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**Police and Crime Commissioner
for Dyfed Powys**

**Dip Sampling – Timeliness
& Communication with the Complainant**

OPCC Findings & Feedback

November 2019

1.0 Overview

On 24th October 2019 the Office for the Police and Crime Commissioner (OPCC) reviewed a random selection of closed Professional Standards Department (PSD) complaint cases for the last complete quarter i.e. July – September 2019. The main purpose of this scrutiny work was to independently review the timeliness/updates provided to the complainant by PSD. If any closed complaint cases have not been recorded within the IOPC guidance and Police Complaint Regulations regarding timeliness, establish the cause of this and determine whether or not any learning can be identified.

2.0 Background, Purpose and Methodology

The background and purpose of the scrutiny dip sampling work, alongside how the dip sampling is carried out is detailed within the Complaints Scrutiny Framework and Dip Sampling Protocol, which are available on the PCC website via the following hyperlink: <http://www.dyfedpowys-pcc.org.uk/en/the-office/strategies-and-policies/>.

3.0 Professional Standards Closed Complaint Cases

The OPCC reviewed a total of 8 complaint cases closed between 1st July 2019 and 30th September 2019 (10% of the total cases closed during the time period). PSD provided the closed complaint case reference numbers alongside the allegation result and area responsible for the complaint. In order to ensure that the OPCC considered a range of closed complaint cases, the OPCC requested eight closed complaint cases that reflected at least one of each 'allegation result' and 'area responsible' The eight complaint cases considered consisted of the following breakdown:

Allegation Result

Disapplication by Force:	2 complaint cases
Local Resolution:	3 complaint cases
Not Upheld:	1 complaint case
Upheld:	1 complaint case
Withdrawn:	1 complaint case

Area Responsible

Carmarthenshire:	1 complaint case
Ceredigion:	1 complaint case
Pembrokeshire:	1 complaint case
Powys:	2 complaint cases
Headquarters:	3 complaint cases

It was agreed that the OPCC would consider the initial time taken to make a recording decision, and if recorded, consider the updates provided to the complainant (when required) from initial recording through to completion.

3.1 Scrutiny Findings

Recording Decision

In terms of recording, the Independent Police Complaints Commission (IPCC) Guidance (adopted by the Independent Office for Police Conduct (IOPC)) states:

“3.21 The IPCC expects a recording decision to be made within ten working days of receipt of a complaint or notification, but ideally it should happen as soon as possible after the complaint is received.”

- A recording decision was made within 10 working days for all 8 cases. This demonstrates that PSD are cognisant of the above guidance and strive to work to the timescales outlined. PSD are compliant in 100% of the cases reviewed by the OPCC.
- Two cases were identified to have been initially reported to Dyfed Powys Police through a channel other than PSD. In one case, the complainant directed their complaint addressed to the Chief Constable to the Force Communications Centre (FCC). The FCC forwarded this complaint on the same working day to both PSD and the Chief Constables' Office for action. The second case was sent directly to the Chief Constables' Office, this complaint was forwarded onto PSD 24 working days after initial receipt.

Complaint Progress Updates

In terms of updates, Regulation 12 of the Police (Complaints and Misconduct) Regulations 2012 state:

“The first update must be provided promptly and within 28 calendar days of the start of the investigation. Subsequent updates must be provided at least every 28 calendar days after that.”

- A total of three complaint cases (37.5% of total cases reviewed) resulted in the provision of a final response to the complainant within 28 days of the initial recording decision, negating a requirement for complainant updates.
- One case (12.5% of total cases reviewed) resulted in an update provision to the complainant after 24 days and then the final response was provided within 15 days of the first update.
- PSD provided a final response within 30 days of the initial recording decision (Case 1: 29 days and Case 2: 30 days) for two complaint cases (25% of total cases reviewed) and did not provide any complainant updates.
- In one case (12.5% of total cases reviewed), a meeting was arranged between a Dyfed Powys Police officer and the complainant which took place 59 days after the initial recording decision. During that meeting, the complainant made the decision to withdraw their complaint and written confirmation of this outcome was provided by PSD to the complainant 13 days after the meeting. No complainant updates were provided throughout this complaint process.
- For the remaining one case (12.5% of total cases reviewed), a total of six communications between PSD and the complainant were recorded between the initial recording decision and the provision of the final response to the complainant. Initial correspondence from PSD to the complainant was recorded

at 6 days (1st communication) after the initial recording decision. Communication was then recorded between the complainant and PSD 10 days after that (2nd communication); then 21 days after that (3rd communication), 6 days after that (4th communication), then 18 days after that (5th communication), then 46 days after that (6th communication).

3.6 IOPC Statistics

The following statistics have been extracted from the IOPC Police Complaints Statistics for England and Wales 2018/19:

Recording Decision

During the 2018/19 financial year, Dyfed Powys Police recorded 97% complaint cases within 10 working days.

Complaint Progress Updates

Data in relation to complaint progress updates is not reported on by the IOPC; therefore no comparisons can be drawn.

3.2 Conclusions and Recommendations

Conclusions

- When considering the complaint case that was initially directed to the Chief Constables' Office, I conclude that 24 working days to re-direct a complaint to PSD is excessive and would fall below the standard expected by a complainant. When a complaint is received by Dyfed Powys Police, a recording decision should be made within 10 working days. The fact that the Chief Constables' Office did not forward this particular complaint onto PSD until 24 working days after receipt, immediately renders this complaint non-compliant (albeit, PSD make a recording decision from the date that they have received the complaint, rather than when it was received in Force). In addition, the delay of the allocation of the complaint case to PSD by the Chief Constables' Office increases the likelihood of the complainant making a further complaint against the Chief Constable to the OPCC.
- In the case where a meeting was arranged to take place 59 days after the initial recording decision, this case was handled at divisional level rather than centrally by PSD. The meeting date may have been mutually agreed early in the complaint process, however there is no recorded evidence to support this and no recorded complainant updates, which goes against the guidelines set out in the Police (Complaints and Misconduct) Regulations 2012.
- In relation to the complaint case that required multiple complainant updates, PSD had regular contact with the complainant throughout the process as a result of enquiries required to reach a final decision, rather than regular scheduled updates (every 28 days). However it is encouraging to see that communication between PSD and the complainant was regular throughout the process.

Recommendations

- Over the next three months, PSD are to record (if not already done so) the number of days between initial receipt of a complaint in Force and PSD receipt of the complaint, including the department the complaint was initially sent to by the complainant.
- A copy of this report should be made available to the Chief Constable and the administrative structure within the Chief Constables' Office should be reviewed to identify if this was an isolated incident or whether this is a repetitive issue. An update should be provided at the next available Policing Board.
- The OPCC require an overview from PSD to inform how PSD manage compliance with Police (Complaints and Misconduct) Regulations 2012 concerning 'contact with the complainant' when a complaint is managed by divisional officers/staff.

3.3 Professional Standards Department Comments

The Professional Standards Department welcomes the findings of the inaugural Police and Crime Commissioner dip sampling report compiled as part of the Complaints Scrutiny Framework. This provides an opportunity to work in collaboration with the Police and Crime Commissioner to improve our performance and the quality of the service we offer.

It was reassuring to note that all eight cases reviewed were recorded within 10 working days. This is an area previously identified as requiring improvement and the department has put a number of measures in place to improve performance, as reflected by the IOPC statistics.

The one case where it took 59 days to meet with the complainant has been noted, although communication between the officer and the complainant indicates that contact had been made prior to the 59 days. The issue in this particular case appears to be an incomplete record of contact.

This has identified a potential area of vulnerability, whereby we update complainants appropriately, but do not evidence it. This has been noted and the Professional Standards Department will review the process for documenting contact to ensure it is suitably robust.

Response to Recommendations:

- At present, the date a complaint is received in Force and the date it is received in PSD are both recorded and captured on Centurion and a report can be produced for the benefit of the Police and Crime Commissioner. It should however be noted that from the 1st February 2020, when the new reforms take effect, dates will no longer be captured in this way and there will be change in emphasis on when complaints are received and logged.
- A copy of this report had been made available to the Chief Constable. The PSD Complaints and Misconduct Supervisor will also engage with the Chief Constable's staff to ensure there is a suitable referral process in place.

- PSD provide various training inputs to officers and staff, which covers complaint handling, which includes communication with complainants. In addition when an officer or member of staff is allocated a complaint they are reminded of their requirement to provide a statutory update to the complainant.

For purposes of an audit trail, contact with a complainant is recorded by the complaint handler on the Local Resolution template or in the case of an investigation on the accompanying record of contact form.

Regular checks of the records are carried out by PSD, to ensure that complainants are receiving updates as they should. If there appears to be non-compliance and a training need is identified, PSD follow up appropriately.