



ACCOUNTABILITY AND GOVERNANCE BOARD

22nd October 2024

Complaints and Reviews

Presented by: Andrea Gabbitas, Head of Business Services

Purpose of paper

1. This report provides an update on the work to undertake reviews of complaints made about West Midlands Police.
2. The Police and Crime Plan 2021-2024 commits to delivering a high quality, timely complaints review process, along with regular dip sampling of complaints and misconduct cases.

Background

3. The police complaints system is the mechanism by which the public may raise their concerns about the service they receive from the police force. The process was updated by the Policing and Crime Act 2017 and the Police (Complaints and Misconduct) Regulations 2020. This is the fourth annual report on complaints and reviews work undertaken by the PCC since the inception of the new Regulations.
4. Police and Crime Commissioners have statutory responsibility for:
 - the local oversight of complaint handling, which is the 'holding to account' function;
 - acting as an independent Review Body for some complaints that have been made through the formal complaints system (these are the complaints which do not have any indication of criminal activity or possible misconduct);
 - dealing with complaints made against the Chief Constable, a role known as the Appropriate Authority.
5. There are several ways in which we maintain oversight of police professional standards. We have an annual report to AGB (October), and the Commissioner has regular meetings with the Head of PSD. In addition, staff meet quarterly with the Independent Office for Police Conduct (IOPC) Oversight Manager, who is able to provide advice and updates on the work of the Force as well as our work on reviews; the Commissioner also has regular meetings with the IOPC. The IOPC publishes quarterly performance data, providing a helpful benchmark against most similar Forces.

6. There is also an expectation that PCCs achieve oversight of the complaints function due to the knowledge and insights gained during the complaints review process and use this oversight to influence the complaints system positively. In practice, this means that some of our responses to complaint reviews are communicated to PSD as 'oversight' rather than as a formal response to a complaint review. Oversight meetings are had with the Professional Standards Department on a quarterly basis and range from strategic matters to details concerning individual complaints. In broad terms, oversight typically relates to PSD or WMP performance but can also relate to individual complaints.

Complaints Reviews

7. The Complaints Review Manager's (CRM) role is not to reinvestigate the case. Instead, it is to assess the handling of the complaint and whether it has been managed reasonably and proportionately. Following the completion of a review, there is no further right of appeal. If the complainant remains dissatisfied, the only option would be to pursue civil proceedings or a judicial review application. In which case complainants send a 'letter before action' indicating that they intend to pursue civil litigation (although none of those have resulted in any legal proceedings taking place). In the last financial year, the Commissioner's Office received one letter before action following a complaint review. The application was dismissed as being totally without merit; the complainant was fined for wasting court time.

Headlines

8. In 2020-2021 we received 62 review requests. In 2021-2022 we received 131 requests. In 2022-2023 we received 173 requests. In 2023-2024, we received 80 requests and in between April and September 2024-2025 we received 38 requests (see charts at para 17)
9. On average it takes 20 working days to complete a review. This compares well to our most similar Forces, where the average is 35 working days (see charts at para 19).
10. 9 reviews have been upheld so far this year, compared to 12 upheld during 2023-2024 (see charts at para 23 and 24).
11. 19 recommendations have been made to the Force so far this year, all of which have been accepted (see table at para 26).
12. Delivery of duties and service remains the most common allegation theme examined during a complaint review (see charts at para 29).
13. One dip sampling session has taken place so far in 2024; this involved Youth Commissioners as the dip-samplers (see para 35).

Background Report - Performance Information

14. This background report is dedicated to performance and covers the following:

- Volume of reviews received.
- Time taken to acknowledge applications and complete reviews.
- Outcomes of reviews.
- Themes/allegations subject to review.

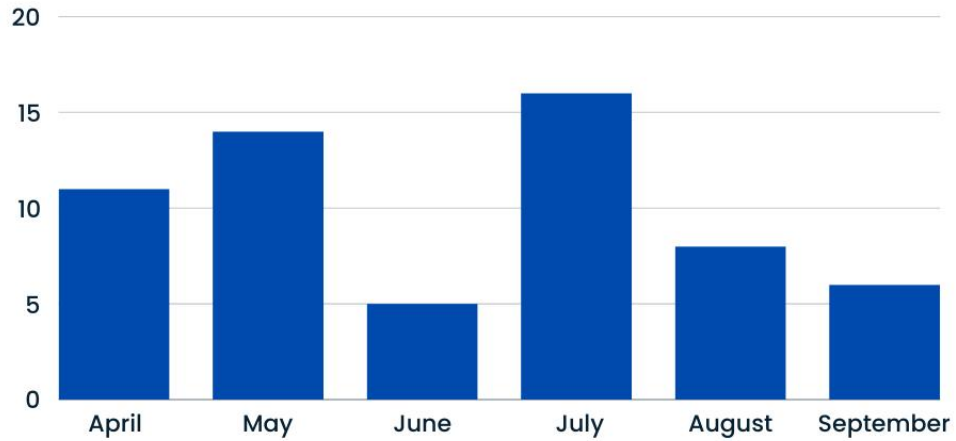
15. All data presented within this report can be found on the OPCC interactive reviews dashboard here: [Police and Crime Commissioner Performance - West Midlands Police & Crime Commissioner \(westmidlands-pcc.gov.uk\)](https://westmidlands-pcc.gov.uk)

16. Data presented within this report covers the April 2023 to September 2024 reporting period. Data is also provided where it is available for Q1 and Q2 of the 2024-2025 financial year.

Volume of reviews received

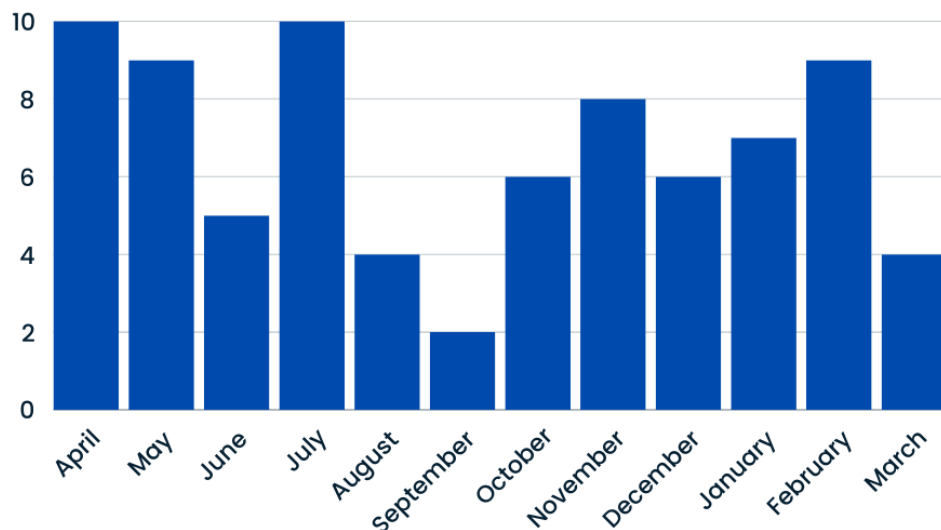
17. The number of reviews has fluctuated since the new Regulations were introduced. In 2020-2021 we received 62 requests. In 2021-2022 we received 131 requests. In 2022-2023 we received 173 requests. In 2023-2024, we received 80 requests and in between April and September 2024-2025 we received 38 requests. The table below provides a snapshot of the reviews received between April and September of the 2024-2025 financial year.

Quantity of Reviews 2024 - 2025 Current Financial Year



18. Demand has historically risen between April and August. In addition, PSD will sometimes bring in additional staff if there is a backlog that they need to reduce at pace. This will often see a significant spike in demand as more people request a review; however, as represented in the next chart, the fluctuations for the 2023-2024 financial year are broadly in keeping with those of past years with no anomalies being present.

Reviews Per Month 2023 - 2024 Last Financial Year

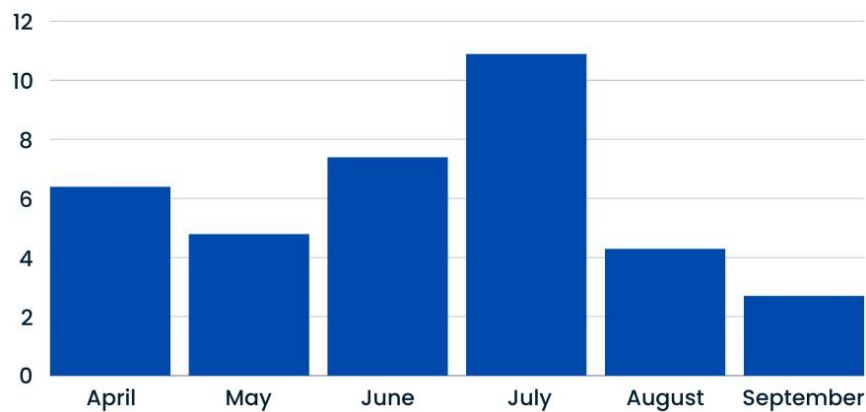


Time taken to acknowledge applications & complete reviews

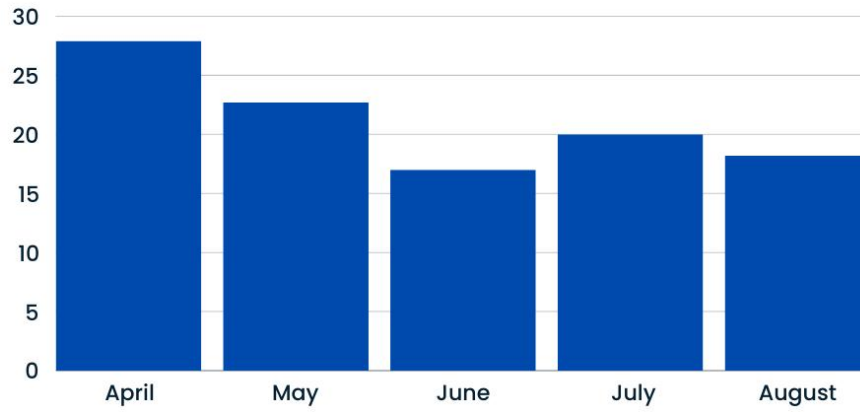
19. Police complaint law does not specify how long it should take to complete a review, but we aim to complete the reports within 20 working days and formally acknowledge requests for review within 5 working days. Although the targets are not always met, the OPCC performance is in line with, if not better than, the most similar review bodies. IOPC data shows that the most similar Force (MSF) average for the 2023-2024 financial year for complaint reviews timeliness is 35 working days; the data for the current year has not been published. The two charts below show the performance for both themes for quarter 1 and quarter 2 of the current reporting period, 2024-2025. The values are set out in working days.



**Complaint Acknowledged Days
(Ave.) Per Month 2024 - 2025**
Current Financial Year

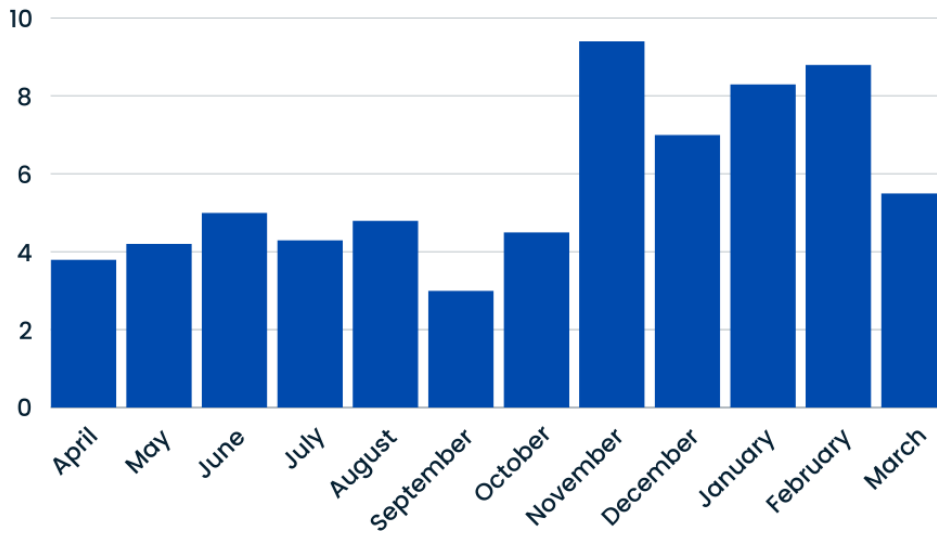


Completion Days (Ave.) Per Month 2024 - 2025 Current Financial Year

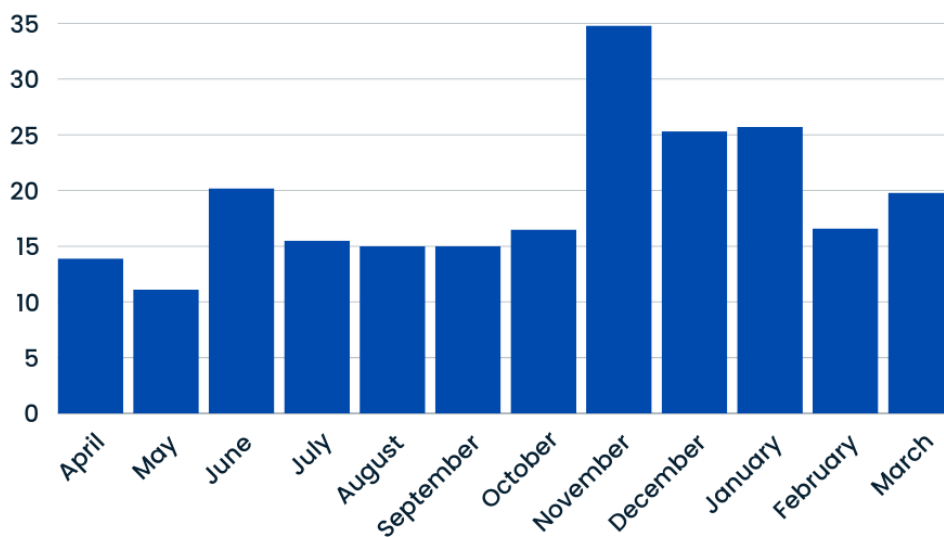


20. The tables below relate to the same themes for the 2023-2024 financial year.

Complaint Acknowledged Days (Ave.) Per Month 2023 - 2024 Last Financial Year



Completion Days (Ave.) Per Month 2023 - 2024 Last Financial Year



Outcomes of Reviews

21. One of the challenges when undertaking a review is assessing what constitutes 'reasonable and proportionate'. During our reviews we always take the stance that we are assessing what is likely to be the view of the public on what is reasonable and proportionate in response to that complaint. The number of reviews undertaken by West Midlands was lower than the most similar Force average in 2023-2024¹.

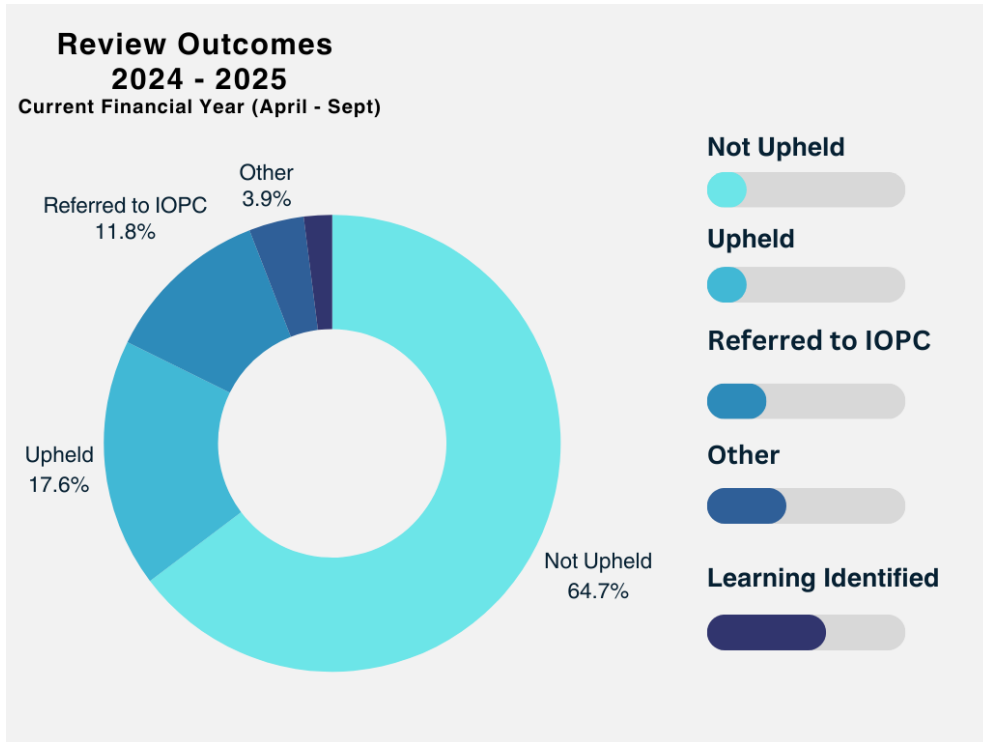
22. There are a number of possible outcomes set out in the Complaints Regulations.

Possible outcomes can be summarised as:

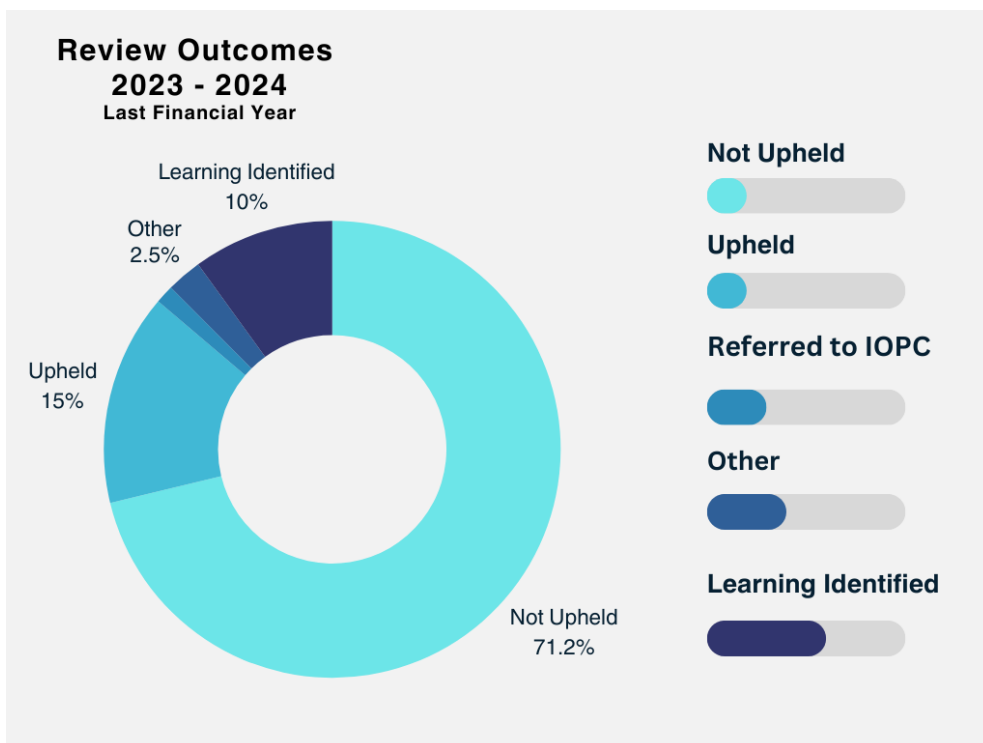
- Review request is not valid.
- Complaint handling was reasonable and proportionate (R&P), so the review is not upheld.
- Complaint handling was not reasonable and proportionate (Not R&P), in which case the following outcomes may be applied:
 - recommend that the appropriate authority refer the complaint to the IOPC;
 - recommend that the appropriate authority investigate/reinvestigate the complaint;
 - make a recommendation/s. Recommendations can be made with a view to remedying the dissatisfaction of a complainant (paragraph 28ZA, Schedule 3, Police Reform Act 2002) or in complaints which have been investigated, recommendations may relate to a person serving with the police (e.g. that the person has a case to answer in respect of misconduct or gross misconduct; or that their performance is not satisfactory);
 - recommend that the matter be referred to the Crown Prosecution Service.

23. The chart below shows the outcomes of the reviews for quarters 1 and 2 of the 2024-2025 financial year.

¹ IOPC Complaints Information Bulletin: West Midlands, Reporting Period: 01 April 2023 – 31 March 2024



24. The next table shows the outcomes of reviews during the 2023/24 financial year.



25. In 2024/25, 17.5% of reviews have been upheld, equalling 9 cases. In comparison, 15% of reviews were upheld in 2023-2024, totalling 12 cases. Remarkably, halfway through

2024-2025, the number of upheld reviews has already reached 75% of the total upheld in 2023-2024.

26. The volume of recommendations made to the Force are represented in the table below:

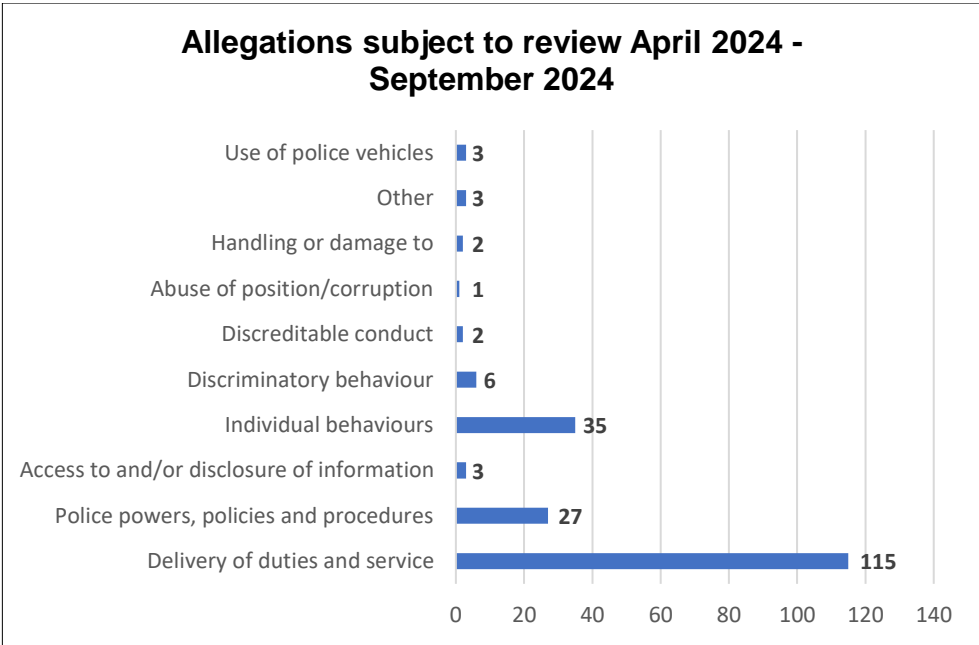
Financial Year	Number of recommendations made	Number of recommendations refused
2020-2021	18	0
2021-2022	65	0
2022-2023	48	0
2023-2024	19	0
2024-2025 (April – Sept)	19	0

27. A process is in place to monitor Force responses to recommendations and assess whether the learning outcomes have been initiated. This includes reviewing the Force’s letter to the complainant, responding to recommendations made, regular meetings between the Complaints Reviews Manager (CRM) and the Service Recovery and AA Resilience Inspector, and quarterly meetings between the Commissioner and the Head of PSD.

28. The recommendations are detailed and very specific to the subject of the complaint. We understand that three complainants did not receive a reply in response to the recommendations. PSD has been made aware and is looking into it. Despite this, overall, the responses to recommendations are of good quality, informative, helpful, and remedy the complaint.

Allegations subject to review

29. Below is a breakdown of the themes of the allegations in complaints that have been reviewed by the OPCC during the current financial year followed by the 2023/24 financial year and April financial year.



30. Both tables indicate that the most common category of reviewed complaints is Delivery of Duties and Service, followed by Individual Behaviours and Police Powers, Policies and Procedures. Duty of Deliveries and service include complaints about the investigation process, lack of updates or delays in responses, for example.

Observations and future developments

31. A robust complaint review function requires a strong and cooperative working relationship between the complaint reviewer and PSD, but independence is also important when assessing the reviews. Notwithstanding this, the ability to speak regularly and openly with complaints investigators and decision-makers to properly understand the background of complaints and discuss recommendations and their impact and feasibility are critical to a successful process. All recommendations made by the CRM are usually accepted; however, if the police decide not to accept an outcome, they must provide a good reason as to why.
32. The OPCC complaint hub is now accessible online, and the information dashboard is fully functional. Not only does it provide the general public with information about the review process, downloadable application forms and how to complain, but it also offers interested parties an up-to-date understanding of the volume of reviews received for the past four years, how many have been upheld and how many cases are open. The review application form was updated more recently. If appropriate, we aim to include the new data it captures on the OPCC web pages. This includes diversity, graphical location and other indicators that could add to our work in understanding the emerging trends found in complaints.
33. A survey form has also been developed to enable feedback on the service received by complainants when considering their reviews. It should go live at the end of November 2024.
34. The team are exploring the possibility of developing a training hub for review practitioners. For those who are already practicing, the Review Managers' Resource and Training Hub would be a helpful aid where they can find support, valuable and relevant information and where templates and useful tools can be accessed at the click of a button. For burgeoning practitioners, the training hub would provide quick and easy access to an online training portal. This would give managers access to a fast start if they are faced with long-term absenteeism or when there is a requirement to expediently onboard a new staff member. The team are working with APACE to develop the hub; a working group has been put together.

Dip Sampling

35. We have undertaken one dip sampling session during the 2024 calendar year. In June 2024, 16 redacted complaints submitted by young people (aged 18 and under) were examined by our Youth Commissioners. Additionally, Youth Commissioners also submitted mock complaints via the Single Online Home and offered feedback on their experience.
36. Before participating in the dip sampling session, Youth Commissioners underwent training focussed on the police complaints and dip sampling processes.
37. In the majority of cases, dip samplers felt the complaint had been fully understood and all allegations or concerns addressed; they thought reasonable lines of enquiry were

undertaken to be able to provide a reasonable and proportionate outcome and; the proposed actions sought to remedy the issues raised by the complainant as so far as reasonably possible. However, there were some concerns that in half of the complaints sampled, the outcome was not communicated in an empathetic way. Feedback has been shared with PSD.

38. All reports arising from dip sampling sessions can be found on the OPCC website.

Pension Forfeiture

39. In the very small number of cases where police officers are convicted of serious criminal offences, and their offending was carried out in connection with their role as a police officer, the Commissioner has the power to forfeit part of their police pension.

40. In 2021 there was one forfeiture, and in 2022 there was also one forfeiture decision. Two further decisions are currently pending.

Legal and Financial Implications

41. The staff costs associated with the complaints review function are contained within the budget of the Police and Crime Commissioner.

42. The framework for managing police complaints and reviews is heavily regulated, and is contained in the Police Reform Act 2002, and the Police (Complaints and Misconduct) Regulations 2020.

Equality Implications

43. The oversight and scrutiny function related to complaints and professional standards will consider how effective the Force is in delivering a complaints process which is equality driven. To assist with this, dip sampling exercises focus partly on equality and potential discrimination during the complaints process. The Police and Crime Plan includes a commitment to advancing equality, diversity and inclusion, and this is reflected in our oversight work.

Next Steps

44. The board is asked to note the contents of this report.