

POLICE AND CRIME COMMISSIONER FOR LEICESTERSHIRE POLICE AND CRIME PANEL

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| Report Of | POLICE AND CRIME COMMISSIONER |
| Subject | COMPLAINTS AGAINST THE POLICE – 1 APRIL 2018 TO 31 DECEMBER 2018 INCLUDING UPDATE ON SUPER-COMPLAINTS |
| Date | MONDAY 3 JUNE 2019 – 2.00 P.M. |
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Purpose of Report

1. The purpose of the report is to update members on complaints against the police for the period 1 April 2018 until 31 December 2018 (Quarter 3) and provide further information on 'super-complaints'.

Recommendation

2. The Panel are recommended to discuss and note the contents of the report.

Leicestershire Police Performance on Complaint Handling

3. All complaints against the police are dealt with by the Professional Standards Department (PSD) of Leicestershire Police. The department is responsible for the efficient and effective handling of public complaints. Force performance in this area is subject to rigorous inspection by Her Majesty's Inspector of Constabulary, Fire and Rescue Service (HMICFRS) under the Police Effectiveness and Efficiency and Legitimacy (PEEL) inspection and also the Independent Office of Police Conduct (IOPC) quarterly performance assessments.
4. Leicestershire Police performance is also compared to that of their most similar forces (MSF's). These forces are currently Kent, Nottinghamshire, Hertfordshire, Bedfordshire, Sussex, Hampshire and Essex.
5. The latest IOPC data for 1 April 2018 to 1 December 2018 (Quarter 3) shows the Force performance continues to improve:-
 - 97% of complaint cases are recorded within 10 days compared to 92% for same period last year (MSF 93%).
 - 82 days to finalise complaint cases compared to 110 days for the same period last year (MSF 94 days)
 - 54 days to locally resolve allegations compared to 58 days for the same period last year (MSF 65 days)
 - 159 days to finalise by Local Investigation compared to 174 days for the same period last year (MSF 132 days)

- 19% IOPC investigation appeals upheld compared to 21% for the same period last year (MSF 42%).

Public Complaints Made to Leicestershire Police

6. The number of public complaint cases recorded by Leicestershire Police for the same quarter over the last 3 years is as follows:-

| Year | Number of Complaints | Percentage Change |
|--------------|----------------------|-------------------|
| 2016/17 (Q3) | 516 | |
| 2017/18 (Q3) | 418 | -19% |
| 2018/19 (Q3) | 344 | -18% |

7. The table shows that for Quarter 3 (April – December) for the past three years there has been a decrease in the number of complaints with an 18% fall in the last year. There is no definitive explanation for this reduction however it can be reported that this trend can be seen nationally.
8. The Professional Standards Department undertake a 'service recovery' approach to resolve low-level expressions of dissatisfaction. Service recovery consists of supervisors across the force making early contact with the complainant and seeking to identify and agree an immediate resolution of their concerns. An example may be where a complainant has not been updated on an investigation/incident and the relevant information can be readily provided. An expression of dissatisfaction that has been service recovered does not need to be formally recorded under the Police Reform Act 2002, however Leicestershire Police do record such complaints separately in order to monitor trends.

| Year | Number of Service Recovery | Percentage Change |
|--------------|----------------------------|-------------------|
| 2016/17 (Q3) | 186 | |
| 2017/18 (Q3) | 243 | 31% |
| 2018/19 (Q3) | 197 | -19% |

9. The above table shows that for Q3 for the current year there has been a fall in the number of dissatisfaction cases being resolved by way of service recovery compared to the previous year. Again there is no specific reason for this but it should be remembered that the Force are only able to service recover matters that are low level and suitable to do so.
10. It should be noted that when combining the number of complaints recorded with the number of service recovery cases resolved there remains an overall 18% reduction in expressions of dissatisfaction received by the Force in the current year. As mentioned above, this decrease is being seen nationally.

| Year | Complaints and Service Recovery | Percentage Change |
|------------|---------------------------------|-------------------|
| 2016/17 Q3 | 702 | |
| 2017/18 Q3 | 661 | -6% |
| 2018/19 Q3 | 541 | -18% |

Top 5 Category of Allegations

11. The top five allegations made over the past three years are as follows:

| | Allegation | Force % 2016/17 | Force % 2017/18 | Force % 2018/19 |
|---|--|----------------------------|----------------------------|----------------------------|
| 1 | Other neglect or failure in duty | 448 (39%) | 355 (35%) | 273 (33%) |
| 2 | Oppressive Conduct or harassment | 133 (12%) | 111 (11%) | 108 (13%) |
| 3 | Incivility, impoliteness and intolerance | 107 (9%) | 88 (9%) | 67 (8%) |
| 4 | Other Assault | 55 (5%) | 51 (5%) | 45 (5%) |
| 5 | Breach of Code C PACE | 63 (6%) | 59 (6%) | 42 (5%) |

12. Each of the allegations made are recorded against one of 23 allegation categories defined by IOPC Statutory Guidance. The top 5 categories of allegations for 2018/19 recorded by Leicestershire, are broadly in line with those received by Forces nationally.

13. The top allegation category of '**Other neglect or Failure in duty**' is a category which is used to encompass a broad range of allegations that do not fit into the more specific categories. It includes allegations over the quality of service provided. The fall in this category for the current year is believed to be as a result of the service recovery undertaken. Service recovery lends itself to deal with quality of service issues and results in the resolution of the complainant's issues as a whole. Therefore, service recovery may in fact resolve several allegations.

14. Of the 273 allegations in the 'other neglect or failure in duty' category, 130 can be categorised as:

- a. Failure to Investigate a Crime – 27
- b. Poor Investigation – 38
- c. Lack of Updates – 26
- d. Lack of communication – 21
- e. Lack of Action – 18

15. The above breakdown indicates dissatisfaction with the quality of criminal investigations and the service offered to the victims. As such the Force routinely reviews trends relating to officers, departments and it features within the force performance meeting. It has informed some back to basics training and has been considered during the force change programme blueprint 2025.

16. The remaining 143 allegations of Neglect or Failure in Duty are spread across a wide range of circumstances but all are in single figures. Examples are: Failure to Use Body Warn Video (2), Officer failed to identify themselves (1), Failed to maintain scene preservation (1).

Allegations Finalised

17. A number of complaints made by the public are suitable to be 'locally resolved'. This approach is used for those low level complaints which would not result in misconduct proceedings being

taken against an officer. In some cases it can result in the Force explaining, apologising or otherwise satisfying the complainant that appropriate action is being taken.

18. The data in the table below is taken directly from the IOPC bulletin for the 3rd Quarter of each reporting year. It shows how Leicestershire have dealt with allegations during this period.

| Measure | 2016/17 (Q3) | 2017/18 (Q3) | 2018/19 (Q3) |
|---|--------------|--------------|--------------|
| % of Allegations Locally Resolved | 51% | 48% | 47% |
| % of Allegations Investigated | 35% | 34% | 34% |
| % of Allegations discontinued/withdrawn/dis-applied | 14% | 18% | 19% |

19. Currently the Force investigate 34% of allegations made. This figure is in line with the MSF average (34%) and the national average (39%). It is a key figure as investigations are the most resource intensive response to complaints.

Timeliness of Public Complaint Handling

20. How efficient the Force are in resolving complaints is set out below. The data compares 1 April 2018 to 31 December 2018 against the same quarter for the previous year.

| | 1 April – 31 December 2017 | 1 April – 31 December 2018 | MSF figures for 1 April – 31 December 2018 |
|--|----------------------------|----------------------------|--|
| Average number of days to finalise complaints (not including sub-judice) | 110 | 82 | 94 |
| Average number of days to locally resolve complaints. | 58 | 54 | 65 |
| Average number of days to finalise complaints by local investigation | 174 | 159 | 132 |

Ethnicity Data

21. The ethnicity of complainants making complaint allegations recorded by Leicestershire Police for the period 1 April to 31 December 2018 is as follows:-

| Ethnicity | No. | % |
|--------------|------------|------------|
| Asian | 28 | 8 |
| Black | 8 | 2 |
| White | 141 | 42 |
| Other | 12 | 4 |
| Not stated | 135 | 41 |
| Unknown | 8 | 2 |
| Total | 332 | 100 |

Approximately 25% of the population that make up the force area are BME.

22. The ethnicity of officers and staff in the workforce of Leicestershire Police who are subject of the allegations between 1 April – 31 December 2018 recorded is set out below. Approximately 9% of the workforce are BME.

| Ethnicity | No. | % |
|------------------|------------|------------|
| White | 404 | 82 |
| Asian | 33 | 7 |
| Black | 4 | 1 |
| Other | 12 | 2 |
| Not stated | 24 | 5 |
| Unknown | 16 | 3 |
| Total | 493 | 100 |

Super-complaints

23. The police super-complaints system set out in the Policing and Crime Act 2017, will allow 'designated bodies' to raise issues on behalf of the public about patterns or trends in policing that are, or appear to be, significantly harming the interests of the public. The super-complaints system became operational on 1 November 2018. Designated bodies may submit super-complaints for consideration by Her Majesty's Inspector of Constabulary and Fire and Rescue Service (HMICFRS), the College of Policing and the Independent Office of Police Conduct.

Designated Bodies

24. The Home Office opened a six-week application window on 3 April 2018 for organisations wishing to become 'designated bodies'. A total of 27 applications were received of which 16 organisations demonstrated that they met all of the criteria. The criteria to receive this status is set out in secondary legislation and an organisation needed to meet all of the criteria in order to become a designated body. The criteria organisations were asked to meet are listed below:-

- Criteria 1: That the body is competent in, and has considerable experience of, representing the interests of the public.*
- Criteria 2: That the body would represent the interests of the public effectively in its role as a designated body and, in particular, would work to improve policing.*
- Criteria 3: That the composition of the body and the arrangements for its governance and accountability are such that it can be relied upon to act independently and with integrity in its role as a designated body.*
- Criteria 4: That the body has the capability necessary to carry out its role as a designated body effectively.*
- Criteria 5: That the body has made arrangements for the appropriate storage and handling of data that it may obtain in its role as a designated body.*
- Criteria 6: That the body can be relied upon to have regard to any guidance about the making of super-complaints which is given to designated bodies by HMIC.*
- Criteria 7: That the body's activities include activities in, or in relation to, more than one police area.*
- Criteria 8: That the body is not a trade union or an association which represents the interests of members of police forces.*
- Criteria 9: That the body would collaborate effectively with bodies which are not designated bodies but which are, or may be, aware of matters which could form the basis of a super-complaint and, where appropriate, make a super-complaint on the basis of matters raised with it by such bodies.*

25. Those bodies designated by the Home Secretary were contained in Regulations laid before Parliament on 25 June 2018. The designated bodies are as follows:-

Action on Elder Abuse
 Advocacy After Fatal Domestic Abuse
 Centre for Women's Justice
 Children's Commissioner for England
 Criminal Justice Alliance
 Faith Matters
 Galop
 Hestia
 Liberty
 Missing People
 Pathway Project
 Southall Black Sisters
 Suzy Lamplugh Trust
 Tees Valley Inclusion Project
 Welsh Women's Aid
 Women's Aid Federation of England

26. There was no appeal process for this decision however organisations who had been unsuccessful will be able to re-apply in a future application process if they have further evidence they wish to submit. The Home Office may periodically review the designation of any organisation in order to ensure that it continues to meet the criteria and if at that time it is found that the organisation no longer meets the criteria then the Home Office will withdraw its designation. The criteria may be amended in future and at that time the Home Office will consider how the potential changes would affect the designation of bodies and how best to consult on the changes.

Handling of Super-Complaints

27. HMICFRS, the College of Policing and the IOPC have drafted guidance for designated bodies entitled to make super-complaints. Super-complaints must be made to Her Majesty's Chief Inspector of Constabulary in the first instance however they will be considered by HMICFRS, the College of Policing and IOPC who together will decide if anything needs to happen as a result of a super-complaint.
28. If a super-complaint is eligible it will be investigated. The body raising the complaint will be updated every 56 working days to explain what has happened to date and what is proposed to happen in the coming 56 working days. A panel comprising senior officials from HMICFRS, the College of Policing and IOPC will consider the issues raised by the super-complaint. A final report will be provided to the designated body raising the complaint which will explain what has happened and what will be done as a result. The report will be published.
29. An outcome of a super-complaint could be:-
- An inspection by HMICFRS.
 - An investigation by IOPC.
 - Changes to existing policing standards or support materials from the College of Policing.
 - A recommendation that another public body is better placed to deal with the issue.
 - A recommendation to one or more police forces to change practices or local policies.
 - A recommendation to another public body or government department to consider taking action to respond to the super-complaint or a related matter.
 - Finding the super-complaint needs no action.
 - Finding the super-complaint is unfounded.

Super-Complaints and Leicestershire Police

30. To date only one super-complaint, in which Leicestershire Police are named, has been received and is currently being assessed by the HMICFRS, College of Policing and IOPC. This complaint has been raised by Liberty and Southall Black Sisters regarding policies and practices of every police force in England and Wales with respect to the treatment of victims of crime who have insecure immigration status. In particular, the passing on of their data to the Home Office for the purpose of immigration enforcement and an entrenched culture of prioritising immigration control over public safety and fair treatment of victims. Details of the complaint can be found at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/767396/Super-complaint_181218.pdf

Conclusion

31. Compared to Leicestershire's most similar forces, the performance figures represent a positive position for Leicestershire Police. The performance of the Force has placed them nationally in the top quartile of the performance table, including being recognised nationally for best practice.
32. The Commissioner has a responsibility to ensure the effective and efficient delivery of how complaints made by the public are handled by the Force. The Commissioner discharges this through receiving regular reports on complaints data and processing at the Strategic Assurance Board, in discussions during his one to one weekly meetings with the Chief Constable and by members of the Ethics, Integrity and Complaints Committee quarterly dip-sampling completed files. The outcome of this dip sampling is publicised on the Commissioner's website.
33. The Executive Director of the OPCC attends quarterly performance meetings with Force representatives and the IOPC. At the last meeting held on 28 March 2019 the IOPC informed of the following:-
- 97% of complaint cases are recorded in 10 working days. The Force are place 5th in the country for this performance.
 - The number of investigation appeals to the IOPC which were upheld are extremely low and this percentage has further improved on last year's low percentage. The IOPC see this as being a result of the Force having consistent processes in place and producing good quality investigations.
 - No appeals have been received against the outcome of Local Resolution due to the stringent quality assurance measures in place.
 - Timeliness has improved considerably year on year, and across the board Leicestershire are dealing with things much more quickly than the national and most similar force averages. Their performance demonstrates an excellent balance of timeliness and quality.
34. Based on the regular data provided including comparisons with MSF's and national figures; the outcome of dip-sampling of complaint files by members of the Ethics Committee and the scrutiny provided by the IOPC the Commissioner is assured that at the current time Leicestershire Police is continuing to perform at the highest level in their handling of public complaints.

Implications

- Financial: None
- Legal: None. The complaints system is highly regulated and the Force is robustly inspected by external agencies. The Commissioner has a statutory responsibility to ensure the Chief Constable efficiently and effectively

Equality Impact: handles complaints made by the public
None. Ethnicity of complainants and those staff and officers complained about is monitored.

Impact on Police and Crime Plan: How the Commissioner monitors complaints is addressed in his annual report.

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