

Warwickshire Joint Audit and Standards Committee Report Summary

Meeting Date: 17 March 2020

Subject: Standards

Contact details: Debbie Mullis

Tel: 01926 412322

E-mail: debbie.mullis@warwickshire.pnn.police.uk

Purpose of the Report:

To provide an update on matters related to standards.

Recommendation:

That the report is noted.

1. Police Complaint Reforms

1.1 On 1st February 2020 the Police (Complaints and Misconduct) Regulations 2020 came into effect. The reforms are aimed at making the police complaints system more responsive, independent and customer focused. It is intended to be less aligned around blame and more around service improvement.

1.2 The legislation permits PCCs to select from one of three models available to implement locally:

- **Basic Statutory** - This model provides PCCs with improved powers of oversight to hold to account the Chief Constable for the handling of complaints. It also requires the PCC to deal with complaint reviews in cases that do not meet the threshold to be dealt with by the Independent Office of Police Conduct (IOPC). These reviews were previously dealt with as appeals by the Police Force.
- **Triage** - This model requires the PCC to operate the Basic Statutory model and additionally take on the on the initial handling, assessment and resolution of complaints. More serious complaints are still required to be dealt with by the Force.
- **Customer Contact** - This model requires the PCC to be operating both the Basic statutory and Triage models and in addition, the PCC can take on continued contact with the complainant throughout the complaints process to improve the customer focus.

1.3 After due consideration, the Commissioner decided to adopt the Basic Statutory model in line with the majority of PCCs, whilst the models mature and good practice can be identified for future consideration.

1.4 The complaint review will consider whether the complaint process was reasonable and proportionate, with recommendations made to the Police Force if the review is upheld. Recommendations might include, organisational learning, review of policy or procedure, or to reinvestigate the complaint if this was not deemed to have been done properly. Any recommendations made to the Force will be monitored by the OPCC but the Force does not have to act on the recommendations under the legislation.

1.5 There are relatively few complaint reviews in Warwickshire under the current system, although it is unclear if this demand will rise or fall under the new regulations. As the numbers are historically so low, numbering approximately 30 per year, it would not be cost effective to recruit an OPCC member of staff to these reviews. As such, the PCC has made the decision to collaborate with the West Midlands PCC and utilise his member of staff to also conduct the Warwickshire reviews. A secondment agreement has consequently been put in place for Warwickshire to contribute 0.1 FTE towards this West Midlands OPCC Complaints Review Manager post.

2. Professional Standards Department Update

2.1 The Professional Standards Department is currently setting up an Internal Ethics Committee. Once the meeting dates are in place, the PCC will seek attendance from Committee members at this meeting where possible.

2.2 The performance from April to December 2019 shows improvements to recording, with 97% of cases recorded in under 10 days, compared to 89% for the same period nationally. The average number of days for local resolution was 51 days during this period, compared to a national average of 70 days. Local investigations were completed in an average of 145 days, slightly better than the national average of 152 days. There has been a slight rise in the number of staff and officers suspended, with one upcoming misconduct hearing, due to start in March. This will be monitored by the OPCC.

2.2 The changes to the complaints and conduct legislation has led to significant changes being made by the PSD. All complaints will now be recorded which will lead to a considerable increase in the number of recorded complaints in comparison to previous figures. This will be the case nationally but will make comparisons to previous data difficult. The 10 day time limit to record a complaint will no longer be in place but the PSD hope to maintain the current quick contact with complainants.

3. Complaint Dip Sampling

3.1 Unfortunately due to unexpected circumstances, the complaint dip sampling session planned for 3rd March 2020 had to be cancelled.

3.2 The Professional Standards Department provided a response to the issues raised at the November dip sampling session as follows:

- Concerns regarding timeliness of complainant/officer updates and the completion of the 28 day contact forms. There is often evidence to suggest that regular contact has taken place with the complainant and/or Officer but this is not recorded on the 28 day contact sheet. It was suggested that the initial e-mail from Professional Standards containing the sheet stresses the importance of completion. – *Update: The form for officers has been adjusted to state that it is the officers' responsibility to provide the 28 day updates. More cases have been dealt with in PSD recently, where the updates are being provided within the timescale.*
- An issue with the time between an Investigating Officer submitting a report and the Appropriate Authority adding comments was highlighted. It was appreciated that there are busy workloads in the Department, but Professional Standards was asked whether there is guidance in place and if not, if there could be guidance on timescales. – *Update: There had been a backlog on West Mercia cases that was impacting on Warwickshire cases being closed off by the Appropriate Authority. Now that the Professional Standards Departments have separated in to individual Forces, there is no longer a delay, with three Appropriate Authorities closing off cases in Warwickshire.*
- A question was put to the Professional Standards Department to ask if there is a time limit for service recovery to take place before the case is progressed to a complaint. There were two files reviewed where service recovery had been attempted and then progressed to a proportionate investigation, with long delays. – *Update: There is no time limit on moving a case from service recovery to being recorded as a complaint case. This will change under the new regulations where all cases will be recorded which should prevent any delay as seen when dip sampling previous cases.*

3.3 It is positive to see that changes have been made as a consequence of issues raised at the dip sampling sessions. The dip sampling process will need to be considered in light of the newly introduced complaint regulations that will change the areas that are reviewed.