



**Lancashire
Constabulary**
police and communities together

REPORT TO: Strategic Scrutiny Meeting

DATE: 15 November 2018

AGENDA ITEM: 4

SUBJECT: Public Complaints Timeliness and Appeals

Executive Summary

Cases and Allegations

There have been 279 public Complaint Cases recorded in 2018/19 so far (Apr 18 – Sep 18), this is a 36% reduction on the same period of 2017/18 (n=154). At current levels the Constabulary is anticipated to show an end of year reduction of 26% in the 2018/19 period (n=201).

556 public Complaint Allegations have been recorded between April and September 2018. Based on current recording levels it is possible that an end of year reduction of -30% could be achieved (n=498).

The most common type of Complaint Allegation continues to be “Other Neglect or Failure in Duty” (34% n=191) which often relates to a general dissatisfaction with police being unable to meet public expectations. Reductions have been seen in each of the most common allegation categories when compared against the same period of 2017/18.

Timeliness

80.5% of Complaint Cases are recorded on the system within the 10 day recording target. This is a reduction on the figure achieved in 2017/18 (84.5%). This reduction is attributable to the resourcing issues which have occurred during the implementation of the new structure. The recruitment process will be completed by December 2018 and we expect to see an improvement in this area.

The time taken to finalise allegations subject to Investigation has increased from an average of 149 days in 2017/18 to 170 days (in 2018/19 so far). However, this is directly comparable to the national average figure in the recently published annual data from the IOPC for 2017/18.

The average time taken to finalise Local Resolutions has increased from 78 days in 2017/18 to 85 days in 2018/19 so far. This is above the most recent national average of 72 days but still largely comparable to performance in recent years. From November 2018 the local resolution process will be centralised with the aim of improving quality, timeliness and public satisfaction as well as reducing workload for the front line and reducing the number of appeals.

There is a continued focus on the identification of legacy cases within the monthly performance meeting and the data set that is provided for this meeting is designed to drive activity around key performance themes within PSD.

Service Recovery

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. A dedicated team are now engaged in this 'triage process' which appears to be proving highly effective in providing swift resolution and reducing overall caseloads for front line staff and PSD alike.

304 cases have been 'Service Recovered' in 2018/19 so far, which is more than the number of Complaint Cases recorded over the same period (279). It is possible that these cases may have escalated to a formal complaint if early intervention had not occurred, which would have potentially led to further work within PSD and Divisions that could have taken up resources over a period of weeks / months. There was found to be a strong inverse correlation between Service Recovery cases and Complaint Cases which supports this notion.

Outcomes

49% (n=320) of Complaint Allegations finalised in the 2018/19 period so far were done so by way of "Local Resolution", 26% (n=168) were "Investigated". Only 12 of the 647 finalised allegations have been "Upheld" which equates to 1.8%. 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.

Appeals

39 appeals have been received within 2018/19 so far. 36 appeals have been resolved, 4 of which have been Upheld which equates to 16%.

There is an opportunity to improve performance in this area, particularly with regards to progressing and resolving live cases to finalisation.

Aoristic Analysis

Analysis has been conducted to assess demand on PSD and Constabulary resources from Public Complaints, Miscellaneous Cases, Misconduct and Appeals.

The number of live ongoing Complaint Cases and Allegations continues to see substantial reductions and there is little evidence of long term workload being transferred to Service Recovery type cases (recorded under Miscellaneous) as a result of these identified reductions.

In recent months there has been an increase in the number of active Appeal Cases and plans are in place to ensure this area of business receives sufficient resourcing.

Operation Manilla

Dedicated staff have been assigned to the management of complaints received in relation to Operation Manilla (fracking). In 2018/19 so far there have been 37 Complaint Allegations received which accounts for almost 10% of all Complaint Allegations received in Lancashire.

Of the 26 Allegations which have been finalised 38% (n=10) were Investigated and 31% (n=8) were Locally Resolved – indicating a greater level of intrusion in the assessment of complaints surrounding police activity at the fracking site.

There have been just 1 Upheld allegation and 3 appeals received in 2018/19 so far.

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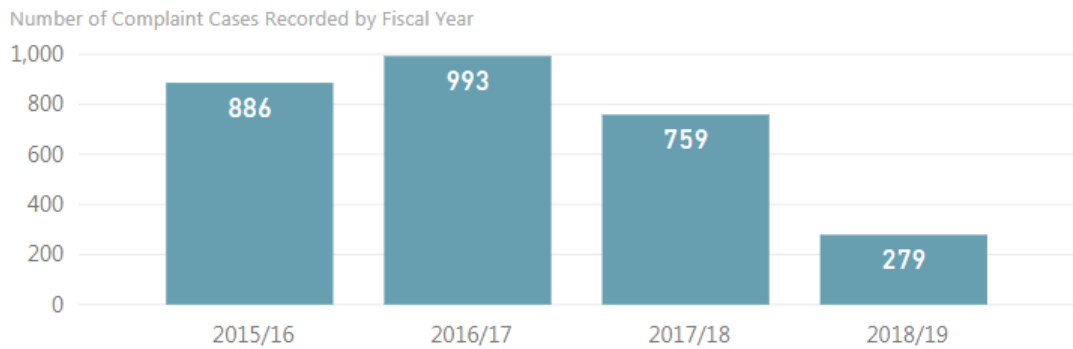
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Complaint Cases Recorded

There have been 279 Complaint Cases recorded within Lancashire Constabulary between April 18 and September 18, in the same period of 2017 433 cases had been recorded. This equates to a -36% year-on-year reduction (n=154) in the current period.

A substantial reduction in Complaint Cases was noted between the 2016/17 period and 2017/18¹. It is anticipated that, based on current data, a similar reduction will be achieved at the end of the 2018/19 period. This is likely to be effected by the higher numbers of cases being progressed and documented through the Service Recovery channel. More information around Service Recovery is included later in the document. It should be noted that in 2019 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.

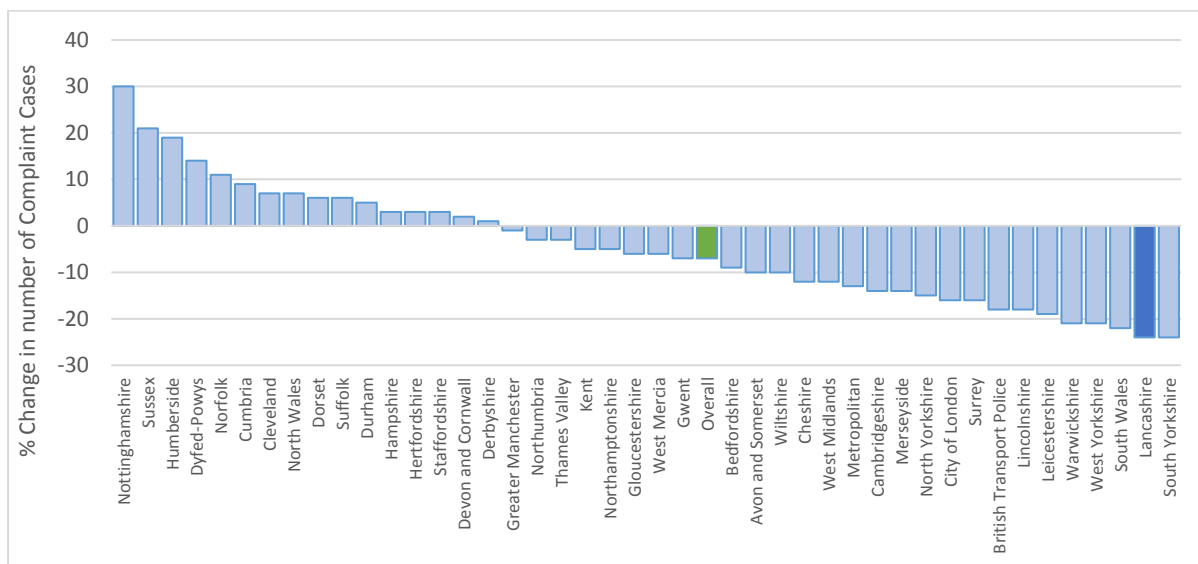
Fig 1. Complaint Cases recorded in Lancashire in the past 4 years.



¹ The reduction in recorded Complaint Cases between 2016/17 and 2017/18 was -24% (n=234).

Figures recently published by the IOPC show that the reduction in Complaint Cases achieved in Lancashire between the 2016/17 and 2017/18 periods was one of the strongest reductions nationally. The chart below shows the percentage change in Complaint Cases between the 2 years for all forces, Lancashire is shown in dark blue towards the right hand side of the chart (-24%) and the overall national reduction (-7%) is indicated in green.

Fig 2. % Change in Recorded Complaint Cases from 2016/17 to 2017/18 by Police Force



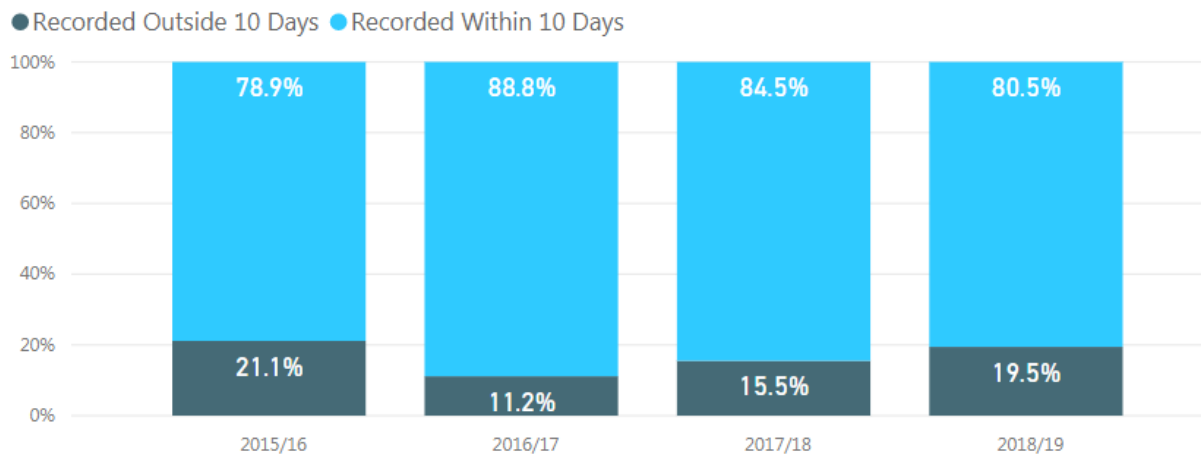
Complaint Cases Recorded Timeliness

80.5% of Complaint Cases Recorded between April 2018 and September 2018 were done so within ten days of being received. This is a reduction on performance when compared to the 84.5% seen in the twelve month period of 2017/18 – which was directly comparable to the national average (84%).

Staff shortages, capacity issues and initial fact finding prior to recording have previously been cited as reasons that have impacted on timeliness of recording and these issues may still be at play in recent months. There is certainly an opportunity for timeliness of recording to improve over the coming months.

Fig 3. Graph to show the percentage of Complaint Cases recorded within the 10 day period.
Data for the 2018/19 period is from April to September 2018.

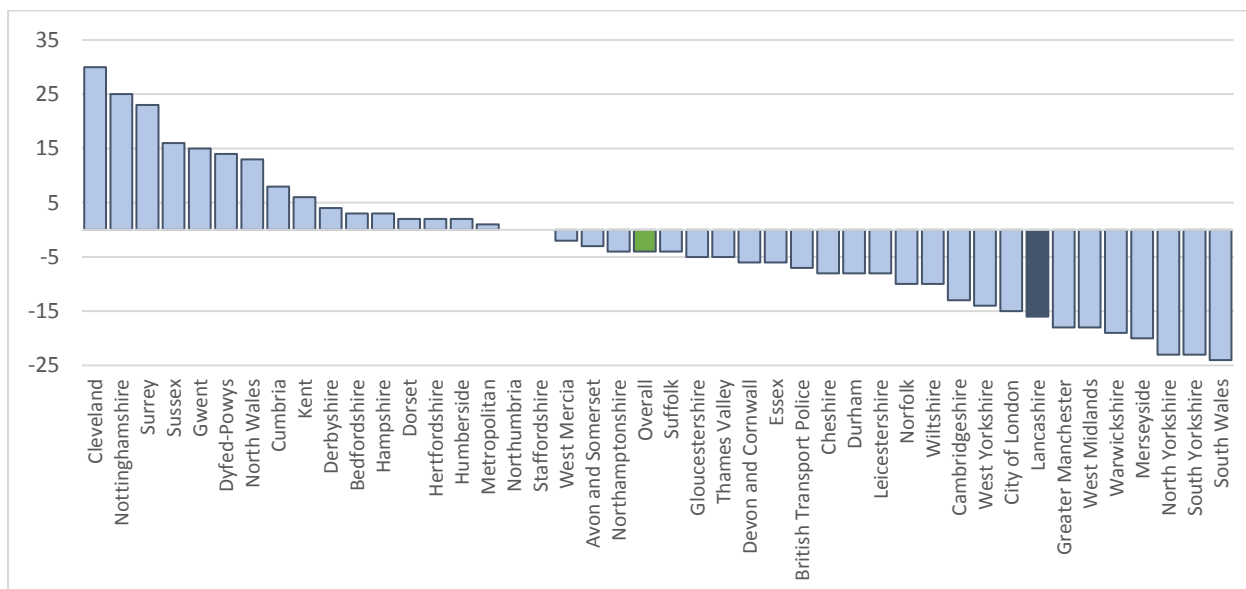
% of Cases Recorded Within & Outside 10 Day Period



Complaint Allegations Recorded

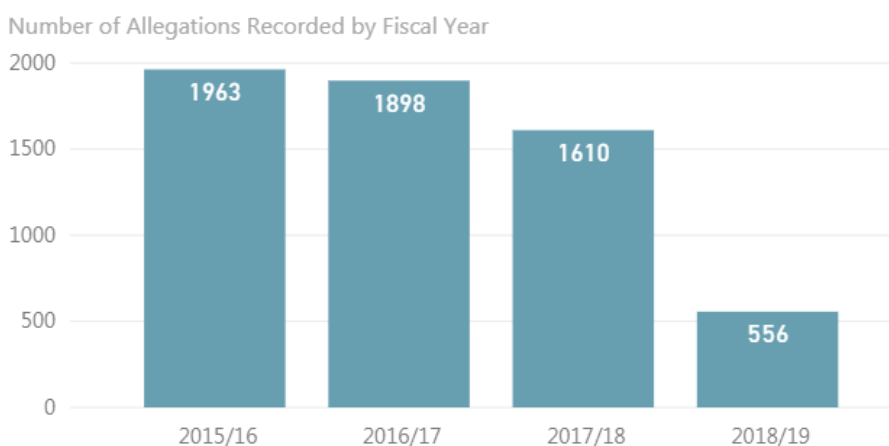
Recent data published by the IOPC shows that the reduction in Complaint Allegations in Lancashire over the 2016/17 to 2017/18 period was strong compared to other force areas nationally. A 15% reduction (n=288) in Complaint Allegations was noted over this period in our force area.

Fig 4. % Change in Recorded Complaint Allegations from 2016/17 to 2017/18 by Police Force



Based on current recording levels in the 2018/19 period (April – September 2018) it is possible that the end of year performance will show a 30% reduction in Complaint Allegations².

Fig 5. Number of Complaint Allegations recorded in Lancashire over the past 4 years. The 2018/19 period includes data for April – September 2018 at present.

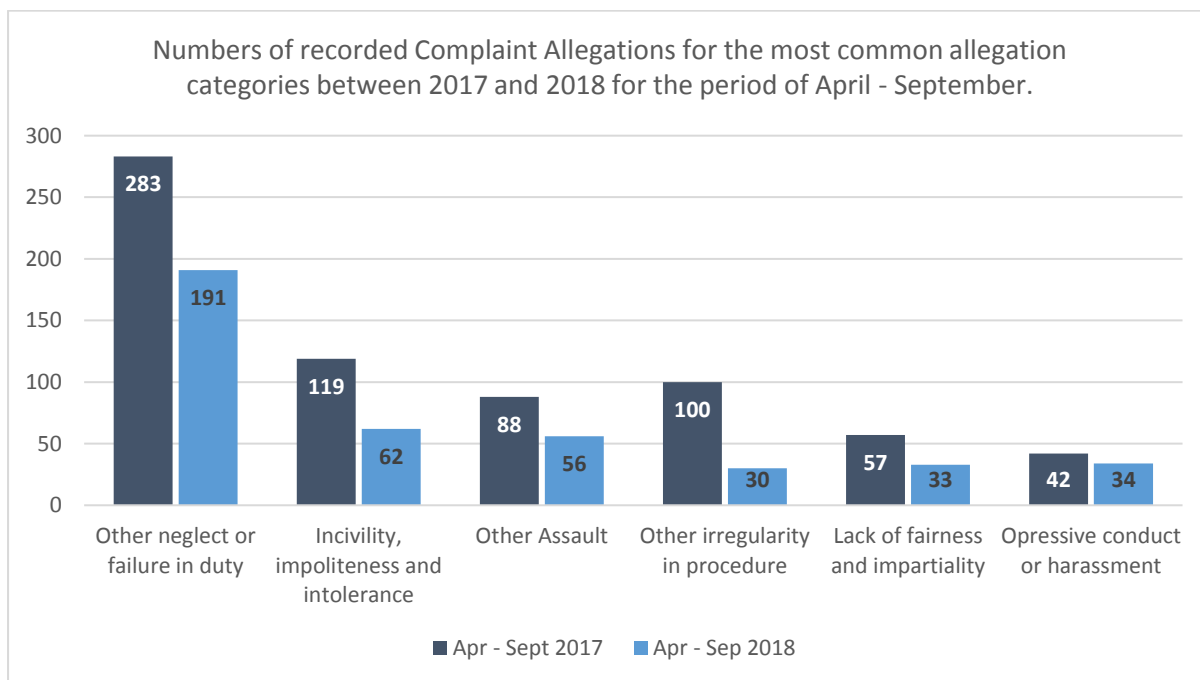


² Extrapolation of data indicates that 1112 Complaint Allegations may be recorded in the 2018/19 period.

The graph below explores the change in recorded Complaint Allegations amongst the most common allegation categories for the period of April to September in 2017 and 2018.

It is clear that the reductions in recorded allegations have been identified across all main categories.

Fig 5. Comparison of the most common allegation categories for the April – September period of 2017 and 2018.



A change in processes leading to a focus on Service Recovery has resulted in the reduction in both recorded complaint cases and allegations as evidenced above. Service recovery is explored in greater detail later in the document.

Finalised Complaint Allegations

The table below shows the outcome of Complaint Allegations finalised within Lancashire for 2017/18 compared against April to September of the current 2018/19 period.

The proportion of Local Resolutions has reduced from 57% to 49% whereas the proportion of Investigations has remained stable at 26%. Disapplication has increased from 6% to 12%.

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.

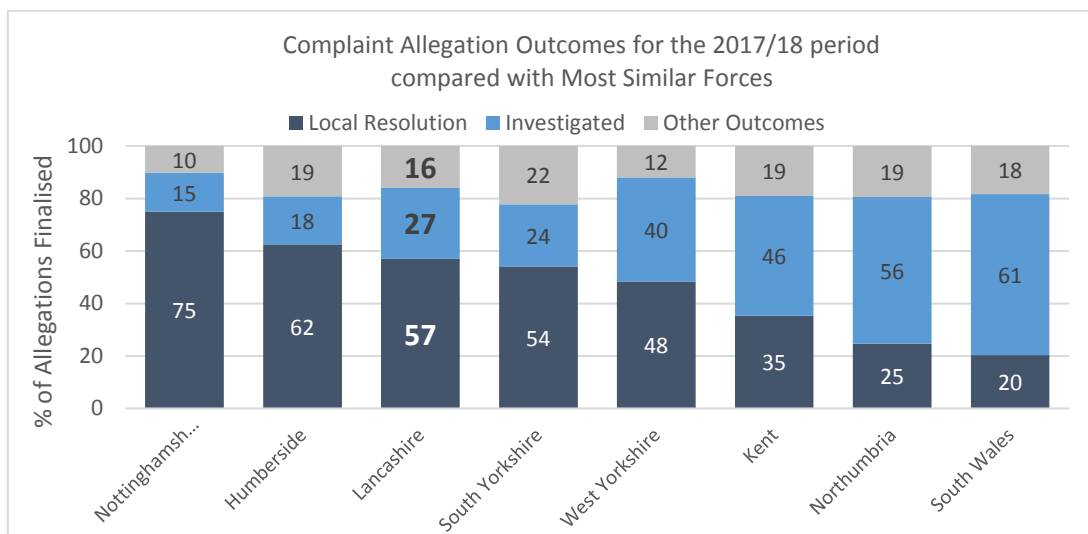
Fig 6. Outcome of Complaint Allegations finalised in 2017/18 compared to 2018/19 (April to September 2018).

Outcome	2017/18		2018/19	
	No.	%	No.	%
Local Resolution	926	57%	320	49%
Investigation	428	27%	168	26%
Disapplication	103	6%	76	12%
Withdrawn	108	7%	43	7%
Discontinuance	28	2%	27	4%
Other	21	1%	13	2%
TOTAL	1614	100.0	647	100.0

IOPC data for the period of 2017/18 indicates that on a national level 42% of Allegations are Locally Resolved and 44% are investigated, whereas across the MSF 47% of Allegations are Locally Resolved and 36% are investigated.

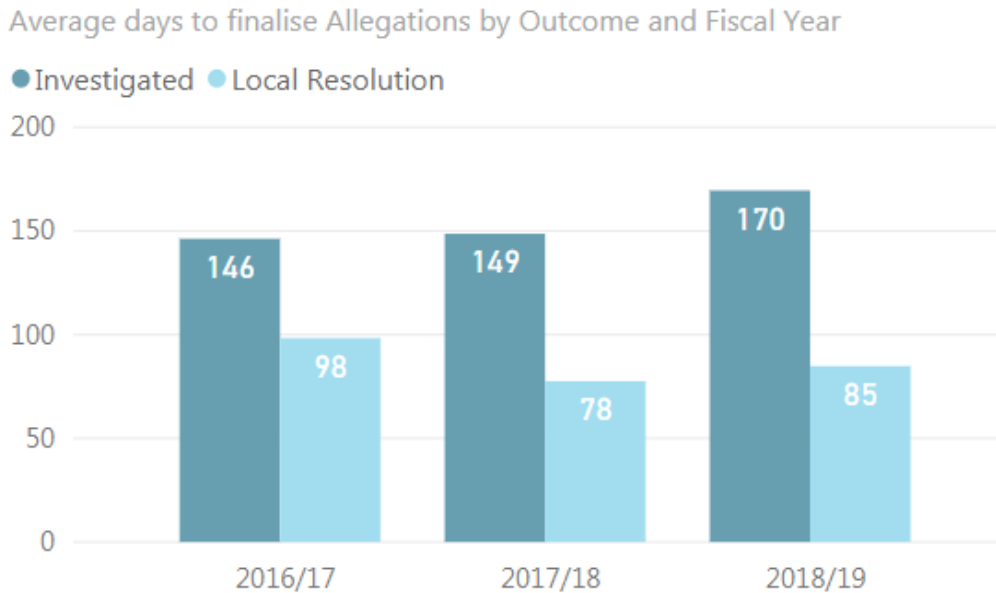
The chart below focusses on Allegation Outcomes for the Most Similar Force group based on IOPC data for the 2017/18 period. This data is included to highlight the disparity in outcomes by force area which indicates that each force has its own recording methods and processes.

Fig 7. Allegation outcomes for the Most Similar Force Group in the 2017/18 period – as provided by the IOPC.



Timeliness to finalise Complaint Allegations

Fig 8. Timeliness of resolving allegations by Investigation and Local Resolution by year.
The 2018/19 period covers April – September 2018.



Over the last 6 months the time taken to finalise Complaint Allegations which are subject to Investigation has increased to an average of 170 days. Although this is an increase on previous years it is in line with recently published IOPC data for the period of 2017/18 which identified the national average for time taken to finalise Investigations was 173 days.

There has been a slight increase in the time taken to finalise Local Resolutions although this is not significant. In the last 6 months the average time taken to resolve by way of Local Resolution was 85 days. The IOPC identified national average for the 2017/18 period was 72 days. From November 2018 Local Resolution will be centralised to improve timeliness and quality with a focus on delivering greater public satisfaction and reducing the number of appeals. This, in addition to the Service Recovery ‘triage process’, is expected to remove significant numbers of referrals to the front line so that they can focus on local investigation complaints with PSD support.

Reducing the number of ‘legacy allegations’ which have been classed as ‘live’ on the PSD database for long periods of time continues to be a priority for the department and such cases are discussed on a monthly basis. It is hoped that by continuing to finalise these long standing cases the average number of days will eventually be reduced further.

It is noted from the table below that 12% of Investigations finalised in the last 6 months had been ongoing for more than a year. Further research shows that 5 allegations had been ongoing for more than 900 days and these outliers can have an adverse impact when calculating the overall average time to resolve Investigations.

Fig 9. Timeliness to finalise ‘Investigated’, ‘Locally Resolved’ and Total allegations by number of days.
For all allegations finalised in 2018/19 so far (April – September 2018).

Days to Finalise Locally Resolved Allegations (Days)	Investigated		Locally Resolved		Total	
	No.	%	No.	%	No.	%
0 to 56	48	29	184	58	232	48
57 to 99	34	20	69	22	103	21
100 to 199	40	24	29	9	69	14
200 to 299	20	12	14	4	34	7
300 to 364	1	1	4	1	5	1
365+	20	12	18	6	38	8

Service Recovery

The initial stage of the complaints handling process within PSD has been reviewed and streamlined in the last 18 months in order to maximise the possibility of ‘service recovery’. This involves early contact with complainants by a dedicated ‘Triage Team’ within PSD in order to establish further details about the matters in question. The complainant’s desired outcome is also discussed in order for PSD to work towards providing a conclusion that works for both the Constabulary and the complainant prior to the recording of a formal complaint. It has been established that on average 51% of Complainants did not wish to proceed with the formal complaint process under Sch 3 of the Police Reform Act but instead wanted an explanation, apology or a quick resolution.

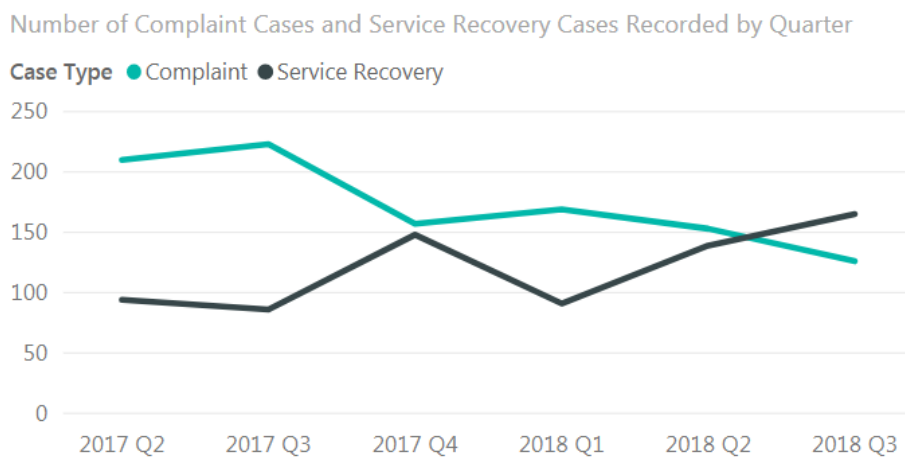
The impact of this process is shown in the chart below which highlights the number of Service Recovery cases recorded each month against the number of Complaint Cases. In recent months Lancashire has seen more Service Recovery cases recorded than Complaint Cases. This data evidences the Constabulary’s ongoing approach to achieving timely resolution of issues through communication with the public.

Previously manifested through higher than average numbers of allegations finalised by way of Local Resolution, the move towards resolving matters by way of Service Recovery is allowing the Constabulary to address issues raised at an early opportunity before complaints are generated.

The move towards Service Recovery has improved public satisfaction and public trust through a process of effective and timely communication which then allows the Constabulary to learn important lessons; addressing any documented concerns. There is a secondary benefit of reducing PSD case load both at headquarters and across divisions so that greater focus can be placed on other outstanding matters.

It should be noted that in 2019 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.

Fig 10. Service Recovery cases (recorded within the Miscellaneous Case category) from April 2017 to date by Quarter.



The table below shows how the first 6 months of the 2018/19 period has resulted in a greater number of Service Recovery cases when compared to public Complaint Cases.

Fig 10. Comparison of the number of recorded Complaint Cases against the number of Service Recovery cases in the 2017/18 period and the 2018/19 period so far (Apr – Sep 18).

Case Type	2017/18		2018/19 (Apr – Sep 18)	
	No.	%	No.	%
Complaint Case	759	64%	279	48%
Service Recovery Case	419	36%	304	52%
TOTAL	1178	100%	583	100%

Appeals Received

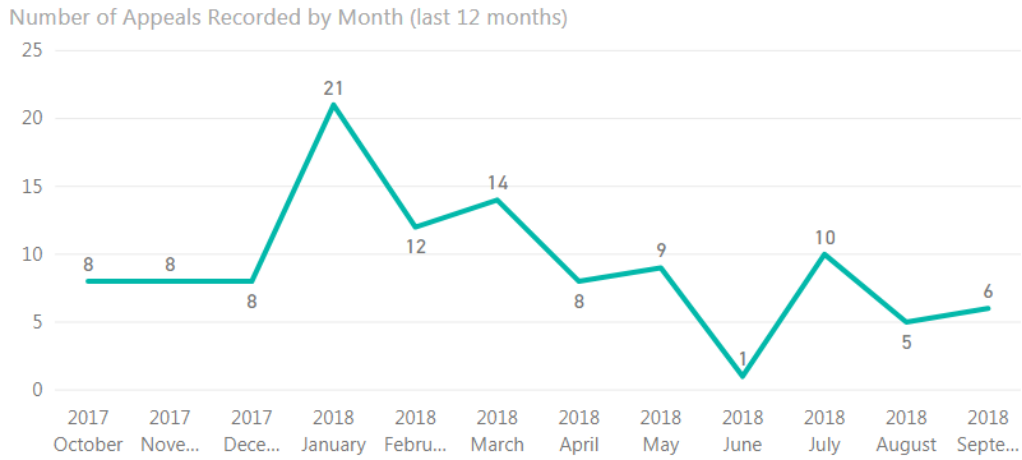
The vast majority of appeals received by Lancashire Constabulary relate to Local Resolutions. Over the 2018/19 period so far 92% of appeals recorded were in relation to LR's. This remains directly comparable to data over the last few years.

Fig 11. Appeals received by category during 2018/19 so far (Apr – Sep 2018).

Recorded Appeals	Number of Appeals	% of Appeals
Appeals against Local Resolution	36	92%
Appeals against Disapplication	2	5%
Outcome of Police Investigation	1	3%
Total no. of Appeals	39	100%

There has been an average number of 6 appeals per month over the 2018/19 period to date, although the number varies from one month to the next.

Fig 12. Appeals received by month over the past 12 months.



Appeal Outcomes

4 of the 36 appeals finalised in 2018/19 so far have been Upheld which equates to 16%. The proportion of appeals Upheld has seen wide variation over recent times, this is likely to be a consequence of each appeal relating to a different set of circumstances.

Fig 13. Appeals completed including % Upheld comparing 2017/18 to 2018/19 so far (Apr – Sep 18).

Appeal Category	2017/18			2018/19 (Apr – Sep 18)		
	Completed	Upheld	%	Completed	Upheld	%
Outcome of Local Resolution	41	8	20	31	3	10
Application of Disapplication	9	0	0	3	0	0
Application of Discontinuance	1	0	0	1	1	100
Outcome of Police Investigation	0	0	0	1	0	0
TOTAL	51	8	27	36	4	16

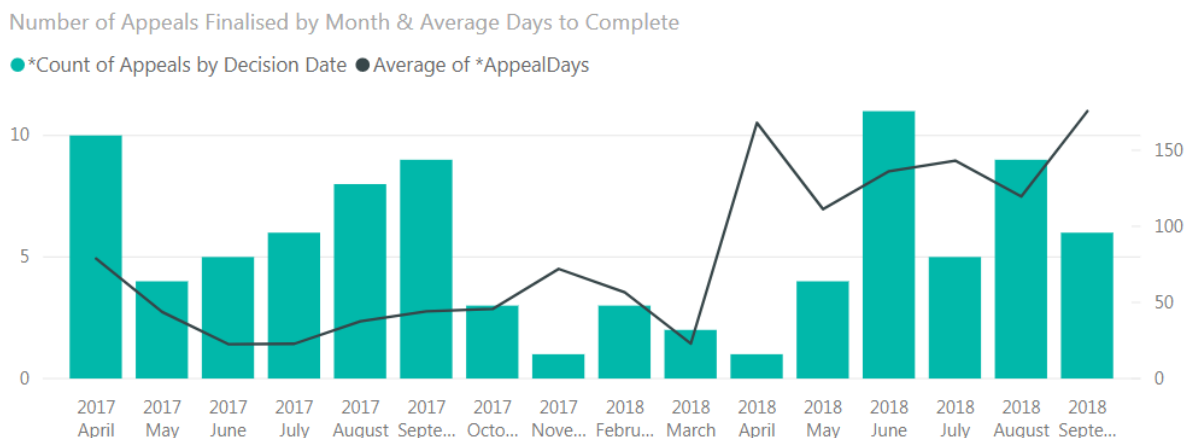
Appeals Finalised & Timeliness

The graph below shows the number of Appeals finalised in Lancashire by month from April 2017 to date. In the 2018/19 period so far there have been an average of 6 appeals finalised each month.

Alongside the number of appeals finalised the graph shows the average number of days to finalise appeals against the right axis. It is evident that the time taken to resolve appeals has increased in the last 6 months, partly as a result of a backlog in the finalisation process originating from October 2017 onwards. The average days have therefore increased in recent months as these longer running appeals are being resolved.

There remains an opportunity to improve on the handling of appeals (particularly with regards finalisation) and further steps are being taken to address this through provision of staff coverage.

Fig 14. Graph to show the number of Appeals finalised by month, alongside the timeliness of Appeals finalised in each month (the line shown against values on the right hand axis).³

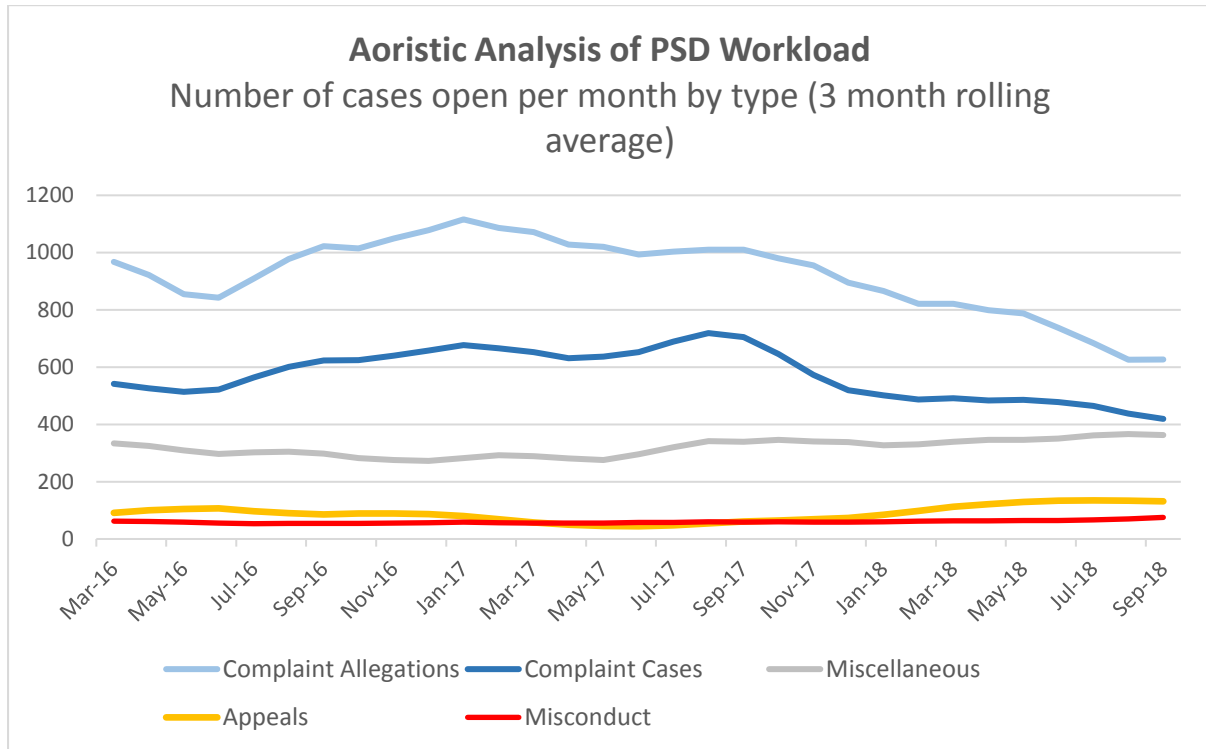


³ No appeals were finalised in December 2017 and January 2018.

Aoristic Analysis

Aoristic analysis is a method of quantifying ongoing workload on a monthly basis. This is achieved by considering how many cases / allegations were ‘live’ as of the 1st day of each month. Any cases / allegations 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 3 month rolling average from March 2016 to September 2018.



Since April 2018 there has been a reduction in the number of ‘live’ Complaint Cases and Allegations as existing cases are being finalised and the number of new Complaints entering onto the system have reduced.

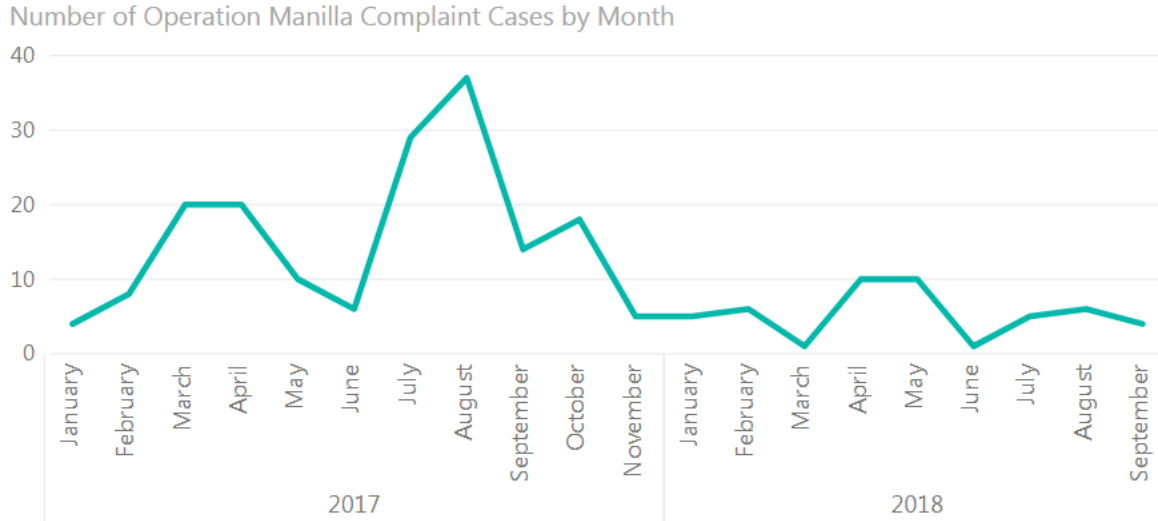
Miscellaneous cases include Service Recovery and there has been a slight increase in the number of live cases in this category although the time taken to resolve such matters is usually much faster than a Complaint. Therefore the number of live Miscellaneous Cases has not seen an increase to the extent that would suggest workload was merely being transferred over from issues that may have become Complaint Cases.

Ongoing Appeal cases have increased since the start of 2018, this is likely to be as a result of appeals not being finalised as timely as in previous months as mentioned earlier in the document.

The number of ongoing Misconduct cases has not seen any significant change over time.

Operation Manilla

Fig 16. The number of Complaint Cases linked to Operation Manilla from the start of 2017 to date.



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).

Since April 2018 there have been 27 Complaint Cases linked to Operation Manilla, which equates to 9.7% of all Complaint Cases recorded over the same period. Previous assessments found that a similar proportion of Complaints could be attributed to Operation Manilla activity.

37 Complaint Allegations have been recorded since April 2018 and the most common category over this period was “Other Assault” with 22 allegations recorded (59%). The remaining 15 allegations were spread in small numbers across a range of categories with no noticeable theme.

Of the 26 Complaint Allegations which have been finalised since April 2018 38% (n=10) were Investigated and 31% Locally Resolved (n=8).

Only 1 of the 10 allegations investigated have been Upheld and there have been 3 appeal (1 Constabulary handled and 2 IOPC).

Appendices

Complaint Allegations Recorded by Category & Division (April 18 – September 18)

Type Description	West	South	East	HQ Crime	HQ - Contact Management	HQ Ops	HQ	Other	Total
Other neglect or failure in duty	59	61	40	2	8	16	7		193
Incivility, impoliteness and intolerance	14	20	14	1	5	5	2	1	62
Other assault	30	6	12			5			53
Lack of fairness and impartiality	5	14	11		1	1	1		33
Oppressive conduct or harassment	13	2	13			2	3		33
Other irregularity in procedure	7	9	11			3			30
Mishandling of property	5	5	9			2			21
Breach Code C PACE	4	5	2			8			19
Unlawful/unnecessary arrest or detention	6	3	4			2			15
Improper disclosure of information	2	8	4						14
Irregularity in evidence/perjury	3	1	8			1	1		14
Discriminatory Behaviour	4	1			1	1			7
Breach Code B PACE	2		2			1	1		6
Corrupt practice	1	1				1			3
General policing standards	2								2
Sexual assault	2								2
Breach Code A PACE						1			1
Breach Code D PACE	1								1
Breach Code E PACE			1						1
Multiple or unspecified breaches of PACE	1								1
Operational policing policies	1								1
Traffic irregularity						1			1
Total	162	136	131	3	15	50	15	1	513