

*The future of police complaints in North Yorkshire*

**DRAFT**

**HIGH LEVEL BUSINESS CASE – POLICE COMPLAINTS**

The purpose of this paper is to invite the Police and Crime Commissioner and Chief Constable to consider the options around provision of police complaints services and to approve a service delivery model for implementation.

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## 1. EXECUTIVE SUMMARY

- 1.1 The Police and Crime Commissioner for North Yorkshire is committed to improving the service North Yorkshire Police (NYP) delivers to its diverse communities, and views the complaints and compliments received as an essential barometer in understanding how well policing is being delivered, and most importantly, in improving service both individually and collectively.
- 1.2 Following a change in legislation in 2017 Police and Crime Commissioners (PCCs) will be able to take a more active role in the police complaints process. These changes are due to take effect in January 2019, but there is no reason progress cannot be made on all areas before that date, should the Chief Constable delegate powers as necessary.

In North Yorkshire, there is an opportunity to use these new powers to refocus on the importance of customer service, to get a better understanding of performance and to put the complaints and thanks North Yorkshire Police receive at the heart of a learning culture. Ultimately, a new complaints process will play a significant part in developing a continuous learning culture which is no longer risk-averse, which learns from mistakes, is open and honest, engages and addresses constructive criticism positively and always strives to deliver exemplary customer service.

- 1.3 This report provides the opportunity to help the PCC and the Chief Constable make an informed and evidence based decision on how to deliver the complaints service by considering the rationale for the different proposed delivery models presented. **It is likely that either the PCC or Chief Constable would need to invest in this area of business regardless of who leads it given the expected rise in demand.**
- 1.4 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 principal gateway for all expressions of appreciation and dissatisfaction coming into the force, registering and understanding the feedback, fact checking and resolving complaints at the earliest possible opportunity, mediating low-level civil claims, passing complaints onto PSD 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) and supporting North Yorkshire Police in learning, improving and driving best value from public feedback.
- 1.5 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 Policing 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.

## 2. PROJECT SCOPE

- 2.1 The scope is to deliver a reformed public complaints system, which achieves the following outcomes:

- Improvement in policing both individually and collectively, by embedding learning 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 the organisation more widely 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, (this does not affect the independent oversight of the IOPC).
- 2.2 This project supports the Police and Crime Plan priority “Enhancing the Customer Experience” and the specific outcome to have “reshaped the police complaints process in line with the opportunities afforded by the Policing and Crime Act 2017”.
- 2.3 The new complaints process will affect all members of NYP and business areas, particularly any public-facing roles, but those business areas most impacted are:
- Professional Standards Department
  - Office of the Police and Crime Commissioner
  - Staff Office
  - Legal Services
  - The ‘frontline’ workforce more generally
- 2.4 Not in scope of this change:
- Formal recording of a Complaint Against Police (CAP)
  - Referrals to the Independent Office for Police Conduct (IOPC)
  - The disciplinary and performance management process for issues raised internally.  
There is currently a separate proposal to establish an Ethics and Conduct Department to amalgamate Police and Police Staff disciplinary functions (this proposal has been put on hold pending outcome of this business case).
  - Police misconduct investigations including local resolution

### 3. BACKGROUND

- 3.1 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. 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.

- 3.2 Although the number of recorded complaints against the police has risen, most people dissatisfied with the police choose not to complain. The proportion of people who choose not to complain against the police has remained largely static for the past five years. 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.
- 3.3 Those members of the public who do complain are often not satisfied with how their complaint is handled. In 2013/14, 72% of people were dissatisfied with how their complaint was handled. In 2014/15 it took an average of 110 working days to finalise complaint cases, nearly two weeks longer than the average time in 2013/14 (101 working days).
- 3.4 A significant number of decisions taken by police forces about complaints are overturned on appeal. In 2014/15, 40% of appeals to the IPCC against decisions taken by police forces were upheld. Since 2011/12, the proportion of appeals against local investigations upheld by the IPCC has risen from 31% to 39%. Police officers who are the subject of complaints also lack faith in the system, and are reluctant to engage in what they view as an adversarial process.
- 3.5 Reform of the complaints system 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 role in regards to the complaints system, confined to a general monitoring role and holding chief constables to account for overall performance.
- 3.6 As the majority of the complaints system is prescribed by law, government intervention has been required to reform it. Therefore there are new powers within the Policing and Crime Act 2017 in relation to complaints which 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 a complaint
  - Assessing and allocating a complaint either for local resolution, local investigation or national investigation by the Independent Office for Police Conduct (IOPC), taking account of the mandatory referral criteria (including recommending a course of action to the Chief Constable)
  - 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’)

3.7 The only mandatory responsibility on the PCC is to act as the appeal body in place of the Chief Constable. This has in built flexibility which allows PCCs to undertake that function how they choose, for example the PCCs themselves, delegated to another individual or outsourced to an independent third party. These options are explored further later in the paper. The existing RAB (relevant appeals body) test still applies, which means that in some circumstances the IOPC becomes the appeals body as follows:

- a complaint about senior officers
- the conduct complained of, if proved, would justify criminal or misconduct proceedings or involves the infringement of Article 2 (right to life) or Article 3 (protection from torture or inhumane treatment) of the European Convention on Human Rights and Fundamental Freedoms
- the complaint has been, or must be, referred to the IOPC
- the complaint arises from the same incident as a complaint that satisfies any of points above

3.8 The three models open to PCCs above and beyond involvement in appeals are:

	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

3.9 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. These change is due to come into force in January 2019.

3.10 The new legislation implies that every 'dissatisfaction' must be recorded, even if it has been dealt with at source, although this is to be confirmed by the IOPC in due course. There is no longer an option to make a 'non-recording' decision. However the IOPC are not clear on the level of detail that forces are expected to capture. The Deputy PCC attends the Home Office Complaints Working Group where he is making representation to select a non-bureaucratic process, however if the IOPC decides on more detailed recording there will be an additional demand on the organisation. This may affect recording practices, but does not change the fundamental approach to utilise the opportunities within the new legislation.

3.11 The Home Office have confirmed delays relating to the legislation which governs parts of the police complaints system, and changes look likely to now be delivered in early to mid-2019. This may prevent the PCC from implementing changes to the complaint process, although the Home Office have advised PCCs to explore earlier implementation with the agreement of the Chief Constable.

Importantly, as changes to legislation have taken place, the Independent Office of Police Conduct is also updating their Statutory Guidance. This is important because it sets the framework as to how police complaints should be dealt with, from service recovery to IOPC-led investigations. The foundation of the new guidance is a new 'reasonable and proportionate' approach to handling complaints. This approach is in the drafting stages, of which the NY DPCC is part of the working group, and will assist police forces and PCCs in embedding culture change and very much reflects the vision as set out in this paper.

3.12 The project team visited both Northumbria and Cleveland forces to look at their processes, gain best practice and feedback from their Service Recovery process. Northumbria was chosen due to the force being one of the first to undertake service recovery and Cleveland had a similar set up where PCC staff are embedded within the force complaints department. The project team also consulted with Wiltshire Constabulary as they had implemented an independent adjudicator to undertake appeals.

### **3.13 Northumbria Police**

3.14 Northumbria's Complaints Service Team (NCST) is employed by Northumbria Police and is managed/reports to a member of staff employed by Northumbria's PCC. The team is made up of three members of staff:

- Complaint Services Team Leader Grade F (equivalent Scale 6 NYP) £30,977 and
- Two Complaints Services Advisors Grade E (equivalent Scale 5 NYP) £28,087.

3.15 NCST received 1599 complaints during 2016/17, 47% of these were resolved via service recovery; all other complaints (53%) were referred to PSD for a formal recording decision. Complaints received by the PCC and Police are received and registered by NCST on their 'Workflow' system. This is an intranet based system built in-house. Any member of staff can enter a complaint on Workflow from anywhere in the organisation. Once the record is entered the only people that are able to see the records are NCST. The Workflow system integrates with Centurion, the national complaints recording system.

- 3.16 The majority of Northumbria's complaints demand is received online or through e-mail, they do not accept complaints by telephone. Callers are directed to the non-emergency number (101) in order for Northumbria's Force Control Room (FCR) to register the complaint on the Workflow system. This provides the NCST with more time dedicated to resolving the complaint, however there is a risk that the 101 number is not favourable with the public and this also increases demand within the FCR.
- 3.17 NCST does not accept unannounced visits to the PCCs office, due to concerns about the safety and security of staff. NCST only attempt to resolve complaints which are considered to be appropriate for service recovery. Serious complaints involving misconduct are forwarded onto Northumbria's PSD. NCST have a good working relationship with Northumbria's PSD which helps to make the process easier.
- 3.18 NCST undertakes system checks (PNC search, complaint history etc.) on service recovery matters. Police misconduct checks are dealt with by Northumbria PSD. However the NCST do undertake the initial secure of evidence (if possible) for police misconduct (i.e. body worn video (BWV), custody records/custody CCTV) as this digital evidence makes the investigation easier and speeds up the process of resolution.
- 3.19 NCST had buy-in and proactive support from Northumbria's Chief Constable and PCC. Roadshows in Northumbria proved successful for communication of the new process with Senior Leaders in the organisation. Communications was considered key to culture change, with specific feedback about the important role of the Chief Constable in explaining the new process to his/her workforce.
- 3.20 Cleveland Police**
- 3.21 Cleveland's Triage Team (CTT) are employed and managed by Cleveland's PCC but they sit within the Cleveland forces PSD. They undertake service recovery and low level local resolutions. The team is made up of two members of staff:
- Senior Complaints Service Advisor Scale SO1 £35,544 and
  - Complaints Service Advisor Scale 5/6 £30,977
- 3.22 Cleveland Police received 1824 initial complaints during 2016/17, of which 25% were recorded as formal complaints and 75% were dealt with by way of service recovery. All complaints received by Cleveland Police (including those received in the PCCs office) are recorded by the PSD Administration Team onto Centurion. The PSD Admin Team assess the complaint and allocate it accordingly.
- 3.23 PSD Admin allocates service recovery and low level complaints suited to local resolution for CTT to deal with and CTT undertake the system checks, they also utilise BWV to initially corroborate the version of events where they can, as not all Cleveland officers have BWV. Cleveland PSD deals with local resolutions requiring further investigation and serious complaints.
- 3.24 The majority of Cleveland's complaints demand is received through the Force Control Room and sent through to PSD to deal with. Cleveland Police direct callers to the non-emergency number (101) but have other routes such as letter, e-mail, telephone, PCC office etc. CTT do not accept unannounced visits.

- 3.25 CTT had buy-in and support from Cleveland's Chief Constable and PCC. CTT advised that their approach to the future legislative changes was subject to further discussion between senior leadership.
- 3.26 **Wiltshire Police**
- 3.27 Wiltshire Constabulary has implemented an independent role to undertake the review of appeals. This currently sits outside of legislation and the Wiltshire Chief Constable has approved this arrangement. The role undertakes 20 hours of work per week for Wiltshire Constabulary looking at 44 appeals per year, the role also undertakes investigation of complaints against the Chief Constable with a salary of £30,119 for a 0.54 FTE.

#### 4. THE CURRENT SERVICE

- 4.1 The current complaints function is predominately undertaken by NYPs PSD and these functions are listed in Model 1 (at 3.9). A current process map is included as Appendix 1. The Deputy Chief Constable holds the portfolio for PSD. The team is based at Police Headquarters, Northallerton and established as follows:
- Head of PSD (D/Supt)
  - Detective Chief Inspector
    - Detective Inspector
    - Seven Police Staff Investigators
  - Office Manager
    - 2.6 FTE Admin Support Officers

PSD also has responsibilities outside of the complaints system, such as vetting. These wider responsibilities are not in scope of this options paper and will remain unchanged within PSD.

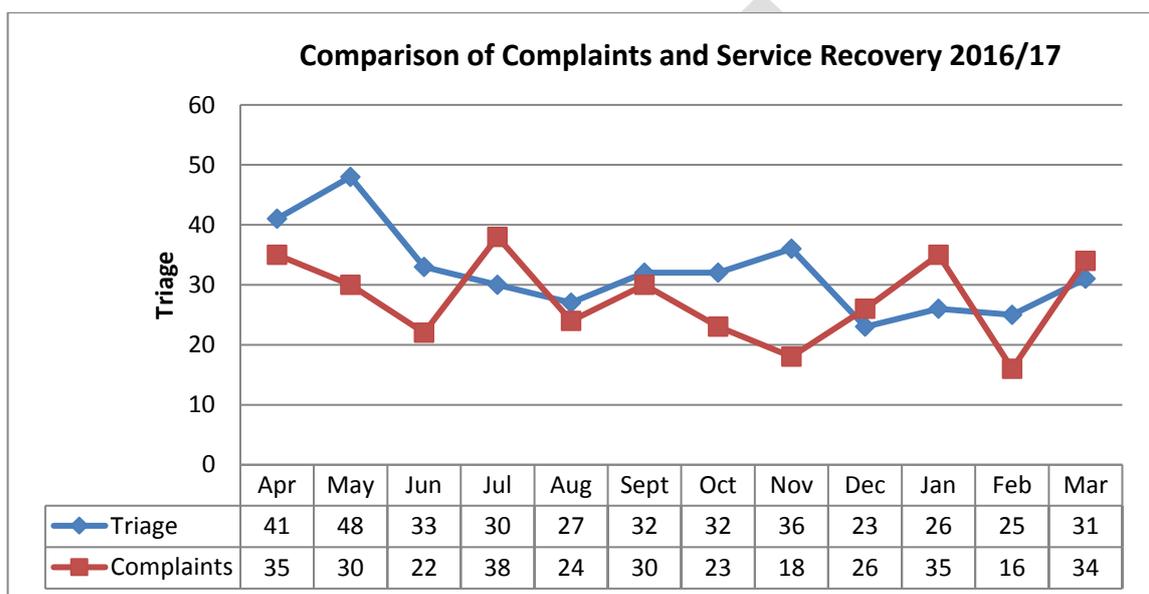
#### 4.2 Recording dissatisfaction

- 4.3 PSD receives and records the majority of complaints. PSD Administration Clerks are responsible for inputting on the National complaint recording system, Centurion. Other departments such as the Staff Office also receive complaints and record them on standalone systems, serious complaints are forwarded to PSD for formal recording. Undoubtedly matters are raised and dealt with on the frontline and within departments which are not subject to formal recording. The PCCs Case Worker, based in Harrogate, receives complaints and records this information on CMITS a standalone database, once again serious complaints are forwarded to PSD. The PCCs Case Worker involves the Staff Office in resolving low level issues rather than validating information at source or via force systems.

- 4.4 In September 2017 a new national form for recording 'expressions of dissatisfaction with the police service' was introduced. The form is completed and submitted by the customer via the force website and it has the ability to automate some of the data entry onto Centurion, negating the need for manual input. This equates to approximately 23% of NYP complaints. The remainder requires manual input onto Centurion as follows:
- E-mail
  - Letter
  - Form 90 from Police Officer
  - Front Counter/Area/Department/Force Control Room/Staff office etc.
  - IPCC
  - Telephone
  - Via PCC
- 4.5 System checks of Niche, Storm, and Centurion are undertaken by PSD Administration Clerks prior to a complaints assessment process. System checks are conducted to corroborate information provided by the customer. PNC is more likely to be used when the customer resides outside of the county and therefore little information is held locally.
- 4.6 Recognition**
- 4.7 Currently expressions of appreciation are received in the following formats into the organisation:
- Letter (into various Departments e.g. Staff Office, Front Counter)
  - Form on NYP website
  - In person to an officer/member of staff
  - Telephone
- 4.8 Each department follows its own methods of acknowledgement of appreciation, which results in an inconsistent level of service and little organisational understanding of everyday good work.
- 4.9 Assessing and allocating a complaint**
- 4.10 The current process is formally undertaken by a Chief Inspector within the PSD. The assessor role is complex and requires a detailed understanding of the complaint process. To record a complaint incorrectly could create extra work for the force, due to the method of resolution being determined by the original assessment.
- 4.11 The main piece of legislation that blocks anyone other than a serving police officer or member of staff from formally recording and assessing complaints is Regulation 33 of the Police (Complaints and Misconduct) Regulations 2012. This sets out that the Appropriate Authority (which is the Chief Officer for all non-Chief Officer Complaints) can delegate their powers to no lower than a Chief Inspector or staff rank equivalent (except when locally resolving and then it can be anyone serving with the police).

**4.12 Service Recovery**

4.13 Service recovery consists of offering advice, explaining situations for example police powers and procedures, signposting the customer to other organisations for support. Essentially, this means that complaints are dealt with outside of the formal complaint process and therefore there is no right of appeal, the customer always has the right to request that their complaint is handled formally. PSD has nominated a PSD investigator to undertake service recovery alongside their current role, there is also a seconded member of police staff undertaking the same. The number of complaints recorded has dipped in line with the increase in service recovery (Triage).



**4.14 Acting as a single point of contact (SPOC) for the customer**

4.15 The current process is undertaken by PSD. There is a requirement for PSD to make contact with the customer every 28 days to provide an update on the investigation or local resolution. This is an area for concern highlighted by members of the public as the verbal and written communication proves confusing.

**4.16 Analysis (Learning the Lessons)**

4.17 The is currently undertaken in the form of a quarterly Organisational Learning Bulletin completed by the Risk and Assurance Unit using information gathered from PSD and other stakeholders throughout the organisation. There is a heavy focus on the negative outcomes rather than the positive.

#### 4.18 Appeals

4.19 The current appeals process is undertaken by the Head of PSD. A complainant must submit their appeal in writing to PSD no later than 28 days after their original complaint was resolved. There is a separate process depending on whether the appeal relates to a local resolution or an investigation:

- **Local resolution** – IOPC statutory guidance requires the appeal to be considered against six criteria. If the appeal is successful, the original Investigator is tasked to resolve the outstanding issues. The complainant has a further right of appeal.
- **Investigation** – IOPC statutory guidance requires the appeal to be considered against five criteria. If the appeal is successful, a new Investigator is allocated to re-investigate the complaint. If the appeal is not successful, the complainant has no further route of appeal; they may however apply to the High Court for it to use its wider powers for a judicial review to challenge a decision.

#### 4.20 Training

4.21 PSD currently receives the following training:

- IT systems, such as Niche and PNC
- Centurion
- Investigators – Sancus Solutions Ltd
- Appropriate Authority – Sancus Solutions Ltd
- Shadowing/mentoring with experienced staff

#### 4.22 Current Demand

4.23 Demand has been calculated based on the current volume of core activities, the average time to complete each activity along with process mapping and discussion with members of staff performing the role. Numbers of complaints within the OPCC could not be analysed due to the CMITS system, therefore these have been estimated. Figures used were from the 2016/17 financial year. Demand for the year 2016/17 was 5264 hours.

Current Demand						
Activity		Volume				Time (hours)
Description	Time (mins)	PSD	PCC	Staff Office	Total	
Recording	77	700	180	172	1052	1350
Assessing	40	700	0	0	700	467
Service Recovery	180	385	180	172	737	2211
Single Point of Contact	30	1260	0	0	1260	630
Review (Appeals)	275	40	0	0	40	183
Recognition	15	325	60	60	445	111
Analysis	1440	13	0	0	13	312
Financial Recompense	0	0	0	0	0	0
Other	495	0	0	0	0	0
<b>Totals</b>						<b>5264</b>

#### 4.24 Areas of Concern

- 4.25 NYPs PCC and Chief Constable's internal auditors, RSM, undertook an audit on NYPs complaints process in January 2017. One of the main findings was that complaints were recorded in three different areas:
- The PCC records on CMITS (a case management system) which does not link to Centurion
  - PSD records on Centurion (the national system utilised by most forces to record complaints) and
  - The Staff Office record dissatisfaction of service on an standalone Excel spreadsheet
- 4.26 This makes it difficult to identify trends, undertake an audit trail within the current climate of complaint reforms and could lead to breaches of legislation.
- 4.27 The same complaint can also be recorded in multiple places, i.e. a complaint received into the PCC is sent onto the Staff Office and recorded which means duplication of effort and also means a customer could receive a different process depending on the route of the complaint.
- 4.28 At present there are occasions when one role records the complaint and a different role assesses the complaint followed by a third role who attempts to resolve the complaint. This is a multi-step process which can result in a delayed service to the customer.
- 4.29 Currently there is no standard procedure for responding to expressions of appreciation made by members of the public and each department follows its own methods of acknowledgement, therefore the force has limited corporate knowledge of what and who is working well.
- 4.30 Customer feedback indicates that complainants are confused by verbal and written communication due to the use of police jargon and the complexities of the complaints legislation. Feedback delivered to the NYP Leadership Day in December 2017 showed customers were unhappy that the same officer who has been complained about can be given the task to resolve the complaint with the customer. The OPCC are arranging a public survey to obtain more detailed feedback on the current complaints experience. This will inform further the behaviour and practices of the CST.
- 4.31 The organisation is missing out on opportunities to learn lessons and share best practice from information gained with the involvement of the complaint process. Complaints and expressions of dissatisfaction with service are received into various departments/frontline and do not go through a central recording process. The current process focusses on the negative learning rather than that both the positive and negative. There is opportunity to include wider feedback about all services offered by NYP.

In their 2017 legitimacy inspection, HMICFRS noted that the force makes the complaints system accessible for the public, but identified that the force should improve the way it provides and records timely and informative updates to complainants, witnesses and those who are the subject of allegations, in line with IPCC statutory guidance.

There is a need to ensure future complaints teams share a similar culture and approach to resolving complaints, despite the differences in the severity of cases they will be working on. The legislation facilitates a focus on the person and the complaint rather than on the complaints system, and customer service should be central to any shared culture. This can be picked up further in proposals around an Ethics and Conduct Department.

**5. SERVICE DELIVERY PROPOSAL**

**A. SUMMARY OF OPTIONS CONSIDERED**

	Option One	Option Two	Proposed Option
			Option Three
Receiving & recording a complaint	POLICE	PCC	PCC
Assessing & allocating a complaint	POLICE	PCC	PCC/POLICE
Resolving complaints through service recovery	PCC	PCC	PCC
Acting as single point of contact & communication	POLICE	PCC	PCC/POLICE

5.1 As part of the project a paper for discussion was provided (Appendix 2) to the Complaints Working Group to determine risks and interdependencies of the PCC taking on elements of the complaints process. The diagram above details the proposed option which is detailed further in this report.

5.2 It is acknowledged that PSD expressed a wish to absorb the legislation changes themselves before the PCC takes on the complaints service, however there is specific scope within the legislation for PCCs to become more involved and, given the potential benefits for the organisation and the public, it is proposed that the PCC takes on those functions she is able to. Those reasons are outlined below.

**5.3 Option One**

- PSD registers receipt of all complaints and recognition utilising the national form on the NYP website. The complaints and compliments received other than via the website, including the PCC’s and CC’s office, would be manually input by PSD onto Centurion. PSD undertake all system checks, and pass onto service recovery complaints to the PCCs team to resolve.
- Assessing process remains with PSD.
- PCC CST will undertake Service Recovery.
- PSD continue the SPOC role for Local Resolution, Investigation, IOPC , and that the CST undertakes the contact with the customer as part of the Service Recovery process.
- Demand for Option one is 6287 hours 3.27FTE

Future Demand – Option One						
Activity		Volume		Training /AL 25%	Time (hours)	Resource PCC CST
Description	Time (mins)	PSD	CST			
Recording	77	1441	0	360	1903	
Assessing	40	1441	0	360	1681	
Service Recovery	180	0	774	0	0	
Single Point of Contact	30	1726	0	432	1942	
Review (Appeals)	275	0	68	0	0	
Recognition	15	527	0	132	560	
Analysis	1440	13	0	3	91	
Financial Recompense		0	0	0	0	
Other	495	36	0	9	110	
<b>Totals</b>					<b>6287</b>	<b>3.27</b>

#### 5.4 Rationale as to why not chosen

- 5.5 Option one does not provide the independence which has been expressed by the public (and government) and would not be in the spirit of the legislation. It does not take advantage of the National reforms offered by the Policing and Crime Act 2017, which the Government has introduced as a means to improve and simplify the complaint process for the public. The public have expressed concerns that the current process is slow, complicated and does not encourage people to come forward when they have experienced an issue with the organisation. This option does not reduce the multi-step process which involves three roles in the process and can result in a delayed service to the customer.
- 5.6 The current experience of reporting a complaint varies according to who it is reported to within the organisation. Given the most complex, slow and confusing part of the complaints process is when it involves misconduct, this option does not allow improvements with written and oral updates to customers.
- 5.7 Option one does not provide a central point for understanding and communicating lessons learnt from either complaints or compliments. This option does not take into account the probability of an increase in demand due to the definition of a complaint becoming much broader under the Policing and Crime Act.
- 5.8 This option prevents a flexible approach to dealing with complaints to the satisfaction of customers and focuses on compliance with complex legislation as opposed to customer service and learning. Additionally this option does not achieve the aims of the Police and Crime Plan.
- 5.9 This option does though allow for one single department to undertake the majority of work surrounding complaints, which may aid consistency and thematic learning. These benefits are not seen to outweigh the wider benefits of other options however.

### 5.10 Option Two

- The PCC CST registers receipt of all complaints and compliments and utilises the online form on the PCC website. All complaints and compliments received, including the CC's office and elsewhere, would be manually input by the CST onto Centurion. CST undertakes all system checks.
- CST will undertake the assessing process.
- CST will deal with the Service Recovery process.
- CST undertakes the SPOC role for all complaints (service recovery and fact checking).
- Demand for Option two is 7788 hours 4.05FTE

Future Demand – Option Two						
Activity		Volume		Training /AL 25%	Time (hours)	Resource PCC CST
Description	Time (mins)	PSD	CST			
Recording	77	1441	360	1903	77	
Assessing	40	1441	360	1681	40	
Service Recovery	180	774	194	1355	180	
Single Point of Contact	30	1726	432	1942	30	
Review (Appeals)	275	68	17	146	275	
Recognition	15	527	132	560	15	
Analysis	1440	13	3	91	1440	
Financial Recompense		0	0	0		
Other	495	36	9	110	495	
<b>Totals</b>					<b>7788</b>	<b>4.05</b>

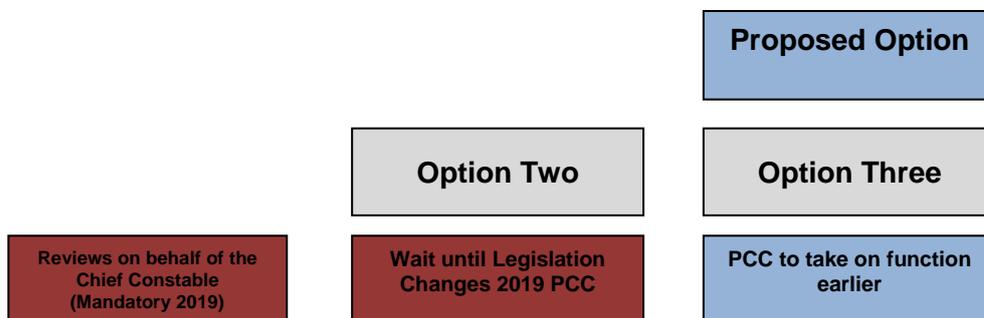
### 5.11 Rationale as to why not chosen

- 5.12 This option proposes that the PCC takes on the formal role of assessing and allocating complaints against police. The assessor role is complex and requires a detailed understanding of police powers, procedures and conduct regulations. The allocation of a complaint to local resolution, investigation or IOPC referral determines the effort required to substantiate the allegations (taking statements, conducting interviews etc) and sets limits around the potential outcomes.
- 5.13 There are risks involved in allocating a complaint incorrectly, such as missed opportunities to gather evidence and the ineffective use of resources, leading to appeals and legal challenges against outcomes. This would have a detrimental effect on both complainants and members of NYP who are the subject of complaints. There would be a requirement for additional resources within the CST to manage the administrative processes associated with formal complaints.
- 5.14 By taking on the role of formal assessing within the CST, the perception of independence of the adjudicator could be affected, given that they would be employed by the PCC (albeit separate to CST) as opposed to the assessment being undertaken by a separate entity (PSD).

- 5.15 It is noted that other PCCs who have reformed their complaints systems have not taken on a formal assessing role, instead retaining this within PSDs. Should option two be chosen, this could lead to legal challenges as the current legislation – Regulation 33 of the Police (Complaints and Misconduct) Regulations 2012 – blocks anyone other than a serving police officer or member of staff from formally recording and assessing complaints.
- 5.16 Option two does not give the complainant the choice of who they would like to keep them updated throughout the complaints process (SPoC). Complainants may wish to deal solely with the PSD Investigator rather than involving the CST to relay updates.
- 5.17 For these reasons option two is not the preferred choice. Carrying out informal assessment and resolution through service recovery ensures the system is flexible whilst making the necessary referrals to PSD for formal recording and assessment. This position could be reviewed in the future should the number of formal complaints reduce to such a level that can be managed within the CST.
- 5.18 Option Three (Proposed)**
- 5.19 The establishment of a new Customer Service Team (CST) within the OPCC to take on responsibilities provided by Model three, together with the establishment of an Independent Complaints Adjudicator overseen by the PCC to undertake reviews currently heard by the Chief Constable. Model three includes:
- The PCC CST registers receipt of all complaints and compliments. All complaints and compliments received, including the CC's office and elsewhere, would be manually input by the CST onto Centurion.
  - CST undertakes fact checking to understand individual complaints fully
  - CST undertakes an "informal" assessor role for service recovery only and all other complaints are forwarded to the PSD for formal assessment.
  - CST will deal with the Service Recovery process.
  - The customer will be given the opportunity to choose who conducts the contact role PSD/PCC.
  - CST will collate and disseminate lessons learnt throughout the organisation, alongside other departments e.g. training, corporate communications etc.
  - CST will undertake low level financial recompense e.g. damage to property, on a pilot basis. This requires further work to ensure the necessary and appropriate delegations are in place, which requires further engagement with the legal department. This will commence on approval of this business case.
- 5.20 A detailed service specification is included at Appendix 3.
- 5.21 Rationale for proposal**
- 5.22 In line with the vision, a PCC-led service allows the initial complaints team to focus on customer service and learning rather than compliance with complex legislation, fostering a different culture. A PCC-led service also adds independence to the process, which the North Yorkshire public have been clear; it is vital part of the proposals to them.

- 5.23 There are some short-term risks with the CST team taking on fact checking of complaints, and potentially an ongoing risk of low resilience in the team, but keeping the system checks function alongside the recording process as far as is possible maintains independence and increases efficiency by keeping the number of processes and people involved to a minimum.
- 5.24 Formal assessments should remain with PSD given their skills and experience, and given they will be undertaking investigations and resolutions post assessment. Informal assessment resting with the CST however will allow for quick and effective service recovery without involving another party into the process and maintains independence of the CST. Oversight of the complaints system remains with the PCC but recommending courses of action to the Chief Constable as and when necessary. Referrals to the IOPC remain with PSD.
- 5.25 Service recovery is central to the police complaints reform, and is the foundation for other changes within the complaints proposals e.g. fact checking, end-to-end contact. CST led service recovery allows the process to be customer friendly, quick and lessons can be learned at the outset. Most importantly, CST led service recovery ensures independence, which is central to the reforms.
- 5.26 The choice will always remain with the customer as to who they would like to be their point of contact. The case for change in the complaints systems applies to investigations as much as service recovery, and given the most complex, slow and confusing part of the complaints process is when it involves misconduct, there is a clear benefit to having a customer service focus for officers and customers at this point. There are risks however, and these need to be managed proactively and effectively. This part of the process will be specifically reviewed after six months to better understanding how it is working.
- 5.27 It is important to know when things are working well and equally when things are not. Genuine complaints will always be taken seriously, and the CST will strive to resolve complaints fairly, with an open mind and in a helpful manner. The force should be in a position to learn lessons from mistakes, be able to put things right and ensure apologies are made where necessary, whilst celebrating all that is good about North Yorkshire Police. By doing this, the public will feel passing on feedback is worthwhile, lessons will be proactively learnt and ultimately, policing in North Yorkshire will improve.

**5.28 Reviews (formerly known as Appeals)**



**5.29 Rationale for proposal**

5.30 Whilst it is mandatory for the PCC to undertake reviews when the legislation changes in early 2019, this function could be taken on earlier with agreement from the Chief Constable. Legal advice may be necessary, but this approach is undertaken in other police force areas in England. The only legislative requirement at present is that the person undertaking appeals is an employee of the Chief Constable. This is the case in Warwickshire, where the adjudicator is a Chief Constable employee, but the individual works under the direction of the Police and Crime Commissioner, albeit at arm’s length. A similar approach could be implemented in North Yorkshire should all parties agree.

A fair appeals process is crucial to the perception and reality of an independent complaints system, and the public do not currently see police-led reviews as fair. A single individual is the preferred option to undertake the review process. An independent person will bring consistency and accountability which isn’t achievable via any other option. There are risks to mitigate, for example in keeping the individual completely independent of the CST team and OPCC as far as is possible. Procurement is easier with an individual, and normal management/support can be undertaken. Most likely this service will be commissioned rather than employed, but market testing will begin should this business case be approved.

**B. PROPOSED DETAIL**

5.31 It is proposed that a new Customer Service Team (CST) is established within the OPCC to take on responsibilities provided by Model three, together with the establishment of an Independent Complaints Adjudicator overseen by the PCC to undertake reviews currently heard by the Chief Constable.

5.32 The proposed solution will require a new team, with access to the range of necessary NYP systems and databases, including real-time access to Centurion. This will inevitably require high level vetting. Staff will need to be fully trained in police complaints legislation and guidance (even though the majority of their work will be dealing with complaints and compliments that can be dealt with outside of the formal complaints system).

- 5.33 The new team would be based at OPCC Office at Granby Road. There is an office located on the second floor that is currently vacant and is equipped with the relevant IT systems to support the new team. The team will be established as follows:
- A Complaints and Recognition Services Team Leader
  - Three Complaints and Recognition Services Advisor
  - An Independent Complaints Review Adjudicator
- 5.34 Governance of the team will be managed by the PCCs Chief Executive Officer.
- 5.35 The team will strive to be:
- Fair to the customer and those being complained about
  - Open to criticism and feedback, doing things differently and celebrating the good
  - Helpful to all those who make contact, proactively supporting the public and NYP
- 5.36 The team will seek to be innovative and forward thinking. There is scope for online reporting of feedback and live-chat functionality. Compliments received into the team will be processed quickly, learning as much as possible about the incident and passing compliments directly onto the workforce and supervisors.
- 5.37 Complaints will be resolved during the initial contact where possible, and where not possible, within 48 hours of the initial contact. Complaints which need to be formally recorded will be passed onto PSD on the same day where possible, and always within 48 hours. Customers always have the right for their complaint to be formally recorded.
- 5.38 There is scope for this team to be given a budget with which to resolve complaints not involving alleged misconduct e.g. door repairs, foregoing the need for Legal Services on some occasions, but this needs further consideration and detailed analysis of risks before progression. This could however save money in the longer term by dealing with contentious matters in a different way, avoiding future legal costs.
- 5.39 Feedback from the team to the wider organisation will be central to the new approach, and refreshing the organisational learning bulletin is crucial; refocusing on the good and on the lessons the organisation needs to learn, with a hopefully much more interactive approach e.g. videos from customers talking about the impact police actions have had on them (ideally with the workforce member involved too), and members of the public expressing thanks etc. Discussions are underway with HR colleagues to understand how best to deliver this.
- 5.40 Recording dissatisfaction**
- 5.41 Customers will be encouraged to complete an online form (decision to be made whether to utilise the national 'Expression of dissatisfaction about the police service' form, as it is not customer friendly) located on the PCC website. A hyperlink will also link to the PCCs website from the NYP website. This self-service option will be available to customers 24/7. The necessary information will be input onto Centurion but the CST, should the CST not utilise the national form it will lead to a small increase in manual inputting. Centurion will be the single point of truth for all expressions of dissatisfaction about the police service in North Yorkshire. This is a national system which allows the IOPC to extract performance data. Appendix 4 shows the proposed process for recording dissatisfaction.

- 5.42 Customers may prefer to use other means to contact the CST, therefore to make the team as accessible as possible the following additional methods will be made available:
- Telephone – 01423 569562. Answered during office hours by the CST. Out of hours, customers will be able to leave a message requesting a call back.
    - There will be a text-phone option for people with hearing loss
    - Consideration will be given to an option on 101 for complaints and compliments
  - Email – XXX@northyorkshire-pcc.gov.uk
  - Letter – 12 Granby Road, Harrogate, HG1 4ST
  - In person:
  - By prior appointment at Granby Road - The team will accept unannounced visitors to the office to enable a complaint to be made, this will not be advertised and a policy will be implemented to enable risk assessment should these circumstances arise
  - The CST will make home visits in specific circumstances, for example where a disability/vulnerability prevents a customer from travelling, this will be appropriately risk assessed.
- 5.43 Expressions of dissatisfaction received through the above four methods will be added to Centurion by the CST. Target timescales for resolving complaints will be along the lines of:
- Resolving complaints by way of service recovery or processing compliments there and then on the telephone, and if not
  - Resolve all complaints by way of service recovery within 48 hours (not including weekends).
  - Passing formal complaints onto PSD the same day or within 48 hours.
- 5.44 Customers may express dissatisfaction when they come into contact with members of NYP, for example in person at station front counters, or on the telephone to the Force Control Room. Where this occurs, members of NYP should not be discouraged from trying to resolve the situation there and then.
- If the issue has been resolved, members of NYP may be required to record details of the complaint, depending on IOPC guidance, on an online form available on the Intranet. If required, this complies with the need to record all expressions of dissatisfaction and will ensure that the force can identify trends and patterns in complaints.
  - Where the issue cannot be resolved, members of NYP should complete the online form and it is proposed to discontinue the use of the form 90.
- 5.45 Customers may also choose to express dissatisfaction within a letter or email sent to an individual / department within NYP. Members of NYP should forward this to the CST be dealt with. Customers also have the option to contact the IOPC, in these circumstances the IOPC will forward this to the CST to be dealt with as per current process. Appendix 5 provides a detailed overview of the methods and processes by which a member of the public can express dissatisfaction about the police service and Appendix 6 shows the process to be followed by members of NYP.

- 5.46 Once the expression of dissatisfaction has been recorded, fact checking will be undertaken by the CST, such as:
- Niche/STORM – CAD log and occurrence details, vulnerability for example flags and warnings
  - PNC
  - Centurion – any previous complaint history
  - Video evidence where applicable
- 5.47 All information relevant to the circumstances of the dissatisfaction will be attached to Centurion to enable the informal assessment process to take place. The CST will require access to these systems and appropriate training.
- 5.48 Fact checking**
- 5.49 The CST will informally assess and fact check the expression of dissatisfaction to determine whether it is suitable to be resolved by service recovery. Guidance for this is attached at Appendix 7. Complaints not suitable for service recovery will be allocated via a Centurion workflow to PSD for formal assessment on the same day or within 48 hours.
- 5.50 Recognition**
- 5.51 Customers will be encouraged to complete an expression of appreciation form, located on the PCC website. A hyperlink will also link to the PCCs website from the NYP website. This self-service option will be available to customers 24/7. The form will assist with capturing the necessary information, for example the circumstances and officer details. CST will manually input the details onto Centurion, which will be the single point of truth for all expressions of appreciation about the police service in North Yorkshire. Customers also have the ability to express their appreciation to the CST through the methods described at 5.35, such as telephone, email, and letter.
- 5.52 If the correspondence was sent direct to CST by a member of the public, CST will:
- send a letter of acknowledgement to the author
  - send an email to HR (for inclusion within personal records)
  - send an email to the line manager of the officer or staff member.
  - Consider if the appreciation merits:
    - Letter from Chief Constable
    - Letter from PCC
    - Nomination for Annual Awards Ceremony
    - National awards
- 5.53 Customers may express appreciation when they come into contact with members of NYP, for example in person at station front counters, or on the telephone to the Force Control Room. Where this occurs, members of NYP should complete the online expression of appreciation form which will be linked via the Intranet.

- 5.54 Customers may also choose to express appreciation within a letter or email sent to an individual / department within NYP. Members of NYP should forward a scanned copy of the correspondence to the CST for recording and if they wish:
- send a letter of acknowledgement to the author
  - send an email to HR (for inclusion within personal records)
  - send an email to the line manager of the officer or staff member.
  - Notifying the CST of any action taken
- 5.55 If the correspondence was forwarded to CST by an NYP department, CST will consider any actions already taken by the NYP department and where necessary follow the above process to ensure appropriate recognition. A holistic sight of what is working well within the organisation enables easy sharing of best practise.
- 5.56 Appendix 8 provides an overview of the methods and processes by which a member of the public can express appreciation with the service they have received from the police service.
- 5.57 Service Recovery**
- 5.58 On receipt of a complaint the CST will try to resolve this using service recovery. This may mean gathering information or intelligence (CST will have access to body worn video), assessing the information and making a decision on how to resolve the complaint to the satisfaction of the customer. A process map is included at Appendix 9.
- 5.59 Service recovery is not about acting as an advocate for a complainant, but being fair to the workforce and the customer. It is intended to:
- Speed up the process
  - Encourage a common-sense approach
  - Use easily understandable language
  - Manage expectations
  - Be more accessible and outcome focussed
- 5.60 CST will make contact with the customer by telephone or customer preferred contact to gain relevant information. On rare occasions CST may conduct home visits for complex complaints where the detail is too great or to be captured in written form or the customer has specific needs (e.g. a vulnerability). A dynamic risk assessment will be conducted before the home visit.
- 5.61 The CST should have a good understanding of NYP departments, functions and contacts, the CST would familiarise themselves with NYP departments as part of their training/induction and have access to NYP systems such as the NYP intranet access to phonebook and “Planning at Work” facility.
- 5.62 Current demand is increasing from members of the public experiencing mental health vulnerabilities. The complaints process is one avenue that enables the public to express their difficulties. CST will undertake Mental Health awareness training and relevant training packages e.g. Diversity on the Managed Learning Environment and if safeguarding issues arise CST will submit intelligence via Niche.

- 5.63 Resolving a complaint may require an apology on behalf of the organisation. The CST will not offer apologies on behalf of the officer concerned unless the officer is happy for this to happen. CST will not be able to compel the officer to apologise if they do not wish to do so.
- 5.64 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. Internal customer service will be given equal weight to external customer service.
- 5.65 The customer will be contacted and informed of the resolution (preferred customer method of contact). Centurion will be updated by the CST with contact and outcome information. If the customer is not happy with the outcome the complaint will be referred back to PSD for formal recording, this can occur at any point in the process.
- 5.66 Single Point of Contact (SPOC) for Local Resolution and fact checking**
- 5.67 The customer will have the choice of who they would like to be their Single Point of Contact throughout their complaint process. This could be either PSD or CST. All contact will be updated onto Centurion to enable transparency and consistency between PSD and CST. Appendix 10 shows the proposed SPoC process.
- 5.68 Analysis (Learning the Lessons)**
- 5.69 The new team will undertake trend analysis and formulate reports for the Governance meetings and an annual report. Information will be in the form of:
- Trend and pattern analysis of dissatisfaction, repeat complainants (sanitised access to Centurion)
  - 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
- 5.70 This supports specific Police and Crime Plan objectives in relation to improving the culture within the organisation and learning the lessons from mistakes.
- 5.71 Financial Recompense (ex gratia claims)**
- 5.72 It is proposed that the CST will assess small claims for re-imburement up to and including the amount of £1,000 per claim, for example damage to property during forced entry. This is intended to make the process more streamlined for those genuine claimants and reduce demand for the Legal Services Department.

5.73 The current process is that legal liabilities are assessed following an internal investigation of any claim and if there is no legal liability found then there can be consideration of an ex gratia or goodwill payment which needs to have a delegated decision and audit trail. This is currently recorded by the Insurance and Litigation Manager. Although there may be a perception that these can be low level, some may be quite complex requiring legal experience to assist any process. Therefore the process needs to be controlled and considered as part of the force claims handling which is externally audited every year and goes to affect insurance cover and premiums.

5.74 Figures for the last three financial years are included below. This does not indicate time spent, complexity or detail of claim but provides an indication of demand.

Date Opened	Number of Claims	Value (Paid and Reserve)
1 April 2015 to 31 March 2016	19	£9601.31
1 April 2016 to 31 March 2017	15	£3882.34
1 April 2017 to 1 March 2018	14	£3591.87

5.75 The financial recompense process requires further detailed planning and consultation with legal reference the risks before progression, but is in principle supported by the Head of Legal for Evolve and North Yorkshire. It is proposed that this function is undertaken as a pilot in the first instance to test the viability of the approach, once further work has been done to agree a process for resolving low level claims.

#### 5.76 Reviews (formerly known as Appeals)

5.77 An independent role will be commissioned to undertake the review work, this could be done in conjunction with other forces i.e. Evolve or NETIC forces. The role of Independent Complaints Adjudicator will conduct reviews, in accordance with the Independent Office of Police Conduct (IOPC) guidance, of formal complaints where the customer has not been satisfied with the handling of their complaint.

5.78 This will require a capacity to research and judge evidence and make decisions on reviews. The role will also include monitoring of process and dip sampling individual files in order to provide assurance that the complaints system is both rigorous and fair.

5.79 The role will be commissioned for their time according to demand. Cognisance will be taken with the security of information and Information Management guidelines for example:

- Remote working – Laptop configured to NYP systems with key fob
- Printing and storage of confidential papers
- Office working on NYP configured system

A cost has been associated with this role, but it is not thought any individual would be an employee of the Police and Crime Commissioner, but a commissioned service provided by someone independent, at arm's length from the police and OPCC and via a call-down style contract.

## 5.80 Training

5.81 The CST will need to undergo the following training before the team go live.

- Customer Service/communications
- Force Systems:
  - Niche/STORM
  - PNC
  - Centurion
  - Origin
- Diversity
- Mental Health Awareness
- Dealing with difficult conversations
- Police complaints system
- Link in with the Institute of Customer Service
- Shadowing/mentoring with PSD
- Accompanying officers on the frontline to ensure an understanding of the realities of policing
- Risk Assessment

## 5.82 Information Management

5.83 The CST will require access to police information to resolve low level complaints. This must be conducted in accordance with the General Data Protection Regulations (GDPR). Consideration should be given to:

- Establishing which complaints the PCC deals with on a statutory basis and those which are outside of that scope. This will assist in determining the legal relationship between the parties and the flow of information.
- determining who is the data controller and or/ data processor for the relevant parts of the complaints processing
- Recognising that the legal basis for sharing information between the parties may be different dependent upon the type and source of the complaint
- Establish the legal basis for the passing of information between data controllers and documenting the same
- establishing where needed a data processing contract due to two entities
- To ensure that at the point of collection of data subjects are given the tools to understand how their data is being processed and by which legal entity.
- To ensure secure transfer, handling and storage of information between the two entities. agreeing with PSD, in conjunction with the Data Protection Officer for both legal entities as to levels of access on Centurion
- obtaining support from PSD on a case by case basis to provide relevant information from records which are otherwise hidden from view by access control levels (ACLs).
- agreeing a data processing contract for third parties eg the Independent Complaints Adjudicator role
- determining appropriate vetting levels for CST staff, the level of which depends on system access (MV or higher)
- following the IOPC requirements and processes in relation to data quality
- compliance with the review, retention and disposal procedure

5.84 The project team will continue to consult with the relevant people within North Yorkshire Police to ensure the proposed function complies with all necessary information management requirements.

#### 5.85 Future Demand

5.86 Demand has been calculated based on the current and projected volume of core activities, an estimation of the average time to complete each activity, process mapping and discussion with members of staff concerned in the role. A time and motion exercise with PSD was undertaken to enable accurate budget and resourcing calculations. Specific numbers of complaints within the OPCC were unable to be analysed due to the CMITS system, therefore these have been estimated based on levels of correspondence and historic complaints data held outside CMITS.

Demand – Option Three						
Activity		Volume			Time (hours)	Resource PCC CST
Description	Time (mins)	PSD	CST	Training /AL 25%		
Recording	77	0	1441	360	1903	
Assessing	40	432	1441	360	1681	
Service Recovery	180	0	774	194	1355	
Single Point of Contact	30	863	863	216	971	
Review (Appeals)	275	0	68	17	146	
Recognition	15	0	527	132	560	
Analysis	1440	13	13	3	91	
Financial Recompense	0	0	0	0	0	
Other	495	36	36	9	110	
<b>Totals</b>					<b>6817</b>	<b>3.54</b>

5.87 Demand for Option three is 6817 hours 3.54 FTE. The above figures do not include financial recompense as this requires further analysis.

5.88 The number of reviews could increase further due to a proportionate rise in the total volume of complaints recorded. Public awareness/understanding of the review process could also encourage more reviews to be made and complaints not being assessed into the correct category could lead to challenges in the form of reviews. However, the number of reviews could also go down due to a proportionate reduction in the total volume of complaints recorded. Improved satisfaction with the outcomes of original complaints and more complaints being dealt with successfully by way of service recovery (as service recovery has no right of appeal), could reduce the volume of reviews.

5.89 Activity analysis suggests only a small proportion of the PSD Admin function will be affected, due to the main part of the service provision supporting formal investigations and other functions that will remain within PSD. There may be impact on an OPCC role which currently undertakes service recovery. A detailed change proposal will be conducted should the business case be approved, subject to usual HR practices and processes.

**C. BENEFITS & MEASURES**

Activity	Output	Outcome	Measurement (SMART)	Assumption Risk	Goal
Trend and Pattern Analysis	Report to Governance & Departmental Meetings	Embedding learning from good and bad practice	Fewer conduct issues	Utilisation of one system that holds the information	Police & Crime Plan "Enhancing the Customer Experience"
		Address systemic issues	Fewer complaints		
		Improvement in policing both individually and collectively	Feedback from customer (internal/external) surveys		
Service Recovery	Complaint resolved	Faster resolution of complaints or allocation to PSD	Within 48 hours of initial contact	Not a complicated complaint or misconduct	
	Correspondence in an easy to understand format	A more customer focused and effective police complaints system	Feedback from customer (internal/external) surveys		
		An empowered, innovative and risk-tolerant culture			
PCC involvement in the complaints process	PCC customer service team	Greater public trust and confidence in the police complaints process	Feedback from customer (internal/external) surveys	Business case approved	
		Better public engagement and sharing of intelligence		Not a complicated complaint or misconduct	
	Clear information for the public to hold PCC/Force to account	A more transparent and independent police complaints system	Transfer of complaint functions to PCC		
	Less people involved in the process	More stream lined process for the customer			
Complaints recording process	Single recording system for all complaints	Ability to understand trends & patterns	Utilisation of one system	Customer Service Team utilise Centurion	
		Easily accessible information			
		Reduce duplication of recording	Transfer of complaint functions to PCC		
		More effective use of resources			
Appropriate recognition of satisfaction	Letters of appreciation to members of NYP	Improved staff wellbeing	Fewer conduct issues	Customer Service Team made aware of expressions of appreciation	
	Nominations for staff awards	Embedding learning from good and bad practice	Fewer complaints		

- 5.90 Time Released for PSD with Option 3. The time released is only an estimate based on predicted future demand. There is the possibility that PSD will be able to utilise the time released for increased demand in other areas of the department such as Professional Standards Integrity Unit (PSIU) and Vetting, these are areas that have been highlighted during force inspections by HMICFRS as being under resourced for a number of years now. This has been calculated having spent time in PSD and with staff members undertaking the work.

<b>Time Saved for PSD on Option Three</b>			
<b>Description</b>	<b>Activity Time (mins)</b>	<b>Volume PSD</b>	<b>Time (hours)</b>
Recording	77	774	993
Assessing	40	774	516
Service Recovery	180	774	2322
Single Point of Contact	30	863	432
Review (Appeals)	275	68	312
Recognition	15	527	132
Analysis	1440	0	0
Other	495	0	0
<b>Totals</b>			<b>4706</b>

#### **D. RISKS & MITIGATIONS**

##### **5.91 Risks**

- CST may not have the necessary training and understanding of the service recovery process and relevant understanding of policing
- CST working hours are Mon-Fri, therefore no out of office hours cover for receiving complaints / SPOC
- Lack of understanding of the public given two teams (CST and PSD) will be involved in the complaints process (CAPs will still be investigated by NYP PSD)
- Customer service may be negatively impacted if there are delays in the service recovery process due to increase in demand over and above expected levels
- Delays in recruitment due to CST vetting levels
- Taking on SPOC role for investigations could cause confusion for the customer both in process and messaging
- With CST undertaking the informal assessment process it could mean that a more serious complaint does not go through PSDs formal assessment process
- Breaches of legislation should elements of the process be conducted before the Policing and Crime Act comes into force
- Officers and staff may not engage with the process and the PCC CST
- Extra demand on PSD resources during CST implementation phase
- Inappropriate payment of customers claims
- CST wellbeing (safety during face to face contact with customer, identification of CST in public domain e.g. online abuse)
- CST staff inappropriate access to information and systems
- CST may breach data protection (sending information to a non pnn address, handling paper copies)

- Demand increase for complaints against CST

## 5.92 Mitigating actions

- Completion of role profiles/grading panels
- Effective recruitment of CST team and Independent Complaints Adjudicator (ICA)
- Timely training courses for CST and ICRA
  - Force systems
  - Guidance notes
  - Shadowing PSD
  - Clear processes
  - Force policy and procedure awareness
- Use of answerphone facility (out of hours)
- Steer public towards online form
- One SPOC will benefit the customer
- Accurate demand analysis to ensure resources are adequate
- Annual refresh of demand analysis
- Information Security
  - Use of Centurion as the single point of truth for recording customer contact
  - Appropriate access levels are applied eg Centurion / Niche
  - Data sharing agreement Force and PCC
  - Provision of pnn address/account for CST
  - Procedure for printing off hard copies (independent complaints adjudicator)
- Good relationship CST / PSD for SPOC
- Clear demarcation between service recovery and CAPs
- External and internal communications/consultation
  - Consultation with IOPC / Legal Services
  - Internal communications / roadshows
  - Engagement with staff associations
  - Commitment from Chief Officer Team and PCC
  - Communication with Police & Crime Panel
- Appropriate risk assessments for home visits
- Procedure for contact with customers for office visits
- Line manager regular performance reviews
- Access to occupational health and welfare

5.93 Risk Register attached at Appendix 11 and response register at Appendix 12.

**E. FINANCE**

Description of Cost	Amount	Financial Year	Capital/Revenue?
Customer Service Staff Complaint Service Team Leader SO1 (Subject to grading)	£34,792	July 18 onwards	Resource - Revenue
Customer Service Staff Complaint Service Advisors x 3 Scale 5 (Subject to grading)	£85,113	July 18 onwards	Resource - Revenue
Independent Complaints Adjudicator (ICA) (Assume 0.5FTE PO12-17)	£28,141	July 18 onwards	Resource/Supplies & Services - Revenue
Centurion license x 5	See below	July 18 onwards	
Training	£5,000	July 18 onwards	Revenue – Assume full costs in 1 <sup>st</sup> year
Financial Recompense	TBC	July 18 onwards	
Mileage – home visits	£500	July 18 onwards	Revenue
Headsets x 4	£220	July 18 onwards	Revenue – one time purchase
Laptop (Independent Complaints Adjudicator)	£780	July 18 onwards	Capital – one time purchase
Postage costs	£500	July 18 onwards	Revenue
<b>TOTAL COST OF PROJECT</b>			
<b>18-19</b>	<b>£155,046</b>		

- 5.94 Centurion licences can only be purchased in batches of 10, NYP currently has 30 Centurion licences with 3 spare and the opportunity to free up another licence which would negate the need to purchase further licences at this stage. Should we be required to purchase a further 10 licences in the future the cost would be £5,060 per annum.

**F. COMMUNICATIONS PLAN**

- 5.95 To embed the new approach and ethos both across the organisation and with the public, this will require branding for any new team and a proactive, sustained communications plan. Should the Chief Constable and Commissioner agree, the communications plan could be built around a new 'Duty of Candour' in North Yorkshire Police, based on the duty of candour within the NHS.

- 5.96 Duty of Candour - Reflecting the same duty within the NHS (aside from being a legal requirement), North Yorkshire Police could seek to implement an approach where police officers (of all ranks), staff, PCSOs, volunteers (and OPCC of course) will be duty bound to inform someone when something goes significantly wrong, apologise and then make steps to improve the situation and right the wrong. This is not an attempt to force the workforce to apologise, but to instil a culture of openness, frankness and proactivity in resolving problems. The Duty of Candour will facilitate a learning approach, and should be seen as practical application of the code of ethics. The above could form the basis of a communications plan.
- 5.97 A high level Communication Plan is included at Appendix 13, a more detailed plan will be developed should the business case be approved.

#### **G. EQUALITY IMPACT ASSESSMENT & PRIVACY IMPACT ASSESSMENT**

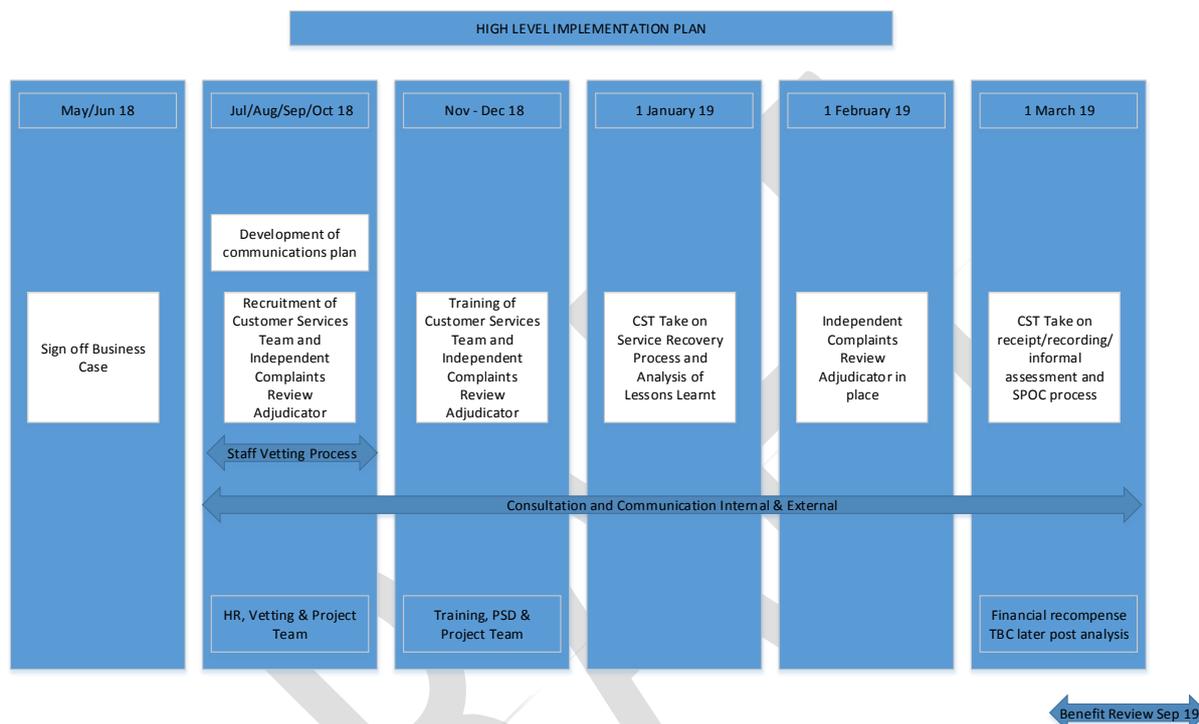
- 5.98 There are no identified EIA impacts at this stage which cannot be mitigated. Appendix 14 refers to the EIA. The EIA will be reviewed throughout implementation. A Privacy Impact Assessment is included at Appendix 15.

#### **I. KEY DECISIONS REQUIRED FROM THE EXECUTIVE BOARD**

- 5.99 **The Executive Board is requested:**
- **To agree that the preferred police complaints option should be implemented as the North Yorkshire Police complaints service, as set out within this business case**
  - **To agree that the preferred 'review' function should be implemented as the North Yorkshire Police complaints service, as set out within this business case**
  - **To endorse the recruitment to the roles as set out within this business case**
  - **To agree that the detailed implementation plan continues to be developed, including an in-depth communication and data protection plans to be agreed by the Chief Constable and Commissioner outside of Executive Board arrangements**
  - **To agree the main operating location as the Office of the Police and Crime Commissioner**
  - **To recommend the funding and financial arrangements as set out in the business case**

## 6. IMPLEMENTATION PLAN AND TIMESCALE

6.1 The diagram below is an indication of the timescales for implementation of the PCC Complaints process. This highlights the requirement to maintain communication with staff and stakeholders.



## 7. APPENDICES

Please refer to separate documentation as referred to within this report.

## 8. PROJECT RESOURCES

Role	Resource requirement
Interim Service Delivery Advisor	2 days per week until end December 2018
Business Analyst	2 days per week until end December 2018
Policy & Scrutiny Officer (OPCC)	2 days per week until end December 2018
PSD	Ad hoc basis
DISG support	Ad hoc basis
HR support	Ad hoc basis
Legal support	Ad hoc basis
Corporate Communications	Ad hoc basis

## 9. CONSULTATION

### **Project Sponsor**

Will Naylor – Deputy PCC

### **Project Lead**

Lesley Whitehouse – Interim Service Delivery Advisor

### **Project Team**

Lesley Whitehouse – Interim Service Delivery Advisor

Peter Hemsley – Business Analyst

Working group members and other consultees:

- Fraser Sampson – CEO
- DCC Lisa Winward – Complaints Portfolio Lead
- D/Supt Maria Taylor – Head of PSD
- DCI Steve Fincham – Deputy Head of PSD
- Supt Paul Booth – Supts Association Representative
- Holly Earnshaw – PCC Case Worker
- Hannah Hope – PCC Policy & Scrutiny Officer
- Jane Palmer – CFO
- Carolyn Taylor – HR
- Xanthe Tait – Legal Services (Evolve)
- Jane Wintermeyer – Head of Legal Services
- Charlotte Clarke – Legal Services
- Louise Wood – Head of Communications
- Mike Dearnley – DISG Representative
- Caroline Brigginshaw – Information Management Representative
- Sarah Wintringham – Head of Information Management
- Rebecca Reed – IPCC
- Emily Moore - IPCC
- John Mackfall – Unison
- Lynsey Swales – Unison
- Will Eastwood - Federation
- Jason Brine - JIAC
- Joanne Sharpe - Harrogate IAG
- Councillor Peter Wilkinson – Police & Crime Panel
- Santokh Singh Sidhu – Police & Crime Panel
- Diane Parsons – Police & Crime Panel