

Metropolitan Police Service, Direction & Control Guidance.

The Metropolitan Police Service recognises that an important and efficient way to increase public confidence in policing is through the approach we adopt to resolve complaints about the police, both the conduct of individual officers and the 'direction and control' of the police service. Police complaints are one indicator of the level of public satisfaction with policing. Identifying trends in complaints, understanding them and acting where necessary are crucial to public confidence. This guidance will ensure that the Service is able to build on that public confidence; by the way we deal with matters, which are not complaints under the Police Reform Act 2002 but defined as 'direction and control' complaints.

Direction and Control:

Refers to matters of strategy, policy structure, organisation and central force command concerning general policing, resources and budgetary issues¹. S67(4) of the Police Act 1996 clearly indicates the direction and control relates to direction and control of a police force.

A compliant that relates to direction and control is one that relates to:-

- operational policing policies (where there is no issue of conduct)
- organisational decisions
- general policing standards in the force
- operational management decisions (where there is no issue of conduct)

This would therefore include: the formulation of guidelines and the making of general decisions on the deployment and posting of officers or groups of officers; the allocation of personnel, financial and material resources in certain sectors or geographical areas (that is, the disposition of the force or parts of the force); the decision to (or not to) arrest and prosecute certain crimes; the decision on how (generally) to perform certain functions – for example, licensing, use of firearms and stop and search; and the formulation of principles and protocols governing appointment, recruitment, promotion, discipline and dismissal etc of subordinate officers and police staff.

It does not include: the making of a specific decision on the deployment of officers for a particular investigation or operation – for example, a decision to take a very large number of officers to search a small house despite no expectation of violent resistance; the decision to (or not to) arrest and prosecute a *particular* suspect for a certain crime; the application of policies on certain functions in *particular* cases; and the appointment, recruitment, promotion, discipline and dismissal etc of *particular* subordinate officers and police staff.²

¹ Robin Spencer Q.C. so advised the PCA regarding section 84(5) of the Police and Criminal Evidence Act 1984, and in further advice dated 10th December 2001 and 28th February 2002.

² Mark Shaw Q.C. in advice to the MPA dated 21st May 2003.

It can be about any matter to do with the delivery of the policing service in a police area; Are the representations about the fairness or reasonableness of MPS procedures, policies and practices, including operational policies, rather than about the behaviour of an individual in a particular case? If so, this will be a “*direction and control*” matter outside the scheme of the Act.

How direction and control will be allocated:

- On receipt of a complaint file or issue of concern raised by a member of the public the DCI Investigation Command (IC) may consider the matter a ‘direction and control’ issue.
- An IO will be appointed to undertake any additional research and also ensure that, should the matter be later recognised as a complaint about the individual conduct of a police officer or police staff, no investigative opportunities have been lost by an initial decision to deal with the matter as a ‘direction and control’. *Where there is any difficulty in making this first decision an investigation should proceed as if the complaint is about conduct, until such time as any preliminary inquires or investigation demonstrate this is not the case.* This is to ensure correct application of the conduct procedures, should they be later shown to be appropriate.
- Initial contact should be made with the member of the public raising the concern. In respect of any subsequent meeting best practice would suggest that this should endeavour to be a personal meeting, subject to operational risk considerations and the wishes of the member of the public.
- The meeting or contact should endeavour to establish the concerns the member of the public is highlighting and that there is no issue, which may be considered a conduct matter within Sec 12 Police Reform Act 2002. In the latter case the complaint should be recorded as a section 12 complaint and the appropriate process for dealing with such complaint followed. If there remains issues which are wholly direction and control these can continue to be dealt with under these guidelines. If the member of the public is complaining about how a particular policy had been implemented they should be considered as making a complaint and the matter recorded.
- If following contact with the member of the public, the matter is direction and control, this should be discussed with the person, acknowledging the issues raised and providing an understanding of the reasons why such a situation has occurred. Any learning opportunities identified should also be discussed and subsequent police response set out, for example bring the concerns to the appropriate part of the service with responsibility for the provision of that service.

The member of the public should be advised that their concern is not being recorded as a Sec 12 Complaint, will be recorded within the service on the Direction and Control Register, and that they have a right of appeal to the IPCC. Any appeal in respect of non-recording should be within 28 days. A copy of the IPCC leaflet will be provided to the member of the public.

- Such a meeting, by whatever means, with the member of the public should be within 28 days of the matter being brought to the attention of the service.
- It may be considered good practice for the meeting with the member of the public to be conducted by an appropriate supervising officer from the B/OCU having responsibility for the issues being raised. This should be undertaken with advice and guidance from the IO appointed by IC.
- Once the matter is established as direction and control, a report will be submitted to the D/Supt IC (North or South) setting out the rationale and the member of the public's informed view, for authority for the matter to be dealt with as direction and control. If the D/Supt ratifies the decision, a letter confirming this will be sent to the member of the public with an explanation of the right to appeal in respect of the non-recording of a complaint under the Police Reform Act. Also setting out, if appropriate the learning opportunities identified and where these are being referred.
- This letter will be sent to the member of the public within 14 days from the meeting with the IO or B/OCU representative.
- In cases where the IO identifies areas of *corporate learning* the file will be sent to the Prevention and Reduction Team (PAR team) DPS who will then contact the appropriate branch for the particular area of business. The PAR team will monitor progress and will update the IO when a decision is reached whether to implement the recommendation or not. Learning in relation to a specific OCU will be forwarded through the IC DCI to that OCU.

There may be occasions where a direction and control matter is brought to the notice of the service but there will not be a requirement to record it in the direction and control register; for example,

- Where an immediate satisfactory explanation is given to the complainant and where there are no ongoing lessons to be learnt or policies that require reviewing. If there is any doubt a report should be submitted through IC borough support for the attention of the Prevention and Reduction Unit.
- It has been dealt with previously and which was made by the same complainant.
- It is considered to be frivolous, vexatious, anonymous or out of time (for example over 12 months old)

Roles and Responsibilities;

Detective Superintendent IC;

Will ensure that issue raised is a Direction and Control matter and that the appropriately worded letter is sent to the member of public concerned within 14 days following any meeting between the IO and member of the public

Detective Chief Inspector IC

Will ensure that matter is correctly identified as a direction and control, that an IO is appointed and if appropriate a supervisor from a (B)OCU assists in any contact with the member of the public. At conclusion, forwards file to Prevention and Reduction Team or appropriate B/OCU.

Investigating Officer;

Will make contact with member of the public, meet and explain police powers and procedures ensure that there are no misconduct issues within the matter(s) raised. Obtain, if possible, the informed agreement of the member of the public, that the matter should be recorded as direction and control. Ensure that the member of the public is aware of their right of appeal to the IPCC if the decision is not to record the matter as a Police Reform Act complaint.

Prevention and reduction team;

Oversee final reports where corporate learning has been identified; liaise with appropriate branch policy makers who will decide whether to implement any such learning.

HMIC;

HMIC will want to include in its normal force inspection the adequacy of a force's procedure for handling direction and control complaints and will scrutinise the effectiveness of both the operation of this guidance and its oversight function.

Monitoring;

Monitoring and oversight of the Service's response to Direction and Control will be provided by the Tribune system. Practitioners are satisfied that with minor adaptation the system can be used to effectively monitor the use of direction and control, providing in addition, the availability for the MPA to satisfy its guardianship role. Specific instructions will be issued to caseworkers re the correct, method of input which will enable the Service to have information on; details of complaint, details of complainant and Outcomes, at a minimum. If it is decided that the matter is a complaint, it should be recorded as such. However, if the correct analysis is that it is not a complaint, there is no requirement to record and, accordingly, the purported recording of a matter which was not a complaint might properly be regarded as a nullity.

The following complaints will not be dealt with under this guidance;

Conduct of a member of staff; these must be dealt with under the provisions of the Police Reform Act 2002

Management and organisational support.

Police Authority affairs; any complaint about the conduct of a member of the police authority or a complaint about police authority affairs should be directed to the clerk of the police authority.

Not Protectively Marked

Further information may be obtained from Inspector Tim Waterhouse DPS (Policy Unit) 65862.

