



WEST YORKSHIRE POLICE AND CRIME PANEL

15 December 2017

Office of the Police and Crime Commissioner

Complaints and Casework Update

1. Purpose

- 1.1 To provide members of the Police and Crime Panel with an update on complaints and casework dealt with by the Police and Crime Commissioner (PCC) during 2017.

2. Background

- 2.1 The PCC is the 'appropriate authority' under the Police Reform Act 2002 with respect to dealing with complaints or conduct matters relating to the Chief Constable. The PCC is also responsible for holding the Chief Constable to account for the way that West Yorkshire Police deal with complaints and conduct matters.
- 2.2 The Police and Crime Commissioner also deals with casework brought to him by members of the public in West Yorkshire.

3. Complaints and conduct matters relating to the Chief Constable

- 3.1 During 2017 18 public complaints against the Chief Constable were made to the PCC. 2 of these formally recorded under the Police Reform Act and locally resolved 'on the spot' by way of explanation. Decisions were taken not to formally record 15 complaints with 3 appeals to the IPCC in relation to these non-recording decisions – none of the appeals were upheld. 1 complaint is ongoing. 1 of the local resolutions was appealed to the IPCC and not upheld.
- 3.2 No conduct matters were recorded against the Chief Constable during 2017.
- 3.3 Details of the complaints recorded against the Chief Constable are published on the PCC's website.

4. Pilot Mediation Scheme

- 4.1 Members are aware that the 2014 review of complaints undertaken by Catherine Crawford recommended that the PCC considered introducing independent mediation into the police complaint process and the Chief Constable agreed in 2015 to pilot independent mediation in low-level police complaints within the West Yorkshire Force.
- 4.2 The Office of the Police and Crime Commissioner sought expressions of interest from third parties to work with the PCC and Chief Constable to operate the pilot and Yorkshire Mediation were successful.
- 4.3 The pilot scheme was to operate within the relevant statutory regulations for police complaints and would address complaints which were deemed suitable for 'local resolution' (ie, complaints which, if proven, would not justify any criminal or misconduct proceedings being taken against the person complained of and which do not infringe a person's rights under the Human Rights Convention).
- 4.4 Yorkshire Mediation worked closely with the OPCC and Professional Standards Department (PSD) and it was agreed that the pilot scheme would be implemented within the Service Recovery Teams in the first instance. Two Service Recovery Teams had recently been established by West Yorkshire Police in response to a decision to centralise complaint handling and increase the numbers of complaints which were dealt with by local resolution. Previously, complaint-handling had been decentralised to policing districts. The benefit of working with the Service Recovery Teams was that a more consistent and focussed short-term pilot could be tested; Yorkshire Mediation would liaise with a small number of officers who had a good understanding of the aims of the pilot and who could identify suitable cases, liaise with the officers complained about and liaise with the OPCC.
- 4.5 It was acknowledged that the volume of suitable cases was likely to be low; the Service Recovery Teams had been created whilst the pilot scheme was being established the teams had quickly had a positive impact on the outcome of low-level complaints in terms of the speed in which complaints could be finalised and the lower level of subsequent appeals.
- 4.6 Ordinarily, mediation would involve the mediating organisation (Yorkshire Mediation) contacting both parties to discuss the mediation process, the circumstances of the dispute and to seek agreement to participate followed by a joint meeting between both parties and the mediator at a neutral venue, usually all on the same day. Confidentiality is maintained by the mediating organisation except in those circumstances where information is disclosed that raises serious safety concerns.
- 4.7 It was agreed that the Pilot Scheme would operate on similar principles but officers in the Service Recovery Teams would identify suitable complaints for mediation and would speak to the complainant to seek their agreement to take part in mediation. If the complainant agreed, officers in the Service Recovery

Teams would contact the officer complained about to seek their agreement to participate in the process. If both parties were agreeable, Yorkshire Mediation would be contacted and given details of both party's availability. Yorkshire Mediation would liaise with both parties to arrange a mediation meeting. If the matter was successfully resolved the complaint would be finalised by mediation and not recorded formally with the complainant's agreement. If the matter could not be resolved a formal complaint would be recorded and progressed through local resolution.

- 4.8 In advance of the pilot scheme being launched it was agreed to test an early case against the principles outlined above and a suitable case was identified relating to a complaint against an officer who was directing traffic following a road traffic accident. The complaint was that the officer was belligerent and threatening. Both complainant and officer were willing to engage in mediation and the matter was successfully mediated with the complainant withdrawing their police complaint afterwards. The complainant stated that he found the mediation process fair and the officer stated that it was good to have a face-to-face meeting so that both parties could discuss the issue and understand it.
- 4.9 The process took 10 weeks to facilitate, however, requiring the officer to be identified from Force duty systems and account taken of the complainant's availability, the officer's shift pattern and their Police Federation representative availability (the officer wished to have a representative attend).
- 4.10 Following conclusion of the test-case it was agreed that the pilot scheme would be suspended; a number of factors were taken into account in reaching this decision:
- (a) The introduction of service recovery teams in West Yorkshire Police has had a significant, positive, impact on the Force's handling complaints. The teams were established in February 2016 and are now fully staffed. West Yorkshire is presently locally resolving 50% of allegations compared to a national average of 43%. The service recovery teams are resolving these complaints on average in 29 days compared to the national average of 70 days. 96% of allegations are formally recorded in West Yorkshire within the 10 days stipulated by the complaints regulations compared to a national average of 81%.¹
 - (b) The Force is also resolving more complaints 'there and then'. This is allowed within Police Regulations if the complaint can be resolved there and then and to the complainant's satisfaction within 10 working days. In this event a formal complaint is not recorded. In August 2017 27 cases were finalised as 'there and then' resolutions. Combined, the work of the service recovery teams in locally resolving complaints and the 'there and then' approach is likely to achieve a large part of the outcome sought through mediation; early resolution to the complainant's satisfaction with fewer subsequent complaints.
 - (c) In terms of mediation the IPCC's advice was sought with regard to the non-recording of complaints. The advice given to the Force was that the complaint should preferably be formally recorded and the mediation identified as a form of

¹ IPCC performance data, 01/04/2017 – 30/09/2017

local resolution. The IPCC were clear that, if a formal complaint was not recorded, it must be resolved within 10 working days. Although only 1 case was tested and this was done before the pilot was properly implemented it is clear that trying to achieve independent mediation within a 10 working day timeframe will be very challenging given officer shift patterns and availability to take part in the process.

- (d) Finally, it was felt that, although the outcome of the test case was very positive, it was extremely resource intensive in terms of officer time and the time taken to conclude the process and, given the improvements achieved by a service recovery approach with significantly fewer resources, not appropriate for introduction across the Force.

4.11 For these reasons the PCC agreed that the pilot should not continue.

5. Casework

5.1 The Office of the Police and Crime Commissioner continues to receive around 100 new cases every month, covering a wide range of issues. The casework software used within the office allows cases to be categorised by keywords and this enables the production of a analysis of the issues brought to the Commissioner's attention.

5.2 Comparison of the casework recorded during the 2016 calendar year and 2017 to 31 October 2017 shows the following as being the top themes that cause people to contact the Police and Crime Commissioner:-

| Most common themes | 2016 | 2017 to 31/10/2017 |
|--------------------|--|--|
| 1 | Dissatisfaction with how West Yorkshire Police is dealing with a crime report. | Dissatisfaction with how West Yorkshire Police is dealing with a crime report. |
| 2 | Concern about traffic issues – mostly wanting the police to take enforcement action. | Concern about traffic issues - mostly wanting the police to take enforcement action. |
| 3 | Complaint about police officers or police staff. | Complaint about police officers or police staff. |
| 4 | Concerns about drug dealing - wanting police action. | Concerns about drug dealing - wanting police action. |
| 5 | Young people causing anti-social behaviour – wanting police action. | Neighbour issues – wanting police action. |
| 6 | Adults causing anti-social behaviour – wanting police action. | Young people causing anti-social behaviour – wanting police action. |
| 7 | Neighbour issues – wanting police action. | Adults causing anti-social behaviour – wanting |

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| | | police action. |
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5.3 Some keywords have sub-categories which reveal other changes between 2016 and 2017:-

- There has been a significant increase in correspondence about how long people are waiting for police officers to be allocated to investigate reported crimes. In previous years comments have tended to relate to dissatisfaction with the outcome of the police investigation.
- Whilst speeding remains the top traffic issue raised with the Police and Crime Commissioner, there has been a reduction in correspondence about inconsiderate parking or motoring offences.

5.4 With the exception of complaints about police officers or police staff which are referred, with permission, to the West Yorkshire Police Professional Standards Department, casework staff work in co-operation with colleagues in police districts and departments to address issues brought to the Commissioner's attention as far as is possible.

6. New Responsibilities

6.1 In December 2016 members received a report giving an overview of the changes to the police complaints system introduced by the Policing and Crime Act 2017. Changes include:

- introducing a broader definition of a complaint to be any expression of dissatisfaction with a police force by a member of the public;
- allowing low level customer-service issues to be resolved informally outside of the formal process;
- requiring that all complaints are recorded unless the complainant withdraws the complaint or it is decided to address it informally and the complainant is in agreement;
- adding a broad duty to consult a complainant about how their complaint might be dealt with;
- removing the different options of handling complaints such as local resolution, local investigation and disapplication, and replacing them with a duty for appropriate authorities to handle complaints in a reasonable and proportionate manner. In some cases reasonable and proportionate action may involve taking no further action. The only exception is where there is an indication the conduct complained of would justify criminal or disciplinary proceedings, or a breach of articles 2 or 3 of the Human Rights Act when an investigation is mandatory.
- adding a duty for the appropriate authority to keep complainants and interested parties informed about the progress of the complaint, the outcome and their appeal rights regardless of how the authority is handling their complaint;

- simplification of appeal points, as a consequence of other changes, so that there is one right of appeal in relation to the outcome of the complaint.
- 6.2 The Act also strengthens the role of Police and Crime Commissioners in the complaints process:
- Addition of an explicit duty on Police and Crime Commissioners in relation to the oversight of the complaints process;
 - Police and Crime Commissioners will become the body to deal with all reviews, currently known as appeals and heard by the Chief Constable;
 - After considering a review, Police and Crime Commissioners will be able to recommend how the complaint should be resolved. Chief Constables will be expected to co-operate with Police and Crime Commissioners to achieve a satisfactory outcome.
- 6.3 The legislation will allow Police and Crime Commissioners to delegate their complaint handling powers.
- 6.4 Since the previous report there have been a number of meetings with the Head of Professional Standards Department to consider and scope the changes which are currently anticipated to come into operation in mid-2019 rather than the original timescale of 2018. The Home Office arranged an event for Police and Crime Commissioners and relevant staff in the summer of 2017 to discuss the models open to Commissioners and the impact of the changes. There has also been a very recent initial meeting with local oversight and liaison team from the Independent Police Complaints Commission (IPCC) to understand the changes within that organisation that will come into effect in January 2019 and the assistance they will be giving to Police and Crime Commissioners to prepare for their new roles.
- 6.5 A more detailed action plan will be developed to prepare for the implementation of the new legislation once a definite timescale has been announced.