



To:	The Sussex Police & Crime Panel.
From:	The Sussex Police & Crime Commissioner.
Subject:	The outcomes and organisational learning arising from the Sussex Police & Crime Commissioner's role as the review body for Schedule 3 complaints.
Date:	22 March 2024.
Recommendation:	That the Police & Crime Panel note the report.

1.0 Introduction

- 1.1 This report provides the Panel with a further update about the outcomes, recommendations and organisational learning arising from the police complaint reforms and the oversight and monitoring arrangements in place for reviewing police complaints.
- 1.2 This report seeks to build on the two previous reports provided to the Sussex Police & Crime Panel about the planned reforms to police complaints [5 October 2018] and an update on the police complaint reforms [21 March 2021]. Both reports are available to view on the Panel website through the following link: <https://sussexpcp.gov.uk/meetings/previous-meetings/>

2.0 Policing and Crime Act 2017

- 2.1 The Policing and Crime Act 2017 was introduced to build capability, improve efficiency, increase public confidence in policing and further enhance local accountability.
- 2.2 The Act introduced a notable change to the police complaints system, building on the previous reforms to both the complaint and conduct systems, and expanding the role of Police & Crime Commissioners (PCCs) in this process to become the review body.
- 2.3 The police complaint reforms only provide the PCC with a responsibility to review complaint outcomes that are assessed and categorised as Schedule 3 complaints by Sussex Police under the Police Reform Act 2002.
- 2.4 These complaints are assessed as 'low-level' because the police officer and/or member of staff involved would not be subject to criminal and/or misconduct proceedings if proven. However, there is a need to determine whether the service provided by Sussex Police was acceptable or not and, as such, a formal response is required. At the conclusion of the complaint, members of the public have a right to review the outcome via the PCC.
- 2.5 The Office of the Sussex Police & Crime Commissioner (OSPCC) undertake these complaint reviews – on behalf of the PCC – in accordance with the Statutory Guidance issued by the Independent Office for Police Conduct. The complaint reviews consider whether the outcome of the handling of the initial complaint by Sussex Police was reasonable and proportionate.

3.0 Summary Statistics

3.1 Between 1 March 2023 and 29 February 2024, the OSPCC received 210 reviews following complaints made about Sussex Police, with 204 of these reviews assessed as valid [97%].

Total Reviews Received	Valid Reviews	Invalid Reviews	Reviews Not Upheld	Reviews Upheld	Reviews yet to be completed
210	204	6	149	24	37

3.2 Each of the reviews received by the OSPCC during the reporting period was acknowledged and progressed with 173 of these reviews completed and the remaining 37 reviews underway. Of the reviews completed, 149 reviews were not upheld by the OSPCC [86%] and 24 reviews were upheld [14%].

4.0 Upheld Reviews – Outcomes and Recommendations

4.1 The legislation permits the PCC to make recommendations to Sussex Police to remedy any dissatisfaction experienced through the complaints review process. This can include one or more of the following examples:

- ✓ a written or oral apology.
- ✓ an explanation about the circumstances and/or operational policing decisions taken/not taken.
- ✓ returning of seized and/or confiscated property.
- ✓ reviewing and removing information held on police records/databases.
- ✓ providing mediation to the complainant.
- ✓ sharing evidence of learning and/or service improvement.
- ✓ holding service improvement meetings between Sussex Police, the complainant, and any other interested parties.
- ✓ reviewing Force policies and procedures to ensure that these remain current, up to date and fit for purpose.

4.2 The PCC upheld 24 reviews in the rolling year period to 29 February 2024, with the following actions taken in respect of those reviews:

- 14 apologies were offered to complainants on behalf of Sussex Police.
- 14 complaints were returned to Sussex Police because they had not been addressed in their entirety and/or required further explanation.
- 13 complaints were returned to the Professional Standards Department (PSD) for reconsideration and/or reinvestigation.
- 9 recommendations were made for further training and learning to be undertaken by officers.

[N.B. Multiple recommendations can be made within each case].

4.3 Each of the recommendations made by the PCC to Sussex Police to date has been accepted in full by PSD and implemented by the Force.

5.0 Oversight, Monitoring and Organisational Learning

5.1 The OSPCC has overall responsibility for overseeing and monitoring the complaint review process. This includes recording any organisational learning and/or development identified throughout the complaint handling process and reporting this back to PSD on a regular basis.

5.2 The following themes and trends of organisational learning and development have been identified in Sussex across 2023/24 to date:

5.2.1 General Administration

- additional information could be provided to complainants within the outcome letters, including 'quality of service' decisions for each of the allegations.
- Sussex Police to provide a formal letter of response to all complaints, rather than sending a response by e-mail.

5.2.2 Investigating Officers

- to contact complainants at start of the process to ensure that they are clear about the allegations being made and the outcomes sought.
- to answer all the complaint points.
- to provide a thorough review of the accounts received from all police officers, staff and Police Community Support Officers (PCSOs) and to ensure that any ambiguity is addressed before the outcome letter is finalised.
- to ensure that an appropriate level of detail and accuracy exists in respect of the outcome letters.
- to ensure that an appropriate level of empathy is demonstrated throughout the process and communicated within the outcome letter.

5.2.3 Operational Policing

- police officers to deploy body worn video (BWV) technology during all relevant incidents and interactions with members of the public.
- call handlers to consider asking about any care plans in place whilst conducting the initial risk assessments and to share these with attending officers.
- any organisational learning and/or development identified as part of the complaint review process to be shared with the wider policing team.

5.3 The themes and trends from the complaint reviews are considered at the quarterly Governance and Integrity meetings attended by the PCC, Chief Executive & Monitoring Officer, Head of Professional Standards Department and People Services Lead.

5.4 The OSPCC also holds regular liaison and oversight meetings with representatives from both PSD and the Independent Office for Police Conduct (IOPC) where these themes and trends are considered further, and additional monitoring activity is undertaken.

- 5.5 An internal audit into the complaints and review system used in Sussex was undertaken by the Southern Internal Audit Partnership in March 2021. The scope of the audit was to consider whether the handling of complaints by Sussex Police and the reviews of the complaint outcomes by the OSPCC, where requested, were dealt with in line with the statutory guidance issued by the IOPC.
- 5.6 The independent auditor issued a substantial assurance opinion and found all areas of the complaint review process – within both the Force and the OSPCC – to be working well with effective control measures in place.

6.0 Accountability

- 6.1 It is a statutory responsibility for the PCC to hold the Chief Constable to account for delivering efficient and effective policing in Sussex that is responsive to the needs of the public. The PCC has continued to use her monthly webcast Performance & Accountability Meetings (PAMs) to provide oversight and to challenge the Chief Constable about the Sussex Police response to police complaints on behalf of members of the public.
- 6.2 As highlighted in 5.3, the PCC uses the Governance & Integrity meetings to consider the complaint types, outcomes and recommendations, timeliness of complaint handling processes and the emergence of any themes and trends to identify whether any further remedial action is required.
- 6.3 Any complaint and/or conduct matter that remains ongoing for more than 12 months is reported to the PCC and IOPC by PSD for information. This includes a detailed explanation about the reason(s) for the delayed response and the plans in place to monitor and address the matter as appropriate. This process is also monitored through the Governance & Integrity meetings.
- 6.4 There is no direct measure of complainant satisfaction, other than the right to submit a review. The number of review requests received by the OSPCC provides the PCC with an indication as to how many complainants are not satisfied with the outcome of their complaints.
- 6.5 According to IOPC data, Sussex Police finalised 971 complaint cases under Schedule 3 between 1 April 2023 and 31 December 2023, with the OSPCC having received 177 reviews across the same period – this means that 18% of all complainants to Sussex Police subsequently requested a review. This figure represents a slight improvement from the 20% of complainants who requested a review of their complaints to Sussex Police across 2022/23. Further information can be viewed through the following link:
<https://www.sussex-pcc.gov.uk/media/8135/police-complaints-information-bulletin-sussex-q3-23-24.pdf>
- 6.6 Alongside the complaint review process, the OSPCC undertakes quarterly 'dip checks' of complaint outcomes, focusing on thematic complaints around the use of force, discrimination and violence against women and girls. Further work is also planned by the OSPCC to dip check police complaints handled outside of Schedule 3 because these complaints do not receive a right of review. This proactive approach will ensure that robust 'checks and balances' are undertaken across all categories of police complaints.

- 6.7 The recent inspection by His Majesty's Inspectorate of Constabulary and Fire & Rescue Services 'An inspection of vetting, misconduct, and misogyny in the police service' contained several recommendations around the vetting process. This included the specific recommendation that "*Chief Constables should introduce an effective quality assurance process to review vetting decisions, including routine dip sampling of rejections and clearances, where the vetting process revealed concerning adverse information.*"
- 6.8 The OSPCC has agreed to support Sussex Police with this quality assurance process by dip-sampling and reviewing circa. 10% of all vetting decisions that are categorised as either 'rejected' or 'with a trace'. As part of this review of vetting decisions, the OSPCC will also consider whether any disproportionality may exist regarding ethnicity and/or any other protected characteristics. The results of these vetting reviews will be discussed at the quarterly Governance and Integrity meetings before the outcomes are made available on the OSPCC website for further transparency.

7.0 Home Office Review: The Process of Police Officer Dismissals

- 7.1 In January 2023, the Home Office commenced an internal review to assess whether the process in place for police officer dismissals within the police disciplinary system was both fair and effective at removing those officers who fall short of the high standards expected of them and those who should have no place in policing.
- 7.2 The findings from the review were published in September 2023 and introduced a three stage approach to support the implementation of reforms in this area by delivering improvements to misconduct proceedings, vetting and performance. This should ensure that those not fit to serve can be swiftly exited from policing, for the benefit of both the public and the wider workforce.
- 7.3 The three stages of the reform are set to be delivered as follows:
- Stage 1** – Changes to the composition of misconduct panels. This stage is anticipated to take effect by the end of April 2024.
- Stage 2** – Wider changes to police misconduct, vetting and performance. This stage is anticipated to take effect from June 2024.
- Stage 3** – Changes to available appeal mechanisms. This will enable police officers and Chief Constables to challenge disciplinary outcomes and/or sanctions through Police Appeals Tribunals [as well as PCCs when the officer concerned is the Chief Constable]. This stage remains dependent on the recently introduced Criminal Justice Bill being passed.
- 7.4 Further information about the Home Office Review, the three stages of reform and the list of recommendations made can be viewed through the following link:
<https://www.gov.uk/government/publications/police-officer-dismissals-home-office-review/home-office-review-the-process-of-police-officer-dismissals-accessible>

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