

**CUMBRIA POLICE AUTHORITY  
PROFESSIONAL STANDARDS COMMITTEE**

**23 January 2006**

**Agenda Item No.7**

**DIP SAMPLING OF PUBLIC COMPLAINTS PROCEDURE  
A Report by the Chief Constable**

**Introduction**

This paper is submitted as an update to item 24 of the last Professional Standards Sub Committee meeting on 1<sup>st</sup> November 2005 on developing a local procedure for dip sampling of public complaints.

The procedure has been developed in consultation with Mr C Alcock, Clerk and Chief Executive and Mr C Moth, Chair of this Committee.

**Proposed procedure**

A proposed procedure is submitted for agreement with the Authority. If approved, it will be incorporated into a Constabulary policy on the Recording and Handling of complaints.

**Recommendation**

The Committee is invited to approve the procedure.

**Implementation**

The Committee will need to agree the rota and training for "sampling members". However, it is suggested that because sampling is currently suspended (pending agreement of this procedure) with none having taken place for some months, implementation could commence during February 2006 if two members were identified who a) were willing to be on the rota and b) were available for any agreed date during that month.

PSD have identified a resource to assist training of members and implementation of this procedure.

**Michael Baxter  
Chief Constable**

CUMBRIA POLICE AUTHORITY  
**PROFESSIONAL STANDARDS COMMITTEE**  
**CASE-SAMPLING PROTOCOL**  
(Version iv 09 Jan' 2006)

Introduction:

The overriding legal duties of oversight of a Police Authority are prescribed in broad terms, by section 6 Police Act 1996, as being to secure the maintenance of an efficient and effective police force for their area. These duties are subject to the operational independence of a Chief Constable provided for under section 15 of the same Act.

Terms of reference for the Professional Standards Committee of Cumbria Police Authority were approved by the Authority on 5<sup>th</sup> November 2002 and have been reviewed at least annually thereafter. Item 1 of those terms of reference is *"To discharge the responsibilities of the Authority in relation to complaints imposed by Section 77 of the Police Act 1996"*.

Sections 67 – 76 of the Police Act 1996 deal with the handling of complaints and Section 77 states that: *"Every police authority in carrying out its duty with respect to the maintenance of an efficient and effective police force....shall keep themselves informed as to the working of sections 67 to 76 in relation to the force"*.

The 'citizen focused' aim of Cumbria Constabulary, as set out in its joint Annual Policing Plan with the Authority, is *"To inspire trust and confidence in our policing services so that the public of Cumbria feel safe satisfied and reassured"*.

APA Circular 89/2002 provides guidance to Police Authorities on the five elements, which Authorities should have in place to maintain effectively an ongoing scrutiny and oversight of complaints against police:

1. Process and procedural audits as compared with Home Office Guidance on complaint handling;
2. Dip-sampling of completed complaints files;
3. Analysis of statistics and trends;
4. Strategic analysis;
5. Discussion with stakeholders and partners.

This protocol is to specify procedures adopted by agreement between the Authority and its Constabulary, particularly towards elements numbered 1 and 2 above.

These procedures are intended to assure public trust and confidence by embedding transparent and structured processes for the Authority's Committee to discharge that individual element more effectively, as part of its overall function.

This approach will also enhance the Authority's ability to fulfil the other four elements, as well as the enhanced expectations of the Independent Police Complaints Commission (IPCC) introduced under the Police Reform Act 2002 with effect from 1<sup>st</sup> April 2004. The IPCC has produced Statutory Guidance which outlines the responsibilities of Police Authorities at paragraph 4.4.

[NB: In conducting dip-sampling under this protocol it is important members should not attempt to review the appropriateness or otherwise of the conclusion reached in

any individual case. They should not put undue weight on the factual issues arising in a case.

The purpose of this structured approach is to ensure that complaints in Cumbria are being dealt with rigorously and fairly, in line with IPCC Statutory Guidance and Constabulary policies and procedures, under processes understood by members. If a series of cases (on their facts and outcomes) together indicated a consistent area for concern, then members may review them in conjunction with the Constabulary and other stakeholders to see whether wider lessons emerge].

Procedure:

Two members of the Professional Standards Committee will attend, by arrangement the offices of the Professional Standards Department no more than once every calendar month and no less than once between quarterly meetings of the Professional Standards Committee.

The Police Authority and PSD Admin Managers are responsible for making these arrangements, according to the availability of individual members and in accordance with an annual rota agreed by the Professional Standards Committee.

The Professional Standards Committee members will audit process and procedures using agreed checklists as attached (Appendices 1 to 4)

Number or proportion of completed files to be inspected:

It is not practicable for Authority Members to inspect all files completed during the quarter year preceding the current meeting of the Committee. Instead an agreed number of completed files from the quarter year preceding the meeting will be inspected.

The number identified for inspection has been agreed as representing both an appropriate proportion from the total number of files completed in an average year and also a realistic quantity for the Committee to give appropriate attention to.

(The Committee reserves the right to increase or decrease that specified number if necessary, by agreement with the Constabulary. The frequency of attendances to the PSD Offices between Committee meetings will also influence the number of files which are dip-sampled. However, the Constabulary is committed to assisting this process in enhancing trust and confidence in the police complaints system and restrictions on access to files should not be a barrier.

1. The number of dip-sampled files chosen from those concluded by means of Local Resolution to be inspected at a meeting is: **3 (three)**
2. The number of dip-sampled files chosen from completed files (other disposals) to be inspected at a meeting is: **4 (four)**
3. The number of completed files chosen to be put forward by the Constabulary for inspection at a meeting (on the basis they represent instructive examples of Substantiated; Best Practice; or Unusual / Problematic cases) is: **3 (three)**

### Outcomes:

This case-sampling protocol represents an understanding agreed between the Constabulary and the Police Authority in Cumbria. It is intended to constitute an important limb of the overall scrutiny and public accountability which is delivered by a Police Authority in pursuit of statutory duties set out for it in sections 6 and 77 of the Police Act 1996.

In particular, within its own Race Equality Scheme, Cumbria Police Authority has prioritised and assessed its functions for relevance to race equality. Complaints against the police is a key area where realised or potential impacts on human rights, race, or other equality issues can be revealed. ("Stop & Search" or "Stop & Account" provides one important example). This is why the vigilance of police authority members provides one important part of the framework of remedies and reassurances available to members of the public in this field.

This protocol is therefore intended to help:

- provide public reassurance about the integrity, effectiveness and efficiency of policing in Cumbria;
- assess the risk of policing impacting adversely and disproportionately on human rights; or on minority or minority ethnic groups in Cumbria;
- assess whether such risks can be justified as proportionate, legitimate, legal, and minimised;
- assist decision-making about the policing method or policy involved.

When assessing the potential impact or indicated effect of policing processes, methods, procedures or policy upon race equality, consideration will at the same time be given to ethnic or national origin, race, colour, or nationality. (Where an impact is also identified on other minorities, or on issues of religious belief, gender, sexual orientation, disability, age and social background, then this will also be reported on where appropriate).

### Outputs:

The case-sampling members will at the first instance bring any concerns or questions they may have about processes or procedures to the attention of the Chief Constable at the time of sampling, to invite explanations. They will also draw them to the attention of the next Professional Standards Committee by way of signed report (and/or the Community & Race Relations Committee, as and when appropriate); typically in a "Members Report-Back" part of the Professional Standards Committee's standing Agenda item on Case-Sampling; and the Chief Constable will respond to members about them, as appropriate, with advice and explanations.

In addition to the above, the member's report will also measure their satisfaction with the sampling visit, the application of the checklists and the outcome of the sampling exercise.

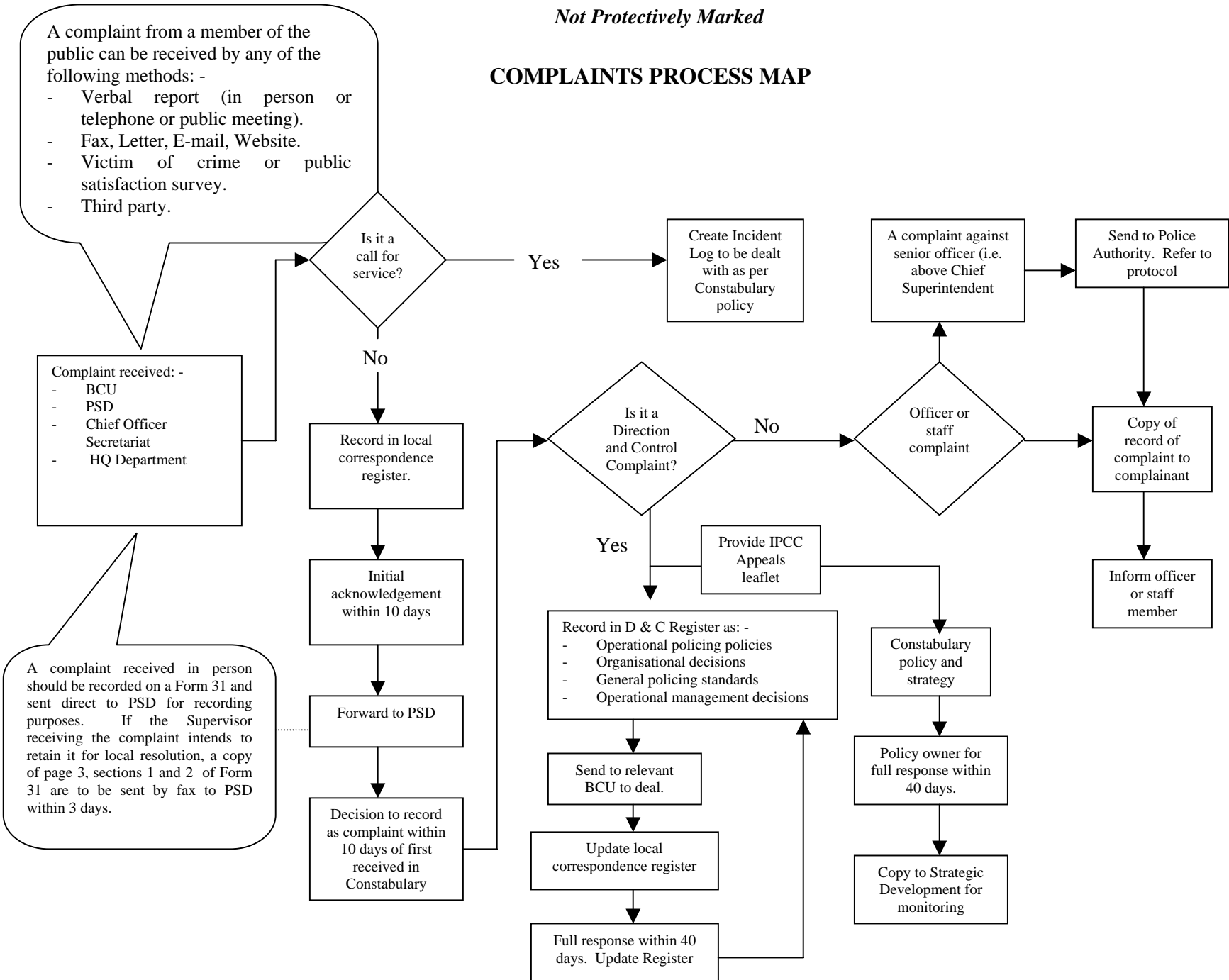
### Appendices

The following supporting documents illustrate in flow chart or checklist form the processes followed:

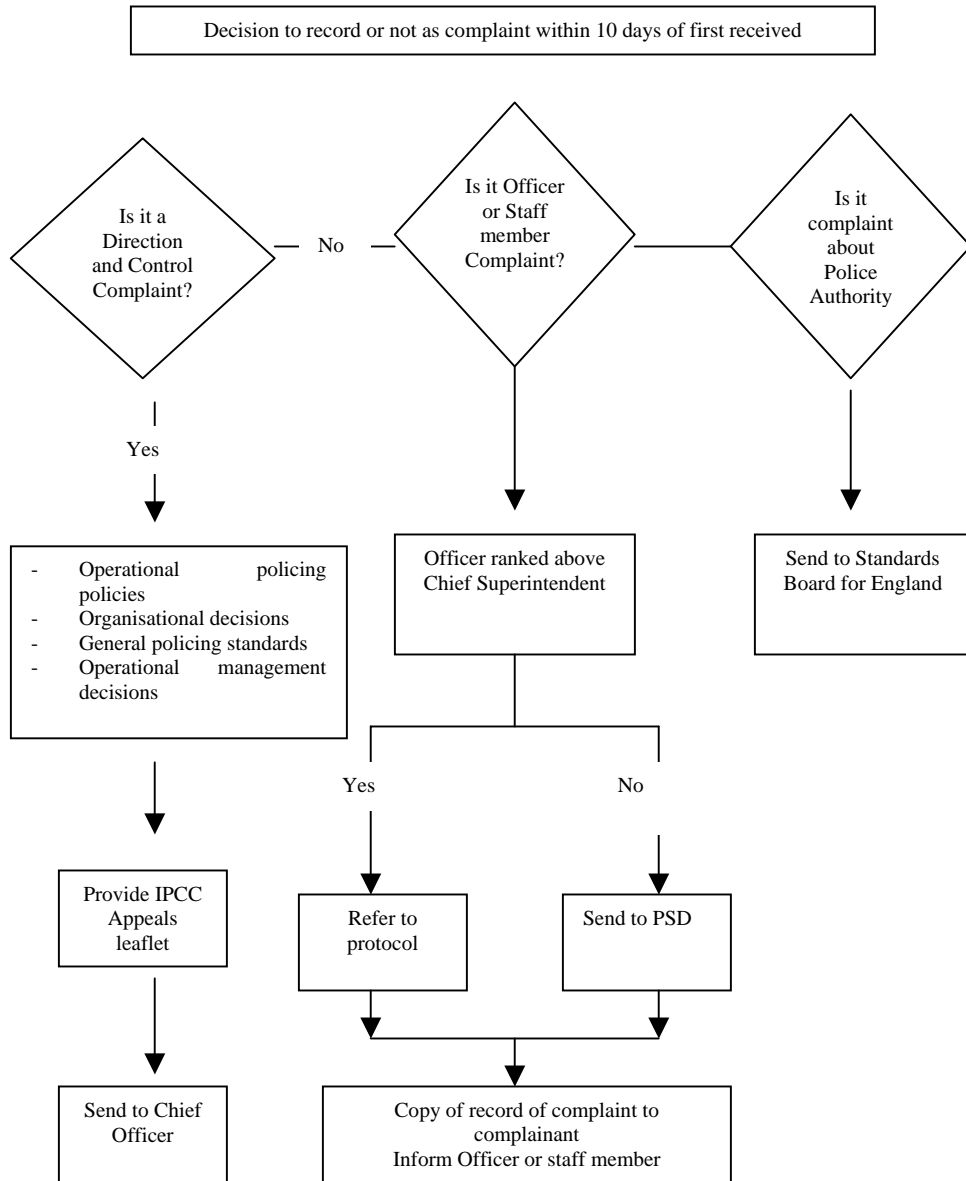
1. Complaints process map (flow chart)
2. Checklist for initial assessment of complaint (currently being researched)
3. Checklist for Local Investigation files
4. Checklist for Local Resolution files
5. Checklist for withdrawn complaint file
6. Checklist for dispensation file

Not Protectively Marked

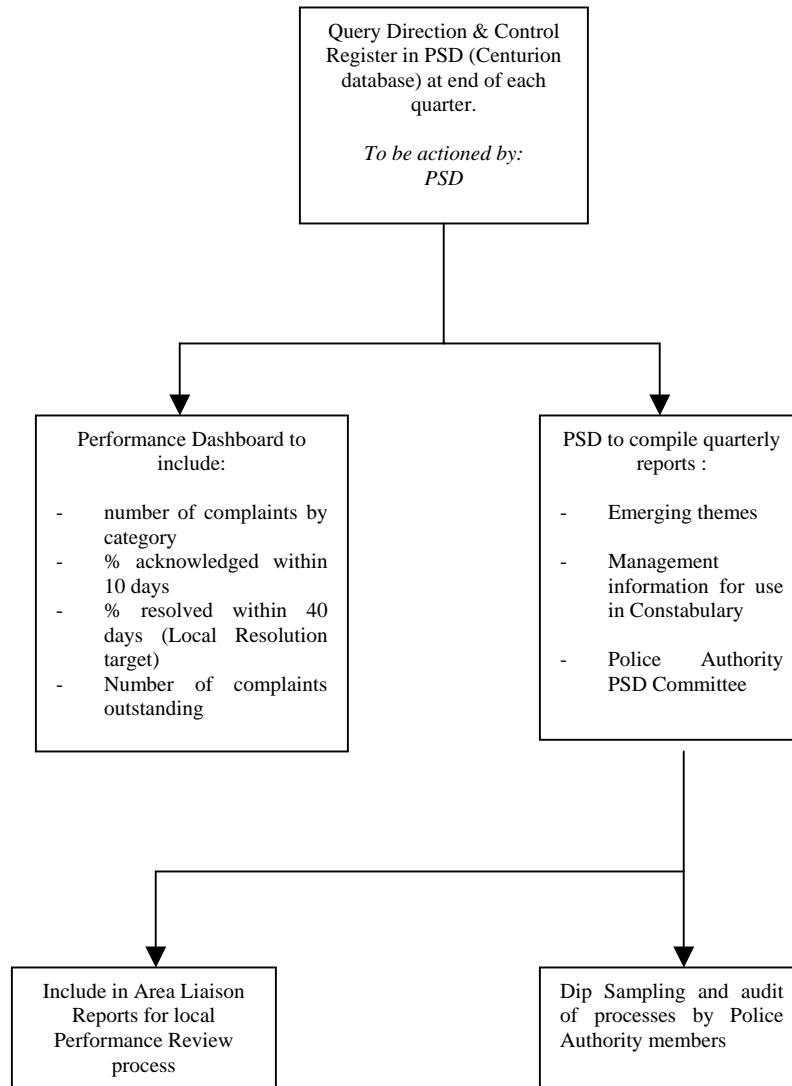
COMPLAINTS PROCESS MAP



**Complaint received by Police Authority**



**Monitoring and Reporting of Direction & Control and recorded complaints from members of the Public**



INITIAL ASSESSMENT OF COMPLAINT

Currently being researched and drafted

## Checklist for Police Authority Members

INVESTIGATION FILE

Complaint document – Form 31/letter from complainant or complainant's solicitor	<input type="checkbox"/>
Appointment of Investigating Officer	<input type="checkbox"/>
Computer case print recording detail of complaint	<input type="checkbox"/>
Risk assessment (if appropriate)	<input type="checkbox"/>
If serious misconduct/criminal (iaw CC Action Plan):	
i. Initial assessment	<input type="checkbox"/>
ii. Appropriate resourcing	<input type="checkbox"/>
iii. Terms of Reference	<input type="checkbox"/>
iv. Investigation Plan	<input type="checkbox"/>
v. Reviews by Management (timely with consultation as appropriate)	<input type="checkbox"/>
Investigation report compiled by IO (may be full or abbreviated).	<input type="checkbox"/>
Letter to complainant acknowledging complaint	<input type="checkbox"/>
Letter submitting report to Crown Prosecution Service for advice (only if Criminal allegations involved).	<input type="checkbox"/>
Reply from CPS providing their advice	<input type="checkbox"/>
Letter from IPCC with recommendations re misconduct (managed investigations only).	<input type="checkbox"/>
Letters to update the complainant(s) of progress during investigation	<input type="checkbox"/>
Updates to officer(s) regarding progress of investigation.	<input type="checkbox"/>
Letter to complainant advising of outcome and enclosing appeal form.	<input type="checkbox"/>
E-mail to officer advising of outcome OR	<input type="checkbox"/>
Memorandum to Area Commander for executive action arising from investigation. (e.g. advice to officers, changes in procedure) Only sent if applicable.	<input type="checkbox"/>
Best Practise Memorandum and action (if applicable).	<input type="checkbox"/>

Checklist for Police Authority Members

- N.B.** Has the file been completed in a timely manner?  
Was the investigation proportionate?  
Do the letters/updates provide sufficient detail?  
Customer satisfaction (officers only – October 2005).

NOTES

- We aim to complete investigations in 120 days from the date the complaint is recorded (or if related court proceedings from the date those court proceedings are concluded) to the date the IO submits a final report.
- If the investigation is supervised (serious cases only) by IPCC there will be a letter on the file from IPCC member involved indicating they are satisfied with the conduct of the investigation.
- Note, any warranted delays with the process e.g. time under consideration by CPS, or IPCC for supervised complaints, informing officers of outcome.
- The contents of the IO's report will already have been scrutinised in detail by PSD Command, CPS (if applicable) and the IPCC (if supervised or managed).
- Members of staff subject to complaints are notified of the allegations by means of a Notice served upon them. You will encounter these documents on the file.
- There is a request to keep complainants updated on the progress of their case every 28 days, although this may be done verbally.

## Checklist for Police Authority Members

LOCAL RESOLUTION FILE

- Complaint document – Form 31/letter from complainant or complainant’s solicitor.
- Identification of Appointed Person (not applicable if local resolution Achieved in Area and submitted to us for finalisation).
- Computer case print recording detail of complaint.
- Letter to complainant acknowledging complaint (not applicable if resolved In area).
- Letter to IPCC requesting permission to use LR process (if applicable)
- Reply from IPCC re use of process (if applicable)
- Completed Form 31 detailing local resolution agreement signed by complainant
- Finalisation letter to complainant confirming local resolution and enclosing appeal Form.
- E-mail to officer(s) informing them matter locally resolved.
- Best Practise Memorandum and action (if applicable).

**N.B.** Has the file been completed in a timely manner?  
Was this local resolution a proportionate response to the complaint?

NOTES

- Do letters/e-mails contain sufficient detail?
- Could the local resolution have been dealt with earlier or more efficiently?
- Customer satisfaction (staff only pilot begins October 2005).
- A supervisory officer in Area may seek to locally resolve a complaint and if successful will submit a completed Form 31 to us for recording.

Checklist for Police Authority Members

WITHDRAWAL FILES

- Complaint document – Form 31/letter from complainant or complainant's solicitor.
- Appointment of Investigating Officer.
- Computer case print recording detail of complaint.
- Letter to complainant acknowledging complaint (not applicable if resolved In area).
- Statement of withdrawal from complainant (if applicable)
- Finalisation letter to complainant confirming withdrawal.
- Letter/e-mail to officer(s) informing them matter has been withdrawn.
- Best Practise Memorandum and action (if applicable).
- NB Has the file been completed in a timely manner?  
Do the letters/updates provide sufficient detail?

NOTES

- Even though a complaint may be withdrawn it may be necessary to continue the investigation as an internal enquiry.

## Checklist for Police Authority Members

DISPENSATION/DISCONTINUANCE GRANTED BY IPCC

1. Complaint document – Form 31/letter from complainant or complainant's solicitor.
2. Appointment of Investigating Officer.
3. Computer case print recording detail of complaint.
4. Letter to complainant acknowledging complaint
5. If complaint is over 12 months old, a letter will normally be sent seeking satisfactory explanation for delay.

Request for dispensation/discontinuance report (standard pro-forma) submitted to the IPCC.

Reply from IPCC with decision. If they agree they will enclose a copy of their letter to the complainant.

Letter/e-mail to officer(s) informing them that a dispensation/discontinuance has been granted and no further action will be taken.

DISCONTINUANCE BY FORCE (SUB JUDICE CASES)

1 – 5 as above

Letter to complainant requesting they contact IO/PSD to progress investigation.

Letter to complainant informing them discontinuance has been granted.

Letter/e-mail to officer(s) informing them discontinuance has been granted.

Best Practise Memorandum and action (if applicable)

**N.B.** Has the file been completed in a timely manner?  
Do letters/e-mails provide sufficient detail?

NOTES

- A dispensation may be sought from the IPCC at the outset where an investigation is not reasonably practicable (usually because the complainant fails to contact the IO) it is a repetition of a previously finalised complaint or it is over 12 months old and satisfactory explanation for delay has not been given.
- A discontinuation may be granted by the IPCC if the criteria required for a dispensation are found to be met when an investigation is already underway.
- A discontinuance may be granted by the force in sub judice cases when the complainant fails to co-operate after the criminal case is concluded.