



**REPORT TO:** Joint Audit and Ethics Committee

**DATE:** 14<sup>th</sup> December 2020

**REPORT AUTHOR:** T/Det Chief Superintendent Zoë Mainey

## **Professional Standards Department**

### **Public Complaints Timeliness and Appeals**

#### **1. Issue for Consideration**

To consider a Report from T/Det Chief Superintendent Zoë Mainey regarding the Public Complaints, Timeliness and Appeals.

#### **2. Recommendation**

To receive a report in respect of the Professional Standards Department's Public Complaints, Timeliness and Appeals.

#### **3. Background Papers**

None

### **Executive Summary**

In February 2020 there was a change in Regulations and Statutory Guidance relating to how Public Complaints are recorded. Around this time the IOPC improved accessibility of their online complaints recording system. Details of how these changes have impacted upon the recording and management of Public Complaints is featured within the report.

Note: This report focusses on the period of April – October 2020 unless otherwise stated. Data was obtained from a live database which can result in slight variations depending on the time of capture.

The number of recorded Complaint Cases & Allegations on a monthly basis has settled somewhat, with an average of 112 Cases and 225 Allegations recorded per month over the period of April – October 2020. However, some month by month variability should still be expected.

Variability in levels of recorded Complaints is noted across geographic areas. With West Division recording the highest number of Cases & Allegations (241 and 524 respectively) and South Division recording the lowest (191 Cases and 370 Allegations).

However the ratio of Allegations to Cases is comparable (with a force average of 2.1 Allegations per Case).

Performance in terms of Timeliness to record Complaint Cases remains very strong April to October 2020 with 3 months achieving 100% within the 10 day period. The remaining months have been between 97.2% and 99%.

The top 3 Complaint Allegation types between April and October 2020 appear to be concerned with 'expectations of service' not being met by the complainant.

48% (679) of Allegations were Resolved or Locally Resolved and a further 29% (314) were found to have been of an Acceptable Level of Service or required No Further Action.

Unacceptable Service was identified in just 2% of Allegations (30 out of 1422). Recent discussions with the region to develop a consistent approach in recording may result in some changes to these figures going forward.

There has been an improvement in the length of time taken to finalise Allegations with 82.9% (1166 out of 1405) being finalised in 0-56 days. This improvement is consistent across all geographic areas.

Non-Schedule 3 Complaints (low level issues) account for 55% of all recorded Complaint Cases (421 out of 766).

Between March and August there were 75 recorded Complaint Cases and 82 Complaint Allegations relating to COVID19. The number of Complaints per month is generally in line with the level of restrictions placed on the public. 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. In 68.8% of cases (53) the Finalised Allegations were either resolved or required no further action.

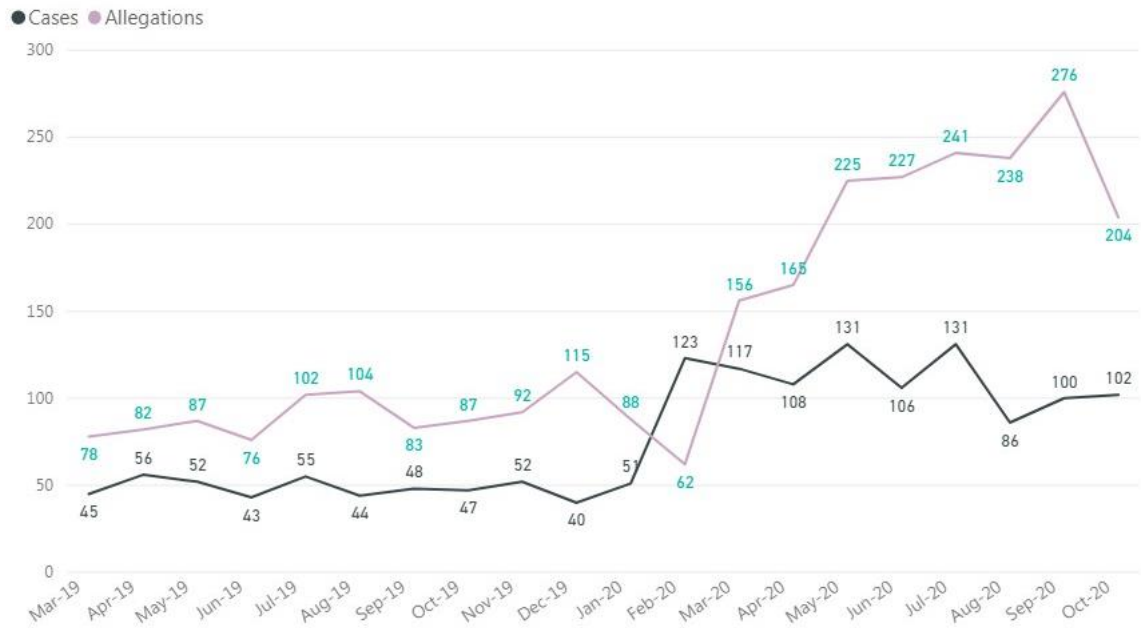
There have been 42 Misconduct Cases recorded between April and October 2020. The most common outcome for Finalised Misconduct Allegations in this period was "No Action" (17) followed by "Formal Action" (8).

1 police staff member was dismissed. 2 other officers would have been dismissed but had resigned. During the same period we have also seen written and final written warnings being issued for both police officers and police staff.

Complaint Cases & Allegations Recorded

Fig 1. Complaint Cases and Allegations recorded March 2019 to October 2020.

Recorded Complaint Cases and Allegations



Previous assessments have highlighted how the significant changes<sup>1</sup> introduced in February 2020 have impacted upon the number of recorded Public Complaint Cases & Allegations.

Now that some time has passed from the introduction of these changes it is possible to see some consistency in the level of recorded Complaint Cases & Allegations. The table below shows the number of Cases & Allegations recorded since April 2020 along with the average.

Fig 2. Complaint Cases and Allegations recorded since April 2020 (including average)

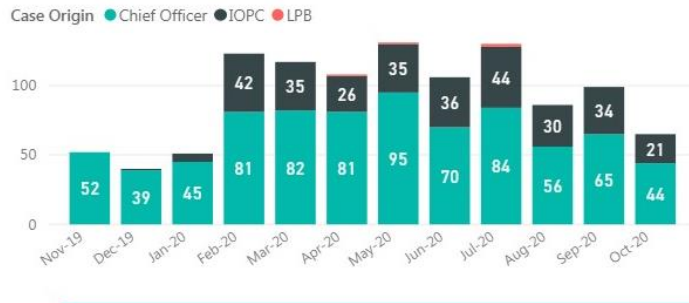
Month	Cases	Allegations
Apr-20	108	165
May-20	131	225
Jun-20	106	227
Jul-20	130	241
Aug-20	86	238
Sep-20	100	276
Oct-20	102	206
<b>Average</b>	<b>109</b>	<b>225</b>

When compared to 2019/20 it is now possible to see that recorded Complaint Cases & Allegations have more than doubled. However, as many expressions of dissatisfaction were

<sup>1</sup> February 2020 saw the introduction of new police regulations, changing the statutory guidance around recording expressions of dissatisfaction. This coincided with a more accessible method of lodging complaints with the IOPC; some of which are passed back to local policing areas for handling.

previously recorded as “Service Recovery” as opposed to a Complaint Case then making direct comparisons is problematic.

Fig 3. Recorded Complaint Cases by origin over the past 12 months.



There is currently some disparity in the level of recording over the three main geographic areas. This is evident in the chart below, however the table that follows indicates that the Allegation to Case ratio is fairly comparable across the three main areas; ranging from 1.9 in South to 2.2 in West.

Fig 4. Complaint Cases and Allegations recorded by Area since April 2020.

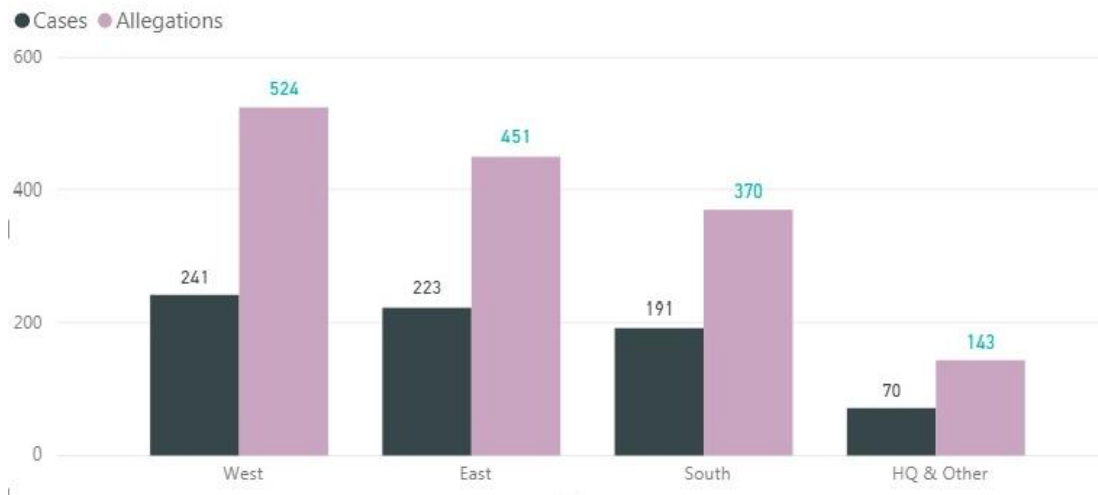


Fig 5. Recorded Complaint Cases & Allegations by Area Apr – Oct 2020 including Allegation to Case Ratios.

Division	Cases	Allegations	Allegations per Case (Based on Recorded Dates for each)
West	241	524	2.2
East	223	451	2
South	191	370	1.9
Main BCU Totals	655	1345	2.1

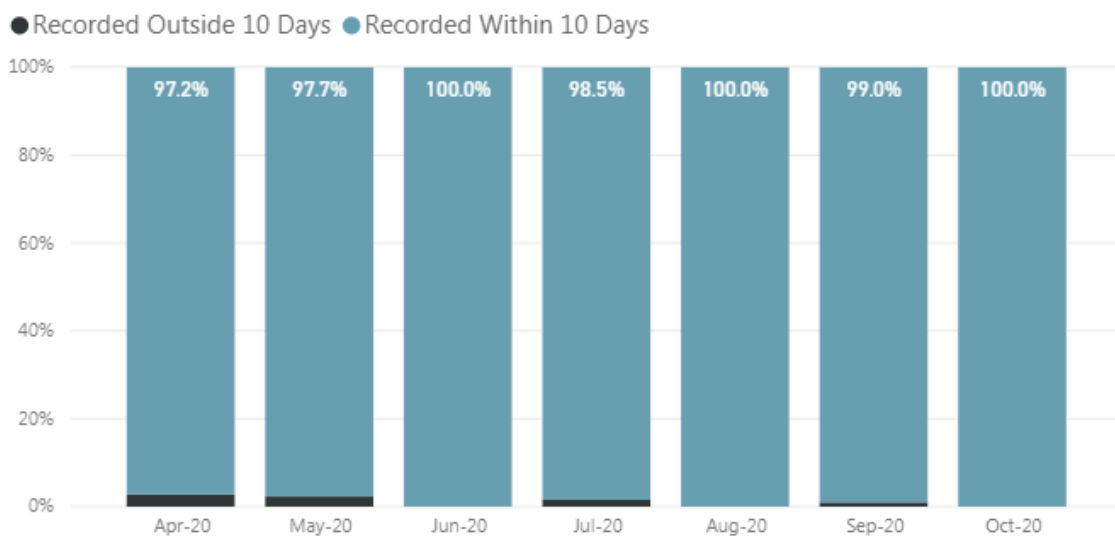
Unfortunately, there is no current recent IOPC data available to allow comparisons across the Most Similar Force group. This situation will be monitored and any subsequently published data will be subject to inclusion in forthcoming assessments.

### 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.

Data since April 2020 indicates that the department is now showing consistently strong performance in this regard, with 3 months achieving 100% within the 10 day period. The remaining months have been between 97.2% and 99%.

Fig 6. Complaint Cases recorded within the 10 day period by month since April 2020.

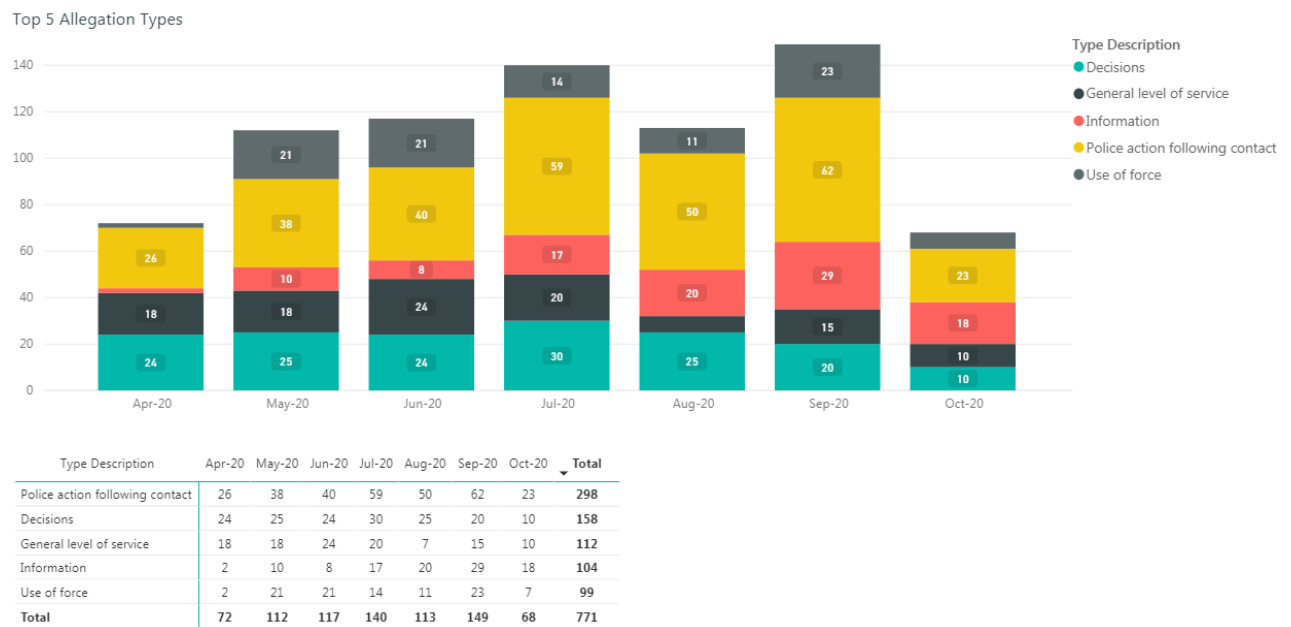


### Complaint Allegations Recorded

The graph below explores the top 5 Allegation types by month during since April 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. Dip sampling shows that the most common reasons for dissatisfaction remain largely the same. The top 3 categories can all be regarded as ‘expectation based’ issues, when the police response or action was not to the satisfaction of the complainant. This can be for a variety of reasons but commonly involve decisions / action based on legislation and resource availability.

Fig 7. The top 5 most common allegation categories by month since April 2020.



### Finalised Complaint Allegations

The change to statutory guidance has also introduced modified Allegation Outcomes. The table below shows that 48% (679) of Allegations finalised since April 2020 were either Resolved or Locally Resolved. A further 31% of Allegations (444) were found to be of Acceptable Service or required No Further Action.

The number of allegations identifying Unacceptable Service continues to be very low with just 30 out of 1422 in this category (2%).

Fig 8. Complaint Allegation Outcomes between Apr – Oct 2020

Allegation Outcome	No.	%
Resolved	515	36%
No further action required	255	18%
The service provided was acceptable	189	13%
Local Resolution	164	12%
Investigated	128	9%
Not determined if the service acceptable	42	3%
Withdrawn	38	3%
The service provided was not acceptable	30	2%
Not Resolved - NFA	27	2%
Disapplication	16	1%
De Recorded	14	1%
Other	3	0%
Not Upheld - by IOPC	1	0%
<b>Total</b>	<b>1422</b>	<b>100%</b>

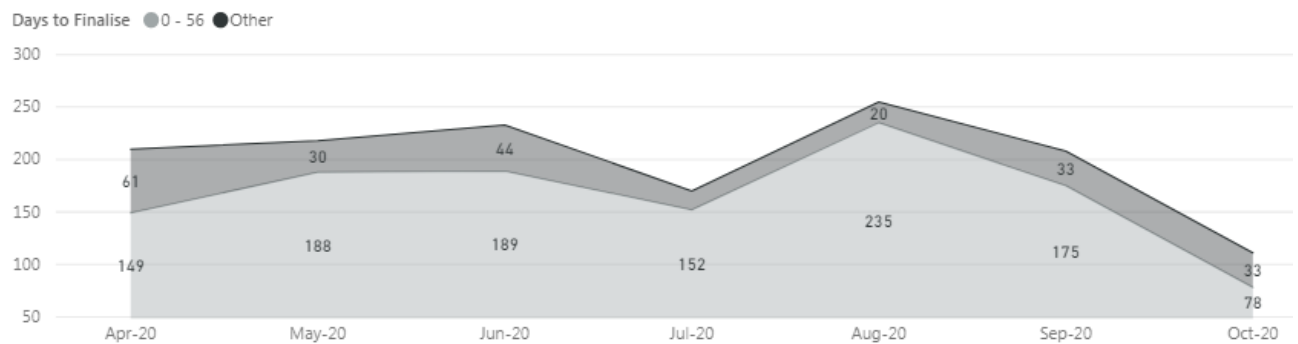
Timeliness to Finalise Complaint Allegations

Since April 2020 there have been an average of 200 Allegations finalised each month.

82.9% of these Allegations have been finalised within 0-56 days (1166 out of 1405 Allegations finalised between April and October 2020). This is a strong improvement on performance documented in previous years and there are early signs that the average is improving further.

Fig 9. Finalised Complaint Allegations by Month and Days to Finalise between Apr – Oct 2020

Number of Allegations Finalised by Date Range

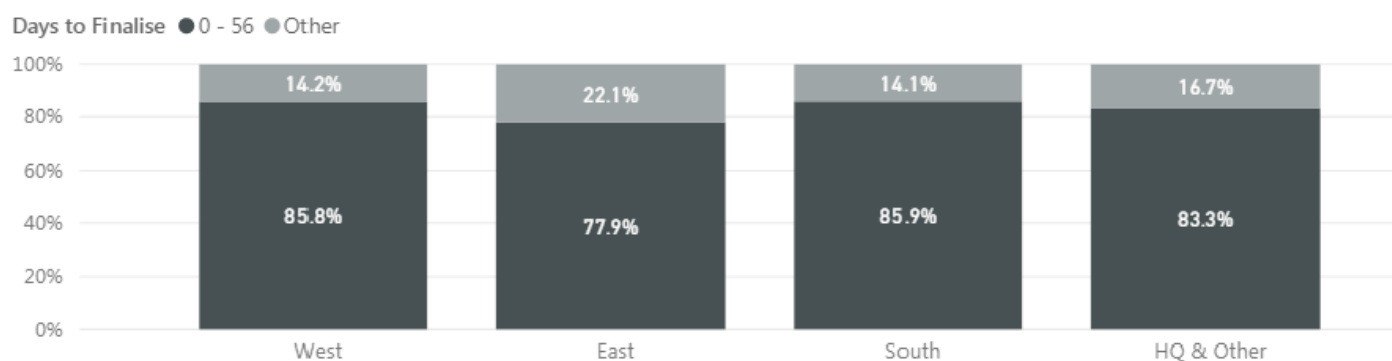


Month Finalised	Apr-20		May-20		Jun-20		Jul-20		Aug-20		Sep-20		Oct-20	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
0 - 56	149	71.0%	188	86.2%	189	81.1%	152	89.4%	235	92.2%	175	84.1%	78	70.3%
Other	61	29.0%	30	13.8%	44	18.9%	18	10.6%	20	7.8%	33	15.9%	33	29.7%
<b>Total</b>	<b>210</b>	<b>100.0%</b>	<b>218</b>	<b>100.0%</b>	<b>233</b>	<b>100.0%</b>	<b>170</b>	<b>100.0%</b>	<b>255</b>	<b>100.0%</b>	<b>208</b>	<b>100.0%</b>	<b>111</b>	<b>100.0%</b>

Furthermore, the improved performance in quickly resolving Allegations is consistent across all geographic areas of the Constabulary.

Fig 10. Finalised Complaint Allegations by Division and Days to Finalise between Apr – Oct 2020

% of Allegations Finalised within 56 Days (by Division)



Schedule 3 / Non-Schedule 3

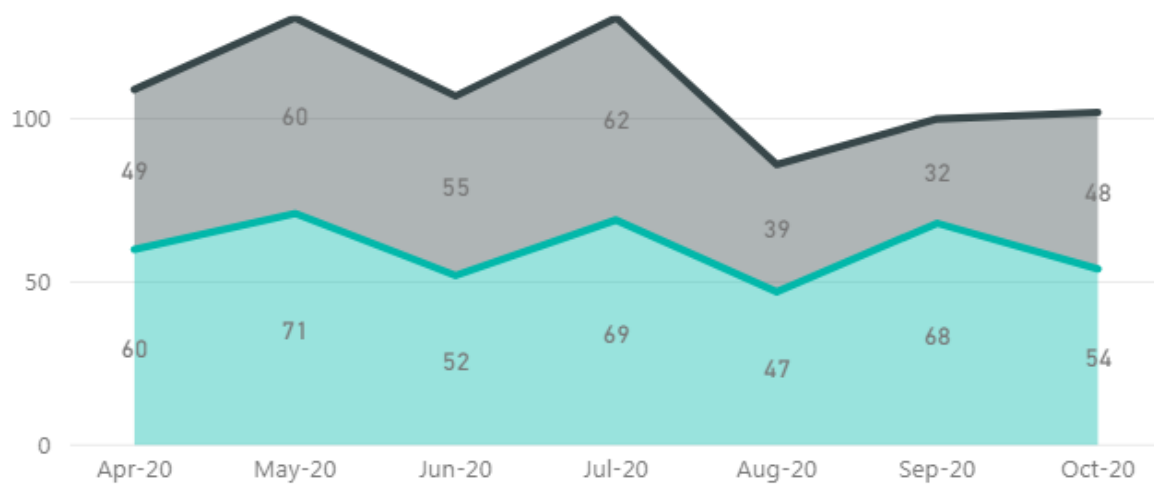
In recent years Lancashire Constabulary has made effective use of the Service Recovery process to quickly resolve low level expressions of dissatisfaction. Schedule 3 of the Police Reform Act 2002 determines the formal process by which complaints against the police must be handled. Under new legislation we have the opportunity to handle complaints outside of Schedule 3 where the expression of dissatisfaction is low level and can be easily resolved to the complainant’s satisfaction. These are recorded as Non-Schedule 3 complaints.

In recent months the proportion of Schedule 3 and Non-Schedule 3 has settled, with 55% of complaints being categorised as Non-Schedule 3. This is comparable to the Service Recovery figures recorded pre-February 2020.

Fig 11. Complaint cases recorded by Schedule 3 status for Apr - Oct 2020.

Cases Recorded by Month

Case Type ● Non-Schedule 3 ● Schedule 3

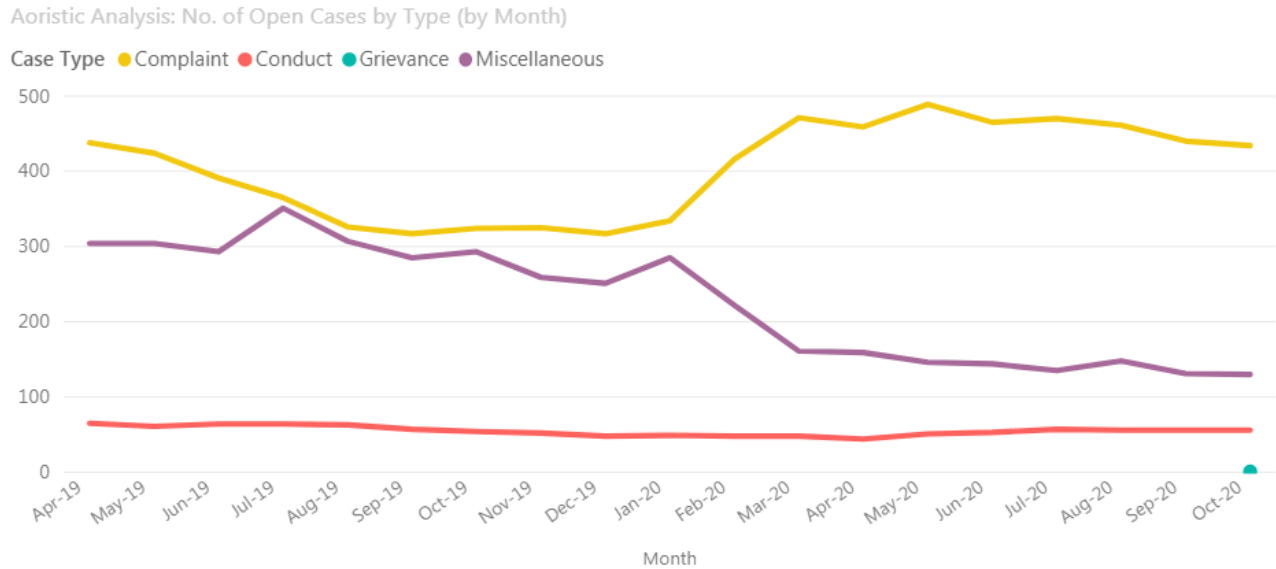


Month	Apr-20		May-20		Jun-20		Jul-20		Aug-20		Sep-20		Oct-20		Total	
*Schedule 3 Check	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Non-Schedule 3	60	55%	71	54%	52	49%	69	53%	47	55%	68	68%	54	53%	421	55%
Schedule 3	49	45%	60	46%	55	51%	62	47%	39	45%	32	32%	48	47%	345	45%
<b>Total</b>	<b>109</b>	<b>100%</b>	<b>131</b>	<b>100%</b>	<b>107</b>	<b>100%</b>	<b>131</b>	<b>100%</b>	<b>86</b>	<b>100%</b>	<b>100</b>	<b>100%</b>	<b>102</b>	<b>100%</b>	<b>766</b>	<b>100%</b>

Workload Analysis

The chart below uses aoristic analysis to establish the number of open cases on a monthly basis.

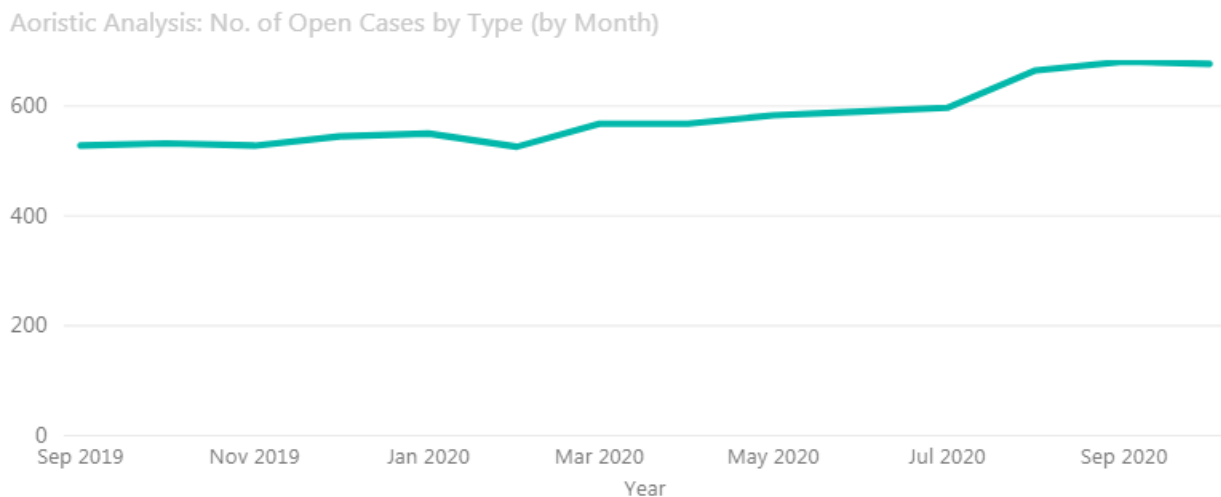
Fig 12. Graph to show the number of live cases by type on a monthly basis from April 2019 onwards.



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 with a slight increase over the longer term. It appears that although there has been a recent increase in recorded Complaint Allegations they are being resolved in a timely manner which is assisting in maintaining a consistent open case load.

Fig 13. Graph to show the number of live allegations on a monthly basis over the last 14 months (Jul 19 – Oct 20).

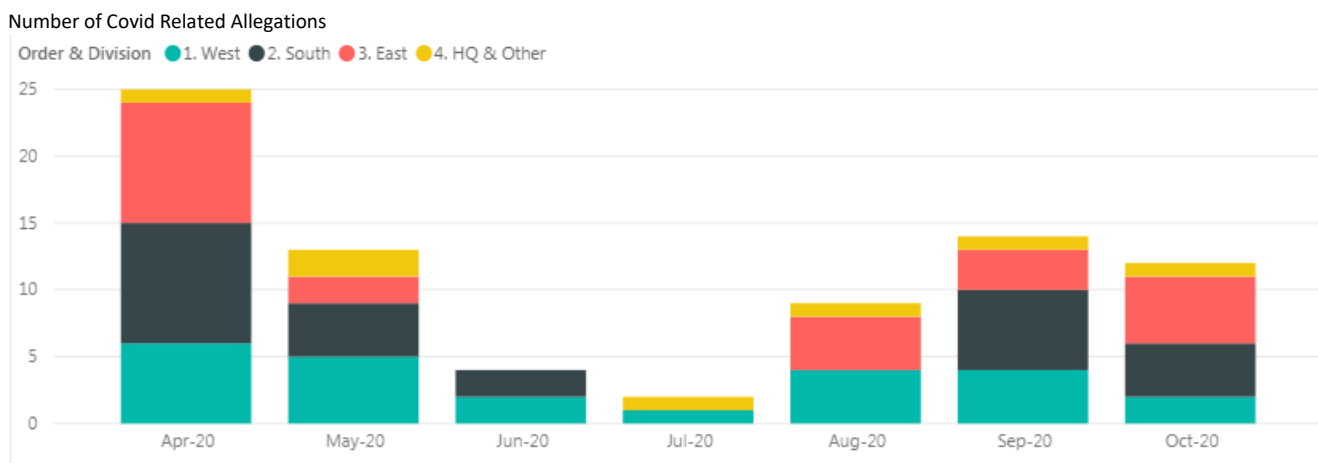


COVID-19

Any public complaints that relate to the policing response to COVID19 since the Government restrictions were put in place on Friday 20<sup>th</sup> March (closure of pubs/clubs etc.) prior to lockdown on Monday 26<sup>th</sup> March are subject to regular review. Returns are provided to NPCC and IOPC on a monthly basis.

Between March and October there were 75 recorded Complaint Cases and 82 Complaint Allegations relating to COVID19. The number of Complaints per month is generally in line with the level of restrictions placed on the public as shown in the chart below. With further restrictions being put into place during September and the possibility of additional measures in the future it is anticipated that further Complaints will be received.

Fig 14. Graph to show the number of Covid related allegations by month.



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 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 68.8% of cases (53) the allegations were either resolved or required no further action.

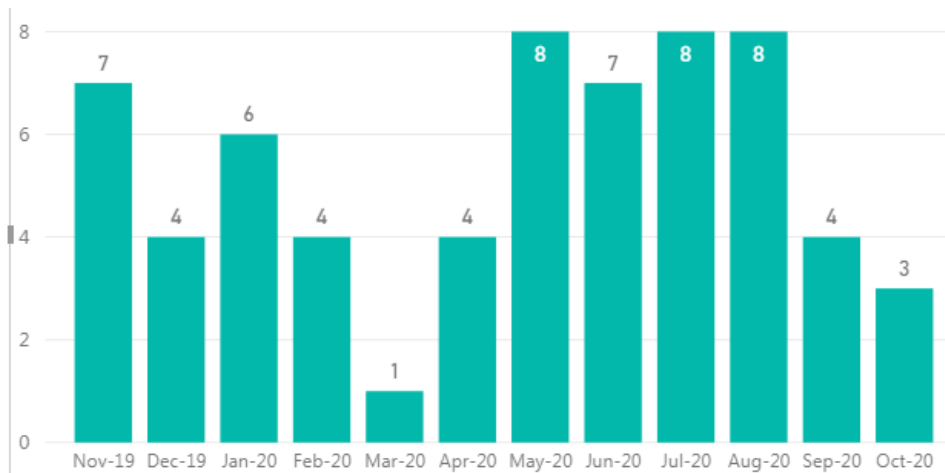
Fig 15. Graph to show the outcome of COVID-19 related complaint allegations.

Allegation Outcome	Number of Allegations (%)
Resolved	41 (53.25%)
Ongoing	15 (19.48%)
No further action required	12 (15.58%)
The service provided was acceptable	6 (7.79%)
Not determined if the service was acceptable	2 (2.60%)
Not Resolved - NFA	1 (1.30%)
<b>Total</b>	<b>77 (100%)</b>

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). The data below shows no initial reduction from May through to August but some reductions showing from September.

Fig 16. Misconduct Cases recorded by month over the past 12 months.



Cases Recorded by Area

Area Responsible	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Total
East	2	3		1		1	3	4	4	1	1		20
South	2		3	1	1		1	1	1	3	1		14
West	2	1	2	1			2			2			10
HQ				1		1	1		1	1		1	6
HQ Ops			1			1	1	1					4
Other						1			1		1	1	4
HQ - Contact Management								1	1	1			3
HQ - Custody	1										1	1	3
<b>Total</b>	<b>7</b>	<b>4</b>	<b>6</b>	<b>4</b>	<b>1</b>	<b>4</b>	<b>8</b>	<b>7</b>	<b>8</b>	<b>8</b>	<b>4</b>	<b>3</b>	<b>64</b>

The table below highlights that “No Action” is the most common outcome

Fig 17. Misconduct outcomes since April 2020.

Misconduct Outcomes by Month								
Write Off Method	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Total
No Action		2	5	3	2	4	1	17
Formal Action		1	3	3	1			8
Retired/Resigned	1	1		1				3
Reflective Practice			2					2
Management Action		1						1
Referral to Proceedings			1					1
UPP					1			1
<b>Total</b>	<b>1</b>	<b>5</b>	<b>9</b>	<b>7</b>	<b>4</b>	<b>4</b>	<b>1</b>	<b>31</b>

There have been two dismissals in the period of April to October 2020 and a further three officers who retired/resigned would have been dismissed. (All covered in detail in the previous report).

During the same period we have also seen written and final written warnings being issued for both police officers and police staff.

Police Inspector issued ‘Written Warning’

Special Constable issued ‘Written Warning’ valid for 12 months.

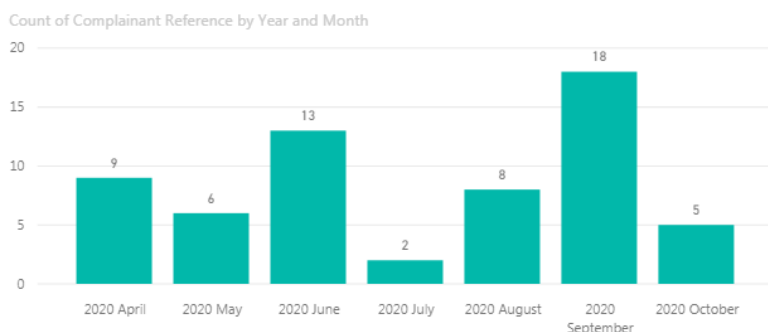
Police staff issued ‘Final Written Warning’ valid for 18 months

Police staff issued ‘Written Warning’ valid for 12 months

**Reviews**

Since April 2020 we have had 63 Reviews in total this is an average of 9 per month. 61 of these (96.8%) have been handled by the Local Policing Board (LPB) and 2 by the IOPC. 25 of the 61 reviews found the Outcome of the Complaint Reasonable & Proportionate, with 36 remain ongoing. The IOPC found the Outcome of the Complaint Reasonable & Proportionate for 1 case and 1 remains ongoing.

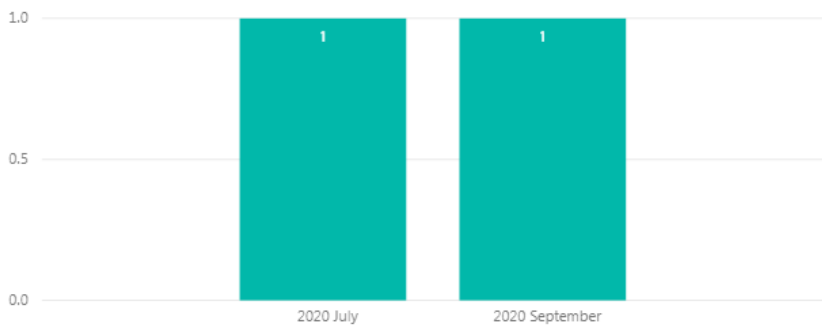
Review: Local Policing Board



LPB Decision	Count of Complainant Reference
Ongoing / Unknown	36
Outcome of complaint reasonable and proportionate	25
<b>Total</b>	<b>61</b>

### Review: IOPC

Count of Complainant Reference by Year and Month

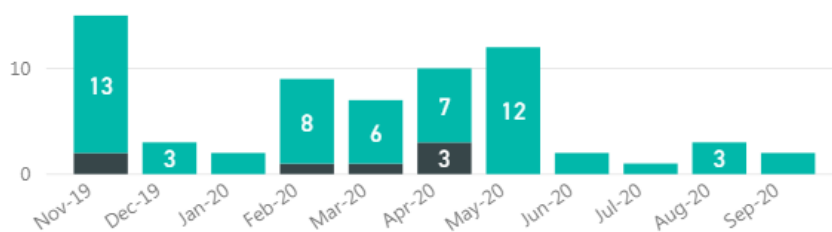


IOPC Decision	Count of Complainant Reference
Ongoing / Unknown	1
Outcome of complaint reasonable and proportionate	1
<b>Total</b>	<b>2</b>

### Appeals | Recorded

#### Appeals Recorded

Category ● Application of Disapplication ● Outcome of Local Resolution



Appendices

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

All Allegations Recorded by Division

Type Description	1. West	2. South	3. East	4. HQ & Other	Total
Decisions	56	44	44	14	158
General level of service	37	28	36	11	112
Information	29	34	37	4	104
Use of force	50	25	19	5	99
Unprofessional attitude and disrespect	32	23	32	6	93
Impolite language/tone	28	18	29	14	89
Other neglect or failure in duty	24	6	11	10	51
Detention in police custody	24	12	6	6	48
Overbearing or harassing behaviours	24	9	10	5	48
Handling of or damage to property/premises	17	10	14		41
Searches of premises and seizure of property	14	16	6	2	38
Lack of fairness and impartiality	11	13	10	1	35
Other	5	13	4	2	24
Power to arrest and detain	12	4	6	1	23
Disclosure of information	6	3	6	6	21
Race	8	3	8	2	21
Use of police vehicles	4	9	5	3	21
Other policies and procedures	8	2	8	1	19
Other irregularity in procedure	5	6	3	4	18
Stops, and stop and search	4	5	8	1	18
Evidential procedures	2		11		13
Incivility, impoliteness and intolerance	2	2	5		9
Impolite and intolerant actions	3	3	1		7
Improper disclosure of information	2		2	3	7
Obstruction of justice	2		2	3	7
Oppressive conduct or harassment	2	3	1	1	7
Use of police systems	3	1	2	1	7
Handling of information		2	1	3	6
Bail, identification and interview procedures	2		3		5
Out of court disposals		1	4		5
Abuse of position for other purpose	2		2		4
Disability	1	1		1	3
Discreditable conduct	1			2	3
Other assault	1	2			3
Breach Code C PACE			1	1	2
Discriminatory Behaviour		1	1		2
Irregularity in evidence/perjury		2			2
Mishandling of property	1	1			2
Organisational decisions		2			2
Serious non-sexual assault	2				2
Sex	1		1		2
Sexual Orientation			1	1	2
Breach Code B PACE	1				1
General policing standards		1			1
Organisational corruption				1	1
Other sexual conduct				1	1
<b>Total</b>	<b>524</b>	<b>370</b>	<b>451</b>	<b>143</b>	<b>1488</b>

Repeat Complainants

There have been 5 complainants lodging 3 or more complaints in the 7 month period of 01/04/20 – 31/10/20. A breakdown by individual (sanitised) is shown in the table below.

Complainant	No. of Cases	No. of Allegations
David	8	14
Lee	4	6
Craig	3	3
Martin	3	6
Martin	3	3