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| **Consideration** | |
| **Public/Non Public\*** | **Public** |
| **Report to:** | **Joint Audit and Scrutiny Panel** |
| **Date of Meeting:** | **29 November 2022** |
| **Report of:** | **Police and Crime Commissioner** |
| **Report Author:** | **Lisa Gilmour** |
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| **Other Contacts:** |  |
| **Agenda Item:** |  |

\*If Non Public, please state under which category number from the guidance in the space provided.

**COMPLAINTS & REVIEWS ASSURANCE REPORT**

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| 1. **Purpose of the Report** |

* 1. To provide the Joint Audit and Scrutiny Panel (JASP) with assurance that Nottinghamshire Police Complaints are being managed in accordance with Legislation and National Statutory Guidance.
  2. To provide an overview of Complaint Reviews completed by the Office of the Police and Crime Commissioner for Nottinghamshire.

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| 1. **Recommendations** |

2.1 Note the learning identified and agree for PSD (Professional Standards Directorate) to provide a response to this report’s findings.

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| 1. **Reasons for Recommendations** |

* 1. The Police and Crime Commissioner (PCC) has an oversight responsibility to ensure that complaints handled by Nottinghamshire Police are managed in accordance with:
* Police Reform Act 2002
* Policing and Crime Act 2017
* Police (Complaints and Misconduct) Regulations 2020
* Independent Office for Police Conduct (IOPC) Statutory Guidance 2020

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| 1. **Summary of Key Points** |

**What is a complaint?**

* 1. A complaint is any expression of dissatisfaction with a police force that is expressed by or on behalf of a member of the public. It must be made by a person who meets the definition of a complainant. There must also be some intention from the complainant to bring their dissatisfaction to the attention of the force or local policing body. A complaint does not have to be made in writing, nor must it explicitly state that it is a complaint for it to be considered as one.

**Complaints Handling**

* 1. Complaints handled otherwise than by investigation are lower-level complaints where it is likely that, if proven, the allegation would not result in further proceedings.
  2. Complaints that can be quickly resolved to the satisfaction of the complainant can be logged outside of Schedule 3.
  3. Complaints should be recorded inside Schedule 3 if the complaint requires further investigation or if the complainant requests that the complaint is recorded.
  4. There is no right of review for complaints handled outside of Schedule 3.
  5. The OPCC is the relevant review body for complaints handled otherwise than by way of investigation.
  6. The IOPC is the relevant review body for Police complaints handled by way of investigation.

**Complaint Files Dip Sampling Overview**

* 1. To establish if Nottinghamshire Police complaints are being handled in accordance with the above-mentioned guidance and legislation, the Office of the Police and Crime Commissioner (OPCC) dip sampled 36 closed complaints during the period February–July 2022.

**Complaints Dip Sampling**

* 1. The table below describes the outcomes of complaint cases dealt with otherwise than by investigation that have been dip sampled:

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Logged inside schedule 3 | Complainant provided with written outcome letter | Complaint outcome – acceptable | Complaint outcome – not acceptable or unable to determine | Offered right of review | Review requested | Review not upheld | Review upheld | Review ongoing | Complaints withdrawn |
| No. of Cases | 10 | 8 | 4 | 4 | 8 | 2 | 0 | 2 | 0 | 2 |

2 cases were logged outside of schedule 3 to the satisfaction of the complainant.

* 1. Of note are the following:
     1. The 4 cases where it could not be determined if the level of service was acceptable or not was because the outcome letter did not explicitly provide that detail.
     2. All complainants were offered a right of review.
     3. One upheld complaint review relates to the disclosure of information. PSD accepted the recommendation that if disclosure was made, the reasons for this should be explained to the complainant.
     4. The other upheld complaint review related to a serious injury a complainant sustained that should have prompted Nottinghamshire Police to refer the matter to the IOPC as per the mandatory referral criteria. This was not done. PSD accepted the recommendation and referred the complaint to the IOPC.

**Police Complaint Investigations**

* 1. Police complaint investigations are undertaken where it is likely that, if proven, the allegation of criminality or conduct would justify disciplinary proceedings.

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|  | Investigation Recorded | Complainant provided with Terms of Reference | Complainant was updated every 28 days | Complainant provided with written outcome letter | Complaint outcome – acceptable | Complaint outcome – not acceptable or unable to determine | Offered right of review | Review requested | Review not upheld | Review upheld | Review ongoing | Complaints withdrawn |
| No. of Cases | 24 | 6 | 6 | 18 | 12 | 6 | 17 | 0 | 0 | 0 | 0 | 5 |

* + 1. The reason for the five cases that were withdrawn was that the complainant did not wish to continue with the complaint.
    2. Where complaints had been withdrawn there was evidence that public interest tests had been completed and the outcome of all was that it was not in the public interest to proceed with the complaint.

**Dip Sample Findings**

* 1. The following findings were noted:
     + Three initial assessments could not be located.
     + One complainant was not provided with an outcome letter.
     + Two complainants were not provided with a right of review.
     + Terms of reference and 28 day update letters do not appear to be being sent to complainants consistently.
     + The average time taken for PSD (Professional Standards Directorate) to record a complaint was 3.9 days.
     + The average case time taken for PSD (Professional Standards Directorate) to resolve a complaint otherwise than by investigation is 51 days.
     + The average case time taken for PSD (Professional Standards Directorate) to resolve a complaint handled by investigation is 46 days.
     + 26 (37%) of the complaints sampled were concerning complaint factor A1 Police action following contact.
     + 9 (13%) of the complaints sampled were concerning complaint factor B4 Use of force.
  2. Observations since the last dip sample include:

* The average time taken to record a complaint has decreased from 4.4 days to 3.9.
* The average case time to resolve a complaint otherwise than by investigation has decreased 96 days to 51 days.
* The average case time to resolve a handled by investigation has increased from 29 days to 46 days.

**Dip Sampling Recommendations**

* 1. For the Professional Standards Directorate to:

1. Establish why one complainant did not receive an outcome letter and two complainants did not receive a right of review?
2. Consider why investigation terms of reference and 28 days update letters do not appear to be being sent to complainants consistently.
3. Establish why there has been a decrease in the amount of case time to resolve complaints handled otherwise than by investigation.
4. Establish why there has been an increase the amount of case time to resolve complaints handled by investigation.
5. Consider if there is any learning from Police action following contact complaints.

**Complaint Reviews Breakdown**

4.15 For the six months (1/2/22-31/7/22) the Office of the Police and Crime Commissioner received 66requests for a complaint review. The total number of reviews requested in the twelve months to 31/1/22 was 118.

Of the complaint reviews undertaken since 1/2/22, 10 (18%) have been upheld. The proportion of reviews upheld to 31/1/22 was 26%.

Given the relatively low numbers, both the total reviews requested, and the proportion upheld are broadly in line with figures for the twelve months to 31/1/22.

The average time for completion (from receipt of review) of the complaint reviews over this period was:

* 26 days for not upheld (previously 48 days)
* 44 days for upheld (previously 55 days)

**Complaint Review Learning**

4.16 The relatively low numbers mean it is difficult to identify specific patterns or to draw conclusions about how complaints are handled by the force. In a number of the upheld cases, the enquiries carried out by the force were insufficient to address the complainant’s concerns and suitable recommendations were made by the PCC to rectify this.

Of the upheld reviews, in one case a recommendation was made that the complainant should be provided with a Victim’s Right to Review in respect of an alleged case of fraud. In two other cases it was recommended that PSD should deal with the complaint afresh as the initial handling did not address the identified concerns. In each of these cases the recommendations were accepted and actioned PSD.

During the reporting period there have been some changes to management and staffing within PSD. This is likely to have a positive impact on the processing of cases dealt with ‘*other than by investigation*’.

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| 1. **Financial Implications and Budget Provision** |

5.1 There are no financial implications or budget provision.

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| 1. **Human Resources Implications** |

6.1 There are no human resource implications.

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| 1. **Equality Implications** |

* 1. There are no equality implications.

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| 1. **Risk Management** |

Public confidence is likely to be impacted as a result of the details within this report.

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| 1. **Policy Implications and links to the Police and Crime Plan Priorities** |

9.1 The report links to the Police and Crime Plan Governance and assurance priorities.

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| 1. **Changes in Legislation or other Legal Considerations** |

10.1 None

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| 1. **Details of outcome of consultation** |

11.1 The Head of the Professional Standards Directorate has been consulted on this report.

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| **12. Appendices** |

12.1 N/A

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| **13. Background Papers (relevant for Police and Crime Panel Only)** |

1. N/A