



Lancashire
Constabulary
police and communities together

REPORT TO: Strategic Scrutiny Meeting

DATE: 5 January 2107

AGENDA ITEM:

SUBJECT: Public Complaints Timeliness and Appeals

Executive Summary

The number of Complaint Cases reduced by -15% from 2014/15 to 2015/16; however a similar reduction appears unlikely by the end of 2016/17.

Within each complaint made there are often multiple allegations, these are recorded as the number of complaint allegations. There has been no significant change in the number of Complaint Allegations recorded when compared to recent years. It is anticipated that there will be around 1910 allegations recorded at the end of 2016/17.

During the first half of 2016/17 86% of Complaint Cases have been recorded within the 10 day target which is an improvement on previous years. During the latter half of 2015/16 performance in this category dropped as low as 61%, in the 3 months prior to this report an average of over 90% has been achieved.

In terms of how Complaint Allegations are finalised there has been an increase in the number that are investigated but a greater comparative increase in the number of Local Resolutions. Whereas the two categories generally offset each other, the increase in both is likely to be due to fewer allegations being 'Withdrawn'.

Over the past two years the number of complaints resolved by way of Local Resolution has reduced from 80% of all resolutions to around 60%; partly as a result of ensuring accuracy in the recording process following the removal of NSR¹ based outcomes. Previously local investigations were incorporated within the local resolution classification. This was inaccurate and has now been corrected and accounts for the changes. Despite this approach audits have still shown the complaints

¹ Non Special Requirements

were receiving appropriate outcomes. This disparity in recording practices was acknowledged by the IPCC and is now monitored in regular performance meetings between the force and the IPCC. The proportion of complaints finalised by way of Local Resolution in Lancashire is comparable to 4 of the 7 forces within our Most Similar Force Group. Statistical data is routinely monitored and audited occurs to ensure that all complaints are resolved using the most appropriate mechanism.

The average number of days to resolve allegations by way of Local Resolution has seen an adverse change when comparing 2015/16 against the first half of 2016/17, increasing from an average of 97 days to 129 days.

As with the appeals cases, a process has been undertaken to clear up long standing active complaint allegations and actions were subsequently outlined in order to resolve these matters. Cleaning up the records and processes is necessary to baseline the actual performance of the current process, however it does adversely affect the average days performance indicator. This occurs because it is only once cases are completed that they impact on the overall average, the force could keep the average down by not finalising these complaints or managing when they are finalised to prevent an adverse effect on the overall average.

Whilst improved housekeeping is a significant factor it is also correct to highlight that there are currently delays in the divisional submission of complaints back to PSD. This has occurred due to changes in divisional staff overseeing the local management of complaint investigations. Action is being taken to resolve this by way of re-training and ensuring nominated divisional complaint oversight as well as the introduction of divisional PSD "surgeries". Competing work load demands from routine day-to-day policing activity may have also impacted upon the timeliness to complete certain cases.

The average time to finalise 'Investigations' has improved slightly from 147 days to 141 days.

87% of appeals (40) in the first half of 2016/17 relate to Local Resolutions, similar to a figure observed during 2015/16. This is far higher than the national average and other police forces in the Most Similar Force group.

Although the specifics of each case vary, the most common reason for appeal tends to be that the complainant is unhappy with the way that the case was resolved and are of the belief that there are further lines of enquiry to pursue. The main reason for an appeal to be upheld is when a single issue is left unresolved. Complaints are made up of many actions and outcomes, if even one is left unanswered then the appeal will be upheld for the whole complaint. Lancashire has previously attempted to classify these cases as partially upheld which is not consistent with the national recording requirement.

The number of appeals Upheld has increased from 13% in 2015/16 to 34% in the first half of 2016/17. This brings the force more in line with IPCC appeals data, however it also reflects that there are a number of areas for development with respect to how local resolution is delivered. As stated most appeals are upheld due to relatively minor omissions by the designated officer. These should actually be identified at the divisional quality assurance stage. This issue has been highlighted to the new divisional SMT leads.

A greater level of scrutiny has been applied in the assessment of appeals over recent months to ensure that the Constabulary are correctly resolving any outstanding issues. This stemmed from the analysis of statistical data highlighting the apparent disparity between Lancashire appeal outcomes when compared to other areas across the country. A change in Senior Management within PSD has had an

impact on the assessment process. It is anticipated that the lessons learnt from recent appeals can be promulgated through the introduction of divisional PSD “surgeries” and changes to local supervision of complaints within divisions. If carried out correctly this should have an impact on reducing the number of appeals by resolving matters effectively through initial contact.

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

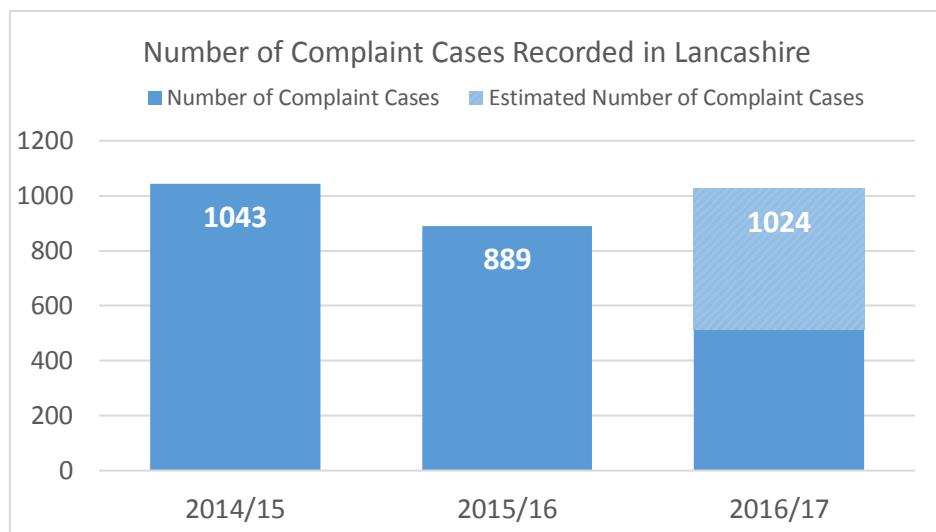
The time taken to resolve appeals saw a significant increase in Jan – Mar 16 with an average of 223 days per appeal at that time. This has reduced in recent months and indications are that further reductions will occur before the end of 2016/17. The Constabulary introduce a dedicated appeals officer, this allowed the force to commence a process of dealing with the appeals back log, by addressing aged appeals and resolving them they have pushed the average days upwards. Currently the officer is resolving more appeals than are being received and therefore the average will continue to fall. The appeals officer has a current caseload of approximately 40 appeals, down from over 100.

Complaint Cases Recorded

The number of Complaint Cases recorded by Lancashire Constabulary saw a substantial reduction between 2014/15 and 2015/16 from 1043 to 889 (-15%).

The first two quarters of 2016/17 have seen 512 cases recorded. A simple extrapolation of this data shows that the total number of cases at the end of 2016/17 could be around 1024.

Fig 1. Complaint Cases recorded in Lancashire. Including a projected figure for year end 2016/17.



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.

The -15% reduction in Lancashire compares favourably with changes across the MSF group and is also a greater reduction than the national figure (which was -8%). However, variations are noted to be particularly wide ranging. Other forces have very volatile data, the data for Lancashire is relatively stable and not subject to huge variance which could be associated with inconsistent recording.

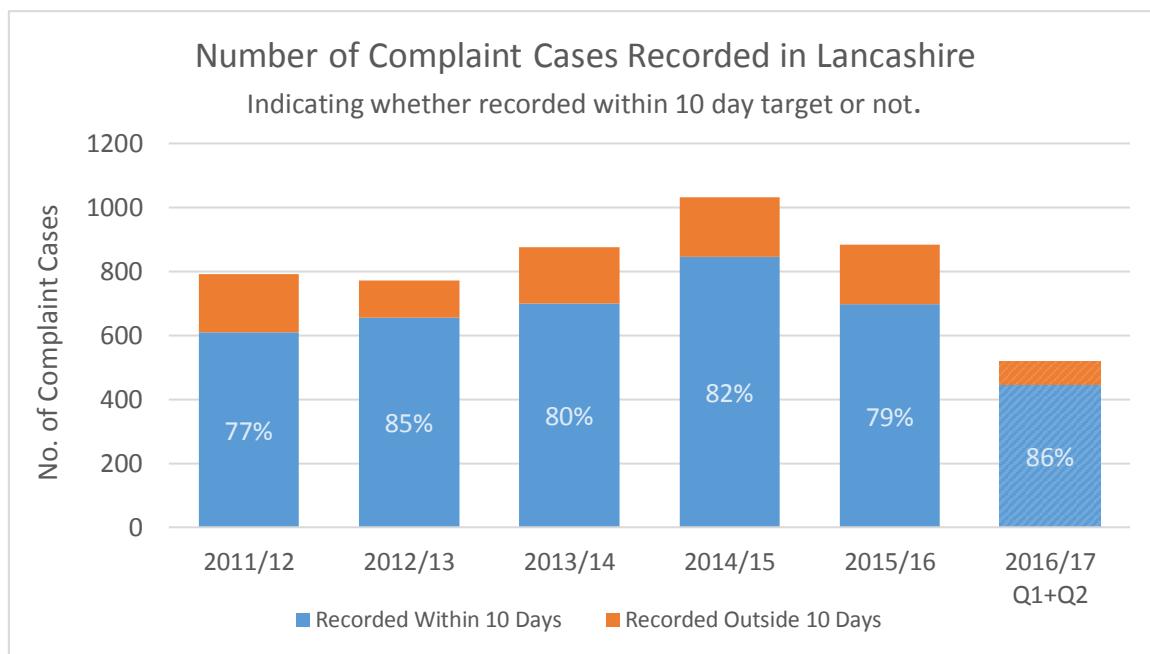
Table 1. Complaint Cases recorded across the Most Similar Force group.

Police Force	2014/15	2015/16	% Change from 2014/15 to 2015/16	2016/17 Q1 & Q2 <small>(Estimated total for year - based on simple extrapolation)</small>
Humberside	521	529	2	
Kent	1,187	842	-29	
Lancashire	1,043	889	-15	512 (1024)
Northumbria	1,018	716	-30	
Nottinghamshire	1,023	967	-5	
South Wales	864	807	-7	
South Yorkshire	660	602	-9	
West Yorkshire	1,255	1,867	49	
National	37,105	34,247	-8	

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. It is anticipated that following the introduction of a revised Service Level Agreement (SLA) between PSD and Divisions performance at the end of the current 2016/17 period will see an improvement in cases being recorded within this target and Q1 & Q2 of 2016/17 has already shown that performance is improving (86% of cases recorded within target).

Fig 2. Graph to show the number of Complaint Cases recorded per year (and for the period of Q1 & Q2 2016/17).
Each bar also represents how many cases were recorded inside the 10 day target.



The table below shows that some forces within the MSF group in recent years have consistently outperformed Lancashire in terms of the percentage of Complaint Cases recorded within the 10 day target. However, as previously mentioned, performance is improving within Lancashire and is likely to be higher than 86% at the end of the 2016/17 period.

Although the Constabulary are improving the percentage of cases recorded within 10 days there are a variety of reasons as to why certain cases fall outside this target, which are not unique to Lancashire. On occasion complaints may be sat with division prior to recording by PSD, a 'fact finding' process may also occur prior to recording which can extend the duration beyond the 10 day period or as is more often the case it is not apparent that a recordable complaint exists. As soon as the complaint becomes apparent it is recorded, however it is back dated to when the call was made. A common example would be if someone called and expressed a concern to a divisional staff member, this person may not be re-contactable for several days, at which point it appears a recordable complaint is being made, the time limit starts from the original call not from when the complaint becomes apparent.

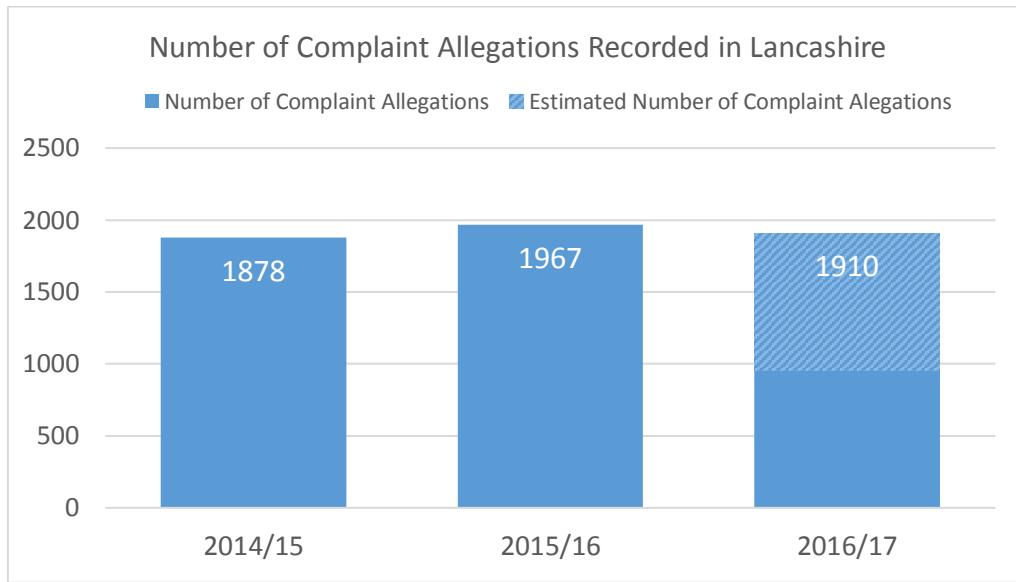
Table 2. Number of Complaint Cases recorded and the percentage of these recorded within target across the MSF group and national figure.

Police Force	2011/12		2012/13		2013/14		2014/15		2015/16		2016/17 (Q1 & Q2)	
	No.	% within 10 working days	No.	% within 10 working days								
Humberside	449	90	437	86	541	89	521	77	529	73		
Kent	742	90	962	94	1,200	92	1187	94	842	88		
Lancashire	791	77	772	85	875	80	1031	82	884	79	518	86
Northumbria	680	88	401	86	794	82	1018	87	716	92		
Nottinghamshire	452	88	576	94	960	97	1023	95	967	95		
South Wales	640	95	628	90	721	61	864	60	807	80		
South Yorkshire	419	85	386	86	459	74	660	80	602	90		
West Yorkshire	819	96	806	97	1,000	94	1255	80	1867	94		
National	30,139	86	30,364	81	34,861	80	37,093	80	34,242	88		

Complaint Allegations Recorded

The number of Complaint Allegations remained relatively unchanged from 2014/15 to 2015/16 and projections (based on current year performance to date) suggest that there will be little change at the end of 2016/17. This serves to show a level of consistency being maintained within Lancashire despite changes in officers acting as the Appropriate Authority. This data gives an indication of the amount of demand complaints generate for the force, whereas the number of complaints may be regarded as indicating how many people are dissatisfied.

Fig 3. Number of Complaint Allegations recorded in Lancashire with a projected figure for the year end of 2016/17.



The MSF group and national data below show that many other forces recorded reductions in the number of recorded Complaint Allegations from 2014/15 to 2015/16. The reason behind these reductions is not clear and there is currently no clear indication from available IPCC data as to whether these reductions will continue into 2016/17.

Table 3. Number of Complaint Allegations recorded across the MSF group and national figure for 2014/15 and 2015/16 periods.

Police Force	2014/15	2015/16	Change from 2014/15 to 2015/16	2016/17 Q1 & Q2 (Estimated total for year - based on simple extrapolation)
Humberside	1,072	1,136	64	341 (1364)
Kent	1,697	1,124	-573	199 (796)
Lancashire	1,878	1,967	89	955 (1910)
Northumbria	2,399	1,744	-655	457 (1828)
Nottinghamshire	1,759	1,494	-265	263 (1052)
South Wales	1,417	1,125	-292	260 (1040)
South Yorkshire	1,412	1,170	-242	325 (1300)
West Yorkshire	1,897	2,615	718	681 (2724)
National	69,571	64,428	-5,143	

Finalised Complaint Allegations

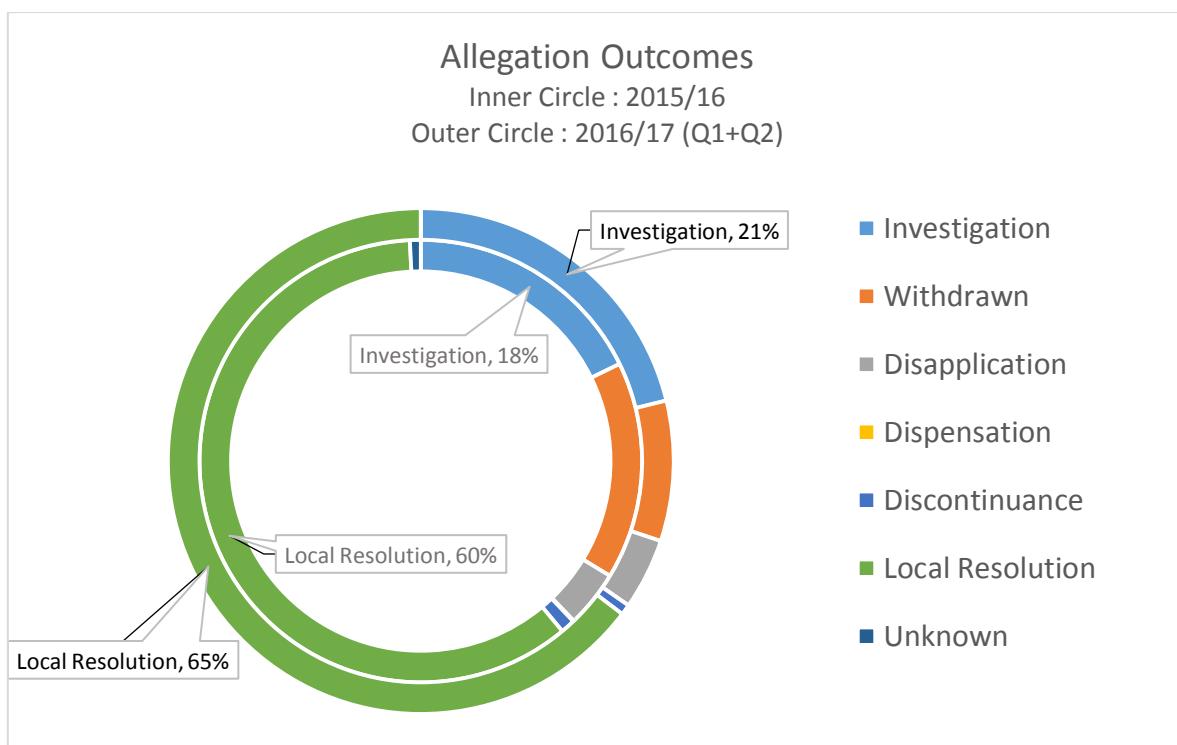
The chart below shows the outcome of Complaint Allegations finalised within Lancashire and the change from 2015/16 to the first half (Q1 & Q2) of 2016/17.

It is evident that the proportion of allegations subject to Investigation has increased from 18% to 21%. Furthermore, those resolved by way of Local Resolution have also increased from 60% to 65%.

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 9% in the first two quarters of 2016/17. This appears to account for the increase in both Investigations and Local Resolutions.

Fig 4. Outcome of Complaint Allegations finalised in 2015/16 compared to Q1 & Q2 of 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.

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. This is an area of considerable variation, whilst not a target there is some consensus that an investigation percentage of around 25% is considered realistic.

Table 4. Complaint Allegation Outcomes for allegations finalised within the 2015/16 period.

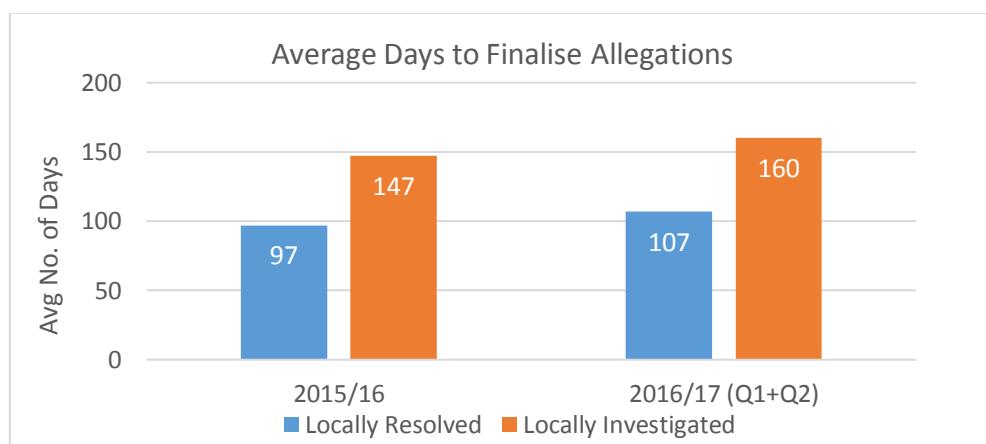
Police Force 2015/16	Investigation		Withdrawn		Disapplication		Dispensation		Discontinuance		Local Resolution		Unknown		Total
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N
Humberside	178	25	72	10	51	7	0	0	2	0	416	58	0	0	719
Kent	794	59	156	12	63	5	0	0	1	0	330	25	1	0	1,345
Lancashire	337	18	302	16	79	4	1	0	20	1	1,143	60	15	1	1,897
Northumbria	1,092	55	102	5	173	9	0	0	21	1	594	30	0	0	1,982
Nottinghamshire	196	12	136	8	152	9	0	0	15	1	1,174	70	0	0	1,673
South Wales	667	56	238	20	61	5	0	0	23	2	202	17	0	0	1,191
South Yorkshire	252	24	71	7	67	6	1	0	9	1	634	61	0	0	1,034
West Yorkshire	539	23	127	5	95	4	4	0	16	1	1,610	67	0	0	2,391
National	29,846	47	4,735	8	3,774	6	65	0	751	1	23,814	38	103	0	63,088

Table 5. Complaint Allegation Outcomes for allegations finalised in Lancashire during Q1 & Q2 of 2016/17.

Police Force 2016/17 (Q1 & Q2)	Investigation		Withdrawn		Disapplication		Dispensation		Discontinuance		Local Resolution		Unknown		Total
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N
Lancashire	158	21	67	9	34	5	0	0	5	1	483	64	0	0	753

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 Q1 & Q2 of 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. Both categories have seen an increase in the average length of time to resolve allegations.

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 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. These issues have been identified and a plan is in place to provide a greater level of support to divisions in order to speed up the process of resolving complaint allegations. In the first instance, the Constabulary should aim to reduce the timeliness of Local Resolutions to 64 days (the national average) and at least maintain the timeliness of Investigations (currently at 160 days which is the national average).

The time taken to finalise allegations which were Locally Resolved has increased from an average of 97 days in 2015/16 to 107 days in the first two quarters of 2016/17. Similarly, the time taken to finalise allegations which have been subject to Investigation has increased from an average of 147 days to 160 days over the same period.

These increased figures are as a result of 'legacy' cases, often in excess of 2 years old being finalised which has then adversely impacted upon the overall average. By attending to these older cases over recent months it is anticipated that overall timeliness to resolve allegations will show an improvement in coming statistical publications from the IPCC which chart the data in this way.

However, although the data is somewhat 'skewed' by finalising older allegations on the recording system 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 2015/16 period. It is evident that the timeliness to resolve by way of Local Resolution is higher than most forces in the MSF and this has increased in 2016/17. However, as previously highlighted this is partly as a result of finalising 'legacy' complaint allegations and further work is ongoing to train and educate staff in complaint handling.

Table 6. Timeliness to finalise allegations by resolution type (Locally Resolved or Investigated) during 2015/16.

Police Force 2015/16	Locally Resolved		Locally Investigated		Supervised Investigation	
	Days	No.	Days	No.	Days	No.
Humberside	110	416	174	178	0	0
Kent	77	328	199	789	344	1
Lancashire	97	1,142	147	329	0	0
Northumbria	45	594	156	1,090	656	1
Nottinghamshire	69	1,174	213	185	429	8
South Wales	66	198	169	586	789	78
South Yorkshire	62	634	136	241	0	0
West Yorkshire	39	1,606	165	534	248	3
National	68	23,646	166	26,374	607	191

Table 7. Timeliness to finalise allegations by resolution type (Locally Resolved or Investigated) in Lancashire during Q1 & Q2 2016/17.

Q1 & Q2 2016/17	Locally Resolved		Locally Investigated		Supervised Investigation	
	Days	No.	Days	No.	Days	No.
Lancashire	107	484	160	157	0	0
National	64	-	160	-	-	-

The impact of finalising 'legacy' complaint allegations (those which have been ongoing for lengthy periods of time without finalisation) is explored in the two tables below.

12 allegations Locally Resolved in 2016/17 (Q1 + Q2) have exceeded 500 days in duration, likewise 2 of the 'Investigated' allegations finalised in the same period have also exceeded 500 days. Although these

allegations account for a small proportion of all those finalised they have had a noticeable impact on overall level of timeliness. These are highlighted in orange on the tables below.

Table 8. Timeliness to finalise Locally Resolved allegations by number of days.

Days to Finalise Locally Resolved Allegations (Days)	2015/16		2016/17 Q1/2	
	No.	%	No.	%
0 to 99	828	73.7	340	70.2
100 to 199	207	18.4	75	15.5
200 to 299	54	4.8	38	7.9
300 to 399	13	1.2	13	2.7
400 to 499	17	1.5	6	1.2
500+	4	0.4	12	2.5
Grand Total	1123	100.0	484	100.0

Table 9. Timeliness to finalise Investigated allegations by number of days.

Days to Finalise Investigated Allegations (Days)	2015/16		2016/17 Q1/2	
	No.	%	No.	%
0 to 99	141	41.8	65	41.4
100 to 199	138	40.9	64	40.8
200 to 299	33	9.8	16	10.2
300 to 399	24	7.1	9	5.7
400 to 499	1	0.3	1	0.6
500+	0	0.0	2	1.3
Grand Total	337	100.0	157	100.0

Appeals Received

The vast majority of appeals received by Lancashire Constabulary relate to Local Resolutions. Over the 2015/16 period 110 appeals were recorded in relation to LR's which equates to 92% of all appeals received. Although the most common method of finalising allegations within Lancashire is by way of Local Resolution the number of appeals received in relation to them is disproportionate and higher than other forces within the MSF group.

It appears that there has been little change in the first two quarters of 2016/17, with 87% of appeals (n= 40) being in relation to Local Resolutions.

Table 10. Appeals received by category during 2015/16.

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	18	30	39	65	3	5	0	0	60
Kent	35	40	30	34	23	26	0	0	88
Lancashire	3	3	110	92	7	6	0	0	120
Northumbria	55	45	37	31	29	24	0	0	121
Nottinghamshire	1	1	97	77	28	22	0	0	126
South Wales	24	67	6	17	6	17	0	0	36
South Yorkshire	6	11	45	79	6	11	0	0	57
West Yorkshire	41	18	175	75	17	7	0	0	233
National	1,521	41	1,806	48	402	11	7	0	3,736

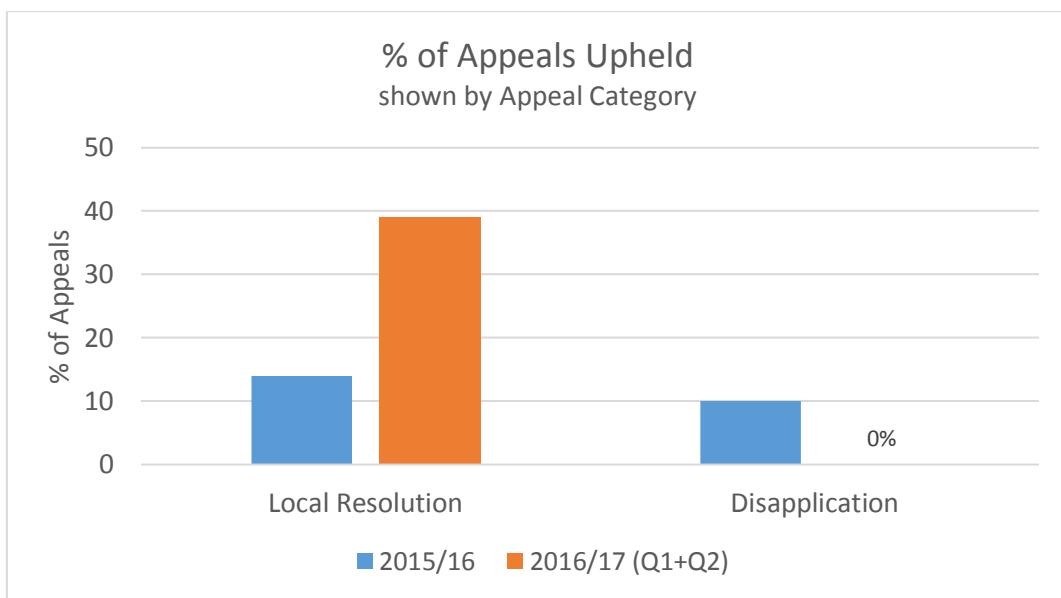
Table 11. Appeals received by category in Lancashire during Q1 & Q2 of 2016/17.

Appeals Received 2016/17	Force Investigation Appeals		Force Local Resolution Appeals		Force Disapplication Appeals		Force Discontinuance Appeals		Total Force Appeals N
	N	%	N	%	N	%	N	%	
Lancashire	1	2	40	87	5	11	0	0	46

Appeal Outcomes

Analysis of the outcome of appeals reveals that the number being Upheld has increased from 13% to 34% when comparing 2015/16 against the first 2 quarters of 2016/17. The main increase has been in the category of appeals relating to Local Resolutions which has increased from 14% upheld in 2015/16 to 39% upheld in 2016/17 so far. 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.

Fig 6. % of Appeals Upheld in Lancashire by category.
Comparing 2015/16 against Q1 & Q2 of 2016/17.



The first table below shows that by and large, Lancashire is comparable to the overall national picture in terms of the number of appeals Upheld in each category. However, the second table serves to highlight the increased number of appeals in relation to LR's which may be apparent as a deviation from the national average when further IPCC data is published later in the year.

Table 12. Appeals finalised by category including the number (%) Upheld for the period of 2015/16.

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	20	0	0	27	1	4	5	0	0	0	0	-	52	1	2
Kent	33	6	18	23	6	26	19	1	5	0	0	-	75	13	17
Lancashire	0	0	-	59	8	14	10	1	10	0	0	-	69	9	13
Northumbria	58	9	16	35	2	6	23	3	13	0	0	-	116	14	12
Nottinghamshire	0	0	-	92	23	25	23	2	9	0	0	-	115	25	22
South Wales	20	0	0	6	0	0	5	1	20	0	0	-	31	1	3
South Yorkshire	6	0	0	44	6	14	6	0	0	0	0	-	56	6	11
West Yorkshire	63	11	17	173	3	2	16	0	0	0	0	-	252	14	6
National	1,356	260	19	1,509	256	17	392	34	9	6	2	33	3,263	552	17

Table 13. Appeals finalised by category including the number (%) Upheld in Lancashire for the period of Q1 & Q2 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	%
Lancashire	1	0	0	46	18	39	6	0	0	0	0	-	53	18	34

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 and further reductions are anticipated; particularly as fewer appeals are being received per month at present.

Fig 7. Graph to show the number of Appeals recorded per quarter in Lancashire, alongside the timeliness of Appeals finalised in each period.

