

Supporting best practice in force complaint handling

## Who have we been to see this quarter?

We went to 29 meetings with professional standards departments (PSDs) and four meetings with staff at the offices for police and crime commissioners (OPCCs). Some were joint meetings.

We also went to six regional heads of PSD meetings.

## Other events and meetings we attended:

- Five National Police Chiefs' Council (NPCC) roadshows.
- Six Sancus (provider of PSD training) events to explain the role of the IOPC.
- Introductory meeting between IOPC operations staff and the Metropolitan Police Service's (MPS) Directorate of Professional Standards (DPS) IOPC Independent Investigation Cell – this is a team of dedicated PSD single point of contacts (SPOCs) for IOPC independent investigations.
- Welsh Local Government Association event to give IOPC input to Police and Crime Panels (PCPs).



## What trends have we spotted this quarter?

Our Oversight team responded to **179** external telephone and email queries during January, February and March 2019.

## Use of 25(3) memorandums

Forces provide a section 25(3) memorandum when they submit background papers for an appeal against an investigation. We noticed an increase in the number of memorandums that have been signed by the investigating officer rather than the appropriate authority. The memorandum must be completed by the appropriate authority and not the investigating officer to comply with the *Police Reform Act 2002*. The investigating officer can give supporting comments where necessary.

## Local resolution

We noticed an increase in the number of cases that have been unsuitable for local resolution. To make sure that local resolution complies with the *Police Reform Act 2002*, forces should check that complaints meet the suitability test set out in [legislation](#) and the [Statutory Guidance](#).

A force cannot locally resolve without our agreement when we have directed a local investigation after a referral or following an appeal. If you believe a complaint is suitable for local resolution, you will need to submit an application for local resolution to us.

Two issues of Focus cover local resolution. [Focus issue 11](#) covers the local resolution suitability test and [issue three](#) covers more general advice about local resolutions, including engaging with the complainant and when to refer a matter to the IOPC.

- Input to the MPS DPS Discrimination Investigations Unit (DIU) training day.
- Input at Greater Manchester Police's investigations team meeting.
- New joiners induction day at the MPS to explain the role of the IOPC.
- Local command units appropriate authority communication day run by the MPS DPS.
- Input at the Norfolk and Suffolk Constabularies' practitioners workshop.



## Did you know?

### Submitting an investigation not subject to special requirements to the appropriate authority for consideration

Once **any** local complaint investigation is complete it must be submitted to the appropriate authority for consideration<sup>1</sup>. This includes both investigations subject to special requirements and those that are not. The statutory decisions made on the report must be made by the appropriate authority and cannot be made by the investigating officer. This is set out in section 11.44 of the [Statutory Guidance](#).

<sup>1</sup> Paragraphs 22 and 16, Schedule 3 of the Police Reform Act 2002.

## Background papers review

In previous bulletins we told you about work we completed on incomplete background papers (BGPs) received from forces.

In October and December we met with two forces to explore how they responded to our requests for papers. We mapped out their BGP handling processes and identified internal and external issues that affect how BGPs are provided. The meetings were productive and we are very grateful for the insight shared. We are finalising our review and will issue a short report with conclusions and recommendations for the BGP process in the future.

## Upheld non-recording appeals

We reported in the [Quarter 3 2018/19 bulletin](#) that there had been an increase in the number of upheld non-recording appeals. We looked into this more deeply. Most of the appeals were upheld because the appropriate authority had failed to make a decision. Not all forces had experienced the increase, but those that had may have been affected by a combination of factors, including system changes and staffing issues.

This high upheld appeal rate continued in this quarter. However, when we looked at the data, one high-volume complainant accounted for around 25 per cent of all the upheld non-recording appeals in January and February. We will continue to scrutinise the upheld rate for non-recording appeals.

## Independent investigation process mapping

The Oversight team and our investigations colleagues worked with three forces to improve how PSDs and the IOPC interact during independent investigations. The work carried out with West Yorkshire Police, Greater Manchester Police and most recently Essex Police has helped to find areas for development within the processes that they share and the points of contact. We will work with the MPS next.

## New complaints categories

We are reviewing the categories for recording the nature of police complaints in preparation for the changes to the complaints system. We asked the views of policing stakeholders on the current categories and worked with an external stakeholder reference group to create the possible options. The revised categories were shared in an external consultation in late 2018. This led to constructive and helpful feedback, which allowed us to develop a final list of revised categories.

We held an external stress-testing workshop in March in Birmingham with PCCs, PSDs and the Home Office.



## Correspondence this quarter

- > **16 January 2019**  
Oversight December monthly message to all PSDs and OPCCs.
- > **13 February 2019**  
Oversight January monthly message to all PSDs and OPCCs.
- > **13 February 2019**  
Performance measures framework reporting letter.
- > **21 February 2019**  
Publication of [Oversight Bulletin, Quarter 3](#).
- > **27 February 2019**  
FAQs from our interim Deputy Director General, operations, about DSI reports to heads of PSD.
- > **15 March 2019**  
Oversight February monthly message to all PSDs and OPCCs.
- > **28 March 2019**  
Email confirming publication of the IOPC Youth Panel report.

We identified the final changes that need to be made to the complaints categories. This will allow us to capture far more meaningful data to help explain why people are dissatisfied, and to better identify potential areas for improvement at both organisational and systemic levels.



## You told us

### IOPC telephone referrals – out-of-hours and day response

A short summary of bullet points was produced by our operations team that explains when to make a telephone referral to us. This follows feedback from last year's referral workshops and from our investigations colleagues. This note was sent to all heads of PSD and OPCC offices. Please contact your local Oversight liaison or the Oversight team if you have not received a copy.

## Good practice and force initiatives

### Norfolk Constabulary and Suffolk Constabulary – force initiatives

The Norfolk and Suffolk PSD hosted a practitioners' working group. This included staff from Bedfordshire, Hertfordshire, Cambridgeshire and Essex PSDs. The aim was to discuss and share their processes for the initial handling of complaints. The IOPC facilitated two sessions. The first focused on initial handling tests and the second looked at recording decisions and appeals, as well as the impact of communication strategies and policies.

Norfolk and Suffolk Constabularies have a learning improvement group. The group meets to discuss learning from complaints and conduct matters, and how to use this learning to make organisational improvements.

The forces also focus on providing training for complaint handlers because 80 per cent of complaints are handled outside of the PSD. Less serious complaints are generally handled by inspectors outside of the PSD. The aim is that quality and timeliness of complaint handling will improve by giving additional training and support to these inspectors, coupled with less intrusive quality assurance processes.



## Forward look

### Blogs

We are developing a series of blogs for our external stakeholders. The blogs are short and informative pieces that explain the work of the Oversight team.

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### Want to know more?

What else would you like to see in these updates? Get in touch and let us know!

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### Contact us

Email: [oversight@policeconduct.gov.uk](mailto:oversight@policeconduct.gov.uk)

Norfolk and Suffolk Constabularies are looking to apply the principles of restorative justice to complaints handling. The principles include mediation and trying to fix the issue or concerns raised by the complainant.

### Cleveland Police's analysis of complainants' protected characteristics

At a recent meeting with Cleveland's Department of Standards and Ethics (DSE), the Oversight liaison learned about their work around the protected characteristics of complainants. Staff in the DSE use a script when talking to complainants to make sure that protected characteristics are captured in a consistent way. The DSE compared this data to the demographics of their force area and compiled reports about the information that they gathered. They found that people from black, asian and minority ethnic (BME) communities are over-represented in complaints data when compared to the force area demographics. The DSE will continue to report and analyse this data to try to understand why this is the case. They are providing regular reports to the senior command team about their findings.