

Reforming the Independent Police Complaints Commission: structure and governance

Consultation response:

Police Action Lawyers Group (PALG)

Introduction: The Police Action Lawyers Group (PALG)

The Police Action Lawyers Group (PALG) is a national organisation comprised of lawyers who represent complainants against the police throughout England and Wales. PALG was formed in 1991 and its members are concerned first and foremost with the principal objectives of the complainants we represent: to ensure that the police are held accountable for their conduct through all available avenues, including the police complaints system, judicial review and compensation claims.

PALG members hope that by upholding our clients' rights and highlighting poor practice, improvements will be made to police services and other state authorities against whom our clients bring claims. In our experience, the primary objective of many of the clients who instruct PALG lawyers is a desire to ensure that the responsible police officers are held accountable for their conduct, and that lessons are learnt and improvements made so that others do not suffer the lack of care, abuse, indignity and ill-treatment that they have suffered.

PALG members have been involved with numerous notable police complaint cases, civil claims and inquiries. These cases typically involve allegations of false imprisonment, assault and malicious prosecution (often aggravated by discrimination), but are not limited to such work. Some of the most distressing cases we deal with are on behalf of families whose relatives have died in police custody. Many of our members are also active within the INQUEST Lawyers Group.

Due to our large and varied membership, the collective experience of PALG is considerable. We include lawyers who act on behalf of complainants against virtually every force in England and Wales. Membership is contingent on lawyers only acting for complainants, to ensure that we provide a wholly independent space to discuss complainants' concerns.

All of our work as an organisation is voluntary and we receive no funding of any kind. The group is motivated by a desire to achieve the best possible outcome for our clients, many of whom have suffered the most serious abuse at the hands of the police.

As a group we have also been in a position to liaise with other organizations representing complainant interests, including INQUEST, Liberty, Justice and MIND. We have also developed a lobbying role, particularly in relation to the police complaints system. To that end our members have attended before Select Committees, met with Ministers, and prepared regular briefings.

More information can be found on our website (<http://www.palg.org.uk/>).

The IPCC's governance structure

As set out in the full consultation document, the Government proposes to implement a new organisational structure for the IPCC which will involve the following key elements: • a single head of the organisation, who makes decisions about investigations independent of government, will be a Crown appointment and cannot have worked for the police; • decisions to be made independently of government, but continued administrative oversight by the Home Office; and, • a single, clear line of decision-making, with governance of the organisation provided by a unitary Board, with a majority of non-executives to provide robust external challenge.

1. Do you agree with the government's proposed package of measures, as summarised above, to reform the IPCC's governance structure?

- Agree
- Disagree
- Don't know

2. Specifically, do you agree that there should be a single line for decision-making and accountability within the reformed IPCC rather than the current "dual" structure?

- Agree
- Disagree
- Don't know

Ensuring the independence of the reformed IPCC

3. Do you agree that the IPCC's decision-making should be completely independent of the government, but that the Home Office should retain oversight of the IPCC's administration and financial arrangements?

- Agree
- Disagree
- Don't know

Regional structure

The Government believes that the reformed IPCC could benefit from organising itself with a greater regional presence to increase its visibility and interface with the public and stakeholders such as the police. The Government is interested in views on whether the reformed organisation should have discretion to operate along regional lines, or whether it should be required to do so.

4. Do you think the reformed IPCC should have the flexibility to decide for itself how it operates at regional level?

- Yes, the IPCC should have discretion and flexibility
- No, it should be a requirement
- Don't know

Police experience

The Government considers that there should be a restriction on the head of the reformed organisation having worked for the police in the past. The Government is interested in views as to whether some restriction should apply to other senior posts (i.e. those with public-facing roles such as the proposed Deputy or Regional Heads).

5. Should there be some restriction on people with a policing background taking up posts as senior management employees of the IPCC?

- Yes
- No
- Don't know

New name for the reformed IPCC

6. Do you agree with the suggested name "Independent Police Conduct Authority" as a title for the reformed IPCC?

- Agree
- Disagree
- Don't know

What alternative suggestion would you make?

The suggested name is too similar to the Police Complaints Authority (PCA). We would instead suggest the Independent Police Investigations and Review Commissioner (for England and Wales), or IPIRC.

Other comments

7. Do you have any other comments in response to the above questions, or on other matters in relation to this public consultation, or about the IPCC and the way it is structured and organised? Your answer should be no more than 500 words.

Re: Questions 1 & 2

We agree with the proposals.

In particular, we would emphasise the importance of ensuring that the Head (via Deputy and Regional Heads) is ultimately responsible and accountable for the quality of investigations. Under the Police Reform Act 2002, although independent investigations are said to be undertaken by the Commission, and decisions such as referral to the CPS and direction of disciplinary action are taken by the Commission, the responsibility and accountability for the investigation and report, upon which such decisions are taken, rests solely with the individual investigator. This prevents those at the top of the organisation intervening to ensure a consistently high quality of investigation. Moreover, it creates a tension that, in the experience of our members, can be deeply damaging to the confidence of complainants.

Re: Questions 4 & 5

Regional presence and structure

We are essentially neutral on the discrete question of whether the reformed organisation might itself decide how it operates at a regional level. The emphasis, however, must be on quality, high standards and consistency of service and decision-making throughout the regions. It is vital for complainants, public confidence and accountability (in respect of both the reformed body and the forces that it investigates) that there should be no regional divergence in respect of quality and service delivery. Regional offices must not become separate, unaccountable and incapable of holding the police to account effectively. Robust monitoring and regular reviews will be required, including proper analysis of complaint statistics, with any reasons for regional variations being explored and, where necessary, addressed.

These views echo the concerns highlighted at paragraph 5.8 of the Drew Smith report and we agree that those concerns need to be carefully managed, including as described above.

Police experience

We are very strongly of the view that no individual with a police background should be able to take up any of the “senior” posts proposed (that is the Head, the Deputy Heads, and the Regional Heads; or, their equivalent posts in the event of some alternative structure being adopted).

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Whilst it will of course be necessary for the reformed organisation to be able to employ individuals with appropriate expertise, the appointment of any individual with a police background to a senior post will be highly damaging in terms of public and complainant confidence, and will seriously undermine the necessary independence (actual and perceived) of the reformed body.

If individuals with a police background are permitted to hold senior posts then clearly restrictions would need to be put in place to minimise the damage to public and complainant confidence. It should not be permitted, for example, that both (or all) Deputy Heads fall in to this category. Moreover, no individual should have any responsibility for a force / region with which they have previously been connected; without this restriction it would be permissible for senior officers in a region to move into a senior post at the reformed body and be responsible for investigating their own previous force. This could not fail to give the appearance that police forces were being permitted to investigate themselves.

Other matters

In our view, the reformed organisation should be made more accountable to Parliament through select committees i.e., the Home Affairs Committee.

Finally, we are of the view that the reformed organisation may benefit from oversight by an external advisory committee, composed of academics with research expertise and community members with experience of dealing with the police or IPCC.

About you

8. The information requested below will help the government analyse and make best use of the feedback it receives from this public consultation and inform further discussions with the public and partners.

From the list below, please select the group which best describes you:

- A police officer or employed by the police (or another body over whom the IPCC has jurisdiction)
- A member or an employee of the IPCC
- A campaigner or professional (not from the police) who has had contact with the IPCC as part of my work
- A member of the public
- None of the above

9. Your contact details.

Providing your personal information and contact details is voluntary. If you do provide this personal information:

- It will only be used to contact you
- It will be stored on a secure Government IT system
- It will be kept in accordance with the Data Protection Act
- It will not be shared with any third parties.

Name:	<input type="text" value="Jesse Nicholls, co-Chair"/>
Organisation:	<input type="text" value="Police Action Lawyers Group (PALG)"/>
Region:	<input type="text" value="National"/>
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