their complaint and the complaint will be taken seriously and investigated properly.<sup>3</sup> The IPCC's surveys of the general public in 2004 and 2007 suggested that two

2 C&AG's Report, Summary, para 1

3 Q 1; C&AG's Report, para 3.2

thirds of respondents were ‘fairly’ or ‘very’ confident that complaints against the police would be handled impartially.<sup>4</sup>

4. The IPCC was unable to say, however, whether or not the increase in complaints against the police was also due to rising dissatisfaction with the police.<sup>5</sup> The IPCC noted that one possible measure of assessing police performance is the number of appeals that the IPCC upholds. There is some evidence that the police are dealing with cases better, which is resulting in the IPCC upholding fewer appeals.<sup>6</sup>

5. We asked how the IPCC monitors the handling of complaints that do not reach the IPCC. The IPCC told us in written evidence that it has set standards on how police forces should handle complaints and has regular liaison with Police Standards Departments on their performance. From July 2009, the IPCC intends to launch a new performance framework that will provide the IPCC with a picture of how individual police forces are performing in handling complaints locally.<sup>7</sup>

6. The IPCC’s workload has increased significantly since it began work in 2004–05. **Figure 2** shows that the number of independent investigations opened by the IPCC increased from 31 in 2004–05 to 100 in 2007–08. There has also been a four-fold increase in the number of appeals received, from 1,033 in 2004–05 to 4,141 in 2007–08. This increase in workload has placed growing demands on the IPCC’s staff to a point where the IPCC considers that it is now operating above its full capacity.<sup>8</sup> The rise in the number of complaints against the police is only part of the explanation for the rising workload. The police now refer more cases to the IPCC than in earlier years and the IPCC now better understands its obligations under Articles 2 and 3 of the Human Rights Act 1998 to investigate all incidents where a death or near death has occurred proximate to contact with the police.<sup>9</sup>

**Figure 2: The increasing workload of the Independent Police Complaints Commission**

	Independent investigations started	Managed investigations started	Appeals received
2004–05	31	126	1,033
2005–06	52	188	2,457
2006–07	64	176	3,347
2007–08	100	152	4,141

Source: National Audit Office analysis of IPCC performance data

4 Q 33; C&AG’s Report, para 3.16

5 Qq 2–4

6 Q 45

7 Ev 9

8 C&AG’s Report, paras 1.15–1.16

9 C&AG’s Report, para 1.18

7. To deal with its increasing workload within the resources available, the IPCC has redeployed suitably qualified staff to undertake investigations from other activities such as quality reviews. IPCC's staff are also working more hours to get work completed and a senior investigator has returned from retirement.<sup>10</sup>

8. The level of performance in handling cases has varied across the IPCC's four regions. For example, in 2007–08 only one of the IPCC's four regions met its target to process 80% of appeals within 25 working days. The worst problem was in the London and South East Region where, in 2007–08, only 27% of investigation appeals were dealt with in line with the target.<sup>11</sup> During the early years of its operations, the IPCC had got its resourcing model wrong for London and the South East which partly explained the poorer performance of this region.<sup>12</sup> Demand was typically higher in London and the South East than for the other three regions, with more appeals being received and more independent and managed investigations started. Staff recruitment and retention difficulties exacerbated the problems and contributed to the backlog of appeals.<sup>13</sup>

9. The IPCC has taken steps to address the regional variations in appeals performance by:

- allocating appeals on a national rather than a regional basis, so that the same service will be provided to all those making an appeal,<sup>14</sup> and
- recruiting staff to help to process the backlog of appeals.<sup>15</sup>

The IPCC assured us that by the end of the 2008–09 financial year the appeals backlog would have been cleared and all appeals would be dealt with within the set timescale.<sup>16</sup>

10. The IPCC decides the approach that should be adopted for each complaint that it receives (**Figure 1**). This decision known as determining the Mode of Investigation, is based on an assessment of the apparent seriousness of the complaint, which determines whether it needs to be investigated by the IPCC or whether it could be handled by the police.<sup>17</sup> The IPCC admitted that there are no strict criteria for making such decisions and accepted that the availability of resources plays a part. The IPCC rejected the suggestion, however, that decisions on the type of investigation were unduly influenced by resource pressures.<sup>18</sup>

11. In addition to investigators and casework managers, the IPCC has 12 Commissioners. They act as the representatives of the public and guardians of the IPCC's independence, and are the key decision makers in the IPCC's activities.<sup>19</sup> In May 2008, the IPCC took the

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10 Qq 5–7, 17, 21

11 C&AG's Report, para 1.34; Appendix 2

12 Q 28

13 C&AG's Report, para 1.9

14 Q 9

15 Q 30

16 Q 9

17 Q 18; C&AG's Report, para 1.14

18 Qq 19, 27, 43–44

19 Q 10; C&AG's Report, para 1.4

decision that Commissioners will no longer approve the Mode of Investigation decision. This responsibility now rests with Regional Directors who are members of the IPCC's management team. This change in responsibilities was in response to the decision to reduce the number of Commissioners from 15 to 12 from July 2008. As a result, however, the oversight and accountability role of Commissioners has been reduced.<sup>20</sup>

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20 Q 27; C&AG's Report, paras 1.5–1.6

## 2 Improving quality assurance arrangements

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12. The IPCC's statutory responsibility is to increase public confidence in the police complaints system.<sup>21</sup> However, the IPCC does not have a formal quality control framework in place.<sup>22</sup> This omission exposes the IPCC to criticism and makes it more vulnerable to allegations of incompetence or bias. Quality control arrangements should fall into two categories: those that involve internal processes and procedures to ensure the quality of investigations and appeals; and those where the IPCC seeks external validation of its performance.

13. Internal quality control procedures have not been applied consistently across the IPCC. Only 55 of the 100 independent investigations begun in 2007–08 had the required self assessment of the progress of the investigation, and only 19 of these were subject to review by the IPCC's senior investigator assigned to review cases.<sup>23</sup> The IPCC also has no formal procedures in place for post-investigations reviews to be held which would enable best practice to be disseminated and potential improvements to the investigation process to be identified.<sup>24</sup> The IPCC accepted that its quality control procedures had not been operating properly. In future, every investigation would have an initial review by the investigator and would then be peer-reviewed by other investigators, who are currently being trained for this role.<sup>25</sup>

14. Commissioners are required to approve completed investigation reports formally, but in 25% of the cases reviewed by the National Audit Office there was no documentary evidence of approval. The IPCC stressed that all these reports had been approved by the relevant Commissioner but accepted that such approval should have been formally recorded.<sup>26</sup>

15. The IPCC has no arrangements for investigations to be externally reviewed, although the IPCC considers that Commissioners have a key role to play in overseeing and scrutinising its work.<sup>27</sup> There are no external bodies that scrutinise the IPCC other than the National Audit Office and this Committee. There is also no right of appeal against the outcome of an IPCC investigation. Complainants can challenge an IPCC decision through the courts via Judicial Review.<sup>28</sup>

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21 C&AG's Report, para 3.2

22 C&AG's Report, para 2.7

23 C&AG's Report, paras 2.9–2.10

24 C&AG's Report, para 2.12

25 Q 10

26 Qq 31–32

27 C&AG's Report, para 2.13

28 Qq 48–49

16. The IPCC had not sought the views of complainants, police officers or appellants about their experiences of the IPCC's processes.<sup>29</sup> The IPCC told us that in November 2008 it had started an appellant feedback survey, which was being piloted in its Northern region. It planned to roll out the appellant survey across England and Wales, starting in January 2009. It also proposed to pilot a survey of complainants and police officers involved in independent investigations. From April 2009, the results of this work, which would be publicly available, would be used to improve the IPCC's processes.<sup>30</sup>

17. The IPCC obtains feedback about its performance and other issues through an Advisory Board, which has been in place since the IPCC became operational in 2004. The Advisory Board, which meets quarterly, was set up with the intention of representing the views of the police, complainants and the public. In November 2007, the Police Action Lawyers' Group resigned from the Board because it did not find this forum a productive way of liaising with the IPCC and because it was unhappy with aspects of the way the IPCC operates. The IPCC has taken steps to initiate bi lateral discussions with the Police Lawyers' Action Group but it has not sought to replace the Group on the Advisory Board. As a result, of the 15 current members of the Board all but two represent government, police or staff interests (**Figure 3**).<sup>31</sup>

**Figure 3: Members of the IPCC's Advisory Board**

IPCC	Home Office
HM Revenue & Customs	Crown Prosecution Service
HM Inspectorate of Constabulary	Metropolitan Police
Association of Police Authorities	Association of Chief Police Officers
Police Federation (representing police officers below Superintendent rank)	Superintendents' Association
Unison (representing non-officer police staff)	National Black Police Association
PCS HMRC Group (representing HM Revenue & Customs staff)	Citizens Advice Bureaux
INQUEST (a charity representing bereaved families following deaths involving contact with the police)	

Source: C&AG's Report, Figure 24

18. The IPCC told us that the role of the Advisory Board is to be a 'critical friend' made up of people who have a direct interest in the complaints system, and who are able to provide feedback to the IPCC about how it is organising and running itself.<sup>32</sup> There is a risk, however, that the current balance of representation on the Board could result in insufficient weight being given to the views of complainants and appellants.

29 Qq 14–15, 46

30 Qq 16, 47

31 Qq 51–55; C&AG's Report, paras 3.19–3.21; Ev 11

32 Q 50

## 3 Measuring the outcome of the IPCC's work

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19. The IPCC is responsible for ensuring that its recommendations have been received and accepted (or rejected) by the relevant police force. The IPCC's four regional offices have adopted widely varying approaches to tracking the acceptance of recommendations. In the Northern and Central regions the acceptance or rejection of recommendations is centrally recorded. In contrast, there is no auditable evidence of any central recording or monitoring of police responses to recommendations in either the London & South-East or Wales & South-West regions.<sup>33</sup> The IPCC accepted that it needed to maintain a better record of how a police force responds to its recommendations.<sup>34</sup>

20. The IPCC also does not systematically monitor whether recommendations, once accepted, have been implemented by the police.<sup>35</sup> The IPCC has informal arrangements which rely upon the IPCC's Commissioners liaising with senior police staff before recommendations are made to establish whether they will solve the problem identified. The Commissioner will then check that the force intends to implement the change and will often liaise with the force once the recommendation has been made to check that it has been implemented.<sup>36</sup> The IPCC does not have the statutory power to enforce implementation since its remit is not to determine how priorities should be made for policing.<sup>37</sup>

21. There is currently no agreement on who has responsibility for monitoring that the IPCC's recommendations, once accepted, are implemented. HM Inspectorate of Constabulary may consider specific IPCC recommendations as part of its inspections of individual police forces and systems but it does not have a specific remit to follow-up all IPCC recommendations.<sup>38</sup>

22. Since 2007 the IPCC has published five 'Learning the Lessons Bulletins' in which wider lessons identified from its work are disseminated.<sup>39</sup> These Bulletins provide summaries of where police processes have failed and also highlight best practice. The IPCC can point to some examples where problems identified and solutions proposed have resulted in changes to police procedures. **Figure 4** provides two such examples of the impact of IPCC recommendations, but such impacts are not centrally recorded.<sup>40</sup> Failure to monitor the implementation of recommendations systematically is a significant shortfall in the system for ensuring that poor police practices are put right. It also weakens the IPCC's ability to

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33 C&AG's Report, para 3.9

34 Qq 12–13

35 Qq 12–13, 38, 60

36 Q 39

37 Q 41

38 C&AG's Report, para 3.8

39 C&AG's Report, para 3.10

40 Qq 39, 60

assess its overall effectiveness, and fails to provide the necessary assurance to the public that the IPCC is having the impact expected of it.

**Figure 4: Examples of the impacts stemming from IPCC recommendations<sup>41</sup>**

Example 1: A man killed himself in a cell having tied a noose around a plughole strainer. Following an investigation the IPCC recommended that police forces should change the design of their plugholes, and they have done so preventing further such incidents.

Example 2: Witness protection arrangements broke down in one police force and two people were killed as a direct consequence. Following IPCC recommendations the police force concerned now has one of the best witness protection systems in the country.

# Formal Minutes

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**Monday 9 March 2009**

Members present:

Mr Edward Leigh, in the Chair

Angela Browning

Mr Nigel Griffiths

Mr Austin Mitchell

Dr John Pugh

Rt Hon Don Touhig

Rt Hon Alan Williams

Draft Report (*Independent Police Complaints Commission*), proposed by the Chairman, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 22 read and agreed to.

Summary read and agreed to.

*Resolved*, That the Report be the Fifteenth Report of the Committee to the House.

*Ordered*, That the Chairman make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Wednesday 11 March at 3.30 pm]

## Witnesses

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**Monday 24 November 2008**

*Page*

**Ms Jane Furniss**, Chief Executive, Independent Police Complaints Commission

**Ev 1**

## List of written evidence

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Independent Police Complaints Commission

**Ev 9**

## List of Reports from the Committee of Public Accounts 2008–09

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# Oral evidence

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## Taken before the Committee of Public Accounts

on Monday 24 November 2008

Members present:

Mr Edward Leigh, in the Chair

Mr Austin Mitchell  
Geraldine Smith

Mr Alan Williams

**Mr Tim Burr**, Comptroller and Auditor General, **Mr Martin Sinclair**, Assistant Auditor General and **Mr Richard Earles**, Director, National Audit Office, were in attendance.  
**Mr Marius Gallaher**, Alternate Treasury Officer of Accounts, HM Treasury, was in attendance.

### REPORT BY THE COMPTROLLER AND AUDITOR GENERAL

#### INDEPENDENT POLICE COMPLAINTS COMMISSION (HC 1035)

*Witness:* **Ms Jane Furniss**, Chief Executive, Independent Police Complaints Commission, gave evidence.

**Q1 Chairman:** Welcome to the Committee of Public Accounts where today we are considering the Comptroller and Auditor General's Report on the Independent Police Complaints Commission and the work of Jane Furniss, who is the Chief Executive of the Independent Police Complaints Commission. We also welcome a group of officials from China on a programme organised by the Great Britain-China Centre; you are very welcome, friends from China. Ms Furniss, if I could start by referring you to the number of complaints that are coming in. If we look at paragraph 3.2, which we can find on page 29 of the Comptroller and Auditor General's Report, we see there that the number of complaints recorded has seen an 83% increase from 15,800 in 2003-04 to 28,000 in 2007-08. To what do you attribute this large increase in complaints about the police or made to the police?

**Ms Furniss:** I think one of the main reasons is that people now believe that if they complain that there is a system for dealing with it and that their complaint will be taken seriously and it will be investigated properly. In the past very often members of the public who tried to complain at the police station were discouraged from doing so. They were either discouraged because they were intimidated or because they were not given the proper papers to make their complaint. The way that the system has changed since the Independent Police Complaints Commission was created is that there is now a system for ensuring that people's complaints are taken seriously, so for example this year nearly 13,500 complaints will come directly to IPPC. People use the system, they understand that they can telephone us and get advice on how to make their complaint or indeed make it directly to us. I think the main reason is that access has improved and people's confidence in the system has improved so they think that making a complaint is worthwhile.

**Q2 Chairman:** Could it also indicate that there are problems with the police or that there is rising public concern about the police?

**Ms Furniss:** I think that is to an extent true though I am not sure that complaints necessarily tell us much about that. It is not an indicator that there is much worse police behaviour or greater misconduct.

**Q3 Chairman:** But you would accept that perhaps there is that rising public concern?

**Ms Furniss:** I think other studies suggest that people are less satisfied with the police than they were in the past, that they have probably higher expectations and that those expectations are not always met and that they are disappointed. The British Crime Survey suggests that something like 300,000 people who have had contact with the police describe themselves as very annoyed following it, so something like ten times the number of people who actually make a complaint. I am not sure we know the answer to your question actually just how much dissatisfaction there is and whether it is greater now than it was in the past.

**Q4 Chairman:** Is anybody trying to look at this and work it out because it is quite interesting, is it not?

**Ms Furniss:** Certainly there are studies being done by the Home Office on public confidence in the police, and I think our work helps to contribute to a sense of what the public think. All I am saying is that I do not think we have got the answer to the question nor do I think necessarily the complaints statistics answer it.

**Q5 Chairman:** If I could ask you about your workload now. If we look at paragraph 1.16, which we find on page 14, we see that you are indeed operating above your capacity, so what work have you dropped as a result?

**Ms Furniss:** The main way that we have dealt with the increased demand without additional resources is by re-organising internally the way that we allocate our work, so the first task from my point of view has been to make sure that the complaints are dealt with and that the appeals that we get and the investigations that we are doing are allocated nationally to make sure that we make maximum use of all the resources that we have got. One of the designs of the organisation at the start and a very important commitment that the Commission made at its beginning was to have a regional structure, to have a local way of dealing with the concerns of the public. This was a particular response to people's lack of confidence in the Police Complaints Authority which was London-based and had no regional or local offices and which felt very remote for people around the country. When the Commission was created one of the things it thought was very important was to have regional bases. The difficulty about that is how on earth a small organisation like ours of less than 400 people is able to deal with the public's concerns 24 hours a day, seven days a week from Cumbria to Land's End and from Kent to Northumbria and The Wash to Wales. How on earth do we do that with a relatively small number of people when we have to be able to respond in the middle of the night and at the weekend at any time when there is a complaint.

**Q6 Chairman:** So have you dropped anything as a result?

**Ms Furniss:** What we have done is re-organised our work internally and we have had to reduce some of the things I would want us to give higher priority to, in particular, as the Report indicated, we have reduced our commitment on quality assurance because of the fact that we have needed to deal with the workload coming in. That is not something that I feel at all happy about for the future.

**Q7 Chairman:** So you have not dropped any particular aspect of work then? Nothing that you were investigating is not now investigated?

**Ms Furniss:** No, we make decisions about priorities of particular investigations on a day-to-day basis. One of the things that we can control is which investigations we determine as independent and which ones we determine should be managed by us and actually investigated by the police. That is one of the ways we can control the workload.

**Q8 Chairman:** In your answer you mentioned a couple of points about performance in the regions and also quality assurance, so let us ask you about that. If we look at paragraph 14 in this Report on page 6, we see that indeed performance against key targets varies significantly between the regions. How are you going to bring the performance of the worst region up to the performance of the best?

**Ms Furniss:** I am really pleased to be able to say that we almost have. Over the last six months performance across all our targets has improved and for the London and South East region, which was

the region that was performing the least well, we have allocated out the work from London to the rest of the country where we had some spare capacity.

**Q9 Chairman:** So people complaining in London get exactly the same service as people complaining elsewhere, do they?

**Ms Furniss:** Not quite but almost. By the New Year, by January we will have cleared the backlog from London and the South East. There was a backlog of about 145 appeals. That is down to 26 currently and by January it will be cleared. By the New Year we will also be in a position where all the work is allocated nationally and not regionally, so that the same service will be provided to all those making an appeal. We will be allocating it on a time basis not on a geographic basis. I am confident that by the end of the financial year/beginning of the next financial year we will be in a position where we will not have a backlog and appeals will all be being dealt with within the timescale that we have set for them.

**Q10 Chairman:** You mentioned quality control and indeed we see in paragraph 2.7 at page 25 it says: "We found that the IPPC had no formal quality control framework in place", so how can we know that you are carrying out this work properly?

**Ms Furniss:** It is completely true that the quality assurance system that was designed and in place was not being used properly. At the moment the way that we assure the quality of our investigations is that for each investigation there is a senior investigator who is the person who is expert in how an investigation should be run. There is also a regional director who is responsible for ensuring that the staff are suitably qualified, trained and deployed in the right numbers, and a commissioner who acts on behalf of the public whose job is not to get involved in the detail of the investigation but to oversee the setting of the terms of reference, to oversee the way in which the community is engaged and the families are worked with (where that is relevant) and who receives the report at the end and determines what should happen next. Those are really important elements of our quality assurance. What I want to see for the future is that every investigation that takes more than a few days, and there are some that only take four or five working days, should have initially a review by the investigator themselves and then be peer-reviewed by others. We are in the process of training some of our investigators to be able to do that. I think what happened at the beginning of the organisation, for good reasons, for reasons of wanting to be thorough, was that people over-designed the review process so that it was a very lengthy, very arduous process.

**Q11 Chairman:** So you reckon you have got the procedures in place to convince us and the public that you are monitoring what is done and it is at the highest level?

**Ms Furniss:** I think we have got in process at the moment a reasonable line management process. I want that to be even better. I want us to be able to report that reviews have been done and what the outcomes of those have been.

**Q12 Chairman:** Thank you. There is no point in doing all this work if we do not know what the police are doing about it, so we read in paragraph 3.8 on page 30 of the Report that: "However, the IPPC does not consider it part of its remit to monitor the implementation of its recommendations by individual police forces," so you do not even monitor it, nobody else is going to monitor it; how do we know that they are taking a blind bit of notice of all the work that you are carrying out?

**Ms Furniss:** I think there are two parts to it. One is first of all us knowing whether the relevant police force locally or all police forces nationally have actually taken notice of the recommendation, know what the recommendation is and that we know what their response is, and then the second part is so what do they do about it? Can we demonstrate for the future that the recommendations lead to change which leads to either better performance or fewer incidents of whatever kind? On the first one I think we do have a responsibility to record better how a police force responds to our recommendations.

**Q13 Chairman:** So you will do that in future? You will monitor what is going on with your recommendation because that is absolutely vital?

**Ms Furniss:** Certainly. We are already doing that but we are doing it less thoroughly and in a way that is less easy for the auditors to audit than it ought to be. There are definite improvements we are making already and will do for the future.

**Q14 Chairman:** Because I was amazed to see in paragraph 3.16 that to date the IPPC has not sought feedback from complainants or police officers who have been subject to an investigation by the IPPC, or from appellants.

**Ms Furniss:** Sorry?

**Q15 Chairman:** This is paragraph 3.16 where it states that there is no proper monitoring. This is a Report that you agreed and we know that it is right therefore, and it says that you have not sought feedback from complainants or police officers who have been subject to an investigation by the IPPC, or from appellants. This is absolutely vital, is it not?

**Ms Furniss:** It is certainly extremely helpful to do so and we were intending to do that earlier this year when the National Audit Office agreed to do the survey that they did, so we held off doing our own as a result of that.

**Q16 Chairman:** You are going to do it from now on, are you?

**Ms Furniss:** We are. We have already started. In November we started doing appellant feedback surveys. We are piloting that in the North region. We

will be doing it nationally from after Christmas and from January we will be surveying police officers and families and individuals in independent complaints.

**Chairman:** Thank you very much. Austin Mitchell?

**Q17 Mr Mitchell:** I am not quite sure what has been dropped because it is clearly in a mess where you have inadequate financial resources and you are operating above capacity. The Chairman asked you what has been dropped and you said you were reordering priorities within the authority. Something must have had to give so what has been dropped?

**Ms Furniss:** I do not think anything has been dropped, Mr Mitchell. What we have done is first of all quite a lot of my staff have worked excessive hours in order to complete the pieces of work. We have had to make priority choices within individual investigations, so on any referral where there is a need for an investigation we have to determine is this one we are going to do independently or one that we are going to manage.

**Q18 Mr Mitchell:** You must have decided that some cases are not worth investigating. It must bias you in favour of discounting cases.

**Ms Furniss:** The decision to investigate independently has to be made on a number of criteria: how serious the incident is; does it require an investigation by us, or could it be done with confidence by the police? And there may be competing criteria where we feel we have to do the investigation.

**Q19 Mr Mitchell:** So you have not fiddled the requirements?

**Ms Furniss:** No we have not fiddled the requirements. There are no strict criteria but, for example, anywhere a death has occurred, either as a result of police action or possibly as a result of inaction by the police, we would always regard those as ones we must do because clearly the public will be very concerned that someone has died possibly, the allegation is, as a result of police behaviour. There are others where we have a choice to make and availability of resources comes into that choice, as you would expect. We have to prioritise the more serious cases against the less serious cases.

**Q20 Mr Mitchell:** Okay but you have been drafting other staff into investigations. It says at 1.16 that you have redeployed staff from support activities such as nightwatchmen, custodians and floor cleaners into investigations.

**Ms Furniss:** No, no they are investigations staff whose job was previously—

**Q21 Mr Mitchell:** I was just joking then but it must have led to less adequate investigations because you are drafting staff in who are not used to the work.

**Ms Furniss:** These are people who were qualified and trained investigators but whose job previously had been to oversee quality assurance and not undertake to lead investigations. We have also brought some people in who had retired. There is a senior

investigator who had retired from the IPPC who we asked to come back. We have done that kind of thing but we always make sure that the staff are qualified.

**Q22 Mr Mitchell:** Is there any way in which this strain that you are under makes you more inclined to take the word of the police because that is the easy way out? I notice from 3.22 that there is an impressive list here that includes the Superintendents' Association, the Association of Chief Police Officers and the Police Federation who are all expressing satisfaction which is not necessarily always felt by complainants. Because you are under strain is that going to make you more inclined to accept the police's word?

*Ms Furniss:* Absolutely not.

**Q23 Mr Mitchell:** Can you guarantee that?

*Ms Furniss:* I can absolutely guarantee that, Mr Mitchell. The whole purpose of the IPPC is to follow the evidence and to determine the truth of what has happened. That is our job and if at any point we were suggesting that we were inclined towards the police we would lose the whole value of the organisation. Our job is to follow the evidence and come to some kind of judgment about what has happened; to search for the truth and report that. It is often extremely unpopular, it is not what people want, and it is often much more complex than the individuals involved would like it to be. They would like us to say, "Someone was at fault; this should happen," or they would like us to say, "No-one was at fault; this should not happen." Our job is to report publicly and honestly what we find, and we do that.

**Q24 Mr Mitchell:** Have you transferred delays then from independent investigations to managed investigations, which have got worse?

*Ms Furniss:* I beg your pardon, I am sorry, I did not understand the question.

**Q25 Mr Mitchell:** Has the burden of delaying investigations been transferred from independent investigations to managed investigations?

*Ms Furniss:* It may need me to explain slightly the managed investigations. We have a single member of staff who oversees the work that is being done and holds the police to account. It is actually police resources that do the investigation, not IPPC resources. We will set the terms of reference and provide oversight but actually it is the police team that do the investigation.

**Q26 Mr Mitchell:** So your job is easier because you just oversee it?

*Ms Furniss:* I am sorry?

**Q27 Mr Mitchell:** Your job is easier because you are overseeing it rather than actually doing it?

*Ms Furniss:* It is certainly less work for us if we manage them yes, absolutely, but it is a proper decision, it is a judgment that has to be made by the regional director. In the past it was the commissioner that made this decision but now it is the regional director. It is a proper decision that has to be made

of whether this case can be adequately investigated and can the public have confidence if this case is investigated by the police as opposed to the IPPC but with our oversight? That is our role.

**Q28 Mr Mitchell:** To follow the point made by the Chairman, you have some regions which are worse than others. It looks to me from paragraph 14 of the summary that one of the worst regions is the South East. My philosophy of life is that the worst regions are the South East and London! Is that because of particular problems with the Met and what are you doing to bring up the number and quality of investigations and the responses in that area?

*Ms Furniss:* What happened, Mr Mitchell, was that at the beginning of the organisation's life it got the resourcing wrong for London and the South East. It was not that the staff were not up to the task.

**Q29 Mr Mitchell:** You are diverting resources now from other areas?

*Ms Furniss:* We have moved work or moved resources depending on which we could do. Obviously where an investigation is required in the centre of London it is much more difficult. We need to move the people to be able to do the investigation. Where it is an appeal we can move the paperwork, so we have done that, and you may be pleased to know that we are actually in the process of recruiting extra staff.

**Q30 Mr Mitchell:** That could lead to problems in other areas.

*Ms Furniss:* It has had a marginal impact on that but over time that will work out. For example, we have recruited additional staff in Yorkshire, which I am sure will please you, so the appeals are going to our staff in Yorkshire and they will be able to dedicate time to catching up and clearing the backlog. As I said earlier, we have actually done that very successfully.

**Q31 Mr Mitchell:** In paragraph 2.7 why are commissioners not formally approving the reports prior to publication? Is it they are just too harassed to do it or is it bone idleness or why?

*Ms Furniss:* I should just point out of course that I am responsible to the commissioners and not for the commissioners, they are the board but, having said that, no, it is not idleness or being too harassed; it is we were not recording in a single file commissioners' approval. There was absolutely no doubt whatsoever that all those reports were approved by the commissioners.

**Q32 Mr Mitchell:** They were?

*Ms Furniss:* They were absolutely approved. They go out with a letter from the commissioner or they go out with a press release with the commissioner's name on it, but there was not a signed form on the file which the auditors could see which said "I, Commissioner X, have signed this Report off", and we have changed that since the auditors helpfully pointed it out to us.

**Q33 Mr Mitchell:** You have done two surveys of the general public and they seem to be slightly daft because you have asked people who have not necessarily got any knowledge of what you are about whether they approve of it. That is rather like the famous American survey in the 1950s which got 56% of the population to say that they approved of the Metallic Minerals Act when there was no such Act! It is a daft survey, is it not, to ask people who do not know anything about it what they think of it?

**Ms Furniss:** Parliament gave us the responsibility of improving public confidence in the complaints system. That is a statutory responsibility in the Police Reform Act that the public should have confidence in the police complaints system. Whether or not they wish to use it, they should have confidence. It is important, is it not, in our society that the public know that they can make a complaint against the police; they know they can do so if they ever wish to and if they do wish to that they know how to, and if they wish to and know how to that they will also have confidence that it will be dealt with properly. In order to determine whether the public do have confidence we have to ask all of them.

**Q34 Mr Mitchell:** Okay. You do not seem to seek the views of complainants and what they think, which I think is a serious problem. We have a complaint here from Tony Wise, you have probably got a copy of it. I do not expect you to answer now, it comes from "Wise Fozzie Bear", and he complains that his case was not properly investigated and there was collusion between the investigating officer and the police and it was an entirely unsatisfactory outcome. You will only come across this if you actually get the views of complainants. Can you give a response to Mr Fozzie Bear?

**Ms Furniss:** To Mr Wise are you talking about?

**Q35 Mr Mitchell:** Mr Wise, yes, in writing, not now.

**Ms Furniss:** Of course, I am very happy to.

**Q36 Chairman:** Do you know this case?

**Ms Furniss:** Yes.

**Q37 Chairman:** Tell us now then.

**Ms Furniss:** It is currently on-going, Chairman, so I do not think it would really be appropriate for me to comment on the detail of it, but he is a man who has made a number of complaints to the police which have been investigated and he has appealed and those have been investigated and there is one current outstanding one which he recently submitted which we are currently looking at. I am very happy to send you a note.

**Chairman:** If there is anything you want to send out to us in confidence then you can.<sup>1</sup> Thank you, Mr Mitchell. Geraldine Smith?

**Q38 Geraldine Smith:** It is very important that the public do have confidence in your organisation. However, at the end of the day you do not monitor the recommendations that are made if you have

upheld a complaint. If you look at a police force and you think there is something wrong there because you have upheld the complaint and you have asked for changes in the procedures but then you do not do anything about it to make sure that that happens, what is the point of your existence if you do not follow it through?

**Ms Furniss:** I think what the auditors identified was that we had not got a systematic way of answering your question. The weakness is that we have not actually got a systematic way where we could show the auditors and show you how our recommendations have been implemented. It is not true to say that we do not know what is going on.

**Q39 Geraldine Smith:** If you do do it, how do you actually do it?

**Ms Furniss:** I was just going to go on to explain that. There are a number of ways. First of all, the commissioner responsible for each force (and each commissioner has responsibility for three or four police forces) will talk to the force before they make their recommendation so they will check that the recommendation is actually going to solve the problem that has been identified. They will check that the force is going to implement the change made and they will often talk to them during and after the recommendations are made to check that that has happened. I can give you lots of examples where that has happened both locally and nationally where problems identified by us have resulted in change. For example, a man killed himself in a cell having tied a noose round a plughole strainer, and as a result of that we recommended that police forces should change the design of their plugholes, and they have done so. In a very high profile case in one particular force where witness protection broke down and the couple were killed, that force has now got one of the best witness protection systems in the country as a result of the learning done from major mistakes that were made in that particular case. So there are a number of cases where very real problems were identified, recommendations were made, and we can give you evidence of the changes that were made as a result. Those are local individual forces. Some of them have national implications. One of the ways that we are currently really pushing the learning is through our bulletins. We have now published five *Learning the Lessons* bulletins where we identify and encapsulate into a single bulletin lessons to learned from a number of different cases.

**Q40 Geraldine Smith:** Can the police reject one of your recommendations?

**Ms Furniss:** Yes they can.

**Q41 Geraldine Smith:** Can they say, "We think you have got this wrong?"

**Ms Furniss:** They can and we do not have the power to enforce our recommendations. We would be very wary about that because we are not operational policing people and it has got to be for the Chief Constable, the police authority and the Home Office to determine how priorities should be made for policing, not for us as a complaints body. We would

<sup>1</sup> Not printed here.

be reluctant to have powers to enforce, but we certainly think we should use our influence to change policy, procedures, or indeed very specific details like the plughole example that I gave you.

**Q42 Geraldine Smith:** You said earlier you just have 400 staff to deal with the whole police complaints system and you make a decision as to which complaints the police will deal with and which complaints you will take on.

*Ms Furniss:* Yes.

**Q43 Geraldine Smith:** If there are resourcing problems there must be a temptation to leave the police to investigate some of what you consider are lesser complaints because you just do not have the resources to do it.

*Ms Furniss:* One of our primary responsibilities is to determine the mode of investigation. That is one of the most important decisions we make. I would be foolish to say to you that resources do not come into it. Of course they do; they have to. We have to choose and prioritise and you would expect us to do that. We have to determine the priority of any individual case in a whole matrix of things that make up our decision. The seriousness of the incident and, if it is a death, it will always take priority; if it is a very serious injury, it is very likely to be a priority; if it is serious corruption, dishonesty, perverting the course of justice, those sorts of very serious complaints against police officers where the public would expect us to give those priority.

**Q44 Geraldine Smith:** Would you accept that resources play a part in the decision as to who should do the investigation?

*Ms Furniss:* Of course. They have to.

**Q45 Geraldine Smith:** There is a large number of appeals you receive from the process of local resolution. Does that not tell you something, that some of these cases that have been dealt with locally you should perhaps have dealt with to begin with?

*Ms Furniss:* I do not think they do tell us that. Just to be clear, local resolution is one method of a matter being resolved. It is not an investigation. There are then also local investigations, where the police conduct an investigation. Both categories can come to us on appeal. What it tells us is that sometimes the police do not handle the case well. Really, the number of appeals would not tell us that but the number of upheld appeals will give us a much better indication of that. There are some people who will appeal even if their case has been dealt with thoroughly because they do not like the outcome, but there are people who do appeal quite legitimately and properly and we uphold their appeal. There are some indications that appeals upheld are beginning to go down, particularly in relation to complaints about the police not recording a complaint and local resolution where we think—and it is a bit too early for me to be confident about this—the signs are the police are dealing with the cases better, which is resulting in us upholding fewer appeals. I think the

real test is how many appeals we uphold: do we find the police have not dealt with them properly in the first place?

**Q46 Geraldine Smith:** It has been asked earlier why you do not seek the views of the people making the complaints, and it does seem very strange, I am sure, to all Members of this Committee, that they are the group you leave out along with the police and you just have surveys of the general public. I think it would be hard for most members of the public to know any detail of what you do to answer questions. How are you going to change that? You have said you will change it.

*Ms Furniss:* The first thing to say, just to be clear, is that our responsibility is not to satisfy the complainant nor to protect the police officer. It is to look over both their heads and say the point of us is for the public's confidence; that is really why we are here. Having said that, I think it is a weakness—I have said so to the auditors—that we have not previously asked complainants or police officers for their views of the process, because they do have valuable feedback for us to learn about the process.

**Q47 Geraldine Smith:** When and how are you going to do that?

*Ms Furniss:* We have started already. We started in November with appellants, those who made an appeal to us. We began that process because we wanted to try out the form. We did that in our North region and by January we will be routinely asking all those who make an appeal for their feedback on it. From January we are also piloting questionnaires for those who are involved in a complaint where we are doing an independent investigation and the police officers who have been investigated. From April therefore we will be doing surveys of all three groups routinely and reporting on those publicly, as well as using them internally to improve our processes. One thing to add is that it is important to recognise that the person who is complaining or the person who is being complained about does not really have much to say about the outcome unless they are happy with it. Do you understand my point? Their comments on the process are really a help to us. Did we keep them well informed? Did we treat them courteously? Did we explain what was going on to them? Those are really legitimate sets of feedback. Are you happy with the outcome? Only one of them is likely to be, frankly. It is very likely that at least one of the parties will be dissatisfied and will complain about the process because they do not like the outcome. So it will always be awkward for us, I think, in how we make use of the feedback from appellants, complainants and police officers. As the NAO found, it is not easy to do in a way that makes a huge amount of value but we are very committed to doing this for the future.

**Q48 Geraldine Smith:** How are you held accountable? How are the Commissioners held accountable?

**Ms Furniss:** The Commissioners hold me and us, the executive, to account. That is the first important point. They hold us to account on individual cases and they hold me to account for the way the organisation is run. They are public appointments. They are not members of staff. How they are held accountable? There is not a direct body, other than this one, frankly. The National Audit Office and yourselves hold us to account. That is why I am here this afternoon. There is not an inspectorate for the organisation. Parliament presumably determined that when it created the IPCC. It did not establish a body to which we were accountable other than the National Audit Office and the PAC. If that were something that was thought to be of value, I do not think the Commission would have any objection to that. The question is, where do you stop? If there is an oversight body for the oversight body, how do you create that?

**Q49 Geraldine Smith:** There is no outside scrutiny for your work to make sure the cases are being handled properly, to make sure the procedures are being followed. No-one really checks up on that.

**Ms Furniss:** There is not an external inspectorate for the IPCC, no. We are scrutinised daily by lawyers for those making complaints. We are scrutinised very closely by the people who we are investigating and by those who have made the complaint. We have judicial reviews, and that is the main process that people can use. They can challenge us in court, and they do. So far our investigations have withstood that kind of complaint and that kind of scrutiny very well.

**Q50 Mr Williams:** What is the role of the IPCC's Advisory Board?

**Ms Furniss:** It is an informal Board. It was established by the Commission in its early days in order to have, I guess, a sort of "critical friend" kind of board, people who had an interest in the complaints system and who were able to provide feedback to the organisation about how it was organising itself and running.

**Q51 Mr Williams:** You say having a critical friend on board but it seems you have more friends than you have critics. Of the 15 members, only two are not government, police or staff interest. That is not exactly opening yourselves up to external scrutiny, is it?

**Ms Furniss:** There was another group of members, who were lawyers, who chose to resign from the Board because they were not happy with the IPCC.

**Q52 Mr Williams:** That did not worry you?

**Ms Furniss:** Of course it worried us, yes.

**Q53 Mr Williams:** So what did you do about it?

**Ms Furniss:** What we have done about it is keep in touch with those lawyers. The Chair and I met with them last week.

**Q54 Mr Williams:** How long ago did they resign?

**Ms Furniss:** They resigned about a year ago.

**Q55 Mr Williams:** They resigned a year ago, you have kept in touch with them but you have made no attempt to replace them. It looks as if you are quite happy with an insider board.

**Ms Furniss:** No, Mr Williams, that would not be right. What we have done is consult very widely other groups of people as well as work with our Advisory Board. The Advisory Board is intended to be an advice board. It is not a statutory body.

**Q56 Mr Williams:** But you want objective advice, do you not, if it is to be any good? You said—and I know it was not meant in the way I interpreted it—a friend on board, but that is actually what it is. Its structure makes it a friend on board.

**Ms Furniss:** Mr Williams, the police are not friends of the IPCC.

**Q57 Mr Williams:** The government, the police and the staff interests.

**Ms Furniss:** They are the representatives on the Advisory Board but they are not there as friends. They are there as people who are critical of the IPCC. You will see on a daily basis police officers, ACPO, the Federation, others, criticising the IPCC when they think it is right to do so. Could I just go back to the police action lawyers. . .

**Q58 Mr Williams:** They do not seem very effective.

**Ms Furniss:** In what way?

**Q59 Mr Williams:** In producing end products of their criticism. You say they are there to give friendly criticism. What is the result of that friendly criticism?

**Ms Furniss:** The IPCC stock-take of the complaints system has relied very much on the feedback from Advisory Board members and others who have fed back to us their view of how the complaints system is working. The question we wanted to ask was, now that the organisation has been up and running for four or five years, is it meeting the aspirations that people had for it at the time it was created? That was both police interest groups and complainant interest groups.

**Q60 Mr Williams:** Yet four years after you were set up you have no way of knowing whether your recommendation has been implemented by the police forces. Have they not commented on that? Have they drawn your attention to it, or have you drawn their attention to it? Have they made any observations on it?

**Ms Furniss:** I do not think the NAO say we have no way of knowing; they say that we were not recording very thoroughly the way our recommendations were being implemented. As I said earlier, actually, we have a lot of evidence of our recommendations being implemented and change being made as a result of it. I will give you one very important statistic: deaths in police custody have gone down over the last four years, year on year. We cannot claim responsibility for those deaths going down but, nevertheless, the

indications are that lessons learned from investigations done by the IPCC have resulted in changes being made in custody procedures which have resulted in five less families suffering a death. The auditors are not saying we cannot demonstrate impact on the police; what they are saying is we were not thoroughly recording in a way that we could produce for the auditors the results of our recommendations.

**Q61 Mr Williams:** Four years into your existence, coming back to one of the Chairman's initial questions, there are no formal procedures in place to assess the quality of completed investigations into the most serious type, that is, the independent investigation, described as the most serious reports. There is no procedure there for assessing the quality. Has the Advisory Board complained about this and put any suggestions forward?

**Ms Furniss:** The Advisory Board has not.

**Q62 Mr Williams:** They have not noticed?

**Ms Furniss:** I do not think they would regard that as their role.

**Q63 Mr Williams:** What do they see their role as?

**Ms Furniss:** They see their role as advising us. That is the point. They are not an accountability body. The Commission is the accountable body for our work and each Commissioner oversees the quality of our independent investigations. The Advisory Board is there because they are a mix of our customers, the people who we are serving, both as complainants and as police officers. That is why they are there. They are not an accountable body.

**Q64 Mr Williams:** What you need is an ongoing accountable body, is it not, because we are faced with a record of inconsistencies, unfairnesses, inevitably as a result of the way there is no scrutiny, and cynicism by people who have had dealings with your organisation. In four years it is only recently you have set up proper training schemes for case workers, is it not?

**Ms Furniss:** Case workers have always had training. We now have an accredited training programme for them.

**Q65 Mr Williams:** Is there any meaningful difference between the two?

**Ms Furniss:** Yes, absolutely. They have to pass the examination.

**Q66 Mr Williams:** Why did it take four years to go from non-accredited to accredited if there is a worthwhile difference between the two?

**Ms Furniss:** Because, Mr Williams, at the beginning of the organisation's life there was no off-the-shelf training that could be bought for staff. It had to be created. From the beginning the organisation had to set up how it was going to deal with appeals and case work. It had to design and create that system. It had to develop training for staff, including a manual, which was issued over two years ago to staff, on how

they should deal with cases before them. As a result of that we have now decided that it is right that staff should be able to demonstrate their skills and ability to do the job and obtain a qualification at the end of that. It was not one that could be created at the beginning of the organisation because there was no process created. That had to be developed as the organisation has grown.

**Q67 Mr Williams:** I must say, having read the report and heard the answers, you have been a good witness in that you have been very open with us but I will have much greater sympathy in future with my constituents who come to me complaining they have not had a fair deal or they do not think they have had a fair deal from your organisation.

**Ms Furniss:** Mr Williams, I would certainly invite you to be challenging of the people who complain that they have not had a fair deal because some people will dislike the outcome, however well we do it. You know that.

**Q68 Mr Williams:** We are used to that.

**Ms Furniss:** You run complaints services every Saturday morning, do you not? What constituents come in with is their complaints about how public service has let them down. Sometimes they are absolutely right and they have not been heard and they have been dealt with badly. Sometimes they have been dealt with very well and they do not like the outcome. That is what we are dealing with on a daily basis.

**Q69 Mr Williams:** What I am saying is, sceptical as we are sometimes of some complainants who come to us, having read the evidence and read the shortcomings and seen how four years on you are still fighting to put in meaningful control mechanisms, scrutinising mechanisms, that I will perhaps be a little more sympathetic to people complaining than I might have been if I had not read this Report.

**Ms Furniss:** My further comment would be, we are still doing things for the first time. Four years is actually not very long. There are still matters coming to us that we are having to develop our systems for and I am certainly not saying that we are perfect; far from it. We have done a very good job of establishing ourselves, developing our systems and we have improved our performance very significantly over the last two years despite a very dramatic increase in demand. But there is still a way to go and I would certainly endorse the fact that we need to do more about our quality assurance systems.

**Q70 Chairman:** Just one last question. When I was a young barrister, the Met Police had a rather relaxed attitude to the quality of their evidence. If they felt that the defendant was guilty, they felt they could manufacture the evidence. Is the Met now clean?

**Ms Furniss:** Mr Leigh, what a question! I could not possibly answer that for the organisation as a whole. On the fabrication of evidence, I think the systems that are in place now are such that it is much, much

more difficult for a police officer who chose to and wanted to be corrupt to be so. The checks and balances and the processes that resulted from the Police and Criminal Evidence Act, the change to charging arrangements, where the CPS actually charge in most cases, means that an individual corrupt police officer will be very much less likely to be successful. I could not possibly say to you yes, the Met have a clean bill of health. Of course there will be police officers who will make mistakes and who will misconduct themselves. That is why we are here and why we will be needed for a very long time to come.

**Q71 Chairman:** Thank you. I think we would like to have a couple of notes: how you monitor the thousands of complaints that never reach you, perhaps the not so important ones but still important.<sup>2</sup> We would also like to have a note on why these lawyers resigned.<sup>3</sup>

**Ms Furniss:** I am happy to do that.

**Chairman:** Thank you for your evidence. Thank you for being one of the few Accounting Officers with the courage to appear on her own. Thank you for your fluent testimony. That concludes our hearing.

<sup>2</sup> Ev 9

<sup>3</sup> Ev 9

### Supplementary memorandum from the Independent Police Complaints Commission

Question 71 (Chairman) *on how the IPCC monitors the handling of all the complaints that do not reach the Commission.*

- The IPCC produces Statutory Guidance for Forces. The Guidance explains how we expect complaints to be handled and will often refer to good practice in particular areas. The Guidance is produced in consultation with our stakeholders and is approved by the Home Secretary.
- We have produced, in partnership with the police forces, recording standards that provide the police with a consistent approach to recording complaints.
- The IPCC supported Her Majesty's Inspectorate of Constabularies (HMIC) in their recent thematic inspection of police Professional Standards Departments (PSDs) which are responsible for handling complaints/misconduct matters locally.
- Each of our regional office has regular meetings with their PSDs that have performance as a central theme and forces share with Commissioners and IPCC Regional Directors at those meetings their quarterly performance statistics.
- Where it is necessary, our regional offices carry out a sampling of local cases that the IPCC may not otherwise see to help monitor the force's overall complaints handling.
- The IPCC Performance Framework that is due to be launched in July 2009 will help to provide us with a picture of how individual forces are performing regarding local complaints handling. Consultation with key police stakeholders of the Complaints System took place throughout July and August 2008. A consultation document outlining the performance framework and proposed content was circulated to stakeholders and they were invited to comment on the draft performance indicators and the plan for implementation of the performance framework. Figure 1 provides the proposed outcomes and measures that the Framework will monitor.
- Our regular stakeholder engagement work allows us to hear directly from the communities the Forces serve and feedback the learning, areas of concern and positive messages they convey to us.

FIGURE 1

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<b>Confidence</b>		
<b>Public, complainant and police confidence in complaints system</b>		
C1	Outcome	% of public with confidence
C2	Outcome	% of police officers and police staff with confidence
C3	Outcome	% complainant and subject with confidence
<b>Learning</b>		
<b>Lessons improve the complaints system</b>		
L1	Process	% of completed Local Resolutions and investigations resulting in appeals to the IPPC
L2	Process	% of appeals upheld
<b>Lessons improve policing</b>		
L4	Process	Most common allegations in public complaints
L5	Process	Most common allegations in recordable conduct matters
L6	Process	Characteristics of those subject to a complaint
L7	Process	Characteristics of those subject to recordable a conduct case
<b>Engagement</b>		
<b>The public and police officers and staff are aware of the complaints system</b>		
E1	Outcome	% of public who are aware of the complaints system
E2	Outcome	% of police officers and police staff who are aware of the complaints system
<b>Everyone can access the complaints system</b>		
E3	Process	Characteristics of complainants
E4	Outcome	% of complainants who found it “easy” to access and complain
<b>Complainants, officers and police staff can engage with complaint processes</b>		
E5	Process	% of complaints withdrawn, dispensed and discontinued
E6	Outcome	Complainant and subject satisfaction with information and updates provided
E7	Outcome	Police officer and police staff confidence in capability to deal with complaints
<b>Proportionality</b>		
<b>Balancing: the timeliness of resolution</b>		
P1	Outcome	A range of indicators measuring timeliness of the process (incident to final resolution).
<b>Balancing: the quality of resolution</b>		
P2	Outcome	Customer (complainant and subject) satisfaction with process and outcome
P3	Process	Results of dip sampling quality assurance
<b>Balancing: the cost of resolution</b>		
<b>Accountability</b>		
<b>Organisations within the system bring individuals to account for their conduct</b>		
A1	Outcome	Number of police officers and staff members who have resigned or retired while subject to gross misconduct investigation or criminal proceedings
A2	Process	% of completed investigations resulting in a referral to the Crown Prosecution Service (CPS)
A3	Outcome	% of finalised cases that have resulted in conviction following referral to the CPS
A4	Outcome	% of finalised cases that have resulted in disciplinary proceedings (and outcomes)
A5	Outcome	% of completed allegations that have resulted in a substantiated finding

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Question 71 (Chairman) *would like a note on why the lawyers resigned*

In June 2004, at the start of the IPCC, an IPCC Advisory Board was established bringing together a range of IPCC stakeholders. This was a continuation of a project board of IPCC stakeholders used as a consultative group during the setting-up of the IPCC. That project board mainly comprised police and statutory stakeholders; the IPCC initiated an extension of the group to include more complainant membership and converted the group into the IPCC Advisory Board.

The Advisory Board has met approximately four times a year. It provides advice and feedback on the IPCC's policies and practices, both existing and those in development. During the past year the Advisory Board has been central to the development of the IPCC Stock Take strategic proposals referred to in the NAO report.

PALG (Police Action Lawyers Group) is a network of lawyers who act for complainants and bereaved individuals who wish to take action against the police. In September 2004 the IPCC Chair wrote to PALG inviting PALG to join the Advisory Board. As a result two seats on the Advisory Board were given to two PALG members. PALG members last attended in the spring of 2007. By a letter dated 11 January 2008 PALG resigned from the Advisory Board reportedly on the basis that they thought there was no further merit being on the Advisory Board. Nick Hardwick, IPCC Chair replied by letter dated 17th January 2007 in which he thanked PALG for having been represented on the Advisory Board, commented on their observations, offered bi-lateral meetings with PALG and repeating an offer from Jane Furniss, IPCC Chief Executive, for PALG members to let her know directly about any serious concerns they may have about specific IPCC cases. A copy of both letters is appended.<sup>1</sup>

Relations with PALG have been re-established. PALG has been included in policy consultation exercises and the responses from PALG have helped shape IPCC policy and practice. During 2008 bi-lateral conversations led to the IPCC meeting with PALG members on 18th November. Future meetings will take place. In addition, PALG members have taken up the offer from the IPCC Chief Executive to report any serious concerns they have about the IPCC's handling of specific cases so that they can be addressed and, if possible, resolved. The IPCC intends to maintain and develop its relationship with PALG members where the perspective is likely to add value to the work of the IPCC.

## LIST OF COMMISSIONER FORCE RESPONSIBILITIES

Avon & Somerset	Rebecca Marsh	Merseyside	Naseem Malik
Bedfordshire	David Petch	Metropolitan	Deborah Glass
British Transport Police	Tom Davies	Norfolk	David Petch
Cambridgeshire	David Petch	Northamptonshire	Amerdeep Somal
Cambridgeshire University	David Petch	Northumbria	Gary Garland
Cheshire	Naseem Malik	North Wales	Tom Davies
City of London	Deborah Glass	North Yorkshire	Nicholas Long
Cleveland	Gary Garland	Nottinghamshire	Amerdeep Somal
Cumbria	Naseem Malik	Port of Bristol	Rebecca Marsh
Derbyshire	Amerdeep Somal	Port of Dover	Mike Franklin
Devon & Cornwall	Rebecca Marsh	Port of Felixstowe	David Petch
Dorset	Rebecca Marsh	Port of Liverpool	Naseem Malik
Durham	Gary Garland	Port of Portland	Rebecca Marsh
Dyfedd-Powys	Tom Davies	Port of Tilbury	David Petch
Essex	David Petch	South Wales	Tom Davies
Gloucestershire	Rebecca Marsh	South Yorkshire	Nicholas Young
Greater Manchester	Naseem Malik	Staffordshire	Len Jackson
Gwent	Tom Davies	Suffolk	David Petch
Hampshire	Mike Franklin	Surrey	Mike Franklin
Hertfordshire	David Petch	Sussex	Mike Franklin
Humberside	Nicholas Long	Thames Valley	Mike Franklin
Kent	Mike Franklin	Warwickshire	Len Jackson
Lancashire	Naseem Malik	West Mercia	Len Jackson
Leicestershire	Amerdeep Somal	West Yorkshire	Nicholas Long
Lincolnshire	Amerdeep Somal	Wiltshire	Rebecca Marsh

<sup>1</sup> Not printed here.