

## DEVON AND CORNWALL POLICE AND CRIME PANEL

**Subject:** HOST AUTHORITY DIP SAMPLING OF COMPLAINTS MADE ABOUT THE POLICE AND CRIME COMMISSIONER

**Date:** 9 October 2015

**Author:** Sarah Hopkins, Community Safety and Partnerships Manager

**Host Authority:** Plymouth City Council

**Contact:** Tel: (01752) 305542 Email: sarah.hopkins@plymouth.gov.uk

---

### **Executive Summary:**

The Police and Crime Panel (PCP) is responsible for scrutinising and supporting the actions and decisions of the Police and Crime Commissioner (PCC) and also has a role in supporting the PCC in the effective exercise of his function, acting as a critical friend.

The PCP will recall that at their meeting on 9 April 2013 they were presented with proposals for dealing with non-criminal complaints against the PCC. The PCP agreed to delegate to the Chief Executive of the OPCC to receive, record and categorise complaints and be responsible for the informal resolution of complaints about the conduct of the Police and Crime Commissioner.

As part of this decision, it was agreed that a robust 'dip-sampling' process be put in place and delegated to the Chair of the Panel in consultation with the host authority's Monitoring Officer.

This report sets out how a recent dip-sampling exercise was conducted and the findings and recommendations made.

---

### **Recommendations & Reasons for recommended action:**

That the PCP:

1. Note the process for conducting, and the findings of, this dip-sampling exercise.
  2. Agree the Chair's and Vice Chair's recommendations identified when conducting this dip-sampling exercise summarised in paragraph 1.14 in this report.
- 

### **Alternative options considered, and reasons for recommended action:**

The alternative option would be for the PCP not to undertake dip sampling of complaints made against the Police and Crime Commissioner, and therefore the PCP will not have satisfied itself that this is a robust complaints handling process and would not have complied with their statutory functions as stated in the Police Reform and Social Responsibility Act 2011.

---

Background Papers: **None**

---

## I. Background

1.1 The PCP will recall that at their meeting on 9 April 2013 that PCP were presented with proposals for dealing with non-criminal complaints against the PCC. The PCP agreed to delegate to the Chief Executive of the Office of the Police and Crime Commissioner (OPCC) to receive, record and categorise complaints and be responsible for the informal resolution of complaints about the conduct of the Police and Crime Commissioner.

1.2 As part of this decision, it was agreed that a robust 'dip-sampling' process be put in place and delegated to the Chair of the Panel in consultation with the host authority's Monitoring Officer. It was also agreed, that in order to ensure that robust procedures are in place to ensure that complaint handling and resolution is dealt with satisfactorily, it was suggested that 'dip sampling' includes checking that:

- a) the complaints procedure is well publicised and easily understood
- b) robust procedures for the receipt and recording of complaints are in place
- c) complaints are 'sifted' and recorded in a fair and transparent way and are not, for example, lost in the system
- d) complaints are responded to in a timely fashion
- e) complaints are dealt with in an open minded and impartial way
- f) responses are proportionate: one size does not fit all.

1.3 On 10 September 2015, the Chair and Vice Chair of the PCP, supported by officers from Plymouth City Council (Host Authority) and Cornwall Council (Democratic Services) visited the OPCC to conduct a dip-sampling of complaints dating from the commencement of the term of office of the PCC to date. Officers present for this exercise from the OPCC included Andrew White (Chief Executive and Monitoring Officer), Wendy Rowden (Governance, Strategy & Scrutiny Officer), and Dr Karen Mellowdew (Performance & Customer Services Manager).

1.4 In liaison with the Chair and Vice Chair, it was agreed to carry out the process for conducting the dip-sampling exercise and reviewing each complaint taking account of the checks outlined and agreed by the PCP in bullets (a)-(f) in paragraph 1.2 above.

1.5 It was established that the OPCC's postbag was in receipt of over 1,000 correspondence received through various communication routes, many of which expressing 'concerns', but very few of which were complaints about the non-criminal conduct of the PCC, but rather were mainly about operational policing and other issues. The OPCC advised that in some cases, they did visit some complainants and mediate to satisfy themselves that they were followed up satisfactorily. The OPCC also advised that they periodically dip-sampled complaints forwarded by them to the police to similarly satisfy themselves they were followed up, replied to and appropriately handled. Out of this post-bag, there have been a total of only 11 complaints received by the OPCC about the non-criminal conduct of the PCC dating from the commencement of his term in office to date.

1.6 In respect of paragraph 1.2 (a), the dip-sampling exercise established that whilst it was made very clear how to complain about the PCC on his website, there was no information supplied describing the process for how that complaint would be dealt with. The OPCC were of the view that the process was complex and also was the subject of a national review by the Home Office. It was the recommendation of the Chair and Vice Chair to the OPCC that arrangements are made to simplify the current process and publish this on the PCC's website as soon as practical and review this again following the Home Office review. They also recommended that a link direct to this be added to the PCP website.

1.7 In respect of paragraph 1.2 (b) above, the Chair and Vice Chair explored the complaints process followed by the OPCC end-to-end (*Appendix 1*), and generally satisfied themselves that there were robust, transparent and systematic procedures in place for the receipt and recording of complaints. However, the Chair and Vice Chair made one recommendation that Dr Karen Mellowdew - who supervises the OPCC's Customer Services Officer responsible and accountable for the initial logging and decision about how all complaints would be handled - carries out periodic dip-sampling of the Customer Services Officer's decisions to ensure that they have been dealt with appropriately and none were being 'lost' in the system.

1.8 In order to conduct the exercise of dip-sampling complaints themselves anonymously and randomly, the OPCC provided a list of all complaints received about the conduct of the PCC giving the complainant a 'number' only, and stating the date that the complaint was received and the date the handling of the complaint was concluded.

1.6 The Chair and Vice Chair agreed to select two 'recorded'<sup>1</sup> complaints (one selected from early on in the PCC's term of office and one received more recently) and two 'unrecorded'<sup>2</sup> complaints (one selected from around the middle and one received more recently during the PCC's term of office) in order to review how they had been handled. Accordingly, the Chair and Vice Chair selected complaints referenced '3' and '9' (received on 30 September 2013 and 11 December 2014 respectively) and complaints referenced 7 and 11 (received on 19 March 2015 and 3 August 2015 respectively).

1.7 In respect of 'recorded' complaint reference '3', the Chair and Vice Chair questioned whether in fact this was a qualifying complaint about the conduct of the PCC. The OPCC were of the view that it was not, but this was a complaint received early on in the term of office of the PCC, and with experience and hindsight, this would not have been treated as a complaint about the conduct of the PCC.

1.8 In respect of 'recorded' complaint reference '9', the Chair and Vice Chair were satisfied that this complaint had been dealt with satisfactorily and in accordance with paragraph 1.2.

1.9 In respect of the 'unrecorded' complaint reference '7', the Chair and Vice Chair were satisfied that this complaint had, in the main, been dealt with satisfactorily. However, they recommended that:

- the OPCC write to the complainant again clarifying precisely how the complaint would be dealt with and by whom.
- The Host Authority and OPCC clarify the role of the Host Authority's Democratic Support Officer and more clearly define their involvement in the handling of any complaints received about the PCC.

1.10 In respect of the 'unrecorded' complaint reference '11' which was very vague, the Chair and Vice Chair were satisfied that this complaint had, in the main, been dealt with satisfactorily. However, they recommended that:

- Despite several written attempts to establish the basis of the complaint, which had not been successful, it was not clear whether the OPCC had made contact with the complainant by telephone in order to seek clarity on what precisely their complaint was about. If this had been the case, that a note was placed on the file to this effect.

---

<sup>1</sup> 'Recording' of a complaint means giving the complaint 'legal status' and recognises that a complaint has been made – it does not mean that the complaint has been upheld.

<sup>2</sup> 'Unrecorded' means that the complaint does not fit the 'qualifying complaint' criteria of a non-criminal complaint about the conduct of the PCC and may be a complaint about 'direction and control'.

- If the complainant has not been contacted by telephone, that the OPCC do so.
- As a more general recommendation, in similar circumstances. that a practice be established that all avenues of communication with complainants are pursued in order to establish the basis of complaints in order to deal with them effectively.

1.11 In conclusion, notwithstanding the recommendations made to the OPCC, were satisfied that non-criminal complaints about the conduct of the PCC were being handled satisfactorily and in accordance with the PCP's dip-sampling requirements.

1.12 The OPCC fed back that they had found the exercise very helpful and welcomed the observations and recommendations to make improvements to their processes.

1.13 In accordance with the PCP's agreed process, this report has been shared with the Host Authority Monitoring Officer who endorses the findings and recommendations.

1.14 Summary of recommendations:

- The OPCC make arrangements to simplify the current complaints process and publish this on the PCC's website as soon as practical and review this again following the Home Office review and that a link direct to this be added to the PCP website.
- Dr Karen Mellowdew carries out periodic dip-sampling of the Customer Services Officer's decisions about how complaints are handled, to ensure that they are being dealt with appropriately and none are being 'lost' in the system.
- the OPCC write to complainant number 7 again clarifying precisely how the complaint would be dealt with and by whom.
- The Host Authority and OPCC clarify the role of the Host Authority's Democratic Support Officer to more clearly define their involvement in the handling of any complaints received about the PCC.
- Check whether the OPCC has made contact with complainant 11 by telephone in order to seek clarity on what precisely their complaint was about. If this has been the case, to add a note to the file to this effect.
- If complainant 11 has not been contacted by telephone, that the OPCC make arrangements to do so.
- As a more general recommendation, a practice be established that all avenues of communication with complainants are pursued in order to establish the basis of complaints in order to deal with them effectively.