



PROFESSIONAL STANDARDS COMMITTEE

**THURSDAY 13 NOVEMBER 2008 AT 1.30 PM
IN CABINET ROOM C, COUNTY HALL, PRESTON**

NB If you have any queries regarding the Agenda papers or require any further information, please contact Lizzie Heath on 01772 533589.

AGENDA

PART I (OPEN TO PRESS AND PUBLIC)

1 APPOINTMENT OF CHAIR AND VICE-CHAIR

Following the completion of the Authority's Member Development meetings, at its meeting of the 8 October, the Police Authority appointed Ms Trish McGirr and Councillor Gary Bell as Chair and Vice-Chair of the Committee respectively for 2008/09.

2 MEMBERSHIP OF THE PROFESSIONAL STANDARDS COMMITTEE

A report detailing the membership of the Committee for 2008/09 is presented at item 2.

3 APOLOGIES FOR ABSENCE

4 DISCLOSURE OF MEMBERS INTERESTS

Members are asked to consider any personal/prejudicial interests they may have to disclose to the meeting in relation to any matters under consideration on the Agenda in accordance with the law, the Authority's Standing Orders and the Member Code of Conduct.

5 MINUTES OF THE MEETING HELD ON THE 19 JUNE 2008

Copy enclosed for confirmation at item 5.

6 MATTERS ARISING

With regard to Resolution 10/08(2) it is reported that a defence training session has been noted for a future full Authority Seminar programme.

There was no other matters arising which were not covered else where on the Agenda.

7 NOTE OF THE PROFESSIONAL STANDARDS WORKING GROUP HELD ON THE 4 SEPTEMBER 2008

Copy enclosed for information at item 7.

INDEPENDENT POLICE COMPLAINTS COMMISSION

8 PRESENTATION BY THE IPCC

Representatives from the IPCC will provide a presentation to the meeting on the lessons learnt with particular emphasis for Lancashire.

ITEM FOR DECISION

9 LANCASHIRE POLICE AUTHORITY'S VOLUNTEER SCHEMES

A report formalising the appointment process of the Custody Visitor Scheme; along with, any exceptional issues arising from the custody visits and animal welfare visits, is presented at item 9.

ITEMS FOR INFORMATION

10 LANCASHIRE CONSTABULARY'S POLICY ON ACKNOWLEDGING COMPLAINTS

A verbal update on Lancashire Constabulary's policy for acknowledging complaints will be provided to the meeting.

11 POLICE (CONDUCT) REGULATIONS 2008 AND POLICE (PERFORMANCE) REGULATIONS 2008

A report introducing the new Police (Conduct) and (Performance) Regulations 2008, and the main implications these will have for the Authority is presented at item 11.

12 IPCC REPORT ON POLICE COMPLAINT STATISTICS IN ENGLAND AND WALES 2007/08

A report from the IPCC on the Police Complaint Statistics in England Wales for 2007/08 is presented at item 12.

13 IPCC REPORT ON ROAD TRAFFIC INCIDENTS

An update on Lancashire Constabulary's position against the IPCCs report on road traffic incidents including agreed timescales for completion on all recommendations is attached at item 13.

14 ANALYSIS OF COMPLAINTS

Part I of the analysis of complaints recorded/finalised between 1 April 2008 and 30 September 2008 is presented at item 14.

15 INSPECTION OF FINALISED COMPLAINTS

Members have been asked to view files of complaints finalised between the 1 July and 30 September 2008. Members are invited to comment at the meeting on the Constabulary's procedures for handling and investigating complaints in respect of the files they have viewed.

16 URGENT BUSINESS

An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the Minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency. Wherever possible, the Chief Executive should be given advance warning of any Member's intention to raise a matter under this heading.

17 DATE OF NEXT MEETING

The next meeting of the Committee is scheduled to be held at 1.30 pm on Thursday 12 March 2009, at County Hall, Preston.

18 EXCLUSION OF PRESS AND PUBLIC

The Committee is asked to consider whether, under Section 100A(4) of the Local Government Act, 1972, it considers that the press and public should be excluded from the meeting during consideration of the following item of business on the grounds that there would be a likely disclosure of exempt information as defined in the appropriate paragraphs of Part I of Schedule 12A to the Act, as indicated against the heading to the item, and the public interest not to disclose it outweighs the public interest in disclosing it.

PART II (PRIVATE AND CONFIDENTIAL)

ITEMS FOR INFORMATION

19 ANALYSIS OF COMPLAINTS

(NOT FOR PUBLICATION – Exempt information as defined in Paragraphs 1 and 2 of Part I of Schedule 12A to the Local Government Act 1972.)

Part II of the analysis of complaints received between 1 April 2008 and 30 September 2008 is presented at item 20.

Miranda Carruthers-Watt
CHIEF EXECUTIVE



PROFESSIONAL STANDARDS COMMITTEE

13 NOVEMBER 2008

MEMBERSHIP OF THE PROFESSIONAL STANDARDS COMMITTEE

PART I

Issue for Consideration

The Committee's Membership for 2008/09.

Information

Following completion of the Authority's Member Development meetings, at its meeting on the 8 October 2008, the Police Authority agreed the Membership of the Committee as set out below.

HUMAN RESOURCES COMMITTEE MEMBERSHIP (6)

Councillor Gary Bell **(Vice Chair)**
Mr David Edmundson
Mrs Frances Hendrix JP
Ms Patricia McGirr **(Chair)**
Mr Shazad Sarwar
Mrs Amanda Webster

Decision Required

The Committee is asked to note the Membership of the Committee for 2008/09.

Background Papers

Item and Minute of the Police Authority meeting 8 October 2008

Report Author

Name: Lizzie Heath
Organisation: Lancashire Police Authority  (01772) 533589



PROFESSIONAL STANDARDS COMMITTEE

MINUTES

MEETING HELD ON THURSDAY 19 JUNE 2008 AT 1.30 PM , AT COUNTY HALL, PRESTON

PRESENT

Ms P McGirr – Chair

County Councillor G Davies
 Mr D Edmundson
 Mr S Sarwar
 Ms M Sumner JP

IN ATTENDANCE

Mr M Franklin	}	Independent Police Complaints Commission
Mr D Knight		
Deputy Chief Constable M Cunningham	}	Lancashire Constabulary
Detective Superintendent M Leveridge		
Detective Chief Inspector A Gillbert	}	Professional Standards Department, Lancashire Constabulary
Inspector D Croll		
Ms C Benton	}	Criminal Justice Department Vetting Unit, Lancashire Constabulary
Mrs A Harrison		
Mrs M Carruthers-Watt	}	Legal Services, Preston City Council Chief Executive, Lancashire Police Authority
Mr I Dickinson		
Miss L Heath		
	}	Lancashire Police Authority

APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor Bell, Mrs Stanley JP, DCS Tattum and Mr Gibbons.

APPOINTMENT OF CHAIR AND VICE-CHAIR

01/08 RESOLVED: - that due to ongoing Member Development meetings the appointment of Chair and Vice Chair of the Committee be deferred to the next meeting. In the interim period the existing Chair and Vice-Chair Ms McGirr and Mr Sarwar respectively would retain their position.

MEMBERSHIP AND TERMS OF REFERENCE

Ms Carruthers-Watt informed the Committee that as part of the Committee Review consideration was being given as to how concerns and complaints brought to the attention of the Committee could be used to support sustaining excellence. It was suggested that in future the Committee

would continue to meet four times per year with two meetings held in public and two meetings in private with the Constabulary to ensure feedback on continues improvement.

02/08 RESOLVED: -

1. That the Membership of the Committee be deferred to the Committee's next meeting. In the interim period the existing appointments would continue.
2. That the Terms of Reference of the Committee for 2008/09 be confirmed.

MINUTES OF THE MEETING HELD ON THE 13 MARCH 2008

03/08 RESOLVED: - that subject to a minor amendment on page 5, that the Minutes of the last meeting be confirmed as a correct record and signed by the Chair.

MATTERS ARISING

Mr Edmundson reported that there had been an increase in the number of incivility cases in Central Division and not Southern Division as specified on page 5 of the Minutes. This matter had been looked into since the last meeting and Mr Edmundson was happy with the response in the Analysis of Finalised Complaints later on the Agenda.

With regards to the suggestion that the rise in complaints could be due to the slow movement of staff through the organisation it was noted that a response to this matter appeared later on the Agenda.

INDEPENDENT POLICE COMPLAINTS COMMISSION

PRESENTATION ON WORK UNDERTAKEN BY THE IPCC

Mr Mike Franklin (IPCC Commissioner) and Mr David Knight (Regional Director) made a presentation which informed the Committee about work undertaken by the IPCC. Information was provided on the type and numbers of investigations undertaken both nationally and in the North West region. The details also provided information on the comparison with Lancashire's Most Similar Forces (MSF).

Members were informed that the IPCC had undertaken a review on the work it had undertaken since its inception on 1st April 2004. The review had identified 5 major issues which would be focused on, as the IPCC was determined to learn from the last 5 years and improve its service.

Mr Franklin reported that this would be the last time that he would be attending a Lancashire Police Authority meeting as Commissioners were appointed by the Home Office for a period of 5 years and a new Commissioner for the area would be commencing soon. He felt that there had always been a very good professional relationship between the IPCC and Lancashire although they did not always agree on everything. The Constabulary had always been a good performing force and had continued to do well over the 5 years he had been Commissioner.

The Chair of the Committee and the Deputy Chief Constable thanked both Mr Knight and Mr Franklin for the presentation, and wished Mr Franklin well on his future endeavours.

It was agreed that the new Commissioner would brief the Authority on the Taylor Reforms and the implications these would have in the near future.

04/08 RESOLVED: -

1. That the Presentation be noted.
2. That the Committee's appreciation for the guidance, support and hard work demonstrated by Mr Franklin over the past five years be recorded.
3. That the new Commissioner brief the Authority on the Taylor Reforms and any implications these would have in the near future.

INDEPENDENT CUSTODY / ANIMAL WELFARE SCHEMES

INDEPENDENT CUSTODY VISITOR RECORDS

The Committee received a report on custody visits to police stations carried out between February and April 2008.

Mr Dickinson reported that the Authority was currently looking at how the custody visitor reports were presented to the Committee to allow for a more strategic overview of recurring issues to support the Committee in sustaining excellence and continuous improvement.

With regard to comments made by Members at the Committee's last meeting on the vagueness of some of the police responses, Insp Croll reported that he had relayed Members comments back to the officers and explained why full responses were needed. He felt that the most recent set of reports had seen a marked improvement.

Ms Sumner asked if in future the format of the reports could be changed to allow continuous page numbering throughout the report for ease of reference.

There was concern over the use of interpreters from London which caused prolonged delays for detainees. Insp Croll explained that the Constabulary was aware of this issue and that work was ongoing to try and set up a regional contract so waiting times could be reduced.

Members were also concerned at the apparent lack of a sharps bin in Northern Division; Insp Croll undertook to look into this.

Ms McGirr requested that when the presentation of the reports was changed if there could be a summary of actions taken, to allow Members to consider recurring themes more easily.

05/08 RESOLVED:

1. That the report be noted.
2. That Members suggestions on the format of future reports be picked up.

ANIMAL WELFARE SCHEME

Members received a report on visits carried out by the Animal Welfare Lay Visitors' Scheme between February and April 2008.

06/08 RESOLVED:- That the report be noted.

REPORT ON SPECIFICATION OF VEHICLES USED TO TRANSPORT DOGS

Following a request at the last meeting, a report on the specification and criteria adopted by the Constabulary for police vehicles used to transport dogs was presented to the Committee.

Mr Dickinson reported that he had spoken to the Vehicle Maintenance Unit (VMU) and they welcomed involvement from the Training School when setting the specification at the beginning of the tendering process.

Ms McGirr reported that she had agreed with the Training School a series of meetings to discuss the current problems and take them forward.

Members welcomed the involvement of the Training School in the setting of vehicle specification and requested that the relevant meeting take place before the next specification was set to ensure that all the operational needs were met.

07/08 RESOLVED: -

1. That the report be noted.
2. That representatives of the Training School be involved with setting the specification of vehicles used to transport dogs before going out for tender.

REPORT FROM ESTATES DEPARTMENT REGARDING ESTATE MANAGEMENT OF ANIMAL ACCOMMODATION

Members received a report on the programme of works to be carried out at the dog Training School with particular emphasis on the replacement of a new kennel block, the resurfacing of the dog run and the part shelter for the dog runs adjacent to the office.

Ms McGirr reported that she had toured the Training School before the meeting and was happy with the agreed actions and timescales for the work to be completed. She also reported back the Sergeant's thanks to the Committee for raising the issue. A meeting had also been agreed between the Training School, the Estates Department and the Authority to take forward the issues. Ms McGirr felt that due to the condition of the footpaths around the kennels it was not only animal welfare which was a concern but also the health and safety of officers and staff working on the estate.

Ms Sumner had some concerns over the proposed replacement kennel blocks and the recovering of the run with concrete being tied together. She understood that viability was needed but it would mean if one piece of work was delayed that they both would be. It was agreed that following the completion of the assessment of the training strategy by the Head of Training an interim report would be brought to the Committee so that Members could ensure that the agreed timescales were being adhered to.

08/08 RESOLVED: -

1. That the report be noted.

2. That an interim report be presented to a future meeting of the Committee to ensure that the agreed timescales were being adhered to once the findings of the assessment of the training strategy was learned.

ITEMS FOR INFORMATION

PRESENTATION ON THE LANCASHIRE CONSTABULARY'S VETTING SYSTEM

Following a request at the last meeting, Ms Benton gave a presentation on the vetting system used by Lancashire Constabulary to Members.

Ms Benton showed Members the risk assessment matrix which the Constabulary used to help manage the high volume of vetting requests. She emphasised that the matrix was not a decision making tool as each decision was made by an individual, but it allowed them to focus their attention on the higher level files so all files could be processed more quickly.

It was reported that all applications were vetted on criminal records and criminal intelligence over 5 years of address history for the applicant and the current address for the applicant's family.

The checks covered residency and travel, applicant criminality, finance, family criminality and national security; each aspect was measured against a risk and threat level varying from 1 (low) and 3 (high). The matrix would then create a threat score which would show as green, amber or red.

Ms Benton concluded by informing Members that the matrix was not the finalised version and that they were still refining it before opening up to questions.

Mr Edmundson asked that if someone had already been vetted for one post but then changed roles, would they be re-vetted. Mrs Benton confirmed that the Constabulary re-vetted anyone who already worked in the Constabulary and was applying for a role as a police officer, special constable, PCSO or communications officer. The Constabulary did not re-vet other internal police staff posts; however, it was planned to introduce an enhanced level of vetting which would apply to internal applicants for particular identified posts.

DCC Cunningham reported that he had recently attended the annual ACPO Professional Standards Conference and vetting had been a significant issue of discussion and getting it right would be a real challenge for all forces. He felt that it would be an issue which would be approached by the Committee again.

09/08 RESOLVED: - That the presentation be noted.

ANALYSIS OF COMPLAINTS

DS Leveridge introduced DCI Andy Gillbert to the Committee following his recent appointment to the Professional Standards Department (PSD).

Members received Part I of the analysis of complaints recorded/finalised between 1 April 2007 and 31 March 2008.

Members thanked PSD for the full response to Members queries at the last meeting and also the detailed analysis of assault complaints which had been presented at the defence training technique session arranged for Members. Feed back on the session was excellent, Members had found it very interesting and it was agreed that it would be brought to the full Authority by way of a seminar.

10/08 RESOLVED: -

1. That the presentation be noted.
2. That a further defence training technique session be arranged for a future full Authority Seminar.

INSPECTION OF FINALISED COMPLAINTS

Members had viewed files of complaints finalised between the 1 January and 31 March 2008, including two common files. Members commented on the Constabulary's procedures for handling and investigating complaints in respect of the files they had viewed.

Unfortunately, not all Members had been able to view the files. Members that had viewed files were satisfied that procedures had been properly followed. However, Mr Edmundson did have some concerns over one file, in which it had taken over 2 weeks to send an acknowledgement to the complainant. He asked if there were timelines within which a complaint should be acknowledged, and suggested that if not, consideration should be given to implementing one. DS Leveridge agreed that citizen focus was key to the Constabulary's work and that initial contact was very important and that he would look into the issue.

DCC Cunningham was very concerned over this issue, he felt that it was very important to have process in place to ensure that complaints were acknowledged within 72 hours. He undertook to bring a verbal update to the Committee's next meeting on the Force policy.

11/08 RESOLVED: -

1. That the report be noted.
2. That DCC Cunningham update the Committee at its next meeting on the Force policy on acknowledging complaints.

UPDATE OF LANCASHIRE'S POSITION AGAINST THE RECOMMENDATIONS MADE IN THE IPCC'S REPORT ON ROAD TRAFFIC PURSUITS

A report detailing Lancashire Constabulary's position against the recommendations made in the IPCC's report on road traffic pursuits was presented to the Committee.

DS Leveridge reported that the Road Policing Review had been agreed and would be presented to the JNCC group soon for final approval.

Mr Sarwar asked why some recommendations still showing as red, had no timescale for completion. DS Leveridge explained that recommendations showing as red were waiting for the next stage of approval and that agreed timescales would then be included at that time.

12/08 RESOLVED: -

1. That the report be noted.
2. That a further update on the Constabulary's position against the report be brought to the Committee's next meeting.

DATE OF NEXT MEETING

13/08 RESOLVED: - That it be noted that the next meeting of the Committee is scheduled to be held at 1.30 pm on Thursday 4 September 2008, at County Hall, Preston.

EXCLUSION OF PRESS AND PUBLIC

14/08 RESOLVED: - That the press and public be excluded from the meeting during consideration of the following item of business on the grounds that there would be a likely disclosure of exempt information as defined in the appropriate paragraphs of Part I of Schedule 12A to the Act, as indicated against the heading to the item, and the public interest not to disclose it outweighs the public interest in disclosing it.

PART II (PRIVATE AND CONFIDENTIAL)

ITEMS FOR INFORMATION

ANALYSIS OF COMPLAINTS

(NOTE– Exempt information as defined in Paragraphs 1 and 2.)

The Committee received Part II of the analysis of complaints received between 1 April 2007 and 31 March 2008 setting out details of: civil claim cases, suspended officers/staff, significant investigations and the current control strategy.

DS Leveridge also provided Members with an update on the IPCC investigation into a murder in Western Division.

15/08 RESOLVED: - That the report be noted.

Miranda Carruthers-Watt
CHIEF EXECUTIVE

PROFESSIONAL STANDARDS WORKING GROUP

MEETING HELD AT 1.30PM ON THURSDAY 4 SEPTEMBER 2008 AT POLICE HEADQUARTERS, HUTTON

NOTE OF MEETING

PRESENT

Ms P McGirr – Chair
Councillor G Bell
Mr D Edmundson
Mr S Sarwar

Detective Chief Superintendent C Tattum
Detective Superintendent M Leveridge
XX S Hindle
Inspector S Fenton
Mr I Dickinson
Miss L Heath
Mrs C Parmenter

APOLOGIES

Apologies were received on behalf of DCC Cunningham, Ms Carruthers-Watt, Mrs Harrison and Ms Sumner JP.

TERMS OF REFERENCE

The Working Group was presented with a copy of the draft Terms of Reference for the Group and Members views were sought of any suggested amendments.

RESOLVED: That the draft Terms of Reference for the Working Group be recommended for approval by the Authority.

BRIEFING ON ANTI-CORRUPTION

DCS Tattum gave an introduction to anti-corruption within Lancashire Constabulary. It was reported that on the back of a national assessment undertaken by the Serious and Organised Crime Agency (SOCA) the force had looked at issues facing Lancashire. DCS Tattum stated that anti-corruption did not just affect the big city forces but all forces as was found in Derbyshire.

Lancashire's Professional Standards Department, supported by ACPO had lead a proactive approach to anti-corruption, an action which was being picked up by more and more shire forces as the issue is looked at on the national agenda. DCS Tattum concluded that the Professional Standards Department had submitted a business case towards the Blueprint application for more resources to combat the issue.

XX Hindle undertook a presentation on anti-corruption which looked at the main areas of anti-corruption in the force and some specific case studies of officers alleged of corruption within the force

Members asked questions around areas of corruption and what resources the Constabulary could use to remove such officers and staff from the force.

One Member had concerns over officers being asked to resign rather than paying for a hearing to remove them from post, as this would mean they would receive their pension from the Force. It was explained that even if an officer was dismissed from the force they would still be eligible to receive their pension. The only difference between asked to resign and required to resign would be that some private sector companies may still wish to employ the officer, although the Constabulary would not give them a reference.

Lizzie Heath
Administrative Officer

PROFESSIONAL STANDARDS COMMITTEE

13 NOVEMBER 2008

PART I

INDEPENDENT CUSTODY VISITORS AND ANIMAL WELFARE SCHEMES

Issues for Consideration

1. The appointment process for the Volunteers Schemes.
2. Issues in relation to the Custody Visits and Animal Welfare Schemes.

Information

1. The appointment process for the Volunteers Schemes.

The Police Authority seeks to recruit volunteers for the Custody and Animal Welfare Schemes who are representative of the diverse communities of Lancashire and who are able to demonstrate their respect for people from different ethnic, cultural and social backgrounds.

This is currently done by inviting applications from the general public by means of advertisements or other publicity, contacts with volunteer bureaux and councils for voluntary service, and any other means which the Police Authority may consider suitable.

Applicants are invited to attend a formal assessment process by the Police Authority. This formal process seeks to ensure that any volunteer appointed to the schemes is able to:-

- communicate effectively with a wide range of people.
- work as part of a team.
- demonstrate respect and understanding for different ethnic, cultural and social backgrounds.
- demonstrate commitment and reliability.
- demonstrate sound judgement, impartiality, discretion and respect for confidentiality.
- demonstrate a basic knowledge of the ICV scheme.

The Terms of Reference currently places a duty on the Professional Standards Committee to approve the appointment of volunteers to the Custody and Animal Welfare Schemes. However, as part of the review of the ICV Scheme in 2003 provision was made to enable the final decision to appoint volunteers to be made by a Volunteers Appointment Panel of the Police Authority consisting of the Authority's Lead Member for the ICV and Animal Welfare Schemes, accompanied by two Authority Members and supported by the Scheme Administrator. Therefore,

in order to formalise the current arrangements the Committee is asked to consider amending the Committee's existing Terms of Reference by delegating authority for the appointment of volunteers to the Volunteers Appointment Panel.

2. Issues in relation to the Custody and Animal Welfare Schemes

The Committee will recall that the structure of the Professional Standards Committee has been amended to enable greater analysis of complaints and to ensure that any lessons learned are implemented with several meetings each year now being held as a Working Group.

However, this change of format only allows the formal business of the Committee to be considered twice a year and therefore, consideration has been given to amending the reporting process to compliment the new Committee structure.

As a result, more emphasis has now been placed on the Divisional ICV Panel meetings to resolve as many of the issues as possible at a local level with the Divisional Custody Inspector; with only the more serious and repetitive issues being reported by exception to the Committee for consideration. This approach has been welcomed by both the ICVs and the Divisional Custody Inspectors. The Chair of the Committee and Lead Members for the Volunteer Schemes will continue to receive copies of all visits to ensure consistency of reporting, and copies of the reports along with the Constabulary's response will also available for inspection on the Authority's website.

Independent Custody Visitors Scheme

Visits Summary

(Period: 1 May to 30 September 2008 inclusive) (21½ weeks)

Panel	Designated Police Stations	Number of Visits
Central	Preston	15
Eastern	Greenbank	18
Northern	Fleetwood*	10
	Lancaster	13
	Morecambe	11
Pennine	Burnley	22
Southern	Leyland	21
	Ormskirk**	14
	Skelmersdale	20
Western	Blackpool	21

*Fleetwood is visited by Western Panel Members due to the geographic area and travelling times.

**Ormskirk is used for Operation Safeguard and is visited weekly when active and on a monthly basis when not in use.

Specific Issues to be brought to the attention of the Professional Standards Committee

Minor issues arising from ICV visits have been resolved locally with the PACE Inspectors within each Division. However, ICVs have asked that a number of issues should be brought to the attention of the Professional standards Committee.

- The Committee will recall that concerns have previously been raised by the ICVs around the temperature of some cells at Lancaster Police Station. Cell temperatures have been monitored regularly by Inspector Heyes and advice received from a Health & Safety Architect states that the temperature meets Home Office requirements. However, the ICVs continue to be extremely concerned about the low temperature in these cells as many detainees have regularly complained about the cold, even during summer months.

With the onset of winter the ICVs consider that temperatures may fall below Home Office Standards within some cells and asked that this matter should be brought to the attention of the Professional Standards Committee requesting that the appropriate Police Authority Member raises the concerns with the Divisional Commander at the next Divisional QPR meeting.

- With regard to the remedial works to the shower area at Preston Police Station, the current position is that a site visit has taken place with staff from the custody suite to assess how best to undertake the work with minimum disruption to the operation of the custody suite. A further site visit has also taken place with the main contractor currently working on site. A solution has been agreed and a detailed drawing is currently being prepared so that the contractor may submit a fixed price quotation, based on their competitively derived main contract tender rates. This will take place within the next two weeks. If the quotation is deemed acceptable the contractor will be appointed and should be in a position, subject to access, to carry out the work within a further two weeks.
- Concerns over the overflowing sharps bins continue to be raised throughout the County and this matter has again been raised with the Contracts Manager at Medacs. It appears that the main issue is that the bins are also being used for general waste rather than just clinical waste. A letter has been issued to all Clinicians by the Contracts Manager to ensure that the sharps bins are used correctly.
- There are a number of cells at Burnley Police Station which are currently used as Court cells by GSL. Remand prisoners are being placed in these cells fully clothed and with their possessions whilst waiting to attend court. As a consequence, damage is being caused to the cells by the prisoners, the cost of which is currently being met by the Authority. The cells at Burnley police Station are about to be decorated and the Chief Executive is to write to the GSL expressing concern over the damage caused to the cells. Furthermore, legal advice is being sought on the Authority's responsibility and liability of remand prisoners held at police stations whilst under the responsibility of GSL staff and a report on this will be presented at a future meeting.

General issues

Since the last meeting of the Committee there have been two recruitment campaigns, thirteen new ICVs have been recruited and five Divisions have benefited from at least one new member. One more volunteer is required for the Northern Panel; however, all other Divisions have sufficient cover. Two Western Panel Members have been providing temporary cover over recent months in Northern Division following the resignation of two members; one moved out of the Lancashire area and the other due to family commitments. The number of ICVs currently stands at 63.

At the Authority's Conference in September, 38 ICVs attended along with representatives of Child Action North West, Medacs and GSL. Each Division was represented by Custody Officers and Members/Officers of both Cumbria Police Authority and Greater Manchester Police Authority were also in attendance. The Conference focused on the practicalities of an ICV visit and feedback received has been extremely positive.

In October the Chief Executive, Members and Officers from the Police Authority attended the first North West Regional ICV Conference at the Reebok Stadium in Bolton. Over 20 Lancashire ICVs attended the Conference and further collaboration work is being undertaken around ICV issues. Excellent feedback was received from all Lancashire ICVs and it is hoped that the Regional Conference will become an annual event.

IPCC investigation into death of Philip Legg

On the 16 October 2008 the IPCC released its findings from its managed investigation into the death of Philip Legg at Lancaster Police Station on the 16 September 2006.

The investigation concluded that:

- the decision to arrest Mr Legg was lawful and justifiable;
- the level of care given to Mr Legg while in custody was acceptable;
- the medical treatment of Mr Legg was acceptable;
- first aid was immediate and every effort was made to save Mr Legg's life.

The investigation file was submitted to HM Coroner and an inquest into Mr Legg's death determined that he died due to sudden cardiac dysrhythmia caused by alcohol toxicity and methadone toxicity, compounded by alcoholic liver disease.

Police Custody as a Place of Safety

Discussions have taken place with the IPCC following publication of the IPCC research report on the use of Section 136 of the Mental Health Act 1983. The research shows that Lancashire is regarded a low rate force with 12 Section 136 detentions per 10,000 people held in custody. However, aggregating out the total number of Section 136 detentions over the five North West regions it is considered that there is scope for a greater multi-agency approach to divert Section 136 detainees away from police custody and improving the level of care they receive. The Chair of the Committee has agreed to develop a draft project plan with the IPCC and make preliminary enquiries in to holding a pan regional meeting between the five police authorities and the appropriate strategic health authorities and mental health trusts to develop alternative places of safety to police custody.

Animal Welfare Scheme

Since the last meeting of the Committee, the Animal Welfare Volunteers have carried out 34 visits. The reports of the visits along with the response from the Constabulary have been forwarded to the Chair of the Committee and Lead Members for consideration. Copies of the reports are also available for inspection on the Authority's website.

Mounted Branch

There has only been one issue of concern at the Mounted Branch and this relates to Overton. He is currently receiving treatment for arthritis and has had surgical shoes fitted. These appear to be easing his condition and he is slowly being returned to work.

A meeting will be held with the Constabulary in the near future to discuss the introduction of an 'Adopt a Horse' Scheme with local primary schools.

Dog Training School

During the period May to September 2008 there have been a number of dogs with minor injuries and ailments, which have received veterinarian attention and all are now fully recovered.

A number of reports also refer to the condition of the kennels at the Dog Training School. In response, the Estates Manager has informed the Scheme Administrator that specification and design work for the kennels is currently ongoing. Consultation with the Local Authority Environmental Health Officer has taken place and no major issues have been raised. Consultation will also take place with the Animal Welfare Visitors in the near future and a planning application will also be subsequently submitted. The Constabulary's Procurement Department has so far only been able to identify two companies that manufacture, supply and install commercial kennels of this nature. Therefore, this may require a waiver of the Standing Financial Regulations regarding the number of tenderers.

The Dog Unit's preferred time for this work to be undertaken is in January, February and March when they are at their lowest capacity and the Estates Department are working to accommodate this request.

Decision Required

The Committee is asked to:-

1. note the report.
2. provide the Volunteers Appointments Panel, consisting of the Authority's Lead Member for the ICV and Animal Welfare Schemes accompanied by two LPA members and supported by the Scheme Administrator with delegated authority to appoint volunteers to the Independent Custody Visitors and Animal Welfare Schemes.
3. request the appropriate Member to raise the concerns of the ICVs with the Divisional Commander regarding the cell temperature at the Lancaster Custody Suite at the next Northern Divisional QPR.
4. consider whether there are any aspects of the operation of the Volunteer Schemes that should be drawn to the attention of the Police Authority.

Background Papers

Professional Standards Committee Terms of Reference
Lancashire Police Authority's Volunteer Schemes and reports

Report Originator

Name: Mr Ian Dickinson
Organisation: Lancashire Police Authority
☎ (01772) 533462

PROFESSIONAL STANDARDS COMMITTEE

13 NOVEMBER 2008

PART I

POLICE (CONDUCT) REGULATIONS 2008 AND POLICE (PERFORMANCE) REGULATIONS 2008

(Appendix A refers)

Issue for Consideration

The introduction of the new Police (Conduct) Regulations 2008 and Police (Performance) Regulations 2008, and the implications for the Authority.

Information

The police misconduct procedures have been reformed as a result of:

- the Morris Enquiry into professional standards and employment matters in the Metropolitan Police Service; and
- the Taylor Report on police disciplinary arrangements and the extent to which they provided a proportionate, just and effective process for the disposal of conduct and complaint matters and the likely effect on the confidence of the public and the Police.

The Police (Conduct) and (Performance) Regulations 2008 are to be introduced from 1 December 2008 based on the proposals of a national working party on behalf of the Police Advisory Board.

Police Authority responsibilities in the Police (Conduct) Regulations 2008

It is anticipated that the Police (Conduct) Regulations 2008 will require an increased involvement of the Authority and the independent persons on Misconduct Panels.

Misconduct is defined as a breach of the Standard of Professional Behaviour. A misconduct meeting will be held to consider such cases with a maximum outcome of a final written warning.

Gross misconduct is defined as a breach of the Standard of Professional Behaviour that is so serious that the relationship between the police officer and the police service is damaged to the extent that dismissal from the service is possible. A misconduct hearing will be held in respect of gross misconduct, or where a police officer has a live final written warning and there is a case to

answer for a further act of misconduct. The maximum outcome of the hearing would be dismissal from the police service.

A breakdown of misconduct matters involving the Authority and independent persons of misconduct panels is attached at Appendix A.

Police Appeals Tribunals

A new set of rules, the Police Appeals Tribunal Rules 2008, governing the conduct of a Police Appeals Tribunal for cases being appealed against under the new Police (Conduct) Regulations 2008 and Police (Performance) Regulations 2008 are currently being considered.

An officer dismissed following a misconduct hearing or a third stage unsatisfactory performance meeting can appeal to a Police Appeals Tribunal. Senior officers including the Chief Constable also have the right to appeal against the finding and/or sanction of a misconduct hearing to a Police Appeals Tribunal.

The Police Authority is responsible for the appointment of the four Panel members of the Police Appeals Tribunals for non-senior officers. The Panel comprise of one trained member of the Police Authority (from a list of six trained designated Members who do not sit on Professional Standards). Along with a legally qualified Chair of the Tribunal, a serving Chief Officer (or retired within five years) from an outside force and a retired officer of an appropriate rank, from lists maintained by the Home Office.

Police Appeals Tribunals for senior officers have three members appointed by the Secretary of State: one from the list maintained by the Secretary of State, a Police Authority Member from a different Authority and an Inspector of Constabulary or a person who has been the Metropolitan Commissioner within five years.

Proposed Arrangements

Independent Persons of Misconduct Panels

In 2004 the Authority appointed four independent persons on Misconduct Panels. Since their appointment, there have only been two supervised misconduct hearings when an independent person was required to sit on a Panel.

The term of office for the Authority's current independent people is due to come to an end and new members need to be in place by 1 April 2009. The authorities and constabularies within the North West region have agreed, in principle, to adopt a collaborative approach to any future appointments, final approval was sought at the full Authority meeting on 8 October 2008. The appointment process will be co-ordinated by Cheshire Police Authority, with Lancashire being required to pay a percentage of the recruitment costs. Whilst the exact amount has yet to be agreed, it is predicted that this will result in savings in terms of both costs and officer time. A meeting of the regional authorities has been arranged for the 21 November to discuss the principle of collaboration.

The current four independent persons of Misconduct Panels will be contacted and asked to indicate if they are willing to apply to sit on the regional pool of persons.

It is suggested that the Chief Executive be authorised to undertake arrangements to appoint the independent persons of misconduct panels.

Police Appeals Tribunals

The Authority needs a number of Members trained to sit on Police Appeals Tribunals. There is currently one Member, Saima Afzal, who is trained under the new Regulations and it is proposed that five other Members be trained. Guidance states that Members who sit on Tribunals should not sit on any committees that look at complaints and discipline; therefore it is recommended that the Authority appoint five Members who do not sit on the Professional Standards Committee to be trained.

Financial Implications

An allowance of £170 per day plus travelling expenses will be paid to the independent persons of Misconduct Panels and Members of the Authority involved in the Misconduct meetings and hearings. This can be met from within the relevant years budget.

Expenses for Police Appeals Tribunal Panel Members will be paid in accordance with Home Office Guidance which is dependent on the position or qualification held by the member.

Decision required

The Committee is recommended to:-

- (i) Note the introduction of the new Police (Conduct) Regulations 2008 and Police (Performance) Regulations 2008, and the implications for the Authority.
- (ii) Authorise the Chief Executive to undertake the arrangements to appoint independent persons of misconduct panels to the regional pool.
- (iii) To recommend that the Authority nominates six Members of the Authority (who do not sit on the Professional Standards Committee) be trained to represent the Authority on Police Appeals Tribunals.

Background Papers

Police (Conduct) Regulations 2008
Police (Performance) Regulations 2008
Police Appeals Tribunal Rules 2008

Report Originator

Name: Mr Ian Dickinson and Miss Lizzie Heath
Organisation: Lancashire Police Authority
☎ (01772) 533462

BREAKDOWN OF MAKE UP OF MEETING / HEARING	
Misconduct meeting for non-senior officers (up to and including the rank of Chief Superintendent and Special Constables)	to be chaired by an officer at least one rank higher or business manager.
Misconduct meetings for senior officers (above Chief Superintendent rank) below rank of Chief Constable	to be chaired by the Chief Constable or a senior officer at least one rank above the officer concerned, accompanied by the Chair of the Police Authority or their nominee.
Misconduct meeting for Chief Constable	to be chaired by the Chair of the Police Authority or their nominee accompanied by Her Majesty's Inspectorate of Constabulary (HMIC) or nominee.
Misconduct hearings for non-senior officers (up to and including the rank of Chief Superintendent and Special Constables)	to be chaired by an Assistant Chief Constable accompanied by a Superintendent or Business Manager and an Independent person of Misconduct Panels.
Misconduct hearings for senior officers (above Chief Superintendent rank below rank of Chief Constable)	to be chaired by HMIC or their nominee, accompanied by the Chief Constable or a senior officer at least one rank above the officer concerned, the Chair of the Police Authority or their nominee and an Independent Person of Misconduct Panels.
Misconduct hearing for Chief Constable	to be chaired by senior Counsel, accompanied by HMIC or their nominee, the Chair of the Police Authority or their nominee, and an Independent Person of Misconduct Panels.

PROFESSIONAL STANDARDS COMMITTEE

13 NOVEMBER 2008

PART I

IPCC REPORT ON COMPLAINT STATISTICS 2007/08

(Appendix A refers)

Issue for Consideration

The IPCC report on Police Complaints Statistics for England and Wales during 2007/08.

Information

The IPCC's report on complaints statistics for 2007/08 was published in September 2008. The press release for the report along with the report summary is attached at Appendix A.

A copy of the document is available from Lizzie Heath in the Chief Executive's Office or available online at:

<http://www.ipcc.gov.uk/index/resources/research/stats.htm>

Decision Required

The committee is asked to note the IPCC report.

Background Papers

IPCC report on Police Complaints Statistics 2007/08.

Report Author

Name: Lizzie Heath
Organisation: Lancashire Police Authority
 (01772) 533589

EMBARGOED UNTIL: 00:01HRS, THURSDAY 25 SEPTEMBER 2008

IPCC NEWS RELEASE

EMBARGOED UNTIL 00:01 HRS, THURSDAY 25 SEPTEMBER 2008

IPCC police complaints data published - one in eight cases leads to appeal

One in eight police complaint cases involves an appeal to the Independent Police Complaints Commission.

The IPCC completed 3,592 valid appeals during the year. Over 900 were against the non-recording of a complaint, over 400 were against the local resolution process and 2,260 were against the outcome of a police investigation.

More than one in four appeals (28%) were upheld by the IPCC. One half of appeals against the police service's decision not to record a complaint were upheld as were three in 10 appeals against the way local resolution was handled. Fewer appeals were upheld about the outcome of a completed police investigation - 19%.

Last year 28,963 complaint cases were recorded by police forces across England and Wales in the year ended 31 March 2008. There was virtually no change on the year before.

Complaints

The 28,963 complaint cases consisted of an average of 1.7 individual complaints. In total, 48,280 individual allegations were made against police. For the first time since the IPCC was set up in 2004, a majority of police forces (24 out of 43) saw decreases in the number of complaint cases they recorded.

Six out of 10 complaints allege either neglect of duty (24%), rudeness and intolerance (22%) or common assault (14%). There was a rise of almost one

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quarter in the number of complaints about stop and search from 434 in 2006/7 to 536 in 2007/8.

Nearly 20,000 of the 45,524 completed allegations were resolved at a local level, without the need for a formal investigation. Despite official support for the quick and informal process, there appears to be a general downward trend in the proportions of allegations finalised this way.

Investigated allegations accounted for almost one in three complaints. Of the 14,558 allegations, 11 per cent were substantiated, the same as the year before. The remaining complaints were withdrawn, discontinued or officially dispensed with.

Profiles

Nearly two thirds of complainants are male and one third female. By age the largest numbers of complainants are aged 40 to 49 years (20%), followed by 30 to 39 years and 18 to 29 years (both at 19%).

Nearly two thirds of complainants were White, six per cent Asian, seven per cent Black and three percent had another ethnicity. The ethnicity of more than in one five complainants was not recorded.

Of those complained about, 92% were police officers. The remaining eight per cent were police staff, community support officers, contracted staff or special constables.

HM Revenue and Customs

The IPCC has overseen similar conduct complaints against HM Revenue and Customs (HMRC) since 2006. HMRC received 2,397 complaints during the year of which nearly four in 10 were upheld (38%).

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IPCC Chair Nick Hardwick said: "The large rise in complaint cases that occurred after we were set up has levelled off. But clearly the public continues to feel greater confidence in the complaints process. The right to appeal plays a part in building that level of confidence.

"It is unacceptable that nearly half of all complaints involve neglect or rudeness. There is absolutely no excuse for being rude to the public. I welcome the concern the Police Superintendents' Association have expressed about the issue but what is needed is action, not words.

"It is to be hoped that the proportion of complaints that are resolved at a local level will rise again. Use of local resolution is much-more likely to meet public expectations of a swift explanation of what appeared to go wrong. A speedy response is often much better for the complainant and the police staff."

+ 'Police Complaints: Statistics for England and Wales 2007/08', Emily Gleeson and Kerry Grace, IPCC, London, ISBN 978-0-9556387-2-5. The report can be found at <http://www.ipcc.gov.uk/index/resources/research/stats.htm> or is available from IPCC, 90 High Holborn, London WC1V 6BH.

-ends-

Notes to Editors:

Previous annual complaints statistics can also be found on the IPCC web site at <http://www.ipcc.gov.uk/index/resources/research/stats.htm>.

The report includes detailed data on each police force and on British Transport Police. There is also brief data on HMRC, MOD Police, Civil Nuclear Constabulary and Serious Organised Crime Agency.

The IPCC has overall responsibility for the police complaints system. Since April 2006 it has taken on responsibility for similar, serious complaints against

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HM Revenue and Customs and the Serious Organised Crime Agency in England and Wales. The IPCC's jurisdiction was extended in 2008 to cover UK Border Agency staff exercising police-like powers.

The IPCC has the task of increasing public confidence in the complaint systems and aims to make investigations more open, timely, proportionate and fair.

The 15 Commissioners who run the IPCC guarantee its independence and by law can never have served as police officers. No Commissioner has worked for HM Revenue and Customs. They are supported by more than 100 independent IPCC investigators plus casework managers and other specialists.

Since April 1 2004 the IPCC has used its powers to begin 264 independent and 663 managed investigations into the most serious complaints against the police and other agencies. It has set new standards for police forces to improve the way the public's complaints are handled. The Commission also handles appeals by the public about the way their complaint was dealt with by the local force.

The IPCC is committed to getting closer to the communities it serves. Its Commissioners and staff are based in IPCC regional offices in Cardiff, Coalville, London and Sale plus a sub office in Wakefield.

The IPCC web site is constantly updated at www.ipcc.gov.uk or members of the public can contact the IPCC on 08453 002 002.

For Further Information Contact:

Richard Offer, IPCC Head of Media, on 020 7166 3214 or the out-of-hours duty press officer on 07717 851157.

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Summary

Complaint cases and allegations

Characteristics of complaints

Characteristics of those
subject to complaints

Outcome of complaints and appeals

This report presents figures on complaints about the police in England and Wales for the financial year 2007/08. It outlines the numbers and types of complaints made and how these were dealt with. The key figures are presented below.

Complaints and allegations

- A total of 28,963 complaint cases were recorded by police forces across England and Wales in 2007/08. This represents a zero per cent change on the figures reported in the previous year.
- A complaint case may consist of one or more allegations. A total of 48,280 allegations were recorded in 2007/08, representing an increase of 5% on 2006/07.
- The most common allegations involved the following categories:
 - 'Other neglect or failure in duty' (24%)
 - 'Incivility, impoliteness and intolerance' (22%)
 - 'Other assault' (14%)

Complainants and those subject to complaints

- During 2007/08 a total of 29,893 individuals made complaints about the conduct of persons serving with the police. This report provides further details about the demographic characteristics of complainants – such as gender, age, ethnicity and employment status – and about the types of allegations most associated with different groups.
- A total of 34,354 people serving with the police were subject to a complaint. Police officers were the largest group (92%), followed by police staff (5%), community support officers (2%), special constables (1%) and contracted staff (1%).

Outcome of complaints

- A total of 45,524 allegations were completed in 2007/08. These were dealt with in the following ways:
 - 43% local resolution
 - 32% investigation
 - 11% withdrawn
 - 11% dispensation
 - 3% discontinuance

An explanation of these different methods is provided in the main part of this report.

- Of the allegations that were investigated 11% were substantiated and 89% were unsubstantiated.

Appeals

- In 2007/08, the IPCC dealt with a total of 4,171 appeals. Of these, 579 (14%) were found to be invalid.
- Of the 3,592 valid appeals completed by the IPCC during 2007/08:
 - 916 (26%) were against the non-recording of a complaint
 - 416 (12%) were against the local resolution process
 - 2,260 (63%) were against the outcome of a police investigation
- Overall, 1,023 (28%) of appeals were upheld and 2,569 (72%) were not upheld. The highest proportion of upheld appeals concerned the non-recording of a complaint (50%), followed by appeals against the local resolution process (30%) and those regarding the outcome of a police investigation (19%).

PROFESSIONAL STANDARDS COMMITTEE

13 NOVEMBER 2008

PART I

LANCASHIRE CONSTABULARY'S POSITION AGAINST THE RECOMMENDATIONS MADE IN IPCC'S REPORT ON ROAD TRAFFIC INCIDENTS

(Appendix A refers)

Issue for Consideration

An update on Lancashire Constabulary's position against recommendations made in the IPCC's report on police road traffic incidents.

Information

An Action Plan is attached at Appendix A, detailing the Constabulary's position against recommendations made in the IPCC's report on police road traffic incidents, which was published in July 2007.

Decision Required

The Committee is asked to note the Constabulary's position against the recommendations made in the report.

Background Papers

IPCC report on Road Traffic Incidents.

Report Author

Name: Martyn Leveridge
Organisation: Lancashire Constabulary
 (01772) 412186

Pursuit Policy IPCC Report Action Plan.

Update on Force Position October 2008.

Recommendation Number	Brief details of recommendation	Force position	Commentary.
Police and pursued vehicles			
1	Pursuit of motorcycles and powered two wheel vehicles.	Included in new pursuit policy	The Lancashire Constabulary revised Pursuit Policy has been approved at both Strategic and Tactical Meetings this recommendation has been fully included and is now Force policy. The Lancashire Policy identifies the increased risk of a pursuit involving a motorcycle and places specific restrictions on this activity. Additionally the actions of officers must be proportionate to the offences committed to continue a high risk pursuit.
2	Define numbers of police vehicles in a pursuit and clarify unmarked use.	Included in new pursuit policy.	The Lancashire Constabulary revised Pursuit Policy has been approved at both Strategic and Tactical Meetings the recommendation has been fully included and is now Force policy. Stringent rules of engagement are included to ensure that only two police vehicles as directed by the policy will be involved directly in a pursuit. The Lancashire Policy enhances the ACPO National Guidance by specifically identifying the circumstances where an unmarked vehicle can be involved in a pursuit. This is prohibited for vehicles without covert emergency lighting or radio equipment.
3	Data and video recorders to be fitted to police vehicles involved in pursuits.	Currently some vehicles have data recorders and video.	The Fleet Review process has made recommendations in its report regarding the generic provision of equipment in Roads Policing vehicles sourced from central budgets. The Review recommendations are currently being considered.
Police driver training for pursuits and emergency response			
4	Ensure only drivers identified in ACPO Guidelines conduct pursuits.	New policy identifies this and basic/standard drivers are excluded.	The Lancashire Constabulary revised Pursuit Policy has been approved at both Strategic and Tactical Meetings the recommendation has been fully included and is now Force policy. The Lancashire Constabulary position enhances the ACPO National Guidance in that only advanced level drivers will be authorised to undertake both the initial and tactical stages of a pursuit. Basis and standard drivers are prohibited due to their lack of training in this field and it was felt that the risk to the public and officers was too great to allow them to become involved.
5	Driver assessments every 3-5 years as the Lind Report 1998.	No assessments are routinely conducted at present.	This recommendation has progressed to the stage were the Operational Driver Training Department has compiled the modules required for the course content and the first pilot one week course designed to assess the process is scheduled for the second week in December. Three Officers from the Motorway Unit will be assessed.
Initiation and management of pursuits			
6	ACPO to have all Forces report position re 2004 Guidelines.	New policy has enhanced the Force position into line with ACPO operational guidance.	The Lancashire Constabulary revised Pursuit Policy has been approved at both Strategic and Tactical Meetings the recommendation has been fully included and is now Force policy. The Lancashire Policy and its Standard Operating Procedures are robust and will stand scrutiny at any level.

7	Pursuits must be proportionate to the risk. FIM to authorise decision to continue.	New policy will bring the Force into line with ACPO operational guidance.	The Lancashire Constabulary revised Pursuit Policy has been approved at both Strategic and Tactical Meetings the recommendation has been fully included and is now Force policy. The issue of the proportionate nature of a pursuit is defined and the need to fully justify the action made clear in the documents. The process of decision making will also be included in the cascade process for control room staff as detailed below. Specific criteria are listed such as the identity of the pursued driver being known to assist in making decisions on whether a pursuit should continue or not.
8	Vehicle travelling wrong way on carriageway - guidance.	New policy will bring the Force into line with ACPO operational guidance.	The Lancashire Constabulary revised Pursuit Policy and new Operational Driving Policy have been approved at both Strategic and Tactical Meetings the recommendation has been fully included and is now Force policy. Detailed guidance for all staff is now available to ensure that national policy is complied with in both pursuit and general operational policing activities. The Lancashire policies make it clear that driving the wrong-way is prohibited in any circumstances.
9	Pursuits and Surveillance operations.	Force will need to consider further guidance.	Pursuit Tactical Advisors can now be consulted as part of surveillance operations to recommend tactical options to prevent a pursuit developing. The Force has purchased a number of HOSTYD options that can be used covertly, ie Rat-trap which can be deployed to prevent a pursuit starting. Once 24/7 Pursuit Tactical advice is formulated more detailed procedures will be adopted. Current procedures require the Incident Commander to obtain such advice in the planning stage.
10	13 point risk assessment criteria - prioritising.	New policy has colour coded criteria to assist all staff in decision making process.	The Lancashire Constabulary revised Pursuit Policy has been approved at both Strategic and Tactical Meetings the recommendation has been fully included and is now Force policy. This risk assessment document has been produced to assist officers involved in pursuit situations to make fast and clear decisions as to the level of risk they are facing and if necessary to identify that the pursuit must be terminated. In a fast moving and dynamic pursuit the need for clear but concise communications was seen as imperative to assist decision making.
11	Communication of roles and responsibilities to all staff. Including control room staff.	A communications strategy has been identified for the new policy.	The process of training Communications Operators and Supervisors has been the subject of a focus group with the staff to assess training needs. The importance of real learning experiences and documented processes has been highlighted. Currently Comms Training staff at SDC are working to produce a structured training schedule that covers the ACPO National Police Driving 2007 Guidance on this area of activity.
12	Control Room Staff and Tactical Advisers to given adequate training.	Tactical Advisors receive a weeks course. Control room staff as rec.11.	The Force has currently trained 17 Pursuit Tactical Advisors and a further course for 8 staff will be held in early 2009. Once this is completed a 24/7 cover procedure will be arranged.
13	Decision making process to continue a pursuit where tactical options not readily available.	New policy has been approved in line with national operational guidance.	The Lancashire Constabulary revised Pursuit Policy has been approved at both Strategic and Tactical Meetings the recommendation has been fully included and is now Force policy. The decision making process to continue with the initial stages of a pursuit have been defined and the circumstances where the non-availability of tactical options has to be considered to terminate a pursuit. The primary tactic for pursuit management is the deployment of Hollow Spike Tyre Deflation Systems of which the Force has several types to deal with different vehicles and a comprehensive training programme has trained Operations staff across the Force to deploy this option safely at any stage of a pursuit.
14	Clarity between initial and tactical phases of a pursuit.	New policy has been approved in line with national operational guidance.	The Lancashire Constabulary revised Pursuit Policy has been approved at both Strategic and Tactical Meetings the recommendation has been fully included and is now Force policy. The policy makes clear the roles and responsibilities that are necessary for each stage of a pursuit and the skills required by police drivers to become involved. Tactical options can only be implemented by suitably trained officers on the motorway. The menu of Tactical Pursuit And Containment (TPAC) options is available to the Force but restricted to motorway officers, this maintains the high level of skill and expertise required which is only achievable with a defined cadre of operational officers. Training for this is current and ongoing with a 12 to 18 month refresher programme.
15	Codification of ACPO Guidelines.	National ACPO decision awaited.	The current ACPO Guidelines 2004 are not mandatory for police forces, the IPCC would like National ACPO to make them so with Codes of practise. Lancashire's position however would be seen as fully compliant.

Investigations and investigation reports concerning pursuits

16	Pursued drivers to be tested for drugs and alcohol.	Alcohol screening is done, drugs screening now routine.	All RPU Officers have now received FIT training to comply with the drugs testing criteria for drivers involved in an incident, this is now routinely applied across Lancashire. Alcohol screening has been the normal practise for some years.
17	All officers involved in incidents to be tested for alcohol. Results included in report/recorded.	Force policies being updated to include this.	The Reporting of Police Vehicle Incidents Procedures D63140 has been updated to include this aspect of activity. The document awaits final approval and procedures have been incorporated into the new Tranman recording system due to commence online from December 2008.
18	Full recording of officers RTI histories. Use of info in investigation reports .Interventions to improve driving standards.	Recording procedures are being updated to comply.	From December 2008 the new Tranman recording system will come online which will begin to record officer histories in relation to incidents. This information will be available to reporting officers and will build up as the system comes into use over 2008/9. We will not be able to record historical data onto the system. A system
19	Detailed information required to be recorded re training history etc and commented on in investigations.	Recording re training on HRS. Procedures being revised to comply.	The need for the inclusion of this information on files of evidence and internal reports has been included in the Procedures document and this will be communicated to all Roads Policing Supervisors at the next Development Day to be held in November 2008. These are staff who would primarily report instances of poor police driving and incidents of a more serious nature.
20	Detailed info required re the road, journey and conditions in reports.	The Tranman system will record this and the new procedures.	As above will be available on the new system.
21	Investigators report to include Force policy and ACPO guidelines compliance.	Procedures being revised to comply.	As above will be communicated to supervisors.
22	Checklist as detailed to be formulated into investigation policy.	Procedures being revised to comply	Included in the procedures document.
Emergency response incidents			
23	Limitations of vans and 4x4s to be include in procedures.	Included in both Pursuit and Operational Driving Policy.	The Lancashire Constabulary revised Pursuit Policy has been approved at both Strategic and Tactical Meetings the recommendation has been fully included and is now Force policy. The documents identify the limitations on the use of these classes of vehicle in both pursuit and response situations and give clear guidance as to the deployment criteria that will be required.
24	Policies have been updated to include convoy travelling guidance.	Compliant.	The Lancashire Constabulary revised Pursuit Policy has been approved at both Strategic and Tactical Meetings the recommendation has been fully included and is now Force policy. The need to assess and identify the numbers of police vehicles attending an incident has been included in the Communications Room Operators Training package.

25	Grading of response should be a control room function. Police drivers must assess risk on the ground.	Grading is control room led. Drivers to dynamically assess the risk.	The Pursuit Policy and Operational Driving Policy clearly define the need for proportionate decision making in the grading of response. The current PASS criteria for this grading have been included in the process. Both policies make it clear that whatever the grading no police driver will respond in a manner that puts the public at risk, him or herself at risk or any passenger in the vehicle, the responsibility rests with the driver. Where due to reasons of safety police drivers do not respond in emergency mode they will be supported if the decision is reasonable and in the interests of public safety
26	ACPO to give guidance on standards of grading for emergency response nationally.		This is awaited from National ACPO not is not a Lancashire recommendation.
Improved data collection and further research			
27	Detailed recording of all pursuits in the Force regardless of outcome.	Compliant.	The new Storm command and control system has specific incident class categories for the recording of all pursuits. The Pursuit Policy details the procedures to be followed where after any pursuit the Force Incident Manager will submit a report regarding the circumstances, any issues of non-compliance and any learning points to the Divisional Commander H Division who will be responsible for reviewing the pursuit and taking any further action required.
28	HMIC to focus on pursuit policy and procedure.		This recommendation does not relate directly to Lancashire Constabulary but to HMIC, however the Constabulary is well placed with its policies and procedures to stand scrutiny.
29	Once data collection has improved a further research process should be undertaken.		This recommendation does not directly relate to Lancashire Constabulary but recommends future action for National ACPO and the IPCC.

PROFESSIONAL STANDARDS COMMITTEE

13 NOVEMBER 2008

PART I

ANALYSIS OF COMPLAINTS

(Appendix A refers)

Issue for Consideration

Analysis of complaints recorded / finalised for the period 1 April to 30 September 2008.

Information

Part I of the Complaints Analysis of complaints recorded / finalised for the period 1 April to 30 September 2008 is attached at Appendix A.

Decision Required

The Committee is asked to note the report.

Background Papers

None

Report Author

Name: Stan Fenton
Organisation: Lancashire Constabulary
 (01772) 412729

PART I

1. INTRODUCTION

Lancashire Constabulary recognises the significance of complaints made by members of the public and staff, its statutory responsibilities to deal with these and their importance to service delivery and public confidence. All complaints are seen as potential opportunities from which the Constabulary can learn and improve.

The Constabulary's Professional Standards Department (PSD) takes a lead responsibility in dealing with complaints and strives to undertake a 'guardianship' role for standards and related issues.

The department seeks to achieve its aims through a NIM compliant business approach of which this document forms an integral part, presenting data and information, not just in a format to satisfy statutory requirements, but also in the context of the Constabulary's strategic aims.

The intention in so doing is to seek to improve service delivery by raising standards, ultimately reducing the Constabulary's vulnerability to complaints.

2. EXECUTIVE SUMMARY

- The number of complaint cases has decreased by 15% and year on year, each case is producing fewer individual allegations resulting in a reduction in allegations of 29%. The number of allegations being generated from each case has year on year reduced by 17% (page 6).
- Since April 2008 the number of complaint allegations recorded each month has been less than the corresponding months the previous year.(page 7).
- With the exception of Northern Division, all geographic areas have recorded fewer complaint allegations than the same period a year earlier. Of particular note are Western Division (-59%), Central Division (-43%) and Pennine Division (-41%) (page 8).
- The identified short term downward trend in the number of complaint allegations being recorded is not reflected in the Constabulary's neighbouring forces (page 8).
- While lower complaint allegation figures would normally represent a change for the better, work is being progressed with Divisions to fully understand the reasons for this downward trend. In particular processes and recording practices are being scrutinised (page 8).
- The bulk of complaints recorded (65%) across all divisions are generated from 4 complaint types (page 10):
 - Neglect of Duty (21%)
 - Incivility (20%)
 - Other Assault (12%)
 - Oppressive conduct (11%)
- The proportion of finalised complaint allegations dealt with by the local resolution procedure has decreased year on year from 55% to 51% against a national target of 50%. This can in part be attributed to the marked reduction in the local resolution rates in Central and Southern Divisions (page 13).
- Between April 2008 and September 2008, 59% of finalised complaint cases were completed within 120 working days (excluding periods of sub-judice), compared with 53% during the previous recording period. The average number of calendar days spent on finalised cases during this period was 151 (page 16).
- Case duration for finalised complaint cases subject to full investigation by PSD has fallen during the last 12 months from an average of 247 days to 216 days (-13%) (page 16).
- New Police Conduct Regulations are now due to come into force in December 2008 and in an attempt to minimise the impact of their introduction PSD have led a project implementation board to address the implementation issues (page 18).
- An organisational 'Learning Points' programme has now been running since April 2007 and has provided added value to the findings of complaints investigations (page 23).
- In April 2008 the Most Similar Forces groupings were adjusted. The Constabulary recorded 88 complaint allegations per 1000 staff members during the period and this compares with an average of 101 for the new group of MSF. Lancashire also recorded the highest local resolution rate for finalised complaint allegations (page 27).

3. OVERVIEW

All Recorded Cases by Type

The below table shows a breakdown of all recorded cases by type recorded during the periods Apr 07 to Sep 07 and Apr 08 to Sep 08 and highlights the percentage change between them.

Case Comparison (Year to Date)			
Case Type	Cases (Apr 07 to Sep 07)	Cases (Apr 08 to Sep 08)	% Change
Complaint (CO)	462	394	-15%
Misconduct (MC)	39	38	-3%
Direction & Control (QU)	306	323	6%
Civil Claim (CI)	71	60	-15%
Miscellaneous (MI)	226	249	10%
Total	1104	1064	-4%

Year on year the number of cases recorded has decreased by 4%. The changes in recording practices have continued to generate more direction and control cases but no explanation has been identified for the low number of complaint cases recorded year to date.

With effect from 1st April 2007, in line with national guidance, the approach to identifying complaints of a direction and control nature has been extended to capture information held within the Constabulary's Command and Control System (CRS and WebSTORM).

As anticipated, the recording rate following the implementation increased instantly and has begun to show a slow down which is anticipated will stabilise at the current level. The benefits of this changed approach are that local service delivery issues can now be more readily identified and acted upon by both the Constabulary and the Police Authority in its oversight and scrutiny role.

Case to Complaint Ratio

The below table shows that, year on year, the number of complaint cases recorded has decreased by 15% and the number of complaints (CO) allegations generated from them has decreased by 29%. Year on year, proportionately fewer allegations are being generated from each case.

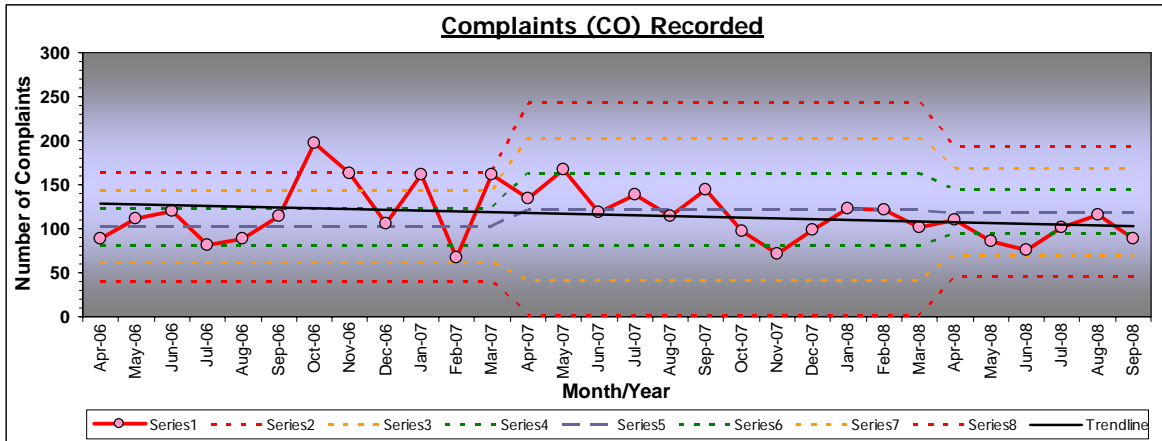
Case to Complaint Ratio				
Case/Complaint	Apr 07 to Sep 07	Apr 08 to Sep 08	% Change	Apr 04 to Date
Cases (CO)	462	394	-15%	3533
Complaints (CO)	818	581	-29%	6048
Ratio (Average number of complaints per case)	1.77	1.47	-17%	1.71

On 1st April 2008 the revised national recording standards for complaints were implemented. Due to Lancashire PSD's involvement in the ratification process, it has been able to adopt many of the anticipated standards in preparation for the planned change-over and ease any transitional issues. Although some of the changes such as no longer being able to de-record allegations have resulted in a small increase in the number of recorded complaints, the overall impact of the changes has been minimal.

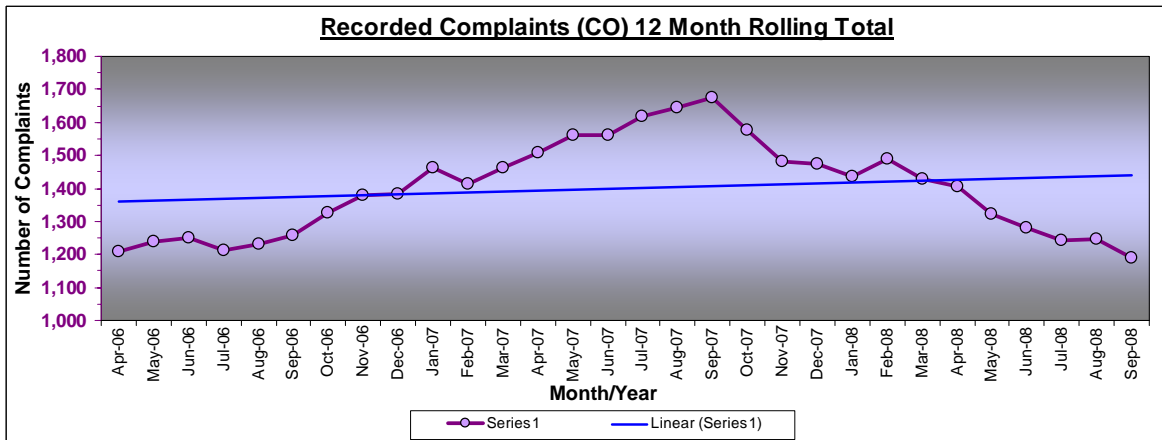
4. PUBLIC COMPLAINTS (CO)

Recorded Complaints (CO)

The long term picture presented in both of the charts below highlights that although the overall trend is down, since October 2007 the number of complaints is maintaining a neutral trend. The number of cases recorded is to some degree controlled by the department's capacity to handle the workload as the relevant milestone dates are generated at the time a case is initially processed and not necessarily when it was received.



The chart above shows the number of complaint allegations received by month since April 2006.



The new computerised complaints database (FLOvate) was commissioned at the end of February 2008. It is now providing improved data analysis and facilitating more reliable data integrity, as well as providing an enhanced process driven case management framework.

Complaints (CO) by Division

The divisional breakdown of complaints in the context of incidents, arrests and numbers of staff is presented by the below table.

Complaints (CO) by Division (Year to Date)						
Division	Complaint (CO) Allegations (Apr 07 to Sep 07)	Complaint (CO) Allegations (Apr 08 to Sep 08)	Incidents per Complaint (CO) (Apr 08 to Sep 08)	Arrests per Complaint (CO) (Apr 08 to Sep 08)	Complaint (CO) Allegations Per 1000 Officer/Staff (Apr 08 to Sep 08)	Year to Date % Change
Western	143	59	1056	106	66	-59%
Northern	88	93	599	57	126	6%
Southern	138	108	539	47	124	-22%
Central	124	71	589	65	109	-43%
Eastern	164	129	533	48	127	-21%
Pennine	145	86	747	64	95	-41%
G/H/HQ/Other	16	35	168	0	23	119%
Total	818	581	614 (Av)	57 (Av)	88 (Av)	-29%

None of the figures in the table above representing the level of complaints recorded by each geographic division or any of the rationalised values are significantly high/low. Despite an overall year on year reduction of 29% they all remain within the normal distribution and are therefore not exceptional.

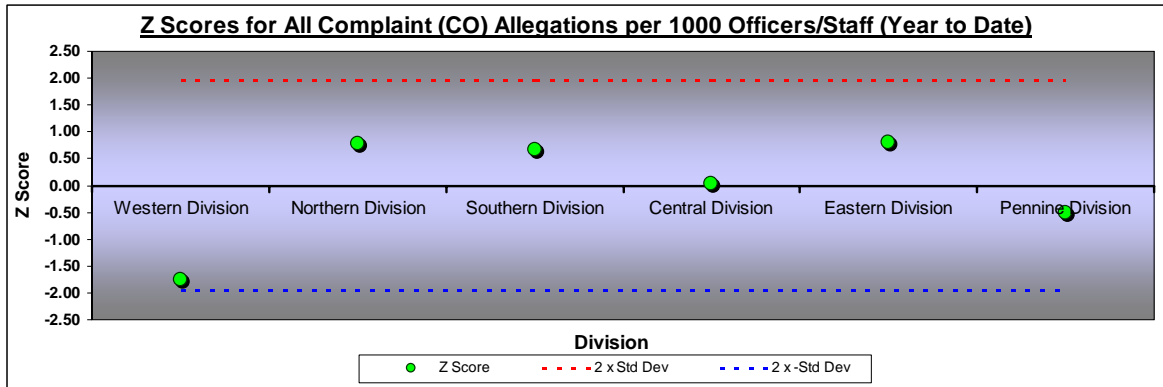
Enquiries with other Northwest forces would indicate that the short term downward trend currently being experienced by Lancashire is not evident elsewhere in the region.

The data sets of recorded complaint allegations by some divisions have been identified as requiring some further scrutiny and this work is ongoing. The affect of such disparity, both between divisions and year on year, is to create an unreliable dataset which undermines any comparative assessment. The problem is further compounded when the data is rationalised per 1000 staff or when Lancashire's figures are compared to the MSF Group.

With the exception of Northern Division, all divisions have experienced considerably fewer complaint allegations than they did in the previous reporting period. The largest reductions have occurred in Western Division who recorded 59% less, down from 143 to 59. Complaint allegations in Central Division have fallen by 43%, down from 124 to 71.

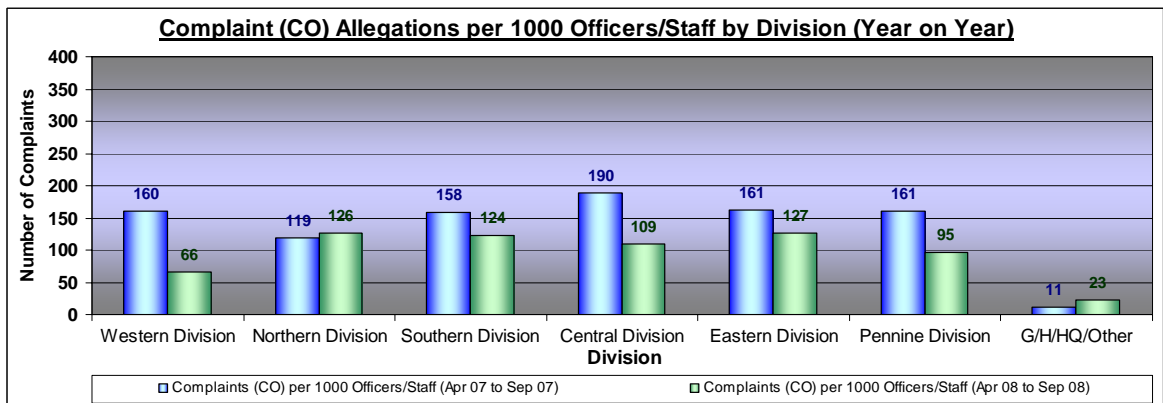
A small portion of the year on year reductions have been achieved by adopting an investigative approach to the initial pre-recording stage of an allegation which has enabled PSD to eliminate a number of potential allegations against officers/staff. The underlying causes for the bulk of the reductions are the initial complaint handling practices in divisions.

Deciding on what constitutes a formal complaint involves a degree of subjectivity, by the person who is contacted by the member of public in the first instance and the supervisors who initially authorise the processing of the paperwork. IPCC guidelines and police complaints legislation are open to some extent to personal interpretation. While it is possible to make comment on recorded complaints the same cannot be applied to complaints that are not recorded as the raw data is not available for analysis or would require a substantial amount of supposition producing results with no quantifiable reliability.



The chart above shows the Z score distribution for complaints per 1000 officers/staff and allows the levels of statistical significance attributed to each division to be seen in context. Any point sitting above or below the dashed lines would be considered exceptional and therefore significantly high or low. This type of analytical test is only applicable to data samples of a similar “population” type (i.e. geographic command units) and as such the data for G Div/H Div/HQ/Other has been excluded as an outlier.

The number of complaints recorded per 1000 staff in Western Division is of concern as its levels are very close to the lower statistical limit. Reductions in no single allegation type can be attributed to the cause for this low rate. Western Division recorded no complaints in 10 of the 23 complaint categories and consistently record less than the geographic average for most of the complaint categories.



Over the last 12 months the scale and detail of information disseminated to divisions in relation to public complaints has increased significantly in order to assist them in early recognition of their localised problems. Included in this feedback each division is routinely provided with a breakdown of the complaints data specific to their geographic location in the form of a “Monthly Divisional Report”. In addition to highlighting areas of concern and “lessons learned” it categorises the complaints by type, and identifies individual staff members who attract the highest numbers of complaints.

Complaints (CO) by Category

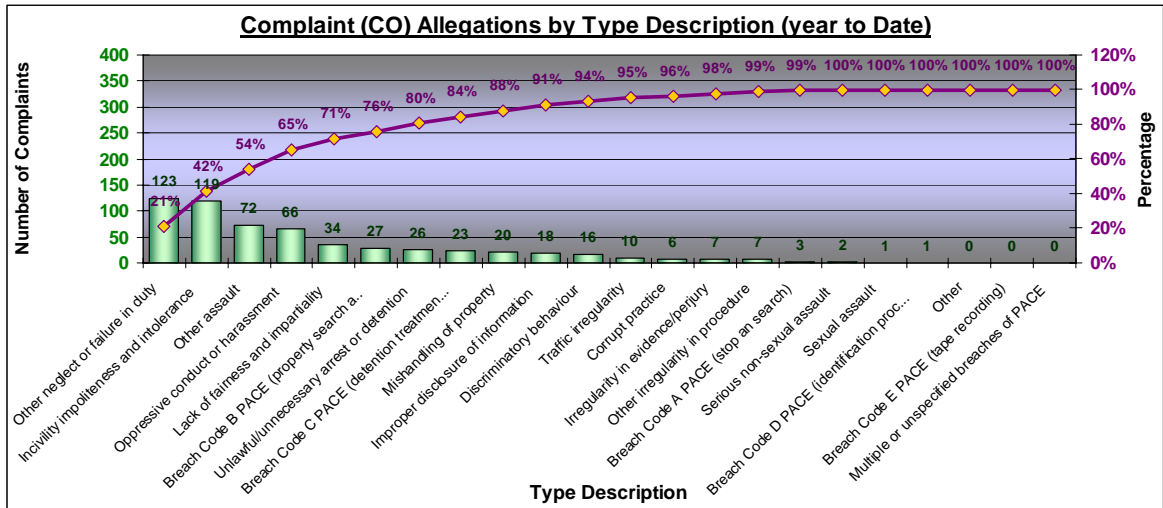
23 different complaint types are represented in the table below on a force and divisional basis with comparisons to the previous reporting period.

Complaint (CO) Allegations by Division (Year to Date)										
Type Description	Western Division	Northern Division	Southern Division	Central Division	Eastern Division	Pennine Division	G Div/H Div/HQ/Other	Total (Apr 08 to Sep 08)	Total (Apr 07 to Sep 07)	Year on Year Change
% of Force Staff	14%	12%	14%	11%	16%	14%	20%			
Other neglect or failure in duty	17	21	24	13	22	22	4	123	191	▼
Incivility impoliteness and intolerance	12	21	20	16	27	17	6	119	142	▼
Other assault	11	8	15	10	16	12		72	118	▼
Oppressive conduct or harassment	6	13	14	9	16	4	4	66	92	▼
Lack of fairness and impartiality	1	8	7	1	10	5	2	34	23	▲
Breach Code B PACE (property search and seizure)	3	2	5	4	3	5	5	27	14	▲
Unlawful/unnecessary arrest or detention	2	3	4	2	10	3	2	26	36	▼
Breach Code C PACE (detention treatment and questioning)	2	4	1	5	7	3	1	23	55	▼
Mishandling of property	2	3	3	3	4	3	2	20	31	▼
Improper disclosure of information	1	1	4	3	3	5	1	18	26	▼
Discriminatory behaviour	1	2	1	2	5	5		16	19	◀
Traffic irregularity		2	1	1	1	1	4	10	10	◀
Corrupt practice	1	1					4	6	1	▲
Irregularity in evidence/perjury		1	2	2	2			7	32	▼
Other irregularity in procedure		2	3		1	1		7	6	◀
Breach Code A PACE (stop an search)			3					3	7	◀
Serious non-sexual assault		1			1			2	3	◀
Sexual assault			1					1	2	◀
Breach Code D PACE (identification procedures)					1			1	0	◀
Other								0	10	◀
Breach Code E PACE (tape recording)								0	0	◀
Multiple or unspecified breaches of PACE								0	0	◀
Total	59	93	108	71	129	86	35	581	818	▼

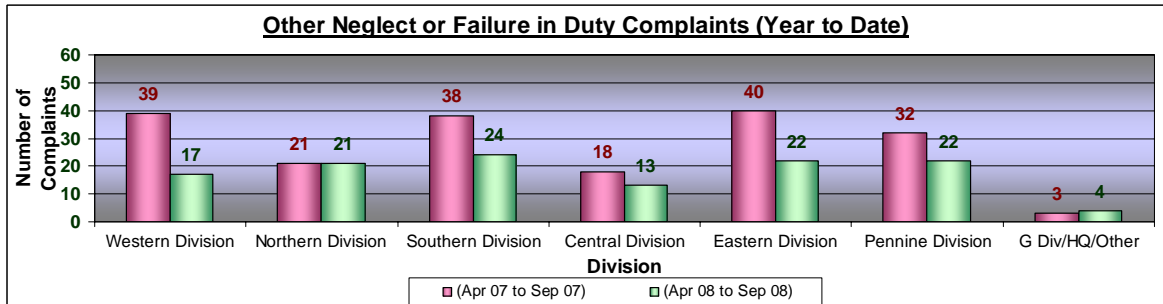
LEGEND	
Symbol	Meaning
▲	Large increase
▲	Small increase
◀	Little or No change
▼	Small decrease
▼	Large decrease

The complaint types of assault, incivility, oppressive conduct and neglect of duty continue to account for over two thirds (65%) of all complaints. Any percentage improvement in allegations of these types will therefore have the greatest impact on overall complaint levels.

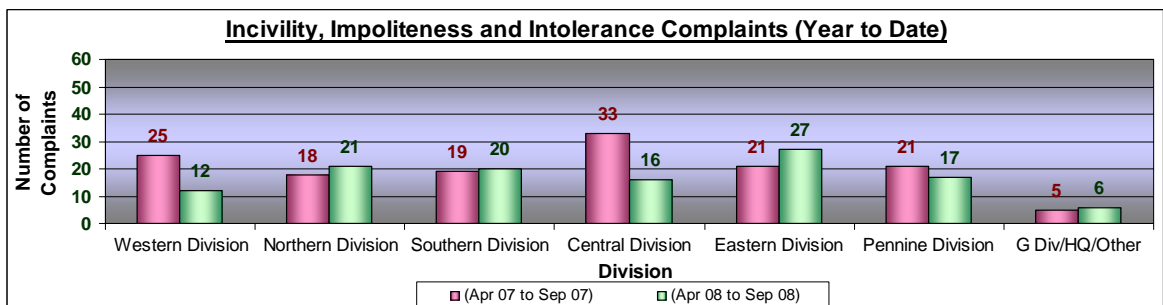
Year on year reductions of note, are other neglect or failure in duty (-36%), other assault (-39%) and oppressive conduct or harassment (-28%).



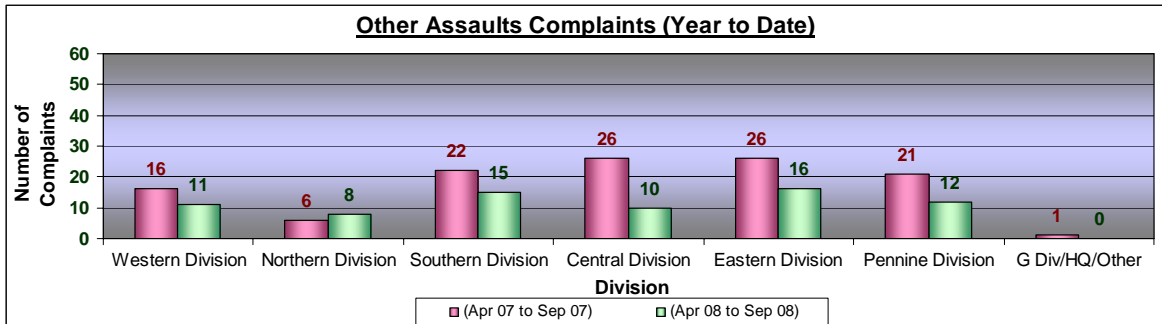
The charts below show the breakdown of the 4 key complaint types by division with a year on year comparison.



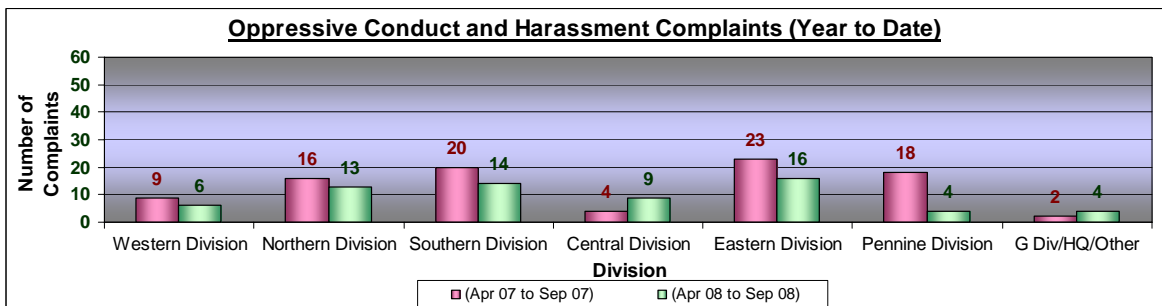
Complaints of neglect or failure in duty have seen a year on year reduction of 36% yet still represent nearly a quarter of all complaint allegations. Although this remains the largest complaint category, the figures for the last 12 months show them to be accounting for a progressively smaller proportion of all complaints.



Based on the year to date figures complaints of incivility year on year have reduced by 16%. The geographic areas with the largest reductions and accounting for the bulk of the change are Western Division (-52%) and Central Division (-52%).



The number of complaints of assault, year on year has reduced by 39% with all geographic divisions except Northern Division experiencing fewer complaints of this type, however, the very low level of other assault complaints recorded by Northern Division remains a concern. Over two thirds of all assault complaints are made by individuals arrested and detained following reported crime and disorder.



Levels of complaints of oppressive conduct and harassment have reduced year on year by 28% in line with the overall level of complaint allegation reductions. The most substantial decreases have been seen in Pennine Division (-78%). The only division to have shown an increase is Central Division but this is based on an unusually low figure for the previous reporting period.

Analysis has identified a link between complaints of oppressive conduct and harassment and the Constabulary's pro-active approach towards individuals who are on conditional bail, curfews and subject of Anti Social Behaviour Orders (ASBOs). Again, a response to this has been identified and actioned through the Departments 'Learning Points' programme.

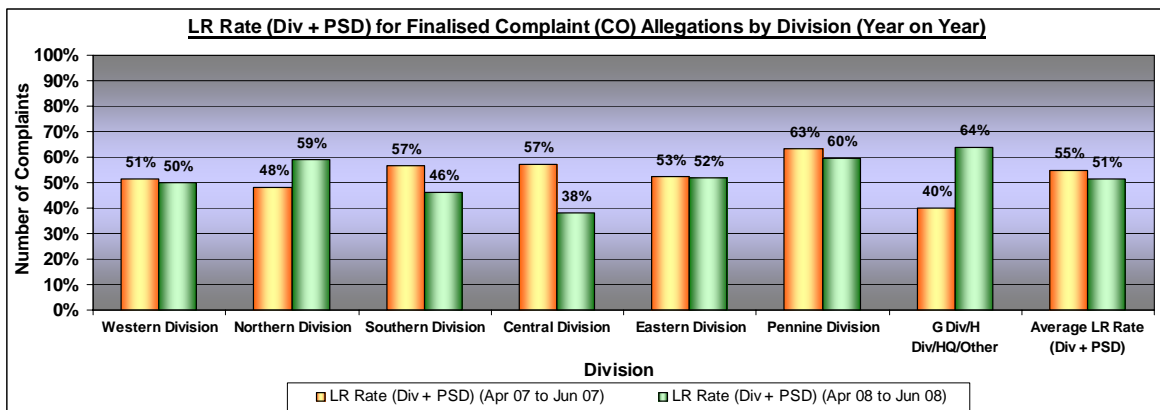
Local Resolutions (based on finalised complaint (CO) allegations)

The table below shows the local resolution rate for complaints, by division. The Force local resolution rate of 51% remains marginally above the national target of 50% and slightly lower (-8%) than the previous reporting period. Divisions with the largest percentage reductions are Southern and Central. During the previous 3 years the Force has managed to maintain an average local resolution rate in excess of 55%. The results which have had the greatest adverse effect on the annual rate for the force are the low local resolution figures for Southern (46%) and Central (38%) Divisions.

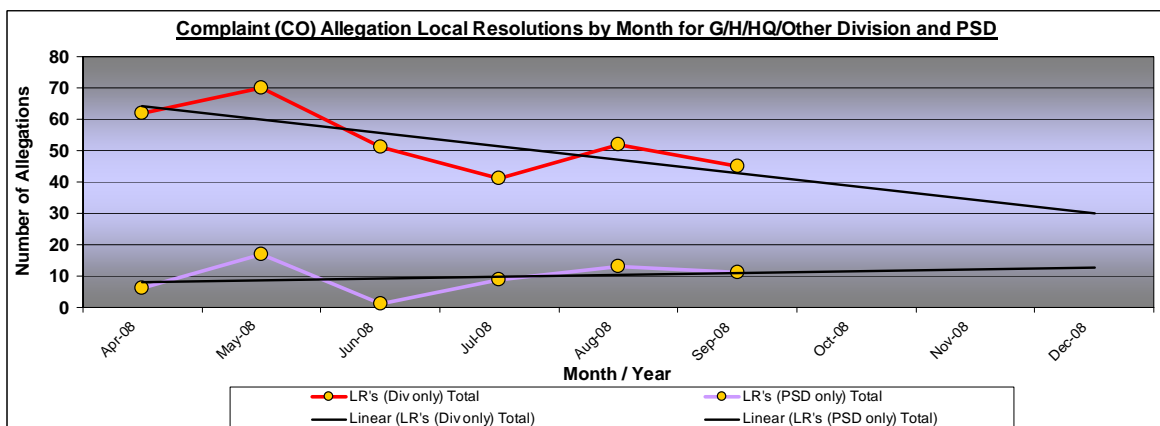
LR Comparison (Year to date)			
Division	LR's and % of Finalised Complaint (CO) Allegations (Apr 07 to Sep 07)	LR's and % of Finalised Complaint (CO) Allegations (Apr 08 to Sep 08)	Year on Year Change and (% change)
Western	63 (51%)	48 (50%)	▼ (◀)
Northern	38 (48%)	64 (59%)	▲ (▲)
Southern	73 (57%)	65 (46%)	▼ (▼)
Central	70 (57%)	36 (38%)	▼ (▼)
Eastern	83 (53%)	89 (52%)	◀ (◀)
Pennine	78 (63%)	62 (60%)	▼ (◀)
G/H/HQ/Other	8 (40%)	14 (64%)	▲ (▲)
Total	414 (55%)	378 (51%)	▼ (▼)

LEGEND	
Symbol	Meaning
▲	Large increase
▲	Small increase
◀	Little or No change
▼	Small decrease
▼	Large decrease

In response to the very low local resolution rate recorded by G Division and HQ last year, PSD now has in place a structure for supporting their local resolution process, which, from 01/04/07, also includes the newly formed H Division. The benefits of this practice are evident by the increased percentage (64%) of complaints locally resolved for G/H/HQ/Other compared to the same period a year earlier (40%).



Although the new complaint recording system (Flovate) now differentiates between complaints locally resolved by divisions and those conducted by PSD, historic records cannot, and therefore, year on year comparisons of this data breakdown will not be available until April 2009.



Based on the local resolution figures since the “go-live” date of Flovate (March 2008), 85% of locally resolved complaint allegations were conducted within divisions. The chart above shows that the reduction in the number of local resolutions by divisions is not generating a proportionate increase in local resolutions conducted by PSD.

Complaints (CO) / Diversity

The trend of fewer officers/staff being complained about by more complainants is continuing. The total number of instances where officers/staff have been subject of an allegation, year on year, has reduced by 40%, while the total number of complainants has only decreased by 22%.

Mixed race and ethnic minority officers/staff currently account for 3.1% of the workforce but for the period April 2008 to September 2008, Asian, Black and mixed race officers/staff alone represented 5% of the total number of instances of force employee's subject of a complaint allegation.

Complaints should be reflected equally and proportionally across the workforce if the Constabulary is a healthy organisation. It is important that any signs of disproportionality are identified and action put in place to rectify it. A paper will be discussed at STCG in November 2008 which will seek to agree for further work to be undertaken to identify the most appropriate data sets to monitor proportionality in complaints and to note the necessary areas which would require a change in policy

The table below highlights that following the finalisation of complaints, the number of complainants whose ethnicity is not recorded becomes particularly relevant when considering the proportion of complainants who are of an ethnic minority, as those of unknown ethnicity account for 16% of all complainants.

Finalised Complaint (CO) Allegations Ethnicity Comparison (Year to Date)						
Ethnicity	Complainants (Apr 07 to Sep 07)	Complainants (Apr 08 to Sep 08)	% Change	Subjects (Apr 07 to Sep 07)	Subjects (Apr 08 to Sep 08)	% Change
Asian	50	41	-18%	30	32	7%
Black	22	23	5%	0	0	-
Chinese/Other	6	3	-50%	87	41	-53%
Mixed	0	10	-	0	6	-
White	549	553	1%	772	693	-10%
Unknown/Not Stated	160	123	-23%	6	42	600%
Total	787	753	-4%	895	814	-9%

As part of PSD's aim to better understand and respond to the community's diverse needs, a Diversity Impact Assessment has now been introduced to investigation plans. The aim of this is to identify and respond appropriately to those complainants whose needs may be different from others. This stems from an analysis of repeat complaints and the aim is to assess the need for, and attempt to co-ordinate, a multi-agency approach to such complaints.

Complaints (CO) against Officer/Staff by Staff Type

The table below shows a year on year reduction of 40% in the number of instance where, an officer or member of staff has been subject of a complaint.

Complaints (CO) Allegations by Staff Type (Year to Date)				
Staff Type	Officers/Staff Subject of Complaint (CO) Allegations (Apr 07 to Sep 07)	Officers/Staff Subject of Complaint (CO) Allegations (Apr 08 to Sep 08)	% Change	Subjects per 1000 staff (Apr 08 to Sep 08)
Police Officer	828	494	-40%	134
Police Staff (incl PCSO's)	67	36	-46%	14
Special	4	5	25%	13
Total	899	535	-40%	54

PCSO and contracted staff data has not yet been converted into the new complaints database and the option to specify them manually as staff types is not available at this time.

Analysis has shown that the majority of complaints are aimed at front line officers and staff who have regular and direct contact with members of the public in the course of conducting their role, in particular those exercising the executive powers available to them. As such, it is expected that police officers will continue to be subject to more complaints than any other employee/staff type.

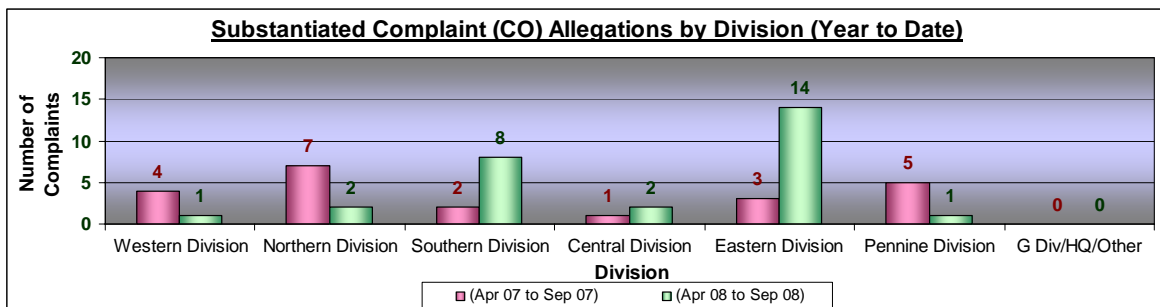
Finalised Complaint Allegations (CO) Investigation Outcome

Year on year, the number of substantiated complaint allegations has increased by 27%. Taking into account the reduced number of all finalised complaints, in real terms this represents an increase of approximately 22%.

Finalised Complaints (CO) Allegations by Outcome			
Result Description	Complaint (CO) Allegation Outcome (Apr 07 to Sep 07)	Complaint (CO) Allegation Outcome (Apr 08 to Sep 08)	Year to date % Change
Discontinuance	0	21	-
Dispensation	83	46	-45%
Local Resolution	417	378	-9%
Substantiated (Upheld)	22	28	27%
Unsubstantiated (Not Upheld)	124	145	17%
Withdrawn/No Complaint	121	114	-6%
Total	767	732	-5%

The chart below shows a divisional break down of substantiated complaint allegations. While 29% fewer allegations have been recorded during this reporting period, the number of finalised allegations has only decreased by 5%. The disparity in the numbers of allegations being received and those being resolved has helped to reduce the PSD holdings of live files and has already result in a noticeable reduction in case investigation durations.

The chart below shows a divisional break down of substantiated complaint allegations.



The 28 substantiated complaint (CO) allegations were generated from 18 complaint (CO) cases.

Case Duration

Between April 2008 and September 2008, 59% of finalised complaint cases were completed within 120 working days (excluding periods of sub-judice), compared with 53% during the previous recording period. The average number of calendar days spent on finalised cases during this period is 151, down by 18% on the previous period. It should be noted that the investigation days calculated prior to March 2008 included weekends and bank holidays and would account for some of the year on year variation detailed above.

Timeliness of case handling varies considerably depending on whether allegations forming part of the case are suitable for local resolution or are required to be investigated. The breakdown below highlights that the average allegation investigation duration is approximately three times longer for a full investigation.

- Timeliness of Locally Resolved Finalised Allegations

01/04/07 to 30/09/07	Average 133 days, 56% in less than 120 days
01/04/08 to 30/09/08	Average 90 days, 77% in less than 120 days
- *Timeliness of all Locally Resolved Finalised Allegations:*

<i>01/04/07 to 30/09/07</i>	<i>Average 133 days, 18% in less than 56 days</i>
<i>01/04/08 to 30/09/08</i>	<i>Average 90 days, 56% in less than 56 days</i>
- Timeliness of Investigated (Non LR'd) Finalised Allegations

01/04/07 to 30/09/07	Average 247 days, 42% in less than 120 days
01/04/08 to 30/09/08	Average 216 days, 38% in less than 120 days

Emerging Trends and Identified Threats

Transition to Flovate has caused some additional workload and has generated some issues relating to data integrity and validation. This is now subject of further development by the software suppliers. It is anticipated that the new workflow processes will begin to pay dividends particularly when its case/investigation management functionality is fully integrated.

The implications surrounding the major changes to be implemented with the introduction of the new Police (Conduct) Regulations in December 2008 was identified at an early stage. In anticipation, measures have been taken to prepare the Force both in terms of training, process mapping and establishing the necessary facilities and resources.

Although the numbers of substantiated/upheld complaint allegations is low (less than 5% of all allegations) they have increased year on year by 27%, up from 22 to 28.

To provide any real value to the diversity analysis of complaints, measures must be taken to ensure that gender and ethnicity data for complainants and subjects are complete and accurate.

The percentage of locally resolved complaints generated by the Force has fallen from 55% to 51% and is now marginally above the national benchmark of 50%.

The specific areas of concern for the key complaint types are:

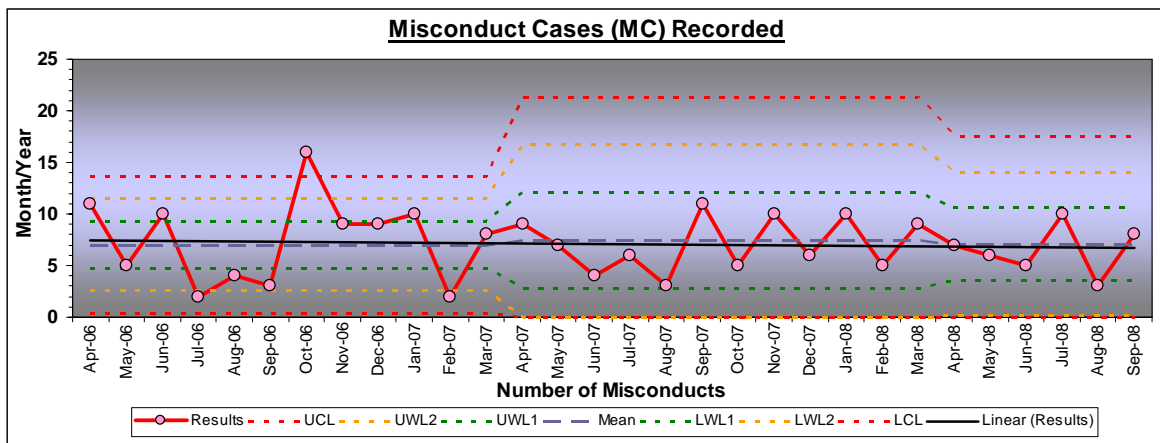
- Other Neglect or Failure in Duty – Southern Division
- Incivility, Impoliteness and Intolerance – Eastern Division
- Other Assault – Southern/Eastern Divisions
- Oppressive Conduct or Harassment – Eastern Division

5. MISCONDUCT (MC) CASES

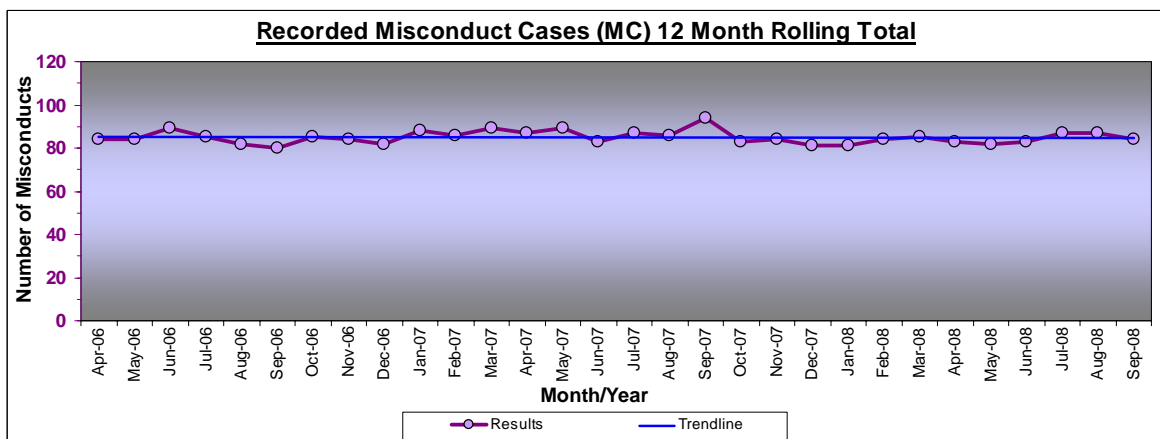
Recorded Misconducts (MC)

Between April 2008 and September 2008 there were 80 misconduct cases recorded by Professional Standards compared with 92 the previous year. These figures do not take into account the Police Staff misconduct cases dealt with by Force Human Resources. As a year on year comparison this represents a 10% reduction. Generated from these cases are 125 individual allegations.

The chart above shows the number of misconduct (MC) cases received by month since April 2006.



The chart below shows the 12 month rolling total of misconduct (MC) cases recorded by month since April 2006.



New Police (Conduct) Regulations were scheduled to come into force in October 2008 but have now been delayed until December 2008. It is anticipated that their introduction will generate increased numbers of misconduct meetings, necessitate a programme of training and place additional responsibility on a number of senior Officers/HR Staff within divisions.

In brief the new regulations will:

- Incorporate the ethos and misconduct model of ACAS
- Encourage a better response to misconduct matters
- Steer certain cases to be dealt with by way of UPP as a more appropriate alternative

- Move away from adversarial courtroom style proceedings
- Reduced hearing formality and bureaucracy
- Provide prescribed timescales for individual processes
- Place Divisions in the driving seat to deal with low level misconduct issues
- Reduce the number of sanctions and instead place emphasis on education and prevention

To ensure the successful transition to the new regulations, PSD are heading up a project implementation board which includes representatives from Training, HR, Media, Police Federation and Division. The intention is to pre-empt as many of the potential pitfalls by establishing close liaison with the bodies producing the regulations/associated guidance and the NPIA who are responsible for the roll-out of the training packages.

Lancashire PSD have taken the lead on this regionally and are currently developing the process mapping for the new regulations and its integration with other performance regulations such as UPP and police staff disciplinary procedure.

Misconduct (MC) Cases by Division

Misconduct (MC) Cases by Division			
Division	Misconduct (Apr 07 to Sep 07) Year to Date	Misconduct (Apr 08 to Sep 08) Year to Date	% Change
Western	5	4	◀
Northern	5	8	▶
Southern	9	7	◀
Central	4	4	◀
Eastern	8	3	◀
Pennine	4	3	◀
G/H/HQ/Other	4	7	▶
Total	39	36	◀

LEGEND	
Symbol	Meaning
▲	Large increase
▲	Small increase
◀	Little or No change
▼	Small decrease
▼	Large decrease

Misconduct Allegations by Type Description (scrolling 12 months)

The 125 misconduct allegations recorded during the last 12 months (October 2007 to September 2008) were generated from 80 misconduct cases and are shown in the table below by type description.

Type Description for Subjects of Misconduct (MC) Allegations		
Type Description	Allegations (Oct 06 to Sep 07)	Allegations (Oct 07 to Sep 08)
A Honesty and Integrity	20	27
B Fairness and Impartiality	1	0
C Politeness and Tolerance	17	7
D Use of Force and Abuse of Authority	5	10
E Performance of Duties	17	30
F Lawful Orders	3	5
G Confidentiality	15	19
H Criminal Offences	11	11
I Property	4	1
J Sobriety	0	0
K Appearance	0	0
L General Conduct	24	15
Unknown	0	0
Total	117	125

The two areas to have shown, a substantial year on year increase are Honesty and Integrity (+35%) and Performance of Duties (+76%) while the biggest reductions have

been in the categories of Politeness and Intolerance (-59%) and General Conduct (-38%). Despite a change in emphasis overall misconduct allegations have remained at a similar level to the previous reporting period.

A single case recorded in April 2008 generated 22 separate allegations (9 x Honesty and Integrity and 13 x Performance of Duties) against 10 individual officers.

The majority of the Confidentiality allegations relate to the alleged unauthorised access to force IT systems and disclosure of the information to a third party.

Misconducts by Officer/Staff Type (scrolling 12 months)

During the last 12 months there were 137 instances of a member of staff being subjects of a misconduct investigation.

Rank of Officers/Staff Subject of Misconduct (MC) Allegations		
Rank	Subjects (Oct 06 to Sep 07)	Subjects (Oct 07 to Sep 08)
ACPO	0	0
Chief Superintendent	0	0
Superintendent	0	2
Chief Inspector	1	3
Inspector	0	6
Sergeant	16	15
Constable	68	87
Special Constable	18	3
Police Staff	2	17
Unknown/Not Stated	29	4
Total	139	137

Misconduct / Diversity (scrolling 12 months)

Ethnicity of Officers/Staff Subject of Misconduct (MC) Allegations		
Ethnic Appearance (5+1)	Subjects (Oct 06 to Sep 07)	Subjects (Oct 07 to Sep 08)
Asian	6	3
Black	0	0
Chinese/Other	13	4
Mixed	0	1
White	118	106
Unknown/Not Stated	2	23
Total	139	137

As the force HR system indicates that the force employs only 7 officers/staff who consider themselves Chinese or Other minority ethnic, it is clear that there is some degree of inaccuracy with the recording of subject's ethnicity. Although the year on year figure has halved, it is still believed this category is being mis-recorded and is actually being used in instances where the HR data is incomplete and ethnicity is unknown. The implementation of the new Flovate complaints recording system and its improved links to HR data should address this issue.

Gender of Officers/Staff Subject of Misconduct (MC) Allegations		
Gender	Subjects (Oct 06 to Sep 07)	Subjects (Oct 07 to Sep 08)
Male	110	117
Female	29	20
Unknown	0	0
Total	139	137

The table above shows that since July 2007 male officers/staff have accounted for 85% of all misconduct complaints. This is a disproportionately high figure considering that male officers/staff only account for 58% of the workforce. This should be tempered with the knowledge that the vast majority of allegations are made against frontline officers/staff which continues to be made up of a high proportion of males.

Finalised Misconduct (MC) Investigation Outcome (scrolling 12 months)

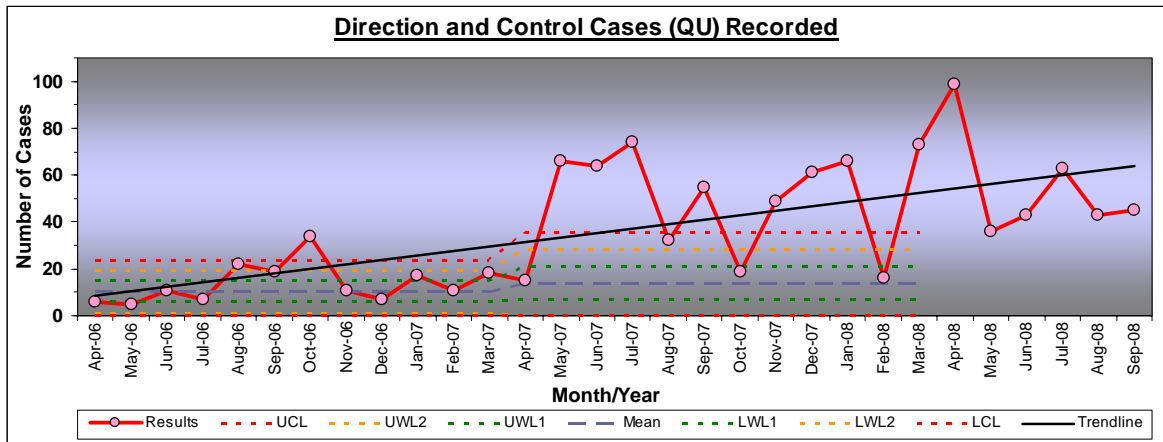
109 misconduct allegations (87 cases) were finalised during the last 12 months (October 2007 to September 2008) of which 80 (73%) were upheld.

Case Duration

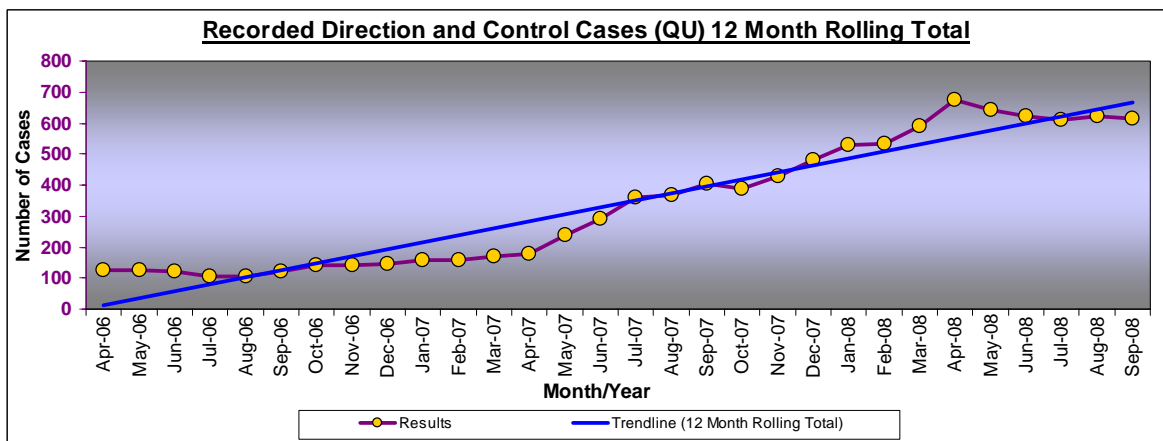
During the period October 2007 and September 2008, 26% of finalised cases were investigated within 120 working (166 calendar) days, compared with 4% the previous year. The average number of days spent on finalised misconduct cases during this period was 235.

6. DIRECTION AND CONTROL (QU) CASES

The chart below shows the number of direction and control cases received by month since April 2006.



The chart below shows the 12 month rolling total of direction and control cases recorded by month since April 2006.



Prior to April 2007 the long term trend was neutral but the implementation of revised capturing procedures has resulted in increased numbers of direction and control cases. It is expected to continue to fluctuate but with 12 months worth of data since the implementation of the new practices a new baseline for this type of complaint is beginning to emerge. The number of direction and control cases recorded since April 2007 is averaging out at 53 per month.

Year on year comparisons will not be of real value until May 2009 when both reporting periods will relate to cases captured under the new recording practices.

Direction and Control (QU) Cases by Division

The continued increase in overall levels of complaints can be attributed to the change and development in recording practices adopted and the revised pro-active procedures for capturing complaints since September 2006. It is expected that as changing practices implemented over the last couple of years become standardised the levels of complaint will begin to level out.

Direction and Control (QU) Allegations by Division			
Division	Direction and Control (Apr 07 to Sep 07) Year to Date	Direction and Control (Apr 08 to Sep 08) Year to Date	Year on Year Change
Western	19	38	▲
Northern	79	53	▼
Southern	34	45	▲
Central	75	68	◀
Eastern	45	74	▲
Pennine	27	36	▲
G/H/HQ/Other	13	9	◀
Total	292	323	▲

LEGEND	
Symbol	Meaning
▲	Large increase
▲	Small increase
◀	Little or No change
▼	Small decrease
▼	Large decrease

Direction and Control (QU) Cases by Category

The year on year data for the old Direction and Control categories as produced in previous issues of this report is no longer available via Flovate.

Although new Direction and Control complaints are now being recorded using a different breakdown of categories, year on year comparison of this data will not be available until a full years worth of data has been input (April 2009).

Direction and Control (QU) Allegations by Category			
Category	Direction and Control (Apr 07 to Jun 07) Year to Date	Direction and Control (Apr 08 to Sep 08) Year to Date	Year on Year Change
Community Policing Policy	n/a	19	n/a
Crime Prevention Policy	n/a	20	n/a
Data Protection/Information Security Policy	n/a	5	n/a
Detention/Custody Policy	n/a	9	n/a
DV Policy	n/a	5	n/a
Investigation Policy	n/a	31	n/a
Offender Management Policy	n/a	45	n/a
Other	n/a	22	n/a
Property Handling Policy	n/a	19	n/a
Prosecution Policy	n/a	39	n/a
Response/Deployment Policy	n/a	56	n/a
Road Policing Policy	n/a	49	n/a
Victim Handling Policy	n/a	3	n/a
Witness Handling Policy	n/a	1	n/a
Blank / No Data	n/a	0	n/a
Total	n/a	323	n/a

7. LESSONS LEARNED

The Lessons Learned programme was implemented in April 2007. Cases are scanned to identify organisational and individual learning points in the following areas:

Organisational Learning Points by Category		
Category	No of Lessons	Percentage %
Administration	0	0.0%
CJS	0	0.0%
Communication	18	21.0%
Custody	17	20.0%
Diversity	3	3.0%
General/Other	7	8.0%
Investigation	2	2.0%
Legal/Judicial	3	3.0%
Operational	20	23%
Training	17	20%
Total	87	100.0%

Organisational Learning Points by Case Type		
Case Type	No of Lessons	Percentage %
Complaint (CO)	13	15.0%
Misconduct (MC)	25	29.0%
Direction & Control (QU)	19	22.0%
Miscellaneous (MI)	22	25.0%
Civil Claims (CI)	8	9.0%
Total	87	100.0%

- Since April 2008 a more robust approach has been taken to pursuing outcomes on lessons learnt.
- Lessons identified are referred to the appropriate body and a response confirming the action taken is requested (and followed up where necessary).
- The outcome is recorded on FLOvate.
- A monthly report has been developed for SMTs within divisions. This is delivered by Detective Chief Inspectors from PSD who each have responsibility for a cluster of divisions. Lessons learnt is an integral part of this report.
- Learning points from IPCC 'Learning the Lessons' bulletins are recorded and distributed for dissemination and action to individuals with responsibility for key areas.
- A total of 21 IPCC lessons have been recorded from the bulletins, however these have not been included in the above figures as they relate to national rather than Force issues.
- Divisional Commanders receive the IPCC bulletins for information purposes.

8. APPENDIX A to PART I **WORKFORCE OVERVIEW**

The data produced in the tables below is accurate as at 31/08/2008.

HEADCOUNT DATA BY EMPLOYEE TYPE								
TYPE	Western Division	Northern Division	Southern Division	Central Division	Eastern Division	Pennine Division	HQ/G/H Division	Force Total
POLICE OFFICERS	545	431	503	361	597	563	691	3691
POLICE STAFF	219	180	221	164	301	218	820	2123
PCSOS	72	79	71	47	68	56	1	394
SPECIALS	59	47	79	82	50	65	3	385
TOTAL	895	737	874	654	1016	902	1515	6593
% of Force	14%	11%	13%	10%	15%	14%	23%	100%

HEADCOUNT DATA BY EMPLOYEE GENDER								
GENDER	Western Division	Northern Division	Southern Division	Central Division	Eastern Division	Pennine Division	HQ/G/H Division	Force Total
FEMALE	345	310	374	255	452	396	626	2758
MALE	550	427	500	399	564	506	889	3835
TOTAL	895	737	874	654	1016	902	1515	6593

HEADCOUNT DATA BY SELF CLASSIFIED ETHNICITY								
ETHNICITY 5+1	Western Division	Northern Division	Southern Division	Central Division	Eastern Division	Pennine Division	HQ/G/H Division	Force Total
ASIAN	3	1	4	19	52	27	19	125
BLACK	1	0	0	2	2	1	3	9
CHINESE/OTHER	2	0	1	0	1	3	2	9
MIXED	5	7	13	7	8	7	14	61
WHITE	840	699	799	563	905	748	1372	5926
UNKNOWN/NOT STATED	44	30	57	63	48	116	105	463
TOTAL	895	737	874	654	1016	902	1515	6593

9. APPENDIX B to PART I **COMPARISON WITH FAMILY OF MOST SIMILAR FORCES (MSF)**

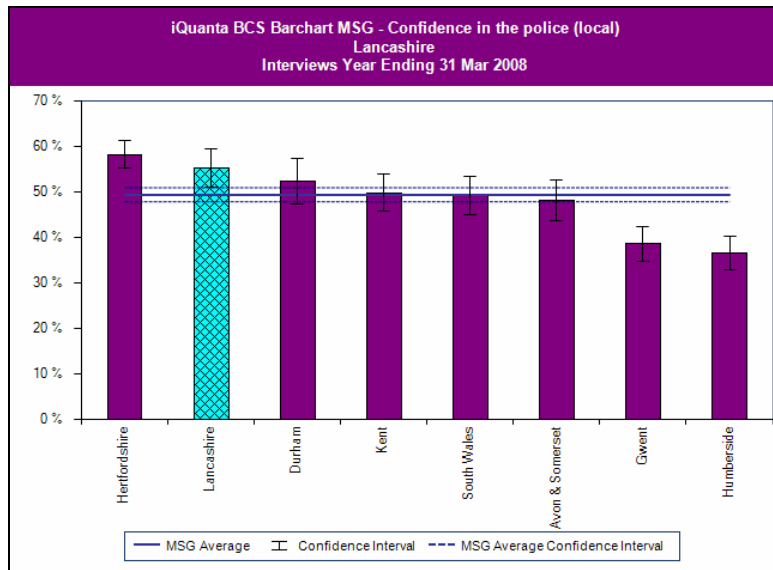
On 1st April 2008 new Most Similar Forces (MSF) grouping were released. Lancashire's new MSF group now comprises:

- Leicestershire (22)
- Kent (20)
- Nottinghamshire (31)
- West Yorkshire (42)
- Essex (13)
- Northamptonshire (27)
- Hertfordshire (18)
- Lancashire (21)

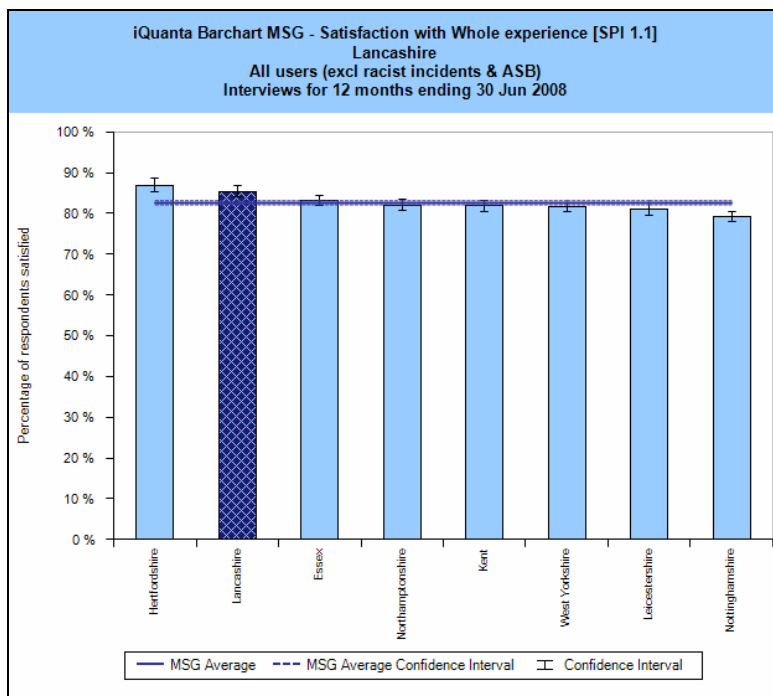


The charts below are extracted from the iQuanta.net website and compare the confidence and satisfaction levels of the public of Lancashire with those of the other forces within the same MSF group based upon interviews conducted in March 2008 and June 2008 respectively.

The MSF Group public confidence data held on iQuanta has not yet been updated and so the chart below still refers to the old MSF grouping.



The overall confidence level represented as a percentage in the chart above has increased slightly but in terms of Lancashire’s position within the most similar group of forces it has moved from third to second highest.



The “Whole Experience” values in the chart above encompass as one the individual levels of public satisfaction for the following four areas of police/public interface:

- Ease of Contact
- Actions
- Follow-up
- Treatment

While the values for “treatment” and “ease of contact” show values above 90%, those for “actions and “follow-up” are noticeably less. This broadly reflects the higher levels of direction and control allegations recorded surrounding the investigation and procedural aspects of the policing business.

Most Similar Forces Complaints and Local Resolution Comparison

Complaints (CO) Case Comparison with Most Similar Forces (MSF)				
Force	Complaint (CO) Cases (Apr 08 to Sep 08)	Complaint (CO) Allegations (Apr 08 to Sep 08)	Local Resolutions as % of Finalised Complaint (CO) Allegations (Apr 08 to Sep 08)	Complaint (CO) Allegations per 1000 Staff Members (Apr 08 to Sep 08)
Essex	436	827	214 (35%)	126
Hertfordshire	No response	No response	No response	No response
Kent	418	794	239 (36%)	110
Lancashire	394	581	378 (51%)	88
Leicestershire	233	435	199 (48%)	103
Northamptonshire	218	270	141 (50%)	100
Nottinghamshire	277	476	164 (37%)	101
West Yorkshire	464	919	326 (35%)	80
Average	334 (Av)	615 (Av)	237 (42%) (Av)	101 (Av)

While the local resolution rate for Lancashire has fallen by a considerable degree over the last 12 months the current level still appears favourable against those of the other members of our MSF group. The unofficial target of 50% has shown to be easily achievable in the last few years and PSD's aim should be to achieve this level as a minimum standard.

The data above is supplied independently by the other forces within the MSF group and it is not always possible to validate the calculations or querying parameters used to obtain their statistics. Assuming recording practices and interpretation of guidelines are consistent across the group, it highlights the relatively low number of complaint cases per 1000 staff recorded by Lancashire.

Satisfaction/Confidence Surveys and PROBE Data

The force employs specialist companies to conduct satisfaction surveys on their behalf, the data from which informs the Constabulary's quarterly satisfaction analysis product (PROBE). Up until April 2008 the data provided was based on the Policing Performance Assessment Framework (PPAF) criteria and are aimed entirely at the victims of certain types of crime, some anti-social behaviour and racist incidents. The specific questions asked could apply equally to complainants as victims, however, as most complaints are generated by individuals who have been subject to police powers e.g. arrest, search or questioning, it is not possible to apply the findings to both or assume there is any correlation between them. The population samples relate to opposing population groupings engaging with the police under diverse circumstances and with different motivations and expectations.

Analytical tests conducted recently of the data relating to public satisfaction and complaint figures, confirms that there is no statistical correlation between them irrespective of the relationship of the two population groups. Although correlation does not indicate causation, the lack of correlation does eliminate the possibility of the two elements having a significant effect on each other.

In April 2008 a new assessment framework was introduced called Assessments of Policing and Community Safety (APACS) and supersedes PPAF. While the changeover to the new framework has added new reporting categories and reorganised some of the existing groupings, the structure and survey parameters for the "User Satisfaction and Public Confidence" elements remain the same.

10. APPENDIX C to PART I **DEFINITION OF TERMS**

Public Complaint

A complaint about the 'conduct' of a person serving with the police. The complaint can be made against a police officer, member of police staff, police community support officer, special constable or designated contracted staff.

Complaint Case

A single investigation which may contain one or more allegations, brought by one or more complainants, against one or more persons serving with the police.

Complaint

A single allegation made by one or more complainants about the conduct of one or more persons serving with the police.

Direction and Control Complaint

Complaints regarding operational policing policies (where there is no issue of conduct), organisational decisions, general policing standards in the Constabulary and operational management decisions (where there is no issue of conduct).

Misconduct Cases

These relate to investigations into allegations of misconduct, which usually come to light internally. Allegations may also come from members of the public complaining about the off duty conduct of a person serving with the police (not covered by the statutory procedures for public complaints) or where members of the public wish to make a statement in relation to an incident but do not wish to register a formal complaint.

Civil Claims

These fall into two categories:

- Public liability claims – claims from members of the public seeking compensation for alleged assault, unlawful arrest and detention, malicious prosecution etc.
- Employers' liability claims – claims from members of the Constabulary seeking compensation in respect of injuries sustained in the workplace.

Miscellaneous Cases

Cases that do not fall into any of the above categories. A small number of cases may involve high profile enquiries where there are no allegations of misconduct e.g. a death after police contact or external enquiries conducted by the Constabulary in another force area.

Independent Investigation

An enquiry conducted by the IPCC into cases which cause the greatest level of public concern.

Managed Investigation

An enquiry conducted by the Constabulary but under the direction and control of the IPCC. Usually concerning incidents of significance, but do not require an independent investigation.

Supervised Investigation

An enquiry conducted by the Constabulary, for which the IPCC decides that the incident's significance and probable public concern requires oversight by the IPCC.

Local Investigation

An enquiry conducted by the Constabulary without IPCC involvement.

Substantiated (Upheld) Complaint

A complaint where following an investigation the allegation is found to be upheld.

Unsubstantiated (Not Upheld) Complaint

A complaint where following an investigation the allegation is found to be not upheld.

Withdrawn Complaint

A complaint where the complainant withdraws the allegation(s) or indicates they do not wish any further steps to be taken in consequence of their complaint.

Locally Resolved Complaint

A complaint where the matter has been resolved by means of the local resolution procedure.

Dispensation

In certain circumstances, on application, the IPCC agree to dispense with the need for an investigation into a complaint.

Suspension from Duty

When it appears from a complaint or report that the conduct of a police officer, special constable or member of police staff has fallen seriously below the standards expected, that person can be suspended from duty by a chief officer (assistant chief constable or above) in accordance with Constabulary policy.

Divisions

The Constabulary is divided into eight divisions, six of which are territorially based and headed by a Chief Superintendent. The territorial divisions are as follows:

- | | | |
|--------------|---|---|
| A (Western) | - | Divisional Headquarters at Blackpool |
| B (Northern) | - | Divisional Headquarters at Lancaster |
| C (Southern) | - | Divisional Headquarters at Leyland |
| D (Central) | - | Divisional Headquarters at Preston |
| E (Eastern) | - | Divisional Headquarters at Greenbank, Blackburn |
| F (Pennine) | - | Divisional Headquarters at Burnley |

In addition to the above, two specialist divisions, G (Crime Operations) and H (Uniform Operations), with staff based both within the territorial divisions and at Headquarters are headed by Chief Superintendents.