

Professional Standards Department Update for
Joint Audit & Ethics Committee Meeting
Monday, 12th October 2020

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 – August 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 219 Allegations recorded per month over the period of April – August 2020. However, some month by month variability should still be expected.

The monthly number of Cases & Allegations has more than doubled compared to the period prior to February 2020, partly as a result of the regulation changes and also due to an increased number of IOPC referrals into the Constabulary for local handling.

Variability in levels of recorded Complaints is noted across geographic areas. With West Division recording the highest number of Cases & Allegations (187 and 392 respectively) and South Division recording the lowest (140 Cases and 254 Allegations). However the ratio of Allegations to Cases is comparable (with a force average of 1.9 Allegations per Case).

Performance in terms of Timeliness to record Complaint Cases is very strong. 98% of Cases recorded between April and August 2020 were done so within 10 days of receipt. This equates to 552 out of the 561 Cases recorded.

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

49% (541) 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 (21 out of 1106).

There has been an improvement in the length of time taken to finalise Allegations with 84% (919 out of 1092) being finalised in 0-56 days. This improvement is consistent across all geographic areas.

Non-Schedule 3 Complaints (low level issues) account for 56% of all recorded Complaint Cases (311 out of 560).

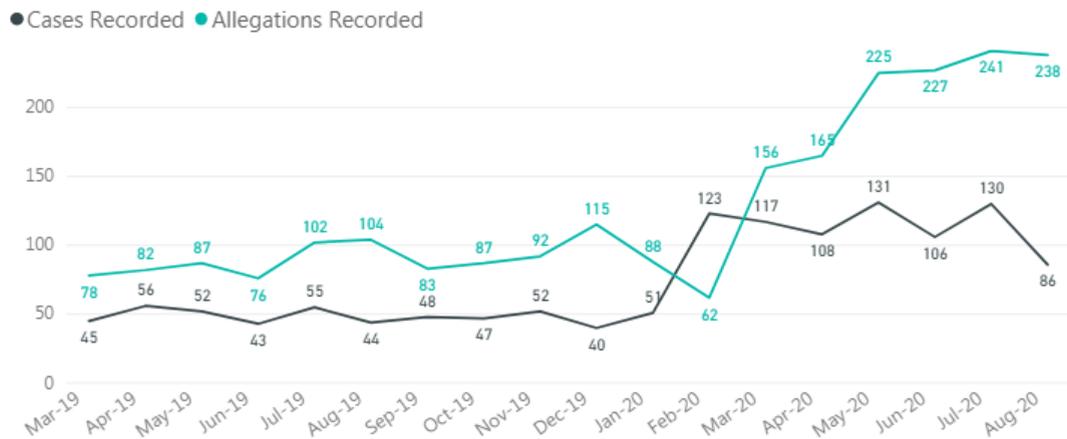
Between March and August there were 52 recorded Complaint Cases and 57 Complaint Allegations relating to COVID19. The number of Complaints per month is generally in line with the level of restrictions placed on the public. A service recovery approach has been adopted wherever possible to ensure that complaints are dealt with in line with legislation and in a reasonable and proportionate manner. In 83% of cases (37) the Finalised Allegations were either resolved or required no further action.

There have been 35 Misconduct Cases recorded between April and August 2020. The most common outcome for Finalised Misconduct Allegations in this period was “No Action” (12 followed by “Formal Action” (9).

1 police officer and 1 police staff member were dismissed. 3 other officers would have been dismissed but had retired / resigned.

Complaint Cases & Allegations Recorded

Fig 1. Complaint Cases and Allegations recorded over the past 18 months.



Previous assessments have highlighted how the significant changes¹ 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 and expected range (using standard deviation).

Fig 2. Complaint Cases and Allegations recorded since April 2020 (including average and expected lower / upper bounds)

Month	Cases	Allegations
Apr-20	108	165
May-20	131	225
Jun-20	106	227
Jul-20	130	241
Aug-20	86	238
Average	112	219
Lower Bound (-2StDev)	79	164
Upper Bound (+2StDev)	146	275

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

¹ 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.

The upper and lower bound figures are provided to highlight that monthly variations on the average figures are still quite broad and should therefore be expected in coming months.

The charts below highlight the removal of the Service Recovery recording practice and the increase in IOPC sourced complaints. Recorded levels of dissatisfaction have increased, however it is clear that this increased workload is as a result of increased referrals from the IOPC after the process for making complaints online was improved.

Fig 3. Complaint Cases and Service Recovery cases recorded in the past 12 months.

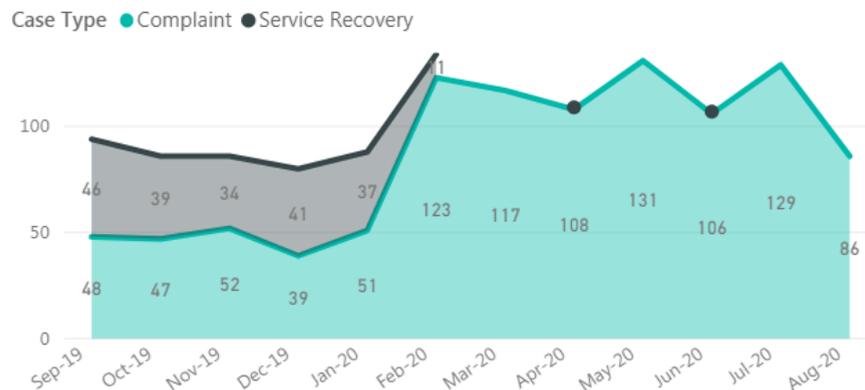
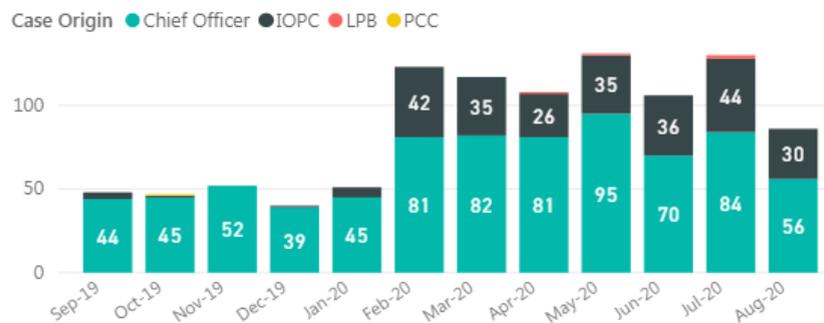


Fig 4. Recorded Complaint Cases by origin over the past 12 months.



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 1.8 in South to 2.1 in West.

Fig 5. Complaint Cases and Allegations recorded by Area since April 2020.

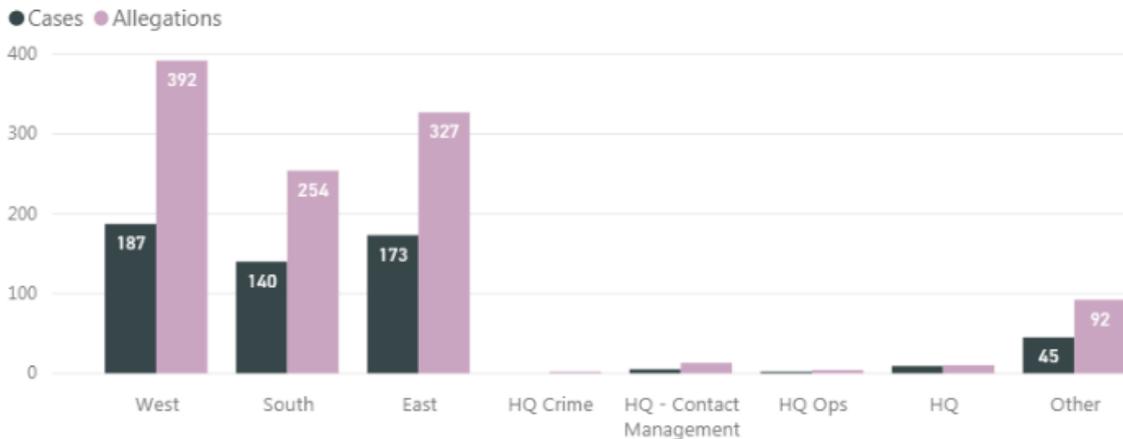


Fig 6. Recorded Complaint Cases & Allegations by Area Apr – Aug 2020 including Allegation to Case Ratios.

Division	Cases	Allegations	Allegations per Case (Based on Recorded Dates for each)
West	187	392	2.1
South	140	254	1.8
East	173	327	1.9
Main BCU Totals	500	973	1.9

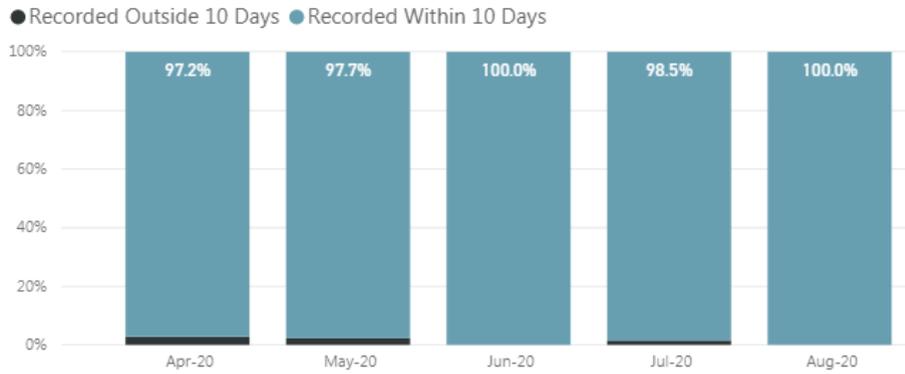
Unfortunately, there is no current recent IOPC data available to allow comparisons across the Most Similar Force group. This situation will be monitored and any subsequently published data will be subject to inclusion in forthcoming assessments.

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 over 98% of Complaint Cases (552 out of 561) 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 7. Complaint Cases recorded within the 10 day period by month since April 2020.

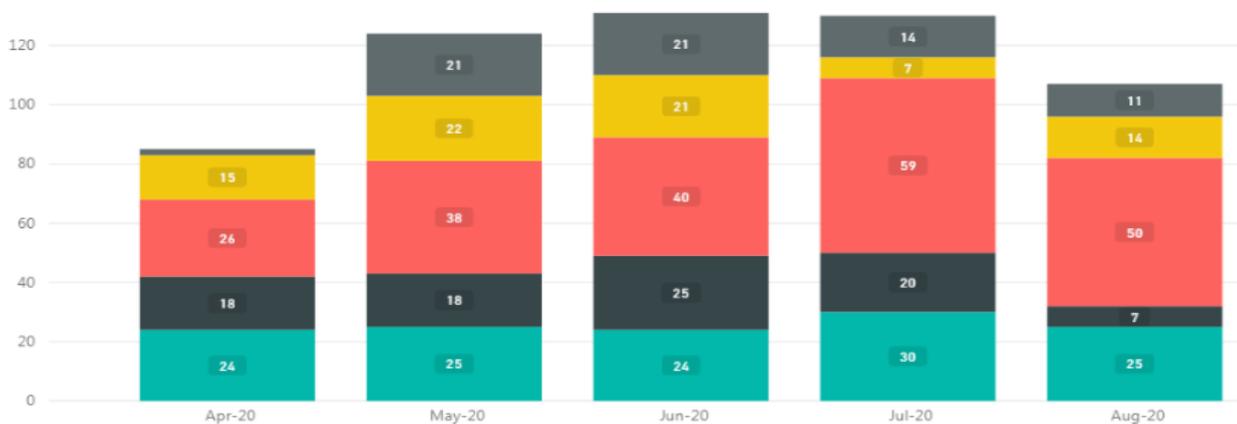


Complaint Allegations Recorded

The graph below explores the top 5 Allegation types by month during since 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. 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 8. The top 5 most common allegation categories by month since April 2020.

Top 5 Allegation Types



Type Description	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Total
Police action following contact	26	38	40	59	50	213
Decisions	24	25	24	30	25	128
General level of service	18	18	25	20	7	88
Unprofessional attitude and disrespect	15	22	21	7	14	79
Use of force	2	21	21	14	11	69
Total	85	124	131	130	107	577

Finalised Complaint Allegations

The change to statutory guidance has also introduced modified Allegation Outcomes. The table below shows that 49% (541) of Allegations finalised since April 2020 were either Resolved or Locally Resolved. A further 29% of Allegations (314) 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 21 out of 1106 in this category (2%).

Fig 9. Complaint Allegation Outcomes between Apr – Aug 2020.

Allegation Outcome	No.	%
Resolved	380	34%
No further action required	184	17%
Local Resolution	161	15%
The service provided was acceptable	130	12%
Investigated	108	10%
Not determined if the service acceptable	36	3%
Withdrawn	29	3%
Not Resolved - NFA	24	2%
The service provided was not acceptable	21	2%
Disapplication	16	1%
De Recorded	14	1%
Other	3	0%
Total	1106	100%

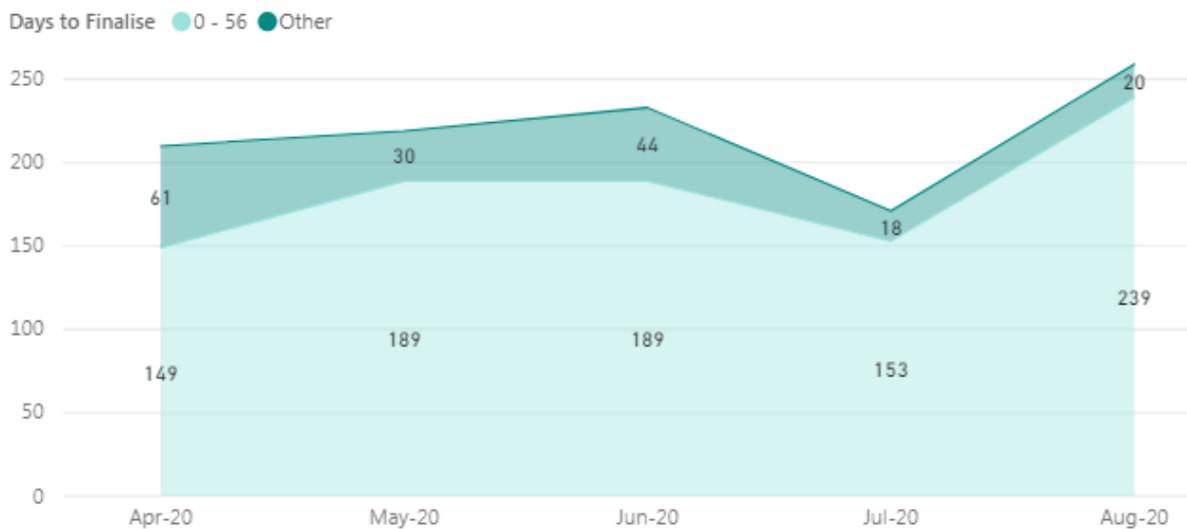
Timeliness to Finalise Complaint Allegations

Since April 2020 there have been an average of 218 Allegations finalised each month.

84% of these Allegations have been finalised within 0-56 days (919 out of 1092 Allegations finalised between April and August 2020). This is a strong improvement on performance documented in previous years and there are early signs that the average is improving further.

Fig 10. Finalised Complaint Allegations by Month and Days to Finalise between Apr – Aug 2020

Number of Allegations Finalised by Date Range



Month Finalised	Apr-20		May-20		Jun-20		Jul-20		Aug-20	
	No.	%								
0 - 56	149	71.0%	189	86.3%	189	81.1%	153	89.5%	239	92.3%
Other	61	29.0%	30	13.7%	44	18.9%	18	10.5%	20	7.7%
Total	210	100.0%	219	100.0%	233	100.0%	171	100.0%	259	100.0%

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

Fig 11. Finalised Complaint Allegations by Division and Days to Finalise between Apr – Aug 2020

% of Allegations Finalised within 56 Days (by Division)

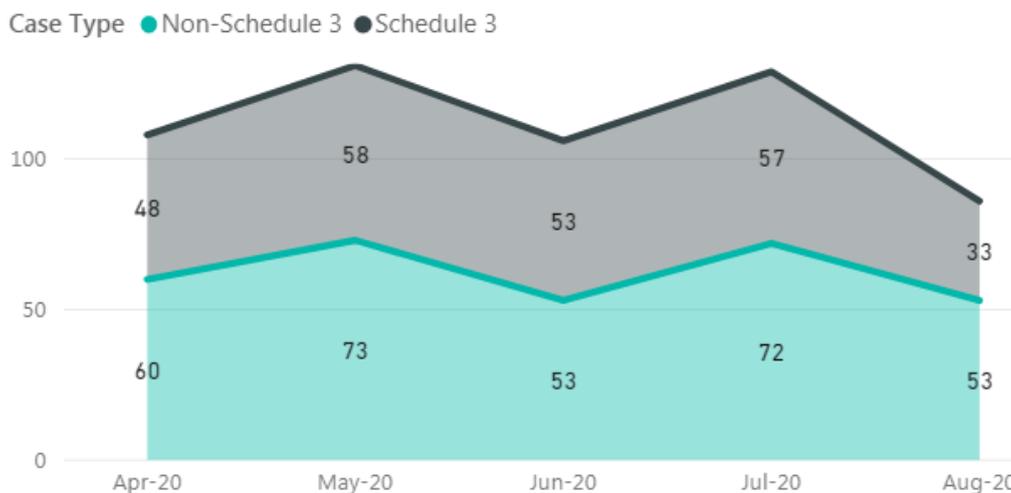


Schedule 3 / Non-Schedule 3

In recent years Lancashire Constabulary has made effective use of the Service Recovery process to quickly resolve low level expressions of dissatisfaction. 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 56% of complaints being categorised as Non-Schedule 3. This is comparable to the Service Recovery figures recorded pre-February 2020.

Fig 12. Complaint cases recorded by Schedule 3 status for Apr – Aug 2020.

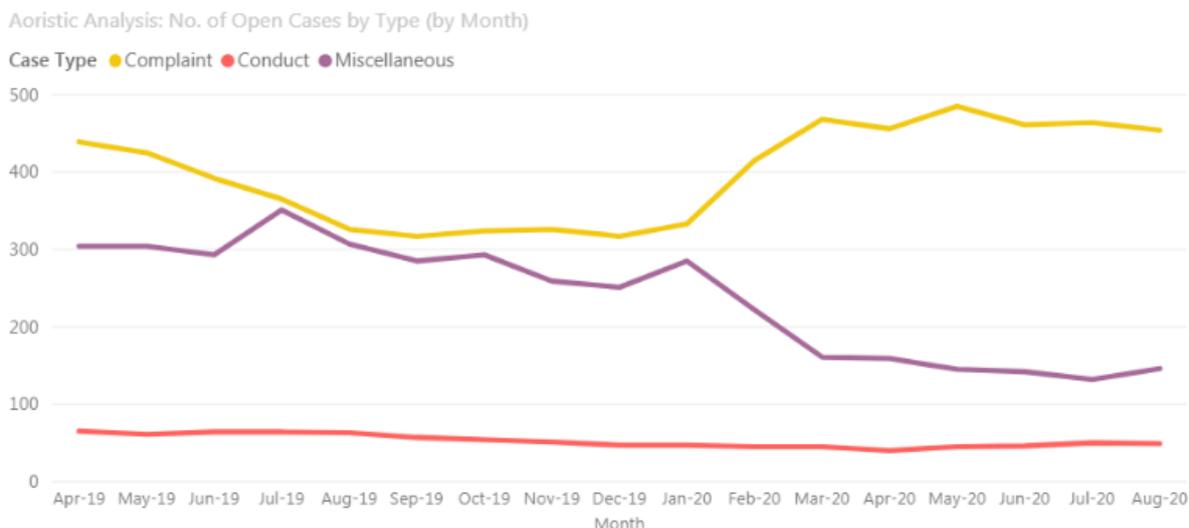


Month	Apr-20		May-20		Jun-20		Jul-20		Aug-20		Total	
Schedule 3 Status	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Non-Schedule 3	60	56%	73	56%	53	50%	72	56%	53	62%	311	56%
Schedule 3	48	44%	58	44%	53	50%	57	44%	33	38%	249	44%
Total	108	100%	131	100%	106	100%	129	100%	86	100%	560	100%

Workload Analysis

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

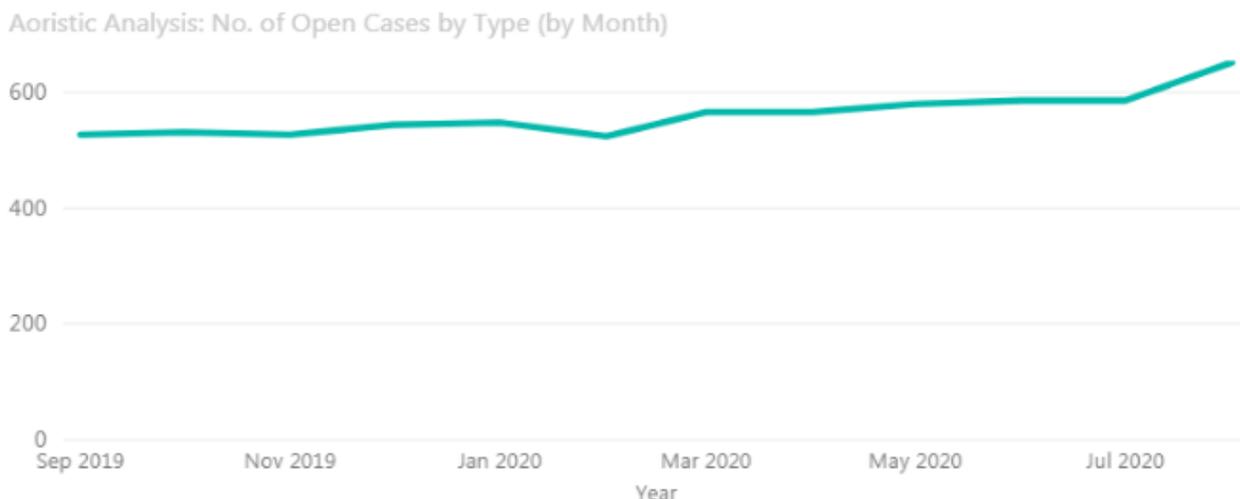
Fig 13. Graph to show the number of live cases by type on a monthly basis from April 2019 onwards.



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

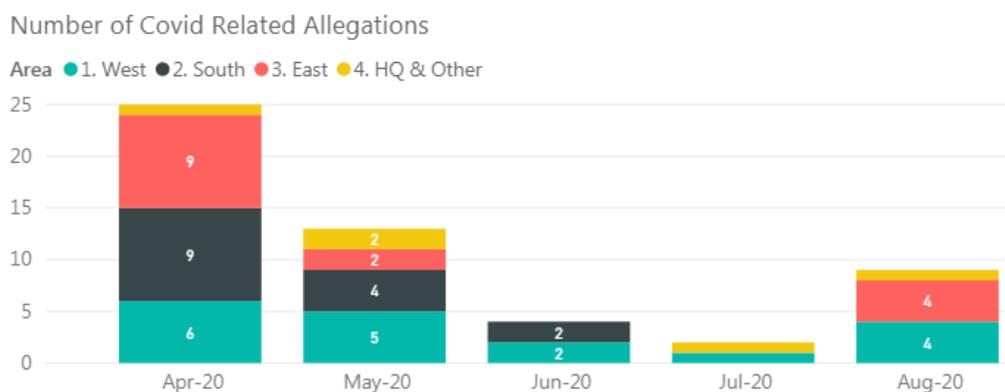


COVID-19

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 August there were 52 recorded Complaint Cases and 57 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 15. 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 83% of cases (37) the allegations were either resolved or required no further action.

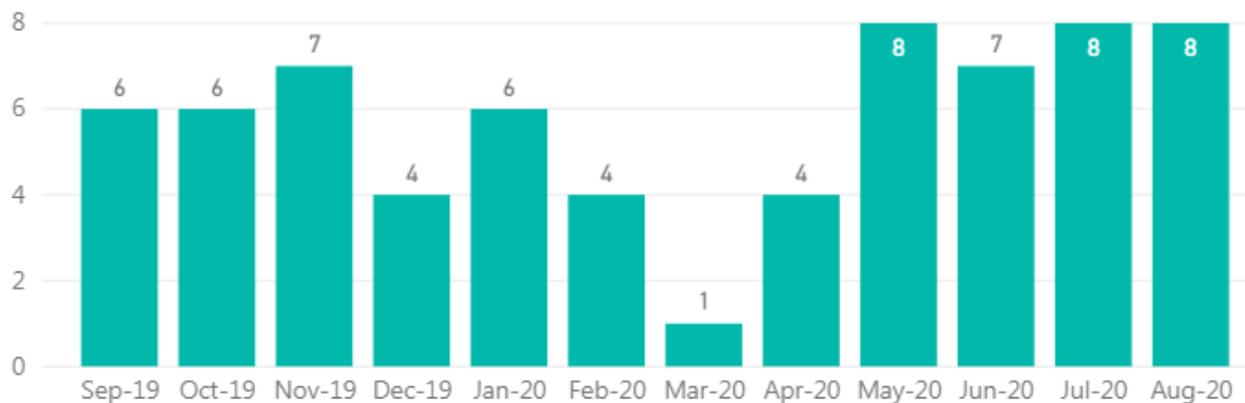
Fig 16. Graph to show the outcome of COVID-19 related complaint allegations.

Allegation Outcome	Number of Allegations (%)
Resolved	35 (61.4%)
No further action required	12 (21.1%)
The service provided was acceptable	6 (10.5%)
Ongoing	2 (3.5%)
Not determined if the service was acceptable	2 (3.5%)
Total	57 (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 since the changes were introduced.

Fig 17. Misconduct Cases recorded by month over the past 12 months.



Cases Recorded by Area

Area Responsible (groups)	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Total
East	1		2	3		1		1	3	4	4	1	20
HQ & Other	3	1	1		1	1		3	2	2	3	2	19
South		3	2		3	1	1		1	1	1	3	16
West	2	2	2	1	2	1			2			2	14
Total	6	6	7	4	6	4	1	4	8	7	8	8	69

The table below highlights that “No Action” is the most common outcome, however two of these allegations are linked to Cases where the officer / staff member was also accused of other matters that received formal action.

Fig 18. Misconduct outcomes since April 2020.

Misconduct Outcomes by Month

Write Off Method	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Total
No Action		2	5	3	2	12
Formal Action		2	3	3	1	9
Retired/Resigned	1	1		1		3
Reflective Practice			2			2
Management Action		1				1
Referral to Proceedings			1			1
UPP					1	1
Total	1	6	9	7	4	27

There have been two dismissals in the period of April to August 2020 and a further three officers who retired/resigned would have been dismissed.

A member of police staff was dismissed following an incident where they had provided a positive sample of breath (alcohol) after driving into work and then using a Constabulary vehicle. PC Oliver Norris was dismissed following an investigation by the IOPC and Lancashire Constabulary which found he had engaged in relationships with females who he had met during the course of his duties.

Former PC Robin Horsfall (resigned) would have been dismissed for Honesty & Integrity matters relating to his failure to disclose Reportable Associations (associates with criminal convictions).

Former PC Stuart Lunt (resigned) 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.

Former PC Robin Hardiman (retired) would have been dismissed following a Gross Misconduct Hearing after an investigation found that he had developed a sexual relationship with a victim of crime.

Appendices

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

All Allegations Recorded by Division

Type Description	1. West	2. South	3. East	4. HQ & Other	Total
Police action following contact	58	46	85	23	212
Decisions	40	39	37	10	126
General level of service	28	24	27	9	88
Unprofessional attitude and disrespect	28	21	26	4	79
Use of force	40	15	11	3	69
Impolite language/tone	25	9	21	13	68
Information	19	19	15	4	57
Other neglect or failure in duty	23	4	10	9	46
Overbearing or harassing behaviours	16	8	5	4	33
Detention in police custody	23	3	5	1	32
Handling of or damage to property/premises	14	7	9		30
Lack of fairness and impartiality	9	7	7	1	24
Searches of premises and seizure of property	9	9	4	2	24
Other	5	10	4	2	21
Other irregularity in procedure	5	6	3	4	18
Disclosure of information	4	2	5	6	17
Power to arrest and detain	9	2	4	1	16
Stops, and stop and search	2	4	8	1	15
Race	6	3	3	1	13
Evidential procedures	1		11		12
Other policies and procedures	6	2	3	1	12
Use of police vehicles	2	3	2	3	10
Incivility, impoliteness and intolerance	2	2	5		9
Improper disclosure of information	1		2	3	6
Obstruction of justice	1		2	3	6
Bail, identification and interview procedures	2		3		5
Handling of information		1	1	3	5
Impolite and intolerant actions	2	3			5
Oppressive conduct or harassment	2		1	1	4
Out of court disposals		1	3		4
Use of police systems	3			1	4
Discreditable conduct	1			2	3
Other assault	1	2			3
Breach Code C PACE			1	1	2
Disability	1			1	2
Discriminatory Behaviour		1	1		2
Mishandling of property	1	1			2
Abuse of position for other purpose	1				1
Breach Code B PACE	1				1
Organisational corruption				1	1
Other sexual conduct				1	1
Religion or belief				1	1
Sex			1		1
Sexual assault			1		1
Sexual Orientation			1		1
Unlawful/unnecessary arrest or detention	1				1
Total	392	254	327	120	1093

Repeat Complainants

There have been 4 complainants lodging 3 or more complaints in the 5 month period of 01/04/20 – 31/08/20. A breakdown by individual (sanitised) is shown in the table below.

Complainant	No. of Cases	No. of Allegations
David [REDACTED]	8	14
Lee [REDACTED]	3	5
Martin [REDACTED]	3	6
Martin [REDACTED]	3	3