

Mr Ian Belchamber

Our Ref: CREV\_6732\_BELCHAMBER

Date: 1<sup>st</sup> October 2020

Dear Mr Belchamber

**RE: Police Complaint Review Request – PSD/CO/677/20**

I write in connection with your request for a review of the outcome of your complaint against Devon and Cornwall police, reference PSD/CO/677/20

In completing the review I have considered carefully all of the information you have provided to me and the information held by the Professional Standards Department (PSD).

My role as the Complaints Review Officer is to take an objective, balanced, and considered look at whether the complaint outcome is reasonable and proportionate.

Reasonable and proportionate means doing what is appropriate in the circumstances, taking into account the facts of the matter and the context in which it has been raised. It also involves considering the seriousness of the matter, and the potential for learning.

Although a review is not a re-investigation of the complaint, I consider your representations, ensuring I give them due consideration, provide a clear explanation of the outcome of the review, and provide reasons for the decisions I make.

This review is only able to consider whether the outcome of the handling of the complaint raised by you on 16<sup>th</sup> June 2020 via a letter addressed to the Chief Constable of Devon and Cornwall Police, is reasonable and proportionate.

This was the complaint given the reference number PSD/CO/677/20.

When deciding whether the outcome is reasonable and proportionate the review focus should be on whether it is appropriate to the circumstances of the individual complaint, rather than the process followed to reach that outcome.

In order to complete the review of your complaint, reference PSD/CO/677/20 I will view the documentation from your previous complaint reference PSD/CO/894/19 and the subsequent two appeals that arose from that complaint. However, this is solely to enable me to establish if the details of the outcome decision for PSD/CO/677/20 are accurate; I am unable to re-investigate, re-examine or make comment on any of the

decisions and actions within any of these previous processes. Any previous complaint or appeal are entirely outside of the scope of the review.

### **Brief circumstances**

You wrote to the Chief Constable of Devon and Cornwall Police on 16<sup>th</sup> June 2020 and it was as a result of this letter that your complaint with reference number PSD/CO/677/20 was recorded by the Professional Standards Department (PSD).

From that letter the following allegations were extracted and officially recorded as a complaint against police inside schedule 3 of the Police Reform Act 2002

1. That an officer has misrepresented the results of the road safety policing in Dorset
2. That an officer provided feeble, irrelevant, incorrect evasive nonsense to dodge a complaint
3. That professional standards for Devon and Cornwall Police decided to deal with the complaint by "Local Resolution" in a point-blank breach of the "Suitability Test"

A final outcome letter was sent to you, from PSD, in response to these allegations on 10<sup>th</sup> July 2020.

You wish to appeal against the outcome of the complaint, and specifically you feel that although you have followed the complete complaints process, explaining with complete clarity how your complaint has been mishandled at every step, not one of the points you have made has been properly considered or answered.

In response to the question on the Review Request Form as to what you would like to happen you detailed the following six numbered points:

1. There must be a clear and simple statement: were the figures in the article correct or incorrect?
2. If they were correct, please explain the discrepancy (for each year 2010 to 2018) with DfT stats19 confirmed data (as detailed in my original complaint). Just to make it clear, all the figures are death and serious injury counts, NOT collisions.
3. If they were incorrect, please properly detail each year's figure that was wrong, explain how the "mistakes" were made, and who was responsible.
4. Explain the actual procedures put in place to ensure statements are accurate in the future.
5. Properly consider and answer ALL the points in the original complaint, not ignore everything after the first.
6. Most importantly, take down the incorrect statements, publish a proper (non-conditional) apology and correction to the public and demonstrate that every attempt has been made to provide the truth to those who may have been deceived.

### **Brief explanation of police complaint handling**

A police complaint handler has the option to take steps to handle a complaint in two ways.

They can handle the complaint by taking steps to resolve it that may include an investigation of the matter or making other enquiries in order to get to the bottom of what has happened and identify actions that are needed to put matters right. This approach involves the 'recording' of the complaint, and when a complaint is investigated, the steps that need to be taken are set out in legislation. Complaints handled in this way are potentially serious or complex in their nature and are said to be handled 'within Schedule 3 of the Police Reform Act'.

The second option is to seek to resolve a complaint promptly and to the satisfaction of the complainant where there is no need for an investigation or other significant enquiries needed to achieve that. This option for handling is generally suitable for complaints that can be resolved by:

- Providing information and an explanation
- Providing an update on outstanding matters
- Answering questions
- Organising the return of property
- Offering an apology for poor service
- Confirming steps have been taken to prevent an error occurring again
- Signposting to appropriate processes for example the Victims Right to Review
- Logging concerns for consideration when a policy or procedure is next due for review.

The option taken by a complaint handler to handle a complaint can be informed by the nature, seriousness or complexity of the complaint, or by the wishes of the complainant.

### **The option taken to resolve your complaint**

The complaint handler within the Professional Standards Department of Devon and Cornwall Police decided to handle your complaint by officially recording it as a 'complaint against police' within Schedule 3 of the Police Reform Act 2002.

Three allegations were recorded, and these were:

1. That an officer has misrepresented the results of the road safety policing in Dorset
2. That an officer provided feeble, irrelevant, incorrect evasive nonsense to dodge a complaint
3. That professional standards for Devon and Cornwall Police decided to deal with the complaint by "Local Resolution" in a point-blank breach of the "Suitability Test"

The complaint handler assessed these three allegations and determined the following:

*Allegation 1 has been previously made and recorded under PSD/CO/894/19 on 13<sup>th</sup> September 2019. You exercised your right to an appeal at the outcome of the process. There is no new evidence provided regarding this allegation and I believe this allegation is repetitious.*

*With regards to Allegations 2 and 3 – these refer to the investigation into your complaint referenced PSD/CO/894/19 and the process used to resolve your complaint. At no time did you inform PSD that you disagreed with the Local Resolution Process. This is a process which is considered throughout the course of the complaint investigation. At the end of the Local Resolution Process you submitted an appeal. As part of the appeal process it reviews the method in which your complaint was dealt with as well as the outcome of the complaint. This appeal was upheld as it was established the outcome of your complaint had not established if an error had been made within the figures provided, and the Appeals officer believed it was appropriate for further enquiries be completed under the Local Resolution process. Therefore confirming that the Local Resolution was the most appropriate method to resolve your complaint. It was established that there were some errors made and you were provided an apology and that the errors would be looked into and rectified accordingly. You submitted a further appeal regarding the findings of the Local Resolution and this appeal was not upheld.*

*Therefore, these issues have been previously addressed within the appeals process and I believe these allegations are repetitious.*

This outcome was conveyed to you in a letter dated 10<sup>th</sup> July 2020 together with information informing you that you have a right to request a review of the decision to the Office of the Police and Crime Commissioner and details of how to go about requesting such a review.

This complaint outcome letter provided you with an explanation that the complaint handler within PSD considered appropriate to address your concerns.

## **Review findings**

When I review a police complaint outcome I do this by following the guidance provided by the Independent Office for Police Conduct (IOPC). This requires me to carry out a quality check of what has happened, and to consider whether the complaint outcome is reasonable and proportionate.

The types of things a review process will consider include:

- Whether any findings, determinations or the outcome to the complaint were reasonable and proportionate to the circumstances of the complaint.
- Whether any actions proposed were reasonable and proportionate
- Whether the process and method used to handle your complaint was reasonable and proportionate
- Whether you were provided with sufficient information during the process, and about the outcome of your complaint.

I have examined the overall circumstances surrounding the matter including all relevant documentation.

In your written complaint to police, you alleged that:

1. An officer has misrepresented the results of the road safety policing in Dorset (namely Chief Inspector Leisk)

2. An officer provided feeble, irrelevant, incorrect evasive nonsense to dodge a complaint (namely Inspector Thomas)
3. That professional standards for Devon and Cornwall Police decided to deal with the complaint by “Local Resolution” in a point-blank breach of the “Suitability Test”

The complaint handler recorded this complaint officially inside schedule 3 of the Police Reform Act 2002 and then undertook an assessment of the three allegations. In the course of this assessment documentation from your previous complaint PSD/CO/894/19 was reviewed as were the two appeals that arose out of that complaint.

From reviewing this documentation it was determined that all three of the allegations had been addressed previously either by the local resolution process undertaken within PSD/CO/894/19 or within the appeals processes that arose from that complaint. As such it was determined that all of the allegations were repetitious and it was not reasonable or proportionate, in the absence of any new evidence, to take any further action.

In order to establish whether the explanation provided within the letter of 10<sup>th</sup> July 2020 was correct, whether the explanation provided to you was accurate and whether the outcome was reasonable and proportionate I have scrutinised the documentation in respect of complaint PSD/CO/894/19 and both of the appeals in regard to that complaint. In particular the following key items:

- The original complaint – 13.9.2019
- The outcome letter – 15.10.2019
- The first appeal request – 18.10.2019
- The first appeal decision – 21.10.2019
- Response to appeal decision from complainant – 21.10.2019
- The subsequent further local resolution response – 23.01.2020
- The 2<sup>nd</sup> appeal request – 26.01.2020
- The 2<sup>nd</sup> appeal decision – 03.03.2020

Having scrutinised all of these documents in detail I have established that it is correct that allegation 1 ( An officer has misrepresented the results of the road safety policing in Dorset (namely Chief Inspector Leisk) was considered as part of the local resolution process of complaint PSD/CO/894/19 and as part of the appeal into the outcome decision and therefore this allegation made as part of complaint PSD/CO/677/20 is repetitious.

In respect of allegation 2 ( An officer provided feeble, irrelevant, incorrect evasive nonsense to dodge a complaint (namely Inspector Thomas) this was addressed in both of the appeals. In the first appeal it was upheld, and a further, more detailed response was subsequently provided by Inspector Thomas. The second appeal did not uphold your dissatisfaction at the further response. This allegation is also repetitious.

In respect of allegation 3 ( That professional standards for Devon and Cornwall Police decided to deal with the complaint by “Local Resolution” in a point-blank breach of the “Suitability Test”) this was addressed specifically within the first appeal into your dissatisfaction with the outcome of PSD/CO/894/19 and the outcome of the appeal was that, in the view of the officer who undertook the appeal, “the prerequisite to



dealing with the complaint by way of local resolution has been satisfied". As with the previous two allegations this is also repetitious.

My review has also found that there is an error in the outcome decision letter of 10<sup>th</sup> July 2020 in respect of PSD/CO/677/20.

The letter stated: "*At no time did you inform PSD that you disagreed with the Local Resolution Process*".

This is not correct. There is clear evidence within communications from you to PSD on both 18<sup>th</sup> and 21<sup>st</sup> October 2019 that you are raising your disagreement with the local resolution process.

On 18<sup>th</sup> October 2019 you wrote:

*To conclude:*

- 1. This complaint was not suitable for local resolution.*
- 2. The local resolution that was carried out failed to face any of points of the complaint or provide any of the intended outcomes, **even to the point that it will allow serious misrepresentation to remain.***

*I therefore whole-heartedly object to this complaint being dealt with by the "local resolution" process and am deeply disappointed by how this complaint is progressing so far.*

And on 21<sup>st</sup> October you wrote:

*Dear Miss Dabb / M. Bourne / Professional Standards,*

*Thanks for the quick reply. Clearly if the misrepresentation was deliberate, as is my allegation and as I believe I have demonstrated, it is something that should result in disciplinary proceedings at least, so I still do not feel that LR is the right way to go if it "may only be used where the allegations, even if proved, would not result in criminal or disciplinary action ...".*

However, although the part of the complaint outcome letter that refers to this is incorrect, this error did not affect the outcome of the complaint. In all other respects the outcome is reasonable and proportionate as all three allegations have been addressed previously & the complaint raised on 16<sup>th</sup> June 2020 is one that is repetitious.

### **Review outcome**

My assessment of the handling of your complaint is that the actions taken by the complaint handler to verify whether or not

1. An officer has misrepresented the results of the road safety policing in Dorset (namely Chief Inspector Leisk)
2. An officer provided feeble, irrelevant, incorrect evasive nonsense to dodge a complaint (namely Inspector Thomas)
3. That professional standards for Devon and Cornwall Police decided to deal with the complaint by "Local Resolution" in a point-blank breach of the "Suitability Test"

were reasonable and proportionate in the circumstances. The complaint was appropriately recorded inside schedule 3 of the Police Reform Act 2002 and a formal written letter informing you of the complaint outcome was sent on 10<sup>th</sup> July 2020.

My assessment of the process and method used to handle your complaint is that it was reasonable and proportionate. Once your complaint had been received by PSD there was an assessment of the allegations being made and appropriate enquiries were undertaken by the complaint handler in order to determine whether these three allegations had been raised previously and addressed through the complaint referenced PSD/CO/894/19 and the two appeals undertaken as a result of your dissatisfaction of that complaint outcome. Once this had been determined it was reasonable and proportionate for the outcome of this new complaint to be that no further action would be taken due to the repetitious nature of the allegations.

My assessment of whether you were provided with sufficient information about the outcome of your complaint, is that the outcome decision letter does provide you with sufficient information and appropriate explanation as to the reason for the outcome.

However, there was an incorrect statement in this letter in respect of whether you had previously registered your disagreement with the local resolution process. There was clear evidence within the previous complaint and appeal documentation to prove that you had registered this disagreement and it should have been considered by the complaint handler.

In view of this the letter informing you of the outcome of your complaint was not reasonable and proportionate.

I am required to base my decision whether or not to uphold your complaint review on whether the outcome was reasonable and proportionate. Additionally, to uphold your complaint review, the outcome would necessarily need to have been different had the complaint handler not included incorrect information within the outcome letter.

The incorrect information did not affect the outcome of the complaint and it is the only inaccuracy within the complaint outcome letter. As such I do not consider the outcome would have been different to the one that has been determined and in accordance with the IOPC statutory guidance it does not necessitate that the review be upheld as in all other respects the outcome is reasonable and proportionate.

Therefore, in respect of your written complaint, my decision is that the complaint review is not upheld.

Sometimes when considering a review, issues with complaints handling may be identified that have not prevented a reasonable and proportionate outcome. These would not be a reason to uphold the review. However, such issues should be fed back to the appropriate authority as part of the relevant review body's oversight role. As such I will be feeding back to PSD in respect of this error as a matter of learning.

I appreciate that you have made it clear that you do not agree with the outcomes from your complaint reference PSD/CO/894/19 and the subsequent two appeal decisions and that your review request submission highlights the reasons for this continued dissatisfaction. However, the scope and remit of the review process does not extend to any consideration of previous complaint outcomes. I am only able to consider the outcome of your complaint referenced PSD/CO/677/20 and as such I am aware that

this review has been unable to achieve any of the six points that you indicated were your desired outcomes from the review.

In view of this I appreciate that you may not agree with my findings that the outcome of the complaint is upheld.

However, I hope that my explanations have at least helped you to accept, the remaining issues that you have with regards to the service provided to you by the Devon and Cornwall Police.

I am grateful to you for providing me with this opportunity to review your concerns about the way in which the Devon and Cornwall Police have handled your complaint. It has provided the Office of the Police and Crime Commissioner with valuable feedback about how the police are performing, and how they are perceived to be performing, and I will ensure that any learning identified as part of this process is captured and acted on as appropriate.

Once the Office of the Police and Crime Commissioner has carried out a review of a complaint and has decided not to uphold it there is no further right of appeal.

If you remain unhappy at the outcome of the review or the actions of Devon and Cornwall Police then you have the right to seek a judicial review through the high court. You can obtain independent legal advice on how to proceed with this and how to initiate the pre-action protocol which is required before seeking a judicial review.

Information on how to request permission for a judicial review can be found on [www.justice.gov.uk](http://www.justice.gov.uk)

Yours sincerely



Carol Reece  
Complaint Review Officer