

Committee: Professional Standards and Integrity Committee of the City of London Police Authority Board – For Information	Dated: 05/02/2021
Subject: 12 Month Review of the Complaint Review Process	Public
Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?	1
Does this proposal require extra revenue and/or capital spending?	No
If so, how much?	N/A
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain’s Department?	N/A
Report of: Town Clerk	For Information
Report author: Oliver Bolton, Deputy Head of Police Authority Team, Town Clerk’s	

Summary

Since the City of London Police Authority became the Review Body for police complaints in February 2020, 25 Reviews have been considered and determined. Members have been trained in the relevant legislation. The process by which cases are assessed and reports presented to Members has been largely effective. Improvements have been made to the handling of recommendations made by the Panel that should be evident in the future Review Panel meetings.

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 this Committee.

3. During the initial disruption caused by the Covid-19 restrictions, the terms of reference for the Review Panel were temporarily altered to allow the Chair to make a determination in consultation with other panel members, as at the time, it was not clear how the disruption caused by the pandemic would effect running committee business. Once arrangements for handling remote committee business were more embedded, the Panel returned to its original terms with the Panel being responsible for determinations.
4. 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.
5. It is a requirement in the Regulations that those determining the Review outcomes have relevant training. To this end a series of training sessions was organised for Members (provided by an external provider). The most recent of these was recorded so it is available for Members or officers to refresh their memory of any key points.

Current Position

Signposting

6. Initially, those receiving a response to their complaint were advised to seek a review via the Professional Standards Directorate in the force, who would then forward on the request to the Authority. This allowed the force to easily track those complainants that were seeking a review and then forward on the relevant documentation to the Police Authority. However, this was soon revised, so that complainants seeking a review are advised to contact the Authority directly, as this is more in keeping with the intention of the regulations, whereby the review process is (and should be seen to be) independent from the force.
7. The Authority has also recently implemented a regular (monthly) meeting with PSD to ensure that there is a smooth handover of cases and material to ensure that none has been missed. This followed one case that had unfortunately been overlooked during a particularly busy period in the summer. It is hoped that this additional check will help avoid instances of this occurring in the future.

Preparing the cases

8. Once requests for a review are received, the Compliance Lead officer acknowledges receipt and assesses the case to ensure that it is a valid request against the criteria outlined in the legislation. For valid requests, the relevant case file information is then requested from the force and a report is prepared summarising the case with a recommendation on whether to uphold the review with a supporting rationale and possible recommendations for the force. The reports for the month are then collated and submitted to the Review Panel for

consideration ahead of their meeting. Most reports have been completed within three weeks of receipt. However, more complex cases can involve considerably more material to consider and engagement with the investigation officers in the force to determine the key facts of a case for presentation. This can also include engagement with contacts in the Independent Office for Police Conduct, to ensure the correct interpretation of the case and key material is being made.

9. Feedback from the Panel Members has been largely positive on the format on the reports submitted to them, with only some refinement of the presentation of the key dates. It is not currently proposed to make any alterations to this template. However, the team is always open to suggestions on how it can be improved.

Review Panels

10. The Review Panel has met on eight occasions, with the requisite composition being fulfilled on each occasion, with attendance spread well across the Committee Membership.
11. Currently, dates for the Review Panels are set at monthly intervals and Member availability confirmed nearer the date of each meeting. While good participation has been seen from Members across the Committee, it might be that a rota system maybe a more equitable way to arrange the Panels. The team would be happy to hear Member views on this.

Handling Recommendations

12. When upholding a Review, the Panel can make recommendations to the force, which the force has 28 days to consider. There is no obligation to accept the recommendations although an explanation should be provided if any are not being accepted. The Panel can also make recommendations to the force when they are not upholding a Review although these are not formally covered in the legislation and usually relate to addressing procedural points rather than specifics of an individual case.
13. The process by which recommendations are made, communicated to the force and responses received and presented back to the Panel, is the area that has taken longer to streamline. However, recent discussions with the force have resulted in a smoother process and Members should see the benefits of this with updates at future panels. Also, for reference, a table of the outcomes and recommendations to date is included in Appendix 1.
14. One particular development which should be noted is a working group established by PSD with the National Fraud Intelligence Bureau to help address recommendations from the Panel relating to complaints about Action Fraud. It is hoped that this will ensure that key issues are addressed effectively. However, the complexities of updating elements of the Action Fraud process and communications can mean that updates can take some time to implement.

15. Additionally, there are issues raised by the Panel that have been escalated by the force through existing channels to the force's Organisational Learning Forum, where matters relating to force policy and procedure are discussed and changes agreed and implemented. This is a useful demonstration how the independent review process can form an important link in the development and improvement of the service the force provides.

Key Data

16. Below is a table summarising the subject matter of the cases received to date and the number in each category and proportion upheld.

Total Number of Reviews Considered: 25		
Subject Matter of Cases	Number of Reviews Considered	Number Upheld
Action Fraud	21	14
Stop and Search	1	0
Police Powers, policies and procedures	3	1

Corporate & Strategic Implications

Strategic implications – None.

Financial implications – None.

Resource implications – None.

Legal implications – None.

Risk implications – None.

Equalities implications – None.

Climate implications – None.

Security implications – None.

Conclusion

17. While this process has been new and required a number of changes in the way the Authority operates in this policy area, the process has been effective in fairly determining the outcome of the reviews of complaints received. Improvements have been made to ensure cases are not missed and that recommendations are more promptly circulated and reported back to the Panel, which should be evident shortly.

Appendices

- Appendix 1 – Table of all Review outcomes and recommendations made by the panel with force response.

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Appendix 1.

Force Reference	PAT Reference	Date of Complaint	Date of Review Panel	Review Panel Decision	Recommendations for the Force	Date of Follow-up response by Force.	Force Response To Recommendations
CO/175/19	CR0012020	17/03/20 (Complaint submission to Force)	01/06/20	To NOT uphold the Review	<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>	None.	Recommendation accepted.
CO/134/19	CR0022020	05/05/20 (Complaint submission to Force)	01/06/20	To UPHOLD Review	<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. The force may want to consider using this form of words with other complainants (while always ensuring</p>	18/08/20	Recommendation accepted.

					responses are tailored appropriately) to help improve understanding of the process and reduce feelings of dissatisfaction in the service.		
CO/161/19	CR0032020	29/02/20 (Complaint Submission to IOPC).	28/07/20	To NOT uphold the Review	<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>	None	This is noted, and we will provide the HOCR Home. Office link in ongoing letters.
CO/0027/20	CR0042020	01/05/20 (Complaint submission to Force).	28/07/20	To NOT uphold the review	None.	None	None.
CO/123/19	CR0052020	02/02/20 (Complaint Submission to IOPC).	28/07/20	To UPHOLD Review	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	18/08/20	Some further information provided in relation to the role of NFIB. The complainant was advised that due to operational sensitivity, details could not be provided.

					<p>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 is addressed in future correspondence</p>		(Copy letter provided to PA).
CO/61/19	CR0062020	04/06/20 (Complaint Submission to IOPC).	28/07/20	To NOT uphold the review	None.	None	None.
CO/18/20	CR0072020	24/04/20 (Complaint submission to Force).	28/07/20	To UPHOLD the review	<p>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 explanation on how the sums lost by the victim are considered as part of the case assessment.</p>	09/09/20	<p>Further information/explanation provided to complainant. However, limited details provided at the time. As time has evolved, more is being provided.</p> <p>(Copy letter provided to PA).</p>
CO/62/20	CR0082020	08/06/20 (Complaint Submission to IOPC).	28/07/20	To UPHOLD the review	<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>	None	The explanation provided, is the extent to what we are able to do so. The assessment criteria/threshold is operationally sensitive.

CO/33/20	CR0092020	04/05/20 (Complaint Submission to IOPC).	13/08/20	To NOT uphold the review	<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>	None	Response letters have been reviewed, which is ongoing. Where identified continued enhancements are made to letters.
CO/69/20	CR0102020	November 2019.	13/08/20	To NOT uphold the review	<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> <p>Further, it was noted that the response to the complainant should have</p>	None	Noted, as detailed above, response letters have been reviewed, which is ongoing. Where identified continued enhancements are made to letters.

					explicitly detailed why it was felt it was reasonable and proportionate.		
CO/44/20	CR0112020	13/02/19 (Complaint submission to Action Fraud).	13/08/20	To UPHOLD the review	<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>	None	<p>A further response providing information cannot be located. Given that the appeal was in July and no further contact has been made by complainant, it is not thought appropriate to provide information now.</p> <p>We apologise, as clearly, if further information was not sent, this is not acceptable.</p>
CO/10820	CR0132020	23/06/20 (Complaint Submission to IOPC).	13/08/20	To UPHOLD the review	<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>	09/09/20	<p>Further information sent.</p> <p>Copy of e-mail provided to PA).</p>

CO/89/20	CR0152020	19/05/20 (Complaint submission to Force).	18/09/20	To UPHOLD the review	<p>The Force should apologise for the misleading response the complainant had received in the first instance about there being a 'single isolated cases' policy.</p> <p>Further, it was noted that the response to the complainant did not address the allegation that their MP's letter on the matter had been ignored.</p> <p>To ensure there is complete clarity; and to ensure expectations of complainants are managed at the very outset, the force should use the terms 'reasonable' and 'proportionate' in their response letters to complainants. This would help complainants to understand that a reasonable and proportionate outcome should be expected across the handling of complaints.</p> <p>Additionally, explanation should be provided to the complainant about the course of action CoLP have taken to ensure incorrect advice is not provided to complainants in future regarding the criteria for investigation. Particularly with reference to single, isolated cases of fraud providing a basis for the non-investigation of a case.</p>	25/09/20	<p>Further information sent.</p> <p>Copy of e-mail provided to PA).</p> <p>This is now incorporated within our letters.</p>
CO/124/20	CR0162020	08/02/20 (Complaint submission to Action Fraud).	18/09/20	To UPHOLD the review	<p>The force should provide the complainant with a more detailed explanation of the NFIB assessment process and explanation as to how they are used to assess cases.</p>	25/09/20	<p>Further information sent.</p> <p>(Copy of e-mail provided to PA).</p>

					Additionally, the Panel noted the importance of clarity of language, i.e. telling the complainant that there were 'no viable lines of enquiry' when details had been supplied. 'Insufficient lines of enquiry' may be a more accurate		
CO/85/20	CR0172020	12/06/20 (Complaint Submission to IOPC).	18/09/20	To UPHOLD the review	<p>The force should write to the complainant to explain that the role of the Serious Fraud Office is not the appropriate body to appeal to.</p> <p>The force should apologise to the complainant for the lack of response received from Action Fraud regarding the '5 working day' response time quoted to them by the Director of Action Fraud.</p> <p>The force should note that their response letter to the complainant incorrectly referenced 'suspect bank details'. The force should ensure responses to complaints do not 'cut and paste' specific details. The force should ensure they have a separate document included in their responses to complainants which outlines elements of the case assessment summary.</p>	25/09/20	Further information sent. (Copy of e-mail provided to PA).
CO/132/20	CR0182020	13/07/20 (Complaint submission to Action Fraud).	18/09/20	To UPHOLD the review	<p>The force should apologise to the complainant for the dissatisfaction experienced in the handling of their crime report, by the Action Fraud call handler.</p> <p>In addition, there was some debate by the Panel, noting that <i>identity theft</i> is not explicitly a crime, whether there has been an offence committed in this</p>	25/09/09	Further information sent. (Copy of e-mail provided to PA).

					<p>instance (i.e. misuse of personal data, GDPR). And if so, the force should direct complainants to look at the information Commissioner's website for further advice regarding criminal offences. This approach would help the force to better reflect their public protection duties to complainants.</p> <p>The Panel agreed the force may wish to consider the use of more every-day language that complainants can understand when explaining the steps involved in recording complaints under schedule 3.</p> <p>Additionally, the Panel felt clearer instruction should be provided by the force to complainants outlining how further information can be logged to existing crime reports.</p> <p>The force should note that there is an infographic on the Action Fraud website outlining what happens to Action Fraud reports, which is dated 2014-15. The Panel agreed that this infographic should be updated to detail figures for 2019-20.</p>		
CO/186/20	CR0192020	14/08/20 (Complaint submission to Force).	18/09/20	To NOT UPHOLD the review	<p>Despite not upholding the review, the Panel did feel that the response to the complainant could have been better tailored to explain that the fraud reported was legitimate.</p> <p>The force should note that their response letter incorrectly referenced 'no viable lines of enquiry' being available when they had been</p>	None	Response letters have now been updated to include information relating to issue of automated letters referring to "no viable lines of enquiry"

					provided; and will want to ensure this is addressed in future correspondence to complainants. This could help to reduce complainants feeling of dissatisfaction in the quality of service received; and any concerns complainants may have about issues raised actively being dismissed by the force.		
CO/205/20	CR0202020	27/07/20 (Complaint submission to Force).	18/09/20	To UPHOLD the review	The force should write to the complainant with a clearer explanation of what is meant by viable lines of enquiry and outline how they are relevant in the assessment of cases.	28/09/20	Further information sent. (Copy of e-mail provided to PA).
CO/167/20	CR0212020	02/07/20 (Complaint submission to PSD. Linked to complaint submitted in July 2016).	21/10/20	To NOT UPHOLD Review	<p>Despite not upholding the review, the Panel felt further clarification should be provided to the complainant regarding the complaints process.</p> <p>The Panel agreed that the Police Authority should write to the complainant and outline that an appropriate response was provided. The Police Authority should also make clear to the complainant that the current reviews process can only look at the response the complainant received from the force; and cannot be used to overturn non-investigation policing decisions by Action Fraud/NFIB.</p>	None	The PA wrote to Mr Brialey to inform him of his review outcome. No further action required from the force

CO/111/20	CR0222020	03/07/20 (Complaint initially submitted to Met Police).	21/10/20	To NOT UPHOLD the review	Despite not upholding the review, the Panel agreed that the force could consider its Body Worn Video SOP, when the SOP is next up for review – with a view to considering if there should be a clearer steer on when it is used, especially in relation to exercising warrant searches. Additionally, The Panel agreed that the force could consider the terminology used when explaining what aspects of a complaint have been assessed for 'reasonable and proportionate response'. The Panel felt it would be more appropriate for the force to utilise the phrase 'this is believed to be a reasonable and proportionate response' in outcome letters.	None	Recommendations for the SOP will be added to the learning tab so that they can be picked up at PSDWG and considered for action by the appropriate Directorate.
CO/123/20	CR0232020	10/02/20 (Complaint submission to Action Fraud).	14/12/20	To UPHOLD the review	The Force should provide the complainant with a further explanation of the assessment criteria applied to cases. Additionally, given the complainant made specific reference to aspects of the communication received from Action Fraud being 'cut and paste'. It was noted that the response to the complainant on 09/03/20 was signed 'Head of Action Fraud'. The Panel agreed that communication sent by the Action Fraud Department should also include the 'senders' name.	22/12/10	Further information sent. The Senior Leadership Team made the decision to take Pauline's Smith's name off of correspondence, due to the large amount of correspondence that was being sent. Also Pauline's social media accounts were sent messages. A team is in place to answer questions or deal with complaint, addressed to Head of Action Fraud.
CO/00282/20	CR0252020	04/10/20 (Complaint submission to Force).	14/12/20	TO UPHOLD Point ii.	To ensure there is complete clarity, the force should provide the complainant with a clearer explanation of what is meant by viable lines of enquiry and outlines how they are relevant in the assessment of cases. The Panel felt	23/12/20	Further Information provided.

					clearer explanation could be provided to the complainant in this respect.		
CO/00295/20	CR0262020	11/04/20 (Complaint submission to Action Fraud).	16/11/20	TO UPHOLD point i) and ii).	<p>The Force should ensure there is an appropriate process in place to pick up and identify complaints addressed to the 'Head of Action Fraud' and allocate complaints to individuals within the department who can respond. The Panel felt this would help to ensure no correspondence is missed and reduce complainants feeling of dissatisfaction in the quality of service received.</p> <p>The Panel also felt the force may wish to consider the use of more every-day language that complainants can understand. Particularly when explaining how intelligence is used to 'disrupt offenders'; and how 'safeguarding' practices work when individuals are threatened.</p> <p>In addition, the Panel felt clearer instruction should be provided to complainants outlining how further information can be logged to existing crime reports. This approach would help to ensure greater clarity and direction is provided to complainants across the reporting process. The Panel felt this could help to reduce feelings of 'missed opportunities' by complainants, in respect to making further representations about their case.</p> <p>It was noted by the Panel that the initial response provided to the complainant did not outline the 28-day</p>	None	<p>An operational decision was made by the Senior Leadership Team, to remove Pauline Smith's name from automated letters, as she was receiving a vast amount of e-mails, and also on her personal social media accounts.</p> <p>There are processes in place to ensure that such letters are passed to an NFIB Information HUB to answer, or complaints forward to PSD. Anything that is addressed to Action Fraud is either forwarded to NFIB's Information HUB if a question is asked, or straight to PSD if a complaint. There is a small team at the NIFB Hub consisting of two individuals that sift through any questions asked and respond.</p> <p>The initial letter did not contain the appeal process information, as in line with legislation was dealt with outside of what is known as Schedule 3, whereby it is believed that the complaint could be dealt with more informally. This approach was initially taken, and when it became apparent that the complainant was dissatisfied, in line with legislation, a further assessment was undertaken, and appeal rights granted.</p>

				<p>notification period in place to appeal the outcome of the resolution to the complainant.</p> <p>The Panel were pleased to hear that the police conducted a welfare check. They felt this was appropriate given the abuse highlighted by the complainant.</p>		<p>Continued work is being undertaken to enhance the responses sent to complainants.</p>
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