

ORIGINATOR: CHIEF EXECUTIVE

DECISION NO. 2019/ 65

REASON FOR SUBMISSION: FOR DECISION

SUBMITTED TO: POLICE AND CRIME COMMISSIONER

SUBJECT: POLICE COMPLAINT REFORMS

SUMMARY:

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. Of the three options, one is mandatory and two are discretionary.

A formal decision is now sought as to the option to be adopted by the Police and Crime Commissioner.

The reforms regarding the three options are being introduced through the 2017 Act and are expected to be enacted on 1st February 2020.

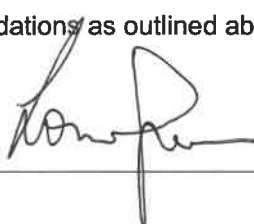
RECOMMENDATION:

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

OUTCOME/APPROVAL BY: PCC/CHIEF EXECUTIVE/CHIEF FINANCE OFFICER
(Delete as appropriate)

The recommendations as outlined above are approved.

Signature



Date 11/12/19

DETAIL OF THE SUBMISSION

1. INTRODUCTION

- 1.1 The Policing and Crime Act (PCA) 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 a 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 been described as “Model 1”.
- 1.2 The PCA 2017 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 a mandatory requirement and is for the PCC to decide if they wish to adopt this model.
- 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 Policing and Crime Act 2017 with reference to the complaints and misconduct system are currently due to be implemented from 1st February 2020.
- 1.8 A formal PCC decision is therefore required as to which model the PCC will adopt.

2. CURRENT POSITION

- 2.1 The handling of public complaints and conduct matters in respect of Norfolk Constabulary officers and staff is undertaken by the Professional Standards Department (PSD). This is a collaborated department operating across both Norfolk and Suffolk Constabularies.

- 2.2 Performance monitoring is undertaken with the PSD with oversight and scrutiny undertaken by the Office of the Police and Crime Commissioner for Norfolk (OPCCN). External inspection is carried out periodically by HMICFRS. In the HMICFRS Legitimacy Inspection for 2018, the Constabulary achieved an overall grading of “good”. In the domain that addresses 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”.
- 2.3 The Independent Office for Police Conduct (IOPC) has a statutory role in overseeing the police complaints system in England and Wales. The IOPC also set the standards by which the police should handle complaints and publish regular statistics on forces performance.

3. OPTIONS FOR THE NORFOLK POLICE AND CRIME COMMISSIONER

- 3.1 *Model 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 OPCCN 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 Norfolk appeals for 2018 stands at 55 and handling of some of these appeals can take some considerable time to resolve, the majority however can be concluded more swiftly.
- 3.4 In order to continue to provide the public with a timely and dedicated service for handling reviews it is proposed to appoint a part time permanent resource to handle this additional statutory responsibility for the PCC. The post will be entitled ‘Police Complaints Review Officer’ and will report to the Director of Performance and Scrutiny who also has management of the OPCCN complaints oversight and scrutiny process as referenced in paragraph 3.1.
- 3.5 Whilst the adoption of Model 1 could be seen as taking the minimum additional responsibility for handling police complaints it in no way precludes the adoption of Model 2 or 3 in the future by the PCC.
- 3.6 *Model 2* – this provides for the duty to make initial contact with the complainant 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.
- 3.7 If the PCC was minded to introduce this model then there would be a requirement to increase the level of resourcing in the OPCCN as it could not be absorbed by the existing staff. The other significant risk if the PCC was to introduce this model could be that the perception of the PCCs independence could be challenged by their early involvement in the complaints process.
- 3.8 *Model 3* – 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 the right of review. The same points apply as per Model 2 but to an increased extent.

4. FINANCIAL AND OTHER RESOURCE IMPLICATIONS:

- 4.1 As outlined in paragraph 3.4, the OPCCN will be recruiting a permanent part time post to undertake the review function set out in Model 1 which is a mandatory requirement.
- 4.2 Preliminary steps are now being undertaken by the OPCCN, following discussion with the PCC, to recruit to this post and proceed with the adoption of Model 1 in readiness for 1st February 2020.

5. OTHER IMPLICATIONS AND RISKS:

- 5.1 There are no risks currently linked to this proposal and there is no material cause for a risk to be added to the PCCs risk register.


ORIGINATOR CHECKLIST (MUST BE COMPLETED)	PLEASE STATE 'YES' OR 'NO'
Has legal advice been sought on this submission?	
Has the PCC's Chief Finance Officer been consulted?	
Have equality, diversity and human rights implications been considered including equality analysis, as appropriate?	
Have human resource implications been considered?	
Is the recommendation consistent with the objectives in the Police and Crime Plan?	
Has consultation been undertaken with people or agencies likely to be affected by the recommendation?	
Has communications advice been sought on areas of likely media interest and how they might be managed?	
In relation to the above, have all relevant issues 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, that the recommendations have been reviewed and that this is an appropriate request to be submitted to the PCC.

Signature:



Date 3-12-2019

Chief Finance Officer (Section 151 Officer)

I certify that:

- a) there are no financial consequences as a result of this decision,
OR
- b) the costs identified in this report can be met from existing revenue or capital budgets,
OR
- c) the costs identified in this report can be financed from reserves
AND
- d) the decision can be taken on the basis of my assurance that Financial Regulations have been complied with.

Signature:



Date: 4.12.2019

PUBLIC ACCESS TO INFORMATION: *Information contained within this submission is subject to the Freedom of Information Act 2000 and wherever possible will be made available on the OPCC website. Submissions should be labelled as 'Not Protectively Marked' unless any of the material is 'restricted' or 'confidential'. Where information contained within the submission is 'restricted' or 'confidential' it should be highlighted, along with the reason why.*