

Consideration	
Public/Non Public	Public
Report to:	Strategic Resources and Performance
Date of Meeting:	19 March 2014
Report of:	Police and Crime Commissioner
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Agenda Item:	5

COMPLAINTS ASSURANCE REPORT

1. Purpose of the Report

- 1.1 To provide the Police and Crime Commissioner (Commissioner) and Deputy Police and Crime Commissioner (Deputy Commissioner) with assurance that Nottinghamshire Police Complaints are being managed in accordance with Independent Police Complaints Commission (IPCC) Statutory Guidance.

2. Recommendations

- 2.1 That the recommendations as set out in paragraph 4.10 of the report are agreed.

3. Reasons for Recommendations

- 3.1 The Commissioner and Deputy Commissioner have a responsibility to ensure that Nottinghamshire Police Complaints are managed in accordance with Independent Police Complaints Commission (IPCC) Statutory Guidance.

4. Summary of Key Points

4.1 What is a complaint?

A complaint is an expression of dissatisfaction by a member of the public about the conduct of a person serving with the police. This could, for example, be about the way the person has been treated or the service he or she has received. A complaint does not need to say explicitly it is a complaint. It can simply be a statement of dissatisfaction.

4.2 How complaints are handled

Local Resolution – Managed by Division

A complaint must meet both of the following conditions to be suitable for local resolution:

- the appropriate authority is satisfied that the conduct that is being complained about (even if it were proved) would not justify bringing criminal or disciplinary proceedings against the person whose conduct is complained about; and
- the appropriate authority is satisfied that the conduct complained about (even if it were proved) would not involve the infringement of a person's rights under Article 2 or 3 of the European Convention on Human Rights.

Misconduct and Gross Misconducts Investigations – Managed by Professional Standards Directorate

Where a conduct matter comes to the attention of a chief officer or local policing body (other than as a result of civil proceedings) and he or she is the relevant appropriate authority, an assessment must first be made to determine whether it involves conduct which, assuming it has taken place:

- appears to have resulted in the death or serious injury of any person;
- has had an adverse effect on a member of the public; or
- falls within a description specified in the Police (Complaints and Misconduct) Regulations 2012

The appropriate authority should determine if the matter should be referred to the IPCC.

4.3 Complaint Files Dip Sampling

To establish if Nottinghamshire Police complaints are being handled in accordance with IPCC Statutory Guidance a sample of 36 complaints were reviewed by the Office of the Police and Crime Commissioner between June 2013 and January 2014.

The cases reviewed were chosen at random from a list provided to the Office of the Police and Crime Commissioner by the Professional Standards Directorate. The cases had been completed between 1 June - 31 December 2013.

Number of Cases	Complaint Response
28	Local Resolution
5	PSD Investigations
2	Withdrawn
1	De-recorded due to error

A summary of the complaints sampled is detailed in Appendix A.

4.4 Findings

For all complaints there was sufficient detail of the complaint, an initial assessment had taken place and all complaints were acknowledged within 5 working days.

4.5 Local Resolution

- 4.5.1 28 complaints (78%) of the sample were resolved by way of Local Resolution with the average time taken to locally resolve a complaint being 82 days. The force target for local resolution complaints is 43 days.
- 4.5.2 The most common category (50%) for local resolution complaints included category S: other neglect or failure in duty. This includes allegations with regard to a lack of conscientiousness and diligence concerning the performance of duties. This may include failure to record or investigate matters and keep interested parties informed. It includes failure to comply with orders, instructions or force policy.
- 4.5.3 The second most common category (13%) included category L: Breach of Code B PACE on Searching Premises and Seizure of property. This includes unauthorised entry on search, failure to provide information to the occupier, an improper or excessive search, failure to record searches properly, not securing premises where necessary and breaches of rules on seizure or retention. This will include property seized and retained under this power.

4.6 Professional Standards Directorate Investigations

- 4.6.1 5 complaints (14%) of the sample were Professional Standards Directorate Investigations with the average time taken to complete an investigation being 124 days. The force target for investigations is an average of 150 days.
- 4.6.2 The most common category (20%) of complaint investigations included category C: other assault. This concerns the use of more force than is reasonable. Inclusion is solely dependent on the nature of the injuries. This includes common assault contrary to Section 39, Criminal Justice Act 1988, which deals with assault and battery. Injuries include: grazes, scratches, abrasions, minor bruising, swelling, reddening of the skin, superficial cuts, and "black eye". This category includes minor injuries resulting from the use of handcuffs. It also includes minor assaults resulting in no injury, such as pushing. A person serving with the Police must never knowingly use more force than is reasonable, nor should they abuse their authority. This category includes any unjustified use of force or personal violence (but not technical assaults arising from unlawful arrest) and any incident involving police dogs or horses where the incident is attributable to the conduct of the member in control, unless the severity of injury put them in category A: serious non sexual assault.

4.7 Withdrawn and De-recorded Complaints

4.7.1 2 complaints (5%) were withdrawn by the complainant and there was evidence on the system to document why the complaint had been withdrawn.

4.7.2 1 complaint had been de-recorded as it had been recorded twice in error.

4.8 Updating the Complainant & Officers

61% of complainants were regularly kept updated. 84% of officers involved in a complaint were regularly kept updated.

4.9 Appeals

100% of complainants who were entitled to a right of appeal were informed of their right of appeal. It was however noted that the letter advising the complainant of their right of appeal only provided a link to the Nottinghamshire Police website. It did not provide a link directly to the complaints appeal section or provide details of alternative methods if the complainant did not have access the internet.

4.10 Recommendations

- a) That the Head of Professional Standards provides a response detailing why complaints are not being finalised within the local target timeline and complainants are not been kept regularly informed together with an action plan to include timescales to resolve this area of concern.
- b) For Nottinghamshire Police consider if any training would assist to reduce the number of complaints for the most common categories of complaints.
- c) That the letter advising complainants of their right of appeal should provide a link directly to the Appealing a Complaint page on Nottinghamshire Police's website. It should also advise how to obtain a form if you do not have access to the internet.

1. Financial Implications and Budget Provision

5.1 There are no financial implications or budget provision.

2. Human Resources Implications
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6.1 There are no human resource implications.

3. Equality Implications

7.1 There are no human resource implications.

4. Risk Management

8.1 There may be a risk to the public's confidence in Nottinghamshire Police.

5. 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.

6. Changes in Legislation or other Legal Considerations

10.1 None

7. Details of outcome of consultation

11.1 The Head of the Professional Standards Directorate has been consulted on this report.

12. Appendices

12.1 Appendix A – Summary of findings

Appendix A - Summary Table of Findings

Was an initial assessment made and recorded?	Was there sufficient detail of the complaint?	How was the complaint dealt with?	Was the complaint acknowledged?	Was the complainant kept regularly* updated?	Was the Officer kept updated?	Is it fully documented why the complaint has been withdrawn?	Was the complaint completed within the Target?	Did the final response letter inform the complainant of the right of appeal?
YES x 36	YES x 36	28 x Local Resolution 05 x PSD Investigation 02 x Withdrawn 01 x De-recorded	YES x 36	YES x 20 NO x 13 N/A x 3	YES x 25 NO x 6 N/A x 5	YES x 2 N/A x 34	YES x 15 NO x 18 N/A x 3	YES x 29 N/A x 7

What were the complaints regarding?

Type	Description	Total Number of Complaints per category
A	Serious non sexual assault	0
B	Sexual assault	0
C	Other assault	3
D	Oppressive conduct or harassment	0
E	Unlawful/unnecessary arrest or detention	3
F	Discriminatory behaviour	1
G	Irregularity in evidence/perjury	1
H	Corrupt practice	1
J	Mishandling of property	1
K	Breach of Code A PACE	0
L	Breach of Code B PACE	8
M	Breach of Code C PACE	1
N	Breach of Code D PACE	0
P	Breach of Code E PACE	0
Q	Lack of fairness and impartiality	2
R	Multiple of unspecified breaches of PACE	2
S	Other neglect or failure in duty	28
T	Other irregularity in procedure	4
U	Incivility, impoliteness and intolerance	6
V	Traffic irregularity	0
W	Other	3
X	Improper disclosure of information	2
Y	Other sexual conduct	0
01	Operational policing policies	3
02	Organisational decisions	1
03	General policing standards	0
04	Operational management decisions	0

*Regularly is every 28 days

