

INDEPENDENT RESIDENTS' PANEL

Complaints Review: Friday 9 December 2016, 10am–3.30pm

Complaint categories: Appealed complaints and complaints informally resolved/'service-recovered'.

STRUCTURE OF THE SESSION

Eight Independent residents' Panel (IRP) members attended this quarter's meeting, reviewing 38 completed cases from a total of 58 available files. Some of the complaint cases were reviewed separately by two Panel members.

New members were welcomed. Requested cases were in two categories:

- 1) The most recently completed complaints against the Police where the complainant appealed against the outcome;
- 2) Complaints resolved by way of informal resolution, called 'Service Recovery'.

This process was launched in May 2016 for Police 'Service Recovery' (or triage), where complaints are resolved to the complainant's satisfaction as quickly as possible, often by telephone within 72 hours of the complaint having been received. Resolution includes providing an explanation, apology where appropriate and actions taken to improve the police service.

Panel members recorded their comments for the Constabulary's Professional Standards Department to read, comment on, and use for any individual and organisational learning. There was a round-table summary: each Panel member summarised their feedback on their reviewed complaint



cases. The Police and Crime Commissioner's Chief Executive Officer and by Detective Chief Inspector Susan Wilshire, Deputy Head of the Professional Standards Department both attended parts of this session..

DISCUSSION WITH THE PROFESSIONAL STANDARDS DEPARTMENT

DCI Susan Wilshire gave an update on current relevant items within Avon and Somerset Constabulary's Professional Standards Department (PSD).

PSD encourages swift organisational learning. Items highlighted were:

- i) **Body Worn Video Cameras** for Police Officers have positive value for both members of the public and Police Officers. Examples given were a member of the public's comment on a media article and YouTube posting regarding a Police incident in a Bristol Pharmacy.

ii) PSD wants to be more ambitious in the use of the **Service Recovery** process (swift informal resolution of expressions of dissatisfaction). This aims to do the best for members of the public.

iii) The Constabulary recognises that **Upheld appeals** are the infrequent occasions where the organisation did not get everything right. It always seeks to take the invaluable learning away from these instances to ensure the mistakes are not repeated. However, one improvement highlighted is that PSD are much swifter in appeal completion times. The appeal review by PSD can be within days and it is no longer an 8 plus week timescale previously experienced by complainants. The Independent Police Complaints Commission (IPCC) is also swifter in reaching an appeal decision, which is often now within weeks rather than months.

Complaint handling has a major impact on the Public's trust and confidence in the Police: the aim is to be complainant-focussed, provide a Police explanation and apology where appropriate and to restore the complainant's perception of the quality of policing and professional conduct of Police Officers and Staff. PSD continues to work on changing the mind-set of Police Officers from viewing complaints as form-filling to swift resolution through contact with the complainant to resolve the issue without any unnecessary bureaucracy. PSD is encouraging Police Officers on local areas to informally resolve complaints this way.

Panel members record 'Not Known' when the case file does not give sufficient detail to allow a categorical yes or no answer.

The IRP Vice Chair also gave an update on the Taser Use Scrutiny Panel's work.

The next Panel session themes will be two of the IPCC complaint categories:

1. Police Officer incivility (the second highest category for Avon and Somerset Police and the third Panel review)
2. Complaints within the category 'sexual assault'.

FEEDBACK REPORT

This feedback report contains Panel members' comments and views, both positive and negative, along with the responses from the Professional Standards Department. Panel members' completed feedback forms are also forwarded to PSD to review.

POSITIVE COMMENTS

Panel members highlighted the quick resolution of the complaint cases informally resolved by the 'Service Recovery' method. Some are completed on the same day as the complaint is received into the PSD. The quality of the PSD staff members' work, including the letter-writing and explanation of the 'service recovery' complaint-handling method was commented upon as excellent and a great improvement compared to reviewed cases during the last (September 2016) Panel session. It is

evident that PSD has positively reviewed the letter-content. The PSD staff member have visible authority to direct a Police Officer to take certain action as required in order to resolve the complaint informally. The resolution was often achieved by a timely telephone call with the complainant. This is complainant-focussed as well as being efficient and effective for Avon and Somerset Police, cutting complaint-handling time and subsequent costs.

Some complaint cases demonstrated the value of the PSD template letters, following earlier Panel review of these letters. However there were examples found when Complaints Investigation Officers wrote their own letters, resulting in poor quality grammar and content.

A Panel member highlighted a good apology in the first sentence of the reply, which was personalised and specific to the complaint allegation.

Panel members still found typographic errors in some Constabulary replies to complainants, which should have been spell-checked. One example was the use of 'compliant' instead of 'complaint'.

An appealed case was an example where the complaint allegation seemed to have been missed: the investigation focussed more on rejecting the compensation claim. This caused the complaint to escalate rather than being resolved.

Salutations in letters were found to be incorrect, for example Dear <surname> or Mr used as the title instead of Dr.

Panel members requested a graph of all complaint types (by category per quarter, to assess whether informally resolved complaints ('Service Recovered') have reduced the total number of formally recorded complaints (in IPCC statistics) or whether there is a proportion from the 'Miscellaneous' ('IX') category.

The panel posed the question: could complaints have a double code, such as 'SQ and SX' to identify which complaint would never have been recorded as a formal complaint, and which have been triaged and prevented entering the full complaints handling system route'?

PSD response:

The early intervention of service recovery process is customer focused, timely and efficient in achieving a complaint resolution. The aim and purpose of the method is to resolve to the complaint to the satisfaction of the complainant as quickly as possible, providing an explanation of is particularly the actions taken to improve the police service in future and apology where appropriate. We are pleased the panel have highlighted the excellent customer focused technique and significant improvement of our service recovery letter content. Thank you for the balanced feedback.

We assess the suitability of all complaints received for service recovery in line with statutory guidance. We would not consider this process as appropriate in all cases due to the nature and seriousness of some allegations . The IX prefix is used for miscellaneous matters and would not necessarily fit the complaint definition: e.g. these cases can be a combination of Death and Serious

Injury cases (DSI) where no complaint or claims for compensation is received. The Service Recovery process takes complaints out of the formal statutory process under the Police Reform Act (2002). This is despite whether it would have previously been recorded as an IX or not.

If the panel are interested in these particular statistics then we can provide this data at the next session. We appreciate the panel's comments in relation to creating another prefix for service recovery cases. However Centurion, our stand-alone database does not have a separate case type available for this purpose.

Much work has been undertaken in the last 12 months to improve the complaint appeals process. This has seen a significant reduction in the handling times, which adds to reassuring the public that if they remain dissatisfied with the outcome of their complaint then every effort will be made for the papers to be reviewed by an independent person as soon as possible. Whilst this relates directly to complaints that have been locally resolved for which the Constabulary is the appeal body, appeals data from the IPCC show a similar trend. PSD recognises that complaints should be handled proportionately and that on infrequent occasions, the expectations of the complainant are disproportionate to the events being complained about. We recognise that, whilst the large majority of complainants will be satisfied with the outcome of their appeal, there will be some who will remain dissatisfied. Appeal letters sent out from the PSD seek to inform the member of the public on the reasons why their appeal has or has not been upheld, demonstrating a real investment in time to reconsider the complaint.

The PSD continue to be mindful that on occasions the standard of letters sent out by those investigating complaints to the complainant of the outcome are not of the standard expected and lack detail or an apology when one would have been appropriate. The PSD does proactively provide feedback to those individuals for their own professional learning. Likewise, where a good standard of letter has been drafted and sent, this too is fed back with the encouragement for the recipient to share this best practise with their colleagues.

Case reviews – positive comments:

Cases:

- 1: A good initial letter from the Service Recovery handler. See negative comments section.
- 3: A good letter from the Service Recovery handler. It was resolved quickly once the Police reacted to the legitimate complaint. See negative comments section.
- 5: The reports from the two Police Officers were excellent, comprehensive, clear and detailed. See negative comments section.
- 6: The letter from PSD rejecting the complaint was excellent: all the points were covered systematically in a clear manner. See negative comments section.

7: An excellent use of informal resolution/service recovery, although the complaint was unlikely to have been recorded as a formal complaint, it was to receive a point of clarification. A very fast and satisfactory turnaround within 1 day. The paperwork is complete and comprehensive. No negative points.

10: An appeal against a local resolution outcome. The electronic case file is well set out in separate e-folders. The appeal decision was quick and the letter thoroughly addresses all parts of the complaint. See negative comments section.

11: Even though the member of the public who was complaining was a third party and not within the formal definition of a complainant, this person was sent a letter explaining what had happened and the actions taken by the Police Officers. See negative comments section.

12: There is a letter from the PSD Service Recovery complaint handler which contains a much improved and 'public friendly' explanation of what 'service recovery' is. The complainant acknowledged that he had been kept well informed throughout the progress of the complaint, accepted that the search failed to identify the Officer complained against and that all that *could* be done, was done. The complaint took 15 days – longer than the 72 hours aim – to resolve, but this was considered timely. See negative comments section.

13: A very timely resolution within 3 days (72 hours). See negative comments section.

22 & 25: This dissatisfaction with police service was dealt with quickly and an explanation given, albeit delayed by the relevant Police Officers being on night shift and then on leave. See negative comments section.

23: The tone of the emails within this informal resolution was conciliatory and there was a genuine apology with a clear indication of what action would follow. The Panel member was impressed by how this complaint was handled. See negative comments section.

24 & 26: An apology was given at the very start of the email reply in both complaint cases, including a summary of the dissatisfaction. An explanation of 'service recovery' was also provided at the start of the email. The Panel member felt that the investigator took an honest and factual course of action to handle these two (separate) complaints. See negative comments section.

28: A sensible approach to this informal resolution and the complaint handler took the actions which the complainant had requested. See negative comments section.

30: Good communication with the complainant as telephone calls and an email follow-up. This included an apology and explanation for taking longer than anticipated to resolve the matter (7 days rather than 3 days). This is a good example of the 'service recovery' triage system. See negative comments section.

31: The Full complaint Investigation Officer's report made this case easy to follow. The Trial verdict helped to confirm that the complaints had little basis and were about perception, not fact. See negative comments section.

33: A very full, if rather chaotic file containing considerable communication. The IPCC partly upheld the appeal. The I.O. failed to provide enough evidence to justify the conclusion that there was no discrimination by the Officers complained about. A case summary form would have been invaluable. See negative comments section.

34: The service recovery complaint handler tried to speak to the complainant and sent an email stating exactly what was happening. The final letter was good, with positive actions enclosed. The Service Recovery Assessor pressed for the Police to deal with this quickly and it was resolved within 4 days. See negative comments section.

Question: Was the business marked as 'Treat as urgent' (TAU) for any calls to the Police because it was assessed as such or because the business owner complained?

35: The correct procedure was followed so the IPCC was able to state that the disapplication was appropriate.

36: (reviewed as a 2016 case rather than the 2014 complaint case). This was dealt with well with a good final letter which was clear and included an apology.

PSD response:

As ever we welcome the panel's honest feedback, it is apparent that our standard and quality of letters, reports have significantly improved, we appreciate the recognition.

The aim of complaint handling is to make contact with the complainant within 72 hour timeframe to seek their agreement, confirm appropriate actions in order to successfully resolve the matter. Due to the individuality of each case and nature of the agreed course of action, the timescales will slightly vary on a case-by-case basis. What is important is that the complainant agrees with our proposed action and getting the right outcome for them. We always endeavour to resolve matters as quickly as possible, but due to working patterns, it can affect the length of time to achieve a specific action.

We note the comments about standards of investigation and we will ensure they are fed back to the officers who handled the complaints. We recognise the value in using other documents that are relevant in considering complaints, such as the court verdict which is referred to in one particular case. This helps ensure that decisions / outcome decisions of complaints are 'informed'. On occasions, a complaint can be complex, multi-faceted and require a great deal of information to be collated and considered. This can present a challenge in ensuring that nothing is missed or overlooked. Whilst one example referred to by the IRP is described as 'very full, chaotic and considerable' we would like to reassure the panel that every effort is made to ensure the process is methodical and considered in full, before any decisions regarding action or outcomes are taken.

NEGATIVE COMMENTS & CONCERNS, QUESTIONS & SUGGESTED ORGANISATIONAL LEARNING POINTS

Panel members had concerns about the following issues and also made suggestions that may improve the quality of policing service, Police Officer conduct, or improve the complaint handling process.

Service Recovery

In addition to the positive comments in the section above about the new informal resolution 'Service Recovery' process, one issue for all Panel members is that the only recorded evidence appears as the word of the Police. Therefore, the Panel Chair and members would like to recommend the introduction of a complainant satisfaction form, as a quality assurance check (a text, email, letter or audited telephone call) which would provide a completion or finalisation to the informal resolution and confirm that the complainant doesn't want to request a formal complaint investigation.

One suggestion is to write and store telephone transcripts, as an audit. Where there is no record of a telephone conversation, either at the operational stage or during a complaint, the complaint cannot go any further. The Panel also requested a review of the standard opening and closing emails for Service Recovered cases, to ensure that the narrative is in plain English. This is important in the initial email because the complainant needs to be sufficiently informed to give meaningful consent to using the 'service recovery' procedure rather than making a formal complaint.

Organisational learning

A Panel member raised a point that may require Constabulary action for organisational learning: In response to the issue of a person selling their car and despite informing the DVLA, a Notice of Intended Prosecution (NIP) for speeding was sent to the *previous* owner of the vehicle. The procedure for a member of the public to resolve this situation could be included on the Police website, within the speeding webpage Frequently Asked Questions (FAQs).

Panel members disliked the phrase 'Service Recovery' used within correspondence to complainants in the informal resolution method and recommend removal of this phrase or limit it to internal use for the triage-type, informal resolution process.

Panel members again requested the use of plain English in all communication. Examples of jargon used includes: "Telematics equipment told us this" and "...then Airwave told us this." At the end of a very well written letter, the final narrative reads: "This will now be filed with Professional Standards." The panel consider this 'Police-speech', internal language that could quickly altered by the author or via scrutiny/peer-review or a 'sense-check'. A few Investigating Officers had really poor grammar and this makes a bad impression for Avon and Somerset Police and particularly the PSD.

Is there a general problem that a specific Police Team is not acting upon complaints placed in the Team tray?

If there is a theme of the IPCC upholding dis-applications, should the PSD consider investigating the complaint proportionately rather than taking no action and dis-applying the complaints process, despite the out-of-time or abuse of complaints process assessment?

PSD response:

The aim of the service recovery process is to resolve complaints effectively and efficiently. When we introduced the role we took the decision to conclude all cases by way of a final letter / email, to outline the action taken and to resolve the expression of dissatisfaction. We recognise that in some cases, members of the public may not be satisfied with the outcome and for that reason we have introduced a form of wording on the bottom of the final letter / email, asking the complainant to contact us should they remained dissatisfied with the outcome. This reads as follows:

'I would like to reiterate that your concerns have been recorded as a Service Recovery complaint and not a formal complaint (as defined under the Police Reform Act). In view of the above, this matter will now be filed within Professional Standards. If you are dissatisfied with the outcome of this process then please let me know.'

We agree with the panels thoughts about the importance and effectiveness of obtaining complainant feedback for quality assurance purposes. In order to achieve complete impartiality we would invite the Police and Crime Commissioners Office (PCC), in their capacity as oversight panel to consider being the mechanism for such quality control processes. Furthermore, we feel that if the PCC's office undertook this role it would demonstrate to the complainant a real desire to get things right, check/ test the outcome independently, and further improve the service provided.

We recognise the challenges presented to the panel when reviewing service recovery files, as the majority of the communication is over the telephone. We do not consider it beneficial or time effective for the Service recovery officer to write up telephone transcripts, as an audit. However, we do agree with the principle and appreciate benefits of a clear auditable transcript. Therefore, we will explore options to establish alternative methods of recording telephone calls.

The Professional Standards Department will raise the organisational learning identified in relation to police terminology e.g. NIPS and DVLA with the appropriate department.

In all of our communication, we endeavour to provide an explanation in relation to any police specific actions, carried out as part of our enquiries. For example, when using the terminology for telematics, we will include the following explanation;

'Telematics equipment- this search uses equipment fitted in the majority of our Force vehicles to identify any vehicles in a certain location at a certain time'.

Improvements have been seen in the standard and context of letters sent out to members of the public following a complaint being made. We continue to work hard to educate staff across the organisation who handle complaints, making them aware that the use of police jargon is inappropriate when communicating with the public, as it is likely the public does not understand the phraseology or understand what we are saying. This can add to continued frustration on the part of the member of the public, which of course we want to avoid at all costs.

Case reviews – negative comments and concerns, including operational points:

- 1: A complaint that was 'Service Recovered' with positive comments in the section above. However, as an organisational learning point, the Panel member suggested that there should be a protocol for recurring situations, such as when a Notice of Intended Prosecution (NIP) is received by the previous vehicle-owner, after a vehicle is sold and the DVLA correctly informed.
- 2: There is no direct evidence in this 'service recovery' file that the complainant was satisfied, only the word of the Police due to the telephone communication.
- 3: The complaint was not initially acted upon despite a promise that this would happen. There is some evidence that the failure of this particular Police Unit to respond has happened before. Items were placed in the team tray but no-one in the team picked them up. This appears to be a serious issue but there is little evidence in the complaint file that this is being tackled by managers.
- 5: The final letter to the complainant showed little empathy and did not provide a very convincing set of reasons why the complaint was not upheld. There were no details on file of the telephone conversations with the complainant.
- 6: There is no record in the file whether or not the complainant's evidence was passed to the Court Defence Team.
- 8: As an operational point, the original crime file could have made it clearer as to why finger prints and CCTV footage or any other evidence were not requested. There was no contact with the complainant between the original complaint (and the final email sent. The Panel member is concerned that there is subsequent correspondence after the final letter which indicates that the complaint is not fully closed.
- 10: The initial letter was timely. However the complainant made contact about 3 weeks later as nothing had happened. Another 10 days passed before there was a meeting with the complainant.

Correspondence with the complainant should be every 4 weeks. There was also a typographic error in the letter, which would have been better proof-read for quality assurance. The letter said 'compliant' instead of 'complaint'.

11 & 16 (service recovery): The letter from the PSD attempted to explain the procedural difficulties but used jargon and grammar that is stilted and unwieldy. This is likely to annoy or frustrate the complainant.

The PSD letter's salutation read: "Dear <Surname>", omitting the title and there was some narrative that was considered clunky 'copy and paste'.

12: In this case ('service recovered') no evidence could be gathered about the reason for a Police Officer speeding and using blue lights/a siren, despite there being 2 systems which are meant to track these events. One system was broken.

13: The first and final letter has not been read through before mailing as two sentences were repeated in adjacent paragraphs. As an Officer/operational learning point – and explanation is required - the case file states that the Officer driver did not 'swipe in' before responding to an urgent request.

14 & 15: The files are very difficult to review. There is a lot of information duplication and it is hard to track the course of the complaint. This set of files are not organised for any sort of audit.

Page 3 of the witness statement is missing. Also, due regard should be given to eliminate unlawful discrimination. Reference is made to the complainant being 'powerfully built 5'10" and taller than the Police Officer (5'8").

Resources-accepting, is it possible to delete repetitious documents once the case has been finalised?

17: 'Service recovery' narrative is not in plain English.

The Police Officer complained against contacted the complainant. Is this normal practice? The voicemail message asked that the Officer was contacted but there is nothing in the case file so this case appears un-finished.

18: This is more like a resident's feedback to the Police rather than a complaint. However, it was dealt with quickly, to the satisfaction of the person who contacted the Police.

19: It was not easy to find the outcome in the decision letter.

20: Operationally, better liaison with the Welsh Constabulary to answer the complaints might have prevented the appeal and re-investigation. The appeal rejection letter was unnecessarily curt, especially as the complainant had not explicitly asked for compensation at that stage. The complainant's irritation is understood by the Panel member. It prompted further complaints because it reads as if the complainant is trying to obtain compensation, whereas the complainant's only request at that point was for the restoration of the data on the computer. The Panel member's view was the case overall should have been handled more sensitively.

21 & 27: This complaint investigation outcome was appealed to the IPCC.

There appears to be a reluctance to accede to the complainant's request to transfer the handling of his complaint to another police station. This seemed to be a point of principle for the investigators that they did not want to transfer just because a 'difficult' complainant was asking them to. The Panel member acknowledges that the Officers do not want to set a precedent but it was not helpful in this case and caused delay and bad feeling with the complainant. It is noted that the PSD simply advised to transfer the complaint and that seemed the pragmatic thing to do in the circumstances. The Panel member also notes the finding from the local investigation that:

"With regard to your complaint that Sergeant G... asked questions during the journey to custody, she agrees that there was some discussion, but denies she asked questions that constituted an interview. This aspect relies entirely on your word against theirs and as there is no way of establishing the exact wording of any conversation, this is not upheld."

The Panel member questioned if it is usual for conversations to take place with a suspect between arrest and interview, but if questions were asked then that would be contrary to PACE. The Panel member does not think it is sufficient to conclude that because it is one person's word against another then that aspect of the complaint is not upheld. In the Panel member's view the Complaints Investigating Officer should have made a judgment on the balance of probabilities as to whether he accepted the Officer or the complainant's view and give his reasons.

Formal complaint terminology was used and not explained to the complainant (a lay person), such as 'uphold the appeal' and 'disapplication process'.

Abbreviations such as IO should initially be printed in full with the abbreviation in brackets.

Complaint allegation 5 was admitted but no apology was given to the complainant for the failing.

'this failure does not amount to a misconduct offence, but is 'Unsatisfactory Performance' which will be dealt with by a process known as Management Action'.

When the Constabulary admit a failing then there should be an apology in the final letter.

Operational question: Why was there no CCTV evidence of the complainants' time in custody? The complaint was received 15 days after the incident.

22 & 25: The last paragraph of the finalising email would be meaningless to a member of the public and as stated in the general points above, is an example where plain English should be used:

"I would like to reiterate (as per our initial telephone conversation) that your concerns have been recorded as a Service Recovery complaint and not a formal complaint (as defined under the Police Reform Act). In view of the above, this matter will now be filed within Professional Standards."

No apology was given for the Police Officer failing to give an explanation to the complainant as to *why the road was closed and the reasons why the complainant was not allowed to drive through the road closure area.*

Operational comment: It is accepted that the Police Officer may have been busy managing the situation regarding an injured person being treated after a Road Traffic Collision (RTC). However, two Panel members commented that the complaint might have been avoided if the Police Officer on the scene had initially explained why the complainant could not use the road (i.e. *Unfortunately due to limited Officers at the scene, the complainant couldn't be escorted through the closed road area as an "exceptional" vehicle*).

23: The initial email struck the right conciliatory tone but was let down by use of technical language such as 'service recovery' and 'Police Reform Act' which will be meaningless to a member of the public and prevents them from making an informed choice about whether to use the service recovery procedure, or make a formal complaint. The standard/template opening and closing emails should be reviewed and put in plain English. The Panel member thought that the complainant needs to be sufficiently informed to give meaningful consent to using the 'service recovery' procedure from the beginning of the process.

24 & 26: An explanation is required for 'telematics equipment' in these two complaint cases and plain English is required instead of the phrase '*filed within Professional Standards*' as this means nothing to the lay person. Also the typographic errors in the (internal) PSD Case Assessment form could be avoided if spell checker were turned on for the form.

28: It took 10 days to resolve this complaint and demonstrates that internal systems can disrupt good intentions for quick informal resolution.

31: A more informal finalisation letter to the Complainant would have been better.

33: In response to the Panel feedback form question "*Is the complaint handling and outcome fair and free from any form of discrimination or bias?*" the Panel member stated 'No' and raised the query:

The IPCC upheld this part of the complaint as a challenge to the process which Avon and Somerset Police demonstrated. Although the appeal found that the complaints were correctly adjudged, the IO failed to provide enough evidence to justify her conclusion that the officers complained about were not acting in a discriminating manner

34: The phrase 'service recovery' is used throughout this complaint process without an explanation of this term.

37: This was a complaint example of what not to do, where there was a loss of trust and confidence in the Police by the member of the public. The complaint was made in November 2013 regarding a Road Traffic Collision incident. In February 2014 an email stated that the complaint wasn't upheld. However, this complaint had not been formally recorded and no advice was given about the complainant's right to appeal. There was no action until May 2015, when the complainant chased through the IPCC. A letter was sent, apologising for the delay. There was no action again until 2016 (again after prompting from the complainant and IPCC). The IPCC directed that there should be a

full complaint investigation, including witness statements and this was completed in August 2016. The complainant appealed the outcome which was not upheld by the IPCC.

PSD response:

The Professional Standards Department acknowledge the feedback in relation to the use of plain English and the use of service recovery phrase without an explanation of the term - we will consider alternative wording in our letters. Please note our comment in the above section, where an explanation is included where technical phrases are used.

Throughout the service recovery process, we reiterate to the complainant that they can pursue a formal complaint at any stage in the process. This is communicated clearly at the point of initial contact and in written form at the conclusion of our involvement if they are still not satisfied with the actions or outcome.

The panel's feedback has been reflected upon and learning disseminated accordingly. The Professional Standards Department continue work closely with local areas and departments to improve the quality of complaint handling, we will reinforce the requirement of maintaining communication and accurate log of enquires throughout the course of the investigation to all investigating officers. The final letter should include a clear explanation of the circumstances, whilst linking to evidence gathered during the investigation, to demonstrate how the outcome has been attained. Final letters should contain an apology, where we identify failings in the services provided. There remains willingness and indeed a tendency by officers and staff to use jargon and abbreviations, this is, to a degree a cultural issues that is challenged. Professional Standards Department will continue to communicate these messages, through our internal communication methods and liaison meetings with local areas.

On review of case 10, the complaint was recorded on 9th August 2016 and the investigating officer swiftly made contact on 10th August 2016 to introduce themselves and advise what course of action they were planning to undertake. The complainant acknowledged receipt of the email, however shortly after this the investigating officer commenced a period of annual leave and the next contact was not made until their return at the beginning of September. At this point, a meeting was scheduled to discuss the complaint. Although there is a minor lapse between communications due to their absence, communication was still made within the 28 day timeframe.

REQUESTS FOR COMPLAINT FILE REVIEWS

The following two complaint cases are requested to be reviewed:

Case 38: (after another case appealed a Local Resolution).

The first complaint by this complainant was in 2015 and the second in 2016 regarding a Data Protection Act subject access request. PSD's formal assessment of the second complaint was that it was repetitive and that it should have been part of the first complaint. The assessment was that it was an abuse of the complaints handling process and it was a repetitive complaint. There were no representations provided by the complainant against the disapplication.

The Panel member disagrees that this complaint should be dis-applied. The first complaint related to the Police investigation. The second complaint related to a mis-statement in the papers. The second complaint could have been mentioned in the first complaint. However it is separate and still in time.

Are there any additional complaints from this complainant?

There was a support letter from a third party on 15 November 2016. However, a PSD reply cannot be seen in the file.

PSD Response

The initial complaint was fully investigated, the outcome of which was there was no case to answer in respect of the officers involved. The complainant appealed the outcome of the investigation, which was not upheld. Subsequently, the complainant came back with additional information, therefore, we considered on these grounds to undertake a second appeal process (which is not legally required as there is only one right of appeal after which a case is filed). The IO decided at this stage that, given the additional information / complexities, a nominated investigator would review the entire case. The complainant was made aware of this, the case reinvestigated and the outcome again was 'no case to answer' for misconduct on the part of the officers involved. PSD agree with this outcome

The complainant having received the outcome of his first complaint along with a copy of an extremely comprehensive investigation report has sought to influence a further investigation into essentially the same matters by referring to the final Investigating report (complaint 1) and other documents that did not form part of his original complaint.

Under the circumstances, the dis-application is deemed an appropriate one. The issue was with aspects of the investigation report supplied to the complainant at the conclusion of the first complaint and documents received during a separate public access request. They all relate back to the same incident complained about under the <previous> reference number.

We have received a further complaint (Nov 2016), which essentially is a repeat of complaint 2 again, which has also been dis-applied.

The Force appeals officer spoke with this complainants support worker following a letter being sent to him. The 'disapplication process' was explained in full and this was communicated back to the complainant by the support worker. Although the Force appeals officer was happy to have the conversation with the complainant, he declined.

We have reviewed all three complaints and can confirm that the correct processes have been followed. The organisation has, throughout the course of this complainants investigation,, written to the complainants more than thirty two times.

Case 32: Appealed dis-application (no further action taken).

This complaint was dis-applied: it was out of time (over 12 months since the incident of complaint) and that the additional evidence was disclosed 5 months earlier. There were also no records of the alleged serious injury. The Investigating Officer took time to investigate if and when any serious injury had occurred. There is a very good email from the Investigating Officer to the complainant (19 August 2016), using plain English and helpful language. However, the Panel member considers that the complainant submitted good reasons for the time delay, he was distressed after the incident and had acted on solicitor's advice. The Panel member therefore considers that the complaint should not have been dis-applied, and should have been investigated. The Complaint Investigating Officer has made a decision (see fact finding report 23 September 2016) suggesting that the reasons lack credibility and there is inconsistency.

PSD Response

This complaint was initially made in August 2016 about an event in December 2014.

This made it immediately suitable for a disapplication BUT given that the alleged serious injury would, on the face of it, demand an IPCC referral an initial fact finding investigation was commenced. Without the serious injury matter it is likely this case would be dis-applied at that point.

It was obvious following this fact finding exercise that the complainant gave numerous accounts to different people about how he received the injury, including a professional in A & E, in no way linked to the police, that he had tripped and fallen into a door frame.

A decision was made that, given these accounts, a referral was not necessary, therefore the disapplication was then re-visited.

PSD sought and appropriately considered by way of an appeal to an independent manager not previously involved in the investigation. The representations were in fact out of time but still considered out of a sense of fairness to the complainant.

Any consideration of representations is, by its very nature, a subjective exercise. In this case the representations do not justify the caveats within the statutory guidance, i.e. no good reason for the delay being shown or injustice likely to be caused by the delay.

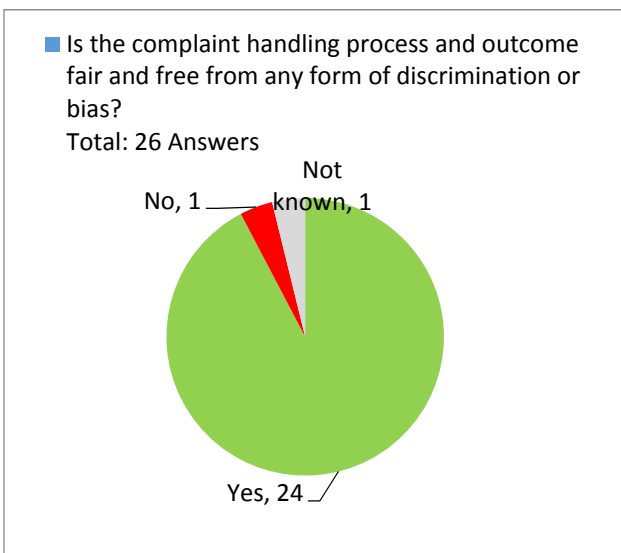
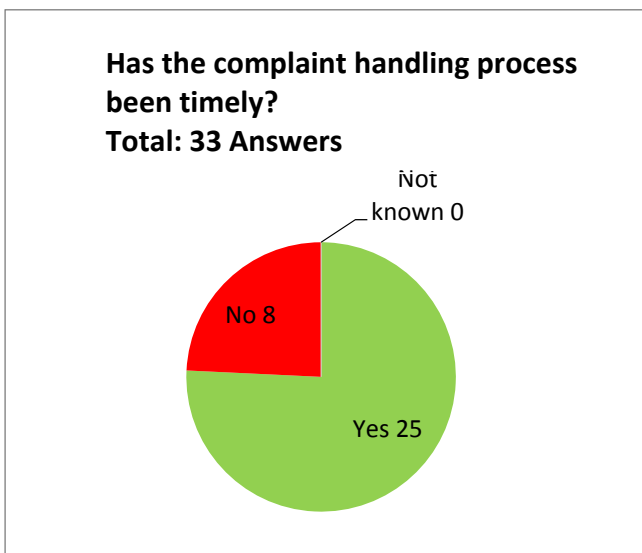
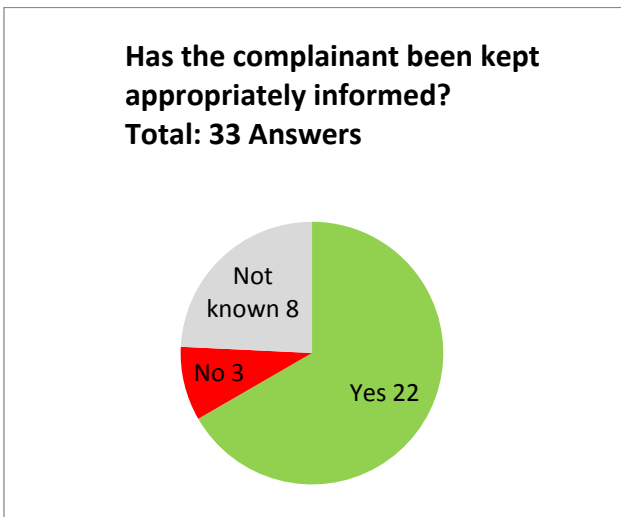
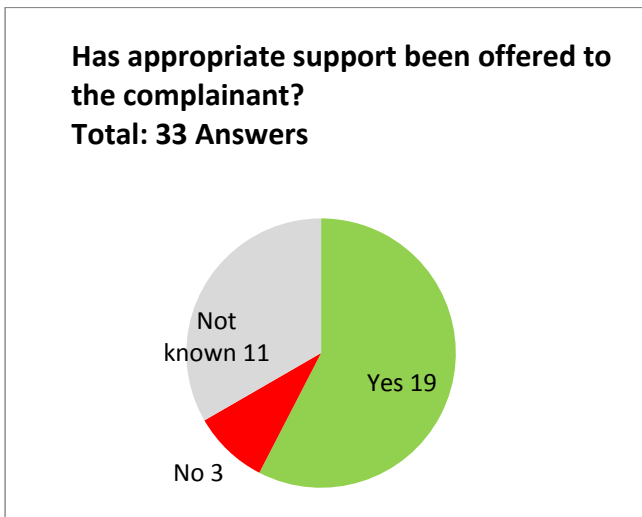
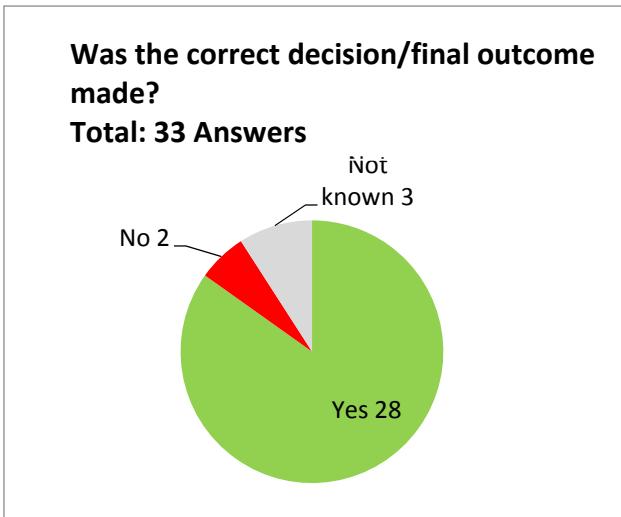
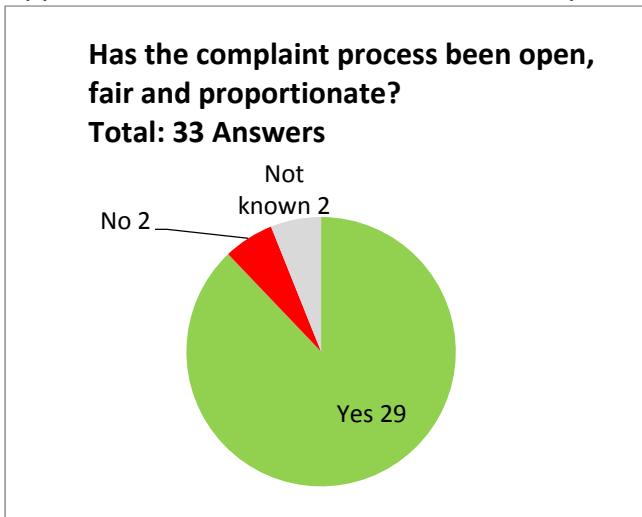
In the case of the former caveat the complainant talks of personal reasons, including stress and panic and intimidation of the police, this complaint was made via IPCC online with no initial contact with the police. He also speaks of a 'busy life': this is not a reasonable justification. He also talks of his solicitor telling him this would not help in being released from custody in a reasonable time. In relation to the latter there are clear discrepancies in the accounts the complainant has provided. This provides clear concern around the complainant's account and undermines him. Apart from indicating a clear injustice that requires addressing the initial fact finding establishes the contrary. To have access to the facts revealed in the fact finding exercise is rare in a disapplication consideration, it actually provided a stronger evidential base than is often available.

FINAL SESSION

In the final session of the Panel meeting, the Panel Chair referred to her IRP electronic newsletter issue 3, which showed the positive progress over the last 3 years in complaints handling, based on 5 of the feedback questions:

- Has the complaint process been open, fair and proportionate?;
- Was the correct decision/final outcome made?;
- Has appropriate support been offered to the complainant?;
- Has the complainant been kept appropriately informed?;
- and: Has the complaint handling process been timely?

Appendix 1 – feedback form statistics – Six questions



These pie charts relate to the six questions in the feedback form. Panel members record 'not known' when the case file does not give sufficient detail to allow a categorical yes or no answer.

Note: Answers left blank on the feedback form are excluded from the pie-chart figures.