

INDEPENDENT RESIDENTS' PANEL

Complaints Review: Thursday 6th June 2019, 10am–3.30pm

Attendees: SB, LC, PAK, AD & NB

Apologies: CW, TW, KS & PK

STRUCTURE OF THE SESSION

5 of the 9 Independent Residents' Panel (IRP) members attended this quarter's meeting, including 1 of the co-opted members from the Scrutiny of Police Powers Panel. The Panel members reviewed 22 complaints from the list of requested cases. In addition to complaints reviewing, copies of some compliments from local residents to the Police are also circulated at each Panel meeting, for members to read.

Themes: Complaints against the Police within the following Independent Office for Police Conduct (IOPC) complaint categories of:

- Other neglect or failure in duty: 8
- Organisational Complaints: 7
- Plus the standing item of reviewing Early Intervention/Informally resolved complaint cases: 7.



Panel members recorded their comments for the Constabulary's Professional Standards Department (PSD) to read, comment upon and use for any individual and organisational learning. The PCC also reviews the report.

There is also a round-table summary where each Panel member summarises their overall feedback on the complaint cases reviewed and any themes.

ACTION REGISTER

No.	Action	Status
1. (Dec 2018) c/fwd	A request to the PCC and then to the Head of PSD for comments regarding obtaining Complainant satisfaction/feedback (face to face, telephone or electronic survey) for the Panel. The Panel will look for opportunities to monitor and track the 'Complaint Experience' (e.g. surveys, focus groups, one-to-one discussions). The IRP want to keep this as an overriding theme for 2019.	10 th June 2019 Keep in view – for further discussion Sept 2019 as key parties in this proposal were unable to attend the June 2019 meeting.
2. (Dec 2018, AOB item 2) c/fwd	Development of an Action Review Register to monitor and track “we said, they did” type recommendations was favoured, monitoring what changes were made and if these are sustained.	OPCC to maintain register. Keep in view.
3 (Mar 2019) c/fwd:	Is the revised Police complaints form on the Police website compliant with the Data Protection Act and the General Data Protection Regulation 2018? The online Complaint Form now asks a lot of personal information, such as date of birth, requiring mandatory answers. There is no reference to the Constabulary's use, retention and security of this data and no reference to the Data Protection Act and the Constabulary's Privacy Notice.	<p>Panel to note Update 16th July 2019.</p> <p>Meeting held with Data Protection Officer, advice given that a Privacy Notice simply needs to set out the data flow and the process.</p> <p>PSD will review website content to ensure process flow and data handling is explained accurately. In addition, we will include the following paragraph on the force complaint form page.</p> <p>Records that contain your personal information processed for “general data” purposes will be managed in accordance with the Force's Retention Schedule.</p>
New Actions		
4. (June 2019):	All members to review their biography to check accuracy and ensure it is up to date. If amendments/additions are required please send to SF who will ensure the updated biography is added.	10 th June 2019 Reminder sent to all members
5. (June 2019):	Suggestion of adding the initials of the attending panel members to the top of the report to reflect those present in the interest of transparency. SF to circulate an email to all members to confirm approval for this.	Actioned

6. (June 19)	Check data sharing protocols for third party agencies specifically for the purposes of the victim's survey. SF to liaise with OPCC Data Protection Officer.	10 th June 2019 SF to update
7. (June 19)	Suggestion of a possible theme for the IRP - complaints have arisen from incorrect information or data held against an address or person.	10 th June 2019 Keep in view – SB/SF

PSD UPDATE

Avon and Somerset Constabulary's Professional Standard Department (PSD), **Detective Inspector Gary Stephens**, gave a PSD update, with the main points summarised below:

- There have been significant personnel changes within the PSD Senior Leadership Team recently. Superintendent Richard Corrigan and Detective Chief Inspector Mark Edgington have now moved on to other areas of Constabulary on promotion. Detective Inspector Sam Williams of Counter Corruption has also been promoted and there is a Sergeant vacancy on this team at the moment. Detective Superintendent Simon Wilstead is now in post as Head of PSD supported by Detective Chief Inspector Edward Yaxley as Deputy Head. PSD is a specialist area of work but both Simon and Ed come with extensive policing experience and will try to provide continuity by working with staff already in post.
- Proposed final phase of reforms to the police complaint and conduct regime have been further delayed due to the lack of parliamentary time. No date has been fixed, but a minimum 6 month lead in time following the approval of the legislation and supporting regulations has been set meaning it is likely the changes will not be implemented until late 2019, early 2020.
- This delay has meant that the PCC is unable to take on full responsibility for the reviews (appeals) process from the Constabulary at this time. However, in the spirit of the legislation Steve Crouch will move to the OPCC on secondment until the new legislation is sanctioned. Despite delays, PSD are looking to put provisions in place to early adopt or put process plans in place ready for new regulations where possible.
- The 'Practice Requiring Improvement' process is still not in place under the new guidance. This new category will replace Management Action and Management Advice and will capture allegations where an officer's conduct may need improvement. The intention is that an officer can be open and reflective, confident that disciplinary proceedings will not follow, leading to learning and improvement rather than blame. PSD are starting to change processes to reflect the new ethos and embed the principles in anticipation of the new legislation so there has been an increase in learning and intervention work.
- PSD are working with all the new recruits to ensure they understand the role of the unit and their responsibilities as police officers. PSD provide an initial input in the first two weeks before the recruits head to UWE as residents for 10 weeks. This also seeks to highlight the potential reputational issues when they are in residence. Moving forward, PSD will seek to provide a joint input with the Police Federation for all new recruits. This is due to the amount of interface between the two organisations. PSD try to maintain a positive, open and transparent relationship with the Federation where possible as they are representing a large proportion of staff and are working towards the same aim; to build public confidence.

Working relationships are on the whole very positive however arguably there must be a degree of independence.

- PSD have a 'Department Plan' and are coming to the end of Quarter 1. This has focused significantly on training and outreach (preventative work) across the Constabulary. Most recently staff have attended briefings with the Neighbourhood Teams to make them aware of trends that have been identified such as inappropriate use of social media and the importance of using Body Worn Cameras and Pocket Notebook entries. It also seeks to raise standards and to provide 'a face' to Professional Standards. Agile working is supporting the team to get out across the force area and meet staff by increasing visibility and building relationships.
- PSD continue to focus on internal continuous professional development of staff and recently arranged for a legal representative to come and provide staff with an input on legal processes. Staff have also received an input on the benefits of Restorative Justice and will be exploring the use of this tool to resolve complaints where suitable. Staff recently met with Will Stevens, Force Mental Health lead to try to increase awareness and ensure processes were adjusted to promote inclusivity and accessibility. A lot of work has also gone in to developing processes more suitable for those detained under the Mental Health Act.
- PSD have now developed a Pocketbook team room page on the force intranet. The aim is to provide advice and guidance to staff across the force on how to deal with issues. The aspiration is that it becomes a primary resource for PSD issues. The content varies from policy and procedure to short information clips on subjects such as notifiable associations, business interests, sexual harassment in the workplace etc.
- Performance Update - No appeals submitted to the IOPC have been upheld since December 2018. PSD will always refer to IOPC where appropriate in the interests of transparency. The IOPC have turned a corner since the reform and both processes and turnaround has improved since the changes. There has been a reduction in complaints and early interventions. In April 31% of complaint cases were dealt with through early intervention (this figure fluctuates between 30-40% monthly). Assessors are now encouraged to be decision makers and where they feel that they can resolve a complaint at first point, they will. This is a far quicker process that enables a swift outcome for the complainant.
- [IOPC Report for ASC Q4 2018-2019](#) shows that the Constabulary are currently the national leaders in recording complaints within 10 days and average 54 days to resolve a complaint from report to finalisation. PSD believe this is down to structural work and improved processes within PSD and also the experience within the investigative team and continuity.
- PSD continue to highlight the importance of reward and recognition and there is a consistent emphasis on acknowledging staff who have been recognised for good work. This varies from a letter from Head of PSD being sent to the individual thanking them for their efforts or they may be invited to meet with the Head of PSD so he can thank them personally.
- In terms of transparency, PSD continue to identify opportunities to provide assurance to the public where complaints are submitted. An example of this is the open invitation for complainants to view the Body Worn Camera footage relating to their incident in order to assist them in understanding the rationale for decisions made. Feedback is really important to identify improvement, however, it does need to be balanced as whilst processes and protocol may be beyond reproach, the outcome of the complaint may not meet the expectations of the complainant.

Question and Answer Session with Detective Inspector Gary Stephens and also attended by John Smith, Chief Executive Officer, Office of the Police and Crime Commissioner

Q: In the IRP quarterly report we name the officers involved. Are you satisfied that, where required, officers' names are redacted e.g. if they are considered covert?

PSD Response: If you can see their names then they will not be covert – their names would have been redacted sooner if that were the case. There is generally no reason to redact unless it is related to covert tactics or protecting the integrity of personnel. However, as the report is released in to the public domain it will need to be cautiously considered at the point of draft circulation to PSD.

Q: How do you feel about the number of allegations per 1000 as I note that it has fallen?

PSD Response: There different schools of thought regarding this measure. It may be that a complaint has multiple allegations contained therein and in which case it is more important to accurately record each allegation than concern oneself with the measure so I am unsure of the benefit or risk of such a measure. There have been many theories and some believe that this is down to recording practice or public confidence. A hypothetical benchmarking exercise could be considered to identify inconsistencies by giving multiple forces the same complaint and see how many allegations each force recorded.

Q How do you ensure that PSD are not unconsciously biased in trying to keep their statistics within key performance indicators?

PSD Response: Our priority is to provide a comprehensive review and not concern ourselves too heavily with meeting statistics. We are proactive in chasing areas of the Constabulary for responses but that is in the best interests of the complainant to ensure that complaints are handled in timely manner but never at the detriment of the complainant or the diligence of the investigation.

Q The new complaint form asks if you would like to remain anonymous. If a complainant was to remain anonymous, how would PSD follow that up and what would happen?

PSD Response: We would look at it in exactly the same way as if it was a named complaint to ensure no concerns, especially if there were allegations pertaining to crime or misconduct. We would create a miscellaneous report and review it in accordance with normal protocol. For example, if there was an allegation made that a police officer had punched a member of the public but the complainant was anonymous, we would investigate what other evidence may be available to identify the officer and validate the allegation such as CCTV or potential witnesses. Generally there are very few anonymous complaints as people want to understand what has happened with their complaint. If there is the means to feed back then we will always do so.

Q There have been multiple cases of mistaken identity or members of the public receiving repeated visits by officers looking for someone who used to live at their address. I have heard about markers being placed on these addresses to clarify this and advise officers not to go there. How are these markers used and communicated?

PSD Response: To be clear these markers are advisory and will generally be communicated by the Control Room when an officer is deployed to the address however there is always a risk that these markers are not picked up or communicated for example if an officer attends the address before the full breath of information is passed or does not notify the Control Room that they are in attendance.

Q Following on from that, is it possible for someone to get their name removed from ASC systems so that they are no longer associated with that address or person?

PSD Response: Yes it can be done in certain circumstances however it would need to reflect the situation. The DPA team can remove associations on the police databases but the current information against the address should be up to date.

At the end of the session, the PCC's Chief Executive thanked Kathryn Palmer (creator and facilitator of the Independent Residents' Panel) for all her hard work and dedication and welcomed the new Contact and Conduct Policy Officer, Sally Fox, into post who will be facilitating the panel moving forward. The Chair and Panel also thanked Kathryn.

Sally Fox recognised all the volunteers present in light of National Volunteers week for their time and effort.

Last Panel report – published

There were no further questions about the last Panel meeting's quarterly report, prior to the Panel report being authorised for publication on the PCC's website [here](#) .

THIS COMPLAINT FEEDBACK REPORT

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

HIGHLIGHTS OF POSITIVE COMMENTS

Panel members highlighted the following positive aspects within the complaint case files:

- In the main, the Panel were very positive about the complaints that they reviewed with the majority being assessed as resolved efficiently and effectively.
- Recognition of extensive improvement in the use of jargon and semantics used in complaint correspondence. Historically officers have used language which may not be understandable to the public and it is clear that feedback has been taken on board and applied to ensure that letters are written in a more accessible format.
- Examples of excellent letters and email correspondence were highlighted, specifically **Ayesha AVERY** (case 22 refers), **Detective Inspector James WASIAK** (case 1 refers) and **Control Room Supervisor Mike BLINCO** (case 6 refers). Letters were described as empathetic, fair, balanced, detailed and of an excellent standard. Ayesha was specifically recognised for using her creative thought to find solutions and embrace learning.
- **Will STEVENS**, Force Mental Health lead was recognised for demonstrating an excellent example of collaboration across the Constabulary in dealing with a complaint relating to a missing person.
- **Detective Inspector Tim HILL** was recognised for his thorough handling of case ref 11.
- **Sergeant Natalie GOOCH** was recognised for her excellent complaint handling which received a letter of thanks from the complainant and restored their faith in policing, enabling service recovery. This was achieved through clear explanation of events and recognition of the impact on the complainant.
- **DI Lorna DALLIMORE's** handling of case ref 2 was regarded by the Panel as succinct, clear and courteous - a proportionate response in these circumstances.

PSD response:

Thank you for your valued feedback recognising significant improvements through the complaints handling process. In particular the reassurances that our engagement with members of the public through complaint handling procedures is clear, informative and timely using appropriate narrative.

PSD have made significant changes to place appropriately skilled staff in a position to resolve complaints at first point of contact through early intervention procedures. This approach has resulted in 566 complaints (44% of the total number) recorded in 2018 being resolved by this team.

After reading the feedback further on in the report in relation to the handling of early intervention cases, it is really encouraging to read that the majority of the feedback is positive.

As you know we take all expressions of dissatisfaction seriously, through early intervention process we can ensure that expressions of dissatisfaction, and complaints about service levels are; dealt with promptly and effectively, whilst working closely to manage complainant's expectations positively.

It is important to recognise that satisfaction with service leads to more trust and confidence in the Constabulary, enhancing public confidence and better engagement.

Recognition will be fed back to individuals recognised above.

HIGHLIGHTS OF CONCERNS, NEGATIVE COMMENTS & SUGGESTED ORGANISATIONAL LEARNING POINTS

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

- In two of the cases reviewed, there were statements within the correspondence which indicated that officers involved had predetermined the outcome of the complaints. This created an impression that the investigations might not have been impartial and free from bias.
- Although the Panel recognised the value of the 'Early Intervention' process, concern was raised about the action taken after the intervention by the allocated Investigating Officer to ensure that the complainant was fully satisfied. PSD did comment that a right of appeal was articulated where appropriate, however, the panel felt further scrutiny in this area would be beneficial.
- The Panel felt that ending correspondence '*Unfortunately as your complaint is organisational, there is no right of appeal*' was a rather blunt ending to the letter and questioned whether it was necessary in cases where there was no right of appeal.
- The Panel questioned whether there was an accepted average for the number of complaints made against an officer and whilst PSD confirmed that if 3 complaints in a 12 month period are received, there is further scrutiny, concern was raised about the behaviours displayed - case ref 10 refers.
- Whilst significant improvement was identified with the use of police terminology, concern was raised about the continued use of words such as 'file', 'upheld' and other wording that was not considered user friendly. Discussion with PSD indicated that some of this language reflected the terms used in the IOPC statutory guidance and without their use, the force could be open to criticism. Some members of the Panel were keen to challenge this and felt that the use of more inclusive terms was more important than mirroring language from the guidance.
- There were a couple of examples where Panel members felt that the audit trail was lacking making it hard to follow the case and confirm the rationale for decision making.

PSD response:

Demonstrating and acting impartiality throughout the complaints process is imperative, PSD will review this particular case file to identify and provide relevant learning and feedback.

We will review the narrative used to finalise organisational complaints.

PSD implemented a procedure to trigger a review of an individual's performance when subject to 3 or more complaints in a twelve month period. Work is ongoing in this area as part of our annual plan with a view of developing our predictive analytics and using a wider remit of intelligence.

Police Reform Act 2002 - Police Misconduct and Complaint Regulations and IPCC statutory guidance stipulates the wording used to finalise complaint types. For example complaints

investigated through local investigations that are not subject to Misconduct or Gross Misconduct, must be resulted in a finding of 'upheld' or 'not upheld'. With different terminology used for cases subject to Misconduct. Following feedback from the consultation the IOPC are reviewing the language used to result / finalise complaints.

Audit trails for decision making play a vital part in the life of a complaint, irrespective of how it is dealt with. Any learning identified from this report will be considered and actioned accordingly.

COMPLAINT FILE REVIEWS

ORGANISATIONAL COMPLAINTS

There were 7 complaints recorded 'Other neglect or failure in duty' categorised complaint cases which contained allegations relating to organisational issues (complaints relating to processes or policies) selected by the Panel for review and feedback for PSD:

Complaint case reference 1: [SB]

Panel Member Feedback

The complainant was arrested on suspicion of a very serious offence and made multiple allegations as part of their complaint once the investigation was completed.

The Panel Member assessed the final outcome letter that was provided as very good. It clearly dealt with all the issues that had been raised and articulated fair and balanced conclusions.

Negative

Concern was raised about the commentary provided by the senior allocating officer upon allocation to the investigating officer. The senior officer writes '*The attached is a complaint against Officer X – there's no substance to it, but there's a compensation claim that'll need raising afterwards.*' This indicates a pre-judgement and is articulated to the investigating officer which could influence their approach and findings. The panel member commented that complaints should be investigated with an open mind, so to find this comment from a senior officer raised concern. There is no evidence that the Investigating Officer was influenced by the Senior Officer's comment, however, the panel member had serious concerns about a senior officer appearing to pre-determine the outcome of a complaint and communicating that to the Investigating Officer at the beginning of the investigation. In the Panel Member's opinion, a member of the public would regard that as evidence that the investigation was not carried out in a fair and open-minded manner, and it undermines the work which the Constabulary and the PCC is doing to improve public confidence in the complaints process. It has been suggested that there are two issues here:

- 1) That an inappropriate comment was made
- 2) Whether it is evidence of an underlying issue which needs to be addressed.

Panel Case Review Feedback Form 6 questions and answers:

<i>Has the complaint been handled in an open, fair and proportionate manner?</i>	Not Known
<i>Do you think that the correct final outcome was reached for this complaint?</i>	Yes
<i>Has the appropriate support been offered to the complainant throughout the process?</i>	Not Known
<i>Has the complainant been kept appropriately informed about the progress of their case?</i>	Not Known
<i>Has the complaint handling process been timely?</i>	Yes
<i>For complaint handling and investigations into Officer or Staff misconduct:</i> <i>Is the complaint handling and outcome fair and free from any form of discrimination or bias?</i>	No

PSD response:

The comment made was not appropriate and does not support the objective of demonstrating impartiality throughout the complaints process and not acting as an advocate for either side.

Professional Standards Department will provide feedback to address the learning appropriately.

Complaint case reference 2: [SB]

Panel Member Feedback

This was initially a complaint about lack of police action regarding anti-social behaviour and the lack of police resources.

The Panel Member felt that the initial response to the complainant under Early Intervention potentially irritated the complainant.

For example, it stated that “*Although not a Force priority dealing with the issues around students is a local priority*” – whilst the Panel Member acknowledged that this may be true, they could empathise with the complainant and see that might annoy someone who is suffering lack of sleep due to anti-social behaviour. The benefits of offering the ride along scheme was acknowledged as standard practice, but perhaps not so appropriate in cases such as this where there is no complaint about police behaviour and the complainant just wants the anti-social behaviour to stop.

The panel member wondered whether the complaint could have been resolved under EI if different language had been used so as to convey that the police were taking the issue seriously, and by being clearer about the positive steps that were being taken.

The complainant was complementary about the officers she had dealings with. There was minimal information on the file about actions taken so it was difficult to judge what had been done. It appears that there was some confusion about paperwork and the complaint was overdue.

Although there was no formal finalisation letter, it appeared that the investigating officer met with the complainant and put in place an action plan to increase police patrols in the area which is what the complainant had requested. Whilst the email was succinct, it was clear and courteous and in the Panel Member’s view a proportionate response in these circumstances.

Panel Case Review Feedback Form 6 questions and answers:

<i>Has the complaint been handled in an open, fair and proportionate manner?</i>	Yes
<i>Do you think that the correct final outcome was reached for this complaint?</i>	Yes
<i>Has the appropriate support been offered to the complainant throughout the process?</i>	Not Known
<i>Has the complainant been kept appropriately informed about the progress of their case?</i>	Not Known
<i>Has the complaint handling process been timely?</i>	No
For complaint handling and investigations into Officer or Staff misconduct: <i>Is the complaint handling and outcome fair and free from any form of discrimination or bias?</i>	Yes

PSD response:

Valid point raised by the panel, use of appropriate narrative to encourage and support the early intervention process.
Positive engagement to resolve complainants concerns and actions put in place to resolve to their satisfaction.

Complaint case reference 3: [PAK]

Panel Member Feedback

The panel member acknowledges the good finalisation letter provided by the officer and subsequent audit trail of events. The complainant was very happy with the outcome of the complaint and wrote to thank the investigating officer for their swift response and offer of compensation.

There was no copy of the footage of the incident available in the evidence folder which was used as the basis for the decision making so this could not be reviewed.

Panel Case Review Feedback Form 6 questions and answers:

<i>Has the complaint been handled in an open, fair and proportionate manner?</i>	Yes
<i>Do you think that the correct final outcome was reached for this complaint?</i>	Yes
<i>Has the appropriate support been offered to the complainant throughout the process?</i>	Yes
<i>Has the complainant been kept appropriately informed about the progress of their case?</i>	Yes
<i>Has the complaint handling process been timely?</i>	Yes
<i>For complaint handling and investigations into Officer or Staff misconduct:</i> <i>Is the complaint handling and outcome fair and free from any form of discrimination or bias?</i>	Not Applicable

PSD response:

This is a great example of positive engagement to resolve and manage complainant expectations from the beginning of the complaint. Through in depth discussions the investigating officer was able to ascertain their concerns to agree a reasonable and realistic outcome which the complainant was satisfied with.

Complaint case reference 4: [PAK]

Panel Member Feedback

The complaint originated from the complainant's information being passed to a marketing company without their approval. This was discussed as part of the PSD questions session (see page 2 for Action No. 6). There is a clear audit trail of the enquiry correspondence and the finalisation letter is clear and courteous.

There were no areas of improvement or negative aspects identified in this complaint.

Questions

The Panel Member felt the complaint was straight forward and raised the following questions:

- Why did it take 5 weeks to finalise the complaint - is this linked to the FOI request?
- There is a separate document in the evidence folder that links the individual to a separate incident – what is the link to this complaint? Force Situation Report 13/1/19. If so, is it customary to review previous links when a complainant raises an issue?
- Is information on various partners readily available to the victims of crime and how the information is used through this third party contracts? – the finalisation letters indicates that there is guidance taken from the Home Office '*The force are instructed by the Home Office to seek victim satisfaction/feedback and we use the market research company (SMSR) as directed under contract to obtain this feedback*'. Is this standard practice across all situations?

Panel Case Review Feedback Form 6 questions and answers:

<i>Has the complaint been handled in an open, fair and proportionate manner?</i>	Yes
<i>Do you think that the correct final outcome was reached for this complaint?</i>	Yes
<i>Has the appropriate support been offered to the complainant throughout the process?</i>	Not Known
<i>Has the complainant been kept appropriately informed about the progress of their case?</i>	Yes
<i>Has the complaint handling process been timely?</i>	Yes
For complaint handling and investigations into Officer or Staff misconduct: <i>Is the complaint handling and outcome fair and free from any form of discrimination or bias?</i>	Not Known

PSD response:

It would appear that a Freedom of information request was made by the complainant, therefore, this may have delayed the complaint resolution process.

Item 10 on the situation report related to the initial incident.

The final letter explains that the Constabulary's website provides much of the detail as to why the member of public was contacted.

The direct website link is <https://www.avonandsomerset.police.uk/contact-us/telephone-survey/>

Complaint case reference 5: [PAK]

Panel Member Feedback

The complaint related to discrimination in the processing of a firearms application. The original approach was to treat the enquiry as a local resolution, however it became a formal complaint.

Learning

Whilst the email updates were considered good, inconsistent lapses in between contacts as identified in the evidence folder implied some level of carelessness and lack of attention. Examples would be:

- The lack of follow up from the initial query/complaint raised between Dec-Feb
- The missing finalisation letter
- Gaps in correspondence which go from the Force saying he has to pay for other medical costs to him being granted a home interview?

The panel member found a clear lack of consistency in approach.

Panel Case Review Feedback Form 6 questions and answers:

<i>Has the complaint been handled in an open, fair and proportionate manner?</i>	Yes
<i>Do you think that the correct final outcome was reached for this complaint?</i>	Yes
<i>Has the appropriate support been offered to the complainant throughout the process?</i>	Yes
<i>Has the complainant been kept appropriately informed about the progress of their case?</i>	Yes
<i>Has the complaint handling process been timely?</i>	Yes
For complaint handling and investigations into Officer or Staff misconduct: <i>Is the complaint handling and outcome fair and free from any form of discrimination or bias?</i>	N/A

PSD response:

The complaint was assessed and treated as an organisational complaint and dealt with accordingly. The delays were due to awaiting medical reports from the applicant in support of their application, which delayed the finalisation of the complaint. We recognise that the final letter was missing, feedback and learning has been given to those involved in the handling of this complaint.

Complaint case reference 6: [LC]

Panel Member Feedback

The Panel Member recognised a good and timely response from the investigating officer, especially as the complaint was submitted during the Christmas and New Year period. The manager spoke with the complainant and advised that the service failure (inability to report an accident via 101 or get a response) was due to issues with a new telephony system. The Panel Member felt that the final letter was of an excellent standard and reiterated the salient points from the conversation, provided empathy for the frustration felt by the complainant and articulated how organisational complaints like the one in this case lead towards organisational improvements.

No areas for improvement were identified in this complaint.

Panel Case Review Feedback Form 6 questions and answers:

<i>Has the complaint been handled in an open, fair and proportionate manner?</i>	Yes
<i>Do you think that the correct final outcome was reached for this complaint?</i>	Yes
<i>Has the appropriate support been offered to the complainant throughout the process?</i>	Yes
<i>Has the complainant been kept appropriately informed about the progress of their case?</i>	Yes
<i>Has the complaint handling process been timely?</i>	Yes

For complaint handling and investigations into Officer or Staff misconduct: <i>Is the complaint handling and outcome fair and free from any form of discrimination or bias?</i>	N/A
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PSD response:

A great example of exercising ownership to resolve a complaint providing complainant with clear, timely communication. With this case we demonstrated management commitment and support for resolving the complainants concerns and provided a clear reasoning behind the system issue.

Complaint case reference 7: [LC]

Panel Member Feedback

The complaint was dealt with in a timely fashion with a response provided within 5 days. A comprehensive explanation of the process and supporting policy was provided as well as a rationale of why actions were taken.

Learning

The Panel Member felt that the interactions could have been improved with clearer communication with those bereaved at the scene, for example, an explanation of why the questions were being asked and why enough courtesy was not shown by the officers at scene. It could have also included the actions being taken to address this with the attending officers.

Question:

The final letter states *“Unfortunately, as your complaint is an organisational complaint rather than a complaint about an individual you do not have the right to appeal this resolution.”*

- Does this need to be on the final letter?
- Would it be better to omit this statement, and if/when an appeal is sought to then give the advice?

The panel member felt it was a very negative way to close what was a good final letter

Panel Case Review Feedback Form 6 questions and answers:

<i>Has the complaint been handled in an open, fair and proportionate manner?</i>	Yes
<i>Do you think that the correct final outcome was reached for this complaint?</i>	Yes
<i>Has the appropriate support been offered to the complainant throughout the process?</i>	Yes
<i>Has the complainant been kept appropriately informed about the progress of their case?</i>	Yes
<i>Has the complaint handling process been timely?</i>	Yes
For complaint handling and investigations into Officer or Staff misconduct: <i>Is the complaint handling and outcome fair and free from any form of discrimination or bias?</i>	N/A

PSD response:

Positive to see a timely resolution to this complaint. The learning raised by the panel is valid feedback.

We want to be open and transparent regarding the process so that we manage expectations from the outset. We will review this narrative to advise that there is no appeal right through organisational complaints.

OTHER NEGLECT OR FAILURE OF DUTY (PUBLIC COMPLAINT)

There were 8 complaints recorded 'Other neglect or failure in duty' selected by the Panel for review and feedback for PSD. ASC is still an outlier in comparison to other most similar forces (MSF) with 51% of complaint cases assessed under this category in comparison to the MSF average of 41%:

Complaint case reference 8: [NB]

Panel Member Feedback

The complainant states that following being a victim of crime, she wanted to pursue the matter but has heard from a third party that officers advised that she did not wish to pursue it and it was filed with no further action. Whilst the complaint was dealt with in a timely manner, the panel member felt that the use of the word 'filed' in the context below was police terminology and 'closed' would have been more appropriate:

*'..And managed to interview the suspect obtaining a denial resulting in the matter being **filed** due to a lack of evidence. It is my opinion that the decision to **file** was the appropriate one in the circumstances given the limitation in the available evidence'.*

Learning

- Remind officers about the need to update victims and the need to ensure the Victim's/Complainant's wishes are clearly understood/documented so there can be little chance of a repeat incident
- Avoid use of the word 'filed'. The word 'closed' is more appropriate.

Panel Case Review Feedback Form 6 questions and answers:

<i>Has the complaint been handled in an open, fair and proportionate manner?</i>	Yes
<i>Do you think that the correct final outcome was reached for this complaint?</i>	Yes
<i>Has the appropriate support been offered to the complainant throughout the process?</i>	Yes
<i>Has the complainant been kept appropriately informed about the progress of their case?</i>	Yes
<i>Has the complaint handling process been timely?</i>	Yes
For complaint handling and investigations into Officer or Staff misconduct: <i>Is the complaint handling and outcome fair and free from any form of discrimination or bias?</i>	Yes

PSD response:

The complaint was appropriately finalised outlining areas for improvement, with acceptance that the incident could have been handled better. The investigating officer has appropriately advised that the Officer of the learning.

Complaint case reference 9: [LC]

Panel Member Feedback

A timely response with no negatives identified. Organisational learning is already identified as part of the final letter. The complainant was provided with clarification on the submission process for Subject Access Requests (SARs). It was recognised that requests may also be received through other routes and it was explained that these are processed in accordance with SAR policy. It was also recognised that SARs received from other routes should be acknowledged and either processed, or the originator given appropriate details on how to submit a request. In this instance the delivery method was to open unknown software with a link in an email. Quite rightly the recipient did not wish to download from unknown software, but failed to communicate this to the originator.

Panel Case Review Feedback Form 6 questions and answers:

<i>Has the complaint been handled in an open, fair and proportionate manner?</i>	Yes
<i>Do you think that the correct final outcome was reached for this complaint?</i>	Yes
<i>Has the appropriate support been offered to the complainant throughout the process?</i>	Yes
<i>Has the complainant been kept appropriately informed about the progress of their case?</i>	Yes
<i>Has the complaint handling process been timely?</i>	Yes
<i>For complaint handling and investigations into Officer or Staff misconduct:</i> <i>Is the complaint handling and outcome fair and free from any form of discrimination or bias?</i>	n/a

Complaint case reference 10: [AD]

Panel Member Feedback

This complaint was about the time taken for Police to respond, and feeling that attending officers failed to take the complaint seriously, or investigated properly. Whilst the timelines for contact and response are good the panel member raised concern about the conclusion of the investigating officer regarding the allegation that an officer had laughed when the victim alleged she was being stalked by a celebrity figure.

“The moments of jovial manner from the officers was a natural part of the conversation and I believe they were genuinely surprised by your allegations and the persons involved as the circumstances were highly unusual.”

The panel member questioned whether it is was for the attending officers to make that judgement, no matter how ludicrous those allegations may seem to them, laughing or appearing to not take it seriously showed poor judgement of the situation. As we have seen, there are many cases where complainants were dismissed by Police because of the public profile of the accused. Perhaps, had the officers kept humour out of the conversation entirely the complaint may not have been escalated to this level.

Learning

Given the victim was in a heightened state when visited, the use of humour was misplaced and clearly made matters worse.

Panel Case Review Feedback Form 6 questions and answers:

<i>Has the complaint been handled in an open, fair and proportionate manner?</i>	Yes
<i>Do you think that the correct final outcome was reached for this complaint?</i>	Yes
<i>Has the appropriate support been offered to the complainant throughout the process?</i>	N/K
<i>Has the complainant been kept appropriately informed about the progress of their case?</i>	Yes
<i>Has the complaint handling process been timely?</i>	Yes
For complaint handling and investigations into Officer or Staff misconduct: <i>Is the complaint handling and outcome fair and free from any form of discrimination or bias?</i>	N/K

PSD response:

The matter was dealt with in a timely manner, however, the learning point raised is valid. Empathy could have been shown by the attending officers and an apology given in the final letter.

Complaint case reference 11: [NB]

Panel Member Feedback

A very thorough and well-handled incident. None of the allegations were upheld. Only feedback was with regard to the terminology 'I do not uphold this complaint' as that terminology may not be understood.

Panel Case Review Feedback Form 6 questions and answers:

<i>Has the complaint been handled in an open, fair and proportionate manner?</i>	Yes
<i>Do you think that the correct final outcome was reached for this complaint?</i>	Yes
<i>Has the appropriate support been offered to the complainant throughout the process?</i>	Yes
<i>Has the complainant been kept appropriately informed about the progress of their case?</i>	Yes
<i>Has the complaint handling process been timely?</i>	Yes
For complaint handling and investigations into Officer or Staff misconduct: <i>Is the complaint handling and outcome fair and free from any form of discrimination or bias?</i>	Yes

Complaint case reference 12: [NB]

Panel Member Feedback

Complaint was discontinued due to complainant failing to supply enough information. The panel member felt that the terminology used in all the associated letters, including use of the word 'discontinued' was positive and well explained.

Panel Case Review Feedback Form 6 questions and answers:

<i>Has the complaint been handled in an open, fair and proportionate manner?</i>	Yes
<i>Do you think that the correct final outcome was reached for this complaint?</i>	Yes
<i>Has the appropriate support been offered to the complainant throughout the process?</i>	Yes

Has the complainant been kept appropriately informed about the progress of their case?	Yes
Has the complaint handling process been timely?	Yes
For complaint handling and investigations into Officer or Staff misconduct: Is the complaint handling and outcome fair and free from any form of discrimination or bias?	Yes

Complaint case reference 13: [NB]

Panel Member Feedback

The closing letter suggests learning has been identified from the process:- *'I have also identified learning in regards to ensuring that once action is taken and prior to the report being filed the action of updating the victim or informant in your case is paramount and must be checked prior to closing. This is a strict process in place and seems to have been missed on this occasions. I am also very pleased to hear that the Safeguarding Team have taken ownership of reviewing learning without my direction and they have identified their own learning points moving forward'.*

Panel Case Review Feedback Form 6 questions and answers:

Has the complaint been handled in an open, fair and proportionate manner?	Yes
Do you think that the correct final outcome was reached for this complaint?	Yes
Has the appropriate support been offered to the complainant throughout the process?	Yes
Has the complainant been kept appropriately informed about the progress of their case?	No
Has the complaint handling process been timely?	Yes
For complaint handling and investigations into Officer or Staff misconduct: Is the complaint handling and outcome fair and free from any form of discrimination or bias?	Yes

Complaint case reference 14: [SB]

Panel Member Feedback

Good final letter which explains the police position. Reasonable conclusion.

Question:

In his email of 13 December 2018, the Investigating Officer, stated: *"I have reviewed the complaint document from [complainant] and note that this relates to a matter that I have previously dealt with.*

....

This new complaint contains nothing new and [complainant] is simply trying to manipulate our position to assist his legal action."

Whilst the panel member appreciates that repeat complaints do get made, this complaint was not 'disapplied' and was assessed by PSD as being suitable for local resolution. As such, it should have been, and should be seen to have been, dealt with fairly and impartially. A member of the public may interpret the above comment to mean that the Investigating Officer was influenced by his opinion about the motives of the complainant.

Panel Case Review Feedback Form 6 questions and answers:

Has the complaint been handled in an open, fair and proportionate manner?	N/K
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Do you think that the correct final outcome was reached for this complaint?	Yes
Has the appropriate support been offered to the complainant throughout the process?	N/K
Has the complainant been kept appropriately informed about the progress of their case?	N/K
Has the complaint handling process been timely?	Yes
For complaint handling and investigations into Officer or Staff misconduct: Is the complaint handling and outcome fair and free from any form of discrimination or bias?	No

PSD response:

The complaint was initially dealt with through early intervention procedures, but the complainant wasn't satisfied with the outcome and requested that a formal complaint is recorded. Which was dealt with swiftly and concluded with a detailed finalisation letter. Demonstrating impartiality throughout the complaints process and not acting as an advocate for either side is understood in the main. Unfortunately with this case the allocating officer has previous dealings with the complainant and recognises the same concerns being raised when they have previously been addressed. Learning will be taken from this to example to not predetermine the handling, if it is apparent to the persons handling that the same allegations are being raised by the same individual we encourage staff to liaise direct with PSD to ensure that the complaint is dealt with suitably accordance with IOPC statutory guidance.

Complaint case reference 15: [AD]

Panel Member Feedback

The Panel Member felt that when viewed externally, this incident does not read well, and despite efforts to assure the complainant that there is no crime to investigate, it is unclear whether anybody from the Constabulary actually visited the complainant, which might very well have answered her concerns.

Questions

1. What is deemed an acceptable level of complaints raised against an officer, irrespective of whether they have been classified as 'no case to answer', 'not upheld', 'unsubstantiated', 'withdrawn'? This case provided a staff history that from an outside perspective shows a troubling trend from multiple different sources, should this not warrant further re-training opportunities at the very least?
2. Would the PSD please confirm, statistically, over an officer's career how many complaints are accepted as the 'norm', and what point is considered a trigger?
3. When a complaint is made against force area, and the complainant does not believe a fair investigation was carried out, what prevents another independent force carrying out an investigation?

Panel Case Review Feedback Form 6 questions and answers:

Has the complaint been handled in an open, fair and proportionate manner?	N/K
Do you think that the correct final outcome was reached for this complaint?	N/K

<i>Has the appropriate support been offered to the complainant throughout the process?</i>	N/K
<i>Has the complainant been kept appropriately informed about the progress of their case?</i>	N/K
<i>Has the complaint handling process been timely?</i>	Yes
For complaint handling and investigations into Officer or Staff misconduct: <i>Is the complaint handling and outcome fair and free from any form of discrimination or bias?</i>	N/K

PSD response:

*The complaint was disappplied on the basis that the matter was over 12 months old.
If an individual is subject to three or more complaints in a twelve month period, this triggers a review to identify any concerns or requirements for training or management intervention.
Complaints will always be handled by the Appropriate Authority for the force. An independent investigation would only take place for the most serious of incident and with the greatest level of public interest.*

COMPLAINTS RESOLVED BY EARLY INTERVENTION

There were 7 complaints recorded 'Other neglect or failure in duty' resolved via Early Intervention selected by the Panel for review and feedback for PSD.

Complaint case reference 16: [NB]

Panel Member Feedback

The Panel Member felt that the case was dealt with in a timely manner and that the complainant was always kept up to date on the process, however, the PC should not have advised the neighbour who the complainant was.

Learning

Remind Officers that they should avoid telling anyone the identity of who had made a complaint

Panel Case Review Feedback Form 6 questions and answers:

<i>Has the complaint been handled in an open, fair and proportionate manner?</i>	Yes
<i>Do you think that the correct final outcome was reached for this complaint?</i>	Yes
<i>Has the appropriate support been offered to the complainant throughout the process?</i>	Yes
<i>Has the complainant been kept appropriately informed about the progress of their case?</i>	Yes
<i>Has the complaint handling process been timely?</i>	Yes
For complaint handling and investigations into Officer or Staff misconduct: <i>Is the complaint handling and outcome fair and free from any form of discrimination or bias?</i>	Yes

PSD response:

This case was effectively managed and resolved by Professional Standards Department, a good example of swift complaint resolution, communication to achieve a reasonable outcome.

Learning feedback noted regarding Officers disclosure.

Complaint case reference 16: [NB]

Panel Member Feedback

The Panel Member felt that the case was dealt with in a timely manner. The complainant was kept informed throughout the process and happy with the outcome i.e. the PC would be spoken to and shown where he could have improved his communication with the complainant.

Learning

Reminder to Officers on how to communicate with those in mental health crisis and how it may be perceived.

Panel Case Review Feedback Form 6 questions and answers:

<i>Has the complaint been handled in an open, fair and proportionate manner?</i>	Yes
<i>Do you think that the correct final outcome was reached for this complaint?</i>	Yes
<i>Has the appropriate support been offered to the complainant throughout the process?</i>	Yes
<i>Has the complainant been kept appropriately informed about the progress of their case?</i>	Yes
<i>Has the complaint handling process been timely?</i>	Yes
<i>For complaint handling and investigations into Officer or Staff misconduct:</i> <i>Is the complaint handling and outcome fair and free from any form of discrimination or bias?</i>	N/A

PSD response:

Another example of great work by Professional Standards Complaint Assessment Officers handling matters professionally through early intervention procedures.

Benefits flowing from this approach result in significant public confidence in the complaints procedure.

Complaint case reference 18: [PAK]

Panel Member Feedback

The Panel Member felt that the case demonstrated a clear audit trail with updates on investigation and referenced support available through other services.

Panel Case Review Feedback Form 6 questions and answers:

<i>Has the complaint been handled in an open, fair and proportionate manner?</i>	Yes
<i>Do you think that the correct final outcome was reached for this complaint?</i>	Yes
<i>Has the appropriate support been offered to the complainant throughout the process?</i>	Yes

<i>Has the complainant been kept appropriately informed about the progress of their case?</i>	Yes
<i>Has the complaint handling process been timely?</i>	Yes
<i>For complaint handling and investigations into Officer or Staff misconduct:</i> <i>Is the complaint handling and outcome fair and free from any form of discrimination or bias?</i>	N/A

Complaint case reference 19: [PAK]

Panel Member Feedback

The Panel Member felt that the case demonstrated a clear audit trail with updates on investigation and reference to support services.

Learning

Finalisation letter could have been more flexible to show complainant that there was a balanced responsibility and difference of opinion does not necessarily mean the complainant was wrong

Question

- The finalisation letter makes reference to “Ride Along Scheme” was this discussed with complainant beforehand

Panel Case Review Feedback Form 6 questions and answers:

<i>Has the complaint been handled in an open, fair and proportionate manner?</i>	Yes
<i>Do you think that the correct final outcome was reached for this complaint?</i>	Yes
<i>Has the appropriate support been offered to the complainant throughout the process?</i>	Yes
<i>Has the complainant been kept appropriately informed about the progress of their case?</i>	Yes
<i>Has the complaint handling process been timely?</i>	Yes
<i>For complaint handling and investigations into Officer or Staff misconduct:</i> <i>Is the complaint handling and outcome fair and free from any form of discrimination or bias?</i>	N/A

PSD response:

We would encourage demonstrating a balanced view point from both sides.

At the conclusion of an early intervention case the Professional Standards Complaint Assessment Officer will contact the complainant to discuss the resolution and actions taken to resolve their concerns. Through all complaint handling we consider where it is appropriate to offer Ride along Scheme to members of the public, this would form part of the final conversation at the point of resolution and details included in the final letter.

Complaint case reference 20: [LC]

Panel Member Feedback

The Panel Member felt the first email by PSD was excellent; very empathetic and clear on the first stage of the action being taken. There are two follow up keep-in-touch emails and a good final email demonstrating empathy for the complainant detailing the action the Constabulary were taking to avoid replication. The attending officer could supply BWV as evidence of his conversation with the complainant

Panel Case Review Feedback Form 6 questions and answers:

<i>Has the complaint been handled in an open, fair and proportionate manner?</i>	Yes
<i>Do you think that the correct final outcome was reached for this complaint?</i>	Yes
<i>Has the appropriate support been offered to the complainant throughout the process?</i>	Yes
<i>Has the complainant been kept appropriately informed about the progress of their case?</i>	Yes
<i>Has the complaint handling process been timely?</i>	Yes
<i>For complaint handling and investigations into Officer or Staff misconduct:</i> <i>Is the complaint handling and outcome fair and free from any form of discrimination or bias?</i>	n/a

Complaint case reference 21: [LC]

Panel Member Feedback

The comments in the log of enquiries were instrumental in providing evidence to the scrutiny panel of actions taken to resolve this Early Intervention, when the complainant did not engage with email requests.

Panel Case Review Feedback Form 6 questions and answers:

<i>Has the complaint been handled in an open, fair and proportionate manner?</i>	Yes
<i>Do you think that the correct final outcome was reached for this complaint?</i>	Yes
<i>Has the appropriate support been offered to the complainant throughout the process?</i>	Yes
<i>Has the complainant been kept appropriately informed about the progress of their case?</i>	Yes
<i>Has the complaint handling process been timely?</i>	Yes
<i>For complaint handling and investigations into Officer or Staff misconduct:</i> <i>Is the complaint handling and outcome fair and free from any form of discrimination or bias?</i>	n/a

Complaint case reference 22: [LC]

Panel Member Feedback

There was a clear initial statement from the complainant about what outcomes she wanted which was organisational learning.

“...make contact with you in relation to a recent incident regarding your daughter. My purpose in contacting you will be to learn how the incident affected you and your daughter, to look at our Constabulary systems, procedures and training and consider if we can make changes at a Force level to prevent a recurrence...”

Excellent communication by Will Stephens (MH Liaison Officer) to the complainant, specifically why he was contacting her, how it affected her, recognising the importance of organisational learning to improve processes/training/outcomes.

“...She agreed that her account (anonymised) could form part of our upcoming Mental Health Tactical Advisor courses which Jon and I are running later this year and I’ve identified that empathy, a recognition of vulnerability and seeing the person as a patient are all things which [complainant] feels the officers could develop...”

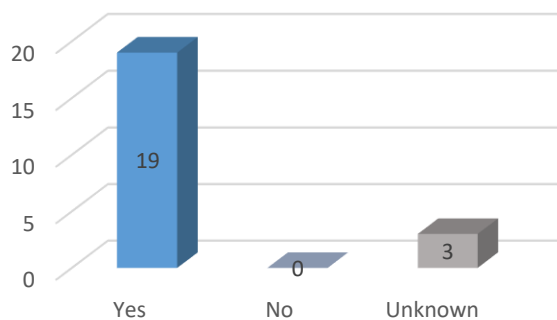
Brilliant to see real-life examples being brought into training

Panel Case Review Feedback Form 6 questions and answers:

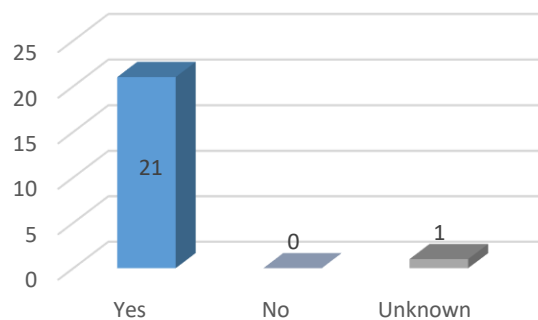
<i>Has the complaint been handled in an open, fair and proportionate manner?</i>	Yes
<i>Do you think that the correct final outcome was reached for this complaint?</i>	Yes
<i>Has the appropriate support been offered to the complainant throughout the process?</i>	Yes
<i>Has the complainant been kept appropriately informed about the progress of their case?</i>	Yes
<i>Has the complaint handling process been timely?</i>	Yes
<i>For complaint handling and investigations into Officer or Staff misconduct:</i> <i>Is the complaint handling and outcome fair and free from any form of discrimination or bias?</i>	n/a

APPENDIX – FEEDBACK FORM: SIX QUESTION STATISTICS

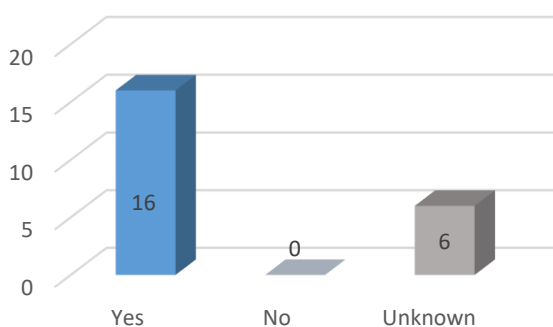
1. Has the complaint been handled in an open, fair and proportionate manner?



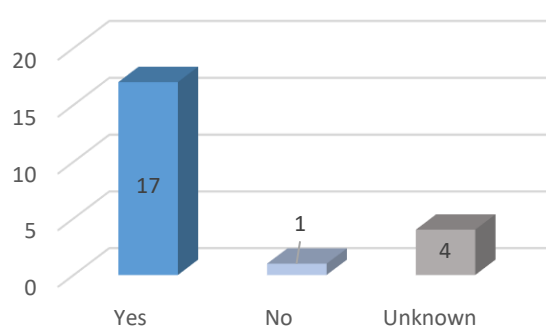
2. Do you think that the correct final outcome was reached for this complaint?



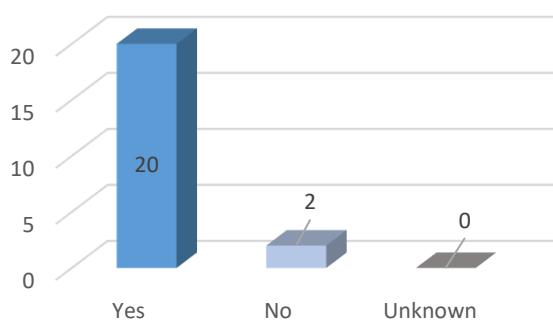
3. Has the appropriate support been offered to the complainant throughout the process?



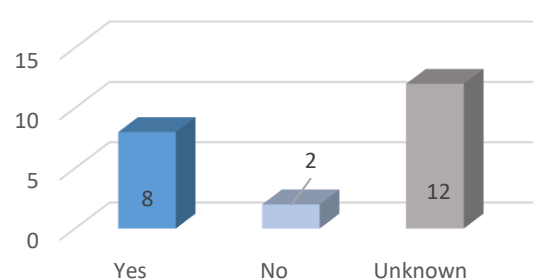
4. Has the complainant been kept appropriately informed about the progress of their case?



5. Has the complaint handling process been timely?



6. For complaint handling and investigations into Officer or Staff misconduct: Is the complaint handling and outcome fair and free from any form of discrimination or bias?



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.