



REPORT TO:	STRATEGIC SCRUTINY MEETING
DATE:	September 2020
TITLE:	PSD – Public Complaints Timeliness and Appeals
REPORT BY:	Det Supt Zoe Mainey

Executive Summary

In February 2020 there was a change in Regulations and Statutory Guidance relating to how Public Complaints are recorded. Further to this, the Independent Office of Police Complaints (IOPC) complaints procedure has been made more accessible (now mobile device compatible); complaints which are suitable for local recording are passed to forces to manage. Both of these changes have resulted in a significant increase in recorded complaints from February onwards.

From February 2020 the option of resolution by way of 'Service Recovery', which is the method of resolving dissatisfaction prior to formal complaint, has been removed. These matters are now recorded as a formal complaint. However, the method of resolving lower level issues is largely the same which hasn't resulted in an increased workload. Around 60% of recent complaints fall into the Non-Schedule 3 category which is the equivalent of Service Recovery.

There was a 31% increase (n=174) in public Complaint Cases in 2019/20 compared to the previous year. 731 Cases were recorded in 2019/20 compared to 557 Cases in 2018/19. The increase was limited to the last quarter of the period as a result of a change in the Regulations.

In Quarter 1 of 2020/21 there were 344 Complaint Cases recorded which is an 89% increase (n=162) on the average quarterly figure from 2019/20 (which was 182).

In Quarter 1 of 2020/21 there were 616 Complaint Allegations recorded which is a 117% increase on the average quarterly figure from 2019/20 (which was 284).

Over the past 12 months Complaint Cases remain relatively evenly distributed across the three divisional BCU's with 294 in West, 251 in South and 284 in East.

Despite changes in the way Complaints are handled there has been a substantial increase in performance with regards to the timeliness of recording. 98.8% of Cases have been recorded within 10 days during Q1 of 2020/21 (338 out of 342).

Police Action Following Contact (a new allegation category) has replaced Other Neglect or Failure in Duty as the most common allegation category in recent months, accounting for 104 of the 616 Allegations recorded in Q1 of 2020/21 (16%). Although the categorisation has changed the reason behind complaints remains largely the same; a general dissatisfaction with police action often dictated by available resources.

In terms of Allegations outcomes in Q1 of 2020/21, 50% (342) were either Resolved or Locally Resolved. Just 16 allegations were either Upheld or found to have been an unacceptable level of service 2.3%.

The time taken to finalise Allegations did not change in any significant way during 2019/20 when compared to previous years, however in more recent months there has been an increase in the number of Allegations finalised and an improvement in the number of these being finalised within 56 days.

Covid-19 related complaints have been monitored within PSD since March. There have been 39 Complaint Cases recorded (42 Allegations), the last being on 26/05/20 with no further issues raised as lockdown measures eased. None of the Complaints have been Upheld or found to have Unacceptable Service although 3 of the 42 Allegations remain ongoing.

19 Misconduct Cases were recorded in Q1 of 2020/21, this is comparable to previous quarterly data. It was anticipated that the number of Misconduct Cases could reduce with the focus on PRI (Performance Requires Improvement) under the new regulations; however this has not been the case in recent months.

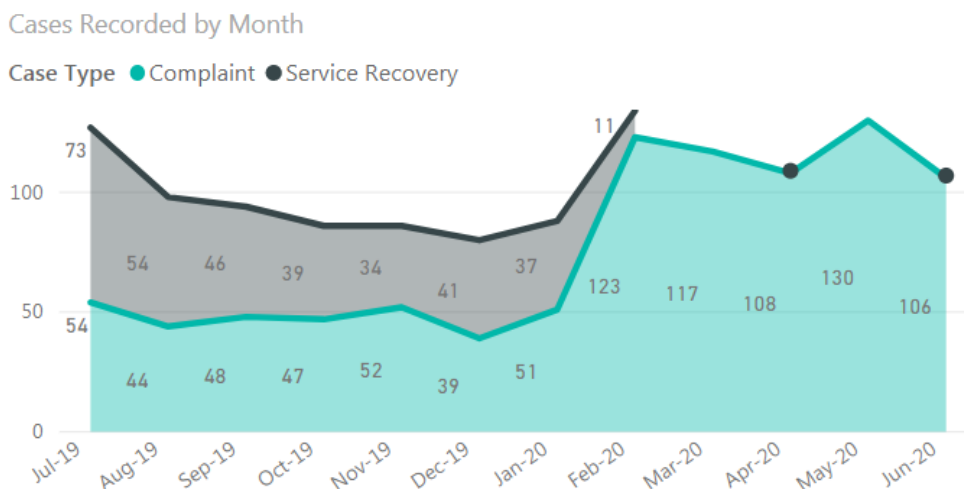
2 officers have resigned from the Constabulary in 2020 so far with subsequent Misconduct Hearings finding that they would have been dismissed if it wasn't for their resignation. The former officers are now on the Barred List held by the College of Policing, which prevents future employment within the Police Service.

Complaint Cases & Allegations Recorded

From February 2020 the option of resolution by way of ‘Service Recovery’, which is the method of resolving dissatisfaction prior to formal complaint, has been removed. These matters are now recorded as a formal complaint. However, the method of resolving lower level issues is largely the same which hasn’t resulted in an increased workload. Prior to February 2020 the number of Service Recovery cases per month was directly comparable to the number of Complaint Cases. Therefore, the change in guidance and regulations resulted in an immediate increase in recorded Complaint Cases of around 100%.

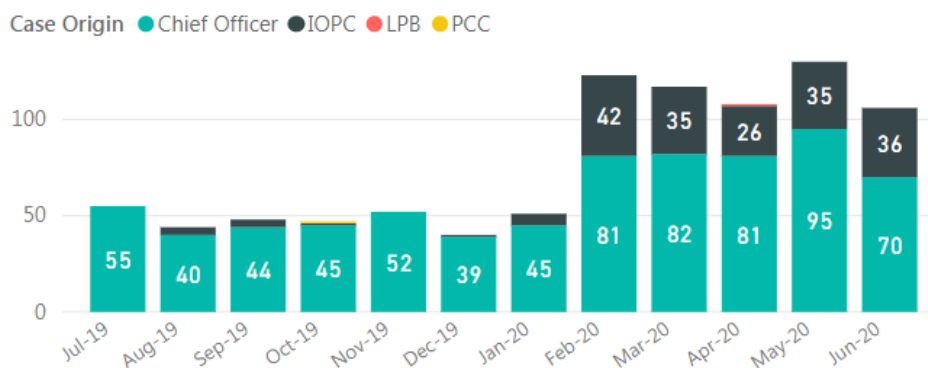
The chart below highlights the removal of the Service Recovery recording practice and the subsequent impact on recorded Complaint Cases.

Fig 1. Complaint Cases and Service Recovery cases recorded in the past 12 months.



Around the same time, the IOPC made their complaints process more accessible to users of mobile devices. This has resulted in an increase in recorded complaints, many of which are passed through to local police forces to investigate; where appropriate to do so. The increased level of complaints originating from the IOPC is shown in the chart below.

Fig 2. Complaint Cases recorded in the past 12 months by Origin.

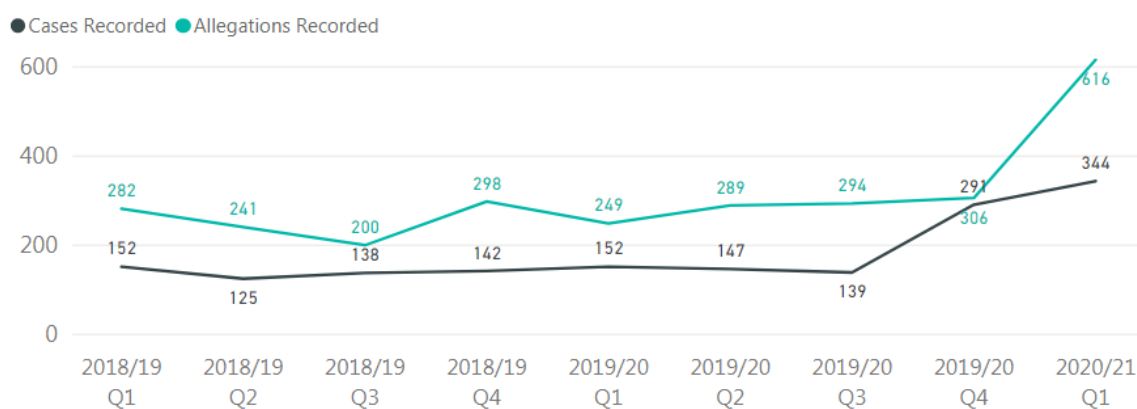


The impact of the two changes above has had a significant impact on both the level of recorded complaints and, more generally, the complaints handling process. Therefore, objective comparisons with data from previous years is not currently possible throughout this report.

Q1 of 2020/21

The last quarter represented on the chart below highlights the significance of changes to statutory guidance and regulations. There is a marked deviation from quarterly figures over the past 2 years. It is likely that there will be some variability in the number of cases and allegations recorded per month in the short term as processes are adjusted.

Fig 3. Complaint Cases and Allegations recorded in Lancashire by quarter since 01/04/18.



Annual Comparison

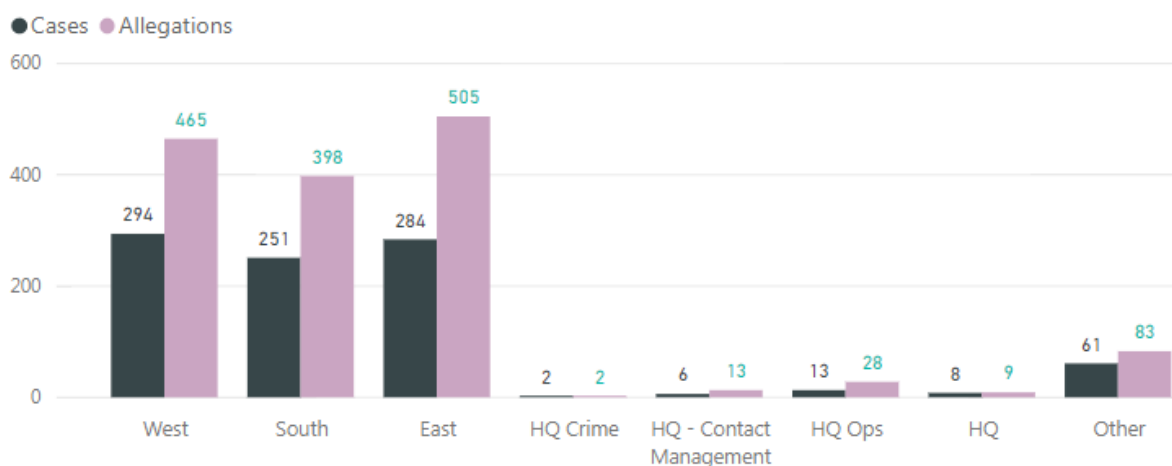
There were 729 Complaint Cases recorded within Lancashire Constabulary in 2019/20. This is a 31% increase (n=172) compared to the previous year when 557 Complaint Cases were recorded.

The increase in cases was directly as a result of a change to regulations and new statutory guidance around recording practices which were introduced on 1st February 2020. This is noted on the chart below which shows that the number of recorded Complaint Cases more than doubled in the last quarter of 2019/20.

1138 Complaint Allegations were recorded in 2019/20. This is an 11% increase (n=117) on the previous year when 1021 Complaint Allegations were recorded.

The chart below shows the number of Cases and Allegations recorded over the last 12 months by Division. It is evident that the number of cases is fairly consistent in terms of spread across the three main geographic areas. There is some variability in the number of allegations which may be due to backlogs in recording or the level of detail associated with each case.

Fig 4. Complaint Cases and Allegations recorded by Area 01/07/19 – 30/06/20



The latest available figures published by the IOPC for the first three quarters of 2019/20 (April – Dec19) show the number of complaints per 1000 employees for Lancashire and the other forces within the Most Similar Force Group (MSFG).

Variability remains across the MSFG with 5 out of 8 forces showing increases; all of which are over 10%. Lancashire, with 156 Allegations recorded per 1000 employees, continues to compare favourably against the MSFG average (228) and National average (205).

Fig 5. Allegations Recorded per 1000 employees for the Most Similar Force Group (MSFG) between Apr – Dec 2019.

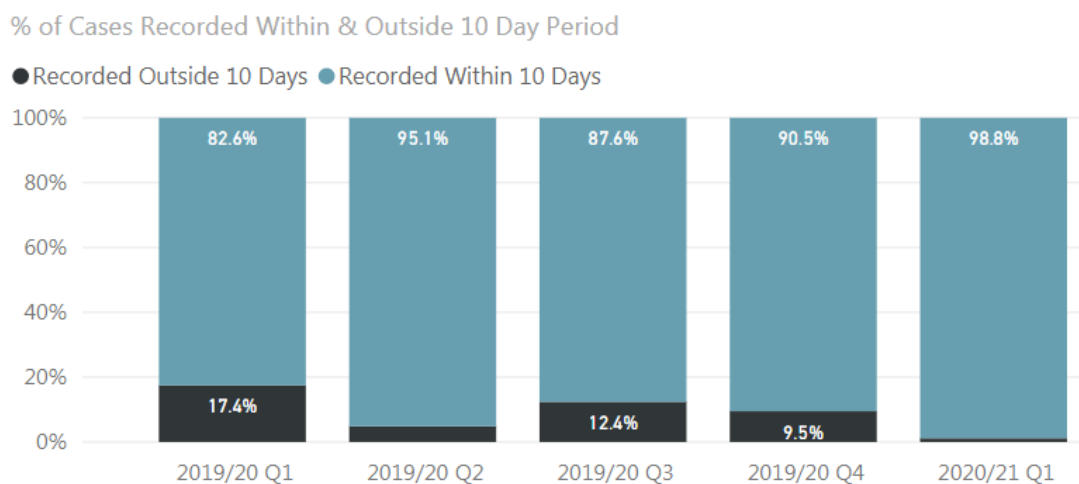
Police Force	Allegations Recorded per 1000 Employees (Apr - Dec 2018)	Allegations Recorded per 1000 Employees (Apr - Dec 2019)	% Change
Humberside	275	310	+13%
Kent	169	150	-11%
Lancashire	133	156	+17%
Northumbria	227	293	+29%
Nottinghamshire	307	347	+13%
South Wales	171	217	+27%
South Yorkshire	174	162	-7%
West Yorkshire	200	189	-6%
MSFG Average	207	228	+10%
National	196	205	+5%

Complaint Cases Recorded Timeliness

Over the past two years there has been a level of variability in the percentage of Complaint Cases recorded within the 10 day target. This is mainly as a result of process changes and staffing levels.

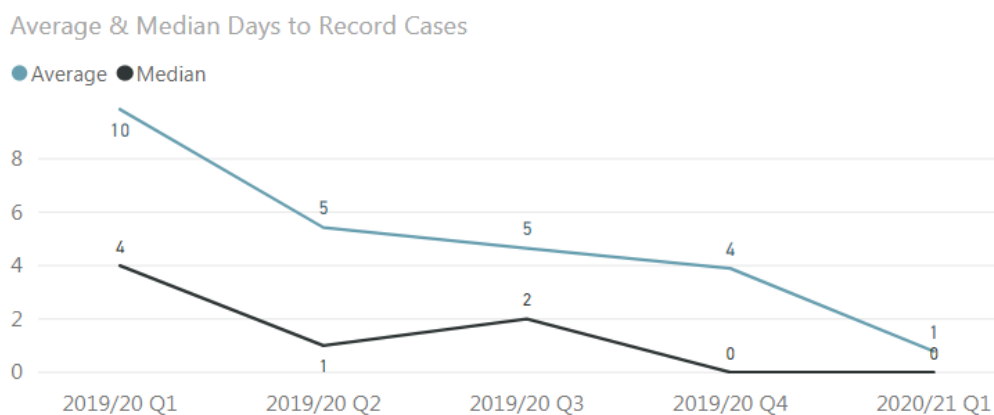
Performance in the most recent quarter (April - Jun 2020) indicates that the department is now performing effectively in this regard, with around 99% of Complaint Cases (338 out of 342) recorded within 10 days. This level of performance has been achieved despite twice the usual number of Complaint Cases being recorded in this time period. Previously identified methods to improve performance focussing on workflow efficiency and recording practices have now been adopted and this is evident within the data.

Fig 6. Graph to show the percentage of Complaint Cases recorded within the 10 day period by Quarter since 01/04/18.



The chart below shows that both the Average and Median number of days to record has seen a steady reduction over the past 5 quarters with almost all Complaint Cases being recorded immediately upon receipt in the most recent quarter.

Fig 7. Graph to show the Average & Median number of days taken to record Complaint Cases by Quarter since 01/04/18.



Complaint Allegations Recorded

Fig 8. Number of Complaint Allegations recorded in Lancashire since 01/04/19 by Quarter.

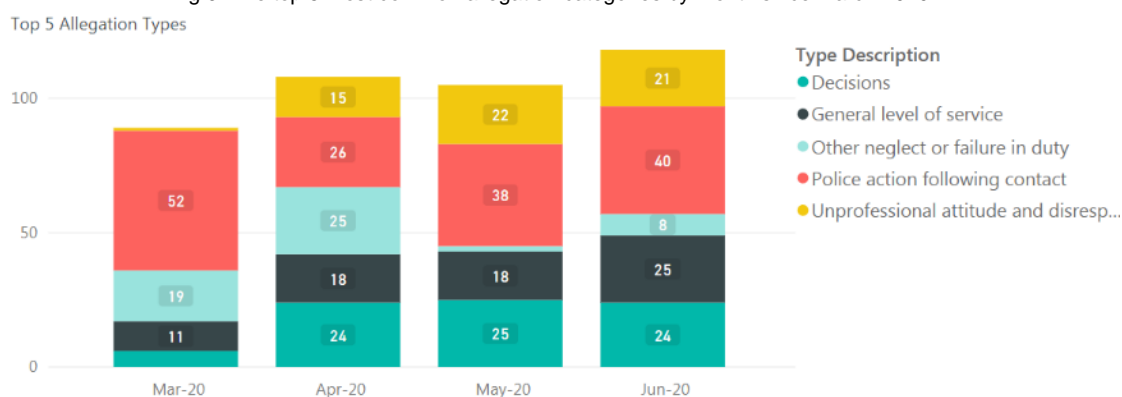


During 2019/20 there were an average of 285 Complaint Allegations recorded per quarter. In Q1 of 2020/21 this has risen to 616, an increase of 116% (n=331). The changes to statutory recording and an increase in IOPC origin complaints being the main reason for this change as previously mentioned within the report.

The graph below explores the top 5 Allegation types by month since March 2020.

Prior to the regulation changes “Other Neglect or Failure in Duty” was consistently the most common allegation type, often accounting for around a third of all allegations. The introduction of new allegation categories has changed this and “Police Action Following Contact” is now by far the most common category. The reason for dissatisfaction remains largely the same, however it is hoped that the new categories will eventually allow for a more useful analysis of themes when considering performance improvement initiatives.

Fig 9. The top 5 most common allegation categories by month since March 2020.



Type Description	Mar-20	Apr-20	May-20	Jun-20	Total
Police action following contact	52	26	38	40	156
Decisions	6	24	25	24	79
General level of service	11	18	18	25	72
Unprofessional attitude and disrespect	1	15	22	21	59
Other neglect or failure in duty	19	25	2	8	54
Total	89	108	105	118	420

Finalised Complaint Allegations

Q1 of 2020/21

The recent change to statutory guidance has also introduced different Allegation Outcomes. The table below shows that 50% of Allegations finalised in the first quarter of 2020/21 were either Resolved or Locally Resolved. The proportion of allegations being Upheld or identifying Service Not Acceptable continues to be very low with 16 out of 684 in these categories (2.3%).

Fig 10. Complaint Allegation Outcomes between Apr – Jun 2020.

Allegation Result Description	No.	%
Resolved	241	35%
Local Resolution - by Division	101	15%
No further action required	85	12%
The service provided was acceptable	69	10%
Not Upheld - by Division	48	7%
Local Resolution - by PSD	28	4%
Not Upheld - by PSD	23	3%
Not determined if the service acceptable	22	3%
Withdrawn - by Force	18	3%
De Recorded	13	2%
The service provided was not acceptable	13	2%
Not Resolved - NFA	10	1%
Special Requirements	4	1%
Disapplication - by Force	3	0%
Withdrawn	3	0%
Upheld - by Division	2	0%
Upheld - by PSD	1	0%
Total	684	100%

Annual Comparison

The table and chart below show the outcome of Complaint Allegations finalised within Lancashire for 2019/20, compared to the previous year.

The proportion of Local Resolutions (47%) and Investigations (32%) remain directly comparable to outcomes in the previous year.

The latest IOPC data for Apr – Dec 2019 indicates that on a national level 50% of allegations were Locally Resolved and 38% were investigated. The MSFG group showing 55% of allegations being Locally Resolved and 31% Investigated.

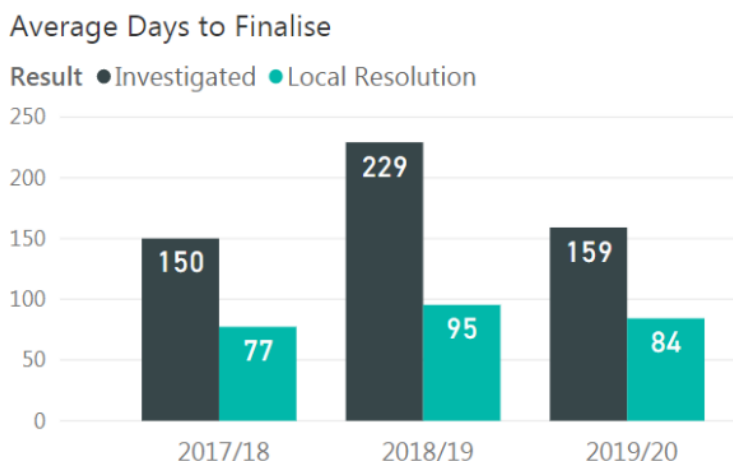
The Constabulary remains confident that the assessment and decision when assessing each Complaint Allegation is objective and based on the circumstances of each case. Consultation has taken place with the IOPC and Home Office in addition to an independent peer review to ensure that Lancashire are working correctly and within regulations.

Fig 11. Outcome of Complaint Allegations finalised in 2018/19 compared to 2019/20

Fiscal Year Allegation Outcome	2018/19		2019/20		Total	
	No.	%	No.	%	No.	%
Local Resolution	518	46%	603	47%	1121	46%
Investigated	372	33%	419	32%	791	33%
Disapplication	113	10%	69	5%	182	8%
Withdrawn	73	7%	84	6%	157	7%
Resolved			76	6%	76	3%
Other	15	1%	16	1%	31	1%
Discontinued	25	2%	3	0%	28	1%
The service provided was acceptable			17	1%	17	1%
Not Resolved - NFA			5	0%	5	0%
No further action required			2	0%	2	0%
The service provided was not acceptable			1	0%	1	0%
Total	1116	100%	1295	100%	2411	100%

Timeliness to finalise Complaint Allegations

Fig 12. Timeliness of resolving allegations by Investigation and Local Resolution by date finalised.



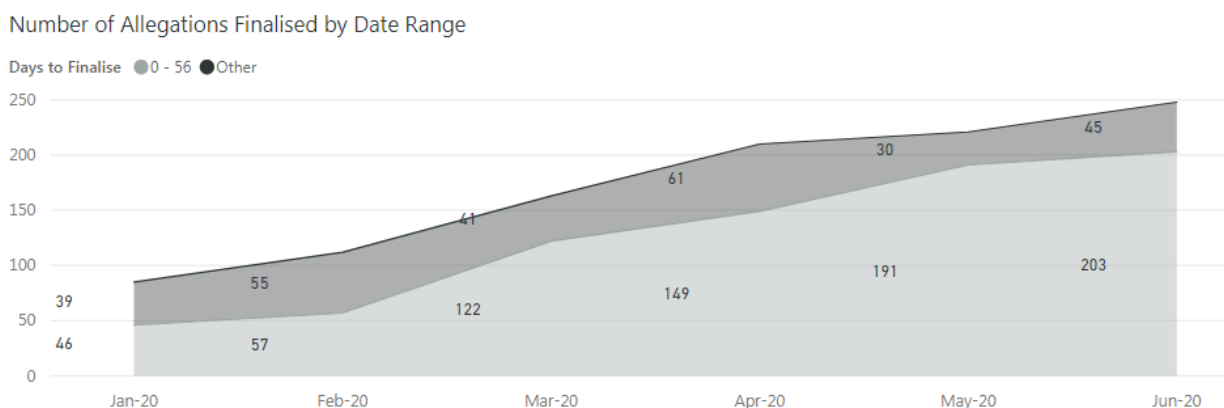
The average time taken to finalise allegations subject to Investigation reduced from 229 days in 2018/19 to 159 days in 2019/20. The most recent national average for Apr – Dec 2019 was 152 days with the MSFG figure standing at 161 days.

There has also been a reduction in the time taken to finalise Local Resolutions from 95 days in 2018/19 to 84 days in 2019/20. The Apr – Dec 2019 data published by the IOPC shows a national and MSFG average figure of 70 days.

The high figures documented in the 2018/19 period 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 38 allegations subject to Investigation had been running for over a year.

The chart below shows that in recent months there has been a steady increase in the number of allegations being finalised, with May and June’s data showing that over 80% of these Allegations have been finalised within 56 days.

Fig 13. Number of allegations finalised by month (indicating whether within 0-56 day target or not).

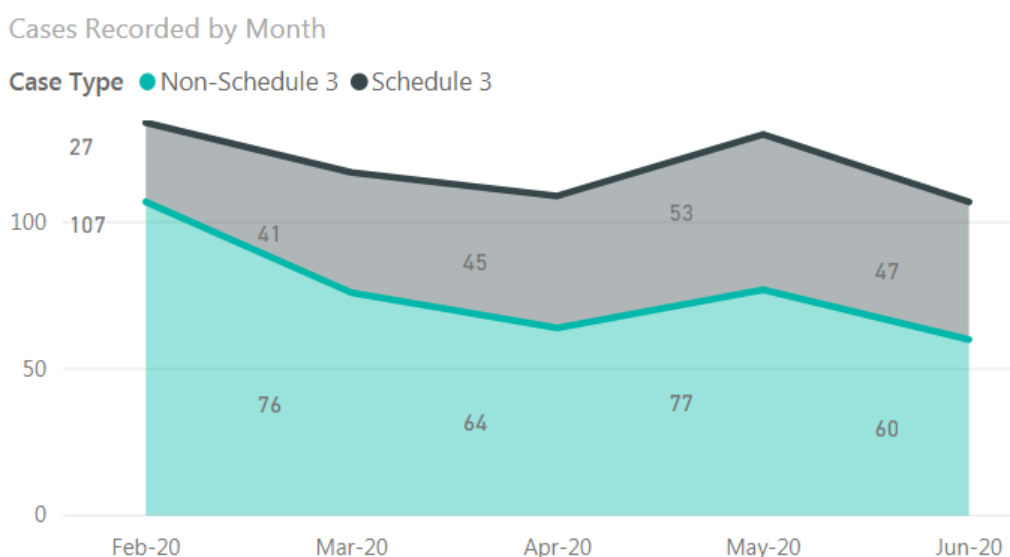


Schedule 3 / Non-Schedule 3

In recent years Lancashire Constabulary has made effective use of the Service Recovery process to quickly resolve low level expressions of dissatisfaction. The change to statutory guidance in February 2020 has removed Service Recovery as a method of resolving an expression of dissatisfaction with such matters now being formally recorded as a complaint but in the category of Non-Schedule 3.

In recent months the proportion of Schedule 3 and Non-Schedule 3 has settled, with just under 60% of complaints being categorised as Non-Schedule 3. This is comparable to the Service Recovery figures recorded pre-February 2020.

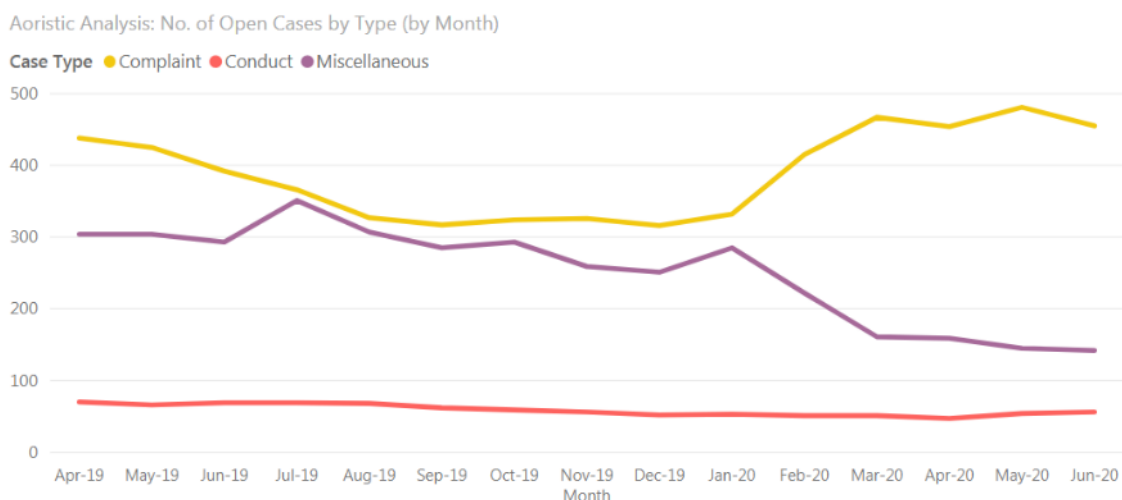
Fig 14. Complaint cases recorded by Schedule 3 status from February 2020 onwards.



Aoristic Analysis

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.

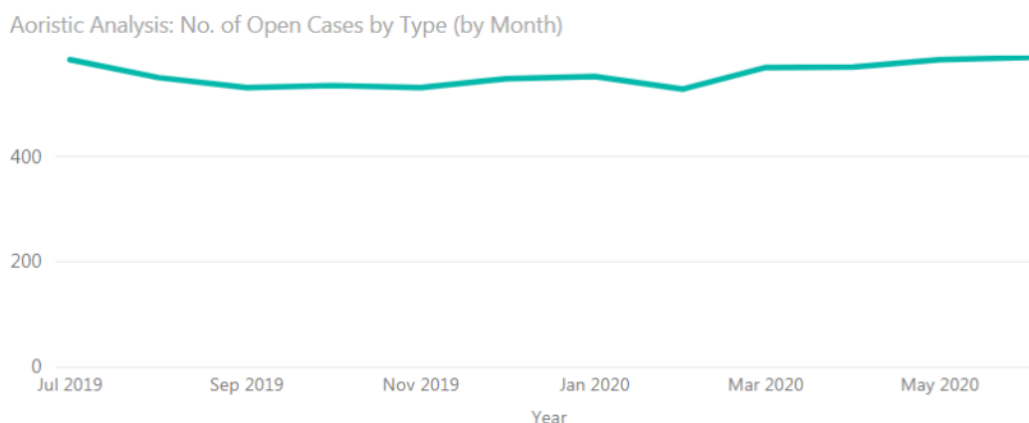
Fig 15. Graph to show the number of live cases by type on a monthly basis from April 2019 onwards.



The impact of changes to the Regulations in Feb 2020 is clear to see, with a reduction in Miscellaneous Cases (Service Recovery) at the same time as an increase in Complaints.

The number of live complaint allegations on a monthly basis has remained steady over the past 12 months. It appears that although there has been a recent increase in recorded Complaint Allegations they are being resolved in a timely manner.

Fig 16. Graph to show the number of live allegations on a monthly basis over the last 12 months (Jul 19 – Jun 20).



COVID-19

Any public complaints that relate to the policing response to Covid19 since the Government restrictions were put in place on Friday 20th March (closure of pubs/clubs etc) prior to lockdown on Monday 26th March are subject to regular review. Returns are provided to NPCC and IOPC on a monthly basis.

Between March and July there were 39 recorded Complaint Cases and 42 Complaint Allegations relating to Covid-19. The majority of these cases were recorded in March and April at the start of the national lockdown; with the most recent recorded Complaint Case being on 26/05/20.

These can be broadly categorised as follows:

- Where there has been a public interaction between the complainant and Police and the complainant disagrees with the officer's interpretation of the guidance around travel or gatherings and/or how they have been spoken to by the officers.
- Where the complainant has contacted Police to inform of what they believe to be breaches of Government guidance relating to travel and or gatherings by other members of the public, and the complainant believes that Police have not dealt with the report properly or robustly
- Where the complainant alleges that Police officers have failed to follow social distancing guidance when dealing with them or others during an incident
- Where Fixed Penalty Notices (FPN's) have been issued and the complainant disagrees with the grounds for enforcement

A service recovery approach has been adopted wherever possible to ensure that complaints are dealt with in line with legislation and in a reasonable and proportionate manner. This is shown in the data within the table below, where in 88% of cases (37) the allegations were either resolved, no further action required, or the level of service was deemed acceptable. The remaining allegations either ongoing (3) or unable to determine if the service was acceptable (2).

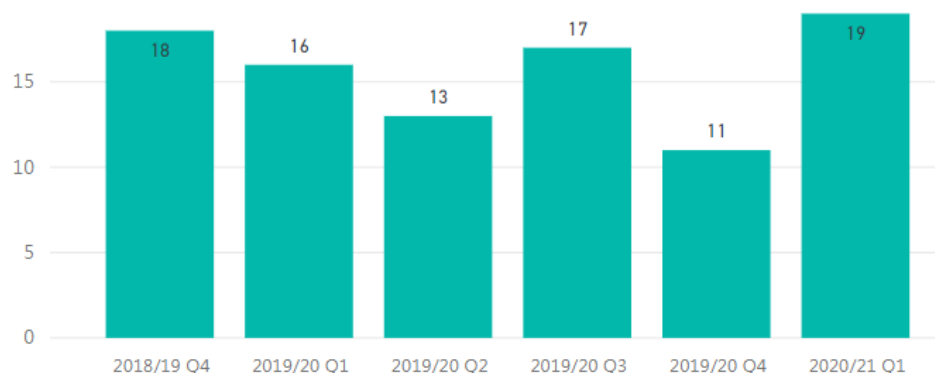
Fig 17. Graph to show the outcome of COVID-19 related complaints.

Allegation Outcome	Number of Allegations (%)
Resolved	29 (69%)
No further action required	4 (9.5%)
The service provided was acceptable	4 (9.5%)
Ongoing	3 (7%)
Not determined if the service was acceptable	2 (5%)
Total	42 (100%)

Misconduct and Significant Cases

It was anticipated that the number of Misconduct Cases recorded after February 2020 could reduce, with a greater focus on resolving issues through the PRI process (Performance Requires Improvement). However, the data below indicates that there has been no reduction in recorded Misconduct in the first quarter of 2020/21.

Fig 18. Misconduct Cases recorded by Quarter over the past 18 months.



There has been no real documented change in the outcome of Misconduct cases finalised during recent months, however this may change over the coming months as cases recorded under the new regulations (from February 2020 onwards) are finalised.

Fig 19. Misconduct outcomes over the past 12 months.

Misconduct Outcomes by Month

Write Off Method	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Total
No Action	2	3	11	1	5	7	1	2	2		2	4	40
Management Action	5	4	6	4	2	1		1	5		1		29
Formal Action	1	4			1	3	1				1	2	13
Retired/Resigned		1		1		1	1	2		1	1		7
Reflective Practice												1	1
Standards Interview		1											1
Total	8	12	17	6	7	9	3	5	7	1	5	6	85

There have been no dismissals in the 6 month period of January to June 2020 although two officers who resigned would have been dismissed. These include former PC Robin Horsfall who was subject to a Gross Misconduct process for Honesty & Integrity matters relating to failure to disclose Reportable Associations (associates with criminal convictions). Former PC Stuart Lunt would have also been dismissed following an investigation which identified inappropriate contact with multiple female victims (including sexual activity with one female). Former PC Lunt also received an 18 month prison sentence suspended for 2 years and a requirement to complete 250 hours unpaid work.

Fig 20. Misconduct sanctions (for cases involving formal action) over the past 12 months.

Misconduct Outcomes by Ethnicity

Worst Outcome	White	Total
Would Have Been Dismissed	2	2
Final Written Warning	1	1
Management Advice	1	1
Proceedings Discontinued	1	1
Written Warning	1	1
Total	6	6

Appendices

Complaint Allegations Recorded by Category & Division (Apr – Jun 2020)

Type Description	West	South	East	HQ Crime	HQ - Contact Management	HQ Ops	HQ	Other	Total
Police action following contact	25	25	46					8	104
Decisions	17	25	24					7	73
General level of service	21	15	19				2	4	61
Unprofessional attitude and disrespect	19	15	21				1	2	58
Use of force	25	7	10			1			43
Other neglect or failure in duty	16	2	8				1	8	35
Impolite language/tone	13	3	13					5	34
Handling of or damage to property/premises	10	5	8						23
Information	8	3	8					1	20
Lack of fairness and impartiality	5	4	5					1	15
Detention in police custody	8	1	3						12
Disclosure of information	2	2	2			1	1	3	11
Other	4	2	3				1	1	11
Overbearing or harassing behaviours	5	2	2				1	1	11
Evidential procedures	1		9						10
Searches of premises and seizure of property	5	3	2						10
Stops, and stop and search		3	6						9
Other irregularity in procedure		2	1		2			2	7
Power to arrest and detain	4	1	1					1	7
Improper disclosure of information	1		2		2			1	6
Incivility, impoliteness and intolerance	1	1	4						6
Use of police vehicles	1	2	1				1	1	6
Handling of information		1	1					3	5
Other policies and procedures	1	1	2			1			5
Impolite and intolerant actions	2	2							4
Out of court disposals		1	3						4
Race	3	1							4
Other assault	1	2							3
Bail, identification and interview procedures			2						2
Breach Code C PACE			1					1	2
Discreditable conduct				1		1			2
Discriminatory Behaviour		1	1						2
Oppressive conduct or harassment	1		1						2
Use of police systems	1							1	2
Abuse of position for other purpose	1								1
Breach Code B PACE	1								1
Disability	1								1
Mishandling of property		1							1
Obstruction of justice			1						1
Sexual Orientation			1						1
Unlawful/unnecessary arrest or detention	1								1
Total	204	133	211	1	4	4	8	51	616