

Accountability Panel Thematic Report: Complaints and Misconduct

1. Objectives

The objective of this report is:

- To provide the Nottinghamshire Police and Crime Commissioner with an overview of the Professional Standards Directorate structure and how it is performing in respect of public complaints and staff misconduct and provide a comparison with recent performance data.
- To provide a narrative on what this data means for the department and how it influences PSD objectives.
- To provide a summary of how the PSD deals with complaints and misconduct and the objectives for the next six months.

2. Departmental Structure

The Complaints and Misconduct Unit is one of three main teams that sit within the Professional Standards Directorate and is itself divided into three discrete parts:

- The Front-End Team, consisting of five complaint handlers and two admin staff, led by a detective sergeant. This team is responsible for dealing with all public complaints that come into the department, assessing how these should be handled, and resolving the complaints at an informal level if it is ethical and lawful to do so.
- The Reasonable and Proportionate Handling Team, consisting of two detective sergeants. They are responsible for resolving complaints formally according to Schedule 3 to the Police Reform Act 2002 without conducting a full investigation. These are the complaints which would normally have been dealt with directly by the line manager of the person subject to the complaint but under a previous restructure, nearly all such complaints are now dealt with centrally by this team.
- The Complaints and Misconduct Unit, consisting of 10 investigators led by two Detective Sergeants. The investigators are a mix of PCs, DCs and police staff. Their role is to investigate police officer and staff misconduct, serious complaints that require investigation rather than more informal handling, including complaints which involve disciplinary or criminal matters, and matters involving a death or injury following police contact.
- The CMU also has a dedicated hearings and meetings officer, whose role is to organise formal disciplinary procedures for officers and staff who have received a determination of a case to answer for misconduct or gross misconduct from the Appropriate Authority.
- In the addition to the Complaints and Misconduct Unit, the Professional Standards Directorate also houses the Vetting Unit, which is responsible for vetting all officers, staff, partners seeking unsupervised access to police systems and premises and external contractors.

- The third team in PSD is the Counter Corruption Unit which employs predominately covert tactics to identify and root out corruption on themes identified in the national counter corruption strategy.
- Vetting and CCU have been recently subject of a 'deep dive' inspection by HMICFRS which is due to be reported on imminently as part of a wider national review by HMICFRS.

3. Complaints

The IOPC has released complaints data for the financial year 2021 to 2022. This data contains information about the way in which Nottinghamshire Police deals with public complaints, and how this compares to the most similar police forces (MSF) and the national picture. Key data from the report includes:

- The total number of complaints logged during this period was 1171, significantly lower than the MSF total of 1370.
- 31% of complaint allegations were dealt with informally outside of Schedule 3 to the Police Reform Act. 56% of allegations were dealt with more formally otherwise than by investigation, and 13% were investigated. The proportion of complaints handled informally was above the MSF average, but below the national average.
- Nottinghamshire PSD performs significantly better than comparable forces in terms of the time taken to finalise complaint cases. Cases dealt with informally were finalised in an average of 13 days compared to an MSF average of 38 days and a national average of 27 days. More formal complaint cases were finalised on average in 68 days compared to an MSF average of 113 days and a national average of 111 days.
- Performance in terms of investigations was also better than average. Nottinghamshire Police finalised investigations into allegations in an average of 86 working days compared to 134 days for MSFs and 135 days nationally.
- The proportion of review applications for complaints that were formally handled was slightly higher in Nottingham than for MSFs and nationally. The vast majority of reviews were to the Local Policing Body (LPB) as the Relevant Review Body (RRB) and concerned cases that had been handled other than by investigation.
- The proportion of upheld reviews where the RRB was the LPB was significantly higher than for MSFs and nationally. Where the RRB was the IOPC, the proportion was significantly lower, however the number of IOPC reviews is relatively small; only 21 reviews were carried out by the IOPC in the 12-month period.
- The percentage of complaint cases resolved by no further action was 89%, significantly higher than for MSFs (64%) and nationally (48%).
- Only 4% of cases resulted in a referral to the reflective practice review process (RPRP) and less than 2% resulting in a formal disciplinary outcome. This is slightly above the MSF and national figures.

In addition to the IOPC data, information is also collected from Centurion, the PSD IT system used to record complaint and conduct cases. The previous JASP report contained this data from the period 10/11/21 to 11/03/22 (period 1). The following data relates to the period 12/03/22 to 11/08/22 (period 2). This data shows that:

- There were significantly more complaints logged in period 2 compared to period 1 (615 compared to 404)
- The number of complaints dealt inside with outside Schedule 3 rose significantly from 36% to 49%.
- The time taken to contact complainant and record complaints rose from period 1 to period 2.
- Time taken to conclude investigations fell from 40 days on average to 28 days.
- The number of upheld reviews dropped significantly from 21 to 9.
- Complaint cases where an officer or staff member had a case to answer for misconduct stayed the same as 2 per period. Complaint cases dealt with by no further action (NFA) rose significantly in period 2 to 46 opposed to 15 in period 1. Cases referred to RPRP dropped from 11 to 3.

4. Conduct Matters

Conduct matters are allegations about the behaviour of police officers and police staff that have been identified otherwise than through a public complaint. They may be referred to the IOPC, who can choose to investigate them independently or retain a degree of control over the investigation. The majority of conduct matters are retained for investigation locally by the CMU.

The IOPC does not record data for conduct matters; The previous JASP report contained this data from the period 10/11/21 to 11/03/22 (period 1). The following data relates to the period 12/03/22 to 11/08/22 (period 2). This data shows that:

- The number of conduct matters over the two periods remained relatively constant at 37 in period 1 and 35 in period 2.
- Roughly one third of conduct matters result in no formal disciplinary action being taken at the point of initial assessment.
- At the point of final assessment in period 2, 9 cases were assessed as gross misconduct and 5 were assessed as misconduct cases.
- 2 cases were assessed as Practice Requiring Improvement.

5. Implications for PSD

The data outlined above informs PSD priorities to some degree. Having reviewed the data, the objectives for the PSD over the coming months are:

- To continue the good performance in terms of timeliness of complaint cases and investigations.
- To ensure that where it is ethical and proportionate to do so, complaints are dealt with at the lowest appropriate level. This means that they will be dealt with informally outside Schedule 3 in the majority of cases.
- To ensure that complaint cases that are subject to a review withstand scrutiny by the RRB; this means that the proportion of upheld reviews should decline.
- To explore whether complaint cases, particularly those that are dealt with otherwise than by investigation, are being resolved in a way that properly reflects individual and organisational learning, and to ensure that where appropriate officers and staff are being referred to the Reflective Practice Review Process.

6. PSD summary, objectives, and current issues

Since May 2022, PSD has benefited from a PS carrying out the dedicated Centurion, Performance and Data Quality manager role which had previously been vacant for some time. This has vastly improved Centurion data quality which in turn affords us more confidence in the resulting IOPC reports. Having a PS in this role has also significantly improved the timeliness of our responses to Freedom of Information requests which were previously running to a backlog of several months.

Since this post was filled, in conjunction with a dedicated CMU DCI replacing a departmental DI, there has been a 20% reduction in both the number of reviews submitted and the number upheld by the Local Policing Body (LPB). In period 1, there were 85 reviews of which 21 were upheld. In period 2 we had 58 reviews of which only 9 were upheld. This is as a result of the learning recommendations from the upheld reviews being collated and disseminated by the Performance Manager and more direct intrusion in term of quality assuring the RPH letters before they are issued from the CMU DCI in the absence of a Departmental Inspector.

PSD has been subject to a degree of reorganisation in September 2022 due to the fact that far more complaints are now being received directly into CMU without being 'filtered' by the force control room since the introduction of the single online portal. The objectives of this reorganisation are to reinforce the capability of dealing with an increasingly high number of complaints at the point they come into PSD, and resolve these at the lowest possible level, informally outside of Schedule 3 of the Police Reform Act where possible. This will be the responsibility of the front-end team, which has recently benefitted from recruitment of two additional complaint handlers and two admin staff. The team has also been placed under the supervision of a dedicated DS. The wider PSD team have also been supporting this function by working weekends and Bank Holidays to ensure complainants are contacted at the earliest opportunity as this is a clear factor in resolving complaints promptly and to the satisfaction of the caller.

With additional training now being implemented, the intention is for the front-end team to play a greater role in assessing complaints as they come into the organisation and to take responsibility for resolving low-level complaints informally outside Schedule 3. Time is of the essence when dealing with complaints, and most complainants respond well to being contacted early on and having a discussion about their complaint with a sympathetic and well-informed complaint handler. The objective is for complaint handlers to take on this role, and that this will reduce demand on other areas of PSD as fewer complaints will be passed to the RPH team or the CMU for handling or investigation under Schedule 3. It should also reduce the number of reviews, as complaints that are dealt with informally and to the complainant's satisfaction do not have a right to review. The IOPC figures show that in the financial year 2021 to 2022, 31% of complaints were handled informally outside of Schedule 3. The objective is to increase this to over 50%.

The number of RPH sergeants has been reduced from 3 to 2, and the additional sergeant has been moved to the investigation team to provide additional resilience and oversight of investigations. There will be an emphasis on continuing to investigate matters quickly and professionally, pitching investigations at a proportionate level. This approach has clear benefits for complainants, interested parties and officers/staff under investigation but we will need to closely monitor the workload of the RPH Sgts as previously there was enough demand to keep 3 full time Sgts busy in this area of business, but in turn that left the investigations team under-supervised, so this new approach is being trialled.

The Violence Against Women and Girls (VAWG) agenda continues to be an area of interest for PSD, both in terms of investigating officers and staff who are subject of allegations about their treatment of women, and in terms of the department contributing to key national strategic pieces of work. An example of this is the Nottinghamshire Police response to the report into the super-complaint about Police Perpetrated Domestic Violence (PPDA). PSD have accepted all the recommendations and are contributing to this response, and new guidelines about how PPDA should be responded to; this work is due to be completed in January 2023.

The administration of formal misconduct proceedings is an area of strength for PSD, mainly because of a dedicated police staff hearings and meeting officer. Disciplinary proceedings are conducted in an efficient and timely way and good use is made of the accelerated hearing procedures to ensure that matters of gross misconduct are dealt with quickly, effectively and at minimal cost. The objective is to continue with this approach.

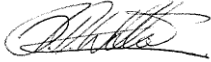
There has been an entirely new leadership team in PSD since April 2022 with the previous Head of PSD, the Head of Vetting, the Detective Inspector and imminently the DCI all moving to new roles. This has understandably been a challenge however the new Head of PSD and DCI are positive that the CMU is moving in the right direction and will benefit further once the DI is replaced. The biggest challenge at the moment is Vetting, with an increased demand (up 25% in the last 12 months). We have recently appointed a new Head of Force Vetting.

A further challenge to the department is the vacancy rate for Pip 2 detectives, as with other departments nationally, in CMU. There are currently just 2.54 fully qualified detectives in an establishment of 8, however again we have been proactive about this and have recently held a very popular recruitment process and are working with the DCC and Head of Crime to enable detectives from other areas to be released promptly to some of these vacancies in order to impact positively on timeliness of investigations.

Staffing in CCU remains stable and the team is thriving under the leadership of a strong detective Sgt albeit there are some anticipated recommendations from the imminent HMICFRS report which have inspired us to bid for a 'Prevent Officer' in order to tackle emerging trends such as the disproportionate number of 'Uplift' officers that come to notice of PSD in their first two years and also to work closer with outside agencies on the 'Abuse of Position for Sexual Purposes' portfolio.

26/09/2022 Detective Superintendent Hayley Williams (Head of PSD).

The department has a number of plans in place to address the aforementioned challenges and look forward to reporting continued improvements.



Detective Superintendent Hayley Williams

30/09/2022