

Committee Professional Standards and Integrity Committee	Date: 14 September 2020
Subject: Summary of recent Reviews of Police Complaints	Public
Report of: Town Clerk	For Information
Report author: Oliver Bolton Police Authority Team, Town Clerk's	

Summary

This report provides a summary of the complaint reviews that have been considered by the Authority and an update on related matters.

Nearly all the reviews that the Authority has considered relate to Action Fraud. However, the number of applications for reviews received remains low compared to the number of complaints received by the force about Action Fraud and in turn, the number of complaints received remains exceptionally low compared to the number for reports made to Action Fraud.

Recommendation

Members are asked to:

- Note the report.

Main Report

Background

1. On 1st February 2020, the Local Policing Bodies became responsible for making determinations on reviews of police complaints. Reviews are appeals by the complainant where they feel the response they have received to their complaint has not been handled reasonably or proportionately.
2. To fulfil this duty in line with the established governance within the Corporation, a Review Panel has been established, which meets monthly to consider the review applications. This Panel comprises the Chair of the Professional Standards and Integrity Committee and at least two other Members of the Committee.
3. In order to support this statutory duty an additional member of the Police Authority Team was recruited (Compliance Lead), whose duties include the administration of the review documentation and drafting a report of

recommendation to the Review Panel for each review, based on consideration of the relevant documentation. The Compliance Lead's other duties include management of Freedom of Information Requests and GDPR matters for the team and the management of the Custody Visitor Scheme for the City.

Current Position

4. The Review Panel has met three times since being established (June, July and August) and has considered a total of 12 Reviews, six of which were upheld. All but one of the cases related to Action Fraud – most to the lack of investigation of a specific crime report. It should be noted that the number of reviews is very small compared with the number of complaints received and the number of complaints received still remains extremely low compared to the number of reports made to Action Fraud each month (30,000 to 40,000).
5. The findings, recommendations, rationale and force responses are listed in the summaries appended to this report (Appendix 1). Members should note that a formal response to recommendations is only required where a review has been upheld, and the force has 28 days to respond. However, the Panel is able to make comments or recommendations on reviews that have not been upheld, which the force can consider. In this regard, the Panel felt that the force could look to improve the quality of the responses to complainants. The Panel particularly felt that a clearer, plain English description of the process by which cases are assessed should be prepared for inclusion with responses, perhaps as a separate sheet, allowing the actual response to be short and tailored better to the specific complaint.
6. The Authority welcomes the addition of a new Inspector to the team in the force handling police complaints on Action Fraud. They have extensive experience working on economic crime and the National Fraud Intelligence Bureau (NFIB) most recently. It is hoped this experience will help provide complainants with a more meaningful, initial response.
7. There is also a further matter of which Members should be aware. Under the previous complaints regulations, complaints that were lodged solely to try and overturn a decision not to investigate a report to Action Fraud, could be non-recorded as they were deemed an abuse of the complaints system that cannot be used to overturn operational decisions. Under the current system this option is no longer available and all expressions of dissatisfaction have to be recorded. Discussions between the force and the IOPC have suggested that such complaints could be curtailed at the review stage if the complainant pursues this, as seeking to overturn the decision not to investigate is not a valid reason for a review. This approach will be clarified by the Police Authority Team with the IOPC. It should be noted that where a complainant is reviewing the explanation for why their report was not allocated for investigation by NFIB due to a lack of clarity in the explanation provided, this could still be considered a valid review, as it's the explanation they are querying, not the decision itself.

Conclusion

8. The number of complaints that result in a review remains low. It is hoped that clarification with the IOPC on assessing the validity of review requests relating to the decision not to investigate a report to Action Fraud may result in fewer reviews needing to be considered by the Authority.
9. The Police Authority Team will be working closely with the Force to ensure that recommendations made by the Panel are suitably addressed.

Appendices

- Appendix 1 – Recommendations made to the City of London Police from Review Panels 1,2 and 3.

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Appendix 1 – Summary tables of Recommendations made to the City of London Police from Review Panels 1, 2 and 3. City of London Police Authority

Outcome of Review Panel Discussion held on 1st June 2020

Members present: Alderman Alison Gowman, Alderman Emma Edhem, Deputy James Thomson & Caroline Addy

Force reference	PAT reference	Panel Decision	Rationale	Recommendations to the Force	Force response
CO/175/19	CR0012020	To NOT uphold the review	While the complainant sent a lengthy request for a review, only a small part of their submission related to the eligible complaint. And in this regard, the Panel agreed that a) there had been substantial exchanges between the force and complainant explaining the relevant legislation; and b) ultimately, there is no statutory requirement on the force to investigate all crimes that are reported to it. As such, the response given by the force was reasonable and proportionate and the review should not be upheld.	<p>Despite not upholding the review in this instance, the Panel did feel that some of the responses to the complainant could be have been clearer – while acknowledging the complainant’s own submissions often lacked clarity.</p> <p>Consideration should therefore be given to asking a colleague (where possible) to check responses for clarity. Particularly where matters may be getting confused.</p> <p>Further, it was noted that the response to the complainant should have explicitly detailed why it was felt it was reasonable and proportionate.</p>	Recommendation Accepted
CO/134/19	CR0022020	To UPHOLD the review	The Panel considered the response sent to the Complainant carefully. While significant explanation was given of the process by which cases are handles by local forces, there was little detail on the assessment process that NFIB uses to determine whether to disseminate. Given the complaints’ case was not disseminated, the response they received did not reasonably address their query.	<p>The force should write to the complainant with a fuller explanation of how cases are assessed by NFIB.</p> <p>The Panel appreciated that while it might not be appropriate to unpick why specific cases have not been taken forward for investigation, a fuller explanation in more general terms may help members of the public understand why their case is not progressed.</p> <p>The force may want to consider using this form of words with other complainants (while always ensuring responses are tailored appropriately) to help improve understanding of the process and reduce feelings of dissatisfaction in the service.</p>	Recommendation Accepted

Outcome of Review Panel Discussion held on 28th July 2020

Attendees: Alderman Alison Gowman, Alderman Emma Edhem, Caroline Addy and James Tumbridge.

Force Reference	PAT Reference	Panel Decision	Rationale	Recommendations to the Force	Force response
CO/161/19	CR0032020	To NOT uphold the review	<p>While the complainant sent a lengthy request for a review, there was a lack of specificity in the complainant's original letter to the Force. As such, no specific crime could be identified, as an umbrella accusation that the system is corrupt was insufficient.</p> <p>The Panel agreed a reasonable and proportionate response was provided to the complainant, outlining Home Office Counting requirements when determining whether to record a case. Whilst reference was provided to the complainant about these rules, there was little detail on what these rules are, and the criteria used to determine whether to record a case. As such, the Panel agreed that further explanation could be provided to the complainant on this matter.</p>	<p>Despite not upholding the review, the Panel did feel that the response to the complainant could have been clearer - Particularly with regards to the Home Office Counting Rules, and the criteria used to determine whether to record a case.</p> <p>The Panel understood that while it might not be appropriate to detail why specific cases have not been taken forward for investigation, a fuller explanation to the complainant detailing what Home Office rules and how they are used to report crime would be helpful. To ensure there is complete clarity, the force may wish to consider incorporating a concise explanation of Home Office Rules with other complainants. This could help to provide complainant's with greater understanding of such rules and reduce feelings of dissatisfaction experienced across the service.</p>	[Pending]
CO/0027/20	CR0042020	To NOT uphold the review	<p>The Panel considered the response sent to the Complainant carefully. Whilst the Panel acknowledged there was a degree of misinterpretation regarding the rules and regulations permitting travel during the Covid-19 lockdown period, significant explanation was provided to the complainant detailing a) the officers' key worker status; and b) clarification of the officer's primary and secondary residences whilst the Covid-19 outbreak continued. As such, the response given by the force was reasonable and proportionate and the review should not be upheld.</p>	None.	[Pending]

CO/123/19	CR0052020	To UPHOLD the review	The complainant asked for an explanation of why their case had not been investigated. While the Panel agreed that significant explanation was given of the process by which cases are handled by local forces, there was little detail on the assessment process that NFIB uses to determine whether to disseminate. Given the complaints' case was not disseminated, the response they received did not reasonably address their query.	<p>The force should write to the complainant with a clearer and detailed explanation of the assessment process and broader criteria upon which NFIB use to assess cases. This detailed explanation should also explain how such cases are triaged.</p> <p>Additionally, responses to complainants should ensure they clearly outline the 28- day notification period in place to appeal the outcome of the resolution to complaints, as this was missing from the letter sent.</p> <p>The force should note that their response letter also reversed the complainant's surname and first name and will want to ensure this addressed in future correspondence.</p>	[Pending]
CO/61/19	CR0062020	To NOT uphold the review	The complainant submitted a short and generic expression of dissatisfaction, rather than a specific complaint. In this regard, the Panel agreed that no specific crime could be identified. The complaint was centred around assertions of a systemic flaw and inadequacy on the part of Action Fraud. As such, the Panel considered the response sent to the complainant in a generic context. The Panel agreed that the response given by the force was reasonable and proportionate, as it provided a broad and high-level response addressing the complainant's principle concerns about Action Fraud.		[Pending]
CO/18/20	CR0072020	To UPHOLD the review	The Panel acknowledged that the apology, and overall explanation given by the force on the overall process NFIB uses to determine whether to disseminate cases for investigation was appropriate. Additionally, the Panel agreed that	The force should write to the complainant in clear terms and explicitly clarify whether their case was assessed, as this is not clear. Additionally, the force should provide a detailed	[Pending]

			the language in the response provided by the force presented the impression that the complainant's case was not appropriately assessed and deliberately not progressed. The letter states that the case was 'unfortunately not disseminated', which makes it sound like an error, as it might not have been disseminated as it wasn't assessed in the first place. As such the response they received did not adequately address the complainant's expression of dissatisfaction.	explanation on how the sums lost by the victim are considered as part of the case assessment.	
CO/62/20	CR0082020	To UPHOLD the review	<p>The complainant asked for an explanation of why their case had not been investigated. While the Panel agreed that significant explanation was given of the process by which cases are handled by local forces, there was little detail on the assessment process that NFIB uses to determine whether to disseminate a case to a local force.</p> <p>In addition, the Panel agreed that the language used when explaining why the complainant's case was not disseminated implies a mistake had been made in the handling of this case, rather than a robust assessment process taking place. Given the complainant's concerns were predominately centred around the lack of detail provided about the dissemination of this case, the response received did not adequately address this main point.</p>	The force should write to the complainant with a clearer and detailed explanation of the assessment process and broader criteria upon which NFIB use to assess cases. This detailed explanation should also explain how such cases are triaged.	[Pending]

Generic Recommendations

- The Panel thought the force may wish to consider utilizing more empathetic language in response to complainants, as this could help to reduce the chances of antagonising complainants further. It could also help to reduce complainant's feelings of dissatisfaction experienced across the service - particularly in relation to any standard text produced about the NFIB assessment criteria and Home Office Counting Rules. The Panel felt this could have been improved across requests received where the decision has been taken to uphold reviews.
- The Police Authority Team are happy to review any drafts and tailored responses regarding the above, and around the triaging and assessment process undertaken in the handling of Action Fraud complaints.

Outcome of Review Panel Discussion held on 13th August 2020

Attendees: Alderman Alison Gowman, Alderman Emma Edhem, Alderman Gregory Jones and Mary Durcan

Force Reference	PAT Reference	Panel Decision	Rationale	Recommendations to the Force	Force response
CO/22/30	CR0092020	To NOT uphold the review	The Panel considered the response sent to the complainant carefully. They agreed that the complainant was provided with a detailed and empathetic response to their complaint. Additionally, it was also felt that the points raised by the complainant had been sufficiently replied to in a reasonable and proportionate way.	<p>Despite not upholding the review, the Panel did feel that aspects of the letter to the complainant were quite formulaic and could have been better tailored.</p> <p>To ensure there is complete clarity, The Panel also felt the force may wish to consider the use of more every-day language that complainants can understand. Particularly when explaining the steps involved in the 'dissemination' of cases to Police forces. The Panel felt use of the terms 'allocated', 'referred' or 'sent' would be more appropriate in response letters to complainants.</p>	[Pending]
CO/69/20	CR0102020	To NOT uphold the review	The Panel agreed the response provided to the complainant regarding lost money in a scam was detailed and empathetic. Additionally, the Panel agreed reasonable and proportionate response was provided to the complainant in relation to the victim referral, given the concerns the complainant raised regarding their safety. The Panel were satisfied that there was nothing further the force could do to explain why this case was not allocated for investigation.	<p>Despite not upholding this review in this instance, the Panel did feel that the response to the complainant could have been clearer and more precise – Particularly with regards to the victim referral process that took place. The Panel appreciated that while it might not be appropriate to unpick why specific cases have not been progressed for investigation, a simple explanation of the victim referral process should be outlined. This would help to improve understanding of the process and reduce feelings of dissatisfaction in the service.</p> <p>There should be no use of Latin in responses to the public (e.g. Prima facie).</p>	[Pending]

				Further, it was noted that the response to the complainant should have explicitly detailed why it was felt it was reasonable and proportionate.	
CO/44/20	CR0112020	To UPHOLD the review	<p>The Panel acknowledged that the apology and overall explanation given by the force on the overall process NFIB uses to determine whether to disseminate cases for investigation was appropriate, however much of the response provided to the complainant is focused on this. The complainant also raised specific points regarding a) their dissatisfaction experienced with the service provided by Action Fraud; and b) lack of specialist support received for vulnerable victims of crime. Given the complainant's detailed account of emotional distress encountered by his relative and vulnerability concerns raised, the response they received did not reasonably address their concerns.</p>	<p>The force should apologise to the complainant for the quality of the original report taken by the Action Fraud call handler, and the lack of response regarding the complainant's original complaint. Additionally, the force should outline the actions CoLP and Concentrix have taken to address the issues raised by the Times expose to help rebuild some confidence in the system.</p> <p>The force should also provide a fuller explanation of the NFIB assessment process and the Home Office Counting Rules and explanations as to how they are used to record crime.</p> <p>Additionally, explanation should also be provided to the complainant about the course of action CoLP and Concentrix have taken to address the issues raised by the Times exposé.</p>	[Pending]
CO/10820	CR0132020	To UPHOLD the review	<p>The Panel agreed that the response provided to the complainant was empathetic. While the Panel agreed that a significant explanation as given of the process by which cases are handled by local forces, there was little detail on a) the criteria NFIB uses to assess reported fraud; and b) the assessment process that NFIB uses to determine whether to allocate a case for investigation. As such, the Panel agreed that further explanation could be provided to the complainant across both matters.</p>	<p>The force should provide the complainant with a more detailed explanation of the NFIB assessment process and Home Office Counting Rules and explanation as to how they are used to record crime.</p> <p>The force should also provide the complainant with information about pursuing his lost cash through the civil claims court.</p>	[Pending]

Generic Recommendations

- The Panel recommends force ensures responses to complainants specifically outline that a reasonable and proportionate response has been taken in the handling of each case.
- The Panel thought the force should incorporate a more useful form of words that avoids implying action taken by the force was the wrong course of action. Particularly regarding the use words 'unfortunately' and 'sorry'.
- The Panel recommends that the force produces a short (one-pager) summary of the process by which cases are considered and allocated to forces, written in plain and simple terms (perhaps with some simple graphics), which could be included on all relevant responses. This would allow the actual response to the complainant to be shorter and better tailored to the points raised.