

<b>For Information</b>	
<b>Public</b>	
<b>Report to:</b>	<b>Audit and Scrutiny Panel</b>
<b>Date of Meeting:</b>	<b>28 September 2017</b>
<b>Report of:</b>	<b>Chief Constable</b>
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<b>Agenda Item:</b>	<b>7</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 PCC in respect of force performance relating to the handling of complaint and conduct matters.

### 2. Recommendations

- 2.1 One of the significant criticisms of the current complaints and discipline system is that too often low level misconduct and performance issues are dealt with through the formal system which can be lengthy, bureaucratic and adversarial. Legislative changes to handling misconduct and performance matters are expected in summer 2018, the aspiration to simplify the process.
- 2.2 Over the next reporting period the PSD will develop a meaningful performance reporting tool which provides qualitative as well as quantitative information. This is in order to measure progress towards the ethos behind the proposed legislative changes, specifically low level matters being dealt with outside of formal investigation. The force is preparing itself now by striving to demonstrate good practice in complaints and conduct handling in particular:
- getting it right first time
  - being customer focused
  - being open and accountable
  - acting fairly and proportionately
  - service recovery
  - seeking continuous improvement

It is vital that conduct matters are recognised, understood and dealt with, both to deal with the issue and as part of the learning and improvement process for the force and the individual.

- 2.3 Over the coming months the PSD will better understand the reasons behind those complaint appeals which are upheld. This will improve how the force deals with complaints from the outset in order to maintain public confidence.

### 3. Reasons for Recommendations

- 3.1 The current data lacks context and prevents the force being predictive in how it can improve its service for the future with respect to those issues effecting procedural and organisational legitimacy. To combat this, improvements will be made to the rules and conventions when inputting complaints and conduct data onto the Centurion database. The Centurion system will be exploited to its full potential to record and extract information.

### 4. Summary of Key Points

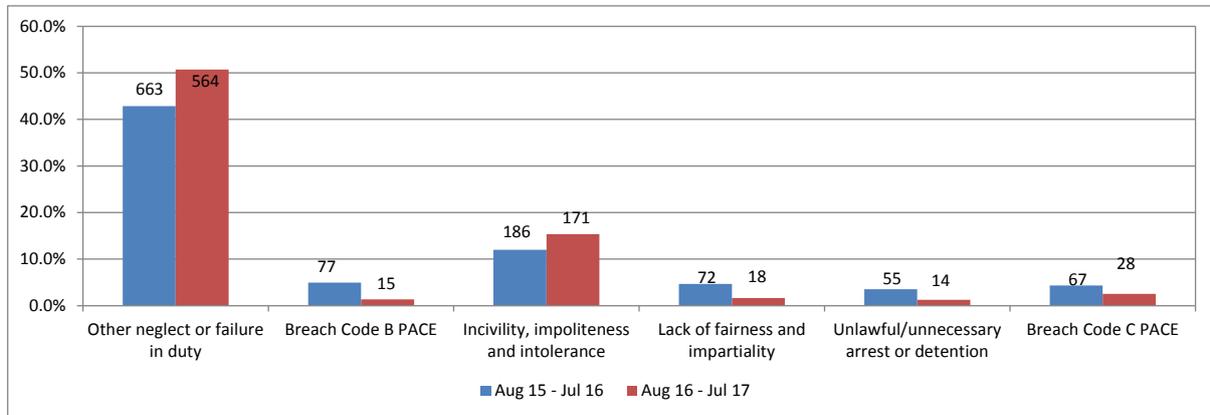
#### Complaints Performance Headlines

	Aug 15 - Jul 16	Aug 16 - Jul 17	Change	% Change
<b>Complaint Cases Recorded</b>	849	739	<b>-110</b>	<b>-13.0%</b>
<b>Complaint cases recorded within 10 working days</b>	93.9%	91.9%	<b>-2.0pp</b>	-
<b>Complaint Allegations Recorded</b>	1273	1109	<b>-164</b>	<b>-12.9%</b>
<b>Subjects Recorded</b>	754	629	<b>-125</b>	<b>-16.6%</b>
<b>Complaint Cases Finalised</b>	1002	661	<b>-341</b>	<b>-34.0%</b>
<b>Timeliness of Local Resolutions</b>	64.0	54.4	<b>-9.6</b>	<b>-14.9%</b>
<b>Timeliness of Local Investigations</b>	135.6	129.4	<b>-6.2</b>	<b>-4.6%</b>

- 4.1 The number of complaint cases recorded in the last 12 months has decreased by 13% compared to the previous 12 months.
- 4.2 Average monthly recording for the last 12 month sits at about 60 complaints.
- 4.3 July 2017 is just above exception at 80 complaints recorded for the month and follows two months of above average complaint recording. This performance is yet to be understood but could relate to new processes implemented in the department around this time and possible over recording. The new Inspector appointed to the complaints department is aware and will review and monitor the issue.
- 4.4 The number of complaint cases finalised has decreased in line with the number of complaints recorded. There is a consistent monthly average of 55 cases finalised since June 2016.
- 4.5 Although monthly performance appears sporadic, the average number of days taken for local resolutions sits at 54.4 days and has decreased in the last 12 months compared to the previous 12 months. This is below the national average but does not meet the aspirational target of 28 days.

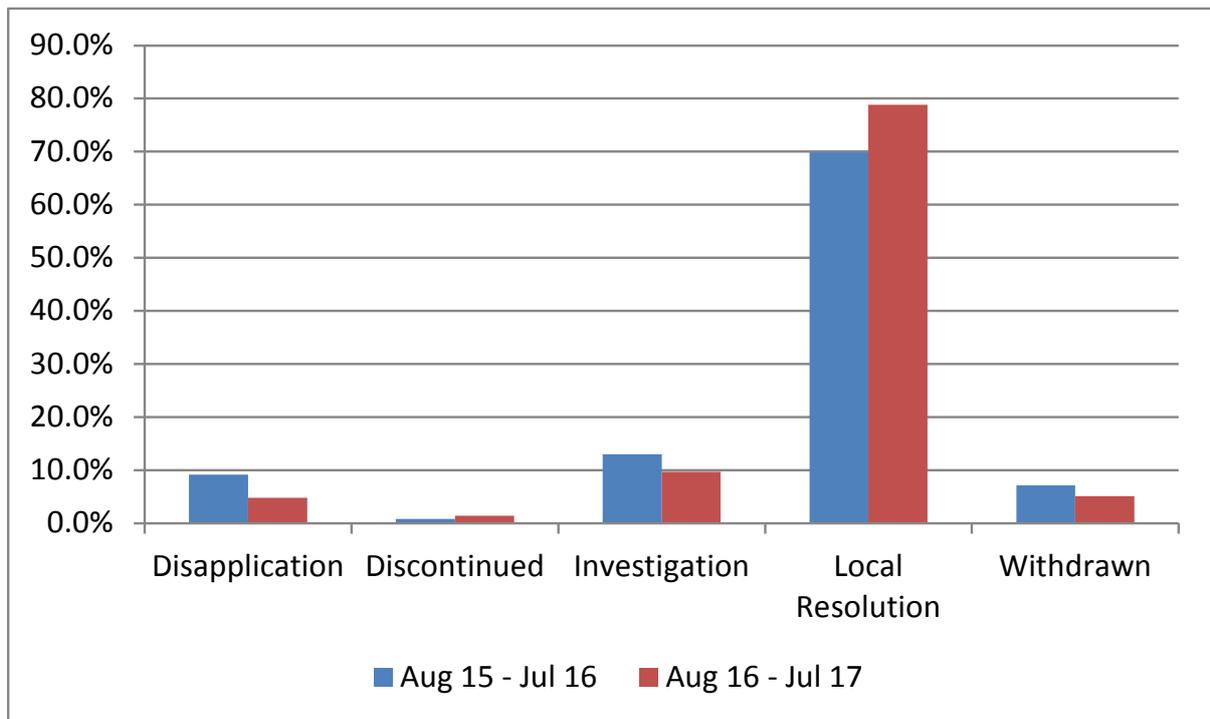
4.6 Local investigation timeliness remains around the same, currently an average of 129.4 days the departmental target being 120 days.

### **Complaint Allegations Finalised by Type**



4.7 The graph shows the type of allegations with largest shift in the proportion. For example: In Aug 15 – Jul 16 ‘Other neglect or failure in duty’ represented 42.8% of all complaint allegations recorded. This has increased to 50.7% in the most recent period. Due to the data issues highlighted in sections 2 and 3 of this report it is not possible to clarify in any depth the type of allegations complained about other than the broad definitions shown on the graph.

### **Complaint Allegations Finalised by Result**



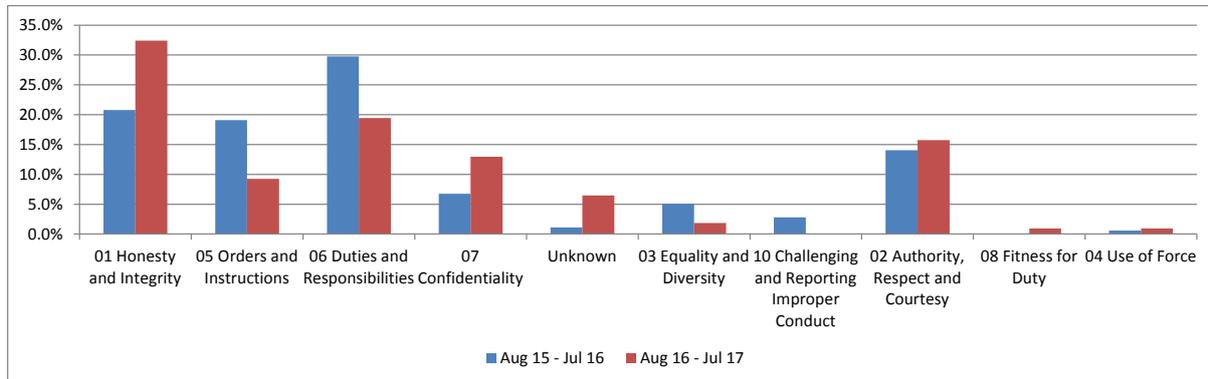
- 4.8 The graph above shows an increase in the proportion of complaints dealt with by way of local resolution from 70% to nearly 80 % over the last 12 months. This is higher than expected and may account for over recording or inappropriate use of LR where an investigation would be more suitable
- 4.9 Dip sampling reveals that 86 appeals were received against the outcome of a local resolution. Of these, 15 appeals were upheld. The main reason for appeals being upheld were the exact issue in the substance of complaint not being addressed or an overly defensive stance being taken by the investigating officer.
- 4.10 Future reporting will show how many local investigations proceeded to a hearing, the nature of the complaint and the finding.

### **Performance Headlines – Conduct**

	Aug 15 - Jul 16	Aug 16 - Jul 17	Change	% Change
<b>Conduct Cases Recorded</b>	85	59	-26	-30.6%
<b>Conduct Allegations Recorded</b>	205	141	-64	-31.2%
<b>Conduct Cases Finalised</b>	91	58	-33	-36.3%
<b>Timeliness of Conduct Investigations (Local)</b>	122.9	122.2	-0.7	-0.6%

- 4.11 The number of conduct cases recorded in the last 12 months has decreased by 30.6% compared to the previous 12 months
- 4.12 A more consistent monthly average of around 5 per month observed since February 2016.
- 4.13 The average length of time to complete a conduct investigation is on average 122 days and the same in the last 12 months compared to the previous 12 months.

## Conduct Allegations Finalised by Type



4.14 The graph shows the change in the types of conduct allegations recorded (sorted by the largest changes). It can be seen that honesty and integrity accounts for the largest increase in misconduct over the last 12 months. The numbers are small so the percentage increase appears large.

4.15 As with complaint allegations the data is not specific enough to detail exactly what the honesty and integrity relates to. Future reporting will show from internal conduct investigations how many cases went to a misconduct hearing and what the outcome was. The majority of hearings relate to honesty and integrity issues.

## Other Indicators Regulation Notices Served & Suspensions and Restrictions

	Aug 15 - Jul 16	Aug 16 - Jul 17	Change	% Change
<b>Regulation Notices Served</b>	60	40	-20	-33.3%
	<b>Officer</b>	<b>Staff</b>	<b>Total</b>	
<b>Employees Suspended</b>	3	3	6	
<b>Employees Restricted</b>	7	3	10	

4.16 The number of regulation notices served in the last twelve months has decreased by 33.3% compared to the previous twelve months.

4.17 The data for this report is provided on a 12 month rolling basis. For the Audit and Scrutiny period 01.10.16 to present day there have been no recommendations or lessons learned as a result of complaint and conduct investigations.

4.18 The IPCC guidelines provide the framework for dealing with allegations of discrimination. It has been arranged for the IPCC Oversight Officer to deliver a training session on this subject to PSD staff on 25<sup>th</sup> Sept 2017.

4.19 An HMIC action for the PSD and OPCC is to develop a scheme to review closed cases to assess whether complaints were appropriately handled. Two such quarterly meetings have taken place where closed cases have been reviewed with the force by volunteers provided by the OPCC. The current process has been reviewed and will be changing to new membership.

**5. Financial Implications and Budget Provision**

None

**6. Human Resources Implications**

None

**7. Equality Implications**

None

**8. Risk Management**

None

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

None

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

Police and Crime Act 2017

**11. Details of outcome of consultation**

None

**12. Appendices**

None