

Complaint Review Monitoring Report

BACKGROUND

On 1 February 2020 the process for dealing with complaints against the police in England and Wales was changed as a result of amendments to the Police Reform Act 2002 and implementation of the Police (Complaints and Misconduct) Regulations 2020. This report focuses on one aspect of the changes, namely the new responsibility that the local policing body (Police and Crime Commissioner) has for undertaking reviews of some complaints.

The legislation changes effectively created three different approaches to handling police complaints; those dealt with outside of Schedule 3 Police Reform Act 2002; those that are recorded under the Police Reform Act but dealt with “*other than by investigation*” and those that are recorded under the Police Reform Act and formally investigated. In broad terms, if there is an indication that someone serving with the police may have behaved in a way that would justify disciplinary proceedings this will result in a formal investigation, if there is no such indication the complaint can be dealt with “*other than by investigation*”. In effect “*investigation*” merely denotes that an *individual* is being investigated for potential misconduct. Cases “*dealt with other than by investigation*” will still seek to address a complainant’s concerns.

Where a complaint has been recorded it must be handled by the police force in a reasonable and proportionate way. Once the matter has been finalised the complainant is entitled to ask for a review if they are not satisfied it has been handled reasonably and proportionately. In most cases, where a complaint has been formally investigated it will be for the Independent Office for Police Conduct (IOPC) to carry out the review whereas if the matter has been dealt with “*other than by investigation*” the PCC will be the review body.

Method

In Nottinghamshire the PCC has commissioned Sancus Solutions to provide an independent reviewer who can consider and report on each complaint review. This process has been effective from 1 February 2020. Sancus Solutions provide a similar service to seven other PCCs. The reviewer appointed for the Nottinghamshire Office of the Police and Crime Commissioner has senior management experience of dealing with complaints.

When a complaint has been dealt with by the force the complainant receives a finalisation letter that advises to whom they should write if they are not satisfied their complaint has been dealt with in a reasonable and proportionate way. Where a complainant contacts the Office of the PCC seeking a review this is recorded and Professional Standards Department (PSD) are asked to make all relevant material available to the reviewer. The reviewer then accesses documents through the Centurion system that is used by PSD.

Once the reviewer has considered the case they provide a draft report for consideration and approval by the PCC or their deputy and, in appropriate cases, focused relevant feedback for PSD. Where the review determines that the original outcome was reasonable and proportionate the complaint review is not upheld. However if the outcome was not determined as reasonable and proportionate the complaint review is upheld and the PCC is entitled to make recommendations to the force for further action.

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.

For the twelve months (1/2/20 – 31/1/21) the Office of the Police and Crime Commissioner received 52 requests for a complaint review, all of which have now been considered.

Of the complaints undertaken, 9 (23%) complaint reviews have been upheld; in each case recommendations were made to the force.

Learning

The relatively low numbers mean it is difficult to identify specific patterns or to draw conclusions about how complaints are handled by the force. In a number of the nine upheld cases the enquiries carried out by the force were insufficient to address the complainant's concerns and suitable recommendations were made by the PCC to rectify this.

In some cases it was apparent that complaint handlers had either not fully understood the range of changes introduced in the new legislation or had not yet been confident about applying them (for instance there was limited consideration of the newly introduced concept of Practice Requiring Improvement – PRI). Any new legislation is likely to take some time to 'bed in' and for people to develop confidence in new practices. It is unfortunate that the changes became effective at the same time the coronavirus pandemic developed and it is likely this has made it more difficult for the force to reinforce the new approach in a consistent manner. Experience in other forces is similar.

One area for improvement that has been identified is the finalisation letters that were sent to complainants. In many cases these were unstructured, unclear or difficult to understand. In some cases the complaint had been handled appropriately but the finalisation letter did not adequately articulate this. During the first six months a significant proportion of finalisation letters were unsatisfactory. This was raised with the head of PSD who has been very supportive in ensuring additional training in letter writing (including a potential structure for the letter) is provided to her staff. Over the next six months this will be an area that will be considered in future reviews.