

<b>For Information</b>	
<b>Public</b>	
<b>Report to:</b>	<b>Joint Audit and Scrutiny Panel</b>
<b>Date of Meeting:</b>	<b>30<sup>th</sup> November 2021</b>
<b>Report of:</b>	<b>Deputy Chief Constable Barber</b>
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<b>Agenda Item:</b>	<b>15</b>

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

## **Complaint and Misconduct Investigations (including organisation learning)**

### **1. Purpose of the Report**

- 1.1 To inform the Joint Audit and Scrutiny Panel (JASP) that reform to the police complaints and misconduct legislation commenced on 1<sup>st</sup> February 2020. The data supplied within this report is from 23<sup>rd</sup> April 2021- 10<sup>th</sup> November 2021.
- 1.2 To provide a final report, using data under the former legislation, of how the force compared nationally when dealing with complaints and misconduct matters.

### **2. Recommendations**

- 2.1 It is recommended that the title / purpose of this report be revised by the Head of Professional Standards Directorate (PSD) and the OPCC Chief Executive to include organisational learning and practice requiring improvement.
- 2.2 This will ensure effective and governance regarding two key areas. First, governance surrounding investigations and allegations where the misconduct threshold is met. Second, oversight for investigations where discipline recommendation are not found or progressed, in favour of learning and development. This is consistent with key aspects of the complaints and misconduct system implemented by the 2020 Police Conduct Legislation.

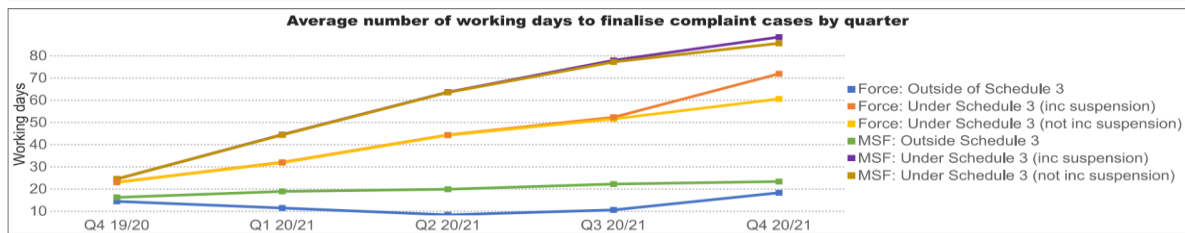
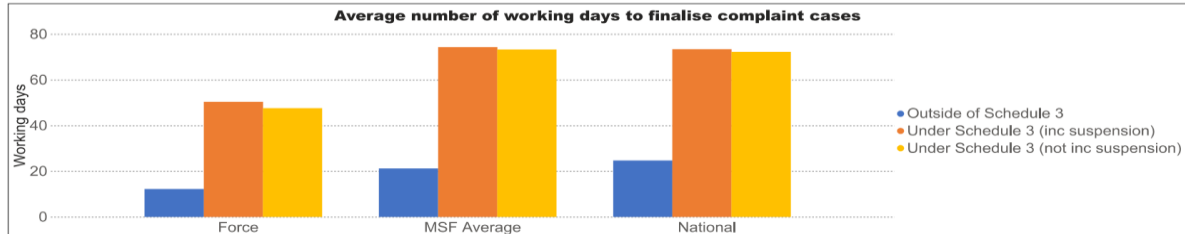
### **3. Reasons for Recommendations**

- 3.1 To ensure that the JASP ensures the force and OPCC are compliant in their duty to record and investigate complaints and misconduct matters in accordance with the:
  - 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 It important to note our position nationally in how we finalise complaints.

Average number of working days to finalise complaint cases	Force	MSF Average	National
Outside of Schedule 3	12	21	25
Under Schedule 3 (inc suspension)	50	74	73
Under Schedule 3 (not inc suspension)	48	73	72



4.2 There are no officers/staff currently suspended.

4.3 There are currently 10 officers with restrictions upon them and 4 staff members.

4.4 **Initial complaint handling:**

- In the reporting period the number of complaints received by the force was 617 in total. This has remained on average at 88 per month.
- 98.7% of complaints are recorded within 10 working days. This continues to improve and has been an area of focus for PSD.
- It is clear that a quick and professional conversation early is pivotal in resolving dissatisfaction with the service. Further training has been given to staff to ensure an early resolution to dissatisfaction.

Inside Schedule 3 Complaints	Outside Schedule 3 Complaints
339	278

The above shows an average of 46% of complaints are dealt with outside of Schedule 3. These are reviewed by a supervisor to ensure consistency and the correct application of the regulations.

- **Staff skills and knowledge-**

There will be three Reasonable Proportionate Handler (RPH) Sergeants from 15<sup>th</sup> November 2021. This will see the timeliness improve further and provide opportunities to deliver any learning from investigations in an appropriate manner.

- **Organisational learning-**

This is a key area for PSD. The emphasis will be on learning. The meetings and hearing officer is responsible for collating organisational learning. There is learning from all matters dealt with at meetings and hearings and as such it is now captured and dealt with appropriately to maximise all opportunities for learning.

A monthly PSD bulletin is underway. It will share appropriate cases and the learning identified. The staff associations and Police Federation have all been consulted and have agreed this. This will ensure officers/staff do not make mistakes that could have been avoided.

A new element to the PSD performance pack has highlighted time served within the force and age group to try and identify officers/staff who may be more at risk of complaints. Further work can then be undertaken with the group to explore why this may be the case.

- **Inter Departmental links-**

HR are now intrinsically linked into PSD. A monthly meeting is held to ensure HR are aware of individuals. There are multiple benefits to this including support for the officer/staff member and the investigation. Student officers from Operation Uplift continue to come to the attention of PSD. DCI Sanders meets with the Police Federation to discuss this and identify and trends and or patterns in an attempt to try and prevent further officers facing misconduct.

- **Reflective Practice-**

Home Office Guidance states '*PR1 means underperformance or conduct not amounting to Gross Misconduct or Misconduct, which falls short of the expectations of the public and the police service as set out in the Code Of Ethics*'.

The purpose behind the reformed system is to develop an approach to the handling of matters which fall short of the expectations set out in the Code of Ethics and are considered low-level conduct and mistakes.

Since the inception of the new PMR 2020 regulations 56 officers have been subject to PRI. Nottinghamshire continue to lead the way in the use of PRI.

4.5 The following areas of organisational level learning have been addressed in the reporting period:

- A review of Body Worn Video. All officers have been reminded about the activation of BWV whilst at domestic incidents.
- HR have been made aware of incidents whereby officers sickness has at times been found not have been managed which has resulted in referrals into PSD.

4.6 A comparison of performance data was taken from 23<sup>rd</sup> April 2021- 10<sup>th</sup> November 2021 in comparison to the same period last year. The headlines are documented below:

- Complaint cases recorded are up 44.5%. An increase of 190 cases.
- Conduct cases recorded have remained at the same level as the previous reporting period (50 cases each).
- Regulation notices have risen by 19.0% An increase of 8. A slight increase but at similar reporting levels to the previous reporting period.
- Local investigations (RPH) have shown a small rise in the average number of days to finalise. Previously 63.3 days it is now at 68.6 days. The existing six legacy cases have been removed from this calculation and are being monitored separately. This is an area for focus within PSD.
- Conduct cases that have been finalised has risen by 50.0%. An increase of 20.
- The average number of working days to complete a conduct case has dropped by 2.8%. From 60.2 days to 58.5 days. This again is well under the MSF and national position for finalisation.

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

5.1 There are no financial implications arising from this report.

## **6. Human Resources Implications**

6.1 PSD continues to be an exceptionally busy area of policing. Additional staff in the form of two further Constables have been approved at the 2021 ADA and are to be appointed.

## **7. Equality Implications**

7.1 Equality data is recorded in relation to recording, compliance and monitoring of complaints and misconduct matters. The Head of professional Standards provides a quarterly report to the Equality Diversity and Human Rights Board chaired by the Chief Constable.

## **8. Risk Management**

- 8.1 Any risks associated with the recording and compliance of complaints and misconduct are reported on an exception basis to the Force Organisational, Risk, and Learning Board chaired by the Deputy Chief Constable.

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

- 9.1 The recording and monitoring of complaints and misconduct matters is linked with the Police and Crime Plan Priority, Transforming Services and Delivering Quality Policing.

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

- 10.1 There are no changes in legislation in relation to this report.

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

- 11.1 There has been no consultation in relation to this report as it is an update for the JASP.

## **12. Appendices**

- 12.1 None