

<b>For Information</b>	
<b>Public</b>	
<b>Report to:</b>	<b>Joint Audit and Scrutiny Panel</b>
<b>Date of Meeting:</b>	<b>25<sup>th</sup> May 2021</b>
<b>Report of:</b>	<b>Deputy Chief Constable Barber</b>
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<b>Agenda Item:</b>	<b>18</b>

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

## Complaint and Misconduct Investigations

### 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 27<sup>th</sup> November 2020 until 22<sup>nd</sup> April 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 ensure scrutiny is provided to those key aspects of the complaints and misconduct system implemented by the 2020 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 The force has been unable to provide a complete data set for this reporting period due to the change in legislation governing how complaints are recorded and handled. The new legislation listed in 3.1 was implemented on February 1<sup>st</sup> 2020.

4.2 Changes to the national complaints database - Centurion, mean that the force will be able to provide more qualitative analysis regarding the type of complaints it receives. The force will be able to report more fully on the individual and organisational learning identified from complaints. However, it should be noted that Centurion is a complex system and not all data can be readily extracted and can be time consuming.

The revised reporting should ensure the legislative changes are delivered by Nottinghamshire Police and the OPCC. The ethos of change is to ensure:

- The definition of a complaint has changed to ‘dissatisfaction with the service’ in order break the assumption that officers and staff have done something wrong.
- Complaints are handled quickly and at the first point of contact by a new service recovery team to improve customer satisfaction.
- Where a complaint investigation is required it will be done in a reasonable and proportionate manner to improve timeliness.
- Organisational and individual learning will be identified from complaints and implemented for continuous improvements to the service.
- The OPCC will review unresolved complaints. Recommendations from these reviews will be considered by the force.
- The force will promote a learning culture, where practice requiring improvement is identified and dealt with outside of the discipline regime by line managers through a formal reflective practice review process.
- The discipline regime is reserved for serious misconduct where formal disciplinary proceedings are justified.

4.4 The headlines for the new regulations from 27<sup>th</sup> November 2020 until 22<sup>nd</sup> April 2021 are as follows:

**Initial complaint handling**

- The front-end service recovery team are staffed by X1 Sergeant, x4 Complaint Handlers and X2 Administration Support Officers.
- In the reporting period the number of complaints received by the force was 425 in total. This has remained on average at 85 per month.

It is clear that a quick and professional conversation early is pivotal in resolving dissatisfaction with the service.

<b>Inside Schedule 3 Complaints</b>	<b>Outside Schedule 3 Complaints</b>
187	238

This shows an average of 56% 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-

Upon a review of the department, it was identified that staff required training and additional support to suitably assess incidents reported in. A skills gap analysis was completed linked to the officer/staff members PDR. Training was then identified for the individual. The Covid 19 pandemic has stopped attachments to other departments at this time but these will start as soon as it is safe to do so.

However bespoke training has been provided to all staff during this reporting period on:

- Centurion.
- Property management training.
- The role of a Local Authority Designated Officer (LADO) in cases involving children.
- Taser training.
- Investigatory Powers Act training
- MOPI training.
- Artemis/Airwaves/BWV.
- Sub Judice.
- Demographic Data Capture

Staff have been given allocated individual learning time to also ensure they have a thorough understanding of the new regulations.

Training was given by an external provider (at cost) on 6<sup>th</sup> December 2020 in how to structure a letter and provide some consistency of approach during the investigation phase. This has proven successful and has already been commented upon positively by the OPCC appeals person who has noted a marked improvement. In turn this will lead to fewer complaints to appeal bodies and a duplication of work revisiting upheld appeals.

Training was given by an external provider (at cost) on 7<sup>th</sup> December 2020 for Senior Officers/staff who chair and sit within misconduct panels. This was to ensure their rationale for sanctions is appropriately written to withstand any appeals process This will prevent Judicial Reviews and formal appeals.

The bringing back into PSD of the two Reasonable Proportionate Handler (RPH) Sergeants has seen timeliness improve This decision has subsequently seen timeliness improve.

Peer reviews with Leicestershire and Cumbria PSD were also conducted in October 2020 to help share best practice. These peer reviews have helped improve existing processes within the Complaints Team and have

contributed towards the improvement of complaints being handled outside Schedule 3.

- Organisational learning-

This is a key area for PSD going forward. 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.

Once captured it is recorded and actioned. This is to be reviewed quarterly and will include any learning from the IOPC/OPCC too.

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.

- 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 have also come to the attention of PSD so DCI Sanders now attends the monthly student meeting held by CS Griffin and the Operation Uplift team.

- Reflective Practice-

Home Office Guidance states '*PRI 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.

During the reporting period we have had 9 officers subject to PRI. This is the highest number within our region and shows Nottinghamshire has taken the spirit of the regulatory changes in the way it was intended. This was positively commented upon at the National Complaints and Misconduct meeting.

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

- A review of Body Worn Video. This is currently under review and ultimately personal issue BWV is to be issued to all front line officers.
- Dog handlers are to be deployed with BWV.
- Internal processes during Operation Uplift have highlighted gaps surrounding sickness management. HR have taken the lead on this.

4.6 A comparison of performance data was taken from 27<sup>th</sup> November 2020 until 22<sup>nd</sup> April 2021 in comparison to the same period last year. The headlines are documented below:

- Complaint cases recorded are up 36.7%. An increase of 114 cases.
- Conduct cases have risen by 117.4%, an increase of 27. Some of these have been Covid 19 related.
- Regulation notices have risen by 164.3%. An increase of 23. This is to be expected with conduct cases rising.
- Local investigations (RPH) have shown a large improvement. Previously 103 days it is now at 66 days. There are legacy cases in here and this figure should fall again in the next reporting period. This is an area of focus for PSD.
- Conduct cases that have been finalised has risen by 21.2%. An increase of 7.
- The average number of working days to complete a conduct case has dropped by 41.5%. From 113 days to 66 days. This is against a backdrop of bullet point 2 above as conduct cases have risen by 117.4%.

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

5.1 There are no financial implications arising from this report.

## **6. Human Resources Implications**

6.1 Due to changes that are to take place around building a learning culture an additional staff member namely a Constable is to be appointed. The recruitment process is currently open for this post.

## **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