

Police complaints system in the Wiltshire and Swindon policing area – 2023/24

1. Background and oversight

This narrative is produced in line with the requirements of The Elected Local Policing Bodies (Specified Information) (Amendment) Order 2021 which requires PCCs to set out how they held the chief officer to account for the performance of the police complaints system locally, and their assessment of their own performance in carrying out their other complaints handling functions. This narrative is required to be produced following the publication of the annual complaints statistics by the Independent Office for Police Conduct (IOPC), on which this is based.

During the year covered by this report, monitoring of the performance of the police complaints system was carried out at both a strategic and tactical level between the PCC and Chief Constable, and by OPCC staff and other officers and staff of Wiltshire Police on behalf of their respective organisational leaders.

At a strategic level, the overall performance of the system was reported to the Force Performance Board, chaired by the Deputy Chief Constable of Wiltshire Police. The OPCC are represented on this board by the Head of Business and Public Services, with an open invitation to the CEO and PCC to attend.

Quarterly meetings chaired by the OPCC Chief Executive were held to review published performance data and internal indicators, to discuss themes and trends, and identify areas of concern that require escalation for discussion at force-wide forums. Present at these meetings were complaint practitioners and independent adjudicators from the OPCC, and the Head of the Professional Standards Department for Wiltshire Police.

2. Complainant satisfaction

A number of measures are available that can be used as indicators of complainant satisfaction, including the number of informal complaints that were escalated to the formal process, and the number of review applications received as a percentage of overall formal complaint cases finalised.

In 2023/24, there were 61 complaints formally recorded because they were unable to be resolved through the informal handling process. This represents 12% of the total number of recorded complaints, lower than the national average figure of 15%. This

compares to 83 complaints in 2022/23, which represented 13% of the total, the same as the national average figure.

In 2023/24, there were 529 formal complaints cases finalised, and a right of review requested in 101 cases (69 to the OPCC, 32 to the IOPC). This represents 19% of the total number, lower than the national average of 21%. This compares to 474 cases in 2022/23 and 112 review requests (82 to the OPCC, 30 to the IOPC), representing 24% of the total number.

The performance of the OPCC Complaints Resolution Team and the Wiltshire Police Professional Standards Department using this measure is higher or on a par with other force areas in the country. This gives an indication that the quality of the responses is of a good standard and addresses the concerns raised by members of the public. It is reassuring to note that these figures have remain at or below the national average despite the volume of complaints increased. This demonstrates a focus on quality outcomes.

The absence of dissatisfaction should not be assumed to be the only or most reliable indication of satisfaction with the complaints system. In order to maintain focus on delivering good customer service, consideration should be given to introducing a means of seeking complainant feedback on their experience of the complaints system, irrespective of their complaint outcome.

3. Formal recommendations in relation to complaint handling

Where any recommendations are made by His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) in relation to complaint handling by Wiltshire Police, these would be tracked by the Professional Standards Department and progress monitoring by the Head of Professional Standards. No such recommendations have been made in 2023/24.

For recommendations made in individual cases or thematic work by the IOPC, these would be considered by the Professional Standards Department Leadership Team (DLT) and the Organisational Learning Tactical Group, chaired by the Head of Professional Standards and which reports into the Organisational Learning Strategic Board chaired by the Deputy Chief Constable. The responses would also be published on the IOPC website. During 2023/24, there were no IOPC cases resulting in formal recommendations.

4. Monitoring and improving performance in the timeliness of complaint handling

Following a change in legislation in 2020, a decision was taken by the PCC to take on additional responsibilities for police complaints handling beyond their minimum legal responsibilities. Of the options available to the PCC, Wiltshire has adopted a set-up known as Model 2. This means the overall timeliness of complaint handling is a shared responsibility, with the OPCC handling the initial contact from a complainant and the informal resolution process, and Wiltshire Police dealing with formal complaint handling.

In 2023/24, the average number of working days to log expressions of dissatisfaction from members of the public was four days, lower than the national average of five days. This compares to two days in 2022/23. The average number of working days to make initial contact with members of public in response to their expression of dissatisfaction is three days, lower than the national average of six days. This compares to two days in 2022/23.

In 2023/24, the average number of working days to finalise complaints handled through the informal resolution process was 45 days, higher than the national average of 20 days. The number of valid complaints finalised in this way was 678. This compares to an average of 24 days in 2022/23 when the number of complaints finalised was 851 and the national average for timeliness was 19 days.

In 2023/24, the average number of working days for Wiltshire Police to finalise formal complaints was 141 days, higher than the national average of 140 days. The number of valid complaints finalised in this way was 529. This compares to an average of 128 days in 2022/23 when the number of complaints finalised was 480 and the national average for timeliness was 132 days.

Monitoring of the timeliness of formal complaint handling was carried out at quarterly OPCC/force meetings, with issues escalated to the Organisational Learning Board as appropriate.

Although noting that the average number of days to log and acknowledge expressions of dissatisfaction is quicker than the national average, the slight increase in timeliness can be attributed to a new triage process introduced halfway through the year. This now means all complaints are assessed by a senior member of the team and a handling decision is made based on the severity of allegation, any potential risk presented and the complainant's wishes. This means risks are identified faster and serious matters are escalated quicker. This should also result in a timelier outcome for complainants later in the process too, but it is too early to draw any conclusions on this point.

When looking at the timeliness statistics alongside the complainant satisfaction data in paragraph 2, it suggests that while the quality of the response to complaints is of a high standard, the time it takes for complainants to receive those responses is much higher than in other parts of the country. Making a judgement on the performance of the police complaints system should be done by drawing on a number of indicators, and it is for those in executive leadership positions to determine how to balance the demands of the public for timely and high-quality responses to their concerns.

It is of concern that the average number of days to finalise complaints handled informally is more than double the national average. The rationale for operating the Model 2 system was to introduce a greater degree of independence when considering complaints about policing, thereby giving the public confidence to report poor performance by the police and ultimately leading to more opportunities for the force to improve as a consequence. While there are indicators reported in section 2 that suggest informal outcomes are likely to be of a high standard, it cannot be overlooked that the time taken to reach those outcomes are much longer than other parts of the country that operate the model 2 system and the national average, which in itself can be a contributory factor towards public confidence.

We would encourage those in executive leadership positions to consider this observation and how they wish to balance the demands of the public for timely and

high-quality responses to their concerns against the available resources within the police complaints system.

5. Complaint investigations more than 12 months old

Under police complaints legislation, Wiltshire Police is required to inform the PCC and the IOPC if a complaint investigation has not been completed within 12 months. There is also a requirement for the IOPC to inform the PCC and Wiltshire Police if any of its independent investigations relating to Wiltshire Police officers or staff have not been completed within 12 months. In both cases, the relevant organisation is required to give a reason why it has taken this length of time, and the steps it will be taking to conclude it in a timely way.

During 2023/24, there were 29 notices issued by Wiltshire Police and none issued by the IOPC.

This figure is a significant increase on previous years, and is as a consequence of improved management and administrative processes within the Professional Standards Department. These were made in response to the oversight and scrutiny work carried out by the Office of the Police and Crime Commissioner that identified the notices were not being completed.

The reasons for complaint investigations of this length can broadly be dividing into two categories – sub-judice, where the subject of the complaint is intrinsically linked to ongoing criminal proceedings, and administrative.

Complainants in sub-judice cases have a right of challenge to the IOPC against the Professional Standards Department decision to suspend complaint handling for this reason.

In respect of delays due to administrative challenges, an explanation has been sought and provided for this, and assurances received that an action plan is in place to minimise the length of delays in the future. Actions include the improvement of business processes, clarity of responsibility, and management oversight. The delivery of this action plan forms part of the regular oversight and scrutiny activity of the Professional Standards Department.

We recognise the resourcing challenges that exist across policing, and sufficient personnel to deal with public demand is not unique to the complaints system. It is however our expectation that at the very least, complainants are kept informed when the handling of their complaint is delayed, or at regular intervals while the complaint handling process takes place.

6. Complaint Reviews

All Police and Crime Commissioners are responsible for carrying out reviews of some police complaints as defined in the legislation and statutory guidance. In Wiltshire, the PCC has delegated the undertaking of reviews to a pool of Independent Adjudicators, appointed by the OPCC but sit outside the day-to-day management structure to ensure quality, integrity and impartiality in their decision making.

The review process for individual cases is primarily undertaken by the Adjudicator allocated to it. However, at key points such as validation and outcome, discussions may take place between the Adjudicators to ensure consistency in the decision making and assurance that any decisions taken are in line with the relevant legislation and guidance.

During 2023/24, there were 64 valid reviews completed by the Independent Adjudicators, of which four were investigations. In seven cases (11% of all reviews, lower than the national average of 22%), all of them being non-investigation cases, it was found the outcome of the complaint handling by Wiltshire Police was not reasonable and proportionate, and recommendations were made with a view to remedying the dissatisfaction of the complainant in six of those cases. This compares to 78 valid reviews in 2022/23, and 10 outcomes (13% of all reviews) found not to be reasonable and proportionate.

The average number of working days to complete reviews by the Independent Adjudicators was 26 days, lower than the national average of 50 days. This compares to 39 days in 2022/23, lower than the national average of 64 days.

It is acknowledged that the number of reviews upheld is small in number and it is therefore difficult to identify themes and trends from reviews alone to provide an indication of the quality of complaint handling. In the majority of cases, the reason for upholding the review was because the complaint was not answered in full, and an allegation made by a complainant had not been addressed by the complaint handler. This often arises because the complainant has not been contacted as part of the complaint handling process, instead the complaint handler relies alone on the original submission by the complainant, which can be open to different interpretations and misunderstandings. IOPC Statutory Guidance encourages contact with complainants by complaint handlers to ensure their complaint is fully understood. It is accepted that not all complainants wish for this follow-up contact, and the quality of submissions from some complainants means their allegations and desired outcome is clear from the outset. However, the onus is on complaint handlers to satisfy themselves of their understanding of the complaint from the complainant's perspective, not on the complainant to communicate in the preferred style of the complaint handler.

Where Independent Adjudicators do not uphold a review, they are still able to make oversight observations. These observations will be on matters that have not had a detrimental impact on the handling of a complaint, but may still relate to the lack of compliance with Statutory Guidance or the principles of reasonable and proportionate complaint handling. In a significant number of cases, a repeated observation has been about the lack of compliance with the requirement to update complainants every 28 days with the progress of their complaint. While in many cases, the outcome to the complaint is provided within a month after the first 28-day update is due, it does not negate the need to provide complainants with an update, providing reassurance that their concerns have not been forgotten. An explanation has been provided by the Professional Standards Department and an action plan in place to reduce the number of occurrences of this omission in the future.