

Guide to dealing with Local Complaints

Introduction

This guidance has been drawn up to support local Managers dealing with low level public complaints.

As from 1st February 2020, the Police Reform Act 2002, has been amended by the Crime and Policing Act 2017. Local Resolution is no longer in existence and has been replaced with the Local Complaint process as detailed in this guidance.

Within this document we will in a succinct manner explain that processes that should be followed to ensure that every public complaint is dealt with swiftly and a **reasonable** and **proportionate** outcome is given to the complainant, ensuring that learning is identified where appropriate. A complaint does not simply mean that an employee has made a mistake, it could be that the organisation could improve the service to the public. The reforms aim to focus more on corporate accountability rather than individual blame (where appropriate).

Logging a Complaint versus Recording a Complaint

Initial Handling by Customer Service/OPCC/IRT

The regulations have introduced a complaints system that is designed, where possible, to try and deal with complaints at the front face when initially contacting the force/constabulary.

When a complaint is logged unless it is of a serious nature which would require an investigation or potential referral to the IOPC, it is expected that low level complaints are logged and a response/explanation is given to the complainant at this stage, which does not require a formal written response but tries to **'Listen, say sorry and fix it'**.

If after receiving the response, the complainant is still unhappy and not satisfied with the response given, then it is expected that the force/constabulary records the complaint under Schedule 3 of the Police Reform Act 200 which gives the complainant their Right of Review to the relevant review body (*Local Policing Body – PCC Office or the IOPC, depending on the nature of the complaint*) – See [Appendix A](#) for process map

Professional Standards responsibility

If the circumstances of the complaint should not be dealt with by initial handling due to the nature of the allegations made **OR** the complainant is unsatisfied with the response received from the initial handling then it is sent to PSD to make a decision on whether it requires an investigation or can be dealt with as a Local Complaint, PSD will look at the information and decide:

- **Is the case suitable for a reasonable and proportionate response to the complainant without the requirement to investigate the allegations?** (on the information provided, there is no indication either from the complainant itself or from the handling to date that a person serving with the police may have committed a criminal offence or behaved in a manner that would justify the bringing of disciplinary proceedings or there may have been the infringement of a person's rights under Article 2 or 3 of the European Convention on Human Rights and the complaint does not come from a Death or Serious Injury matter or has been referred to the IOPC at any point)
- **Who is the relevant Chief Inspector that can allocate the Local Complaint to an appropriate |Complaint Handler (Sgt/Insp/line manager) to progress with the complainant?**
- **If the complaint requires an investigation, then does it require a Professional Standards Investigation?** (*This type of investigation would determine if Regulations Notices would potentially be served*)

Dealing with a Local Complaint

Initial handling Service Recovery (Outside of Schedule 3) versus Local Complaint procedure

On occasions you may be nominated to deal with a complaint via the Professional Standards Department that already has been responded to via the initial handling, Service Recovery route (Outside of Schedule 3).

This does not mean they get a different response, it may mean you need to formalise the initial response that has been given using the Local Complaint procedure or that some further work is required to give a reasonable and proportionate response to the complainant which was not given on the initial handling.

Any information or documentation that was captured in the initial handling will be given to you upon the recording of the complaint so you are able to understand what had previously occurred.

Local Complaint Ethos

You should always consider the ethos of the complaint changes **'Listen, say sorry and fix it'**. The procedure is around listening to the complainant and ensuring that communication is tailored to meet the needs of the individual, engagement is key:

- **EARLY CONTACT** either via telephone or face to face with the complainant to understand their issues and why they were not satisfied with the initial response given to them. An effective relationship with the complainant from the outset should assist in the handling of the complaint and reduce the likelihood of a review request to the relevant review body (Review = what was known as Appeals).
- **INFORM** the complainant of what you will look at to be able to give them a reasonable and proportionate response to their complaint. This can be communicated to them verbally but **MUST** also be documented and the complainant should receive confirmation of the discussion that was had. This can be via email or letter depending on how the complainant wishes to be informed.
- **DOCUMENT** the actions you have taken or not taken in providing a reasonable and proportionate response to the complainant's allegations. THIS IS IMPORTANT as the documentation you provide PSD at the conclusion of your report will be the foundation for the review conducted by the relevant review body (PCC Office or IOPC), should the complainant request a review.
- **OUTCOME** once you have completed your enquiries, you must complete a Local Complaint Outcome report and come to a conclusion if (See [Appendix A](#) for examples):
 - **The service provided by the police was acceptable**
 - **The service provided by the police was not acceptable**
 - **The complaint has been looked at, but has not been able to determine if the service provided was acceptable**

Informing Officer/Staff

If you need to explore responses from officers/staff to be able to give a reasonable and proportionate response to the complainant, then you must inform them and keep an audit trail, whether this is face to face meeting or via email. You must explain to the individual:

- What has been raised by the complainant
- What information/responses you are requesting from them for you to be able to consider the information and identify any issues of concern ie individual learning/organisational learning.
- You must explain to them that the local complaint process is not a disciplinary one and it is to identify where any improvements can be made either for the organisation or the individual and that any information taken as part of the handling of the complaint is not admissible in any subsequent criminal, civil or disciplinary proceedings, unless there is an admission of another matter that is not being considered in this complaint.
- Reasonable and Proportionate

The conclusions you reach after exploring the complaint issues raised should be impartial and logical, based on the facts of the case and giving appropriate weight to relevant information. They should be supported by sound rationale. The outcome should seek to address and remedy any issue identified during your handling of the complaint.

It may be proportionate to seek accounts from individuals involved to be able to give a response to the complainant that answers why something happened, it could also be proportionate to look at Body Worn Video, CCTV of an incident. It may not be proportionate to glean a multitude of witness statements if you already have Body Worn Video or from another means have evidential statements of witnesses.

Identifying potential misconduct or gross misconduct whilst dealing with a Local Complaint

If, as the complaint handler dealing with the complaint you consider that the actions by an individual may have breached the threshold of a low level issue and have potentially become Misconduct or Gross Misconduct behaviour, you should cease progressing any action and take advice from the Professional Standards Department.

It may mean that PSD recall the Local Complaint and progress the complaint under an investigation. If PSD recall the complaint for investigation PSD will update the complainant, subject, interested parties involved and progress.

Identifying improvement required – Individual or Organisational

The complaints process should be taken as an opportunity to identify improvement for both individuals and the organisation, if you have identified that there are improvements required, you have the ability to consider for instance:

Individual Learning	Organisational Learning
Practice Requiring Improvement via Reflective Practice Process – constructing a learning and development plan, identified by you as the complaint handler or individual themselves i.e additional training	An apology to the complainant for the lack of service they received from the organisation as a whole. It is correct and proper to apologise if the service was found wanting.
More regular management or performance conversations, or other forms of closer supervision	Highlighting a practice or policy to the relevant unit/department/force lead that requires improvement or change

If you identify that an individual's actions necessitates Practice Requiring Improvement, you must document within the report the development plan you will undertake with the subject, update the subject of the plan that will be followed, but you must not progress any developmental plans until the conclusion of any complaint review period (28 days) or a complaint review if one is made, this is to ensure that if a review directs an investigation or more direction then there is no confusion for the subject. PSD will inform you accordingly via email when you can proceed.

Completing a Local Complaint Report

Once you have completed your enquiries and completed all necessary actions, you must document this on a Local Complaint Report, it is best practice to verbally discuss your report with the complainant prior to them receiving the written document, so that they can understand what you have or have not identified from their complaint.

When writing the report be considerate to the police terminology used and construct the letter in basic terms that a member of the public can understand ie Do not use abbreviations/police terminology without an explanation, be considerate of language or statements that could have the potential to offend.

This report once completed, along with the documentation gathered during the complaint, must be sent to PSD electronically (contact details below).

PSD will be responsible for sending out a covering letter with your report to the complainant and give the complainant their right of review. We will also quality assure the report to give any constructive feedback if required to the complaint handler.



Local Complaint
Report.dotx

Complaint Review (previously 'Complaint Appeal')

If the complainant requests a review after they have received the outcome, the Complaint Review will be conducted by either the Local Policing Body (PCC Office) or the IOPC, depending on the seriousness of the case. On the majority of occasions, Local Complaints will have the Local Policing Body as the Review Body.

The complainant has 28 days from the date of the final letter to make a request to the Review Body to have their complaint reviewed.

What do they consider under review?

The Review Body will ask PSD for all of the documentation for the complaint and consider whether the outcome was reasonable and proportionate, the review focus is upon whether it is appropriate to the circumstances of the individual complaint, rather than the process followed to reach the outcome.

This is where ensuring you have provided PSD all of the relevant documentation is key to evidence that actions you have taken to endeavour to give a reasonable and proportionate outcome.

They will consider issues such as:

- Was the complaint fully understood and were all allegations or concerns addressed?
- Whether the complaint handler attempted to understand the outcome the complainant was seeking and gave due consideration?
- Whether the proposed actions have sought to remedy the issue raised, so far as is reasonably possible?
- Whether the actions have been proposed or taken in respect of any learning or other issues identified through the handling of the matter?
- Were appropriate enquiries undertaken to be able to provide a reasonable and proportionate outcome?
- If any aspects of the complaint were not addressed, or any lines of enquiry were not pursued, were there sound reasons for this?

The Review body if required will contact either PSD or the Complaint Handler to ask any questions regarding the complaint should they feel that it is required.

If the LPB Review Body upholds a review, then they have the ability to:

- Make a recommendation with a view to remedying the dissatisfaction of a complainant
- Recommend that the force/constabulary investigate the complaint
- Recommend that the force/constabulary refer it to the IOPC if the complaint has not been referred previously

PSD will act as a conduit between the Local Policing Body and the Complaint Handler should the complaint handler be required to complete further action, PSD will notify them accordingly.

The LPB official review recommendation and any response from the Appropriate Authority to each other regarding the review will be copied into the complainant and any subject of the complaint.

APPENDIX A – Examples of decisions and outcomes when dealing with a Local Complaint

The decisions and outcomes are aimed to focus more on corporate accountability rather than individual blame, where appropriate and should be reviewing if the service provided by the force OR an individual was or was not acceptable.

Decision - Examples

‘Allegation decision of ‘the service provided was acceptable’

A landlord complains about the police breaking the door to a property when carrying out a welfare check on a vulnerable person who was found unconscious. The complaint handler establishes that the force was necessary and in line with policy and gives an explanation to the complainant on how they have come to that conclusion.

‘Allegation decision of ‘the service provided was not acceptable’

A witness attending a police station to provide a statement is unintentionally locked in the building alone. The complaint handler identifies this should not have happened and could have been prevented. The complaint handler should identify any practices/policy or reflective practice for an individual that is required to ensure this is prevented in the future. An organisational apology could be given to the complainant.

‘Allegation decision of ‘not able to determine if the service provided was acceptable’

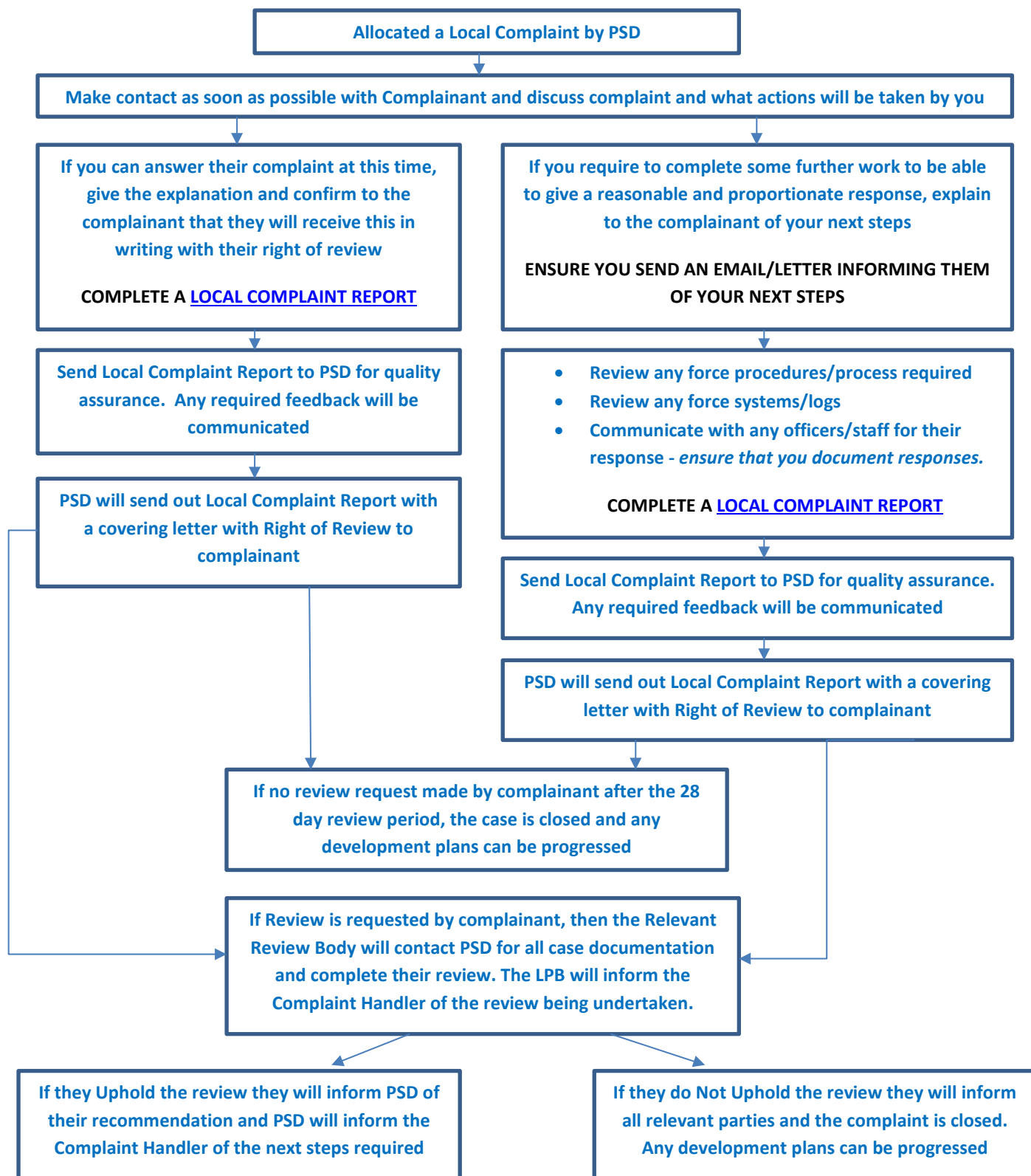
This decision should be selected where the investigator / complaint handler has not been able to come to a decision about whether the service provided by the police to the complainant was of a standard that a reasonable person could expect. This could be because there is too little information available on which to reach an opinion. Wherever possible, complaint handlers should reach one of the other two decisions.

A woman complains about her treatment 15 years ago in a custody suite that is now closed. Her account is plausible and she evidently has knowledge of the suite. However, no records from the time are available and no staff who may have knowledge of the alleged incident can be identified. The investigator / complaint handler cannot reach a definitive conclusion.

Types of Outcomes that could be considered by the Complaint Handler:

- Organisational learning – Organisation wide
- Organisational learning – department/division
- Organisational learning – team
- Individual learning
- Informal action by a line manager
- Policy/Procedure review
- Gesture of goodwill
- Apology/acknowledgement something went wrong
- Explanation provided
- Debrief of original incident
- No further action
- Other action – ie Return property / Update force systems

APPENDIX B - Local Complaint Process Map



PSD CONTACT

- BCHPSD@Bedfordshire.pnn.police.uk

Professional Standards Main Office:

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