

PROFESSIONAL STANDARDS BRANCH QUARTERLY UPDATE REPORT

PURPOSE OF THE REPORT

1. The quarterly statistics package for Professional Standards Branch (PSB) is appended to this report at Appendix A. Following agreement with Mr Gammon and Mr Kingston the package has been slimmed down from the PSB report in an attempt to reduce bureaucracy and to tailor the package more precisely to suit members' needs. The papers will not now contain a quarterly thematic report as a matter of course but PSB will provide reports to address specific Police Authority requirements at the request of the lead member. Members are asked to note the report and statistics package.

BACKGROUND

2. The report is designed to reflect the performance of Humberside Police for the period 1 April to 30 September 2011 in terms of complaints from members of the public, the outcomes of those complaints, any intervention from the IPCC and to provide an overview on conduct matters.

OPTIONS, RISKS AND OPPORTUNITIES

3. Not applicable.

POLICING PLAN AND PERFORMANCE

4. Effective responses to complaints and feedback are important to ensure that the organisation remains responsive to public needs and that improvement to performance and service delivery are driven by customer need and expectation.

IMPACTS ON OR LINKS TO COLLABORATION

5. None at present. Complaints are local issues and there would seem to be few savings achievable through collaboration. Much of the investigative process is specifically detailed in law. Future events in terms of changes to the complaints handling process in future legislation may present opportunities.

FINANCIAL IMPLICATIONS

6. None.

LEGAL IMPLICATIONS

7. All legal aspects have been considered to ensure that the Police Authority and Force are compliant with existing legislation.

EQUALITY AND DIVERSITY AND HUMAN RIGHTS

8. All aspects of diversity and equality have been considered as well as human rights legislation.

CONCLUSION

9. Report attached for noting by members.

RECOMMENDATIONS

10. It is recommended that Members:
 - (i) Note the content of the quarterly report.
 - (ii) Raise any concerns by exception.
 - (iii) Continue to receive future reports on a quarterly basis.

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Chief Constable

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Background documents: Statistics package.....Appendix A

Humberside Police



Protecting Communities, Targeting Criminals

Quarterly Report to Police Authority

1st April 2011 to 30 September 2011

Reference Number:	PSB 02/2011
Prepared By:	Lyn Williams on behalf of Detective Superintendent Higgins
Version	One
Date Created:	31 October 2011

Handling Instructions:-

- This cover sheet must not be detached from the report to which it refers.
- This report is intended for dissemination to the Humberside Police Authority.

Approved: Det Supt Higgins

Date: 31 October 2011

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NB Where no time period is shown, the data relates to the current year (i.e. April to September 2011).

1. Executive Summary

This quarterly reporting period, April to September 2011, has seen a continuing trend of reduction in the overall level of complaints taking into account public complaints and direction and control complaints. Numbers have fallen by 40 cases from the same period last year.

PSB are driving improvements in our service and processes to respond more effectively to indications of public dissatisfaction and, where service has not met with expectations, to put things right at the earliest opportunity. Police supervisors are involved early in this process of managing service supplied to need and expectation of the public. PSB ensure that recorded dissatisfaction is appropriately addressed through effective and timely management of the complaints process.

Maintaining the current timeliness of complaint investigations is seen as important both for ensuring the satisfaction of those who go on to complain as well as seeking a speedy resolution for those staff members complained about.

Particular attention is being directed towards the effective management of repeat complainants, and seeking to determine effective long term policing solutions to repeat complaints. This work is being devolved to Divisions to address the underlying issues that are prompting repeat complaints.

Officers subject to multiple complaints or allegations are subjected to additional management focus to identify appropriate measures or additional training to reduce the likelihood of attracting a complaint. Early indications are encouraging in these areas. Work is ongoing with the Training Unit to construct aspects of a training course to focus on communication style and negotiating skills to better equip officers for dealing with challenging situations and to assist in recognising those repeat situations which tend to give rise to public complaint. One Trainer is currently seconded to PSB to develop a tailor made training course to help officers subject to repeat complaints to recognise how their actions may give rise to complaints and to seek ways of better managing and communicating in such scenarios. In time we hope to refine and condense this training into a package suitable for the wider force. We hope that this will lead to further reductions as well as better service to the public.

The number of appeals upheld by the IPCC against decisions and investigations by Humberside Police remains low and evidences sound decision making and ethical investigation.

Within this reporting period no further investigations have been taken on as *independent* investigations by the IPCC, one investigation remains ongoing from May 2011 and relates to a death following police contact where no misconduct has been identified. The IPCC are currently *supervising* two investigations within force, though the investigations are conducted by PSB and relate to incidents outside of this reporting period.

The Police Authority is being made aware whenever a mandatory referral of a case is made to the IPCC.

2. Headline Indicators

	April – Sept 2010 Q1 & Q2	April –Sept 2011 Q1 & Q2	Change
Complaint Cases Recorded	306	217	-89
Direction and Control Cases Recorded	34	83	+49
Total Complaint Cases	340	300	-40
Complaint Allegations Recorded	554	421	-133
Complaint Allegations per 1000 employees	122	98	-24
Complaints cases per 1000 incidents	3.5	2.5	-1.00
% of Control Strategy allegations	70%	58%	
% of allegations Locally Resolved	42%	41%	
% of allegations discontinued, dispensed, de-recorded, withdrawn	16%	22%	
Allegations substantiated/upheld	37	9	
% of Local Resolutions appealed to IPCC	4%	4%	
Average number of days to locally resolve allegations	25	38	+13
Average number of days to finalise allegations by investigation	73	64	-9

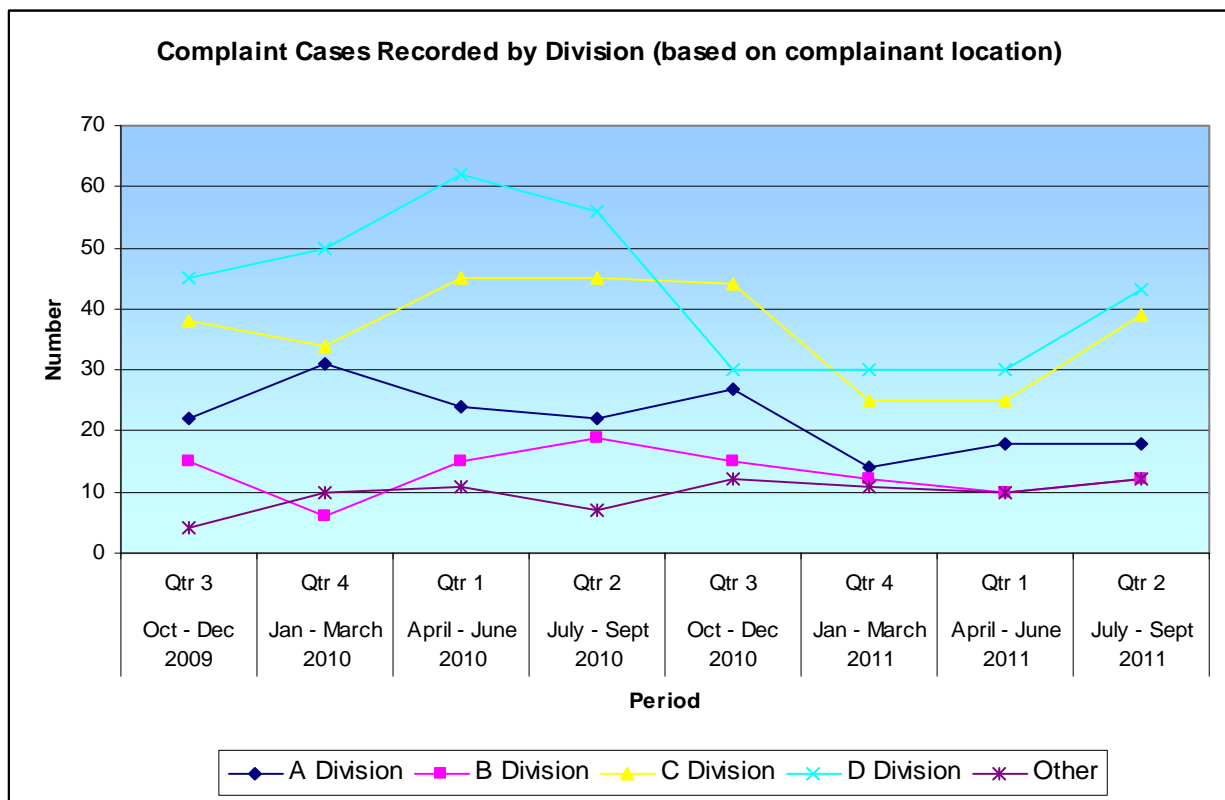
This data is based on local data as the IPCC has not yet published their report for quarter 2.

The stats demonstrate a reduction of 40 in total complaint cases against the same period last year with total allegations showing a reduction of 133.

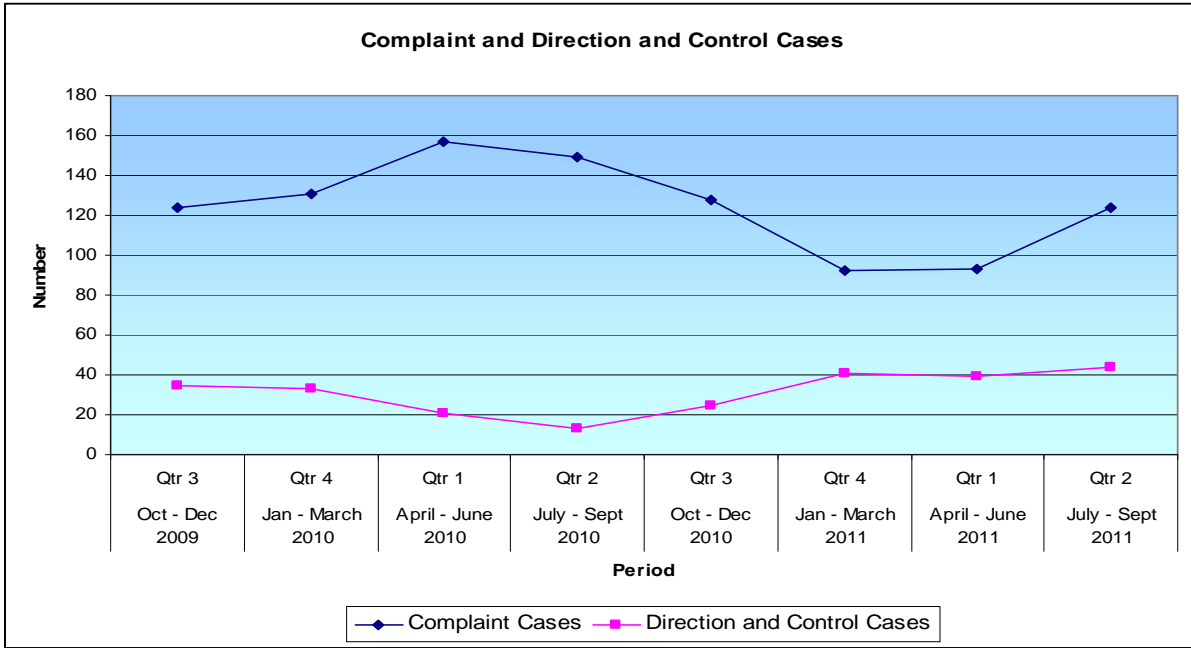
3. Complaint Cases and Allegations Recorded

Period	2010 – 2011		2011 – 2012		Change	
	Cases	Allegations	Cases	Allegations	Cases	Allegations
Q1	157	311	93	173	-64	-138
Q2	149	243	124	248	-25	+5
Q3						
Q4						
Total	306	554	217	421	-89	-133

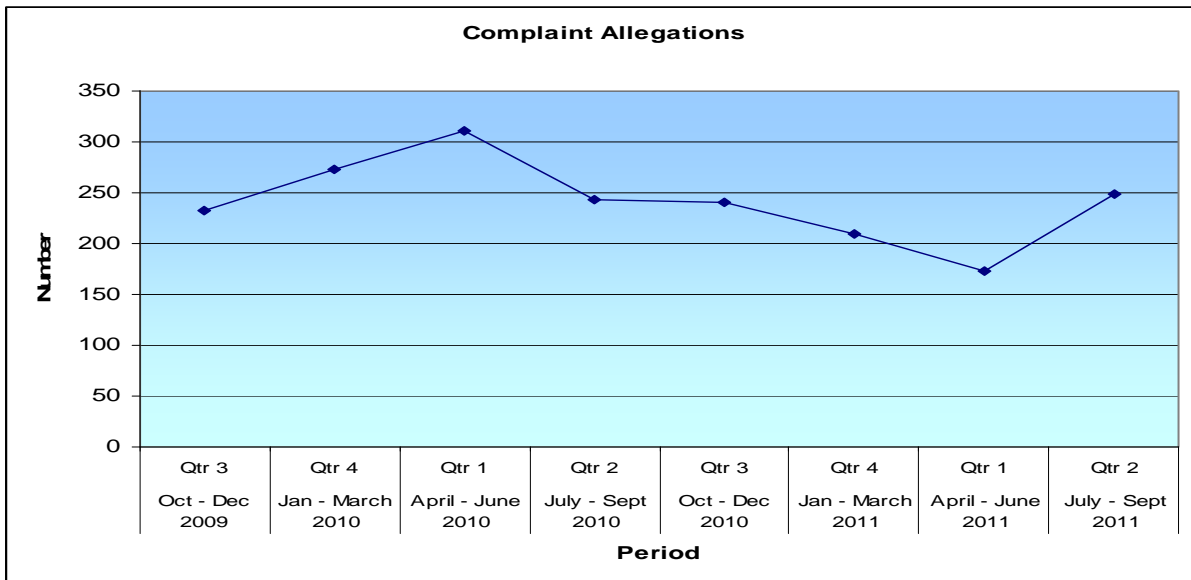
Recorded cases (not including direction and control cases) shows a reduction against the corresponding period from last year of 89 cases.



Complaint cases broken down by Division over the previous 2 years.

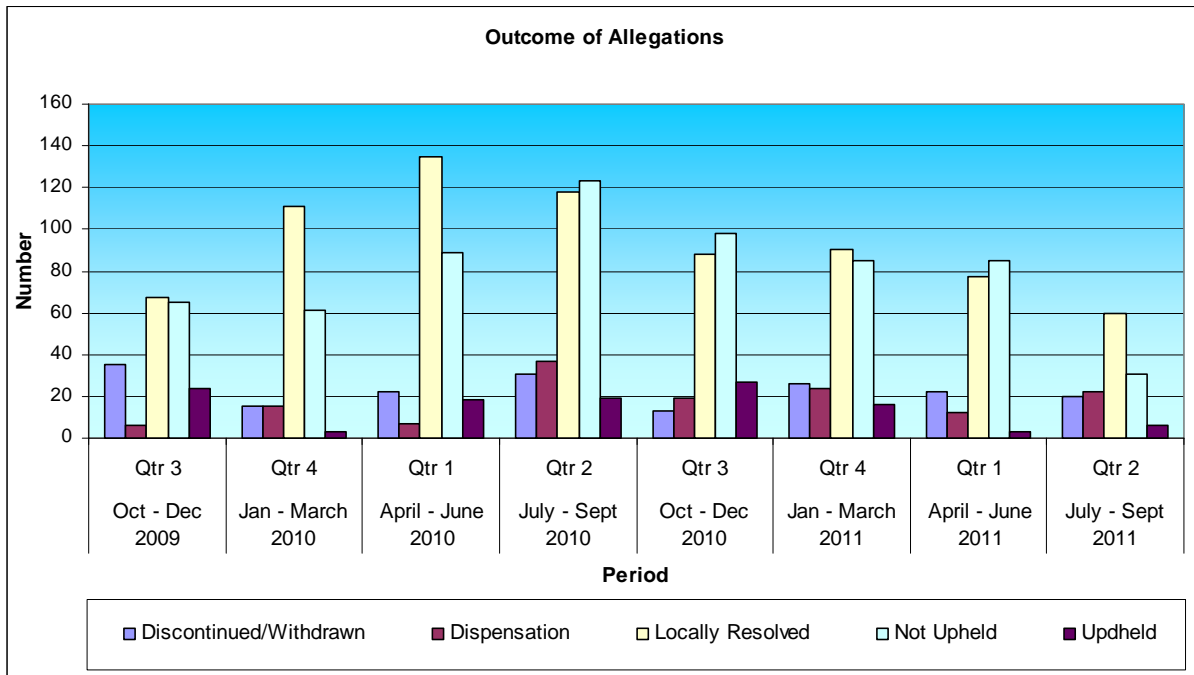


Graph demonstrates the corresponding changes in levels of complaint and direction and control cases and shows the impact of changes in recording practice throughout this two year period, a rise in numbers of complaint cases from period one is evident though this is against exceptionally low levels in period one and the level of complaint cases is substantially reduced for the year on year comparator



A rise in numbers of allegations from period one is evident though this is against exceptionally low levels in period one and the level of allegations is substantially reduced for the year on year comparator.

4. Outcome of Allegations



9 allegations have been upheld in this period compared to 37 in the corresponding period last year. 22% of allegations were dispensed with, de-recorded or withdrawn.

5. Direction and Control

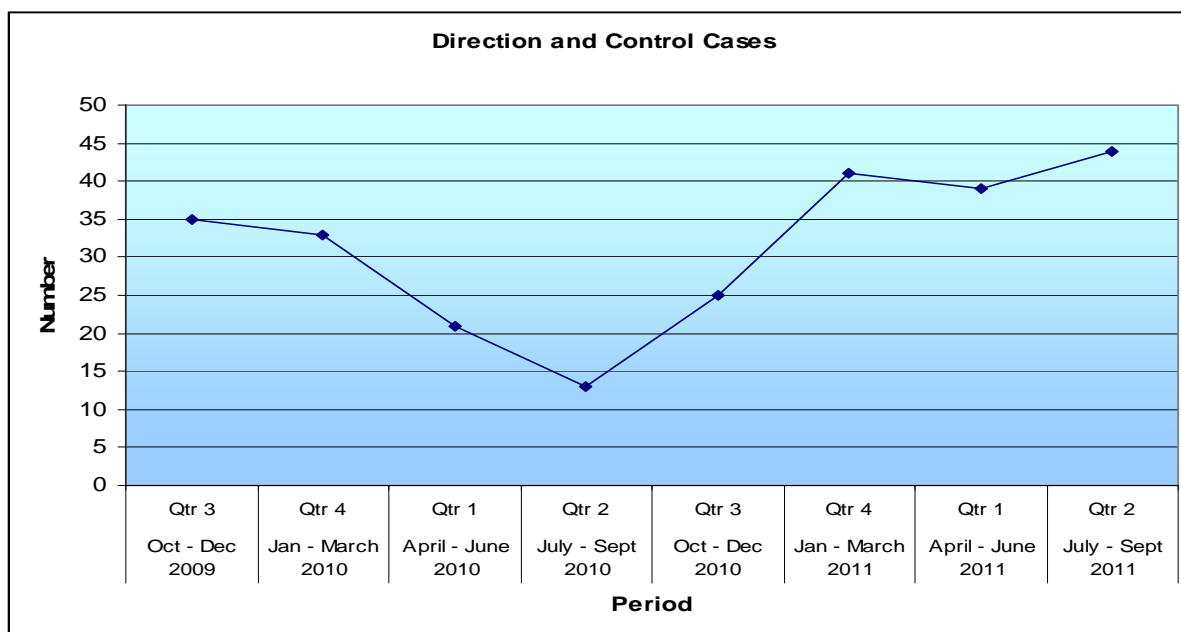
The Police Reform Act excludes any complaint or part of a complaint related to the 'direction and control' of a police force by the chief officer of that force or anyone carrying out the functions of the chief officer (i.e. under delegated authority).

The IPCC considers the term 'direction and control' to include the strategic or operational management activity such as response times, policy and procedure decisions, general policing standards etc.:

A complaint that concerns any of the above is excluded from the main provisions of the Police Reform Act and should not be recorded under it.

The table below shows the number of recorded Direction and Control Cases.

Division/Branch	2010 – 2011			2011 - 2012			Total Change
	Q1	Q2	Total	Q1	Q2	Total	
A Division	1	2	3	6	6	12	+9
B Division	3	0	3	5	5	10	+7
C Division	4	3	7	10	10	20	+13
D Division	8	3	11	11	17	28	+17
HQ	2	2	4	0	0	0	-4
Ops	3	2	5	5	2	7	+2
Out of Force/Not identified	-	1	1	2	4	6	+5
Force	21	13	34	39	44	83	+49



Changes in recording practice account for much of the change in level of complaints over this two year period. It is anticipated that given future consistent recording processes there will be a levelling out of numbers.

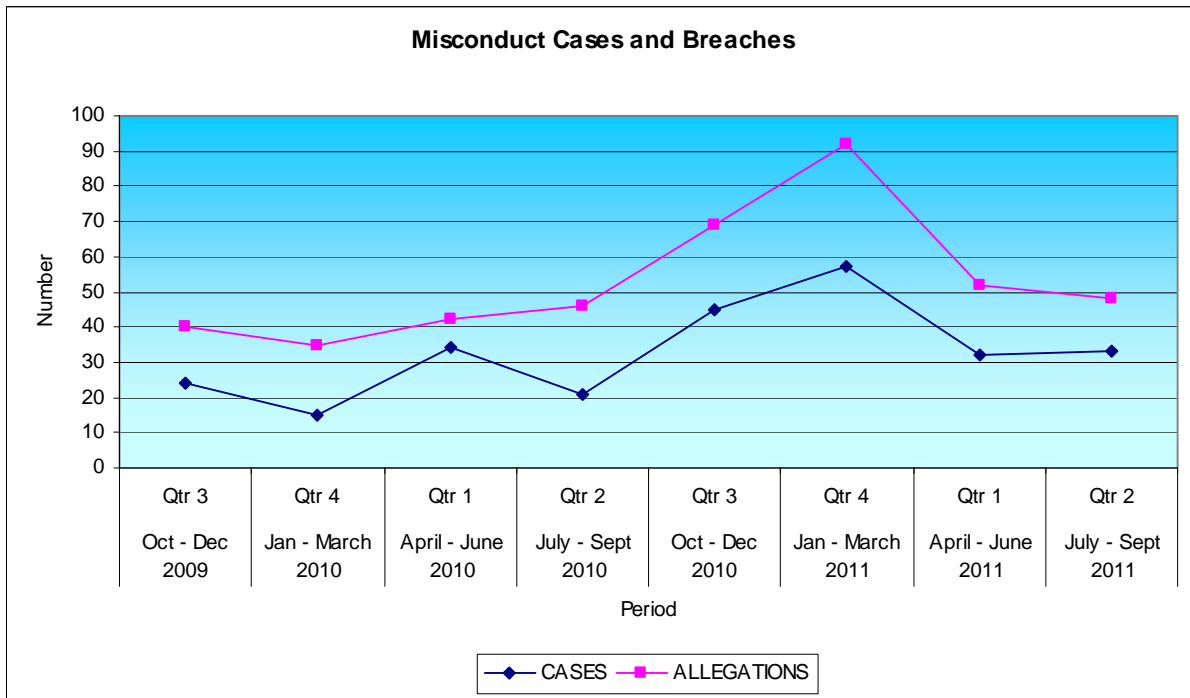
6. Most Similar Forces Comparison

Force	Complaint Cases April – Sept 2010	Complaint Cases April – Sept 2011	Local Resolutions as a % of Finalised Allegations April – Sept 2011	Complaint Allegations per 1000 staff April – Sept 2011
Derbyshire			%	
Durham	88	119	66	94
Gwent	183	174	30.4%	101
Humberside	149	124	41%	98
Nottinghamshire	238	227	34%	102
South Wales			%	
South Yorkshire	301	202	34	67

Table shows a reduced level of complaint cases year on year, pleasing levels of Local Resolution of Complaints at 41% and complaint allegations per 1000 staff at levels similar to most similar forces.

7. Misconduct Cases and Breaches

Period	2010 – 2011		2011 – 2012		Change	
	Cases	Breaches	Cases	Breaches	Cases	Breaches
Q1	34	42	32	52	-2	+10
Q2	14	46	33	48	+12	+2
Q3						
Q4						
Total	48	88	65	100	+10	+12



Misconduct cases are those cases arising not from public complaint but as a result of internal misconduct being identified. The number of allegations tends to rise in similar proportions to the number of cases given that each case may contain a number of allegations.

8. Lessons Learned

The IPCC have not issued any further learning the lessons Bulletins since the one submitted with the previous report 01/11.

9. Glossary	
Direction and Control Complaint	Organisational issue not within the provision of the Police Reform Act 2002
Allegations	A complaint allegation concerns the conduct of a person serving with the police. It is made by someone defined as a complainant under the Police Reform Act 2002. An allegation may be made by one or more complainants about the conduct of one or more persons serving with the police. An allegation will be recorded against an allegation category.
Conduct/Misconduct	Represents a single investigation into one or more matters. It relates to nay matter which may or may not have been the subject of a complaint but in the case of which there is an indication (whether from the circumstances or otherwise) that a person serving with the police may have a) committed a criminal offence or b) behave in a manner which would justify the bringing of a disciplinary proceedings. A conduct case may include one or more of the above matters.
Discontinued	Where the investigation has commenced and it is no longer practical to continue with or conclude the investigation.
Withdrawn	The complainant or person acting on their behalf retracts the complaint.
Dispensation	Can only be applied for where the investigation has not commented (this does not include the initial evidence gathering). In respect of dispensation an application to the IPCC can only be applied for on one occasion.
Local Resolution	Local Resolution can be a proportionate and effective way of resolving many complaints against police officers and police staff. It is a simple and flexible way for people to tell the police what happened and find out why it happened. It can only be carried out with the agreement of the person making the complaint.
Not Upheld	<p>Examples of instances where complaints will not be upheld</p> <p>A complaint will not be upheld where the facts are clearly established and it is determined that what the complainant claims happened did not occur.</p> <p>A complaint will also not be upheld where there is insufficient evidence to conclude, on the balance of probabilities, that the complainant's allegation is true. Commonly, this will arise where there is a conflict of accounts that cannot be reconciled on the evidence available and the investigator cannot establish the facts.</p> <p>Other considerations</p> <p>An investigation which is into more than one complaint may recommend upholding separate complaints but on different bases</p>
Upheld	<p>A complaint should be upheld where the findings show that the service provided by or through the conduct of those serving with the police did not reach the standard a reasonable person could expect. Any facts on which the judgement to uphold the complaint is based must be proven on the balance of probabilities. For example, this test will be met where it is found that there is a case to answer against an officer in respect of misconduct or gross misconduct or, in the case of a member of police staff, that there are grounds for disciplinary action in relation to the matter and the matter is not an ancillary matter. This test will also be met when it is not found that there is a case to answer against an officer or, in the case of a member of police staff, that there are grounds for disciplinary action, but the service provided by or through the conduct of a person serving with the police did not reach the standard a reasonable person could expect.</p> <p>In deciding what standard of service a person could reasonably expect, the investigator, IPCC and appropriate authority should apply an objective standard of a reasonable person in possession of the available facts. They</p>

	<p>should have regard to the Standards of Professional Behaviour (or equivalent for police staff), any agreed service standards and any national guidance that applies to the matter.</p> <p>The decision to uphold a complaint should not be seen as in any way prejudicing the outcome of a subsequent misconduct meeting or hearing (and possible later appeal) for police officers or misconduct procedure for police staff. The decision to uphold is always and only a judgement on the service provided to the complainant by the force as a whole and should not be seen as a judgement against the person subject to the complaint.</p> <p>This means that an investigation without special requirements can result in an upheld complaint. For example, it will be appropriate where the officer or police staff member complained about has limited experience or skill and acts in a well intentioned but ill judged way giving good grounds for complaint but not so as to warrant a special requirements investigation.</p>
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