



Item 7 (i)

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**Report to:** Police and Crime Panel

**Date:** 11<sup>th</sup> March 2022

**Subject:** Complaints Report

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**Report of:** Alison Lowe, Deputy Mayor of West Yorkshire for Policing and Crime

**Author:** Karen Grey – Casework Manager

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## 1. PURPOSE OF THE REPORT

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- 1.1. To provide an overview of casework, complaints and conduct matters dealt with by the Policing and Crime Team during 2020/21.
- 1.2. To provide an overview of the work by the Professional Standards Department in West Yorkshire Police (Appendix A)

## 2. INFORMATION

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### 2.1 COMPLAINT REVIEWS

- 2.1.1 From 1 February 2020, Police and Crime Commissioners (PCCs) and the Independent Office for Police Conduct (IOPC) became responsible for carrying out reviews of complaints recorded and handled under Schedule 3 of the Police Reform Act 2002. Criteria within the Policing and Crime Act 2017 set out which reviews are undertaken by the IOPC; PCCs became responsible for the remainder. From 10 May 2021 this responsibility passed to the West Yorkshire Mayor. The responsibility for reviews is delegated through to Casework staff in the Policing and Crime Team.
- 2.1.2 The main responsibility for reviews falls to the Casework and Reviews Manager, but the two Casework Officers are also able to conduct reviews to provide resilience, cover during absences and to cater for a small number of

cases where there has previous involvement by the Casework and Reviews Manager.

2.1.3 Figures for 2021/22 (as of 21 February 2022):

- A. 171 review requests have been received
- B. 4 complaint reviews requested in 2020/21 were carried forward into 2021/22;
- C. 29 were invalid, withdrawn or were rejected;
  - i. The IOPC was the correct review body for 18;
  - ii. 5 were rejected because the application was made after the 28 day deadline and the complainant did not provide a reasonable response for why their application was late.
  - iii. 4 were requests for complaints that had not been dealt with inside Schedule 3 of the Police Reform Act 2002;
  - iv. 1 was a request for extension of the review period which was refused;
  - v. 1 review request was withdrawn by the complainant;
- D. 129 reviews have been completed; 17 are outstanding;
  - i. 30 of the completed reviews (23%) were upheld because the complaint outcome was not felt to be reasonable and proportionate;
  - ii. The remainder of the completed reviews were not upheld as the complaint outcome was judged to be reasonable and proportionate.
  - iii. 20 of the upheld reviews were sent back for investigation;
  - iv. 8 of the upheld reviews proposed a remedy under Section 28ZA of Schedule 3 of the Police Reform Act 2002;
  - v. The remaining 2 upheld reviews did not have a recommendation as missing information was provided by the reviewer in line with paragraph 18.37 of the IOPC's Statutory Guidance;
- E. The average time to complete a review remains at 13 working days.

2.1.4 The purpose of a review, as set out in the legislation, is to determine whether the outcome of the complaint was reasonable and proportionate. It is not to reinvestigate someone's complaint. West Yorkshire Police provides the Reviewer with access to the SharePoint folder for the complaint where all information collected by the complaint handler in the course of their enquiries into the complaint is stored. Reviewers are also given access to Niche and the Force's Body Worn Video system, having had appropriate training.

2.1.5 While undertaking a review, reviewers answer the following questions, which are specified in the IOPC's Statutory Guidance:

- a. Whether the complaint was fully understood and all allegations or concerns addressed;

- b. Whether reasonable lines of enquiries were undertaken to be able to provide a reasonable and proportionate outcome;
- c. Whether due regard was given to relevant guidance;
- d. Where any aspects of the complaint were not addressed, or any lines of enquiry were not pursued, whether there were sound reasons given for this;
- e. Whether information or evidence was weighed appropriately and fairly;
- f. Whether the findings or determinations reached, logically follow from the information or evidence obtained;
- g. Whether enough information was given to the complainant to address the complaint and support the outcome (added recently following attendance at IOPC workshop on reviews).

2.1.6 If any actions are identified, the reviewer will consider the following points, which are again in the IOPC's Statutory Guidance:

- a. Whether due regard was given to the relevant legal tests and guidance;
- b. Whether the complaint handler attempted to understand the outcome sought by the complainant and gave that due consideration;
- c. Whether the proposed actions have sought to remedy the issues raised, so far as is reasonably possible;
- d. Whether the proposed actions are reasonable and proportionate, considering all the circumstances;
- e. Whether actions have been proposed or taken in respect of any learning or other issues identified through the handling of the matter.

2.1.7 If a complaint is upheld, the Reviewer can make a recommendation to the Force to either:

- a. Refer it to the IOPC;
- b. Investigate the complaint (if it was dealt with 'otherwise than by an investigation'); or
- c. Undertake specific actions to remedy the complainant's dissatisfaction.

2.1.8 Staff undertaking complaint reviews regularly liaise with PSD staff to discuss learning points arising from the reviews.

## **2.2 COMPLAINTS AGAINST THE CHIEF CONSTABLE**

2.2.1 The Mayor is responsible for dealing with complaints or conduct matters against the Chief Constable under the Police Reform Act 2002. From 1 February 2020 complaints received about the Chief Constable were handled in line with the legislative changes brought in by the Policing and Crime Act

2017. Details of the complaints recorded against the Chief Constable are published on the PCC's website.

2.2.2 The Policing and Crime Act 2017 no longer requires complaints about the Chief Constable which are really about a matter that is delegated to others within the Force to be recorded. The legislation recognised that such complaints should be passed to the Force to resolve and the complainant advised of the action taken. Prior to 1 February 2020 such complaints would have had to have been recorded and resolved on-the-spot by providing an explanation that the responsibility had been delegated.

2.2.3 During 2021/22 (to 5/01/2022) no public complaints have been recorded against the Chief Constable.

1. 7 public complaints about the Chief Constable were received and not recorded to date. All were judged to not be complaints about the Chief Constable because they were about delegated matters, or the Chief Constable had no personal involvement in the matter being complained about.
2. No conduct matters have been recorded against the Chief Constable during 2021/22 to date.

## **2.3 COMPLAINTS AGAINST THE FORMER POLICE AND CRIME COMMISSIONER, MAYOR OR DEPUTY MAYOR FOR POLICING AND CRIME**

2.3.1 The Police and Crime Panel is responsible for dealing with complaints made against the former Police and Crime Commissioner, the Deputy Mayor for Policing and Crime and the Mayor in her role as Police and Crime Commissioner.

2.3.2 Panel papers show that no complaints have been recorded in 2020/21 against the former Police and Crime Commissioner, the Deputy Mayor for Policing and Crime and the Mayor in her role as Police and Crime Commissioner.

## **2.4 COMPLAINTS AGAINST POLICING AND CRIME STAFF**

2.4.1 The Policing and Crime Team's responsibility to undertake reviews of complaints has resulted in some people who are dissatisfied with the review outcome making complaints about the staff member who conducted the review. 7 complaints were received against staff members during 2021/22 to 21 February 2022. There is no further appeal route for the outcome of complaint reviews except by judicial review. Complaint against members of staff are dealt with in consultation with the Interim Head of Policing and Crime.

## **2.5 CASEWORK**

- 2.5.1 Since the Casework Team began using the Combined Authority's Customer Relationship Management (CRM) System for recording casework, 670 new pieces of casework have been recorded. They continue to cover a wide range of issues. Complaint reviews are not logged on this system as they are logged on Centurion, the police complaints system.
- 2.5.2 Since becoming responsible for reviews, the Casework Team has changed its approach to matters which are or could become complaints. Individuals have been signposted to the Force complaints process, so that the Policing and Crime Team can remain impartial should it be asked to review the complaint resolution at a later time.
- 2.5.3 Unfortunately, it is not yet possible to provide a full breakdown of casework to show the most common topics raised. Tags of keywords can now be added to cases and work is underway to add them to cases already on the system to enable analysis to take place. Traffic, drugs and dissatisfaction with operational policing matters still seem to be regular topics raised with the office.

## **3. EQUALITY, DIVERSITY AND INCLUSION BENEFITS AND IMPLICATIONS**

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- 3.1. The West Yorkshire Professional Standards department paper looks explicitly at the implications of equality, diversity and inclusion with regard to complaints and complaint handling in West Yorkshire Police.
- 3.2. This introspective work will provide a platform to ensure that individuals from an ethnic minority background are treated equally in this area and ensure benefits are realized.

## **4. IMPLICATIONS FOR YOUNG PEOPLE IN WEST YORKSHIRE**

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- 4.1 There is no direct implication for young people in West Yorkshire although any improvements will also benefit those that come into contact for any reason.

## **5. FINANCIAL IMPLICATIONS**

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- 5.1. Both the Office for Policing and Crime and West Yorkshire Police invest resources into this area. Any changes have direct impact on the numbers required to cover this area of business.

## **6. LEGAL IMPLICATIONS**

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- 6.1. As stated in the report, all work in this area is completed to legal requirements and this is checked on a regular basis

## **7. EXTERNAL CONSULTATION**

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- 7.1. The complaints procedures are designed to be open and transparent with the public able to attend and watch various procedures.
- 7.2. Complaints and conduct matters dealt with by PSD are scrutinized on a quarterly basis by the Joint Audit and Ethics committee which has an external chair and an annual report of complaint and casework in the Policing and Crime Team is made to the Committee.

## **8. RECOMMENDATIONS**

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- 8.1. That the casework, complaints and conduct monitoring information is noted
- 8.2. That the Professional Standards paper at Appendix A is noted

## **BACKGROUND PAPERS AND APPENDICES**

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### **Appendix A – Professional Standards Department Report**

## **CONTACT INFORMATION**

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