

Police, Fire & Crime Panel Report

12th January 2023



Update on the North Yorkshire Complaints and Recognition Service

This report provides an update to Members on the progress of the implementation and development of the Office of Police, Fire & Crime Commissioner (“OPFCC”) Complaints and Recognition Service, moving towards an enhanced Customer Services function.

A report was previously presented to Members in October 2022 outlining the planned organisational development of the OPFCC following a comprehensive review of the team’s leadership, structure and resourcing completed in 2021. This included the establishment of a Public Confidence function incorporating an enhanced Customer Services function alongside a new Inclusivity & Public Confidence function and Communications & Public Engagement team.

The enhanced Customer Services function will support all four **C.A.R.E.** Principles (**C**aring for the vulnerable, **A**mbitious collaboration, **R**ealising our potential, **E**nhancing our service for the public) in both the Commissioner’s Police & Crime Plan and Fire & Rescue Plan, and the wider Public Confidence workstreams by fully embedding our scrutiny processes alongside the complaints, recognition and Commissioner’s casework. This more inclusive approach to oversight and scrutiny will ensure we are identifying and addressing organisational learning at an earlier opportunity to improve future service delivery.

Key achievements to date include:

- **Successful adoption of the fullest and most ambitious option for complaints reform**, known as ‘Model 3; North Yorkshire was the first area to adopt this model and remains one of only two OPCCs to have done so. We are proud to be national pioneers and to have a firm base upon which to move to innovate further, in the way that this paper explains.
- **Successful informal service recovery** remains higher than anticipated; where this approach is appropriate, we aim to resolve the complaint in a less formal way, by means of a local resolution. This is more flexible, customer focused and the quickest and most effective way to resolve the complaint.
- **Appointment of an independent adjudicator** to review the outcome of complaints where required, putting openness, integrity and public trust at the heart of the process.

- Ongoing investment in the team has allowed for **improvements in the overall process** working towards creating a fully inclusive ‘customer services’ offer not only for complaints, dissatisfaction and appreciation but also codifying our Scrutiny processes and embedding these into the overall approach.

North Yorkshire Police - Complaints

The new (Policing and Crime Act 2017) Regulations came into effect in February 2020 to allow for Police and Crime Commissioners to take on more responsibility regarding police complaints. In North Yorkshire, the OPFCC implemented Model 3, the fullest and most ambitious option for complaints reform as outlined below:

	Model 1*	Model 2*	Model 3*
Receiving & making initial contact with complainant	POLICE	PCC	PCC
Handling complaints outside of Schedule 3 and recording complaints	POLICE	PCC	PCC
Keeping complainants and interested parties updated and informed of outcome.	POLICE	POLICE	PCC
Investigating complaints	POLICE	POLICE	POLICE
Complaint Reviews	PCC	PCC	PCC

The new model has been successfully embedded from March 2020, with strong working relationships having been built between the OPFCC Complaints and Recognition Team (“CRT”), North Yorkshire Police’s Professional Standards Department (“PSD”) and local commands within the police force. An overview of the process can be found at Annex A. Chief Officers are regularly updated at the monthly Appropriate Authorities meeting, and the CRT and the PSD hold quarterly meetings with local commands to discuss trends.

The team are forecasting a similar number of new cases to previous years however the team continues service recovering a higher proportion, with fewer cases being transferred to PSD for formal resolution under under Schedule 3 to the Police Reform Act 2002. It was originally anticipated that if matters could not be service recovered within 2 working days of contact being made these would be referred to PSD. A joint decision was taken between the OPFCC and the PSD to increase this to 10 working days, with an option to extend beyond this on a case-by-case basis decided by the customer service advisor. This was agreed as a result of a combination of NYP working patterns (4 days on – 4 days off), requirement for additional

customer contact and other competing demands which meant it was not always possible to achieve a 2-day turn around. Extending this time has enabled us to work with NYP and customers to informally resolve more cases that meet the threshold through the service recovery process as outlined in the table below:

Activity *Data from centurion	Anticipated demand	2020/2021	2021/2022	2022/2023 April - Nov 22
Total new receipts to OPFCC CRT	1,441	1,446	1,326	892 (*we anticipate 1338 for end of financial year)
Service recovery	774 (54%)	1,161 (80%)	1,053 (79%)	715 (80%) (*we anticipate 1072 for end of financial year)
Formally Recorded Schedule 3	667	285 (20%)	273 (21 %)	177 (20%)

Top 3 types of complaints and dissatisfaction taken from data (year ending March 2022)

Category Breakdown 2021/22	Service Recovery stage	Formal Schedule 3
General Other (General feedback and correspondence for the force, matters service recorded by the force and sent to CRT for logging, complaints not progressed)	38%	-
Delivery of Duties and Service	34%	42%
Police, Powers, policies and Procedures	13%	27%
Individual Behaviours	7%	18 %

Right to Review

Where a complaint has been recorded under Schedule 3 to the Police Reform Act 2002, the complainant has a right to apply for a review of the outcome of the complaint, for a vast majority of complaints the Police and Crime Commissioner holds the responsibility for carrying out reviews and she has appointed an independent adjudicator to hear these matters. Other areas decided to hear these 'in house' this office uses the independent adjudicator to promote a positive culture putting openness, integrity and public trust at the heart of the process, as set out in the Police and Crime Plan and Fire and Rescue Plans.

The review is a paper-based application, and the role of the adjudicator is to look at whether the handling and/or the outcome of a complaint was reasonable and proportionate; they do

not reinvestigate the complaint. Reasonable and proportionate means assessing what is appropriate in the circumstances, taking into account the facts and the context in which the complaint has been raised, within the framework of legislation and guidance.

Between March 2020 and November 2022 152 requests for review have been received:

Year	Requests made
2020/2021	46
2021/2022	63
2022 to November 2023	43
	152

During 2020 to Q1 2022 customer wait times were approximately 10 months, during Q2 and into Q3 this has reduced to approximately 4 months, in comparison as of October the IOPC had a wait time of approximately 90 working days.

Of the completed reviews (101) 48% have had outcomes of reasonable and proportionate handling and/or outcomes. 53 cases were upheld or part upheld with further action required by NYP.

Reasonable and proportionate handling	48
Upheld	34
Part upheld	19
Not Valid / Change of Relevant Review Body (to IOPC) / Withdrawn	23
Pending	28

Summary of recommendations and feedback (from Reviews):

- Responses to customers could have been more clearly explained. Letters are issued at the conclusion of the complaint or as soon as practicable thereafter.
- Customers be provided with a written decision to ensure they were properly informed of the outcome. The written decision should include an explanation of how the matter has been handled, the actions taken, the findings and the outcome.
- Completion of new Complaint Action Plans between investigating officers and customers to address all the allegations and addendum reports drafted addressing outcomes of all the complaint allegations
- Recommendations that specific apologies be made to customers where appropriate
- Practice Requiring Improvement (PRI) be initiated - The reflective practice framework is designed to give officers and staff an opportunity to discuss where things could have gone better and look for ways of addressing those issues together with their line manager, without the underlying concern of being disciplined.
- To ensure the details of complainants are accurately recorded and new allegations that are identified as part of the complaint investigation are referred back to the appropriate authority within PSD. Without this the independent adjudicator cannot consider these as part of the review process.

It is also important to note the Independent Adjudicator has fed back on 13 cases where exceptional standards were identified. The Independent Adjudicator and PSD held a workshop with PSD investigators to share her feedback and best practice.

North Yorkshire Police - Appreciation

The team also receive and log appreciation from members of the public thanking officers, staff and teams:

Activity Appreciation	2020/2021	2021/2022	2022/2023 April - Nov 22
New receipts	210	214	143

North Yorkshire Fire & Rescue Service - Complaints and Appreciation

In August 2021 the OPFCC took on the responsibility of complaint and appreciation oversight for North Yorkshire Fire & Rescue Service (“NYFRS”) complaints and appreciation:

Summary of Complaint	2021/22	2022/2023 April - Nov 22
Driving Complaint	4	1
Employee Conduct	5	2
Response to Incident	3	3
Social Media Comments	2	0
Estates Complaint	0	1
Damage to Land or Property (not driving related)	2	4
Unhappy about the service	4	2
Fire Safety Complaint	2	0
Complaint Appeal	0	0
Sunken Fire Hydrant	0	0
Other - recruitment process	2	2
TOTAL	24	15

Summary of Appreciation	2021/22	2022/2023 April - Nov 22
Public thanking crews for attendance at incident	17	17
Public thanking crews for assistance	6	1
Attending an event	0	6
School/Club Visit	3	1
Attendance at an ex-colleague’s funeral	2	0
Commending the actions of a staff member	2	0
Fitting Smoke alarms	1	0
CSO Visit	3	2
Other	1	0

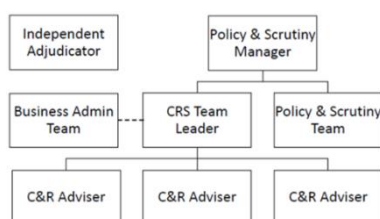
Thank you for a donation	1	0
Total	36	27

Next Steps

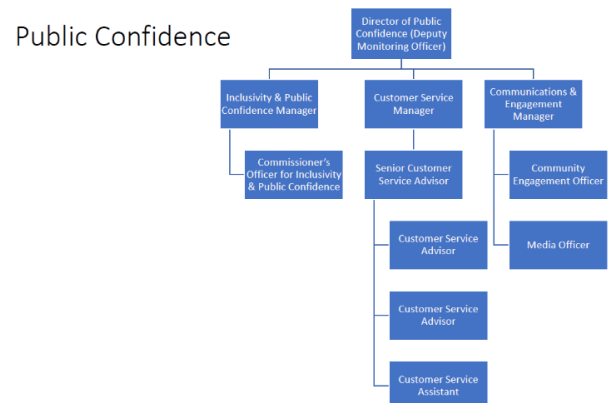
Investment is being made in enhancing the model, to improve the overall process and outcomes; to create a fully inclusive 'customer services' offer for complaints, dissatisfaction and appreciation; to ensure that there is capacity to drive forward organisational learning with the public at the heart of that drive; and aligning our independent Scrutiny Panel processes and embedding these into the overall approach. This will Improve our operational resilience to manage the demand and should improve the overall public confidence in the service by:

- **dealing with all cases in a timely manner** - we will do this having a new Inclusivity and Public Confidence Manager and Commissioner's Officer for Inclusivity and Public Confidence. A Customer Service Team responsible for complaints, compliments, casework, scrutiny panels - working with the OPFCC Communications & Engagement Team as shown in the new structure:

Current structure



New structure



- **an enhanced positive culture**, with openness, integrity and public trust as set out in the Police and Crime Plan and Fire and Rescue Plans through:
 - Linking in Public Confidence Feedback, understanding what the police need to do more of and how they can better engage with the communities they serve, ensuring that everyone receives the same level of service
 - Independent Scrutiny Panels reporting increased satisfaction
 - A reduction in complaints and misconduct hearings, victims receiving a better level of customer service - During 2022 the Independent Adjudicator and CRT Team Leader held a workshop with PSD investigators sharing best practice and lessons learnt. Work is currently underway reviewing how we capture and share the lessons learnt and best practice from complaints following the informal process. A new informal complaint action plan will be introduced for complaint handlers to complete, and we anticipate this to be piloted during Q4.

Annex A – The complaint process

How your complaint/dissatisfaction will be handled

Principles

- reasonable and proportionate way,
- doing what is appropriate in the circumstances,
- facts and the context in which the complaint/dissatisfaction has been raised,
- within the framework of legislation and guidance.

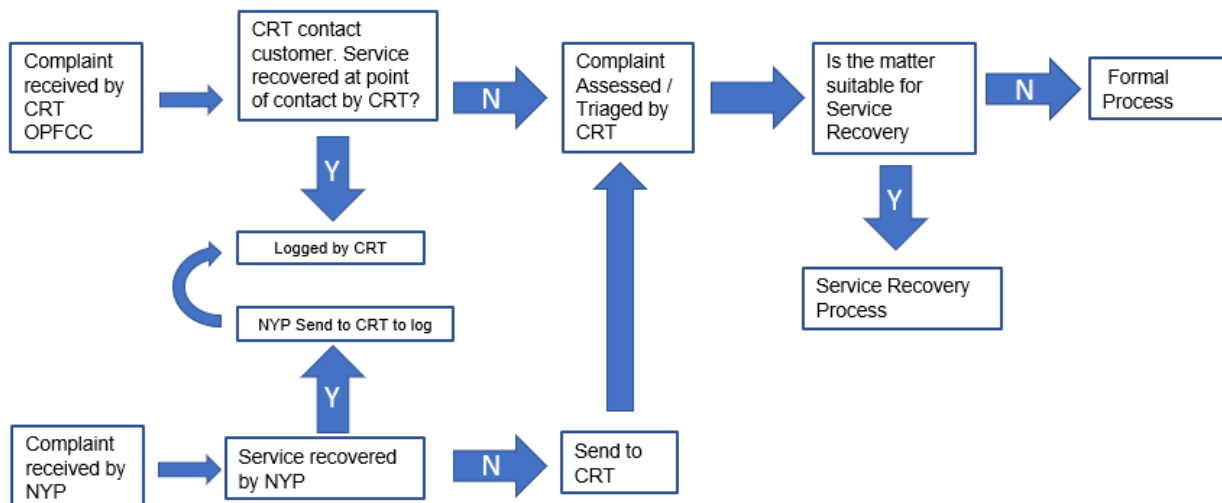
Service Recovery

- complaint is justified, but minor,
- Resolved with an explanation or an apology,
- flexible and is often the quickest and most effective way to resolve a complaint
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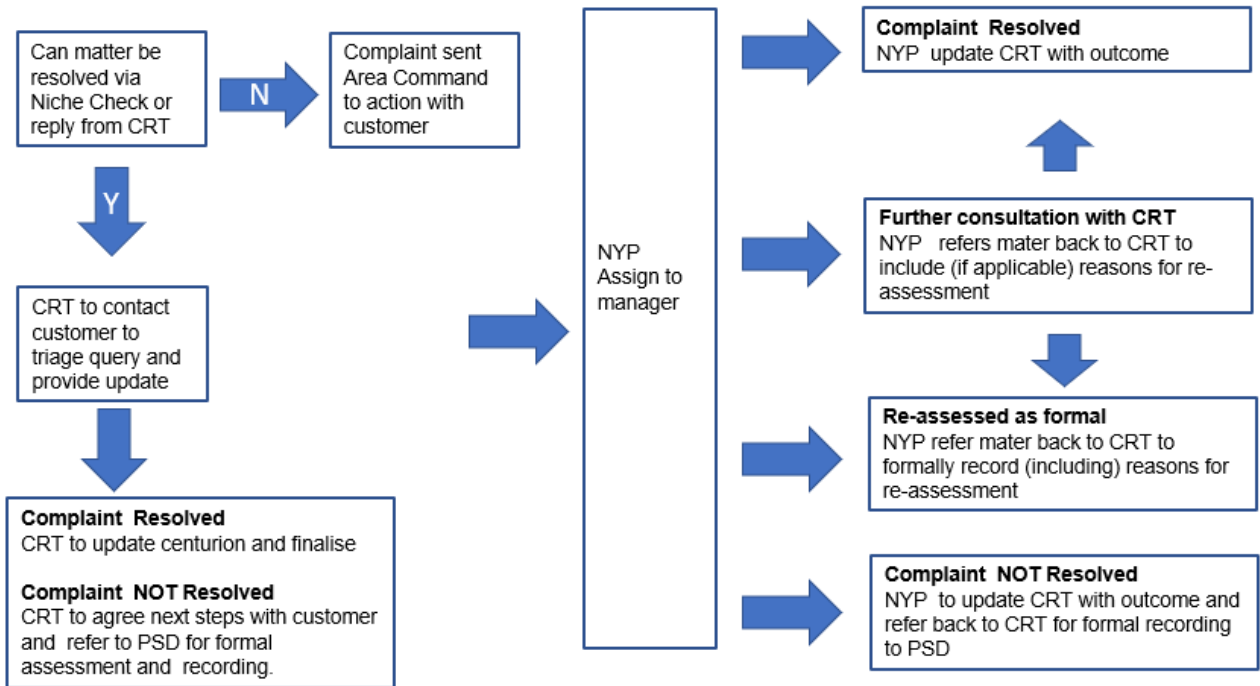
Schedule 3 Complaints

- Professional Standards Department carry out a formal assessment and investigation. Depending upon the seriousness of the complaint a decision is then made whether the complaint should be referred to the Independent Office for Police Conduct (IOPC).

Complaint Process on receipt of a new complaint



Complaint Process – (Informal) Local Resolution / Service Recovery



NYP Complaint Process – Formal Process

