

Complaint Handling Guidance

This document is to assist Appropriate Authorities (AA) outside of the Professional Standards Department (PSD) and anyone allocated a complaint, to understand the process when handling complaints.

Complaints against police can be resolved outside of formal legislation if the dissatisfaction is resolved to the satisfaction of the complainant. Resolving complaints from members of the public should be welcomed and considered, as feedback enable individuals and the Force to learn and improve. When a complaint is resolved it promotes confidence in the organisation. A key to resolving dissatisfaction is acting quickly and allowing a member of the public to have their concerns heard. By failing to resolve a dissatisfied member of the public's concerns generates further dissatisfaction and creates additional work. It is therefore everyone's responsibility to assist in handling complaints quickly and efficiently to the satisfaction of the complainant.

Complaint received in PSD

A complaint received in PSD will be filtered by the Business Support Team, carrying out a THRIVE+ assessment or ensuring that it does not meet the criteria that would require a referral to the IOPC or recording as a Schedule 3 complaint. If it is a complaint against the Chief Constable it should be filtered and forwarded to the Office of Police and Crime Commissioner (OPCC) to be processed.

If the complaint does not indicate an officer has committed a criminal offence or behaved in a manner that would justify disciplinary proceedings (Schedule 3 complaint criteria) and appears suitable for resolution, it will be logged on the internal PSD computer system, Centurion and forwarded to the relevant NPU/Dept AA.

The role of the AA

The AA will identify the Line Manager of the officer subject of complaint and forward for the complaint to be resolved. Attached to the complaint will be an Investigation Log (IO Log) Filing off form and Learning form, as well as a template for a Complaint Logged Outcome letter.

Upon allocation of a complaint

The Line Manager should expeditiously review the complaint, explore via police systems, hold a conversation with the complainant or make contact to understand what has led to the dissatisfaction and seek to address and resolve the issue. This could be as simple as an explanation of Force policy or Police powers, or may require facilitating the return of property or providing an update in relation to a

criminal investigation. The aim is to resolve the complaint and all efforts should be made to demonstrate objectivity, empathy and understanding. The complainant has complained because they believe they have received a poor service, even if enquiries indicate that there are no concerns with the actions of the police, attempts should be made to communicate with the complainant and to manage their expectations and try and explain why the police have done what they have. If a concern is identified and the police could have delivered a better service, apologise and correct the problem.

The complainant ideally should be contacted via the preferred method they have indicated on the complaint form. If this is problematic then use a method that enables contact to be made. If the complaint is resolved to the satisfaction of the complainant, an IO log should be briefly updated, explaining what the allegation(s) was/were, what action has been taken and the outcome. The File Off form and the Learning form need to be completed and if the complainant's preferred method of contact is via letter, the template Complaint Logged Outcome letter will need to be completed and sent. The IO log, File Off form, Learning form and Complaint Logged Outcome letter (if completed), along with any other documents collated should be returned to the AA for a quality check.

The responsibility of the AA

Upon receipt of the complaint papers, if the AA is satisfied the matter is resolved and the relevant forms and letter (if required) are complete it should be emailed back to Business Support, PSD email account who will transfer the information from the forms onto the Centurion system and file the complaint.

What if the complaint cannot be resolved?

If resolution is not possible, the complainant's expectations should be managed. The Line Manager will need to update the IO log, attach any documents collated and return to the AA. The IO log should list the allegations made; against whom; detailing what action was taken and why the matter could not be resolved. The AA will then determine if they are satisfied all attempts at resolution have been exhausted and email the matter back to PSD for recording as a Schedule 3 complaint. Upon receipt PSD will allocate an Investigator. It is important that sufficient information is documented by the Line Manager to enable the Investigator to understand what action has been taken to avoid further dissatisfaction or duplication.

The File Off form and Learning form

These documents are critical to fully record and file off a complaint. A letter of complaint can be non-specific and it is only by engaging with a complainant that full

allegations can be identified. It is therefore crucial the File Off form reflects this information, as well as the IO log.

A complainant may refer to discrimination but may make a generalised allegation, upon exploration the evidence might reveal the interaction with the police did not relate to any protected characteristic. This should be communicated to the complainant and resolved. If this is the case the perceived discrimination boxes require completion on the File off form. The information is required for data collation in relation to disproportionality.

The File off and Learning forms mirror the information required to be completed on the Centurion system and is mandatory to enable recording or filing off.

The new legislation is focussed around learning. The Learning form is therefore a means of enabling the PSD to capture what learning has been identified to ensure PSD can action any theme's and trends which will improve the service West Midlands Police deliver.

To enable cases to be concluded on the Centurion system, forms must be fully completed. The information is used to collate data which is published nationally by the Independent Office of Police Complaints (IOPC) and Home Office and also used internally within West Midlands Police and for data requests.

ANY FORMS NOT COMPLETED WILL BE RETURNED.

What if I have a complaint that should not be being dealt with locally?

Like any process occasionally cases will slip through the net and be forwarded in error, this may be as a result of insufficient information on the complaint submission or human error.

If a complainant alleges discrimination, which can be supported by being treated differently or less favourably than somebody without the protected characteristic, e.g. verbally abused as a result of a protected characteristic this will need to be returned to PSD via the AA, with details being completed on the IO log.

If the complainant alleges a serious injury (S47 or above CPS charging standards) or an abuse of authority or something that would amount to a relevant offence, e.g. theft the IO log should be updated and returned to PSD, via the AA. The AA presentation contains a slide listing the matters that require a referral to the IOPC and should not be being dealt with locally by way of resolution.

If the complainant remains unhappy and wishes for their complaint to be formally recorded or there is an indication an officer has committed a criminal offence or behaved in a manner that would justify disciplinary proceedings, the complaint will need to be returned to PSD, via the AA.

IF YOU REQUIRE ANY SUPPORT PLEASE CONTACT PSD.