

<b>Consideration</b>	
<b>Public/Non Public*</b>	<b>Public</b>
<b>Report to:</b>	<b>Joint Audit and Scrutiny Panel</b>
<b>Date of Meeting:</b>	<b>30 November 2021</b>
<b>Report of:</b>	<b>Police and Crime Commissioner</b>
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<b>Agenda Item:</b>	<b>14</b>

\*If Non Public, please state under which category number from the guidance in the space provided.

## COMPLAINTS & REVIEWS ASSURANCE REPORT

### 1. Purpose of the Report

- 1.1 To provide the Police and Crime Commissioner (Commissioner) and Joint Audit and Scrutiny Panel (JASP) with assurance that Nottinghamshire Police Complaints are being managed in accordance with Legislation and Statutory Guidance.
- 1.2 This report has also been considered by the Nottinghamshire Police Organisational Risk, Learning, Standards & Integrity Board on 15 September 2021.

### 2. Recommendations

- 2.1 Note the learning identified and agree to consider a future report from the Head of Professional Standards Directorate (PSD) in response to this report's findings.

### 3. Reasons for Recommendations

- 3.1 The Commissioner has an oversight responsibility to ensure that Nottinghamshire Police Complaints are managed in accordance with:
  - Police (Conduct) Regulations 2020
  - Police and Complaint and Misconduct Regulations 2020
  - Independent Office for Police Conduct (IOPC) Statutory Guidance 2020

### 4. Summary of Key Points

#### 4.1 What is a complaint?

A complaint is any expression of dissatisfaction with a police force that is expressed by or on behalf of a member of the public.

## 4.2 Complaint Files Dip Sampling Overview

To establish if Nottinghamshire Police complaints are being handled in accordance with the above-mentioned guidance and legislation, the Office of the Police and Crime Commissioner (OPCC) dip sampled 25 complaints relating to use of force complaints closed between 01 February 2021 – 31 July 2021.

## 4.3 Complaints handled otherwise than by Investigation

Complaints handled otherwise than by investigation are lower level complaints where it is likely that, if proven, the allegation would not result in further proceedings.

Complaints that can be quickly resolved to the satisfaction of the complainant can be logged outside of schedule 3.

Complaints should be recorded inside schedule 3 if the complaint requires further investigation or if the complainant requests that the complaint is recorded.

The OPCC is the relevant review body for complaints handled otherwise than by investigation.

There is no right of review for complaints handled outside of schedule 3.

Please see below outcome of complaint cases dip sampled:

No. of Cases	Logged outside scheduled 3	Logged inside schedule 3	Complainant provided with written outcome letter	Complaint outcome – reasonable and proportionate	Complaint outcome – not reasonable and proportionate	Offered right of review	Review requested	Review not upheld	Review upheld	Review ongoing	Complaints withdrawn
1											
2											
3											
3											
0											
2											
0											
0											
0											
0											
0											

#### 4.4 Professional Standards Directorate Investigations

Professional Standards Directorate Investigations are where it is likely that, if proven, the allegation of criminality or conduct would justify disciplinary proceedings.

	Logged inside schedule 3	Complainant provided with written outcome letter	Complaint outcome – reasonable and proportionate	Complaint outcome – not reasonable and proportionate	Offered right of review	Review requested	Review not upheld	Review upheld	Review ongoing	Complaints withdrawn
No. of Cases	16	16	14	2	14	3	2	0	1	6

4.4.1 The allegation in the complaint that was not handled reasonably and proportionately was proven and the officer was dismissed. The other was handled by way of Reflective Practice Review Process (RPRP). RPRP is a structured, non-disciplinary process which encourages officers to identify mistakes, consider the impact of their actions and reflect on how they can learn and improve.

4.4.2 There was evidence that a public interest test had been completed and the outcome of all 6 was that it was not in the public interest to proceed with the complaint.

#### 4.5 Dip Sample Findings

For all complaints sampled there was sufficient detail of the complaint and an initial assessment had taken place.

The average time taken for PSD (Professional Standards Directorate) to acknowledge a complaint in writing was 4.6 days.

An acknowledgement could not be located for one complaint.

The average time taken for PSD (Professional Standards Directorate) to resolve a complaint otherwise than by investigation is 49 days.

The average time taken for PSD (Professional Standards Directorate) to resolve a complaint handled by investigation is 73 days.

25 (100%) of the complaints sampled were concerning complaint category B4 – use of force.

#### **4.6 Observations**

The average complaint acknowledgement time has decreased by 5.4 days.

The last dip sample identified that 58% of Use of Force complaints were handled by PSD Investigation. This dip sample has shown that there is a significant increase in Use of Force complaints for PSD Investigation of 88%.

#### **4.7 Dip Sampling Recommendations**

For the Professional Standards Directorate to:

- a) Advise what action has been taken to reduce the acknowledgement time.
- b) Advise if there is a reason for the increase in PSD investigations for Use of Force complaints.

#### **4.8 Complaint Reviews Breakdown**

For the six months (1/2/21 – 31/7/21) the Office of the Police and Crime Commissioner received 44 requests for a complaint review:

- 40 complaint reviews have been undertaken
- 4 are outstanding

30 (68%) complaint reviews were not upheld and the Police's complaint response was reasonable and proportionate.

10 (23%) complaint reviews were upheld; in each case recommendations were made to the force. The force have provided a response to recommendations to the Commissioner and the complainant.

#### **4.8 Complaint and Review Learning**

The Professional Standards Directorate have been asked to provide the Commissioner with an overview of how learning is identified, how it is monitored and actioned and where it is reviewed.

### **5 Financial Implications and Budget Provision**

5.1 There are no financial implications or budget provision.

### **6 Human Resources Implications**

6.1 There are no human resource implications.

## **7 Equality Implications**

7.1 There are no human resource implications.

## **8 Risk Management**

8.1 There may be a risk to the public's confidence in Nottinghamshire Police.

## **9 Policy Implications and links to the Police and Crime Plan Priorities**

9.1 The report links to the Police and Crime Plan Governance and assurance priorities.

## **10 Changes in Legislation or other Legal Considerations**

10.1 None

## **11 Details of outcome of consultation**

11.1 The Head of the Professional Standards Directorate has been consulted on this report.

## **12. Appendices**

12.1 N/A

## **13. Background Papers (relevant for Police and Crime Panel Only)**

13. N/A