

POLICE AND CRIME PANEL MEETING

19th November 2014

COMPLAINTS PROCESS

Introduction and Purpose

1. Members will recall discussions at previous Police and Crime Panel meetings relating to the complaints process. This report seeks to consolidate those discussions and answer subsequent questions raised by Members.

Complaint Guidance

2. Statutory guidance on the recording of complaints has been issued by the Independent Police Complaints Commission (IPCC) and can be found by following this link:
http://www.ipcc.gov.uk/sites/default/files/Documents/statutoryguidance/2013_statutory_guidance_english.PDF
3. Guidance on the recording of complaints under the Police Reform Act (PRA) 2002 is available via this link:
http://www.ipcc.gov.uk/sites/default/files/Documents/statutoryguidance/guidance_on_recording_of_complaints_under_PRA_2002.pdf
4. Members may wish to read through these documents as background reading to this report.

Complaints Process

5. As presented at the June Panel meeting, the complaints process can be presented visually as per Appendix A. The numbered steps are listed below for ease of reference:
 - (1) Complaint made to control centre, by telephone, or received by email or letter.
 - (2) Complaint passed to Professional Standards Department (PSD) and *registered* on PSD database known as Centurion. The expectation is that this will be done within 2 days.
 - (3) An initial assessment is carried out by PSD. This process must be done in accordance with the provisions of the PRA 2002 and IPCC statutory guidance.
 - (4) If further information is required the complainant is contacted and asked to assist with more detail if necessary. It is important to note that the PRA 2002 requires police to assist people 'disadvantaged' in making / articulating complaints.
 - (5) The *recording* of a complaint is a formal process and must be performed by a Chief Inspector or staff equivalent. This is regulated by the PRA 2002 and IPCC statutory guidance. It can only be done when stages 1-4 above have been completed. The IPCC expects all Forces to complete this process wherever possible within 10 working days.

- (6) A complaint can be disappplied or not recorded – this is regulated by the PRA 2002 and IPCC. Further details on when a complaint is disappplied or not recorded can be found in the publications detailed above in Paragraphs 2 and 3.
- (7) The complainant can appeal against a decision for their complaint to be disappplied or not recorded. Appeals against disapplication are made to the Commissioner (determined by the Appeals Adjudicator) and non-recording appeals are to the IPCC. If the appeal is upheld, the Force must consider the complaint.
- (8) Certain complaints carry mandatory referral or can be voluntarily referred to the IPCC. Further details on this can be found in the IPCC statutory guidance.
- (9) Complaints that remain in Force are investigated by PSD – this is through either approved Local Resolution (approx 60%) or full investigation by PSD.
- (10) All investigation outcomes carry a right of appeal to the Commissioner or IPCC except for those investigations which are independently supervised or managed investigations by IPCC and organisational complaints. For those appeals which are upheld, the complaint must be reinvestigated and / or further explanation given to the complainant.

Registering and Recording of Complaints

6. As detailed above, it is important to recognise that the *registering* of a complaint should not be confused with the *recording* of a complaint. They are different processes.
7. *Registration* means that the details of a complaint are entered on the PSD Centurion database. This is a national system that can be accessed by the IPCC. The Appeals Adjudicator and Head of PSD have top level (totally unrestricted) access to Centurion which includes detail on the most sensitive conduct cases and intelligence.
8. The only complaints that are not registered are those that have been settled then and there to the satisfaction of the “complainant”. The IPCC encourages Forces to adopt this approach wherever possible so as not to force people down the route of making a formal complaint.
9. Examples of complaints being resolved then and there are:
 - Someone rings up annoyed because they have not received an update regarding a crime that they reported. An enquiry is made of the officer handling the case and they are called back and informed of a delay in the questioning and charging of a suspect. The officer will make contact with the individual with a further update when the matter ceases to be sub-judice. The person is satisfied and does not wish to make a formal complaint and no formal registration is necessary.
 - Someone goes to a police officer to say that they are unhappy because a road has been closed and they cannot get to their house and officers are blocking his / her way. An officer gives an explanation which the person accepts and formal registration as a complaint is unnecessary.

10. As detailed in the complaints process at paragraph 5 above, it is expected that complaints will be *registered* by the Force within 2 working days of them being received.
11. Thereafter they are assessed by an officer or staff equivalent of at least the rank of Chief Inspector. That individual will then makes a *recording* decision.

Northumbria Approach

12. Members will recall that at the June meeting the Chief Executive spoke about the process adopted by the Northumbria Commissioner. A visit has now taken place to their office to observe this approach and the notes of the visit are attached at Appendix B.

Panel Questions

13. The office has received some further questions from Panel members on the complaints process. These are detailed below along with the response:

- **Are all complaints recorded?**

All complaints registered are recorded unless they fall within the following exemptions:

- i. the subject matter of the complaint has been, or is being, dealt with by criminal or disciplinary proceedings against the person whose conduct it was;
- ii. the complaint has been withdrawn; or
- iii. the complaint falls within a description of complaints specified by the Police (Complaints and Misconduct) Regulations 2012

The complaints that are specified by the Police (Complaints and Misconduct) Regulations 2012 are those where the appropriate authority considers that:

- i. the matter is already the subject of a complaint made by or on behalf of the same complainant;
- ii. the complaint discloses neither the name and address of the complainant nor that of any other interested person and it is not reasonably practicable to ascertain such a name or address;
- iii. the complaint is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints;
- iv. the complaint is repetitious; or
- v. the complaint is fanciful.

Paragraph 2, Schedule 3, Police Reform Act 2002

Regulation 3, Police (Complaints and Misconduct) Regulations 2012

Please refer to section 3.19 IPCC Statutory Guidance to the police service on the handling of complaints (2013).

- **What criteria is used to decide if a complaint should be registered and who makes the decision that a complaint should not be registered?**

As detailed in step 2 of the complaints process in appendix A, complaints are registered on the PSD database (Centurion). Please also see Paragraphs 6-11 above for further information.

- **What actions are taken where a complaint is not registered?**

As detailed in step 2 of the complaints process in Appendix A, all complaints that are not settled then and there are registered on the PSD database (Centurion). Please also see Paragraphs 6-11 above for further information.

Please note that where a decision is made not to *record* a complaint by a Chief Inspector or staff equivalent, the complainant is informed in writing of:

- the decision to take no action and, where applicable, to what part of the complaint this decision relates;
- the grounds for that decision;
- the complainant's right of appeal, and;
- that the right of appeal is to the IPCC; and
- the time limit for making an appeal

(IPCC Statutory Guidance Page 24)

- **What is the process for registering a complaint?**

PSD Administration *register* on Centurion database all complaints from wherever they may be received; FCC, direct Email / phone to PSD, enquiry offices, OPCC, IPCC

- **How is the time scale from the receipt of the complaint monitored?**

By management within PSD and at the PSD monthly Daily Management Tasking meeting when the 10 day recording is discussed. This is also monitored by the OPCC as part of PCC's oversight of complaints and conduct handling.

- **What actions are taken if the 10 day time span is exceeded?**

Raised as an exception at senior management level.

- **How are complainants informed about the progress of their complaint?**

Every investigation, no matter how small or quick, requires some level of file recording to show what was done and why, together with the collation and preservation of any documents or other evidence seen or created as part of the inquiry and as such Investigating Officers record such actions on the progress log of each case on Centurion. Complainants are updated of the progress of their complaint by the Investigating Officer who keeps in regular contact with them and is required to update them at least every 28 days.

- **Would it be possible to see the IPCC guidelines?**

The IPCC statutory guidelines can be viewed here:

http://www.ipcc.gov.uk/sites/default/files/Documents/statutoryguidance/guidance_on_recording_of_complaints_under_PRA_2002.pdf

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