



Police and Crime Panel Report

The future of police complaints in North Yorkshire

This report sets out how the PCC intends to change the police complaints process in North Yorkshire, the reasons for doing so and what she hopes to achieve as a result. Police complaints are however an extremely complex and legalistic area of policing business, and this report seeks to provide the Police and Crime Panel with an overview of the approach, and some relevant detail, rather than an exhaustive account of the system and proposed changes.

Background

Following public and political pressure, in July 2014, the Government announced a review of the entire police complaints system, including the role, powers and funding of the Independent Police Complaints Commission, (now the Independent Office for Police Conduct (IOPC)) and the local role played by PCCs, amongst other issues. The review found that elements of the police complaints system did not work efficiently or effectively and there was a lack of confidence in the system.

Equally, reform of the complaints legislation has not kept pace with reforms to the rest of the policing landscape. In particular, the police complaints system does not reflect changes brought about through the introduction of PCCs. With the exception of complaints made against Chief Constables, for whom they are the appropriate authority, PCCs have only a relatively limited formal role in regards to the complaints system, confined to a general monitoring role and holding Chief Constables to account for overall performance. The general public however, understandably believe PCCs have a role to play in complaints given their independence and accountability function. The government has sought to resolve this mismatch.

The above resulted in new legislation – the Policing and Crime Act 2017 – which significantly changed the police complaints system. Not all of the changes within the legislation have been ‘activated’ yet, with the Home Office making changes in 3 phases. Phases 1 and 2 which are largely around former officers and discipline, have been implemented, but phase 3, which covers police complaints, is not due to go ‘live’ until early 2019.

Generally speaking, the Act allows Police and Crime Commissioners to take a more active role in the police complaints process, and mandates their involvement in appeals (to be known as reviews in future). The Act also broadens the definition of a police complaint to enable much more general complaints to be considered and collated, reflecting most other organisations. Importantly, whilst formal implementation is early 2019, there is no reason progress cannot

be made on all areas before that date, should the Chief Constable delegate powers as necessary, and some areas have already implemented elements of the Act.

Given the above, the PCC committed to reforming the police complaints system within her police and crime plan.

Need for change

The Act followed lobbying and pressure from many quarters, not least PCCs and the Police and Crime Commissioner for North Yorkshire in particular. Many see the current police complaints system as broken, be it the principle of the police investigating the police, or in its effectiveness. The impact assessment for the Policing and Crime Act highlighted the following:

- In 2013/14, 87% of people who expressed that they had been dissatisfied with the police in the previous five years chose not to complain.
- Only 58% of people are confident that if they were to complain it would be handled fairly.
- In 2013/14, 72% of people were dissatisfied with how their complaint was handled
- In 2014/15, 40% of appeals to the IPCC against decisions taken by police forces were upheld

In more recent years, and in North Yorkshire specifically, a recent internal audit report also suggested change was necessary as complaints are often handled differently by different departments, making identifying and acting on trends very difficult, and consistency in approach also very difficult to achieve.

HMICFRS also commented in a recent inspection about the quality of the service provided by the Professional Standards Department, the complaints service within North Yorkshire Police, particularly when updating complainants.

What will change?

As the majority of the complaints system is prescribed by law, government intervention has been required to reform it. New powers within the Policing and Crime Act 2017 allow PCCs to take on certain responsibilities within and without the complaints framework.

Under the new act, PCCs can undertake responsibility for:

- Receiving and recording 'expressions of dissatisfaction' (new definition of a complaint)
- Assessing expressions of dissatisfaction for service recovery possibilities, and referring complaints where necessary onto the Professional Standards Departments (PSD) for recording, and progressing via local resolution or local investigation. PSDs can then refer complaints on for independent investigation by the Independent Office for Police Conduct (IOPC)

- PCCs can only provide service recovery where the complaint does not seem, on the face of it, to amount to misconduct, with all other complaints being referred to PSDs for further investigation (or the IOPC where the mandatory referral criteria requires it). This generally means that anything short of misconduct, or complaints about the organisation and not an individual, can be managed by the PCC. Anything that potentially amounts to misconduct (or more serious) will continue to be managed by PSDs.
- Fact checking and resolving complaints that are appropriate for service recovery, driving reasonable and proportionate remedies such as an apology, independent mediation and line manager involvement
- Acting as a single point of contact and communication for the customer, explaining the process to the customer and acting as the main link between the customer and the complaints system, including where a complaint requires an investigation by the police
- Act as the appeal body in place of the Chief Constable (to be known as 'reviews'). *This is the only mandatory part of the Act*
- PCCs also now have an explicit duty to hold the Chief Constable to account regarding police complaints under his or her management. (The government has not set out how this duty should be undertaken).

Importantly, the Policing and Crime Act also changes the definition of a complaint from 'any complaint about the conduct of a person serving with the police' – to a broader scope of any 'expression of dissatisfaction with a force'. This change will affect forces regardless of the PCC taking on the above functions and is likely to lead to an increase in the volume of complaints, and most likely to require an increase in resourcing of whatever complaints teams are in place.

New legislation also requires all police complaints to be dealt with in a 'reasonable and proportionate way'. The Independent Office of Police Conduct is developing that framework at the moment, and the Deputy Police and Crime Commissioner is involved in those discussions.

Police complaint models under the new Act

Notwithstanding the mandatory change regarding appeals, there are now three models open to PCCs regarding the handling of police complaints, summarised below:

	Model 1	Model 2	Model 3
Receiving & recording a complaint	POLICE	PCCs	PCCs
Assessing & allocating a complaint	POLICE	PCCs	PCCs
Acting as single point of contact & communication	POLICE	POLICE	PCCs
Resolving complaints through service recovery	POLICE	POLICE	PCCs/POLICE

PCCs preferred model

Proposals in North Yorkshire

As per the above graphic, model 3 is the PCC's preferred approach. This is for a number of reasons, which are outlined below.

It is proposed that a new 'complaints and recognition' function will be split across a new Office of the Police and Crime Commissioner (OPCC)-based Customer Services Team (CST) (name to be chosen at a later stage) and Professional Standards Department (PSD), with the CST taking on the fullest responsibilities possible under the new Act. This includes:

- Being the advertised, principal gateway for all expressions of appreciation and dissatisfaction coming into the force
- Recording and understanding any feedback
- Fact checking and resolving complaints at the earliest possible opportunity, where appropriate to do so
- Overseeing complaints resolutions when not being done by the CST
- Mediating low-level civil claims
- Passing complaints onto PSD/line management where appropriate and necessary
- Proactively thanking the workforce when necessary
- Being the continuous contact point for more serious complaints and appeals (if the customer wants)
- Supporting North Yorkshire Police in learning, improving and driving best value from public feedback
- It is also proposed that an individual – an Independent Complaints Adjudicator – undertakes the Appeals (to be known as Reviews) function as mandated by the legislation in the Police and Crime Act 2017. (The responsibilities of this function will be separate to the CST, although the CST may help with the administrations of reviews where appropriate to do so).

To fulfil the above, the proposals are for a new team to be based at the OPCC Office at Granby Road. There is an NYP office located on the second floor that is currently used for hot-desking and is equipped with the relevant IT systems to support the new team. It is proposed that any new team will be established as follows:

- A Complaints and Recognition Services Team Leader
- Three Complaints and Recognition Services Advisor
- An Independent Complaints Review Adjudicator

The CST has been designed to deal with issues as quickly and effectively as possible. The process of service recovery is also intended to minimise the disruption to the officer concerned, for example complaints will be dealt with outside of the disciplinary process where possible in order to encourage a culture of learning and disseminating best practice. However, the CST will engage line managers in the resolution of dissatisfaction where appropriate to do so, and will also ensure service recovery undertaken by other was appropriate. Internal customer service will be given equal weight to external customer service. The above will also include small civil claims matters, such as broken doors/locks.

The team will also undertake trend analysis and formulate reports for the Governance meetings and produce an annual report. Information will be in the form of:

- Trend and pattern analysis of dissatisfaction, repeat complainants (sanitised access to Centurion – the police IT database used to record complaints)
- Trend and pattern analysis of compliments
- Maintaining organisational memory
- Dissemination of lessons learnt and best practice
- Monitoring customer satisfaction with the work of the Customer Services Team

Prior to any implementation, explaining the changes to both staff and the public will be paramount, and a communications plan will be developed should the proposals be approved. The requirement for this is well understood issue and lessons have been learned from other areas who have implemented similar teams. For example, any new CST team does not forego officers and staff the responsibility to appropriately respond and address complaints where are made directly to them, though the CST team may need to record them and will assess the quality of the resolution.

Funding assessments put the cost of the new service at £153,000 per annum, albeit this is forecast to reduce over time once the resource requirements under the new Act become clear. A large part of this funding would be required in any event, even if PSD maintained all responsibility for police complaints, because of the broadening of the definition of a police complaint resulting in a higher number of complaints. The proposed service will however need greater capacity than a PSD version because the independence of the PCC and bigger focus on customer service will engender a greater number of complaints.

It is proposed a review of the entirety of the North Yorkshire Police complaints system (CST and PSD) is undertaken 6 months after implementation to understand the wider ramifications of legislative changes and the impact the CST is having.

Rationale for PCCs proposal

The need for change at all levels of the police complaints system is clear, hence a new Act of Parliament, and why there is a new approach to all levels, from the Independent Police Complaints Commission becoming the Independent Office of Police Conduct, down to local complaints about local service.

The public in North Yorkshire have also been clear, which is why the PCC has been lobbying for change since first coming to office. Further engagement with the public is due in the next few months, which will help design the service specification of any new team. The Panel will be kept fully up to date as that work progresses.

The new responsibilities within the Act allow PCCs to take more control of the police complaints system, ensuring greater independence, allowing for a much greater focus on customer service, provides further insight into policing practice and behaviour in North Yorkshire, and most importantly, can be used as a platform to drive change and improve policing.

The proposals intend to deliver a reformed public complaints system, which achieves the following outcomes:

- Improvement in policing both individually and collectively, by embedding learning and improvement from good and bad practice.
- A local police complaints system that enables the PCC and Chief Constable to identify patterns and trends of dissatisfaction being raised with the force and allows them to address any systemic issues.
- A new complaints culture across the CST and PSD that supports North Yorkshire Police in its move towards a less risk-averse culture to one that is empowered to be innovative and risk-tolerant.
- Better public engagement, encouraging the public to share intelligence as a result of greater public trust and confidence in policing.
- A more customer focused police complaints system that is easier to understand and puts the emphasis on resolving issues to the satisfaction of the customer and workforce where possible and in a timely fashion, rather than apportioning blame.
- A more transparent and independent police complaints system that has effective local oversight and that provides the public with clear information with which to hold their PCC and force to account, and to enable the PCC to better hold the Chief Constable to account.

Implementation

