

# Specified Information Order

## Complaints handling

**01/04/23 to 31/03/24**

# Specified Information Order

## Complaints handling 2023-24

### The Police and Crime Commissioner

#### Statement of assurance

“In addition to the more public, more overt roles and responsibilities that I undertake, my role also has a wide range of more discreet, less obvious responsibilities that are a crucial part of how I provide a voice for the people that I serve, and in holding the police to account for the service they provide.

One of these is the oversight my office has in the way the police handle complaints from the public.

This oversight, this scrutiny, is undertaken in a number of ways, and in addition to this I also have a statutory duty to publish an annual report regarding the police’s handling of complaints. This is called the Specified Information Order. There are some unusual features to this report; the timing of its publication is set by the Independent Office for Police Conduct (IOPC), and this changes year-on-year, and it is retrospective.

This means that this report covers the period from the beginning of April 2023 to the end of March 2024. Now clearly, in addition to this I am aware of the more current performance of the force in these matters too, so to provide as rounded a report and as full a picture that I can to the people of Devon, Cornwall and the Isles of Scilly, I will also make some reference to issues that are more current than the timeframe covered by this report, and will come back to them in next year’s publication.

In undertaking my oversight of the service being provided, and to inform my assessment of how assured I am about the effectiveness and efficiency of Devon & Cornwall Police’s complaint handling, I have reviewed detailed, wide-ranging information provided both by the force and the analytical work of my own office. In addition to this, in 2023 I undertook a comprehensive review of the force’s complaint handling function, from which a number of recommendations were made, and as a result of which, I made significantly increased funding available to the force to enable them to make improvements to their service.

Of course, most importantly, I have also listened to the what the public have told me, both from formal requests via the statutory complaint review process, and through more informal contact.

However, despite this, I am deeply disappointed to report that in my judgment, the force has **not** been providing an adequate service to people who make complaints. Equally disappointingly, I see no evidence that the force has consistent mechanisms in place to learn from complaints received, nor from complaint reviews upheld.

Despite the undoubted hard work and commitment of the people actually dealing with public complaints, the systems, resources, the importance given to these

matters and the leadership displayed have, simply, not been good enough. And not good enough by a long way.

It can never be acceptable that a police force does not meet its statutory obligations.

Although as I have said, the timeframe of this specific statutory report only covers 2023-24, I am equally disappointed to see little if any improvement from April 2024 onwards. On behalf of the people of Devon, Cornwall and the Isles of Scilly, the improvements that I require are substantial and should they not be realised soon, I will consider what alternative options are available to me to provide a better service. I will cover that as appropriate, within next year's report.

Throughout 2023 and 2024, I have been clear and consistent to the Chief Constable as to both how far below my expectations the service provided has been, and regarding the improvements I require, but as I say, I remain deeply disappointed at the service that has been provided. I do not underestimate the potential this has to adversely impact the public's confidence in policing.

That said, I am encouraged by the activity I have seen in early 2025 and in particular, how readily our new Chief Constable, appointed in December 2024, has recognised the scale of the issues at hand. I am pleased at the steps he has already taken, at pace, to improve matters, and I have confidence that my report next year will reflect an improving final quarter.

In relation to my own office and, in particular, the statutory work that it undertakes in reviewing police complaint outcomes from dissatisfied complainants, I am aware that owing to a relatively sustained period where the office was missing part of its dedicated, specialist resource, service levels fell. However, this has now been addressed, and I am grateful to my Chief Executive Officer for the way she has role modelled calm, planned and effective service improvement.

However, in relation to my assessment of Devon & Cornwall Police's complaint handling performance from April 2023 to March 2024, I am **not** assured that it was either efficient or effective, and resultantly, I require the Chief Constable to make timely, substantial and enduring improvements across this hugely important area, and to demonstrate to me that the force is learning, both from the complaints it receives and from the complaint reviews my office upholds."

**Alison HERNANDEZ**

**Police & Crime Commissioner**

for Devon, Cornwall & the Isles of Scilly

# Specified Information Order

## Complaints handling 2023-24

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## Part one: The Police and Crime Commissioner and police complaints

### 1. Introduction

- 1.1 This report has been prepared to meet the requirements of The Elected Local Policing Bodies (Specified Information) (Amendment) Order 2021.
- 1.2 In Devon and Cornwall, the Police and Crime Commissioner ('the Commissioner') has given Notice to the Chief Constable that model 1 will be adopted in accordance with paragraph 13A of the Policing and Crime Act 2017.
- 1.3 Under model 1, the Chief Constable is the Appropriate Authority and has sole responsibility for the conduct of the officers and staff under his direction and control, as well as all matters relating to operational policing. This responsibility includes handling and dealing with complaints and dissatisfaction arising from the conduct of officers and staff, and from the service provided, this including the logging, recording and investigation of complaints, together with keeping complainants informed with progress and decisions relating to their complaints.
- 1.4 Two other models for complaint handling are available to PCCs (models 2 and 3) which allow for the Commissioner to take increased responsibility for complaint handling (but not complaint investigation) into her own office.
- 1.5 The Commissioner has three main duties in relation to police complaints. These are:
  - i. To act as the Appropriate Authority in relation to complaints about the Chief Constable,
  - ii. To hold the Chief Constable to account in providing an effective and efficient complaints process, and
  - iii. To be the Relevant Review Body for police complaints that meet certain criteria.
- 1.6 This report will provide information relating to the resources and processes that have been put in place to meet these duties, and will detail how the Police and Crime Commissioner is fulfilling her duties in relation to police complaints.

1.7 This report does not contain details of individual complaints nor reviews dealt with, either by the police or the Office of the Police and Crime Commissioner (OPCC).

## 2. Legislation

2.1 The relevant legislation is:

- The Police Reform Act 2002, Schedule 3.
- The Police Reform and Social Responsibility Act 2011, Section 1 para 8 (ca) (which includes the exercise of the Chief Constable's functions under Part 2 of the Police Reform Act 2002 in relation to the handling of complaints).
- The Policing and Crime Act 2017 (which includes provisions to amend Part 2 and Schedule 3 to the 2002 Act).

## 3. Statutory duties

### 3.1 Appropriate Authority for complaints about the Chief Constable

3.1.1 The Commissioner is the Appropriate Authority for complaints about the Chief Constable, and the Independent Office for Police Conduct (IOPC) is the Relevant Review Body for Chief Constable complaints.

3.1.2 No public complaints about the Chief Constable were received within this reporting year.

### 3.2 Duty to hold the Chief Constable to account in providing an effective and efficient complaints process

3.2.1 The Chief Constable is the Appropriate Authority for all complaints made about officers, staff and services under his direction and control. This duty has been delegated to the Deputy Chief Constable (other than for complaints about the Deputy Chief Constable) and carried out by the Force's Professional Standards Department, unless otherwise directed by the Chief Constable.

3.2.2 The Police and Crime Commissioner has a duty to ensure that the Chief Constable has an effective and efficient police complaints system in place. The Commissioner discharges this duty in a number of ways:

- Through monthly meetings with the force Executive at the Police and Crime Joint Executive (PCJE) (note: this meeting is currently in the process of being superseded by the Commissioner's Accountability Board, chaired by the Police and Crime Commissioner).
- Through quarterly meetings with both OPCC and police portfolio strategic leads at the joint Professional Standards and Ethics Board.
- Via regular, informal meetings between OPCC and PSD complaint managers and practitioners.
- Via unscheduled 'insight' scrutiny by the Commissioner's Accountability and Standards team.

- Through the statutory OPCC complaint review process, also undertaken by the Commissioner's Accountability and Standards team.

3.2.3 The police's response to the scrutiny questions asked of it by the OPCC (as guided by the Specified Information Order) is contained in Part 2 of this report.

3.2.4 The police's complaint function is further scrutinised by both the IOPC and His Majesty's Inspectorate for Constabulary and Fire & Rescue Services (HMICFRS). Reports of their scrutiny activity and findings are available on their respective websites.

3.2.5 The Commissioner has a process in place to action police complaints received by her office, with complaints logged onto OPCC systems, before being referred to the force's Professional Standards Department (PSD). By exception, complaints about senior officers, or complaints that feature elements of unusual or high risk, are routed from the OPCC to PSD via the Chief Constable's office.

### **3.3 Relevant Review Bodies for police complaints**

3.3.1 The Policing and Crime Act 2017 made a number of changes for complaint handling by the force and the Police and Crime Commissioner, with the Commissioner's role in the process strengthened.

3.3.2 The Act introduced new mandatory duties, and allows the Commissioner to choose between three options regarding the extent to which her office is involved in complaint handling. These are known as models 1, 2 or 3.

3.3.3 In Devon and Cornwall, the Commissioner has currently opted for Model 1.

3.3.4 Resultantly, from February 1, 2020, the IOPC and the Police and Crime Commissioner became the Relevant Review Bodies to deal with reviews arising from relevant complaints recorded by Devon and Cornwall Police. The police continue to be responsible for logging, recording and investigating complaints, and for keeping complainants informed.

3.3.5 The IOPC is the relevant review body where:

- (i) The Appropriate Authority is the Police and Crime Commissioner
- (ii) The complaint is about the conduct of a senior officer (an officer holding a rank above Chief Superintendent)
- (iii) The Appropriate Authority is unable to satisfy itself, from the complaint alone, that the conduct complained of (if it were proved) would not justify the bringing of criminal or disciplinary proceedings or would not involve an infringement of a person's rights under Article 2 or 3 of the European Convention on Human Rights
- (iv) The complaint has been, or must be, referred to the IOPC
- (v) The IOPC is treating the complaint as having been referred (also known as the 'power of initiative')

- (vi) The complaint arises from the same incident as a complaint falling within ii-v above
- (vii) If any part of the complaint falls within ii-vi above.

3.3.6 In any other case not listed above, the Police and Crime Commissioner is the Relevant Review Body.

3.3.7 Within Devon, Cornwall and the Isles of Scilly, the Commissioner has delegated this duty to the OPCC Chief Executive Officer, and the function is managed and undertaken by the OPCC Accountability and Standards team.

#### 4. Outsourcing reviews

- 4.1 The Commissioner also contracted a specialist, external company ('Sancus') to undertake a proportion of Devon and Cornwall's complaint reviews. This company has been subject to national vetting and verification, and is used by several OPCCs across the UK.
- 4.2 Within Devon, Cornwall and the Isles of Scilly, this outsourcing allows for increased resilience, and enables the OPCC to increase its capacity to undertake complaint reviews according to demand.
- 4.3 The OPCC retains overall responsibility, and selects which reviews are appropriate for outsourcing. The OPCC undertakes all initial validity checks, and ensures that all relevant material is accessible to the external reviewer. Quality assurance is also undertaken by the OPCC on every complaint review finalised externally, prior to notification to the complainant.

#### 5. Contents and publication

- 5.1 In relation to holding the Chief Constable to account, the national guidance recommends that that the Specified Information Order includes the following (Devon & Cornwall Police's self-assessment is attached at part 2):
  - How the force is measuring complainant satisfaction.
  - Progress updates on implementing relevant recommendations made by the IOPC and/or HMICFRS in relation to complaints handling, or where recommendations were not accepted an explanation as to why.
  - A summary of any mechanisms put in place to identify and act on themes or trends in complaints.
  - A summary of systems in place to monitor and improve performance in the timeliness of complaints handling.
  - The number of written communications issued by the force under regulation 13 of the Police (Complaints and Misconduct) Regulations 2020 where an investigation has not been completed within a "relevant period".
  - Quality assurance mechanisms in place to monitor and improve the quality of its responses to complaints.

- Details of the administrative arrangements the PCC has put in place to hold the Chief Constable to account for complaints handling e.g. frequency of meetings and a summary of discussions.

5.2 In relation to the OPCC's performance in carrying out complaint functions, the national guidance recommends that the Specified Information Order includes the following (the OPCC's self-assessment is attached at part 3):

- The timeliness of complaint reviews e.g. the average time taken to complete reviews
- Details of which review functions the PCC has delegated and what measures they have taken to ensure quality, integrity and impartiality
- Quality assurance mechanisms the PCC has established to ensure that review decisions are sound and in line with the requirements of the complaints' legislation and IOPC statutory guidance
- How the PCC assesses complainant satisfaction with the way in which they have dealt with complaints.

5.3 In accordance with The Elected Local Policing Bodies (Specified Information) (Amendment) Order 2021, this information and report will be published on an annual basis on the Devon and Cornwall Police and Crime Commissioner's website, against a timeframe set by the IOPC.

## 6. Complaint and complaint review statistics

In 2023-24, Devon & Cornwall Police:

- Recorded 1,550 complaints from the public.
- Reached an outcome in 469 complaints that were in turn eligible for review by the OPCC.

Further detail can be found in part 2 of this report.

In 2023-24, the Office of the Police and Crime Commissioner for Devon and Cornwall:

- Assessed 131 requests for complaint reviews.
- (Of review requests assessed as valid) upheld 37 reviews, with 43 not upheld.

Further detail can be found in part 3 of this report.

## 7. Force performance

In relation to public complaints and the way in which Devon & Cornwall Police handles and deals with them, a number of concerns have been identified. These include:

- Declining performance regarding the force's response to recommendations made to it, following upheld complaint reviews. Since 21<sup>st</sup> November 2023, the force has failed to comply with the statutory 28-day deadline to respond to the OPCC in relation to every one of the 28 recommendations made.



- A failure by the force to consistently notify the OPCC of complaints taking in excess of 12 months to resolve. This 12-month reporting obligation is a statutory requirement.
- A complete failure by the force to notify the OPCC of IOPC complaint outcomes and recommendations made. This notification is a statutory requirement.
- A number of wider, systemic concerns about the timeliness and quality of the force's complaint handling, starting from the initial handling of complaints on first receipt, ongoing quality of contact with the complainant, timeliness and quality assurance of complaint 'investigations', and consistency and quality of outcomes.

## Part two: Force assessment of their complaint handling performance

*(note: Provided by Devon & Cornwall Police's Professional Standards Department in response to the five questions detailed in para 5 above, and published without further edit)*

### **Specified Information (Amendment) Order 2021**

The Police and Crime Commissioner (PCC) and their office have a duty to publish certain information for the public and for that information to be frequently reviewed.

#### **(1) How the force is measuring complainant satisfaction.**

The force has created a bespoke performance product (Qlik Sense Complaints app) to capture complaint data. This data is reviewed regularly by the Head of Professional Standards to ensure performance remains a priority. Since the creation of the bespoke app there have been several additional recording measures that are currently in development to ensure the force are provided with the most relevant data to effectively monitor and respond to complaints.

Several key performance indicators (KPIs) published by the Independent Office for Police Conduct (IOPC) can also be used as indirect measures. These include the timeliness of contact with complainants, the number of review applications received as a percentage of overall complaints and the average number of working days to finalise allegations.

A further mechanism to measure complainant satisfaction is to seek customer feedback. The Professional Standards Department (PSD) is currently finalising Phase 1 of their review that includes the establishment and recruitment of a Public Service Team. As such, current staffing levels in the Devon and Cornwall Police complaints department do not currently allow for the collection of customer feedback. However, discussions are ongoing to consider a victim survey specifically aimed at PSD complainants via an external provider.

Complainant satisfaction is also monitored through the percentage of complainants who have received an outcome to their complaint handled under the police complaint and misconduct legislation, and who remain dissatisfied and request a review into the outcome of their complaint. The numbers of complaint reviews that are upheld by the PCC or IOPC allows the police to understand whether dissatisfaction may be justified and where improvements should be made.

In the period April 2023 to March 2024, 108 review requests were completed by the OPCC. This is 46 fewer than in the previous year (a 30% decrease) whilst the number of reviews received remained almost the same, 131 in 2023/24 as opposed to 129 in 2022/23. A total of 46% (37) of complaints reviewed by the Police and Crime Commissioner's Office were upheld.

- Police complaints information bulletin Devon and Cornwall Police - Reporting Period: 01 April 2023 - 31 March 2024 (Q4 2023/24) can be accessed [here](#)
- IOPC quarterly complaints statistics for Devon and Cornwall Police can be accessed [here](#)

Between 01 April 2023 and 31 March 2024 22 out of 28 (78%) complaints reviewed by the Independent Office for Police Conduct were found to be upheld.

The majority of recommendations made from these reviews were agreed by the police. The department are looking at ways to better record and implement learning.

## **(2) Progress updates on implementing relevant recommendations made by the IOPC and/or HMICFRS in relation to complaints handling, or where recommendations were not accepted an explanation as to why**

There is a requirement for Chief officers and local policing bodies to publish recommendations made to them and their response on their websites in a way that is clear and easy for members of the public to find.

Where cases are investigated by the IOPC, the IOPC publish anonymised investigation summaries on the IOPC website. These will include an outline of the circumstances which prompted the investigation, evidence gathered and conclusions of the investigation. Learning recommendations arising from these are published [here](#).

National recommendations arising from super-complaints are updated [here](#).

Recommendations go to the Chief Constable and are also shared with the PCCs office. The OPCC can then hold the Chief Constable to account to ensure that the recommendations are responded to and implemented. The force gives the IOPC a narrative in response to any learning recommendations which is also shared with the PCC.

Between 01 April 2023 to 31 March 2024 there was 1 learning recommendation from the IOPC concerning policy. This relates to a specific complaint that was not upheld but did include recommendations.

## **HMICFRS Recommendations**

His Majesty's Inspectorate of Constabulary and Fire Rescue and Fire Services (HMICFRS) routinely monitors progress against recommendations that they make to police forces in their inspection reports. HMICFRS has not observed complaint handling specifically in DCP.

Once in post, the Head of Public Service will explore ways to monitor and track the implementation of recommendations made by the OPCC or IOPC when upholding reviews that are accepted by the force. Once developed, this is expected to be provided at the Professional Standards & Ethics Board.

## **OPCC Recommendations**

In 2023/24 PSD has not been responding to recommendations made by the OPCC when upholding reviews within the 28-day statutory framework. Following the restructure and full appointment of staff, this is an area of business that is expected to be rectified. A Benchmarking review was undertaken at the start of 2024 in response to an increase in public complaints and associated conduct matters over the last two years. The review concluded that staffing within the Professional Standards Department has not kept pace with the volume of work. As such, the executive agreed on a number of recommendations including an expansion of the PSD structure. This now provides the opportunity to develop the function of PSD to better serve the Force and the public by securing long term resilience and capacity.

There were 66 individual recommendations made to the force in 2023/24, of these 38 (57%) were responded to in respect of whether the force accepted them within the 28-day statutory timeframe. For recommendations sent to the force between 01/04/23 to 12/11/23 the statutory timeframe was met in 100% of recommendations but from 21/11/23 to 31/03/2024 it was not met (0%). Of the 66 recommendations made to the force 61 were accepted in full and 4 in part. Only 1 was not accepted. The OPCC has received evidence of 32 (49%) of those 65 accepted recommendations being completed.

### **(3) A summary of any mechanisms put in place to identify and act on themes or trends in complaints.**

Between 01 April 2023 to 31 March 2024, DCP logged 1,550 complaint cases<sup>1</sup>. This is a decrease of 508 (24%) less than the previous year. In 2023/24 the top 5 themes arising from complaint allegations were:

1. Delivery of service and duties – 57%
2. Police powers policies and procedures – 22%
3. Individual behaviours 373 allegations – 12%
4. Handling of or damage to property/ premises – 2%
5. Discriminatory behaviour – 2%

PSD is currently finalising Phase 1 of their Review and will be moving towards Phase 2 in the coming months. The primary focus of Phase 1 was the creation of the Public Service Team. The team structure has been established and is now in the recruitment phase. Once fully recruited into these posts there will be several reporting mechanisms put in place to both identify and respond to themes or trends identified.

Following the implementation of the new structure and staffing uplift, PSD will be implementing updated Key Performance Indicators (KPIs) to monitor performance. These will include measures to monitor timeliness, trends and lessons learned. PSD

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<sup>1</sup> Data provided from the IOPC Police Complaints Information Bulletin: Devon and Cornwall Return (Q4 2023/24)

also intend to carry out quality assurance checks, including dip sampling finalised complaints and identifying any learning. Led by the Head of Public Service, the complaints department will be responsible for the proactive use of complaint and conduct case analysis to identify learning and early intervention and prevention opportunities.

The Prevention and Engagement function within PSD works closely with the force to embed wider force learning through central communications, training and CPD events, while the newly appointed Head of Public Service will attend key Forcewide meetings to ensure wider learning across the force.

The OPCC undertake reviews and highlight issues that arise in respect of complaint handling and identify learning for individual complaint handlers known as oversight issues. These can be for PSD directly or more widely across the organisation. The OPCC report these to PSD at the conclusion of a review and request that they are considered and that a response is provided to the OPCC as to how they will be addressed. At present there has been a delay in a PSD response to this. However, following the implementation of the new structure and staffing uplift there will be greater oversight of the impact of organisational learning from themes arising from complaints. This is anticipated to be resolved once phase 1 and 2 of the PSD review is complete and the department have a fully embedded Public Service Team.

#### **(4) A summary of systems in place to monitor and improve performance in the timeliness of complaints handling.**

The force holds a Joint Professional Standards and Ethics Board to discuss performance, trends, and timeliness. The newly appointed role of Head of Public Service will also specifically monitor cases taking longer than 12 months to investigate and will feedback to PSD any concerns regarding timeliness.

Quarterly performance data produced by the IOPC includes data on the timeliness of complaints handling. This includes timeliness of initial contact and time taken to finalise cases.

The force has a bespoke performance product (Qlik Sense Complaints app) to capture complaint data. One area of development within this app is to measure timeliness throughout different phases of a complaint cycle. This will include measuring received to recorded data, to help understand and minimise delays in the future. This mechanism for recording such data is still under development but will be an integral part of the updated KPIs to help inform the department and the OPCC. Once established the department will be able to regularly report on the number of complaints received, the number of complaints recorded, and the number of complaints finalised. The development of this system will also allow for future dip sampling into cases to provide more in-depth analysis where necessary.

#### **(5) The number of written communications issued by the force under regulation 13 of the Police (Complaints and Misconduct) Regulations 2020 where an investigation has not been completed within a “relevant period” (within 12 months)**

Where Devon and Cornwall Police has not completed a complaint or conduct investigation within 12 months, they must issue a written notification letter to the PCC and the IOPC under Regulation 13 of the Police (Complaints and Misconduct) Regulations 2020. This will be a 12-month letter.

Led by the newly appointed Head of Public Service, work is underway to ensure the timeliness of notifications is reestablished. Through the development of a bespoke performance product, PSD will be able to monitor in live time the number of cases approaching the 'relevant period' limit. This includes recording all cases approaching the 9–12-month period, as well as all cases exceeding 12 months and each 6 months thereafter. There are a number of data improvements underway relating to the recording and reporting of performance data, including 12-month letters.

Between 01 April 2023 to 31 March 2024, based on the 'date recorded' on Centurion.

Case length with a statutory obligation<sup>2</sup> to report:

- 9 to 12 Months 11
- 12 to 18 Months 43
- Over 18 Months 51

There are 384 cases where the finalisation 'Right to review' letter has been sent, therefore commencing the 28 day right to review period. Whilst some complainants avail themselves of a right to review, the majority do not. This results in a large percentage of cases showing as live on Centurion which can be finalised but have not due to backlogs in finalisation. These also include cases not under schedule 3.

Following the Benchmarking review agreed on 10th May 2024, PSD are in the process of pro-actively addressing several challenges within the department. This includes a focus on complaints, including addressing the backlogs in case finalisation.

#### **(6) Quality assurance mechanisms in place to monitor and improve the quality of its responses to complaints.**

If a complainant is not satisfied with the way their complaint was handled, they can submit a complaint review. Any recommendations or oversight learning identified by the PCC or IOPC is used by the force to identify opportunities to improve the quality of its response to complaints. This process is expected to improve in the coming months as PSD embed their new staffing structure and processes. There is a new senior leadership structure within PSD who are currently reviewing all standardised processes and procedures. This includes current practices around quality assurance mechanisms. DCP are committed to ensure that national guidance for handling allegations of discrimination is followed by complaint handlers. In the coming months PSD will be undertaking a Disproportionality data review. This will provide a clear understanding of current disproportionality data in PSD and enable the force to

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<sup>2</sup> Data had been collated from Centurion via QlikSense. This data is based on cases recorded on Centurion between 01 April 2023 to 31 March 2024 that have been recorded as under Schedule 3 / investigation.

develop measures and checks to both improve the data quality in relation to recording disproportionality data and also respond to themes and trends that may arise from this review. Once the initial review is complete, disproportionality will be monitored and mitigated by regular review of data, with key findings highlighted to senior leaders to respond to and mitigate against disproportionality.

**(7) Details of the administrative arrangements the PCC has put in place to hold the chief constable to account for complaints handling e.g. frequency of meetings and a summary of discussions.**

[note: see part one]

PSD Response to Document 2: Additional Information

The force are working towards establishing a professional standards department (PSD) that can progress investigations to a sufficiently high standard, and in a timely manner. A contributing factor to this is the response to the Benchmarking review agreed on 10th May 2024. This consists of a number of recommendations set in two primary phases, 'Phase 1' and 'Phase 2'. The Force decision to accept and fund all recommendations following the PSD Benchmarking Review represents a significant opportunity to develop the function of PSD to better serve the Force and the public by securing long term resilience and capacity. However, the delivery is complex and is interdependent with the ongoing Alliance review.

There is a need for the department to be more pro-active and although these are being addressed it is still in the early stages. As such, the executive agreed on a number of recommendations and have been realistic in recognising not all areas will be resolved in the current financial year (2024/25). Initially £500,000 was made available under 'Phase 1'. This includes a focus on complaints, as well as embedding new structures within PSD, including the expansion and creation of new posts.

Phase 1 included job evaluations, advertising, recruiting, training and realising productivity of any future complaints team. All roles under Phase 1 have now been recruited, however, several posts have been filled internally from the department creating further vacancies which are also now being backfilled through recruitment. Start dates for the uplift are from January 2025, with training plans scheduled to be completed by the start of April 2025. Phase 1 will take time to embed, including embedding additional resource and ensuring appropriate performance monitoring structures are in place. As such, the department expect to be in a position to demonstrate performance improvements within 3-6 months following staff wide training. The priority at this stage will be a focus on the departments approach to backlogs, led by the newly appointed Head of Public Service.

Phase 2 of the PSD delivery plan will include the recruitment of additional posts. These include a Misconduct Lawyer; A Performance Analyst for PSD; and Additional Misconduct Hearings co-ordinator. While PSD now have the support of a Planning and Performance Manager (PPM) from within the Performance and Analysis department (P&A), the recruitment of a dedicated Performance Analyst within PSD will further support the departments effort to create an effective performance monitoring structure.

## Part three: Office of the Police and Crime Commissioner (OPCC) assessment

### Introduction: Police complaint reviews

When a member of the public is dissatisfied with either how their complaint has been handled by the police, or with the outcome of the complaint, they have a right of review (effectively an appeal) either to the Office of the Police and Crime Commissioner (OPCC) or the Independent Office for Police Conduct (IOPC). The review body is determined by the nature of the complaint allegations and is set out in the Police (Complaints and Misconduct) Regulations 2020. This report focuses solely on the reviews received and undertaken by the OPCC.

The aim of a review is to determine whether the police handling of the complaint and the complaint outcome was 'reasonable and proportionate'.

The OPCC undertakes reviews taking into consideration information provided to it by the complainant as to the reasons for their dissatisfaction, together with the information provided by the police force in relation to the complaint and the outcome reached. Where the OPCC adjudges that either the handling of the complaint, or the outcome arrived, was either not reasonable or proportionate, the review is 'upheld', and the Police and Crime Commissioner can make recommendations to the police to address matters.

In addition, should review bodies identify issues with how a complaint was dealt with, but these did not prevent a reasonable and proportionate outcome, these issues (known as 'oversight' issues) can be fed back to the police to assist with service improvement and organisational learning.

As part of the annual Specified Information Order, the Police and Crime Commissioner is required to make an annual assessment of its performance in the delivery of this statutory function.

The overall assessment of performance for the year 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2024 is set out below.

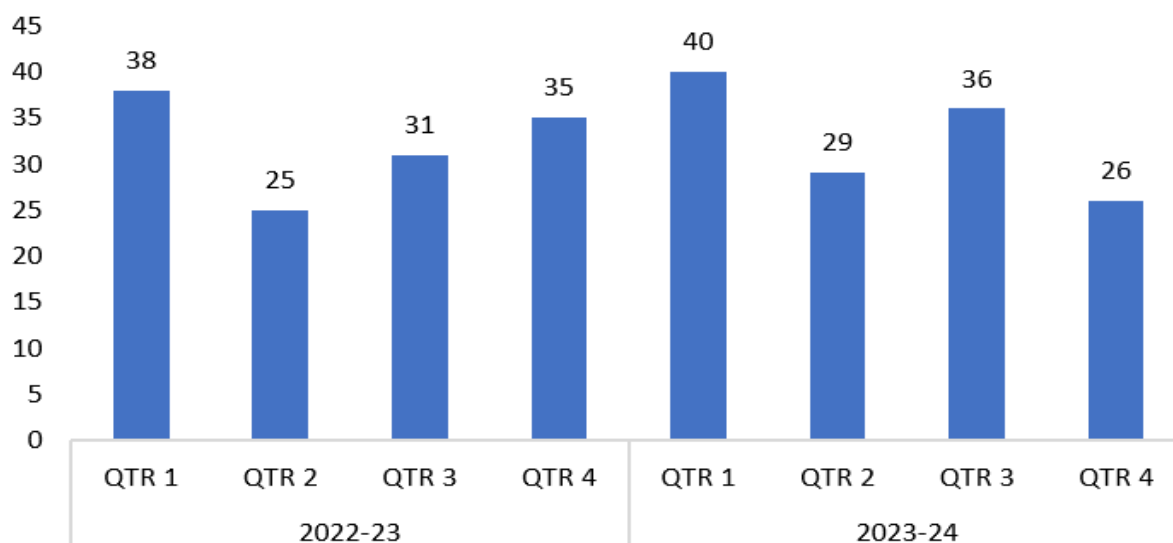
### 1. Reviews received

In the reporting year (1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2024), the OPCC for Devon, Cornwall and the Isles of Scilly received 131 requests to undertake a police complaint review.

This is a stable position in comparison to the previous year, where a total of 129 requests were received (-2).



### Number of review requests received by the OPCC in Devon and Cornwall: 2022-2024



In 2023-24 there has been a decrease in the number of complaints recorded by Devon and Cornwall Police, with 1,550 complaints being logged in this period (April 2023 to March 2024) compared with 2,058 complaints in the same period 2022-23\*\*.

Of these 1,550 complaints, in 2023-24 only 469 complaints had reached a stage in the police complaint process whereby they were eligible for consideration of review by the Police and Crime Commissioner, compared with 549 in 2022-23\*\*.

(\*\*Source: IOPC Police Complaints Information Bulletin: Devon and Cornwall)

In 2023-24 the OPCC received 131 review requests. This represents 28% of complainants (whose complaints to Devon & Cornwall Police had been finalised, and the OPCC was the appropriate review body) being dissatisfied with their complaint outcome. This compares to 24% (129 review requests) in the 2022-23 reporting year.

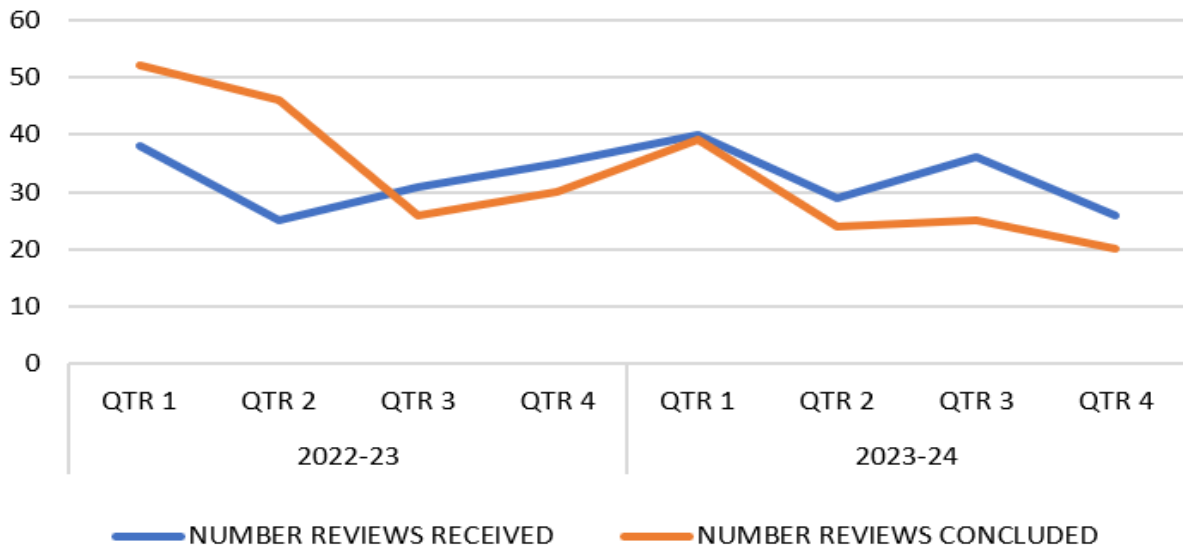
## 2. Reviews concluded

The OPCC concluded a total of 108 review requests in 2023-24, this total includes full reviews, invalid or withdrawn reviews and those where it was determined that the OPCC was not the correct review body and referred the request and relevant documentation to the IOPC on behalf of the complainant.

This equates to 46 fewer reviews concluded when compared to the previous year (a fall of 30%).

There are a number of factors that have contributed to the decrease in the number of reviews concluded. These include an unexpected and temporary halving in specialist review officer capacity, and an increasing number of complex reviews related both to previous matters and other high-profile issues.

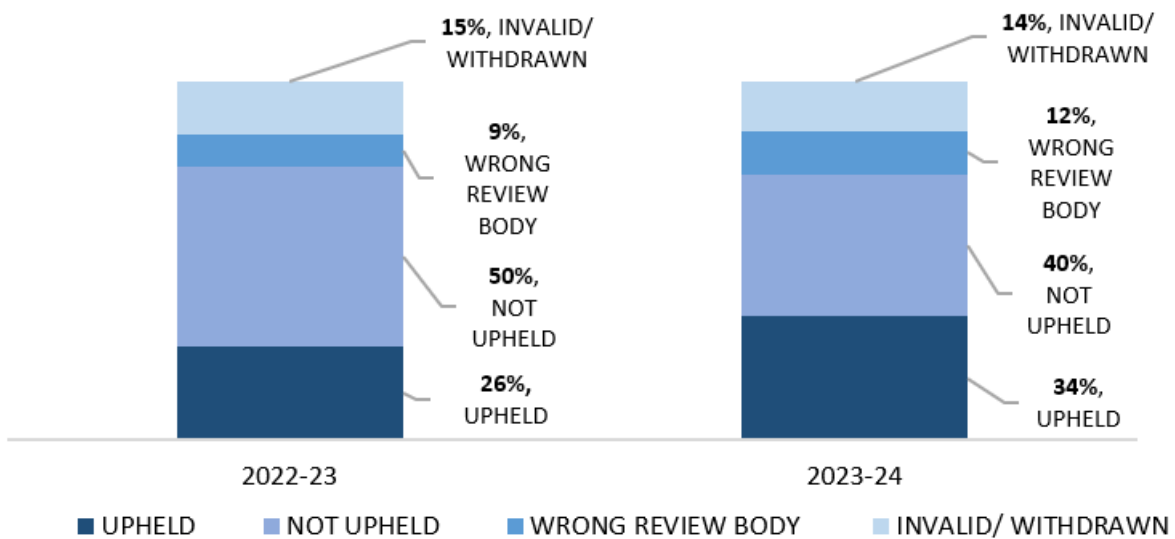
Number of review requests received and completed by the OPCC in Devon and Cornwall: 2022-24



The number of reviews upheld by the OPCC has increased over the past year. In 2023-24, 34% of all reviews concluded were upheld, compared to 26% in the previous year (+8%).

There has also been a slight increase in the number of review requests received whereby the force had incorrectly determined the right review body, this number rose to 12% of the total reviews concluded in 2023-24 (13 review requests in total), in comparison to 9% in the previous year.

Proportion of reviews concluded by the OPCC in Devon and Cornwall by outcome type: 2022-24

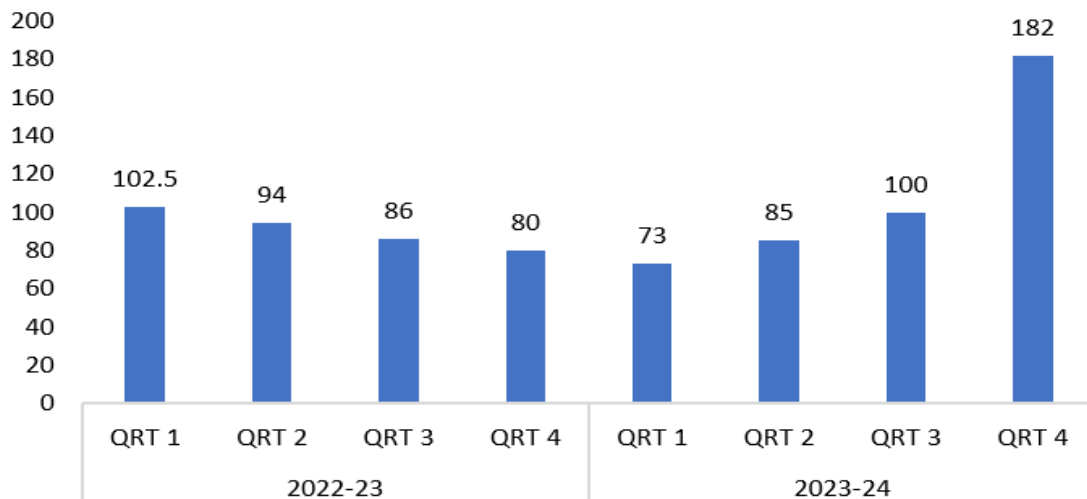


### 3. Average days taken to complete a review

It has taken the OPCC significantly longer to complete reviews in 2023-24 compared to the previous year. In January to March 2024, it took an average of 182 calendar days to complete a review.

This is up by 102 days in comparison to the same period the previous year.

Average (median) number of calendar days taken for the OPCC in Devon and Cornwall to complete a review: 2022-24



*\*includes the time taken to respond to non-valid reviews and withdrawn reviews.*

In this reporting year there has been an increase in the number of more complex reviews which results in a review taking longer to complete. Additionally, there was a lengthy, unplanned period in this reporting year when there was only one complaint review specialist in post (50% of normal capacity). This resulted in a build-up of reviews and an increased backlog.

However, the team is now at full capacity and measures have been put in place to address the backlog, with a significant decrease in numbers having already been made.

### 4. Upheld Reviews and Recommendations

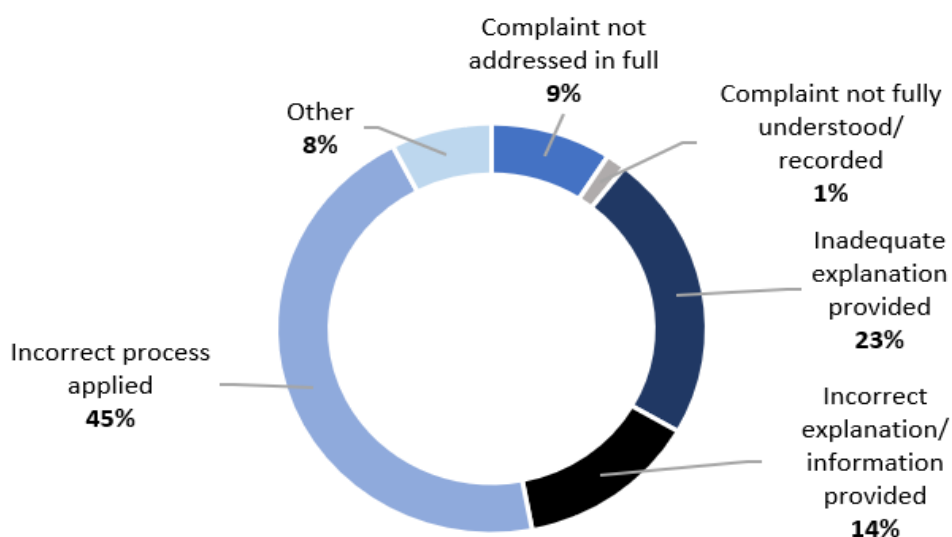
When a review is upheld – either because the handling of the complaint and/or the outcome of the complaint were not reasonable and proportionate – recommendations are made to the force as to how matters should be rectified.

By statute, the force has 28 days in which to respond to the reviewer, detailing whether the recommendation(s) are accepted, and what measures will be taken to implement them, OR if not accepted, to provide a rationale as to why.

In the 2023-24 reporting year, 37 of the 80 fully eligible police complaint reviews completed were upheld (46%). This compares to 40 of the 117 (34%) eligible and completed reviews upheld in 2022-23. This indicates there is an upward trend in the number of complaints whereby the handling and/or outcome of the complaint investigated by the police was not reasonable and proportionate, and the complainant did not receive an acceptable response to their complaint.

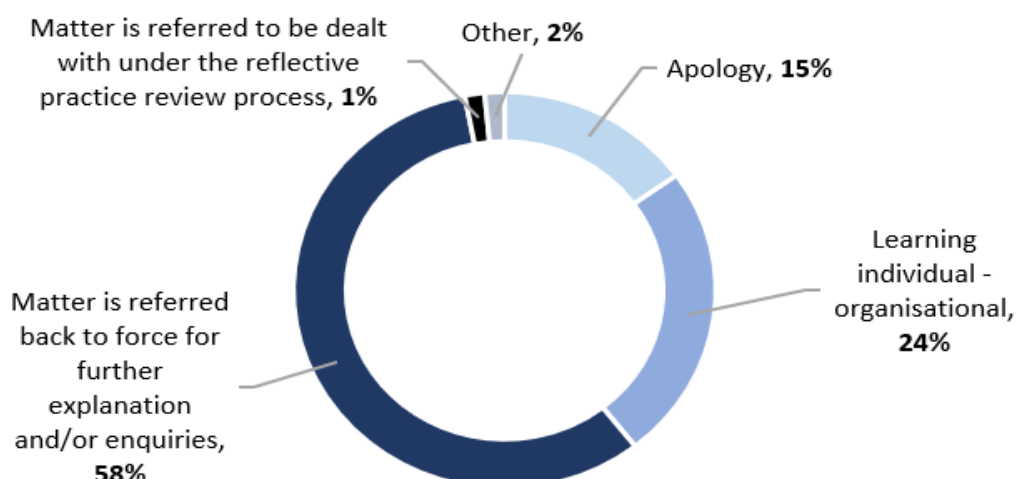
The reasons for upholding complaints in 2023-24 largely related to incorrect processes being applied (45%) and inadequate and/or incorrect information and explanations being provided (37%).

Reasons for upholding reviews: 2023-24



In the reporting year a total of 66 recommendations were made to the force as a result of upheld reviews. More than half (58%) recommended that matters should be referred back to the force for further explanations or enquiries and the complainant to be provided with a further complaint outcome letter to include an apology.

## Recommendations made against upheld reviews: 2023-24



In the reporting year, of the 66 recommendations made to the police in respect of upheld reviews, 92.5% (61 recommendations) have been accepted in full, 6% (4 recommendations) accepted in part and 1.5% (1 recommendation) was not accepted.

The time taken by the force to respond to recommendations made by the review body has significantly declined during the reporting year.

- In the period between 1<sup>st</sup> April to 12<sup>th</sup> November 2023, the police addressed 37 recommendations, all of them within the statutory time limit of 28 days. The average number of days to respond being 22.
- In the period from 21<sup>st</sup> November 2023 to 31<sup>st</sup> March 2024, **none** of the 29 recommendations addressed were within the statutory 28-day timeframe. The average number of days to respond being 100.

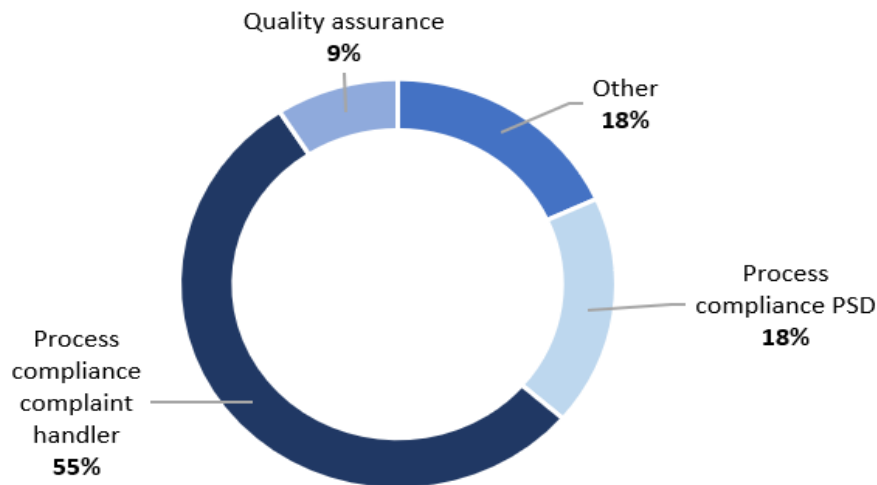
Concerns regarding this declining performance has been raised with the force by the Commissioner and her office, and is one component of the OPCC governance oversight of the police's handling of complaints. A restructuring within PSD – made in part to address the complaint handling performance issues – is currently underway.

### 5. Oversight issues

When 'oversight' issues are identified by the review officer within the OPCC, these are fed back to the force to assist with organisational learning and service improvements. In the 2023-24 reporting year, 22 oversight issues were identified and fed back.

The majority of these oversight issues (55%) related to an unacceptable level of process compliance by the complaint handler. A further 18% relating to an unacceptable level of complaint process compliance within the Professional Standards Department, which is the department within the police responsible for complaints.

## Oversight issues identified: 2023-24



### 6. The functions the Police and Crime Commissioner has delegated and what measures have been taken to ensure quality, integrity and impartiality

The Police and Crime Commissioner is committed to ensuring that the complaint review function undertaken by her office has integrity, is impartial and provides quality of service. The Police and Crime Commissioner is also committed to ensure that review decisions are sound and in line with the requirements of the Police (Complaints and Misconduct) Regulations 2020 and the IOPC Statutory Guidance for Police Complaint Reviews.

To ensure impartiality, members of the Police and Crime Commissioner's own staff have been designated to undertake complaint reviews, and have been selected for their skills and expertise in managing complex investigations, and in interpreting and working in compliance with legislation.

Occasionally during times of high demand, selected complaint reviews will be outsourced to an independent organisation that specialises in police complaint reviews. The OPCC retains overall responsibility, and selects which reviews are appropriate for outsourcing. The OPCC retains the undertaking of initial validity checks, and ensures that all relevant material is accessible to the external reviewer. Quality assurance is also undertaken by the OPCC on all complaint reviews finalised externally, prior to notification to the complainant.

### 7. Quality assurance mechanisms the Police and Crime Commissioner has established to ensure that review decisions are sound and in line with the requirements of the complaint's legislation and IOPC statutory guidance

The Police and Crime Commissioner is committed to handling complaint review requests and investigations with integrity by providing a fair, transparent, consistent and accessible approach.

Effective and transparent procedures have been established for the reasonable and proportionate handling of complaint reviews to meet both legislation and the IOPC statutory guidelines, with internal monitoring and quality assurance measures in place.

## 8. How the Police and Crime Commissioner assesses complainant satisfaction with the way in which they have dealt with complaints

The Office of the Police and Crime Commissioner for Devon, Cornwall and the Isles of Scilly does not currently handle police complaints other than complaints against the Chief Constable.

The Police and Crime Commissioner holds the Chief Constable to account for how policing services are delivered and is responsible for handling and responding to any complaints about the personal conduct of the Chief Constable. Any such complaints are dealt with in accordance with the IOPC statutory guidance. In line with this statutory guidance the Police and Crime Commissioner is required to refer all qualifying complaints about the Chief Constable to the IOPC whose responsibility it is to determine whether the matter must be investigated. In the reporting period from 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2024, there have been no (nil) recorded complaints against the Chief Constable or the acting Chief Constable.

The outcome of complaint reviews, especially those that are upheld, enables the Police and Crime Commissioner to understand whether dissatisfaction may be justified and identify where improvements should be made.

In addition, recorded dialogue between Office of the Police and Crime Commissioner personnel and the public is monitored, and where emerging trends or themes of dissatisfaction are identified they are fed into the OPCC's internal 'Intelligence forum' where they are considered and assessed alongside other 'intelligence' and information received as part of the Commissioner's scrutiny role.