

From Informal to Local Resolution: Assessing Changes to the Handling of Low-Level Police Complaints

A Report for The Police Foundation and the
Independent Police Complaints Commission

Victoria Herrington, Tiggey May and Hamish Warburton

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Summary

Key points to emerge from the study since the introduction of the Police Reform Act 2002 and the Independent Police Complaints Commission are:

- Professional Standards Departments (PSD) had tended to restructure into larger team-based departments with a stronger detective base.
- Divisional officers providing support and advice to those conducting Local Resolution were used in half the forces.
- The practice of ‘desktop resolution’ has continued – where complaints are dealt with immediately but not recorded.
- The use of mediation meetings remains limited. Only six forces had trained mediation facilitators.
- The appeals process was seen as a process that has the potential to improve complainant satisfaction and internal monitoring – but it carried some risks.
- There was widespread agreement that the Police Reform Act 2002 had resulted in a simpler, more transparent system, and had improved complainant satisfaction.
- Few forces felt that officer understanding or satisfaction with the process had improved.
- A number of forces stated that they would support mandatory Local Resolution for certain complaints, thus removing the right of the complainant to opt for a full investigation. However, this seems unnecessary given that the forces currently have the option to conduct a short/proportionate investigation.

Building complainants’ confidence in the Local Resolution process

PSDs and successive complaint oversight bodies have tackled improving complainant confidence in the complaints system for a number of years. However, research has consistently shown that despite previous reform and initiatives complainant satisfaction has remained low.

In a bid to manage and improve complainant satisfaction, several forces had implemented complainant contracts. A number of forces also reported using designated divisional officers to provide support and advice to officers conducting Local Resolutions. Many forces also reported that BCUs were attempting to improve divisional expertise by training a selection of officers to become knowledgeable about Local Resolution. As with any new idea or innovation forces need to be encouraged to include an element of self-monitoring to gauge the relative merits of any new approaches. Disseminating good practice should be a goal both nationally and regionally. At a regional level this could be achieved through the existing police complaint network groups, or the regional IPCC offices.

Timely resolutions

Resolving complaints in a timely manner is an aim of both the IPCC and individual PSDs as both recognise that lengthy delays are likely to adversely affect complainant satisfaction. Whilst the IPCC encourages forces to reduce delays and would like to see most complaints resolved within an average of 28 days, they have also recognised that the outcome of a complaint is more important than the time taken to resolve it. Across forces we found the average time taken to resolve a low-level complaint was 43 days.

Building particular communities' confidence

Most forces had introduced measures to improve complainant access to the complaints system. In a number of forces complaints against the police can now be made by a third party, as long as they have the written permission of the complainant. Some organisations also guide complainants through the process. In engaging hard to reach groups in the complaints system forces should continue to look to work with community organisations and be encouraged to monitor the progress of any such work. Finding ways to disseminate good practice across the 43 forces would undoubtedly be useful to all PSDs.

Using imaginative and innovative ways of settling complaints

A number of forces reported that they had introduced innovations since April 2004. One important element of developing these innovations will be to monitor their effectiveness and whether they meet the needs of complainants and officers. PSDs should, where possible, capture any complainant feedback on new ideas and feed this information into the regional PSD meetings.

Building police confidence

Many forces recognised the need to improve officer confidence in the system. Fewer than half of our PSD respondents felt that the move from Informal Resolution to Local Resolution had benefited officers and most considered satisfaction amongst officers to still be particularly poor. Lack of communication between PSDs and officers subject to Local Resolution was seen as a contributing factor, and improved communication with officers subject to Local Resolution was viewed as an important step towards improving officer confidence in the Local Resolution system.

Addressing training needs

Over two-thirds of forces stated that they provided training for newly promoted sergeants, inspectors and probationers, although at the same time a third highlighted that one of the difficulties with Local Resolution was the lack of suitably trained divisional staff. One possible solution would be to provide PCs with specific Local Resolution training at briefing sessions, team meetings or through the Police Federation, and train a selection of supervisors in the management of Local Resolution who could then train other divisional supervisors. Both would,

however, need the support of the command team so that appropriate time could be put aside for training to take place and for supervisors to receive support to be able to take on the responsibility.

The IPCC as the guardians of Local Resolution

It is important that as an independent oversight body the IPCC is viewed by the public as an organisation that is transparent and fair/impartial. Given that Local Resolution is now used to resolve 50 per cent of all recorded complaints (Gleeson and Bucke, 2006) its successful oversight is particularly important.

Whilst it is impossible to monitor all Local Resolutions in all 43 forces, for the IPCC to remain an effective oversight body a reliable and accurate data system capable of capturing the diversity of practice at a local level needs to be in place. Any such system should be periodically evaluated to ensure it is able to capture the diversity of local practice.

To ensure consistency both within and across forces, it is important that there are shared definitions of resolution terms and an agreement on what gets recorded when and how. ACPO and the IPCC have publicly agreed to work in partnership to develop an equivalent of the National Crime Recording Standard for the complaints system.

Finally, whilst the Statutory Guidance is clear that all complaints should be recorded – even if they are resolved immediately – it seems likely that the process of resolving a complaint immediately and not recording it will continue. The issue of what to record and when to record it is complex; nevertheless it is an issue that the IPCC, ACPO and individual PSDs need to address. Whilst there may be some people who simply want to speak to a supervisor to highlight a concern and not have it officially recorded, there will be others that, despite their best efforts, are guided or pressurised towards only voicing their complaint when they would prefer it to be officially recorded. For the police complaints system to be seen as an effective and transparent process the needs of both type of complainant need to be acknowledged and accommodated. If this issue is neglected there is a danger that in some forces and/or BCUs some complaints will be swept under the carpet, whilst in others complainants will be cajoled into a bureaucratic process with the result being driven by targets rather than complainant satisfaction.

Chapter One: Introduction

This report forms part of a four-year programme of research into police complaints by the Institute for Criminal Policy Research (ICPR). Most of the programme was conducted on behalf of The Police Foundation, with funding from the Big Lottery Fund. The Independent Police Complaints Commission (IPCC) provided additional funding for the work presented here, which examines the new arrangements for Local Resolution (LR) of police complaints. This report draws on data from the third phase of the study. Earlier phases took place prior to the inception of the IPCC and therefore focussed on Local Resolution's predecessor, Informal Resolution (IR). This work included a review of the organisational arrangements in place for Informal Resolution across the 43 forces, and closer analysis of complainant and police officer experiences of and satisfaction with the process. Much has changed since then. This report attempts to quantify the extent of this change and the variation in the use of Local Resolution across forces in England and Wales.

Background

Much has been written over the past 20 years about the need to increase the transparency of the police complaints system and public confidence in it. During the 1960s and 1970s the framework for dealing with complaints was geared towards upholding police discipline through an internal system designed to assess whether officers had committed disciplinary offences. This system was criticised for being cumbersome and lacking independence (Scarman, 1981). The Police and Criminal Evidence Act 1984 (PACE), which established the Police Complaints Authority, introduced an increased degree of independent investigation and oversight. It also created a two-tiered complaints system in which serious complaints had to be formally investigated and less serious complaints could be handled via a new process known as Informal Resolution. Informal Resolution was designed to be a speedy and effective way of handling more minor complaints – particularly those complaints involving low-level incivility, oppressive conduct and minor assaults.

Informal Resolution involved an investigating officer (normally an inspector) talking to the complainant, and the officer complained, about to resolve the matter without recourse to formal investigation. Complaints could then be finalised by the provision of an apology (from the officer concerned or from the force) or an explanation to the complainant. Section 85 of PACE and section 69 of the Police Act 1996 allowed the police to use Informal Resolution if:

- A chief officer considered the complaint suitable (in practice a chief officer normally referred to an inspector or above)
- The complaint would not lead to disciplinary or criminal action if proven
- The complainant gave their consent

However, despite the 1984 reforms, the police complaints system continued to be criticised for its failure to command popular support (Home Affairs Select Committee, 1998; Macpherson, 1999; Home Office, 2000; KPMG, 2000; Reiner, 2000; Harrison and Cunneen, 2000). Due to the system being largely governed by the police there was also criticism from a number of commentators, including the police themselves, about the system's lack of independence (Cohen, 1985; KPMG, 2000; Harrison and Cunneen, 2000).

Problems with Informal Resolution

Despite generating consistently higher levels of outcome satisfaction than formal investigations (Maguire and Corbett, 1991; Waters and Brown, 2000), IR was still not overwhelmingly popular either amongst complainants or amongst police officers. The main problem lay not with the process itself, but with the end result. For example, in Hill et al's 2003 study looking at IR conducted through mediation, only 41 per cent of their sample (54 people) was satisfied at the end of the IR process. In the first phase of this study we found similar results for a sample of 260 complainants, of whom only 29 per cent reported feeling satisfied at the end of the process (May et al., forthcoming).

A key criticism of IR was that investigating officers tended to 'guide' complainants towards informal resolution (Corbett, 1991; Criminal Law Committee, 1998; May et al., forthcoming). We found that this was done by raising complainants' expectations about what they might realistically expect from the process. Complainants could always opt for a formal investigation if they wanted, and IR could only proceed with their consent. This meant that investigating officers were sometimes under pressure to 'sell' IR. Some of our interviewees described being told they could receive an apology from the officer concerned, which in reality is a rarity (May et al. forthcoming). When complainants' expectations were not met at the end of the process, their satisfaction reduced. It also led complainants to feel the outcome of their complaint was inconclusive, that nothing had been done, or that the complaint was left unresolved, prompting some to believe they had been duped or misled about Informal Resolution and what it could achieve (Hill et al., 2003; May et al., forthcoming).

The Police Reform Act 2002 and the Independent Police Complaints Commission

The growing criticism about the lack of independence in the complaints system, limited public confidence and low levels of outcome satisfaction led to further legislative reform. The Police Reform Act (PRA) 2002 overhauled the framework for handling complaints that had been established by the Police and Criminal Evidence Act 1984. The PRA 2002 laid out the statutory

framework for the new Independent Police Complaints Commission (IPCC), which replaced the Police Complaints Authority on April 1st 2004. It also reshaped how complaints would be dealt with at a local level, replacing Informal Resolution with Local Resolution. Although Local Resolution subsumed IR it also encouraged forces and the IPCC to develop other approaches for dealing with complaints that are not subject to a full investigation. In outlining how the new complaints system would work the PRA 2002 stated that the IPCC would have a statutory duty to ensure that suitable arrangements are in place to deal with complaints made against both police officers and civilian police staff, and to:

“Increase public confidence by demonstrating the independence, accountability and integrity of the complaints system and so contribute to the effectiveness of the police service as a whole.” (IPCC, 2005: 7)

To further strengthen the independence of the IPCC the PRA 2002 also set out the IPCC’s role as guardian of the police complaints system. In doing so the Act provided the Commission with a raft of new powers aimed at strengthening and improving the system for both police staff and complainants. In carrying out the role of complaint system guardian the IPCC identified four key elements which now form the backbone of its work. These are:

- Setting standards, monitoring, reviewing and inspecting the police complaints system
- Promoting confidence in the complaints system as a whole
- Ensuring the accessibility of the system as a whole
- Promoting policing excellence by drawing out and feeding back the lessons arising from the IPCC’s work

In tackling police complaints the IPCC highlighted five core beliefs which now inform all their work in improving the complaints system. These are:

- Justice and respect for human rights
- Independence
- Valuing diversity and equality
- Integrity
- Openness

Local Resolution

Local Resolution, like Informal Resolution, is based on resolution of a complaint at a local level rather than by officers from another force or investigators working for the IPCC. It involves “solving, explaining, clearing up or settling [of a] matter with a complainant” (IPCC, 2005: 24). The Statutory Guidance issued by the IPCC (IPCC, 2005) states that for Local Resolution to work better and to meet the needs of complainants and officers complained about, the police service needs to:

- Build complainants’ confidence in the process
- Build particular communities’ confidence in the process
- Use imaginative and innovative ways of settling complaints
- Build police confidence in the process
- Consider training needs

In meeting these needs the IPCC has placed an emphasis on encouraging forces to develop procedures and deliver Local Resolution in a way that ensures that the system is transparent; that complainants have realistic expectations about what the process can and cannot deliver; and that forces learn from each complaint. It has also highlighted the importance of a timely conclusion to each complaint.

Other measures introduced by the PRA 2002 affecting Local Resolution include:

- A complainant being able to appeal to the IPCC about the Local Resolution process
- A third party, who claims to have been adversely affected by the conduct of the officer/police staff member, being able to make a complaint
- A member of the public, who claims to have witnessed the conduct, being able to make a complaint
- A third party, with the written consent of the complainant, being able to make a complaint on behalf of a complainant
- An increased set of access points at which a complaint can be made

Although each chief officer is still responsible for complaints that are locally resolved, the IPCC, as stated above, has the ‘guardianship’ role. As part of this, the IPCC has a duty to ensure that the investigation and resolution of complaints is carried out as independently and impartially as possible. Each element of its guardianship role is also underpinned by legislation enacted through the Police Reform Act 2002¹.

Whilst the Police Reform Act 2002 made substantial changes to the overall governance of the police complaints system and to the conduct of formal investigations, it left arrangements for Local Resolution largely unspecified. It was left to the IPCC, once in place, to establish the procedural details of the operation of Local Resolution. Whilst such procedures were being developed, the reports of three significant reviews were published. Despite none of the reviews focussing primarily on the complaints system, the recommendations of all three had relevance for the overall complaints system, and for aspects of Local Resolution.

The first was the Morris Inquiry (2004) into aspects of employment in the Metropolitan Police Service (MPS), commissioned by the Metropolitan Police Authority. There was also the Taylor Review into police disciplinary procedure and professional standards, commissioned by the then Home Secretary, David Blunkett. Finally the Commission for Racial Equality (CRE) launched a formal investigation into the police service in England and Wales. Below we briefly outline the relevant points from the three reports.

The Morris Inquiry

The Morris Inquiry was established in response to the mishandling of MPS inquiries into allegations of misconduct made against officers from minority ethnic groups. Its significance for the complaints system was its recommendation that MPS grievance procedures should be based on the ACAS Code of Practice on Disciplinary and Grievance Procedures. The relevance of this for complaints lies in the implicit shift from procedures designed to allocate blame to ones intended to resolve conflict.

The Taylor Review

The Taylor Review was commissioned to examine police disciplinary arrangements with:

“particular emphasis given to the extent to which the disciplinary arrangements provide a proportionate, just and effective process for the disposal of conduct and complaint matters; in a way that is likely to enjoy the confidence of the public.” (Taylor Review, 2005)

The review proposed that the complaints system should be “citizen focussed” – the primary aim being to achieve complainant satisfaction rather than to test the blameworthiness of police officers. Of particular relevance to Local Resolution were the report’s recommendations that the resolution of complaints should be done at the earliest opportunity and at the lowest level, and that the mechanisms to do so should be improved, and that the IPCC, not the complainant, should be the arbiter of the methods used to achieve this.

¹ For a detailed examination of the legislation that underpins the IPCC see IPCC (2005): Making the new police complaints system work better: statutory guidance. IPCC: London.

The report argued, as did the Morris Inquiry, for a shift from a highly adversarial complaints system embedded in a culture of blame and sanction to one that placed more emphasis on individual development and improvement. It argued that the end result would be increased public satisfaction and better service delivery. It also argued that a simplified and better understood complaints process would result in better professional standards and an increase in public and police confidence in complaint outcomes. It proposed that:

- The language of the complaints and discipline system should be open and transparent
- All complaints should be assessed at an early stage
- There should be proportionate handling of complaints and this should be at the lowest possible line management level
- There should be designated time limits for all parts of the process

In conclusion the review team expressed a wish that the complaints system should provide a proper balance between complainant and officer interests and reduce the human and monetary costs associated with lengthy adversarial processes.

The CRE Formal Investigation of the Police Service in England and Wales

The Commission for Racial Equality (CRE) published its Formal Investigation of the Police Service in England and Wales in March 2005. One of its terms of reference was to examine whether “recent recruits and other police officers have access to an effective complaints system with respect to complaints of race discrimination”. Like both Taylor and Morris the CRE report did not focus on Local Resolution, although it dovetails with Taylor’s recommendation that complaints should be handled at the lowest level of management because:

“inappropriate upward referral of conduct issues [is] debilitating for all parties and appears to have a particularly adverse impact on officers from black and ethnic minority backgrounds.” (Taylor, 2005: 7)

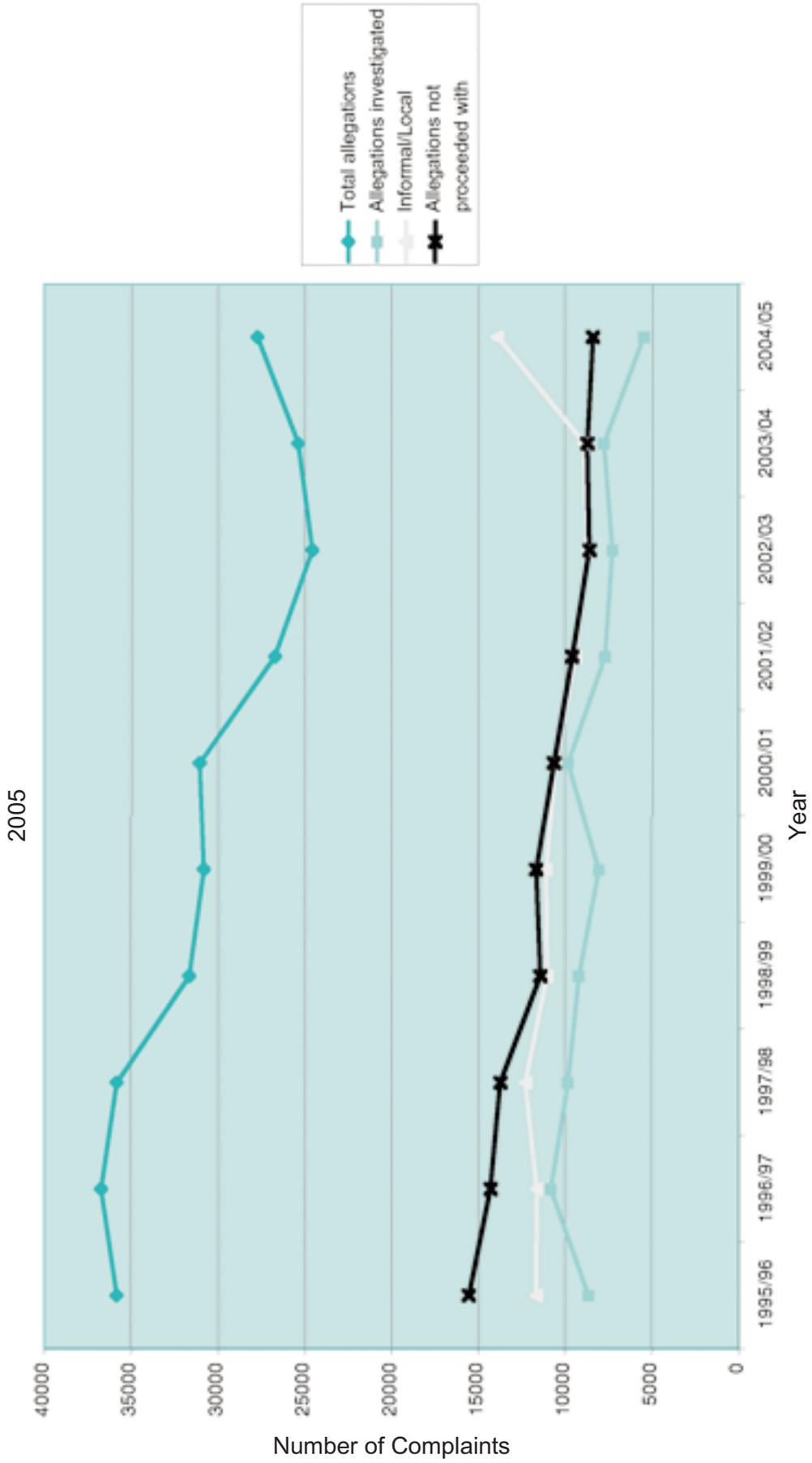
A further recommendation made by the CRE was that chief officers should have systems to record management information about low-level informal action taken to deal with racial misconduct and allegations of racial misconduct, and as such the use of Local Resolution in these instances should be carefully monitored. In response to the overall investigation the IPCC stated that they were “determined that all police staff, whatever their background, can be sure the complaints and discipline process is impartial and fair” (IPCC, 2005). It acknowledged that at the present time this is not the case and stated that it would work with the CRE to achieve such a change. The recommendations from these reviews have the potential to impact significantly on the complaints system; for example, by shifting the emphasis from one of blame

to one of learning and ensuring that the complaints process becomes citizen focussed rather than complainant driven, thus suggesting that there should be a fairer balance between the interests of the officer and the complainant. Published during the third phase of this study, these reports form an important backdrop to our examination of the new Local Resolution procedure.

Trends in the use of Local Resolution

Between April 2004 and March 2005 there were 27,724 recorded complaints made against officers in England and Wales, which was an increase of 2,348 complaints compared with the previous year. Figure 1.1 provides an illustration of how all complaints were resolved in the ten-year period between 1995 and 2005 (Home Office, 2004; Gleeson and Bucke, 2006).

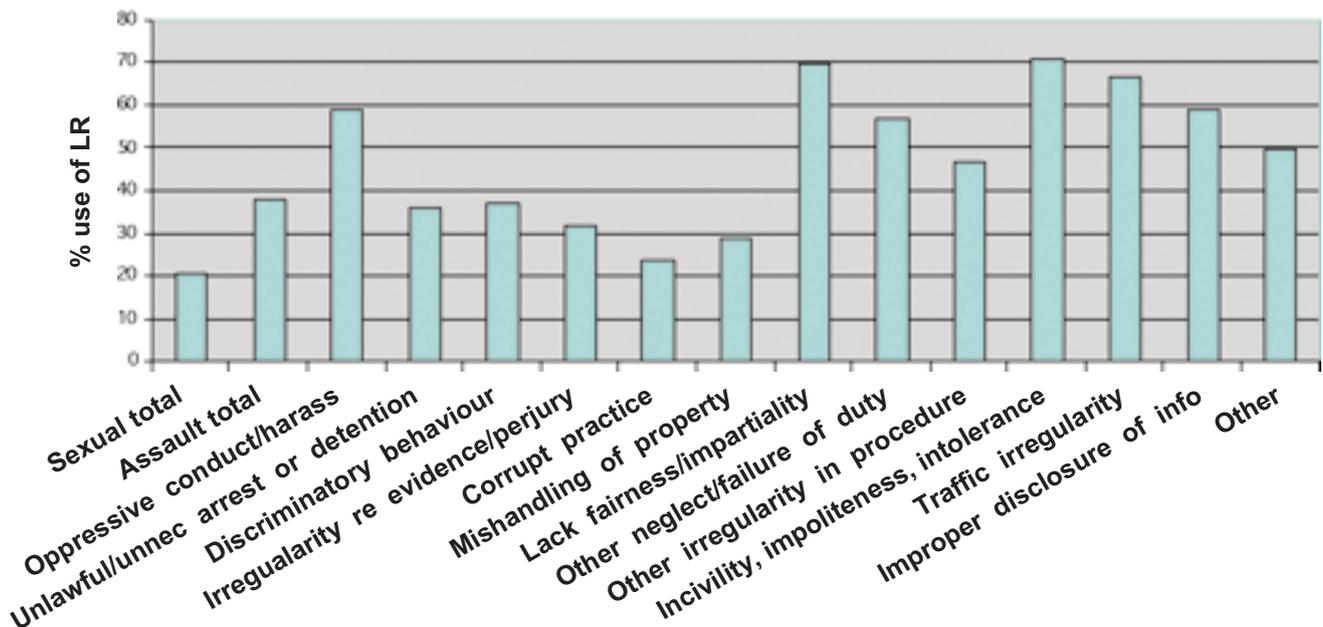
Figure 1.1: Annual completed complaint totals 1995



In line with recommendations by Her Majesty's Inspectorate of Constabulary (HMIC), the Police Complaints Authority (PCA) and the newly created IPCC, the use of IR and now Local Resolution has continued to rise over the last ten years. The chart above shows that by 2003/04 Local Resolutions accounted for 35 per cent of all complaint resolutions and by 2005 this had risen to 50 per cent (Gleeson and Bucke, 2006). This growth has largely been at the expense of investigated complaints, which fell in both absolute numbers and in proportionate terms. Whilst 50 per cent of all completed allegations during 2004/05 were completed using Local Resolution, there was considerable variation across the 43 police forces. The use of Local Resolution ranged from 76 per cent in one force to 28 per cent in another (Gleeson and Bucke, 2006).

In 2004/05 assaults, neglect/failure of duty and incivility were the three complaint types which generated the greatest number of complaints from members of the public. In each category Local Resolution was used in at least a third of cases. In cases involving neglect/failure of duty and incivility Local Resolution was the preferred method of resolution in 57 per cent and 71 per cent of cases respectively. Figure 1.2 provides a breakdown of the percentage use of Local Resolution by complaint type.

Figure 1.2 Percentage use of Local Resolution by complaint type



The study

This report forms part of a large-scale examination of the Local Resolution of police complaints. The first two phases of this study took place before the IPCC was established and focussed on Informal Resolution. Phase one was diagnostic, examining how the process of Informal Resolution operated. This involved an in-depth review of the arrangements for implementing Informal Resolution in six force areas which then informed a 41-force survey aimed at quantifying the variation in practices across forces (see Warburton et al., 2003). The second phase of the study comprised interviews with 260 complainants and 143 police officers, which detailed their views of the Informal Resolution process (see May et al., forthcoming). The third and final phase of this study started after the IPCC had been in place for a year. Its aims were twofold:

- To assess any changes to the organisational arrangements to deal with complaints that are suitable for Local Resolution
- To develop and monitor new ideas for locally resolving complaints

This report deals exclusively with the first aim – the changes in organisational arrangements (an additional report addresses the second aim). It presents the results of a national survey of Professional Standards Departments in England and Wales. The survey, which was carried out in mid-2005, was similar to that conducted in the first phase of the study, which provided a descriptive account of the organisational arrangements for IR that were in place in 2002 (Warburton et al., 2003).

The 2002 survey found clear variations in the perception and use of Informal Resolution: with. Line managers and PSD officers regarded Informal Resolution as a useful management tool for resolving low-level complaints. Officers subject to the procedure maintained that it allowed for malicious and unfounded complaints to be recorded against them. Officer satisfaction with the process was poor – they felt IR was imposed on them. There was a strong sense amongst this group that IR offered officers little in the way of fairness or justice.

The report indicated that success would, in part, be dependent on increasing officer understanding of Local Resolution and confidence in it. It also pointed to a need for Local Resolution to be used appropriately and for its use to be standardised – as much as is possible – across force areas. Following the introduction of the Police Reform Act 2002 and the IPCC, we were commissioned to undertake a similar survey to the one in 2002 to examine if any changes had been made at an organisational level in the implementation of Local Resolution.

We invited all 43 police forces in England and Wales to take part in the second survey. All but one force agreed to do so. Each force was asked to nominate a representative who would have administrative responsibility for completing the survey. One force agreed to return two questionnaires to account for the procedural variations between their North and South² areas, resulting in a total of 43 returns. Nominated representatives were sent both electronic and paper copies of the questionnaire and guidance notes and given a month to complete and return them.

Topics covered in the second survey included:

- The structure and scope of Professional Standards Departments
- Access to the complaints system and recording a complaint
- The Local Resolution processes
- New ideas or innovative ways to resolve complaints
- The use of mediation
- Training
- The impact of the changes brought in by the PRA 2002

Structure of the report

The following chapters outline the key findings from our second survey. Where appropriate we have compared findings with those from our 2002 survey. In Chapter two we examine the organisation and implementation of Local Resolution, reviewing the structural and organisational changes to Professional Standards Departments since April 2004 and the recording and resolving of complaints. In Chapter three we examine the broader impact of Local Resolution and look at the training provided to police officers, new and or innovative ways of resolving a complaint, the new appeals process and the impact of the changes brought in by the PRA 2002. Finally in Chapter four we present our conclusions and discuss the guardianship role of the IPCC and possible future developments of Local Resolution

² Unless stated the returns are presented as separate areas and have not been combined.

Chapter Two: Organisation and Implementation of Local Resolution

This chapter first examines the structure of Professional Standards Departments (PSDs). It then considers the processes for receiving and recording complaints and the organisational procedures to deal with complaints once they are recorded.

Professional Standards Departments

The size, character and traditions of individual forces vary widely. Likewise the volume of complaints and general complaint profiles differ from force to force. It is therefore expected that the structure of PSDs will vary from force to force. This section examines the differences in department structures across the 42 forces that participated.

Since the Police Reform Act took effect 24 forces stated that they had changed the structure of their PSDs. Thirty-two stated that their departments were team-based rather than 'stand-alone'³ (compared to 25 previously). Many PSDs had restructured to become incorporated into larger departments, which often included integrity teams, data protection, covert operations, legal and civil claims, and licensing applications.

In all the forces an officer of at least superintendent rank had responsibility for the PSD. In eight this role was undertaken by a Detective Chief Superintendent. Unsurprisingly staffing levels differed across force areas as did the level of PSD administrative support. The largest department had a staff of 93, the smallest a staff of nine⁴. The use of civilian investigators (CIs) had changed little since the inception of the IPCC: 31 forces employed CIs, compared to 27 in 2002. Most civilian investigators were retired police officers often with a PSD background. This survey also found a growing trend of employing officers with a detective background. In 2002 only ten forces had a strong detective composition. By 2005 this number had increased to 23, perhaps reflecting the fact that PSDs now have a broader remit than before.

Receiving complaints

Complaints against the police can be made in a variety of different ways. They can be reported by telephone, fax, email, in person or by writing directly to the Chief Constable, local police authority or to the force PSD. Our 2002 survey showed that some forces accepted complaints

³ In this context 'stand-alone' refers to departments that only dealt with complaints and not, for example, other functions such as data protection issues.

⁴ It is likely that some forces, when stating the number of staff in their departments, only counted staff whose work directly involved complaint work, and have not included staff who are part of the Professional Standards Department but who work in areas such as litigation or data protection.

lodged through any of these routes, whilst others were more restrictive. By 2005 fewer forces were in the latter category. More forces were accepting complaints made by phone (40 compared to 24), email (42 compared to 30) and fax (40 compared to 36). This change is in line with the IPCC's recommendation that "the police service develop a range of ways for people to access the complaints system" (IPCC, 2005:8).

Complaints are also able to be made via the IPCC (in much the same way they could be made directly to the PCA but now with a dedicated telephone complaints centre), and in addition the Police Reform Act 2002 allows complaints to be made through a third party, for example someone who witnessed an incident involving police misconduct. Thirty-five forces indicated that a complaint can, with the written permission of the complainant, be made by a third party. Five forces also mentioned that complaints are able to be made using a specifically designed page on their website.

'Immediate' and 'desktop' resolutions

In both the 2002 and 2005 survey we defined 'immediate resolutions' as those complaints that are resolved at the same time they are officially recorded and 'desktop resolutions' as those complaints that are dealt with without a record being made (see Warburton et al., 2003). Desktop resolutions might therefore range from minor complaints where the complainant does not want a formal response to those where the complainant is dissuaded from making a complaint⁵.

As a result of our survey, we discovered that the terms 'immediate' and 'desktop' were causing some degree of confusion amongst PSD respondents. Two forces in particular indicated that this term meant something other than the definitions we gave them. One of these forces queried our definition by email and asked:

"Would you be able to tell me where you got the definition of 'desktop resolution' from? As discussed [refers to an earlier phone conversation], this Force (and I know others) have never been advised of the meaning of this or for that matter 'Management' or 'Mediation'. Prior to 01.04.04 complaints were either 'Informal Resolutions' or 'Immediate Informal Resolutions'. The terms 'desktop' etc. just appeared on the Centurion software which came into effect on 01.04.04 – we were given no explanation as to their meaning."

The Centurion computer system, which is used by 41 out of 43 forces, allows for the resolution of complaints to be recorded under three options: desktop, management and mediation. The

⁵ An example of this might be when a member of the public wishes an officer's line manager to be aware of something they deemed inappropriate, but does not wish to pursue it further.

force querying our definitions had taken ‘desktop’ resolutions to refer to those conducted on division, management resolution to mean Local Resolutions conducted by the PSD and mediation to mean incidents where the complainant and officer meet to resolve the complaint. Whilst it is unclear where these definitions derive from, it is certainly the case that they caused confusion both to those who use the software and to those who completed our survey. Thus the findings in this section should be treated with caution.

Immediate resolution

We asked PSDs whether they had a policy concerning the immediate resolution of complaints. Twenty-three indicated that they did. Overall 16 forces stated that they encouraged this practice on the assumption that it was appropriate and practical⁶. One force indicated that ‘immediate’ Local Resolution could only be conducted by trained staff and one force stated that such practice was not permitted. The remaining forces’ policies were unclear.

Desktop resolution

Conducting a ‘desktop’ resolution – i.e. disposing of a complaint without making any record of it – is contrary to the IPCC guidance and previous Home Office guidance. Both the IPCC and the Home Office are explicit about the need to record all complaints that involve – or potentially involve – an element of police misconduct. However, ‘desktop’ resolutions do happen – and indeed it is probably inevitable that they occur, given the subjective judgements involved in deciding when a criticism from a member of the public actually counts as a complaint. Whilst interviewing officers (for the next stage of the research) we were informed that some shift sergeants did not always officially record complaints. As one respondent explained:

“I’ve only had one Local Resolution – this one. But I’ve had a couple of people phone up my sergeant and moan about me, but none of them has ended up with any paperwork.”

Another example, from a separate study, was recorded whilst observing a divisional team meeting. An inspector commented to his staff that:

“It broke my heart the other day when I actually had to record a complaint against one of you, usually I can sort it out there and then and there’s no need to make it official. I get around two or three complaints a day some days and often only have to properly record one.”

We asked forces if they issued guidance or had any policies about this type of resolution. Thirteen forces stated that their policy was to officially record all complaints. Two felt that ‘desktop’ resolutions were acceptable as long as a pocket book entry was made, and a further

⁶ Two forces stated that they supported this practice, but felt it was not suitable for racial discrimination complaints.

two forces indicated that they would allow the practice if it was appropriate and the complainant consented. In two forces PSD representatives stated that prior to the initiation of the IPCC they had not issued any guidance on this type of resolution. Both forces were aware that supervisors were using this type of resolution and that it was impacting on their Local Resolution figures and only providing a partial complaint profile. In the two forces guidance was issued informing supervisors that all complaints had to be recorded. Interestingly, the two forces reported the two greatest increases in the use of Local Resolution in the following year.

Problems with recording complaints

Whilst the Statutory Guidance is clear that all complaints should be recorded – even if they are resolved immediately – it seems likely that the process of resolving a complaint immediately and not recording it will continue. The issue of what to record and when to record it is complex; nevertheless it is an issue that the IPCC, ACPO and individual PSDs need to address.

Recording complaints about 'direction and control'

Complaints about 'direction and control' (D and C) relate to force policies and organisation, as opposed to the behaviour and potential misconduct of individual officers. Prior to the Police Reform Act 2002 (PRA), there was no requirement to record and collate statistics on complaints about direction and control. Despite this, our previous survey of PSDs found that 25 out of 41 forces had begun recording and collecting information about organisational complaints.

Section 14 of the PRA 2002 allows for guidance on complaints about D and C to be issued to chief officers and police authorities. Guidance formalising the requirement to acknowledge and record these complaints was issued in early 2005 (Home Office circular 19/2005). Section 14 of the PRA 2002 requires chief officers to act on this guidance, which defines a D and C complaint as one that relates to:

- Operational policing policies (where there is no issue of misconduct)
- Organisational decisions
- General policing standards in the force
- Operational management decisions (where there is no issue of misconduct)

The exact requirement of the guidance is that 'each police force is to develop a procedure for the effective and efficient handling of complaints on D and C and to write its own local guidance (Home Office circular 19/2005: 2). In line with this guidance, such complaints were recorded by all but one force. The force that did not record D and C complaints was, however, in the process of developing a new policy and procedure on this matter. In almost half (20) of the surveyed

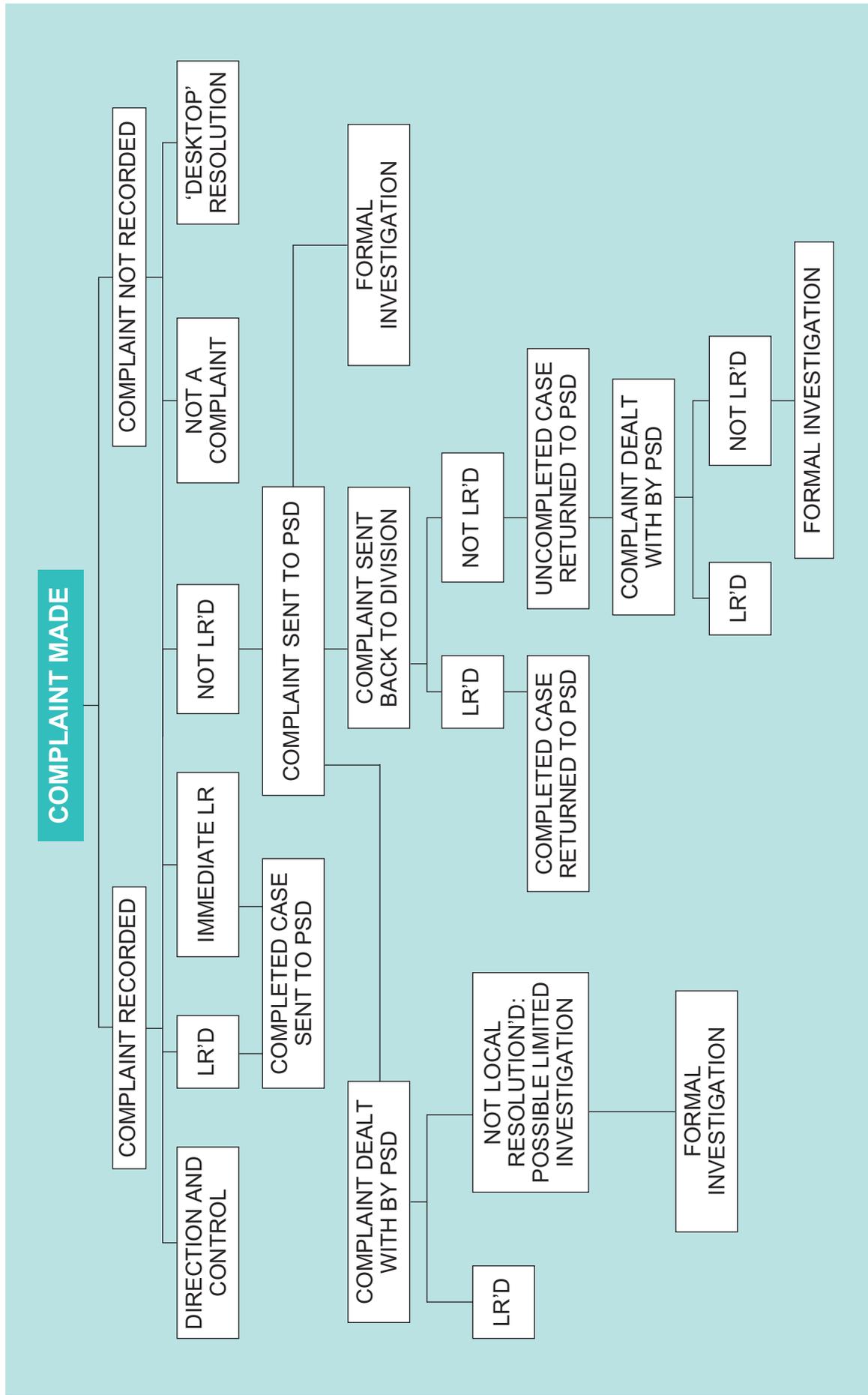
forces complaints were recorded and dealt with by the PSD. In eight forces a central record was kept (not in the PSD), and the complaint was dealt with locally. For example:

“The standard form is on the email system, which district staff should complete. The form is then sent to the corporate development department who centrally record the complaints. Districts then deal with complaint[s] at a local level.”

Managing Local Resolution

The Informal Resolution procedure predating Local Resolution attracted criticism for having insufficient follow-up, poor communication between the investigating officer and the complainant, and often a result that met the expectations of neither the complainant nor the officer complained about (Corbett, 1991; May et al., forthcoming). The IPCC Statutory Guidance recognises that the Local Resolution process needs to work better in police stations and at Basic Command Unit (BCU) level and that forces need to increase complainant confidence in the Local Resolution process. With this in mind, we re-examined the administrative arrangements for resolving complaints at a local level. Figure 2.1 presents a flow diagram illustrating the Local Resolution. Whilst the Statutory Guidance states that all complaints should be recorded, Figure 2.1 includes non-recording as some forces still resolve some complaints in this way.

Figure 2.1: The Local Resolution process



As discussed previously, complaints – providing they are suitable – can be locally resolved at the same time as they are recorded. If they are not, or if the complainant is unwilling to have the complaint immediately dealt with by Local Resolution then either an attempt at Local Resolution is made sometime thereafter, or the complaint is referred to the PSD. The PSD can take over the handling of the complaint, or refer it back to the division for Local Resolution to be attempted – potentially for a second time (and sometimes by a different officer). If a second attempt at Local Resolution (on division) fails, then the PSD will normally assume responsibility for the case. The intricacies of this system varied across forces. Below we describe the two processes identified by forces for deciding how to resolve a low-level complaint⁷.

Local Resolution decisions made at divisional level

This framework was applied in different ways in different police forces. In 31 forces⁸ an initial attempt at Local Resolution was taken on division, prior to the complaint being forwarded to the PSD for recording. If this attempt was unsuccessful the complaint was referred to the PSD. Its subsequent allocation was then dependent on the circumstances and complexity of the case; those cases PSDs felt were able to be resolved on division were returned for a second attempt, whereas those deemed problematic were usually retained and dealt with by a PSD officer (in 11 of these 31 forces this certainly happened; in the remainder it was unclear). This process was clearly the favoured process for managing Local Resolution

Local Resolution decisions made at PSD level

In ten forces complaints were mainly noted on division and then sent to the PSD for recording and a decision about the suitability of Local Resolution. Complaints deemed suitable for Local Resolution were then allocated to a named divisional officer for Local Resolution to be attempted. In some cases this was the line manager of the officer who had been complained about, in others it was a suitable sergeant or inspector, but who did not necessarily know the officer complained about. In contrast to the system described previously, PSD involvement occurred before any divisional attempt at Local Resolution was made. This ensured that PSDs had control over the eligibility and suitability of complaints intended for Local Resolution and the allocation of the case to suitable divisional personnel.

⁷ In two forces the answer to this question was unclear and could not be coded in the same way as the other 41 forces.

⁸ The force that returned two questionnaires is in this category and has been classed as two forces (rather than one force with two responses).

Local Resolution 'gatekeepers' and conduits of information

Ensuring that the eligibility criteria for Local Resolution are met and that there is consistency in the application of Local Resolution at a local level will increase the transparency and integrity of the procedure. We asked forces whether they had designated personnel to fulfil this function. Almost all (41) reported having an individual at force level – predominantly a PSD officer (37) – who performed this 'gatekeeping' role. This was a slight increase on the figure collected in 2002 (38). Ten also indicated that they had an individual or team on division responsible for conducting Local Resolutions. This tended to be a designated sergeant or inspector. One force mentioned that it had a nominated chief inspector who was a designated 'complaint manager' responsible for managing and locally resolving complaints at a divisional level.

Twenty-one forces indicated that they had particular officers on division who were available to provide support and advice to supervisors conducting Local Resolutions. As highlighted previously, developing local skill and expertise in the delivery of Local Resolution is one way that complainant and officer confidence and satisfaction with the process might be improved (Warburton et al., 2003).

The outcome of Local Resolution

Prior to the inception of Local Resolution complaints tended to be resolved by way of management resolution. Under this process, a supervisor meets with both the complainant and the officer complained about, independently of one another, to resolve the incident that has caused the complaint. This is usually done by providing an explanation or in some circumstances by apologising to the complainant on behalf of the officer or the force concerned. In our questionnaire we asked forces about the different ways used to resolve complaints.

Although only 15 forces specifically mentioned management resolution as a way that they resolved complaints, it is likely all forces continue to deal with the majority of low-level complaints in this way. All forces also stated that, where appropriate, they provided apologies. Despite a clear willingness to do this, however, the experience of complainants suggests it is an unusual practice. In our earlier work we found that, of 260 complainants, only 13 per cent had received an apology. In only three cases was this from the officer they had complained about (May et al., forthcoming).

Other ways of resolving complaints included providing complainants with explanations, either verbally (43) or in writing (37). Twenty-three forces indicated that they would compensate

complainants financially, whilst 17 stated that they would offer flowers or alternative forms of compensation. Over half (22) resolved complaints using restorative and/or mediation meetings. Mediation meetings are discussed in more detail below.

In one force the PSD respondent highlighted that until November 2005, if a complainant was unhappy with either the Local Resolution process or the result, they were allowed to ask for an investigation. However, following a regional meeting it was decided that this was not the best course of action, particularly as the IPCC statutory guidelines state that a complainant should be fully informed of what the Local Resolution process means before they sign up to it, and that they also have the right to appeal against the Local Resolution process.

Communicating the outcome of Local Resolution

Communicating the resolution of a complaint is an important part of the Local Resolution procedure and one that is likely to leave a lasting impression. A common criticism of IR which we encountered whilst interviewing complainants related to the style in which the 'final' letter that communicated the resolution was written. It was often reported to be brief and impersonal, containing little or no information related to the complaint or its outcome, other than that it had been informally resolved.

We asked PSDs if they had changed how they communicated the outcome of a complaint since 2002 and the move from IR to Local Resolution. Forty-two forces indicated that they still contacted complainants at the end of the process by letter. Some indicated they might let the complainant know in person (36), by phone (32) or through their solicitor (27). Sixteen forces stated that they would consider communicating the outcome by email. Twenty-eight forces stated that at the start of the process they agreed with the complainant how the outcome would be communicated to them.

Ensuring that complainants are informed appropriately about the resolution of their complaint is clearly important. However, it is equally important that officers are kept informed at every stage of the process, including the point of resolution. Whilst officer consent is not necessary for the Local Resolution process to work, maintaining and building officer confidence and satisfaction with the process is important, and is one of the IPCC's key objectives. There was variation between forces in the way complaint outcomes were communicated to officers. Officers could be informed in person (34), by letter (25), email (20), through their line manager (18) or by phone (17). One force mentioned that it always sends its officers a letter, whereas

another indicated that face-to-face communication was its preferred method. Only 15 forces agreed the method for communicating the complaint resolution with an officer beforehand.

Our previous interviews with complainants and officers pointed to a desire by both parties to know what the other has said and to be aware of the information conveyed by the investigating officer. Few forces are able to satisfy this desire, as only nine allow complainants and officers access to detailed case notes.

The timely completion of Local Resolution

The IPCC encourages forces to complete the Local Resolution process within 28 days. The goal to complete IR was 90 days. Although the IPCC has stopped short of setting a 28-day target for forces, it has stated in its Statutory Guidance that:

“The IPCC would like to see the average come down to 28 days. Local Resolution is a proportionate response and it is important to move it along. The IPCC encourages forces to work towards an average of 28 days but sees outcome as more important than timescale.” (IPCC, 2005: 27)

Whilst 28 days is a desirable aim this was being met by only ten of the 27 forces that completed the question. The average time it took to conduct Local Resolution was 43 days (range 14-99 days).

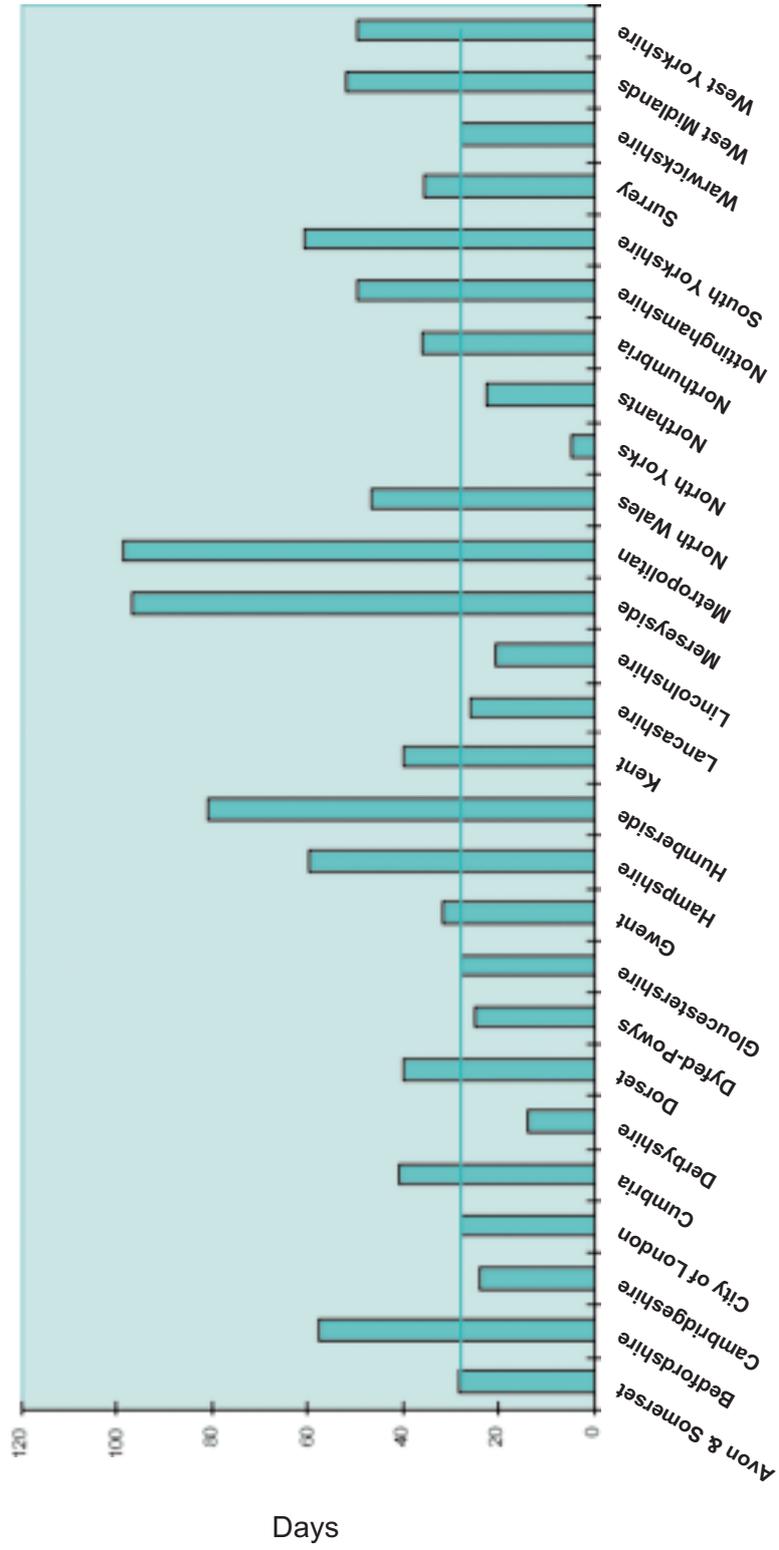
There are often a number of reasons why a complaint takes more time than it would ordinarily seem to need, including an officer’s shift pattern, annual leave, tasking and secondments, and the slow response from complainants. All of these factors make it difficult to speak to an officer immediately after a complaint has been made. Likewise it is not always possible to speak to a complainant immediately. Local Resolution can be further slowed down if it requires an extended period of negotiation. We also found that the framework employed for locally resolving complaints had an impact on the average speed of the resolution. Those forces which permitted an initial attempt at Local Resolution on division took on average 40 days to resolve the complaint, whereas those which channelled their decision-making about the allocation and suitability of Local Resolution through the PSD took an average of 52 days to finalise the complaint.

Currently there is no national recording standard for complaints, although both the IPCC and ACPO have stated a commitment to developing one in 2006/07. The IPCC has issued specific guidance which states that the length of time taken to locally resolve an allegation “is the number

of working days from date received to date Local Resolution completed” (IPCC, 2005: 46)⁹. However, the timeliness of the Local Resolution process is still likely to differ across forces. For example, one force may decide to start timing the process when the complaint has been received whereas another may wait until the complainant opts for Local Resolution. Therefore, when we compare the timeliness of the Local Resolution process across forces we cannot be sure that we are comparing like with like. Figure 2.2 illustrates the average time in days taken to complete Local Resolution in forces which provided data. The line represents the IPCC 28-day recommendation.

⁹ ‘Date Local Resolution completed’ is defined in the IPCC statutory guidance as ‘the date when the complainant is told that all action is completed with regard to Local Resolution’ (IPCC, 2005: 45).

Figure 2.2: Time taken to locally resolve complaints



Chapter Three: The Broader Impact of the New Local Resolution Procedure

In this chapter we examine the impact of the changes to Local Resolution that have been introduced by the Police Reform Act 2002. First we examine the training provided to officers on complaints. We then describe the various new or innovative ways that forces are employing to resolve complaints, and the perceived impact on complainants and officers of the new appeals process. Finally, we look at the overall impact of the changes brought in by the PRA 2002.

Training

The IPCC Statutory Guidance acknowledges that the skills needed to conduct a successful Local Resolution are different to those needed to conduct criminal investigations. It highlights that problem-solving and customer services are important if successful Local Resolutions are to be achieved. With this in mind the IPCC encourages individual forces to train line managers about how best to conduct Local Resolution. However, there is no mention of training probationers or providing ongoing training for operational officers. This is an issue that could be considered for future versions of the IPCC Statutory Guidance.

A number of forces have, however, recognised that providing probationers with training on Local Resolution is also good practice. Just over two-thirds (29) of forces stated that they provided their new recruits with training. However, the detail on what the training actually entailed varied considerably, as the following quotes illustrate:

“It is part of a generic input about the complaints system.”

“For new recruits the training in relation to Local Resolution explains the process. This demystifies the process so that when they are approached about a matter being locally resolved they are already aware of what will happen. We have found that they are less concerned about the process and more willing to interact with the Local Resolution, and if necessary offer an apology or meet with the complainant.”

Over three-quarters (33) of forces provided training for newly promoted sergeants, and 29 forces provided newly promoted inspectors with training. In four forces specific complaint training was not provided.

Although the training varied from force to force, 25 PSDs provided structured training for all ranks. The quote below details typical training input:

“A member of PSD attends a course and gives input on relevant PSD matters (depending on roles of the individuals attending). At least 35 minutes is dedicated to Local Resolution. Individuals are given a copy of the Local Resolution form and IPCC leaflet, and advised how to complete the form. They are also advised on presenting Local Resolution as [an] option to complainants, including the type of language to employ and the investigative methods used for Local Resolution.”

In five forces PSD staff only trained newly promoted supervisors. As above, training varied considerably, ranging from an invite to the PSD, to BCU updates on policy and procedures, as the quotes below illustrate:

“All newly promoted sergeants are invited to PSD and given training input by a sergeant in PSD. This covers responsibilities under the PRA 2002 and the Local Resolution procedure.”

“Complaints process and Local Resolution are discussed on sergeants, inspector, custody sergeants and tutor constable courses. Local Resolution is not covered in as much detail as the head of PSD would like due to the time constraints of the course. PSD offer one-to-one assistance for any supervisor wishing to develop their skills in this area.”

One force also provided refresher training to supervisors that aimed to improve the management of Local Resolution at a divisional level. PSD staff commented that after the package had been implemented they thought there had been a noticeable improvement in the quality of information sent to them. They also thought that it had provided supervisors with greater confidence to resolve complaints using Local Resolution. The same force also provided an additional training package for operational officers. The purpose of this was to reduce the number of complaints that officers attract by educating them on the types of behaviour that the public complain about.

The appeals process

The right to appeal against the Local Resolution process – but not the Local Resolution outcome – was established by the Police Reform Act 2002; the complainant must make the appeal “within 28 days of the occurrence of what they have alleged has gone wrong” (IPCC, 2005: 27). The IPCC Statutory Guidance states that if a complainant chooses to appeal against the process, it will:

- Examine the type and level of information and explanation the police gave the complainant
- Assess whether the complainant’s consent was informed (in light of the above)
- Explore what other options were realistically available, and
- Decide whether the process explained before consent was given was in fact followed

We asked PSDs about the number of appeals they had received about the Local Resolution process since April 2004. Twenty-nine forces had had appeals lodged against them, with numbers ranging from just one appeal (in five forces) to 16 (in two forces). We asked forces about the perceived advantages and disadvantages of the introduction of the appeals process. Tables 3.1 and 3.2 outline the responses.

Table 3.1: The perceived advantages of the appeals process

Perceived advantages	Number of forces (N=43)
The appeals process improves quality control	26
The appeals process improves consistency within forces	22
The appeals process improves consistency across forces	20
The appeals process encourages the recording of all complaints	9
The appeals process improves public confidence	28
The appeals process improves officer confidence	10

Table 3.2: The perceived disadvantages of the appeals process

Perceived disadvantages	Number of forces (N=43)
The appeals process reduces complainant confidence in the system	6
The appeals process reduces officer confidence in the system	11
The appeals process causes confusion to complainants	24
The appeals process has the potential to be exploited by complainants	21

Most forces held mixed views about the appeals system (26), although 11 highlighted only positive aspects and four only negative. The appeals process is still relatively new and not all forces have any experience of it; however, it appeared to be viewed as a welcome addition to the Local Resolution process and one that has the potential to improve complainant satisfaction and internal monitoring.

Innovative practice

Finding new or innovative ways to resolve complaints is one of the measures promoted by the IPCC. Indeed, one of the benefits of the IPCC and the move from IR to Local Resolution was thought to be the flexibility it would allow when developing and using Local Resolution. In our second survey we asked forces about the scope they had to initiate new ways to resolve complaints and about any new or innovative practices they had implemented since April 2004.

Nineteen forces stated that they felt they had greater scope to develop innovative ways to resolve complaints, 17 of which indicated that since April 2004 they had made changes and developed new ways to locally resolve complaints. Four forces indicated that they now encouraged the development of 'complaint champions' or divisional contact officers, as one force commented:

“Divisional Local Resolution teams can provide a more professional and consistent approach to Local Resolution that enables better learning to come out of the process in a joined up manner.”

Three forces highlighted that they had introduced briefings with community groups to explain the Local Resolution process, and six had initiated the use of 'contracts' or 'case letters' that both parties agreed to and signed. One force was also piloting the use of gateway organisations to assist complainants whose first language is not English, and/or who may feel uncomfortable attending a police station to make a complaint. Gateway organisation staff had been trained to assist potential complainants and could be called upon to provide advice on the options available to them. In some situations, with the written permission of the complainant, organisations were also able to make the complaint on their behalf (this was set out as an option for complaining by the PRA 2002).

Mediation

The PRA 2002 allows for a range of different approaches with which to locally resolve complaints. One such approach highlighted as promising practice by the IPCC Statutory Guidance (2005), the Taylor Review (2005) and the Morris Inquiry (2004) is mediation. Under this process, the complainant and the officer complained about meet face to face to resolve an outstanding complaint. Mediation Meetings (MMs) are based on a philosophy similar to that of restorative justice, which encompasses the idea of collective resolution through dialogue (Australian Institute of Criminology, 2002). This form of resolution moves away from notions of blame and punishment to those of understanding and reparation.

A number of commentators have outlined the scope for applying the concept of restorative justice/mediation to the complaints system (Dobry, 2001; McLaughlin and Johansen, 2002; Hill et al., 2003). In this context mediation meetings provide a “forum in which police and public can meet face to face, listen to each other and find a constructive way forward” (Dobry, 2001:1). In both the 2002 and 2005 surveys we found that PSDs were largely supportive of the use of MMs.

Despite such enthusiasm, their use has not been widespread. Between April 2004 and August 2005, 31 meetings had taken place across 14 forces. In general PSD respondents commented that the process offered officers the opportunity to explain a course of action, and to meet face-to-face with a complainant. It was perceived to improve the process for both complainants and officers by increasing transparency and awareness of the process, and by providing an atmosphere conducive to learning. The process, if conducted sensitively, was reported to have the potential to increase officer understanding and satisfaction and improve public confidence in the system. Problems encountered with the mediation process included the time it took to arrange and carry out the meetings, the expense involved, and the need to 'cherry pick' suitable cases.

The need to 'cherry pick' cases is important for a number of reasons. The organising officer/facilitator must ensure that both parties have agreed to the meeting for the right reasons and that they do not view it as an opportunity to confront the other party, accuse one another or see the meeting as an opportunity to cast blame. If the meeting results in either party questioning why they agreed to take part or leaving the meeting dissatisfied it is likely that the process will be viewed as a waste of time. For mediation meetings to work each party needs to understand what the purpose of the meeting is and what it can realistically achieve for them. Both the officer and complainant will then be able to make an informed decision about whether it is the best way to resolve the complaint for them.

Of the 14 forces that had conducted any meetings, six had provided their facilitators with formal training from an outside company, and four had provided 'on the job' training. Of the remaining four, three did not answer the question and one stated that they provided training but did not expand further.

Whilst MMs have the support both of PSDs and the IPCC, and have proved successful in a number of cases, it is an area that needs careful monitoring so that best practice about suitability and implementation can be highlighted and disseminated wherever possible.

The impact of the change from Informal Resolution to Local Resolution

In this section we examine the impact of the change from IR to Local Resolution for complainants and officers from the perspective of PSD respondents.

Local Resolution and complainants

In the first 41-force survey Professional Standards Departments indicated widespread support for the introduction of the IPCC and the associated changes brought in by the PRA 2002. In particular, forces hoped that the IPCC would improve the image and transparency of Local Resolution and increase complainant satisfaction with the process. When surveyed in 2005 nearly two thirds (27) of all PSD respondents stated that they believed the IPCC had increased the transparency of the process for both complainants and officers. Twenty forces thought that complainant understanding had improved, and 14 believed complainant satisfaction had increased. However, complainant satisfaction surveys had only been completed in ten forces, and these had produced less than promising results. In four forces complainant satisfaction was said to have improved, in two it had not, and in the remaining four the PSD respondents were unsure.

We asked forces what they thought would improve complainant satisfaction. Seven felt that a more timely response was needed; five specifically mentioned a need for greater clarity and feedback at the end of the process. Several commented that offering an apology would undoubtedly improve complainant satisfaction, as would a force showing their willingness to engage with the complainant and learn from their complaint. As one respondent commented:

“[Complainant satisfaction could be improved] if [Local Resolution] was seen as a valid process with learning and other resultant outcomes; if complainants felt officers were more accountable.”

Local Resolution and officers

In our first survey many forces were ‘sceptical about the capacity of the IPCC to make a significant impact on how officers felt about Local Resolution’ (Warburton et al., 2003: 26). In 2005 we asked forces if transparency had improved and if officer satisfaction with, and understanding of, the process had also improved. Only 13 forces thought that the move from IR to Local Resolution had improved transparency, with fewer (11) reporting increased understanding among officers, and even fewer (5) believing that officer satisfaction with the process had risen. Twelve forces stated that officers were less inclined to think that the move from IR to Local Resolution had made a difference because the perception was that the move was little more than a name change. Eighteen forces believed that the move from IR to Local Resolution had been beneficial for officers, stating that the new process was simpler, more structured and open (5), and that officers now possessed a much greater awareness of the

process (4). However, only five forces had conducted officer satisfaction surveys. We asked respondents how they thought officer satisfaction could be improved. One suggestion involved promoting and marketing the system in such a way as to improve officer confidence (11). Although not widely popular among PSDs, four forces suggested that officers should be given the same options as complainants and be able to have their complaint investigated if they wished. In a similar vein a small number of forces suggested that if a complaint was found to be unsubstantiated an officer should be able to appeal and have the record removed from their file, as the following quote illustrates:

“[Officer satisfaction could be improved] if officers could appeal. Currently they can have a Local Resolution recorded against them even if they deny any misconduct.”

Local Resolution and PSDs

In our second survey we wanted to assess the impact that the move from the Police Complaints Authority to the Independent Police Complaints Commission had had on PSDs. In 2002 most forces reported that they were positive about the introduction of the IPCC, provided it did not bring with it an increase in bureaucracy. Our more recent survey found that almost a quarter reported that there had been ‘no discernible change’ to the Local Resolution system since the inception of the IPCC. Encouragingly, eighteen forces reported that they had experienced no difficulties with the implementation of Local Resolution since April 2004. Difficulties that were highlighted included a lack of trained officers available at BCU level to resolve complaints (14), and IT and technical problems associated with the change from IR to Local Resolution (8). Difficulties collating data for the IPCC were mentioned by seven forces, although no further details were made available.

Issuing guidance to PSDs

The first PSD survey highlighted that if the move from IR to Local Resolution was to be successful it would be partially dependent upon “the IPCC issuing guidance on the suitability and applicability of the differing approaches to Local Resolution” (Warburton et al., 2003: 25). At the time of the second 42-force survey forces were only in possession of draft guidance. Although the Statutory Guidance differs little from the draft the answers reported in this section relate to the former rather than the latter.

All 40 that answered the question had read the draft guidance. Some forces had also made the draft available to operational officers through the force intranet (14), by giving verbal guidance (12), and by directing officers to the IPCC website (12).

As part of the survey we also asked forces if they thought improved or supplementary guidance was necessary. Some forces highlighted that they thought more detailed guidance was needed on the suitability of Local Resolution for 'borderline' complaints, improved practical guidance for officers responsible for Local Resolution, and assistance to develop better facilities and training in Local Resolution. The issue of ensuring consistency across and within forces was also raised by five forces. By way of example we found that in some forces assault cases were rarely local resolved whilst in others they were. There was also a concern that best practice lessons could be better disseminated by the IPCC as the following quote illustrates:

"[Guidance needed around] promotion of best practice nationally. The IPCC see all forces but have sent out no ideas on this yet."

In addition some forces commented that if mandatory Local Resolution was implemented, as suggested by the Taylor Review, they would expect detailed guidance on this from the IPCC. This issue is discussed in greater detail below.

Developing Local Resolution

Although Local Resolution is still in its infancy we asked forces how they would like to see it develop, and what areas they would like to see changed or improved. Most forces were fully supportive of the Local Resolution process and just under a quarter commented that they would like to see an increase in both the use of Local Resolution and the promotion of expertise in Local Resolution at a local level (10), as the following respondent highlights:

"The force is piloting a scheme whereby responsibility for the whole of the Local Resolution process is devolved from PSD to Basic Command Unit. This will give them [BCUs] greater ownership of the problem, leading hopefully to a streamlined system which is simpler for the complainant to understand, one which is quicker and less bureaucratic to administer and one which gives better feedback on ways to improve their service standards: better analysis and focus on organisational learning."

Other suggestions for the development of Local Resolution included marketing Local Resolution to improve its use at a local level, providing more timely responses to those complaints suitable for Local Resolution, and again a move away from a complainant-driven process by introducing mandatory Local Resolution for certain complaints. One respondent outlined the case for mandatory Local Resolution for certain complaints stating:

“There is a need for certain categories of complaints to be mandatory Local Resolutions, e.g. incivility. Because the system is ‘complainant driven’ we have had instances whereby a complainant with no independent evidence/witness is adamant that they require a full investigation, which given the severity of the complaint is disproportionate to the complaint.”

Whilst mandatory Local Resolution appears popular with some forces, others are less enthusiastic about its potential value. Some commentators are unconvinced about the need for it as limited and/or short/proportionate investigations are already an option under the current guidelines. One observer commented that if it became available it would merely be a limited investigation under another name. The Statutory Guidance states that:

“Carrying out effective investigations that are also proportionate and timely is part of the minimum standards expected of the police.....The minimum requirements for an investigation are the appointment of a single person serving with the police (investigating officer) to investigate the complaint or conduct matter who must submit a report to the appropriate authority. Some investigations can be very quick and straightforward and can be concluded with a short factual report which could be sent to the complainant with information about any action that may be taken.”

It would appear that some PSD respondents, prior to answering the questionnaire, were not fully aware of the scope of the current statutory guidelines. The current guidelines clearly state that limited and proportionate investigations can be carried out for Local Resolutions thus questioning the need to introduce mandatory Local Resolution. It would appear the guidelines have struck a balance between safeguarding forces from unnecessary investigations for minor complaints, whilst also allowing short investigations to be undertaken for those complainants who request one or where it is deemed necessary by an investigating officer.

The benefit of maintaining the current system and not implementing the Taylor recommendation is twofold: forces are able to provide a proportionate response and therefore do not waste valuable (officer) time investigating cases of minor misconduct, and complainants are protected from mandatory Local Resolution being used to resolve inappropriate cases. If a complainant is informed that their complaint will be local resolved and that they have no say in the decision making process there is a possibility that a small number of cases that should be investigated will end up being local resolved. Under the current system a complainant also has no right of appeal against the result. In essence, mandatory Local Resolution would create no new powers

that are not already available but could take away the safeguard that currently ensures the present system's transparency and openness – the complainant's right to decide how their complaint will be resolved.

Greater assistance with training for forces, and the development of a more hands-on approach within forces were also thought to be important developments that the IPCC should undertake. Five forces specifically mentioned that the IPCC needed to promote Local Resolution to a wider audience, and three also suggested that the IPCC disseminate best practice where it is found. As mentioned earlier the IPCC is currently developing ways of collating and disseminating good practice at a regional level.

Chapter Four: Conclusions and Discussion

This report has examined the administrative procedures for dealing with low-level complaints against police officers following the inception of the IPCC and the introduction of Local Resolution. Our findings have been drawn from a national survey of 42 police forces in England and Wales. This chapter presents a summary of our key findings and discusses these findings in the light of the Statutory Guidance issued by the IPCC in August 2005. In the guidance the IPCC states that for Local Resolution to work better in police stations and BCUs, the police service needs to concentrate on five broad areas. These areas are:

- Building complainants' confidence in the complaints system.
- Building particular communities' confidence in the complaints system.
- Building police confidence.
- Looking at training needs.
- Using imaginative ways to resolve complaints.

In this chapter we have framed our conclusions around these five areas.

Key points on Local Resolution

Our survey of 42 forces in England and Wales aimed to identify the organisational and procedural changes to the Local Resolution system following the legislative changes brought in by the Police Reform Act 2002, which came into force in April 2004. In summary we found that:

- Professional Standards Departments (PSDs) had tended to restructure into larger team-based departments with a stronger detective base.
- Divisional officers providing support and advice to those conducting Local Resolutions were used in half the forces.
- Complainants are now able to register their complaint in a number of different ways.
- Third parties are, with the written permission of the complainant, able to make a complaint on their behalf.
- The use of complainant access points was being developed in a number of forces.
- The practice of 'desktop resolution' has continued – where complaints are dealt with immediately but not recorded.
- Many forces were developing new and/or different ways to resolve complaints, including gestures such as buying flowers for a complainant.

- Complaints took an average of 43 days to be locally resolved.
- Thirty-one mediation meetings had been conducted across 14 forces between April 2004 and August 2005. Six forces had trained mediation facilitators.
- The appeals process was perceived as a process that has the potential to improve complainant satisfaction and internal monitoring – but it carried some risks.
- There was widespread agreement that the Police Reform Act 2002 had resulted in a simpler, more transparent system, and had improved complainant satisfaction.
- Few forces felt that officer understanding or satisfaction with the process had improved.
- Few forces reported any difficulties with the transition from the Police Complaints Authority to the IPCC, but some wanted further guidance from the IPCC on a number of issues.
- A number of forces stated that they would support mandatory Local Resolution for certain complaints, thus removing the right of the complainant to opt for a full investigation. However, this seems unnecessary and undesirable given that forces currently have the option to conduct a short/proportionate investigation.

Building complainants' confidence in the Local Resolution process

Improving complainant confidence in the complaints system is a task that has been tackled by Professional Standards Departments and successive complaint oversight bodies for a number of years. However, research has consistently shown that past reform and initiatives have been largely unsuccessful. The complaints process has always tended to be viewed with unease and has never particularly enjoyed the confidence of complainants or officers. However, redressing this situation is one of the IPCC's core objectives. The guidance suggests that for a successful Local Resolution there must be voluntary participation from the complainant and that the complainant and investigating officer must share a realistic expectation and understanding of what the process will involve and what the likely outcome will be. We examined how forces had addressed the issue of complainant confidence since April 2004.

As we reported earlier, several forces had implemented complainant 'contracts' in a bid to manage complainant expectations and to improve public satisfaction with the Local Resolution process. A number of forces also reported using designated divisional officers to provide support and advice to officers conducting Local Resolutions. Many forces also reported that BCUs were attempting to improve divisional expertise by training a selection of officers to become knowledgeable about Local Resolution. The aim of most of these initiatives was to build complainant confidence in the process by improving their understanding of Local Resolution and managing their expectations.

We are unable to comment on the success of any of these measures. However, our previous research on IR found that complainant dissatisfaction often stemmed from unrealistic expectations at the start of the process, perhaps suggesting that any efforts targeted at or aiming to improve complainant expectation should be welcomed. As with any new idea or innovation, forces should be encouraged to include an element of self-monitoring to gauge the relative merits of any new approaches. The national and regional PSD complaint network groups could also help forces to identify and disseminate good practice, along with the IPCC regional offices.

Timely resolutions

Resolving complaints in a timely manner is an aim of both the IPCC and individual PSDs, with both recognising that lengthy delays are likely to adversely affect complainant satisfaction. Whilst the IPCC encourages forces to reduce delays and would like to see most complaints resolved within 28 days, it has also recognised that the outcome of a complaint is more important than the time taken to resolve it. Across forces we found the average time taken to resolve a low-level complaint was 43 days (ranging from 14 to 99 days). However, forces that recorded and resolved the majority of their Local Resolutions on division were generally closer to the desired 28-day resolution time than forces where each complaint was recorded by the PSD and then sent to a divisional officer to resolve. In assisting forces to resolve complaints with greater efficiency there is probably scope for the IPCC and/or ACPO to issue guidance outlining the different ways a low-level complaint can be recorded and resolved, and the advantages and disadvantages of each process. If this process is viewed as beneficial the findings could be included in the redrafted Statutory Guidance that the IPCC must update and produce every three years, the next version of which will be in 2008. Guidance would also enable forces to be aware of the range of options available to them and perhaps encourage those forces with less streamlined processes to consider changes.

Possible problems in securing complainant confidence

In outlining proposals for the police complaints system the Taylor Review recommended that the complaints process should be “citizen focused rather than complainant driven” (Taylor, 2005: 4) and that the “present concept of Local Resolution... [should change] in favour of an assessment and decision based on the facts of each case” (Taylor, 2005: 35). In essence, the review suggested that in certain cases complainants should only be offered the Local Resolution option and not a full investigation. To safeguard complainants the review suggested that the IPCC should monitor and act as “the public interest watchdog” (Taylor, 2005: 35). Currently the decision on whether to opt for an investigation or Local Resolution is (ultimately) left to the

complainant. With such a system some minor complaints do end up being fully investigated when the most appropriate course of action would have been to resolve them locally; equally, however, there is a likelihood that other complaints that should be investigated end up being locally resolved. As we discussed in Chapter three, the notion of mandatory Local Resolution for certain complaints is a popular idea amongst some forces. However, it is not necessary given that investigating officers are, under the current system, encouraged to conduct short and quick investigations if appropriate and/or necessary. If mandatory Local Resolution is introduced into the process it is likely that some complainants will find that their complaint is locally resolved when in reality it should be investigated. Unable to appeal against the result, complainants are likely to feel let down by the system and resentful of their local police. In this context introducing mandatory Local Resolution seems both unnecessary and more importantly undesirable.

Building particular communities' confidence

Previous research has suggested that the complaints system is experienced differently by different groups within local communities. Some complainants find it easier than others to access the system, make a complaint and have the complaint resolved to their satisfaction. As a result, confidence in the system varies. A recent report by the IPCC found that those with a recent negative experience of the police were less likely to complain (Docking and Bucke, 2006). Black and minority ethnic groups, those in socio-economic groups D and E¹⁰, and young people were reported to be particularly sceptical about the complaints system and/or disinclined to use it.

In an effort to encourage these groups to engage with the complaints system most forces had introduced measures to improve complainant access to it. In a number of forces potential complainants are now able to seek guidance on how to make a complaint from community organisations. Such organisations and/or third parties are, with the written permission of the complainant, also able to make a complaint on behalf of a complainant. In one force staff at a community organisation had been provided with training to enable them to explain the process and – if requested – help complainants throughout the duration of the process. The aim of the scheme was to encourage members of the public whose first language was not English and those less at ease in a police station to make a complaint if they needed to, but with the support of a community organisation. In engaging hard-to-reach groups with the complaints system,

¹⁰ Socio-economic group is determined by the occupation of the chief income earner in the household. Group D refers to semi- and unskilled manual workers. Group E refers to those dependent on benefits, including pensioners and the unemployed (Docking and Bucke, 2006).

forces should continue to look to work with community organisations and be encouraged to monitor the progress of any such work. Finding ways to disseminate good practice from across the 43 forces would undoubtedly be useful to all PSDs. Again this task could be undertaken by regional PSD networks with the assistance of both ACPO and the IPCC at a regional level.

Using imaginative and innovative ways of settling complaints

Since April 2004 forces have been encouraged by the IPCC to develop new and/or imaginative ways to resolve complaints. The IPCC have also highlighted that forces should, where possible, work with “local branches of staff associations and trade unions in settling complaints” (IPCC, 2005: 26). The Statutory Guidance states that the key issue is that “a complainant is clear how it will work for them” (IPCC, 2005: 26). In our survey a number of forces reported that the opportunity to introduce innovation had improved since April 2004.

To improve Local Resolution and ensure the process is tailored to local need Basic Command Units should support PSDs and the IPCC and encourage divisional supervisors to develop new ways to locally resolve complaints. One important element when developing innovation will be to monitor its effectiveness and check whether it meets the needs of complainants and officers. Capturing these data will help to ensure that new ideas are suitable for Local Resolution and meet the needs of complainants. This could be done at regional PSD meetings and, where appropriate, fed back to regional IPCC staff for further dissemination.

Building police confidence

Building police confidence in the Local Resolution procedure is one of the goals of the IPCC. The IPCC guidance states that the police service “need[s] to build officers’ and staff’s confidence in the complaints system to ensure that it is fair, voluntary and worthwhile” (IPCC, 2005: 25). We found that whilst police managers considered that improving officer confidence and satisfaction was important, they also acknowledged that it was a challenge. A number of PSD respondents highlighted that whilst the Local Resolution process remains complainant driven, improving officer confidence will continue to be a difficult obstacle to negotiate. Findings from our survey indicated that fewer than half our PSD respondents felt that the move from IR to Local Resolution had benefited officers and most considered satisfaction amongst officers to be particularly low. Respondents believed that officer disaffection was further exacerbated by a lack of communication between PSDs and the officers subject to Local Resolution. Only 15 forces agreed how the resolution would be communicated to officers. In comparison 28 forces stated that they agreed with complainants how the Local Resolution result would be communicated. Improved communication with officers subject to Local Resolution is perhaps

one way to improve officer confidence with the Local Resolution system and would be a relatively simple measure to implement.

Addressing training needs

The IPCC Statutory Guidance states that the skills required to deal with local complaints are different to those required for a criminal investigation and are about problem solving and customer service. Training, especially for supervisors conducting Local Resolutions, is important if the necessary skills to successfully resolve complaints are to be developed. Whilst it is easy to advocate that more training needs to be undertaken, it must be recognised that forces often face difficulties when trying to find the time and necessary resources to train staff in all aspects of policing in which officers need to be competent. That said, over two-thirds of forces stated that they provided training for newly promoted sergeants and inspectors and probationers, although at the same time a third highlighted that one of the difficulties with Local Resolution was the lack of suitably trained divisional staff. One possible solution would be to provide PCs with Local Resolution training at briefing sessions, team meetings or through the Federation, and also train a selection of supervisors in the management of Local Resolution who could then train other divisional supervisors, thus providing divisional expertise from which line managers and PCs would benefit. Both would, however, need the support of the command team so that appropriate time could be put aside for training to take place and for supervisors to receive support to be able to take on the responsibility.

The IPCC as the guardian of Local Resolution

The IPCC Statutory Guidance states that as guardian of the police complaints system the IPCC is committed to:

- Setting, monitoring, inspecting and reviewing standards for the operation of the police complaints system.
- Promoting confidence in the complaints system as a whole, amongst the public and the police.
- Ensuring the accessibility of the complaints system, and
- Promoting policing excellence by drawing out and feeding back learning (IPCC, 2005: 8).

It is important that as an independent oversight body the IPCC is viewed by the public as an organisation that is transparent and impartial. Given that Local Resolution is now used to resolve 50 per cent of all recorded complaints (Gleeson and Bucke, 2006) its successful oversight is particularly important.

Whilst it is impossible to monitor all Local Resolutions in all 43 forces, for the IPCC to remain an effective oversight body a reliable and accurate data system capable of capturing the diversity of local practices needs to be introduced. In Chapter two we highlighted some of the limitations of the Centurion computer system which have come about as a result of the move from IR to Local Resolution. However, we also acknowledged that the new roll-out of Centurion may address some of the problems with data recording standards. If local innovation continues to develop it will be essential to also monitor the effectiveness of the corresponding data capturing system and update it when necessary. To ensure consistency both within and across forces it is important that there are shared definitions; for example, all forces need to be clear what a management resolution is and all must work by the same definition. Equally, there needs to be shared recording practices. The development currently being undertaken by the IPCC, in collaboration with ACPO, of a national complaint recording standard would appear to address many of the data and consistency concerns, but will need careful monitoring.

Finally, whilst the Statutory Guidance is clear that all complaints should be recorded – even if they are resolved immediately – it seems likely that the process of resolving a complaint immediately and not recording it will continue. The issue of what to record and when to record is complex; nevertheless it is an issue that the IPCC, ACPO and individual PSDs need to address. Whilst there may be some people who simply want to speak to a supervisor to highlight a concern and not have it officially recorded, there will be others who, despite their best efforts, are guided or pressurised towards only voicing their complaint when they would prefer it to be officially recorded. For the police complaints system to be seen as an effective and transparent process the needs of both types of complainant must be acknowledged and accommodated. If this issue is neglected there is a danger that in some forces and/or BCUs some complaints will be swept under the carpet, whilst in others complainants will be cajoled into a bureaucratic process which is driven by targets rather than complainant satisfaction. Careful monitoring needs to be undertaken at both force PSD and divisional BCU level to ensure that the Local Resolution process is implemented fairly and guided by the interests of both complainants and officers, rather than by performance targets or a misunderstanding of what Local Resolution is meant to achieve.

Recommendations

This report has presented findings from a 42-force survey of PSDs across England and Wales on the Local Resolution procedure. It has focused on the administrative framework of Local Resolution at PSD level. The report did not seek to elicit the views of officers or complainants¹¹. The key recommendations for PSDs, ACPO and the IPCC from this survey are:

- Good practice needs to be disseminated via PSD complaint network groups and IPCC regional offices.
- Forces need to continue to work with community organisations to engage hard-to-reach groups in the complaints system.
- Central PSDs need to invest in training for officers above the rank of police constable to effectively manage Local Resolution at BCU level.
- Force PSDs need to continue trying to improve complainant satisfaction levels using innovative ways such as implementing complainant contracts or providing in-depth training to a selection of divisional officers.
- To aid efficiency force PSDs need to explore whether certain administrative structures create unwanted and unnecessary delays (from recording to finalising).
- Improved communication with officers subject to Local Resolution is an important step towards improving officer confidence in the Local Resolution system.
- Where appropriate, and/or when a complainant does not wish their complaint to be locally resolved, force PSDs need to encourage local BCUs to conduct limited investigations.
- To assist the IPCC to remain an effective oversight body, a reliable and accurate data system capable of capturing the diversity of practice at a local level needs to be in place and periodically evaluated.
- The issue of what to record and when to record it is complex; nevertheless it is an issue that the IPCC, ACPO and individual PSDs need to be aware of and continually address.

¹¹ A report examining the views of officers and complainants about Local Resolution is due to be published in early 2007.

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Glossary of Terms

Desktop resolution

Where a complaint is resolved/dealt with, but not officially recorded. This often occurs when a member of the public wishes a shift sergeant/inspector to be aware of their complaint but does not want to pursue it.

Direction and Control

'Direction and Control' complaints are not complaints about a police officer's or police staff member's behaviour but about the general direction and control of the force by a Chief Officer (including matters of strategy, policy, structure, organisation, general policing resources and budgetary issues).

Dispensation

This is an exemption granted by the IPCC to a force allowing them to take no further action or no action at all about a complaint.

Immediate resolution

These are complaints that are officially recorded and resolved 'there and then' (immediately after the complainant makes their complaint).

Management resolution

This term refers to a process whereby an officer (usually of sergeant rank or above) meets both a complainant and the officer complained about at separate times to discuss with each the circumstances that brought about the complaint.

Mediation meeting

A supervised meeting in which a complainant and officer complained about meet to discuss with one another their recollection of the event which led to the complaint being made. The meeting is facilitated usually by a divisional inspector, an officer from the force Professional Standards Department or a trained non-police facilitator.

Withdrawal

Where a complaint is retracted by the complainant or a person acting on their behalf.

Acronyms

ACPO Association of Chief Police
Officers

BCU Basic Command Unit

CRE Commission for Racial Equality

D and C Direction and Control

IO Investigating Officer

IPCC Independent Police Complaints
Commission

IR Informal Resolution

LR Local Resolution

MM Mediation Meeting

MPS Metropolitan Police Service

PACE Police and Criminal Evidence
Act 1984

PC Police Constable

PCA Police Complaints Authority

PRA Police Reform Act 2002

PSD Professional Standards
Department

From Informal to Local Resolution: Assessing Changes to the Handling of Low-Level Police Complaints

A Report for The Police Foundation and the Independent Police Complaints Commission

By Victoria Herrington, Tiggey May and Hamish Warburton

This is the second in a series of three reports all of which examine different aspects of the Local Resolution of police complaints. This report presents findings from a study examining the current administrative arrangements for Local Resolution across forces in England and Wales from the perspective of those who manage the procedure within Professional Standards Departments. It also quantifies the extent of change and variation since Local Resolution replaced Informal Resolution in 2004.

Whilst there is widespread variation in the use of Local Resolution, those responsible for its implementation generally agree that it is a simpler, more transparent process than its predecessor Informal Resolution, and one that has improved complainant satisfaction. Few forces, however, feel that officer understanding or satisfaction with the process has improved. Many forces are now developing new ways to resolve complaints, including gestures such as buying flowers for a complainant and training officers to conduct mediation meetings with complainants and officers complained about.

The authors provide a number of suggestions and recommendations aimed at strengthening the Local Resolution process, including examining ways to build complainants' confidence in the process, addressing the training needs of divisional officers and ensuring reliable oversight of the system.

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