

ORIGINATOR: CHIEF EXECUTIVE

DECISION NUMBER: 37-2019

REASON FOR SUBMISSION: FOR DECISION

SUBMITTED TO: POLICE AND CRIME COMMISSIONER

SUBJECT: COMPLAINTS REFORMS

SUMMARY:

1. This paper summarises the options open to the Police and Crime Commissioner, as introduced by the Policing and Crime Act 2017, with regard to their involvement in the handling of complaints.
2. Of the three options, one is mandatory and two are discretionary.
3. A formal decision is now sought as to the option to be pursued by the Police and Crime Commissioner.
4. The reforms regarding the three options and being introduced by the 2017 Act are expected to commence on 1 February 2020.

RECOMMENDATION:

The Police and Crime Commissioner is recommended to pursue Model 1 from the point that the relevant provisions of the 2017 Act are commenced.

APPROVAL BY: PCC

The recommendation set out above is agreed.

Signature

Tim Parry

Date

*29th October
2019.*

DETAIL OF THE SUBMISSION

1. INTRODUCTION

- 1.1 The Policing and Crime Act 2017 provides the opportunity for Police and Crime Commissioners (PCCs) to take greater responsibility for managing public complaints against the police. The legislation mandates that the PCC for a force area will take responsibility for those complaints which become the subject of review and which are currently reviewed by the Chief Constable. PCCs will put in place and maintain oversight procedures in respect of the handling of police complaints generally. This mandated position has conveniently been described as “Model 1”.
- 1.2 In addition the 2017 Act also allows PCCs to take responsibility for receiving, assessing, carrying out informal resolution and where appropriate, recording complaints before passing them to the Chief Constable for local resolution or investigation. This has been referred to as “Model 2” – it is not mandatory and lies at the discretion of the PCC as to whether it is adopted.
- 1.3 A further option, building on Model 2, and referred to as “Model 3”, is also available to PCCs. This allows for the PCC to become the contact point for a complainant from the point of reporting through to conclusion. This is not mandatory and again, lies at the discretion of the PCC as to whether it is adopted.
- 1.4 There are many other reforms to the complaints system that are not covered by this paper. The changes brought by these reforms seek to achieve a substantial overhaul of the systems and processes in place to hold police officers to account and build on the ongoing programme of police reform.
- 1.5 The key aims of the reforms are:
- A more customer focused system that resolves complaints in a timely fashion;
 - A less bureaucratic system that gives forces greater discretion;
 - A more transparent and independent system with effective local oversight;
 - To help identify patterns and trends of dissatisfaction; and
 - A less adversarial system for officers.
- 1.6 Her Majesty’s Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) will be able to inspect PCCs in respect of the complaint function undertaken by PCCs, be it Model 1, 2 or 3.
- 1.7 The bulk of the reforms introduced by the Police and Crime Act 2017 with reference to the complaints and misconduct system are currently due to be implemented from 1 February 2020.
- 1.8 A formal PCC decision is therefore required as to which model the PCC will pursue.

2. CURRENT POSITION

- 2.1 The handling of public complaints and conduct matters in respect of Suffolk Constabulary officers and staff is undertaken by the Police Professional Standards Department (PSD). This is a collaborated department operating across both Norfolk and Suffolk.
- 2.2 Performance monitoring is undertaken within the PSD with oversight undertaken by the Office of the Police and Crime Commissioner for Suffolk (OPCCS). External inspection is carried out periodically by HMIC. In the HMICFRS Legitimacy inspection of 2017, the Constabulary achieved an overall grading of “good”. In the domain that addressed the question “*How well does the force ensure that its workforce behaves ethically and lawfully*”, and which amongst other things examines the activity of the PSD, the Constabulary was graded as “good”.

3. OPTIONS FOR THE PCC

Model 1

- 3.1 This provides for the oversight of the complaints system (an explicit duty for PCCs to hold their Chief Officer to account with regard to handling complaints – and for which the OPCCS already has established arrangements) and the conduct of reviews that are, as appeals, currently conducted by the Chief Constable.
- 3.2 This model allows for a clearly defined appellate and oversight function to be delivered by the PCC and removes a situation where the police review their own work.
- 3.3 The current number of appeals per year has reduced over recent times and is now standing at circa 41 per annum. Discussions with PSD have revealed that whilst the handling of some reviews take some considerable time to resolve, the majority can be concluded within approximately 3 hours.
- 3.4 Whilst taking on this responsibility will have some workload consequences, the considered OPCCS view is that, at least initially, the demands of the additional responsibility can be accommodated within the OPCCS with the realignment of some responsibilities, and back-up arrangements being put in place. This will enable consideration over time of the actual impact on the OPCCS and the position will be kept under review as to whether any additional staffing requirements would be necessary. The current plan would be for one OPCCS member of staff to be the focal point for handling of complaints with back-up and support from three others when required or desirable.
- 3.5 Pursuit of Model 1 will not require any immediate increase to the PCC’s Corporate Budget.
- 3.6 Whilst the adoption of Model 1 may be seen as taking the minimum additional responsibility for handling police complaints it in no way precludes the evolution to Model 2 or 3 in the future.

Model 2

- 3.7 This provides for the duty to make initial contact with the complainants to understand how best their issues might be resolved, to be transferred to the PCC. This would include the informal resolution of low-level customer service related issues and the recording of complaints and related notification duties.

- 3.8 Introduction by PCCs of this model will rely upon an appropriate staffing level being introduced. This could not be accommodated within the existing staffing complement of the OPCCS and would potentially risk increasing bureaucracy significantly by acting as a conduit for complaints with no investigatory role. In order to provide an effective single point of contact for complaints there would be significant resource implications for the PCC. Further, it presents a risk to the perception of PCC independence through early involvement in complaints.

Model 3

- 3.9 This takes on the Model 2 functions and in addition takes a responsibility for keeping the complainant informed throughout the handling of the complaint, including the outcome and right of review.
- 3.10 The same points apply as per Model 2 but to an increased extent.

4. PREPARATION

- 4.1 Following discussion with the PCC, preliminary steps have been taken to progress implementation of Model 1. Arrangements are being made and preparations are well underway within the OPCCS to proceed with Model 1 from 1 February 2020.

5. FINANCIAL IMPLICATIONS

- 5.1 As explained in paragraph 3.4 above, no immediate resourcing issues are foreseen albeit the implementation and progression of Model 1 will be kept under review.


6. RISK AND OTHER IMPLICATIONS

- 6.1 No risk currently appearing on the PCC Risk Registers is engaged by this proposal and there is no material cause to add a risk to the Registers.

ORIGINATOR CHECKLIST (MUST BE COMPLETED)	PLEASE STATE 'YES' OR 'NO'
Has legal advice been sought on this submission?	Yes
Has the PCC's Chief Finance Officer been consulted?	Yes
Have equality, diversity and human rights implications been considered including equality analysis, as appropriate?	Yes
Have human resource implications been considered?	Yes
Is the recommendation consistent with the objectives in the Police and Crime Plan?	Yes
Has consultation been undertaken with people or agencies likely to be affected by the recommendation?	Yes
Has communications advice been sought on areas of likely media interest and how they might be managed?	Yes
Have all relevant ethical factors been taken into consideration in developing this submission?	Yes

In relation to the above, please ensure that all relevant issues have been highlighted in the 'other implications and risks' section of the submission.

APPROVAL TO SUBMIT TO THE DECISION-MAKER (this approval is required only for submissions to the PCC).

Chief Executive	
I am satisfied that relevant advice has been taken into account in the preparation of the report and that this is an appropriate request to be submitted to the (add decision-maker's title e.g. the PCC).	
Signature:	
Date	29 October 2019

