

A simple guide to assist when dealing with a public complaint.

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First thing to do is...

Speak to the person. What is it they want to say? Just because the CAD Message says it's a complaint it doesn't necessarily mean it is one.

Can you deal with the matter straight away? If so take steps to do so.

Is it just an apology the person wants? – If so and its appropriate don't be afraid to say sorry. Remember, when saying sorry you are generally doing it "on behalf of the Police Service" and not the individual police officers.

Complaints are a bureaucratic process and a little sympathy now may save you a lot of work in the future.



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You have worked your little bit of magic but the complainant still wants to complain.

Is it ACTUALLY a complaint?

any complaint about the conduct of a person serving with the police which is made (whether in writing or otherwise) by;

The person actually affected

A person adversely affected

A person who witnessed the incident

A person acting on behalf of those above. (Written consent required)



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A couple of things here.

1. The complaint does not have to be about a Police Officer. It can equally be about a PCSO or a CAD operator.
2. It isn't just the person who was affected that has the right to complain. However, simply watching something on the TV doesn't give a person the right.
3. The complaint can be made on behalf of another. Generally its mum complaining for her son or a solicitor complaining for his client. Written consent is generally required if there is no line of continuity.



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So, you are satisfied that it is a proper complaint
what else do you have to consider?

The law has recently changed on what now needs to be recorded as a complaint and dealt with. Previously we would have recorded everything and then asked the IPCC for permission to dispense with some cases. **Now there is no requirement to even record it.** We do need to get this right because there is a right of appeal for the complainant.



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Recording

All complaints recorded unless:

- §Already subject of complaint by same person
- §Name/address of complainant unknown and impracticable to ascertain.
- §Complaint is vexatious, oppressive or an abuse of complaints procedure
- §Complaint is repetitious
- §(new) Complaint is fanciful



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Sounds a little confusing but by applying a little bit of common sense you should be able to work out whether the complaint is new or something that has previously been reported and recorded.

Be VERY careful about the vexatious exemption. Just because YOU don't believe what the complainant is saying it doesn't make it vexatious. There needs to be real evidence to suggest this. Something like a concerted effort by the complainant to target an individual officer. If unsure record it.

Fanciful – This is something new and until it has been tested the definition of what is fanciful is open to interpretation.



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Direction & Control

You may have heard of this phrase. It covers incidents where for example a road is closed off for a road traffic accident or where increased patrols are put in to a particular area.

Under the new regulations, we now have to record direction and control matters in the same way as we do other complaints and provide an explanation for the actions the organisation has taken.



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Now you can finally get your pen out.



Go to the Intranet and under forms look for a Form 3352.

Use the Intranet because the form is constantly changing.

Work your way through the form like you would the Drink Drive booklet in custody.

You are now probably thinking "I just want to get this over and done with and passed on to the DPS. They can do the rest."

Unless the matter is of a serious nature, the chances are **you** are going to be dealing with it. So get it right now and save yourself more work in the future.

Important issues with the 3352

Officer's identity. – If you know who the officer is, say so. Makes life easier.

However don't "hedge your bets" and put everyone who was there down on the form; you may double or triple your BOCU's complaint figures. If unsure leave them off and put their details on the back page.

Part 5 – Additional information/documents. Try and grab copies of Custody records and officer notes at the earliest opportunity. **If the matter is of a serious nature you will be expected to carry out all the evidence gathering you can at this stage.**

Think CCTV



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Local Resolution – New Rules.

Local Resolution is a very useful tool that you need to be thinking about throughout the whole complaints process.

It is actively supported by the IPCC

It brings about closure and negates the need for lengthy and time consuming investigations.

Benefits for the officers involved include no hold up to promotion or career movement. Not a substantiated complaint.



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Local Resolution.

- Complainant's consent **no longer required** to commence LR, but always try to gain it.
- LR can only be used if the conduct complained about (even if proved)
 - would ***not justify*** criminal or disciplinary proceedings and
 - the conduct complained about (even if proved) would not infringe Article 2 or 3 HRA.

Disciplinary Proceedings = Misconduct meeting or hearing.



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We need to get Local Resolution right because:

1. If the complaint is low level, we decide whether or not it will be dealt this way
2. Their right of appeal is now to a special Appeals Unit here in The Directorate of Professional Standards.
3. There is no further right of appeal.
4. It is now all about outcome rather than process.



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What is Local Resolution and what does it involve

LR is an action plan designed to deal with the matter complained about in a speedy and meaningful way.

It must address the concerns and provide a solution to the issues raised by the complainant.

The focus is now on the outcome, not the process of LR.



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Things to avoid when dealing with Local Resolution.

1. An apology from the Officer concerned. This is the top of the wish list for complainants and is something that we can't deliver unless the officer is prepared to do it. You can always apologise on behalf of THE SERVICE
2. Training. This runs a close second. The complainant always wants the officer re-trained. Often formal training is not available or not appropriate or cost prohibitive.
3. Face to face meeting. Try to avoid this unless you do have a very apologetic officer. Consider instigating a face to face meeting with a trained facilitator.
4. Never promise something that you may have difficulties delivering. You could just be re-enforcing the issue complained about.

Try not to come across as TOO defensive of the officers.



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Local Resolution. Things that can be done.

1. Take a full account from the complainant about how they felt during the interaction/activity. Inform them that you will speak with the identified officer and have them read their statement.
2. Offer to have a discussion with the officer, allowing them to reflect on how they dealt with the incident and how it could have been dealt with differently.
3. Offer to speak with the officer in an attempt to identify any learning or developmental needs that you can address.
4. Arrange for a member of SMT to speak with the officer to underline the seriousness of the matter.

Remember, you no longer need consent for LR –
but you must try to gain it



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What next?

Once you have completed the 3352, you need to send it off for assessment here in the DPS. Page 5 of the form tells you what e-mail address to use. It is important that it goes to the correct mailbox otherwise it has the potential to sit there and not be progressed.

You also have to send a copy to your own Professional Standards Unit; using their mailbox.

Depending on the seriousness of the issue it may well be passed back to you to investigate/deal with.



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Questions??????

During office hours help can be obtained from your local Professional Standards office or Champion

Help can also be obtained from the Complaints Support Team at ESB between 0800hrs – 1600hrs.

The Contact numbers are on the DPS Intranet pages

IF UNSURE ALWAYS ASK.



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