

# Review practitioner workshops – summary report

May 2022

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# Introduction

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The IOPC and local policing bodies (LPBs) have oversight of the police complaints system. We are committed to working together to support an effective and consistent national and local review and oversight functions.

In 2020 we piloted workshops with LPBs to share learning and ideas with peer review practitioners. We ran further workshops in October and November 2021 following the success of the pilot and the positive feedback we received. The aim of these subsequent workshops was to help share learning and identify whether future planned sessions would continue to be of benefit to the local policing bodies.

Based on the survey feedback we received in 2020, we changed the workshops to allow for an open forum discussion where several questions were put forward by the LPBs for discussion with their peers.

In the 2021 workshops we mainly focused on reasonable and proportionate handling and the outcomes available to review handlers. We selected these topics from a combination of data analysis and insights from our experience of the new complaints system.

5

workshops were held, involving 43 LPBs. The LPBs for the most similar forces were grouped together.

64

people attended the workshops, mostly from LPBs, plus review practitioners from three non-Home Office police authorities and Home Office representatives.

# Reasonable and proportionate handling – key themes

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## Relevant review body (RRB)

- Forces are making inconsistent or inaccurate assessments of when the IOPC is the RRB. They are assessing the merit of complaints or taking actions which then prejudice the RRB decision.
- There are indications that the turnover of complaint handling staff affects the quality of decisions made.
- On a positive note, the discussions indicated overall that LPBs either do have good professional relationships with their forces and are confident in challenging RRB assessments or are now more confident to assess force decisions critically.



*Local policing bodies said:*

*LPB - "We have forwarded 18 cases, that have come to us, to the IOPC; this [incorrect RRB assessment] crops up time and time again. Sometimes other than by investigations are not for the LPB".*

*Home Office - "It is important that forces are getting this [RRB assessment] right for public confidence and that serious complaints are getting a right of review to the IOPC. So, thank you to all LPBs who are pushing to the IOPC any matters that meet the test".*

## No further action (NFA)

During both the presentation and case summaries, discussions between LPBs reaffirmed that no further action was being used incorrectly on a consistent basis. The reasons for this included, but were not limited to:

- Providing an explanation for taking no further action when in fact the force has addressed the complaint and can decide whether the service level is acceptable or not.
- Complaints handled outside Schedule 3 of the Police Reform Act 2002, were NFA'd if they went on to be recorded. This is instead of reviewing what enquiries have been undertaken, whether any further enquiries are needed, and deciding whether the service level is acceptable in the absence of further enquiries.
- There are varying levels of experience between the LPB review handlers, resulting in some having more awareness of the inappropriate use of NFAs than their counterparts.

## Engagement with complainants

- Attendees gave insights into the value of good, auditable contact with complainants. Attendees told us that the lack of engagement with complainants, or evidence of it affected their review decisions.

## Complaints not addressed

The first of the two case summaries focused on reasonable and proportionate handling and was explored in two of the five workshops. The complaint included an allegation that the complainant had not been updated properly during an investigation and alleged this was because the complainant was male.

- LPBs were confident in identifying that not all of the allegations had been addressed as part of the complaint handling and that the allegation of discrimination needed further investigation. Consideration was given to how much action a review handler can take in their role, bearing in mind they are not a complaint handler.

## Correspondence

Although the quality of outcome letters was not necessarily a reason for upholding a complaint, concern was expressed in some of the workshops. Examples included, but were not limited to:

### POOR QUALITY OF OUTCOME LETTERS

**Lack of empathy** - for example when a policy has been followed but there has been no recognition of the impact of police action. Or the letter does not acknowledge when a person has lost a loved one.

**Tone and the wording of outcome letters** - for example where there is an indication of bias or the wording is accusatory when it is not relevant or appropriate.

**Lack of attention to detail** - for example where a name is continually misspelt in correspondence or where a deceased relative's relationship is referred to incorrectly.

**Lack of information** - where more information would have been useful to share even if it was not necessary for the complainant to understand the outcome.

The LPBs had different views about whether they would provide the missing information on reviews they upheld because the lack of information made it difficult for the complainant to understand.

Concern was also raised that a complainant may not be happy with the information provided by the reviewer. For this reason, and for concerns about the possible risk of disclosing information that shouldn't be shared, some said they would return the

case back and recommend the force carry out a risk assessment and provide the information.

The IOPC recommends that where possible, and with the appropriate risk assessment, the review handler will provide the missing information. This is especially true if the only reason the outcome is not reasonable and proportionate is that lack of information was provided to the complainant. In these circumstances the review would be upheld but as we have provided the information ourselves and we are not making any further recommendations for remedies or investigation, no additional action needs to be taken by the force. These principles are explained in sections 18.36 and 18.37 in the IOPC [Statutory Guidance](#).

## Reflective practice review process (RPRP)

Attendees in some of the workshops suggested that they did not use the term 'RPRP' in their outcome letters as they felt this would be confusing for members of the public. However, the IOPC felt it would be beneficial to include the formal term to avoid ambiguity, ensuring the letter goes on to explain the term to the complainant. This discussion point has been addressed within the FAQ document, published as a by-product of the workshops.



*Good practice* - One force, referring to reflective practice techniques as a proposed outcome, was not providing enough detail about what reflective practice meant. With input from the LPB, an advisory document has since been created which explains the process of reflective practice to the complainant and this is sent out with outcome letters. In cases where the explanation has been provided the force have not received any challenges or review submissions.



*Good practice* - Another LPB automatically requests to see any reflective practice handling as part of their request for background papers when considering a review. They are aware their force uses an 'RPRP' form, and requesting a copy enables them to provide more information to the complainant when addressing the review.

# Review outcomes

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## Recommendation options

LPBs in general had a good grasp of when reviews should be upheld and when the issues are more related to their oversight responsibilities. This included understanding that recommendations can only be made if the review is upheld.

The brief case summaries used for the workshops created space for attendees to reach common overall decisions to uphold the review in the scenario provided, while suggesting different ways to progress the complaints.

Those who favoured recommending an investigation suggested this would give the complainant the opportunity to have their complaint looked into properly. Those who favoured a remedy felt that no further lines of enquiry were available and suggested that a remedy under paragraph 28ZA could resolve the complainant's dissatisfaction. Therefore, the workshops afforded an opportunity for different plausible outcomes to be evaluated and discussed amongst peers.



### *Local Policing Bodies said:*

*"I found it extremely useful to hear from other review officers as to how they might consider reviews – hearing other points of view enabled me to see the case studies from different perspectives which will aid in the future."*

*"[I] feel that there should have been more focus on in-depth case studies that formed discussion in the group."*



**Good practice** - Some LPBs suggested they would signpost complainants to other agencies if this was appropriate as part of their review handling.



**Good practice** - One LPB has upheld a number of reviews due to insufficient information being provided to the complainant, where it has affected their ability to understand the outcome of their complaint. In such cases, and if further recommendations are being made to the force, they include a recommendation for the force to apologise for the lack of clarity as well as recommending that the force provides the missing information. In all cases the force has acted on these recommendations.

# Open forum discussions

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## Key themes

The open-forum section of the workshops provided an opportunity for LPBs to put forward areas they wanted to discuss with peers.

- Handling correspondence from members of the public who remain dissatisfied with the outcome that has been provided. Discussions highlighted the importance of understanding that LPBs are often the ‘end of the road’ for members of the public who have submitted a complaint. Therefore communication between LPBs and complainants can be important in maintaining public confidence in policing, regardless of the review outcome being made.
- An LPB reported that they had invited a complainant, who had a mental health condition, into the office to help communication during their review handling. This was a positive experience for both the complainant and the LPB. It was acknowledged that inviting complainants into the office would not always be practicable, and that this should be handled on a case-by-case basis.
- LPBs appreciate the value of plain English when communicating with members of the public. They recognise that when responding to comebacks, after a decision has been made, their responses need to be proportionate and empathetic. But they should also avoid prolonging contact and repeat correspondence about a final decision to minimise the impact on limited LPB resources. Practice included LPBs responding to questions raised by complainants following a review outcome, but directing complainants to judicial review when the comeback solely challenged the decision made.
- Most LPBs reported receiving more reviews than predicted.



### *Local Policing Bodies said:*

*“I have a review...which involves a lady who has been involved with the force for 25 years. [She] has mental health issues and there are multiple agencies involved in her care. I need to seriously consider, if the review is going to be upheld, how I communicate this message. So it is good to hear other review bodies have had people in, and how they do it, so I...found that really useful.”*

*An LPB reported that (where applicable) they ask complainants to complete a form when submitting a review which clearly outlines the purpose of a review and the individual’s expected outcomes. The LPB reported that the use of this form has helped to manage complainants’ expectations at the beginning of the review process.*

*“I found it very useful from the point that, for those of us in OPCCs with just one person conducting reviews, it is the only way that Review Managers get the chance to discuss their practices with other people performing the same role.”*

# IOPC reflection and learning

As our working relationship with LPBs continues to develop and evolve, and the issues that arise in complaint handling are likely to change, it is important we reflect on the format and content of the workshop sessions. This will help identify what has been successful and where changes may be needed.

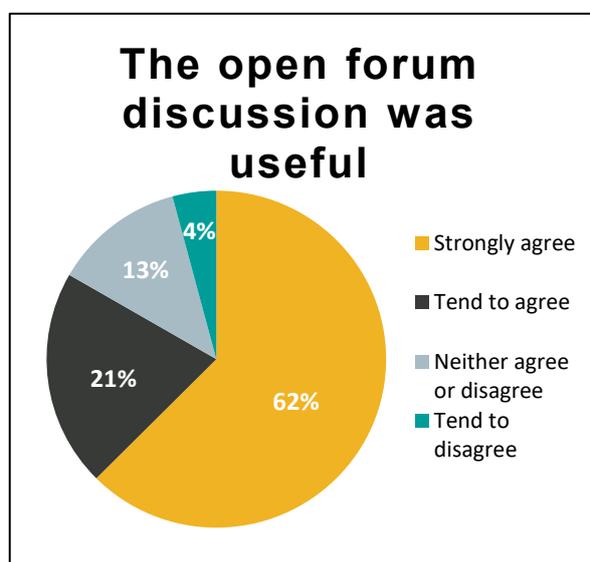
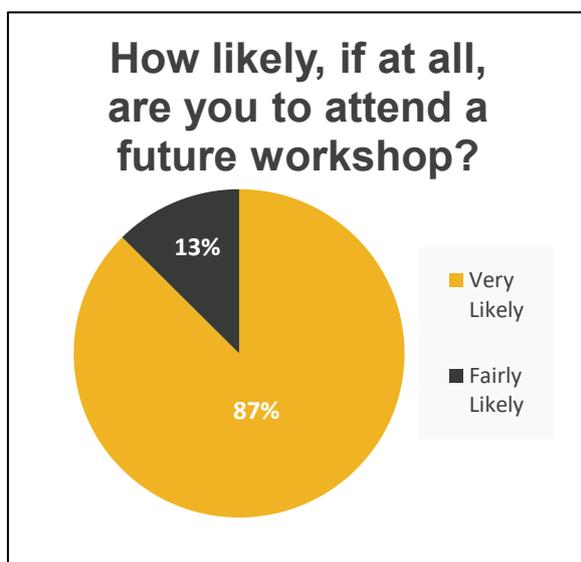
A combination of feedback from our staff and from the external survey has provided valuable insight.

## Format – what went well?

The feedback we have received has been very encouraging both in terms of the workshops LPBs attended but also looking forward to future events.

Respondents said:

- they were all likely to attend a future workshop,
- the majority believed the group sizes seemed to work well,
- the majority felt able to engage with the discussions and ask questions if needed
- the informal style of the workshops was well received
- most agreed the open forum discussion was a good addition to the workshop structure.



**Local Policing Bodies said:**

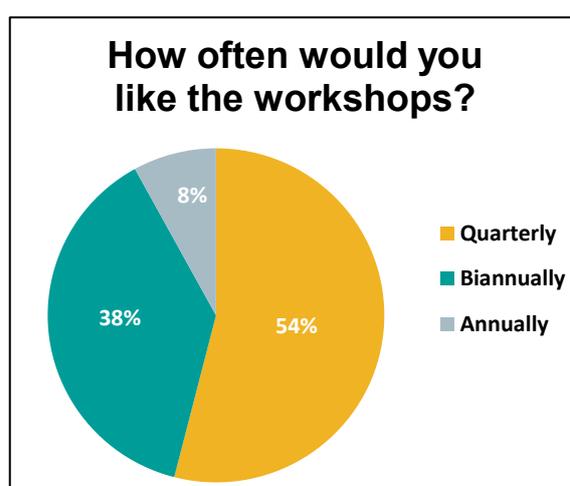
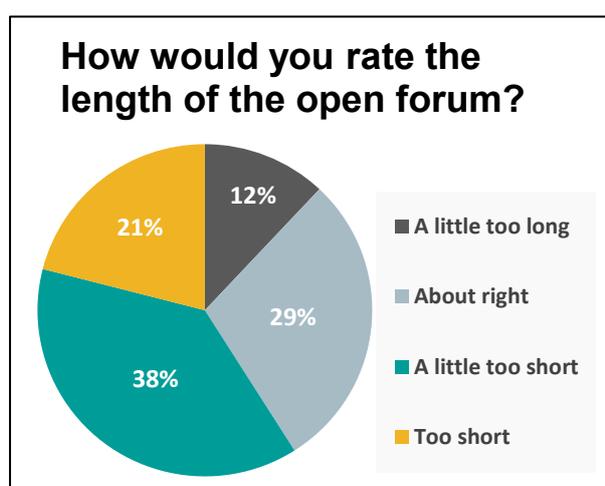
*“Very helpful workshop and particularly liked the ability to raise questions as the workshop progressed. Case studies were very helpful. Sharing views between practitioners was valuable. Liked the informal nature of the workshop.”*

## Format – where changes may be needed

Whilst the open forum discussion was found to be useful some respondents wanted this section to be longer in duration, and this was reflected in the survey results. There was a desire for workshops to be longer and more frequent in future.

This was also reflected in respondents' views of the duration of the complete workshops. There was an appetite for practitioners to have the opportunity to discuss topics with their peers. Respondents also felt that the topic discussions themselves deserved more time.

It was also observed that we don't gauge an early indication of attendee's thoughts, feelings and/or knowledge of topics at the beginning of workshops and ask whether any learning has been taken away at the end of the session.



 *Local Policing Bodies said:*

*"Thought that the workshop could have gone on for longer. Lots of really good points made by the group and would have welcomed an opportunity to carry on whilst appreciating that people have other commitments".*

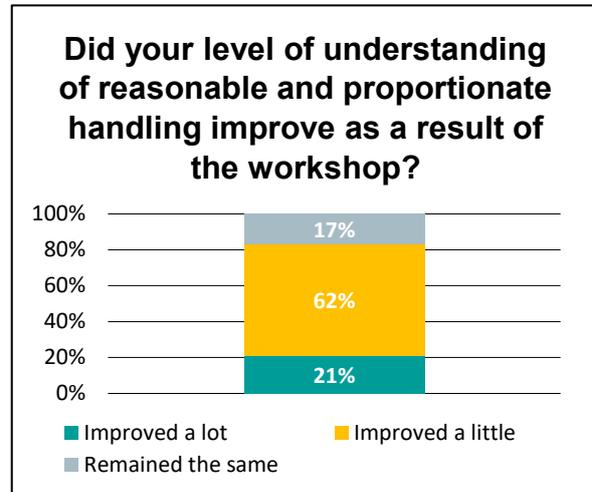
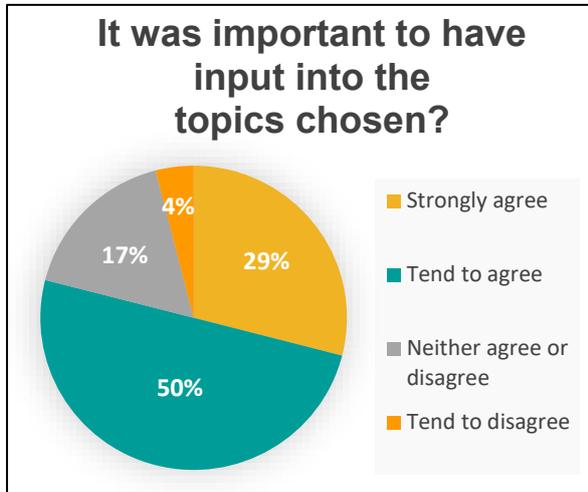
*"The workshop was very effective (wish they were a bit more frequent!). Discussion among attendees was also very informative/insightful. If possible it would be great to allow for more discussion time for some of the scenarios presented as many of the attendees has lots of experience/ideas to share..."*

## Content – what went well?

The topics for discussion were chosen based on a combination of intelligence and suggestions from the LPBs, generating interesting and useful conversations. This was reflected in the survey results when respondents were asked whether their understanding of the complaints system, reasonable and proportionate outcomes and review outcomes has improved as a result of attending one of the workshops.

The minority of respondents, who indicated their understanding had stayed the same, were due to the skills and experience they had already gained having worked in the police complaints arena for some time.

The presentation and case summaries were found to be useful but constructive feedback was provided that indicated a demand for more complex cases to be discussed. This would represent the type of issues LPBs are finding themselves faced with more and more. The majority of LPBs agreed that it was important to have input into the topics that were chosen.



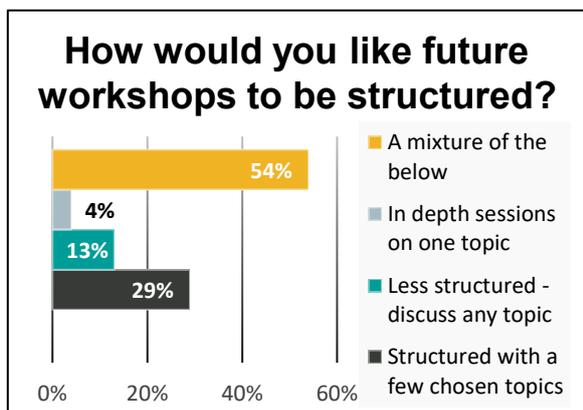
**Local Policing Bodies said:**

*“It was very useful to have the opportunity to discuss the topics with you and LPB colleagues. It is good to have an appreciation that LPBs perform the review body function very differently so it is helpful to share best practice and bring questions to the table”.*

## Content – where changes may be needed

We asked attendees whether the content of the workshops should continue to be a split by presentation, case summaries and open forum discussions or whether a less structured approach is favoured. There wasn't a significant majority for either option.

But there were clearly varying levels of experience within these sessions and tailoring them to suit the differing needs requires consideration. Without providing reminders of the key fundamentals, such as the grounds for a particular threshold test, it can be difficult for some attendees to participate in discussions.



**Local Policing Bodies said:**

*“ Really enjoyed the workshop – good to hear from peers – would like more focus on going through examples in detail”.*

## Next steps

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The findings of the workshops reflected local policing bodies benefitted from, and were keen to continue, interacting with the IOPC and their local policing peers. Having the opportunity to network and share good practice on review handling is invaluable and vital in bringing consistency to the review handling process. We will identify and make recommendations to the local policing bodies on how best to continue such engagement.

Workshops discussions identified there continues to be inconsistent or inaccurate assessments, by the forces, as to who the relevant review body should be. In addition to running complaint handler workshops to address this concern we will produce a document that provides an overview and highlights some of the most common assessments that need to be considered when deciding on the relevant review body and handling reviews.

We have also found local policing bodies were coming across similar reasons for upholding reviews as the IOPC. These included but were not limited to forces handling complaints by taking no further action when complaints could have been addressed, complaints not being addressed and a lack of initial contact with the complainant to understand more about the complaint. To start addressing these issues, we have led on a set of complaint handler workshops, issued guidance within our Oversight newsletter, where appropriate, and we will produce a frequently asked questions document that focuses on some of the questions that were more commonly asked and discussed in the workshops.

We will ensure that the learning identified in this report and both the 'Common questions' and 'Thresholds and considerations for review handling' documents are shared with all local policing bodies, appropriate authorities and IOPC review handlers to provide insight into the issues raised and improve consistency in both the complaint and review handling processes.

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