

Dip sampling of complaints system 27th July 2018

On 27th July 2018, members of the JAEC undertook an examination of 26 cases still showing as not having been finalised, despite having been opened over 12 months ago. In total 28 cases are shown on the system as still live and over 12 months old. There was only sufficient time to examine 26 of the 28 cases.

Whilst there would be a reasonable expectation that any complaint should be investigated and completed within 12 months, there are clearly circumstances in which this is not happening. Some of the reasons for the excessive delays may be beyond the control of those managing the process and some are as a result of poor practice and mistakes. There were some cases included in the 28 showing as over 12 months old where it would appear that everything has been done and completed but there has been no administrative closure leaving the case showing as live.

Some complaints are extremely complex and some have been sent elsewhere for consideration. For example, all complaints with a connection to Hillsborough have been redirected to external investigation in accordance with IOPC guidance. In another long running complaint the Constabulary was directed by the IPOC to instruct another Force to take over responsibility for the investigation to ensure impartiality.

Rather than detail the circumstances of each complaint, the main reasons for delay have been summarised below:

IOPC involvement 10 cases

It is clear that the IPOC have had varying degrees of involvement in a significant proportion of the cases which has resulted in either appeals or direction to re-investigate, thus prolonging the process

Delays in Divisional Admin and/or Divisional investigation 4 cases

Delays in Divisional administration and investigation are not uncommon. In these 4 cases, the delays in moving the complaint between PSD and Division were probably the major factor in delaying completion beyond 12 months.

Sub Judice / merging of complaints 4 cases

In these cases they were either quite properly put on hold pending the outcome of trials, or individual complaints have been brought together when a pattern of more serious misconduct has been identified leading to misconduct proceedings

Complainants non co-operation / being obstructive 3 cases

One case involves a repeat complainant who is complaining about the process employed to manage their repeated complaints. The remainder are complainants who have failed to assist in closing the case

Delays in PSD Administration 4 cases

On some occasions there have been clear administrative errors upon receipt of a complaint where it has simply got lost within the administrative system

Linked civil / legal cases**3 cases**

Some complex issues have given rise to lengthy legal considerations and could not be concluded within 12 months

Apparent mis-classification as a live complaint**4 cases**

Four cases appear to have been completed, with officers and complainants aware of the outcome and no further investigation required. There is no obvious reason why they would still be shown as live

Summary

In most cases involving cases over 12 months old, complainants have either been informed of the reasons for a delay, or in the case of errors they have received well worded apologies with no air of defensiveness. There is still some occasional evidence of clumsy wording on correspondence within the complaints system, including one in this set of cases, but over several years this has improved dramatically and is now more of a rarity.

In overall terms the quality of investigation appears to be good, but avenues to appeal decisions both internally and externally can cause undue delays.

In the cases of long periods of apparent administrative delays, it is not always possible to ascertain the cause of prolonged periods of inaction from the electronic recording system.

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