

**POLICE & CRIME
COMMISSIONER FOR
LEICESTERSHIRE
POLICE & CRIME PANEL**

PAPER MARKED

Report of	CHIEF CONSTABLE
Date	MONDAY 23RD MARCH AT 1:00PM
Subject	POLICE COMPLAINT STATISTICS 2012-13 AND 2013-14
Author	DETECTIVE SUPERINTENDENT JIM HOLYOAK

Purpose of Report

1. The purpose of this report is to present and contextualise complaint statistics produced by the Independent Police Complaint Commission (IPCC) for the periods 2012-13 and 2013-14.
2. The report describes current governance and scrutiny arrangements in respect of complaint and misconduct performance before describing current change plans to improve process and performance.
3. Finally, the report set out the potential future landscape for complaints and misconduct arrangements following recent changes in legislation and a UK wide Home Office consultation.

Recommendation

4. It is recommended the contents of this report are considered.

Background

5. Since 2001 the IPCC has produced year on year performance figures which demonstrate that the number of police complaints nationally has risen from 16,654 in 2001–2002 to 34,863 in 2013-2014.
6. In the period relating to this report, the number of complaints nationally has risen by 15%. Dame Anne Owers, Chair of the IPCC, stated that this was not in itself a concern as it may reflect greater accessibility, transparency and confidence. Additionally, a change to recording public complaints under the Police Reform and Social Responsibility Act 2011 in late 2012, accounts for some of this increase.
7. Dame Anne Owers, however, warned that these potential explanations were doubtful in the context of Forces achieving lower rates for upholding both complaints and appeals than the IPCC; implying less robust assessment and outcomes.

8. Statistics issued by the Independent Police Complaints Commission show the total number of complaints against Leicestershire Police rose 46% to 677 in 2013-14, compared to an increase of 15% for England and Wales,. The rise follows an increase of 3% in the Force's recorded complaints in 2012-13.
9. Some of the increase in 2013-14 is down to the definition of a complaint being broadened beyond an officer's conduct to include 'direction and control' matters to do with operational policing.
10. A complaint case may have one or more allegations attached to it. A total of 1,194 allegations were made against Leicestershire Police. Per 1,000 employees the Force recorded 299 allegations, compared to 251 for all Forces in England and Wales.
11. A complainant has the right to appeal about the way in which a Police Force has handled their complaint. 44% of appeals from the public against Leicestershire Police were upheld by the IPCC, compared with a 38% upheld rate for those considered by the Force itself. The overall uphold rate by Police Forces in England and Wales is 20%, compared with 46% by the IPCC.
12. The IPCC upheld 14 of 27 appeals where people were unhappy that Leicestershire Police had not recorded their complaint, and 10 of 26 appeals from people unhappy with the Leicestershire Police investigation into their complaint.
13. In 2013-14, Leicestershire Police finalised 492 complaint cases in an average of 145 working days, compared to an England and Wales average of 101 working days.
14. Across England and Wales the most common complaints involve allegations that an officer has been neglectful or failed in their duty, or that an officer's behaviour has been uncivil, impolite or intolerant.
15. Furthermore, following the national trend, Leicestershire has seen an increase in complaints and allegations relating to neglect or failure in duty. There appears to be no clear reason for this trend. Locally it may be greater transparency and making access to the complaints system more accessible or as the IPCC suggest, simply that people are more willing to complain.
16. It cannot be discounted of course that there are other factors such as changes to working conditions, the affects of austerity and greater pressure on officers and staff to perform, but it is more likely that increased reporting and allegations is a complex area requiring more detailed analysis; in short there is no simple solution.
17. This comparative data and limited analysis offers no room for complacency, although they do illustrate that there is limited local evidence to support some of the concerns raised by Dame Anne Owers.

18. In fact one reason for this level of comparatively positive performance is that in June 2013, an internal review of assessment and recording standards, (following the broadening of the definition of a complaint under the Police Reform and Social Responsibility Act 2011 in late 2012), determined inconsistency in approach and poor qualitative standards, requiring a better local understanding of these complex factors.
19. Consequently, measures were undertaken to improve the quality of reports, robustly record complaints and misconduct allegations, ensure a consistent approach to final assessment and appeals whilst capturing relevant internal data to compare with IPCC data provided on a quarterly basis.
20. This work has demonstrated improvement in comparable qualitative and quantitative measures, as described above. It has also had the unintended consequence, however, of increasing the time to finalise a complaint during 2013-14 to 145 working days compared to a national average of 101 working days.
21. This data was used to formulate a business plan to simplify processes whilst maintaining performance and reducing the number of days to finalise complaints.
22. The intention is to better understand the complex factors about what is leading to complaints, what the complainant expects and then proportionately address their needs and expectations within statutory guidance as soon as possible.
23. This approach will capture individual and organisational learning which will be expeditiously shared with colleagues across the Force to prevent activity and behaviours which leads to complaints and in turn improve public confidence in policing.
24. In order to ensure progress is being made, there is a necessity to ensure appropriate governance and scrutiny.

Governance and Scrutiny

25. Firstly, IPCC Statutory Guidance 2013, underpinned by the Police Reform Act 2002, places a statutory duty on the Police and Crime Commissioner (PCC) to hold the Chief Officer to account for ensuring appropriate processes are in place to deal with complaints and misconduct matters and the PCC can direct the Chief Officer to take action if they believe this obligation is not in place.
26. The PCC takes responsibility for this obligation by personally scrutinising complaints and referrals/non-referrals to the IPCC. Each quarter the PCC selects a number of complaint files and personally scrutinises them. An auditable record is maintained and if he is content, the file is closed.
27. The PCC takes a balanced approach to this scrutiny by highlighting how the complaint was handled or requesting further detailed information as to the outcome. The PCC has personally scrutinised 115 complaint files on five separate occasions in the last 13 months.

28. On some occasions, in compliance with statutory guidance, the PCC will challenge the outcome and direct the Chief Constable to take a certain course of action; for confidentiality reasons these matters cannot be disclosed within the report.
29. Additionally, complaints data and related issues are regularly presented to the Strategic Assurance Board for further scrutiny; outside of this meeting members of this group have visited PSD and requested further information.
30. PSD performance is discussed at a strategic level in different forums, be that headline figures, trends, ethical issues and individual cases; these include:
 - Strategic Chief Officer Team Meetings
 - Executive Group meetings
 - Operation Fox (OPCC in attendance)
 - Strategic Equality and Fairness Board (OPCC in attendance)
 - Strategic Leadership Board (OPCC in attendance)
 - Performance Delivery Group (OPCC in attendance)
 - Strategic Organisational Risk Board (OPCC in attendance)
31. At a tactical level PSD performance, issues and activity is discussed in several forums:
 - Internal PSD Tactical performance meeting – headline performance and trends as well as officers and staff requiring developmental scrutiny, disseminated to Chief Officers and departmental colleagues and available on the PSD web-pages
 - Weekly one to one meetings with the DCC to discuss both strategic and tactical issues as above
 - Bi-monthly meetings with IPCC senior case-workers to discuss overall performance and issues; these meetings confirm that excepting timeliness of complaint handling, the IPCC are satisfied with PSD performance and our approach.
32. There is no room for complacency and based on this scrutiny and previous review, PSD have produced a business plan for further improvement in processes, engagement and timeliness.

Current change plans

33. Through the incremental process described above, the issues affecting performance relating to police complaints and misconduct has been shared and feedback obtained, including the outcome of last year's largely positive HMIC inspection and learning from appeals and complainant feedback.
34. As a consequence an initial business case was submitted to the Force Change Board (OPCC represented) where a number of recommendations to sustainably improve effectiveness and efficiency were accepted. These recommendations were:
 - Restructuring PSD – reducing the number of managers and increasing the number of investigators
 - Service Recovery – to triage and address complaints at the earliest opportunity to improve complainant satisfaction and reduce workload and

improve timeliness; agreed in principle with OPCC and COT but further detailed business case to be submitted

- Improved quicker assessment processes – realignment of staff to increase flow of work through complaints system and robustly follow regulations and IPCC guidance and simplifying paperwork/reports
- More guidance and support for Investigating Officer's – training for a cadre of local Sergeants and team leaders to improve quality and timeliness of local resolutions
- Focusing on people – staff and public – greater use of data to highlight under performance of staff and those who regularly access the complaints system
- Improving internal/external access to PSD – internal secondments, briefing to officers/staff, external media and public surveys
- Code of Ethics – continuing to implement and embed the Code and specifically support the OPCC introduction of an Ethics Panel to oversee PSD and Force approach to ethical decision making
- Use of continuous improvement
- Introduction of seven medium term secondments of officers to address outstanding investigations, improve timeliness and assist in the development of the changes.

35. These measures are currently being implemented and are subject to review with an option to adapt to the future needs and requirements.

Future complaints and misconduct landscape

36. As a consequence of statements from the Home Secretary last year followed by swift consultation and changes to legislation early this year (restricting resignation whilst under investigation for gross misconduct) the landscape for complaints and misconduct has already changed and will change further. For example misconduct hearings will be held in public and be chaired by legally qualified individuals in preference to a Chief Officer as currently happens.
37. The impact on complaints is less clear; PCCs are likely to be given the opportunity to take responsibility for overseeing local complaints and appeals if they wish. Additionally, the IPCC are likely to receive further funding to continue their growth and to be in a position to investigate "serious and sensitive" matters; at present no significant change is likely to be seen until 2016 at the earliest.
38. Whilst some of these measures will impact on how complaints and misconduct are addressed in the short term, it is too soon to predict the longer term implications. For example if the complaints element of PSD work is separated from the misconduct side it is likely to cost more and duplicate effort.
39. The current plan remains valid in the medium term with sufficient flexibility and adaptability to implement the known changes to the complaints and misconduct landscape, albeit this may change post General Election.
40. To add further context it should be considered that the Leicestershire Police deals with 600 incidents each day and investigate more 60,000 crimes a year generating millions of interactions between Police and members of the public.

41. Furthermore, policing is almost unique in that it delivers a public obligation under law which restricts how people live their lives; inevitably some of those restrictions will be challenged.
42. The introduction of the Code of Ethics, under the auspices of the College of Policing, with full support and imminent oversight of an OPCC Ethics Committee, offers longer term opportunity and sustainability.
43. The current structural and process changes encourage the ethical behaviours demanded by the Code of Ethics and provide a proxy measure for demonstrating greater Force-wide transparency, integrity and confidence in policing.
44. Some short and medium term implications, however, remain.

Implications

Financial: PSD has implemented current change through internal restructuring on a cost neutral basis. It is believed process savings will address short term changes to administering public hearings.

The Force needs to consider the additional financial impact of retaining officers under investigation for Gross Misconduct pending hearing.

Legal: At present PSD and the Force are acting within the Law and fulfilling statutory guidance.

As there is no current guidance from the Home Office in respect of changes post consultation, the impact is as yet unknown

Equality Impact Assessment: None in place. Equality issues assessed in the strategic meetings as detailed in para. 30.

Risks and Impact: That current change plans will not have the desired effect and adversely impact on public confidence.

Changes to legislation will adversely impact on performance and thus public confidence.

That austerity and loss of police funding will adversely impact on performance and thus public confidence.

Link to Police and Crime Plan: Standards of professional behaviour are a fundamental statement in respect of how officers and staff will ensure integrity, transparency and confidence in policing. This will be further bolstered by the introduction of an OPCC led Ethics Committee.

Background Papers

IPCC Police Complaints Statistics report 2012/13 to 2013/14 (not provided)

Person to Contact

Name: Detective Superintendent Jim Holyoak. Tel 0116 248 5201

Email: jim.holyoak@leicestershire.pnn.police.uk