

JOINT INDEPENDENT AUDIT COMMITTEE
23 November 2023

SUBJECT	Annual report on handling of complaints
REPORT BY	Lisa Gilmour
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SUMMARY AND PURPOSE OF REPORT	
To provide an Annual report on the handling of complaints.	
RECOMMENDATION	For the Committee to note the learning identified and actions taken by the PSD.

A. SUPPORTING INFORMATION

Commissioners update on force complaints, attached.

B. FINANCIAL CONSIDERATIONS

There are no financial implications of the report.

C. LEGAL AND HUMAN RIGHTS CONSIDERATIONS

None.

D. PERSONNEL, EQUAL OPPORTUNITIES AND DIVERSITY ISSUES

(including any impact or issues relating to Children and Young People)

None.

E. REVIEW ARRANGEMENTS

The report will be reviewed annually.

F. RISK MANAGEMENT

That complaints are dealt with appropriately.

G. PUBLIC ACCESS TO INFORMATION

Information in this report along with any supporting material is subject to the Freedom of Information Act 2000 and other legislation.

Consideration	
Public/Non Public*	Public
Report to:	Police & Crime Panel
Date of Meeting:	25 September 2023
Report of:	Police and Crime Commissioner
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Agenda Item:	9

COMMISSIONER'S UPDATE ON FORCE COMPLAINTS

1. Purpose of the Report

- 1.1 To provide the Police and Crime Panel with assurance that Nottinghamshire Police Complaints are being managed in accordance with Legislation and National Statutory Guidance.
- 1.2 To provide an overview of Complaint Reviews completed by the Office of the Police and Crime Commissioner.

2. Recommendations

- 2.1 Note the learning identified and actions taken by the PSD (Professional Standards Directorate) in response to this report's findings.

3. Reasons for Recommendations

- 3.1 The Police and Crime Commissioner (PCC) has responsibility for overseeing the complaints process and ensuring that complaints handled by Nottinghamshire Police are managed in accordance with:
 - Police Reform Act 2002
 - Policing and Crime Act 2017
 - Police (Complaints and Misconduct) Regulations 2020
 - Independent Office for Police Conduct (IOPC) Statutory Guidance 2020

4. Summary of Key Points

What is a complaint?

- 4.1 A complaint is any expression of dissatisfaction with a police force that is expressed by or on behalf of a member of the public. It must be made by a person who meets the definition of a complainant. There must also be some intention from the complainant to bring their dissatisfaction to the attention of the force or local policing body. A complaint does not have to be made in writing, nor must it explicitly state that it is a complaint for it to be considered as one.

Complaints Handling

- 4.2 Public complaints can be handled in two ways; they can be dealt with informally outside of Schedule 3 to the Police Reform Act 2002, or they can be “recorded” meaning that they are given formal status under the Act and as dealt with in a more formal and structured way.
- 4.3 Complaints resolved outside Schedule 3 should be handled quickly and proportionately to the complainant’s satisfaction. There is no right of review for complaints handled outside of Schedule 3, however, where it is not possible to resolve a matter to the complainant’s satisfaction the complaint is recorded and dealt with formally inside Schedule 3.
- 4.4 Inside Schedule 3, complaints must be recorded if:
- a) There is an indication that an officer or staff member might have committed a criminal offence or behaved in a way that would justify bringing formal disciplinary proceedings (“special procedures” complaints).
 - b) The complainant asks for the matter to be recorded.
 - c) The appropriate authority within PSD decides that it should be recorded.
 - d) The complaint constitutes a breach of article 2 or 3 of the European Convention on Human Rights.
 - e) The allegation concerns a death or serious injury in custody or following police contact.
 - f) The complaint is subject to a mandatory or voluntary referral to the IOPC.
 - g) The complaint, if proven, would result in formal performance management for the officer/staff member concerned.
- 4.5 The OPCC is the relevant review body for the majority of complaints. The IOPC is the relevant review body for special procedures complaints, for complaints where there is an alleged breach of Article 2 or 3 and complaints that have been directly referred to the IOPC.

Complaint Files Dip Sampling Overview

- 4.6 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 72 closed complaints from the period 1 February 2022 – 31 January 2023.
- 4.7 Since the previous dip sample it was noted that the number of complaints handled outside of schedule 3 had increased markedly from 2 to 38 and the average case time to resolve a complaint other than by investigation had decreased from 96 days to 27 days. This demonstrates the conscious effort

being by PSD to resolve complaints proportionately and efficiently at the lowest appropriate level.

- 4.8 Consequently, however, the average time taken to record a complaint had increased marginally from 4.4 to 4.6 days and the average time to resolve a complaint handled by way of investigation had increased from 29 days to 46 days. This again reflect a shift towards resolving complaints proportionately and efficiently at the lowest appropriate level, allowing PSD investigators to focus on the more serious and complex complaints, which by their nature, can take a longer period of time to resolve.

Complaints Dip Sampling findings

- 4.9 Of the complaint **cases dealt with other than by investigation**, the following outcomes were recorded:

Cases dealt with other than by investigation	No. of Cases
Logged outside schedule 3	38
Logged inside schedule 3	10
Complainant provided with written outcome letter	8
Complaint outcome – acceptable	4
Complaint outcome – not acceptable or unable to determine	4
Offered right of review	8
Review requested	2
Review not upheld	0
Review upheld	2
Review ongoing	0
Complaints withdrawn	2

- 4.10 Positively, the review found that all complainants handled inside schedule 3 were offered a right of review. Of the four cases where it could not be determined if the level of service was acceptable or not, this was on account of the outcome letter not explicitly providing such detail.

Investigations

- 4.11 Of the **complaints formally investigated**, the following outcomes were recorded:

Complaints formally investigated inside Schedule 3	No. of Cases
Investigation Recorded	24
Complainant provided with Terms of Reference	6
Complainant was updated every 28 days	6
Complainant provided with written outcome letter	18

Complaint outcome – acceptable	12
Complaint outcome – not acceptable or unable to determine	6
Offered right of review	17
Review requested	0
Review not upheld	0
Review upheld	0
Review ongoing	0
Complaints withdrawn	5

4.12 Positively, in all five cases where complaints were withdrawn due to the complainant not wishing to continue with the complaint, there was evidence that public interest tests had been completed and it was deemed not in the public interest to proceed with the complaint. This demonstrates that complaints are being subject to a good level of scrutiny, and potential misconduct or learning outcomes are not being missed.

Recommendations and Areas for Improvement

4.13 The relatively low number of cases dip sampled mean it is difficult to identify specific patterns or to draw broad conclusions about how complaints are handled by the force. In some upheld cases, however, the dip sampling found evidence to suggest that the enquiries carried out by the force were insufficient to address the complainant’s concerns.

4.14 Furthermore, the dip sampling process found that: initial assessments could not be located in three cases, one complainant was not provided with an outcome letter and two complainants were not provided with a right of review. There also appeared to be inconsistencies in the sending of terms of reference and 28 day update letters. These matters have been addressed by the force on a case-by-case basis with broader leaning being taken forward as shown below.

4.15 The dip sampling process identified the following recommendations for the Professional Standards Directorate, which the force has responded to in full:

- a) Establish why one complainant did not receive an outcome letter and two complainants did not receive a right of review. This was recognised as an error and feedback was given. All staff who deal with complaints have been advised to use the up-to-date letter that is contained on Centurion with the correct review address and timescales.
- b) Consider why investigation terms of reference and 28 days update letters do not appear to be being sent to complainants consistently. Terms of reference should be agreed with complainants in all investigations and complainants should be updated about the status of the investigation every 29 days. This has been reviewed by PSD management to ensure compliance. Investigation team sergeants now include this in their monthly

reviews of the investigations. The data quality sergeant audits this area for compliance.

- c) Establish why there has been a decrease in the amount of case time to resolve complaints handled otherwise than by investigation. The times taken to record complaints, investigate complaints and to resolve complaints other than by investigation are generally good and reflect the emphasis that PSD places on resolving matters promptly. A review of these cases identified that several could have been dealt with outside of schedule 3 as they required little investigation. This has been addressed by upskilling the complaints handling department and since October 2022 an average of 73% of cases are now resolved as outside schedule 3 without any formal investigations or complaint handling.
- d) Establish why there has been an increase the amount of case time to resolve complaints handled by investigation. At the time of the audit, PSD had been running several vacancies as well as a number of new officers who required training etc. This is now complete. April 22 to March 23 performance figures from the IOPC indicate that overall timeliness for Nottinghamshire PSD's investigations (104 days) remains stronger than other most similar forces and the national average (132 days). It should also be noted that more complaints are now being resolved at a lower level, with only the more serious and complex matters being investigated. This tends to increase the chances of the matter being resolved to the complainant's satisfaction and allows PSD investigators to focus on the more serious and complex complaints.
- e) Consider if there is any learning from Police action following contact complaints. Nottinghamshire PSD regularly deliver formal and informal learning to individual officers and staff as a result of complaint handling and investigations. Wider organisational learning is also identified and disseminated including in the training that PSD give to new officers and staff. Nottinghamshire PSD have now recruited a "PREVENT" officer whose role is to link in with training school and divisions/departments on areas of learning.

Complaint Reviews

4.15 For the twelve months to 31 January 2023, the Office of the Police and Crime Commissioner received 114 requests for a complaint review compared to 118 in 2021/22. Of the complaint reviews undertaken, 16 (16%) have been upheld compared to 31 (26%) in 2021/22 and 9 (23%) in 2020/21. This positive reduction in upheld reviews is largely attributable to changes in PSD, with new complaint handlers being trained in providing a more consistent and well-evidenced analysis.

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 equality implications.

8. Risk Management

8.1 The report aims to provide assurance that effective scrutiny arrangements are in place regarding the police complaints process and that lessons learned from the dip sampling process are being effectively applied.

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