



**Office of  
Derbyshire  
Police and Crime  
Commissioner**

*Protecting Communities,  
Fighting Crime*



**Police and Crime Commissioner's Office for Derbyshire**

**Complaint Review Report**

**2022 - 23**

1<sup>st</sup> September 2023

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## **Introduction**

From 1<sup>st</sup> February 2020 new rules were introduced for dealing with appeals following complaint investigations that have been recorded under Schedule 3 of the Police and Reform Act 2002. Where a complaint has been concluded by Derbyshire Constabulary and the complainant has received a complaint outcome letter from the Professional Standards Department (PSD), that complainant has a right to apply for a review of that outcome to the Police and Crime Commissioner.

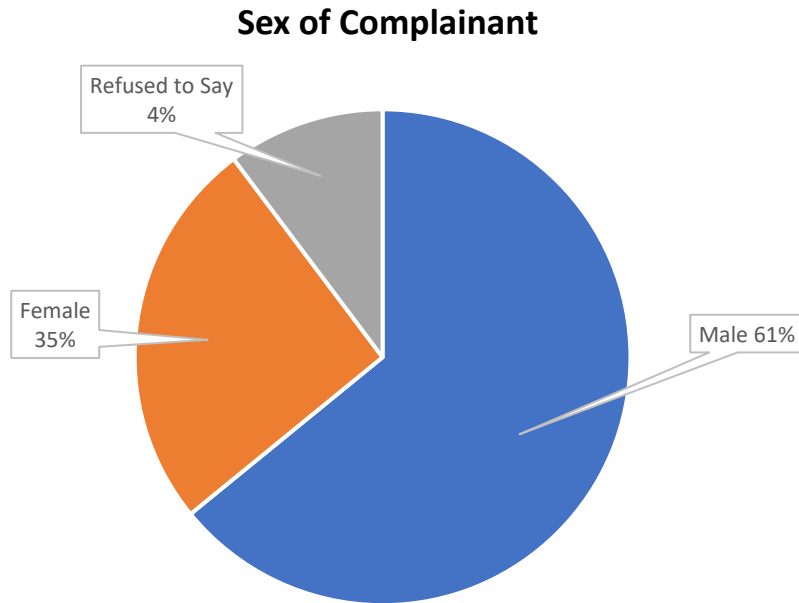
The Commissioner's purpose for undertaking the complaint reviews is to ensure that any inadequate service given by the Constabulary when handling complaints, is identified and passed through to the Constabulary to consider accordingly. The Commissioner reviews the complaints and makes unbiased determinations based on the facts of the case and whether the complaint has been handled in a reasonable and proportionate manner by the Constabulary.

Below, is the overview of the complaint reviews undertaken by the Police and Crime Commissioner from April 2022 to the end of March 2023.

**Complaint Numbers**

Number of complaint reviews received from April 2022 to March 2023 – **75**

***N.B.** Previous year the OPCC received **54** complaint reviews.*



The majority of individuals who requested a complaint review from the Commissioner were male (46), 26 were female and 3 complainants refused to reveal their gender.

***N.B.** Previous Year - Male 34 (62%), Female 16 (29%).*

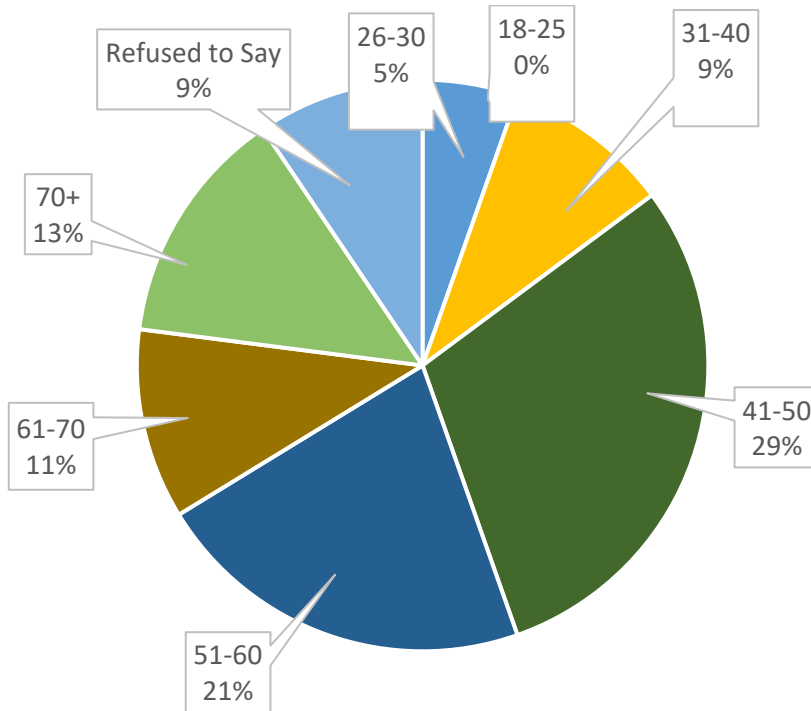
## Ethnicity of Complainants



As shown in the graph above, the majority (45 out of 75 - 60%) of complainants were White British. 19 complainants (25%) refused to reveal their ethnicity and 6 (8%) were from a BAME background.

***N.B.*** Previous year – 22 (41%) White British, 8 (15%) BAME background, 24 (44%) refused to reveal their ethnicity.

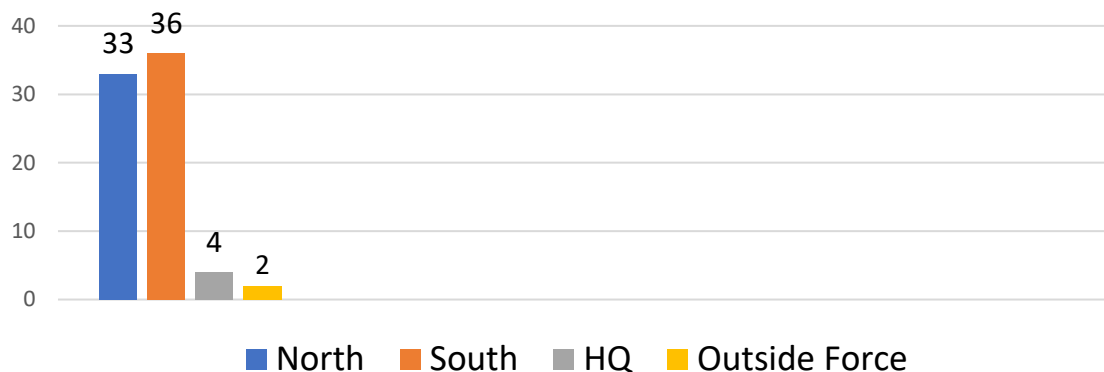
**Age of Complainants**



Most complaints (22 - 29%) were from individuals aged between 41- 50 years old, with the second highest being 16 – 21% from individuals aged between 51 – 60 years old.

***N.B.*** Previous year – the highest was ages 51-60 with 31%

## Force area who dealt with the complaint originally



The majority of the complaint reviews have been submitted by individuals in the **South** of the County, although this is only marginal.

*N.B. Previous year - 24 North, 22 South 8 HQ.*

## Timescales of a review response

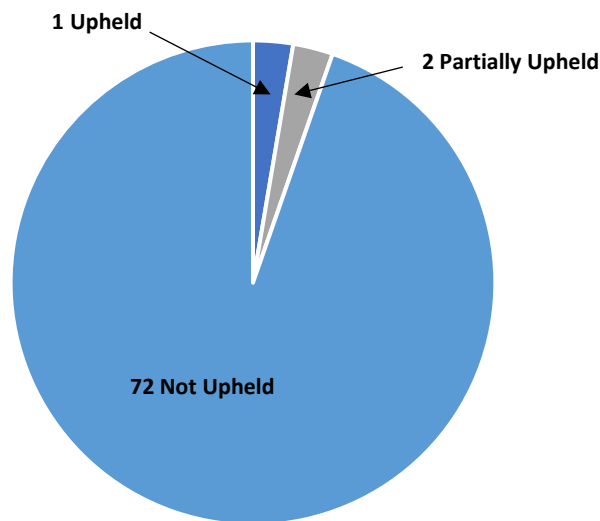
The average timescale that it takes for the Office of the Police and Crime Commissioner to deal with a complaint review is **49 working days**. The quickest review was completed in 13 working days and the longest review was completed in 150 working days.

*N.B. Previous Year was **34 working days** so there has been an increase in the average timescale to complete a review and this is down to the increase in the amount of reviews from the previous year and the complexity of some of the reviews.*

## **Complaint Trends**

- Neighbour disputes x 7
- Property destruction x 2
- Not happy with treatment from officers/constabulary x 37
- Not happy with the complaint response and updates from the Constabulary x 5
- Not happy regarding adherence to an Order x 1
- Not happy that the Constabulary haven't taken further action x 21
- Not happy with COVID restrictions x 1
- Not happy with action of the Constabulary regarding a neighbour dispute x 1

## **Outcome of the review**



The data available shows that 72 of the complaint reviews have not been upheld by the Commissioner, meaning that the Commissioner determined that the actions taken by the Constabulary regarding the original complaint were reasonable and proportionate in the circumstances of the case.

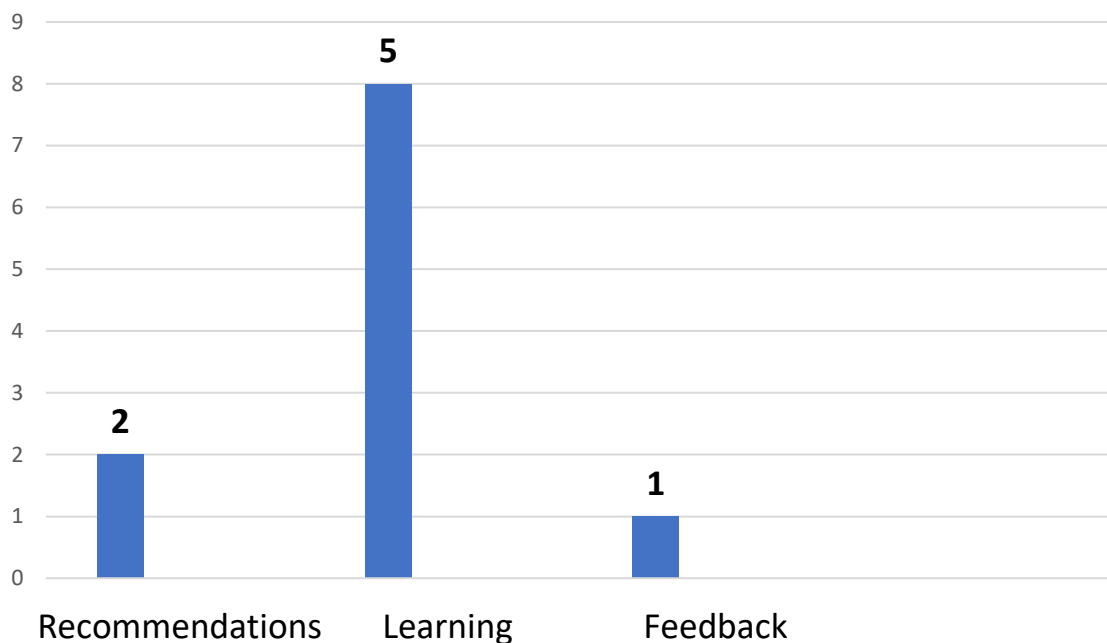


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However, 3 complaint reviews were either upheld or partially upheld, which means the Commissioner determined that the actions taken by the Constabulary were not reasonable and proportionate in the circumstances of the case and recommendations, learning and/or feedback will have been provided back to the Constabulary for them to consider further and take any relevant action.

***N.B.** Previous year – 44 Not Upheld, 10 Upheld or Partially – Upheld.*

### Recommendations, Learning and Feedback identified from the reviews



At the end of the review the Commissioner can make recommendations back to the Force – i.e.

- **Recommendations** – The Commissioner is recommending the Constabulary takes some sort of action (recommend that an apology is given to the complainant for example).

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- **Learning** – The Commissioner is giving some learning that has been identified as part of the complaint review back to the Constabulary or individual officer.
- **Feedback** – The Commissioner is giving some general feedback that has been identified as part of the complaint review back to the Constabulary or individual officer.

On some reviews there may only be learning that has been identified however, on some other reviews there may also be recommendations and feedback that have been identified, it all depends on the determinations made by the Commissioner regarding that complaint review. Also, some reviews may be determined as not – upheld however, some feedback may have still been identified on the back of the review, which will be fed back to the Constabulary for consideration.

***N.B.** More than one piece of learning or a recommendation could be given per review therefore, the numbers will not match up exactly to the amount of complaint reviews undertaken.*

### **Recommendations - 2**

- Constabulary should liaise with the complainant and give them an update on their case immediately and ensure regular updates are given in a timely manner in future.
- The Constabulary should look to ensure that the property department have adequate processes in place regarding retention and disposal of individuals property.

**Learning - 5**

- The Constabulary should ensure that officers are informing individuals when their Body Worn Video (BWV) is being activated, so that individuals are aware they are being filmed.
- The Constabulary should make officers aware that some offences are time barred and therefore there is a timelimit on when a case can be progressed to court.
- The Constabulary should give some learning back to officer's regarding attention to detail and accuracy when applying classification of incidents.
- The Constabulary should ensure there is a uniformed response sent out after a complaint to ensure all complainants are aware of any learning points that have been identified for the Constabulary following a complaint.
- The Constabulary should look to review their documented processes around roadworthy prohibitions for approved garages.

**Feedback – 1**

- The Constabulary should look further into the delays in an interpreter being available and if there are any local issues or trends occurring in this area that need addressing further.

## **Accepted Recommendations, Learning and Feedback**

Once the Commissioner has determined any recommendations, learning or feedback PSD must state whether they agree with the determinations made and if so, what action they are going to take and if they are not taking any action, then why that is the case.

Out of the 8 recommendations, learning and feedback that have been identified, all have been accepted and addressed by the Constabulary to the satisfaction of the Commissioner.

## **Positive outcomes from Complaint Reviews**

The below are some of the positive outcomes from complaint reviews have been identified in the last year –

- Force Lead for BWV has been informed and has put out a reminder to all officers that states; At the start of any BWV recording the user should, where practicable, make a verbal announcement to those present that the incident is now being recorded using video and audio. Force – wide update given on the uniform policy to ensure officers are aware of their responsibilities.
- The Constabulary have given all relevant learning and feedback that has been identified during the course of a complaint review back to the officers and staff accordingly.
- The Constabulary have reviewed their processes regarding roadworthy prohibitions for approved garages and have feedback to the garages accordingly.
- The Constabulary have reviewed their processes with the interpreter provider accordingly.

- The Constabulary have reviewed their processes regarding retention and disposal of individuals property to ensure they are fit for purpose.

## **Conclusions**

In general, the amount of complaint reviews that are now being upheld by the Commissioner has dropped from the previous years. This is due to the processes that the Professional Standards Department have put in place to ensure that each complaint response is sense checked for accuracy, and that the complaint response adequately answers all aspects of the complaint in full. The Commissioner is pleased to see that the Constabulary have identified a more efficient way of working and that this change has had a positive impact on the amount of complaint reviews that are being upheld under the complaint review process.

The Commissioner is also assured that the Constabulary are acting quickly on all recommendations, learning or feedback that are identified as part of the complaint review process, and where relevant they are using the complaint review process to shape policies and procedures to better aid understanding of complaints, which will undoubtedly improve complainants customer service journey in the future.

The next complaint review report is due in June 2024.