



**NOTTINGHAMSHIRE POLICE AUTHORITY  
REPORT**

Agenda Item

Meeting: **PROFESSIONAL STANDARDS COMMITTEE**

On: **4 AUGUST 2010**

At: **NOTTINGHAMSHIRE COUNTY HALL**

**REPORT OF THE CHIEF CONSTABLE**

**PUBLIC COMPLAINTS AND CONDUCT**

**Data period: 1 APRIL 2010 TO 30 JUNE 2010**

This Report provides data and analysis on complaints made by members of the public together with internal conduct cases against Nottinghamshire Police Officers, Police Staff and Special Constables.

## **PUBLIC COMPLAINTS**

### **Recording**

All public complaints are recorded in accordance with the Statutory Guidance. A complaint case may have one or more allegation attached to it. For example, someone who is arrested and placed in custody may allege that: 1) they were assaulted during the arrest and 2) then insulted on the way to the station. This would be recorded as two separate complaint matters forming one case.

During the period under review

**125** members of the public made a complaint, a decrease of 69 (36%) on the same period last year.

**194** complaint matters (allegations) were recorded, a decrease of 67 (26%) on the same period last year.

**160** staff were subject of a public complaint, a decrease of 119 (43%) on the same period last year.

The introduction of the Independent Police Complaints Commission (IPCC) Statutory Guidance on 1 April 2010 has assisted all Forces by revising the definition of a public complaint for the purposes of the Police Reform Act. The IPCC Guidance states a Public Complaint denotes a considered grievance needing to be resolved, not just an observation for the service to note or a question that the person wishes to have answered. The IPCC expects this level of dissatisfaction to be recordable.

This provides considerable clarity that has reduced our bureaucracy and more importantly allowed for a speedy and proportionate resolution of dissatisfaction. Nottinghamshire Police has embraced the recommendations of the Policing Pledge by seeking to acknowledge and resolve any dissatisfaction to service within 24 hours. Whilst this has seen a reduction in the number of recorded Police Reform Act public complaints we can report that **143 dissatisfactions** have been dealt with by immediate intervention and service recovery. This embraces the ethos of the Statutory Guidance by providing timely and bespoke resolution to dissatisfaction whilst maintaining the integrity of the complaints process. Whilst the Government have recently abolished the Policing Pledge, Nottinghamshire police continue to embrace those standards as the basis for providing good public service.

Nottinghamshire Police during the same period received **153,567 public** telephone calls and emergency calls. When comparing the 125 members of the public who made a complaint to the number of calls we received it equates to **0.08%**

During the same period Nottinghamshire Police recorded a total of **98,069** incidents. When comparing the 125 members of the public who made a complaint to the number of recorded incidents it equates to **0.12%**

When assessing the categories of Public Complaint the following three areas account for 65% of all matters received.

- Neglect – 58 (30%)
- Assault – 42 (22%)
- Incivility – 26 (13%)

Public complaints can be resolved in the following ways:-

- Dispensated/Discontinued
- Withdrawn
- Locally resolved
- Formal investigation (unsubstantiated or substantiated)

A total of **139** complaint matters were finalised during the reporting period

- 8 (6%) complaint matters were **DISPENSATED/DISCONTINUED**
- 24 (17%) complaint matters were **WITHDRAWN**
- 33 (24%) complaint matters were **LOCALLY RESOLVED**

The number of cases resolved following formal investigation totalled **74 (53%)** of which:-

- Complaint matters **SUBSTANTIATED**                      **13**    **18%**
- Complaint matters **UNSUBSTANTIATED**                **61**    **82%**

The matters substantiated involved **13** employees who received the following sanctions:-

- **1** Police Officer was Dismissed following a Fast Track Hearing
- **6** Police Officers received Management Action
- **1** Police Officer received a Final Written Warning
- **4** Police Officer received Management Advice
- **1** Special Constable received a Written Warning

The IPCC Statutory Guidance has defined our response to the finalisation of complaints with the emphasis on providing good quality outcomes. A principle purpose of the complaints system is to deal effectively with complaints not just to identify failures in individual conduct or performance. There may therefore be instances where it is right and proper for us to uphold a complaint because the conclusion is that there has been an unreasonable breakdown or failure in service which has adversely affected the complainant, although there may not be sufficient evidence or reason to show misconduct or unsatisfactory performance by a specific officer or member of staff.

To reflect the change in IPCC Guidance, Nottinghamshire Police when finalising complaints will firstly determine whether the complaint is upheld or not. We will then make a second determination as to whether individual misconduct or unsatisfactory performance by an individual has occurred.

This is a significant change in how we finalise complaints, which previously focused on the alleged conduct of the officer or member of staff.

Appeal type	<i>Upheld / Partially Upheld</i>	<i>Not Upheld</i>	<i>Withdrawn</i>	<i>Ongoing</i>	<i>Total</i>
Non-recording of a Complaint	0	1	0	2	3
Local Resolution Process	0	0	0	0	0
Outcome of Police Investigation	0	0	0	13	13
<b>Total</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>15</b>	<b>16</b>

The above table details those matters subject to an Independent Police Complaints Commission (IPCC) Appeal. All complainants can use the Appeal process, which provides independent scrutiny of the complaints process. When comparing the volume of complainants against the low number of Appeals it can be seen that of the 13% of people who appealed, no appeals have been upheld.

**Timeliness**

The average time taken to finalise and submit cases to the Appropriate Authority or the Independent Police Complaints Commission for those cases with a result of *Substantiated*, *Unsubstantiated* or *Dispensation* was **105** days. This equates to an increase of **25** days for the same period last year.

The average time taken to finalise and submit **all** cases was **68** days

Of the **154** cases finalised during the period, **121** cases were submitted within the 120-day time limit. This represents **79%** of all cases finalised.

## Ethnicity Breakdown – Complainants Recorded

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Nottinghamshire Police accept complaints in a variety of different ways such as telephone, e-mail, in person or by letter. We endeavour to record all ethnicity at the initial point of contact. Unfortunately this is not always possible when receiving complaints by mail and e-mail where we are unable to make initial contact with the complainant. The submission of this data is at the discretion of the complainant and we have found that some complainants are unwilling to supply this information.

- The number of Complainants with unknown self-classified ethnicity on recording was **33 (26%)**
- There was a decrease in the total complainants recorded from **194** to **125** and this decrease was reflected across all groups.
- The number of BME complainants totalled 16 (13%)

## Ethnicity Breakdown – Complainants - Finalised

- **111** complainants had their investigation finalised during this period, which is a decrease from 154 in the same reporting period in the previous year. This decrease is reflected across all groups.
- The number of Complainants with unknown self-classified ethnicity on finalisation had increased from **23** to **27 (24%)**.
- The number of BME complainants finalised totalled 16. Of the finalised complaints made by BME complainants **3 complaints** were substantiated.

## **CONDUCT CASES**

Conduct cases are those matters that are either identified internally or reported through internal mechanisms. These matters have an initial severity assessment and are either investigated by Division where the matter is low level conduct or by the Professional Standards Directorate where it is likely that conduct proceedings will follow. There is explanatory guidance at the rear of this document that sets out the full details of the different types of conduct matters that are recorded.

Nottinghamshire Police has a variety of internal reporting procedures including anonymous reporting through Crimestoppers and also through management referrals.

The Professional Standards Reporting Procedure underpins this process by providing support and guidance for staff who make internal referrals. Nottinghamshire Police do not use the term 'whistleblower' due to the negative connotations associated to this phrase.

### **Recording**

- **30** conduct cases were recorded during the period under review.

#### **Case Severity Breakdown \*\***

<b>3</b>	Cases containing one or more Referable Recordable Conduct Matters
<b>12</b>	Cases containing one or more Recordable Conduct Matters
<b>15</b>	Cases containing one or more Conduct Matters

- **45** conduct matters were recorded during the period under review.
- **36** members of staff were subject to one or more investigation cases during the period under review.
  - 18** Police Officers received one or more allegations
  - 14** Police Staff members received one or more allegations
  - 4** Special Constables received one or more allegation

## **Finalisations**

- **112** conduct matters were formally investigated and finalised during the period under review.
- **58** members of staff were subject of finalised formal investigation. This includes **26** Police Officers, **1** Special Constables and **31** Police Staff members
- We **substantiated** matters against **33** Police Officers, **4** Special Constable and **18** Police Staff.

The outcome of **finalised conduct matters** is:

➤ <b>SUBSTANTIATED</b>	<b>93 (83%)</b>
➤ <b>UNSUBSTANTIATED</b>	<b>19 (17%)</b>

**Police Officers/Special Constables who have appeared before a Conduct Hearing**

- 3 Officers appeared before a Conduct Hearing.

The following sanctions were imposed:

- Officer 1 – Dismissed
- Officer 2 – Dismissed
- Officer 3 – Final Written Warning

**Police Officers/Special Constables who have appeared before a Misconduct Meeting**

- 8 Officers appeared before a Misconduct Meeting

The following sanctions were imposed:

- Officer 1 – no action taken
- Officer 2 – Written Warning
- Officer 3 – Written Warning
- Officer 4 – Management Advice
- Officer 5 – Management Advice
- Officer 6 – Written Warning
- Officer 7 – Management Advice
- Officer 8 – Written Warning

**Police Staff who have appeared before a Discipline Hearing**

- 4 Police Staff appeared before a Discipline Hearing

The following sanctions were imposed:

- Staff member 1 – Written Warning
- Staff member 2 – Written Warning
- Staff member 3 – Written Warning
- Staff member 4 – Final Written Warning

## **Restricted Duties**

Restricted duties are an alternative method for protecting an investigation and the public interest. All restrictions are imposed by the Head of Professional Standards Directorate and are considered as a first course of action before the decision to suspend an officer is made. An example of such restrictions could be that an officer is placed on non-operational duties and not in the evidential chain. This allows the officer to be deployed in a meaningful manner whilst under investigation.

- **9** Police Officers are currently on restricted duties.

## **Suspensions**

During the previous 3 months **4** employees were suspended from duty.

At the end of the reporting period a total of **9** employees are suspended.

No. of Days Suspended	Police Officer	Special Constable	Police Staff
0 – 60	1		3
60 – 120	2		
120 - 240	1		1
240 - 365			
+365	1		

The Deputy Chief Constable, Head of HR and Head of Professional Standards Directorate review suspended staff monthly.

## Explanatory Notes

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*A number of Conduct Investigations cannot be proceeded to a satisfactory conclusion as they often result in the IPCC discontinuing the investigation. This occurs when Conduct Matters are recorded out of Civil Claims brought against the Chief Constable and the person bringing the Civil Action refuses to cooperate with the PSD investigation. This, together with some Special Constables and Police Staff resigning when an investigation is commenced accounts for the increase in unsubstantiated matters in Conduct Investigations.*

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*These cases include Recordable Conduct Matters disclosable under the new provisions contained within the Police Reform Act (PRA). Some cases fail to meet the threshold for Recordable Conduct Matter status. Nevertheless, these other cases are still investigated by the Professional Standards Directorate and are disclosed for the sake of completeness.*

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*A Conduct Matter is defined by statute as any allegation that either discloses the commission of a criminal offence or discloses a disciplinary wrongdoing that if proved, would result in the staff member appearing before a Misconduct Panel.*

*A Conduct Matter becomes a Recordable Conduct Matter in any of the following circumstances:*

- 1. The Conduct Matter is contained within a Civil Action against the force,*
- 2. The Conduct Matter is linked to the death or serious injury of any person,*
- 3. A Member of the Public has been adversely affected by the alleged Conduct Matter,*
- 4. The Conduct Matter is linked to an allegation of serious assault, a serious sexual offence, serious corruption, any Serious Arrestable Offence or any allegation that is aggravated by an element of discrimination.*

*Under certain circumstances, a Recordable Conduct Matter may be referred to the IPCC for a decision on the mode of investigation.*

*Any alleged breach of the Code of Conduct that falls short of being a 'Conduct Matter' is still recorded and dealt with by the force as a 'Minor Misconduct Matter'.*