**OFFICE OF POLICE AND CRIME COMMISSIONER**

**TITLE: Quality of Service Annual Report 2022/2023**

**DATE: August 2023**

**TIMING:**  **Annual**

**PURPOSE:** **For monitoring**

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| **1.** | **RECOMMENDATION**  For the Police and Crime Commissioner (PCC) to:   1. Receive the statistics and findings resulting from the review process for police complaints during 2022/23. 2. To monitor the number and outcome of Chief Constable complaints for 2022/23. |
| **2.** | **INTRODUCTION & BACKGROUND**  [The Policing and Crime Act 2017](http://www.legislation.gov.uk/ukpga/2017/3/contents/enacted) 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.  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).  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 and, subsequently, the three OPCCs tendered for a new contract during 2021/22 and that has again been awarded to Sancus Solutions Ltd.  The change in Regulations did not impact on the PCC’s responsibility for the handling of Chief Constable complaints. This is the first report that contains information on this area of complaints work. |
| **3.** | **ISSUES FOR CONSIDERATION**  **Complaint Reviews:**  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.  Reasonable and proportionate means doing what is appropriate in the circumstances, considering the facts of the matter and the context in which it 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:**  Between 1st April 2022 and 31st March 2023, a total of 27 valid requests were received by the Police and Crime Commissioner to review the outcome of a police complaint.  Of those 27 valid reviews, all 27 were finalised by the end of the 2022/23 financial year as well as an additional 3 finalised that had been carried over from 2021/22. 1 request, although valid, was withdrawn by the complainant, 24 were deemed to be reasonable and proportionate and were therefore not upheld with the remaining 5 not deemed to be reasonable and proportionate and therefore upheld.  In 2021/22, 46 reviews were completed. The 27 completed in 2022/23 show a reduction in valid reviews of 19 compared to the previous year. It is assumed that the reason for the reduction is due to the work PSD have undertaken on the letters and investigating officer’s report that are sent to complainants which now provides a detailed rationale of their findings that is easy to understand. Therefore, the complainant understands the process and outcome and subsequently does not require a review to be undertaken. We will continue to monitor the volume of reviews received during 2023/24 to determine if this reduction is sustained.  **Timeliness:**  On average it has taken 37 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 32 days in 2021/22 and 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 complainants who have undertaken the review process via post which has increased the time taken to finalise some complaints.  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 30 reviews finalised in 2022/23, 1 review was withdrawn so did not receive an outcome. 24 (80%) were deemed to be reasonable and proportionate and were not upheld. The remaining 5 (17%) were not deemed to be reasonable and proportionate and were upheld. As demonstrated in the table below, the majority of reviews undertaken confirm that the handling and outcome of the complaint by PSD was reasonable and proportionate.  **Not Upheld % Upheld %**  **2022/23** 24 80 5 17  **2021/22** 49 91 5 9  **2020/21** 16 76 5 24  **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 6 recommendations were made across the 5 complaints deemed not to have dealt with in a reasonable and proportionate manner. 5 recommendations were accepted and actioned by PSD. PSD did not agree with 1 recommendation as processes within the force had already been amended to address the recommendation.  Recommendations have covered matters such as providing the complainant with a further explanation to enable them to better understand the conclusion reached, for a missing element of the original complaint to be recorded and considered and for changes to policies and procedures.  **Trends:**  The most frequent complaints relate to claims of unlawful arrest and cases which 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.  **Sancus:**  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.  The contract allows 21 days as a key performance indicator for a recommendation to be provided to the OPCC. Sancus met this timeframe for all reviews.  The OPCC disagreed with the recommendation made by Sancus to uphold a complaint on 5 occasions during 2022/23. These were for a variety of reasons such as further information requested from PSD which resulted in a change in the review outcome. There was also additional informal learning that was fed back to PSD that had not been suggested by Sancus.  **Reporting:** The Chief Executive is kept updated with progress in relation to reviews with monthly updates provided by the HoAC at the OPCC Planning and Performance Meeting. Any key areas of concern and any good work highlighted are included in the highlight report to the Strategic Management Board which is chaired by the PCC.  **Chief Constable Complaints:**  During 2022/23, 4 complaints against the Chief Constable were received. Of these complaints 2 were valid and were formally recorded under Schedule 3 of the Police Reform Act 2002 which entitled the complainant to request a review of the complaint handling and outcome to the Independent Office for Police Conduct (IOPC) on finalisation of the complaint.  Of the two invalid requests, responses were provided to the complainants advising them of the reason why they were unable to make a complaint and providing them with alternative avenues through which they could raise their concerns.  Of the two valid complaints, 1 was finalised during 2022/23 and the other remains ongoing and will be finalised in 2023/24.  **Review Requests to the Independent Office for Police Conduct:**  1 review request was submitted to the IOPC during 2022/23, the outcome of which has not yet been received.  **Recommendations:**  No recommendations or learning have been identified as a result of the complaints made against the Chief Constable in 2022/23. It was determined that the Chief Constable acted in a reasonable and proportionate manner in relation to the matters raised.  **Timeliness:**  The complaint finalised in 2022/23 was complex. The OPCC first received correspondence on the matter in September 2022. Despite numerous attempts, the complainant failed to agree the wording of the complaint to be explored so on the advice of the IOPC we proceeded with the complaint wording as we had shared with the complainant. This was confirmed with them on 27th February 2023, with the outcome of the complaint provided on 16th March 2023. In total, this complaint was ongoing for 132 working days but once the wording had been finalised, the outcome was shared with the complainant in 13 working days. |
| **4.** | **NEXT STEPS**  During 2023/24, it is hoped we will be able to further analyse the information we receive as part of the review process to improve the service we provide to complainants.  Work will also continue on improving the handling process for Chief Constable complaints in line with the IOPC statutory guidance. |
| **5.** | **FINANCIAL CONSIDERATIONS**  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 2022/23 for using Sancus was £12,160 with approximately 50% of the budget utilised. It must be noted that budgets are estimated as the exact number of reviews we are likely to receive is unknown. The budget was based on the number of reviews received in 2021/22 but as fewer reviews had been submitted, the whole budget was not utilised.  There are no additional costs associated with the Chief Constable complaints process as this is part of the HoAC role. |
| **6.** | **PERSONNEL CONSIDERATIONS**  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 was agreed and an advert placed internally to the force and OPCC. An appointment was made in October 2022. Unfortunately, the person appointed left the role in March 2023 therefore the vacancy was then advertised externally. This process is ongoing with an appointment due to be made in 2023/24.  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.  The work in relation to Chief Constable complaints is undertaken by the HoAC on behalf of the Chief Executive who then approves the complaint prior to it being finalised. |
| **7.** | **LEGAL IMPLICATIONS**  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. These Regulations also provide guidance for OPCCs regarding than handling of Chief Constable complaints.  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.  The Specified Information Order (SIO) also requires performance information on police complaints as well as OPCC performance information from the OPCC on reviews to be collated 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. |
| **8.** | **EQUALITIES AND HUMAN RIGHTS CONSIDERATIONS**  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.    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.  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.  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 2022/23. |
| **9.** | **RISK**  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 agreed additional resource will allow us to resolve reviews in a more timely manner. |
| **10.** | **PUBLIC INTEREST**  This report can be made available to the public. |
| **11.** | **CONTACT OFFICER**  Joanne Regan, Head of Assurance and Compliance |
| **12.** | **ANNEXES**  None. |

**For OPCC use only**

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| **Police and Crime Commissioner for Gwent**  I confirm that I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct.  The above request has my approval. |
| **Signature:** |
| **Date:** |