

## OFFICE OF POLICE AND CRIME COMMISSIONER

**TITLE:** Complaint Reviews Annual Report 2021/2022

**DATE:** August 2022

**TIMING:** Annual

**PURPOSE:** For monitoring

<b>1.</b>	<p><b><u>RECOMMENDATION</u></b></p> <p>For the Police and Crime Commissioner (PCC) to receive the statistics and findings resulting from the review process for police complaints during 2021/22 and for high level information from this report to be used to meet our statutory reporting requirements on the reviews process as determined by the Specified Information Order.</p>
<b>2.</b>	<p><b><u>INTRODUCTION &amp; BACKGROUND</u></b></p> <p>The Policing and Crime Act 2017 introduced changes to the police complaints system. These changes were implemented on 1st February 2020 as part of The Police (Complaints and Misconduct) Regulations 2020.</p> <p>Under the new Regulations, the PCC has responsibility for reviews into complaints that have been formally recorded by Gwent Police unless the complaint meets the requirements for the review to be undertaken by the Independent Office for Police Conduct (IOPC).</p> <p>Since the change to the complaints system and the subsequent responsibility this placed on OPCCs, Gwent, Dyfed Powys and North Wales OPCCs agreed to enter into a contract for support with the process which would be provided whilst demand was assessed. This contract was subsequently awarded to Sancus Solutions Ltd. The support and independence provided by an external organisation has been invaluable, particularly as numbers have increased dramatically since the OPCC took responsibility of the review process (more detail is provided further into the report) and subsequently, the three OPCCs tendered for a new contract during 2021/22 and that has again been awarded to Sancus Solutions Ltd.</p>
<b>3.</b>	<p><b><u>ISSUES FOR CONSIDERATION</u></b></p> <p>Under the Regulations, a complainant can ask for a review if they do not think the outcome of their complaint has been reasonable and proportionate. When undertaking a review, the role of the OPCC is to consider whether or not the complaint process and its outcome were reasonable and proportionate; we are not able to re-investigate the complaint.</p> <p>Reasonable and proportionate means doing what is appropriate in the circumstances, considering the facts of the matter and the context in which it</p>

has been raised and within the legal framework as well as any relevant national guidance. It means weighing up the matter's seriousness and its potential for learning, against the efficient use of policing resources, to determine the extent and nature of the matter's handling and outcome. In coming to a conclusion, the seriousness of the complaint needs to be considered as does the nature of the incident/event and harm or potential impact on, or harm to any individual(s), communities or wider public and the potential impact on confidence in the police and in the police complaints system.

**Valid Reviews:**

During 2021/22, 49 requests for a review to be undertaken into a complaint were received. Of these, 46 were able to be progressed. One did not meet the eligibility for the review process to be initiated as the complaint had not been handled by PSD and the other two reviews were passed to the IOPC as, after consideration, it was determined that those complaints met the criteria as set out in the Statutory Guidance for them to be the Relevant Review Body.

In 2020/21 32 requests were deemed to be valid and were progressed. 2020/21 was the first full financial year since the complaint legislation was altered to place responsibility for reviews on to the Police and Crime Commissioner rather than the Head of PSD. On average, PSD received approximately 25 appeals (as they were previously known) per year. The table below shows the percentage increase from the PSD yearly average to the numbers received in the first two years of the new complaints system by the OPCC.

PSD Average	OPCC 2020/21	% increase on PSD figure	OPCC 2021/22	% increase on PSD figure
25	32	28%	46	84%

It is assumed that the reason for the increase in review requests is due to the public's understanding that the OPCC are separate to Gwent Police and that their complaint will be reviewed by an independent organisation, making the review process much fairer from their perspective than it was previously. It is believed that the increase will continue before levelling out into 2022/23.

**Finalised/Outstanding Reviews:**

Of the 46 valid requests received during 2021/22, 43 (93%) have been finalised as well as an additional 11 finalised that had been carried over from 2020/21. This brings the total number of complaints finalised in 2021/22 to 54. The 3 ongoing reviews which were received in late March 2022, will be finalised in 2022/23.

**Timeliness:**

On average it has taken 32 working days to finalise a review from receipt of the request through to sending the outcome letter. This is in comparison to an average of 29 days in 2020/21.

There are a number of factors that impact on timeliness. When a request for a review is first made, a form is sent to the complainant asking for details as to why they believe their complaint outcome was not reasonable and proportionate. A reminder to return the form is sent after a week, with a date by which to return also added. Although the forms do not legally need to be completed, a delay in receiving any form of representation from the complainant can decrease the timeliness of the review. There have also been a number of complainants (3) who have undertaken the review process via post which has increased the time taken to finalise some complaints as well as a number (7) making a request for a review and then asking for the review to be put on hold due to a variety of issues.

It is important to note that there is no legislative timeframe in which a review must be finalised, although the timeframe should be reasonable and proportionate in relation to the complexity of the review.

**Reasonable & Proportionate (Not Upheld)/Not Reasonable & Proportionate (Upheld):**

Of the 54 reviews finalised in 2021/22, 49 (91%) were deemed to be reasonable and proportionate and were not upheld. The remaining 5 (9%) were not deemed to be reasonable and proportionate and were upheld. As demonstrated in the table below, there has been an increase in the numbers not upheld, this is as a result of the work PSD has undertaken in ensuring the outcome reports given to complainants provide as much detail as possible and are also easy to understand and explain clearly how a decision has been reached. It also evidences that feedback provided from the OPCC in both previous reviews and in conversations between the HoAC and Inspector have been noted and implemented.

	<b>Not Upheld</b>	<b>%</b>	<b>Upheld</b>	<b>%</b>
<b>2020/21</b>	16	76	5	24
<b>2021/21</b>	49	91	5	9

**Recommendations:**

Recommendations can only be made when a review is upheld and the complaint was found not to have been dealt with in a reasonable and proportionate manner. A total of 3 recommendations were made across the 5 complaints deemed not to have dealt with in a reasonable and proportionate manner. All recommendations were accepted by PSD.

	<p>Recommendations have been in relation to ensuring all elements of the complaint are recorded. This is now done by seeking clarification from the complainant and ensuring outcomes to complaints are written in the outcome letter even if they have been provided over the telephone in order evidence that this has happened.</p> <p><b>Trends:</b> The most frequent complaints relate to officers being rude, not keeping people updated and claims that cases have not been dealt with appropriately. There are no specific concerns e.g. certain officers being complained about more than others, that have come to light whilst undertaking the review process.</p> <p><b>Sancus:</b> The contract with Sancus has been invaluable and saves a significant amount of time, although as Sancus can only make a recommendation to us (as per legislation), a substantial amount of work still needs to be undertaken to determine whether the recommendation is accepted or not and to then draft the final outcome letter.</p> <p>On average Sancus took 7.5 working days to provide us with a recommendation report. The contract allows 21 days for a recommendation to be provided as a key performance indicator.</p> <p>The OPCC disagreed with the recommendation made by Sancus to uphold a complaint on 7 occasions during 2022/23. These were for a variety of reasons such as a clarification being obtained by seeking documents not in the original complaint file. There was also additional informal learning that was fed back to PSD that had not been suggested by Sancus.</p> <p><b>Reporting:</b> The PCC is kept updated with progress in relation to reviews with monthly updates provided by the HoAC at the OPCC Management Board. With the implementation of the new governance structure in 2022/23, the monthly updates will be provided to the Planning and Performance Meeting chaired by the Chief Executive with key areas of concern and good work highlighted in a report from this meeting to the Strategic Management Board which will be chaired by the PCC.</p>
4.	<p><b><u>NEXT STEPS</u></b></p> <p>The contract with Sancus is ending in March 2022. A new procurement process, led again by Dyfed Powys has been completed and the new contract subsequently awarded again to Sancus.</p> <p>A role to support this area of work will be advertised and appointed to during 2022/23.</p>

	<p>Quarterly meetings are due to start in the Summer of 2022 between the OPCC and the complaints assessors in PSD. This will allow us to look at trends, highlight areas of concern and also ensure we are up to date with ongoing long term complaints and how they are being dealt with.</p> <p>During 2022/23 it is hoped that we will be able to undertake a survey of complainant satisfaction as per the IOPC Statutory guidance. Currently we rely on those requesting a review to provide any relevant feedback at a section on the end of the form. It is hoped that this work can be progressed jointly with PSD.</p>
5.	<p><b><u>FINANCIAL CONSIDERATIONS</u></b></p> <p>All reviews, no matter how straight forward, are sent to Sancus for review in the first instance. This ensures that the same process is undertaken for all reviews we received and that our policy is followed appropriately. The cost budgeted for 2021/22 for using Sancus was £10,500. It must be noted that budgets are estimated as the number of reviews we receive is unknown.</p> <p>As part of the new contract prices are expected to increase slightly for 2022/23, this has been built into the estimated budget which sits at £12,160.</p>
6.	<p><b><u>PERSONNEL CONSIDERATIONS</u></b></p> <p>Previously resourcing has been raised as an issue regarding the review process, not just in Gwent but on a national basis. A new resource to support this area of work has been agreed. The job description has been finalised and is with HR for job evaluation. The role will be advertised as soon as possible.</p> <p>Once this role is embedded within the OPCC it will undertake the work the HoAC currently does in relation to reviews and will draft review responses for approval. This approval is currently provided by the Chief Executive but will pass to the HoAC in future with oversight undertaken by the Chief Executive.</p>
7.	<p><b><u>LEGAL IMPLICATIONS</u></b></p> <p>Undertaking the complaint review process is a statutory function given to PCCs under the Policing and Crime Act 2017, with further detail following in the Police (Complaints and Misconduct) Regulations 2020 and IOPC statutory guidance.</p> <p>As well as the requirement to respond to the reviews, there are also additional areas within the IOPC statutory guidance that need further consideration to ensure we are confident all requirements placed on us are being met and that the people of Gwent are receiving the best possible service in relation to complaint reviews. This will be progressed by the person appointed to the new role being introduced in to the OPCC to support the review process.</p> <p>The SIO also requires performance information on police complaints as well as OPCC performance information from the OPCC on reviews to be collated</p>

	<p>into a report and published annually. High level information from this report will be utilised in the SIO report with this report published online to provide more detailed information for members of the public in relation to the review process.</p>
<b>8.</b>	<p><b><u>EQUALITIES AND HUMAN RIGHTS CONSIDERATIONS</u></b></p> <p>This report has been considered against the general duty to promote equality, as stipulated under the Strategic Equality Plan and has been assessed not to discriminate against any particular group.</p> <p>Consideration has been given to requirements of the Articles contained in the European Convention on Human Rights and the Human Rights Act 1998 in preparing this report.</p> <p>In future, an area for development would be in relation to encouraging complainants to complete the equalities information on the review request form to enable us to identify any trends relating to equalities and to determine if there is any additional work we can do to make the review process as easy as possible.</p> <p>In relation to Welsh Language compliance, reviews are responded to in the language in which they are submitted. There were no reviews submitted in Welsh during 2021/22.</p>
<b>9.</b>	<p><b><u>RISK</u></b></p> <p>There is no timeframe set out for responding to a review, statutory guidance states that it should be reasonable and proportionate. It is believed that the average length of time taken to process a review from start to finish falls within this criteria but this has been at the expense of other statutory work. We must also be aware that an increase in the time taken to respond to reviews may have a detrimental impact on public confidence. It is hoped that the agrees additional resource will allow us to resolve reviews in a more timely manner.</p>
<b>10.</b>	<p><b><u>PUBLIC INTEREST</u></b></p> <p>This report can be made available to the public.</p>
<b>11.</b>	<p><b><u>CONTACT OFFICER</u></b></p> <p>Joanne Regan, Head of Assurance and Compliance</p>
<b>12.</b>	<p><b><u>ANNEXES</u></b></p> <p>None.</p>