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**Managing Professional Standards: An Examination of Staff Experiences of the  
Complaints Management Process in an English Police Force and a City  
Council**

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**Leeds Beckett University**

**August 2024**

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## **Abstract**

This research study focuses on the experiences of staff involved in the complaint management processes within a large, English police force and a large local authority. Sixteen qualitative, semi-structured interviews were conducted with postholders involved in the complaints management process from the bottom to the top of each organisation. This comprised managers, investigators and staff who had been subject to complaints. As most of the complaints management literature is customer focused, this study represents an original and innovative contribution to the limited, existing literature. As well as comprising case study research, this research also drew from an Appreciative Inquiry (AI) research approach to elicit respondents' views of what constituted best practice in complaints management. This, too, addresses a gap in the existing literature which has rarely involved the AI research approach within police and local authority studies and not at all with respect to complaints management. Nineteen separate themes were identified covering both organisations and these included key sociological and management issues: such as, communication; discretion; staff support; independence and accountability; and leadership. The themes led to a core theme encapsulating the importance of communication, timeliness and ethics/values for effective complaints management. Commonalities and contrasts were also drawn between the findings for both organisations. In addition to the findings of this study, this research also points to the potential for further, fruitful research in key areas related to complaints management as well as to the fields of policing and local government.

## **1. Introduction**

1.1 The management of professional standards in the public sector rests in a large part upon the provision of an accessible, impartial, swift, thorough and transparent complaint management process. The effective management of complaints should be of prime importance to any organisation committed to improving service quality (Hobbs 2001). However, despite a body of literature focusing on complaint management, there is a notable absence of focused empirical assessments of the experiences and behaviours of staff who manage complaints (Mirzoev and Kane 2018). This research focuses on the current procedures for dealing with complaints against the police service and local authorities and delves into the experiences of officers and staff directly involved in the processes from the top to the bottom of each organisation. It takes a case study approach and examines the views and experiences of those delivering and managing the process and those who have been subjected to investigation within a large English police force and one of the largest English City Councils.

1.2 The police service and local authorities provide vital services to citizens and local communities. They are at the forefront of responding to complex and challenging social issues whilst being sharply in the eye of public opinion and media attention. They have

both been subject to swingeing budget and staffing cuts, which have affected their ability to meet demands upon their services. Both have been subject to public exposure of failings and shortcomings not least resulting in deaths and involving missed opportunities to recognise alarm signals and to learn from past failures. In addition to their respective, individual responsibilities, they are required to work effectively in partnership on a number of important social challenges, for example: truancy; domestic violence; anti-social behaviour; substance misuse; homelessness; and community safety.

1.3 How they manage their complaints processes will have a direct bearing on confidence and trust in their organisations. On their website, the Metropolitan Police describes a complaint as being when someone has ‘experienced inappropriate behaviour; seen them acting inappropriately; have been negatively affected by their conduct; or believe that they are taking advantage of their role and abusing their power’. They give examples of those behaviours. They also state that a complaint can be made about how a police force is run. Barnsley council on their website describe a complaint as being ‘when you’re unhappy with something that they may have done or said; the way that they may have acted; or with a decision they’ve made’. They go on to state that they would like complainants to work with them to help them investigate as to what they think has gone wrong, why and how they can learn from it. Both organisations give details of how their complaints process will handle the complaint. Although laudable, these statements beg the questions of how effective the organisations actually are in delivering satisfaction to complainants and, as this study will highlight from staff who are directly involved, what comprises good practice in complaints handling.

1.4 The thesis begins with a literature review, which, firstly, outlines the body of work on complaint management and then the issue of learning from complaints relevant to both organisations, which is then followed by the partnership working context for the police service and local authorities. Secondly, it identifies the managerial or operational context for each organisation and, finally, the academic and theoretical backdrop to this topic for both the police force and the city council respectively. The literature review allows for an appreciation of commonalities and differences between the two services and highlights key theoretical concepts to be considered further within this study. It also highlights a gap in the current literature on complaint management. Following literature searches, only one previous study was found that focused on responses from staff working on the handling of complaints and appeals: in this case involving university staff (Gedye *et al.* 2019). However, this involved a questionnaire survey with a different set of questions to this study as they focused on the nature of student complaints and appeals and the consequences for the university. Furthermore, they did not survey staff who had been subject to complaints. So, this research is original and innovative and brings new and added insights and perspective to limited, existing knowledge on complaint management.

1.5 The literature review is followed by the methodology chapter covering the detail of how the study was conducted and why. The chapter highlights the difficulties

encountered with respect to access and recruitment in relation to the police service as a whole. It also outlines the Appreciative Inquiry (AI) research approach adopted, which aims to elicit accounts of what is best in an area of attention rather than assuming a problem-orientated approach. This approach also represents an element of originality by addressing a gap in the body of knowledge on the operation of the police service and local authorities from an AI perspective.

1.6 The findings are then presented for both organisations respectively in the form of themes and a core theme followed by a comparison that highlights commonalities and differences between the two organisations. Although arising from within the context of complaint management, the emergence of nineteen themes, identified across the two services cumulatively and presented in the findings chapter, cover key sociological and management issues and areas of novel, academic interest:

- Communication
- Timeliness
- Workload and resources
- Support
- Police code of ethics
- Trust and confidence
- Research skills
- Protected characteristics
- Independent Office for Police Conduct
- Discretion
- Statutory and regulatory obligations
- Role of complaints teams
- Learning outcomes
- Values
- Ombudsmen
- Leadership
- Democratic accountability
- Written records
- Defensive mindsets

The core theme that emerged from the cumulative data from both organisations was ‘the importance of communication, timeliness and ethics/values’.



1.7 The thesis is completed by a chapter of discussion and reflections relating to key features of the study and, finally, the conclusions, which address the research questions and also look to the future. As previously mentioned, this topic has been subject to widespread and often fiercely emotive discussion with much of it in the public eye. It is hoped that this research study will provide an objective, scholarly and detailed analysis of the issues involved as shared by those who are at the centre of the processes: namely, those investigating or managing professional standards and those who have been subject to complaints of misconduct or poor service. In addition to contributing to the body of work on complaint management, it also serves to complement the existing body of research into the activities of the police service and local authorities with respect to the particular issues that have emerged and it points towards further, potentially fruitful areas of academic research in the future.

## **2. Literature Review**

### **2.1 Introduction**

This literature review comprises three distinct parts. Firstly, it outlines the body of work on complaint management in general and then also a review of learning from complaints. It then addresses the alignment of policing and local authority responsibilities through an analysis of partnership or joint working approaches involving both agencies. Secondly, it provides an overview of the managerial and operational context in which the local complaints processes are embedded for each of the two organisations. Thirdly, it draws on the existing academic literature to provide a theoretical background to the police force and the city council as it relates to this topic. In this way, as well as outlining the different bodies of literature relevant to this study, the aim is also to draw out commonalities and differences across both agencies as, not only do they provide distinctive services to their communities, they are also required to operate together in shared, social spaces.

### **2.2 Complaint management**

2.2.1 There is a substantial body of research focusing on complaint management (CM) that has emerged since the 1970's and spans different sectors and locations. However, the research has been sporadic, focuses on the customer experience and is situated mostly within the framework of customer relations management (CRM). Nevertheless, this literature provides this specific study with a valuable reservoir of findings and insights on CM in general. Not least, it points to the features of best practice in CM relevant to different organisations in both the public and private sectors. It is useful to note here that the literature reports that only a fraction of dissatisfied customers actually complain and so can be considered to be the tip of the iceberg (Shahin 2000; Barlow and Mollar 2007; Kumar and Kaur 2020). This also confirms that an absence of complaints cannot be considered in itself to signify effective management. Indeed, CM emerges as a potent tool for efficient and effective CRM.

2.2.2 Stone (2011) outlines the characteristics of poor service as being: not delivering what was promised; being impersonal; not making an effort; and not dealing well with problems and queries. He describes problem handling as a key driver of people's perceptions of excellent or poor service. In analysing customer statements about an organisation's service, it was found that nearly half the statements describing excellent service and 64% describing poor service involved complaint handling. According to Shahin (2000), CM involves the reception, investigation, settlement and prevention of customer complaints and the recovery of the customer. Davidow (2003) cites six dimensions for an organisational response to a complaint: timeliness; facilitation; redress; apology; credibility; and attentiveness. Phabmixay *et al* (2019) describe apologising for a fault as providing 'psychological compensation' by acknowledging the problem and affirming a sincere desire to reach a satisfactory solution.

2.2.3 Johnston and Mehra (2002) highlight the features of a good CM process:

- Clear procedures
- Speedy responses
- Reliability or consistency of response
- A single point of contact for complainants
- Ease of access to the procedures
- Easy to use
- Keeping the complainant informed
- Understood by staff
- Complaints taken seriously
- Encouragement and empowerment of staff to deal with the situation
- Follow-up procedures to check with the customer after resolution
- Use of data to engineer-out problems
- Use of measures based on cause reduction rather than complaint volume reduction

2.2.4 Bosch and Enriquez (2005) described four barriers to the implementation of effective CM systems. Firstly, the costs of doing so are visible and immediate but the benefits are longer-term and indirect. Secondly, managers doubt a customer's honesty when voicing a complaint. Thirdly, many dissatisfied customers don't complain. Finally, complaints are viewed by many organisations as failure and attracting blame, so employees tend to hide the occurrence of complaints. Indeed, complaints are expensive both as direct and indirect costs. However, if complaints are transformed into knowledge about customers, they can provide a valuable amount of capital for enterprises. According to Bosch and Enriquez (2005), a successfully implemented customer CM system can change the perspective of CM from a trivial activity to a more exciting process-design and learning experience, renovating the spirit of continuous improvement towards service excellence.

2.2.5 Kumar and Kaur (2020) highlight that demographic factors influence complaining with the following being more likely to complain:

- Women
- Younger ages: especially generation y who are tech savvy and use social media
- Highly educated
- High income
- Assertive and aggressive personalities
- High self-confidence
- Individualistic nations (U.S., U.K. and Europe) in contrast to collectivist nations (India, China and Japan).
- Involving expensive or durable products

Barrogy *et al* (2016) studied complaints about out of hours G.P. care in Ireland and found that the most frequent complainers were mothers of paediatric patients.

2.2.6 Barlow and Moller (2007) describe every complaint as being a gift to the organisation. However, as Stone (2011) points out, few firms excel at handling service failures and service recovery performance depends upon an organisation's commitment to incorporate knowledge management into its CM process and upon its ability to manage knowledge assets in each CM step. A number of writers have highlighted the importance of organisational culture in effective CM. Johnston and Mehra (2002) cited organisational culture as key to supporting the reporting, sharing and solving of issues rather than being concerned with blame and hiding problems. Shahin (2000) suggests that effective CM requires a culture change in an organisation's atmosphere as well as a systemic approach. Paraschivescu (2012) reinforces that effective CM requires a cultural change in the organisational environment and a systemic approach at different levels including strategy, processes, analyses and empowerment. Also, that the effects of good CM include: developing customer satisfaction; improving organisational image; improving the quality of service; and creating new services.

2.2.7 The literature also features the importance of staff handling the complaints. Shahin (2000) describes how a well-trained and empowered member of staff can help turn a dissatisfied customer into an advocate of the organisation. He cites four features of an empowered approach to CM:

- Encouraging service providers to take a positive and proactive approach to complaints
- Developing service provider skills in handling complaints and being explicit about the level of authority employees have in CM
- Providing support and encouragement to employees in taking responsibility
- Taking actions to overcome the causes of complaints and generating ownership of the improvement opportunities complaints bring

Phabmixay *et al* (2019) advocate an organic approach based on the creation of a supportive climate which fosters greater commitment to satisfying customer needs and leads to better alignment of employees' motivations and behaviours with the internal and external demands. They highlight that both mechanistic and organic approaches are necessary for customer satisfaction. Alina (2013) emphasises the importance of: informing employees about the CM process; ensuring that regulations and policies for CM are accepted by employees; and training and motivation of employees to manage conflict and create positive experiences for customers.

2.2.8 Larivet and Brouard (2010) describe complaining behaviour as a dynamic and complex process in which the concept of justice is important. They outline three types of justice: distributive, which involves the fairness of the outcome; procedural, which involves the fairness of the procedures and policies; and interactional, which involves interpersonal behaviours and fairness of treatment. Stone (2011) reports that distributional and procedural fairness during service recovery greatly improve scores for service quality, customer satisfaction, loyalty and trust whereas interactional fairness

only enhances customer trust perceptions. Furthermore, customers perceive greater procedural justice when offered a recovery voice and this leads to higher overall post-failure satisfaction. Hulten (2012) argues that it is important to develop a joint understanding of what the complaint is and how to deal with it. Furthermore, policies that define procedures and areas of responsibility for customers are critical because complaint handlers are almost inevitably time pressured. Phabmixay *et al* (2019) state that interpersonal relationships are key and should be based upon respect, empathy, honesty and tone and that acknowledging fault is a positive sign of transparency. Lariver and Brouard (2010) go on to cite intelligence from complaints as being a source of strategic opportunity. Strategic intelligence is the output of the informational process by which an organisation stays attuned to its environment in order to make strategic decisions. They point out that academic articles in this field do not concentrate on complaints even though they are recognised as a source of intelligence. However, it is also important to correlate them with other data.

2.2.9 Of particular relevance to this study are findings reported about service organisations and the public sector given the respective roles of the police service and a local authority. Hakiri (2012) describes how services are characterised by their intangibility, heterogeneity and by customer involvement in 'servuction'. He argues that intangibility complicates evaluation of what is being offered and that interpersonal relationships become more important. Within a service relationship, human factors dominate human exchanges. Paraschivescu (2012) argues that service quality is more difficult to assess than material goods due to specific characteristics: intangibility; production and delivery are simultaneous; cannot be stored and inventoried; and depends on who, where and why performs them. Shahin (2000) describes the process of creating customer 'delight' out of a deficient service as involving listening-empathy-innovation-caring. Complaints have to be viewed from a constructive, positive and professional perspective. Focusing on the public sector, Mantaring *et al* (2019) argue that effective complaints handling is good governance. It depends not only on well-trained front-line staff but on managers with a commitment to understanding the concerns raised. They describe CM as fact-finding to establish the truth, being fair to complainants and staff, and senior managers being committed to guiding and supporting front-line staff. Satisfaction, they state, is greater if the complaint handler is unbiased and competent and has skills to perform the role with sensitivity and objectivity and is knowledgeable about the CM procedure. They view complaints as constituting participatory governance which can make the organisation more effective and responsive to citizen needs and demands.

## **2.3 Learning from complaints**

2.3.1 Vos *et al* (2008) noted that in the literature on CM, the importance of learning from complaints is acknowledged. However, the concept of organisational learning had not yet been embedded then in the field of CM. They highlighted that complaints are a fact of life for all organisations and that analysis of complaints can enable them to identify and review possible weaknesses within their internal and external processes.

Complaints can give rise to the creative tension that is necessary for learning. Organisational learning can be the source of improvements when both informational and interactional learning is identified involving both the analysis of data and a dialogue between actors.

2.3.2 Van Dael *et al* (2020) argued that if health care settings were better supported to report, analyse and use complaints data in a standardised manner, they could impact on care quality in an important way. Their review identified 12 mechanisms to achieve improvements in both patient-centred complaints handling and system-wide quality improvement. For the complaint handling pathways this involved: access to information; collaboration with advocacy and support services; staff attitudes and signposting; bespoke responses; and public accountability. For the systems improvement pathway this involved: a reliable coding taxonomy; standardised training and guidelines; a centralised informatics system; appropriate data sampling; mixed methods spotlight analysis; board priorities and leadership; and a just culture. However, they point out that the existing literature suggests that health care complaints practice has not yet been successful at achieving the complex dual role of case-by-case handling and system-wide improvements. Quantitative complaints analysis studies highlight the need for additional qualitative analysis to derive granular and actionable learning of lessons. Similarly, leadership commitment to perceiving complaints as a valuable and important data set for improvement is necessary to increase their positive impact.

2.3.3 In the context of business firms, Yilmaz *et al* (2016) report that learning from complaints is shown to influence both short-term and long-term firm-level performance measures positively. However, they, too, noted that organisational learning from complaint management had not been embedded by organisations. This is unfortunate as they point out that the extant research has established that the return on investments from an effective customer complaint management system can be substantial. Furthermore, “adopting an organic approach, firms can influence employee behaviour with respect to complaint handling by creating a supportive, internal environment, mainly through motivational processes as well as by creating shared values and norms” (p. 945). Yilmaz *et al* (2016) conclude that such a supportive organisational environment requires a customer-orientated corporate culture in which employees are supported and motivated to be customer-orientated in general and towards complaints in particular. They point out that the strategic management literature regards organisational learning as a critical source of competitive advantage as it positively relates to organisational performance. It also requires a constructive attitude towards failure.

2.3.4 The UK Parliamentary and Health Service Ombudsman, who covers complaints about the NHS, developed six key principles for good complaints handling with the latter involving action from learning:

- Get it right
- Be customer focused

- Be open and accountable
- Act fairly
- Put things right
- Seek continuous improvement

Mirzoev and Kane (2001) highlighted that interventions to improve a complaints system must include different components which need to be feasible, effective, scalable and sustainable within that specific context. They outlined that effective interventions to improve and integrate lessons from patient complaints within wider health systems needed to be: comprehensive; integrated; context-specific; cognisant of information asymmetry and unequal power relations between patients, professional actors and the bureaucracies of service provision. They also emphasised that the training of staff in effective communication is an essential part of effective complaints management systems.

2.3.5 Odelius *et al* (2015) noted that the extant body of research on complaints does not sufficiently recognise the complexity of complaints, informal complaints management or the complaints systems that are in place. The House of Commons Public Administration Select Committee (2014) reported that complaints handling is more about understanding and empathy than process or outcomes. Gedye *et al* (2019) conducted research with university staff who handled student complaints and appeals. They used a questionnaire survey and focused on the nature of student complaints and the consequences of complaints handling. The complaints staff reported that complaints and appeals offered opportunities to learn and improve practice and for fairness and accountability. Four themes highlighted the negative nature and consequences of complaints: amount of time taken; unrealistic expectations of students; high complexity; and adverse emotions and their effects on relationships. Staff identified time and money as being barriers to improving practice following complaints.

## **2.4 Partnership and Joined-up Working**

2.4.1 “Partnership is a shared commitment, where all partners have a right and an obligation to participate and will be affected equally by the benefits and disadvantages arising from the partnership” (Carnwell and Carson 2005, p. 6). Carnwell and Carson go on to state that partnership is ‘what we are’ whilst collaboration is ‘what we do’ in working together and breaking down barriers. Although the police and local authorities have traditionally worked together in local, community spaces, it was the Crime and Disorder Act (1998) that placed a new statutory duty on them to establish and promote Community Safety Partnerships (CSP) and they were later joined there by the Fire, Health and Probation services. CSP’s were required to put in place crime and disorder strategies recognising the need for social responses to crime reflecting its multiple aetiology. They were required to do this in an environment of growing social fragmentation in which crime and disorder were increasingly concentrated both socially and spatially (Crawford 1998). In practice, police and local authority managers and practitioners work together on a variety of complex and challenging social issues:

including, youth offending; anti-social behaviour; drug and alcohol misuse; the night-time economy; truancy; and domestic violence. Crawford (1998) highlighted that achieving successful partnerships is neither a straight-forward nor unproblematic task: requiring reciprocity and interdependence and conditions in which joint and collaborative action can be sustained. "Intra-organisational priorities can undermine or run counter to the needs of inter-organisational partnerships" (Crawford 1998 p. 5). Skinns (2003) reported that partnership working was more difficult than the rhetoric about partnerships would have us believe. She found that partners were "under pressure to look out for the interests of their own agency which hampered joined-up practice" (p. 6). Practitioners saw the police and local authorities as responsible for crime and disorder but that they needed community involvement as the contexts in which community safety takes place are diverse.

2.4.2 Carnwell and Carson (2005) pointed out that, in some cases, theory and practice drifted apart with little real partnership working in practice whilst, in other cases, some organisations can have collaborative working without formal partnership arrangements. At worst, partnerships could be viewed as a threat to existing professional identities. They concluded that the literature points to 6 factors required for effective partnership working:

- Trust in partners
- Respect for partners
- Joint-working
- Teamwork
- Eliminating boundaries
- Being an ally

Crawford *et al* (2012) found that effective partnership working was vital for identifying local problems, delivering preventative solutions and ensuring an accurate understanding of needs. However, they reported that developing partnership on the ground was demanding and often not accomplished. This was due to the challenges of working across organisational boundaries, cultures and established practices.

Crawford and Cunningham (2015) described how much had changed over the past three decades to facilitate and embed partnership working but the goal of a genuinely joined-up, holistic and co-ordinated response to crime and disorder remained as stubbornly elusive as ever. "Successful inter-organizational partnerships don't just happen; they need to be fashioned, crafted, nurtured and supported" (Crawford and Cunningham 2015, p. 72). They emphasised the importance of strong leadership and strategic direction in providing organisational commitment and co-ordination of effort as well as facilitating engagement with and buy-in from multiple partners.

2.4.3 Anti-social behaviour (ASB) is a topic on which the police and local authorities work closely together. Campbell (2002) reported that there were a number of different



partnership models at play and that some areas felt that partnership working was a hinderance not a help, resulting in frustrations and delay. Campbell suggested that tight, local protocols that commit partner agencies to action within tight timescales might help. A number of causes for failures to enact orders were identified: a lack of police priority; a lack of resources; and inconsistent attitudes to breaches from within partner agencies. When used successfully, Campbell reported that ASBO's can cement good relationships between partner organisations and between those organisations and the community. However, co-operation is needed from all agencies and experience and time are necessary for the process of working in partnership. Millie (2006) pointed out that people will have different expectations and contested notions of what is ASB. Milie *et al* (2005) found that, in three case study sites, local ASB strategies balanced enforcement with preventative work unlike the national emphasis on enforcement. Brown (2004) had described measures intended to tackle ASB as crime control through the coming together of social housing management and policing.

2.4.4 Another significant area of joint-working between the police and local authorities is that of domestic violence. Partnership working was first pioneered in the 1980's in the 'battered women' and refuge movement, which recognised the holistic needs of women subjected to domestic violence. However, it seemed then as if agencies defined the problem as someone else's responsibility. In the 1990's and 2000's multi-agency partnerships were formed but that resulted in partnership working that focused on high-risk reduction and cessation and failed to take account of important broader issues surrounding women. Domestic violence involved complex intersectionality of factors and significant power differentials. In the 2000's the gap between 'talking shops' and intervention by women's groups was highlighted. Harvie and Manzi (2011) reported that CSP's had resulted in the dominance of the statutory sector and the marginalisation of voluntary agencies and victims' groups, which was detrimental to women's needs.

2.4.5 Another high-profile area of joint working by the police and local authorities is that of substance misuse and the night-time economy. Fisher and Measham (2018) reported that the major perceived barrier to the implementation of initiatives to reduce drug-related harms in the night-time economy can be overcome by partnership working and a greater understanding of their wider positive impact among all stakeholders. Crawford and Cunningham (2015) concluded that whilst partnerships have become a dominant feature of the local governance landscape, their realisation remains precarious and considerable debates persist about what makes for good partnership working. The following sections of this chapter focus on each of the two services - the police and the local authority - in relation to the topic at the centre of this thesis - complaint handling - from both a management and academic perspective.

## **2.5 The Policing Context of this Research**

2.5.1 The topic of complaints and allegations of misconduct involving the police in England and Wales has changed dramatically over the past 20 years. Not only have there been very serious failures and shortcomings receiving high profile and public attention but also significant and substantial changes in the arrangements and powers

for investigating and responding to complaints. In 2003 a non-departmental body, the Independent Police Complaints Commission (IPCC), came into force to replace the Police Complaints Authority. Its statutory powers and duties were established within the Police Reform Act 2002 and, although funded by the Home Office, it was independent of pressure groups, political parties and, in principle, government. Although the vast majority of complaints were investigated by the local force's Professional Standards Department, the IPCC dealt with appeals and also took on responsibility for investigating deaths in custody, shootings, fatal road traffic accidents and alleged serious crimes by officers. It was responsible for four modes of investigating: independent, where the investigation was conducted by the IPCC itself; managed, where the local force investigated but under the direct control of the IPCC; supervised, where the force investigated but the IPCC set the terms of reference and received the final report and any appeals; and local investigations, where the IPCC would only receive appeals. Three outcomes were possible: a decision that there was no case to answer; disciplinary proceedings; and Crown Prosecution Service consideration of whether to lay criminal charges. A report of the parliamentary Home Affairs Committee published in January 2013 was scathing about the IPCC commenting that "compared with the might of the 43 police forces in England and Wales", it was "woefully underequipped and hamstrung in achieving its original objectives. It has neither the powers nor the resources that it needs to get to the truth when the integrity of the police is in doubt" (page 1, Introduction).

2.5.2 The Police (Complaints and Misconduct) Regulations 2012 outline the steps to be taken when a complaint is made. 2014 saw the introduction of the College of Policing's Code of Ethics, which informed consideration of complaints of alleged misconduct alongside Home Office regulations. This code of ethics was the subject of a review by the College of Policing in 2023 and led to the introduction of a statutory Code of Practice for Ethical Policing, which highlighted the need for effective policing to respect, listen, respond, improve and serve the public. In 2015 the College of Policing produced its Accredited Professional Practice (APP) guidelines for Professional Standards. The APP covers four areas: counter corruption, vetting, complaints and misconduct, and governance. Importantly for this research proposal, the APP states that the local Professional Standards lead is responsible for ensuring "they have appropriate staff levels to enable public complaints, internal misconduct reports and intelligence concerning corrupt activity to be investigated proportionately, effectively and efficiently". Local Professional Standards Departments are responsible for both overt and covert tasking and co-ordination. A single code of ethics and conduct had been recommended in 2005 by the Taylor review of police discipline, who also recommended changes to the disciplinary arrangements so that they moved away from being seen as lengthy, costly, heavily regulated and punitive.

2.5.3 In January 2018 the IPCC was replaced by the Independent Office for Police Complaints (IOPC) established by the Policing and Crime Act 2017. Since 2013 the organisation had doubled in size and was involved in six times more investigations and the new act introduced structural changes and more efficient processes to the

expanded organisation. It established a single line of accountability to the Chief Executive who chaired its board of non-executive directors who were tasked with challenging her/him where necessary. Local operational teams were accountable to five regional directors and a director for Wales. Additional powers since 2020 have included the ability to: launch investigations without referrals from forces; take the final decision about misconduct hearings taking place; present cases at misconduct hearings; and a duty on all officers to co-operate fully with the IOPC. The majority of cases are still investigated by the local forces' Professional Standards Department. In February 2020, the Police (Complaints and Misconduct) Regulations (2020) came into force with extensive and a multitude of changes designed to improve timeliness, fairness and transparency. The changes include stricter time limits and the misconduct panel's chair being involved in a case management role prior to the hearing itself. There is a 12-month period for complaints to be made and thereafter 6-monthly extensions for case management. As a result of the Casey Report (2023) into the culture of the Metropolitan Police, the Home Office undertook a review of the procedures for dealing with police officer dismissals. It was designed to assess whether the current system was fair and effective at removing those officers who have no place in policing and ensuring that they can be swiftly exited. Its recommendations are aimed at preserving the crucial independence in the system: for example, by stipulating the attendance of a legally qualified and an independent misconduct panel member while giving Chief Constables greater responsibility over their workforce in taking the role of chair.

2.5.4 The past two decades have also seen the publication of very serious and high-profile cases involving failures in police conduct and management. Following 20 years of persistent advocacy, in 2012 an independent inquiry into the Hillsborough deaths involving South Yorkshire Police (SYP) published its report. This led to IOPC involvement and finally criminal charges of perverting the course of justice being heard in 2021 against two police officers and a solicitor but with all charges dismissed. More recently, in November 2021, the IOPC published an interim report involving South Yorkshire Police and allegations of child sexual abuse not being properly responded to over many years. These involved 265 separate allegations by 51 complainants. Systemic problems were identified in 91 investigations completed so far and the IOPC reports that historic problems still exist and that more must be done to support and listen to survivors of sexual abuse. They found that reports were still not being acted upon and urged forces to take steps to comply with Home Office rules around crime recording. These findings confirm the earlier 2014 report by Professor Alexis Jay (a former social work chief inspector) who recorded that victims were treated with contempt as police failed to act on their reports. Also in 2021, the incoming Chief Constable of Greater Manchester Police (GMP) stated that there was "no doubt that GMP as an organisation is probably externally - but more importantly for the purposes of this analysis, internally - perceived as having lost its way". This follows the Chief Inspector's estimate that around 80,000 reports of crime to GMP went unrecorded in 2020 and media publications referring to 'deteriorating inspection reports, an exodus of officers, a calamitous complaints

system, increasingly furious whistle-blowing, the letting down of victims and a series of damning criticism in court’.

2.5.5 The largest force in England and Wales, the Metropolitan Police in London, has also been subject to widespread criticism and action over the past 20 years. Following the fatal shooting of Jean-Paul De Menezes in Stockwell tube station, when he had been mistakenly identified as a fugitive following a failed bombing attempt a day earlier, in 2006 the CPS deemed there was insufficient evidence to prosecute any named individual. However, a criminal prosecution was taken against the Commissioner in his official capacity and on behalf of his police force under the Health and Safety at Work Act 1974 for a failure in his duty of care to Jean-Paul De Menezes. This resulted in a finding of guilt and a fine. More recently, in November 2021, the Met has reported that it will be reviewing 300 complaints of sexual misconduct following the murder of a lone woman, Sarah Everard, by a serving police officer Wayne Couzens. This followed the failures and shortcomings in responding to the murder of two sisters where the IOPC reported that “it is vital that the force addresses these shortcomings and effects long-lasting change and improvement to help restore public confidence in the MPS”. Meanwhile, speaking outside the Old Bailey after two officers pleaded guilty to committing misconduct in a public office, the victims' mother called on the force "to drill down and get the rot out once and for all". In 2004, commissioned by the Metropolitan Police Authority, the Morris Inquiry had examined professional standards and employment matters in the Met. It found that officers had faced serious discrimination in conduct management and expressed concern that diversity within the force remained “at worst a source of fear and anxiety, and at best a process of ticking boxes”. Following a year-long investigation, in her final and full report in 2023, Baroness Casey laid bare deep and wide shortcomings across the force, including that:

- The Met was failing women and children
- After a decade of austerity, frontline policing had been deprioritised and degraded
- There was institutional racism, sexism and homophobia, inside the organisation in terms of how officers and staff were treated, and outside the organisation in terms of how communities were policed
- And it was unable to police itself

Baroness Casey assessed that all of this meant that policing by consent in the capital was broken and that the biggest single barrier to fixing the force was the Met’s culture of defensiveness and denial about the scale of its problems.

In response to these challenges, the Review recommended that the Met must:

- Better protect women and children with a dedicated women’s protection service; introducing a new children’s strategy; and re-instating sexual and domestic abuse services as specialist functions.

- Re-invest in and reprioritise frontline policing by restoring visible neighbourhood policing; giving a higher status to frontline work; and creating stronger local leadership.
- Take rapid steps to end discrimination internally in its recruitment, development and promotion processes, and in its internal misconduct system; and externally by policing all communities equally including with a reset of Stop and Search.
- Clean itself up by bringing in an independent team to run its misconduct system; introducing higher vetting standards and new end to end processes that stop those who are intent on abusing their position as police officers; tackling toxic cultures with clearer statements of standards for all and tougher enforcement of them; and disbanding and reforming ‘dark corner’ units where some of the worst behaviours had been found and officers were equipped to carry lethal firearms.
- Improve its leadership and accountability with a new policing board for London led by the Mayor and a new policing deal for Londoners that acknowledges historic mistakes and prioritises securing the consent of the public to police them.

2.5.6 Smaller and more rural forces have also been subject to high-profile publicity focusing on police failures. In 2021, Hampshire Police reported that it had dismissed five officers following covert recordings of their “shameful” comments about suspects and colleagues in which they displayed racist, homophobic and sexist behaviour that was considered to be “toxic”. More recently, the newly elected Police and Crime Commissioner for North Yorkshire was forced to resign over comments he made in the wake of the Wayne Couzens trial in which he stated that women needed to be “streetwise” in situations involving contact with the police.

2.5.7 “The last two decades have seen profound changes in the legal and constitutional status of the police. Their powers and accountability have been transformed by a set of overt changes in statute and case-law, and by covert changes in policy and practice” (Reiner 2000, p. 167). This is as true in 2024 as it was when Reiner wrote his seminal work, *The Politics of the Police*, third edition in 2000. Yet high profile cases involving police misconduct continue to hit the media accompanied by fierce criticism not only from pressure groups but members of the public having had contact with the police and indeed their own employees. This reinforces the observation that managing professional standards in policing is not a problem that can be compartmentalised and ultimately resolved but is rather a continuous and spiralling challenge: as we expect our police service to respond to the messiness and unpredictability of crime and contemporary social behaviours whilst operating on a daily basis within the statutory and regulatory frameworks that govern their behaviour. Indeed, Reiner cited G.K. Chesterton from *The Defendant*, “The romance of the police force is...the whole romance of man. It is based on the fact that morality is the most dark and daring of conspiracies. It reminds us that the whole noiseless and unnoticeable police management by which we are ruled and protected is only a successful knight errantry” (Reiner 2000 preface). The setting of the context to this research - involving policing over the past two decades - highlights that police complaints and misconduct cannot be

viewed as a finite issue to be resolved. Rather, it comprises a systemic, processual and cultural challenge that calls for persistent, consistent and long-lasting efforts to achieve sustained and substantial change that can grow confidence and trust in the police service over time. This study's examination of experiences and views relating to complaints and misconduct management and delivery at the local force level is intended to shed light on what factors may be important to key postholders and hold potential as catalysts for change.

## **2.6 The Local Authority Context of this Research**

2.6.1 Not unlike the police service, local authorities have been the subject of widespread and serious public concern over recent decades with the exposure of significant failures in professional standards. Some of these serious failures have led to important inquiries and reviews but a survey of the publicised landscape gives rise to the conclusion that sustained and significant improvements have not been achieved in a variety of areas for which local authorities are responsible. As this section of the thesis will identify, this includes the following areas of concern: finance and procurement; housing; anti-social behaviour; children's homes; and infant deaths. Complainants who feel they have not received a satisfactory response to a complaint to the council can then refer their issues to The Local Government and Social Care Ombudsman or the Housing Ombudsman for an independent assessment.

2.6.2 The Doncaster council corruption scandal led to 74 arrests, 2,000 interviews and a number of convictions resulting in some jail terms in 2002. The offences included the fiddling of expenses and planning scams which involved the theft of millions of pounds of taxpayer's funds. Mr Justice Hunt commented at the time that public trust had been betrayed and that corruption in government by elected representatives strikes at its integrity and at the root of democracy. This was followed by an audit commission report in 2010 that stated that the council exhibited the worst scale of poor governance it had seen in 30 years: with dysfunctional politics, poor services and ineffective leadership. This led to the input of a team of commissioners and a non-executive Intervention and Recovery Board to support, challenge and monitor progress. Doncaster council is not alone as the more recent scandal surrounding Liverpool, the 10th largest local authority, has demonstrated. In 2021 a team of commissioners were sent in after government inspectors found a "rotten culture" of dubious contracts and backroom bullying where staff were silenced and official records dumped in skips. In addition to the corruption cases, in the past 2 years there have been cases of councils suffering financial collapse as with Slough, Croydon, Thurrock and Woking. In 2023, the Local Government Network reported that 26 councils in some of Britain's most deprived areas were at risk of bankruptcy in the next 2 years.

2.6.3 One of the important provisions controlled by local authorities is that of housing. A two-year review of complaints by the Housing Ombudsman highlighted a failure of councils to handle leaseholder and shared ownership complaints in a full and timely manner. He found maladministration or partial maladministration with complaints getting "stuck" with blurred lines of responsibility, poor institutional memory due to high

turnover of staff and casual bookkeeping all conspiring to create “significant distress” to tenants. Repairs were the largest topic of complaints followed by charging. In May 2023, the Regulator of Social Housing reported that Birmingham City Council had breached consumer standards with 23,000 social homes failing to meet the Decent Homes Standard and a range of health and safety issues across thousands more homes. Of particular interest to this study, the regulator reported significant failures in how the council handled complaints finding ineffective engagement with tenants and a lack of understanding or valuing of their needs.

2.6.4 Another area of responsibility for local authorities is dealing with anti-social behaviour (ASB). In August 2023, the Local Government and Social Care Ombudsman reported that councils were frequently failing to use their powers to tackle ASB. It highlighted long delays in responding to complainants and a greater readiness to refer them to the police instead of taking action themselves. 51 of the 63 cases dealt with by the Ombudsman in the past year were upheld. ASB is a multi-agency issue that involves both the police force and the local authority within their respective remits. However, in 2022 the Tony Blair Institute for Global Change reported that in the past year only 26% of residents reported ASB to councils or the police and of those only 41% were satisfied with the response.

2.6.5 In the 1980’s there was a public outcry over what was termed the Pin Down scandal involving Staffordshire children’s homes run by local authorities. Children were locked in Pin Down rooms for weeks and months, clothed in pyjamas, with little or no furniture and deprived of food, water and lavatory paper. The subsequent inquiry held in 1990-1991 concluded that Pin Down was intrinsically “unethical, unprofessional and unacceptable”. It was perceived as “narrow, punitive and harshly restrictive” causing the children “despair” and “humiliation”. That report led to the Quality Protects Initiative launched by the Department of Health to improve children’s services. Despite this background, 2022 saw a number of council-run children’s homes in the public eye due to serious failures. In June 2022, Portsmouth council was found to have “serious and widespread” failures where staff did not “thoroughly explore concerns raised by a child and missed opportunities to prevent harm from happening or recurring”. In September 2022, in Barnsley, inspectors found “widespread failures” to meet children’s needs but they also found that the council “failed to respond to complaints made by children”. Senior leaders and managers did not have management oversight of the home. It had been deemed ‘inadequate’ a year earlier but improvements were not maintained. In November 2022, a children’s home run by Blackburn with Darwen council was closed down due to its failure to protect children from sexual exploitation. It, too, had previously been rated as ‘inadequate’ but failed to improve.

2.6.6 One of the areas of local authority provision that perhaps creates most public angst is that of the deaths of children known to them. It is fair to say that these cases do not lie singly at the door of local councils but their role is fundamentally central to them. In 2000, Victoria Climbié died in Haringey and the circumstances of her death led to a public inquiry, which reported in 2003. The inquiry heard evidence of racism,

incompetence and neglect of a duty of care. This led to the sacking of two social workers. However, yet again, in 2007, Haringey was the scene of the death of Peter Connelly known then as baby P. Although he was subject to the incompetence of almost every member of staff who came into contact with him, social workers and managers did not ‘seriously think’ he was being harmed or at risk of harm despite signs to the contrary. In 2020, two children, Arthur Labinjo-Hughes and Star Hobson, were both murdered in similar circumstances and a review panel deemed their experiences not to be unusual. The review panel identified weaknesses in information sharing within and between agencies, a lack of robust critical thinking and challenge within and between agencies, a need for sharper specialist child protection skills and expertise and a need for leaders to have a powerful enabling impact on child protection practice creating and protecting the organisational conditions needed for this complex work.

2.6.7 The cases outlined in this section cover a range of provision by local authorities and they all highlight serious and widespread failures and a neglect of signs indicating inadequate practice. Of particular relevance to this study are the findings that councils failed to respond effectively to complaints. In October 2020, the Local Government and Social Care Ombudsman published a guide to running an effective complaints system and to help to improve services. Many of the cases cited here occurred subsequently and this issue will be discussed further later in this thesis. It is worthy of note, though, that the Ombudsman referred to local authorities who were displaying good practice and these beacons can serve as an indication of what is possible. “Most authorities use complaints as a barometer of external opinion and as an early warning of problems that might otherwise remain unseen. The best take that a step further and use critical feedback to drive a sophisticated culture of learning, reflection and improvement”.

## **2.7 The Theoretical Basis for the Police Force**

2.7.1 There is a plethora of academic studies of policing: a large number from the USA and, over past decades, many focusing on the police forces of England and Wales (Waddington 1982, 1983, 1991, Alderson 1998, Bottoms and Wiles 1996, Brogden 1999, Brown D. 1987, Brown J. 1996, 1997, Butler 1985, 1986, 1992). More recently, academic scholars have pursued the perennial problems associated with policing - culture, confidence and trust, discretion, public perception and police accountability - within the contemporary UK context (Bradford *et al* 2009, Cockroft 2012, 2020, Garner *et al* 2004, Holdaway 2010, Jackson and Bradford 2010, Skogan 2009). This commendable policing research within our domestic context forms the backdrop to this research proposal and the thesis that has emanated from it. As Nary (2020) commented, “The drivers for change emerge with increasing speed and subtle trajectory, yet the craft of ‘professionalization’ continues to sail rather than motor and police culture remains a critical feature of the organisation that can simultaneously hinder and facilitate professionalization”. Police complaints may involve corruption, malpractice, systemic or administrative errors and to a varying degree of seriousness. Although governed by legal and regulatory frameworks, discretion is ever-present in police decision-making and the arena of complaints is no different. The inherent spaces that exist between



implementation of these legal and policy frameworks and actual delivery of the local complaints process will give rise to a spectrum of considerations: such as, confidence and trust; diversity; procedural and organisational justice; legitimacy; transparency and accountability.

#### 2.7.2 Police Culture(s):

Buono *et al* (2005) described organisational culture as tending to be unique to a particular organisation composed of both objective and subjective dimensions and concerned with tradition and the nature of shared beliefs and expectations about organisational life. In relation to police culture Reiner (1992 p. 109) refers to culture as “the values, norms, perspectives and social and craft rules which inform police conduct”. Studies of police culture began in the late 1950’s and 60’s in the U.S. and UK - though they did not use the term ‘culture’ - and academic interest in policing burgeoned in the following decades (Korander 2019). As Cockroft (2020) points out, British sociologists in earlier years questioned the legitimacy of the police as an institution and so cultivated a narrative that draws on the misuse of those powers. More recent studies have been conducted with rather than on the police in an endeavour to identify ‘what works’ rather than to develop cultural grand theory. This study went a step further in adopting the approach of appreciative inquiry to elicit what works well in the research topic though it was not a study of police culture *per se*.

2.7.3 Waddington (1999) reported that police culture brings self-esteem, self-understanding, solidarity and a sense to ‘dirty work’. It was both positive and negative and acted as decompression to the stress of the work. He suggested that police officers’ talk did not translate into action. Indeed, an officer in this study, who was the subject of complaints, described how his verbal response during an incident amounted to ‘decompression’ from the stress of the encounter and not meant as a trivialisation of the complainant’s position. Cockroft (2020) described police culture as intangible and unmeasurable which meant that it was a contested concept and a fairly messy business to deal with. Skolnick (1994) adopted the term ‘police working personality’ for the cultural orientation of officers and argued that it was grounded in the interaction of three factors: danger, authority and the need to appear efficient. Cockroft (2020) points to the challenge of balancing the contradictory roles of law enforcer and service provider.

2.7.4 Reiner in 2010 listed core characteristics of police culture: namely, mission-action-cynicism-pessimism; suspicion-prejudice; isolation-solidarity; conservatism; machismo; and pragmatism. All of these characteristics were found in the interviews comprising this study. Reiner (2010) and Loftus (2010) posit that police culture is ‘alive and kicking’ despite decades of social change. Reiner describes how police culture is not monolithic and there is both structured and individual diversity. This leads to the view that it is most appropriate to speak about police cultures rather than police culture. Chan (1997) had criticised existing conceptualisations for their inability to account for differences in culture, their neglect of the active role played by officers in the reproduction and transfer of culture, their failure to situate police culture within the

political and social context of policing and their silence about the scope and possibility for cultural change.

2.7.5 Crank (2014) states that the behaviour of the police only makes sense when viewed through the lens of culture and that culture covers a lot of intellectual and emotional territory. Loftus (2009) pointed out that we should consider police cultures in the plural as there are important differences within policing between different areas and that the different areas are interrelated and it is in this that lies the power of police culture. In this study, the officers subject to complaints worked in different parts of and roles in the force and brought those differences to the fore in interview yet recognised the importance of the force culture as a whole. Paoline (2003) reported how recent research was beginning to directly question the existence and conceptualisation of a monolithic police culture and focused on the complexity of culture and variations amongst officers. Westmarland (2012) described how police culture was much more diverse, fluid and changeable a phenomenon than had been recognised in the early studies. Cockroft (2012) recognised that the subject area of police culture had benefited from the insights of a wide array of perspectives and intellectual orientations focused upon a relatively narrow range of issues. This view was reinforced by Reiner (2016) who described how current police research was a vigorous and extensive enterprise in academia, government and police organisations themselves. Nevertheless. The challenges posed by police culture(s) remain potent. A Parliamentary Select Committee reported in March 2020 on their review of police misconduct and complaints and they concluded in relation to forces that, “there is a strong need for cultural change” (Executive Summary).

#### 2.7.6 Police discretion:

A significant aspect of policing research has been the emergence of the importance of discretion. Buvik (2016) referred to discretion being exercised when the effective limits on a public official’s power leave him or her free to make a choice amongst possible courses of action. Beckett (2016) described police discretion as an unavoidable and ubiquitous feature of police work but also the subject of significant controversy and debate. Buvik commented that policing is permeated by situations in which discretion is most important. In the UK context, Reiner (2016) emphasised that it was important to understand the extent of discretion within policing. Westmarland (2012) argued that the role of discretion is central to policing because the law in theory and in practice differs and that discretion is linked to power differentials. Cockroft (2020) pointed out that the concept of police discretion often jarred with the notion of the law being fairly and equally applied. Goldsmith (1990) highlighted that ‘police culture’ tends to be seen negatively as a contrary, perverse influence on the ‘proper’ exercise of police discretion. Brooks (2015) raised the point that discretion involves both action and inaction as choosing not to do something is as important as a decision to take action. Furthermore, the exercise of police discretion raises important issues for consideration: the unequal treatment of citizens; an interference with due process; a reduction in deterrent effects; and the hidden or unreviewable nature of many discretionary decisions.

2.7.7 Wortley (2003) described service-oriented police as advocating the use of discretion to help solve problems whilst legalistic police oppose discretion because they see it as interfering with their duty to enforce the law equitably. Johnson (2011) identified three categories of discretion: situational variables that involved the context; system variables that involved features of the criminal justice system that influence discretion; and offender variables involving attributes such as race, age and demeanour. Buvik (2016) however, found that at street-level police officer characteristics involving individual norms and moral beliefs were an important part of discretionary decision-making and argued that it was important also to consider officer variables. As early as 1964 Banton raised questions about prejudice and discrimination within the framework of power and discretion. Lord Scarman (1981) in the report of his inquiry into race riots aptly describes the importance of discretion thus: “the exercise of discretion lies at the heart of the policing function. It is undeniable that there is only one law for all: and it is right that this should be so. But it is equally well-recognised that successful policing depends on the exercise of discretion on how the law is enforced ... Discretion is the art of suiting action to particular circumstances” (cited in MacVean and Neyroud 2012 p. 22). Charman and Williams (2021) found that officers justified their decision-making based upon perceptions of ‘deservedness’ and that ‘deservedness’ related to demographic characteristics such as gender, race and age but also attitude, identity and reciprocity.

2.7.8 The College of Policing for England and Wales published the first Code of Ethics for the police in 2014 and they addressed the issue of discretion by advising that it should be exercised in a way that reflected training, was consistent with policies and procedures, was based on a consideration of outcomes and was consistent with the Code of Ethics (College of Policing 2014). The Code of Ethics will be discussed in more detail later. Procedural justice has been found to be important to how police officers themselves are treated and so the exercise of discretion in relation to them is also significant for managers to consider. Wolfe and Piquero (2011) observed that officers who perceive their organisation as fair and just in managerial practices are less likely to adhere to the code of silence or view police corruption in pursuit of a noble cause as justified. Rothwell and Baldwin (2007) found that policies perceived as procedurally just were more likely to result in officers’ willingness to report misconduct. Harris and Warden (2014) found that officers punished more severely for misconduct were more likely to repeat it: due to the perceived injustice of the disciplinary system leading to defiance.

#### 2.7.9 Rotten apples or systems failure?

Ivkovic (2014) describes police misconduct as a police act or omission that violates legal rules. However, as Hough *et al* (2018) point out, there is no clear consensus on what is misconduct. It encapsulates a heterogeneous group of activities as can be seen with the officers in this study who were subject to complaints involving very different acts or omissions. Gottschalk *et al* (2012) point out that there is a debate in the research literature about whether police misconduct should be viewed as ‘rotten

apples' or an indication of systems failure. They state that it is important to acknowledge that the distinction of bad apples and systems failure is simplistic and overlaps are likely to occur such that systems failure can allow or encourage bad apples to thrive. Contemporary media coverage of police misconduct shows that police representatives maintain the bad apples explanation of criminal and poor behaviour. O'Connor (2005) described how the police themselves use the rotten apple metaphor to minimise public backlash against policing. Reflecting on positive behaviour, Cockcroft (2020 p. 119) aptly states that, "ethical policing can be considered to have its roots not just in the moral outlook of individual officers but also in the way in which institutional pressure is brought to bear in ways that make it difficult to police ethically."

2.7.10 Existing research shows that officer characteristics matter in regard to allegations of misconduct as demonstrated by Hassell and Archbold (2009) who found that women were less likely to get complaints; race was the subject of mixed results as some got more complaints and others didn't; younger officers and those with less service received more complaints; the higher the officers' level of education the less complaints were received; and the more aggressive officers (issuing more penalties or arrests) the more complaints were received. They also found that in incidents where there were multiple officers involved the more likely it was that a complaint would ensue but also more likely that it would not be upheld.

#### 2.7.11 Code of Ethics:

"The simple but uncomfortable fact is that complex ethical problems are an inherent part of policing. The consequence is that complete clarity around conduct is impossible (Newburn 2015 p.3). Ethics is a Greek word meaning 'arising from habit' but is more commonly recognised as a field of philosophy that considers 'the good', moral principles and right actions. The first code of ethics for UK policing was contained in the draft 'Principles of Policing' issued by the Association of Chief Police Officers (ACPO) in 1992 but, though widely circulated, it wasn't taken up as police protocol and ACPO's role did not go beyond offering advice. The College of Policing's Code of Ethics (2014) aims to influence individual officers' behaviour and direct organisational culture. It comprises nine principles: accountability; fairness; honesty; integrity; leadership; objectivity; openness; respect; and selflessness. It goes further in dealing with ten standards of behaviour: namely, honesty and integrity; authority; respect and courtesy; equality and diversity; use of force; orders and instructions; duties and responsibilities; confidentiality; fitness for work; conduct and challenging and reporting improper behaviour. The Code of Ethics has been subject to review and consultation during 2023 but the 2014 version was applicable during the interviews for this study. The aim of the review was to update the explanatory text to reflect recent legislative changes and other contemporary issues in policing. A statutory code of practice for ethical policing was introduced in December 2023 to complement a non-statutory code of ethics. In its introduction, the new code of practice states that, "effective policing is built on public trust and confidence. This depends on a policing profession that is ethical and

professional in the way that it respects, listens, responds, improves and serves the public”.

2.7.12 One of the striking aspects of the Code of Ethics is its emphasis on the duty to report unethical behaviour by colleagues. “According to this standard you must never ignore unethical or unprofessional behaviour by a police colleague irrespective of the person’s rank, grade or role ... You have a positive obligation to question the conduct of colleagues that you believe falls below the expected standard and, if necessary, challenge, report or take action against such conduct” (College of Policing 2014). There is a rich body of research focusing on what has been termed ‘the blue code of silence’ (Kleinig 1996; Alderson 1998; Newburn 1999; Skolnick 2002; Westmarland 2005; Ivkovic and O’Connor 2008; Caldero *et al* 2018; Punch 2009; Bacon 2016). This blue code of silence is said to protect misbehaving officers from outside scrutiny or punishment. There is a long history of academic interest in this in the U.S. but it took longer for scholarly attention to develop in the U.K. Skolnick (1966) wrote of ‘noble cause corruption’ which differed from cases where officers had acted for personal gain or benefit but involved the belief that actions are justified by the unequal nature or inefficient scope of the criminal justice system. This led to officers taking it upon themselves to punish ‘the bad guys’ and support ‘the good guys’. Newburn (2015) concluded that public inquiries into police scandals were important and that although police corruption is hard to tackle it can be reduced significantly with the right strategies.

2.7.13 Westmarland and Conway’s (2020) study involving the responses of 1,500 officers and staff in an English police force gives a valuable insight into how the blue code of silence still operates. An online survey contained 10 scenarios involving ethical dilemmas and respondents were asked about if and when they would report the colleagues involved. Their findings suggested the persistence of a reluctance to report some misdemeanours and a distrust of the force’s anonymous messaging service. There was a great deal of certainty around the reporting of theft of cash but a lesser likelihood of reporting someone keeping a found watch. Accessing the Police National Computer without due authority was seen as relatively serious and covering up a drink driving offence or excessive use of force were both likely to be reported. They discovered ambiguities in responses to sexual touching of a colleague in an office setting but a lower level of concern regarding a colleague forming a relationship with a victim of crime met in the professional setting. Respondents said that their treatment of a whistleblower with respect or caution would depend on the individual circumstances. Westmarland and Conway’s study highlights the continuing complexity and challenges of this area of police practice and why, unsurprisingly, recent police scandals have revealed serious misbehaviour by officers that went unreported and neglected for a number of years. Maile *et al* (2023) in a study involving police officers in England found that the professional autonomy of officers, when grounded in virtue ethics rather than more formulaic deontology, supports morally good policing and safeguards police legitimacy.

#### 2.7.14 Confidence and Trust:

There is a substantial body of research that identifies the importance of confidence and trust in the police though much of it has been concerned with how to effectively measure it. A trustworthy police force is seen by the public to be effective, fair and to have shared values, interests and a strong commitment to the local community (Tyler and Huo 2002; Jackson and Sunshine 2007). Individuals can and do make nuanced and considered judgements about the police. Jackson and Bradford (2010) describe how confidence and trust can: encourage active citizen participation in priority setting and the running of local services; make public bodies more accountable; and secure public co-operation with police and compliance with the law. Research evidence finds a robust association between confidence and trust and the readiness of the public to involve, co-operate and defer to officers (Tyler and Fagan 2008). Gender and age differences have been found to affect confidence and trust in the police with females and older people exhibiting higher confidence in the police and improved community cohesion and visibility aided confidence (Jackson et al 2012).

2.7.15 These findings are relevant to this research study as the decision to make a formal complaint against the police force will understandably damage confidence and trust which can be further affected by the handling and outcome of the complaint. As Jackson *et al* (2012) describe it: when people find the police to be unfair, disrespectful and careless of human dignity, not only is trust lost, but legitimacy and co-operation is withdrawn as a result. This chimes with the College of Policing's description of the importance of professional standards departments (PSD) to the maintenance of confidence and trust in the police: "The principle of policing by consent relies on the trust and confidence that the public has in the police service and the wider law enforcement community. PSDs can play an important role in the maintenance of that trust and confidence. Trust and confidence can be undermined by a failure to vet and manage misconduct and complaints or investigate counter-corruption activities effectively. It is, therefore, essential that such issues are dealt with openly and robustly and in accordance with the Code of Ethics". Furthermore, the Independent Office for Police Conduct (IOPC) has entitled its five-year strategy, 'Building Trust and Confidence in Policing' and describes its vision as being "that everyone is able to have trust and confidence in the police".

#### 2.7.16 The Misconduct Process:

The procedures for misconduct and complaints handling in the police forces of England and Wales has been subject to significant changes over recent decades. Researchers had repeatedly called for independent scrutiny of the police who traditionally investigated their own complaints. A landmark event was the inquiry by the parliamentary Home Affairs committee into police discipline and the complaints process in 1997. That inquiry led to recommendations for independent investigation, removal of the right to silence and the adoption of the civil balance of probabilities in place of the criminal beyond reasonable doubt. However, it was not until April 2004 that independent scrutiny of police complaints was established with the introduction of the

Independent Police Complaints Commission, which was replaced by the current Independent Office for Police Conduct (IOPC) in January 2018. The IOPC describes its mission as “improving policing by independent oversight of police complaints, hold police to account and ensure learning effects change”.

2.7.17 Most complaints are still investigated by PSDs but the IOPC independently investigates the most serious cases such as deaths or serious injury. They also manage and oversee investigations by the PSDs. In ensuring that learning effects change, the IOPC publishes a ‘Learning the Lessons’ magazine for police forces and stakeholders. Staddon (2021) interviewed officers in three forces and found that the overall use of the magazine was sporadic and was not distributed widely by the police as they relied on officers to distribute the magazine to the relevant departments. However, those that did engage with the magazine did find the learning within it to be relevant. Heaton and Tong (2023) welcomed the emphasis on lesson learning but stated that its application requires an improvement-focussed approach requiring an investment in training to reach its potential.

2.7.18 Rowe (2020) describes how the investigation of complaints against the police connects most clearly to democratic principles since they respond to potential abuses of state power and the maintenance of trust and legitimacy. Effective management of professional standards is crucial to the functioning of the police service and this study highlights some of the difficulties encountered in doing so. Rowe (2020) recognises successive efforts to boost the independence of investigations but identifies how those developments continue to face challenges relating to the inherent nature of police discretion, occupational culture and dimensions of police work itself.

## **2.8 The Theoretical Basis for the City Council**

2.8.1 Not unlike the police service, local government has been faced with a significantly changing landscape over recent decades and some of these developments and their implications will be discussed here. The late 1980’s and early 1990’s saw the introduction of New Public Management (NPM) with management techniques from the private sector being applied to the public sector and an increased emphasis on performance management and outputs together with the increased contracting out of public services. Community care for the elderly, disabled and mentally ill became a contemporary social policy with an increased change, variety and complexity in the delivery of social services in the 1990’s. The Children’s Act 1989 reformed the law appertaining to children and, amongst others, allocated particular responsibilities to local authorities to ensure that children are not only safeguarded but that their welfare is promoted and at the centre of decision-making.

### **2.8.2 Performance Measurement and Management:**

Public choice theorists and supporters of NPM argued that large organisations are unresponsive to public needs, ineffective and fail to achieve their formal goals (Boyne 1996). Boyne tested these notions and found that only around half of the statistical evidence suggested that the smallest local units were the best performers. In addition,

even when performance did decline with scale, the trend was reversed in the very largest units concluding that, contrary to NPM arguments, the biggest organisations are seldom the poorest performers. Isoraite (2005) argued that performance measurement provides some of the tools needed to bolster improvements in public sector performance including improving accountability, performance management, risk management and business planning. Thus, performance information, it was suggested, is a catalyst for innovation, enterprise and adaptation and performance measurement can help organisations improve performance by identifying good practice and learning from others. However, indicators need to be devised carefully and used appropriately.

2.8.3 Douglas *et al* (2010), in developing a ‘dynamic capability’ framework for improvements in local authority performance, found that managers indicated that ‘capabilities’ based on “intangible organisational assets” were necessary for “sustained high performance”. Furthermore, it was found that some historically based assets such as ‘reputation’ and ‘partnerships’ were also important. Their framework suggests that, to secure sustained high performance, organisations must have a core group of dynamic resources: namely, effective culture; top management leadership; and learning. Interview data suggested that the Chief Executive’s role was by far the most significant in setting the culture, vision and direction of the local authority. In the mid-2010’s, the Government announced the cessation of Comprehensive Area Assessments arguing that transparency and openness would be stronger drivers for change than external inspection.

2.8.4 Ferry and Ahrens (2017) suggested ways in which the decentralisation of policy-making and performance measurement gave rise to enabling corporate governance and how corporate governance and management control practices went some way to aid the pursuit of public interests. In particular, they showed that management control systems can be designed at the operational level to be enabling. Their paper reaffirmed that accountability is but one element of public sector governance and that it also pursues integrity, openness, defining outcomes, determining interventions, leadership and capacity and risk and performance management. They cite Adler and Borys’ (1996) discussion of coercive and enabling bureaucracies where the goal was to design successful interactions between people rather than to design foolproof systems. An enabling bureaucracy was seen as: exhibiting flexibility in the deployment of rules; helping organisational members understand the internal workings of their own task and how their task fits in organisational mission; and remaining open for situation-specific repair. The Localism Act (2011) devolved greater decision-making powers to local authorities and abolished central government targets. However, politicians, officers and staff were still expected to have a “strong commitment to integrity, ethical values and the rule of law”. Localism also forced greater openness on the local authorities together with more transparent stakeholder engagement whilst operating within financial restraints. In this way it was expected that there would be local ownership of performance measurement, performance management, empowerment and operations all of which should inform strategy.



### 2.8.5 Complaints:

In the words of Adler and Borys (1996), “mature organisations encourage customers to complain”. Brennan and Douglas (2002) identified three key consumer principles at stake when examining complaints to local councils: access; information; and redress. They argued that complaints were vital to a customer-focused organisation and had been instrumental in developing a quality culture within organisations by focusing on customer requirements. Furthermore, Brennan *et al* (2002) found that knowledge and awareness of local government complaints procedures was low amongst the younger age group regardless of educational background and that organisational barriers such as lack of information and access were the main causes. Seneviratne (1990) had found that local authorities in general did not have well-developed complaints procedures and little evidence of their use as part of the management process. However, twenty years later, Gulland (2009) described consumerism as having given the welfare ‘consumer’ a ‘voice’ in the process whilst recognising that the classic true market is not usually possible for users of public services as the citizen cannot go elsewhere for the service.

2.8.6 Brewer (2007) emphasised that ensuring that public services’ complaints are handled effectively and rights of redress are upheld is an integral feature of good governance and effective service delivery. However, with NPM and public sector reforms a consumerist model had come to the fore and the ensuing narrow focus on customer satisfaction risked weakening citizenship values such as fairness and social justice. Important aspects of complaints-handling and redress strategies embedded in the ‘rule of law’ and ‘due process’ that are features of a citizen-orientated public administration could be undermined. However, when combined with the traditional citizen perspective, the revised model may have considerable potential for improving complaints-handling. Giannocarro *et al* (2008) emphasised the contrast between the quality of public service delivery and that of manufacturing goods citing the former’s intangibility, heterogeneity and the inseparability of production and consumption. This complexity around the quality of public service delivery and complaints-handling was particularly evident when looking at vulnerable groups. Pithouse and Crawley (2007) revealed the adult-dominated nature of the children’s services complaints system in Wales and the limited involvement of advocacy in supporting children making a complaint. They highlighted the need for a more child-focused approach in order to give a more authoritative ‘voice’ to children.

2.8.7 The Local Government and Public Involvement in Health Act (2007) introduced the post of Local Government and Social Care Ombudsman (LGSCO) and a right to go to judicial review if dissatisfied with the LGSCO’s decisions. In 2022 – in *Milburn R ‘v’ LGSCO* – the High Court found that the Ombudsman was wrong to refuse to consider a complaint where the council had claimed to have acted when they did not. In addition to responding to individual complaints, the Ombudsman can also act as a ‘firewatcher’ providing an overview of problems within the public sector and alerting policy makers. He can investigate issues that come to light in dealing with a complaint even if the issue

was not the cause of the original complaint. Gill (2020) argued for reform to give the LGSCO the powers of a Complaints Standards Authority (CSA) as: evidence showed that problems within the public sector complaints systems were acute and urgent; the scale of the problems meant that formal intervention was likely to be required; and the Ombudsman was best placed to address the issues due to expertise. Arguments against CSA powers could be mitigated, in Gill's view, if the vision of a more powerful, conceptually coherent Ombudsman was accepted.

#### 2.8.8 Discretion:

The literature spanning a variety of public services provided by local government reveals the importance of discretion in decision-making and delivery. Meers (2019) argues that central governments can avoid blame by transferring discretionary powers to local authorities especially in a time of cuts to social security. However, when done well, discretion can individualise service provision, correct deficits in rules-based reasoning and help to manage the case-by-case complexities that arise when the social security system meets the reality of day-to-day life. In investigating the delivery of migration policy, Oomen *et al* (2021) found that discretionary spaces were created and inhabited in different ways with often profound consequences for the situation on the ground. But they also created possibilities to influence policy. A number of studies in the area of discretion in public administration have been inspired by the original work of Lipsky (1980) who coined the term 'street-level bureaucracies' in relation to the day-to-day practices at street level of public welfare organisations. Lipsky argued that this discretion was necessary to make policy work and that it occurred in a context of conflict between managers and front-line workers.

2.8.9 Subsequent commentators suggested that Lipsky treated managers as an homogenous group and not as a policy actor and that more recent changes in social work practice had resulted in a decisive shift in power away from practitioner discretion (Evans 2011). Evans argued that there had been a significant change in the balance of power between social work managers and practitioners resulting in powerful and resourceful managers but who could not eliminate practitioner discretion. Another Evans (2006) emphasised that management is not monolithic but is internally differentiated with managers exercising significant discretion themselves whilst also contributing to practitioner discretion. Professionalism was seen as a significant, formal principle in structuring discretion but to different degrees between different teams. Taylor and Kelly (2006) found that rule-making or bureaucratic capacity of professionals at street-level was much less influential than before, but they still faced dilemmas. Evans (2013) found that pragmatism and principled commitments led to adaptation and change by social workers in relation to original rules that structure their practice.

2.8.10 Scourfield (2013) investigated discretion in relation to care homes for the elderly and described the central tenet of street-level bureaucracy as being that, from the service-user's point of view, the discretionary interpretation of policy by front-line practitioners effectively becomes the policy. He found that the exercise of discretion was multi-layered and dispersed amongst multiple stakeholders blurring accountability

for decision-making and making the task of empowering older care home residents more complex. Black (2001) described how, far from being easily confinable or structurable by rules, rules and discretion operated in a complex interrelationship. Unsurprisingly, this complexity will face those handling complaints about the quality of service delivery, too.

2.8.11 In considering the adult social care context, Ellis (2011) described how different types of discretion are shaped by the different micro-environments of front-line practice, which, in turn, affect the relative force of managerialism, professionalism and user empowerment in countering the defensive exercise of discretion described by Lipsky. Smith (1997) highlighted how the Children's Act (1989) had given powers to local authorities for decisions about children in care but that this had not removed continuous jurisdictional battles between the courts and local authorities where the former has sought to monitor and review the implementation of local authority care plans. Alden (2015) investigated 12 local authorities in relation to homelessness services and found evidence of unlawful discretion, attributed to a complex mesh of individual, intersubjective, organisational and central-led factors. The use of negative discretion was found to be chiefly underpinned by higher level pressures around resource scarcity and structural targets.

2.8.12 Peterson *et al* (2020) described how recent studies had focused on discretion in the public sector but that few had examined it explicitly and as a part of real cases. Murphy (2021) did examine the uses of discretion in a child protection service and found that preparation for inspection contributed to the 'bureaucratic burden' which served as a barrier to discretion. She highlighted the following key messages from practitioners:

- Child protection social workers continue to be afforded discretionary space;
- The discretionary space can be categorised by type;
- Social workers are more likely to employ discretion in managerially sanctioned discretionary space;
- Local approaches to external inspection continue to hinder social worker discretion in the best interests of the child.

Furthermore, in another study of discretion in child protection work, Murphy found that social workers feared being "named", "blamed" and "shamed". Ellis (2014) argued that the escalation of risk management technology attendant upon personalisation strengthens the routinisation of decision-making at the expense of traditional bureaucratic and professional standards. Ponnert and Svensson (2017) highlighted that increased standardisation had served to reduce uncertainty and enhance legitimacy for human service organisations but at the expense of traditional professional discretion. Quarles Van Ufford *et al* (2024) reported that the exercise of discretion in child protection resulted in unequal and diverse treatment of cases. Discretion is undoubtedly a key issue in how local authority services are delivered and there is ample opportunity for this to be explored further and in more granular detail.

#### 2.8.12 Confidence and Trust:

In the words of Llewellyn *et al* (2013), trust in government comprises citizens expectations that politicians and public officials will be honest and competent even without scrutiny. They also highlighted trust as a basis for co-operation and that, traditionally, clients' trust had underpinned professional autonomy and decision-making but that this had changed. Mabillard (2021) argues that while it remains a complex and diffuse notion, trust is highly valued by public authorities. Transparency and accountability, he says, are often regarded as essential tools for increasing citizen trust and encouraging greater participation in decision-making. He calls for a subtle yet important distinction between exposure to information and perceived transparency as his results showed that perceptions play a significant role in shaping the relationship between the governed and public bodies. Data showed that individuals who valued the accessibility of information were more likely to trust their local authority.

2.8.13 Porumbescu (2015) showed that empirical assessments of the relationship between transparency, responsiveness and trust in local government have been mixed. Wolak and Palus (2021) found that confidence in subnational governments in the U.S. reflects national trends such as economic tides and public preferences for more or less government but also exhibits unique dynamics explained by factors specific to subnational politics. Tolbert and Mossberger (2006) found a statistically significant relationship between trust and the use of a local government website as well as other positive assessments of federal and local government. They concluded that the evidence suggests that e-government can increase process-based trust by improving interactions with citizens and perceptions of responsiveness. However, Grimmelikhuijsen (2012) found that people exposed to more information about decision-making – in the form of council meeting minutes – were significantly more negative regarding the perceived competence of the council than those who did not access the available information.

2.8.14 Fitzgerald and Wolak (2014) found that when opportunities for voice in local government are high, such as in decentralised systems, people report greater trust in local government. Gustavsen *et al* (2017) argued that people, when evaluating trust towards local politics, tend to apply customer-oriented factors to a greater extent than citizen-oriented factors. However, one was not replaced by the other and so the two considerations appear to be complementary and not mutually exclusive. In the UK setting, Charlotte Alldritt, director of the Centre for Progressive Policy, has argued that local authorities have been struggling for years and the pandemic has exacerbated the situation yet, overall, trust in local authorities remains relatively healthy. She emphasises that Ipsos MORI polling consistently shows trust for local government far outstrips that for central government. Thornborough (2021) reports that research shows that trust in local government and feelings of local unity have remained higher than for national levels during and after the pandemic. This, she argues, highlights the need to reassess how the roles and powers of central and local governments interact and communicate across a range of policy issues and provision. She concludes that

empowering participation, engagement and co-operation across regions and communities can strengthen the capacity to identify and respond to local needs and challenges: fostering greater levels of trust. Citizens' attitudes towards government, including trust, are undoubtedly core concerns for democratic governance and public administration.

#### 2.8.15 Local Authority Culture(s):

In contrast to the policing literature, there is a relative paucity of recent academic sources addressing the culture(s) of local authorities. As referred to earlier, the Thatcher Government introduced Compulsory Competitive Tendering which was abolished by the 1999 Labour Government in favour of 'Best Value' that allowed for privatisation if cost savings could be demonstrated but placed greater emphasis on working efficiently and improving internal processes. It also emphasised improved collaboration between the different statutory agencies and community representatives within Local Area Agreements designed to provide 'joined up' strategies. Cresswell *et al* (2013) described the challenge to get public sector organisations to work beyond their established professional, institutional and geographic boundaries especially when they risked losing autonomy and control. They described one of the most rapid periods of change in recent history citing increasing pressures to work more efficiently, whilst meeting central Government targets and working within rigorous performance management regimes. Government inspections showed some councils had struggled and whilst a number of factors may have been at play, 'organisational culture' was referred to as a barrier to change.

2.8.16 In a government-commissioned study of all local authorities, Bovaird *et al* (2009) reported that many local authorities were good at planning change but their ability to deliver was weak: citing the fact that the change was normally driven by central rather than local government. '10 Steps to an Effective Performance Culture' published by the Government in 2008 placed an emphasis on Human Resource Management practices such as staff involvement in decision-making and good communication. However, some critics saw this as superficial and lacking in an understanding of the time required to make change stick (Cresswell *et al* 2013). It has been argued that the departmentalised nature of local government fosters a 'segmentalist' culture suggesting that councils may experience intrinsic difficulties in accepting change (O'Donnell and Boyle 2008). Furthermore, as organisational cultures are anchored in tradition, they are more embedded in historical organisations with experienced workforces such as local government. Martin (1999) working on the 'Best Value' agenda, identified three groups of local authority based on their organisational culture: a culture of complacency where change could be accommodated without major disruption; a culture of ineffective conservatism where staff have become accustomed to short-lived change and saw Best Value as a 'fad'; and a culture of compliance where staff were used to following instructions from central government but became unsettled when having to take the initiative and think strategically.

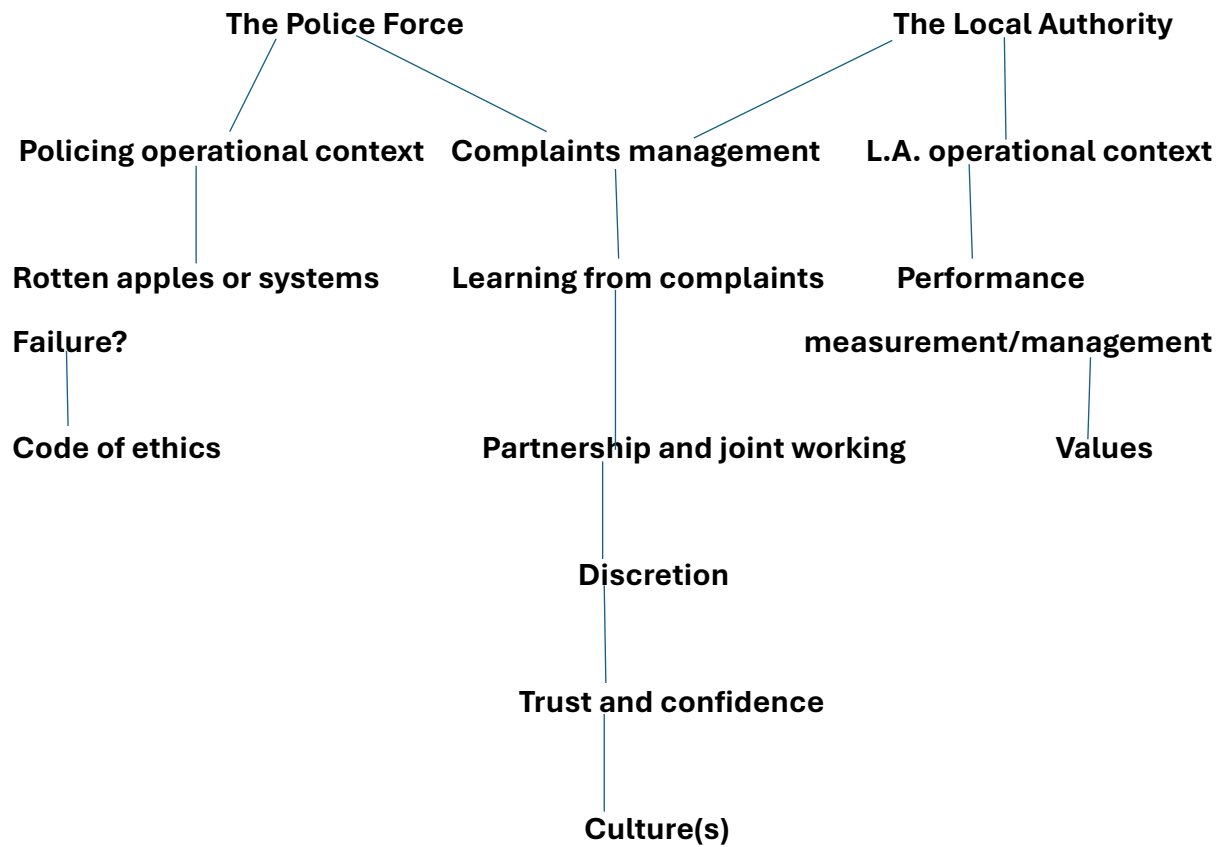
2.8.17 Goddard (1995) examined local authority resistance to change and found strong cultural differences between staff from different professional backgrounds. He argued that managerial attempts to change structure and processes – the artefacts – would not be radical enough to penetrate the underlying culture. This chimes with the findings of Munro (2011) in a review of child protection services which found that risk was an inescapable reality given the complexity of the work and so gave rise to an opportunity to develop a ‘risk sensible’ rather than a ‘risk averse’ culture. It was argued that “an essential part of such a transition will require a greater emphasis on the emotional aspects of organisational culture in order for anxiety to be acknowledged and worked through” (Whittaker 2011 p.493).

2.8.18 Wastell *et al* (2003) investigated the e-government agenda and found that staff failed to ‘unfreeze’ their old ways of working and neutralised the change by absorbing it into the status quo. Reorganisation around customer needs rather than professional disciplines was seen as a threat to the prevalent culture. This highlights that intangible assets such as organisational culture though hard to measure and understand, cannot be ignored. The Local Government Act 1999 gave Government powers to intervene in local authorities where they were deemed to be failing in their Best Value duties. Between 2010 and 2020, there were statutory interventions in four local authorities and non-statutory interventions in a further two. Government analysis showed one common characteristic: “weaknesses in the local authorities’ culture and governance” (Ministry of Housing, Communities and Local Government 2020). In the Introduction to the Government report, local authority culture was described as being “determined by its shared values and beliefs, how decisions are made, as well as how elected members and officers behave, interact and carry out their roles”. Governance, it stated, “encapsulates policy, procedures, the way in which decisions are made and how decision-makers are held to account”. Six areas were identified by commissioners and inspectors as potential indicators of a local authority with problems:

- A lack of effective political and/or corporate leadership;
- A lack of corporate capacity resulting in a lack of strategic vision and direction and inadequate internal processes;
- Poor and inappropriate councillor conduct;
- Conflict and distrust amongst and between councillors and senior officials;
- An absence of effective scrutiny, transparency and public consultation including inadequate protection for whistle-blowers;
- A lack of awareness and acceptance of the need for improvement and an insufficient capacity to achieve the change required.

## 2.9 Conclusion

Figure 1



This chapter highlighted the landscape for partnership working between the police and local authority on high-profile social and spatial issues. It also outlined the important factors for each service influencing the topic of complaints handling. Despite differences in the respective role of each service, commonalities emerged in the importance of culture, confidence, trust and discretion. The following chapter addresses the methodology of this study describing the approach taken and experiences involved in conducting the research.

### **3. Methodology**

#### **3.1 Introduction**

3.1.1 This research study is rooted in a phenomenological worldview as it focuses upon the experiences, views and feelings of participants. “Phenomenology is the study of structures of consciousness as experienced from the first-person point of view” (Smith 2013). It is also phenomenographic as account is taken of differences and similarities between two different organisations, four different services and a variety of postholders occupying various roles in relation to the topic. Phenomenography “considers variation, namely, the qualitatively different ways of experiencing, as a central point of research” (Cibangu and Hepworth 2016). The study involves interpretative phenomenological analysis (IPA), which is a qualitative and inductive research method that aims to understand how people make sense of their experiences in a given context. In this case, focusing on the experiences of staff involved in the CM process within the two organisations and taking account of their respective positions within that context. However, the research approach is also informed by critical realist philosophy in that it aims to produce nuanced explanations whilst recognising that knowledge production is subjective and that researcher reflexivity is vital. In adopting a qualitative research approach for this study, the aim is to gain an understanding of the social reality, attitudes, beliefs and experiences of individual participants in relation to the topic of CM.

3.1.2 The research comprises a case study approach where the focus is on one particular police force and one particular city council and key postholders from the top to the bottom of the organisation. “Case studies comprise more detail, richness, completeness, and variance – that is, depth – for the unit of study than does cross-unit analysis” (Flyvberg 2011). Yin (2009) describes case study research as an empirical inquiry which investigates a phenomenon in its real-life context. Yin (2014) also states that case studies do not lead to statistical generalisations but do yield analytical generalisations. This study is in keeping with Cousin’s (2006) observation that case study aims to explore and depict a setting with a view to advancing understanding. As this is the first known study of the experiences of postholders directly involved in the complaints process of a large English police force and one of the largest city councils, it comprises new and original knowledge: making a unique contribution to the existing literature appertaining to the two services and the topic under study. The aim is to produce “quality” research (Guba and Lincoln 1994) with “trustworthiness” (Bryman 2008). It has been inspired by the view that “sensitivity, perspicacity, penetrating insight, discernment and creativity are the constant companion of a well-skilled case study researcher” (Cousin 2006).

3.1.3 There are three research questions: namely,

- What are the specific experiences and views of the complaint management process held by key postholders in the force and the city council?



- How do those experiences and views differ between key postholders situated in different positions and different services?
- What features of best practice are identified by key postholders?

### **3.2 Recruitment and participation**

3.2.1 Recruitment proved to be a challenge in this case as the original proposal aimed to have more than one and up to a maximum of four participating police forces comprising a cross-case study. 14 police forces were contacted: one force agreed to participate; 5 forces did not even reply to the invitation; and 8 responded but declined to participate. Some warm comments were received about the proposal which was encouraging. However, in 2023, it is beyond disappointing that more than a third of the forces contacted failed even to acknowledge the correspondence. It appears that those forces who declined to participate were unwilling to expose themselves to the potential scrutiny that this study entailed though several stated that they had other commitments taking up their focus. Indeed, the months preceding and during this study saw multiple high profile misconduct cases in the media and it is not altogether surprising that forces were sensitive to further negative attention. Ullrich (2019) summed this up aptly: “the police view themselves as constantly being under public scrutiny and being unjustly publicly criticised. In this manner the predominant attitude towards research is reserved if not hostile”. This is not a unique difficulty with police forces as Westmarland and Rowe (2018) explained when they took considerable time discussing research with forces and only achieved 3 participants for their large-scale survey. In the book, *Applied Policing Research: Challenges and Opportunities* (2015) a number of academics who have been involved in policing research describe the obstacles to access and participation. Cockbain (2015) talks of ‘getting a foot in the closed door’ and describes four impediments to police engagement with research:

- it is seen as a distraction from ‘real’ policing activities;
- a fear of political bias or misrepresentation;
- a view that researchers are only interested in data and publications;
- an ‘ivory towers’ stereotype of academics.

However, Wortley (2015) concludes that, “undertaking policing research can be a tricky but potentially rewarding enterprise”. Indeed, it is fair to say that interviewees from the participating force were engaged and enthusiastic during interview. A senior manager referred to a “duty of candour” and those subjected to the complaints procedure described the interview process as being cathartic. It is worthy of note here also that formal correspondence to the Independent Office for Police Conduct and an NHS Trust also received no reply.

3.2.2 The one participating force in this study had an existing and positive relationship with me as a researcher from my previous employment with the University of Sheffield and latterly as a Senior Policy Officer at the Ministry of Justice and it is believed that this

contributed in no small part to their willingness to participate in this research study. Whilst working for the Ministry of Justice (MoJ), I conducted an evaluation of the police service's treatment of women coming into contact with police forces in England and Wales and I managed to secure the participation of 39 out of the 43 forces. This positive response was in sharp contrast to that for this study and I suspect that this reflects a greater trust in the MoJ than in university researchers. I also suspect and a police colleague also suggested that forces would likely be hesitant to participate in this study of complaints due to heightened sensitivity as a result of the significant, adverse publicity and exposure around at the time of this research taking place. Due to the challenges with recruitment, it was not possible to conduct a pilot study to mirror the study itself. However, the draft interview schedule was shared with both academic supervisors, an experienced policing academic researcher and a chief inspector in the participating force for comments and suggestions prior to use.

3.2.3 In sharp contrast to the police service response, the Chief Executive of one of the largest city councils in England responded personally, immediately and positively with a view to his organisation's participation. His response demonstrated the authenticity of his public statement that he was 'open to constructive criticism'. This was in sharp contrast to a chief constable who was the national lead for PS and had publicly maintained that he was open to constructive challenge but who did not even reply to an invitation to participate in this study. The Chief Executive's positive reply was followed up by contact with one of the chief officers responsible for corporate operations to facilitate access. The council in question had already contributed to a separate research study I had conducted on a related but different topic – on the espousal and enactment of organisational values – and the Chief Executive had been exemplary in his open and constructive approach to the research: including his readiness to be interviewed himself and his genuine interest in the emerging findings. It is not possible to say whether other city councils would have responded in such a positive manner. However, it must be acknowledged that such a leadership response can generate significant impact and value: boosting confidence and professional reputation. City councils themselves face a wide range of challenges in delivering their various and often complex services and are also subject to negative media attention. On the basis of my experience in gaining access for this research study, it is difficult not to wish that the police service, overall, might be minded to adopt a more open and constructive approach to professional collaboration.

3.2.4 When it was not possible to enlist more than one police force to this study, the decision was made to secure the participation of a large city council. Both agencies belong to the public sector and have experienced the effects of significant changes such as the introduction of New Public Management in the 1990's and the years of austerity when budgets were severely cut. Furthermore, both services are statutorily required to work together on a range of issues such as: Community Safety Partnerships; youth offending; anti-social behaviour; domestic violence; truancy; and the night-time economy. This partnership relationship will be outlined further later in this thesis.

### 3.3 Data collection

3.3.1 The University ethics procedure was completed prior to interviews taking place and each participant received an information sheet and consent form (Appendix A1, A2 and B). Data was collected using semi-structured, qualitative interviews with each of the 16 participants and in person for 7 of those interviews within the police force and 6 face-to-face interviews within the city council. This provided participants with ample opportunity to share their experiences and views in relation to the research topic. The interview schedules are shown at Appendix C1 and C2. However, the schedules were not adhered to with those staff who had been subject to complaints investigations as they were invited to openly describe their experience and follow-up and probing questions were put to them where appropriate and necessary.

3.3.2 The interview schedules were designed to both address the research questions and to reveal key issues aligned to the topics highlighted by the literature review. Three questions were also formulated in the mode of the Appreciative Inquiry (AI) research approach. The following questions were used to elicit responses, which sought to address the aims of the study:

a) Identifying best practice for effective CM and positive experiences from an AI research approach: -

*What are the features of the best handling of complaints by the force/council?*

*What are the qualities or skills demonstrated by the best of complaints investigators?*

*Can you describe a best example of when the force/city council dealt really well with a complaint?*

b) The importance of the code of ethics for the police force and organisational values for the city council: -

*In what ways, if any, does the police code of ethics/council's values influence professional standards and conduct?*

c) The importance of public trust and confidence: -

*How far, in your view, does the public have trust and confidence in the force/council and its complaints handling?*

d) Diversity of complainants and protected characteristics: -

*How does the force/council take account of or use data about the protected characteristics of complainants - such as gender, ethnicity or sexual orientation - within the complaints handling process and subsequently?*

e) Relationships with the IOPC and Ombudsmen

*How would you describe the force's/council's relationship with the IOPC/Ombudsmen with respect to complaints handling?*

f) The importance of discretion: -

*How far do you think the exercise of discretion by front-line staff leads to complaints?*

*How far can you exercise discretion when handling complaints and the outcomes?*

g) Organisational learning from complaints: -

*How does the force/council ensure learning and development is derived from complaints?*

The questions were necessarily open to allow for individual views and experiences to be expressed. Supplementary, probing questions were put to interviewees as appropriate.

3.3.3 The force had a single Professional Standards Department whilst the local authority had three complaints teams each related to a statutory service and I was able to access the Children's and Families Services, Adult and Health Services and Housing complaints teams. The structure of complaints teams in both organisations were aligned in that they had a complaints team manager and a chief officer/director responsible for complaints. However, a significant difference was found in the fact that the city council complaints teams forwarded complaints to be answered in the first instance by a manager in the service about which the complaint was made. The police force retained the investigation of the complaint within the complaints team itself. Individual participants occupied different positions within the force and the city council from top to bottom of the organisation: namely,

- Chief officer responsible for professional standards (PS) or complaints
- Head of PS department/complaints team
- investigators
- officers or staff subjected to investigation

The original proposal also included an interview with the Police and Crime Commissioner and a Police Federation representative but both declined to be interviewed. The former stated that, as they considered appeals from the process, they felt it was a conflict of interest to participate and the latter did not have the time due to other commitments.

3.3.4 The police force that is the focus of this case study is a large, urban force with a legacy of serious, historic misconduct. The 8 interviewees for this case study comprised three officers with responsibility for investigating complaints, the Head of the PS department, the Deputy Chief Constable who held responsibility for PS and three officers who were subject to the complaints and misconduct process. The latter officers included one against whom there had been an historic allegation of rape, a second who had been involved with a death in custody and the last being an officer dog handler whose dog had seriously injured a detainee. All three officers expressed that they felt our research interviews were cathartic and they wished to openly share their experience

of the complaints process in order to achieve improvements where possible. The remaining five officers actively engaged with the interview process and included mention of the importance of a duty of candour. The 8 local authority participants comprised two managers who acted as investigators, two members who had been subject to a complaint, three complaints team managers and a director responsible for complaints handling. The two members of staff who had been subject to a number of complaints comprised a housing officer and a social worker both of whom had been accused of unprofessional behaviour. All city council interviewees were engaged and openly shared their views and experiences in interview.

3.3.5 As mentioned, interview schedules were designed, relating to a participant's experiences and views of the complaints management process for both the police force and the city council (Appendix C1 and C2). As mentioned, the interview schedules were not used strictly with officers/staff who had been subject to an investigation as the interview focused on an open and unstructured account of their experiences with additional questions as they arose from the account. The interview schedule design included three questions from an Appreciative Inquiry (AI) approach to capture positives and what is best practice within the topic of study. AI is a well-recognised and widely used form of action research (Bushe 2007, Bushe and Kassam 2005, Cooperrider and Whitney 2011, Carter 2006). As Cooperrider and Whitney (2011) aptly describe, "it proposes, quite bluntly, that organizations are not, at their core, problems to be solved. Just the opposite. Every organization was created as a solution designed in its own time to meet a challenge or satisfy a need of society". It has been used in a variety of settings including some instances within the criminal justice system in prison and probation services (Liebling *et al* 1999, Robinson *et al* 2013, Scott 2014) and in specific local authority services such as education and social work (Shuayb *et al* 2009, Teater and Carpenter 2017, Rogers 2022).

3.3.6 However, there has been limited use of AI as a methodological approach in policing research (Skinns *et al* 2021) and in local authority services more generally. Skinns *et al* (2021) discuss in their recent article on the use of AI in the police custody setting, "the value of AI for police research, where its use is potentially confounded by aspects of police culture". Those aspects they suggest involve the cynicism of front-line officers. However, they consider the storytelling by participants to overcome those barriers. This research aimed to draw upon the approach of AI to examine the positives of the current local police and city council complaints processes with those who are directly involved in its management and delivery as key postholders. In undertaking such a complex task, the researcher is mindful of the need for continuous reflexivity to obviate any slippage into "naïve optimism" (Skinns *et al* 2021). AI can only be one part of a diverse range of approaches to policing and local authority research more widely and should be viewed alongside and in conjunction with the undoubtedly valuable, critical approaches.

3.3.7 Interviews were conducted face-to-face wherever possible and transcribed verbatim, which allowed for my immersion in the rich data provided by each interview

and to do so iteratively. Secondary data has been collected from documents published by key sources. In the case of policing, this included the Independent Office for Police Conduct, which investigates serious incidents; the College of Policing, which produces professional guidelines appertaining to PS; HM Inspectorate, which, in addition to individual force inspection reports, also publishes thematic reports; and independent inquiry reports, such as that by Dame Louise Casey into the culture of the Metropolitan Police (2023). In the case of the local authority, this has included: published material from the Local Government and Social Care Ombudsman; the Housing Ombudsman; Government reviews and inspections. The police force's and the city council's websites were also searched for information relating to complaints and it was found that both offered helpful details of how to access the complaints procedure and what to expect from it. The city council's website entry provided more detail than that of the police force as it explained timescales for replies and different stages of complaints handling.

### **3.4 Data analysis**

3.4.1 Data was analysed using thematic analysis. "Thematic analysis (TA) is a method for identifying, analysing and interpreting patterns of meaning ('themes') within qualitative data" (Clarke and Braun 2015). Qualitative methodologies contribute to the description and interpretation of complex phenomena, developing and revising understandings rather than purely verifying earlier conclusions and theories (Vaismoradi *et al* 2016). Terry *et al* (2017) discuss the flexibility TA can offer and highlight the need for deliberate and careful research. They posit that this flexibility can apply to theoretical assumptions, research questions, data collection and analysis. The creativity of the researcher is an integral part of the analysis and in presenting the results in the form of a storyline (Vaismoradi *et al* 2016).

3.4.2 The purpose of the theme is to elicit the essence of the participants' experiences and is used as an attribute, descriptor, element and concept. The transcripts were subjected to line by line, open coding followed by focussed coding, which led to the identification of 10 themes for the police force and 15 themes for the local authority services. This resulted in a total of 19 themes, cumulatively for both services, once overlap was accounted for. These led then to the emergence of a core theme. In keeping with Vaismoradi *et al*'s (2016) observation, the ability to generate ideas and make sense of data depends on researchers' closeness to the data through immersion. Listening carefully to the recordings allowed for attention to be paid to pauses, tone and intonation before rendering the data to the written word in the form of the transcripts. The texts in secondary data in the form of guidelines and reports were also analysed to identify themes and to inform the discussion of findings. The academic literature was referred to iteratively throughout the study to foster theoretical sensitivity.

### **3.5 Findings and Outcomes**

3.5.1 The themes are presented as findings and then discussed in relation to the existing academic literature and secondary data. A total of 19 discrete themes emerged from the cumulative data gathered from both services and these led to the core theme

of ‘the importance of communication, timeliness and values’. In adopting a qualitative research approach and conducting semi-structured interviews, it was possible to explore and reveal details of the participants’ experiences, attitudes and views in relation to CM within their organisations. This yielded rich and deep data for analysis and, in embarking on a process of immersion in the data, familiarity with the line-by-line details of individual accounts led to the identification of the 19 specific themes to a point where saturation was achieved. Careful and reflexive consideration of the data and the themes allowed for the maturation of nuanced and insightful findings and conclusions. To the best of my knowledge, no academic study has been conducted in the UK relating to the experience of key postholders involved in police PS and local authority complaints so the findings of this study represent new knowledge and an original contribution to the academic literature. It also addresses a gap in the literature on complaints management as there is an absence of studies of the experiences of staff who manage complaints (Mirzoev and Kane 2018). Similarly, the aspect of AI in this study constitutes a new approach to policing research with only one other known study utilising AI in UK policing research (Skinns et al 2021) and also in relation to local authority management generally.

3.5.2 The validity and reliability of qualitative research lies in its trustworthiness, credibility and replicability. The qualities of validity are embedded in the connectedness and alignment between the findings and conclusions and the data: both empirical and academic theory. Each of the themes identified from the interview data is presented later in this thesis with numerous direct quotes clearly illustrating the content of the theme. This also allows the reader him/herself to judge how fully the empirical data supports the theme identified. The findings are then discussed in detail in relation to the existing academic literature and secondary data. In this way, triangulation and theoretical sensitivity are achieved supporting the trustworthiness and credibility of the findings and conclusions. Furthermore, the thesis has been shared with the participant organisations and key stakeholders such as the College of Policing: not only to enhance research impact but also with an invitation for feedback and discussion of the findings and conclusions. Thereby, offering opportunity for knowledgeable stakeholders’ observations of the trustworthiness and credibility of the research and its findings to be shared. The research approach and methods have been clearly outlined in the thesis, which illustrates consistency within the employed analytical procedures and allows for potential replication. However, it is well-recognised that, in qualitative research, different investigators may achieve different findings.

3.5.3 Both the large police force and the large city council face challenges in delivering complex services to local communities especially in the face of austerity and public scrutiny when things go wrong. Where applicable, this study will lead to recommendations for policy and practice based upon the findings. The participating force and the city council were both keen to receive the results and emerging findings were shared with them. This study may also pave the way for further future, in-depth research focussing on the management of complaints in policing, local authorities and other public sector services.

## **4. The Findings**

### **4.1 The Themes**

The interview transcripts were subjected to a line-by-line thematic analysis, which reaped a total of ten themes arising from the police force, fifteen themes arising from the local authority and a total of nineteen discrete themes from both organisations cumulatively. This led to a core theme: namely, the importance of communication, timeliness and ethics/values.

### **4.2 The Police Force**

4.2.1 The ten themes from the police force interviews comprised the following:

- Communication
- Timeliness
- Workload
- Support
- Code of Ethics
- Trust and Confidence
- Research Skills
- Protected Characteristics
- Independent Office for Police Conduct
- Discretion

The core category that emerged from the themes was ‘the importance of communication, timeliness and ethics’: a concern shared by all participants regardless of their position within the complaints process. The importance of communication and timeliness also appertained to both the response to complainants and to the subjects of investigation.

#### **4.2.2 Communication:**

“Being able to communicate with others is extremely important. Being able to talk to people on a level that’s appropriate for that person” (Investigator).

All the investigators cited the importance of communicating with the complainant as early and as clearly as possible. This often included members of the community who were angry or distressed by events leading to them making a complaint. So, handling difficult conversations and structuring expectations was required. This was recognised by the managers of the PSD who had arranged specialised training for investigators to address this. Investigators tried to make early and meaningful contact by phone and, if necessary, in person as the following quotes demonstrate:



“I think communication skills are the best...So, that early contact and reviewing the complaint as we got it to ensure it’s what they are saying and also identifying what outcome they want” (Investigator).

“Best practice for us is when we establish what the complainant wants and where possible we can go out and see them face to face” (Investigator).

“I actually went out and sat down with the dad just to gain a better understanding of why he felt they’d been discriminated against. Having that meeting with him showed him that I was genuine. It really is about that communication and the updates to the complainant so that they’re aware of...the progress” (Investigator).

The Head of the Professional Standards Department also articulated the importance of good communication by investigators with the complainants:

“They need to have the confidence to converse with people, have those difficult conversations, manage people’s expectations. We need to advise and update and reassure the complainant. It comes back to those realistic and honest conversations with people... I think so much of it is the confidence to have those communications skills, to have those difficult conversations...” (Head of the Professional Standards Department).

Unfortunately, good communication was very often thwarted by the workload, which meant that investigators could not always contact complainants as early as they would wish and in person. This issue of workload will be covered further as a separate theme.

“Keeping the police officer or staff member that’s complained about up to date and offering them reassurance” (Investigator).

The investigators also recognised the importance of communication with officers who were the subjects of complaints. Unsurprisingly, the subjects of complaints highlighted clearly the importance of good communication during the complaints process, which was seen as a source of distress as the following quotes illustrate:

“So, from the investigation, being handed the papers in about a year’s time, I was told I was being suspended. I didn’t know the full facts of what I’d been accused of ... It was frustrating that nobody appreciated what I was going through my head ... I’d got no answers to what was going off” (Subject).

“It was 18 months I had no contact from my supervisor. I just feel like I’ve been forgotten about and just left. It wasn’t understood how somebody suspended is feeling ... keep me updated on what’s happening” (Subject).

“It’s incredibly stressful. It comes back to needing some information. I think there’s that pyramid of command and what we’re interested in is having that open and transparent conversation” (Subject).

“The key thing is communication and being transparent” (Subject).

#### 4.2.3 Timeliness:

“I think the biggest impact for us cops is the length of time it takes. Timeliness is a big thing” (Subject).

Officers that had been under investigation described clearly just how important the timeliness of investigation was for them as the subjects of a complaint. The length of time it took to complete investigations was a source of significant stress for officers subject to a complaint.

“So, from the investigation, being handed the papers, in about a year’s time I was told I was being suspended...There wasn’t going to be a decision made about me until they got (Crown Prosecutions Service) advice back. That took a year. But, in the meantime, I wasn’t practically eating, I was drinking more than I usually do, I’d wake up in the middle of the night. I kept thinking it can’t take much longer, it can’t take much longer” (Subject).

Both the Head of Professional Standards and the Deputy Chief Constable recognised the importance of timeliness and articulated clearly their responsibility as senior managers for ensuring the timeliness of investigations. They also recognised the stress caused to officers and their families when subject to the CM process.

In this quote the Head of PSD captures the importance of timeliness for officers subject to complaints:

“I am managing the timeliness and effectiveness of all the misconduct investigations. We’ve got to be more effective in our service delivery for the complainants but also for the timeliness, the governance. So absolutely around the timeliness, making sure it’s dealt with in an expeditious way. I think a key thing has got to be the timeliness...you can’t underestimate the adverse impact being under investigation has on a member of staff and their family and we owe it to them for it to be dealt with as quickly as you can” (Head of PSD).

In this quote the Head of PSD captures the importance of timeliness for individual and organisational learning and thereby developing best service:

“If we are not dealing with it in a timely way and we’re not addressing the issue, it ... that person will recur again and the problem’s recurring because we’ve not fed back the lessons learned that come from it. So, very much that timeliness which in turn has a direct impact on the satisfaction and confidence and that lessons learned is not creating future demand” (Head of PSD).

“You control them in terms of timeliness and those that can be resolved locally, simply and easily and those that are about performance delivery as opposed to conduct we can resolve as quickly as possible. It’s an important part of policing and we should deal with it as swiftly as possible” (Deputy Chief Constable).

In keeping with the Appreciative Inquiry research approach, the Deputy Chief Constable shared an example of where the requirement for timeliness had been met and which should act as an exemplar for a swift resolution to complaints:

“It came to our attention that an officer had been pursuing a sexual relationship with two vulnerable victims of domestic violence that he had encountered through work. This conduct was identified and raised by a colleague, which is positive for the organisation as it was suspected and raised with our counter-corruption unit. Just to give you an idea of the speed that it was dealt with by the organisation, it was reported at 2 o’clock on a Sunday morning, it had come to light during a night shift that night. I got a call at 9 o’clock on a Sunday morning as I was duty gold commander, by 11 o’clock he’d been hoicked out of bed and arrested on suspicion of misconduct in a public office. Subsequently sacked on an accelerated hearing”.

As with communication, timeliness was thwarted by workload, and this will be referred to as a separate theme as follows.

#### 4.2.4 Workload:

As mentioned, though recognised as particularly important, communication and timeliness suffered due to workload and insufficient resources to meet demand. The following quotes clearly reflect the difficulties associated with workload:

“Case handlers are currently handling 30 or 40 complaints each. I think we average 200 complaints a week” (Investigator).

“My staff are under a lot of pressure because of the number of complaints they’ve got. It’s the number of staff that would help because then we could give the complainants a better service. We wouldn’t have big workloads to manage” (Investigator).

“Just because of the sheer volume of complaints they are not dealt with as speedily as we would like and definitely how the complainant would like it handled. We do take phone calls and we do try and explain our decisions but with more staff we could do more of that” (Investigator).

This difficulty with workload raises the question of whether the PSD is properly resourced to meet the requirements of good communication and timeliness in the face of demand that outstrips capacity in terms of the volume of complaints and subsequent workload.

#### 4.2.5 Support:

“I didn’t get a welfare officer appointed at any stage throughout the two years. I felt abandoned. I felt like I’d been left out to dry to be honest. For quite a long time I was quite bitter about it ...I felt abandoned and I felt like the organisation had lost faith in me and saw me as a risk. It could have been handled so much better. Being left alone I felt bad” (Subject).

Officers who had been subject to complaints gave a stark view of how unsupported they felt during the investigation process, especially when redeployed or suspended, highlighting how important support is for those officers.

“There seemed to be a knee-jerk assumption that I’d done something wrong and rather than support me I was just left to fend for myself. It took a long time to get over that to be quite honest” (Subject).

“I firmly believe we should allow officers to learn from mistakes rather than castigate them. When I joined the police in the late 90’s I had a sergeant who really looked after me in the very early stages and he used to say if you make mistakes the job should back you and allow you to learn from them, if you’re reckless or stupid or bent, you go” (Subject).

“One thing we could improve on where there’s less of a blame culture but more of a learning one where it’s appropriate” (Subject).

As mentioned, officers felt acute angst at being redeployed or suspended from duty and this was palpable during interview despite the time that had elapsed since those events had occurred:

“They took me away from the building where all my support network was, all my friends was. They put me in an office where straightaway there was a spotlight above my head wondering what I’m there for. So, I didn’t know what I was doing and I had nobody” (Subject).

One officer describes how his epaulettes were removed from him when he was suspended, which felt like a symbolic stripping of his status and authority:

“I had my number and my sergeant stripes. They made me take them off and hand them over to them. I’ve got 10 pairs at home. It was almost like a ritual. It was like a symbolic removal, trying to belittle me and make me feel unworthy of them or something. It was that little thing that stood out and they didn’t need to do that” (Subject).

The Deputy Chief Constable gave a clear view of the need to support officers who had acted in good faith in contrast to others. He also highlighted the importance of individual and organisational learning from complaints.

“Going back to the organisational justice model, if you take intentional actions that you know you shouldn’t do and there are unintended consequences of it and those consequences are severe, you go. If you’re reckless or stupid or corrupt you go in an instant. If you make a mistake we make sure we allow you to learn from it. That’s the broad view of how I think the system should operate”.

Support for the complainant was also recognised as important for best practice as the following quote illustrates:

“I’m thinking of one particular case it was a domestic abuse sexual offence investigation for a victim who was a victim of domestic abuse and it was, the

complainant came and gave evidence but it was a no case to answer, that particular complainant knows and I've spoken to the staff, she knows we took her seriously we did everything we could, we went through due process, we took it to a hearing and we supported her throughout ...we can't change the outcome but she knows that we supported her ...and I know that she was really grateful for the support and the trust that she had from the staff who dealt with it" (Head of PSD).

#### 4.2.6 Code of Ethics:

The Code of Ethics for the police service was introduced in 2014 and at the time of the study was undergoing a review by the College of Policing. Throughout these interviews the Code of Ethics appeared as being very important to officers. These quotes highlight that importance:

"You've got the standards of professional behaviour and you've got the Code of Ethics and for me they just run side by side in everything we do as professional people" (Investigator).

"It does spell it out in black and white to officers. It definitely reinforces it...It does run through the whole complaints system because the majority of our complaints are probably around stuff contained in the Code of Ethics...Police officers are far more aware of it and it's more succinct than when I joined up" (Investigator).

"The Code of Ethics has probably drilled it down and defined it because obviously not everybody is the same, some don't always give a good service...So, it's better and probably overall it's made cops more professional in their daily duties" (Investigator).

"I think it does 100%. It should influence everything we do...It's embedded throughout everything we do" (Subject).

"The Code of Ethics is clear and embedded from the Chief Constable downwards...The Code of Ethics influences us massively...it feeds into everything you do" (Subject).

"You should know what is right and wrong instinctively but it's always there in, in a moment of time, in a moment of clarity. I use the National Decision Making (NDM) model quite a lot and the Code of Ethics is central to that. So, it can only be a good thing and it's a guide" (Subject).

"The Code of Ethics is a set of guiding principles to inform your decision-making. Where there are no clear-cut answers, you try and make an objective decision. At the heart of that is the Code of Ethics...I may end up being wrong but I made it ethically and I've thought through the different parameters of the Code of Ethics...For me the Code of Ethics is about decision-making" (Deputy Chief Constable).

"We as ethical leaders deliver the message around the standards and expectations but it's around doing the right thing for the right reason and sometimes unfortunately people make mistakes without the intention, you know, with unintended consequences so for me, ethics, the code of ethics runs throughout everything we do" (Head of PSD).

The Code of Ethics, introduced nine years ago, appears to have high significance for officers and they describe it as being embedded in their working practices. However, when responding to the other questions on interview none of the respondents actually referred to the features of the code and the qualities inherent in it. To appreciate that the code of ethics was properly embedded and authentically influenced daily practice, it would have been valuable to have heard from interviewees how it related to their work in concrete examples and responses to questions.

#### 4.2.7. Trust and Confidence:

The force participating in this study had been subject to high profile public inquiries into misconduct. When asked about public trust and confidence in their force, interviewees were candid about shortfalls as a number of the following quotes show:

In relation to less serious complaints, “as a force we are quite low on the number of people who are unhappy with the outcome and would like a 2nd opinion on it. 96% are satisfied afterwards”. In relation to more serious complaints, however, “I imagine it’s quite low because from experience the outcome they are looking for frequently they don’t get. But the public as a whole I think there’s still confidence in the police” (Investigator).

In relation to the force’s historic legacy, “There’s still anger and negative thought of the police in general from the public” (Subject).

“We were toxic...there’s been massive changes. We are a much better organisation. I’d be naïve if I said the public thought we were” (Subject).

The Deputy Chief Constable gave the most comprehensive response to the question of public trust and confidence drawing out the principles and approaches that mattered most in his view. He also emphasised the importance of transparency as well as timeliness:

“We should allow good access for the public to make a complaint about the police. There should be a clear pathway for that. [Officers] “they need to have the public at the heart of what we do. A strong sense of values toward the public...I think the discourse has some challenges as every force has a legacy...Public confidence at its heart is gained by strictest adherence to the concept of policing by consent...at the heart of that is neighbourhood policing...The biggest determinant for public confidence is to be seen to act with integrity, which is why the transparency of our complaints system is very public in terms of dismissals that we’ve had...The key determinants of that are visible policing done with the community, transparency, absolutely admitting when you’ve got things wrong...If it comes to improving public confidence in the complaints system a complete overhaul of the timeliness and management of cases would be really helpful...how can the public have confidence when it takes 6 years and at the end of it one person gets a written warning...It is fair that we respect the rights of officers but we should move the cases through the system swiftly. We should have transparency publishing the outcomes of panels”.

#### 4.2.8 Research Skills:

“Being able to conduct research” (Head of PSD).

When asked about the skills of the best investigators, the two chief officers cited the importance of research skills though this was not mentioned by the case handlers themselves. The case handlers stressed communication skills rather than research skills.

“They have to be good investigators. Be qualified detectives or have a strong investigative background...So you need someone with good investigative skills, someone who is operationally experienced and understands the pressures of being a police officer today so they can make decisions rapidly” (Deputy Chief Constable).

#### 4.2.9 Protected characteristics:

“We have to tread carefully and respectfully as well” (Investigator).

When asked about how protected characteristics within the Equality Act were handled, interviewees expressed a sensitivity towards how those complainants might feel. However, it was clear that data on protected characteristics of complainants, though recorded where possible, was not analysed in any way by the organisation. This constituted a ‘blind spot’ for the organisation that could be addressed.

“I would definitely expect my case handlers to have an awareness and an understanding of protected characteristics and to adapt their approach to suit the needs of that person” (Investigator).

“We do identify it quite well. I talked about face to face. The last time I went out it was because there was an element of racial discrimination alleged and so it did help” (Investigator).

“It’s a lot of work [data collection] and we actually don’t do anything with it [analysis]...I took it out (Head of PSD).

This finding was in keeping with a survey I conducted for the Ministry of Justice in 2019 in relation to women coming into contact with the police in which it was found that police forces routinely collected data on the gender of complainants but did not analyse it. This would be a valuable source of data for the force to interrogate with the aim of developing best practice.

#### 4.2.10 Independent Office for Police Conduct:

The Independent Office for Police Conduct (IOPC) handles the most serious complaints against officers and also manages some investigations undertaken by case handlers within the force. Investigators in this study reported generally good relations with IOPC case handlers. However, this was not mirrored at the more senior levels where significant concern was expressed about the length of time taken by the IOPC to complete investigations.

“I’ve always found them amenable, helpful and good to work with” (Investigator).

“I’ve always got on really well...It’s quite a good relationship” (Investigator).

“For the force I can’t say too much as it’s not something I get into. That’s more your manager, your senior officers...the gut feeling I get is that it’s not the best...that’s probably due to different agendas” (Investigator).

“Challenging, challenging...it’s the most challenging working relationship I’ve ever had to encounter in my entire police service...It’s very difficult and very frustrating because you have those very lengthy, protracted, unnecessarily protracted investigations...It’s challenging because you have no control or influence over the timeliness and the governance of those investigations...I just get frustrated and saddened that there doesn’t seem to be the same level of intrusion and governance and timeliness over their investigations...I think some of the decision-making is questionable” (Head of PSD).

“Challenging, challenging inasmuch as my main frustration is that their investigations take far too long...we have a number of cases where we feel there’s no accountability with the IOPC on timescales. My question would be who holds the IOPC to account and it seems to us nobody” (Deputy Chief Constable).

Interviewees recognised the importance of the independence of the IOPC. They felt that independence was valued by the public but that the lack of operational policing experience within the IOPC in some cases could be detrimental.

“There’s a difference between us and the IOPC as the public think we are policing ourselves and it’s quite often the feedback we get that you’re going to take the side of police officers because you’re policing yourselves” (Investigator).

“These people have no policing background or experience but then I suppose that’s the independence side of it. That’s probably where the clash is, we’re cops, they’re not. They are investigating serious issues, theft, criminal assault allegedly by cops and are they best placed to do that?” (Investigator).

“I still think you need to have someone independent from the police to do investigations but it needs to be done in a more timely manner” (Deputy Chief Constable).

#### 4.2.11 Discretion:

Although officers did not refer to the issue of discretion by name, discretion did feature as a component of the topic of complaints handling in this study. Firstly, of the three officers who had been subject to complaints investigation, two involved cases where they had used their discretion in connection with specific incidents and that had resulted in them being subject to investigation. Secondly, the Deputy Chief Constable used his discretion when deciding upon the response to those officers: that is, whether to redeploy or suspend them. Thirdly, investigating officers used their discretion in relation to what contact they had with complainants and how they responded to the complaints. Undoubtedly, these uses of discretion had important consequences for all those involved in the complaints management process. The Deputy Chief Constable



and officers who had been subject to investigation highlighted that if an officer used his or her discretion in good faith they should be supported by the organisation and made a distinction between this and corrupt behaviour. The Deputy Chief Constable also emphasised the importance of individual and organisational learning.

“I firmly believe it’s a difficult job being a police officer and we’ve got a lot of young and inexperienced police officers and things change all the time and we’re asking them to make dynamic decisions in difficult circumstances, people will make mistakes and sometimes those mistakes will have unintended consequences ... Now I firmly believe we should allow officers to learn from mistakes rather than castigate them. When I joined the police in the late 90’s I had a sergeant who really looked after me in the very early stages and he used to say if you make mistakes the job should back you and allow you to learn from them if you’re reckless or stupid or bent you go. Going back to the organisational justice model, if you take intentional actions that you know you shouldn’t do and there are unintended consequences of it and those consequences are severe you go. If you’re reckless or stupid or corrupt you go in an instant. If you make a mistake we make sure we allow you to learn from it. That’s the broad view of how I think the system should operate” (Deputy Chief Constable).

#### 4.2.12 Summary:

The three themes that were important to all police interviewees were communication, timeliness and ethics. It was recognised that these were areas that could be improved upon but were considered to be made all the more difficult due to pressures of workload and the number of complaints received by the PSD. This was especially true of timeliness which suffered from the volume of complaints outstripping capacity to respond in a timely manner.

### **4.3 The City Council**

#### 4.3.1 The themes:

Fifteen themes that emerged from the city council interviews comprised the following:

- Statutory and regulatory obligations
- Role of the complaints team
- Communication
- Learning outcomes
- Values
- Workload
- Ombudsmen
- Trust and confidence
- Protected characteristics

- Discretion
- Leadership
- Democratic accountability
- Written records
- Defensive mindset
- Support

The core category that emerged from the city council interviews was ‘the importance of communication, timeliness and values’.

#### 4.3.2 Statutory and regulatory obligations:

Both the handling and the topics of complaints were subject to statutory and regulatory obligations. The council had to fulfil mandatory timescales for responses to complaints and were subject to financial penalties in cases where these were not met.

Respondents displayed a commitment to achieving the set timescales, which meant that the timeliness of responses did not feature as problematic in itself as it did with the police force who do not have mandatory timescales to adhere to. Respondents also highlighted that complaints often involved actions that had to be taken within a framework of statutory or regulatory obligations and, in these cases, it was important to explain this to the complainants to structure expectations around what it was possible or not for the council to do in response to a complaint.

“With regard to the finances and top-ups and financial assessments, we have rules about that and I’m not going to change any of that. Sometimes you’ve got to say to someone I can’t do anything about that bit. It might be he’s not been communicated well about that process but I’m not able to do anything about this” (Service delivery manager).

“A good investigator will have a good legislative knowledge as well, will be able to tie these particular decisions to that” (Complaints team manager).

“It’s tricky because you’re legally bound by the statutory stuff you’ve got to do” (Social worker).

#### 4.3.3 Role of the complaints team:

The council had three separate complaints teams reflecting their different services: namely, corporate; adults and health; and children and families. Unlike the police force, the council complaints teams rarely investigate complaints but rather have an important role in administering the complaints procedure, allocating individual complaints, providing advice and guidance, quality assurance of responses and provision of training. The complaints team may take a more central and proactive role in effecting responses in particularly sensitive or complex cases such as when the complaint involves a multi-agency response. In the main, complaints were investigated

in the first instance by a manager in the service about which the complaint was submitted. In the case of adults and health complaints and in the event of dissatisfaction, the next stage would involve an investigation by a more senior manager. In the case of children and families, the second stage would involve an independent investigator. This approach to complaints investigation meant that, in the first instance and early stages, complaints were dealt with by managers who were familiar with the service, its staff and in some cases the complainant themselves. This approach strengthens service management accountability but does not provide visible independence at the outset. However, the complaints team managers offered a significant degree of independent oversight in ensuring that responses were quality assured and that they went back to managers where it was felt that the response did not meet best practice.

“All the administrative tasks of getting them into the council and logging them, making sure they’re allocated to the right people, making sure people know what they’re doing, making sure people are responding within timescale, that all sits under my team ... We provide advice and support. We get enquiries from around the organisation wanting to know how to deal with complex and sensitive situations ... My team don’t conduct the investigations though sometimes we do in difficult cases or it could be cases where there are several different service areas and it seems best for someone to co-ordinate a whole council response” (Complaints team manager).

“Another element of my team’s work is we quality check every response to try and make the wording restorative. We check for compliance with good complaints procedure but the skill in our team is in softening the wording or really highlighting to the service if I was reading that as a parent or a foster carer or a potential adoptee how would that make me feel? That’s our best practice” (Complaints team manager).

#### 4.3.4 Communication:

All respondents reported the importance of early and effective communication with complainants. This was seen as essential for providing clarity, assuring complainants that the council took the complaint seriously and managing expectations. This first stage approach also involved a restorative practice commitment where a mutually satisfactory, early resolution was proactively sought.

“it’s having a conversation with the customer, introducing yourself and this is what I understand we are investigating and what outcome do you want. What do we need to do to put this right. Sometimes you can resolve things pretty amicably over the phone just by arranging something and confirm it in writing so that you have got a paper trail. It’s that communication with the customer rather than seeing a complaint as a bad thing ... For the lion’s share of complaints it’s just having a conversation with someone so they feel listened to is the best way forward” (Complaints team manager).

“If you can assure the customer that their complaint has been taken seriously you will get a far better outcome. They will be satisfied and less inclined to escalate it ... taking it

seriously you've got to make contact with them quickly, you've got to offer a conversation" (Complaints team manager).

"As soon after you are allocated the complaint to investigate at the minimum pick up the phone and if you can arrange a meeting because not everyone is able to put everything that is going on with them in a complaint submission. Some people can write pages and pages but some people English may not be their first language, we deal with complaints from children, on behalf of children so we always encourage investigators to pick up the phone and have a restorative conversation first because it goes a long way towards resolving the complaint. It helps the complainants feel that they have a voice in the process outside of it just being a paper exercise" (Complaints team manager).

"I think the most important thing is just having that conversation ... even if it's only to offer them the opportunity to air their concerns so they feel heard or so they feel they've had a dialogue and somebody's taken the time to listen ... Sounding interested and being interested ... I hope you're here to understand and not to respond and I think that's quite important as actually if I'm honest, that is why I'm contacting them because I need to respond to their complaint that is the objective but people don't want to think that's all your doing. They want you to be able to understand it and not just be a tick in the box when it comes to your responses" (Service delivery manager).

"We are very aware that some of our customers have a lot of different needs, may have mental health issues, they may have physical disabilities, they may respond to stress in a different way to other people. So I can understand how they can get quite irate and not be happy with outcomes but they have to be told the expectations of what we can do, ultimately" (Housing officer).

"Making sure that the contact is done in a human way. We have set time-scales and that is important to the customer but I think what is really important is actually acknowledging that you are talking to a person and you may never get to a solution point but you recognise what they may be complaining about or upset about" (Head of Corporate Support).

"Communication is key isn't it. If you're heightened it escalates things and you don't want it to go to a stage 2. If I can deal with it why wouldn't I want to. Communication and acknowledging it is what I always prioritise" (Social worker).

#### 4.3.5 Learning outcomes:

Respondents highlighted the importance of achieving learning outcomes both for the individual and the organisation as part of the complaints process. However, it was also felt that this was an area that could be improved if resource constraints would allow. Nevertheless, respondents were mindful of how complaints could impact positively on the organisation with referrals to senior managers, action plans and training and guidance where necessary.

"So we do need to keep engaging with people. In terms of trying to do a lot more quality work around understanding complaints and driving service improvement through

understanding what we are getting through ... The learning side of it is something we don't do as well as we could do ... you might see learning from an individual case where a process change happens. What you see overall is what you know are the pressures of the organisation but a bit louder. It is not likely to get an influx of complaints about something you're not aware of. But I think there is individual learning on a small scale. For example, training issues that have been identified. You can identify stuff for staff guidance" (Complaints team manager).

"Learning from complaints is another work in progress. We log the learning from every single complaint in our database and what we always say to our colleagues, service managers, is we've got this information come and get it, we can give it to you. What we have never had is the resource to properly within our team draw up like an action plan at the end of a complaint and then see it through to a conclusion. That is what we would like to do ... Our head of service is keen for someone senior to have oversight of all the learning from all the complaints ... So, on a case by case basis, we're good at learning the lessons from the ombudsman cases because the ombudsman won't close it until we have done it. It's about making it part of the organisational culture that every complaint leads to that kind of outcome. That really is the holy grail of complaints handling. That is where we could add so much value to the organisation and we've been mindful of it for decades. It's just getting there is a really big step that we've found it difficult to get across" (Complaints team manager).

"Independent investigators will make recommendations around wider learning. We do that. We engage with the quality team. As far as is possible we try and get on the agenda of senior leadership team meetings. We engage with x children's safeguarding team. Everyone always understands the value of complaints but sometimes again it's that time thing so just pushing to make sure the learning gets in front of the right people. Sometimes our team's capacity to do as much follow up as we'd like is limited because like with every area our resources are stretched" (Complaints team manager).

"The outcome goes back to the social worker and the team manager. That is to promote any learning. Sometimes I'll explicitly say in the response, I'll be sharing this with the social worker or I will ask the social worker to attend training on such and such or I will speak to the social worker to ask that in the future they make sure they're not late for appointments ... Certainly if it's a bit of a theme, I'll make sure that goes back to the team manager to be discussed as part of an appraisal or part of development and learning" (Service delivery manager).

"There have been times where there has been a learning outcome. The complaint may not have been upheld fully but there may be a learning outcome and that's fine. I am happy with that" (Housing officer).

"Learning from complaints is a slight area of frustration because some of the areas we get a lot of complaints is the demand pressure ... Overall, we have moved forward in how complaints are considered for a while. They weren't reported regularly anywhere. It was hidden in a performance report. We've now escalated and elevated conversations

about complaints so that has been an improvement in the last couple of years and has been really useful” (Head of Corporate Support).

#### 4.3.6 Values:

Respondents reflected an impressive grasp of the importance of values in the complaints process. Not only did they relate positively to the council’s espoused values, they also approached their work with the reported qualities of empathy, compassion, understanding, justice, honesty and transparency. The sense of public service that responds positively to customer needs was well-developed even when dealing with difficult and challenging complainants. Respondents recognised that many of their customers were disadvantaged and/or facing mental health difficulties. One team manager described a case where they used to receive multiple complaints weekly from a customer until they recognised that she was feeling lonely and isolated. The manager adopted an approach where a staff member from his team phones the lady once a week for ten minutes just to converse with her and they found that the complaints have ceased. Interviewees from the council articulated clearly how the organisation’s values were embedded and influenced their daily working practices.

“Empathy, just understanding someone’s situation. Within our team we deal with a lot of people who are quite disadvantaged and just being compassionate towards that and understanding, you might not be able to do anything to help but just listening to people sometimes and if you can guide them to support which we do if people really are struggling sometimes. The ability to be understanding” (Complaints team manager).

“I think sometimes it helps if we’re just honest with the person ... myself and the team manager met with this woman and we had a really good, frank conversation about we are sorry this happened and we did the best we could, we spoke to the right people. We are not required to speak to absolutely everybody who’s involved. I said just give me a little something to go with and we just empathised with her and she just really was upset and that reached a conclusion and we did right” (Service delivery manager).

“It warrants an honest, transparent approach from all involved that’s not defensive so that we can very quickly say to the customer that we have looked at every possible fault that we could and have found these faults and this is what we are going to do to remedy it for you and this is what we are going to do to put it right for the service going forward so no other people experience what you’ve experienced ... Since our CEO came in it’s transformed, it’s such a values based organisation now and one of the values is being open and honest and trusted and that was just manna from heaven for us in the complaints team because that message flashes up on our screen, every colleague. It helps us reinforce subtly. We don’t just quote that value but we mention openness, transparency all the time to colleagues and they know it’s something they have to embody as part of the council’s values and so the senior leadership of the council has really helped us in that regard ... It all comes from the people, the leaders and the values and the approach you take. We live the values in our directorate. We are really open. We don’t mind admitting fault” (Complaints team manager).

“The values absolutely do influence practice. It’s something we revisit individually as a team as part of appraisals and one-to-ones. It’s something we really embed when we’re working with services to answer complaints around treating people fairly ... When it comes to quality assuring those responses, that restorative complaints handling really fits in with the council’s values” (Complaints team manager).

“The values should be second nature. It goes without saying to treat people with respect, to treat everybody fairly, to save money. It’s just like second nature to me. We work with a wide spectrum of people. You’re my tenant, I will do this for you, the same as I would for the person next door to you. Regardless of skin colour, ethnicity, disability. So we do follow all the values ... The tenants I look after I want to do the best for them. I like to think that for the vast majority of staff that’s what we’re here to do” (Housing officer).

“We can’t find a whole lot of money to improve somebody’s life for example but we can at least have a bit of empathy and understanding, why they’re upset ... [the values] are very well embedded and I think the people who work within complaints day in day out are the ones who sometimes show our values the best because they are having to have that customer contact a lot ... Points of contact within our housing service, they are the ones who are dealing with those people who are sometimes may have challenging behaviours, sometimes are more upset. They spend a lot of time with them. They are the ones I look at and say you’re the ones showing our values completely throughout. Our policy is linked into our values. Our values drive everything we do as an organisation. We recognise it doesn’t hit everywhere” (Head of Corporate Support).

“You want to do your best don’t you and we do get reminded quite a lot but I think their values match with mine. Is it x city council or is it y as a person. Why would we not want to do things well and achieve things for people and treat them how they need to be treated. Their values are mine. It’s what I am as a person. This kind of job you don’t go into it for money. It’s a bit of a vocation isn’t it. You would like to think most people are in it for the young people. The values that we have are the values we are as people anyway. So, it kind of overlaps. So, they’re not x’s values, they’re mine” (Social worker).

#### 4.3.7 Workload:

The council, like the police, has been subject to significant budget cuts and financial constraints and these had manifested themselves into pressures on all services, which, in turn, has led to increased complaints. Not only were complaints teams handling these increases in demand but service managers, who are responsible for investigating and responding to complaints, were doing so on top of increasingly demanding work roles. Despite the fact that the council staff were not facing the same high volume of complaints as the police force, nonetheless they felt the pressure of meeting demand with less capacity.

“Resource wise in the council the finances are under a lot of pressure, which means you don’t have the resource needed to do everything you would like to do ... Services where there are fewer staff than there were 5 or 6 years ago. Housing stock is forever getting

older. Maintaining the housing stock with fewer resources is difficult ... If there was more resource, if you had more staff to take more time on complaint responses and you had the opportunity to ring people and be more involved in it. I am not saying that we don't do that but the more time you had to give individualised responses would be useful" (Complaints team manager).

"Challenges are the time for people to do it. When you're really pressed for time and all our managers are working to maximum capacity ... I would say the time to do them well is the challenge (Service delivery manager).

"The fact that there are fewer people on the ground now. There are vacancy factors in social work and managers are really struggling to cope with all the cases. They are struggling with prioritising. Firefighting all the time. Then they get a complaint on top and it's like we just don't have time and when they don't have the time they don't necessarily do a thorough job of the investigation. We're a small team so we do our absolute utmost to help them to quality assure and we do really do work hard on cases but occasionally because none of us are practising social workers or clinicians, we are just lay people, so there may be a professional issue that we wouldn't know to pick up on. The ombudsman investigator later might do. So, occasionally it's just that operational managers are overloaded and don't have the time to do a thorough investigation and then a complaint might bounce back" (Complaints team manager).

"Time is a challenge to effective complaints handling. Absolutely time. The complaints we get span everything children and families touch. So social care, education, early help, early years. We have council owned nurseries so we deal with those. Every part of the service is busy, managers are very busy and often called to other things at short notice. There's always a will to resolve complaints but it is just trying to prompt people to try and fit that with other work. Especially we often hear from particular social care managers, I had time booked out to do this but there's been an emergency court hearing and obviously they have to take precedence over complaints. I think that is the main barrier" (Complaints team manager).

"My main barrier to making sure I complete a thorough investigation and a response that hopefully is not going to result in escalation, is to have the time and space in my diary to do that" (Service delivery manager).

"The challenges at the moment are around capacity because we don't have people who sit and respond to complaints all day. This is on top of busy jobs ... One of the biggest challenges at the moment is in an authority where we are facing significant financial challenges and are getting smaller again in terms of our workforce and our personnel. Some things are changing that are completely out of our control but equally affect the citizens' lives. They will be unhappy about it. It's that capacity issues, that challenge issue that makes it harder ... There's real demand pressures on certain parts of the system" (Head of Corporate Support).

"It generates extra work that is not on my caseload because then complaints team are like can you do this, can you do that. It's quite a tight deadline because legally you've



got to do each step haven't you. The pressure of that obviously trying to work, trying to find the evidence. Luckily for me it was all there but it's just extra pressure ... You do feel like you're in court because it is serious isn't it. In my head I knew I'd done everything right but you never know because I'm busy and you see it in the news everybody's overworked at the minute. Mistakes do happen whether you mean to or not ... Some people have the best intentions but you just don't have the capacity. You've got to prioritise your case load and you're overworked so something has got to give hasn't it" (Social worker)

#### 4.3.8 Ombudsmen:

The council were subject to two ombudsmen roles: the housing ombudsman; and the local government and social care ombudsman. In the main, the ombudsmen were seen as providing a valuable service, which strengthens and reinforces good practice. Respondents were mindful of the possibility of a complaint reaching an ombudsman and so ensured that their early-stage responses were thorough. The complaints teams also attached ombudsman guidance when allocating a complaint to a manager. However, it was also noted that sometimes the ombudsmen responses did not acknowledge the pressures facing the council that were beyond their control.

"The housing ombudsman's code has improved the complaint handling culture within the council. There has been much more focus on responding within timescale. There are penalties for not meeting timescales. Financial penalties if responses aren't given within timescale regardless of whether you've done the right thing or not. It's provided better outcomes for customers and things are less likely to escalate to stage 2 and the ombudsman if you're doing all you can and doing it quickly. It's provided a good framework. It's not saying anything we weren't doing. It hasn't brought any new principles that weren't already there. It's strengthened and reinforced what's expected" (Complaints team manager).

"We push the ombudsman's guidance all the time. It's a difficult one is that. It doesn't come naturally to hard pressed managers. They have to be encouraged to follow that guidance and we do send that guidance with every complaint referral. Our ombudsman is really good I think. They are hard pressed as well and they sometimes jump the gun and we occasionally have to push back but they're an effective service ... So the ombudsman's guide is really important, it's key. It underpins everything because we're trying to get justice for the complainant as well as all the other good things that come from an effective complaints procedure. We have to get justice for the complainant and the ombudsman's guides are all about that" (Complaints team manager).

"The Local Government and Social Care ombudsman's guidance absolutely does influence our practice ... we look at their decisions and try and use them to steer especially where it's themes of complaints that are affecting a lot of people ... What is a challenge at the moment and what a lot of local authorities feel the same way, there is almost a disconnect between the ombudsman's expectations of what is possible at the moment. I absolutely understand the ombudsman's view and the spotlight public report

they issued last month around educational psychologist shortages. The ombudsman set out the challenges of not enough educational psychologists, there's too much demand. However, ultimately, it's the council's responsibility to do this and so they recommended financial remedies. Although I understand the council has duties to legislation I do think if the ombudsman is seeing the same thing across 80+% of local authorities it can be frustrating because it is somewhat beyond our control. The ombudsman's expectation of what can be done and the reality on the ground. Financially all councils are not in a good position now. The ombudsman recommending essentially £100 per month of delay isn't resolving anything and is putting a further financial burden on us. It feels almost like an injustice to use the ombudsman's word. The ombudsman can be critical when responses are late but they don't have time-scales. They can sometimes take 6 months to look at things and they'll send us holding letters saying it's because they're really busy. We're really busy too and that's why sometimes things don't go right. I suppose their hands are tied as much as anything. I think it would be nicer to see the ombudsman using their powers to press the people who can change things more rather than leaving it down to the individual authorities" (Complaints team manager).

"I will speak to colleagues in complaints if they feel it's likely to be one that goes to the ombudsman. We can be mindful of that within our response. I've had a few that have gone to the ombudsman and then on occasions have come back with some views but are usually fairly small recommendations or recompense. It's on our mind but I don't specifically sit and follow the guidance" (Service delivery manager).

"The housing ombudsman currently does want to make example cases where things have gone wrong. It does feel like they don't understand the context as a local housing provider that we're having to work in. So, they're not really interested that you've got demand pressures. It's why haven't you dealt with this single case. Sometimes it doesn't feel that very helpful. In terms of the wider Local Government and Social care ombudsman, they're still separate. That relationship is better because they have a better understanding of the sector. So, they're not quite as punitive. They will investigate and they investigate thoroughly and will make recommendations but ... there's a bit better understanding of the pressure the wider sector is under whereas I think the housing ombudsman because it's all housing providers so housing associations etc they probably don't have as much understanding or maybe empathy for the pressures the wider local government sector is under" (Head of Corporate Support).

#### 4.3.9 Trust and confidence:

Although it was reported that levels of public trust and confidence were difficult to gauge, it was recognised that social media communication reflected negative views of council services. In terms of an objective and reliable assessment of trust and confidence across the board, it was felt that this was a 'blind spot'. However, interviewees recognised the importance of public confidence and trust.

“Public trust and confidence is difficult to gauge. Housing do surveys on complaints responses. Results from that are not always particularly positive. There is a point though that if you are unhappy with something you are more likely to respond than if you are happy” (Complaints team manager).

“Public trust and confidence varies so much. You do have such a breadth of people complaining and within that you have repeat and vexatious complainants who you’re never going to reach a resolution with and you kind of almost can be going on for years ... That person will never have any trust in the process. I think people have trust in we’ve done what we say we are going to do in terms of the timescales. Whether people feel like they’ve got the outcome that they want is another matter. I think our complaints team do speak to people well and instil confidence in people” (Service delivery manager).

“That is a weakness that is one of our weak spots. One of our blind spots not intentionally ... We ‘ve talked as a team about how we move that on to a little survey that people can do on their phones so we get a better response but we haven’t quite got to the stage of prioritising that piece of work. I couldn’t even confidently say it’s in the pipeline. It’s on the drawing board maybe would be a better way of putting that. That is a bit of a blind spot but we work so hard to establish trust with people I am confident that anyone who wants to knows where to find us ... There’s no point us giving this to a manager the customer’s not going to trust. Likewise, there’s no point giving it to a manager who’s exhausted by this. We’ll find another manager or we’ll give it to an independent person. So it’s all about gaining trust” (Complaints team manager).

“Trust and confidence in the system is massively varied. I am always mindful that complaints vary, there’s a big difference between a missed bin collection and complaints about a care home. It will always depend on the individual’s experience ... Social media has made a big difference. So you do see a divide of some people saying you must complain that’s the only way to sort things and the other side where people say don’t bother complaining because if you’re in a waiting list complaining it can’t bump you up because that’s not fair. Within children and families I hope even if we can’t give people the outcome they want the complainant is dealt with fairly and with dignity and actually the council are listening. I hope that most people have a relatively positive view of going through the process” (Complaints team manager).

“Trust and confidence in the service is trickier ... I would like to think for families that have had our involvement particularly on a child in need level, they see that input as positive and official. Clearly all won’t. They will see it as interfering and unnecessary” (Service delivery manager).

“This goes into the realms of social media. You see the posts on the Facebook group and you see the comments and the questions and you can quite clearly see a section of people who don’t think we’re doing a good job. None of the problems are down to funding cuts, they’re all down to mismanagement. Then you get the stuff about rehousing. It’s really hard because I know how hard we’re working. All of us in this team

work so hard. It's a bit soul destroying because you can't comment on any of this. You can't. When you see someone who's actually defending the council you think oooh that's nice. It's quite soul destroying when you know you're working your socks off trying to help people who have difficult lives and I don't think people do have confidence in the system as a whole ... I don't think the public have confidence in us as a general rule. You have to try and think that that's a small section of people" (Housing officer).

#### 4.3.10 Protected characteristics:

It was acknowledged that, despite efforts, there was no reliable data providing an accurate view of the protected characteristics of complainants. Many complaints came in by email and so that information was not available. However, this was recognised as an area the complaints managers wished to improve. Nevertheless, any complaint that involved alleged discrimination was viewed very seriously and the complaints teams would make contact with the council's equalities team for further advice and guidance before responding.

"We've also got a policy in the council so not just specific to adult social care and health directorate but any complaint that has an equality dimension we link up with the corporate equalities team so we will identify a lead in the equalities team and we let them look at the complaint so that they can triage it and identify any issues there that need to be included in the response and they can look at the draft" (Complaints team manager).

"Taking account of protected characteristics of complainants is very important. We don't but it's something we would like to work towards. To collect instantly information from people specifically who complain ... when we log complaints, we keep an eye out for discrimination. If someone's alleging discrimination. On our complaints recording system we tag that that's been raised as an issue so we can run reports and say these are the people whose complaint alleged that they had been discriminated against. In terms of accessibility, as a team we're very, very mindful of that. The bulk of our complaints are from parents and it's reflective of the population of x so we have parents for whom English is not their first language, we have parents who struggle to communicate because of physical or mental health. So, we're always very mindful of that" (Complaints team manager).

"Protected characteristics are always in the forefront of my mind in terms of planning for meetings etc. when people might not be able to see me. If it impacts on for example prayer times. If people have a disability and need additional support. Access to an office or they need support through a support worker. I ensure I am accommodating and meet any additional needs. I wouldn't necessarily know a person has protected characteristics. An email will just come through to me with their name on and if they're a parent or carer of a particular child" (Service delivery manager).

"It's probably an area we could improve on ... if anyone mentions discrimination or even if it's very loose, it does get picked up and monitored. It's small numbers. Also, when one does come in we make sure the service seeks advice from our equality function ...

On the complaints you can ask people to tick a box and that data is minimal so it doesn't tell us anything so that's why we've gone down the route of actually when anyone mentions anything that is discrimination or a grievance based on their protected characteristics we almost flag it and treat it in a way where we bring in additional experts in to have a look at it. Those numbers are counted and reported through to our corporate equality board, which includes senior officers and elected members as well" (Head of Corporate Support).

#### 4.3.11 Discretion:

Respondents acknowledged the importance of the role of discretion by front-line staff and service managers although this was also termed as 'professional judgement and opinion'. Complaints often arose as a result of the discretion of front-line workers especially involving social workers who are required to reach decisions based on behaviour and an assessment of needs. However, housing officers also had space for discretion in how they responded to individual cases albeit within a framework of policy and procedure. Discretion was understandably linked to the empowerment of staff to make decisions and so was valued.

"Sometimes in the council there are rules and things we do and there's processes but an element of pragmatism what can we do to fix things rather than the process is this what can we do. It's not always possible, sometimes we can't if there's a process to follow you need to stick to that and say if someone's not happy about their bidding position it would be unfair to boost somebody up that list. If there are things you can do to resolve a complaint that are a bit outside the box sometimes if you can do that and you have flexibility and just recognising that and not getting too entrenched in this is what we can and can't do. That is a useful skill to have" (Complaints Team manager).

"There is a lot of discretion in my service because my team will undertake care assessments or safeguarding investigations and although they are subject to frameworks they are also subject to professional judgement and opinion" (Service delivery manager).

"Discretion leading to complaints features a lot ... We do get individual practice having an impact ... Individual worker's discretion has a big impact on complaints ... Discretion is a big part of our work. It's a huge part of our work because our procedures aren't regulations" (Complaints team manager).

"When we go back to best practice with an investigating officer, it is having reference to the appropriate internal policies, legislation, guidance all those sorts of thing. But ultimately especially with social care there is an element of professional judgement ... Where it's a behavioural sort of judgement it's always going to mean different to different people but so long as we offer the same to everyone to resolve it that goes some way to making sure that everyone's been treated fairly" (Complaints team manager).

“Sometimes we will get complaints that say, for example, my social worker says my child needs to be on a child protection plan. I don’t agree. It’s not fair, I’m putting a complaint in. That is the professional judgement of that social worker who has done an assessment and deems your child to be at risk of significant harm ... I can quite clearly give an example and say that’s not just that social worker’s decision, she hasn’t made that decision in isolation” (Service delivery manager).

“There is a process there but in between that process we have a lot of leeway to say right you go away and do this or I will do this ... It’s about treating everybody the same ... But we do have some areas where we can act with discretion. Our managers here are particularly good if you need to discuss it before going back to a customer. I will take advice wherever I can if I’m not sure and they are very supportive” (Housing officer).

“Empowering your staff to deal with something and get it right first time is an approach we encourage and we probably do okay at ... We are restricted by our budgetary and statutory position, but anything within that we are encouraged to try and problem solve and find a solution” (Head of Corporate Support).

“From our point of view obviously we do make decisions all the time. We are corporate parents. That is the clash when you get families that have trouble with a legal order. I’m corporate parent and I’m making these decisions ... That discretion is something that we do rely on

#### 4.3.12 Leadership:

There was a high level of awareness and account taken of complaints and the outcomes by managers at different levels of the council. Not only did this involve service managers but also senior managers and leaders. It was felt that learning outcomes did reach the right levels and were taken seriously by managers of all grades.

“Organisationally responses are taken seriously. We go to directorate and leadership have an awareness of the need to improve ... If I feel that something needs dealing with at leadership or a certain level I do get support for it to be dealt with at a senior level” (Complaints team manager).

“What I do in my management meeting is any outcomes from investigations I’ve done they are agenda items on my management meeting to go back to my managers and say this is actually something we need to learn from this complaint” (Service delivery manager).

“She’s always looking out for what we can do to transform our service and make it a professional service that not only puts things right for customers but has a beneficial impact on the organisation as well” (Complaints team manager).

“To have regular, in-depth meetings with a combination of people delivering the service and people leading the service to ensure there’s a consensus around the learning and the actions. When leadership are looking at strategic, long-term changes there’d be a massive value in complaints being more involved in that” (Complaints team manager).

“Each directorate gets a quarterly report about what’s coming through and where the complaint’s gone to and a bit of a summary of patterns. So it’s reported at a directorate leadership level. 6 monthly reports come into our corporate leadership team again showing levels of complaints and any problematic areas. It’s really at that directorate level where you can take that learning back in” (Head of Corporate Support).

#### 4.3.13 Democratic accountability:

Respondents recognised the importance of democratic accountability and took councillor and MP enquiries very seriously as rightfully holding the council to account. Dialogue with councillors was routine and regular unlike the experience of other statutory services such as the NHS and the police. This democratic accountability was seen as having a beneficial impact on the council’s service delivery.

“Our democracy is the 99 councillors and they are, I don’t mean this negatively, are breathing down our necks. We wouldn’t have it any other way. That’s the way it’s meant to be and that’s good and we have a culture in the council of being responsive. If councillors ask a query we answer it. They are representing their constituents and we have to look into it for them because we’ve got to be conscious of their role serving their constituents and we take that very seriously and that’s something we live by ... That incremental what are you doing, answer me this, have a look at this. Come to a meeting with this councillor, explain this, do a briefing with this councillor. It keeps you on your toes in a really good way because we’re always checking our practice and making sure our colleagues are doing likewise out there on the front line” (Complaints team manager).

“The reason why it jumps out is because again because he’d made a complaint to us and to his MP who had then forwarded it to the director. So it then comes back down the chain to see who’s dealing with the complaint but there’s always a higher level of scrutiny because senior managers have sight of it so even though in the scheme of things it wasn’t a significant complaint. I wasn’t worried at all there was any elements of poor social work practice it was just that escalation route felt that it is quite severely under scrutiny that I had to send my response to the head of service, to the chief officer so they could read it before it went out” (Service delivery manager).

#### 4.3.14 Written records:

Respondents highlighted the importance of maintaining accurate written records of their work so that, in the event of a complaint being received, actions could be properly evidenced. This was essential for front-line workers who were in face-to-face contact with customers on a daily basis and reaching decisions based upon that contact. It was also vital for the complaints teams in effectively administering the complaints process.

“It’s more an impact when we’re doing the investigation. There are gaps in the case record. The social workers will say I spoke to them about this but we can’t see it in the case records. I am sure I emailed them but you should put the email on. It’s really important that the record is contemporaneous. That carries so much weight with the

ombudsman put it on at the time. You never know when you might need to rely on it. You cannot foresee when you might need to rely on it. We have a really strict policy in our complaints team, absolutely everything goes on file because you never know when it might be important” (Complaints team manager).

“Here’s what you can do to make sure your view is recorded. That’s a really important part of my team’s job especially when we’re dealing with something as important as children’s records because when they’re older they can come back and see them and that’s often a really difficult experience being described and they have to be accurate” (Complaints team manager).

“I always keep records. If I’m communicating with someone by text or Whatsapp they’re always there and never get deleted. There is a record” (Housing officer).

“Those who had had eyes on the case load understood that everything that was said the evidence was there. For me, I made sure that everything was on there. I’ll be honest some of the cases didn’t have as much detail and I think I tried more because I knew what was coming” (Social worker).

#### 4.3.15 Defensive mindset:

A defensive mindset was recognised as a barrier to good complaints handling and contact with customers. Although this was not reported to be a frequent occurrence, it was nevertheless something that was challenged when it did occur. This was done in the spirit of ‘high support - high challenge’. A social worker clearly described how repeated complaints could contribute to the development of a defensive mindset.

“The other thing is defensive mindset, bias when people are looking at it. I will often allocate a complaint to a service manager and I will get really quickly a punchy email back telling us what’s wrong with this customer, what this customer has done wrong. The family has done wrong and without actually making any reference to any evidence what the service has done right. I’m like okay, you’re ventilating. Let’s have a little meeting and I’ll take you through if that’s what you’re going to stick to, evidence you need to provide. The comments you need to provide to back that up and if you can’t then you may have to back track from that position and just look for the fault if it’s there and get it out in the open now. I always use a bit of a cliché that it’s better we put our house in order now than have the ombudsman come in and put our house in order for us ... It’s just the defensiveness, that natural inclination to defend their service. An attitude that a complaint’s an add on, not part of the core job and view the complaints as a hassle rather than they can tell us so much about our service, they’re like free feedback” (Complaints team manager).

“To have it continuously it does grind you down a bit because you’re like oh, not another complaint, what have I allegedly done this time. It got like with me which complaints are we on now, I’m sorry but I’m lost. You end up with a spreadsheet of complaints and then your guard’s up because then you don’t really want to be sharing information because you feel it would be used against you. It’s giving them ammunition but then they are



parents with parental responsibility so we have a legal obligation to inform them. But you're just like prepared for it. It's exhausting ... I made sure I covered myself all the time which is not a nice way to work because your back's up with the family a little bit because you're so defensive and you're not working with the young person as much as you wanted because you're too busy getting your case load up to date" (Social worker)

#### 4.3.16 Support:

Support for staff subject to a complaint was recognised as being important in the interests of fairness. Respondents who had been subject to complaints reported feeling properly supported by managers. They felt reassured that their practice was reviewed fairly and so were happy to accept any personal learning outcomes that may result from a complaint.

"We are mindful of welfare of workers because we know workers and managers find complaints so stressful" (Complaints team manager).

"We ask our investigating officers to think about what it is like to be complained about and approach staff in that supportive challenging way which fits into the restorative practice" (Complaints team manager).

"It needs to be fair for our social workers as well because we understand what their roles and responsibilities are" (Service delivery manager).

"I'm quite comfortable that they'll look at it and take into account all of the issues when they're responding to the complaint. So, they will come to us and say what have you done, show me this, show me that. So I am quite comfortable in thinking that they will investigate it ... I feel confident in our management team. They take a step back. They look and assess what the complaint is and how we've handled it and I do feel like they understand very much the needs of us and the customer" (Housing officer).

"Luckily for me, I had x in our team and the complaints team. She dealt with them previously. She knew the family really well. She wasn't judging. She obviously did her job really well. It wasn't like she was on my side. Because she had had so many and knew the family inside out and it was historic stuff they were bringing up all the complaints about. I did feel supported. My manager understood because she knew I was a good worker but even still when you have them repeatedly it just gets to the point where you're like oooh another ... For me, although having a complaint isn't nice, how I've been treated I thought it was good. It was very clear to me from the start we know you haven't done anything wrong. That reassures you" (Social worker).

Complaints managers also reported feeling supported by senior managers in the work they do.

"She's always looking out for what we can do to transform our service and make it a professional service that not only puts things right for customers but has a beneficial impact on the organisation as well" (complaints team manager)

## **4.4 Comparison and contrast: the police force and the city council**

### **4.4.1 Introduction:**

Significant similarities and differences were found in the structure, approach to and experience of complaints handling between the police force and the city council. These will be discussed here in relation to the themes identified. Both the police force and the city council provide services to the general populations within their geographic area and those populations involve the vulnerable, the disadvantaged and many experiencing significant challenges such as disability, domestic violence, substance misuse or mental ill health. For both the police and council staff, complainants could often display challenging and difficult behaviours within the complaints process. Police staff spoke of the need to understand and reassure complainants where necessary. They recognised the need for the complaints process to be handled swiftly in the interests of both complainants and staff subject to complaints. The council staff spoke also of understanding but also readily referred to empathy, compassion and justice for complainants. Although police staff wanted to do their best, the articulation of their role by council staff emerged as being warmer, deeper and more reflective in relation to their approach to public service. This applied also to how police officers who had been subject to a complaint felt unsupported during what they experienced as an ordeal. The exception was the officer dog handler facing an allegation of excessive force who felt supported by the complaints team investigating the incident. Another officer facing investigation as a result of contact with a detainee who subsequently died in custody was removed from operational duties pending the investigation much to his distress. Removal from duties was not encountered in the council's approach to staff subject to complaints even where this involved alleged racism. Their approach was reported to be 'high support - high challenge' and staff subjected to complaints felt this was delivered.

### **4.4.2 Values:**

The council's values-driven approach emerged as being embedded in service delivery and complaints handling and, without doubt, contributed to the heightened sense of public service amongst staff in different parts of the organisation. The Deputy Chief Constable was clear about the values and approach he wished to see within the force and the complaints handling process but, it would be fair to say, this emerged as more aspirational than a confidence in its actual delivery across the force. Officers referred to a negative legacy from historical failures and these were not seen to have been overcome.

In contrast to the police force, the city council's website prominently featured the heading, 'Welcome to x. A compassionate and caring city, with a strong economy'. Furthermore, the complaints policy accessible on their website described their approach as follows:

"X City Council is committed to providing the highest standards of services to its customers. Complaints play a role in maintaining and improving standards and the quality of service provided. When we receive a complaint, we see this as a way of

getting an important insight into how services are being delivered. By listening to you we can look at actions that can be taken to improve services and help your experience”.

The police force’s three key values were found to be fairness, integrity and trust. There was reference to bringing these values to life and making sure they are active and visible within all their actions. However, these were not referenced in their complaints information and were not referred to in any of the officer interviews with the exception of the Deputy Chief Constable. Unlike the city council, the espoused values of the police force did not emerge in this study as having been as deeply and effectively embedded in the culture of the force as the Deputy Chief Constable would have wished. Paying significant and proactive attention to promoting the delivery of authentic values in all aspects of an organisation’s performance can reap tangible and considerable benefits. Nowhere is this more pertinent than in the handling of complaints where someone is unhappy or dissatisfied and shortfalls in service may well have occurred. Indeed, existing research tells us that organisations that genuinely embed and enact their values consistently outperform others (Dearlove and Coomber 1999).

#### 4.4.3 Professional Standards Department and Complaints teams:

The police service adopts the model of a dedicated Professional Standards Department (PSD), who handle the investigations of all but the most serious complaints, which are mandatorily investigated by the Independent Office for Police Conduct (IOPC). Each force has a PSD and appeals against the findings of a PSD response to a complaint go to the force’s Police and Crime Commissioner (PCC) or the IOPC for review. The council on the other hand has dedicated complaints teams covering its statutory services, which do not routinely investigate complaints but, at the first stage, allocate a complaint to the service manager covering the area that gave rise to the complaint. An appeal against the findings of that first stage investigation go to a more senior manager for review or, in the case of children and families, to an independent investigator for the second stage. Ultimately, appeals against a complaint response go to one of two independent ombudsmen: Housing or Local Government and Social Care.

One of the main differences in the two models surrounds the question of the source and perceptions of independence. If a particular complaint is handled by a PSD and then reviewed by the PCC or IOPC that exhausts the police complaints process in that instance and complainants may view that process as lacking independent scrutiny even though PCC’s are democratically elected officials and the IOPC is promoted as being independent. This does not include the most serious cases that are handled by the IOPC and less serious cases that may be handled by the PSD but managed by the IOPC, which is intended to offer independent oversight of the process. When a council complaint is investigated by a service manager or senior manager from the area giving rise to a complaint, complainants may view the process as lacking independence. However, in the case of stage 2 children and families complaints and stage 3 of all other complaints, a council complaint reaches an independent investigator and the final appeal against a response is reviewed by an independent ombudsman. It is fair to say that, in terms of independent review, the model adopted by the council offers a

strengthened provision in that all complaints can reach an independent investigator and an independent ombudsman if the complainant remains dissatisfied, which is not the case with police complaints as PCC's may be viewed as being a part of the police service.

Another area of difference between the two models lies in the involvement of managers from the area giving rise to the complaints. Although this can be seen as lacking initial independence in terms of the complaints process, it does strengthen management accountability for performance within the organisation. It also means that the complaint is considered by someone with a familiarity and understanding of the context in question. Of course, this model relies on the quality of the manager's investigation, which must include an objective, impartial and thorough consideration of the complaint to be credible and acceptable. The council also adopts a restorative practice approach and this model allows for early resolution involving those responsible for any shortfall in service provision. This model also strengthens the opportunity for learning outcomes by those directly responsible for the area of complaint. It does, however, place the onus on managers who are already under pressure in busy, operational roles and this point will be explored further later in this chapter.

Ultimately, there is no one model that can be deemed to have resolved the question of perceptions of independence for complainants. The NHS, like councils, have dedicated complaints teams and an ombudsman reviews appeals against the response but there is no regular facility for an independent investigator unless, in the most serious cases, a public inquiry is launched. HM Prison Service allocates complaints to local managers for investigation and can choose to allocate to a manager from another institution. It also has an independent ombudsman for the most serious cases and for the review of appeals. In the case of this study, both the police service and the council staff interviewed recognised the importance of perceptions of independence and expressed their commitment to providing a credible investigation and response to complaints. It is the quality of investigation and outcome that will ultimately provide satisfaction and a positive resolution regardless of the model adopted. Genuine independence rests on objectivity and impartiality in a thorough investigation and both models are in a position structurally to deliver this.

#### 4.4.4 The importance of timeliness and the problem of workload:

Both the police force and the council respondents recognised the importance of timeliness for the credibility of the complaints process and the satisfaction of complainants and staff subject to complaints. The council operated with mandatory time limits for responses and were subject to financial penalties for failures to deliver on time. In most cases, responses were received within those timescales. The police force did not have any time limits and only stipulated that complainants would receive an update every 28 days. This in itself signalled that a complaint was likely to take months before a response was delivered.

Both organisations had been subject to swingeing budget and staffing cuts that meant that demand for services regularly outstripped their capacity to deliver swiftly. This context placed staff in operational roles under significant pressure. In the council, managers were under pressure to investigate and respond to complaints within timescale. However, for the most part, they did meet the deadlines effectively. The police force recognised that they did not deliver timely responses and this was due simply to the volume of complaints. This was true also of the IOPC investigations. It appeared in this study that, despite the considerable pressure operational managers were under, the council was better placed to deliver timely responses than the police force. The force is responsible for ensuring that the PSD is sufficiently resourced to deliver the complaints process effectively. Given that caseworkers were handling 30-40 complaints each at any one time and 200 complaints continued to be received weekly, it is questionable that the PSD is enabled to meet its obligation to deliver timely responses. In contrast, each council complaints team handled an average of 500 complaints per year and a single service manager may be expected to investigate around 10 complaints annually. Timeliness was certainly viewed as a problematic issue for all police force respondents and called into question this aspect of the credibility of their complaints process.

#### 4.4.5 Communication:

Effective communication with complainants and subjects of investigation was seen as key to an effective complaints process for both organisations. Complainants in both organisations often comprised disadvantaged, vulnerable and challenging individuals, which necessitated careful conversations in difficult circumstances. Respondents in both organisations recognised the value of being able to offer face-to-face conversations to properly understand the nature of the complaint and to reassure complainants that the organisation took their complaints seriously. Despite the considerable pressures council operational managers find themselves under, it appeared that they were better placed to deliver a face-to-face meeting where that was taken up by complainants than the police staff. This, again, was a result of the volume of complaints handled by the PSD. It is fair to say that both organisations are working under significant pressures but the complaints handling process for the police force was made all the more difficult due to the considerable demand placed on caseworkers by the volume of complaints.

Despite the pressures faced by investigators, it was recognised that they were required to be effective communicators with complainants: showing a willingness to properly understand the nature of the complaint; deliver an objective and impartial approach to the investigation; and demonstrate an ability to structure expectations even where complainants were difficult and challenging. Staff from both organisations articulated their commitment to providing reassurance to complainants that their complaints would be taken seriously and to providing support for complainants where circumstances demanded it. However, council staff also referred to the positive qualities of empathy and compassion in their approach both as investigators and

complaints team staff, which demonstrably manifested the council's espoused commitment to being a 'compassionate and caring' organisation.

#### 4.4.6 Support for staff subject to investigation;

Understandably, in both organisations, staff subject to complaints found the experience to be stressful. However, council staff reported feeling supported by managers, who were seen as being fair in their investigation of complaints. In the police force, the stakes appeared to be higher as officers subject to investigation could and often would be removed from operational duties or suspended during an investigation. This was then exacerbated by the amount of time taken to complete the investigation. The distress experienced by two of the officers interviewed was palpable even though time had elapsed since their cases were completed and they had returned to the workplace. They had felt unsupported and isolated during a lengthy process with little communication, in contrast to council staff, who felt they had been supported and well-managed in a swifter process that was fair and impartial. The experience of council staff speaks to the observations already made in this chapter about the enactment of values as the council aims to be a genuinely 'compassionate and caring' organisation. It is fair to say that the Deputy Chief Constable in this study emphasised the importance of the force's values. However, actual delivery of these emerged, through analysis of the interviews, as being more aspirational than real.

#### 4.4.7 A learning organisation:

Both organisations were subject to workload pressures that mitigated their ability to achieve positive, follow-up action in light of the outcomes of complaints. However, despite those limitations, there was evidence that the council had taken steps to reinforce learning from complaints by linking in with managerial and leadership forums where lessons learned could be taken into account in terms of the council's delivery of services. Furthermore, there was evidence that in some cases complaints teams were involved in change management where new policies were being introduced and could have a beneficial effect in pre-empting potential problems. Complaints team managers expressed a motivation to strengthen and expand learning from complaints by implementing action plans as part of the resolution of individual complaints. However, it was acknowledged that workload currently rendered this difficult to achieve.

It was clear from this study that council staff recognised the importance of learning from complaints and viewed those lessons as positive opportunities to improve organisational performance. They also readily highlighted areas where they felt they were not delivering as well as they would like. This demonstrated enactment of the council's pledge to ensure that "complaints play a role in maintaining and improving standards and the quality of service provided". Notwithstanding the volume of complaints handled by the police force's PSD, there was a notable absence of an active approach to organisational learning and a lack of articulated commitment to applying lessons learned. This suggests a culture of missed opportunities to improve performance. Volume of complaints can, indeed, make this difficult to achieve.

However, there should be an appetite for learning and an acknowledgment of existing 'blind spots' that signal a commitment to a continuous improvement approach, which did not emerge in the police force interviews in notable contrast to the council.

#### 4.4.8 Protected characteristics:

Both the police force and the council respondents recognised the importance of taking account of the protected characteristics of complainants. However, it was acknowledged that recording was not altogether reliable. Council complaints managers expressed a desire to improve upon this aspect of their monitoring and were keen to provide senior managers with reliable data. Notwithstanding the difficulties with monitoring protected characteristics, interviewees from both organisations reported that they paid particular attention to any complaint that alleged any form of discrimination. It was recognised that such allegations required careful and sensitive handling. Council managers contacted their equalities team when any such allegation was received so that they could draw on any specialist advice and guidance.

#### 4.4.9 Ombudsmen:

As previously highlighted, local authorities are subject to independent reviews of appeals submitted by complainants - by either a housing ombudsman or a local government and social care ombudsman - following a possible 3 stage, prior investigation process, with an independent investigation for adult and social care complaints and a 2 stage process for children and families complaints. The police service in England and Wales, however, does not have an independent ombudsman. So, if a complainant is dissatisfied with the outcome of a complaint response followed by a review by the Independent Office for Police Conduct (IOPC) there is no administrative body to conduct a further, independent review of the process. It may be argued that the respective roles of the PCC and IOPC should represent sufficient independent oversight of the police service in England and Wales and the activities of a PSD, thereby obviating the need for a further body. On a practical note, it was apparent that the IOPC also suffered from significant delays to responses due to demand outstripping capacity and it was not unusual for a case to take years to resolve.

In Scotland, since 2013, police complaints have been subject to review by the Police Investigations and Review Commissioner (PIRC). The PIRC can review the outcome of an investigation by the Scottish Police Service (SPS) if a complainant is dissatisfied: thereby, acting in a similar way to the PCC in England and Wales. The PIRC also conducts investigations into serious cases, such as those involving deaths in custody, when referred to them by the SPS, the Crown Office and Procurator Fiscal Service (COPFS) or the Scottish Police Authority (SPA): thereby, acting in a way similar to the IOPC in England and Wales. If anything, the PIRC is less transparent than the IOPC as they do not publish reports into serious cases they have investigated. In Northern Ireland, since 2000, the Police Ombudsman conducts all investigations into complaints about the police service of Northern Ireland even where the behaviour might amount to a criminal offence. Before then, the police investigated complaints about the police

service and the introduction of the police ombudsman was said to constitute ‘the introduction of a system of independent, impartial, civilian oversight of policing’. The police ombudsman publishes details of its investigations. Both the PIRC and the Northern Ireland police ombudsman do not have timescales for responses to complainants or completion of investigations. It is fair to say that the models operated in Scotland and Northern Ireland do not appear to have stronger features or more positive qualities than the current system operated in England and Wales. However, the local authority model offers a positive combination of managerial accountability together with independent review culminating in an ombudsman review where necessary. Furthermore, this model operates in a significantly more timely manner than is experienced with the handling of police complaints both by PSD’s and the IOPC.

#### 4.4.10 The importance of discretion:

Clearly, the police force is responsible not only for applying the law but also for meeting regulations and policies. The council, too, is responsible for applying legislation and adhering to regulations and policies. However, as previously described in the literature review, discretion plays an important part in the delivery of police and council services. Both organisations deliver front-line services in a large variety of contexts in the communities they serve. In keeping with the literature, discretion or professional judgement as it was termed by council staff, emerged in this study as an important component of service delivery by staff. Discretion by officers and staff on the front-line was a key aspect of their duties. Police officers are expected to exercise their professional judgement in applying the law on the ground. Council staff are expected to apply their professional judgement in reaching assessments and determining courses of action in response to individual customers be that as housing officers or social workers. Unsurprisingly then, uses of discretion in individual cases gave rise to complaints about the officer’s judgement where complainants were dissatisfied with the outcome.

For the police officers in this study, the code of ethics played a central role as guidance for how they should exercise discretion and reach appropriate decisions on the front-line. For the council staff, policies and codes of practice provided a framework within which they could reach appropriate decisions. Council staff emphasised the importance of keeping accurate and detailed records of decisions and actions so that those records could be drawn upon as evidence should a complaint ensue. In addition to the exercise of discretion by individual staff on the front-line, which were often the source of complaints, there was also room for discretion by managers and complaints staff in the handling of complaints. For the council, this discretion was subject to limitations in the form of mandatory time limits for responses and the positive role of complaints team staff who quality assured individual responses by service managers. For the police, the Deputy Chief Constable exercised discretion in deciding whether officers should be removed from operational duties or suspended pending an investigation. As previously mentioned, these decisions had a profound effect on officers subject to complaints.



As highlighted in the literature review, there has been considerable research into discretion both in the policing and local authority context. This study highlights the importance of understanding discretion within the arena of complaints handling. Understanding the nature of individual complaints and how they were managed, from the perspective of the exercise of discretion, would provide valuable data with the potential of shedding further light on this key area of practice and academic understanding. This would be a fruitful area of future research - tapping into what went wrong and how it can be made right - both in the context of policing and local authorities, who are responsible for the daily delivery of vital services to the community and often in partnership with each other. It would contribute to achieving a deeper and granular understanding of how professional discretion is exercised in the workplace.

#### **4.5 summary**

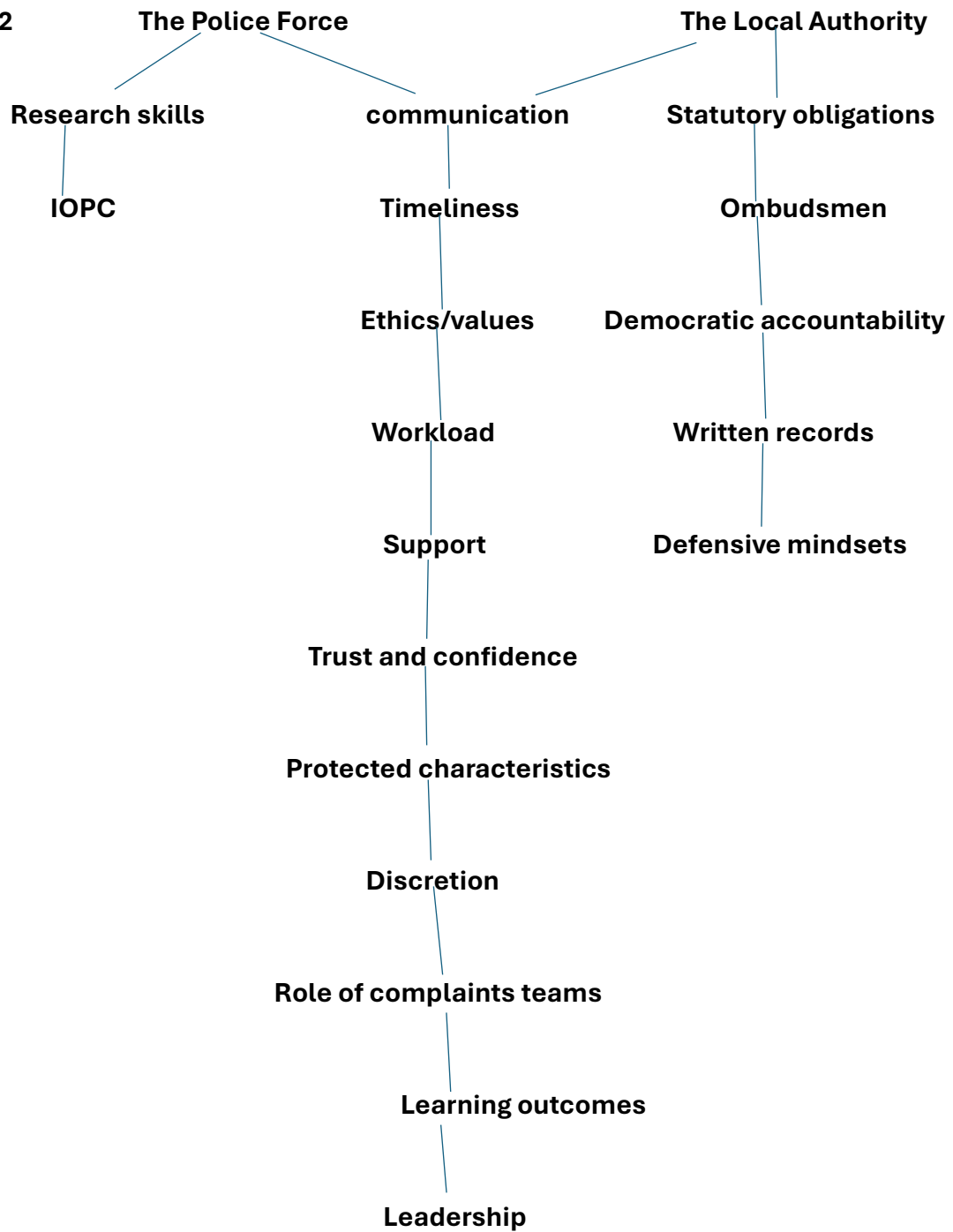
4.5.1 As has been highlighted earlier in this thesis, this study addresses a significant gap in the academic literature on CM in its focus on the experiences of staff involved in the process and their views of what constitutes good practice and effective CM. The findings of this study make a valuable contribution to the existing literature and academic theory of CM. The findings of the specific importance of communication and timeliness certainly chime with the existing literature on CM. However, this study also highlights how often and significantly communication and timeliness are adversely affected by the pressures of workload and, in the case of the police force, the volume of complaints. The finding in this study of the importance of ethics/values for effective CM resonates with some references in the existing literature to the emotional features of a CM process for both complainants and staff and particularly with observations relating to the importance of justice. However, this particular finding relating to ethics/values emerges more significantly in this study and is more defined in terms of the importance of empathy, care, understanding and justice for complainants particularly in the case of the city council. The existing academic literature recognises the value of CM data as strategic intelligence for organisations but also notes that this has not been sufficiently embedded both in organisational practices and in research on CM. Learning from complaints emerged in this study as a particularly important feature though the city council had developed this more significantly than the police force. The opportunities for service improvement based upon complaints data was acknowledged by both organisations. Another gap in the academic literature concerns differences in the organisational structures for complaints handling between centralised and decentralised models. This study highlighted the differences between the police force's centralised CM department and the city council's decentralised approach. The latter was found to enhance line management accountability and departmental learning from complaints in a way that was not as manifest in the case of the police force. Another finding in this study that is not addressed in the existing CM literature concerns the importance of discretion both for the submission and handing of complaints. Discretion has been well-recognised in the wider literature on policing and local authorities but its significance for CM has not been explored in the academic work on CM. Therefore, the finding of this study relating to the importance of discretion represents a significant

contribution to academic theory relating to CM. Academic articles emanating from this research are being submitted to the Journal of Social Policy and the British Journal of Criminology with the aim of sharing findings and conclusions on public sector CM in general and the importance of ethics/values in particular.

4.5.2 Not only do the findings of this study make an important contribution to the existing academic literature on CM, they hold significant value for the development of policy and practice on CM in public sector organisations. Not only do the findings relate to police forces and city councils but also have transferable value for other public sector organisations such as the NHS, which faces significant challenges in CM. The Chief Constable of the police force that participated in this study has welcomed feedback from this study and senior managers are drawing on the findings of this study to inform the current review and change management of the CM process taking place within the force. The College of Policing also welcomed receipt of the findings of this study, which have been referred to the national lead for Professional Standards within the College. Similarly, the city council's Chief Executive and Head of Corporate Support have welcomed the outcomes of this study for their assessment of the council's policy and practice for CM. These positive responses speak to the potential impact of this research for public policy and practice.

4.5.3 Figure 2 overpage constitutes a visual representation of the findings of this research. The findings have not been compartmentalized in boxes in order to reflect the fluidity and interrelatedness of the specific findings. Similarly, the connections are not differentiated by arrows as they are multi-directional. The respective relationships between the discrete findings are complex and multi-faceted as this thesis has highlighted.

**Figure 2**



## **5. Discussion and Reflections**

### **5.1. The study: strengths and limitations**

5.1.1 As outlined in the methodology chapter, this study involved sixteen semi-structured, in-depth, qualitative interviews with participants from two large organisations in the form of a case study. This allowed for rich data to be gathered from relevant postholders positioned at the bottom to the top of the organisations' hierarchies and involved in CM. As was highlighted in the literature review, the focus of this study, which included staff who had been subject to investigation as well as investigators and managers, addressed a recognised gap in the literature on CM, which has been altogether customer focused. It also contributes new insights to the existing literature on policing as well as the working of local authorities: especially in relation to key issues such as discretion, accountability and leadership amongst others. In drawing on the Appreciative Inquiry (AI) research approach, it also focused on what is considered to be best practice in CM from the perspective of the respondents. This too adds to the existing literature on the use of AI given that it has been rarely used within a policing and local government context and particularly in relation to the topic of CM, which, by its very nature, involves perceptions of failures and shortfalls in performance.

5.1.2 In terms of limitations, it would have been extremely interesting and valuable to have been able to include more police forces and local authorities in the study and consequently a larger sample of interviewees. This would have provided more extensive, richer and deeper data through which to identify and discuss themes and to further explore findings. It would also have enabled the conduct of a pilot study, which would have supported the development and refinement of the interview schedules. However, this does not detract from the detailed picture drawn from this case study involving the two, large organisations. Analysis of the 16 interviews and the identification of the 19 themes resulted in a maturation and saturation with respect to the findings. The difficulties in achieving access to police forces has been well-covered earlier in the thesis and it is unfortunate to have experienced such resistance to being involved in a constructive research project that adopted an AI research approach. Although it is acknowledged that police forces had been subject to fierce public and media criticism in the run up to this study taking place and that this perhaps resulted in a hyper-sensitivity to attention surrounding complaints but such resistance is not new as has been evidenced by the existing literature on policing research. Consequently, it cannot be ignored that such resistance, particularly by those forces that failed even to reply to the invitation, speaks to a cultural lack of openness and transparency. This was in sharp contrast to the openness demonstrated by the city council. Nevertheless, it is only fair to acknowledge that the individual police participants in this study did engage positively with the interview process and a senior manager did refer to the importance of 'a duty of candour' during interview.

## **5.2 Personal reflections**

5.2.1 A significant part of my motivation to complete a DBA study of CM has been my own professional and personal experience of CM. Firstly, working as a Governor grade in HM Prison Service for thirteen years in a variety of institutions, I have extensive experience of conducting investigations into complaints and allegations against staff including very serious cases of misconduct. I was also responsible for oversight of the complaints procedure in what was then the largest, male prison in the estate as well as for a standards audit of the operation of the CM procedure in a prison for women. This experience has given me an in-depth understanding of the issues involved in the effective management of complaints of varying complexity. The model for CM in HM Prison Service most closely matches that of the city council rather than the police force which has a centralised PSD. In the Prison Service, complaints are allocated to a senior line manager for investigation. Appeals are handled in the first instance by an Area Manager and, ultimately, by the Prisons and Probation Ombudsman. My experience of Prison Service CM reinforces what has emerged in this thesis as the necessary elements of best practice: particularly, communication; timeliness; and support for both complainants and staff under investigation.

5.2.2 I have also had personal experience of pursuing two, serious complaints against solicitors on behalf of family and friends: both of which led to conclusions of a shortfall in service and consequent compensation. From this experience, I understood how stressful pursuing a complaint can be for a complainant and the significant, power imbalance between a lay person complainant and a professional from a dominant field such as legal services. In the first instance, the complaint was not upheld by the complaints manager in the solicitor's practice and went to an independent assessor appointed by the Solicitor's Regulation Authority who upheld the complaint. In his response to the complaint, the solicitor in the practice was not only defensive but extremely abrasive. In the second case, the complaint was upheld by a partner in the solicitor's practice and so did not go to independent arbitration. In both cases, it was the power imbalance involved between the complainant and the solicitors that was most striking and which was the main reason for my involvement in the cases as both complainants did not feel able to pursue a complaint alone even though they were dissatisfied with the service they had received. The police force and the city council are also powerful organisations and so it can be a significant undertaking for a complainant to pursue a complaint with these institutions.

5.2.3 Importantly, completion of this research study has provided me with the valuable opportunity to expand and deepen my research skills and aptitude for critical analysis. The topic was politically sensitive for both organisations and so a careful and considered approach needed to be taken as researcher. Similarly, interviews touched on areas of shortfall in performance, which can be uncomfortable for organisations and individuals to acknowledge and address. Furthermore, interviews, particularly with staff who had been subject to investigation, involved emotive and highly charged topics that understandably give rise to stress. These features of the research required a sensitive,

understanding and nuanced approach as a research interviewer and I feel that my skills were developed significantly through conducting this research. Furthermore, this study explored new and previously uncharted academic terrain, which gave rise to innovative and complex findings. Pursuit and completion of this process allowed me to sharpen and refine my skills for critical analysis. Undoubtedly, this research study provided me with valuable experience and opportunity to develop considerably as a mature and competent, qualitative researcher.

### **5.3 Communication**

5.3.1 One of the key themes that emerged from this study for both organisations and all interviewees was the significant importance of communication within CM. This finding supports the existing literature relating to CM, which also highlights the importance of early, meaningful, ongoing and follow-up communication with complainants and also by managers with staff involved in the CM process. This importance should not be underestimated as it links directly to the emotional experience of complainants and their subsequent satisfaction with the process and trust in the organisation. The aim of the early communication was to reassure complainants that their complaint was important, was being taken seriously by the organisation and would receive fair, thorough and swift attention. This is especially significant where an organisation relies on its positive relationship with citizens and their willing collaboration and consent such as is the case with the police service and the communities it polices. This was recognised by the police staff interviewed and their team manager had ensured that investigators received training in handling difficult conversations. Communication with complainants was no less important for city council staff who also endeavoured to offer face-to-face communication where it was desired. They recognised that early, meaningful and ongoing communication with complainants was vital for a credible and effective CM process.

5.3.2 Communication by managers with staff subject to investigation was also highly significant. It linked directly to their feelings of being understood and supported. Unfortunately, this had been reported as severely lacking in two of the police cases involved in this study and this had had a lasting, deleterious effect on their feelings towards the organisation and senior managers. It had exacerbated their feelings of distress during the investigation process, which had been lengthy and had left them feeling isolated and forgotten. This lack of support through frequency and quality of communication by line managers resulted in the perception of a lack of organisational support in a time of need. The fact that officers under investigation were also redeployed and/or suspended added significantly to their feelings of isolation and abandonment. This was in sharp contrast to the experience of the city council staff who had been subject to investigation. They felt that their managers communicated with them in a way that left them feeling that they were understood and supported even though the manager would address the investigation of the complaint with the necessary objectivity and fairness. Positive communication also meant that staff accepted the fairness of personal learning outcomes that resulted from the

investigation. The council adopted an approach of ‘high challenge – high support’ to positive effect with respect to their CM process.

#### **5.4 Timeliness**

Timeliness of investigation and resolution of complaints was reported by interviewees as being highly important for both complainants and staff involved in the CM process. This, too, chimes with the existing literature on CM where timeliness is cited as being one of the most important points in best practice. Both the police force and the city council reported being under pressure with respect to timeliness as a result of high demand versus low resources, which will be explored further below. However, the city council was required to meet mandatory timescales for responses and, in the vast majority of cases, they met those timescales. In contrast, the police force did not have set timescales to adhere to and investigations were recognised as being lengthy and delayed. They only indicated on their website information that they would provide an update to complainants every 28 days, which in itself signifies that their investigations and resolution of complaints were likely to take months. Statutory guidance for complaint handling was published by the IOPC in 2020 and requires that an investigating officer must provide an account of the reasons for a delay if resolution takes longer than 12 months, which again signals to expected delay in reaching resolutions. Although council staff were undoubtedly time pressured, they adhered to time scales that involved days rather than months and this emerged as being more of a problem for investigators and managers in the police force resulting in lengthier timescales for investigation and resolution. Timeliness was also important for staff subject to investigation as, even for council staff who felt supported during the process, it was nonetheless an inherently negative experience hanging over them and subjected them to unwelcome scrutiny, which they were relieved to be freed from. Given the lengthier periods taken for resolution of complaints by the police force, this prolonged the feelings of stress and isolation experienced by the police officers subject to investigation. This study reinforces that the importance of timeliness as a feature of good practice in CM should not be underestimated.

#### **5.5 Resources**

As has already been documented in this thesis, both the police force and the city council had been subject to years of decreasing resources including lower staffing levels, which had resulted in extra difficulties in meeting service demand levels adequately and swiftly. This pressure was evident with respect to CM as evidenced by the interviewees in both organisations. However, despite being under pressure to meet time scales it was evident that city council staff were better placed than police staff in resolving complaints more swiftly. Although this research was not quantitative, interviewees were asked about typical workloads in an attempt to gauge typical demand levels. The city council’s three complaints teams handled around 500 complaints each annually and service managers investigating complaints would typically handle around 10 complaints a year each but this work was on top of their existing operational roles. This contrasted with the police force who received 200 complaints a week and each

investigator carried a caseload of 30-40 complaints at any one time. This naturally gives rise to questions of adequate resources to meet CM demand in a timely manner. It is little wonder that the police force could not resolve complaints as swiftly as the city council despite both organisations experiencing time pressures. Guidelines indicate that the leadership of police forces are required to set adequate resources for CM. However, the reality is that with reduced resources to meet operational policing demands on the ground, chief constables are unlikely to divert additional resources to CM. Similarly, it would not be justified to impose time limits on police forces for responses, as is the case with local authorities, whilst not being in a position to adequately resource the CM process. This delayed resolution undoubtedly exacerbates dissatisfaction amongst complainants who are already complaining about some aspect of the police service in the first place. There was a sense, from the data, that although both services experienced time pressures in relation to CM, the police force were engaged in fire-fighting the number of complaints being handled by the team. The question of adequate resources not only adversely affects time scales for responses but also other aspects of the CM process as will be outlined further below.

## **5.6 Values, ethics and the caring organisation**

5.6.1 It would not be fair to suggest that the police staff interviewed in this study were not concerned to deliver a positive service to complainants and staff subject to investigation. However, it would be fair to say that the city council, especially when contrasted with the police force, emerged as fulfilling its aim to be a ‘caring’ organisation where the staff involved in the CM process openly articulated the importance of values such as empathy, compassion, honesty and justice. It appeared from the interviews conducted with council staff that the organisation’s espoused values had been embedded and staff were consciously enacting those values in their daily work. In the police force, the deputy chief constable was cognisant of the organisation’s values and signified their importance for service delivery but this articulated commitment was not mirrored further down the line amongst staff interviewed suggesting that the organisational values were not as well-embedded or being enacted. The Deputy Chief Constable’s commitment to the organisational values was undoubtedly sincere but, based upon the findings of this study, remained aspirational rather than lived through the workforce.

5.6.2 The academic literature on organisational values offers us important insights of direct relevance to the findings in this study. Dearlove and Coomber (1999) established that values-led companies outperform others and have a lower turnover of staff. Harvey *et al* (2021) state that in order for values to be internalised, leaders, managers and employees need to enact them at the different levels of the organisation. Adamoniene *et al* (2021) point out that not all values that are important to leaders are important to employees and it is important to determine the organisational values important to leaders and determine how those values are perceived by subordinates. Cunningham (2011) points out the importance of developing a ‘safe’ culture for lapses to be discussed and this is particularly relevant to our topic of CM. Murphy and Davey (2002)



caution that political considerations including powerful, unofficial cultural and subcultural norms will override the impact of officially espoused but unembedded values. This is an important consideration for police forces in light of the findings of this study alone.

5.6.3 The police force in this study had three core values - fairness, integrity and trust - and outlined behaviours to deliver those values. These are undoubtedly pertinent for a CM process, yet the espoused values did not emerge as having a high profile amongst staff interviewed with the exception of the deputy chief constable: unlike the city council staff. The city council espoused the following values:

- Being open, honest and trusted – I can be my best.
- Treating people fairly – I feel valued for who I am.
- Working as a team for the city – I’m part of a ‘can do’ team.
- Working with all communities – I make a difference.
- Spending money wisely – I make every pound go further.

The police force’s core values could be found on its website but were not displayed prominently whereas the city council placed its aim of being a ‘caring’ organisation at the forefront of its public face online. In a separate study I undertook on organisational values and good governance involving the same city council, the organisation emerged as having well-embedded its values across the workplace and this was evident with respect to the CM process in this study. The positive effects of this should not be underestimated especially when applied to areas of service such as CM where citizens already feel let down and unhappy with some aspect of the organisation’s performance or service delivery. It also makes a difference to staff subject to investigation as they too will be feeling at least “infuriated” or stressed and in need of a supportive and caring response from investigators and managers. The enactment of values can significantly influence the emotional and psychological warmth of an organisation and this matters in CM as the literature highlights that the process relies in good part on interpersonal communication and involves dynamic and complex emotions both for complainants and staff.

5.6.4 Although values were not prominently cited by police respondents and they did not articulate precisely how the code of ethics influenced their working practices, they did emphasise the importance of the police code of ethics for their decision-making and behaviours. At the time of the study the code was being reviewed by the College of Policing and force managers were contributing to the consultation. The nine ethics contained in the code at the time of this study actually contain the three core values adopted by the force:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness

- Honesty
- Leadership
- Fairness
- Respect

In keeping with the existing literature, all of these principles are vital for good practice in CM as well as for the wider policing responsibilities. However, it is fair to say that, although interviewees stressed the importance of the code of ethics, they did not readily speak of those qualities featuring in their daily work and responsibilities, which was in contrast to the city council staff. This gives rise to the question of whether the code of ethics is readily referred to as an entity but that the specific principles within it are not as embedded and enacted within the policing culture and delivery of their daily work at a conscious level. This question would certainly be a fruitful area of future research especially given the changes to the code itself and the introduction of a new statutory code of practice for ethical policing aimed at chief officers.

5.6.5 In January 2024, the College of Policing published its new code of ethics for policing, which now contains three ethical policing principles:

- Courage – demonstrating integrity and transparency in our decisions, leading by example and challenging anything that could bring our profession into disrepute.
- Respect and empathy – listening to and understanding the needs of the public, and trying to respond to the physical, mental and emotional challenges that both colleagues and members of the public face.
- Public service – the commitment to work in the public interest, communicate clearly and openly, and take pride in providing an excellent service to the public.

These principles are clearly and directly relevant to good practice in CM. The College of Policing also states that the new code, which is not statutory, will work alongside a separate Statutory Code of Practice for Ethical Policing, which was launched in December 2023. The new code of practice places an onus on chief officers for ensuring and promoting ethical practice in their forces. It includes specific reference to ensuring support for staff to proactively and robustly challenge or report unprofessional behaviour to create a culture of zero tolerance and to ensure that whistleblowers feel able to report concerns and are listened to and given appropriate protections. These provisions also relate positively to effective CM. However, the code also refers clearly and directly to CM in specifying that chief officers must ensure that staff are aware of and understand the processes and procedures for handling matters linked to complaints, internal allegations and other matters relating to conduct. Furthermore, it states that chief officers must ensure that staff who report misconduct, as well as those who are under investigation for misconduct, have access to appropriate welfare support. With respect to members of the public who complain, the code stipulates that chief officers are responsible for promoting proactive, open communication when a

policing service to which they are entitled falls below the level of reasonable expectations. In terms of delivering effective CM within the police service, the statutory code can only be welcomed. It also addresses issues highlighted in this study as important and in keeping with the literature on good practice in CM. However, it does not resolve the question of how espoused principles and values become embedded effectively throughout an organisation and how enactment can be achieved and maintained across the service. This would certainly be an important and fruitful area of future research: not least because the Code of Practice for Ethical Policing now places statutory obligations upon chief officers.

## **5.7 Accountability and independence**

5.7.1 The police force and the city council differed in the management model they operated with respect to CM. The police force had a central CM team - the PS department - which conducted all investigations handled at force level. The city council, however, had three CM teams – corporate, adult and health, and children and families – and allocated investigations in the first instance to service managers with responsibility for the area which gave rise to the complaint. There is almost nothing in the existing CM literature regarding differences in the two models apart from a recognition that, if an organisation's span is geographically wide, a decentralised approach to investigations may lack consistency or standardisation of response. Undoubtedly, the decentralised approach means that service managers are directly accountable for assessing and potentially rectifying aspects of their departmental or team's performance. They are also considered to have a closer knowledge of and familiarity with the particular context and working practices involved in the area of complaint making their assessment more well-informed. This accountability, though, requires competence in ensuring a thorough, impartial and objective investigation and resolution if it is to be considered fair, balanced and credible as it automatically gives rise to the questioning of a lack of independence on the part of the line manager. This would be a fruitful area of focus in future research on this topic given the importance of the issues of accountability and independence for effective CM.

5.7.2 Although the centralised model removes the onus and distances the investigation from line managers it can still be questioned as to a lack of independence given that the PS department is a part of the police force itself with police managers leading it and often employing retired officers as investigators. With respect to this study, the emerging picture from the city council was one of line managers who recognised the importance of an objective and impartial assessment of the complaints they investigated and were responsible for resolving. Similarly, they were cognisant of the fact that if their first stage investigation was lacking in any way it could be subject to further investigation by senior managers or an independent person who would review their assessment of the complaint and ultimately by one of the two ombudsmen. Given the competent approach described by service managers in this study, I would advocate the decentralised approach on the grounds that it strengthened line management accountability for their team's performance and their ability to take positive, remedial

action at the interface with their staff involved in the complaint. However, as already mentioned, the appropriateness and credibility of this model rests on the ability of line managers to be objective, impartial and thorough in their investigations leading to a fair and balanced outcome for both complainants and staff. With the decentralised model for investigations, complaints teams acted as active overseers of the response process and also actively quality assured the replies. A further safety check for this model is also available in the form of appeals to more senior managers, independent investigators and ultimately an ombudsman. As previously outlined in this thesis, police forces are subject to investigation, supervision and review by the IOPC, designed to bring independence to the CM process. However, it was evident in this study as well as from secondary sources of data that the IOPC was subject also to a situation where demand outstripped capacity and substantial delays in resolutions to complaints were experienced. The city council, as previously highlighted, was subject to both a housing and a local government and social care ombudsman. It was evident in this study that the role and activities of the independent ombudsmen did reinforce good practice and serve to strengthen effective CM.

### **5.8 Learning the lessons**

To understand how organisations learn, learning in organisations has been analysed and interpreted according to numerous academic perspectives. From a management perspective, organisations were believed to have organisational learning capability because they possessed specific kinds of organisational and managerial practices that facilitated learning, thereby achieving their goals. The main interest of management was to determine whether organisations possessed the best practices or the most effective systems, for example, in relation to leadership or knowledge sharing systems, which would directly promote learning within an organisation (Oh and Han 2020). As identified in the literature review and the findings of this study, learning from complaints is an important feature of an effective CM process. The importance of individual officers being allowed to learn from their genuine mistakes did emerge in the police force interviews in this study. However, perhaps unsurprisingly, given the volume of complaints leading to a burdensome workload for the PSD, the police force did not reveal the operation of valuable mechanisms for organisational learning of lessons from complaints. This is an area that could be promoted to good effect within the force as complaints provide a rich source of data for organisational learning.

Council service managers and staff who had been subject to complaints referred to personal and team learning from complaints received about their individual or their team's performance. The complaints teams also referred to learning being fed into senior management and leadership arenas for policy and other improvements to be made at organisational levels. They also produced annual reports. Furthermore, the complaints team managers had been involved in implementation projects so that their knowledge and experience could be used in introducing new initiatives thereby mitigating the potential for future complaints. They also highlighted how they wished to be in a position to ensure that they could follow-up and monitor the delivery of specific

action plans as an outcome of complaints but time pressures resulting from the workload were a current barrier to this. Nevertheless, council complaints team managers felt that they could and did readily flag up lessons learned from complaints to the appropriate level of the organisation and that these would be listened to. This feature of data analysis and creating opportunities for service improvements based on the outcomes of complaints was a key feature in the literature on effective CM. The results of this study suggest that this is an area of practice that should be addressed by the police force as a priority as it may be possible to open up communication channels to existing forums to capitalise on the rich data provided by an analysis of complaints overall without creating the need for significant, additional resources. Organisational learning from CM data is also an area for further, fruitful research providing an opportunity for a focus on the process by which lessons are effectively learned and incorporated in the practices and culture of organisations.

## **5.9 Equality and diversity**

5.9.1 Both the police force and the city council had a facility on their complaints forms for the recording of data related to protected characteristics under the Equality Act. However, both organisations recognised that this data was incomplete and so unreliable in terms of monitoring the frequency and volume of complaints from specific groups in their overall population. City council complaints team managers acknowledged this as being a blind spot that they were motivated to address when circumstances would allow. Both the police force and the council placed great importance on the careful and sensitive handling of any complaint where there was a suggestion of discrimination based on those protected characteristics. If anything, this pronounced care and attention is of particular importance for these organisations given their roles and responsibilities as the sole providers of critical services to their communities. Furthermore, their communities comprise disadvantaged and vulnerable groups who may require additional support and consideration especially if there has been some form of treatment or performance that has already given rise to a complaint.

5.9.2 Given its size, the city council had its own equalities department and this provided complaints managers with an extra degree of specialised knowledge and experience to draw upon. The council complaints managers recognised that the monitoring of protected characteristics was an area of data analysis they were keen to find ways of strengthening. This, too, is an area of focus that the police force could benefit from spotlighting to good effect. As the existing literature identifies, only a fraction of dissatisfied citizens actually submit complaints and there are demographic differences in who is most likely to complain. Diversity and inclusion are two principles that it is critical to consider in terms of access to and experience of an effective CM process.

## **5.10 Discretion or professional judgement**

5.10.1 Michael Lipsky (1980) and Tony Evans (2011) define discretion as the extent of freedom a worker can exercise in a specific context and the factors that give rise to this freedom in that context. The existing literature identifies the importance of discretion, or

professional judgement as council staff termed it, in delivering services to the communities served by both the police and local authorities. Both the police force and council employees are required to apply and work within the provisions of statutory frameworks whilst exercising professional judgement in their daily decision-making on the front-line of service delivery to citizens. How precisely do staff navigate the boundaries and spaces involved in discretionary decision making? What influences their choices to act in certain ways or refrain from action? How are these decisions received by citizens involved? The responses within this study highlighted the significance of discretion in reaching those individual assessments and decisions on the front-line, which can and do then give rise to complaints.

5.10.2 The exercise of discretion is a complex and nuanced issue that merits deeper scrutiny given the crucial role it plays in service delivery and the experiences of both officers and citizens. It is of critical importance to understand what influences the exercise of discretion by staff and how this is perceived by citizens within the CM arena. Interviewees also recognised that they exercised discretion within the CM process with respect to how they handled the complaint and the investigation and how staff subject to a complaint were supported. These decisions, too, will have directly and significantly affected the experience of complainants and staff under investigation. There is a generic body of literature on discretion relating to both the police service and local authorities, which highlights its importance for service delivery and the experiences of both staff and citizens. However, its importance in the CM process has not been explored. This is certainly an area of focused research that has the potential to add valuable insights and understandings within existing knowledge for both policing and local government as well as for CM.

## **5.11 Support**

5.11.1 Participants articulated how important appropriate support was for complainants and staff subject to complaints. The early and meaningful contact with complainants was viewed as essential to providing them with support within the CM process. It was acknowledged that this involved both being able to structure their expectations and often defusing tensions and discontent. The CM literature refers to how the CM process is emotional for complainants and participants in this study recognised this. As the literature shows, there is a relationship between fair treatment and public perceptions of police legitimacy and how complainants are treated by a police force within the CM process is likely to influence this. An important consideration in this respect is the power imbalance between complainants and both the police force and city council as institutions and their staff.

5.11.2 Furthermore, respondents highlighted the importance of support for staff subject to complaints and investigations. As previously cited, city council staff reported feeling well supported by line managers during the CM process but nevertheless the experience was stressful and at times “infuriating” for them. In contrast, the police officers described a much worse context during the CM process in which they felt isolated, abandoned and forgotten. Their distress was exacerbated by being redeployed

or suspended from their normal duties, which was not the case with city council staff. The effects of being subject to complaints and investigations and then feeling unsupported by line management should not be underestimated as not only does it cause significant stress but it also leaves staff perceiving the organisation as unfair and uncaring of their welfare.

## **5.12 Leadership**

5.12.1 Although this research did not include a study of leadership *per se*, it did include an interview with the chief officer with responsibility for CM within both organisations in order to capture the view of CM from the top of the organisation. As Mastrangelo *et al* (2004) described it, effective leaders engage in both professional leadership behaviours (e.g., setting a mission, creating a process for achieving goals, aligning processes and procedures) and personal leadership behaviours (e.g., building trust, caring for people, acting morally). These behaviours are of direct relevance to leading an effective CM process within organisations and was recognised by the chief officers in this study as they described their views in relation to the topic. Both emphasised the importance of ethics and values for CM process delivery and public trust and confidence. Both also recognised the importance of sound procedures and practices for delivery of an effective CM process. Both organisations are undoubtedly complex and Marion and Uhl-Bien (2001) argue that complexity theory focuses leadership efforts on behaviours that enable organizational effectiveness, as opposed to determining or guiding effectiveness. The city council chief officer emphasised the importance of empowering staff especially in terms of their ability to exercise professional judgement or discretion. The police chief officer stressed the importance of enabling staff to learn from mistakes that may have resulted in a complaint.

5.12.2 Marion and Uhl-Bien (2001) go on to argue that complexity theory encourages us to see organisations as complex adaptive systems composed of a diversity of agents who interact with one another, mutually affect one another, and in so doing generate novel behaviour for the system as a whole. Not only is this true of both the police force and the city council but it can also be applied to the delivery of an effective CM process within the organisation. Resolution of and learning from a complaint undoubtedly involve a diversity of agents interacting with each other to achieve a novel outcome. The importance of leadership within the CM process was recognised by participants of this study regardless of their position within the structure. The involvement and effects of leaders' decisions, leadership styles and activities on delivery of the CM process and subsequent learning opportunities would be a fruitful topic for future research to focus upon. It would lead to a deeper and more nuanced understanding of the complexities involved in effective CM and the interactions between the diverse agents involved.

## **6. Conclusion**

6.1 This study represents an original and innovative contribution to the existing bodies of research in policing, local government and CM. It addresses gaps in the literature concerning the experiences of staff actually involved in the CM process, which in this case study relate to both a large police force and one of the largest city councils. As well as contributing to this gap in the CM literature from a staff rather than a customer-orientated perspective, it also focuses on key areas of sociological and organisational management thought: namely, values and ethics; organisational learning; independent oversight and management accountability; communication; staff welfare and support; and discretion. It also gives a detailed insight into how the contemporary police force and local authority currently manage and deliver the vital CM process when their service is perceived to have fallen short of expected standards. In doing so, it highlights what respondents reported as being best practice in CM, much of which chimed with the existing literature on good practice in CM.

6.2 The three research questions for this study were defined as follows:

- a) What are the specific experiences and views of the complaint management process held by key postholders in the force and the city council?
- b) How do those experiences and views differ between key postholders situated in different positions and different services?
- c) What features of best practice are identified by key postholders?

The findings of this study and the subsequent discussion responded in detail to these three research questions. Namely:

- a) In relation to the first question, participants shared openly their experiences of the CM process in their organisation from their relative positions: as the organisational lead for CM; as head of the PS department/complaints teams; as investigators; and as staff subject to complaints investigation. Each of the findings have been well-illustrated with direct quotes and indicating the organisational position of the interviewee. The quotes clearly reflected the specific experiences and views of the respondent in relation to the CM process and their respective positions within it. It was the depiction of those experiences and views that led directly to the 19 themes generated for both the police force and the city council cumulatively.
- b) In relation to the second question, the themes that generated the findings were compared and contrasted with respect to the different postholders' positions and the two organisations. Within the police force, there were notable differences between some of the views and experiences described by the two senior managers compared to those of investigators and staff subjected to investigation. Specifically, around the qualities of the best investigators and the relationship with the IOPC. The senior managers believed that research skills were very important for investigators. They also



reported that the relationship with the IOPC was very challenging. This contrasted with investigators who stressed the importance of good communication skills but did not cite the importance of research skills. They also reported a positive relationship with IOPC caseworkers. This appeared to be a result of the differing management priorities between the lower and more senior levels of the police force where the latter were concerned about the lack of timeliness of IOPC investigations of misconduct. In the city council, the complaints team managers and staff subject to investigation recognised the existence of a defensive mindset in some cases whereas this was not reported by investigators. The findings also differed between the two organisations in this study and the contrasts have been discussed in the findings section of this thesis. Namely, staff who had been subject to investigation within the city council reported being properly supported by line managers during the process whereas the feelings of a lack of support were profound for staff in the police force. Furthermore, the city council's model for complaints handling involved line management accountability and opportunities for organisational learning were actively pursued. This was in contrast to the police force, which operated a centralised model for CM and did not present the existence of levers for the promotion of organisational learning.

c) In relation to the third research question for this study, participants' views of what constituted best practice for CM clearly emerged in the findings. Ultimately, this was reflected in the core category generated by the thematic analysis: namely, the importance of communication, timeliness and ethics/values for effective CM. Furthermore, the 19 themes depicted the wider features of best practice as well as some of the barriers to achieving effective CM. Notably, appropriate support for both staff and complainants involved in the CM process was highlighted as was enhancing the opportunities for individual and organisational learning from complaints. Enactment of organisational ethics/values through the manifestation of empathy, honesty, understanding and justice for complainants was reported as being important.

As mentioned, following detailed thematic analysis, this study identifies the core category as being the importance of communication, timeliness and ethics/values for delivery of an effective CM process. Comparison of the two organisations revealed contrasts in their delivery of the CM process. The city council emerged as delivering a strengthened CM process in terms of its capacity to deliver timely responses to complaints and achieving individual and organisational learning from the outcomes. It also emerged as better supporting staff subject to complaints than did the police force. This may, in part, be a result of the police force PSD facing a much higher volume of complaints compared to its resources than was the case for the city council. However, the force and the council also differed in the respective models adopted for CM with the force operating a centralised PSD whilst the city council referred complaints to line managers for first stage investigation, which reinforced line management accountability for performance.

6.3 Importantly, this study opens up the potential for and points to valuable, future research needed to explore key features in more granular detail and depth. Notably, to examine questions focusing on:

- How police forces actually embed and enact the principles of values-led ethical policing so that they promote high professional standards that are realised at all levels of the organisation.
- How to effectively manage diversity and inclusion within the operation of an effective CM process to ensure that marginalised, disadvantaged and vulnerable individuals and groups are properly heard and positively responded to.
- How practitioners in police forces, local authorities and other key public services actually exercise discretion in their decision-making and assessments on the front-line of service delivery and the relationship to and implications of this for the submission and resolution of complaints.
- What the strengths and weaknesses are in the delivery of effective CM between a centralised and decentralised model of CM management at organisational level in different public sector services with particular reference to independence, accountability and the quality of the process for all involved.
- How individual and organisational learning from complaints are effectively achieved.
- How leadership practices and styles impact upon the delivery of and learning from complaints.

Further detailed empirical research and in-depth theoretical discussion of these questions would enrich the existing body of knowledge to which this case study refers and to which it has already made an original, innovative and valuable contribution. Namely, the promotion of an effective complaints management process that enhances professional standards and organisational performance.

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## **Appendix A1**

### **Information Sheet**

You have been invited to take part in the research study, Managing Professional Standards: An Examination of the Approach to Local Complaints Handling Across (Four) Police Forces.

As you will be aware, complaints involving police forces have received a high degree of public and media profile in recent years. Similarly, the arrangements for dealing with these complaints have also been subject to recent changes. The aim of the study is to examine - by comparing and contrasting - experiences of the local complaints process across (four) police forces: to map strengths and merits of the approaches and to identify any potential and beneficial developments in the form of themes and principles to be recommended.

#### **The Study**

A range of postholders with experience of the local force complaints process will be interviewed to obtain a rounded view of the issues involved. Interviews will be recorded to aid data analysis but all your contributions will remain anonymous.

The research objectives are:

- To identify the strengths and positive features of the police forces' approaches to the local complaints processes.
- To establish whether and in what ways the local approach differs between the local forces and their potential impact.
- To assess whether and in what ways key postholders within the forces differ in their views of the strengths of the local processes and how that may influence practice.
- To examine what positive and beneficial developments can be recommended and promoted as potential improvements to practice.
- To identify any learning points from using Appreciative Inquiry (AI) to explore a conflictual and criminal justice system context such as the local police complaints process.

Your contribution to this research study will be much appreciated.

A consent form is attached for your agreement and signature to ensure the research is conducted ethically.

## **Appendix A2**

### **Information Sheet**

You have been invited to take part in the research study, Managing Professional Standards: An Examination of the Approach to Local Complaints Handling within a Police Force and a City Council

As you will be aware, complaints involving police forces have received a high degree of public and media profile in recent years. Similarly, the arrangements for dealing with these complaints have also been subject to recent changes. Local Authorities too have been subject to public attention not least with anti-social behaviour, children's homes and high profile infant deaths. The aim of the study is to examine - by comparing and contrasting - experiences of the local complaints process within a police force and a city council: to identify commonalities and differences in approach; to map strengths and merits of the approaches and to identify any potential and beneficial developments in the form of themes and principles to be recommended.

#### **The Study**

A range of postholders with experience of the local complaints process will be interviewed to obtain a rounded view of the issues involved. Interviews will be recorded to aid data analysis but all your contributions will remain anonymous.

The research objectives are:

- To identify the strengths and positive features of the approaches to the local complaints processes.
- To establish whether and in what ways the local approach differs between the force and council and their potential impact.
- To assess whether and in what ways key postholders within both organisations differ in their views of the strengths of the local processes and how that may influence practice.
- To examine what positive and beneficial developments can be recommended and promoted as potential improvements to practice.
- To identify any learning points from using Appreciative Inquiry (AI) to explore a conflictual and criminal justice system context such as the local police complaints process and the city council.

Your contribution to this research study will be much appreciated.

A consent form is attached for your agreement and signature to ensure the research is conducted ethically.



## **Appendix B**

### **Managing Professional Standards: An Examination of the Approach to Local Complaints Handling of a Police Force and a City Council.**

#### **Consent Form**

I give my free and fully informed consent to participation in this research study and confirm that:

- I have read and understood the Information Sheet provided
- I agree to my interview being recorded to aid data analysis
- I understand that my contribution will remain anonymous
- I understand that I can withdraw at any time without consequence

Signed: .....

Name: .....

Witnessed by: .....

Name: .....

Date: .....

## **Appendix C1**

### **Interview Schedule**

1. Can you describe your role and experience in relation to the force's complaints handling?
2. What are the features of the best handling of complaints by the force?
3. What are the qualities or skills demonstrated by the best of complaints investigators?
4. Can you describe a best example of when the force dealt really well with a complaint?
5. In what ways, if any, does the police code of ethics influence professional standards and conduct?
6. How far, in your view, does the public have trust and confidence in the force's complaints handling?
7. How does the force take account of or use data about the protected characteristics of complainants - such as gender, ethnicity or sexual orientation - within the complaints handling process and subsequently?
8. What, if any, are the differences between force handling of complaints submitted by employees and by members of the public?
9. How would you describe the force's relationship with the IOPC with respect to complaints handling?
10. What changes would you recommend could be adopted to achieve improved complaints handling by the force?

11. Are there any other observations or experiences you would wish to share regarding force complaints handling?

## **Appendix C2**

### **Interview Schedule**

1. Can you describe your role and experience in relation to the council's complaints handling?
2. What is the scale of complaints you handle monthly?
3. What are the features of the best handling of complaints by the council?
4. What are the qualities or skills demonstrated by the best of complaints investigators?
5. What are the challenges to effective complaints handling by the council?
6. Can you describe a best example of when the council dealt really well with a complaint?
7. In what ways, if any, does the L.G. and S.C. or Housing Ombudsman's guidance for the handling of complaints influence practice?
8. How far, in your view, does the public have trust and confidence in the council's complaints handling?
9. How does the council take account of or use data about the protected characteristics of complainants - such as gender, ethnicity or sexual orientation - within the complaints handling process and subsequently?
10. How far do you think the exercise of discretion by front-line staff leads to complaints?
11. How far can you exercise discretion when handling complaints and the outcomes?
12. How does the council ensure learning and development is derived from complaints?
13. What changes would you recommend could be adopted to achieve improved complaints handling by the council?
14. Are there any other observations or experiences you would wish to share regarding the council's complaints handling?