

Appendix 1



Professional Standards Complaints Statistics

01/04/2015 – 31/03/2016

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Executive Summary

This report presents figures on public complaints relating to Suffolk Constabulary recorded during the period 1 April 2015 to 31 March 2016. These complaints are made by members of the public in relation to the conduct of those serving with the Police and are dealt with under the Police Reform Act 2002 (PRA 2002). The PRA 2002 introduced a number of changes with regard to complaints against the Police. These changes came into effect on 1 April 2010 and aimed to improve the way that complaints are handled. Under the PRA 2002, forces are required to record all complaints made by the public in relation to the conduct of those serving in the force. Amendments made to the police complaints system by the Government in the Police Reform and Social Responsibility Act 2011, introduced in November 2012, were designed to streamline and remove unnecessary bureaucracy from the system, ensure that complaints are handled at the lowest appropriate level, and focus more on putting right the complaint made by the member of the public. As a result of the amendments Direction and Control issues are now recorded as Public Complaints and the allegations referred to as Organisational.

Key Findings

- Public complaint numbers have reduced by 12%, from 328 in 2014/15 to 289 in 2015/16. Allegations recorded have also decreased, by 22% from 648 in 2014/15 to 503 in 2015/16.

The number of public complaints recorded within the reporting period has decreased for the second year running. The reduction in 2014/15 from the previous year was 14% for complaints and equally there was a 14% decrease in allegations.

- The main areas of public complaint remain the same as in previous quarters with 'Other neglect or failure in duty' recording the largest percentage of all allegations.
 - a) 'Other neglect or failure in duty' represents 32% of all recorded allegations. In the reporting period, 162 allegations were recorded in comparison to 32%, 207 allegations in 2014/15.
 - b) 'Incivility, impoliteness and intolerance' represents 15% of all recorded allegations. A total of 76 allegations were recorded under this category in 2015/16, in comparison to 12%, 80 allegations the previous year.
 - c) 'Oppressive conduct or harassment' represents 10% of all recorded allegations. In the reporting period, 48 allegations were recorded in comparison to 10%, 63 allegations in 2014/15.
 - d) 'Other assault' represents 9% of all recorded allegations. A total of 43 allegations were recorded under this category in 2015/16, in comparison to 11%, 69 allegations the previous year.
 - e) Organisational allegations represent 1% of all recorded allegations. In the reporting period 4 allegations were recorded in comparison to 2%, 10 allegations in the same period the previous year.

Complaint Reduction

The 14% fall in complaints in the financial year 2014/15 and a further 12% decrease in 2015/16 is positive and could be attributed in part to the continued work around complaint reduction.

The Complaint Reduction Strategy was introduced in response to a rise in complaints recorded. Work to prevent/reduce complaints and educate staff about their behaviour and how they are perceived by the public has been undertaken in the form of training, focusing on integrity, action and dissemination of lessons learned, development of partnership working and the review of officer and staff complaint histories.

A programme of training has been rolled out across the Force focusing on student officers, Specials, newly promoted police staff/officers and Inspectors/managers undertaking investigations and this will continue through the next year.

Engagement with officers by way of informal visits to police stations has been introduced to give officers the opportunity to discuss issues around complaints and lessons learned. A total of four Practitioners Groups have been held with a further nine scheduled to begin in June.

Complaint reduction work continues with work streams being regularly reviewed.

COMPLAINT CASES AND ALLEGATIONS**Table A: Key Indicators Relating to Handling of Complaints**

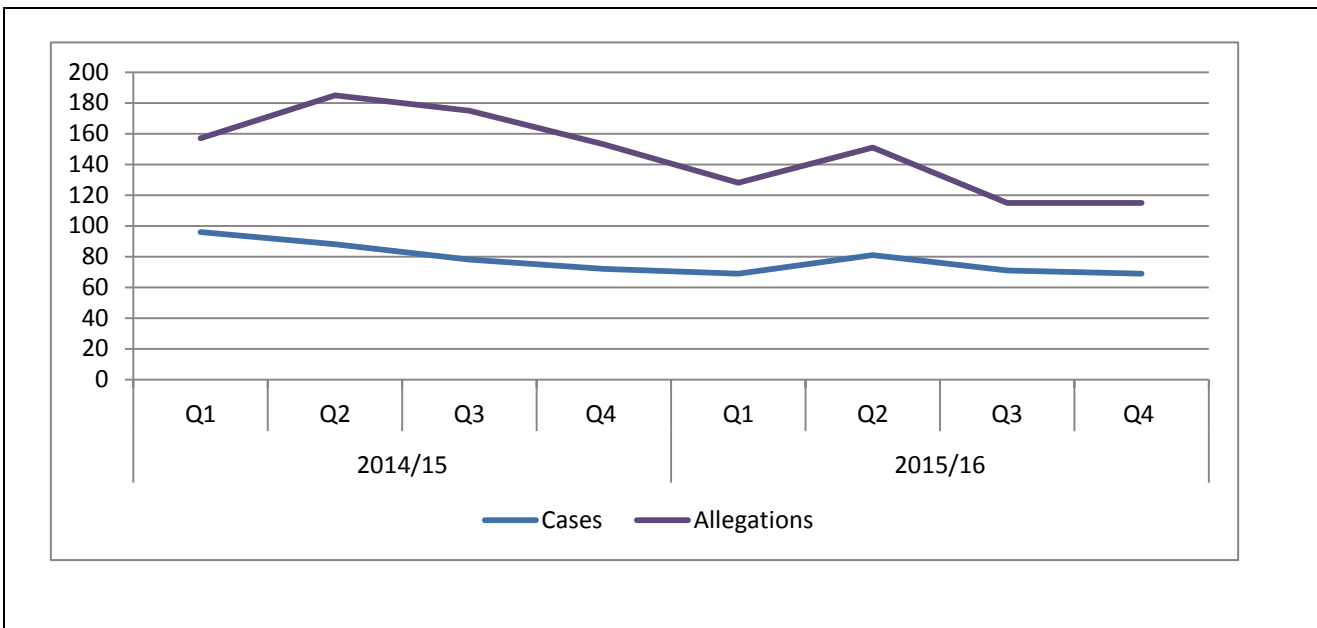
<u>Measure</u>	<u>01.04.15– 31.03.16</u>	<u>Same period 12 months previously</u>
% of cases recorded within 10 working days	97%	96%
Average number of days to Locally Resolve complaint*	43	47
Average number of days to Investigate complaint*	62	80

**The data relates to complaint cases, not allegations. The IPCC bulletin provides information regarding the average number of days to resolve/investigate allegations.*

Table B: Contextual Information Relating to Allegations and Outcome

<u>Measure</u>	<u>01.04.15- 31.03.16</u>	<u>Same period 12 months previously</u>
<u>Recorded allegations</u>		
% of 'incivility, impoliteness and intolerance'	15	12
% of 'other neglect or failure in duty'	32	32
% of 'other assault'	9	11
% of 'oppressive conduct or harassment'	10	10
<u>Outcome of Allegations</u>		
% discontinued/disapplication	7	6
% withdrawn	5	4
% upheld investigations	16	17
% locally resolved	31	27

Public Complaint Cases and Allegations



(Chart 1): The above chart shows the number of public complaint cases and allegations recorded during the reporting period.

Table C: Complaint cases and allegations recorded

	<u>Period</u>	<u>Complaint Cases Recorded</u>	<u>Allegations Recorded</u>
2014/15	Q1	96	157
	Q2	88	185
	Q3	78	175
	Q4	72	153
2015/16	Q1	69	128
	Q2	81	151
	Q3	71	115
	Q4	69	115

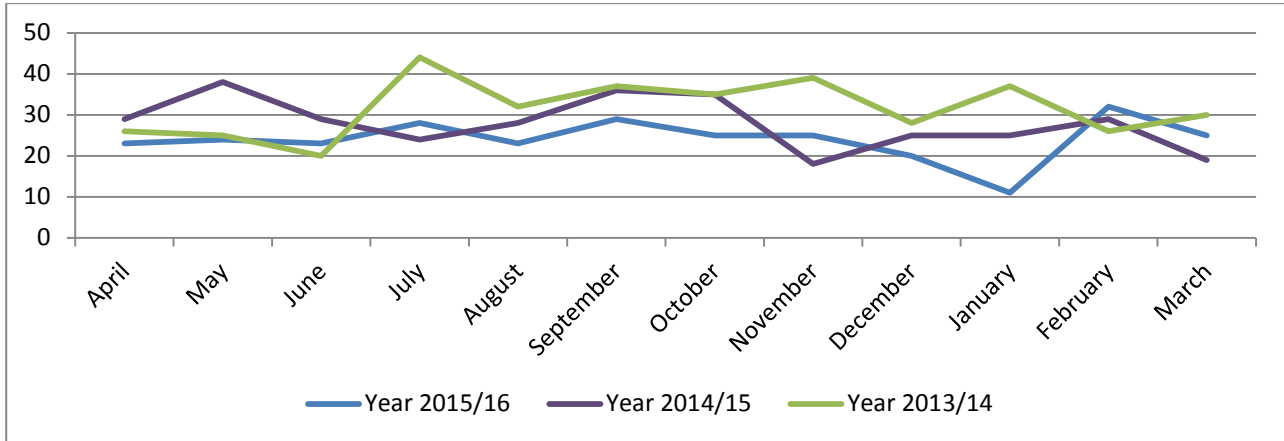
Note: Allegations recorded during specified periods may also include allegations added to existing cases. i.e. 151 allegations have been recorded during Q2. Of those, a proportion may be new allegations added to cases already recorded in Q1.

The accumulative quarterly complaint figures above do not take into account those cases which are subsequently de-recorded or that may have been initially recorded against Suffolk Constabulary and then changed to Norfolk Constabulary, or vice versa, following identification of the subjects. Equally, accumulative quarterly allegation figures do not take into account those allegations which are removed or added to complaint cases during investigation and finalisation of the allegations, outside of the reporting quarter.

Public Complaints recorded – three year comparison

Table D: The below table and graph details the public complaints recorded monthly over the last three years

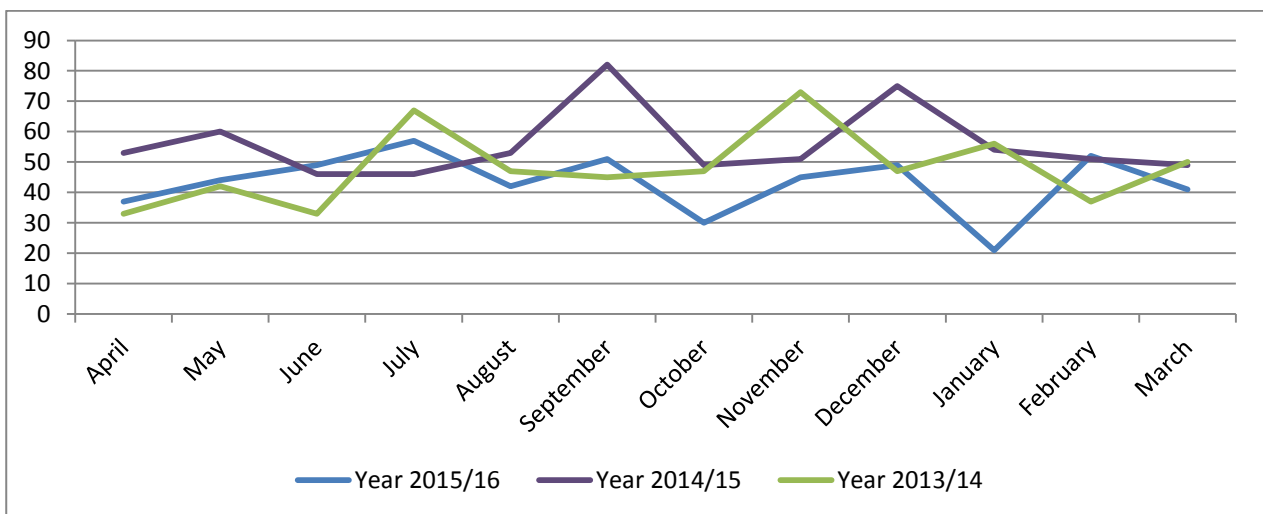
Month	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Year 2015/16	23	24	23	28	23	29	25	25	20	11	32	25
Year 2014/15	29	38	29	24	28	36	35	18	25	25	29	19
Year 2013/14	26	25	20	44	32	37	35	39	28	37	26	30



Allegations recorded – three year comparison

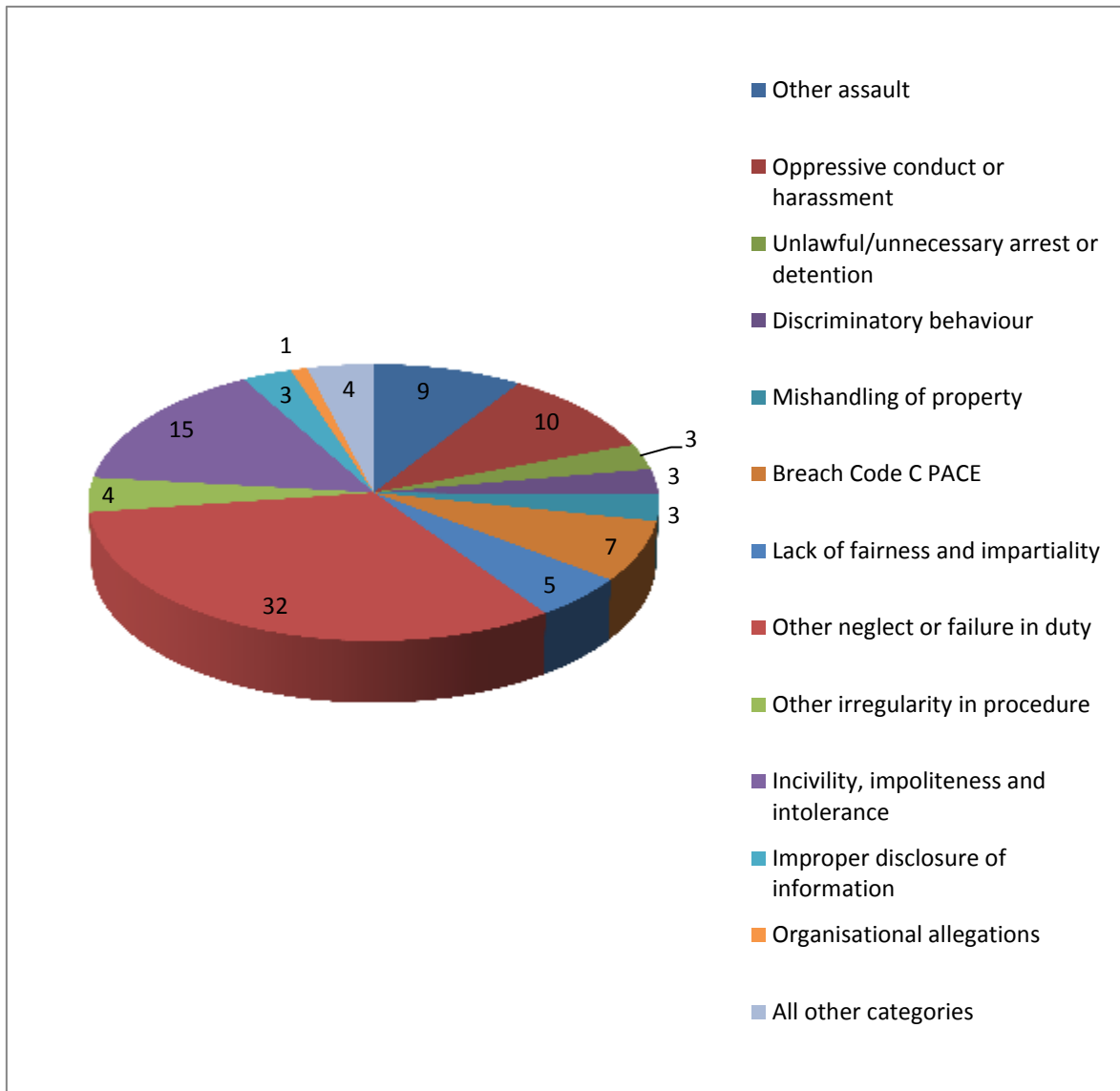
Table E: The below table and graph details the allegations recorded monthly over the last three years

Month	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Year 2015/16	37	44	49	57	42	51	30	45	49	21	52	41
Year 2014/15	53	60	46	46	53	82	49	51	75	54	51	49
Year 2013/14	33	42	33	67	47	45	47	73	47	56	37	50



Allegations

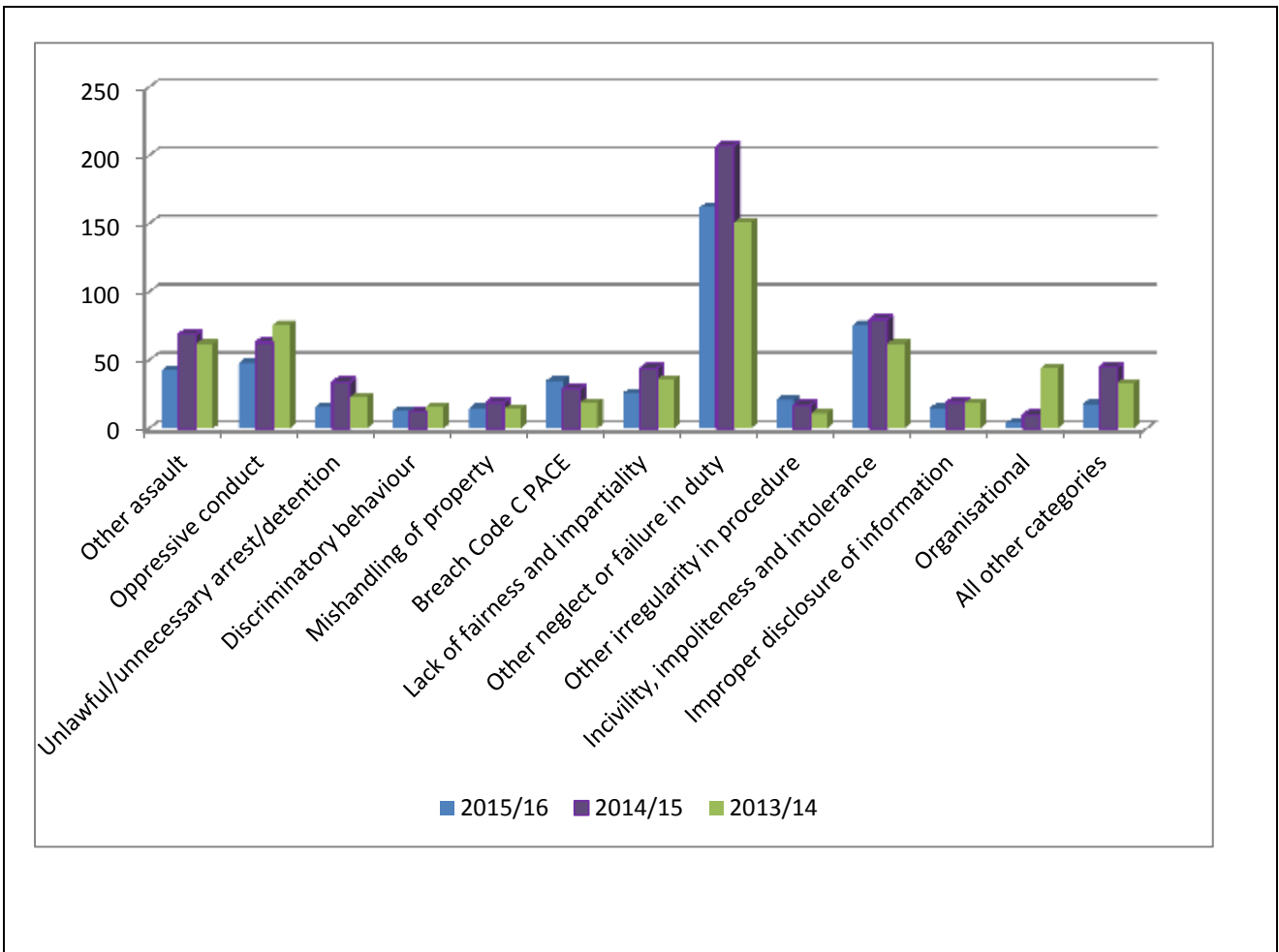
Allegation categories recorded (percentage) between 1 April 2015 and 31 March 2016



(Chart 2): The above chart shows the most frequently recorded allegations by type as a percentage of all allegations recorded. The categories which record the largest percentage (3% of the allegations and above) are displayed individually, with all others being grouped together.

Due to calculation rounding, total percentage may not always equal 100%

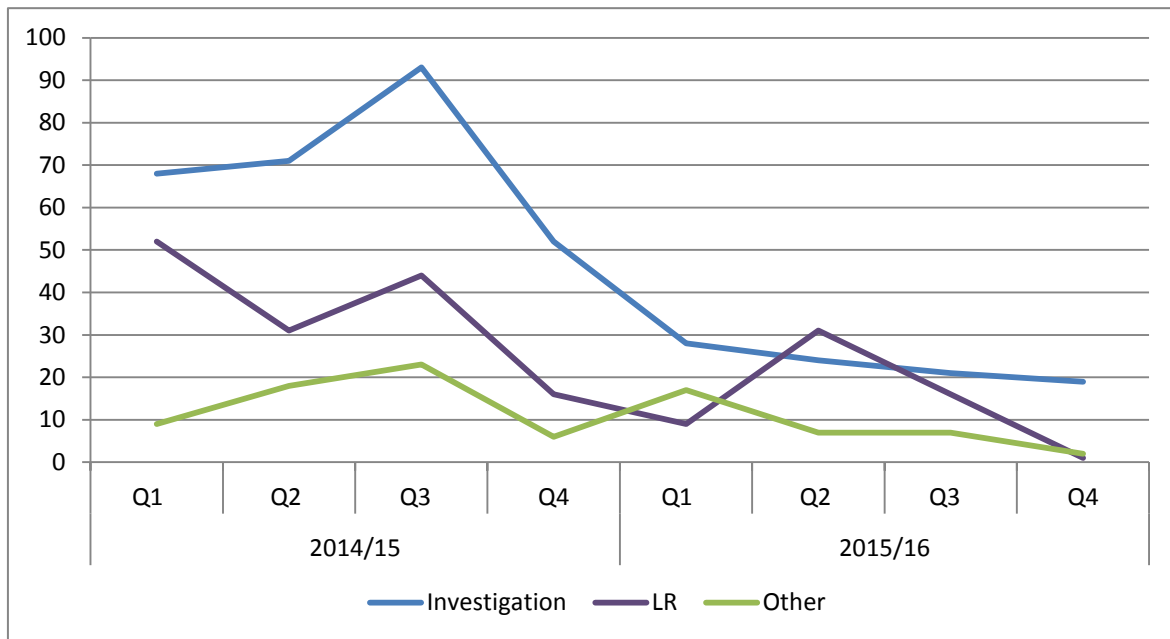
Allegations Recorded – Three year allegation comparison



(Chart 3): The above chart details the number of allegations recorded under each category. The categories which have the largest number of allegations recorded under them are represented, with all other categories being grouped together.

Allegations finalised by means

Number of allegations finalised by means



(Chart 4): Shows the means by which allegations have been finalised. The means by which an allegation can be finalised are 'Investigation' (local, supervised, managed and independent), 'Local Resolution' and 'Other' (discontinuance, disapplication and withdrawal).

<u>Period</u>	<u>Investigation</u>	<u>Local Resolution</u>	<u>Other</u>
2014/15 Q1	68	52	9
Q2	71	31	18
Q3	93	44	23
Q4	52	16	6
2015/16 Q1	28	9	17
Q2	24	31	7
Q3	21	16	7
Q4	19	1	2

Finalisation of Allegations**Table F: Outcome of allegations finalised by investigation (recorded against complaint cases post-April 2010)**

<u>Period</u>		<u>Upheld</u>	<u>Not Upheld</u>
2014/15	Q1	11	57
	Q2	10	61
	Q3	8	85
	Q4	10	42
2015/16	Q1	6	22
	Q2	3	21
	Q3	2	19
	Q4	0	19

The above table details the outcome of investigated allegations that were recorded against public complaint cases. The complaint is upheld where there has been an unreasonable breakdown in service or failure in service which has adversely affected the complainant. This does not imply that there is a case to answer for misconduct/unsatisfactory performance by a police employee.

Table G: Allegations finalised by other means

<u>Period</u>	<u>Local Resolution</u>	<u>%</u>	<u>Withdrawn</u>	<u>%</u>	<u>Dispensed/ Discontinued/ Disapplication</u>	<u>%</u>	
2014/15	Q1	52	40	6	5	3	2
	Q2	31	26	5	4	13	11
	Q3	44	28	6	4	17	11
	Q4	16	22	5	7	1	1
2015/16	Q1	9	17	1	2	16	30
	Q2	31	50	4	6	3	5
	Q3	16	36	2	5	5	11
	Q4	1	5	0	0	2	9

Force Appeals

The appeal body for complaints changed with the introduction of the Police Reform and Social Responsibility Act 2011 on 22 November 2012. This places the responsibility on the individual Force for dealing with the majority of appeals. The IPCC will remain the appropriate authority for all formal investigations, those cases which were referred to the IPCC and cases where a non-recording decision was made. An assessment of the complaint is conducted on receipt to determine the relevant appeal body (RAB). An additional RAB test is completed in respect of each appeal received to ensure that correct appeal body has been identified

Within the reporting period, 1 April 2015 to 31 March 2016, 53 appeals against all categories were received by the Force.

Of the 53 appeals recorded within the reporting period, 47 have been reviewed.

Table H: The table below details the categories under which the appeal was made and details the outcome and a percentage of valid appeals upheld

	Live	Upheld	Not upheld	Not Valid	% Upheld
Outcome of police investigation	3	1	27	0	4%
Outcome of local resolution process	2	4	8	1	33%
Application of Disapplication	1	0	6	0	0%
Application of Discontinuance	0	0	0	0	0%
Total	6	5	41	1	11%

The percentage of valid appeals upheld across all categories is 11%.

The average number of working days taken to finalise valid appeals within the reporting period is 23 days.

Direction and Control Complaints

On 22 November 2012, new legislation was introduced in the form of the Police Reform and Social Responsibility Act 2011 which changed the way that Direction and Control Complaints are recorded. All complaints of this nature are now recorded as Public Complaints and the allegations relate to Organisational issues and are categorised in the following way:

1. Operational policing policies
2. Organisational decisions
3. General policing standards
4. Operational management decisions

In the reporting period 4 Direction and Control Complaints were recorded.

The allegations recorded were under the following categories and the details listed below:

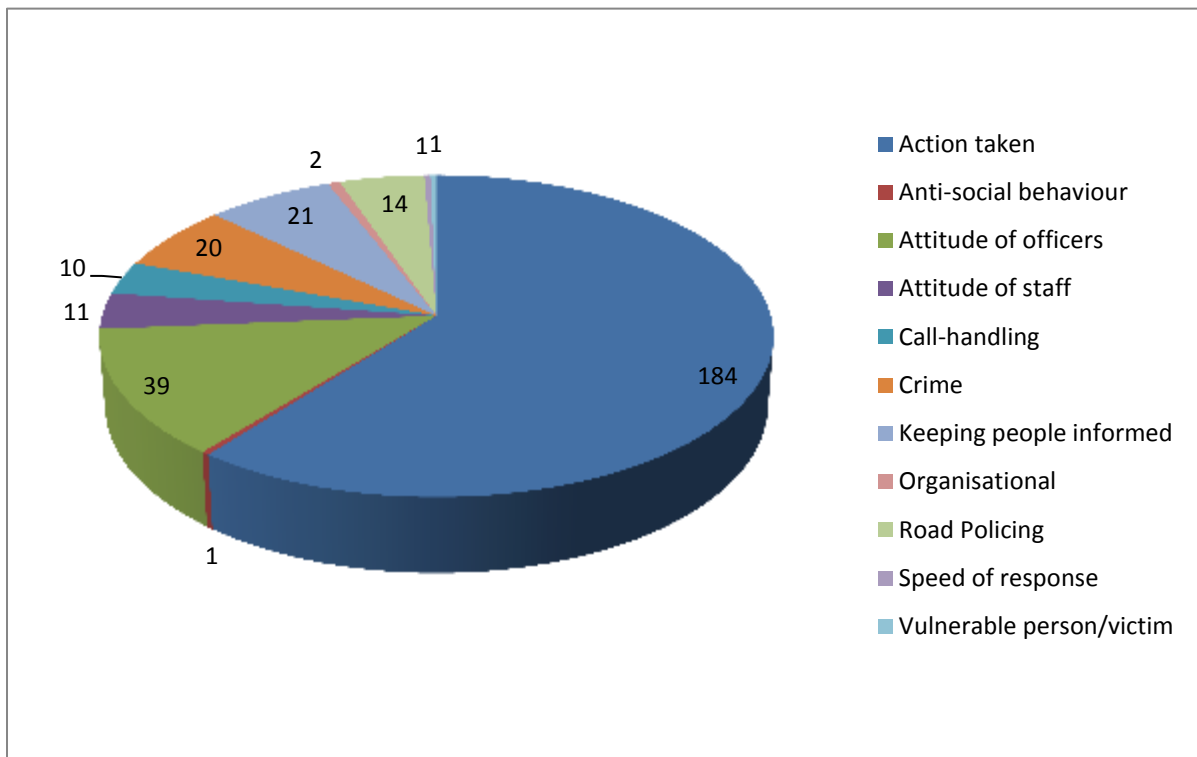
- **Organisational decisions** – The complainant could not get through on the non-emergency line 101 for several minutes (*complaint locally resolved – policy not reviewed*)
- **Organisational decisions** – The complainant believes that an email sent by Norfolk Police resulted in dismissal by their employer (*complaint not upheld – policy not reviewed*)
- **Organisational decisions** – The complainant states that newly installed speed detection cameras do not meet legal requirements in relation to visibility and positioning (*complaint not upheld – policy not reviewed*)
- **Operational management decisions** – The complainant believes that police should not have removed a firearms licence (*complaint locally resolved – policy not reviewed*)

Service Recovery

On 7 July 2014, Service Recovery was introduced to replace the Dissatisfaction process in order to deal with low level matters, where there is no complaint, quickly and to the satisfaction of the member of public. This process is being managed by Professional Standards which allows a consistent approach to dealing with all issues raised by the public concerning the service they receive.

During the period, 1 April 2015 to 31 March 2016, 304 Service Recovery issues have been recorded. Each issue is categorised into the reasons for the matter being raised.

(Chart 5): The below chart details those categories and the numbers recorded under each:

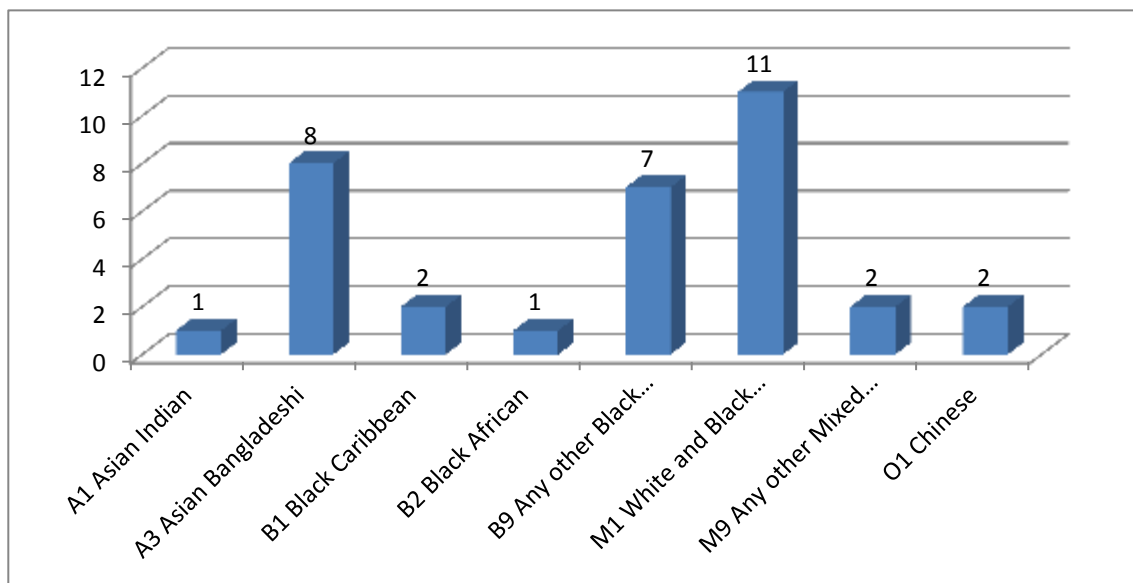


Once the Service Recovery process is entered, the member of public is still able to make a formal complaint if they choose. Of those issues recorded as Service Recovery, 12 (4%) were unable to be resolved under this process, were recorded as public complaints and dealt with under the Police Reform Act 2002 (PRA 2002).

Complaints made by Visibly Ethnic Minority Groups

In the reporting period, 1 April 2015 to 31 March 2016, 17 public complaint cases were recorded where the complainant is from a visibly ethnic minority group which is 5.8% of the total cases recorded.

A total of 17 complainants are linked to the complaint cases and 34 separate allegations have been recorded.



(Chart 6): The above chart displays the 34 allegations recorded within the reporting period against the self-classification of the complainant, provided at the time the complaint was reported or during the investigation.

Of the 503 total allegations recorded for the period, 6.75% were made by a complainant from a visibly ethnic minority group. This is compared to 4.3% for the previous year.

The most common allegation recorded by complainants is ‘Other neglect or failure in duty’. A total of 10 of the 34 allegations were made against this category (29%). This is followed by 7 allegations of ‘Discriminatory behaviour’ (21%), 4 allegations of ‘Breach Code C PACE’ (12%) and 3 allegations recorded against ‘Lack of fairness and impartiality’ (9%). The remaining 10 are recorded under a variety of allegation categories.

Examples of some allegations recorded between 1 April 2015 and 31 March 2016 are detailed as follows;

A1 – Asian Indian	Allegation that officers have not investigated the crime correctly and believes that officers are homophobic and racist
A3 – Asian Bangladeshi	Allegation that the officers observed the complainant for a period of time before stopping them and believes the decision was motivated by skin colour
B1 – Black Caribbean	Allegation that officers stopped and searched the complainant because of the complainant's ethnicity
B2 – Black African	Allegation that during arrest the officers used excessive force and believes their actions were due to the complainant's ethnicity
B9 – Any other Black Background	Allegation that whilst in custody the complainant was not allowed a drink and the meal provided was not suitable
M1 – White and Black Caribbean	Allegation that the officer was overbearing and dismissive in their attitude when stopping the complainant
M9 – Any other Mixed Background	Allegation that the complainant was issued with a caution despite not admitting the offence which has affected an application for British citizenship
O1 – Chinese	Allegation that a member of staff disclosed information to an outside agency regarding the complainant's family member in connection with a motoring offence

PCC Case Sampling

Professional Standards Department and the Office of the Police and Crime Commissioner have agreed a protocol for the process of case sampling public complaint files which have been finalised. The purpose of this protocol is to ensure that complaints are being dealt with proportionately and fairly in accordance with the IPCC Statutory Guidance to the Police service on handling of complaints (2013) and the Force's Policy documents and processes. For example, that cases and related allegations are recorded appropriately and stages of the process of dealing with the complaint are consistently in line with expectations of the guidance.

Case sampling takes place on a quarterly basis. The member of the OPCC randomly selects a number of cases for inspection from a list of those finalised in the period. It is not practical to inspect all files and therefore the following types and quantities were agreed as a suggested guide:

Local resolution – 4 or a percentage (5%)
Local investigation – 4 or a percentage (5%)
Direction and Control – 2 or a percentage (5%)
Appeal files (Constabulary appeals) – 3 or a percentage (10%)
Disapplication/Discontinuance – 2 or a percentage (10%)

A member of the Suffolk OPCC has case sampled public complaint cases finalised during the period 1 July to 31 December 2015. A total of 10 of the 134 finalised cases were inspected of which 2 were finalised by way of discontinuance/withdrawn, 4 were local resolutions and 4 local investigations. In addition to those cases finalised during the period, 20 appeals were assessed and of those, 1 case was sampled.

As a result of this process, all issues raised are fed back to Professional Standards to assist with future learning on an individual and/or department basis.

Discipline Outcomes

GROSS MISCONDUCT MEETINGS 1 APRIL 2015 TO 31 MARCH 2016		
1	A member of police staff attended a disciplinary hearing in respect of Duties and responsibilities Failed to deal with a call from the member of the public appropriately	Dismissed without notice
2	A member of police staff attended a disciplinary hearing in respect of Orders and instructions Failed to comply with restrictions for a basic police authorised driver	Dismissed with notice. Re-instated on appeal and issued a Final Written Warning
3	A member of the Special Constabulary attended a misconduct hearing in respect of Honesty and integrity Used an unmarked Suffolk Constabulary vehicle for non-policing purpose outside duty hours	Final Written Warning
4	A member of police staff attended a disciplinary hearing in respect of Honesty and integrity Used an unmarked Suffolk Constabulary vehicle for non-policing purpose outside duty hours	Dismissed without notice. Re-instated on appeal and issued a Final Written Warning
5	A member of police staff attended a disciplinary hearing in respect of Honesty and integrity Failed to disclose information on vetting forms	Dismissed without notice Outcome appealed – decision upheld
6	A police officer attended a misconduct hearing in respect of Discreditable conduct Improper relationship with member of the public	Dismissed without notice
MISCONDUCT MEETINGS 1 APRIL 2015 TO 31 MARCH 2016		
1	Two police officers attended a misconduct meeting in respect of Duties and responsibilities and Honesty and integrity (Officer 1) Failed to take appropriate action when dealing with incident Provided supervisor with false or misleading information regarding availability to perform duties (Officer 2) Failed to record crime and take appropriate action	Both officers received Management advice

NOT PROTECTIVELY MARKED

2	<p>A member of police staff attended a disciplinary meeting in respect of Orders and instructions and Honesty and integrity</p> <p>Changed duty time without permission</p> <p>Provided misleading information</p>	Written Warning
3	<p>A police officer attended a misconduct meeting in respect of Duties and responsibilities</p> <p>Failed to take appropriate action when dealing with incident</p>	Management advice
4	<p>A member of police staff attended a disciplinary meeting in respect of Authority, respect and courtesy</p> <p>Failure to comply with Force Policy regarding inappropriate email use</p>	Written Warning
5	<p>A police officer attended a misconduct meeting in respect of Honesty and integrity</p> <p>Failed to conduct necessary enquires and misled supervisors</p>	Written Warning
6	<p>A police officer attended a misconduct meeting in respect of Authority, respect and courtesy</p> <p>Used offensive language towards colleague</p>	Written Warning
7	<p>A member of police staff attended a disciplinary meeting in respect of Honesty and integrity</p> <p>Failed to adhere to Force Policy</p>	Management Advice
8	<p>A member of police staff attended a disciplinary meeting in respect of Honesty and integrity</p> <p>Accessed Force systems for a non-policing purpose</p>	Final Written Warning
9	<p>A member of police staff attended a disciplinary meeting in respect of Duties and responsibilities</p> <p>Failed to deal appropriately with incoming mail</p>	Written Warning
10	<p>A police officer attended a misconduct meeting in respect of Honesty and integrity</p> <p>Accessed Force systems for non-policing purpose</p>	Written Warning
11	<p>A member of police staff attended a disciplinary meeting in respect of Honesty and integrity</p> <p>Accessed Force systems for non-policing purpose</p>	Written Warning

12	A member of police staff attended a disciplinary meeting in respect of Authority, respect and courtesy Disrespectful towards colleagues	Written Warning
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Lessons Learned

Listed below is a selection of the Lessons Learned recorded following investigation.

<u>Origin of Lesson</u>	<u>Summary</u>	<u>Lessons identified</u>	<u>Action</u>
Conduct	Member of police staff did not deal appropriately with an item of incoming mail which contained notification of an intended suicide	The contents of the note required an immediate welfare check and the lack of action could have potentially resulted in a member of the public being left injured or undiscovered for longer than necessary	Issue highlighted to the Joint Facilities Manager to review Policy around postal arrangements for both Forces
Public Complaint	Complaint received that the length of time blood tests and a post mortem report took were longer than the timescales provided to the complainant	When providing target dates it should be made clear that they are estimates and subject to change	Details of the incident were passed to Senior Coroner's Officers across both counties to ensure realistic timescales are being provided. Also forwarded to Operational Training to advise officers
Public Complaint	Complaint that requested call backs from the Control Room were never received following report of offences committed	Recommendation that clear information is given to the caller about who will call back and an expectation of when	Action sent to Contact and Control Room Supervisors to add as agenda item at regular management meetings

Public Complaint	Following a domestic incident the complainant was taken to the police station whilst a search of the property took place and the other party arrested. When returned home the complainant was requested to leave the property as the other party was being released	Officers are reminded that both parties have a right to be in the marital home and that arrangements should be made suitable for all	Forwarded for circulation within the County Policing Command for both Forces and raised directly with Command Heads. Entry in the October edition of the Learning Times publication.
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Guidance on the Independent Police Complaints Commission Referrals Recommendation Report

Earlier this year the IPCC undertook research to establish whether or not police forces were correctly applying the mandatory criteria for referring cases to the IPCC and were identifying suitable cases for voluntary referral.

Six professional standards departments were chosen to contribute to the project but neither Suffolk nor Norfolk were part of the research work.

Following the research project, the IPCC produced a report entitled 'Referring complaints, conduct matters and death or serious injury matters to the IPCC – a review of police force practice'. The research found that some forces were not referring all the cases that they should to the IPCC. In addition, some fundamental flaws were found in the systems and processes in place within forces as well as misunderstanding of some of the referral criteria.

As a result the report produced four recommendations intended to improve the referrals process as a whole. This report has been carefully considered and the Joint PSD are confident that we are fully complying with all four recommendations. This has also been confirmed by our regular meetings with the IPCC as part of their oversight role. The four recommendations are as follows:-

- **Forces should ensure they have appropriate processes and communication in place to ensure professional standards departments are notified of relevant cases, including those where serious case reviews and domestic homicide reviews take place. Forces should ensure that these processes include appropriate quality assurance. They should also provide appropriate training to relevant staff.**

This recommendation refers to PSDs being notified appropriately of relevant cases. The IPCC have not dictated what that communication should look like or who it might involve because every force will work in a different way. PSDs are responsible for recording complaint and conduct cases and assessing whether they should be referred to the IPCC and therefore it is essential that PSDs are notified of cases that may need to be referred. The types of incidents that PSDs should be notified of are as below:-

- *Any incident that potentially meets the IPCC mandatory or voluntary criteria*
- *Incidents where someone is hurt as a result of direct or indirect police action (regardless of the level of injury).*
- *The arrest of a police officer/member of police staff.*
- *All domestic homicide reviews/serious case reviews that involve police action/inaction (these are cases which involve a review of the circumstances where a person has died and are usually vulnerable people such as victim of domestic abuse or child abuse/neglect)*
- *All dog bites, taser discharges and firearms incidents.*

- Any police pursuit that results in a collision.
- Off duty conduct of police officers.
- Conduct matters where public interest maybe high.

'Relevant staff' would be the individuals (usual senior members of staff) that fall within those department/units that may be responsible for an incident i.e. the force control room, firearms unit or custody staff.

It is important for public confidence that PSDs have sight of all matters that may point to misconduct or poor performance, or where there may be important learning for the force as a whole. The Joint Suffolk and Norfolk PSD operates an 'on call' rota whereby a senior member of suitably trained staff will be 'on call' 24 hours a day, every day of the year. This will be to receive notifications by other relevant staff or to provide advice and guidance to those relevant staff, to provide SIO direction and liaise with the IPCC as necessary.

The report highlighted that there must be a clear system in place to allow PSDs to make a robust initial assessment of serious case reviews/domestic homicide review cases. As a PSD we have excellent links with the relevant units to ensure that we have a role to play from the outset and that staff within these units who are responsible for alerting us to relevant cases have a good understanding of when to do this. Either the relevant 'on call' staff or the DI of the Serious Investigations Unit will be in frequent contact with these units, providing advice and guidance. We also ensure that the relevant staff within all units across both organisations are kept up to date about any changes to referral criteria and this forms part of our rolling training programme.

- **A referral assessment should be carried out in every case as part of the initial assessment of seriousness. For special requirements investigations and for all death and serious injury cases, a substantive rationale for not referring should be recorded on the file. These decisions should be subject to quality assurance measures.**

We have a robust and highly professional assessment process which is undertaken at the outset of any complaint, conduct, DSI or service recovery matter. An assessment and determination of whether a matter requires referral will be undertaken at this initial stage but also throughout the life of a case if new information comes to light. A detailed assessment is undertaken for every matter using the National Decision Model (NDM) and a rationale is provided for not referring a matter to the IPCC on both the assessment form and the National PSD system 'Centurion'. This rationale is provided regardless of the seriousness of the case and ensures that individuals are clear on the grounds for referral. For all cases that are assessed as special requirements and DSI's a discussion is held with Senior Management Team (SMT) as part of the referral consideration prior to documenting the rationale. Every decision is subject to quality assurance by the relevant member SMT as part of the SMT auditing responsibilities. In addition, to this the IPCC may also quality assure particular cases if they had any concerns. The Head of Professional Standards has regular meetings with the IPCC Commissioner for the area, where any concerns would be highlighted and discussed rigorously.

- **PSDs should ensure that systems are in place to record and monitor patterns in an officer's behaviour. These systems should trigger a review if there appears to be a pattern of allegations and/or a higher number recorded for particular officers. The review should contribute towards the assessment of the seriousness of the case and the decision about whether to refer it.**

The IPCC found that PSDs did not consider an officer's history when assessing the seriousness of the case. If a review of an officer's history revealed a pattern of similar behaviour, then the cases would be suitable for voluntary referral.

The IPCC report on how police forces handle allegations of discrimination states that an officer's history should be conducted at the outset of a case as it contributes to the assessment of the seriousness of the case and the decision about whether to refer it.

The Joint PSD ensures that both these elements are fully adhered to. In particular our Complaint History Process was re launched at the beginning of this year and below is a summary of what the process involves and why it was relaunched.

Relaunched Complaint histories process – why?

- 1. We now have more information than any time before recorded onto the PSD system 'Centurion' to help inform decision making at the initial assessment on 'Complaint History' intervention.*
- 2. We now have the structure and resources in place to be able to do more analysis, track interventions and review outcomes.*
- 3. The new process centres around support and development rather than punitive actions or sanctions and its success is built on the engagement of line supervisors and those individuals highlighted.*
- 4. The Public complaints system is set to change in the next 18 months. All complaints are likely to be recorded so we expect to see a rise in the number of officers and staff being subject to complaint histories (hence the threshold changes from 3 to 4 incidents).*

Factors for rationale and considerations for complaint histories

- 1. Complainants who continually contact PSD with concerns about their local policing teams or individual officers. The Complaints Management Unit (CMU) within PSD holds strategy meetings with all interested parties to find solutions to these issues. This is not usually a matter for the officer to address but the organisation as a whole in conjunction with relevant partners (etc. Data Protection, Risk Management, Mental Health Teams).*
- 2. Role performed by the officer staff member – The more contact an officer or staff member has where potential conflict/confrontation or contentious decision making is a factor is statistically more likely to attract complaints i.e. a Uniform Patrol Officer / PCSO, Custody Sergeant, CMU.*
- 3. Officers/ staff who attract repeated complaints which may not have been upheld (no procedural issues) and who do not fall into the above categories. It is these officers/ staff who are perhaps where the greatest intervention needs to be made.*

Purpose

- 1. To reduce complaints and increase customer satisfaction/ confidence.*
- 2. To ensure officers/ staff are properly equipped with the training and skill to be able to perform their roles.*
- 3. To appropriately support (with partners assistance and problem solving) those persons who repeatedly complain to reduce inappropriate contact with the constabulary.*
- 4. To give the officers practical complaint reduction advice and to be self-reflective regarding their performance / interactions.*

5. *To ensure that an early assessment can be made of a member of staff's complaint history this in turn informs whether a voluntary referral is necessary to the IPCC.*
- ***PSDs should ensure that appropriate guidance and training are in place to enable their staff to make confident referral assessment decisions. These decisions should be quality assured.***

The report highlighted that there was a lack of formal process and training for potential Death or Serious Injury (DSI) matters to be identified to the Police Professional Standards for assessment.

The IPCC have published a dedicated 'Focus' edition to provide clarification on the mandatory and voluntary referral criteria. 'Focus' is intended to provide practical advice to practitioners and includes case studies to assist with application. Alongside the Focus document, the IPCC intend to assist forces to implement the recommendations within the report with support and guidance through the regular PSD meetings and contact with their oversight force liaison officers.

The IPCC have not and will not train all PSDs on the referral criteria. The rationale provided for this is that each PSD operates differently with distinct working practices and systems alongside varying levels of resources. The recommendations within the report are said to be designed to encourage individual forces to consider how their own systems and processes might be improved and how those changes can be implemented within the resources available to them. Not all of the recommendations will apply to every PSD. The recommendations made within the report deliberately do not specify how police forces should implement them.

The IPCC will continue to look at and define what they consider to be 'serious and sensitive' cases and what these might look like. The IPCC intend to ensure that their guidance around the types of cases that ought to be voluntarily referred to the IPCC mirrors their thinking on 'serious and sensitive cases'.

The role of the PCC's has not been defined within the report due to differing working practices in each force area and the need for them to establish locally the most effective way of implementing the recommendations.

Within PSD we ensure that all those individuals responsible for making referral decisions are fully trained, this comprises of ad hoc workshops with the IPCC, time taken within groups to undertake case studies and bi annual PSD training days. Those relevant staff joining PSD attend formal PSD training and those senior staff who form part of the 'on call' rota attend formal training on DSI and referrals. PSD is a constant learning environment to ensure that we are fully conversant with changes and the statutory guidance.

Other Matters Identified

There were only a small number of cases identified where misuse of police systems/evidence was a factor that should have been mandatory referred. This suggests that PSDs recognise that misusing police systems where there is no tangible gain (personal or otherwise) is not serious corruption.

When considering the serious assault referral criteria, there were no concerns identified around the referral of dog bites which suggests these incidents are appropriately being referred where the injury sustained meets the mandatory referral criteria.

There were also no concerns identified regarding a lack of referral of road traffic incidents involving the police e.g. a police pursuit resulting in death or serious injury. This would again suggest that these incidents are appropriately identified and referred to the IPCC.

Summary

The Joint PSD is a high performing department who are fully compliant with the recommendations made and have full engagement with the IPCC in their oversight capacity.

Glossary

Complaint Case – A single complaint case may contain one or more linked allegations, made by one or more complainants, against one or more persons serving with the Police.

Allegation – Describes the type of behaviour complained about. A single complaint case can have one or more attached allegations. For example, a person may allege that they were pushed by an officer and that the officer was then rude to them. This would be recorded as two separate allegations forming one complaint cases. An allegation is recorded against an allegation category.

Local Resolution – For less serious cases, such as rudeness or incivility, a complainant may agree to Local Resolution. This usually involves a local police supervisor handling the complaint and agreeing with the complainant a mutually acceptable way of addressing the issue. This may be through a more thorough explanation, an apology or an outline of what actions will be taken in order to prevent future complaints of a similar nature.

Investigation – In other circumstances (or if complainant declines local resolution) a thorough investigation of circumstances may be necessary. This involves the appointment of an investigating officer which will examine allegations and report upon whether each allegation is 'Upheld' or 'Not Upheld'. A complaint will be recorded as 'Upheld' if the service or conduct complained about does not reach the standard a reasonable person would expect. The outcome, therefore, is not solely linked to proving misconduct.

Local Investigations – Investigations carried out entirely by the Police. Complainants have a right of appeal to the IPCC following a local investigation.

Supervised Investigations – Investigations carried out by the Police under their own direction and control. IPCC sets out what the investigation should examine (terms of reference) and will receive the investigation report upon completion. Complainants have a right of appeal to the IPCC following a supervised investigation.

Managed Investigations – Investigations carried out by Police under the direction and control of the IPCC.

Independent investigations – Investigations carried out by IPCC investigators and are overseen by IPCC Commissioners.

Discontinuance – Forces may find it impractical, on occasion, to conclude an investigation. This could occur if a complainant fails to cooperate, if the complaint is repetitious or refers to an abuse of procedure. In such cases, an application can be made to the Appropriate Authority to discontinue the investigation.

Disapplication – Introduced in the new Statutory Guidance, to replace Dispensation, an application can be made to the Appropriate Authority to disapply a complaint on the grounds that the complaint is over 12 months old, already subject of a complaint, remains anonymous, is vexatious or repetitious.

Withdrawn – No further action may be taken with regard to a complaint if the complainant retracts the allegation(s).

Subjudice – Subsequent to recording, the start of any work on a complaint may be postponed due to the matter being considered 'sub judice'. This is when a person linked to a complaint case is associated with separate criminal proceedings. The view of the Crown Prosecution Service is sought regarding any prejudice in investigating the complaint.

Investigation appeal - This applies to all complaints investigated by the force itself or where the investigation has been supervised by the IPCC. There is no avenue of appeal from independent or managed investigations.

Local resolution appeal – Complainants are entitled to appeal to the Appropriate Authority against the local resolution outcome.

Complainants - Under the PRA 2002, a complaint about the conduct of someone serving with the Police can be made by the following types of people:

- a) Any member of the public who alleges that police misconduct was directed at them
- b) Any member of the public who alleges that they have been 'adversely affected' by police misconduct, even if it was not directed at them
- c) Any member of the public who claims that they witnessed misconduct by the police
- d) A person acting on behalf of someone who falls within any three of the categories above. This category of person is classed as an 'agent' or 'representative', not as a complainant in their own right, and must have the written permission of the complainant.

Being 'adversely affected' is broadly interpreted in the legislation and includes distress, inconvenience, loss or damage, or being put in danger or at risk. This might apply, for example, to other people present at the incident, or to the parent of a child or young person, or a friend of the person directly affected. It does not include someone distressed by watching an incident on television. A witness is defined in the PRA 2002 as someone who 'acquired his knowledge of that conduct in a manner which would make him a competent witness capable of giving admissible evidence of that conduct in criminal proceeding'. This includes, for example, someone in control of CCTV cameras or in possession of material evidence. One complaint case can have multiple complainants attached and one individual can make more than one complaint within the reporting year.

Subjects – The PRA 2002 broadened the range of people who could be subject to a complaint. Complaints can be made against the following police personnel;

- a) Police officers of any rank
- b) Police staff, including Community Support Officers and Traffic Wardens
- c) Special constables
- d) Contracted-out staff designated under section 39 of the PRA 2002 – for example, escort or custody officers employed by another company.