

## Police, Fire and Crime Panel – 21 February 2023

### Annual Update on Complaint Reviews

#### Report of the Staffordshire Commissioner

### 1. Purpose of Report

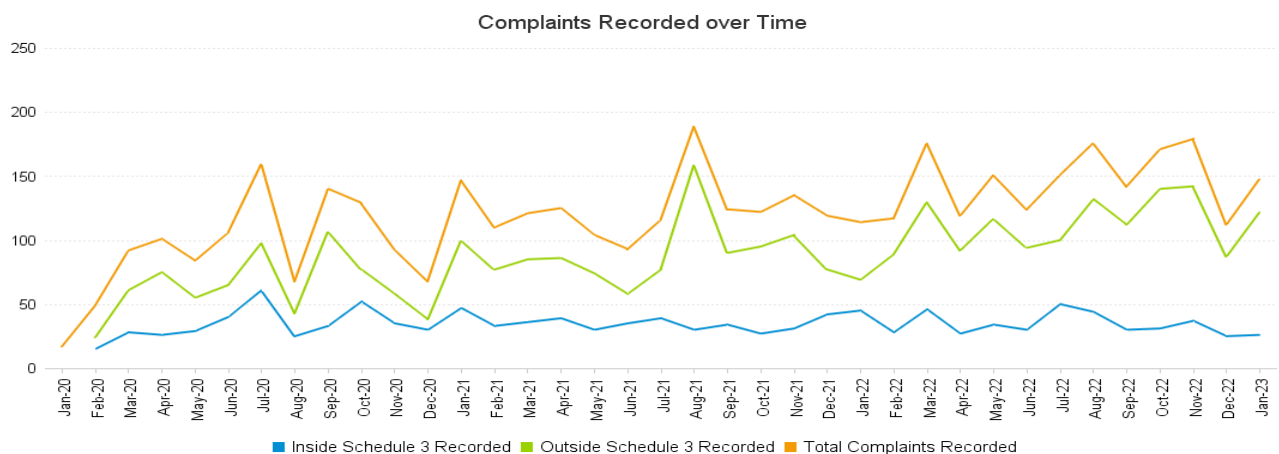
- 1.1 The report updates the panel on the Staffordshire Commissioner's statutory function of complaint reviews following the implementation in February 2020, of the police misconduct and complaint reforms.
- 1.2 A reminder to the panel that the specific role was introduced for Police and Crime Commissioners to increase and strengthen independence and improve complaint handling, ensuring the public can maintain confidence in the integrity of policing.

### 2. Recommendation

- 2.1. That the panel note the contents and agree to receive annual updates for scrutiny at future panel meetings.

### 3. Complaints

- 3.1 The graph below shows that whilst there has been an increase in the number of complaints being received by Staffordshire Police, those recorded under schedule 3 of the Police Reform Act 2002, where a right of review is given, is decreasing. The increase in numbers are for those complaints that are dealt with outside of schedule 3 of the Police Reform Act 2002, which is defined as a logged complaint, where if the allegation was proven it wouldn't justify misconduct proceedings and, there is no right of review by either the Local Policing Body or the Independent Office for Police Conduct (IOPC).



3.2 In 2022 Staffordshire Police's Professional Standards Department received a total of 1,729 complaints, compared to 1,505 complaints received in 2021. These figures represent an increase of 15% in the number of complaints being received.

3.3 To further breakdown the figures in 3.2.

In 2021, of the 1,505 complaints received 423 (28%) were dealt with under schedule 3 which, has the option for the complainant to exercise their right of a review. The remaining 1,082 (72%) complaints were dealt with outside schedule 3 either by, the Professional Standards Department Triage Team or, a specialised department within the force.

In 2022, of the 1,729 complaints received 404 (23%) were dealt with under schedule 3, which has the option for the complainant to exercise their right of a review. This is a decrease of 5% based on the previous year. The remaining 1,324 (77%) complaints were dealt with outside schedule 3 either by, Professional Standards Department Triage Team or a specialised department with the force. This represents an increase of 22%.

3.4 Below is the time it takes to finalise a complaint. The data is taken from the IOPC statistics which can be viewed from the links in 4.10, of this document. It also makes comparison to the Most Similar Forces (MSF)\* and National figures. The panel should also note that the data is presented in fiscal years, so from the 1<sup>st</sup> April to the 30<sup>th</sup> March. With this in mind the only data currently available for 2022/2023 is from the 1<sup>st</sup> April 2022 to the 30 September 2023.

	01/04/2020 to 31/04/2021				01/04/2021 to 31/04/2022				01/04/2022 to 30/09/2023		
	Force	MSF	National		Force	MSF	National		Force	MSF	National
Outside of Schedule 3 (logged)	23	15	25		24	23	27		12	17	18
Inside Schedule 3 (recorded)	69	70	72		88	101	106		113	112	122

\*Avon & Somerset, Derbyshire, Hertfordshire, Essex, Cheshire, Hampshire, Nottinghamshire

3.5 As noted in the chart/graph outlined in 3.1, as expected there are peaks and troughs with demand, some of these can be attributed to a specific event/occurrence that has happened locally, regionally or nationally. For example, going into lockdown, coming out of lockdown, restrictions being lifted, protests. Policing is under more scrutiny now than ever before and members of the public are more likely to complain about the level of service they have received, by either an officer(s) or the force in general. National headlines for other forces will also drive an increase in complaints being reported in Staffordshire and all other forces throughout the UK.

3.6 Staffordshire Police's Professional Standards Department continues to ensure that members of the public are aware of how to make a complaint, and that the system is accessible for all.

This is done through posters, booklets and engagement with local communities through the neighbourhood policing team.

- 3.7 8 months ago, Staffordshire Police's Professional Standards Department implemented a dedicated triage team which now deals with all complaints outside of schedule 3, unless it requires a specialised area/department to resolve. At present 80% of complaints, which do not have a right of review are retained within the department and triaged by the team to the point of resolution. The added benefit of the triage team is minimal complaints are sent out for resolution by the local neighbourhood policing teams which, allows more time for proactive working with the community.
- 3.8 There has also been the introduction of a Prevention and Intervention Officer within the Professional Standards Department. The role is to identify patterns and trends through complaints received by Staffordshire Police and to work with officers to identify training with the view to ultimately improving the service provided to the communities of Stoke on Trent and Staffordshire. Input is also provided to new officers to the service to give an insight into the type of complaints received.
- 3.9 Work continues with the Commissioner's Office and Staffordshire Police's Professional Standards department around organisational learning. This includes:
- Compliance Manager (SCO) is a member of the Internal Ethics Panel that discusses real time issues and ethical dilemmas. This then feeds into existing or standalone campaigns that are force wide.
  - The PSD Bulletin supplements real-time emerging trends and patterns, moving further towards the ethos of the 2020 regulations around being a learning organisation.
  - Delivery of preventative briefings.
  - Any individual learnings identified being disseminated real time.
  - Organisational learning fed into strategic boards led by a member of the Chief Constable's Executive team.
  - Input with student officers by the Prevention and Intervention officer.
  - Fortnightly & monthly feedback from the Compliance Manager (SCO) on findings from reviews and any trends identified through complaints.
  - Monthly meetings to analysis performance.
  - Quarterly performance meetings with the Independent Office of Police Conduct (IOPC).
- 3.10 Staffordshire Police continue to develop and adapt their approach to the management of complaints in line with the new legislation and a trust driven policing model, where there is the focus on organisational and individual learning and development. The Commissioner is confident that these changes, together with the role of the Compliance Manager (SCO) and

the introduction of the triage team, continues to meet the aspirations that have been set out by government in introducing national reforms.

#### **4.0 Complaint Reviews**

4.1 To remind the panel that the Staffordshire Commissioner adopted Model 1. This requires all PCC's to receive complaint reviews from the public, where they are identified as the local policing body, and consider whether Staffordshire Police took reasonable and proportionate action to address the complaint. Once the review has been completed to then notify the complainant of the outcome.

4.2 In order to fulfil this statutory requirement, this is undertaken by the Compliance Manager, who has delegated authority from the Staffordshire Commissioner to undertake this function.

4.3 For 2022, Staffordshire Police recorded 404 complaints under schedule 3, of those 404 complaints 59 (15%) review requests were received by the Commissioner's office. This is the same percentage received in 2021 where 65 (15%) reviews were requested based on 423 complaints being recorded under schedule 3.

4.4 As highlighted in 4.3 from the 1<sup>st</sup> January 2022 to the 31<sup>st</sup> December 2022 a total of 59 reviews were received.

- 56 requests for a review were accepted.
- 3 (5%) were refused as they were out of time. Complainants must be able to demonstrate the following if a request is received out of time.
  - the delay was out of their control.
  - they had taken all reasonable steps to submit your request within the 29 days allowed.
  - they have particular needs which should be considered.
  - that it is in the public interest to allow an out of time exception.

4.5 Of the 56 reviews accepted and considered in 2022, below is the breakdown of outcomes. Also, below is the breakdown of the 63 reviews accepted for 2021.

2022			2021		
• Upheld	8	(14%)	Upheld	6	(10%)
• Not upheld	48	(86%)	Not Upheld	58	(89%)

4.6 The average time to complaint a review is 36 days.

4.7 Of the 56 reviews received there have been recommendations for either individual or organisational learning on 15 (27%).

Those recommendations include:

- Using Body Worn Video (BWV) to protect the officer and member of the public. In a number of instances, the footage actually negates the complaint.
- Ensuring complainants receive regular updates and expectations are managed.
- Individual learning is also recognised as organisational learning.
- Independent scrutiny of a department/function within Staffordshire Police.
- Raising awareness, inclusion of training of specific subject matters i.e. controlling and coercive behaviour (CBB)
- Learnings from partners and including in organisational learning.
- Resource reallocation.
- Dealing with incidents collectively rather than individually.
- Engagement with the public and understanding what impacts public confidence.
- Information recorded accurately and in detail/decision making.
- Ensuring reports/letters are plain English, jargon free and suitable explanations provided and all allegations addressed.

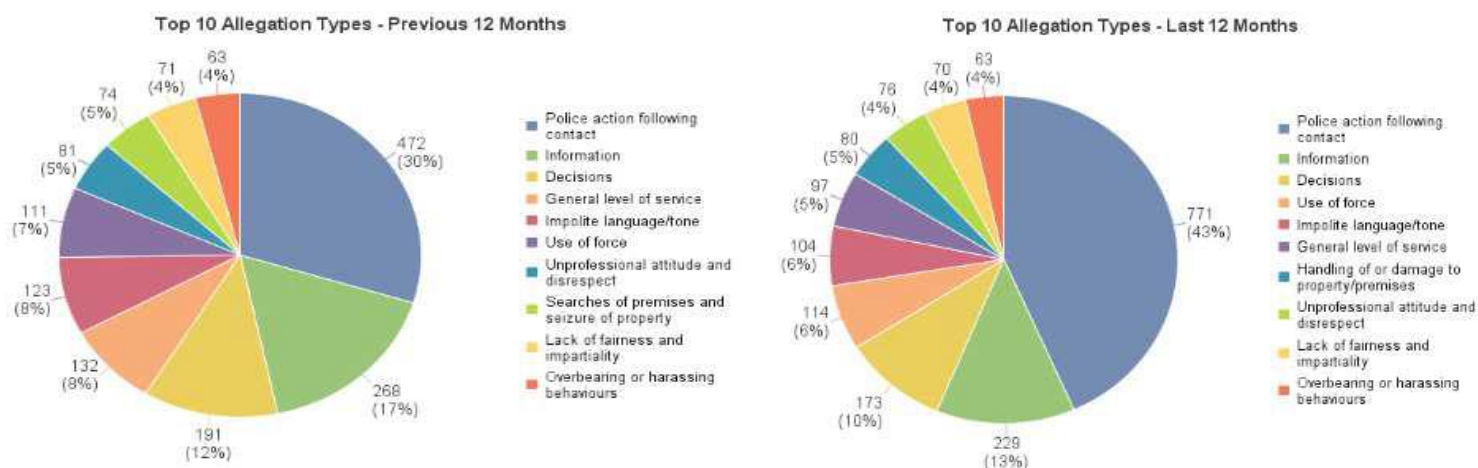
On a few reviews a request has been made to the complainant to use their complaint as a case study with both new and existing officers as part of organisational learning.

- 4.8 The top three allegations that are recorded based on the complainant's dissatisfaction (categories are defined by the IOPC). Work is continually ongoing to address the issues raised with a view of reducing repeat complaints.

The charts below give the comparison between 2021 and 2022 and will show the same top 3 for both years with a 13% increase in Police action following contact in 2022. This is recognised by Staffordshire Police and one of the steps to address this is the introduction of the Prevention and Intervention Officer.

1. Police action following contact
2. Information

### 3. Decisions



- 4.9 The Commissioner's office continues to offer members of the public varied options to make a review and also, how that review outcome is delivered. This allows and shows a transparent and openness to the complaints process and demonstrates an independent approach, which is one of the fundamental reasons for PCCs undertaking this role.
- 4.10 To ensure oversight and scrutiny of the complaints system, on any cases of over 12 month's duration, Staffordshire Police must write to the Commissioner and the IOPC to inform them of the reasons and actions being taken to progress the complaint. Further communication is required every 6 months thereafter until the complaint is finalised.
- 4.11 For 2022 there have been 5 timeliness reports received by the Commissioners office, with a copy to the IOPC. This is a reduction from the 8 received in 2021. The main reasons for the reports are due to the complaint being sub judice as there are criminal proceedings ongoing.
- 4.12 Work continues on a quarterly basis with the Independent Office of Police Conduct (IOPC) where performance is scrutinised for both Staffordshire Police and the Commissioner's Office. Both quarterly data and annual statistics in relation to Staffordshire Police and the Commissioner's Office are published by the Independent Office for Police Conduct. These links are also contained within the Commissioner's website.

#### Quarterly Statistics

<https://www.policeconduct.gov.uk/tags/staffordshire-police>

#### Annual Statistics

<https://www.policeconduct.gov.uk/research-and-learning/statistics/police-complaints-statistics>

## **5.0 What next?**

- 5.1 The Ethics and Transparency Audit Panel will do a further thematic review in 2023. This will look to see the recommendations from the first review have been implemented but, will also look at the effectiveness of the triage function and the impact of the Prevention and Intervention officer. It will also ensure there is compliance with the Police Complaint and Misconduct Regulations 2020. <https://www.legislation.gov.uk/uksi/2020/2/contents>

The annual review by an independent, nationally recognised group is welcomed by both the Commissioner's Office and Staffordshire Police's Professional Standards Department.

- 5.2 Both the Commissioner's office and Staffordshire Police's Professional Standards Department also continue to do an annual presentation to ETAP around complaints and reviews.
- 5.3 The Compliance Manager will continue to work with Staffordshire Police's Professional Standards Department to ensure any reform/transformational work is in line with the regulations.
- 5.4 The Compliance Manager will continue to work with the Professional Standards Department to ensure that complaints are dealt with in a timely manner and that public confidence is maintained.
- 5.4 Work is currently being undertaken with Staffordshire Fire and Rescue Service with a view that the Commissioner's Office becomes the review body for complaints to the service. This information will be included in any future reports to the panel for consideration.

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