



Professional Standards

Complaints Statistics

01/04/2015 – 30/09/2015

Contents

Page Number

Executive Summary and Key findings	3-4
Table A: Complaint Key Indicators	5
Table B: Contextual Information	
Chart 1: Public Complaint Cases and Allegations	6
Table C: Complaint Cases and Allegations recorded	
Table D: Public Complaint Cases - monthly three year comparison	7
Table E: Allegations – monthly three year comparison	
Chart 2: Allegation Categories	8
Chart 3: Allegations Totals – three year comparison	9
Chart 4: Allegations Finalised by Means	10
Table F: Outcome of Allegations (post April 2010)	11
Table G: Allegations Finalised by Other Means	
Table H: Force Appeals	12
Direction and Control Complaints	13
Chart 5: Service Recovery	14
Chart 6: Visibly Ethnic Minority Groups	15-16
PCC Case Sampling	17
Misconduct and Disciplinary outcomes	18-19
Lessons Learned	20
Guidance on the Independent Police Complaints Commission (Complaints & Discipline) (Contractors) Regulations 2015 - Update	21
Revised IPCC Guideline for Handling Allegations of Discrimination and the key principles for access to the police complaints system	23
Glossary	27-28

Executive Summary

This report presents figures on public complaints relating to Suffolk Constabulary recorded during the period 1 April to 30 September 2015. These complaints are made by members of the public in relation to the conduct of those serving with the Police and are dealt with under the Police Reform Act 2002 (PRA 2002). The PRA 2002 introduced a number of changes with regard to complaints against the Police. These changes came into effect on 1 April 2010 and aimed to improve the way that complaints are handled. Under the PRA 2002, forces are required to record all complaints made by the public in relation to the conduct of those serving in the force. Amendments made to the police complaints system by the Government in the Police Reform and Social Responsibility Act 2011, introduced in November 2012, were designed to streamline and remove unnecessary bureaucracy from the system, ensure that complaints are handled at the lowest appropriate level, and focus more on putting right the complaint made by the member of the public. As a result of the amendments Direction and Control issues are now recorded as Public Complaints and the allegations referred to as Organisational.

Key Findings

- Public complaint numbers have reduced by 18%, from 184 in Q1 to Q2 2014/15 to 150 in Q1 to Q2 2015/16. Allegations recorded have also decreased by 18%, from 342 in Q1 to Q2 2014/15 to 279 in Q1 to Q2 2015/16.

The number of public complaints recorded within the reporting period has decreased for the second year running. In the same period in 2014/15 complaints recorded fell by 1% however over the financial year 2014/15 complaints reduced by 14% in comparison to the year 2013/14.

Allegations numbers have shown a decrease, down by 18% on the same reporting period the previous year.

- The main areas of public complaint remain the same as in previous quarters with 'Other neglect or failure in duty' recording the largest percentage of all allegations.
 - a) 'Other neglect or failure in duty' represents 32% of all recorded allegations. In the reporting period, 89 allegations were recorded in comparison to 29%, 97 allegations in Q1-Q2 2014/15.
 - b) 'Incivility, impoliteness and intolerance' represents 14% of all recorded allegations. A total of 40 allegations were recorded under this category in Q1-Q2 2015/16, in comparison to 12%, 41 allegations the previous year.
 - c) 'Other assault' represents 8% of all recorded allegations. In the reporting period, 22 allegations were recorded under this category in comparison to 13%, 45 allegations in Q1-Q2 2014/15.
 - d) 'Oppressive conduct or harassment' represents 12% of all recorded allegations. A total of 33 allegations were recorded in Q1-Q2 2015/16 in comparison to 11%, 38 allegations the previous year.
 - e) Organisational allegations represent 1% of all recorded allegations. In the reporting period 3 allegations were recorded in comparison to 2.3%, 8 allegations in the same period the previous year.

Complaint Reduction

The fall in complaints in the last financial year and the further 18% reduction in quarter 1 to 2 this year compared to the same period in 2014/15 is positive and could be attributed in part to the continued work around complaint reduction.

The Complaint Reduction Strategy was introduced in response to a rise in complaints recorded. Work to prevent/reduce complaints and educate staff about their behaviour and how they are perceived by the public has been undertaken in the form of training, focusing on integrity, action and dissemination of lessons learned, development of partnership working and the review of officer and staff complaint histories.

A programme of training has been rolled out across the Force focusing on student officers, specials, newly promoted police staff/officers and Inspectors/managers undertaking investigations.

Engagement with officers by way of informal visits to police stations has been introduced to give officers the opportunity to discuss issues around complaints and lessons learned.

Complaint reduction work continues with work streams being regularly reviewed.

COMPLAINT CASES AND ALLEGATIONS

Table A: Key Indicators Relating to Handling of Complaints

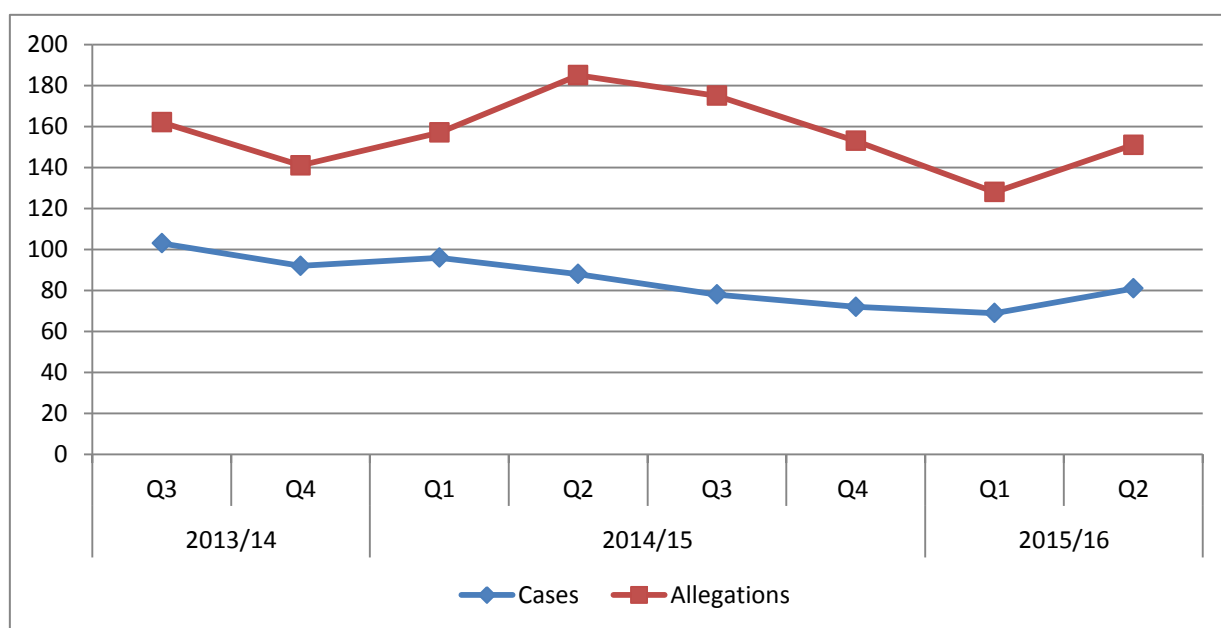
<u>Measure</u>	<u>01.04.15– 30.09.15</u>	<u>Same period 12 months previously</u>
% of cases recorded within 10 working days	95%	96%
Average number of days to Locally Resolve complaint*	46	50
Average number of days to Investigate complaint*	60	78

**The data relates to complaint cases, not allegations. The IPCC bulletin provides information regarding the average number of days to resolve/investigate allegations.*

Table B: Contextual Information Relating to Allegations and Outcome

<u>Measure</u>	<u>01.04.15– 30.09.15</u>	<u>Same period 12 months previously</u>
<u>Recorded allegations</u>		
% of 'incivility, impoliteness and intolerance'	14	12
% of 'other neglect or failure in duty'	32	29
% of 'other assault'	8	13
% of 'oppressive conduct or harassment'	12	11
<u>Outcome of Allegations</u>		
% discontinued/disapplication	10	6
% withdrawn	4	4
% upheld investigations	16	18
% locally resolved	35	32

Public Complaint Cases and Allegations



(Chart 1): The above chart shows the number of public complaint cases and allegations recorded during the reporting period.

Table C: Complaint cases and allegations recorded

<u>Period</u>		<u>Complaint Cases Recorded</u>	<u>Allegations Recorded</u>
2013/14	Q3	103	162
	Q4	92	141
2014/15	Q1	96	157
	Q2	88	185
	Q3	78	175
	Q4	72	153
2015/16	Q1	69	128
	Q2	81	151

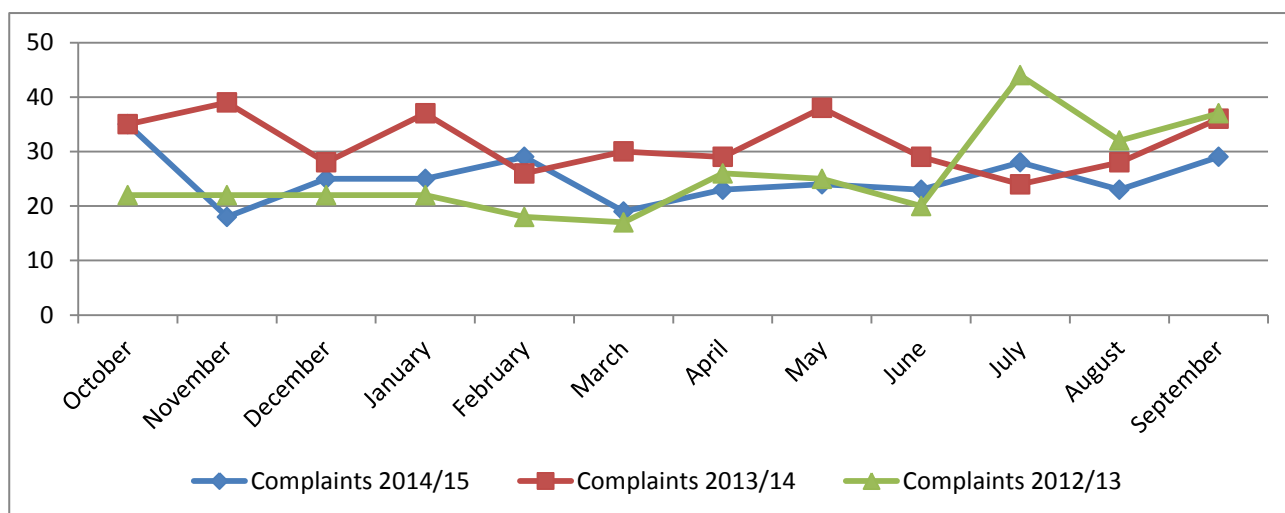
Note: Allegations recorded during specified periods may also include allegations added to existing cases. i.e. 151 allegations have been recorded during Q2. Of those, a proportion may be new allegations added to cases already recorded in Q1.

The accumulative quarterly complaint figures above do not take into account those cases which are subsequently de-recorded or that may have been initially recorded against Suffolk Constabulary and then changed to Norfolk Constabulary, or vice versa, following identification of the subjects. Equally, accumulative quarterly allegation figures do not take into account those allegations which are removed or added to complaint cases during investigation and finalisation of the allegations, outside of the reporting quarter.

Public Complaints recorded – three year comparison

Table D: The below table and graph details the public complaints recorded monthly over the last three years

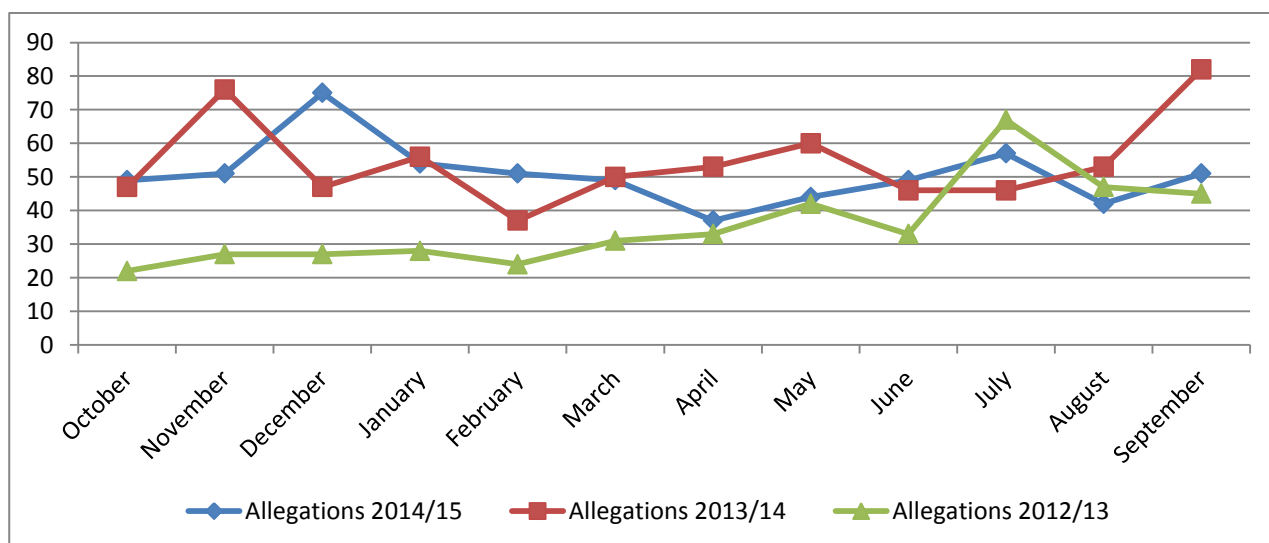
Month	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Year 2014/15	35	18	25	25	29	19	23	24	23	28	23	29
Year 2013/14	35	39	28	37	26	30	29	38	29	24	28	36
Year 2012/13	22	22	22	22	18	17	26	25	20	44	32	37



Allegations recorded – three year comparison

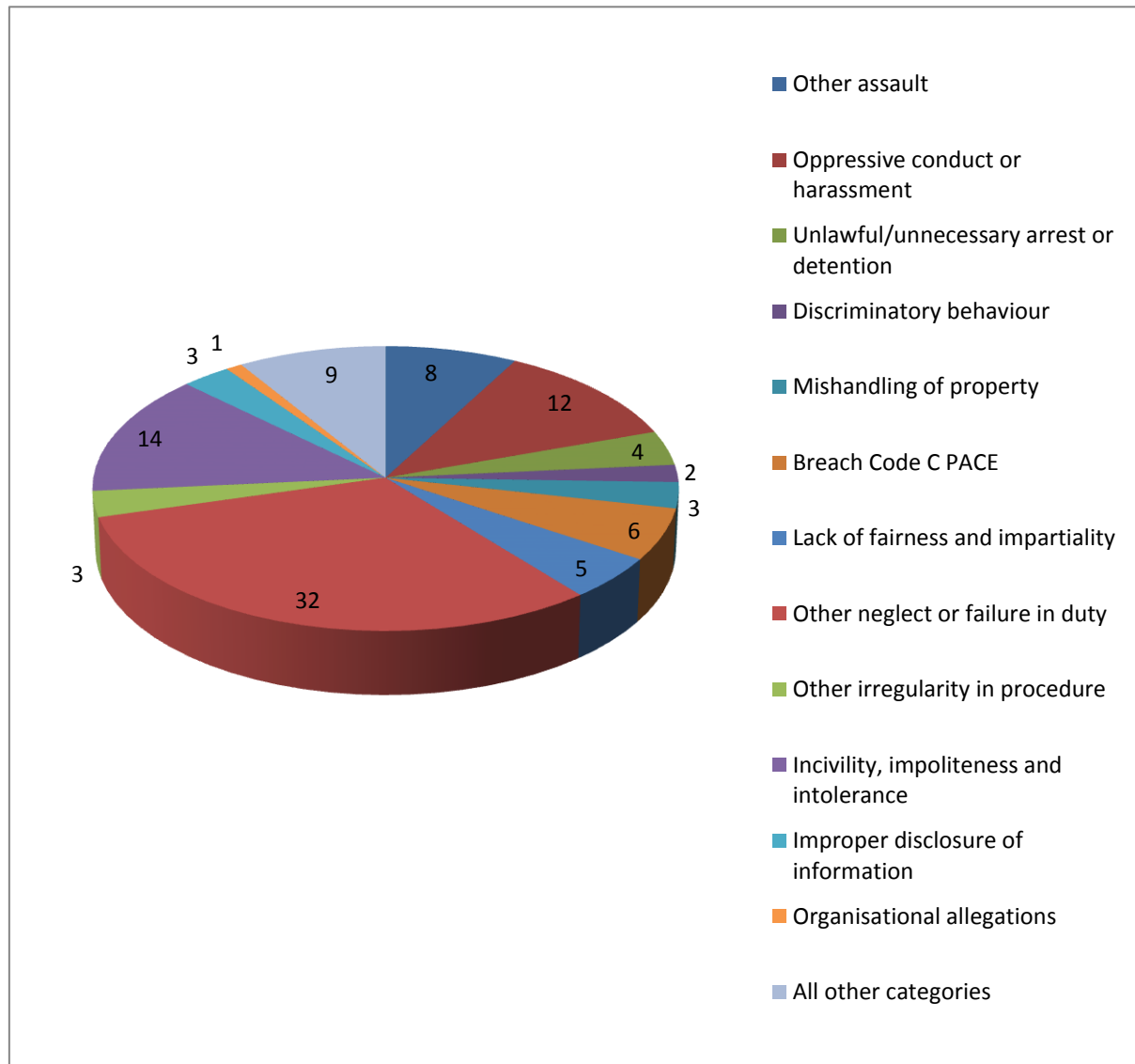
Table E: The below table and graph details the allegations recorded monthly over the last three years

Month	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Year 2014/15	49	51	75	54	51	49	37	44	49	57	42	51
Year 2013/14	47	73	47	56	37	50	53	60	46	46	53	82
Year 2012/13	22	27	27	28	24	31	33	42	33	67	47	45



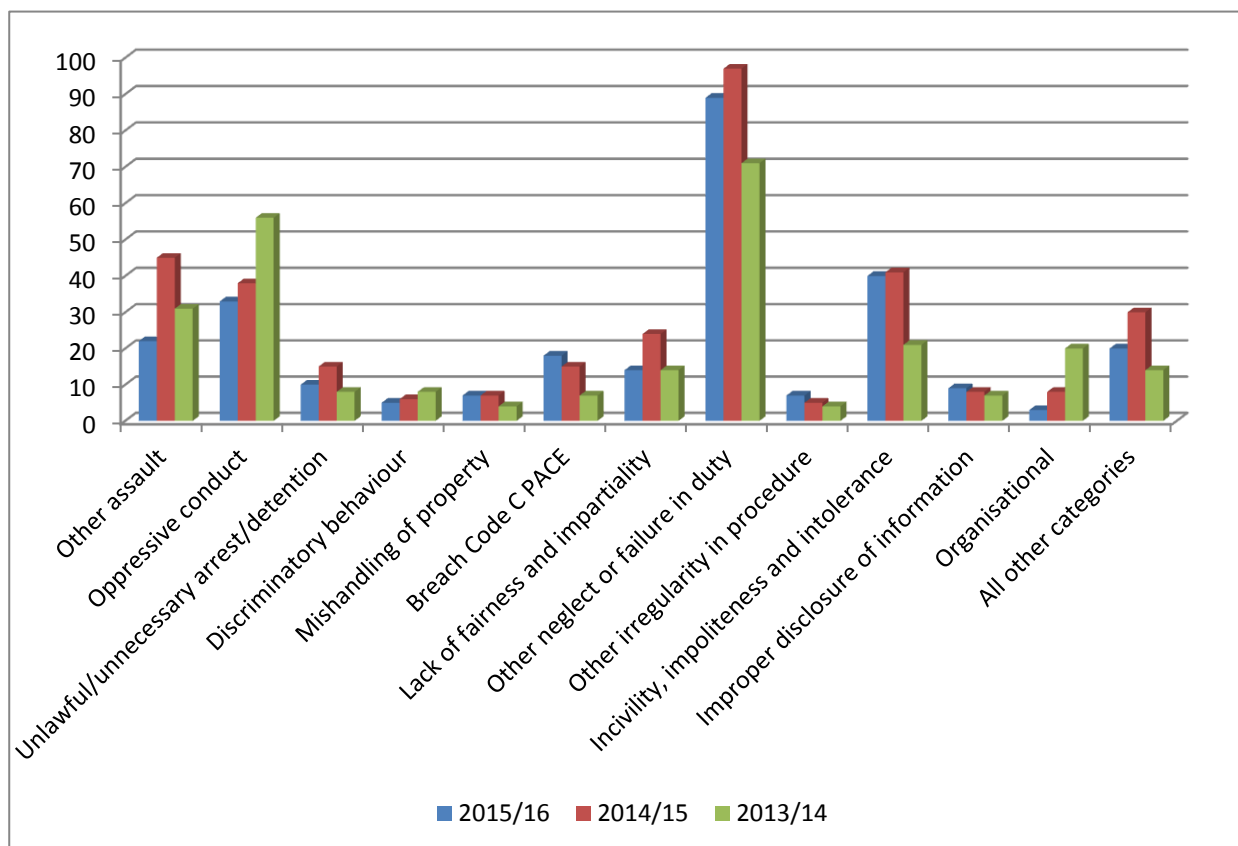
Allegations

Allegation categories recorded (percentage) between 1 April and 30 September 2015



(Chart 2): The above chart shows the most frequently recorded allegations by type as a percentage of all allegations recorded. The categories which record the largest percentage (3% of the allegations and above) are displayed individually with the inclusion of Discriminatory Behaviour allegations, with all others being grouped together.

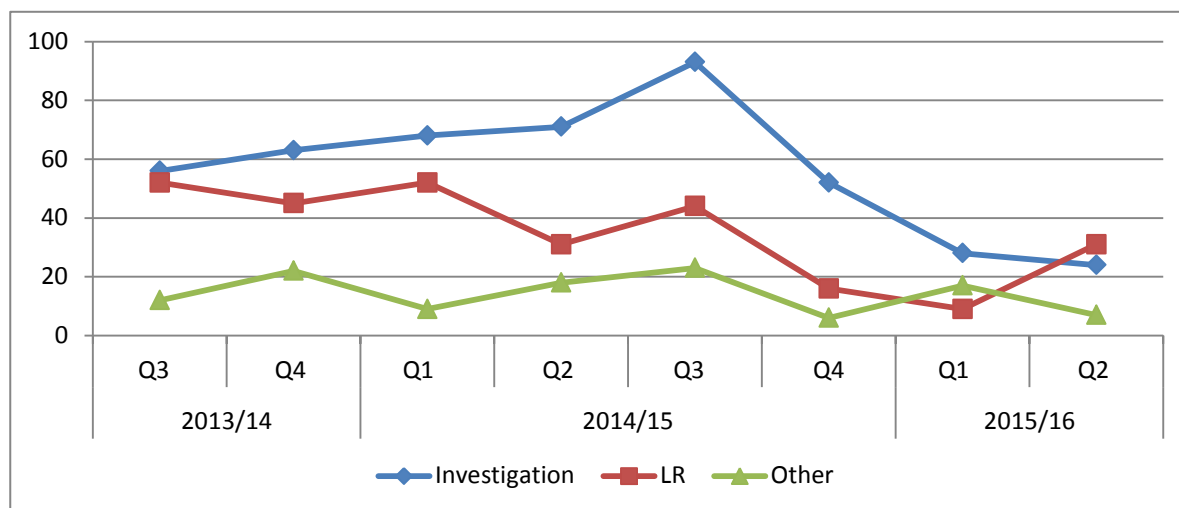
Allegations Recorded – Three year allegation comparison



(Chart 3): The above chart details the number of allegations recorded under each category. The categories which have the largest number of allegations recorded under them are represented, with all other categories being grouped together.

Allegations finalised by means

Number of allegations finalised by means



(Chart 4): Shows the means by which allegations have been finalised. The means by which an allegation can be finalised are 'Investigation' (local, supervised, managed and independent), 'Local Resolution' and 'Other' (discontinuance, disapplication and withdrawal).

<u>Period</u>	<u>Investigation</u>	<u>Local Resolution</u>	<u>Other</u>
2013/14 Q3	56	52	12
Q4	63	45	22
2014/15 Q1	68	52	9
Q2	71	31	18
Q3	93	44	23
Q4	52	16	6
2015/16 Q1	28	9	17
Q2	24	31	7

Finalisation of Allegations

Table F: Outcome of allegations finalised by investigation (recorded against complaint cases post-April 2010)

<u>Period</u>		<u>Upheld</u>	<u>Not Upheld</u>
2013/14	Q3	8	48
	Q4	6	57
2014/15	Q1	11	57
	Q2	10	61
	Q3	8	85
	Q4	10	42
2015/16	Q1	6	22
	Q2	3	21

The above table details the outcome of investigated allegations that were recorded against public complaint cases. The complaint is upheld where there has been an unreasonable breakdown in service or failure in service which has adversely affected the complainant. This does not imply that there is a case to answer for misconduct/unsatisfactory performance by a police employee.

Table G: Allegations finalised by other means

<u>Period</u>		<u>Local Resolution</u>	<u>%</u>	<u>Withdrawn</u>	<u>%</u>	<u>Dispensed/ Discontinued/ Disapplication</u>	<u>%</u>
2013/14	Q3	52	43	5	4	7	6
	Q4	45	35	14	11	8	6
2014/15	Q1	52	40	6	5	3	2
	Q2	31	26	5	4	13	11
	Q3	44	28	6	4	17	11
	Q4	16	22	5	7	1	1
2015/16	Q1	9	17	1	2	16	30
	Q2	31	50	4	6	3	5

Force Appeals

The appeal body for complaints changed with the introduction of the Police Reform and Social Responsibility Act 2011 on 22 November 2012. This places the responsibility on the individual Force for dealing with the majority of appeals. The IPCC will remain the appropriate authority for all formal investigations, those cases which were referred to the IPCC and cases where a non-recording decision was made. An assessment of the complaint is conducted on receipt to determine the relevant appeal body (RAB). An additional RAB test is completed in respect of each appeal received to ensure that correct appeal body has been identified

Within the reporting period, 1 April to September 2015, 25 appeals against all categories were received by the Force.

Of the 25 appeals recorded within the reporting period, 23 have been reviewed.

Table H: The table below details the categories under which the appeal was made and details the outcome and a percentage of appeals upheld

	Live	Upheld	Not upheld	Withdrawn	Not Valid	% Upheld
Outcome of police investigation	1	0	13	0	0	0%
Outcome of local resolution process	1	2	3	0	1	40%
Application of Disapplication	0	0	4	0	0	0%
Application of Discontinuance	0	0	0	0	0	0%
Total	2	2	20	0	1	9%

The percentage of valid appeals upheld across all categories is 9%

The average number of working days taken to finalise valid appeals within the reporting period is 20 days.

Direction and Control Complaints

On 22 November 2012, new legislation was introduced in the form of the Police Reform and Social Responsibility Act 2011 which changed the way that Direction and Control Complaints are recorded. All complaints of this nature are now recorded as Public Complaints and the allegations relate to Organisational issues and are categorised in the following way:

1. Operational policing policies
2. Organisational decisions
3. General policing standards
4. Operational management decisions

In the reporting period 2 Direction and Control Complaints were recorded.

This recording process allows organisational allegations to be recorded on public complaint cases relating to conduct of the individual. In the reporting period 3 Organisational allegations have been recorded, 2 on Direction and Control Complaints and 1 on a Public Complaint case.

The allegations recorded were under the following categories and the details listed below:

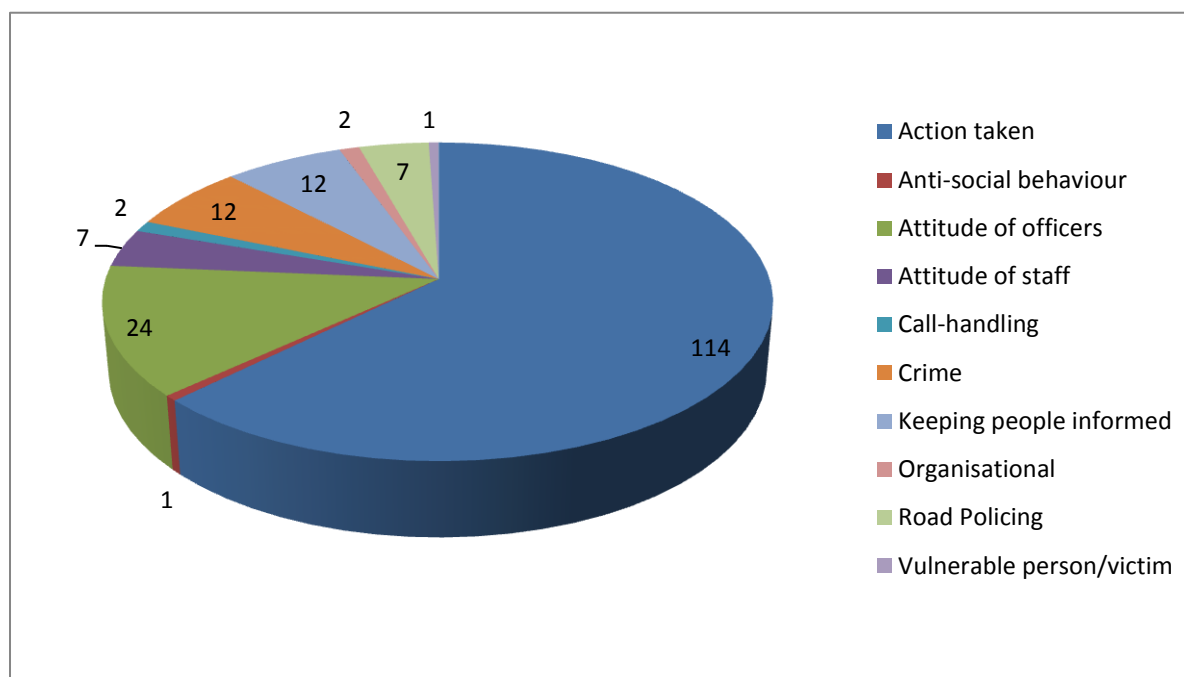
- **Operational policing policies** – Complaint that officers arranged boarding up of a premises following a burglary which cost the club money
- **Organisational decisions** – The complainant could not get through on the non-emergency line 101 for several minutes
- **Operational management decisions** – The complainant believes that police should not have removed a firearms licence

Service Recovery

On 7 July 2014, Service Recovery was introduced to replace the Dissatisfaction process in order to deal with low level matters, where there is no complaint, quickly and to the satisfaction of the member of public. This process is being managed by Professional Standards which allows a consistent approach to dealing with all issues raised by the public concerning the service they receive.

During the period, 1 April to 30 September 2015, 182 Service Recovery issues have been recorded. Each issue is categorised into the reasons for the matter being raised.

(Chart 5): The below chart details those categories and the numbers recorded under each:

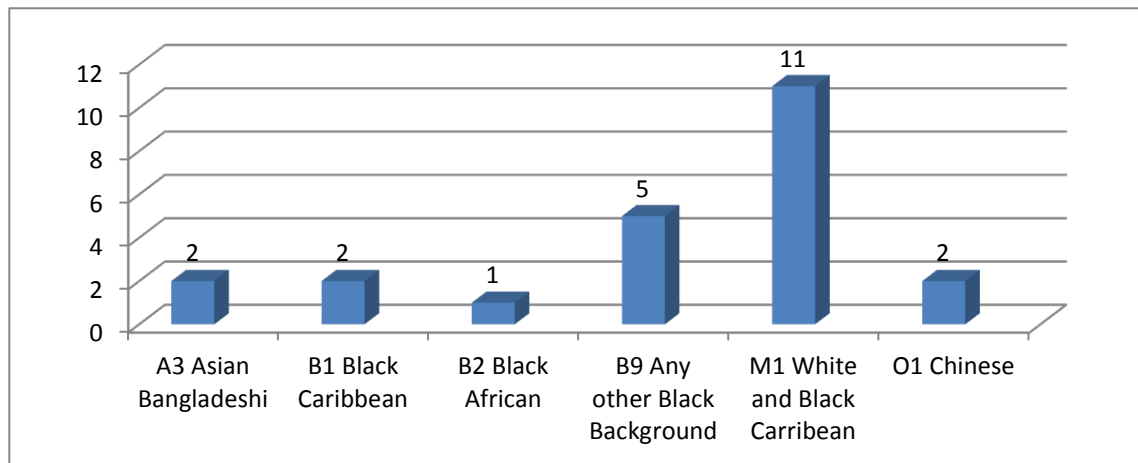


Once the Service Recovery process is entered, the member of public is still able to make a formal complaint if they chose. Of those issues recorded as Service Recovery, 10 (5%) were unable to be resolved under this process, were recorded as public complaints and dealt with under the Police Reform Act 2002 (PRA 2002).

Complaints made by Visibly Ethnic Minority Groups

In the reporting period, 1 April to 30 September 2015, 12 public complaint cases were recorded where the complainant is from a visibly ethnic minority group which is 8% of the total cases recorded.

A total of 10 complainants are linked to the complaint cases and 23 separate allegations have been recorded.



(Chart 6): The above chart displays the allegations recorded within the reporting period against the self-classification of the complainant, provided at the time the complaint was reported or during the investigation.

Of the 277 total allegations recorded for the period, 8.3% were made by a complainant from a visibly ethnic minority group. This is compared to 5.2% for the same period the previous year.

The most common allegation recorded by complainants is 'Other neglect or failure in duty'. A total of 9 of the 23 allegations were made against this category (39%). This is followed by 5 allegations of 'Discriminatory behaviour' (22%) and 'Lack of fairness and impartiality' and 'Other assault' both recorded 2 allegations each (9%).

Examples of some allegations recorded between 1 April and 30 September 2015 are detailed as follows;

A3 – Asian Bangladeshi	Allegation that officer used excessive force during the arrest of the complainant
B1 – Black Caribbean	Allegation that officers stopped and searched the complainant because of the complainant's ethnicity
M1 – White and Black Caribbean	Allegation that the officer was overbearing and dismissive in their attitude when stopping the complainant
O1 – Chinese	Allegation that a member of staff disclosed information to an outside agency regarding the complainant's family member in connection with a motoring offence

PCC Case Sampling

Professional Standards and the Office of the Police and Crime Commissioner have agreed a protocol for the process of case sampling public complaint files which have been finalised. The purpose of this protocol is to ensure that complaints are being dealt with proportionately and fairly in accordance with the IPCC Statutory Guidance to the Police service on handling of complaints (2013) and the Force's Policy documents and processes. For example, that cases and related allegations are recorded appropriately and stages of the process of dealing with the complaint are consistently in line with expectations of the guidance.

Case sampling takes place on a quarterly basis. The member of the OPCC randomly selects a number of cases for inspection from a list of those finalised in the period. It is not practical to inspect all files and therefore the following types and quantities were agreed as a suggested guide:

Local resolution – 4 or a percentage (5%)

Local investigation – 4 or a percentage (5%)

Direction and Control – 2 or a percentage (5%)

Appeal files (Constabulary appeals) – 3 or a percentage (10%)

Disapplication/Discontinuance – 2 or a percentage (10%)

Suffolk OPCC has case sampled on the following occasions during the reporting period and details are below:

A total of 6 cases finalised between 1 June 2014 and 31 March 2015 were inspected in May 2015. These were 2 local resolutions, 3 local investigations and 1 appeal case.

A further inspection was carried out in November 2015 for cases finalised between 1 April and 30 June 2015. A total of 13 cases were sampled which were 2 disapplication/discontinuance, 4 local resolution, 4 local investigation and 3 appeal cases.

As a result of this process, all issues raised are fed back to Professional Standards to assist with future learning on an individual and/or department basis.

Discipline Outcomes

GROSS MISCONDUCT MEETINGS 1 APRIL 2015 TO 30 SEPTEMBER 2015		
1	<p>A member of police staff attended a disciplinary hearing in respect of Duties and responsibilities</p> <p>Failed to deal with a call from the member of the public appropriately</p>	Dismissed without notice
2	<p>A member of police staff attended a disciplinary hearing in respect of Orders and instructions</p>	Dismissed with notice. Re-instated on appeal and issued a Final Written Warning
3	<p>A member of the Special Constabulary attended a misconduct hearing in respect of Honesty and integrity</p> <p>Used an unmarked Suffolk Constabulary vehicle for non-policing purpose outside duty hours</p>	Final Written Warning
4	<p>A member of police staff attended a disciplinary hearing in respect of Honesty and integrity</p> <p>Used an unmarked Suffolk Constabulary vehicle for non-policing purpose outside duty hours</p>	Dismissed without notice. Re-instated on appeal and issued a Final Written Warning
5	<p>A member of police staff attended a disciplinary hearing in respect of Honesty and integrity</p> <p>Failed to disclose information on vetting forms</p>	Dismissed without notice Outcome appealed – decision upheld
6	<p>A police officer attended a misconduct hearing in respect of Discreditable conduct</p> <p>Improper relationship with member of the public</p>	Dismissed without notice
MISCONDUCT MEETINGS 1 APRIL 2014 TO 30 SEPTEMBER 2015		
1	<p>Two police officers attended a misconduct meeting in respect of Duties and responsibilities and Honesty and integrity</p> <p>(Officer 1)</p> <p>Failed to take appropriate action when dealing with incident</p>	Both officers received Management advice

	<p>Provided supervisor with false or misleading information regarding availability to perform duties</p> <p>(Officer 2)</p> <p>Failed to record crime and take appropriate action</p>	
2	<p>A member of police staff attended a disciplinary meeting in respect of Orders and instructions and Honesty and integrity</p> <p>Changed duty time without permission</p> <p>Provided misleading information</p>	Written Warning
3	<p>A police officer attended a misconduct meeting in respect of Duties and responsibilities</p> <p>Failed to take appropriate action when dealing with incident</p>	Management advice
4	<p>A member of police staff attended a disciplinary meeting in respect of Authority, respect and courtesy</p> <p>Failure to comply with Force Policy regarding inappropriate email use</p>	Written Warning
5	<p>A police officer attended a misconduct meeting in respect of Honesty and integrity</p> <p>Failed to conduct necessary enquires and misled supervisors</p>	Written Warning
6	<p>A police officer attended a misconduct meeting in respect of Authority, respect and courtesy</p> <p>Used offensive language towards colleague</p>	Written Warning
7	<p>A member of police staff attended a disciplinary meeting in respect of Honesty and integrity</p> <p>Failed to adhere to Force Policy</p>	Management Advice

Lessons Learned

Listed below is a selection of the Lessons Learned recorded following investigation.

<u>Origin of Lesson</u>	<u>Summary</u>	<u>Lessons identified</u>	<u>Action</u>
Public Complaint	Complaint received relating to crime investigation and non-seizure of potential evidence.	Officers should be reminded that they must use the National Decision Model (NDM) when making decisions in relation to seizure/non-seizure of property in respect of a crime investigation and document their rationale for future referral.	This matter has been highlighted to the County Policing Command, Safeguarding and Investigations and to Training. It was also included in the Learning Times publication in July 2015.
Public Complaint	Allegation made that the search warrant was not completed correctly as it was not signed by the officer present.	The part referred to was the section to be returned to the Magistrates Court and was therefore not required to be completed by the officer.	A reminder has been circulated to all staff involved in the service and execution of warrants to ensure that only papers relevant to the police search are printed to prevent any future confusion.
Public Complaint	Allegation of excessive force used by officers during arrest resulting in injury to the complainant's face.	Investigation into the incident showed that although a Use of Force form had been submitted from Custody the arresting officers had not submitted Use of Force forms.	The arresting officers have been reminded of the importance of submitting Use of Force forms. The matter has been forwarded to the County Policing Command and Personal Safety trainers have advised that this is covered on every initial and refresher training course and included in an annual written test.
Public Complaint	Various allegations made by a complainant in respect of arrest and detention.	As part of the investigation the custody record was reviewed and it had been recorded that restraining equipment was not used. Handcuffs had been used on the detainee and this should have been documented.	Words of advice given to the custody officer. Details forwarded to Custody Inspector for action and the matter was included on the Learning Times publication in July 2015

Guidance on the Independent Police Complaints Commission (Complaints & Discipline) (Contractors) Regulations 2015 – Further Update

From 8 April 2015 Complaints, Conduct matters and Death or Serious Injury (DSI) matters in relation to contractors have been dealt with under the Independent Police Complaints Commission (Complaints & Misconduct) (Contractors) Regulations 2015.

The Regulations largely reflect the current system in place for dealing with complaints, conduct matters and DSI matters relating to police officers and staff, however, there are some key differences, most notably that members of the public are able to make a public complaint about a Contractor who has entered into a contract with a local policing body or a chief officer to provide services to the chief officer.

This includes a person working for an organisation that has a contract with a local policing body or chief officer and also includes a sub-contractor. The chief officer is the appropriate authority for all contractors who work within their force.

During the reporting period of April 2015 to September 2015, PSD received no Complaints, Conduct matters or DSI matters in relation to contractors. It is anticipated that there is only likely to be a small number going forward.

However, there is an expectation that chief officers have a scheme of delegation to make sure that the right people at the right levels and with the right training are allocated as decision makers for matters relating to contractors.

PSD have worked closely with the Procurement department to put a robust scheme in place to ensure these new regulations are adhered to. Arrangements will largely be the same as the system currently in place for dealing with complaints about police officers and staff. Any complaint, conduct or DSI matter in relation to contractors will be assessed and recorded within PSD. The decision has been made to investigate all contractor complaints within PSD to alleviate any burden on Area Inspectors and Supervisors. It is likely that many cases involving contractors will also involve police officers and/or police staff so it is vital that individuals who are experienced in dealing with the differences in legislation undertake the investigation to ensure that the correct procedures are followed in respect of contractors.

The investigator allocated within PSD will make contact with a nominated Single Point of Contact (SPOC) within Procurement who has been determined as the Strategic Category Manager (SCM). The SCM will identify an appropriate 'Contracts Manager' within the specific company to act in a supporting role for the Investigators enabling them to carry out their enquiries throughout the investigation. The SCM will be essential to assisting the investigator understand the contractual arrangements that are in place and identifying any delegation of functions or duties under the regulations by the Chief Officer.

Early links with a 'Contracts Manager' will be fundamental in a conduct or DSI case to ensure that the investigator is aware of the relevant professional standards of the company. These standards will inform a severity assessment, a decision that a complaint investigation should be subject to special requirements or that a DSI investigation should be referred to the IPCC matter.

A letter drafted jointly by PSD and Procurement has been sent to Constabulary contractors drawing attention to the regulations. It captures the essence of the changes in clear unambiguous terms.

The Procurement department have also started work on identifying those contractors who have the greatest potential to be affected to discuss with the regulations in greater detail, these will be contractors such as G4S.

Complaints dealt with under this legislation are most likely to relate to individual conduct and behaviour of contractor/sub-contractor staff, general contract performance matters will still be dealt with in the first instance by the Procurement and Supplies Department Commercial Team.

Ultimately though, complaints, conduct or DSI's investigated by the PSD through this legislation could result in contractual remedies being applied, if as a result of any finding, the overall contract performance is affected.

Benchmarking has revealed that most forces are still in the initial stages of preparing a suitable system of investigating public complaints against contractors. The Joint PSD is confident that a robust system has been embedded for any future complaints to be dealt with effectively.

Revised IPCC Guidelines for Handling Allegations of Discrimination and the key principles for access to the police complaints system

IPCC Guidelines for Discrimination

The revised IPCC Guidelines for Handling Allegations of Discrimination were launched on 2nd September 2015. The new guidelines set the standards that complainants, families and other interested parties should expect when allegations of discrimination are made against the police.

In addition, to these guidelines PSD's are responsible for ensuring that Officers and Staff do not discriminate unfairly under the Standards of Professional Behaviour and the Code of Ethics. The new guidelines apply to all allegations of discrimination arising in police complaints, recordable conduct matters and death and serious injury investigations.

The new guidelines provide advice and guidance specifically around:

- **Engaging with the complainant** – Discrimination complaints will often involve a complainant who already has very low levels of trust in the police. Failure to engage effectively and empathetically with the complainant is likely to reinforce this mistrust and undermine confidence in the complaints process.
- **Assessing gravity** - An important part of handling all police complaints and conduct matters is the assessment of the seriousness of the alleged misconduct. This informs decisions about how the matter should be dealt with. Factors which could raise the seriousness of the alleged conduct in a discrimination case include; impact, intent, serious negligence or recklessness, repeat behaviour and the level of responsibility the subject of the complaint has.
- **Conducting the investigation** - Investigating officers should have a good understanding of equality and diversity issues and have an appropriate level of knowledge, skills and experience to be able to apply these guidelines effectively. The terms of reference for the investigation should clearly refer to and address any discrimination allegations raised.
- **Understanding the allegation of discrimination** - At the beginning of an investigation, the investigating officer should take steps to build their understanding of the discrimination alleged; including the types of assumptions, prejudice or bias that might have informed the police officer's or staff member's decisions, actions or behaviour.
- **Lines of enquiry** - Standard lines of enquiry should be followed to try to find out what happened and why. It is common in discrimination cases for there to be little or no direct evidence available to support an allegation. The investigation will need to consider whether there is other evidence from which an upheld or case to answer finding can be drawn. This includes; complaint histories, patterns of behaviour, comparator evidence and language.
- **Probing the officer or staff member's account** - In discrimination cases, it is important to get an account from the officer or staff member and to unpick and challenge why they acted in the way that they did.
- **Organisational issues** - Organisational issues and organisation learning should be considered when they arise from enquiries into the particular incident that the complaint is about. If an investigation finds a case to answer for discrimination or individual learning is identified, proportionate consideration should be given to whether the issues found show a broader team-wide or organisation-wide issue.

- **Findings** - Discrimination complaints, like all other complaints, are assessed on the balance of probabilities. In some cases there will be clear evidence of discrimination which will lead to a case to answer or upheld finding. In many cases the investigating officer will need to assess the cumulative picture of circumstantial evidence which could include patterns of behaviour, comparator evidence, any language of concern or evidence that the officer/staff member acted in a way that fits with discriminatory stereotyping.
- **Outcomes and resolution** - All complaint handling should try to resolve and rebuild trust.

Investigating and resolving allegations of discrimination is undoubtedly challenging. Nonetheless, the Joint PSD is committed to rising to this challenge in order to retain and improve the confidence of all communities and groups wishing to access the police complaints system.

The guidelines were launched, on the 2nd September; PSD circulated a force- wide e-mail, posted information messages on both force intranets and the PSD website to ensure the wider Constabulary were aware of the launch. This included a brief summary and a link to the guidelines themselves.

In addition to this, PSD representatives attended the IPCC's Discriminatory Guidelines launch event on 22nd September, where the guidelines were discussed in depth and case studies were examined in detail. Following this, a one day workshop was held for all Investigation Officer's and those who have the responsibility for assessing complaints and conduct matters within PSD ensuring that those individuals were fully aware of their responsibilities. A summary document and copy of the guidance has also been provided to all other staff within the department.

PSD deliver substantial rolling packages of training for all levels of Officers and Staff in respect of complaint handling and complaint reduction. The new guidelines have now been embedded into the training packages.

Complaint assessment forms have been amended, to take account of factors such as impact, intent, negligence or recklessness, repeat behaviour and levels of responsibility and in order to ensure that further lines of enquiry are examined, the 'Complaint History' Process has been updated and re launched. The importance of lessons learned as part of the outcome and resolution of discrimination complaints has been reinforced forming part of the Lessons Learned Strategy.

Lastly, PSD have worked closely with the IPCC Oversight Liaison contact in relation to these changes to safeguard responses to recommended actions and to action any best practice highlighted.

Access to the police complaints system: key principles for police forces

In 2010, the IPCC reviewed the accessibility of police force websites to complainants, subsequently in December of 2014; the IPCC undertook an oversight project in relation to access to the police complaints system. The project reassessed information held on websites, as well as looking at information provided in police stations and the material provided to police officers and staff who work with members of the public.

The subsequent report published found that there was good practice in some forces and generally improvements had been made since 2010, however, it highlighted that there was still a need for improvement and consistent good practice. The IPCC therefore developed a set of principles for police forces to follow to ensure that they are accessible and provide supportive channels for people who want to make a complaint.

The principles reflect the importance of forces engaging with local communities to ensure public confidence in the police complaints system. They reflect the importance of forces engaging with

local communities, such engagement is vital to securing public confidence in the police complaints system.

In summary the principles set the standards for ensuring there is clear information about how to complain with contact details for PSD's clearly displayed in police stations and custody suites, citizen's advice bureaux, community centres and other local groups in the community.

It provides details about information contained on force websites on how to make a complaint and an appeal, ensuring forces are proactive in giving advice to those with disabilities or special needs about the complaints system and provide support to those who need adjustments to help them make a complaint, such as advocacy services, interpreters, services to support communication for people with hearing and speech difficulties.

The Joint PSD is committed to handling complaints effectively and ensuring that processes are in place to reflect the needs, expectations and rights of complainants. It is vital to provide information and guidance about how to access the complaints system to ensure members of the public are heard. PSD are also dedicated to ensuring that the process for making a complaint is as simple and straight forward as legislation allows, making certain that it does not deter complaints and complainants.

The principles outlined by the IPCC are firmly embedded within the PSD Communication and Engagement Strategy. The purpose of the strategy is to highlight key areas from which the department can ensure effective communication with internal and external customers, stakeholders and officers and staff in relation to public complaints and conduct matters. It seeks to ensure that key messages are effectively communicated with the aim of improving service to the public.

In relation to the customer, the strategy seeks to outline a structure of communication that will inform and reassure the public, improve the accessibility to the complaints procedure, and provide regular and clear communication throughout the complaints process. The communication channels are the Force Website, Social Media, Public Enquiry Officers at local stations, sites of high complaint volume (Custody and CCR), and engaging with partner agencies for onward communication.

A great deal of work has already been undertaken and will be ongoing in this area. PSD have been liaising directly with the Independent Advisory Groups (IAG's), the Diversity Department and Mental Health groups to progress the relationship with hard to reach groups and build confidence in reporting processes and services we can provide. PSD are represented on the stop and search groups and engagement and encounters meetings in order to meet with members of the community to gauge feedback and provide advice and guidance about the complaints process.

Drop in sessions at local police stations are now a regular occurrence, these are published in the stations and on the website prior to attending. This is proving very effective as frequently members of the public who are both regular and vulnerable complainants attend allowing them to receive the time and access to the complaints system that they need. With this aim we have also developed a Risk and Support Strategy for those complaints that need more assistance. Work is ongoing in respect of autism, dementia and mental ill health and we regularly utilise advocacy services and interpreters to facilitate the investigation of a complaint.

Our current force website informs complainants that the Professional Standards Department is a specific department within a police force, and is independent of the person being complained about. It is also made clear that a complaint is recorded under the Police Reform Act once it has been assessed. It covers what can and cannot be complained about, how direction and control complaints can be made and how they are handled, how conduct complaints are made and how they are handled, how and in what circumstances police forces will resolve complaints locally, how and in what circumstances complaints will be investigated, the relevant appeal body and the role of the IPCC in handling complaints and appeals.

Suffolk Constabulary in partnership with Norfolk Constabulary is currently running a Joint project in relation to the revising the Force Intranets and Internets. PSD have been and will continue to be a member of the stakeholders' briefings and workshops throughout the development to ensure that the principles set out by the IPCC access document are adhered to. The new sites are due to be launched in the spring of 2016.

Glossary

Complaint Case – A single complaint case may contain one or more linked allegations, made by one or more complainants, against one or more persons serving with the Police.

Allegation – Describes the type of behaviour complained about. A single complaint case can have one or more attached allegations. For example, a person may allege that they were pushed by an officer and that the officer was then rude to them. This would be recorded as two separate allegations forming one complaint cases. An allegation is recorded against an allegation category.

Local Resolution – For less serious cases, such as rudeness or incivility, a complainant may agree to Local Resolution. This usually involves a local police supervisor handling the complaint and agreeing with the complainant a mutually acceptable way of addressing the issue. This may be through a more thorough explanation, an apology or an outline of what actions will be taken in order to prevent future complaints of a similar nature.

Investigation – In other circumstances (or if complainant declines local resolution) a thorough investigation of circumstances may be necessary. This involves the appointment of an investigating officer which will examine allegations and report upon whether each allegation is 'Upheld' or 'Not Upheld'. A complaint will be recorded as 'Upheld' if the service or conduct complained about does not reach the standard a reasonable person would expect. The outcome, therefore, is not solely linked to proving misconduct.

Local Investigations – Investigations carried out entirely by the Police. Complainants have a right of appeal to the IPCC following a local investigation.

Supervised Investigations – Investigations carried out by the Police under their own direction and control. IPCC sets out what the investigation should examine (terms of reference) and will receive the investigation report upon completion. Complainants have a right of appeal to the IPCC following a supervised investigation.

Managed Investigations – Investigations carried out by Police under the direction and control of the IPCC.

Independent investigations – Investigations carried out by IPCC investigators and are overseen by IPCC Commissioners.

Discontinuance – Forces may find it impractical, on occasion, to conclude an investigation. This could occur if a complainant fails to cooperate, if the complaint is repetitious or refers to an abuse of procedure. In such cases, an application can be made to the Appropriate Authority to discontinue the investigation.

Disapplication – Introduced in the new Statutory Guidance, to replace Dispensation, an application can be made to the Appropriate Authority to disapply a complaint on the grounds that the complaint is over 12 months old, already subject of a complaint, remains anonymous, is vexatious or repetitious.

Withdrawn – No further action may be taken with regard to a complaint if the complainant retracts the allegation(s).

Subjudice – Subsequent to recording, the start of any work on a complaint may be postponed due to the matter being considered 'sub judice'. This is when a person linked to a complaint case is associated with separate criminal proceedings. The view of the Crown Prosecution Service is sought regarding any prejudice in investigating the complaint.

Investigation appeal - This applies to all complaints investigated by the force itself or where the investigation has been supervised by the IPCC. There is no avenue of appeal from independent or managed investigations.

Local resolution appeal – Complainants are entitled to appeal to the Appropriate Authority against the local resolution outcome.

Complainants - Under the PRA 2002, a complaint about the conduct of someone serving with the Police can be made by the following types of people:

- a) Any member of the public who alleges that police misconduct was directed at them
- b) Any member of the public who alleges that they have been 'adversely affected' by police misconduct, even if it was not directed at them
- c) Any member of the public who claims that they witnessed misconduct by the police
- d) A person acting on behalf of someone who falls within any three of the categories above. This category of person is classed as an 'agent' or 'representative', not as a complainant in their own right, and must have the written permission of the complainant.

Being 'adversely affected' is broadly interpreted in the legislation and includes distress, inconvenience, loss or damage, or being put in danger or at risk. This might apply, for example, to other people present at the incident, or to the parent of a child or young person, or a friend of the person directly affected. It does not include someone distressed by watching an incident on television. A witness is defined in the PRA 2002 as someone who 'acquired his knowledge of that conduct in a manner which would make him a competent witness capable of giving admissible evidence of that conduct in criminal proceeding'. This includes, for example, someone in control of CCTV cameras or in possession of material evidence. One complaint case can have multiple complainants attached and one individual can make more than one complaint within the reporting year.

Subjects – The PRA 2002 broadened the range of people who could be subject to a complaint. Complaints can be made against the following police personnel;

- a) Police officers of any rank
- b) Police staff, including Community Support Officers and Traffic Wardens
- c) Special constables
- d) Contracted-out staff designated under section 39 of the PRA 2002 – for example, escort or custody officers employed by another company.