



**Lancashire
Constabulary**
police and communities together

REPORT TO: Joint Audit & Ethics Committee

DATE: 9th December 2019

AGENDA ITEM: 18

SUBJECT: PSD - Public Complaints Timeliness and Appeals

Executive Summary

Cases and Allegations

- 1.1 There were 301 Complaint Cases recorded within Lancashire Constabulary in 2019/20 so far (Apr – Sep 19), this is a 7.5% increase on the previous 6 month period (n=280) although the level of recording has remained stable in the past 2 years.
- 1.2 There have been 539 recorded allegations in 2019/20. As with Complaint Cases, this is a slight increase (8.2%) on the previous 6 month period (n=498). There is variability in recorded Allegations from one month to the next although there is no trend of particular note.
- 1.3 Lancashire performs favourably against other areas in the Most Similar Force Group (MSFG) in terms of recorded allegations per 1000 employees. The most recent IOPC data for Q1 of 2019/20 indicates that there are 46 allegations recorded per 1000 employees which is the lowest ratio in the MSFG.
- 1.4 The most common type of Complaint Allegation continues to be “Other Neglect or Failure in Duty” (35% n=187) which often relates to a general dissatisfaction with police being unable to meet public expectations.

Timeliness

- 2.1 Process and resource allocation changes have had a positive impact on the ability to record Complaint Cases within the 10 day target period. This situation has seen a steady improvement over the past 12 months, with 95.2% of Cases (119 out of 125) recorded within 10 days in the most recent quarter (Jul – Sep 19).

- 2.2 The average time taken to finalise allegations subject to Investigation has reduced from 277 days in the second half of 2018/19 to 179 days in the first half of 2019/20. This improved performance is as a result of finalising long running cases albeit the figure is still higher than the most recently published National and MSFG averages; 150 and 156 days respectively.
- 2.3 The average time taken to finalise Local Resolutions has also reduced, from 114 days in the second half of 2018/19 to 92 days in the current period (Apr – Sep 19). This is above the most recently published National and MSFG averages; 69 and 63 days respectively.

There is a continued focus on the identification of legacy cases within the locally distributed monthly performance information which is used to drive activity around key performance themes within PSD.

Outcomes

- 4.1 44% (n=287) of Complaint Allegations finalised in the 2019/20 period so far were done so by way of “Local Resolution”, 40% (n=261) were “Investigated”. This is comparable to the most recent National data (Apr – Jun 19) which indicates 50% of Allegations are Locally Resolved and 38% Investigated.
- 4.2 Only 23 of the 652 finalised allegations have been “Upheld” which equates to 3.5%. The Constabulary is confident that the correct assessments are being made in terms of outcomes following consultation with the IOPC and Home Office alongside an independent peer review.

Service Recovery

- 3.1 There continues to be a strong focus on Service Recovery which is focussed on resolving issues raised by members of the public prior to escalation into a formal complaint.
- 3.2 314 cases have been ‘Service Recovered’ in 2019/20, which is more than the number of Complaint Cases recorded over the same period (301). It is likely that these cases may have escalated to a formal complaint if early intervention had not occurred, which would have potentially led to further demand within PSD and Divisions that could have taken up resources over a period of weeks / months.

Appeals

- 5.1 12 Appeals have been received within 2019/20 so far.
- 5.2 97 Appeals have been finalised in the 2019/20 period so far, 5 of which have been Upheld (5%). All Upheld allegations relate to the Local Resolution process.
- 5.3 There is a sustained improvement in performance in this area, particularly with regards to progressing and resolving live Appeals to the point of finalisation. This is evident a reduction in the number of ‘open’ Appeals per month which has reduced from 109 open Appeals in November 2018 to just 6 open Appeals in September 2019.
- 5.4 The average time taken to finalise Appeals has also seen a substantial reduction.

Aoristic Analysis

- 6.1 Analysis has been conducted to assess demand on PSD and Constabulary resources from Public Complaints, Miscellaneous Cases, Misconduct and Appeals.
- In recent months there has been a further reduction in the number of live Complaint Cases recorded on the system.
- 6.2 Other case types remain similar from one month to the next although a recent reduction in open Allegations is noted in September 2019.

Operation Manilla

- 7.1 Dedicated staff have been assigned to the management of complaints received in relation to Operation Manilla. In 2019/20 so far there have been 19 Complaint Allegations received which accounts for 3.5% of all Complaint Allegations received in Lancashire. This proportion has reduced from 7% in the previous assessment.
- 7.2 Of the 21 Allegations which have been finalised 48% (n=10) were Investigated and 38% (n=8) were Locally Resolved – this indicates that the approach to assessing complaints on Op Manilla is comparable to the way in which other complaints are dealt with within the force.
- 7.3 There has been 1 Upheld allegations and 0 force appeals received in 2019/20 so far.
- 7.4 Although activity at the site has settled in recent months it is unclear at present how the recent court result will impact upon issues at the site; although the possibility of an increase in public complaints cannot be discounted.

Repeat Complainants

- 8.1 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. Only one complainant is worthy of note in 2019/20, with 7 Complaint Cases / 12 Complaint Allegations against the force so far this year.

New Regulations

- 9.1 A change in Police Regulations which will have a strong impact on recording processes is likely to come into place in February 2020. All police forces in England and Wales will adopt new methods of recording. In Lancashire there will be a particularly noticeable impact on the level of recorded complaints, as issues that are now recorded and dealt with under 'Service Recovery' will require recording as a Complaint. Under the current regulations National and Regional comparisons can show a high level of disparity and it is likely that such comparisons will begin to (in the short term at least) show even greater disparity as the process of adopting the new framework is put into place.

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Complaint Cases & Allegations Recorded

9.1 There were 301 Complaint Cases recorded within Lancashire Constabulary in 2019/20 so far. The number of cases recorded on a quarterly basis has remained stable over the past 18 months.

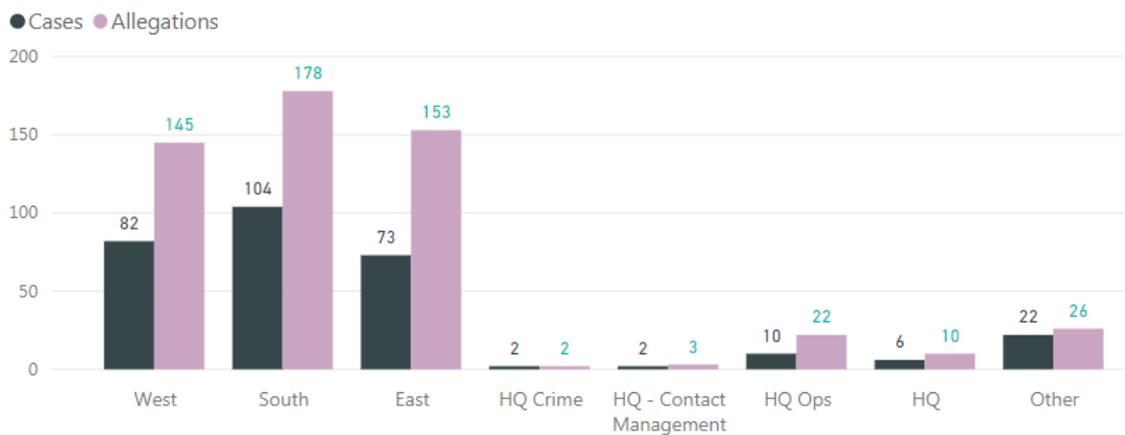
539 Complaint Allegations have been recorded in 2019/20 so far. The number of allegations varies from one period to the next (as is the norm), however the deviation over the past 18 months is not significant or subject to any particular trend.

Fig 1. Complaint Cases and Allegations recorded in Lancashire since 01/04/17.



9.2 The chart below shows the number of Cases and Allegations recorded in the first half of 2019/20 by Division.

Fig 2. Complaint Cases and Allegations recorded in Lancashire since between April – September 2019.



- 9.3 Available figures published by the IOPC for the first quarter of 2019/20 (April – Jun 19) show the number of complaints per 1000 employees for Lancashire and the other forces within the Most Similar Force Group (MSFG).
- 9.4 It is apparent from the table below that Lancashire has achieved one of the strongest reductions in this period; again this will be as a result of the Service Recovery process. The fact that around 50% of these initial contacts can now be resolved swiftly and to the complainant's satisfaction demonstrates significant progress in service provided by PSD both to the public and Police Officers who would otherwise be subject of formal complaint. It should be noted that there is a high level of variability from one force area to the next. The lack of consistency in processes is an issue routinely highlighted in high level public complaints analysis.

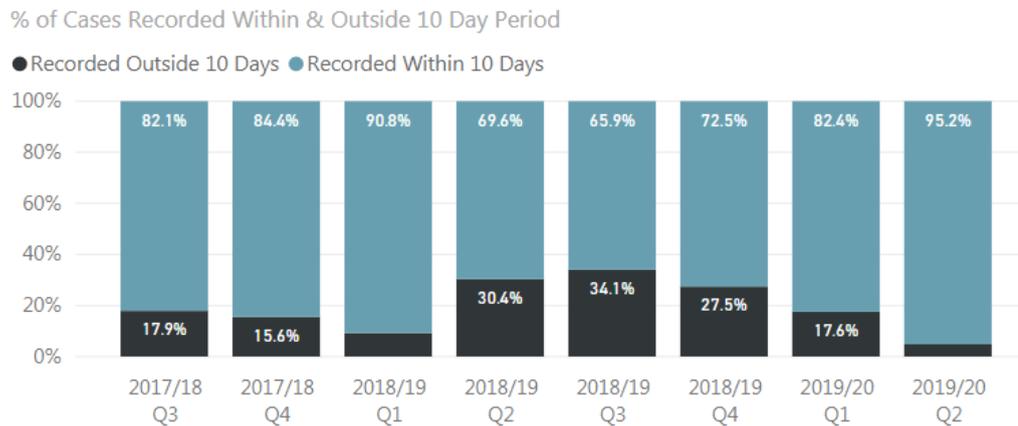
Fig 3. Allegations Recorded per 1000 employees for the Most Similar Force Group (MSFG) in Q1 of 2019/20.

Police Force	Allegations Recorded per 1000 Employees (Apr - Jun 2018)	Allegations Recorded 1000 Employees (Apr - Jun 2019)	% Change
Humberside	78	87	+12%
Kent	52	47	-10%
Lancashire	51	46	-10%
Northumbria	79	123	+56%
Nottinghamshire	106	112	+6%
South Wales	50	77	+54%
South Yorkshire	53	60	+13%
West Yorkshire	62	61	-2%
MSFG Average	67	77	+15%
National	66	68	+3%

Complaint Cases Recorded Timeliness

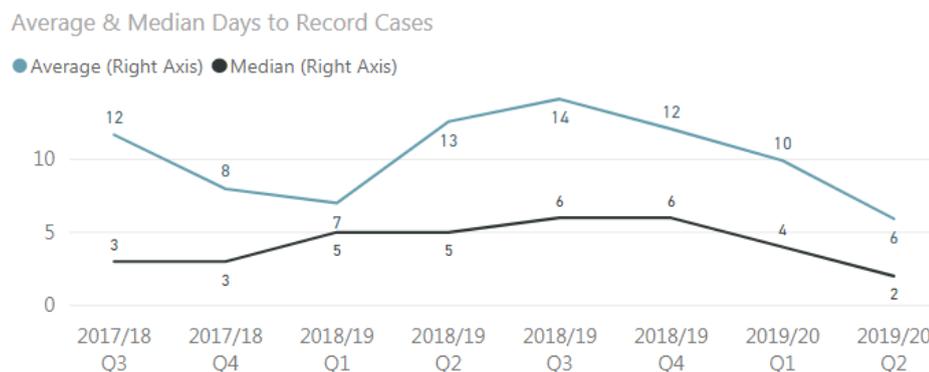
- 10.1 Over the past two years there has been a great deal variability in the percentage of Complaint Cases recorded within the 10 day target over the past 2 years. This is mainly as a result of process changes and staffing levels.
- 10.2 Performance in the most recent quarter (Jul – Sep 19) indicates that the department is now performing effectively in this regard, with over 95% of Complaint Cases (119 out of 125) recorded within 10 days. Previously identified methods to improve performance focussing on workflow efficiency and recording practices have now been adopted and this is evident within the data.
- 10.3 The most recent IOPC performance data – which covers Quarter 1 of 2019/20 (Apr – Jun 19) indicates that MSFG performance stands at 90% with National Performance being 91%.

Fig 5. Graph to show the percentage of Complaint Cases recorded within the 10 day period Quarter over the past 2 years.



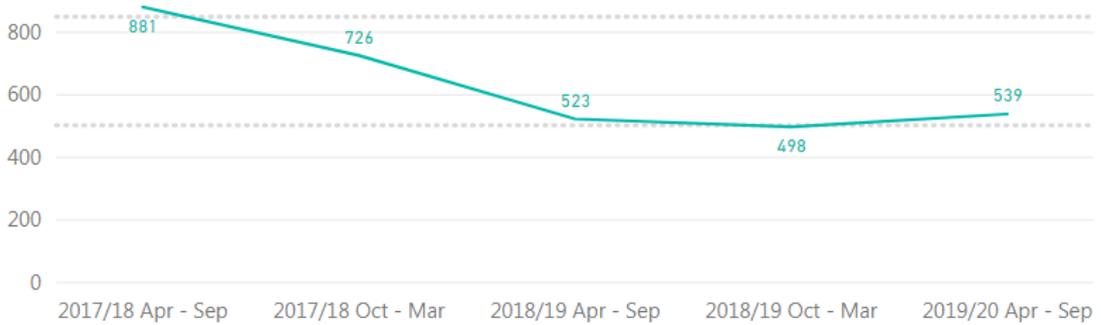
- 10.4 The chart below shows that both the Average and Median number of days to record has seen a steady reduction over the last twelve months (Jul – Sep 19).

Fig 6. Graph to show the Average & Median number of days taken to record Complaint Cases by Quarter over the past 2 years.



Complaint Allegations Recorded

Fig 7. Number of Complaint Allegations & Cases recorded in Lancashire over the past 2.5 years.



- 11.1 There were 539 recorded Allegations in the first half of 2019/20. This is comparable to the previous six months (498) and the same period of 2018/19 (523).
- 11.2 The graph below explores the top 5 Allegation types by month over the first half of 2019/20. Other Neglect or Failure in Duty remains the most common Allegation category and continues to involve a broad range of complaints (particularly surrounding ‘lack of action’ or failure to keep in contact).

Fig 8. The top 5 most common allegation categories in 2019/20 so far by month.



Type Description	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Total
Other neglect or failure in duty	27	26	23	37	41	33	187
Other assault	9	7	12	6	12	14	60
Other irregularity in procedure	7	17	12	11	8	5	60
Incivility, impoliteness and intolerance	8	12	7	10	13	9	59
Lack of fairness and impartiality	4	5	3	8	8	3	31
Total	55	67	57	72	82	64	397

Finalised Complaint Allegations

- 12.1 The table and chart below shows the outcome of Complaint Allegations finalised within Lancashire for 2019/20 so far, compared to the same period of 2018/19.
- 12.2 The proportion of Local Resolutions has reduced from 50% to 44% whereas the proportion of Investigations has increased from 25% to 40%. These identified changes are a continuation of a trend seen over the last few years; largely process driven as a result of a shift in the type of formal complaint with many of the ‘lower level’ issues now resolvable through the Service Recovery method.
- 12.3 Recent IOPC data for the first half of 2019/20 indicate that on a national level 50% of allegations were Locally Resolved and 38% were investigated. The MSF group showing 54% of allegations being Locally Resolved and 31% Investigated.
- 12.4 The Constabulary remains confident that the assessment and decision when assessing each Complaint Allegation is objective and based on the circumstances of each case. Consultation has taken place with the IOPC and Home Office in addition to an independent peer review to ensure that Lancashire are working correctly and within regulations.

Fig 9. Outcome of Complaint Allegations finalised in 2018/19 (Apr – Sep) compared to 2019/20 (Apr – Sep).

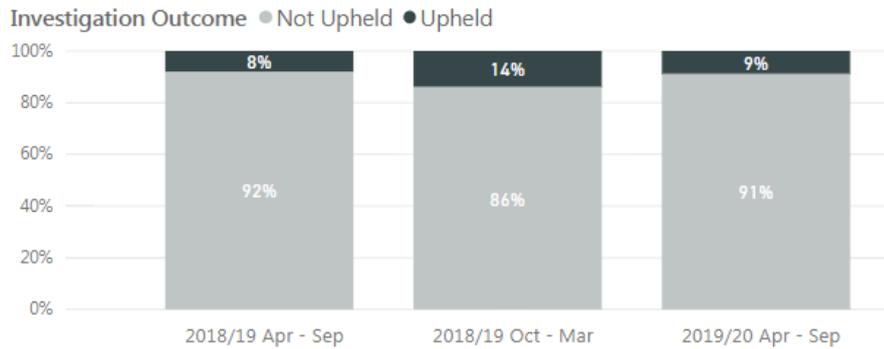
Fiscal Year (Apr - Sep)	2018/19		2019/20		Total	
	No.	%	No.	%	No.	%
Local Resolution	325	50%	287	44%	612	47%
Investigated	163	25%	261	40%	424	33%
Disapplication	77	12%	36	6%	113	9%
Withdrawn	43	7%	55	8%	98	8%
Discontinued	25	4%	3	0%	28	2%
Other	12	2%	10	2%	22	2%
Total	645	100%	652	100%	1297	100%

Fig 10. Outcome of Complaint Allegations finalised in 2018/19 (Apr – Sep) compared to 2019/20 (Apr – Sep).



- 12.5 The chart below shows the outcome (Upheld or Not Upheld) of allegations which were classed as being investigated.
- 12.6 In 2019/20 so far 9% of finalised Allegations were upheld following Investigation (23 out of 261). When considering this in relation to ALL finalised Allegations (not just those Investigated) this equates to 3.5% of Allegations being Upheld (23 out of 652).

Fig 11. Outcome of Investigated Allegations finalised over the past 3 years.



The category of those Allegations which were upheld in are displayed in the table below.

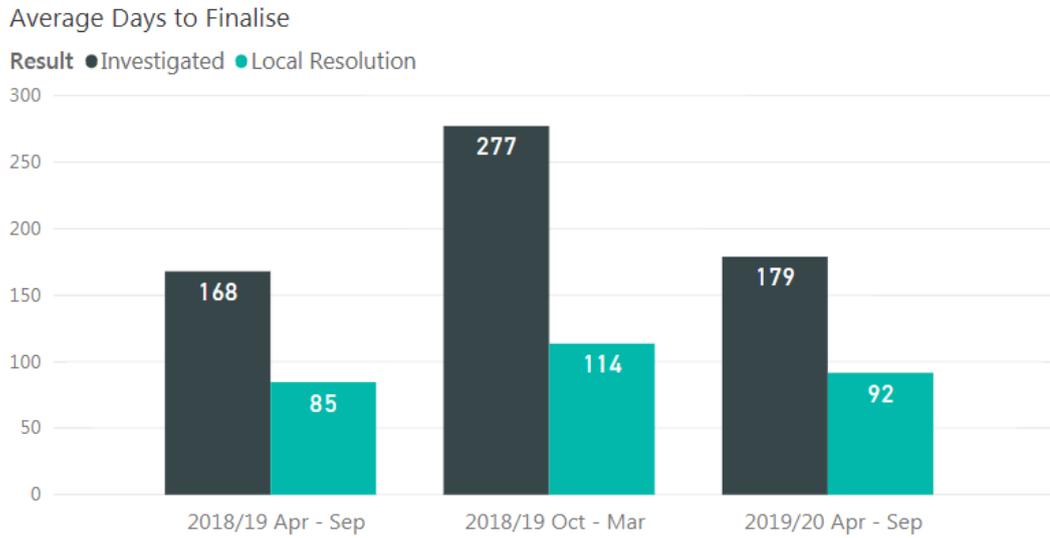
Fig 12. Allegation Category of Upheld Investigated Allegations finalised in 2019/20.

Upheld Allegations by Allegation Type

Type Description	Number of Allegations
Improper disclosure of information	5
Incivility, impoliteness and intolerance	5
Other neglect or failure in duty	5
Other irregularity in procedure	4
Irregularity in evidence/perjury	1
Lack of fairness and impartiality	1
Mishandling of property	1
Other assault	1
Total	23

Timeliness to finalise Complaint Allegations

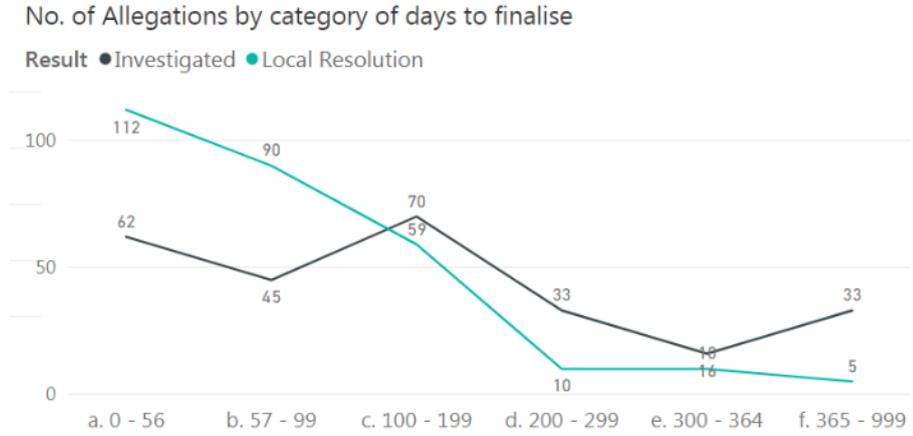
Fig 13. Timeliness of resolving allegations by Investigation and Local Resolution by date finalised.



- 13.1 The average time taken to finalise allegations subject to Investigation reduced from 277 days in the second half of 2018/19 to 179 days in 2019/20 so far. The most recent national average for Q1 of 2019/20 was 150 days with the MSF figure standing at 156 days.
- 13.2 There has also been a reduction in the time taken to finalise Local Resolutions from 114 days in the second half of 2018/19 to 92 days in 2019/20 so far. The Q1 2019/20 data published by the IOPC shows a national average figure of 69 days with a MSF average of 63 days.

The high figures documented in the second half of 2018/19 were as a result of the closure of a small number of long running cases. This situation has been resolved somewhat in the recent data, albeit the chart below shows that 33 investigation allegations had been running for over a year.

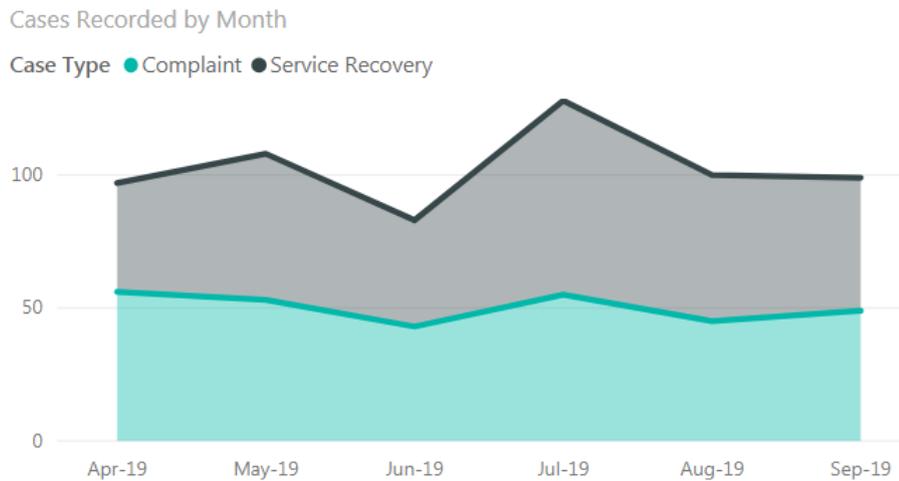
Fig 14. Timeliness to finalise 'Investigated' and 'Locally Resolved' allegations by number of days.
For allegations finalised in 2019/20 so far.



Service Recovery

- 14.1 The chart below shows the number of Service Recovery Cases recorded against the number of Complaint Cases. Overall throughput has remained relatively stable when the two categories are considered together. There have been 314 Service Recovery cases and 301 Complaint Cases in 2019/20 so far. Therefore workload is split roughly 50/50 between Complaint Cases and Service Recovery.

Fig 15. Service Recovery cases and Complaint Cases recorded from April 2016 to March 2019 by Quarter.

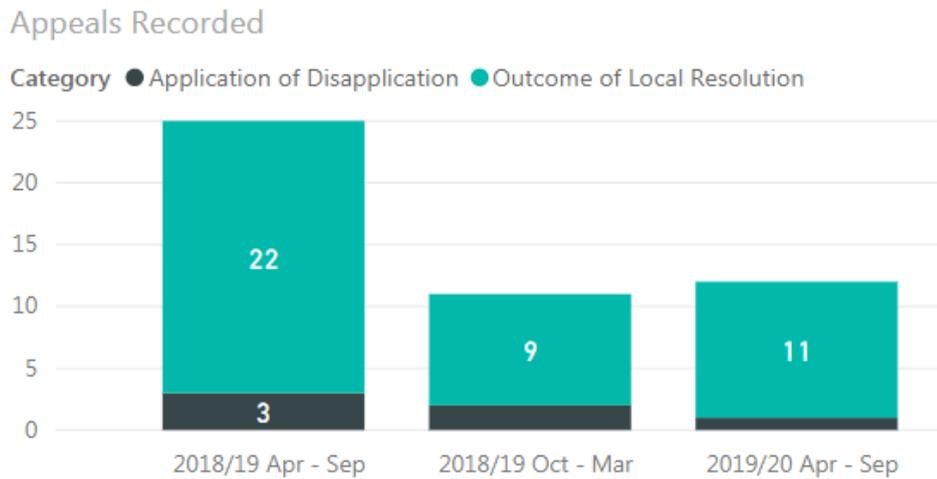


- 14.2 It should be noted that in Feb 2020 it is expected that the IOPC will begin to formally document Service Recovery cases within their regularly published complaints data which will result in an increase in Lancashire cases within these documented statistics.

Appeals Received

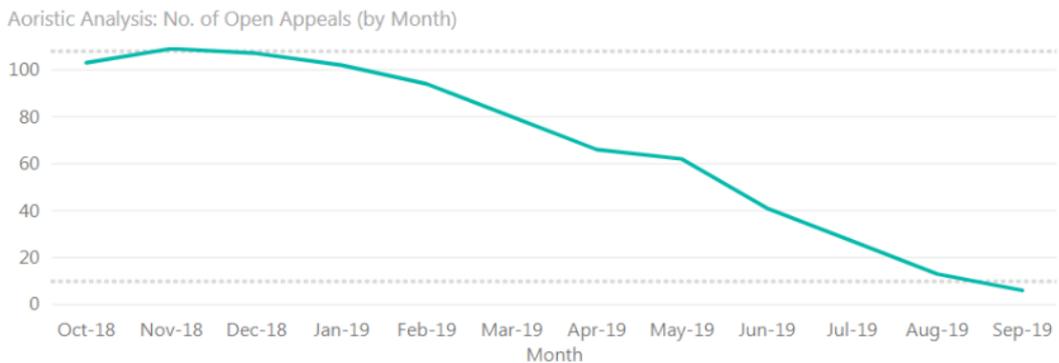
14.3 12 Appeals have been received so far in 2019/20. 11 of these relate to Local Resolutions. There has been a reduction in Appeals received over the past 12 months with an average of 1.9 Appeals per month. The two years previous to this saw an average of 4.6 Appeals received per month.

Fig 16. Appeals received by category in over the last 18 months.



14.4 Over the past 12 months there has been a concerted effort to deal more effectively with Appeals received. The chart below shows the number of open Appeals by month over the last 12 months. In November 2018 there were 109 open Appeals, this has reduced to just 6 open Appeals in September 2019.

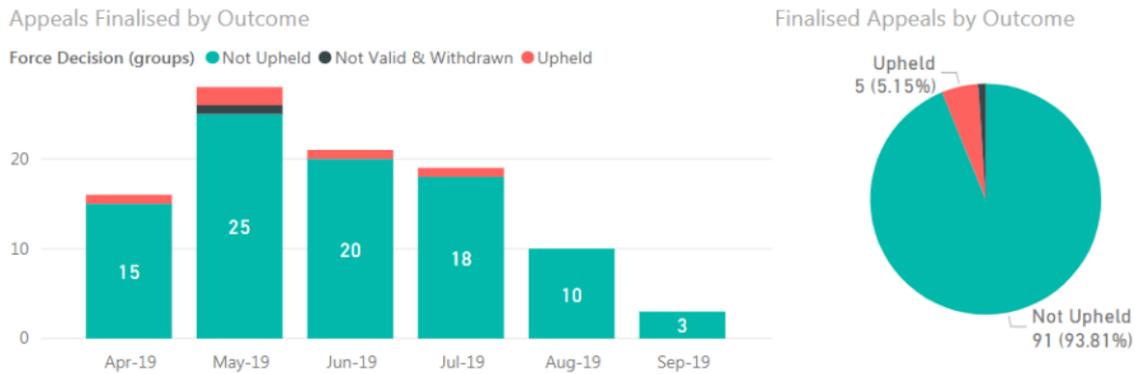
Fig 17. Open Appeals by month over the past 12 months



Appeal Outcomes

16.1 97 Appeals have been finalised in the first half of 2019/20. 91 of these (94%) were Not Upheld, 5 (5%) were Upheld and 1 (1%) was Not Valid / Withdrawn. Each of the 5 Upheld Appeals were in relation to Local Resolution.

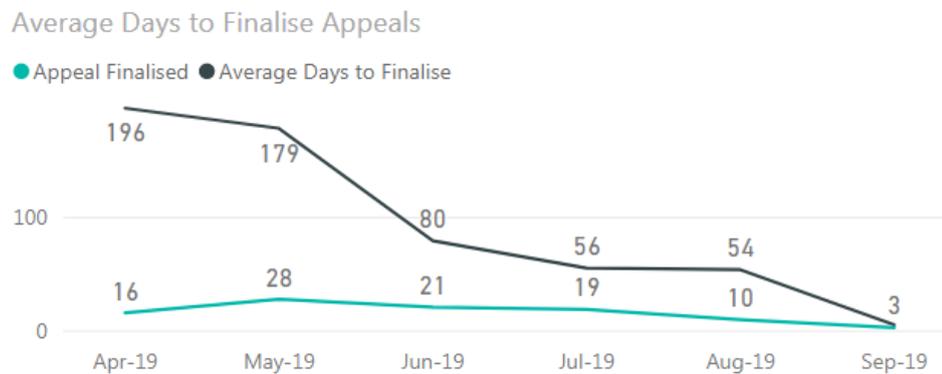
Fig 18. Appeals completed by Category and Outcome during 2019/20.



Appeals Finalised & Timeliness

17.1 The graph below shows the number of Appeals finalised in Lancashire over the 2019/20 period so far, along with the average number of days taken to finalise Appeals by month. There has been a strong improvement in timeliness with Appeals now being finalised in a very short period of time. The previous Strategic Scrutiny assessment highlighted that work was ongoing on 'legacy cases' that required resolving; it is clear that this work has been effective in reducing the backlog.

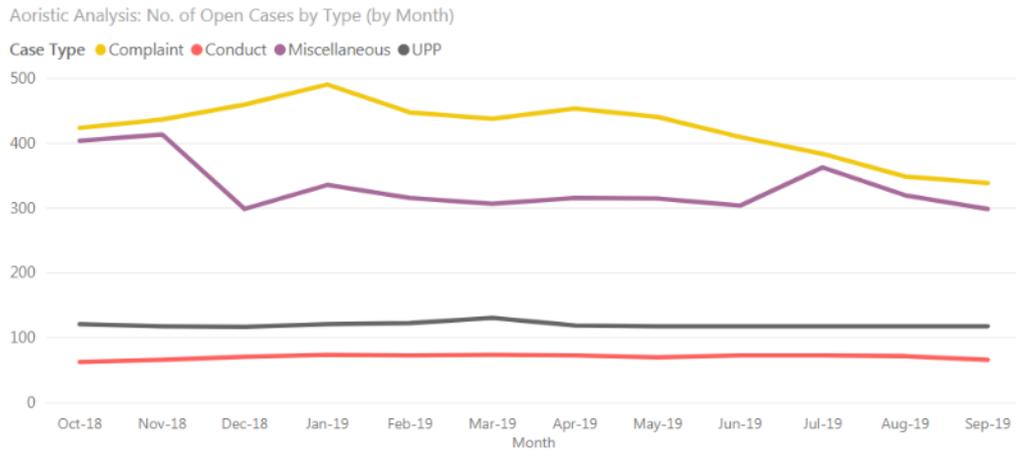
Fig 19. Graph to show the number of Appeals finalised by month (bar chart) alongside the timeliness of Appeals finalised in each month (the line shown against values on the right hand axis).



Aoristic Analysis

18.1 Aoristic analysis is a method of quantifying ongoing workload on a regular basis. This is achieved by considering how many cases were ‘live’ as of the 1st day of each month. Any cases which are opened and closed within the month are also factored into the data to arrive at the figures presented in the charts below.

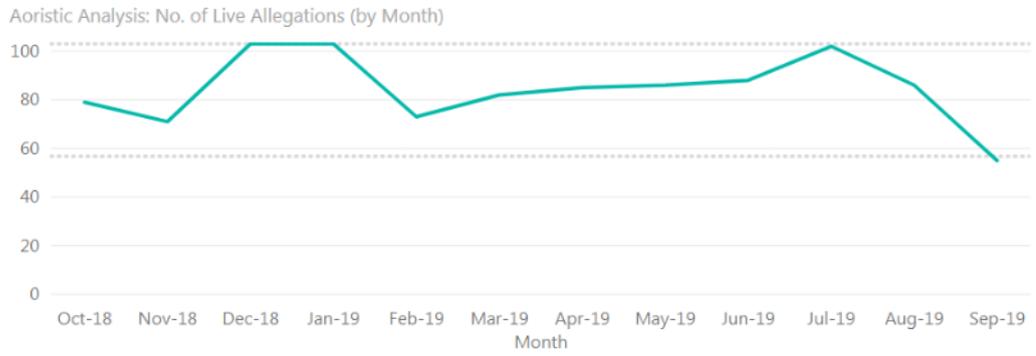
Fig 20. Graph to show the number of live cases by type on a monthly basis over the last 12 months.



18.2 Since Jan 2019 there has been a steady reduction in the number of open Complaint Cases whereas other case types have remained stable. It is likely that as Service Recovery has become more common (recorded within Miscellaneous cases), this has then allowed more time to address existing Complaint Cases which are now being finalised.

18.3 The number of live complaint allegations on a monthly basis has remained steady over the past 12 months, although the reduction in September 2019 is indicated as being significantly lower than average.

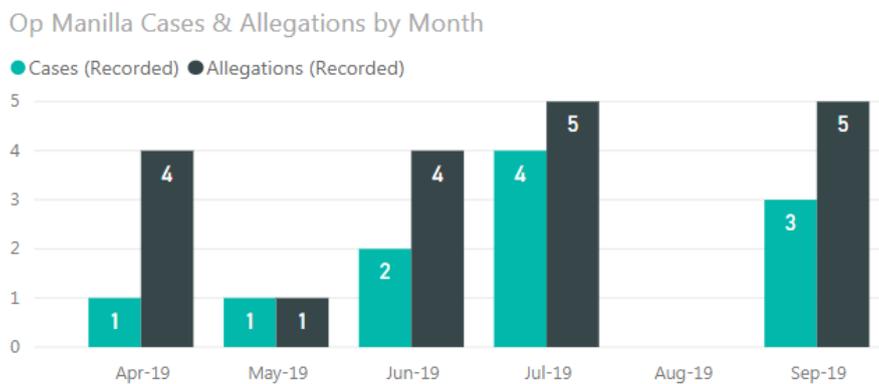
Fig 21. Graph to show the number of live allegations on a monthly basis over the last 12 months.



Operation Manilla

- 19.1 Operation Manilla is the Constabulary’s response to the protest situation surrounding the fracking site currently being developed by Cuadrilla on Preston New Road, Little Plumpton (nr Blackpool).
- 19.2 In the 2019/20 period so far there have been 11 Complaint Cases and 19 Complaint Allegations relating to Operation Manilla. This equates to 3.7% of all Complaint Cases and 3.5% of all Complaint Allegations recorded over the same period. Previous assessments have indicated that Operation Manilla complaints routinely accounted for around 7% of all recorded complaints.
- 19.3 The number of complaints received is largely indicative of fracking / protest activity at the site.

Fig 22. The number of Complaint Cases / Allegations linked to Operation Manilla (Apr – Sep 19).



- 19.4 Of the 19 allegations received 8 were in the category of Other Assault, with the remainder spread across 7 other categories.

Fig 23. The number of Complaint Allegations linked to Operation Manilla by type (Apr – Sep 19).



- 19.5 Of the 21 Complaint Allegations which have been finalised in 2019/20 so far 48% (n=10) were Investigated and 38% Locally Resolved (n=8).

1 of the 10 allegations investigated have been Upheld and there have been no recorded Appeals against the force.
- 19.6 Although activity at the site has settled in recent months it is unclear at present how the recent court result will impact upon issues at the site; although the possibility of an increase in public complaints cannot be discounted should activity on site increase.

Repeat Complainants

20.1 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. In 2019/20 so far there has been just 1 persistent complainant worthy of note. They have lodged 7 Complaint Cases (including 12 Complaint Allegations) against the Constabulary in the last 6 months.

Appendices

Complaint Allegations Recorded by Category & Division (April – Sep 19)

All Allegations Recorded by Division

Type Description	West	South	East	HQ Crime	HQ - Contact Management	HQ Ops	HQ	Other	Total
Other neglect or failure in duty	54	62	56	1		3	2	9	187
Other assault	14	19	10			6		11	60
Other irregularity in procedure	14	21	20	1	1	1	1	1	60
Incivility, impoliteness and intolerance	14	28	14		1	1		1	59
Lack of fairness and impartiality	10	6	14			1			31
Oppressive conduct or harassment	9	10	8				1	1	29
Breach Code C PACE	6	4	5			5	1		21
Improper disclosure of information	4	4	4		1		2	1	16
Unlawful/unnecessary arrest or detention	3	8	3				1	1	16
Discriminatory Behaviour	7	3	4			1			15
Breach Code B PACE	2	1	6			2			11
Mishandling of property	3	3	3						9
Corrupt practice	1	2	4						7
Operational policing policies	2	1					2	1	6
Irregularity in evidence/perjury	1	2	1						4
Other	1	3							4
Traffic irregularity		1	1						2
General policing standards						1			1
Sexual assault						1			1
Total	145	178	153	2	3	22	10	26	539