

Consideration	
Public/Non Public*	Public
Report to:	Police & Crime Panel
Date of Meeting:	18 September 2017
Report of:	Chief Executive Officer
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Agenda Item:	8

*If Non Public, please state under which category number from the guidance in the space provided.

Police and Crime Commissioner – Future options and responsibilities for dealing with Police complaints.

1. Purpose of the Report

- 1.1 This report highlights the main changes and options available to the Nottinghamshire Police and Crime Commissioner in handling complaints as set out in the Police and Crime Act 2017.

2. Recommendations

- 2.1 It is recommended that members of the Police and Crime Panel note the changes to the potential role in handling complaints as set out in the Police and Crime Act 2017.

The panel agrees to receive future information as part of the PCC update report once the options and the full implications of the Act have been reviewed.

3. Reasons for Recommendations

- 3.1 Members of the Police and Crime Panel have requested information from the Police and Crime Commissioner on the future options and responsibilities for the Commissioner in dealing with complaints under the Police and Crime Act 2017.

4. Summary of Key Points (this should include background information and options appraisal if applicable)

- 4.1 The complaints system has not received a major overhaul and reform since the Police Reform Act was introduced in 2002. The reform of the complaint system under the new Act is designed to increase public confidence in policing and to make it simple to manage, administer and more customer focused.
- 4.2 The Independent Police Complaints Commission has changed to a corporate body and from December 2017 will be known as the Independent Office for

Police conduct.

4.3 Other changes include:

- Definition of a complaint is replaced with a broader definition of any expression of dissatisfaction with a Police force.
- Removing the non-recording decision. A complaint must be formally recorded if the complainant wants it to be recorded.
- Providing an opportunity to resolve issues outside of the formal system where appropriate and if the complainant agrees.
- Simplification of definitions to increase public understanding and access.
- Statutory duty on forces to contact complainants, take action to resolve complaints, keep complainants informed and updated. Inform complainants of outcome, mandatory investigation if the matter of the complaint is assessed as serious.
- Increased role for Police and Crime Commissioners (PCCs). Explicit statutory duty to hold the Chief Constable to account for the handling of complaints. PCCs will become the appellant body for appeals/reviews currently handled by a Force Chief Officer. PCC will have options to take on certain other complaints functions.

The other options available to PCCs:

- (i) Oversight and complaint reviews** – these cover the mandatory functions of the PCC, which involves holding the Chief Constable to account for the exercise of their functions under the Police and Reform Act 2002 in relation to the handling of complaints, and becoming the relevant review body for reviews (currently known as “appeals”) where the IPCC is not the relevant review body.
- (ii) Customer Service Resolution and Recording** – under this option, in addition to the mandatory functions listed in option one, PCCs will have the option to take on the initial complaints handling process including contacting the complainant, recording the complaint, and handling certain complaints outside of the formal system.
- (iii) Contact** – under this option, in addition to the functions in options one and two, PCCs will be responsible for maintaining contact with the complainant at all stages of the complaints process.

There is potential under the new legislation for the public to believe that the Police and Crime Panel may have a role in handling complaints concerning the Police and Crime Commissioners handling of appeals/reviews. It is

expected that statutory regulation and guidance will make it clear that the panel is 'not' another review body in this respect.
It is expected that the new changes will come into effect in June 2018 following publication of statutory regulation and guidance.

A regional workshop was held on 28th July 2017 to gain a better understanding of complaint changes and options. Some PCCs across the region have expressed an interest in exploring a regional model to handle appeals/reviews.

An options appraisal will be completed in the autumn on the different models available before the Police and Crime Commissioner makes his final decision.

5. Financial Implications and Budget Provision

- 5.1 Any financial implications arising from the Police and Crime Commissioner taking on additional responsibilities relating to complaints will be considered as part of the options appraisal.

6. Human Resources Implications

- 6.1 In dealing with appeals/reviews of complaints the Police and Crime Commissioner's office will need to employ on a local or regional basis a member of staff on a part-time basis.

7. Equality Implications

- 7.1 The Commissioner is exploring setting up an independent panel to review complaints, including discriminatory complaints to ensure complaints are dealt with fairly and proportionately. This panel may have a responsibility for the oversight for stop and search and use of force.

8. Risk Management

- 8.1 It is not considered that there are any significant risks to delivery from implementing the changes arising from the Police and Crime Act 2017.

9. Policy Implications and links to the Police and Crime Plan Priorities

- 9.1 Taking on additional responsibilities for dealing with complaints is consistent and supportive of the Commissioner's stated objective to give victims of crime a bigger voice and protecting and supporting vulnerable people. It is hoped that the changes will lead to greater public confidence and independence in the complaints system.

10. Changes in Legislation or other Legal Considerations

- 10.1 The Police and Crime Act 2017 sets out the changes and additional responsibilities for Police and Crime Commissioners in dealing with complaints.

11. Details of outcome of consultation

- 11.1 The Government's Home Office website sets out the outcome and consultation undertaken as part of developing the Police and Crime Act 2017.

12. Appendices

- 12.1 None.

13. Background Papers

13. None.