

POLICE COMPLAINTS SYSTEM IN THE WILTSHIRE AND SWINDON POLICING AREA – 2021/22

1. BACKGROUND

This report 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 Ethics and Standards Board, chaired by the Deputy Chief Constable of Wiltshire Police. The OPCC Chief Executive sits on this board and is also open for the PCC to attend.

The PCC was also supported in his role by information from the Regional Director of the Independent Office for Police Conduct (IOPC), provided through liaison during the year.

At a tactical level, bi-monthly meetings were chaired by the OPCC Chief Executive to monitor performance indicators, discuss themes and trends and identify matters for escalation. Represented at these meetings were complaints practitioners from the OPCC and the Head of the Professional Standards Department from Wiltshire Police.

2. COMPLAINANT SATISFACTION

A number of measures were 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 case finalised.

In 2021/22, there were 71 complaints formally recorded because they were unable to be resolved through the informal handling process. This represents 11% of the total number of recorded complaints, the same as the national average figure. This compares to 61 complaints in 2020/21, which represents 12% of the total, higher than the national average of 8%.

In 2021/22, there were 705 formal complaints cases finalised, and a right of review requested in 96 cases (70 to the OPCC, 26 to the IOPC). This represents 14% of the total number, lower than the national average of 20%. This compares to 325 cases in

2020/21 and 41 review requests (31 to the OPCC, 10 to the IOPC), representing 13% of the total number, lower than the national average of 23%.

3. 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, 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 2021/22.

For recommendations made as a result of individual cases or thematic work by the IOPC, these are considered by the Professional Standards Department Leadership Team (DLT) and Performance Board, which reports into the Standards and Ethics Board chaired by the Deputy Chief Constable. The responses are also published on the IOPC website. During 2021/22, there were three recommendations, these related to a single case and were implemented prior to the completion of the investigation to which it related.

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 2021/22, the average number of days to log expressions of dissatisfaction from members of the public is 3 days, lower than the national average of 6 days. The average number of days to make contact with members of public in response to their expression of dissatisfaction is 3 days, lower than the national average of 9 days. This timescale is the same as in 2020/21 despite the increase in the volume of contact from the public.

In 2021/22, the average number of working days to finalise complaints handled through the informal resolution process is 37 days, higher than the national average of 24 days. The number of valid complaints finalised in this way was 507. This compares to an average of 34 days in 2020/21 when the number of complaints was 403 and the national average for timeliness was 25 days.

The timeliness of OPCC responsibilities within the process was reported and monitored on a monthly basis to the OPCC management team and appropriate action taken in managing resource to maintain the timeliness of initial contact. In respect of the timeliness for informal resolution, complainants are likely to have been contacted to resolve their dissatisfaction sooner than these figures suggest. However, staff shortages impacted on the capacity to finalise cases on the complaints recording system in a timely way.

In 2021/22, the average number of working days for Wiltshire Police to finalise formal complaints was 103 days, lower than the national average of 108 days. The number of valid complaints finalised in this way was 705. This compares to an average of 67 days in 2020/21 when the number of complaints was 325 and the national average for timeliness was 73 days.

Monitoring of the timeliness of formal complaint handling is carried out by the Professional Standards DLT and issues would be escalated to the Ethics and Standards Board as appropriate.

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 2021/22, there was one notice issued by Wiltshire Police and one notice issued by the IOPC.

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 2021/22, there were 60 valid reviews completed by the Independent Adjudicators. In 15 cases (25% of the total number, higher than the national average of 15%), it was found that 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. This compares to 21 valid reviews in 2020/21, and 10 outcomes (48%, higher than the national average of 15%) found not to be reasonable and proportionate.

The average number of working days to complete reviews by the Independent Adjudicators was 50 days, lower than the national average of 62 days. This compares to 26 days in 2020/21, lower than the national average of 36 days.