



Complaint handler workshop – summary report

Introduction

In February and March 2022, the IOPC's Oversight team hosted online workshops for complaint handlers. In numbers, these comprised of:



The attendees included those who were very new to their role and those who had over a decade's worth of experience.

We chose the topics for the workshop based on the types of questions that our policing stakeholders ask us, on our findings from previous workshops and on the [2020/21 complaints statistics](#).

We covered three topics: taking no further action on complaints, the relevant review body test and sharing effective practice. For the no further action section, we drafted two complex case studies based on upheld reviews and frequently asked questions. For the relevant review body section, we had a true/false quiz on different elements of the test. For the last section, we shared different ways of working and different models that forces had found to be helpful to incorporating the ethos of the new complaints legislation.

Taking no further action

The 2020/21 statistics indicated that NFA was used more than we had expected under the new legislation. To understand why this might be, we analysed upheld NFA reviews to look for patterns.

We identified the following themes and used them to build the fictional case studies and prompt discussion of how forces were handling them.

Not capturing new complaints

- similar circumstance to previous complaint
- high volume complainant
- new allegation added to old complaint

Taking no further action on potentially resolvable complaints

- complaints that look like they could be dealt with by another organisation
- complaints mentioning conduct during criminal proceedings
- historic complaints
- substantially the same complaint as one made previously

We used interactive software to poll the workshop attendees on how they would proceed with the complaints in the case studies. The answers we offered were imperfect, but we hoped they would

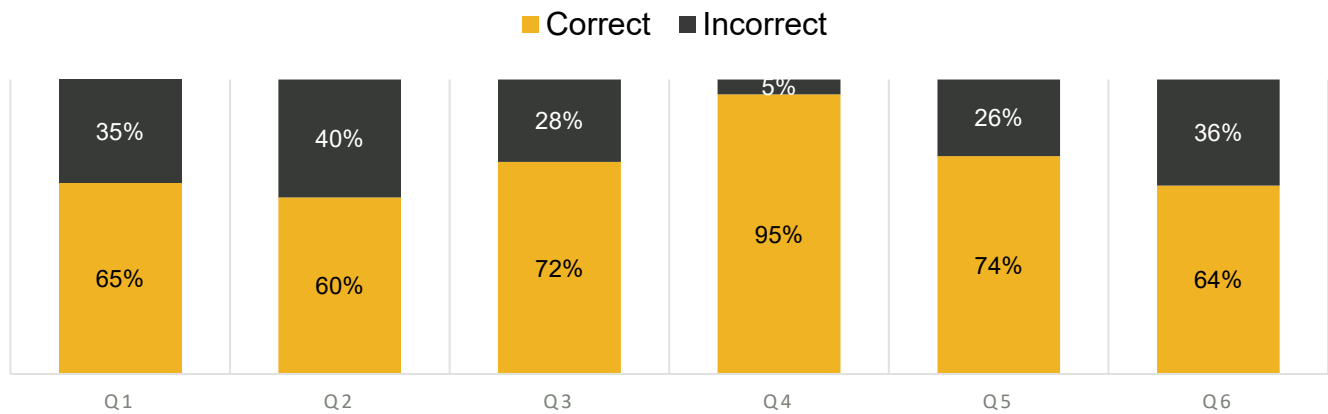
give us an indication on how these sorts of cases are being understood and dealt with. We collated the results and sifted through the comments made by attendees and have made the below findings.

| What we found: | What we will do to support you: |
|--|--|
| New complaints were not always captured. | Ensure our publications emphasise the need to consider each complaint on its own. |
| <p>Innovative ways of managing high-volume complainants.</p> <p>Good customer service to repeat complainants by providing a single point of contact.</p> | Use our Oversight newsletter to provide a way for forces to share their innovations with each other. |
| Contradictory understanding of what investigative steps might be reasonable and proportionate in otherwise than by investigation handling. | Expand Focus Issue 14 to better explain what investigative steps are reasonable and proportionate. Follow up by publishing a frequently asked question in our Newsletter |
| Confusion around when it is appropriate to take NFA on a previously withdrawn complaint. | Create a case study for Focus containing a complex withdrawn complaint. Create and publish a frequently asked question in our Newsletter. |
| Openness to taking creative steps to resolve historic complaints, even where the event complained about occurred many years ago. | Feed this back via Oversight Liaisons to Heads of Professional Standards Departments at police forces. |
| Difficulty in handling new allegations added to previously finalised complaints. | <p>This is addressed in Focus Issue 14 with four case studies. Highlight this to forces, after changes are made to Focus.</p> <p>Review all Focus case studies featuring repeat complainants to see if they can be improved.</p> |
| Inconsistency in handling complaints alleging perjury. | Create a case study for Focus and an FAQ for Newsletter. |

Relevant review body test

The relevant review body test is an area that we are frequently asked about by policing stakeholders. The 2020/21 stats showed that appropriate authorities were sending more reviews to local policing bodies than we expected. We therefore asked attendees to answer some true/false questions around the relevant review body test to better understand how the test is understood by complaint handlers. Note that not all attendees were in roles that required them to know the relevant review body test, but they participated anyway.

What we found



Q1: The relevant review body test is based on the merit, not the wording of the complaint. (False)

This question prompted a lot of discussion about what is meant by merit and what scoping might be allowed in making the relevant review body determination. The answer is that the complaint should be taken at face value for the purposes of the test.

Q2: The IOPC is the relevant review body for all discrimination cases. (False)

We are frequently asked this question by policing stakeholders. The answer is that discrimination is not one of the grounds of the relevant review body test as it is written in the *Police Reform Act 2002*. While it is true that the IOPC is often the relevant review body for cases alleging discrimination, each case should be considered against the legislative test.

Q3. The IOPC is not always the relevant review body for complaints which have been investigated. (True)

Some attendees were unaware that a complaint could be investigated for reasons other than having met the indication test. For example, where it would affect public confidence or where learning could be identified.

Q4. If a complaint meets the referral criteria, the IOPC is the relevant review body. (True)

Some attendees were new to their roles and some did not have to make relevant review body determinations so were not aware of the legislation.

Q5. You can redetermine the relevant review body if the complaint turns out to be unsubstantiated. (False)

Not many attendees spoke to this point and those that did pointed out that in making the relevant review body determination at the outset, they avoided these sorts of issues as it would not be subject to change.

Q6. If the complaint was referred but the relevant review body was wrongly identified as the local policing body, the local policing body should send the review directly to the IOPC. (True)

Some attendees pushed back on this point. The *Policing and Crime Act 2017* introduced a new role for local policing bodies as review handlers. While identifying relevant review body is ultimately a decision for the appropriate authority, there is a risk for local policing bodies if they

conduct reviews for which they are not the relevant review body. Open lines of communication and good working relationships are the best way to address circumstances where there is a disagreement on who is the relevant review body. The IOPC can also assist in these conversations.

What we will do

We recently published [guidance that lists all of the thresholds and decisions that are considered as a part of complaint handling](#). This guidance contains a useful section on the relevant review body test and can be found on our website at the link above. We will continue to provide guidance as needed.

Impact

We asked attendees to measure how well they understood the use of no further action and the relevant review body test before the workshops and this is what they said:



We asked attendees to measure the impact of the workshop on their understanding of the topics.

72% said their understanding of no further action had improved

75% said their understanding of the relevant review body had improved

We asked attendees to tell us one thing they would do differently as a result of the workshop and had 21 responses. The top three themes are:

NFA

•"Crediting [us] for the work that is done to deal with complaints. Therefore completing outcome letters detailing all of the actions taken rather than NFA."

RRB

•"When thinking of the RRB I will take the complaint on face value rather than merit, which is what we have been advised to do previously. "

Communication

•"Focus on what the complainant actually wants."

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in an alternative format, you can contact us in a number of ways:

Independent Office for Police Conduct (IOPC)
10 South Colonnade Canary Wharf London E14 4PU
Tel: **0300 020 0096**
Email: enquiries@policeconduct.gov.uk
Website: www.policeconduct.gov.uk
Text relay: **18001 020 8104 1220**

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