



OFFICE OF THE POLICE & CRIME COMMISSIONER FOR THAMES VALLEY

REPORT TO THE THAMES VALLEY POLICE AND CRIME PANEL 29th January 2021

UPDATE ON POLICE COMPLAINTS SYSTEM REFORMS

Executive Summary

Following implementation of the Policing and Crime Act 2017, Part 2 of the Act reformed the national police complaints and disciplinary systems.

The reforms to the police complaints system were implemented with effect from 1st February 2020.

This covering report, and the associated presentations to the Panel from TVP Professional Standards Department (PSD) and the Office of the PCC (OPCC), aim to update members on the operational impact in practice of the changes made to the police complaints system since their implementation.

Effect of the Act on the national police complaints system

Part 2 of the 2017 Act covers the changes made to the national police complaints system.

The key provisions of the Act in relation to the police complaints system are summarised below:

- a) Placing an explicit duty on PCCs to hold their chief constable to account for the exercise of the chief constable's functions in relation to the handling of complaints.
- b) Making PCCs the review body for appeals (now known as 'reviews') previously heard by chief officers.
- c) Enabling PCCs to take on other functions within the police complaints system, giving them the option of taking on responsibility for the front-end of the complaints system and responsibility for all duties regarding contact with the complainant.
- d) Clarifying the definition of a complaint – previously defined as '*any complaint about the conduct of a person serving with the police*' – to one that defines a police complaint broadly as '*an expression of dissatisfaction with a force*'.
- e) Retaining and clarifying the focus on immediate resolution of customer-service issues where appropriate, before such issues become complaints.
- f) Removing the non-recording categories (such as 'vexatious' and 'out of time' complaints) so that any issue that is not possible to resolve immediately, or that the complainant wants recording, is recorded.
- g) Removing the opaque categorisation for handling complaints – 'local resolution', 'local investigation', 'disapplication', 'discontinuance' – and replacing this with

statutory duties based on taking “*reasonable and proportionate*” action to resolve a complaint.

- h) Streamlining the complex appeal process so that there is one appeal (or ‘review’) point at the outcome of the complaint.
- i) The reformed IPCC to be known as the Independent Office for Police Conduct (IOPC)
- j) Allowing for regulations to be made to require the IOPC to investigate all chief officer misconduct allegations (including gross misconduct).

Thames Valley - Issues and Impact

In accordance with the minimum legislative requirement, with effect from 1 February 2020 the PCC became the appellate body to hear appeals (now known as ‘reviews’) – previously heard by chief constables - concerning the outcomes of complaints made against the conduct of police officers and police staff and the quality of service a complainant has received from the Force.

The PCC did not seek to utilise the enabling legislation to allow him to take on responsibility for the front-end of the police complaints system and responsibility for all duties regarding contact with the complainant.

In practice, as will be covered by the two presentations to the Panel from TVP PSD and the OPCC, the volume of complaints and consequential reviews experienced since February 2020 has significantly increased.

In any event, the PCC always had the following concerns about the changes made to the police complaints system:

- 1) It was considered inevitable that the change in the definition of a complaint – expanded to include ‘an expression of dis-satisfaction with the force’ – would be likely to result in an increased volume of both complaints received by the Force and requests for reviews by the OPCC of the outcomes of those police complaints.
- 2) The transfer of responsibility for undertaking reviews would result in a greater volume of escalated complaints - whether spurious or not - being made against the PCC (rather than the Chief Constable and/or Head of PSD, as was the case previously) from complainants who are not satisfied with the outcome of their review.
- 3) This anticipated increase in volume of complaints against the PCC would have a direct impact on the workload of the Police and Crime Panel, which has the statutory responsibility to handle and resolve non-serious complaints made against the PCC.
- 4) The Act was silent on this latter aspect of the changes to the police complaints system and did not address the potential issue of the limited capacity of police and crime panels to deal with any significant increase in workload.
- 5) There was nothing specific in the Act to help the police service / PCCs / Police and Crime Panels manage ‘persistent (vexatious) complainants’.

In addition to the above long-standing concerns, in respect of the transfer of responsibility to the PCC for undertaking reviews of the outcome of complaints against the Force, in Thames Valley the TVP Professional Standards Department (PSD)

supports the PCC discharge this duty by providing the resource to assist the OPCC undertake this review function.

However, due to the inevitable increase in the volume of complaints made against the Force and the resultant increased number of requests for reviews experienced since February 2020, compounded by current PSD staff sickness absence issues, the effectiveness and sustainability of that local arrangement may need to be reviewed.

Finally, with regard to the OPCC's handling of 'unacceptable behaviour by complainants' (including persistent complainants), I have attached as an Appendix to this report a copy of the OPCC's recently revised Complaints Procedure. For members' information, the guidance relating to the handling of 'unacceptable behaviour of complainants' is covered in Section 9 of the Procedure.

Presentations to Police and Crime Panel

The two presentations to the Panel from TVP PSD and the OPCC will provide an overview of the new complaints system, together with a flavour of the implications and impact of the changes in practice.

The presentations will also address how the Force and the OPCC are attempting to manage (and hopefully reduce) the increase in complaints handling workload experienced since February 2020.

Anthony Stansfeld

Police and Crime Commissioner for Thames Valley

January 2021



Complaints Procedure for the Office of the Police and Crime Commissioner for Thames Valley

We want people to be safe and to feel safe in the Thames Valley, and for the police to provide you with the best service possible. Everyone has a right to fair and honest treatment by the police, however sometimes something may go wrong in the Force's day-to-day dealings with the public. When this happens, we want to ensure that members of the public are aware of how to complain and this document has been produced to make it easier for individuals to make a formal complaint.

A complaint can vary in its severity but it is defined as 'any expression of dissatisfaction with a police force that is expressed by, or on behalf of, a member of the public'. If you do wish to make a complaint, the procedure for complaining will depend on the type of complaint you wish to make and who it is made against.

Please note that the Office of the Police and Crime Commissioner (OPCC) or the Thames Valley Police Professional Standards Department (PSD) cannot investigate complaints made anonymously and therefore you will need to provide your full name and contact details.

1. Do you wish to make a complaint against the Thames Valley Police and/or police officers and staff below the rank of Chief Constable?

While the OPCC has a role in monitoring how the police respond to complaints, it does not become involved in complaint investigations against the Force unless you are exercising your right to review of the outcome of a complaint investigated by the Force (see section 5, below, for information about complaint reviews). If you are dissatisfied with the service you have received from Thames Valley Police (TVP) we would recommend that in the first instance you try and take up any issue with the officer concerned and/or their line manager. Often this is the most straightforward way of resolving a matter. However, if this is not possible or appropriate, the Force's PSD is responsible for handling all complaints about the conduct of police officers and staff below the rank of Chief Constable, as well as general complaints regarding the provision of the policing service in Thames Valley including policy and procedures.

If you wish to make a complaint against TVP please contact the PSD by writing to:

Professional Standards Department
Thames Valley Police Headquarters
Oxford Road
Kidlington
Oxfordshire
OX5 2NX

or by telephone: 101 / **01865 841148**
or by email: professional.standards@thamesvalley.pnn.police.uk
or by using the following Website link:
<https://www.thamesvalley.police.uk/fo/feedback/tc/thanks-and-complaints>

Alternatively you can walk into your local police station and explain to the station duty officer what it is you wish to complain about.

2. Do you wish to make a complaint against the Chief Constable?

The Police and Crime Commissioner (the PCC) has a statutory duty to consider complaints against the Chief Constable of TVP. If you wish to make a complaint against the Chief Constable you will need to address your complaint to the Chief Executive of the OPCC using the following contact details:-

The Chief Executive
Office of the Police and Crime Commissioner
The Farmhouse
Thames Valley Police Headquarters
Oxford Road
Kidlington
Oxfordshire
OX5 2NX

or email: pcc@thamesvalley.pnn.police.uk

3. Do you wish to make a Complaint against the OPCC?

Whenever you come into contact with the OPCC you have the right to expect a professional service that meets your needs. Should the level of service fall below expectations you have the right to complain about:

- The PCC's Office itself, our policies or practice;
- The PCC or Deputy PCC;
- A Member of staff of the OPCC, including contractors,
- A volunteer working on behalf of the OPCC.

If you wish to make a complaint against any of the above, you will need to address your complaint to the Chief Executive at the OPCC using the following contact details:

The Chief Executive
Office of the Police and Crime Commissioner
The Farmhouse
Thames Valley Police Headquarters
Oxford Road
Kidlington
Oxfordshire
OX5 2NX

or email: pcc@thamesvalley.pnn.police.uk

In relation to complaints made against the PCC and Deputy PCC, the Chief Executive will make a recording decision regarding your complaint and, once recorded, will forward it to the Thames Valley Police and Crime Panel, ¹

If you wish to find out more about the Thames Valley Police and Crime Panel you can do so by using the following link: www.thamesvalleypcp.org.uk

4. Do you wish to make a complaint against the Chief Executive of the OPCC?

If you wish to make a complaint against the Chief Executive you may write directly to the PCC using the following contact details:

The Police and Crime Commissioner
Office of the Police and Crime Commissioner
The Farmhouse
Thames Valley Police Headquarters
Oxford Road
Kidlington
Oxfordshire
OX5 2NX

or email: pcc@thamesvalley.pnn.police.uk

5. Complaint Reviews

In some circumstances, PCCs now have responsibility for complaint reviews (formerly known as appeals) where the relevant appeal body was previously the Force. The PCC will assess whether the complaint was handled in a reasonable and proportionate manner.

If you are unhappy with the outcome of your complaint against TVP, and you have been advised in your outcome letter from TVP PSD that the PCC is the relevant review body, you may submit your request for a review via the following channels:

- Using the following form: ([Complaint Review Form](#))
- Via email to: OPCCComplaintReviews@thamesvalley.pnn.police.uk
- Via post to:
The Head of Governance and Compliance
The Office of the Police and Crime Commissioner
Thames Valley Police Headquarters
Oxford Road
Kidlington
Oxfordshire
OX5 2NX

When submitting your review, please provide us with the following information:

- Your name (or the name of the complainant if you are appealing on their behalf)

¹

- Address and/or email address
- Date your original complaint was made
- Name of the Force your complaint was made to
- Details of the complaint including the complaint reference number
- Date of complaint outcome letter from the Force
- Your review points

Please note that if it is determined that the Independent Office for Police Conduct (IOPC) is the correct appeal body, your request for a review will be forwarded on to them.

6. Independent Office for Police Conduct

You also have the right to make a complaint against TVP directly to the **Independent Office for Police Conduct (IOPC)**. Information on the work of the IOPC and the national police complaints process can be found on the IOPC website (www.policeconduct.gov.uk). Please note however that the IOPC may pass your complaint back to the Force to deal with.

7. Other ways to make a complaint

There are alternative ways to make your complaint without going directly to the Force or the PCC, and you can choose the one that suits you best, e.g.

- A solicitor
- Your local MP
- Your local councillor
- A “Gateway” organisation (such as the Citizen’s Advice Bureau)

You can also ask a friend or relative to make the complaint on your behalf. For these complaints to be considered, you will need to provide written permission authorising the person who will be making the complaint to do so on your behalf.

8. What happens next?

Whatever type of complaint you make, TVP and/or the OPCC will need to know as much as possible about the circumstances so that they can deal with it as quickly and efficiently as possible. They may ask you to fill in a form or provide a written account of the issues involved. An official record will be made and you will be told how the complaint is going to be dealt with and what action may be taken as a result.

Most complaints about the Force will be dealt with by TVP and reviewed by the OPCC but the more serious complaints are likely to involve the IOPC.

Complaints against the PCC and Deputy PCC are normally referred to the independent Thames Valley Police and Crime Panel (PCP) and dealt with by way of its Complaints Sub-Committee.

Depending on who the complaint is made against will determine the timescale by which you will receive a response. If your complaint is against the Chief Constable,

the complainant must receive a final response within fifteen working days. If your complaint is against the PCC, as these are dealt with by the PCP (as referenced above) at a meeting of its Complaints Sub-Committee meeting, these meetings are arranged as necessary.

9. Unacceptable behaviour by complainants

The OPCC recognises that some members of the public may have experienced frustrating or distressing circumstances which led to them making contact with the OPCC and, therefore, does not view behaviour to be unacceptable just because an individual may be frustrated or angry.

Nevertheless, the OPCC will reserve the right to manage unacceptable behaviour from members of the public on a case-by-case basis, depending on the nature and extent of the behaviour.

Unacceptable behaviour has been grouped by the Independent Office for Police Conduct (IOPC) into the following three categories:

- **Aggressive or abusive behaviour** – threats, physical violence, personal and verbal abuse, derogatory remarks and rudeness.
- **Unreasonable behaviour** - demanding responses within unreasonable timescales, insisting on dealing with or refusing to deal with particular members of staff, continual phone calls/letters or emails that adopt a 'scattergun' approach and pursuing the same issues with numerous members of staff.
- **Unreasonably persistent** – persistent refusal to accept a decision made by the OPCC, persistent refusal to except explanations relating to the remit of the PCC and/or what the OPCC can assist with despite the information having been explained and clarified.

The OPCC may report verbal abuse or harassment towards staff directly to Police. All threats or use of physical violence will be reported to the police without prior warning to the individual.

OPCC staff who experience unacceptable behaviour over telephone calls have the right to end the call and will record such actions on a correspondence log.

An individual shall be advised that their behaviour is considered to be unacceptable and provided with the opportunity to adapt that behaviour before any further action is taken by the OPCC. If the individual fails to curb their unacceptable behaviour, the OPCC may develop and implement a communication strategy with that individual if they continue to display unacceptable behaviour that impacts adversely on the work or welfare of OPCC staff.

Communication strategies will be put in place to:

- Ensure that the individual's complaints/requests for information are dealt with promptly and accurately,
- Protect staff welfare,
- Limit the disproportionate cost on the public purse when dealing with the individual,
- Ensure that the OPCC can function and manage its workload effectively.

A communication strategy will be unique to each individual and will be implemented on a case-by-case basis, to ensure that it remains appropriate and proportionate. The following list is not exhaustive, however the strategy may include:

- Requiring an individual to only email the main PCC inbox (or a designated Single Point of Contact (SPOC)).
- Placing time limits on telephone conversations.
- Restricting communication to one method of contact.
- Confirming that the OPCC will only contact the individual on a bi-weekly or monthly basis.
- Reading and filing correspondence, but only acknowledging or responding to it if the individual provides new information relevant to the consideration by the OPCC of a current 'live' complaint or is making a substantially new complaint,
- Requiring that any requests for information must be submitted through a formal process, such as a Freedom of Information or Subject Access Request, otherwise any requests for information not done so will not be responded to.
- Taking any other action that is deemed appropriate and proportionate, e.g. in extreme cases, the OPCC may choose to block telephone numbers or email addresses.

The individual will be informed prior to any action being taken and the reasons for such a communication strategy being implemented. The communication strategy will be presented to them in writing (this includes via email). However, where OPCC staff safety or welfare is threatened due to unreasonable behaviour, the individual may not receive prior warning of action being taken.

If a restriction has been put in place as part of a communication strategy and the individual breaks that restriction, OPCC staff have the right to not engage in conversation or respond to communication, as is appropriate and lawful.

Individuals will be informed as to how they can challenge the decision to implement the strategy. If an individual does wish to challenge the action being proposed by the OPCC, they may raise their concerns/disagreements in writing to the Chief Executive of the OPCC who will consider their points and make a final decision, which will be communicated to the individual.

10. Oversight and feedback

The OPCC monitors closely how complaints are handled by the Force and receives monthly updates on the Force's performance. In addition, random dip-checks of PSD files are also regularly carried out by the Professional and Ethical Standards Panel (PESP) to ensure that the Force's complaints handling systems and procedures are adequate and effective.

The Force and the OPCC welcome your comments and will use the information you provide to improve the service offered to all our communities. If you have any questions or queries on this procedure, please contact the OPCC on PCC@thamesvalley.pnn.police.uk

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VERSION RECORD

Version No.	DATE	Comments	Made By (Name and Role)
v1.0	September 2017	Initial Submission	Lindsay Jopling, Governance Manager
v2.0	March 2018	Review	Vicki Waskett, Governance Manager
v3.0	April 2019	Review	Sierra Reid, Governance Manager
v4.0	April 2020	Review	Sierra Reid, Governance Manager
V5.0	October 2020	Amendments	Sierra Reid, Governance Manager
V6.0	October 2020	Review	Vicki Waskett, Head of Governance and Compliance
V7.0	November 2020	Amendments	Sierra Reid, Governance Manager

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