

CONDUCT COMPLAINTS: MEMBER DIP SAMPLING OF COMPLETED CASE FILES

BACKGROUND

1. The Police Authority, through this Committee, has an important role in the monitoring and oversight of complaints against the Force. To complement the Chief Constable's report that this Committee receives on complaints received over the last quarter (previous agenda item), at its meeting on 31 August 2004, the Audit & Strategy Committee approved a programme of Members' dip sampling completed case files for complaints relating to conduct matters (minute 79 refers). A programme of dip sampling has been developed to allow Members to understand further the complaints processes as they are operated in Humberside and to check this against the Force's policy and procedure.
2. This report sets out the key issues arising from the dip sampling visits to Professional Standards Branch (PSB) in May and June 2005.

COMPLETED VISITING MEMBER RECORD SHEETS

3. The forms completed by Members following the visits made in May and June are held by the Secretariat, along with the forms completed at previous visits.
4. No issues of substance came out of the visits in May and June but Members may wish to note the following issues, in any future visits they undertake:-
 - i. In response to a comment made by a Member about a complaint resolved locally, PSB noted that the response to the complainant should be sufficiently detailed to ensure that the original complaint is fully addressed.
 - ii. Conversely, with regard to another complaint, a Member commented on the amount of time and effort that went into its resolution. Members should note that the complaints system is complainant driven and PSB must deal with and respond to complaints made. As the IPCC's draft statutory guidance states: "The complaints system needs to work for everyone and the IPCC wants to see fair and equal treatment of all complaints".

FUTURE VISITS TO PSB

5. A new programme of visits to PSB to dip sample conduct complaints has been drawn up and was circulated to Members of this Committee in August.

An amended programme is appended to this report (Appendix A) taking into account changes that have been made to the original since its circulation in August. There are 4 vacant slots in the programme and Members are requested to identify whether they can fill these. It can be seen from Appendix A that the first visit of the new programme took place on the 7 September. The results of this visit will be reported to the next meeting of the Audit and Strategy Committee.

6. Members are reminded that the Head of Professional Standards Branch has offered to provide training to Members on what they are looking for during the visits. Please contact the Secretariat if you wish to attend the short training session prior to your visit or if you wish to further discuss your role in the oversight of the Force's complaints process.
7. Members are also reminded that a guidance note for Members' dip sampling visits has been drafted and previously circulated. It sets out what Members need to look for when they study the completed complaints case files. It is appended to this report at Appendix B for Member's information and use at their visits.

RECOMMENDATIONS

8. It is recommended that Members discuss the issues arising from the May and June dip sampling visits at paragraph 4, take account of these issues in future dip sampling visits and carry out further visits over the coming year.

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Background documents: Secretariat File 2.2.9

AUDIT AND STRATEGY COMMITTEE

Dip sampling of completed CONDUCT complaints files Professional Standards Branch

Guidance note for members

As part of its role to secure the maintenance of an efficient and effective Force, the Police Authority must ensure that the Chief Constable has an effective system for handling complaints.

Dip sampling of completed complaint files helps you, as a Member of the Police Authority, to understand how the Chief Constable's processes regarding complaints are operated and to check this against the Force's policy and procedure.

Set out below are the key questions that you will want to ask as you study the completed conduct complaints files today:

Recording of the complaint:

- Form 640 complaint form – has it been completed properly?
- Are all the required details there:
 - eg date/time/place information received and by whom
 - name and address of complainant
 - date/time/nature of incident

Handling of complaint:

- Was the complaint correctly classified as a direction and control or conduct matter?
- Was the decision to resolve the complaint locally or refer it to the IPCC appropriate?
- If the complaint was locally resolved, was a procedure set up to have the complaint locally resolved?
- If the complainant declined Local Resolution, has the complaint been fully investigated to a satisfactory level?
- Have all the allegations been addressed (see F640 and statement of complaint)?
- Have attempts been made to contact all witnesses?
- Has any evidence been overlooked/not fully taken into account by the Investigating Officer?
- Are the Investigating Officers findings appropriate?

Sanction:

- In those cases which have resulted in an official sanction (advice / superintendents warning / fine / reprimand / resignation), after examining the minute sheets which will explain the decisions taken, is the sanction imposed appropriate?

Response to complainant:

- Did the interim letter to the complainant clearly outline the findings and proposed outcome?
- Did the final letter to the complainant clearly outline the findings and proposed outcome?
- Was the complainant generally satisfied with the response received? If not, what could be done to remedy this?

Appeal to IPCC:

- If the complainant has appealed, what is the IPCC view of the Force's actions? Was the appeal upheld? If so, why?

Lessons learnt:

- Has PSB apprised the appropriate party of any lessons to be learnt by the Force (appropriate party Branch/Division/Chief Officers for strategic issues)?

Trends over time:

- Are there any particular issues that keep coming up time and again?
- Should the Chief Constable be required to bring a report on this issue to the next meeting of the Audit and Strategy Committee?