



Meeting:	Joint Audit & Ethics Committee
Meeting Date:	Monday, 13th December 2021
Report Title:	Review of Police Complaints
Report Author:	Jane Pearson Standards & Compliance Policy Officer, OPCC
Appendices attached:	None
Executive Summary:	The purpose of the report is to provide the Committee with an update in relation to the handling of Chief Constable complaints and the review of police complaints.
Recommendation:	The Committee is asked to consider the report.

PART I

1. Background and Advice

Chief Constable Complaints

- 1.1. The Commissioner is the appropriate authority for complaints and conduct matters relating to the Chief Constable. Members of the public may write to complain about the Chief Constable when in fact they are unhappy about the way in which policing is provided or regarding a policy or procedure rather than his personal conduct.
- 1.2. Changes in regulations mean that where it is apparent that the complaint is not in relation to the conduct of the Chief Constable and may in fact relate to that of officers below this rank, they are then automatically sent to the Constabulary's Professional Standards Department (PSD) to deal with the issues raised. This would mean that the complaint is not in fact logged with the OPCC. Below is a table showing the number of complaints received since 1 February 2020.

YEAR	N° of Complaints Received	Not Logged	Logged	Recorded	Dealt with by NFA	Investigation	IOPC Review
2019/20	5	2	3	2	5	0	1
2020/21	13	5	8	5	13	0	1
2021/22	2	1	1	0	2	0	0

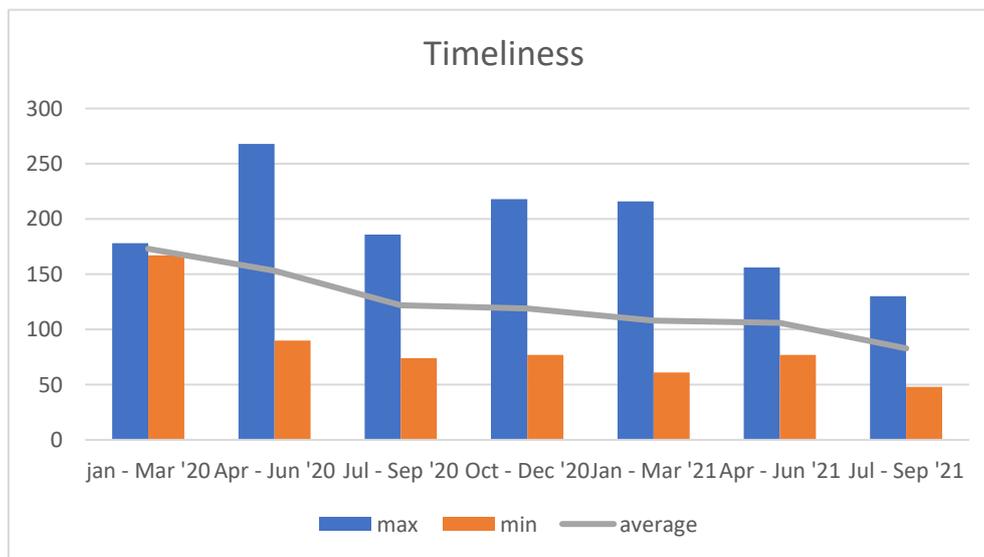
Complaint Reviews

- 1.3. As the Committee are aware, from 1 February 2020, the Police and Crime Commissioner became the relevant review body to deal with complaint reviews relating to cases dealt with as Recorded – No Investigation.
- 1.4. Supported by the Standards & Compliance Policy Officer, the Chief Executive reviews complaint cases to ensure that they have been dealt with reasonably and proportionally.
- 1.5. Since the 1 February 2020, the OPCC has received 183 review requests, which is significantly higher than originally anticipated, with 5 so far being upheld. Additionally, in 12 cases, organisational learning has been identified and brought to the attention of the Constabulary's Professional Standards Department.
- 1.6. At the time of reporting, 158 (86%) have been completed – an increase of 6% since the previous report in June 2021. Furthermore, following the previously reported initial start-up issues the OPCC is now witnessing a reduction in the average number of days to finalise the reviews.
- 1.7. No reviews undertaken by the Chief Executive have been Judicially Reviewed by the complainant.
- 1.8. Since April 2021, Lancashire Constabulary received 848 complaints. Of those complaints 345 complaints were handled outside of schedule 3 (service recovery) and 503 were formally handled in accordance with schedule 3 of the Police

reform Act. During this time, the OPCC received 74 review requests with none being upheld.

1.9. Additionally, in 2 cases, organisational learning has been identified and brought to the attention of the Constabulary's Professional Standards Department. At the time of reporting 12 reviews were still ongoing.

1.10. As Members will recall, there had been early delays due to problems accessing to the Centurion system by the OPCC both remotely and on site at the Commissioner's Offices at Police HQ which had impacted on the timeliness to complete the reviews. However, the OPCC has been working very closely with PSD and the process was now settling down. Whilst it is a very time-consuming process for the OPCC the figures below demonstrate the continuing improvement in timeliness.



1.11. To ensure that all feedback is captured, the OPCC is maintaining accurate and consistent information about the reviews to help identify opportunities for learning and improvement. This information will also be used to identify issues and trends and contribute to a sound evidence base that informs development of future policy and practice at local and national levels.

1.12. Upon the completion of their review the Chief Executive will provide a written determination which is then provided to the complainant. This outlines what has been reviewed, taken into consideration and the final decision.

1.13. Where the review is upheld, the Chief Executive may provide recommendations for the Constabulary's Appropriate Authority to consider. Within the legislation and statutory guidance, the Appropriate Authority must advise the OPCC and the complainant within 28 days of whether or not they will carry out the recommendations. The Commissioner, nor the OPCC, have any authority to direct or instruct the Constabulary to carry these out. However, as the ethos of the new process is to learn and improve, the recommendations are generally accepted and implemented.

1.14. There is no legislated number of days by which a review should be completed. The current target for the completion of reviews is 56 days.

1.15. Further the Complaint review process was recently subject to an Audit by the Internal Audit Team which will examine the OPCC complaint review process, considering case management; policy compliance; timeliness of response; management and reporting. The OPCC received a substantial assurance. A report setting out the findings of the audit appears elsewhere on the Agenda.

2. Links to the Police and Crime Plan

2.1. Taking on additional responsibilities for dealing with complaints is consistent and supportive of the Commissioner's stated objective to support vulnerable people and victims. It is hoped that the changes will lead to greater public confidence and independence in the complaints system.

3. Consultations

n/a

4. Implications:

a. Legal

The Police and Crime Act 2017 sets out the changes and additional responsibilities for Police and Crime Commissioners in dealing with complaints.

b. Financial

The financial implications arising from the Police and Crime Commissioner taking on additional responsibilities relating to complaints were set out in Decision 2019/24.

c. Equality Impact Assessment

There are no identified equality issues relating to this decision.

d. Data Protection Impact Assessment

N/A

5. Risk Management

5.1. It is not considered that there are any significant risks to undertaking the review of police complaints. Any complainant that remains dissatisfied with the outcome of their review is advised to seek independent legal advice.

6. Background Papers

7. Public access to information