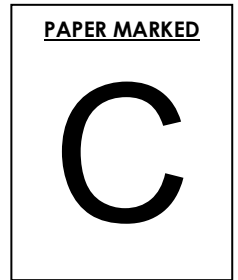


**POLICE AND CRIME
COMMISSIONER FOR
LEICESTERSHIRE**

**ETHICS, INTEGRITY AND
COMPLAINTS COMMITTEE**



Report of	OFFICE OF POLICE AND CRIME COMMISSIONER
Subject	COMPLAINT REVIEWS
Date	FRIDAY 26 MARCH 2021 – 2:00 p.m.
Author	ANGELA PERRY, EXECUTIVE DIRECTOR

Purpose of Report

1. To update the Committee on the new statutory duty placed on Police and Crime Commissioners from 1 February 2020 to undertake reviews into the outcome of public complaints against the police.

Recommendations

2. The Committee is recommended to discuss the contents of the report.

Ethical Dilemmas

3. The report does not include any ethical dilemmas however members' advice is requested on the collation of equality monitoring data within the report.

Background

4. In 2014 the Government announced a review of the entire police complaints system, including the local role played by Police and Crime Commissioners (PCCs). As part of this review the Government identified a need to expand the role of PCCs within the complaints process. One of the outcomes of the review was that PCCs would take on responsibility for handling requests for a review from complainants who were dissatisfied with the outcome of their complaint made against the police. Previously the Force would have been the appeal body for such requests. This change was encompassed in the Police and Crime Act 2017. The Act provides for Police and Crime Commissioners to be the review body for reviews/appeals previously heard by Chief Constables for those public complaints against the police dealt with by way of 'local resolution'. Local resolution means dealing with complaints at a local level. For more serious

matters the Independent Office for Police conduct remains the relevant review body and they continue to provide oversight of the complaints system.

5. The reason for this change was to ensure reviews are impartial and carried out independently, providing greater assurance to the public by addressing any perception of bias on behalf of the police.
6. The change came into force on 1 February 2020. At that time PCCs were given a choice to adopt one of three models proposed.

The models proposed were as follows:-

- **Model 1**

This is the minimum requirement of all PCCs and is mandatory. It requires PCCs to receive appeals (to be known as reviews) from the public, consider whether the Force took proportionate action and then contact the complainant with the outcome. Where the PCC feels that either the complaint was not handled correctly, or the outcome was not appropriate, then recommendations are made that the Force takes action to rectify. However the PCC has no power to direct that remedial action takes place as the Chief Constable retains operational control. All complaints continue to be received, recorded and investigated by the Professional Standards Department.

- **Model 2**

This module incorporates the elements of Model 1 but additionally gives the PCC the additional responsibility for recording and initial handling decisions and keeping the complainant informed. This function would be undertaken separately from those managing the reviews within the OPCC.

- **Model 3**

In addition to the responsibilities in Model 1 and 2 PCC's can opt to take responsibility for all statutory duties regarding contact with the complainant throughout the complaints process. They would in essence become the single point of contact on a complaint.

Position in Leicestershire

7. The PCC considered each of the three models and chose to adopt Model 1 for Leicestershire. Within the East Midlands region four of the five PCCs opted to take this route with one PCC opting to adopt Model 2. Nationally only a couple of PCCs have opted to take Model 3.
8. The requirement to take on this additional statutory responsibility required extra resource for the PCC's office. The Force had in a place an officer undertaking reviews on behalf of the Chief Constable under the old legislation and as such that individual was transferred to the PCC's office under Transfer of Undertaking (Protection of Employment) Regulations (TUPE) to continue with this work. The post subsequently became vacant when that individual chose to retire. The role was subsequently advertised, interviews held and an appointment made.

The Reviews Officer records the request for a review, undertakes collation of all the complaint material from the Force and makes an assessment of how the complaint was handled. The Reviews Officer then makes a recommendation to the Commissioner on the outcome of the review and proposes any recommendations regarding organisational learning which are forwarded to the Force. The Commissioner remains the final decision maker in each review.

Workload Demand

9. For the twelve month period from 1 February 2020 to 31 January 2021 the number of reviews received and resolved together with the number of outcomes and recommendations to Force are as follows:-:

Month	Received	Resolved	Upheld	Not Upheld	Recommendations to Force	Accepted by Force
Feb 2020	0	0	0	0	0	-
March 2020	3	0	0	0	0	-
April 2020	3	1	0	1	2	2
May 2020	6	1	0	1	0	-
June 2020	9	1	0	1	0	-
July 2020	6	2	0	2	3	3
August 2020	6	3	0	3	1	1
September 2020	8	2	0	3	1	1
October 2020	3	4	1	3	3	3
November 2020	7	5	0	5	6	6
December 2020	7	4	1	3	1	1
January 2021	6	5	1	4	5	3

10. Of the total number of 64 reviews received, 28 have been resolved leaving the remainder of 36 cases remain open as of the end of January 2021. During the time that reviews were undertaken by the Force the average number received in one year was approximately 50. Since moving to the new system this has increased by 32%. Due to the increasing demand and the time taken to resolve each case another member of the OPCC team has now received training and is allocating one day per week to assist the Reviews Officer in this work.
11. Each review considers whether the outcome and handling of the complaint was reasonable and proportionate taking into account the facts and context in which the complaint has been raised, within the framework of legislation and guidance. Where the OPCC finds that the outcome of the complaint is not reasonable and proportionate the review is upheld.
12. The PCC can make recommendations to the Force and suggestions regarding Organisational Learning. The PCC cannot reinvestigate the complaint, he/she can only assess whether the handling or final outcome of the complaint was reasonable and proportionate.

13. Examples of the types of reviews received and recommendations made back to the Force as follows:-

Summary	Recommendation to the Force
<p>Complainant wasn't told by police about domestic incident involving her ex-husband and his partner, during which he was arrested, while he had their children in his care.</p>	<ul style="list-style-type: none"> • That the Information Manager for Leicestershire Police undertakes a review of the current guidance and training provided in relation to the Data Protection Act. • That in future complaint cases where it is deemed appropriate given all the circumstances to take no further action in relation to it, that the Appropriate Authority provides the complainant with a detailed explanation of the rationale for making such a determination.
<p>Complainant was involved in a domestic incident for which he was arrested and released without charge. A counter-allegation was made that partner was the aggressor, but the police were not progressing that and have not spoken to his witnesses.</p>	<ul style="list-style-type: none"> • Follow up on the oversight where the outcome letter referring to the recording was sent before the subject of the allegation had provided her account.
<p>The complainant's cousin is based in Ireland and is refusing to return the money that was lent to him. Between Leicestershire Police and the Irish Garda, nobody was taking responsibility for looking into it.</p>	<ul style="list-style-type: none"> • To review the process for taking details of a crime where the victim is local but the perpetrator is overseas, particular where there are multiple pieces of evidence that would be disproportionately time-consuming to log.
<p>Feels she was treated unfairly by a PCSO during a parking dispute with her neighbour.</p>	<ul style="list-style-type: none"> • The officer should have had prior knowledge of the previous parking/neighbour disputes between these households before attending the incident. Whether this would be the responsibility of the officer or those allocating the job, it should be considered being done as a matter of course so officers are as prepared as possible.
<p>Feels PC was rude to them when dealing with neighbour dispute.</p>	<ul style="list-style-type: none"> • That complaint handlers are encouraged to ask the complaint subjects for their accounts, or if they have anything to say in response to the complaint. • That officers are encouraged to use BWV.

<p>Feels his family were being victimised by Leicestershire Police, and is unhappy with how his son was questioned without an appropriate adult present.</p>	<ul style="list-style-type: none"> • To ensure that in future, where a named Appropriate Adult is suggested, the identity of that person is clarified to avoid any misunderstanding on the part of the individual in custody. • To ensure officers have clarity on when to use PPE.
<p>Said police entered her property without her knowledge to unplug her wi-fi to stop her using social media. She feels they've disregarded the fact that she has autism.</p>	<ul style="list-style-type: none"> • To look at whether more can be done to ensure that officers are aware of any vulnerabilities victims may have that may affect how they communicate with them, such as autism. Better, more specific expectation-setting with regards to the process could then be followed, such as explaining the method of police contact with the victim and when this is likely to be. • Although feedback was given to the officers in this case regarding the use of BWV, recommendation that a wider briefing emphasising the importance of using the equipment. • That complaint handlers ensure that subjects of complaints write separate statements, rather than joint ones.
<p>Feels he has been misinformed and misdirected by Leicestershire Police with regards to his traffic incident, and is being discriminated against because he can't afford a solicitor.</p>	<ul style="list-style-type: none"> • Recommendation that a remedy is offered to the complainant as suggested by the Head of Information Management to enable him to submit his claim. • Recommendation that an explanation is provided to the complainant regarding what happened with his allegation that the lady drove her car towards him. • Recommendation that feedback is given to the subject regarding providing victims with fuller explanations following the filing of their case.

<p>Police were informed of a rogue builder by someone who worked with him, but took no action. Complainant and partner now cannot live in their house as a result of the work he has done, and feel the police should have warned them.</p>	<ul style="list-style-type: none"> • Recommend that the subject is asked about his conversation with the member of public, and an outcome is sent to the complainant. • The general level of service offered during the handling of this complaint could have been better. The initial outcome email was sent without having received clarification of the details of the complaint, and once that clarification was received, the complaint handler's plan was not fully amended to reflect it. Recommend that this is fed back to the complaint handlers.
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14. To date there have been no themes identified across the reviews received.

Equality Monitoring Data

15. At the current time when a complaint is submitted to Leicestershire Police the complainant is requested to provide equality monitoring information. If the complainant subsequently submits a request for a review to the PCC such information is not requested and therefore not recorded or reported on however this information remains available on the police Centurion system. The Committee are asked for their views on whether or not the OPCC should record and report on this information in relation to reviews received, for what purpose and what benefits they perceive this could bring.

Implications

Financial:	An additional member of staff previously undertaking this work within the Force was transferred to the OPCC together with the budget allocation.
Legal:	There is a legal requirement under the Police and Crime Act 2017 for the Police and Crime Commissioner to undertake the review function.
Equality Impact Assessment:	None
Risks and Impact	None
Link to Police and Crime Plan:	The Commissioner's role in the complaints process is included in the Police and Crime Plan and is included in the Commissioner's Annual Report.

List of Appendices

None

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