



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2008-04684

Keyword: Complaints/Discipline

Subject: COMPLAINTS ASSOCIATED WITH THE USE OF THE PSNI HELICOPTER

Request:

Question 1 - I wish to be provided with a copy of your complaints handling procedure in relation to the handling of complaints about PSNI helicopter activity (clarified as relating to complaints referred to the Chief Constable from the Police Ombudsman for Northern Ireland).

Question 2 - Also please provide statistical information in relation to the handling of such complaints i.e.

1. The number of complaints received from 1.8.08 to 30.9.08, broken down by month.
2. Presuming the PSNI have a set turnaround period within which to respond to helicopter complaints;
 - a. The number of complaints, for the period 1.8.08 to 30.9.08, responded to within the laid down deadline
 - b. The number of complaints, for the period 1.8.08 to 30.9.08, responded to outside the deadline and for each missed deadline case, the number of days the deadline overran and the reason as to why the deadline was missed.

Answer:

This is to inform you that the Police Service of Northern Ireland has now completed its search for the information you requested. The decision has been taken to disclose the located information to you in full.

Answer 1 - The PSNI does not have a separate policy for dealing with complaints associated with the use of the PSNI helicopter. All complaints of a 'direction and control' nature are handled in accordance with our guidance on the handling of complaints relating to 'direction and control' of the Police Service. A copy of the guidance is attached. Please note the term IIB should be replaced by PSD – Professional Standards Department.

Answer 2- From the 1.8.08 to 30.9.08, two complaints relating to PSNI helicopter activity have been referred from the Police Ombudsman for Northern Ireland to the Chief Constable. One complaint was received in June 08 and the other in September 08.

Of the two complaints received, one was responded to within the target time contained in the guidance document attached i.e. within 30 working days. The second case had not, as of the date of your request been finalised but was still within the 30 working day response time on that date.

The figures supplied have been compiled from information held by the PSNI's Professional Standards Department which has responsibility for internal discipline relating to police officers.

United Kingdom Police Services do not use generic systems to capture information. For this reason the PSNI's response

to your questions should not be used for comparison purposes with any other Police Service.

If you have any queries regarding your request or the decision please do not hesitate to contact the Freedom of Information Team on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review in accordance with our complaints procedure. In the event that you require a review to be undertaken, you can do so by writing to the Head of the Freedom of Information Team, Freedom of Information, and PSNI Headquarters, 65 Knock Road Belfast BT5 6LE or by emailing foi@psni.pnn.police.uk

If following an internal review you remain dissatisfied in anyway with the handling of the request you may make a complaint to the Information Commissioner and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that all PSNI replies under Freedom of Information will be released simultaneously into the public domain via our website at www.psnipolice.uk

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.

GUIDANCE ON THE HANDLING OF COMPLAINTS RELATING TO “DIRECTION AND CONTROL” OF THE POLICE SERVICE

1. INTRODUCTION

- (1) Complaints about the direction and control of a police service can often be significant and therefore require a meaningful and timely response. Direction and control complaints do not deal with issues of misconduct; rather they provide an opportunity to capture learning from the experiences of the public. The Chief Constable and the Policing Board attach great importance to giving members of the public confidence that their complaint will be responded to in a timely and appropriate manner.
- (2) Examples would be, complaints about the use of road safety cameras, the number of officers on duty, RTC policy. PSNI already deal with complaints of this nature, but the new procedure emphasises **performance monitoring, timeliness and oversight**.

2. PSNI/PBNI AGREEMENT

The Police Service of Northern Ireland has agreed the following procedure with the Northern Ireland Policing Board.

3. BENEFITS OF THE SYSTEM

In order to develop our approach to service improvement to the public, we must be mindful of the positive impact that can be achieved if we manage these issues correctly to achieve a satisfactory outcome for the complainant. The direction and control process affords us the opportunity to improve public confidence in our ability to respond positively to their concerns and improve the way that we work and deliver our services.

4. KEY ELEMENTS OF THE PROCEDURE

- (1) Responsive to the needs of complainants.
- (2) Timeliness of response (within 30 days).
- (3) Proportionate in the handling of the complaint.
- (4) As open and transparent as the maintenance of operational policing will allow.
- (5) Flexible, so that complaints can be dealt with at the lowest appropriate level, with an emphasis on early resolution.
- (6) An opportunity for the organisation to learn from experience.

5. WHO CAN COMPLAIN?

Any member of the public may ask questions about the way policing services are delivered locally and, if dissatisfied, complain about that service. A member of the public does not include a serving police officer, member of police staff, agency staff or contractor (or anyone acting on their behalf in that capacity).

6. WHAT CONSTITUTES A DIRECTION AND CONTROL COMPLAINT?

- (1) Any matter to do with the delivery of policing services in a police area.
- (2) However this **excludes**:
 - (a) Matters that constitute misconduct where personal or individual responsibility is in question, including matters of negligence or incivility;
 - (b) Internal management and organisational support, (eg finance, procurement, catering, postal services etc) It is for the Chief Constable to decide how such complaints are dealt with;

1735(pdf) General functions of the Policing Board. Complaints about the Policing Board should be directed to the Chief Executive.

- (3) Where there is any doubt that a complaint relates to misconduct, then it must be recorded and dealt with as misconduct in accordance with existing procedures.

7. DEFINITION OF DIRECTION AND CONTROL

- (1) Direction and control of a police service is the legitimate, independent, operational responsibility and discretion that is held by a chief officer.
- (2) For the purpose of this guidance a direction and control complaint is one that relates to and can be categorised as follows:
 - (a) operational policing policies (where there is no issue of conduct);
 - (b) organisational decisions;
 - (c) general policing standards in the police service;
 - (d) operational management decisions (where there is no issue of conduct).
- (3) Direction and control of the police service by the Chief Constable includes direction and control by any other person serving under him who operates under a direct or indirect delegated authority. For example, a District commander will have delegated authority and prescribed discretion to provide a policing service in the DCU. Any local policies or operating procedures developed by a commander will be regarded as direction and control of a police service by the chief officer.

8. RECORDING COMPLAINTS ABOUT DIRECTION AND CONTROL

- (1) Section 52 of the Police (NI) Act 1998 states that all complaints about the police service shall be made to the Police Ombudsman or, if made to a member of the police service, shall be referred immediately to the Ombudsman. The Ombudsman shall record and consider all complaints to determine if they relate to the conduct of a member, or to the direction and control of the service. Complaints about direction and control are referred to the Chief Constable (Internal Investigation Branch).
- (2) If any officer appointed to deal with a direction and control matter becomes aware of matters of potential misconduct, a full report of the facts should be submitted to IIB without delay, for further investigation by the appropriate agency.

9. REGISTER

- (1) Complaints about direction and control will be recorded by IIB in a register, which will allow information on a complaint or series of complaints to be retrieved effectively and efficiently for the purposes of those who need to manage, oversee, or inspect the procedure.
- (2) The Chief Constable does not require the following to be registered:
 - (a) a repeat complaint, which was made by the same complainant and was previously dealt with;
 - (b) a complaint which is considered to be frivolous, vexatious, or out of time (ie over 12 months old);
 - (c) an anonymous complaint, unless there is an obvious benefit to be gained by addressing the complaint.

10. MINIMUM DETAILS TO BE RECORDED ON THE REGISTER

- (1) Each direction and control matter will be assigned a unique reference number by IIB.
- (2) Minimum details to be recorded include:
 - (a) Name, address, gender, ethnicity, age of the complainant (if known);
 - (b) Details of the complaint, date, classification and summary of the issue;

1735(pdf) Outcomes achieved, including response to the complaint, complainant satisfaction or dissatisfaction, performance achieved and lessons learned.

11. MONITORING OF COMPLAINTS

- (1) IIB will collate the information to enable senior officers and Policing Board members to review complaints by category, scrutinise the outcomes and commission any action considered appropriate to prevent re-occurrence of the issue. This will ensure that both external and internal scrutiny of direction and control matters takes place on a regular basis.
- (2) In addition to monitoring by senior officers and the Policing Board, it is anticipated that HMIC will undertake inspection activity to test compliance with and effectiveness of the procedure during Baseline Assessment or thematic inspections.

12. RESPONSIBILITIES

- (1) The Chief Constable has delegated responsibility for the management of this procedure to the Detective Chief Inspector, PONI Unit, IIB.
- (2) IIB is responsible for the following actions within the timescales at 13(1) below:
 - (a) Receiving complaints referred by the Police Ombudsman;
 - (b) Entering complaints on the Register in the agreed format;
 - (c) Identifying the appropriate ACC/DCU/Department or Branch best placed to deal with the complaint;
 - (d) Acknowledging receipt with the complainant and advising who will be dealing with their complaint. The complainant will be advised that a copy of this Procedure can be obtained via PSNI website or upon request;
 - (e) Assigning further report dates and expedites;
 - (f) Examining the action taken and, if appropriate, closing file;
 - (g) Circulating lessons learned on Police Net and the PSNI website, if applicable;
 - (h) Reporting bi-annually to the Policing Board;
 - (i) Monitoring performance against agreed standards;
 - (j) Providing either training for staff who will be dealing with complaints, or specimen complaints and how they could be handled;
 - (k) Responding to HMIC on management procedures.

Officers receiving direction and control complaints from IIB are responsible for the following actions within the timescales at 13(1) below:

- (1) Appointing an officer of appropriate rank to make such enquiries as are considered appropriate, in order to address the issues/concerns raised by the complainant.
- (2) Corresponding directly or by letter with the complainant at the earliest opportunity to advise them that their concerns are being addressed (an acknowledgement has been forwarded by IIB)
- (3) Endeavouring to reach a satisfactory outcome with the complainant as quickly as possible. It is not necessary to achieve complainant satisfaction on all occasions, as the complaint is not being treated as an informal resolution. There should be a presumption towards openness, but any decision on disclosure of information should be subject to a sensitivity test, bearing in mind the requirements of the Freedom of Information Act. In a few instances, a letter to the complainant may be the most appropriate means of dealing with the complaint, but where the circumstances permit and the complainant consents, there should be a meeting to discuss the matter.
- (4) Forwarding a full report outlining all actions taken and the final views of the complainant to IIB within the agreed timescales.

13. PERFORMANCE MONITORING

The following milestone dates will be recorded by IIB and reported on bi-annually to PBNI.

DATE	TARGET
Date of incident/complaint to PONI	Not applicable
Date full details of complaint received by IIB, and/or identified as "direction and control" matter	IIB target – 95% referred to DCU/Dept within 2 working days
Date final report received from DCU/Dept	DCU/Dept target - 95% resulted to IIB within 30 working days

14. HUMAN RIGHTS/EQUALITY/INTEGRITY/FREEDOM OF INFORMATION

This procedure has been drafted in accordance with the Human Rights Act, Section 75 Northern Ireland Act, the Code of Ethics and the PSNI's integrity standards.

Glossary of terms

RTC – road traffic collision

IIB – Internal Investigation Branch

PONI - Police Ombudsman for Northern Ireland