

For Information	
Public	
Report to:	Joint Audit and Scrutiny Panel
Date of Meeting:	23rd June 2020
Report of:	Deputy Chief Constable
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Agenda Item:	15

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

Complaint and Misconduct Investigations

1. Purpose of the Report

- 1.1 To inform the Joint Audit and Scrutiny Panel (JASP) that reform to the police complaints and misconduct legislation commenced on 1st February 2020.
- 1.2 To provide a final report, using data under the former legislation, of how the force compared nationally when dealing with complaints and misconduct matters.

2. Recommendations

- 2.1 It is recommended that the title/purpose of this report be revised by the Head of Professional Standards Directorate (PSD) and the OPCC Chief Executive to ensure scrutiny is provided to those key aspects of the complaints and misconduct system implemented by the 2020 legislation.

3. Reasons for Recommendations

- 3.1 To ensure that the JASP ensures the force and OPCC are compliant in their duty to record and investigate complaints and misconduct matters in accordance with the:
 - Police (Conduct) Regulations 2020
 - Police and Complaint and Misconduct Regulations 2020
 - Independent Office for Police Conduct (IOPC) Statutory Guidance 2020

4. Summary of Key Points

- 4.1 The force has been unable to provide a complete data set for this reporting period due to the change in legislation governing how complaints are recorded and handled. The new legislation listed in 3.1 was implemented on February 1st 2020. It will take up to 6 -12 months to establish a new baseline and provide meaningful reporting thereafter.

- 4.2 Changes to the national complaints database - Centurion, mean that the force will be able to provide more qualitative analysis regarding the type of complaints it receives. The force will be able to report more fully on the individual and organisational learning identified from complaints.

The revised reporting should ensure the legislative changes are delivered by Nottinghamshire Police and the OPCC. The ethos of change is to ensure:

- The definition of a complaint has changed to 'dissatisfaction with the service' in order break the assumption that officers and staff have done something wrong.
- Complaints are handled quickly and at the first point of contact by a new service recovery team to improve customer satisfaction.
- Where a complaint investigation is required it will be done in a reasonable and proportionate manner to improve timeliness.
- Organisational and individual learning will be identified from complaints and implemented for continuous improvements to the service.
- The OPCC will review unresolved complaints. Recommendations from these reviews will be considered by the force.
- The force will promote a learning culture, where practice requiring improvement is identified and dealt with outside of the discipline regime by line managers through a formal reflective practice review process.
- The discipline regime is reserved for serious misconduct where formal disciplinary proceedings are justified.

- 4.3 The Police Complaints Information Bulletin containing data from all forces for 1 April 2019 to 31 December 2019 (Q3 2019/20) can be found at appendix A.

- 4.4 The headlines from this bulletin are as follows:

- In a 12 month period the number of complaints received by the force has remained on average at 80 per month.
- For recording purposes each complaint is broken down into its separate allegations to ensure that all elements of the complaint are adequately addressed. Nottinghamshire Police therefore records more allegations per officer than the national average.
- Nottinghamshire PSD does not have a dedicated appeals officer. This role is performed the senior management team. In the reporting period this reduced by a third therefore affecting the timeliness of appeals being considered. As of February 1st 2020 the OPCC are responsible for considering all unresolved complaints.
- The time taken to resolve complaints by local resolution (no misconduct identified) takes on average 68 days. This is in line with the national average. Under the complaint reforms local resolution no longer exists.

Complaints may now be reasonably and proportionately resolved by service recovery outside of the legislative framework.

- The time taken to deal with complaints within PSD by investigation where misconduct may be apparent takes on average 199 days. This is higher than the national average of 152 days. This was due to a small number of lengthy investigations concluded within the reporting period. With these exceptions removed, more recent data shows that on average it takes Nottinghamshire PSD 92 days to resolve a potential misconduct investigation.
- The highest number of complaints are recorded in the following categories and this is reflected nationally:
 - I. Other neglect failure of duty
 - II. Incivility impoliteness and intolerance
- The categorisation of complaints prior to February 2020 was limited, meaning a large proportion of complaints were bulked into the first category. The majority of these complaints relate to dissatisfaction with how disputes and cross allegations are resolved.

4.5 The following areas of organisational level learning have been addressed in the reporting period:

- Revision of the guidance to staff on dealing with trespass and unlawful encampments.
- Guidance on handling property recovered during coronial inquiries.
- Police powers when attending incidents involving bailiffs.
- The requirements for staff to complete a use of force form every time force is used on a member of the public.

5. Financial Implications and Budget Provision

5.1 There are no financial implications arising from this report.

6. Human Resources Implications

6.1 There are no Human Resources implications arising from this report.

7. Equality Implications

7.1 Equality data is recorded in relation to recording, compliance and monitoring of complaints and misconduct matters. The Head of professional Standards provides a quarterly report to the Equality Diversity and Human Rights Board chaired by the Chief Constable.

8. Risk Management

- 8.1 Any risks associated with the recording and compliance of complaints and misconduct are reported on an exception basis to the Force Organisational, Risk, and Learning Board chaired by the Deputy Chief Constable.

9. Policy Implications and links to the Police and Crime Plan Priorities

- 9.1 The recording and monitoring of complaints and misconduct matters is linked with the Police and Crime Plan Priority, Transforming Services and Delivering Quality Policing.

10. Changes in Legislation or other Legal Considerations

- 10.1 There are no changes in legislation in relation to this report.

11. Details of outcome of consultation

- 11.1 There has been no consultation in relation to this report as it is an update for the JASP.

12. Appendices

- 12.1 The Police Complaints Information Bulletin containing data from all forces for 1 April 2019 to 31 December 2019 (Q3 2019/20) can be found at appendix A.

Table A: Key Indicators

Measure	Year to date actual	Count	Same period last year	MSF average	National result
IOPC appeals upheld					
% IOPC investigation appeals upheld	37%	7	50%	30%	33%
% IOPC local resolution appeals upheld	75%	6	80%	9%	43%
% IOPC non recording appeals upheld	76%	13	67%	41%	41%
% IOPC disapplication appeals upheld	0%	0	0%	16%	9%
% IOPC discontinuance appeals upheld	0%	0	0%	0%	22%
Force appeals upheld and completed					
% force investigation appeals upheld	0%	0	0%	6%	15%
% force local resolution appeals upheld	16%	11	11%	12%	14%
% force disapplication appeals upheld	0%	0	17%	6%	12%
% force discontinuance appeals upheld	0%	0	0%	0%	0%
Ave number days to complete all force appeals	92		52	40	44
Complaint cases - timeliness					
% complaint cases recorded within 10 days	89%	641	94%	93%	89%
Ave number of days to finalise complaint cases (not inc suspension)	90		81	101	98
Ave number of days to finalise complaint cases (inc suspension)	96		86	108	104
Allegations - timeliness					
Ave number of days to locally resolve allegations	68		59	67	70
Ave number of days to finalise allegations by local investigation	199		114	172	152
Ave number of days to finalise allegations by supervised investigation	0		0	0	560

Table B: Allegations

Measure	Year to date actual	Count	Same period last year	MSF average	National result
Allegations recorded					
Number of allegations recorded per 1000 employees	347		306	238	205
% of Other neglect or Failure in duty allegations	42%	514	46%	43%	41%
% of Incivility, impoliteness and intolerance allegations	19%	228	16%	10%	12%
% of Other assault allegations	8%	100	8%	7%	7%
% of Other allegations	7%	88	6%	1%	2%
% of Lack of fairness and impartiality allegations	4%	52	2%	5%	5%
Allegations finalised					
% allegations locally resolved	77%	974	64%	50%	50%
% allegations investigated	15%	189	25%	37%	38%
% allegations discontinued	1%	13	2%	1%	1%
% allegations disappplied	2%	22	5%	5%	5%
% allegations dispensed	0%	0	0%	0%	0%
% allegations withdrawn	6%	72	4%	7%	6%

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Table C: IOPC performance					
Measure	Year to date actual	Count	Same period last year	MSF average	National result
Ave number of days to complete referrals	4		4		
Casework - timeliness					
Ave number of days to forward appeals to the RAB	1		2		
Ave number of days to complete IOPC dispensations, disapplications and discontinuances	55		0		
Ave number of days to complete IOPC investigation appeals	49		40		
Ave number of days to complete IOPC local resolution appeals	34		23		
Ave number of days to complete IOPC non-recording appeals	33		19		
Ave number of days to complete IOPC disapplication appeals	0		0		
Ave number of days to complete IOPC discontinuance appeals	0		0		
Investigations - timeliness					
Ave number of days to finalise allegations by independent investigation	316		253	317	383
Ave number of days to finalise allegations by managed investigation	0		0	0	0

Notes

Table C:

RAB refers to 'relevant appeal body'. Both Chief Officers of police forces and the IOPC are appeal bodies and consider appeals. The measure 'Ave number of days to forward appeals to the RAB' captures how long it takes the IOPC to determine that an appeal it has received should have been made to the force and to forward it to that force.

Data sources:

Complaint case and allegation data is taken from XML data submissions made by forces to the IOPC every quarter.

IOPC performance data is taken from the IOPC case management system.

Police force employee numbers are taken from the publication *Police Workforce, England and Wales, 31 March 2019* (National Statistics).

The Most Similar Force (MSF) groups for the calculation of the MSF averages used in this bulletin are those determined by the Home Office. Please note that British Transport Police and City of London Police do not have an MSF group. A list of the MSF groups is available on the IOPC website: <https://policeconduct.gov.uk/research-and-learning/statistics/complaints-statistics>

Performance Framework counting rules and calculations:

The counting rules and calculations used to produce the data shown in this bulletin can be found on the IOPC website: <https://policeconduct.gov.uk/research-and-learning/statistics/complaints-statistics>

Data constraints:

The data is sourced from live case management systems and provides a snap shot of information as it was at that time. Therefore, there may be variances between the information in this bulletin and information reported at a later date.

Further information:

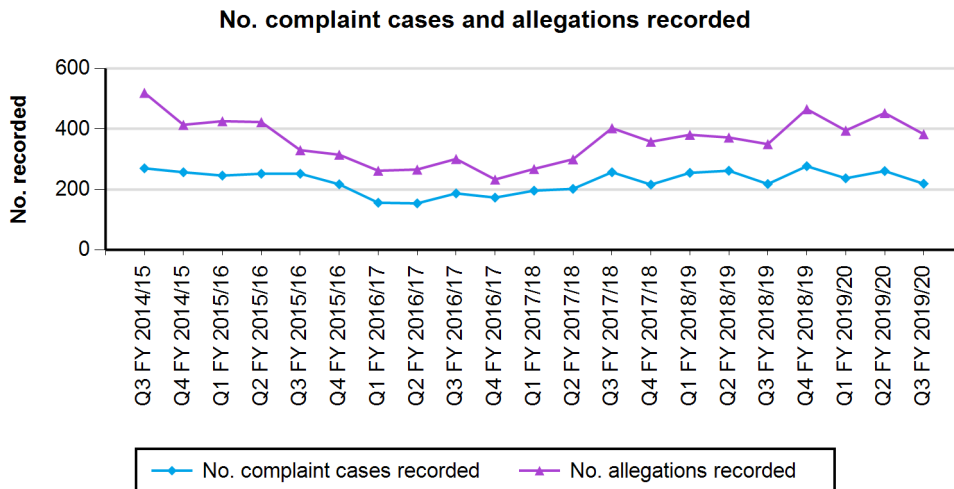
A glossary providing a full list of definitions used in these bulletins, can be found on the IOPC website: <https://policeconduct.gov.uk/research-and-learning/statistics/complaints-statistics>

Additional information about the recording of police complaints, including the definitions of the allegation categories, can be found in the *Guidance on the Recording of Complaints Under the Police Reform Act 2002* on the IOPC website: <https://policeconduct.gov.uk/research-and-learning/statistics/complaints-statistics>

Information about how the police complaints system operates, who can complain and how appeals are dealt with can be found in the *IOPC Statutory Guidance* (2015) on the IOPC website: <https://policeconduct.gov.uk/complaints-and-appeals/statutory-guidance>.

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Complaint cases and allegations recorded

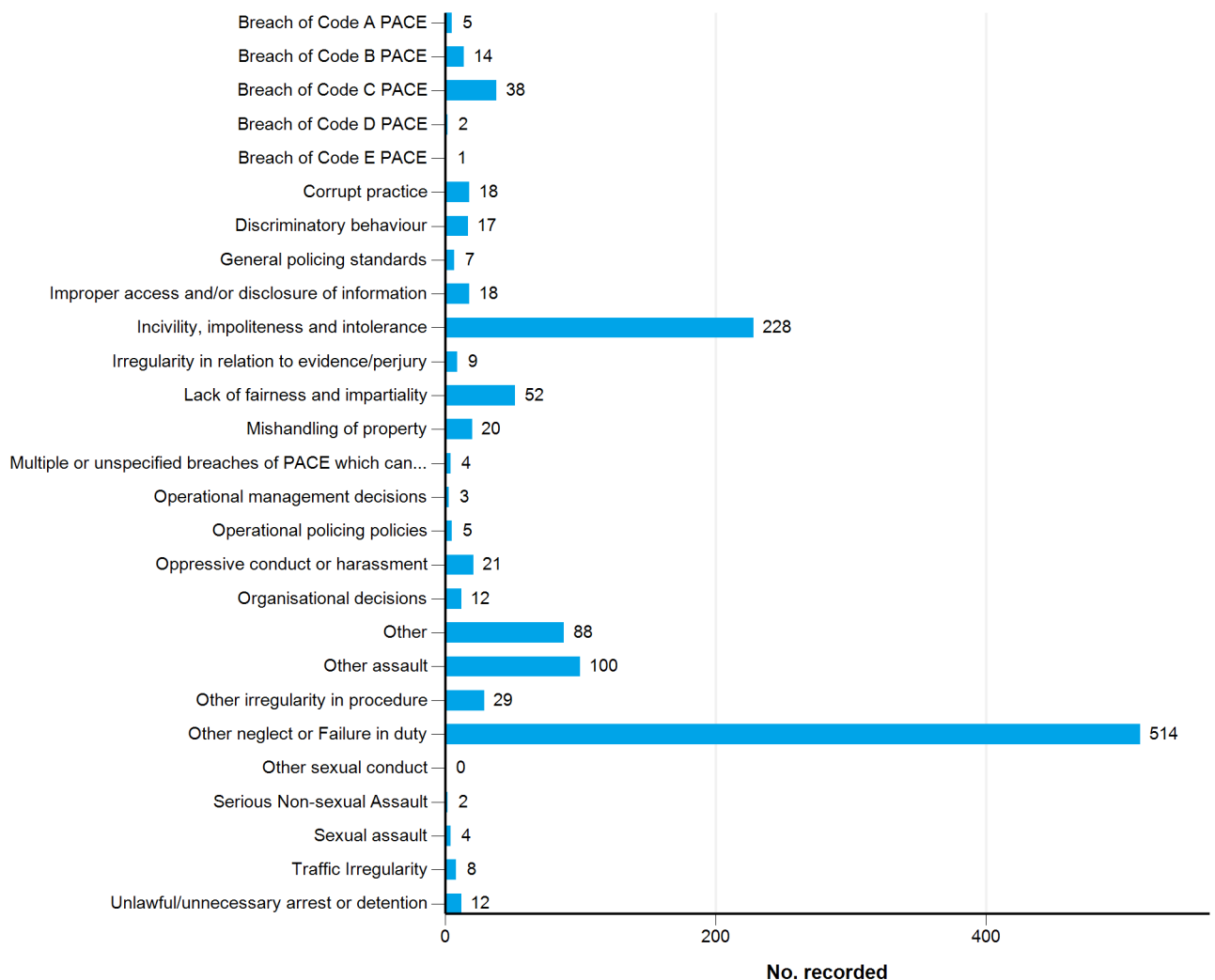


The line chart shows the number of complaint cases and allegations recorded in each quarter of each financial year. The bar chart shows the number of allegations recorded in each category this year to date.

A complaint case can have more than one allegation attached to it. From Q3 2012/13, the number of allegations recorded includes allegation categories that previously did not fall within the police complaints system.

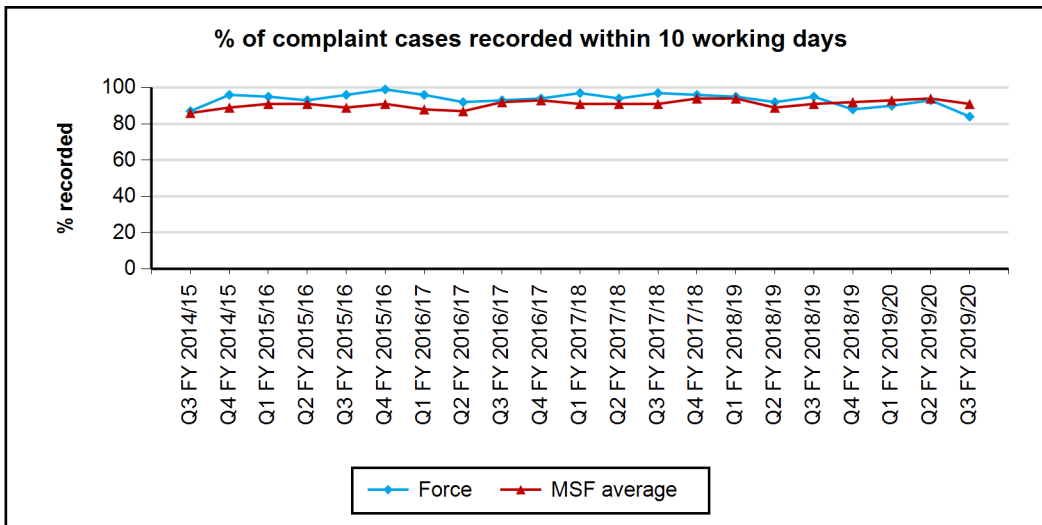
Definitions of the allegation categories can be found in the *IOPC Guidance Recording of Complaints Under the Police Reform Act 2002*.

Nature of allegations recorded 01 April 2019 to 31 December 2019



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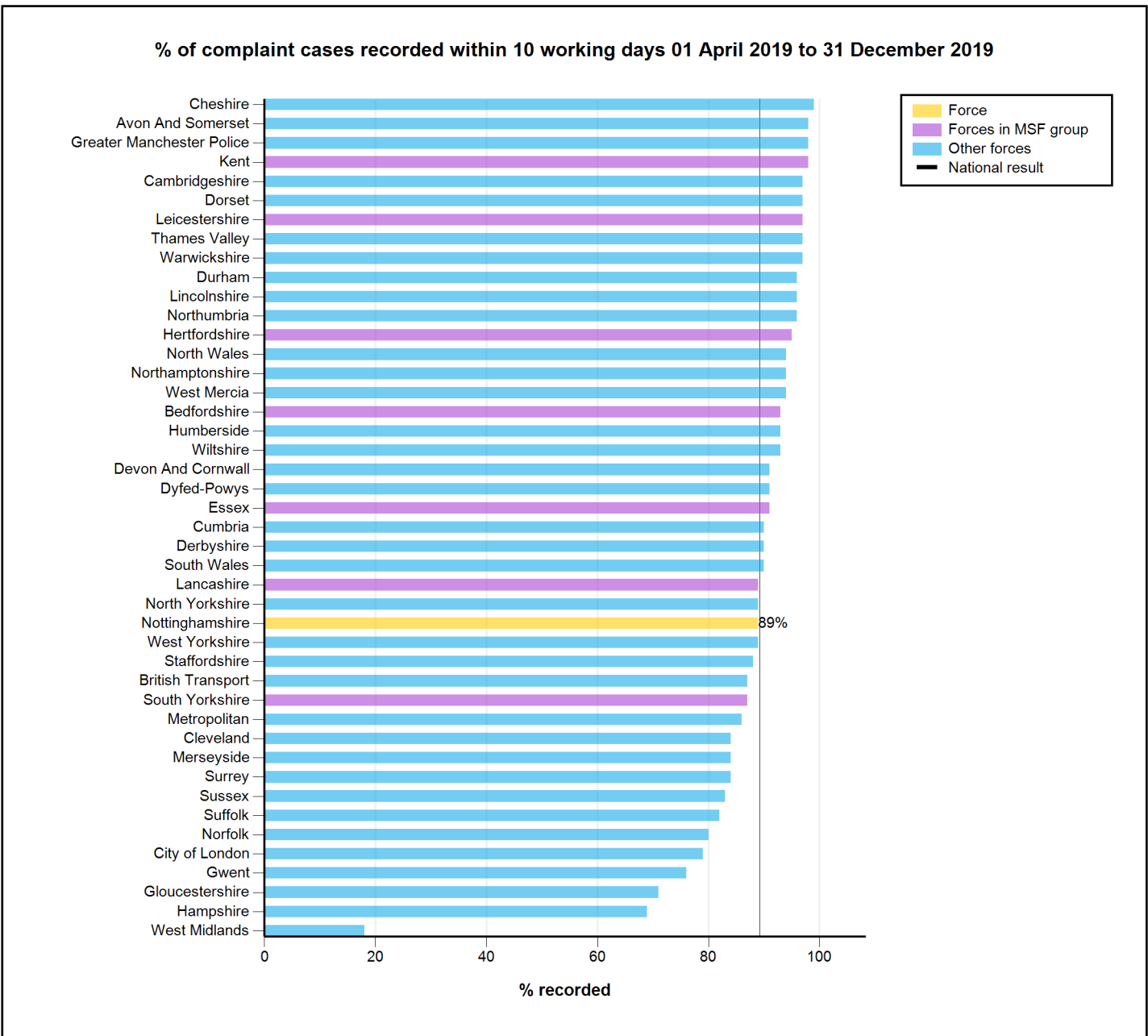
Complaint cases recorded within 10 working days



The line chart shows the percentage of complaint cases recorded within 10 working days in each quarter in each financial year.

The bar chart shows this information for each force for this year to date, compared to the national result.

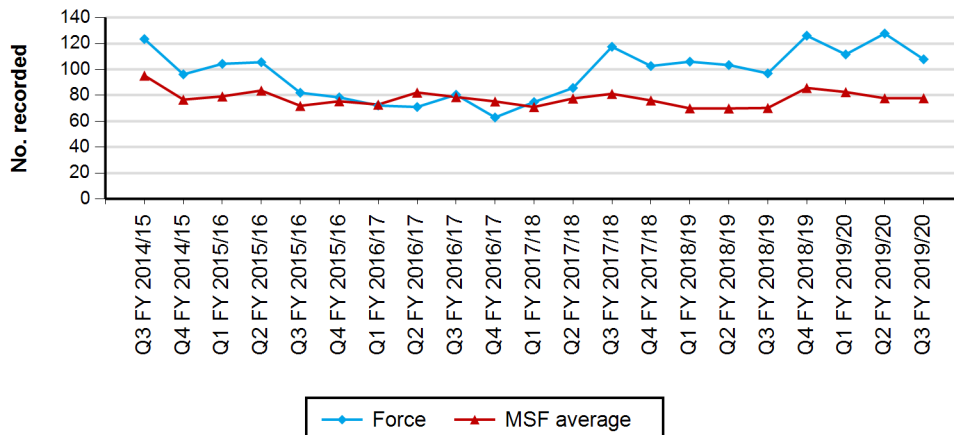
Complaint cases with 'invalid dates' have been removed from the data shown in these charts – refer to the *Performance Framework counting rules and calculations* on the IOPC website for an explanation of invalid dates.



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Allegations recorded per 1,000 employees

No. allegations recorded per 1,000 employees

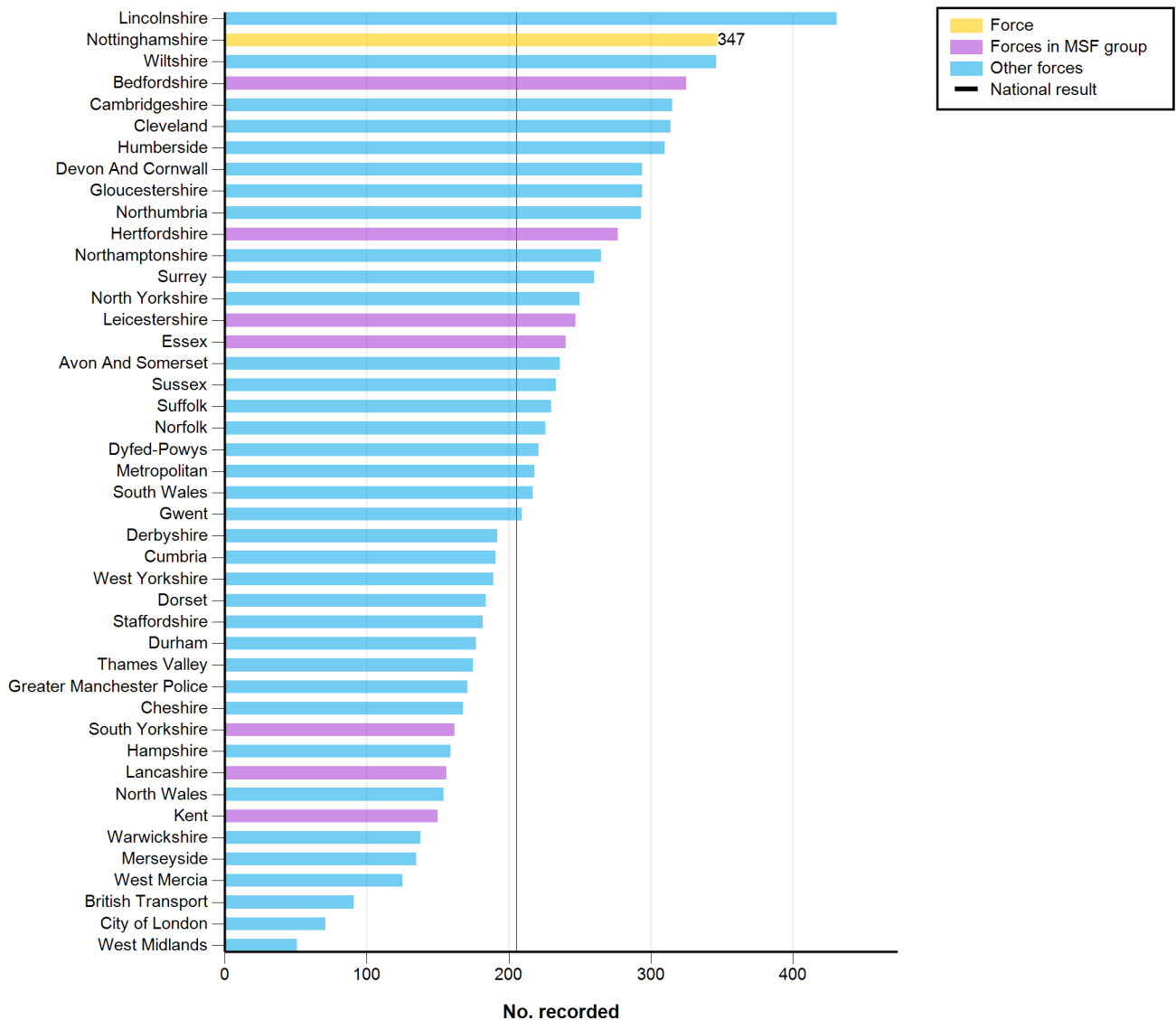


The line chart shows the number of allegations recorded for every 1,000 force employees in each quarter in each financial year.

The bar chart shows this information for each force for this year to date, compared to the national result.

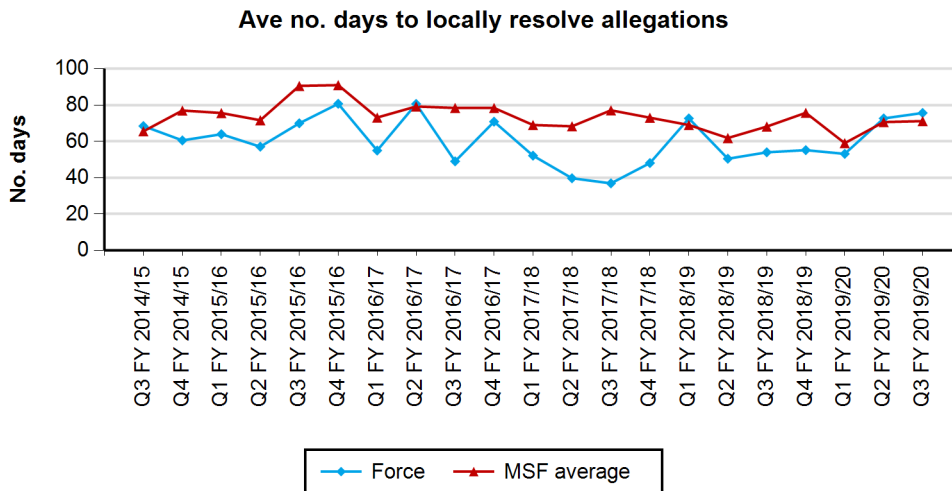
'Employees' means individuals employed by a force who fall within specific employee groups – refer to the *Performance Framework counting rules and calculations* on the IOPC website for further information.

No. allegations recorded per 1,000 employees 01 April 2019 to 31 December 2019



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Allegations finalised - time taken to finalise allegations by local resolution

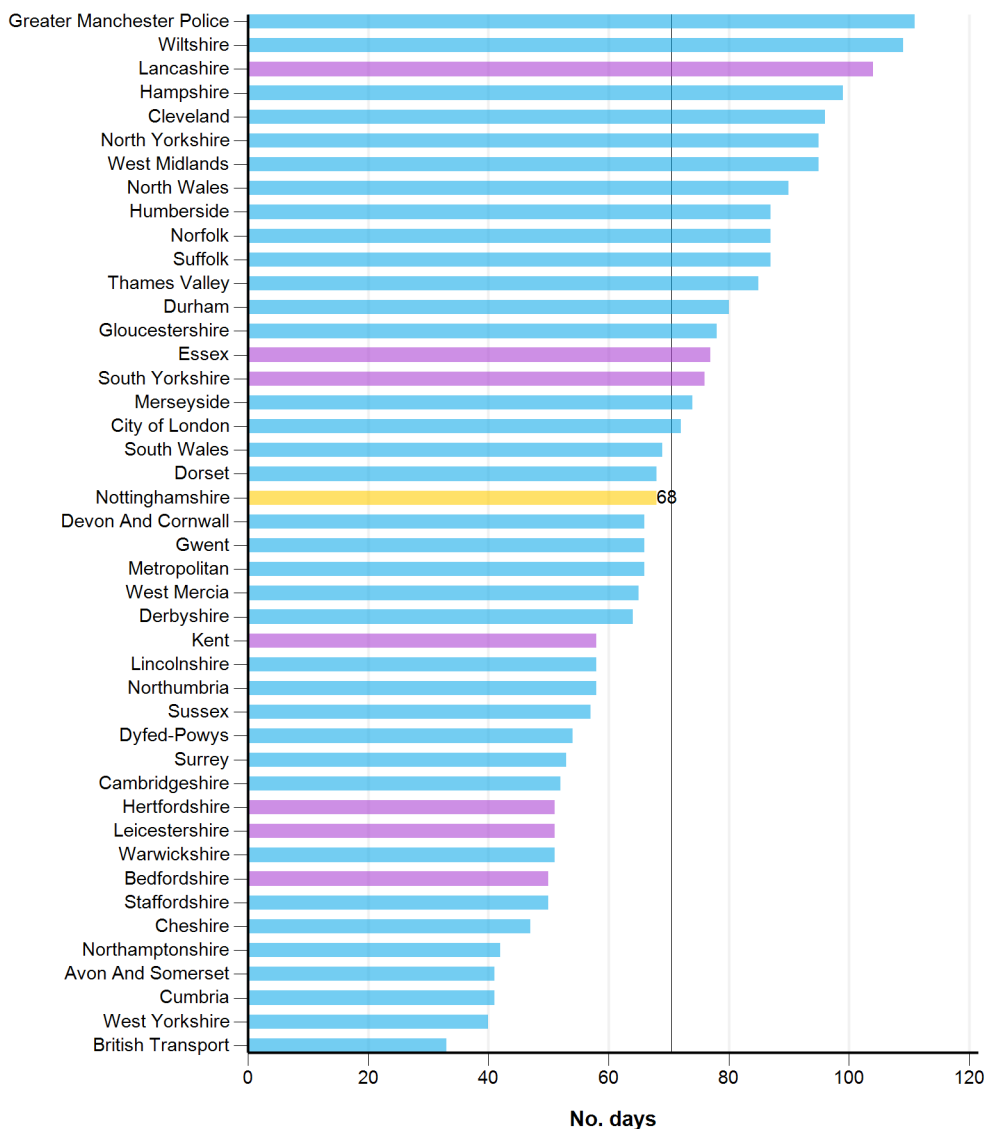


The line chart shows the average number of working days it has taken to finalise allegations by local resolution in each quarter in each financial year.

The bar chart shows this information for each force for this year to date, compared to the national result.

Allegations with 'invalid dates' have been removed from the data shown – refer to the *Performance Framework counting rules and calculations* on the IOPC website for an explanation of invalid dates.

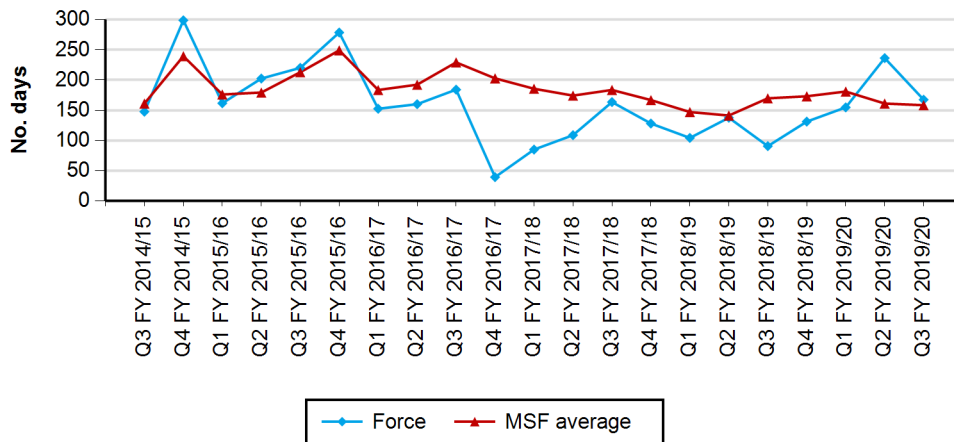
Ave no. days to locally resolve allegations 01 April 2019 to 31 December 2019



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Allegations finalised - time taken to finalise allegations by local investigation

Ave no. of days to finalise allegations by local investigation

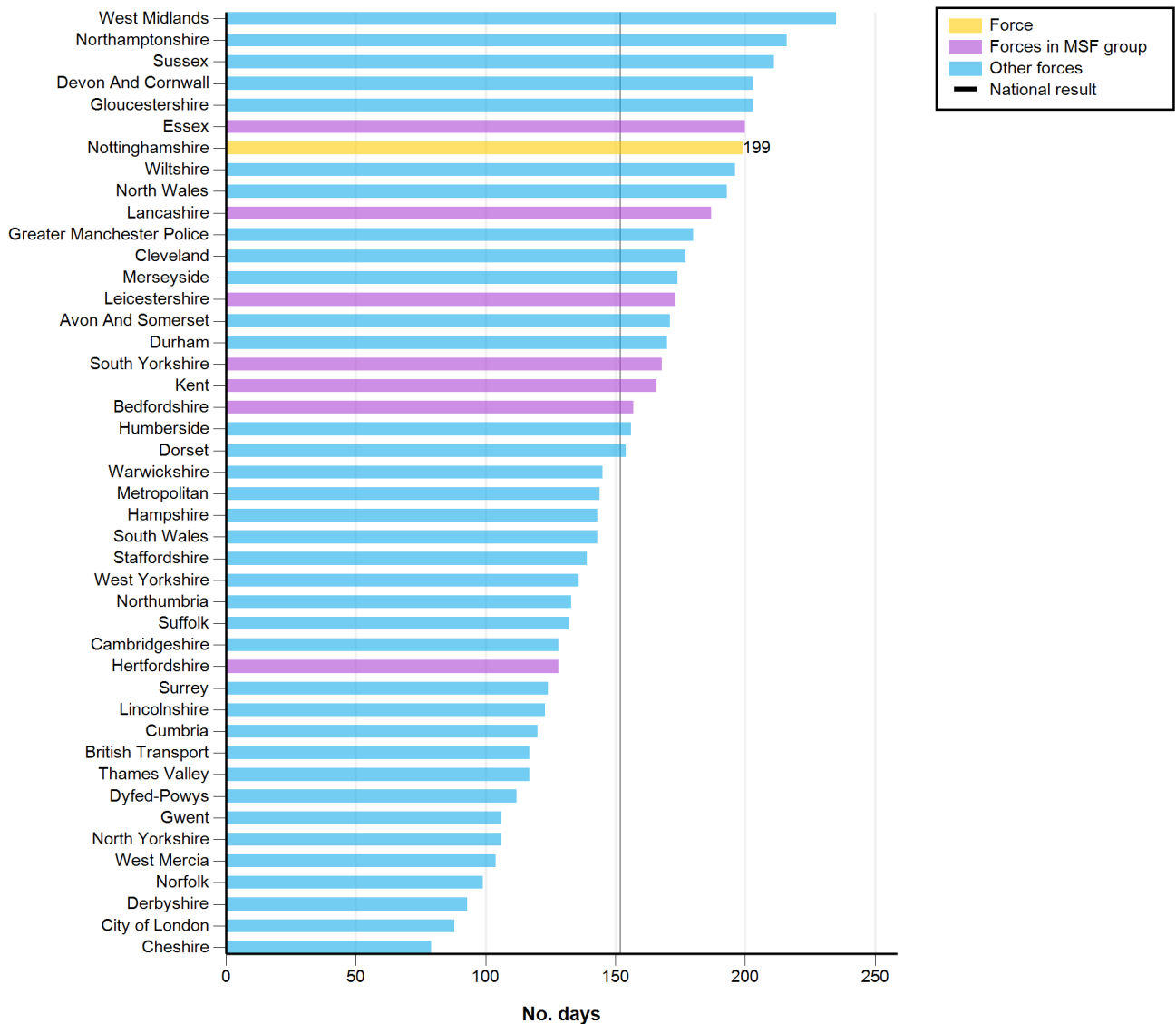


The line chart on this page shows the average number of working days it has taken to finalise allegations that were investigated locally (i.e. by the police force) in each quarter in each financial year.

The bar chart shows this information for each force for this year to date, compared to the national result.

Allegations with 'invalid dates' have been removed from the data shown – refer to the *Performance Framework counting rules and calculations* on the IOPC website for an explanation of invalid dates.

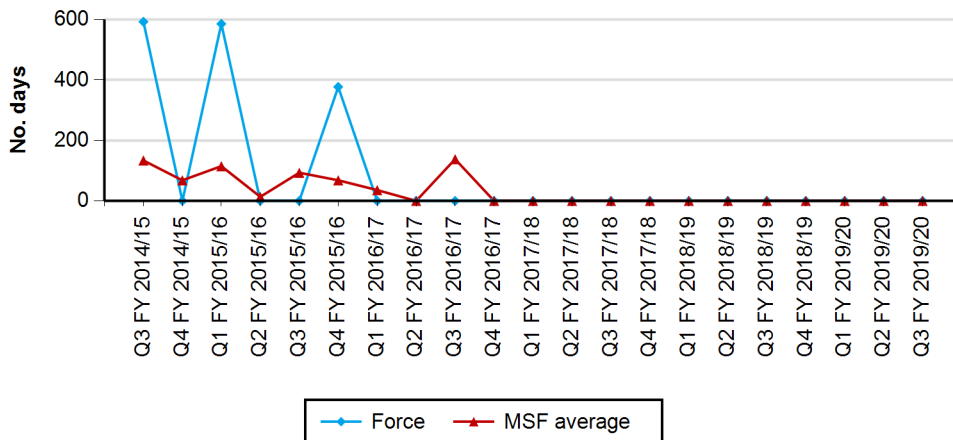
Ave no. of days to finalise allegations by local investigation 01 April 2019 to 31 December 2019



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Allegations finalised - time taken to finalise allegations by supervised investigation

Ave no. of days to finalise allegations by supervised investigation

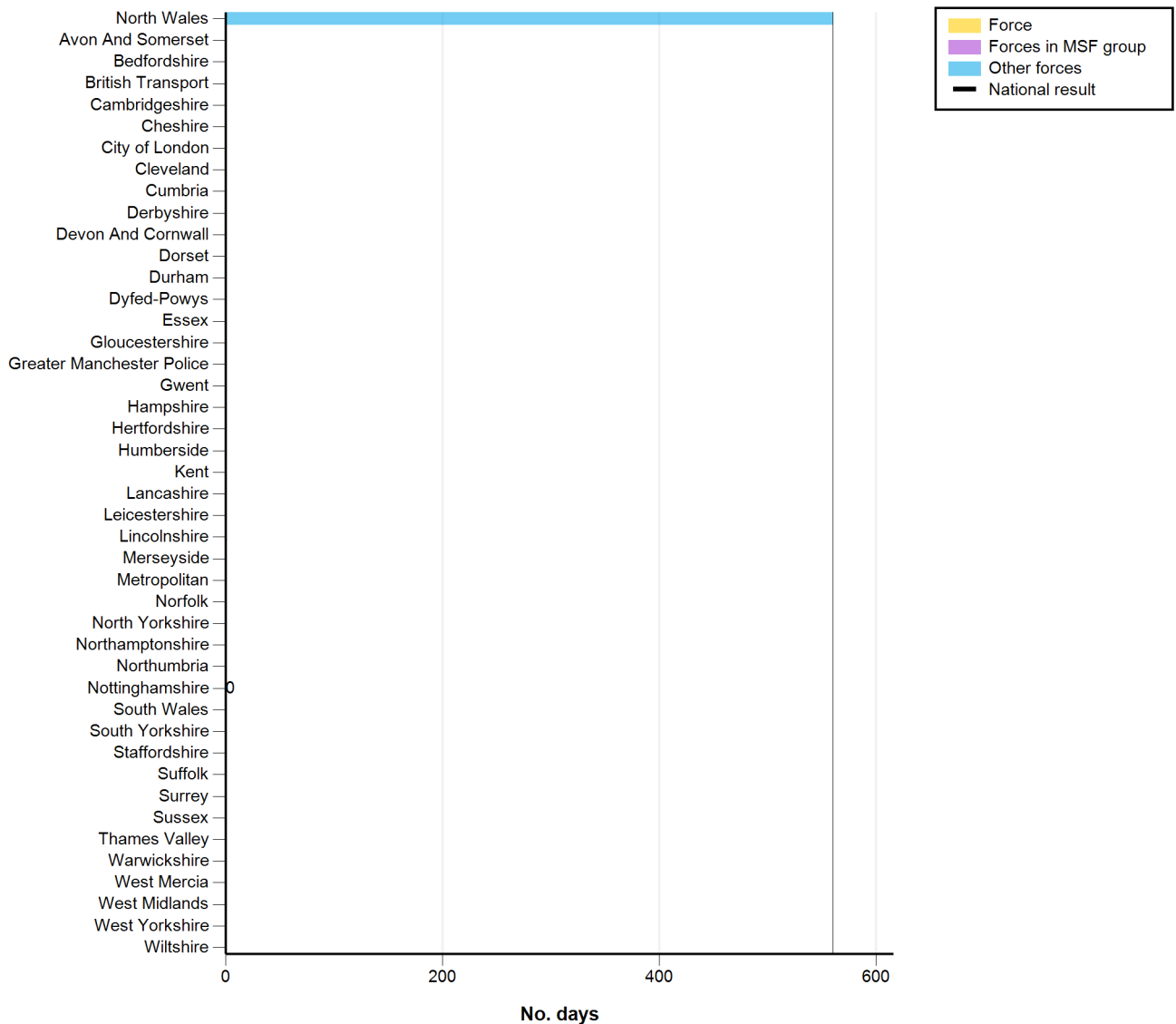


The line chart shows the average number of working days it has taken to finalise allegations by supervised investigations (investigations conducted by forces under the supervision of the IOPC) in each quarter in each financial year.

The bar chart shows this information for each force for this year to date, compared to the national result.

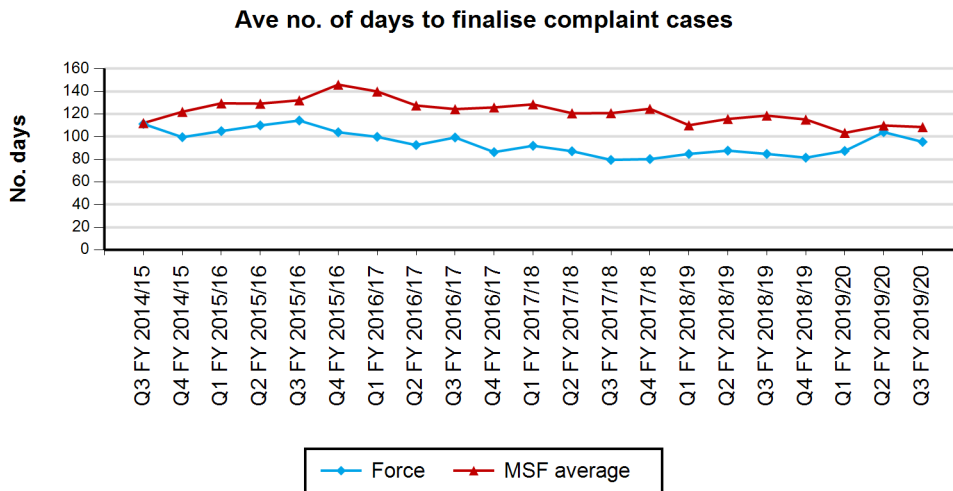
Allegations with 'invalid dates' have been removed from the data shown – refer to the *Performance Framework* counting rules and calculations on the IOPC website for an explanation of invalid dates.

Ave no. of days to finalise allegations by supervised investigation 01 April 2019 to 31 December 2019



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Complaint cases finalised - time taken to finalise complaint cases (including suspension)

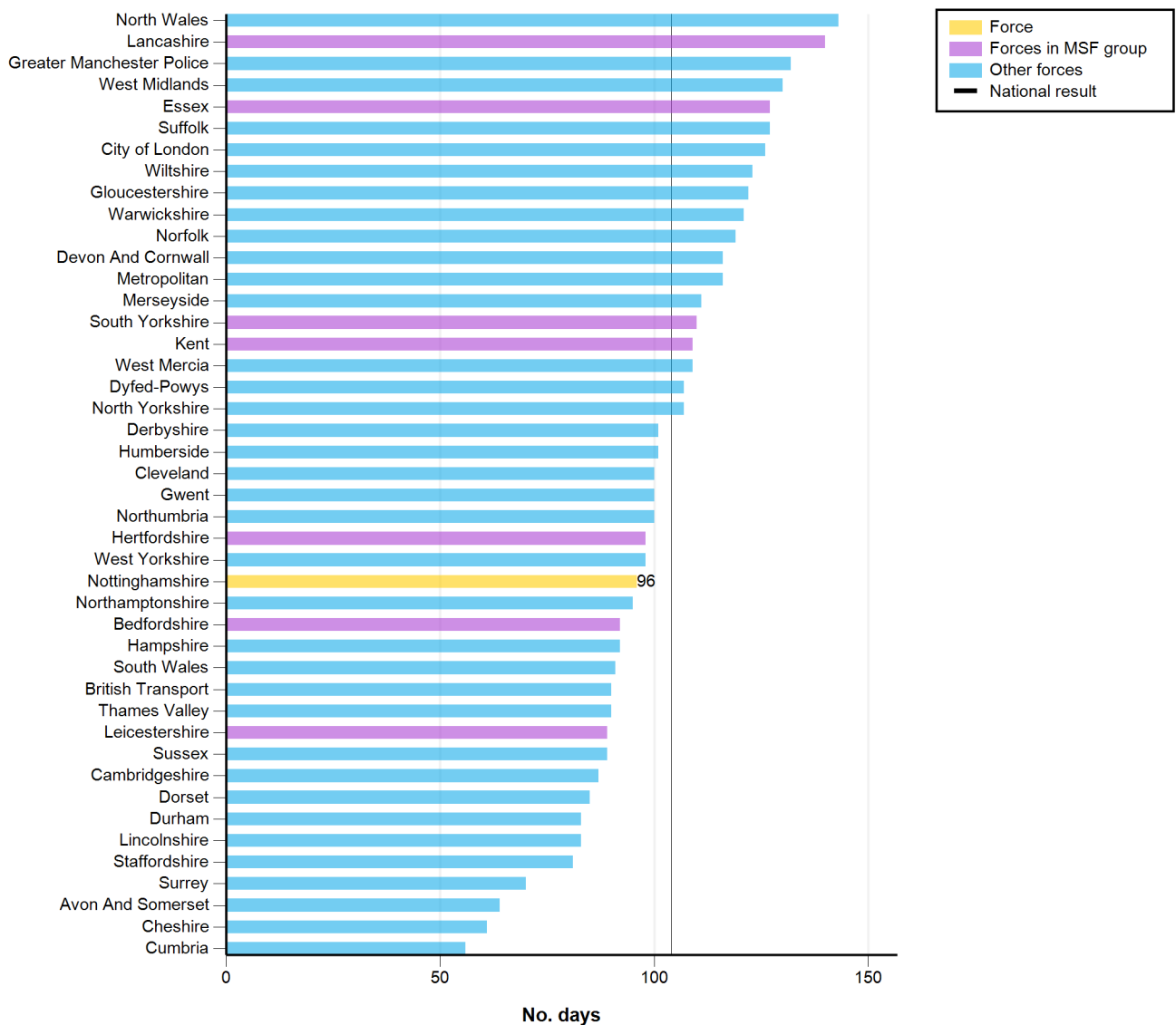


The line chart shows the average number of working days it has taken to finalise complaint cases in each quarter in each financial year.

The bar chart shows this information for each force for this year to date, compared to the national result.

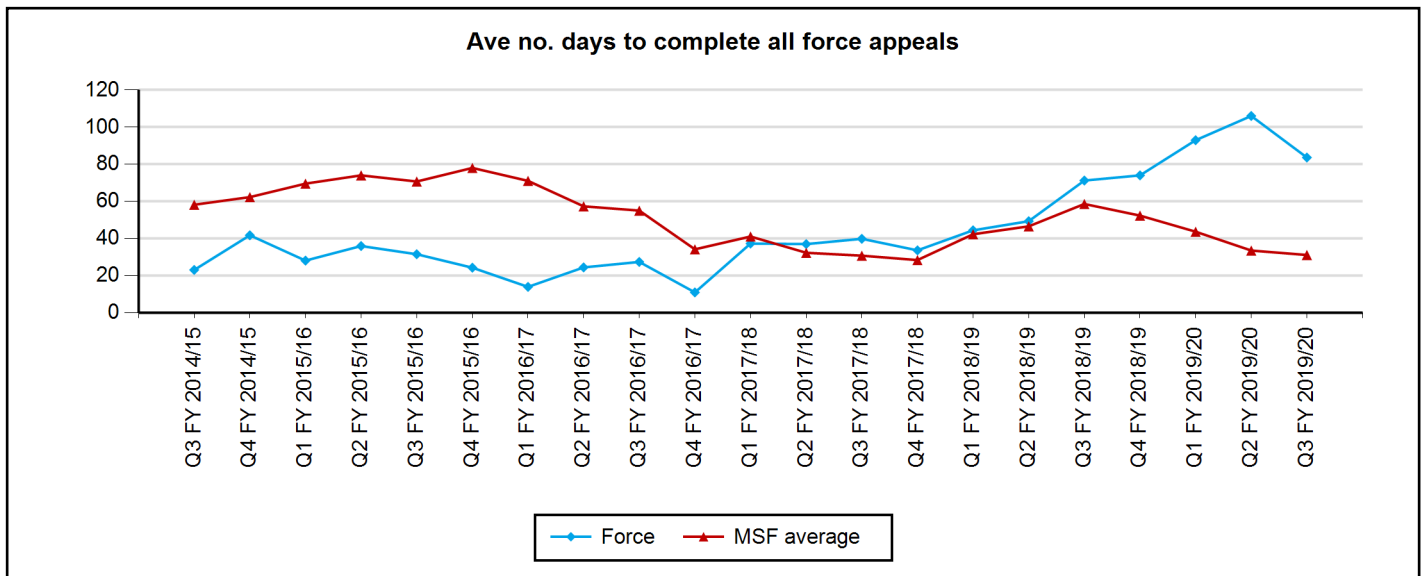
Complaint cases with 'invalid dates' have been removed from the data shown – refer to the *Performance Framework counting rules and calculations* on the IOPC website for an explanation of invalid dates.

Ave no. of days to finalise complaint cases 01 April 2019 to 31 December 2019

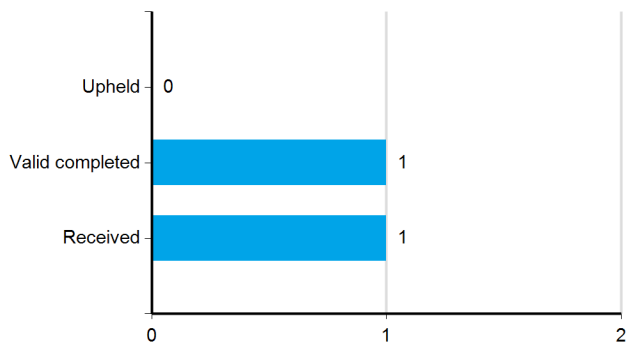


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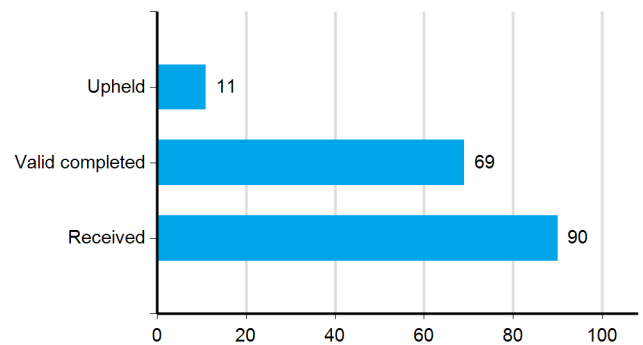
Force appeals



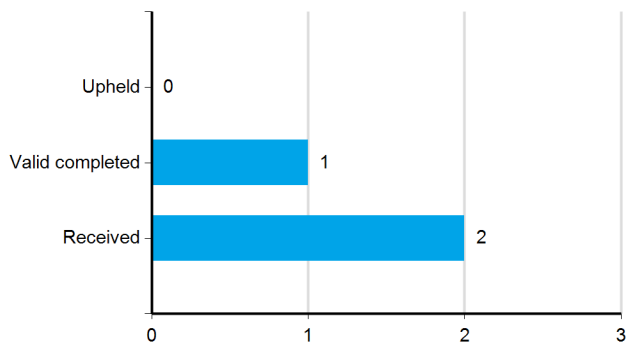
Force investigation appeals 01 April 2019 to 31 December 2019



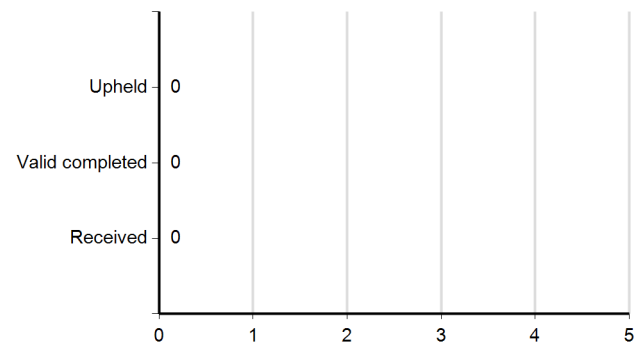
Force local resolution appeals 01 April 2019 to 31 December 2019



Force disapplication appeals 01 April 2019 to 31 December 2019



Force discontinuance appeals 01 April 2019 to 31 December 2019



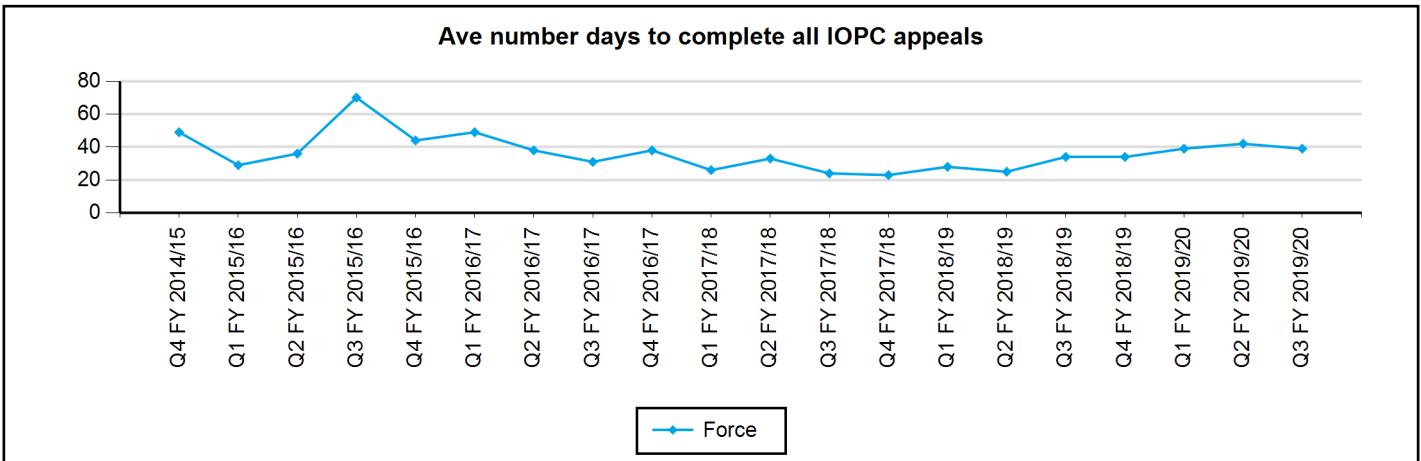
The line chart shows the average number of working days it has taken police forces to complete appeals (all appeal types) in each quarter in each financial year.

The bar charts show the number of appeals received, valid completed and upheld this year to date by police forces for each appeal type. 'Valid completed' excludes appeals where there was no right of appeal, i.e. invalid appeals, and any appeals that were withdrawn.

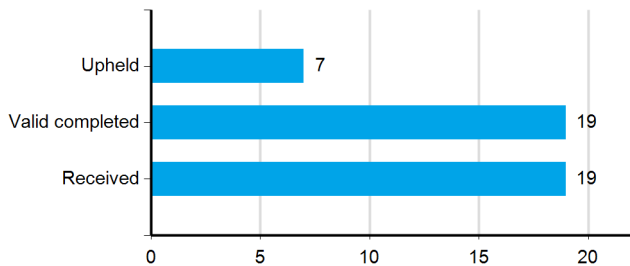
Force appeals data is only available from 2013/14. From 1 January 2016, the British Transport Police consider appeals. Before this date all appeals relating to the British Transport Police were considered by the IOPC.

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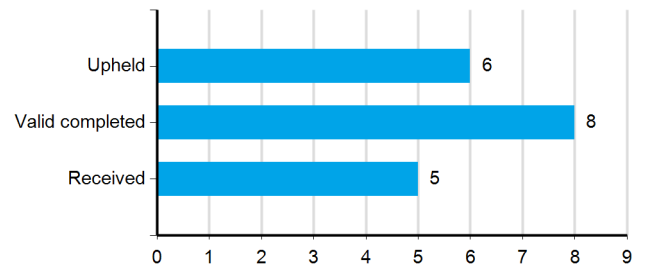
IOPC appeals



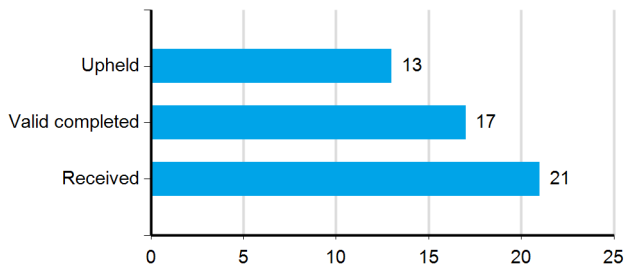
IOPC investigation appeals 01 April 2019 to 31 December 2019



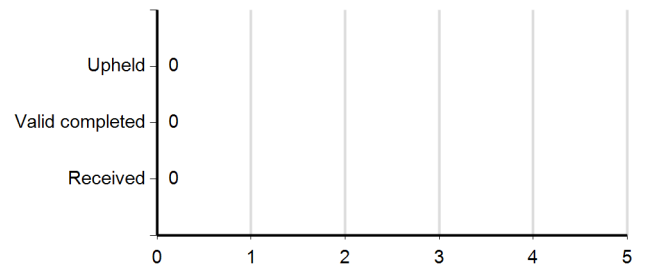
IOPC local resolution appeals 01 April 2019 to 31 December 2019



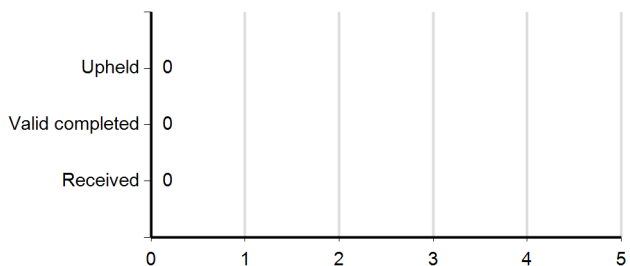
IOPC non recording appeals 01 April 2019 to 31 December 2019



IOPC disapplication appeals 01 April 2019 to 31 December 2019



IOPC discontinuance appeals 01 April 2019 to 31 December 2019



The line chart shows the average number of working days it has taken the IOPC to complete appeals (all appeal types) in each quarter in each financial year.

The bar charts show the number of appeals received, valid completed and upheld this year to date by the IOPC for each appeal type. 'Valid completed' excludes appeals where there was no right of appeal, i.e. invalid appeals.

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Data Tables - IOPC data

Table D: No. of referrals received

Previous Year				Current Year			
Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
19	22	24	18	13	16	28	

Table E: No. mode of investigation (MOI) decisions made

MOI decision	Previous Year				Current Year			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Independent	2	5	2	2	1	2	7	
Managed	0	0	0	0	0	0	0	
Supervised	1	0	1	1	0	0	0	
Local	10	13	20	12	10	9	14	
Refer back	5	3	1	2	3	4	7	

Table F: IOPC appeals received, completed and upheld

Appeal type	Previous Year				Current Year			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Inv received	5	6	6	3	2	11	6	
Inv completed	8	2	6	4	2	9	8	
Inv valid completed	8	2	6	4	2	9	8	
Inv upheld	3	1	4	2	2	2	3	
% inv upheld	38%	50%	67%	50%	100%	22%	38%	
LR received	0	4	2	4	2	2	1	
LR completed	0	4	1	2	3	3	2	
LR valid completed	0	4	1	2	3	3	2	
LR upheld	0	3	1	2	2	3	1	
% LR upheld	0%	75%	100%	100%	67%	100%	50%	
NR received	4	3	3	1	8	7	6	
NR completed	6	0	6	1	5	6	9	
NR valid completed	6	0	6	1	5	4	8	
NR upheld	6	0	2	1	4	3	6	
% NR upheld	100%	0%	33%	100%	80%	75%	75%	
Disapp received	0	0	0	0	0	0	0	
Disapp completed	0	0	0	0	0	0	0	
Disapp valid completed	0	0	0	0	0	0	0	
Disapp upheld	0	0	0	0	0	0	0	
% disapp upheld	0%	0%	0%	0%	0%	0%	0%	
Discon received	0	0	0	0	0	0	0	
Discon completed	0	0	0	0	0	0	0	
Discon valid completed	0	0	0	0	0	0	0	
Discon upheld	0	0	0	0	0	0	0	
% discon upheld	0%	0%	0%	0%	0%	0%	0%	

The figures in Tables D and E include all referrals, not just those arising from complaints. Table D shows the number of referrals received in each quarter. Table E shows the IOPC MOI decision for referrals completed in each quarter. The sum of the figures for each quarter in Table E may be different to the figures in Table D as a referral may be received in one quarter and completed in another. In addition, the figures in Table E do not include referrals with a mode of investigation decision of 'invalid'.

Table F shows the number of appeals received, completed and upheld by the IOPC in each quarter for each appeal type. 'Inv' refers to investigation appeals, 'LR' to local resolution appeals, 'NR' to non recording appeals, 'Disapp' to disapplication appeals and 'Discon' to discontinuance appeals. Data for disapp and discon appeals is not available prior to 11 March 2013. 'Valid completed' excludes appeals where there was no right of appeal, i.e. invalid appeals. The calculation for the % appeals upheld excludes any appeals that were deemed invalid.

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Data tables - Allegations finalised

Table G: Means allegations finalised by

Means		Previous Year				Current Year			
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Investigation	No.	88	94	58	46	34	89	66	
	%	27%	29%	19%	12%	9%	22%	13%	
Local resolution	No.	206	193	210	304	306	266	402	
	%	63%	60%	70%	82%	83%	66%	81%	
Withdrawn	No.	9	17	15	18	25	38	9	
	%	3%	5%	5%	5%	7%	9%	2%	
Discontinued	No.	6	2	8	1	3	4	6	
	%	2%	1%	3%	0%	1%	1%	1%	
Disapplied	No.	20	14	10	3	2	8	12	
	%	6%	4%	3%	1%	1%	2%	2%	
Dispensed	No.	0	0	0	0	0	0	0	
	%	0%	0%	0%	0%	0%	0%	0%	

Table H: Allegations finalised by investigation type

Investigation type		Previous Year				Current Year			
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Independent	No.	0	0	1	0	6	0	0	
	%	0%	0%	2%	0%	18%	0%	0%	
Managed	No.	0	0	0	0	0	0	0	
	%	0%	0%	0%	0%	0%	0%	0%	
Supervised	No.	0	0	0	0	0	0	0	
	%	0%	0%	0%	0%	0%	0%	0%	
Local	No.	88	94	57	46	28	89	66	
	%	100%	100%	98%	100%	82%	100%	100%	

Table G shows the means by which allegations were finalised as a number and a percentage of the total number of allegations finalised by all means (including those with means 'not known') in that quarter. 'Investigation' includes all types (independent, managed, supervised and local).

Table H shows the number of allegations finalised by investigation in each quarter, broken down by investigation type. The percentage is of the total number of allegations finalised by investigation.

Police Complaints Information Bulletin
Nottinghamshire

Data tables - Force appeals

Table I: Force appeals received, completed and upheld

Appeal type	Previous Year				Current Year			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Inv received	0	2	0	0	0	1	0	
Inv completed	1	1	0	1	0	0	1	
Inv valid completed	1	1	0	1	0	0	1	
Inv upheld	0	0	0	0	0	0	0	
% inv upheld	0%	0%	0%	0%	0%	0%	0%	
LR received	19	14	27	28	24	23	43	
LR completed	21	10	10	25	26	17	29	
LR valid completed	21	8	9	21	26	15	28	
LR upheld	3	1	0	5	7	3	1	
% LR upheld	14%	13%	0%	24%	27%	20%	4%	
Disapp received	4	2	0	1	0	0	2	
Disapp completed	3	1	2	0	0	1	1	
Disapp valid completed	3	1	2	0	0	1	0	
Disapp upheld	0	0	1	0	0	0	0	
% disapp upheld	0%	0%	50%	0%	0%	0%	0%	
Discon received	0	0	0	0	0	0	0	
Discon completed	0	0	0	0	0	0	0	
Discon valid completed	0	0	0	0	0	0	0	
Discon upheld	0	0	0	0	0	0	0	
% discon upheld	0%	0%	0%	0%	0%	0%	0%	

Table I shows the number of appeals received, completed and upheld by police forces in each quarter for each appeal type. 'Inv' refers to investigation appeals, 'LR' to local resolution appeals, 'Disapp' to disapplication appeals and 'Discon' to discontinuance appeals. 'Valid completed' excludes appeals where there was no right of appeal, i.e. invalid appeals, and any appeals that were withdrawn. The calculation for the % appeals upheld excludes any appeals that were deemed invalid and any that were withdrawn.

Force appeals data is only available from 2013/14. From 1 January 2016, the British Transport Police consider appeals. Before this date all appeals relating to the British Transport Police were considered by the IOPC.