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EXECUTIVE SUMMARY

1 INTRODUCTION

- 1.1 This audit was carried out as part of the 2004/2005 Internal Audit Plan. This is the first comprehensive review of Public Complaints.
- 1.2 The statutory requirement regarding Complaints and misconduct is laid down in the Police Act 1996, Police Reform Act 2002 and other Statutes. The Independent Police Complaints Commission (IPCC) was formed on 1 April 2004 to replace the Police Complaints Authority. The IPCC will independently investigate the most serious complaints classified as “death following contact with police”, and also responsible for managing or supervising other investigations into serious complaints. The vast majority of complaints will continue to be investigated by the Directorate of Professional Standards (DPS) -DCC8 (2).
- 1.3 A complaint can be made in person by a member of the public, via a telephone call, in writing, by e-mail, or through gateway organisations like the Citizens Advice Bureau. Complaints can be made by the person against whom the alleged conduct occurred, by a person acting on his/her behalf, a person who has witnessed the incident or a person who has been adversely affected by the conduct. For the 12 month ended 28 February 2005 a total number of 4896 public complaints were recorded against MPS police officers (11% higher than the previous 12 month period), which included the following:
- Oppressive Behaviour (1914)
 - Failure in duty (1269)
 - Inactivity (972)
 - Discriminatory Behaviour (322)
 - Malpractice (259)
 - Traffic Irregularity (45).
- 1.4 The Director of Professional Standards DCC8 (2) handles these cases and its budget for the year 2004/05 was £10.63m and the actual outturn as at 28 February 2005 being £11.06m.

2. OBJECTIVES

- 2.1 The audit objectives were to review and evaluate the adequacy and effectiveness of systems established by management for the operation and control of public complaints. In particular we sought to ensure that there is an adequate:
- Policy, strategy and structure in respect of complaints complying with the MPS priorities and any statutory provisions and that these are regularly reviewed and properly approved.
 - System in place to ensure that complaints are properly recorded, promptly actioned and resolved in line with the appropriate guidelines.
 - Monitoring framework in place, which delivers accurate, timely and relevant management information to facilitate informed decision-making.

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3. AUDIT OPINION

- 3.1 Our overall opinion is that the control framework is adequate but a number of controls are not operating effectively. In particular we found that:
- 3.2 Adequate control is in place over the MPS Professional Standards Policy and Strategy, which has been developed, properly approved and issued within the MPS. However, there is lack of publicity to make the public aware that they can complain should they feel that they are unfairly treated.
- 3.3 The controls in place to ensure speedy referral and resolution of complaints are ineffective. The completeness and accuracy of complaint records are also inadequate. The file tracking system within the BSU is not effective. There is a need to retain evidence of file review.
- 3.4 The system of control to ensure that the performance meets management expectations is inadequate. There is a need to take steps to enhance current level of performance and ensure that achievements match expectations.
- 3.5 An adequate monitoring framework is in place, however it requires rigorous application to improve the timeliness of the turnaround time for dealing with complaints.

4. SCOPE

- 4.1 We reviewed systems operating at the Borough Support Unit (BSU) under the command of DCC8 (2), which deal with the majority of public complaints and allegations. The review covered monitoring, recording and resolving of complaints.
- 4.2 This review did not cover complaints against Police staff, PCSO or other non-operational units. The system of Complaints against Police Staff is the subject of a separate review.
- 4.3 We selected 120 cases for our review. At the time of writing this report, 7 Complaint files and some information required as part of our review were outstanding from the DPS.

5. KEY RECOMMENDATIONS

- 5.1 We have made recommendations throughout the report aimed at introducing effective controls or improving those already in place. To mitigate those risks that, in our opinion, expose the system to a high risk of loss or where controls need to be improved before system objectives can be achieved, we recommend:
- 5.2 Consider formulating a specific policy and strategy on dealing with public complaints within the MPS and make arrangements to ensure that public

EXECUTIVE SUMMARY

- awareness regarding the police complaints procedure is raised e.g. by publicity campaigns, website and at a local level. **(Paras 6.1 and 6.5 refer)**
- 5.3 There is a clearly laid down system to record details and provide assurance that all relevant evidence and information is complete and gathered efficiently and effectively. **(Para 7.1.2 refers)**
- 5.4 BOCU commanders formally refer all appropriate cases and provide assurance that all complaints are recorded and appropriately reviewed at BOCU level. **(Para 7.1.3 refers)**
- 5.5 The DPS sets up a system to review formally compliance with the policy and standard within each BOCU and report outcomes to senior management. **(Para 7.3 refers)**
- 5.6 Regular management review of complaint documents is carried out. Appropriate information, record of decisions and progress are maintained and kept up to date on the Decision and Progress Log. **(Paras 7.5.2 and 7.5.3 refer)**
- 5.7 The system is enhanced to ensure that complainant's signature is always obtained and witnessed as an evidence of agreement to the local resolution. **(Para 7.6.1 refers)**
- 5.8 In respect of performance monitoring, customer feedback and improvement process, necessary remedial actions are taken to reduce the number of days it takes to resolve complaints and take effective measures to reflect the importance of improving Performance and ensuring that the agreed Expectations are met. **(Paras 8.3.1 to 8.3.3 refer)**

MAIN FINDINGS AND RECOMMENDATIONS

6. POLICY, STRATEGY AND STRUCTURE

- 6.1 There is an overarching Professional Standards Policy under which Standard Operating Procedures (SOP) are in place. The Policy commits the MPS to investigate complaints and allegations of wrongdoing in a fair, timely and appropriate manner in accordance with legislation and guidance. It also acknowledges the commitment to an open and transparent relationship with the IPCC and Crown Prosecution Service (CPS). Complaints are handled in accordance with The Police Reform Act 2002, Police Complaints and Misconduct Regulations 2004, Police Conduct Regulations 2004 and Article 2 of the Human Rights Act 2000. The statutory provisions are applicable to all the police forces, however there is a need for a specific policy for the MPS. **We recommend the MPS senior management considers formulating a specific policy and strategy on dealing with public complaints within the MPS.**
- 6.2 There is adequate control over the MPS Professional Standards Strategy in that it has been jointly agreed between the MPA and MPS, is underpinned by more detailed specific work plans and progress reported quarterly to the Professional Standards Strategic Committee and the MPA. There are specified teams within the DCC8 (2) for dealing with different types of complaints.
- 6.3 There is a Service Level Agreement (SLA) between Internal Investigations Command (IIC) of the DPS and the CPS (agreement signed 30/01/97) and Traffic Operational Command Unit and SO19. The SLA with the BOCUs however, expired on 1 November 2003. A standard “Protocol Agreement between the IPCC & Police Service” dated 30 July 2004 is also in place. The SLAs define the scope and service to be provided by both parties. **We recommend that the DPS takes steps to ensure that the SLAs are updated, agreed and renewed as appropriate.**
- 6.4 In October 2000, the Complaints Investigation Bureau, Area Complaints Units, Accident Claims Branch, Employment Tribunals and Grievance Advice Unit were brought under the DPS to provide an integrated approach. The DPS forms part of the Deputy Commissioner’s Command and is divided into seven commands and units. DCC8 (2)- IIC comprises of both geographical and centrally based units and this facilitates investigation of public complaints and internal misconduct allegations. IIC command structure is divided into four geographical areas covering the Greater London area with centrally based units dealing with support services and special operations. The work by IIC actively supports the MPS Corruption and Dishonesty Prevention Strategy. This set up should facilitate dealing with complaints against police in an efficient and effective manner.
- 6.5 There is lack of publicity to make the public aware that they can complain if they are unfairly treated. Members of the public would have difficulty in finding out how to complain regarding police officers. When they do know where, and how to make the complaint, they are quite often left to wait for a lengthy period. **We recommend the DPS makes arrangements to ensure that public awareness regarding the police complaints procedure is raised e.g. by publicity campaigns, website and at a local level.**

MAIN FINDINGS AND RECOMMENDATIONS

7. PROCESSING, RECORDING AND RESOLVING

7.1 On receipt of a complaint at a BOCU, form N3352 is completed and the Borough Support Unit (BSU) of the DPS is notified in order to update the Unit's computer system. BOCUs are responsible for ensuring minimum standards for the primary investigation of crime (i.e. in respect of every complaint). Complaints are resolved using the Local (previously known as "Informal") Resolution Process at BOCU level and any unresolved complaints are forwarded to DPS. It is the responsibility of the BOCU to take immediate steps to e.g. identify, secure and preserve evidence, gather witness details and statements, secure CCTV and other relevant information that may help the investigation and resolution. The DPS investigation and review needs to cover these aspects. We identified that in 39% of the cases we reviewed, the controls over the completeness of process, records and the review of such aspects and records are not operating effectively and that there was no evidence on the N3352 form to indicate that the BOCU commander or his/her representative have formally authorised referral to the DPS. There is the risk of loss of audit trail and unnecessary delay as complaints, which might have been resolved locally, may be escalated to the DPS. **We recommend the DPS ensures that:**

7.1.1 Complete and accurate complaints records are maintained.

7.1.2 There is a clearly laid down system to record details and provide assurance that all relevant evidence and information is complete and gathered efficiently and effectively.

7.1.3 BOCU commanders formally refer all appropriate cases and provide assurance to the DPS that all complaints are recorded and appropriately reviewed at BOCU level.

7.2 There is a cut off point of 21 days within which the BOCUs should forward all available information formally on a complaint to the BSU. If a BOCU is hoping or nearing a Local Resolution this cut off date can be extended to a maximum of 49 days. In 22% of the files we reviewed, the files were not referred to the BSU within 21 days. 11% of the cases were not referred to the BSU within the maximum limit of 49 days. These delays contribute to the MPS not meeting the target of resolving a dispute within the 120 days. There is also a lack of co-ordination and monitoring regarding referral of complaint files from BOCU to BSU. Of the files examined, 38% of files referred to the BSU were not signed and dated by the BOCU commander or their representative. **We recommend that the:**

7.2.1 DPS takes steps to ensure that the BOCUs refer the all-available information to the BSU within the laid down guidelines and timescale.

7.2.2 DPS considers amending the Service Level Agreement with BOCU commanders in that the complaints "Champion" within BOCUs is at Inspector or higher level to further enhance the outcome of timeliness on complaints.

7.2.3 Liaison between BOCU staff and the BSU staff is further strengthened by closer co-ordination.

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- 7.3 The DPS needs to consider its strategy to take part in the process from the time when a complaint is made rather than wait until the expiry of the deadline for the Local Resolution and the case is referred to the DPS. This would provide the DPS an opportunity to ensure that the BOCUs are following the laid down procedures (including compliance with Policy on Minimum Standards for the Primary Investigation of Crime and the Standard Operating Procedures) and that all relevant evidence (e.g. CCTV footage and witnesses) is collected and secured in a timely manner. Non-compliance with these could result in not establishing the facts relating to allegations/complaints, confusion, crime going undetected and guilty officers carrying on acting in an unprofessional manner. **We recommend that the DPS sets up a system to review formally compliance with the policy and standard within each BOCU and report outcomes to senior management.**
- 7.4 The DPS, on receipt of a complaint from a BOCU, is required to appoint an investigation officer to investigate the complaint. The control over the appointment of investigation officers is inadequate in that for 11% of the cases reviewed there is no documentary evidence on file to support the appointments. There is a risk that self-appointed investigation officers may undermine the complaints process. **We recommend the DPS ensures that appropriate investigation officers are formally appointed and evidence of appointments is retained on files.**
- 7.5 There is inadequate control over the complaints processing procedures. In 28% of the sample reviewed, there was no evidence on file to indicate that letters, notifying complainants of the appointment of investigation officers, had been issued. Police officers who had complaints made against them were not notified in 18% of the cases reviewed and there is no evidence of management review on file in 40% of cases we reviewed. The Decision and Progress Log (which includes Risk and Complexity Assessment) had not been completed in 40% of the cases reviewed. There is a risk that complainants and police officers are not kept informed, slow progress of the investigation, inappropriate and inadequate actions may be taken on complaints due to lack of a management review and non-completion of the log. **We recommend that the DPS ensures that:**
- 7.5.1 **Complainants and the police officers complained against are notified in writing once an investigation officer has been appointed and a copy of such notification is kept on file.**
 - 7.5.2 **Regular management review of complaint documents is carried out.**
 - 7.5.3 **Appropriate information, record of decisions, progress, lessons learnt and action taken are maintained and kept up to date on the Decision and Progress Log.**
- 7.6 The controls over the resolved cases are not operating effectively in that 14% of the cases reviewed where complainants are shown to have agreed to the Local Resolution, complainants' signatures to the agreement were not obtained. We also found that 16% of our sample notices of the local resolution are not served on police officers. There is the risk that inaccurate information might be provided to management and inappropriate decisions taken. **We recommend that DPS ensures that:**
- 7.6.1 **Complainant signature is always obtained and witnessed as an evidence of agreement to the local resolution.**

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7.6.2 Police officer is served with the relevant notice once the complaint is informally resolved.

- 7.7 For the 12 month period ended 28 February 2005, 36% of the complaints were resolved by way of Local Resolution. There has been a steady rise over the years in the number of allegations being informally resolved. However, the system of control around the Informal Resolution could be further enhanced if the DPS proactively seek information and encourage the BOCU commanders to use the process as a matter of priority/urgency. It is also important that where mistakes are made the laid down system adequately covers for e.g. learning lessons and sending the right and effective message to the officer/s concerned. This could help remedying the position and reduce the number of complaints in future.
- 7.8 We noted that 601 cases (13% of all the concluded complaints cases for the 12 month period ended 28 February 2005) are shown as finalised without showing the method of clearance. There is a risk that in the absence of accurate records, it may not be possible to provide reliable and robust information. This suggests that the DPS needs to improve the control of flow of management information and to ensure that the finalised cases are actually cleared and shown under the correct categories. **We recommend the DPS ensures that the management information is kept complete and all cleared cases show the method of clearance.**
- 7.9 We experienced delays in tracing the files we selected for our review. We identified that filing of documents within individual files is not indexed and tracking of files at BSU not effective. **We recommend that the DPS review these areas and improve the system to ensure accessibility and security of papers and ease of reviewing the files.**

8 MONITORING AND PERFORMANCE MANAGEMENT FRAMEWORK

- 8.1 An adequate monitoring framework is in place to provide relevant information to management in that quarterly reports are submitted to the MPA Professional Standards and Complaints Committee, in performance against an agreed set of targets. This provides opportunity for the MPA to monitor the performance and the trends. The DPS supports the MPS Values under the following 5 strands:
- Leadership, Supervision and Standards Adherence
 - Security, Management of information and intelligence
 - Diversity
 - Organisational and Individual learning
 - Threat of detection, prevention and management of risk, which have been put in place.
- 8.2 A working group is responsible for each of the strands and has its own work plan and timescale and submits quarterly reports to the MPS Professional Standards Strategy Group for strategic direction. The Borough Support Management Information (BSMI) is produced monthly to provide DPS with information, which forms the basis of performance discussions with BOCU commanders at their quarterly meetings. However we have identified a lack of formal review to monitor

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and report on the compliance with laid down procedures and standards at BOCUs as well as within the DPS. **We recommend that the DPS sets up a system of periodical review to ensure compliance with the laid down procedures.**

- 8.3 The monthly DPS IIC Performance bulletins highlight the performance of live police complaints and internal investigation and complaints that took more than 120 days to complete investigation. We reviewed the information on the Performance Management Framework – Unit Performance against Expectations. The current system highlights 19 expectations against which the performance of the DPS satellite offices is measured. Out of the 19 expectations, all the units met only 4. DPS needs to take effective steps to enhance current level of performance and ensure that achievements match expectations. **In respect of performance monitoring, feedback and improvement process, we recommend the senior management:**
- 8.3.1 **Explores the feasibility of introducing a system to monitor results and take necessary remedial actions to reduce the number of days it takes to resolve complaints.**
 - 8.3.2 **Develops a monitoring system to identify whether the current complaints service meets the needs of a diverse community.**
 - 8.3.3 **Takes effective measures to reflect the importance of improving Performance and ensure that the agreed Expectations are met.**
- 8.4 Information is also provided weekly on the workload of investigation officers. This information is prepared twice a week, and Investigation Officer Throughput Analysis (IOTA) is also produced twice monthly at three levels, the MPS, BSU and Investigating Officer respectively. These reports provide a sound framework for performance management at IO, BSU, DPS and the MPS management level.
- 8.5 Currently there is no costing data available in respect of dealing and handling public complaints individually or overall across the MPS. **We recommend the DPS considers introducing a system to identify and recording cost of dealing and handling each complaint.**

ACTION PLAN

CATEGORY OF RISK

Our recommendations in the Action Plan attached are categorised as follows:

High

Recommendations which arise from major weaknesses in controls that expose the business to high risk of loss or exposure in terms of fraud, impropriety, poor value for money or failure to achieve the MPS objectives. Remedial action should be taken urgently.

Medium

Recommendations, which, although not fundamental, relate to shortcomings in control which expose the individual systems to a high risk of exposure or loss.

Low

Recommendations which, although not critical to the system, address areas where management would benefit from improved control.

FOLLOW UP

We have categorised this system as Medium risk and we will be reviewing progress towards the implementation of recommendations 12 months after the issue of the final report.

ACTION PLAN

Ref.	Recommendation	Risk	Agreed	Management Response	Responsibility	Target Date
6.1	The MPS senior management considers formulating a specific policy and strategy to deal with public complaints within the MPS.	Medium	Yes	Not entirely sure what this recommendation requires. However the DPS now have a Manual of Guidance (MIG), which I believe, satisfies this recommendation.	DSU Wolfenden	Complete
6.3	Take steps to ensure that the SLAs are updated, agreed and renewed as appropriate.	Medium	Yes	SLA's already exist with internal and external stakeholders such as CO19 Traffic, IPCC and CPS. ➤ These will be reviewed and updated accordingly.	DCS Bussey	1 st January 2006
6.5	Make arrangements to raise public awareness regarding the police complaints procedure e.g. by publicity campaigns, website and at a local level.	Medium	No	The present system is satisfactory and is evidenced by the fact we have seen an 18% rise in public complaints this year. In addition the DPS has a Reserve Desk to respond to customer needs and record complaints direct if appropriate. Details on the MPS internet site.	N/A	N/A
7.1	Ensure that: 1. Complete and accurate complaints records are maintained. 2. There is a clearly laid down system to record details and provide assurance that all relevant evidence and information is complete and gathered efficiently and effectively. 3. BOCU commanders formally refer all appropriate cases and provide assurance to the DPS that all complaints are recorded and appropriately reviewed at a local level.	Medium High High	Yes Yes Yes	Already in place. Already in place. Monitoring system in place and feedback to BCU's via SPOC relationship.	DSU Donnelly DSU Donnelly	Complete Complete Complete

ACTION PLAN

Ref.	Recommendation	Risk	Agreed	Management Response	Responsibility	Target Date
7.2	<ol style="list-style-type: none"> 1. Take steps to ensure that the BOCUs refer the all-available information to the BSU within specified timescale; 2. Consider amending the Service Level Agreement with BOCU commanders so that the complaints “Champion” within BOCUs is an Inspector grade or above. 3. Enhance liaison between BOCU and the BSU staff by closure co-ordination. 	Medium	Yes	Already in place.	DSU Jackson	Complete
		Low	Yes	This will form part of the discussion relating to the DPS Review as the issue relates to recs. from Morris and Taylor.	DCS Bussey	1 st January 2006
		Medium	Yes	The SPOC relationship works well but improvements can always be made. (level 1 inspection to take place)	DSU Jackson	1 st January 2006
7.3	Set up a system to review formally compliance with the policy and standard within each BOCU and report outcomes to senior management.	Medium	Yes	This already takes place. DPS is aware of complaints held on BCU's for local resolution. Monitoring takes place and if deemed inappropriate for LR then a proportionate investigation is commenced.		Complete.
7.4	Ensure that appropriate investigation officers are formally appointed and evidence of appointments is retained on files.	Medium	Yes	Already in place.	DSU Jackson	Complete
7.5	Ensure that: <ol style="list-style-type: none"> 1. Complainants and the police officers complained against are notified in writing once an investigation officer has been appointed and a copy of such notification is kept on file. 2. Regular management review of complaint documents is carried out. 3. Appropriate information, record of decisions, progress, lessons learnt and action taken are 	Medium	Yes	Already in place.	DSU Jackson	Complete
		Medium	Yes	Already in place.	DSU Jackson	Complete
		Medium	Yes	Already in place.	DSU Donnelly	Complete

ACTION PLAN

Ref.	Recommendation	Risk	Agreed	Management Response	Responsibility	Target Date
	maintained and kept up to date on the Decision and Progress Log.					
7.6	Ensure that: 1. Complainant signature is obtained and witnessed as evidence of agreement to the local resolution. 2. Police officer is served with the relevant notice once the complaint is informally resolved.	Medium Medium	No Yes	Not always practicable. Already in place by virtue of Form 163D.	DSU Donnelly	Complete
7.8	Ensures that the management information is kept complete and all cleared cases show the method of clearance.	Medium	Yes	The closure is shown on the Complaints & discipline System (CDS) however x referencing to the paper files will be progressed.	DSU Donnelly	1 st January 2006
7.9	Review and improve the system for filling records and information and ensure accessibility, security of papers and ease of reviewing the files.	Medium	Yes	This recommendation refers to complete investigations only.	DSU Jackson	1 st January 2006
8.2	Set up a system of periodical review to ensure compliance with the laid down procedures.	Medium	Yes	Already in place. Manual of Guidance.	DSU Wolfenden	Complete

ACTION PLAN

Ref.	Recommendation	Risk	Agreed	Management Response	Responsibility	Target Date
8.3	In respect of performance monitoring, feedback and improvement process: 1. Explore the feasibility of introducing a system to monitor results and take necessary remedial actions to reduce the number of days it takes to resolve complaints. 2. Develop a monitoring system to identify whether the current complaints service meets the needs of a diverse community. 3. Take effective measures to reflect the importance of improving Performance and ensure that the agreed Expectations are met.	Medium	Yes	Already in place.	DCS Bussey	Complete
		Medium	No	Monitoring already occurs as required by the RRA(A). In addition the research findings from the Cambridge research will assist.	N/A	N/A
		Medium	Yes	Already in place and IIC are performing to a high standard.	DCS Bussey	On going
8.5	Consider introducing a system to identify and recording cost of dealing and handling each complaint.	Medium	No	Bureaucratic, time consuming and unnecessary. Complaint investigation costs conducted on behalf of other forces are recorded. Work has already been completed nationally to ascertain the costs of local resolutions, full investigations.	N/A	N/A

22/08/05