



To: Business Coordination Board

From: Chief Executive

Date: 16 December 2016

COMPLAINTS – POLICY REVIEW AND REFORMS

1. Purpose

1.1 The purpose of this report is to seek the Business Coordination Board's ("the Board") approval of the Police and Crime Commissioner's Complaint Policy Statement and to update the Board on the forthcoming complaints reform legislation.

2. Recommendation

2.1 The Board is recommended to:

- approve the Complaints Policy Statement;
- note the forthcoming complaints reform.

3. Background

3.1 The police complaints system is complex. Currently the legislation defines a 'complaint' as a 'complaint about the conduct of a person serving with the police', which can be classified as relating to both a person's conduct or a direction and control matter i.e a matter relating to operational decision making about the deployment of resources and strategic decisions about how policing powers should be exercised.

3.2 Both the Commissioner and the Chief Constable have statutory duties in relation to complaints against police officers and staff. The Commissioner has a statutory duty under the Police Reform and Social Responsibility Act 2011 to monitor complaints made against officers and staff of Cambridgeshire Constabulary, whilst having responsibility for complaints made against the Chief Constable.

3.3 The Commissioner also has a statutory duty under The Elected Local Policing Bodies (Specified Information) Order 2011 to have a statement in relation to the conduct of relevant office holders, including procedures for the handling of qualifying complaints and conduct matters. This includes complaints made about the Chief Constable.

- 3.4 The Chief Constable is responsible for having appropriate processes in place for dealing with complaints. The Chief Constable has delegated this responsibility to the Deputy Chief Constable and officers with the collaborated Professional Standards Department (PSD).
- 3.5 PSD is responsible for recording a complaint against a police officer or police staff. If the complaint is not referred to the Independent Police Complaints Commission (IPCC) for consideration, following recording of the complaint the options available to the forces and PSD are:

- Local resolution – complaint does not involve a formal investigation and is dealt with by local policing teams liaising with the complainant.
- Investigation – complaint is investigated by PSD.

4. Complaints Policy Statement

- 4.1 The Independent Police Complaints Commission (IPCC) '*Statutory guidance to the police service on the handling of complaints*', which Commissioners must 'have regard to', places a requirement on Commissioners to make publicly available information on how to make a complaint against the Chief Constable.
- 4.2 The Commissioner's Policy Statement provides for the position, process and approach that is adopted for complaints against the Chief Constable in line with the IPCC guidance. The Policy Statement also applies the same principles of approach regarding complaints against officers of the Office of the Police and Crime Commissioner. In addition, it signposts how complaints against the Commissioner and other police officers (other than the Chief Constable) and police staff can be made.
- 4.3 The Policy Statement is given at Appendix A.

5. Complaints Reform

- 5.1 The nature of some complaints could be better described as 'dissatisfaction with service delivery' rather than a complaint. Currently the legislation does not allow police forces to resolve issues of dissatisfaction raised with them without locking into the formal and bureaucratic complaints system. Some forces operate triage/customer service teams based in their PSD or in their OPCC. This is where issues of dissatisfaction about the force and low-level quality of service issues can be resolved as soon as possible before they become a formal complaint.
- 5.2 The Government has introduced amendments to the complaints system within the Policing and Crime Bill. The overarching intention of the reforms is that Commissioners will be responsible for deciding how the complaints system operates locally within the national framework provided for by the IPCC.
- 5.3 The legislation will place mandatory responsibilities on Commissioners regarding the complaints system and also provides discretionary opt-in legislation regarding complaint handling (referred to as Models 1, 2 and 3).
- **Mandatory – Model 1** - Commissioner has statutory responsibility for the performance of the complaints system locally.

- **Mandatory** - Commissioner has duty to review a complaint outcomes based on whether the outcome of complaint was reasonable and proportionate (not an appeal).
- **Optional – Model 2** - Commissioner has responsibility for the front end of the complaints system to resolve issues outside of the complaints system, initial contact with a complainant, recording of complaints.
- **Optional – Model 3** – Commissioner has responsibility for all statutory duties of the complaint system regarding contact with complainant, acting as a single point of contact for complainant.

5.4 In practice the reforms will legitimise the idea that certain issues can be dealt with informally outside of the complaints system, where it is appropriate to do so. This allows for a less bureaucratic, a more customer focussed approach which is easier to understand and puts the emphasis on resolving issues to the satisfaction of the complainant where possible, rather than apportioning blame. However, a member of the public will retain the right to complain if they wish. All complaints will be treated the same; there will be no distinction between what currently are conduct or direction and control matters.

5.5 It is expected that the Bill will gain Royal Assent in early 2017. Current indications are that different provisions will be enacted at different times and due to the significant work involved in drawing up secondary legislation for the complaints reform, it is likely that it will be summer 2018 before the formal powers are granted to Commissioners to take over the different options on the complaints regime.

6. Implementation of reforms

6.1 Commissioners are at liberty to take on the opt-in options of the legislation or other options that achieve the policy intentions of the legislative reforms, prior to the legislation coming into effect. Work will continue across the Bedfordshire, Cambridgeshire and Hertfordshire OPCCs and PSD.

6.2 Further reports will be brought to the Commissioner's governance board as the work on the complaints reform progresses.

7. Recommendation

7.1 The Board is recommended to:

- approve the Complaints Policy Statement;
- note the forthcoming complaints reform.

BIBLIOGRAPHY

Source Documents	Police Reform and Social Responsibility Act 2011 http://www.legislation.gov.uk/ukpga/2011/13/contents The Elected Local Policing Bodies (Specified Information) Order 2011 http://www.legislation.gov.uk/uksi/2011/3050/contents/made Independent Police Complaints Commission (IPCC) 'Statutory guidance to the police' https://www.ipcc.gov.uk/page/statutory-guidance Policing and Crime Bill http://services.parliament.uk/bills/2015-16/policingandcrime.html
Contact Officer	Aly Flowers, Senior Policy and Performance Officer, Office of the Police and Crime Commissioner