



COMPLAINT HANDLING

POLICE & CRIME COMMISSIONER STATEMENT

(Published December 2022)

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. The latest IOPC data covers the period 01 April 2022 – 30 June 2022 (Q1):

- 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 Q1, 99% 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 (91%) and shows that in almost all 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 number of reviews received as a proportion of complaint cases finalised under Schedule 3 in West Mercia (17%) remains lower than the most similar force (MSF; 26%) and national (21%) 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.

There are currently no HMICFRS recommendations in relation to complaints handling. HMICFRS published 2 reports relevant to PSD in November 2022, however these reports focused on vetting and misconduct:

1. A national inspection of vetting, misconduct, and misogyny in the police service;
2. A report into the effectiveness of vetting and counter-corruption arrangements in West Mercia Police.

There are clear processes within the PCC's office and in the force to ensure oversight of all HMICFRS recommendations. This includes regular meetings between the PCC's office and force / HMICFRS leads. Formal governance of HMICFRS recommendations is provided 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. Data insights are also used to inform annual budget planning to ensure the complaints team has sufficient resources to manage the volume of complaints being received. For example, in 2021/22, data indicated that staffing levels were not sufficient and a decision was made to uplift the complaints team by 1 additional post.

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 includes timeliness of initial contact and time taken to finalise cases. 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.

A review of data for 2021/22 and Q1 2022/23 has identified trends in relation to timeliness of complaints at the start and end of the process:

- There has been a small increase in the average no. of working days to contact complainants (9 days) and log cases (10 days).
- The average no. of days to finalise complaints (outside Schedule 3 and under Schedule 3) in West Mercia was above the MSF and national average.

The trends in timeliness were subject to scrutiny at the last quarterly PSD performance meeting (30/11/22). The increase in time taken to progress complaints is the direct result of staffing difficulties experienced by PSD over the last year including vacancies (3 leavers) and delays in being able to recruit into posts. The complaints team in West Mercia is small (5.5 full time equivalent posts + 1 Sgt), and as a result, vacancies have a significant impact on performance. Staffing levels and performance in relation to timeliness will continue to be monitored over the next quarter.

Alongside data produced locally and nationally, the PCC also has systems in place to monitor complaints-related correspondence sent to him 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 notification letters (and in some cases, 6 monthly update letters) for 10 cases 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. Only 2 of the 10 cases are still live. Both are subjudice pending the outcome of criminal investigations and judicial proceedings.

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 to the relevant review body (RRB).

If the RRB is not satisfied the outcomes of a complaint are reasonable and proportionate, it can make various recommendations dependant on how the complaint was handled. This includes how the dissatisfaction expressed by a complainant can be remedied to make sure the substance of the complainant's concerns are fully addressed

The PCC's office has established a mechanism to record all recommendations and oversight learning identified by the PCC as the RRB. Trends are analysed and feedback is provided to PSD to help improve the quality of its response to complaints. These trends are also monitored at the PCC's quarterly meetings with PSD and the IOPC.

In the past, this engagement with PSD has led to further training inputs for the department to ensure the complaints team record and answer complaints as comprehensively as possible. The impact of this training is monitored by way of the PCC's reviews data and the recommendations being issued. Engaging with the IOPC on a quarterly basis enables sharing of best practice across oversight bodies and is used 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, the Head of PSD and the Senior Complaints Manager. The meetings focus on performance against complaint handling KPIs, complaint reviews data and oversight of gross misconduct matters. Any trends identified via the PCC's casework (for example concerns regarding timeliness) 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 RRB, the average time taken to finalise a review year-to-date (YTD: 01/04/2022 – 08/12/2022) is 51 days (inc. non working days). The average time taken to finalise reviews in West Mercia is quicker than the MSF and national average (69 working days, Q1 2022/23).

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 the recommendations made by the PCC's office; 0 recommendations have been rejected by the force. This provides further reassurance that decisions to uphold reviews are sound and in line with complaints legislation.

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 YTD is 44% (17 out of 39 reviews). This is an increase on the previous year and should provide 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 from PSD. However, where this is not the case, the reviews system is clearly identifying areas for remedy and improvement which are being accepted and actioned by the force.