



Professional Standards and OPCC

New Complaint and Misconduct Regulations

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NOT PROTECTIVELY MARKED



Headlines

- New Complaints Regulations came into effect on 1st Feb 20
- The new complaints system focuses on forces not individuals
- Strong focus on learning and improvement
- Introduction of 'reflective practice'
- AA can now refer officers directly into Unsatisfactory Performance Procedures
- Misconduct sanctions available now include extended written warnings and reduction in rank
- All complaints/expressions of dissatisfaction need to be recorded or logged
- All complaints subject to a 'reasonable and proportionate' investigation
- New definition of a complaint – much broader than before
- Complaint reviews (formerly appeals) are now carried out by the OPCC

Reflective Practice

Where there is a determination of practice requiring improvement this can be dealt with by means of reflective practice.

Reflective Practice is the ability to reflect on your actions and improve the way you work. In order to get the most out of it the participating officer must be willing to continually assess their own practice.

Process will be completed with the individual by the line manager through an informal meeting. The Participating Officer is entitled to seek advice from Police Friend at any stage of the process however it is not permissible for them to be present at the RP meeting as this is a normal informal management process.

All line managers will receive training on the Reflective Practice Process.

New Definition of a complaint

From 1st February -

A complaint is

“Any expression of dissatisfaction **with a police force** which is expressed (whether in writing or otherwise) by or on behalf of a member of the public”

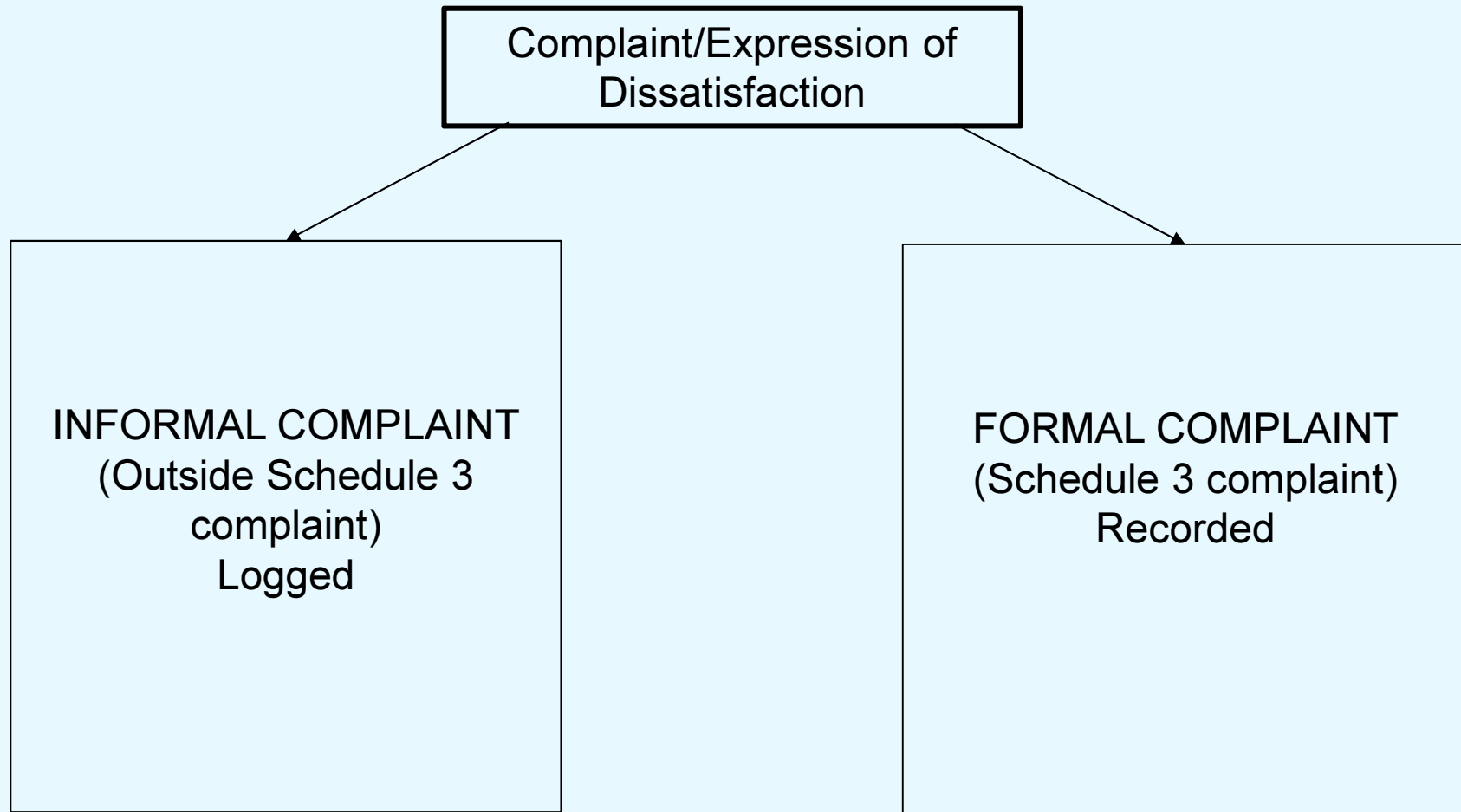
What is reasonable and proportionate

IOPC Statutory Guidance 2020 states forces need “to complete a reasonable and proportionate investigation”.

It means weighing up the matters seriousness and its potential for learning, against the efficient use of policing resources, to determine the extent and nature of the matters handling and outcome.

A reasonable and proportionate response includes providing a clear and evidence based rationale for any decisions made.

Formal and Informal Complaints



What if the complainant is not satisfied

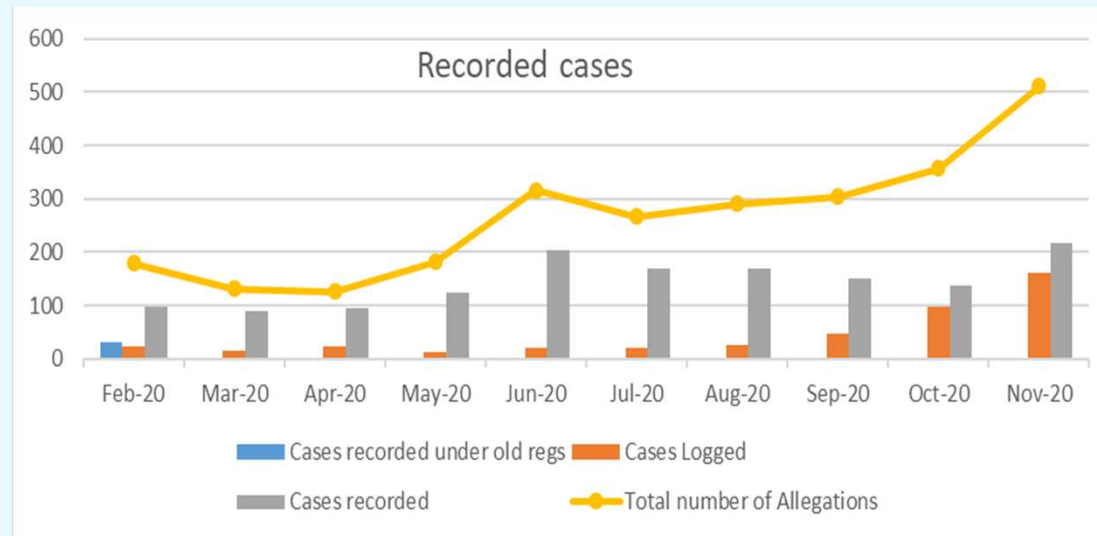
If you are unable to deal with the complaint to the complainant's satisfaction or even if you have but the complainant asks for a formal record to be made the complaint will then be transferred to a the formal complaint process (Schedule 3) and will need to be recorded.

Persistent Complainants

- Small number of prolific complainants create disproportionate demand
- Can complain about complaint handlers
- Can make entirely repetitious complaints
- Can use review rights (appeals) to OPCC
- The IOPC have produced guidance on handling repetitious and vexatious complainants.
- PSD have communications plans in place with the most demanding complainants

Complaint Volumes

57% increase in complaints recorded this year



Other forces have seen similar sized or greater increases – some forces seen increases of up to 400%.

IOPC have not yet released their statistics for the past year

Created a backlog of complaints to be recorded

Range of factors contributing including Covid (over 150 complaints), BLM issues and protests.

Despite the increases complaints are dealt with increasingly quickly

PSD Response

- Put additional resources into complaints recording
- Simplified recording process
- Developing robotics to assist with recording
- Established a small 'Complaints Resolution Team' to tackle low seriousness complaints quickly (listen/say sorry/fix it). Almost 50% of all new complaints resolved this way.

PCC

In the new regulations the PCC has the responsibility for the reviews (formerly appeals)

The review right gives the complainant 28 days in which to contest the findings of the investigation.

The review considers whether the investigation was reasonable and proportionate.

Where the complainant covers more than one point of dissatisfaction – please ensure that you answer each complaint within your IO report and any letter that you send to the complainant.

It is more likely that any right to review (appeal) will be successful if you haven't answered all of the complainants concerns.