



## **COMPLAINT HANDLING**

### **POLICE & CRIME COMMISSIONER STATEMENT**

**(Published December 2021)**

The Elected Local Policing Bodies (Specified Information) (Amendment) Order 2021 provides that PCCs must publish a narrative setting out:

- How the PCC is holding the Chief Constable to account in respect of complaints; and
- The PCC's assessment of their own performance in carrying out their complaint reviews function.

### **PCC assessment of performance in holding the Chief Constable to account**

#### **Measuring complainant satisfaction**

There is no direct measure of complainant satisfaction. However, several key performance indicators (KPIs) published by the Independent Office of Police Conduct (IOPC) can be used as indirect measures. This performance data is scrutinised by the PCC on a quarterly basis and a summary of indicators related to satisfaction are set out below:

- Resolution rate for dissatisfaction dealt with outside the formal complaints process (Schedule 3): Where appropriate, the West Mercia Police Professional Standards Department (PSD) will seek to resolve dissatisfaction outside of the formal complaints process (Schedule 3). This enables a more proportionate and timely resolution for members of the public. In 2020/21, 96% of allegations dealt with outside of the formal complaints process were resolved by the force. This is a higher resolution rate than the national average and shows that in the vast majority of cases, complainants in West Mercia have been happy with the way in which the force has informally resolved expressions of dissatisfaction.
- Proportion of formal complaints that resulted in a review: If a complainant is not satisfied with the way their complaint was handled, they can submit a complaint review. The proportion of review requests in West Mercia in 2020/21 was lower than average. This is positive as it indicates that a greater proportion of complainants in West Mercia accept that their complaints were dealt with in a reasonable and proportionate manner.

**Progress updates on implementing relevant recommendations made by the IOPC and/or HMICFRS in relation to complaints handling, or where recommendations were not accepted an explanation as to why.**

The IOPC is able to make formal recommendations where it identifies a potential area of organisational learning for a police force. Any such recommendations are published on the IOPC website. Where learning recommendations are made, they are shared with the PCC to enable oversight of the force response and any action taken. There are no current learning recommendations for West Mercia Police.

Any force-specific HMICFRS recommendations in relation to PSD are captured in an action plan, with progress overseen through the Deputy Chief Constable's (DCC) Service Improvement Board. This Board is attended by a PCC representative, and if required, any concerns on implementing recommendations can be escalated via holding to account processes.

**A summary of any mechanisms put in place to identify and act on themes or trends in complaints**

PSD produce quarterly performance data to identify themes and trends in complaints and conduct cases. Oversight and scrutiny of this data is provided through a number of forums including a quarterly PSD performance meeting convened by the PCC, the West Mercia Police Fairness, Policy and Standards Board (attended by a PCC representative) and meetings with the IOPC. Themes and trends identified are used to inform primary prevention work to address culture and behaviours; including through communications, support to local teams and training of officers and staff.

**A summary of systems in place to monitor and improve performance in the timeliness of complaints handling**

Quarterly performance data produced by PSD and the IOPC includes data on the timeliness of complaints handling. This data is reviewed as part of the quarterly PSD performance meeting convened by the PCC and in joint meetings held with PSD and the IOPC. The PCC also has systems in place to monitor complaints-related correspondence from the public to identify and address concerns regarding timeliness of complaints handling. Individual issues are referred to PSD on a case-by-case basis where appropriate. Any emerging trends can be escalated to the PSD performance meeting for further scrutiny and action.

**The number of written communications issued by the force under regulation 13 of the Police (Complaints and Misconduct) Regulations 2020 where an investigation has not been completed within a "relevant period"**

Where West Mercia Police has not completed a local investigation within 12 months, they must issue a written notification letter to the PCC and the IOPC under Regulation 13 of the Police (Complaints and Misconduct) Regulations 2020. West Mercia Police have issued 6



notification letters since the legislation was implemented in February 2020. Each notification letter is reviewed by the PCC and Chief Executive, and any trends raised at the quarterly meetings with PSD and the IOPC.

### **Quality assurance mechanisms in place to monitor and improve the quality of its responses to complaints**

All formal complaints recorded under Schedule 3 are quality assured by the Appropriate Authority within PSD prior to a final letter being sent to the complainant. If a complainant is not satisfied with the way their complaint was handled, they can submit a complaint review. Any recommendations or oversight learning identified by the PCC or IOPC as the relevant review body (RRB) is used by the force to identify opportunities to improve the quality of its response to complaints.

Any trends identified in relation to the quality of the force response are discussed at quarterly meetings with PSD and the IOPC. Engaging with the IOPC enables sharing of best practice to further improve the local complaints system.

### **Details of the administrative arrangements the PCC has put in place to hold the chief constable to account for complaints handling**

As set out above, the PCC has put in place a number of administrative arrangements to hold the Chief Constable to account for complaints handling. Arrangements include:

- Monitoring and scrutiny via the West Mercia Police Fairness, Policy and Standards Board. PSD performance is reviewed every quarter, alongside wider organisational issues related to fairness and standards.
- Quarterly PSD performance meetings convened by the PCC. These meetings are attended by the DCC and the Head of PSD. The meetings focus on performance against complaint handling KPIs as well as oversight of gross misconduct matters. Any trends identified via correspondence and complaint reviews can be escalated into this forum for scrutiny and action.
- Quarterly meeting with the IOPC and PSD. These meetings provide an opportunity to discuss performance against KPIs (in the context of regional and national trends), local / national policy and learning from the complaints and review processes.
- Quarterly meeting with the IOPC. The PCC's office has a second quarterly meeting with the IOPC to discuss PCC-specific concerns and complaint functions. These meetings provide an opportunity for the PCC to raise oversight issues to inform holding to account activity, discuss Chief Constable complaint handling and share learning on oversight activities.

- A report on the above arrangements is provided to the independent members of the West Mercia Joint Audit and Standards Committee (JASC) on a quarterly basis, and is published on the PCC's website. Work is ongoing to develop a programme of audit around standards and ethics which will further enhance the PCC's arrangements to hold the Chief Constable to account.

## **PCC assessment of performance in carrying out complaint reviews**

### **Timeliness of complaint reviews**

Where the PCC is the Relevant Review Body (RRB), the average time taken to finalise a review year-to-date (YTD: 01/12/2021 – 09/12/2021) is 29 days. Complainants are provided with an update on their complaint review every 28 days until such time that it is finalised.

### **Details of which review functions the PCC has delegated and what measures they have taken to ensure quality, integrity and impartiality**

The PCC has delegated part of the complaint review function to an independent and qualified external body. The external body assesses reviews and provides the PCC's office with observations and recommendations. An appropriate officer within the PCC's office will then make the final decision on the outcome, and if necessary, any recommendations to the force. This 2-stage process enables the PCC's office to ensure quality, integrity and impartiality of decision-making. All complaint reviews are considered by at least 2 professionals, independent of the police force, with a clear audit trail setting out the rationale for review decisions. Further details of the process in place for complaints reviews can be found here: <https://www.westmercia-pcc.gov.uk/key-information/police-complaint-reviews/>

Systems are also in place to actively manage complaint-related correspondence from members of the public, to avoid any future conflict of interest or involvement in cases that may later be subject to review.

### **Quality assurance mechanisms the PCC has established to ensure that review decisions are sound and in line with the requirements of the complaints legislation and IOPC statutory guidance**

The external body assesses all reviews in line with relevant complaints legislation and statutory guidance; and all recommendations are quality assured by an appropriate officer within the PCC's office. Where matters are complex, the decision-maker within the PCC's office will engage with subject matter experts and policy leads for complaints legislation to ensure all aspects of the review have been appropriately dealt with.

All review outcome letters sent to complainants set out the findings of the review against key criteria within the complaints legislation and the IOPC statutory guidance. The PCC's office will notify PSD of any formal recommendations or learning identified through a



complaint review. To date, PSD have responded positively to recommendations made by the PCC's office, providing further reassurance that decisions to uphold reviews are sound and in line with complaints legislation.

1 year after implementation, the PCC's complaint reviews process was reviewed by the Deputy Chief Executive. This involved engaging with the external provider, PSD, and PCC teams, and provided a mechanism to quality assure the new reviews process. A number of minor improvements to the process were identified including amendments to outcome letters, and ensuring members of the public have sufficient opportunity to share further representations.

A number of officers within the PCC's team have received training inputs on complaints legislation from the Home Office and the IOPC. This learning is disseminated across the office. A PCC representative also attends quarterly IOPC regional practitioner workshops to support the continual development of the function.

### **How the PCC assesses complainant satisfaction with the way in which they have dealt with complaints**

There is no direct measure of satisfaction with the reviews process. All reviews are considered in line with complaints legislation and statutory guidance. This may mean that some complainants do not receive the outcome they had hoped for. In a minority of cases, this results in individual who are dissatisfied with the outcome of their complaint review re-entering the system by submitting additional correspondence or requests to engage in other statutory processes (e.g. Freedom of Information (FOI) and Subject Access Requests (SARs)). In all cases, further correspondence and requests are dealt with in line with relevant legislation and local /national policies. All attempts are made to constructively and sympathetically engage with individuals who are not satisfied with their complaint review, however review decisions can only be challenged by Judicial Review. No complainant has applied for a Judicial Review to date.

The complaint review upheld rate for the year to date is 10%; providing assurance to the public that there is a robust reviews process in place, and that in the majority of cases, the public is receiving a reasonable and proportionate response to their complaints.