

# Shifting the blame

A Police Foundation study reveals deep resentment towards the Local Resolution system of dealing with minor complaints. Tina Orr Munro reports.



Complaints come with the policing territory. In 2006/7, a total of 30,293 police officers, which is nearly a quarter of police strength, received a complaint in the space of just one year. While serious complaints against the police may hog the headlines, nearly half of all complaints are dealt with at a local level using the Local Resolution process, according to IPCC statistics.

The Local Resolution process was introduced as part of the 2002 Police Reform Act, replacing the informal resolution system, and is based on the idea that a minor complaint should be dealt with at a local level rather than by officers from another force or the IPCC.

With so many complaints being resolved locally, it is important the Local Resolution process works well. But recent research carried out on behalf of the Police Foundation and

the IPCC suggest that new process remains unpopular with police officers and complainants alike.

As well as surveying all 43 Professional Standards Departments (PSDs) across England and Wales, researchers also interviewed 76 officers from two forces. On average, the officers had received five complaints during their careers.

According to the research, there was agreement across PSDs that the newsystem was simpler and more transparent, and a number of forces supported mandatory Local Resolution for some complaints, removing the complainant's right to opt for a full investigation.

But worryingly, few forces felt that officers understanding or satisfaction with the process had improved. That belief is borne out by the comments of the officers themselves, many of whom said they had little faith in the current system.

One of the biggest issues for officers, according to the research, was that they believed the system is unfair and biased towards the complainant. Some

felt that even though there were no grounds for the complaint they would still be treated as if the complainant was in the right and they were in the wrong.

One of the officers explained: "I don't agree with the process. It's a paper exercise, which doesn't do anything – it's to make members of the public feel better, that's what it is. It's also been recorded in my personal record which I can't see a reason for when it's not substantiated."

Others were worried that the complaint would affect their professional reputation or job. One officer revealed: "I had no worries about what I had done; however I was concerned about whether I was going to be made a scapegoat."

As far as many of those interviewed were concerned the system places the blame squarely on their shoulders. "My point of view is disregarded against the complainant who is assumed to be in the right. You have no recourse against the outcome. You get the Local Resolution, but no say in the matter," one officer said.

Another added: "The manner in which complaints are dealt with leaves a sour taste."

Lack of communication and timeliness were also issues for the officers questioned. Almost half said they had not been kept informed properly. Just over a quarter of them

voiced frustration that a minor complaint that did not need a complicated investigation, had taken far too long to resolve. Researchers found that the time taken to resolve a low-level complaint could range from anything from 14 to 99 days, depending on the force.

Half of the officers interviewed hadn't even been told the outcome of the Local Resolution process – a communications failure which researchers felt contributed to the levels of dissatisfaction.

One officer summed it up as follows: “There is not one police officer who likes Local Resolution. It leaves the complainant thinking they have got one over on the officer and the officer has no redress and no say. Just told how it will be resolved.”

Researchers also talked to Divisional Liaison Officers, who are used by some forces to ensure an attempt at Local Resolution is made and that the number of complaints referred for investigation is kept to a minimum. Interviewers found that the use of DLOs had considerable potential in terms of improving the way Local Resolution is carried out. However, there was a good deal of cynicism among DLOs about the system itself.

One told researchers: “Local Resolution currently is a con. It is not independent, the police are frightened to stand up and say, ‘No, that is not a complaint’, which means it is not representing the organisation effectively... There is no common sense in the Local Resolution system and the IPCC believe there is no such thing as a malicious complaint.”

In fact, legislation does allow forces to apply for IPCC dispensation where they believe the complaint is malicious.

Training was also an issue for the DLOs with many saying they had received very little instruction. All said there should be more training, not just for DLOs, but also for officers about what the process entails.

DLOs also complained about the level of bureaucracy that came with the post.

The Police Foundation research identifies a number of action points to improve the implementation and success of the Local Resolution process.

These include the need for PCs to receive training on the Local Resolution process, preferably at briefing sessions organised by forces, to improve their understanding and raise confidence in the process. “Supervisors should also be trained to manage the process,” adds the report. “Support from local management and PSDs is essential for training to be successful.”

Steve Smith, deputy general secretary of the Police Federation of England and Wales, agrees with many of the researchers' findings.

He says it is true that officers continue to be suspicious of the Local Resolution process.

“They feel it is imposed on them regardless of whether it's right. The

main issue seems to be that if the complainant doesn't agree to Local Resolution they can appeal to the IPCC, who can direct that an investigation takes place.

“Also, Local Resolution should not appear on an officers' personal file, however some officers worry that it will and if they're worried they should check and challenge this.”

However, he hopes that the current discontent with the Local Resolution system will be redressed when the Taylor recommendations come into force in November this year.

The Taylor recommendations, which came out of a review of police discipline published in 2005, aim to alter how the organisation currently



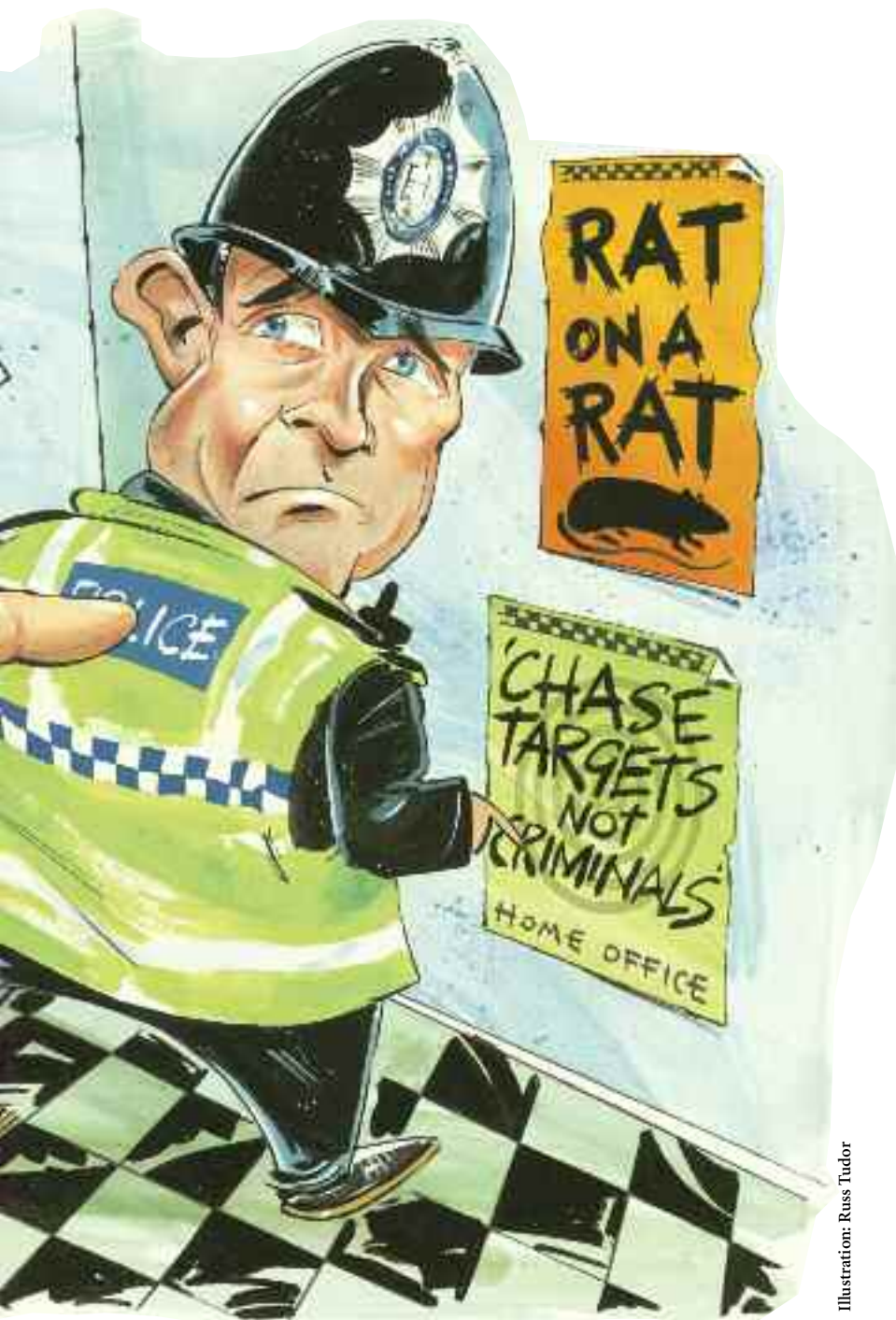


Illustration: Russ Tudor

handles complaints.

Mr Smith says that although Local Resolution is here to stay and the complainant will still be able to appeal to the IPCC, the way it is carried out should improve considerably.

“My hope is that many minor complaints will be resolved either by Local Resolution or by Management Action, as each complaint regarding an officers’ conduct should be assessed by a line manager to determine what action is required.

“This is a delegated power to officers of the chief inspector rank. They will be crucial to the system working as they will determine the seriousness of the conduct within the complaint and decide whether it will be dealt with as

misconduct or gross misconduct.”

Mr Smith says he is aware of one force that has already implemented the principles behind the recommendation.

“They [the force] had a complaint about an officer which was a case of misconduct, ie not so severe that the officer’s job was on the line. The investigation was proportionate to the allegation. The officer was spoken to, acknowledged that their conduct was below the standards required and Management Action was agreed.

The complainant was sent a letter outlining the action taken by both the force and the officers and they actually replied, thanking the force for their action. The matter was dealt with in two days. That was an example of a

proportionate investigation and how a complaint of that nature should be dealt with.

“Under the current system, that complaint could have snowballed from the officer using abusive language to it suddenly becoming threatening behaviour and a possible criminal offence. They then have weeks of uncertainty while they are subject to a full professional standards investigation, and all of a sudden their job is on the line.”

However, Mr Smith says the success of the new regime depends on how it is implemented by forces. “The Line Manager is integral in the new system, and if a complaint lands on their desk and they decide it is misconduct, they need to be supported by the organisation. If the decision of the Line Manager is overruled by a senior officer, it will undermine both the Line Manager and any confidence officers may have in the system.”

“The Taylor recommendations are sound in concept, but it will come down to how they are applied on the ground. I would like to see all officers receive at least a day’s training on this. It’s not just about bringing in a new set of regulations and guidance; it’s a cultural change too. The reforms want to move the service away from looking for someone to blame and deciding how to punish them to resolving the problem, learning from it and improving the officer. When someone complains that no-one turned up to investigate their burglary, they’re not interested in whose fault it is, they simply want the crime investigating.

In addition to the new recommendations, the IPCC has also released a consultation on their ‘stock take’ of the police complaints system.

This should dovetail with the Taylor recommendations. There are five basic shifts at the heart of the ‘stock take’: fix the problem, move from a slow to a fast system, make it more proportionate, reduce the cost and instil a learning culture.

As Mr Smith says: “If we can achieve that, then hopefully officers will feel confident that the system is fair.”