**DYFED POWYS POLICE AND CRIME COMMISSIONER AND DYFED POWYS POLICE**

**Joint Protocol**

**Review of Closed Complaint Cases**

**(Dip Sampling)**

**Introduction**

In accordance with the provisions of the Police Reform and Social Responsibility Act 2011, the Police and Crime Commissioner for Dyfed Powys (“the Commissioner”) has a statutory duty to maintain an efficient and effective police force. He must also monitor the force’s performance in respect of how they handle complaints regarding conduct and direction and control matters.

This includes a duty to:

* keep himself informed about the handling of complaints considered by Dyfed Powys Police
* scrutinise the performance of the force in relation to the handling of complaints and dissatisfaction
* direct, where necessary, Chief Officers as to the handling of such complaints.

The Commissioner is expected to comply with his duties by ‘dip-sampling’ closed Dyfed Powys Police complaints cases.  
  
This protocol relates only to the dip sampling of closed complaints cases and does not cover either the duty to oversee ongoing complaints or the new wider power of direction of the handling of complaints against the police as prescribed by the Local Policing Protocol Order 2011.  
  
The purpose of this document is not to interfere with the appeal process under the Police Reform Act 2002. Any decisions made by the Relevant Appeal Body can only be overturned by the courts through the Judicial Review Process.

**Purpose**

The purpose of dip sampling is to aid the scrutiny of the Force’s complaints management process. The volume of police complaint cases that are handled by the Professional Standards Department of Dyfed Powys Police dictates that it would be impractical for the Commissioner to oversee every complaint case. Dip sampling of such cases provides an opportunity for the Commissioner to check cases randomly and fulfil his oversight and monitoring responsibility under the legislation. The purpose of dip sampling is not to review the final decision reached in individual cases, but rather to undertake a general review of compliance with procedure, complaint handling techniques and natural justice to ensure public confidence in the police complaints system. Dip sampling should further be used as a tool to identify learning outcomes and trends for discussion and action with Dyfed Powys Police.

**Procedure**

1. **Number of Cases to be Reviewed**

10% of the total number of closed complaints cases and dissatisfaction cases handled by the Professional Standards Department as a whole or in relation to a certain area of complaint will be assessed according to the volume of complaints in the category specified.

1. **Frequency of Reviews**
   1. The criterion or criteria for the selection of cases will be chosen by the Commissioner on a quarterly basis in accordance with paragraph 4 below. The results of the dip sampling exercise will be presented and discussed at subsequent meetings with the Independent Office for Police Conduct (IOPC) and Dyfed Powys Police.
   2. The criteria for selection of the cases will also be chosen as and when by the Commissioner if an area of concern is raised and the Commissioner feels that dip sampling of a certain area is required to counteract a developing issue.
2. **Access to Cases**
   1. The Commissioner will have free access to all material required.
   2. Dyfed Powys Police will not review a case before providing it to the Commissioner. The case should be provided in the exact form that it was in when closed. To limit opportunity for any review, Dyfed Powys Police will be required to provide all selected cases within 5 working days of the date of the request from the Commissioner.
3. **Selection of Cases and Type of Cases to be Reviewed**
   1. The Commissioner will have complete freedom to choose the cases to review from the totality of completed complaint cases.
   2. The Commissioner will request complaint cases which have been completed throughout the previous 6 months but not less than 3 months before the dip sampling review unless a particular area of concern has been raised, in which case the complaints cases may have been finalised in the 3 months prior to the review date.
   3. When completing a review, the Commissioner will have regard to:
   4. The methods of finalisation (e.g. locally resolved, upheld, not upheld, discontinued/dis-applied, direction and control and withdrawn, not recorded, service recovery);
   5. The categories of complaints (e.g. as outlined in the IOPC Guidance on the recording of complaints under the Police Reform Act 2002 – Table One Allegation categories for police misconduct);
   6. Established trends or current areas of concern;
   7. The risks associated with particular complaint categories (e.g. cases managed/investigated by the IOPC would not necessarily merit review by the Commissioner).
   8. Geographic considerations (e.g. where a disproportionate number of complaints are received against officers/staff within particular Basic Command Units of Dyfed Powys Police).
   9. Statistics presented by the IOPC at the bi-annual meetings focus specifically on Dyfed Powys Polices’ performance in respect of dealing with complaints and the comparison of performance nationally. Such statistics can be used to identify trends, areas of concern or highlight particular areas worthy of dip sampling for that particular quarter.
   10. Subsequent to discussion at the bi-annual meetings, the Commissioner will be responsible for selecting an appropriate theme or complaint area to dip sample and notify the Independent Office for Police Conduct (IOPC).
   11. The Commissioner will then request all complaint reference numbers relating to closed cases according to the criterion or criteria specified by the Commissioner during a specific time period, and from that data, a selection will be made of a random sample of case reference numbers.
   12. Once the case reference numbers have been decided, the Commissioner will formally request by email the corresponding electronic cases for review from the Senior Manager of the Professional Standards Department.
4. **Checks to be Performed on the Cases**
   1. When reviewing the cases, the Commissioner will consider:
   2. Whether the complaint was dealt with by the appropriate authority under the appropriate legislation;
   3. Whether the agreed policy/process was followed and correctly documented;
   4. The degree of responsiveness of the Force to the complainant and the officer(s) involved:
      1. Whether the case commenced and concluded in a reasonable time under the circumstances and in proportion to the severity of the complaint, including whether the time and other resources devoted to the case were proportionate;
      2. Whether the Force communicated clearly, regularly and accurately with the complainant and the officer gave them regular status reports and advised them of the outcomes of the investigation in the agreed timeframes in-line with the legislative framework;
      3. Whether the Force accounted for any unique needs/circumstances of the complainant or the officer(s);
   5. Review whether procedure and complaint handling techniques have been complied with and supported by evidence;
   6. Whether any trends can be identified in relation to the cases which could lead to action;
   7. Whether any changes need to be made to improve the Forces’ performance in complaints management or broader areas of its operations.
5. **Role of Individuals responsible for Conducting the Review**
   1. The review of the cases will be undertaken by the Quality of Service Caseworker, on behalf of the Commissioner, along with any other persons authorised by the Commissioner to do so.
   2. As one of the functions of the dip-sampling process is to ensure public confidence in the complaints management process, where a member of staff responsible for undertaking the process either:

* Has a relationship with the people or events involved in the complaint; or
* Believes that a perception may arise that they have such a relationship

That member of staff must excuse themselves from scrutinising that particular case.

* 1. Such circumstances may arise where it becomes apparent that a selected complaint case highlights a complaint made against the Chief Constable of Dyfed Powys Police and/or the Commissioner and another officer. Where the complaint against the Chief Constable was considered by the same member of staff undertaking the dip-sampling review and was not upheld/subject of disapplication or where the complaint against the Commissioner was considered and not upheld, that member of staff must excuse themselves from scrutinising that particular case.
  2. Conversely, it will be appropriate for the designated member of staff to excuse themselves from scrutinising a complaints case where that member of staff has previously been subject of a complaint by the complainant.
  3. In the event that a member of staff is precluded from undertaking dip-sampling of a particular case the Chief of Staffwill undertake a review of the case in question, and a formal declaration of the member of staff’s interest/perceived interest will be recorded against the case.
  4. The cases selected for review will be made available at the offices of the Professional Standards Department.
  5. Training will be sought for staff of the Police and Crime Commissioner’s team who will have responsibility for conducting the review.
  6. Where further information is required, this will be formally requested by email which will be directed for the attention of the Senior Manager of the Professional Standards Department. A log of information requests will be kept so as to ensure that responses are received to all questions.
  7. The case reviewer should not contact the Investigating Officer directly and the Professional Standards Department will not be involved in the review of the case, other than to provide further information where necessary.
  8. Where additional information is requested, the Commissioner may wish to delay judgment on a particular case until the required information has been provided.

1. **Arrangements for Recording the Review**
   1. A record of each dip-sampling review will be held by the Police and Crime Commissioner and the record will only be finalised by a member of staff of the Police and Crime Commissioner once the process is complete and there is no outstanding information.
2. **Procedures for Considering the Results of the Review**
   1. A quarterly report on the results of the dip sampling session will be prepared and presented to the Commissioner for his approval. The report will then be forwarded for the attention of the Independent Office for Police Conduct (IOPC) and Dyfed Powys Police. The report will remain as an agenda item for discussion at each meeting.
   2. A report will also be prepared and presented to the Commissioner for his approval as and when he requires a random dip sample review to be undertaken in response to an apparent trend in a particular area.
   3. The report must be prepared within 14 days of the completion of the dip sampling process.
   4. The report will:
3. Provide a record of the dip sampling completed during the relevant period;
4. Identify any areas of best practice highlighted by the reviews carried out;
5. Identify any concerns; and
6. Identify opportunities for learning or improvement.
   1. The Professional Standards Department will have an opportunity to consider the report and respond with their considerations/feedback within 7 working days of receipt of the report.
   2. Where the report identifies concerns or opportunities for learning or improvement, the Professional Standards Department will be required to report on progress in addressing the same at forthcoming meetings with the Independent Office for Police Conduct (IOPC) and the Commissioner.