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| **Consideration** | |
| **Public/Non Public\*** | **Public** |
| **Report to:** | **Joint Audit and Scrutiny Panel** |
| **Date of Meeting:** | **28 April 2022** |
| **Report of:** | **Police and Crime Commissioner** |
| **Report Author:** | **Lisa Gilmour** |
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| **Other Contacts:** |  |
| **Agenda Item:** | **14** |

\*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 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 to consider a future report from the Head of Professional Standards Directorate (PSD) in 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.

**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 28 complaints where the complaint factor was Domestic Abuse or Discrimination during the period August 2021-January 2022.

**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. The OPCC is the relevant review body for complaints against the Police.
  5. There is no right of review for complaints handled outside of Schedule 3.

**Complaints Dip Sampling**

* 1. The table below describes the outcomes of complaint cases that have been dip sampled:

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Logged outside scheduled 3 | 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 | 5 | 16 | 16 | 10 | 6 | 16 | 5 | 5 | 0 | 0 | 0 |

* 1. Of note are the following:
     1. 2 of the complaints where the level of service was unaccepted resulted in officers being given words of advice.
     2. 3 of the complaints where the level of service was unable to be determined was because there was insufficient information available.
     3. The final case was unable to identify if the level of service was acceptable or not was because the outcome letter did not explicitly provide that detail.
     4. All complainants were offered a right of review however there was one complainant who was given the details of the incorrect Appropriate Authority.

**Professional Standards Directorate Investigations**

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

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Logged inside schedule 3 | Complainant provided with written outcome letter | Complainant was updated every 28 days | 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 | 7 | 7 | 4 | 4 | 0 | 7 | 0 | 0 | 0 | 0 | 3 |

* + 1. The reason for the three cases that were withdrawn was that the complainant did not wish to continue with the complaint.
    2. There was evidence that public interest tests had been completed and the outcome of all 3 was that it was not in the public interest to proceed with the complaint

**Dip Sample Findings**

* 1. For all complaints sampled there was sufficient detail of the complaint. In addition, the following findings were noted:
     + Two initial assessments could not be located.
     + The average time taken for PSD (Professional Standards Directorate) to record a complaint was 4.4 days.
     + An acknowledgement could not be located for one recorded complaint.
     + The average case time taken for PSD (Professional Standards Directorate) to resolve a complaint otherwise than by investigation is 96 days.
     + The average case time taken for PSD (Professional Standards Directorate) to resolve a complaint handled by investigation is 29 days.
     + 12 (43%) of the complaints sampled were concerning complaint factor Domestic Abuse.
     + 16 (57%) of the complaints sampled were concerning complaint factor Discrimination.
  2. Observations since the last dip sample include:

* The average time taken to record a complaint has decreased from 4.6 days to 4.4.
* The average case time to resolve a complaint otherwise than by investigation has increased from 49 to 96 days.
* The average case time to resolve a handled by investigation has decreased from 73 to 29 days.

**Dip Sampling Recommendations**

* 1. For the Professional Standards Directorate to:

1. Establish why there has been an increase in the amount of case time to resolve complaints handled otherwise than by investigation.
2. Establish why there has been a decrease in the amount of case time to resolve complaints handled by investigation.

**Complaint Reviews Breakdown**

* 1. For the twelve months (1/2/21 – 31/1/22) the Office of the Police and Crime Commissioner received 118 requests for a complaint review compared to 52 in 2020-21):
* 117 complaint reviews have been undertaken
* 1 is outstanding (The OPCC are waiting for Body Worn Video and other information to be provided before the review can be completed).
* Of the complaint reviews undertaken, 31 (26%) have been upheld. In 2020-21, 9 (23%) reviews were upheld.
* The significant increase in reviews is likely to reflect an improved awareness of the process both within Nottinghamshire Police and with the public. It was always anticipated that figures would increase after the first year.
* The average time for completion (from receipt of review) of the complaint reviews over this period was:
  + 48 days for not upheld
  + 55 days for upheld
* There are a number of factors impacting on the time taken, including availability of information, however the reviewer has now been provided with access to a Nottinghamshire Police laptop and, as a result, timescales will be greatly reduced.

**Complaint Review Learning**

* 1. 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.
  2. Of the upheld reviews, in one case a recommendation was made that the matter should be formally investigated. In a separate case, a recommendation was made that the case should be referred to the IOPC. Both recommendations were accepted by the force.
  3. There was a positive learning outcome where a recommendation was made that a caution should be removed. PSD liaised with Legal Services to review its procedure for Out of Court Disposals. The review took into account the findings of this case, in particular ensuring the full context of an incident, relationship and offending is considered when making a decision to caution.
  4. A complaint review was requested regarding a dangerous dog that was destroyed. The complainant was unclear about what would happen to the dog. The Police and Crime Commissioner recommended that Nottinghamshire Police review its process on the documentation to be provided when a dog is seized by police under a disclaimer and that there is a contact number and/or email address on the document for a person to contact if they change their mind regarding their decision to disclaim.
  5. During the reporting period there have been some changes to 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** |

8.1 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