



Dorset Police and Crime Panel

Date: Thursday, 3 February 2022
Time: 10.00 am
Venue: Committee Room 1, County Hall, Dorchester, DT1 1XJ

Membership: (Quorum 3)

Mike Short (Chairman), Iain McVie, Bobbie Dove (Vice-Chairman), Pete Barrow, George Farquhar, Les Fry, Barry Goringe, May Haines, Mark Howell, Sherry Jespersen, Toby Johnson and David Taylor **Error! No document variable supplied.**

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Chief Executive: Matt Prosser, County Hall , Dorchester, Dorset DT1 1XJ

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DORSET POLICE and CRIME PANEL

Scrutiny Review of Complaints against Police and Complaint Reviews (formally appeals)

1. Introduction

1.1. Dorset Police and Crime Panel (PCP) have a statutory responsibility, under the Police Reform and Social Responsibility Act 2011 to scrutinise the Dorset Police and Crime Commissioner (PCC), to promote openness in the transaction of police business and also support the PCC in the effective exercise of his/her functions (s.28(2)). This responsibility can also include carrying out 'reviews' into topics of particular interest, or public concern (s.28 (6)). The guidance to PCP's (Local Government Association and Centre for Public Scrutiny, Police and Crime Panels Guidance on role and composition, October 2011) suggest that there should be two types of scrutiny. The first is reactive scrutiny, which 'looks at how services have been delivered in the past, learns and applies lessons from that experience to the future'. The second is proactive scrutiny which 'engages in current policy development, influencing decisions before they are made'.

2. Context

2.1. As part of the PCP responsibilities Dorset PCP have introduced a work programme to provide structure to how scrutiny is managed (<https://www.dorsetforyou.gov.uk/article/423508/Dorset-Police-and-Crime-Panel-Work-Plan>) and had decided with the PCC to complete 'scrutiny reviews' on agreed areas of business.

3. Process

3.1. The PCP agreed for the Independent Member Iain McVie, on their behalf, to complete a review of the Police and Crime Commissioners (PCC's) arrangements to scrutinise and hold to account the police in the recording, management, investigation and resolution of police complaints and scrutinise the review (appeals) process for police complaints within the Office of the Police and Crime Commissioner (OPCC). Key lines of enquiry were agreed at the PCP meetings held in February 2021 and June 2021.

3.2 The rationale for the topic selection included the following:-

- i) The PCC has a legal power and duty to monitor all complaints made against officers and staff. With an additional responsibility for complaints against the Chief Constable.
- ii) An efficient, effective, transparent and fair recording and resolution of complaints against police are crucial to trust, confidence and satisfaction levels of the public.
- iii) To scrutinise the recent changes to the complaints review (appeals) system that is now the responsibility of the OPCC on behalf of the PCC.
- iv) To assess the impact on public confidence and trust in the PCC on behalf of the public;
- v) Provides an opportunity for the Panel, in its capacity of support and scrutiny.

3.3. The PCP were provided with extensive information from the Office of the Police and Crime Commissioner (OPCC) providing background information, meeting minutes (decision making), policies and responses to the key lines of enquiry.

3.4. Also used were national documents including the IOPC 2020/21 annual report https://www.policeconduct.gov.uk/sites/default/files/Documents/statistics/Complaints_Stats_2021.pdf
The last HMICFRS (Her Majesty's Inspectorate of Constabulary and Fire Rescue Service) inspection of 'police legitimacy' under the 'PEEL' process.
<https://www.justiceinspectors.gov.uk/hmicfrs/wp-content/uploads/peel-assessment-2018-19-dorset.pdf>

3.5. To then test this information and ensure the PCP met its statutory requirements to scrutinise the PCC, Iain McVie met with representatives of the PCC (OPCC) and Dorset Police at Police Headquarters or via video link on the 5th, 10th and 24th November 2020. These took the form of a structured interview

where the PCP representative was able to clarify, question and investigate how the PCC/OPCC was, and is, managing its responsibilities within the police complaints system.

3.6. This constitutes the final report for the Police and Crime Panel to be provided for the 2nd February 2022 panel meeting.

4. Subject Background

Prior to the 1970's the police complaints system was managed solely by local forces investigating and overseeing their own complaints. Since 1977 there has been an independent body responsible for overseeing the system for handling complaints made against police in England and Wales. From 1977 it was the Police Complaints Board, from 1985 the Police Complaints Authority, from 2004 the Independent Police Complaints Commission and from 2018 the Independent Office for Police Conduct (IOPC). Currently most complaint cases are investigated locally and the respective PCC for each force area has a statutory responsibility to scrutinise and hold to account the Chief Constable.

How police complaints are currently recorded, managed, investigated and reviewed are legislated for within the Police Reform Act 2002, as amended by the Policing and Crime Act 2017. The latter being nationally implemented on the publication of statutory guidance in February 2020, with an emphasis on achieving a 'simpler, more proportionate and customer-focused complaints system focusing on learning and improvement.'

Importantly the newer legislation has given the PCC, on behalf of the public, a greater role in ensuring the public can access the system and that there will be fair, efficient, effective and transparent resolutions to complaints made. The PCC has a statutory role which includes: -

1. A requirement to scrutinise and hold to account the Chief Constable for the recording, management, investigation, resolution and lessons learnt of police complaints.
2. A requirement to conduct 'reviews' (previously called appeals) where a complainant is dissatisfied with how their complaint was handled and/or resolved.
3. To record, manage and resolve complaints made against the Chief Constable.
4. To scrutinise complaint cases that are over 100 days old from the date of recording and hold to account the Chief Constable
5. The current legislation also enables each PCC to also decide on the level of involvement they wish to take locally to resolve complaints. The choices are to leave this to the police, partially take an involvement in the role or take on the role which would include assessment, recording, resolving informally (non-Schedule 3 cases) or referring for investigation (Schedule 3 cases) to the police or IOPC.

Currently Dorset Police record, assess, resolve, investigate complaints and where appropriate refer complaints to the IOPC for investigation.

5. Key lines of enquiry (KLOE) scrutiny findings

5.1 An effective local system exists?

The scrutiny review found good evidence that the police have in place an effective local system to assess, record, allocate, investigate and resolve complaints made by the public.

The force uses the 'Centurion' database to manage the processes which is also utilised by the vast majority of the 43 police forces of England and Wales.

Further evidence that an effective local system exists can be found at 5.3 below.

In relation to the PCC system for the recording and assessing of reviews the OPCC maintains an efficient and effective process and further evidence can be found at 5.5 below.

Evidence – Research documents, OPCC response, Force response, structured interviews and observation.

5.2. A clear & accessible system is in place?

There are clear policies underpinning the legislation with procedures in place that staff understand with all initial training including the legislation, policies and procedures. There is also ongoing inputs done by the head of PSD and his staff.

Importantly there are numerous ways that the public can make a complaint directly with the police, the IOPC or the PCC. The force also has third party reporting and anonymous reporting mechanisms in place.

The information provided to the complainant ensures individuals understand the processes and likely outcomes including how to request a review on the actions taken or decisions made.

Evidence – OPCC response, Force response, research documents, IOPC, Dorset Police and PCC website, scrutiny research and structured interviews.

5.3 An efficient, effective and timely system of recording police complaints and subsequent management, investigation and resolution is in place

For the year 2020/21 the Dorset Police recorded 793 cases (980 allegations). This equates to 286 cases per 1000 employees against a national average of 290 cases.

In the same year Dorset Police took an average of 3 days to record a complaint, whilst the national average was 6 days and took an average of 6 days to contact a complainant, against the national average of 7 days.

In terms of finalising cases or allegations Dorset Police took an average of 20 days to finalise non schedule 3 cases (national average 20 days) and 41 days for schedule 3 cases not requiring investigation (national average 57 days).

For schedule 3 cases requiring investigation (26 cases/6% of total cases) the force took 103 days to finalise allegations (national average 106 days/11% of cases).

In terms of types of complaints Dorset Police reflects the national picture that the majority of complaints fall into the categories of 'delivery of duties or services' (most of these complaints are resolved informally), 'police use of powers' and 'individual behaviours'.

Dorset Police use an efficient 'triage system' to record, assess and determine how a complaint should be resolved. The IOPC evidence shows a good standard of assessment, allocation and timeliness that is either at the national average or better than the national average.

The last HMICFRS legitimacy inspection graded the force as good which includes how they manage complaints against police.

In summary there is clear evidence that Dorset Police are maintaining good standards of performance in relation to efficient, effective and timely assessment, recording, management and investigation of complaints.

Evidence – Force response, research documents in particularly the IOPC Complaints Statistics 2020/21 and structured interviews

5.4 Accountability, organisational learning and follow up is in place?

Previously the then PCC had set up a number of independent panels that looked at different aspects of police legitimacy and standards. This included a separate Ethics and Appeals Panel that looked at how

Dorset Police dealt with complaints and misconduct and also included an element of dip sampling of complaint files, usually 1% to 2% and no more than 5%.

The PCC has reviewed these panels and has merged them into one group called the Use of Police Powers and Standards, with its first meeting held on 14th December 2021. Within this panel there will be scrutiny of police complaints and dip sampling of a random number of complaint files. This amalgamation of different scrutiny panels looking at similar issues will undoubtedly enhance and 'join up' what has in the past been separate groups looking at similar issues.

Therefore this PCP scrutiny commends this approach and is sure the wider PCP look forward to being updated on its progress and impact in the future.

There are no national guidelines on the percentage of dip sampling to be completed and whether it should be done on random numbers, themes or a combination.

The PCC can raise concerns or issues and hold to account the Chief Constable at their regular senior management meetings.

Now that the OPCC completes complaints reviews there is increased independent scrutiny of decisions and actions taken by police.

This increased scrutiny also includes any reviews of cases over 100 days old, an area that can only improve the confidence of complainants and staff subject to complaint. Whilst the number of cases are very low the two reasons for delay have been pending criminal cases that the complaint has arisen from (sub judge) and due to ill health of an individual involved in the complaint.

At an individual lessons to learn level there was good evidence of the PSD ensuring that individuals learn whether it be through management action or formal conduct.

In terms of broader organisational learning the scrutiny review found evidence of the force and the OPCC (example provided in interview) feeding back organisational lessons via the force Corporate Development Department who lead on this subject. This area of business will always have room to improve and mature but there is clear evidence of a desire by the OPCC to improve further this 'loop' of learning lessons.

Evidence – OPCC and Force response and structured interviews.

5.5 The review process is timely, fair and transparent?

The OPCC on behalf of the PCC maintains good records of reviews submitted, action taken, decision(s) made and contact with the police and the complainant requesting the review.

(Note: In 2020 the then PCC appropriately delegated the powers for this work to the OPCC).

In 2020/21 the OPCC received 86 review requests and for 2021/22 (Nov 21) had received 65 review requests of these 14 cases were upheld with 1 case being returned to the police for re investigation. Whilst these numbers are broadly in line with the previous appeals system where the reviewer was the Chief Constable there is far greater degree of transparency which in turn positively impacts on confidence in the system and the police.

The OPCC has a part time member of staff allocated to complete the review work reporting to the OPCC Operations Manager. The scrutiny review found good evidence of an appropriately trained and experienced member of staff with sufficient hours to complete the required work efficiently and effectively. There is a real sense of using the 'Government Ombudsman' standards and approach to managing and investigating reviews that is fair, transparent and evidence based in the decision making.

To complete the work the OPCC Review Officer requests and gets all relevant information from police files and systems, this includes information held on the operational 'NICHE' system, the restricted 'Centurion' complaints database and any additional material such as officer body worn video footage.

The scrutiny work found good evidence of a professional and robust working relationship between the review officer and the police, in particular with the PSD head of department. Crucially this scrutiny found good evidence that the police see this as a positive change that provides an 'objective review which is independent and informed'

Interestingly the main reason for reviews being upheld were and are poor communication from the police to the complainant and a lack of detail in addressing each individual complaint within a complaint case.

The scrutiny review found that the processes are clearly now business as usual, conducted fairly, efficiently and effectively.

Evidence – Force response, OPCC response, research documents and structured interview.

5.6 How has the review process change impacted on how the review is handled, how the complainant is kept informed and levels of satisfaction?

The OPCC has set a target date of 30 days completion and they are finalising cases within that time and have moved on from the early weeks of this new responsibility in 2020/21 where timeliness had been an issue.

At this stage it is difficult to compare performance with other forces as comparison data concerning reviews is not yet provided. The Association of Police and Crime Commissioners (APCC) may wish to have this data provided by the IOPC in the future.

The review is now an independent process that provides reassurance to the individual and the wider public that 'the police are not marking their own homework'.

Evidence – Force response, research documents, observation and structured interviews

6. Observations for future spotlight scrutiny

Whilst the key lines of enquiry (KLOE) were completed this review highlighted that as the work is progressed some of the KLOE(s) can have duplication or require minor adjustment. Importantly though they provide a solid and agreed starting point to commence a spotlight scrutiny.

7. Scrutiny observations for the PCC to consider

7.1. The PCC may wish to discuss the national picture with APCC colleagues concerning the progression of national comparison statistics for PCC complaint reviews within the annual report from the IOPC.

8. Conclusion

This is the fifth time Iain McVie has, on behalf of the PCP, completed a scrutiny review of this type and has utilised the lessons learnt from previous processes. Overall it is considered this was a worthwhile scrutiny activity that has provided both reassurance and highlighted one area for the PCC to consider.

This report is forwarded for the Dorset Police and Crime Panel to consider at the next full public meeting.

IJ McVie

Independent Member

Dorset Police and Crime Panel

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