



**Lancashire
Constabulary**
police and communities together

REPORT TO: Strategic Scrutiny Meeting

DATE:

AGENDA ITEM:

SUBJECT: Public Complaints Timeliness and Appeals

Executive Summary

The number of Complaint Cases increased by +12% from 2015/16 to 2016/17; however this is within expected bounds and is not significant. Conversely there has been a 3% reduction in Complaint Allegations (which are attached to each Complaint Case) recorded over the same period; again not identified as a significant change based on long term data.

During 2016/17 88% of Complaint Cases were recorded within the 10 day target which is an improvement on recent years. Data over recent months indicates that further improvements may be expected in this area.

There has been an increase in the proportion of allegations subject to Investigation, rising from 18% in 2015/16 to 26% in 2016/17. Local Resolutions are the most common means of disposal and remain static at around 62%. Performance in recent months suggests reductions in numbers of Local Resolutions and increases in Investigations which would bring the Constabulary more in line with National and MSF group data.

Statistical data continues to be routinely monitored and 'dip sampling' occurs to ensure that all complaints are resolved using the most appropriate mechanism.

The time taken to Locally Resolve complaints remains unchanged at around 99 days on average and there has been an increase in the average days to resolve Investigations (which now stands at 169 days). It is possible that an increase in Investigations as a method of progressing complaint allegations could result in further delays in resolving matters. Furthermore, the issues surrounding 'legacy' allegations being closed and adversely impacting on the average timeliness figures is set to remain for at least the short to medium term.

Data regarding complaint allegations in excess of 300 days is now routinely featured within the monthly performance information discussed within PSD.

81% of Appeals received within Lancashire during 2016/17 relate to the Local Resolution process. This does not reflect a great change since 2015/16 however other forces within the MSF group are now directly comparable to Lancashire, which could signal process changes in other force areas.

During 2016/17 25% of Appeals that were finalised were 'Upheld' indicating that there is a level of justification for the appeal being made. This is higher than the MSF group average figure but is broadly comparable with Kent & Nottinghamshire. Accurate identification of issues that led to complaints being Upheld are documented within the 'Lessons Learnt' area of Centurion so that further training or advice / guidance can be delivered to officers and staff in order to prevent further occurrences.

On average in recent years there have been 11 appeals received into force each month, this has reduced slightly in 2016/17 to an average of 9 appeals per month.

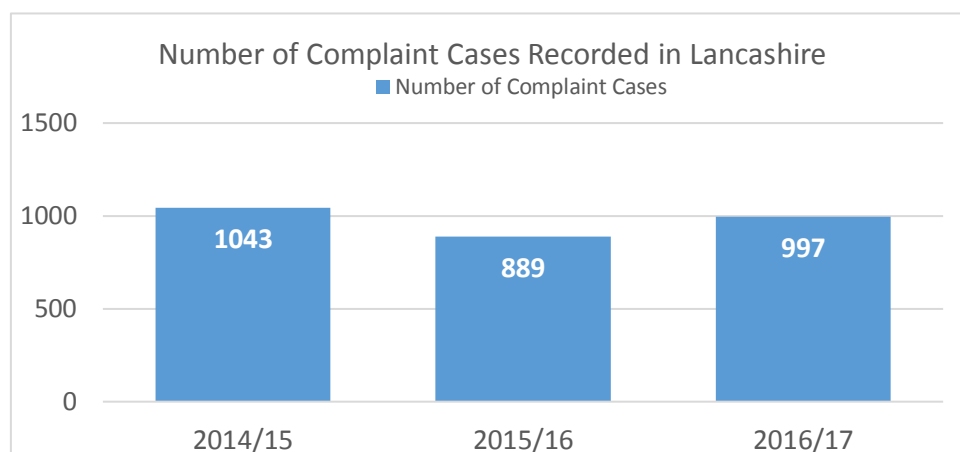
The time taken to resolve appeals has seen a significant and steady reduction since the beginning of 2016, with an average appeal case now taking 50 days to resolve at present. This is due to a revised process in Appeals management which now involves a dedicated member of staff to oversee matters.

A small number of individuals have been identified as persistent complainants into Lancashire Constabulary. Dealing with these continuous complaints has an impact both on available resources within PSD and Division along with adversely effecting performance based data.

Complaint Cases Recorded

The number of Complaint Cases recorded by Lancashire Constabulary saw a slight increase between 2015/16 and 2016/17 from 889 to 997 (+12%). However, this increase is not significant and is within expected bounds considering the long term average.

Fig 1. Complaint Cases recorded in Lancashire in the past 3 years.



The data provided below shows that the number of Complaint Cases recorded in Lancashire and other force areas within the Most Similar Force (MSF) grouping.

On a national level there has been little change in the number of recorded Complaint Cases (-0.4%), whereas the Most Similar Force group has seen a small increase when compared to the previous year (+3.8%).

When comparing other police force areas within the MSF group it is clear to see that there is a wide variation in performance from one force to the next. Nottinghamshire have shown a -31% year-on-year reduction whereas Humberside have experienced a +44% increase. Unfortunately, the absence of apparent consistency across the force areas within the Most Similar Force group means it is difficult to draw any meaningful conclusion from the +12% increase in Lancashire.

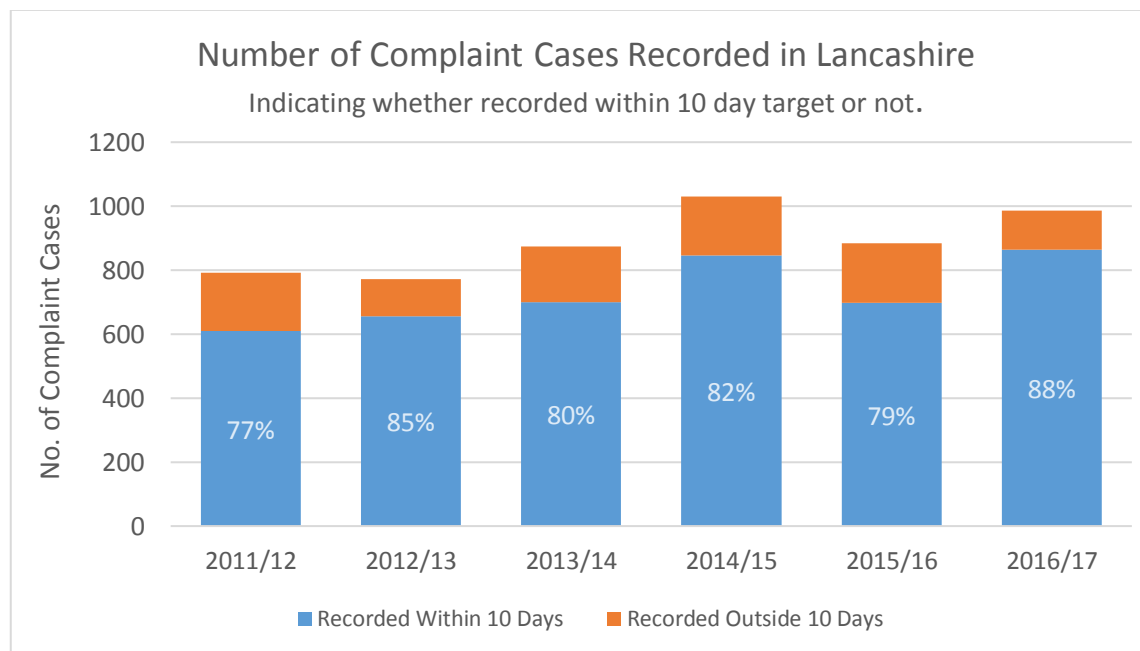
Table 1. Complaint Cases recorded across the Most Similar Force group over the past 3 years.

Police Force	2014/15	2015/16	2016/17	% Change from 2015/16 to 2016/17
Humberside	521	529	760	+43.7%
Kent	1187	842	762	-9.5%
Lancashire	1043	889	997	+12.1%
Northumbria	1018	716	758	+5.9%
Nottinghamshire	1023	967	670	-30.7%
South Wales	864	807	770	-4.6%
South Yorkshire	660	602	607	+0.8%
West Yorkshire	1255	1867	2167	+16.1%
MSF Total	7571	7219	7491	+3.8%
National	37105	34247	34103	-0.4%

Complaint Cases Recorded Timeliness

The graph below shows that Lancashire has consistently recorded around 80% of Complaint Cases within the 10 day target, regardless of how many cases have been received. Following the introduction of a revised Service Level Agreement (SLA) between PSD and Divisions performance towards the end of 2016 there has been an improvement in cases being recorded within the 10 day target. In March 2017 performance was as high as 94% of Complaint Cases recorded within 10 days.

Fig 2. Graph to show the number of Complaint Cases recorded per year. Each bar also represents how many cases were recorded inside the 10 day target.



The previous assessment provided in December 2016 indicated that performance in Lancashire was likely to increase beyond 86% of cases recorded within 10 days and this is now evident with the recent data showing 88% over the 2016/17 period. The challenge for PSD as a department is to maintain and improve on this performance over the coming months as the circumstances that can lead to delays in recording are still present; particularly with regards staff shortages / capacity and fact finding processes prior to recording.

The Most Similar Force data below shows that Lancashire is comparable to other forces within the group, albeit there is a wide deviation across the different areas. Unfortunately the national percentage performance figure has not yet been published by the IPCC but is expected to be somewhere in the region of 90%.

Table 2. Number of Complaint Cases recorded and the percentage of these recorded within target across the MSF group.

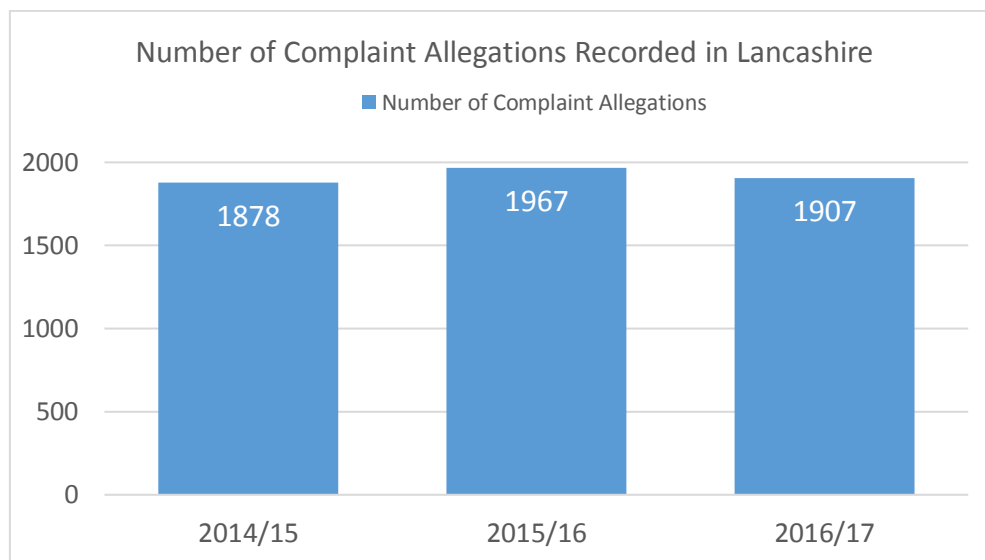
Police Force	2014/15		2015/16		2016/17	
	No.	% within 10 working days	No.	% within 10 working days	No.	% within 10 working days
Humberside	521	77	529	73	760	61
Kent	1187	94	842	88	762	95
Lancashire	1031	82	884	79	997	88
Northumbria	1018	87	716	92	758	93
Nottinghamshire	1023	95	967	95	670	94
South Wales	864	60	807	80	770	88
South Yorkshire	660	80	602	90	607	77
West Yorkshire	1255	80	1867	94	2167	96
National	37,093	80	34,242	88	34,103	N/A¹

¹ National % figure not yet readily available through documentation provided by the IPCC.

Complaint Allegations Recorded

There has been relatively little change in the number of Complaint Allegations recorded within Lancashire over the past 3 years. This serves to show a level of consistency being maintained within Lancashire despite changes in officers acting as the Appropriate Authority. Complaint Allegation data gives an indication of the amount of demand complaints generate for the force, whereas the number of Complaint Cases may be regarded as indicating how many people are dissatisfied.

Fig 3. Number of Complaint Allegations recorded in Lancashire over the past 3 years.



There was a strong reduction in Complaint Allegations recorded nationally between 2014/15 and 2015/16; this has slowed substantially in 2016/17 although a -1% national reduction was still evident. As with other factors variation exists across the MSF group and Lancashire has recorded a -3% reduction.

Table 3. Number of Complaint Allegations recorded across the MSF group over the past 3 years.

Police Force	2014/15	2015/16	2016/17	% Change from 2015/16 to 2016/17
Humberside	1,072	1,136	1,440	+27%
Kent	1,697	1,124	1,175	+5%
Lancashire	1,878	1,967	1,907	-3%
Northumbria	2,399	1,744	1,676	-4%
Nottinghamshire	1,759	1,494	1,062	-29%
South Wales	1,417	1,125	979	-13%
South Yorkshire	1,412	1,170	1,161	-1%
West Yorkshire	1,897	2,615	2,956	+13%
MSF Total	13,531	12,375	12,356	0%
National	69,571	64,428	63,751	-1%

Finalised Complaint Allegations

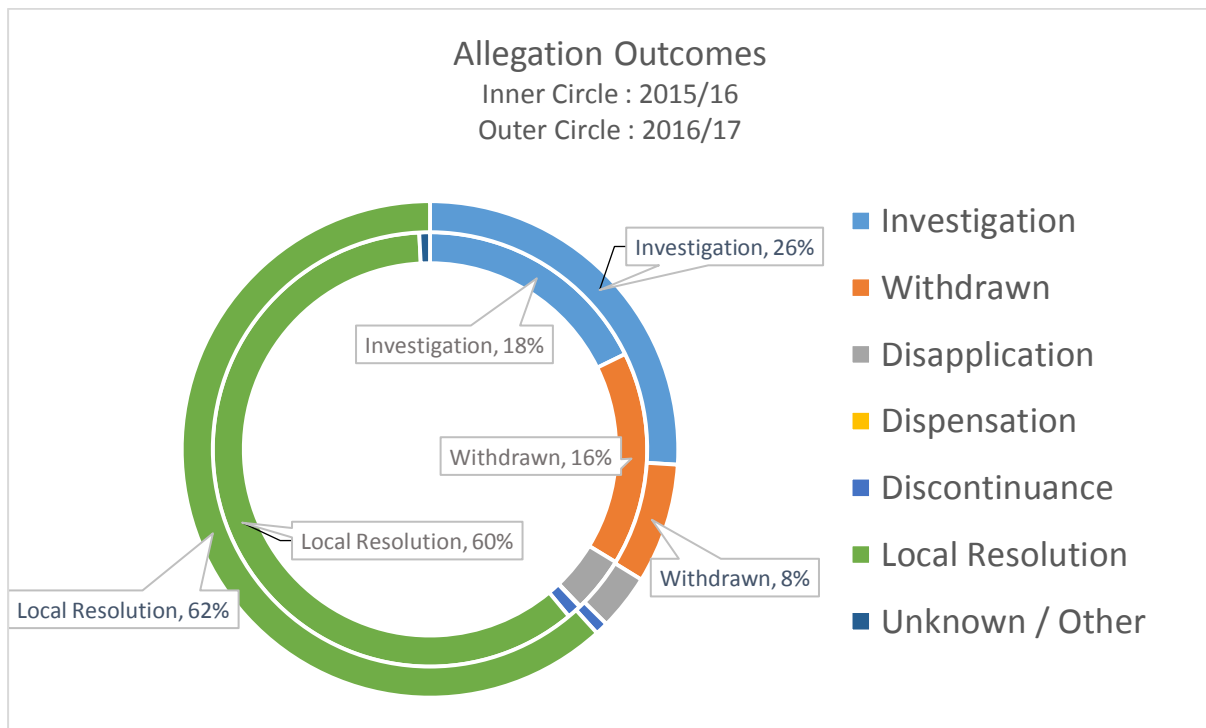
The chart below shows the outcome of Complaint Allegations finalised within Lancashire and the change from 2015/16 to 2016/17.

It is evident that the proportion of allegations subject to Investigation has increased from 18% to 25% whereas the proportion of Local Resolutions has remained relatively unchanged. Recent months have seen Local Resolution outcomes accounting for less than 50% of finalised allegations with Investigations around at around 40% of all finalised allegations.

It is the severity of the allegation in the main, along with other associated factors, that determines the method for progressing each complaint. Generally, more serious allegations or those concerning officers and staff who are deemed to represent a greater cause for concern are 'Investigated' whereas lower level matters may be suitable for Local Resolution. The Constabulary is confident that the assessment and decision around the route taken is objective and based on the circumstances of each case.

It is also worth noting that there are less allegations being Withdrawn, going from 16% in 2015/16 to just 8% in 2016/17.

Fig 4. Outcome of Complaint Allegations finalised in 2015/16 compared to 2016/17.



There is a high level of variation across different force areas in the data below, indicating that there is a lack of consistency throughout the country in how Complaint Allegations are dealt with and recorded. This variation has been noted by the IPCC throughout their most recent annual publication.²

In Lancashire complaint allegations finalised by way of Local Resolution are higher than the national average but comparable to other forces within the MSF group. Conversely, the number of allegations classed as ‘Investigated’ is lower than the national average but again comparable to other forces in the MSF group. As previously referred to, the severity of each case would usually determine the way in which the complaint is progressed and data in recent months highlights a move towards the MSF & National averages.

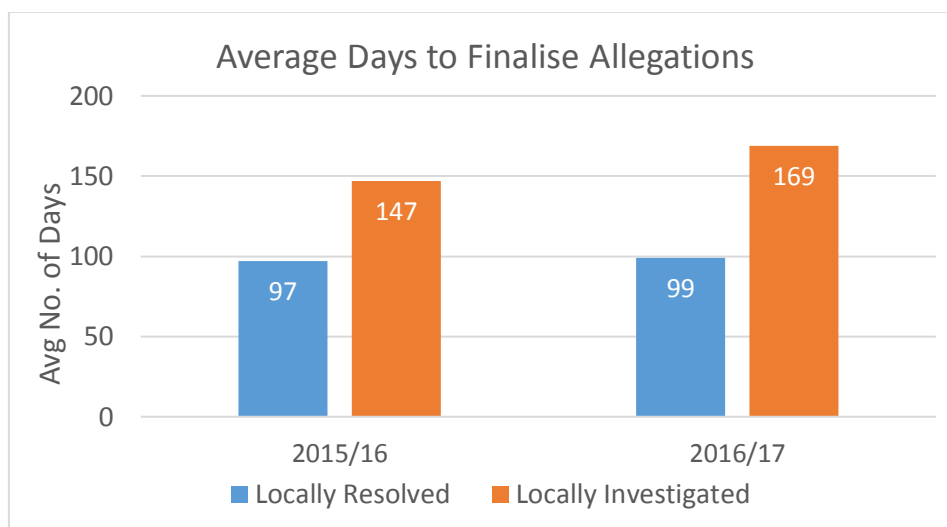
Table 4. Complaint Allegation Outcomes for allegations finalised within the 2016/17 period for the MSF group.

Police Force 2016/17	Investigation		Withdrawn		Disapplication		Dispensation		Discontinuance		Local Resolution		Total N
	N	%	N	%	N	%	N	%	N	%	N	%	
Humberside	228	23	93	9	76	8	0	0	16	2	590	59	1003
Kent	526	46	98	9	72	6	0	0	0	0	456	40	1152
Lancashire	436	26	131	8	61	4	0	0	14	1	1036	62	1678
Northumbria	807	49	119	7	182	11	0	0	32	2	495	30	1635
Nottinghamshire	74	7	64	6	51	5	0	0	11	1	873	81	1073
South Wales	426	54	135	17	36	5	0	0	39	5	148	19	784
South Yorkshire	188	21	53	6	84	9	0	0	31	3	557	61	913
West Yorkshire	849	30	178	6	159	6	1	0	3	0	1663	58	2853
MSF	3534	38	871	9	721	7	1	0	146	2	5818	45	11091
National	-	44	-	7	-	6	-	0	-	1	-	42	-

²“The key finding from the statistics is the level of variation from force to force in relation to different aspects of the police complaints system. This makes drawing national conclusions difficult, and too simplistic.”
IPCC, Police complaints: statistics for England and Wales 2015/16 (Page 12). http://ipcc.gov.uk/sites/default/files/Documents/research_stats/complaints_statistics_2015_16.pdf

Timeliness to finalise Complaint Allegations

Fig 5. Average days to finalise Complaints in Lancashire by resolution type (Locally Resolved or Investigated). Comparing 2015/16 against 2016/17.



A comparison has been made between the time taken to finalise allegations (Locally Resolved and Investigated) in 2015/16 with the first two quarters of 2016/17. The average time to resolve allegations by way of Local Resolution is relatively unchanged however there is a small increase in the average time to resolve Local Investigations.

A Service Level Agreement between PSD and Divisions introduced in 2016 hoped to reduce the timeliness around Local Resolutions to less than one month; however this has not yet been achieved. A move to a new software solution in early 2016 and a need for greater staff training and resourcing in Divisions are likely to be the main elements contributing to this matter. In December 2016 it was recommended that the Constabulary should aim to improve the timeliness of Local Resolutions to 64 days which is the national average and to maintain the timeliness around Investigations which stood at 160 days.

The impact of finalising a small number of 'legacy' cases which have remained on the database for extended periods of time continues to impact on the average days to finalise. Data shows that 37 allegations finalised in 2016/17 had been ongoing for more than 500 days (21 were Locally Resolved, 16 were Investigated). See data below.

Table 5. Timeliness to finalise 'Locally Resolved' allegations by number of days.

Days to Finalise Locally Resolved Allegations (Days)	2015/16		2016/17	
	No.	%	No.	%
0 to 99	849	74.7	744	70.3
100 to 199	198	17.4	205	18.4
200 to 299	55	4.8	58	5.5
300 to 399	13	1.1	20	1.9
400 to 499	17	1.5	11	1.0
500+	4	0.4	21	1.1
Grand Total	1136	100.0	1059	100.0

Table 6. Timeliness to finalise 'Investigated' allegations by number of days.

Days to Finalise Investigated Allegations (Days)	2015/16		2016/17	
	No.	%	No.	%
0 to 99	136	41.9	196	45.5
100 to 199	135	41.5	145	33.6
200 to 299	28	8.6	57	13.2
300 to 399	24	7.4	14	3.3
400 to 499	2	0.6	3	0.7
500+	0	0.0	16	3.7
Grand Total	325	100.0	431	100.0

In recent months PSD have renewed the format of monthly performance data in order to easily identify allegations that remain 'open' on the database over extended periods of time. It is hoped that continued focus on resolving these allegations will result in improvements over the long term, although improved timeliness (using averages) is unlikely to significantly reduce in the short to medium term as there are 100+ allegations on the system that have been open for more than 300 days (as of May 2017).

Lancashire Constabulary have identified a need to improve timeliness and are implementing a number of different methods to address this issue including.

1. New Single Point of Contacts (SPOC) in Divisional areas to oversee the progress of complaint cases & allegations. These officers and staff are currently receiving training and guidance on ways to improve the handling of complaints.

2. The introduction of a Divisional complaints 'surgery' in Divisions where officers and staff from PSD will be more readily available to address issues with particular complaints in order to seek a more timely resolution and improved case handling.
3. A series of Continuous Professional Development days (CPD) focussing on PSD Complaints are due to be held between January and March in order to educate officers and staff about the conduct and complaint resolution.

The table below shows how Lancashire compares to other forces within the MSF group in the 2016/17 period. It is evident that the timeliness to resolve by way of Local Resolution is higher than all forces in the MSF. However, as previously highlighted this is partly as a result of finalising 'legacy' complaint allegations and it is also worth noting that Lancashire finalise a higher proportion of allegations by way of Local Resolution when compared to other forces.

Table 7. Timeliness to finalise allegations by resolution type (Locally Resolved or Investigated) during 2016/17.

Police Force	Locally Resolved		Locally Investigated	
	Average Days	No. of Allegations	Average Days	No. of Allegations
Humberside	92	590	169	228
Kent	66	456	242	526
Lancashire	99	1,036	169	436
Northumbria	41	495	142	807
Nottinghamshire	64	873	157	74
South Wales	62	148	141	426
South Yorkshire	76	557	180	188
West Yorkshire	31	1663	150	849
MSF	74	5818	170	3534
National	67	-	166	-

Appeals Received

The vast majority of appeals received by Lancashire Constabulary relate to Local Resolutions. Over the 2016/17 period 83 appeals were recorded in relation to LR's which equates to 81% of all appeals received. Although there is wide variation across the Most Similar Force group, the proportion of appeals in relation to Local Resolutions is comparable to some other forces.

Table 8. Appeals received by category during 2016/17.

Appeals Received 2015/16	Force Investigation Appeals		Force Local Resolution Appeals		Force Disapplication Appeals		Force Discontinuance Appeals		Total Force Appeals
	N	%	N	%	N	%	N	%	N
Humberside	14	20	45	63	12	17	0	0	71
Kent	47	35	62	47	24	18	0	0	133
Lancashire	2	2	83	81	18	17	0	0	103
Northumbria	53	68	11	14	13	17	1	1	78
Nottinghamshire	0	0	92	89	11	11	0	0	103
South Wales	55	82	7	10	5	7	0	0	67
South Yorkshire	13	21	44	70	6	10	0	0	63
West Yorkshire	11	5	199	88	15	7	0	0	225
MSF Total	195	23	543	64	104	12	1	0	843

Appeal Outcomes

Analysis of the outcome of appeals reveals that the number being Upheld has increased from 18% to 39% when comparing 2015/16 against 2016/17. The main increase has been in the category of appeals relating to Local Resolutions which has increased from 16% upheld in 2015/16 to 38% upheld in 2016/17. The IPCC has previously highlighted the low appeal upheld rate in Lancashire as an area of concern, therefore some uplift is to be welcomed and expected, however the high successful appeal rate for Local Resolution provides further evidence that this is an area of focus for the force, not only in terms of timeliness but also the quality of service offered.

Table 9. Appeals completed including % Upheld comparing 2015/16 to 2016/17.

Appeal Outcomes 2015/16	2015/16			2016/17		
	Completed	Upheld	%	Completed	Upheld	%
Investigation	0	0	0	4	1	25
Local Resolution	70	16	23	132	38	29
Disapplication	11	2	18	21	0	0
Discontinuance	1	0	0	0	0	0
TOTAL	82	18	22	157	39	25

The table below shows the number of Upheld appeals by outcome category across the Most Similar Force group. In terms of percentage, Lancashire has Upheld more Appeals relating to Investigations and Local Resolutions when compared to other forces in the group. As with other areas of the data there is a high level of disparity between figures from one police force to the next.

Table 10. Appeals finalised by category including the number (%) Upheld for the period of 2016/17.

Appeal Outcomes 2015/16	Force Investigation Appeals			Force Local Resolution Appeals			Force Disapplication Appeals			Force Discontinuance Appeals			Total Force Appeals		
	Completed	Upheld	%	Completed	Upheld	%	Completed	Upheld	%	Completed	Upheld	%	Completed	Upheld	%
Humberside	13	0	0	47	1	2	7	3	43	0	0	0	67	4	6
Kent	48	7	15	64	20	31	26	3	12	0	0	0	138	30	22
Lancashire	4	1	25	132	38	29	21	0	0	0	0	0	157	39	25
Northumbria	40	6	15	10	0	0	12	1	8	0	0	0	62	7	11
Nottinghamshire	0	0	0	82	18	22	7	2	29	0	0	0	89	20	22
South Wales	39	6	15	5	1	20	4	1	25	0	0	0	48	8	17
South Yorkshire	13	0	0	42	4	10	6	0	0	0	0	0	61	4	7
West Yorkshire	9	2	22	199	15	8	12	0	0	0	0	0	220	17	8
MSF	166	22	13	581	97	17	95	10	11	0	0	0	842	134	16

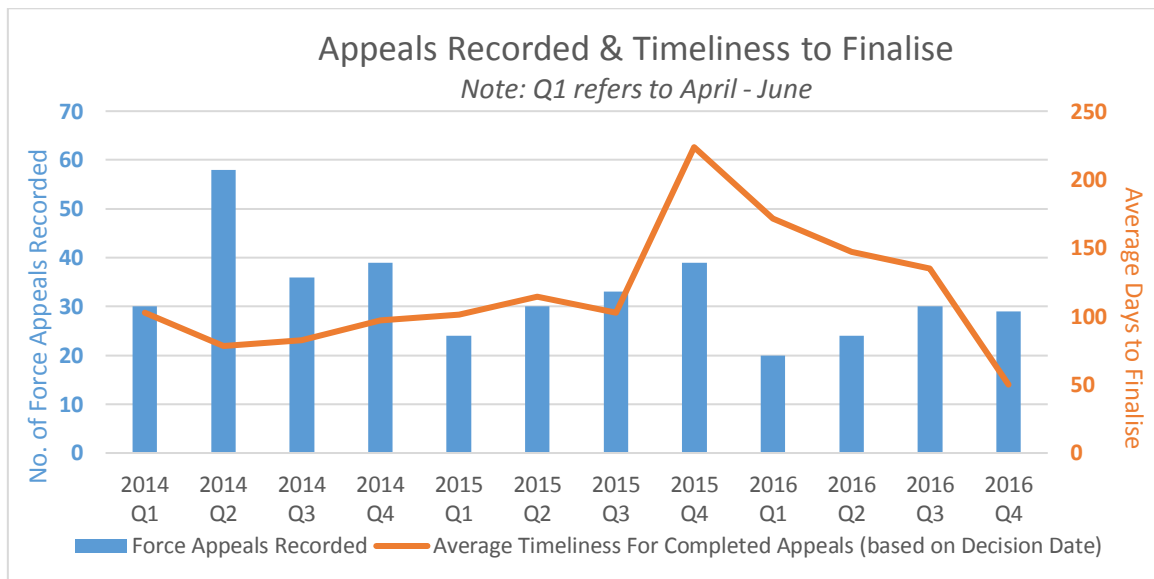
Appeals Recorded & Timeliness

The graph below shows the number of Appeals recorded in Lancashire for each quarter since April 2014. Although there is some variation from one period to the next the average over the period below is 33 appeals recorded per quarter; it has been lower than this in recent periods but not significantly so.

Alongside the number of appeals recorded the graph shows the average number of days to finalise appeals, for appeals finalised in each quarter.

The significant increase in the Jan – Mar 16 period (2015 Q4) could be linked to the adoption of a new software solution in the management of complaints and associated data. It was also a time when some appeals were identified on the system that hadn't been 'finalised' therefore an administration exercise was conducted to resolve these anomalies – which has contributed to the apparent increase. Since this period the time to taken to finalise appeals has reduced. In the last document (dated December 2016) it was anticipated that further reductions to timeliness would occur and this has been the case. It appears unlikely that reductions will continue at the same rate and may plateau at around 40 to 50 days per appeal (on average).

Fig 6. Graph to show the number of Appeals recorded per quarter in Lancashire, alongside the timeliness of Appeals finalised in each period.



Repeat Complainants

In Lancashire there are a small number of individuals who are identified as persistent complainants. They can have quite a substantial impact on the overall complaint figures recorded. The top 3 complainants are summarised below, together they are linked to 52 Complaint Cases recorded in the 2016/17 period (5% of all recorded Complaint Cases) which involve a total of 100 Complaint Allegations.

“Complainant A” is from Preston. They are linked to a total of 208 cases on the PSD database, 137 of these are Complaint Cases. Over the 2016/17 period they are linked to 29 recorded Complaint Cases involving a total of 54 Complaint Allegations. 25 of these allegations are within the category of “Other Neglect or Failure in Duty”, other common allegations are regarding “Incivility”, “Other Irregularity in Procedure” and “Discriminatory Behaviour”.

“Complainant B” is from Ormskirk. They are linked to a total of 61 cases on the PSD database, 45 of these are Complaint Cases. Over the 2016/17 period they are linked to 18 recorded Complaint Cases involving a total of 29 Complaint Allegations. The most common allegation categories are Corrupt Practice (10) and “Other Neglect or Failure in Duty” (7).

“Complainant C” is from the Preston area. They are linked to a total of 16 cases on the PSD database, 13 of these are Complaint Cases. Over the 2016/17 period they are linked to 5 recorded Complaint Cases involving a total of 17 Complaint Allegations. The most common complaint category was “Discriminatory Behaviour” (6).