



REPORT TO:	STRATEGIC SCRUTINY MEETING
DATE:	16th March 2021
TITLE:	Professional Standards Dept – Complaints & Misconduct
REPORT BY:	Detective Superintendent Zoë Mainey

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.

This report focusses on the period of April – December 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 107 Cases and 208 Allegations recorded per month over the period of April – December 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 (302 and 618 respectively) and South Division recording the lowest (367 Cases and 480 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 remains very strong April to December 2020 with 4 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 December 2020 appear to be concerned with 'expectations of service' not being met by the complainant.

42% (760) of Allegations were Resolved or Locally Resolved (Locally Resolved relates to finalisation of cases from the 2012 Regs) and a further 36% (649) were found to have been of an Acceptable Level of Service or required No Further Action.

Unacceptable Service was identified in just 3% of Allegations (47 out of 1795). 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 80.9% (1454 out of 1771) 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 (536 out of 964).

Between April and December 2020 there were 84 recorded Complaint Cases and 93 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 64% of cases (62) the Finalised Allegations were either resolved or required no further action.

There have been 46 Misconduct Cases recorded between April and December 2020. The most common outcome for Finalised Misconduct Allegations in this period was “No Action” (27) followed by “Formal Action” (8).

Since October 2020 two police officers have been dismissed and one officers officer has been issued with a ‘Final Written Warning’.

Between April and December 2020, we have had 81 Reviews in total this is an average of 9 per month. 75 of these (92.5%) have been handled by the Local Policing Board (LPB) and 6 by the IOPC.

Complaint Cases & Allegations Recorded

Fig 1. Complaint Cases and Allegations recorded April 2019 to December 2020.



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.

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	131	242
Aug-20	86	239
Sep-20	101	281
Oct-20	98	195
Nov-20	103	171
Dec-20	98	126
Average	107	208

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.

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



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.

There remains 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 comparable across the three main areas; ranging from 1.7 in South to 2 in West.

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



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

Division	Cases	Allegations	Allegations per Case (Based on Recorded Dates for each)
West	302	618	2
East	309	589	1.9
South	267	480	1.7
Main BCU Totals	878	1687	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 4 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, resource availability and timeliness of the response to a reported incident.

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



Type Description	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Total
Police action following contact	26	38	40	56	49	62	39	43	30	383
Decisions	24	25	24	30	25	20	10	15	27	200
General level of service	18	18	24	22	8	13	17	9	27	156
Information	2	10	8	17	21	29	25	16	3	131
Use of force	2	21	21	15	10	27	10	12	7	125
Total	72	112	117	140	113	151	101	95	94	995

Finalised Complaint Allegations

The change to statutory guidance has also introduced modified Allegation Outcomes. The table below shows that 42% (760) of Allegations finalised since April 2020 were either Resolved or Locally Resolved. A further 36% of Allegations (649) 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 47 out of 1795 in this category (3%).

Fig 8. Complaint Allegation Outcomes between Apr – Dec 2020

Allegation Result Description	No.	%
Resolved	619	34%
The service provided was acceptable	345	19%
No further action required	304	17%
Local Resolution - by Division	141	8%
Not Upheld - by Division	70	4%
Not determined if the service acceptable	49	3%
The service provided was not acceptable	47	3%
Not Resolved - NFA	45	3%
Not Upheld - by PSD	39	2%
Local Resolution - by PSD	31	2%
Withdrawn - by Force	22	1%
Upheld - by Division	19	1%
Withdrawn	18	1%
Disapplication - by Force	16	1%
De Recorded	14	1%
Not Upheld - by IOPC	5	0%
No Case to Answer	3	0%
Special Requirements	3	0%
Total	1795	100%

Timeliness to Finalise Complaint Allegations

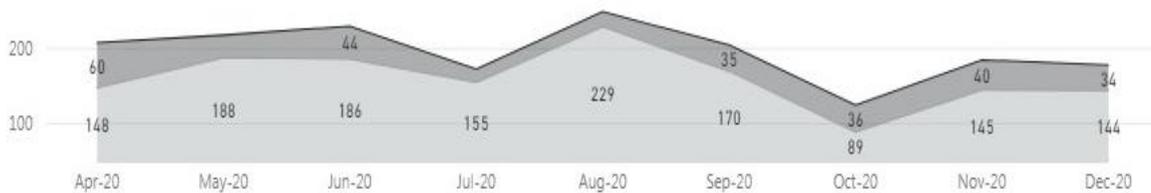
Since April 2020 there have been an average of 196 Allegations finalised each month.

80.9% of these Allegations have been finalised within 0-56 days (1454 out of 1771 Allegations finalised between April and December 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 – Dec 2020

Number of Allegations Finalised by Date Range

Days to Finalise ● 0 - 56 ● Other



Month	Apr-20		May-20		Jun-20		Jul-20		Aug-20		Sep-20		Oct-20		Nov-20		Dec-20	
Days to Finalise	No.	%																
0 - 56	148	71.2%	188	86.2%	186	80.9%	155	89.6%	229	92.0%	170	82.9%	89	71.2%	145	78.4%	144	80.9%
Other	60	28.8%	30	13.8%	44	19.1%	18	10.4%	20	8.0%	35	17.1%	36	28.8%	40	21.6%	34	19.1%
Total	208	100.0%	218	100.0%	230	100.0%	173	100.0%	249	100.0%	205	100.0%	125	100.0%	185	100.0%	178	100.0%

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 – Dec 2020

% of Allegations Finalised within 56 Days (by Division)

Days to Finalise ● 0 - 56 ● Other



28 day updates

All complaints have been centralised within PSD and are dealt with by a dedicated team of Complaint Handlers. This has seen an improvement in the quality and timeliness of complaint resolution and ensures all procedural requirements can be met, including the 28 day updates to complainants.

A process has been implemented to log all contact with the complainants on Centurion and training provided to the team highlighting the importance of meaningful updates. Supervision within PSD dip sample cases on a regular basis to quality assure updates provided.

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 56% 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 – Dec 2020

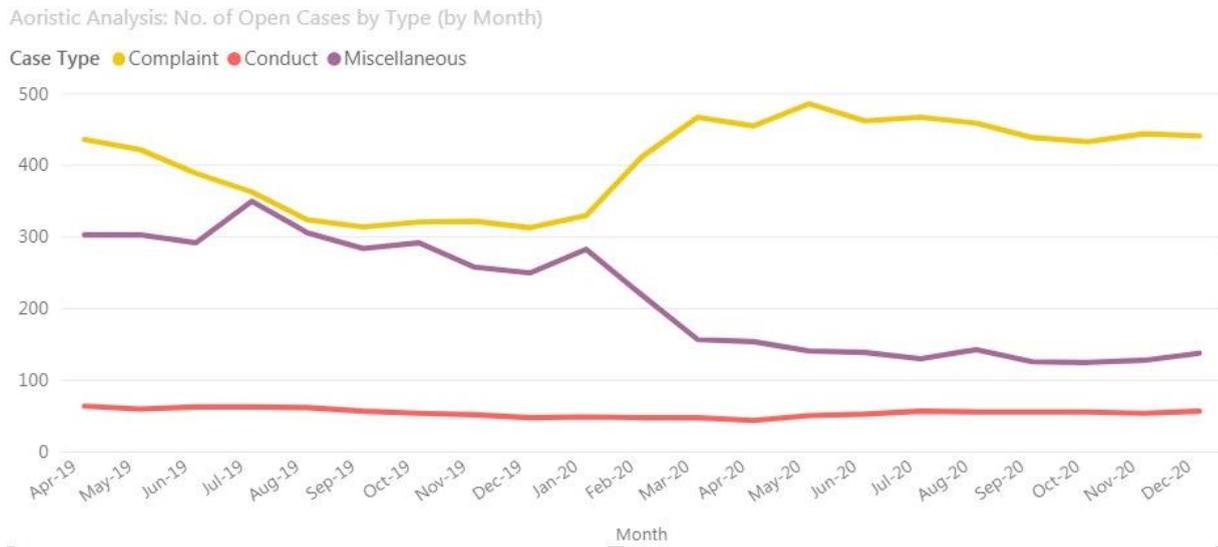


Month	Apr-20		May-20		Jun-20		Jul-20		Aug-20		Sep-20		Oct-20		Nov-20		Dec-20		Total		
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	
*Schedule 3 Check																					
Non-Schedule 3	60	55%	71	54%	52	49%	65	50%	46	53%	69	68%	49	50%	56	54%	68	69%	536	56%	
Schedule 3	49	45%	60	46%	55	51%	66	50%	40	47%	32	32%	49	50%	47	46%	30	31%	428	44%	
Total	109	100%	131	100%	107	100%	131	100%	86	100%	101	100%	98	100%	103	100%	98	100%	964	100%	

Workload Analysis

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

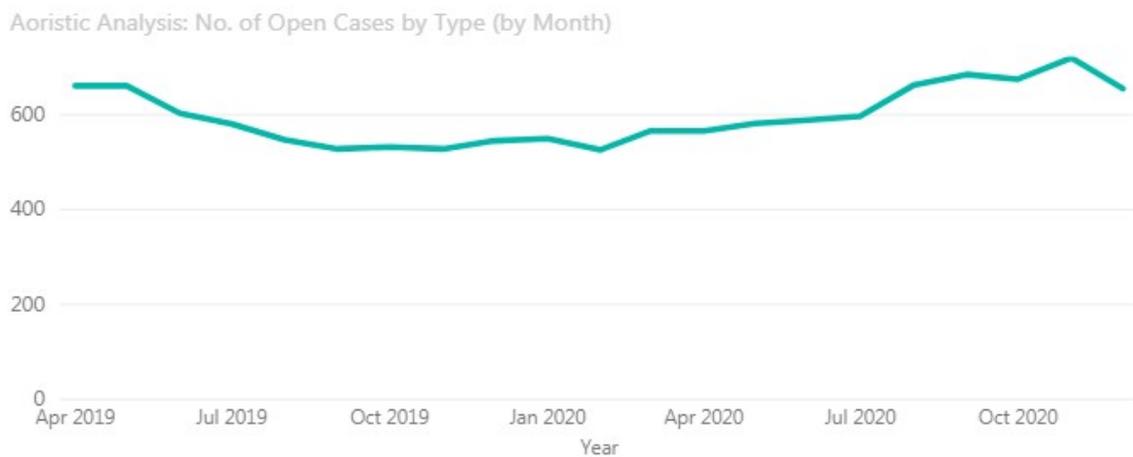
Fig 12. Graph to show the number of live cases by type on a monthly basis from April 2019 onwards.



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 Apr 19 – Dec 20

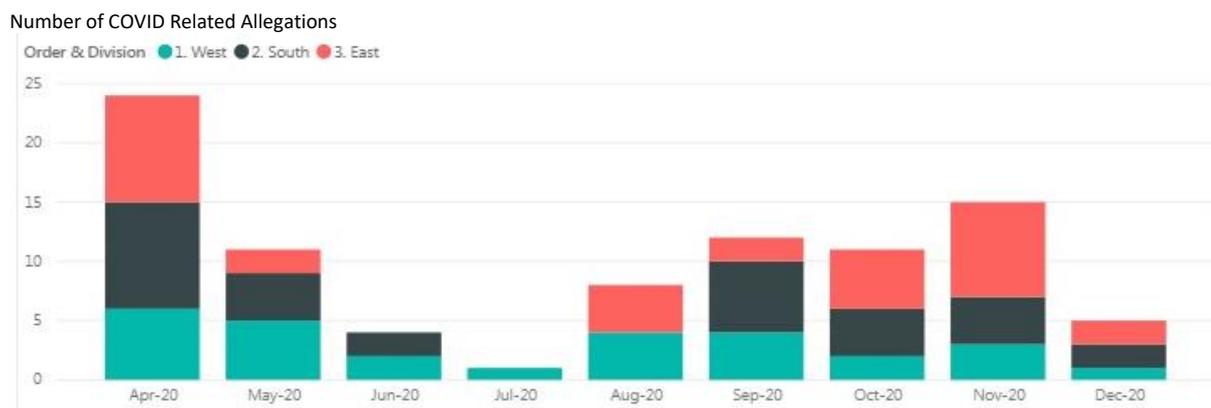


COVID-19

Any public complaints that relate to the policing response to COVID19 since the Government restrictions were put in place on Friday 20th March 2020 (closure of pubs/clubs etc.) prior to lockdown on Monday 26th March are subject to regular review by the Complaints & Hearings Manager. Quarterly data extracts are provided by all forces to the IOPC.

Between April and December there were 84 recorded Complaint Cases and 93 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. Due to being in another national lockdown (commenced 06/01/21) it is anticipated that there may be an increase in Complaints for January 2021 which will be covered during the next reporting period.

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 63.9% of cases (62) 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	50 (51.55%)
Ongoing	15 (15.46%)
No further action required	12 (12.37%)
The service provided was acceptable	12 (12.37%)
Not determined if the service was acceptable	3 (3.09%)
Not Resolved - NFA	3 (3.09%)
The Service Provided was not acceptable	2 (2.06%)
Total	97 (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). The data below shows that we have begun to see a reduction from September 2020.

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



The table below highlights that “No Action” is the most common outcome, this is a common feature in PSD investigations across the country.

Fig 17. Misconduct outcomes since April 2020. Misconduct outcomes since April 2020.

Write Off Method	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Total
No Action		2	5	3	2	4	1	6	4	27
Formal Action		1	3	3					1	8
Retired/Resigned	1	1		1		1				4
Reflective Practice			2						1	3
Management Action		1								1
Referral to Proceedings			1							1
Referral to RPRP									1	1
UPP					1					1
Total	1	5	11	7	3	5	1	6	7	46

There have been two dismissals since October 2020. A Police Constable was dismissed in October after a Misconduct Hearing, he appealed this decision but it was dismissed by the Police Appeals Tribunal.

A Misconduct Hearing took place in December 2020 regarding the conduct of an Inspector. The Panel found the Inspector’s conduct breached the Standards of Professional Behaviour, namely Authority, Respect and Courtesy, Duties and Responsibilities, Discreditable Conduct, Confidentiality, Equality and Diversity, Honesty and Integrity. These findings amounted to Gross Misconduct and the Inspector was dismissed without notice. He has not appealed this decision.

Training

As we seek to embed the new Regs and in particular the use of the Reflective Practice Review Practice (RPRP) which places a greater emphasis on learning and prevention, the department is working closely with colleagues in Organisational Development (OD) to create training packages for new starters and for line managers. This training will be delivered in a variety of mediums, using Training Days within BCUs and online training packages.

PSD Advisor

The Constabulary’s inaugural PSD Advisor, Mr Zahid Dudhia, began in post in October 2020 following a competitive internal recruitment process. This innovative new post created as a result of collaboration between the Professional Standards Department and Lancashire Constabulary’s Black Police Association (LBPA) seeks to understand the extent of any BAME officer and staff disproportionality within Lancashire’s Professional Standards Department and wider Constabulary, and then to work with key internal and external stakeholders to devise and implement strategies to reduce or mitigate against such disproportionality, real or perceived.

The PSD Analyst has created a separate “Disproportionality Dashboard” for PSD which provides information regarding misconduct subjects, misconduct outcomes, formal sanctions and UPP subjects, broken down by ethnicity. Further work is ongoing, led by Mr Dudhia, to enhance this product and extend the data capture to include information from key business areas such as HR, L&D and Legal. This work complements the ‘Disproportionality’ Workstream which reports into the Valuing Difference

and Inclusion Board, chaired by DCC Woods.

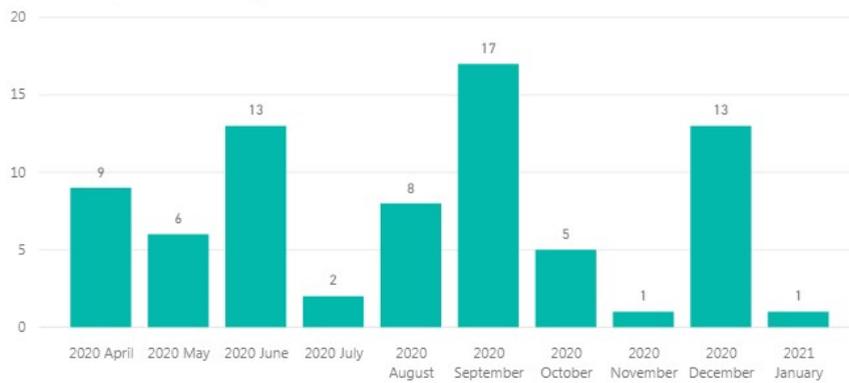
Workforce Representation within the department is an improving picture. BAME officers and staff comprise 5.6% of the department’s structure, with 2 colleagues in departmental leadership positions as T/DCI and T/DI.

Reviews

Since April 2020 we have had 81 Reviews in total this is an average of 9 per month. 75 of these (92.5%) have been handled by the Local Policing Board (LPB) and 6 by the IOPC. 35 of the 75 reviews found the Outcome of the Complaint Reasonable & Proportionate, with 36 remain ongoing. The IOPC found the Outcome of the Complaint Reasonable & Proportionate for 2 cases and 2 remain ongoing.

Review: Local Policing Board

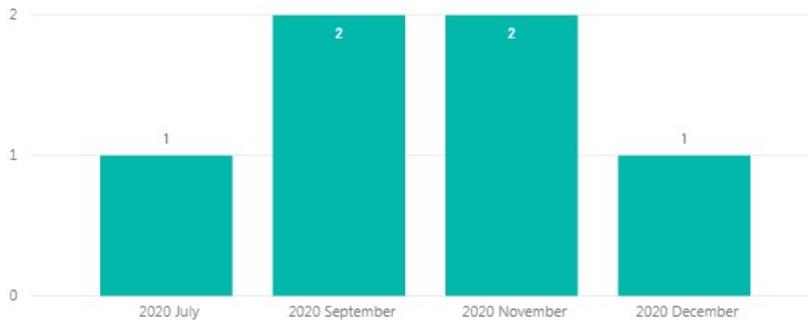
Count of Complainant Reference by Year and Month



LPB Decision	Count of Complainant Reference
Ongoing / Unknown	36
Outcome of complaint reasonable and proportionate	35
Withdrawn	4
Total	75

Review: IOPC

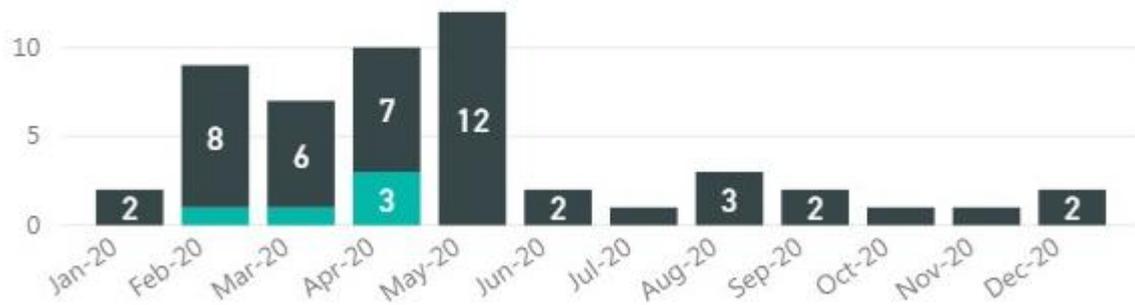
Count of Complainant Reference by Year and Month



IOPC Decision	Count of Complainant Reference
	2
Outcome of complaint not reasonable and proportionate	2
Outcome of complaint reasonable and proportionate	2
Total	6

Appeals Recorded

Category ● Application of Disapplication ● Outcome of Local Resolution



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

All Allegations Recorded by Division

Type Description	1. West	2. South	3. East	4. HQ & Other	Total
Police action following contact	115	93	140	35	383
Decisions	63	55	61	21	200
General level of service	44	38	53	21	156
Information	37	42	48	4	131
Use of force	59	33	25	9	126
Impolite language/tone	34	22	39	14	109
Unprofessional attitude and disrespect	32	33	36	6	107
Overbearing or harassing behaviours	26	17	12	7	62
Other neglect or failure in duty	32	6	11	11	60
Detention in police custody	25	14	15	4	58
Searches of premises and seizure of property	16	18	15	3	52
Handling of or damage to property/premises	19	12	16		47
Lack of fairness and impartiality	13	13	16	1	43
Power to arrest and detain	13	8	7	2	30
Other	7	15	4	3	29
Race	8	6	10	4	28
Stops, and stop and search	8	5	11	1	25
Use of police vehicles	6	10	5	3	24
Disclosure of information	7	5	5	6	23
Other policies and procedures	9	4	9	1	23
Other irregularity in procedure	6	6	3	4	19
Evidential procedures	2		12		14
Impolite and intolerant actions	5	5	3		13
Obstruction of justice	3	1	4	4	12
Incivility, impoliteness and intolerance	4	2	5		11
Bail, identification and interview procedures	2		4	2	8
Use of police systems	4	1	2	1	8
Handling of information		2	2	3	7
Improper disclosure of information	2		2	3	7
Oppressive conduct or harassment	2	3	1	1	7
Abuse of position for other purpose	3		2	1	6
Out of court disposals		1	4		5
Discreditable conduct	1			3	4
Discriminatory Behaviour	2	1	1		4
Sex	1		3		4
Disability	1	1		1	3
Other assault	1	2			3
Breach Code C PACE			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
Sexual assault	1		1		2
Sexual Orientation			1	1	2
Breach Code B PACE	1				1

Gender reassignment	1				1
General policing standards		1			1
Organisational corruption				1	1
Other sexual conduct				1	1
Religion or belief				1	1
Unlawful/unnecessary arrest or detention	1				1
Total	619	480	589	184	1872