

Consideration	
Public	Public
Report to:	Police and Crime Panel
Date of Meeting:	8 September 2021
Report of:	Commissioner Henry (PCC)
Report Author:	Lisa Gilmour
E-mail:	Lisa.Gilmour@nottinghamshire.pnn.police.uk
Other Contacts:	
Agenda Item:	8

COMPLAINTS & REVIEWS ASSURANCE REPORT

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 statutory guidance.
- 1.2 This is the first report to the panel since the Commissioner took responsibility for the oversight of complaints and complaint reviews in February 2020. As such, comparable data is not available but will be included in future reports. Appendix A provides details on the process.
- 1.3 This report has been presented and discussed at the Nottinghamshire Police Organisational Risk, Learning, Standards & Integrity Board and the Joint Audit and Scrutiny Panel. The Complaints and Review Manager also holds monthly Case Management Meetings with the Head of Professional Standards to ensure learning from reviews are managed and implemented.

2. Recommendations

- 2.1 To note the learning identified.

3. Reasons for Recommendations

- 3.1 The Commissioner has an oversight responsibility to ensure that Nottinghamshire Police Complaints are managed in accordance with:
 - 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 What is a complaint?

A complaint is any expression of dissatisfaction with a police force that is expressed by or on behalf of a member of the public.

4.2 Complaint Files Dip Sampling Overview

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 dip sampled all 64 complaints relating to dog bites and use of force complaints closed between 01 February 2020 – 31 January 2021.

Seven complaints cases were not included in the sample as they were handled by special procedures or Initiated under old regulations.

57 cases were therefore dip sampled.

4.3 Findings

For all complaints sampled there was sufficient detail of the complaint and an initial assessment had taken place.

The average time taken for PSD (Professional Standards Directorate) to acknowledge a complaint in writing was 10 days.

57 (100%) of the complaints sampled were concerning complaint category B4 – use of force.

There have been no dog bite complaints finalised during the period 01 February 2020 – 31 January 2021.

4.4 Complaints handled otherwise than by Investigation

Complaints handled otherwise than by investigation are lower level complaints where it is likely that, if proven, the allegation would not result in further proceedings.

Complaints that can be quickly resolved to the satisfaction of the complainant can be logged outside of schedule 3.

Complaints should be recorded inside schedule 3 if the complaint requires further investigation or if the complainant requests that the complaint is recorded.

The OPCC is the relevant review body for complaints handled otherwise than by investigation.

There is no right of review for complaints handled outside of schedule 3.

Please see below outcome of complaint cases dip sampled:

	Logged outside scheduled 3	Logged inside schedule 3	Complainant provided with written outcome letter	Complaint outcome – reasonable and proportionate	Complaint outcome – not reasonable and proportionate	Offered right of review	Average time taken to resolve complaint (days)	Review requested	Review not upheld	Review upheld	Review ongoing	Complaints withdrawn
No. of Cases	2	22	22	22	0	22	56	7	5	2	0	1

Please see Appendix B for details of complaint review recommendations and responses.

4.5 Professional Standards Directorate Investigations

Professional Standards Directorate Investigations are where it is likely that, if proven, the allegation of criminality or conduct would justify disciplinary proceedings.

The IOPC are the relevant review body for complaints handled by investigation.

Please see below outcome of complaint cases dip sampled:

	Logged inside schedule 3	Complainant provided with written outcome letter	Complaint outcome – reasonable and proportionate	Complaint outcome – not reasonable and proportionate	Offered right of review	Average time taken to resolve complaint (days)	Review requested	Review not upheld	Review upheld	Review ongoing	Complaints withdrawn
No. of Cases	33	25	24	1	25	46	2	1	1	0	8

- 4.5.1 The incident that was not reasonable or proportionate was unsatisfactory performance by an officer and advice was given from a supervisor.
- 4.5.2 One review was upheld and the recommendation from the IOPC was for the complaint to be managed by the Reflective Practice Review Process (RPRP). RPRP is a structured, non-disciplinary process which encourages officers to identify mistakes, consider the impact of their actions and reflect on how they can learn and improve.
- 4.5.3 Where complaints had been withdrawn, there was evidence that a public interest test had been completed. The outcome of all 8 was that it was not in the public interest to proceed with the complaint.

4.6 Observations

CO/00151/20 is recorded inside schedule 3 however there is no evidence of any communication with the complainant detailing the outcome of the complaint or their right of review.

It is not clear why CO/00152/20 complaint was recorded differently on Centurion.

The initial assessment form is labelled as Duty Report or Complaint Report within Centurion. There is evidence that the form is completed once a complaint is initially assessed but it does not appear to be updated throughout the complaints process.

There is varying terminology when a complaint is handled otherwise than by investigation. Local proportionate investigation and reasonable proportionate handling are frequently used.

PSD investigation case time is an average of 35 days. Whilst this is an excellent response time for investigations, the average case time for complaints handled other than by investigation is 56 days.

The dip sample identified two cases where complaint outcome letters were sent to complainants in Microsoft Word format.

4.7 Dip Sampling Recommendations

For the Professional Standards Directorate to:

- a) Provide assurance to the PCC that all complaints relating to 4.6 of this report have been updated.
- b) Confirm the PSD special procedures process to the PCC.

- c) Consider consistent IOPC 2020 Guidance terminology in correspondence and on Centurion
- d) Advise the PCC of the process for updating the initial assessment form throughout the complaints process
- e) Review why the average case time for complaints handled otherwise than by investigation is higher than for PSD investigations
- f) Ensure that all letters sent via e-mail to external e-mail addresses are sent in PDF format.

4.8 Complaint Reviews Breakdown

The new legislation only applies to cases coming to the force's attention on, or after, 1 February 2020. Therefore it was several weeks before the first complaint review was received by the Office of the Police and Crime Commissioner.

For the twelve months (1 February 2020 – 31 January 2021) there have been 39 complaint reviews undertaken.

9 (23%) complaint reviews have been upheld; in each case recommendations were made to Nottinghamshire Police.

Please see Complaint Review Monitoring Report Appendix A for further information on Police Complaint Reviews undertaken by the Office of the Police and Crime Commissioner. Appendix B also details organisational recommendations made to Nottinghamshire Police.

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 human resource implications.

8. Risk Management

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

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 Appendix A Complaint Review Monitoring Report
- 12.2 Appendix B Upheld Review Organisational Recommendations

13. Background Papers (relevant for Police and Crime Panel Only)

13. N/A