

COMMUNITY OUTCOMES MEETING

24 January 2017

SUBJECT: PROFESSIONAL STANDARDS DEPARTMENT COMPLAINTS AND CONDUCT DATA

Report of the Chief Constable

PURPOSE OF THE REPORT

1. This report outlines the Force's current position in relation to Complaints and Conduct data.

RECOMMENDATION

2. That the Police and Crime Commissioner uses this report to scrutinise Force performance in respect of Complaint and Conduct matters.

PRIORITY IN THE POLICING AND CRIME PLAN

3. The Police and Crime Commissioner (PCC) is committed to ensure West Yorkshire Police are open and transparent and review complaints accordingly, he has worked with the Chief Constable to implement the findings of the Crawford Review of complaints which was published in March 2014, this includes an early resolution approach to the resolution of police complaints. The attached reports from the Chief Constable identify the impact that this has had on the complaint handling in Force. The introduction of a service recovery approach and centralisation of complaint handling in Professional Standards Department (PSD), which has the support of the Police and Crime Commissioner, has seen a much higher level of local resolution and improved timeliness in complaint handling. Reviews by the Office of the Police and Crime Commissioner, Her Majesty's Inspector of Constabulary and Independent Police Complaints Commission have been favourable.
 - A pilot programme to introduce independent mediation into police complaints is also underway. This was established by the PCC in conjunction with Yorkshire Mediation and is now being managed by Professional Standards Department (PSD).
 - The PCC and Chief Constable are committed to working together as legislative changes are introduced by the Government over the next two years. These are designed to give a greater role to the PCC in relation to police complaints. Work has already begun, with PSD, to identify future options for the PCC.

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24th JANUARY 2017

PROFESSIONAL STANDARDS DEPARTMENT REPORT



**WEST YORKSHIRE
POLICE**

AUGUST 16 – OCTOBER 16

EXECUTIVE SUMMARY

Complaints

- Total complaint allegations have decreased steadily over the last 3 months (August – October 16). There were 225 complaint allegations in October 16, a decrease of 11% on the previous month. Yearly totals for complaint allegations have increased by 501 (22%), and complaint cases have increased by 489 (30%).
- Main areas of concern are neglect and failure in duty, incivility, intolerance and impoliteness and other assault.
- PSD Inspector SPOCs have now been appointed to address specific issues with Districts and provide assistance and learning where required. PSD have also recently appointed a Training and Engagement Officer who will coordinate training and learning across the Force and push out the relevant messages via the Intranet and the PSD quarterly newsletter.

Performance Commentary – explanation of increase in complaints recorded

- In the recently published IPCC annual police complaints statistics for 2015/2016 (April 15 – Mar 16), West Yorkshire Police showed an increase of 49% from the previous 12 months from 1255 cases to 1867 cases.
- The rise in the number of complaints reported is almost entirely due to the way in which complaints are now recorded. This follows recommendations from the HMIC and IPCC to ensure that West Yorkshire Police has the ability to appropriately check its own procedures and performance and transparency in the recording process.
- Lower level complaints such as failure by an officer to return a call or to facilitate the return of seized property, would previously have been captured and then dealt with at district level as a minor dissatisfaction case.
- The IPCC Statutory Guidance does allow for this to happen – it states ‘if a person’s complaint can be dealt with there and then, to the satisfaction of the person making the complaint, there is no need to record it under the Police Reform Act, provided he or she confirms that they are withdrawing the complaint.
- Lower level matters used to be passed straight to district to attempt to resolve ‘there and then’. This was successful in some cases, however other cases were not resolved and complainants were left dissatisfied and without a formal complaint being recorded. This led to a large increase in the numbers of non-recording appeals to the IPCC.

- A decision was therefore taken back in April 2015 that these types of cases would all be recorded as complaints and attempts should be made to locally resolve. This is similar to the Forces stance on ethical crime recording and allows for greater transparency and accountability.
- This has therefore led to the large increase in the number of complaints recorded, however looking back at previous figures the total amounts have remained constant.
 - April 13 – March 14 -1000 complaint cases recorded and 968 minor dissatisfaction cases (total 1968)
 - April 14 – March 15 – 1255 complaint cases recorded and 612 minor dissatisfaction cases (total 1867)
 - April 15 – March 16 – 1867 complaint cases recorded and 51 minor dissatisfaction cases (total 1918)
- Looking at the total figures the actual increase in complaints (including minor dissatisfaction cases) from the previous 12 months equates to just under 3%.
- It is of note that the IPCC report is already 8 months out of date as it reports on the 2015 – 2016 financial year April – March. Most recent figures show that from December 15 – November 16 2139 complaint cases were recorded. This is a 14% increase from the same period in 2014 – 2015.

PSD Service Recovery Team and increase in Local Resolutions

- In relation to local resolutions these are showing an increase of 15% as a proportion of all complaints in the last 12 months from 58% in 2014-15 to 73% in 2015-16. The Service Recovery Teams (SRT) at PSD which was implemented in February 2016 have had a great impact on both the timeliness and quality of complaint investigations and the high proportion of cases dealt with by local resolution.
- The local resolution rate compares favourably to the national figure of 43% and the Most Similar Force figure of 53%.
- Timeliness of dealing with complaints has improved significantly with cases being dealt with by the Service Recovery Team in an average of 16 days.
- New performance measures have recently been introduced by the Professional Standards Department including length of investigation and updates to officers and staff. This commenced in December 16 and will be done on a quarterly basis (Jan – Mar 17) with an interim update in January 17.

Appeals

- Over the last 12 months 5% of appeals against the outcome of an investigation and local resolution have been upheld and returned for further work/ investigation.
- SRT East have had the most appeals upheld with 16%
- The number of appeals has decreased in Oct 16 with 14 compared to 18 in September.
- The SRT Teams are picking up appeals which have been upheld by the IPCC for old investigations previously dealt with by Districts.

IPCC Referrals

- There were 11 referrals made to the IPCC in October 16 compared to 16 in September and 17 in August. Over the last 12 months the number of referrals has remained constant with 152 in 2015 – 2016 compared to 160 in 2014-2015. There has however been an increase in the number of independent investigations from 18 to 22.
- West Yorkshire Police currently have 16 live independent investigations and 1 supervised investigation.

Conducts

- Total conduct allegations have decreased in Oct 16 with 10 compared to 13 in September.
- Yearly totals for conduct allegations have increased by 4 (2%).
- Main areas of concern are discreditable conduct (mainly off duty behaviour) and duties and responsibilities (linked to ongoing IPCC independent investigations).
- PSD SPOCs pick up these issues and they are raised with the Districts concerned. All Districts have quarterly Health Checks which identify officers of concern and look at any patterns and trends.
- The top 3 threats from the most recent Strategic Threat Assessment by volume are disclosure of information, theft and fraud and vulnerability.

- The top 3 threats from the most recent Strategic Threat Assessment by risk are officers committing criminal offences, sexual misconduct and officers perverting the course of justice.

Police Staff Discipline Cases

- There have been 57 cases recorded since PSD took over the policy at the beginning of March 16 and 63 allegations made. The breakdown is as follows - 37 – general conduct, 13 – confidentiality, 1 – criminal conviction, 2 – equality and diversity, 4 – honesty and integrity, 6 – performance of duties

Suspended and Restricted Officers and Staff

- There are currently 9 police officers suspended and 29 police officers on restricted duties. There are 5 police staff members suspended.

Update on the Professional Standards Dept Service Recovery Team

The Professional Standards Department Service Recovery Team was implemented on 15 February 2016 to allow the centralisation of all public complaint and conduct matters. The handling of public complaints is critical to restoring trust and confidence and is an essential tool in allowing lessons to be learned.

Background

Prior to 2011, conduct and complaint matters were managed centrally by Professional Standards. The 2011 review effectively disbanded the department and left an Anti-Corruption function only. The review met its objectives of a 50% departmental budget saving but the devolvement of such matters to District and the inefficiencies which accompanied it, ultimately resulted in an increased expenditure for the Force. The savings were never realised.

The changes made to complaint handling in 2011 meant that all complaints and conduct matters below the level of gross misconduct and criminal investigations were delegated to Districts and Departments to manage. Each District and Department set up an individual Quality and Standards Unit or Compliance Unit to deal with complaints and conduct in their area, with no standard structures or working practices.

The disparate nature of the Quality and Standard hubs forced members of the public to enter into a postcode lottery in relation to how their complaint was handled. The hubs varied significantly in terms of their structure, staffing, additional commitments and their allocation policy. West Yorkshire Police were not compliant with the 2008 Taylor Reforms which placed a strong emphasis on achieving proportionality in the handling of complaints. The protracted, lengthy investigations resulted in inefficiencies both in terms of cost and the deployment of resources.

In October 2014, Professional Standards undertook a pilot project with two Detective Constables from reactive investigations to identify whether local resolutions could be better utilised within the Force. During the four months that the Service Recovery Team pilot existed, two Constables, with a number of additional workload demands, resolved 139 cases.

The Service Recovery Team provided consistency, were complainant focused with a clear ethos of making early contact with the complainant and resolving the complaint to their satisfaction but also being robust and managing expectations when necessary.

At the same time that the Service Recovery Team was being set up in February 2016, responsibility for Police Staff discipline was also taken on by the Professional Standards Department. This has led to a considerable increase in work for the Department, which has been absorbed by the Reactive Teams and the additional resources of the Service Recovery Team.

Performance

The Service Recovery Team commenced work on 15th February 2016. The approved proposal was for the Team to be made up of 1 Inspector, 2 Sergeants and 16 Constables. The teams occupy two sites within West Yorkshire; Brighouse Police Station contains 1 Sergeant and 8 Constables, while the other Sergeant and 8 Constables are based at Headquarters (Admin 1).

The Team are still not yet up to full strength and constable posts have been advertised and it is anticipated that the new members of staff will be in post by January 17. With existing staff moving to other roles and applying for promotion, at least 3.5 new staff members will be required to cope with demand.

In order for the new team to meet the requirements of the Force, it was recognised at an early stage that an increased usage of local resolutions would need to be implemented. The drivers for the increase in the use of local resolutions were two fold. Firstly, West Yorkshire Police wanted to remove the perception that investigations were taking place to defend and exonerate our officers of any failures. Secondly, as a local resolution isn't an 'outcome' for discipline purposes¹, it allows the swift finalisation of a complaint by the Service Recovery Team following initial recording, without having to interview officers for their accounts (although officer's accounts are still sought in the vast majority of local resolutions).

Prior to the 2014 pilot, West Yorkshire were the worst performing Force nationally with a local resolution rate of 9%. However, during the pilot period the local resolution rate rose to 42%. For a successful local resolution the focus must be on mediating between involved parties to achieve a bespoke resolution.

The annual local resolution rate from the December 16 Professional Standards Department Tactical Intelligence Assessment is now 73%. This compares favourably against the latest annual data set (April – September 16) from the IPCC which puts the national average as 43% and 52% within our Most Similar Force Group.

Cases - Timeliness

Recent performance data completed for the Professional Standards Department Tactical Intelligence Assessment (December 2016) has shown the following improvements:

Category	Feb-Dec 2015 (Districts)	Feb-Dec 2016 (SRT)	+/-
Average time to complete complaint case (All cases)	46 days	19 days	59% Quicker
Average time to complete Local Resolutions	37 Days	13 Days	65% Quicker
Average time to complete Investigations	84 Days	40 Days	52% Quicker
Average time to complete Cases Withdrawn	49 Days	9 Days	82% Quicker

The OPCC Audit Team recently completed an audit on complaint cases handled by the Service Recovery Team (issued 13 September 16). 50 cases were selected and all but 2 were correctly assessed as suitable for local resolution and were recorded within the 10 day target. The audit concluded that the local resolution process was working well and was well managed. The complainant was always contacted promptly, in most cases on the day the complaint was received and contact was well maintained throughout the resolution process.

Where appeals were received 17 out of the 18 reviewed were found to have had an appropriate outcome and the audit also found that the quality of finalisation letters was vastly improved and were personalised to the complainant's situation.

The audit concluded 'it is considered that the introduction of the Service Recovery Teams and the more centralised complaints process has provided a noticeable improvement in the timeliness of complaint recording and resolution. It has also been highlighted that overall contact with the complainant through the complaints process has improved, with it being determined with the complainant from the outset what a satisfactory outcome is'.

The IPCC have also just undertaken an audit on allegations of discriminatory behavior (7 and 8 December 16). They scrutinized around 40 cases and early feedback was positive. They were pleased to see a dramatic improvement in the range of characteristics that PSD were capturing for complaints recorded. The sample of files included most of the strands and

demonstrates that the force have taken steps to improve the recording and capturing of discrimination complaints. The IPCC were also able to identify in many of the files early engagement by phone and regular contact was had with all complainants which they found reassuring. They were also happy with the timeliness of the investigations. They did find some issues with the initial severity assessment, however this will be fed back in the official response and it was acknowledged that changes have been made since the inception of the SRT in February 16.

Cases - Workload

In the run up to the creation of the new team, the Professional Standards Department Compliance Unit engaged heavily with Districts/Departments to ensure that they were fully supported and able to manage the existing workload in light of the shift pattern and New Operating Model changes being implemented force wide.

The additional support and performance reporting also mitigated the risk that Districts and Departments would provide a lower level of service in the run up to their work migrating to PSD. This also meant that the Professional Standards Department could assess the different processes used, as a wide variety of working practices were in place across the Force.

The current workload of the Service Recovery Team is reported weekly via the Professional Standards Prioritisation Meeting. The workloads of the Eastern Team (based at Headquarters) and the Western Team (based at Brighthouse) have risen at a roughly similar rate. The total workload being carried by each team as of 9 January 17 was:

SRT – Eastern Team 138 Complaint Cases

SRT – Western Team 127 Complaint Cases

In total, since centralisation 1762 complaint cases have been allocated to the Service Recovery Team, 1389 (79%) of which have been finalised or are in the appeal period. For the same period in 2015 there were only 1400 complaint cases allocated out to Districts and Departments. This equates to a 26% increase in 2016.

Feedback from the Service Recovery Team

The Professional Standards Department Compliance Unit are working closely with the Team around continuous improvement. This allows the staff to highlight process improvements and to feed new ideas of what could be implemented, as well as reporting positive working practices.

Examples of successes reported by the teams include providing text updates to complainants by use of the MAPS facility (the mobile applications portal) when an investigator is appointed and speaking directly to officers that have been complained about (as opposed to simply sending emails).

A new administrative process has recently been implemented to professionalise the updates made to both members of the public and staff members every 28 days. This is required by both the Home Office Guidance and the IPCC Statutory Guidance but was not previously being done on a regular basis and had been raised as an issue at the Force Fairness Group last year. This new process ensures that all updates to complainants and staff are meaningful and relevant to the case and occur within the 28 day deadline.

The increased use of local resolutions has seen positive feedback from the IPCC, OPCC and HMIC as it is seen to offer a quick and effective outcome. As illustrated the figures speak volumes in terms of effectiveness and efficiency as to how long it takes to deal with a complaint and the number of complaints finalised by way of local resolution. It should be pointed out that the improvement in performance has been achieved with less than a full compliment of staff and once this is established in early 2017, performance is expected to continue to improve.

As a result of the increased number of local resolutions some concerns have been raised by the Federation, Unions and supervisors at District that their staff are having discipline findings recorded against them following a complaint being made. The general feeling is that some officers feel aggrieved that a local resolution has been recorded and they have been named within the complaint. There is also concern and a perception within some districts that if 4 local resolutions are recorded about an officer for similar matters within 2 years they will automatically become an officer of concern and the subject of further scrutiny. The Federation have been asked to provide specific examples of such cases.

This illustrated that there is a lack of understanding of exactly what a local resolution entails and there is a misconception that it is a finding of discipline recorded on the personal file of the officer which may then be disclosed for any court case if requested by CPS or the defence. There is therefore a great deal of work being undertaken to raise awareness across the Force around local resolutions and emphasise that it is not a discipline finding against an individual, however more a process to ethically record and deal with complaints. Senior members of PSD are seeking to address this by engaging with the staff associations to seek their support and understanding of the process which will then allow them to reassure their members. This message has also been published on the PSD website and sent to any person subject of a local resolution.

Training and Engagement

Engagement has already begun with District and Departmental training resources from around the Force to understand how best the new team can spread their messages to Officers and Staff in the most appropriate way. This links in naturally with the allocation of Detective Inspectors and Sergeants from within the Professional Standards Department to lead on engagement and training for each Operational business area. PSD have also recently appointed a Training and Engagement Officer to provide a consistent training approach and feed out lessons learned and appropriate Departmental messages. This work is being complimented by the new approach to District 'Health Checks', where District Commanders receive a bespoke briefing on the standards issues affecting their workforce.

The Professional Standards Department also continues to liaise closely with the Police Federation through structured strategic and tactical meetings. Throughout the introduction of the new team, engagement has increased with the Unions and Human Resources. Senior members of the Professional Standards Department regularly attend the HR Managers meeting, and there is a more consistent dialogue with both the Unions and HR as a result of the Professional Standards Department taking ownership of Police Staff discipline investigations.

Resources

Following discussions with the Chief Officer Team and Programme of Change, the Professional Standards Department are looking to civilianise a number of roles within the team as Investigative Officers. This would allow Officers to move back to frontline policing as well as providing stability within the team. The Service Recovery Team has also been running considerably under strength since the summer and a recent recruitment process has taken on 4 new constables who will start work on 23 January 16. The Department should now be in a position where it is equipped to adopt any new changes which are likely to be implemented under the Policing and Crime Bill which is expected later in 2017.

Mediation

A new and exciting area of work involving the use of mediation to resolve complaints has recently been introduced with a joint approach by the Service Recovery Team, OPCC and an independent mediation organisation – Yorkshire Mediation. It is in the initial stages and we only have one successful example to talk about however the mediation went well and the process has the full support of the Federation and buy in from those involved, both the officer and the person making the complaint.

The skill in this process is assessment of the complaint at a very early stage and the ability to recognise it as one suitable to be dealt with by way of mediation, this can be done by the Reviewing Officers at PSD or the SRT Sergeants. As soon as one is identified and the officer and complainant confirm they are happy to engage in the process then Yorkshire Mediation facilitate a meeting free of charge between the two to explore the reasons why the incident occurred causing the complaint. This is completely confidential and arranged by staff from the mediation group with no input from the SRT, no notes are presented and what is said in the meeting is for the information of those present only.

This allows a process where the complaint can be recorded and comply with Police Regulations. An early meeting is arranged and if the complainant is satisfied with the meeting and no longer wishes to pursue to complaint then an acknowledgement is obtained and the complaint is withdrawn.