

For Information	
Public	
Report to:	Joint Audit and Scrutiny Panel
Date of Meeting:	27th November 2020
Report of:	Deputy Chief Constable
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Agenda Item:	12

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Force 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 1st February 2020. The data supplied within this report is from 1st March 2020 until 30th September 2020.
- 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 1st 2020. A six month review has been undertaken but a full 12 months is required for a new baseline to be established.

- 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 1st March 2020 to 30th September 2020 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 583 in total. This has remained on average at 80 per month.

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

- Inside/outside schedule 3-

Inside Schedule 3- 400

Outside Schedule 3- 183

This shows an average of 31% of dissatisfaction with the service dealt with outside schedule 3 every month. 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.

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

Training has been arranged (6th December 2020) at a cost, for officers and staff to undertake a letter writing session. This will ensure letters are written appropriately and professionally. This will in turn prevent appeals to appeal bodies and a duplication of work revisiting upheld appeals.

Training has also been arranged (7th December 2020) at a cost, for Senior Officers/staff who sit within panels to be trained in how to chair and write their findings correctly. This will prevent Judicial Reviews and appeals.

Two Reasonable Proportionate Handler (RPH) Sergeants previously working out on the two areas (City and County) but working for PSD were brought back into the department. It was clear that there were time delays in resolving public complaints and stronger supervision was required of these cases. This decision has subsequently seen timeliness improve from 199 days to 152 days on average. However, there are significant legacy matters that have been unearthed and work is a priority in this area.

- 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 1st April 2020 until 30th September 2020 in comparison to the same period last year. The headlines are documented below:

- Complaint cases recorded are down 3.4%. A decrease of 17 cases.
- Conduct cases have risen by 35% an increase of 7. Some of these have been Covid 19 related.
- Regulation notices have doubled. An increase of 12. This is to be expected with conduct cases rising.
- Restricted officers/staff has risen from 275%. An increase of 11. Again to be expected with a rise in conduct matters.
- Local investigations (RPH) have shown a large improvement.
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- Previously 199 days it is now at 152 days. There are legacy cases in here and this figure should fall again in the next reporting period.
- Conduct cases that have been finalised has risen by 65%. An increase of 13.
- The average number of working days to complete a conduct case has dropped by 43%. From 214 days to 122 days. This is against a backdrop of bullet point 2 above as conduct cases have risen by 35%.

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. This was approved at the recent ADA.

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