

Complaints Annual Report 2021-22

Purpose of the Report

1. This report updates the Police and Crime Panel on complaints made against the Police and Crime Commissioner in 2021/22. It also summarises the outcome of closed complaints and the status of active complaints.

Information and Advice

2. The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 set out the way in which complaints or conduct matters about a Police and Crime Commissioner will be handled. This complaints process is not an appeal mechanism for the Police Force complaints procedure, nor does it cover complaints about the merits of a decision made by the Commissioner.
3. The Regulations require Police and Crime Panels to make suitable arrangements for handling complaints against the Police and Crime Commissioner. Conduct matters and serious complaints are to be referred to the Independent Office for Police Conduct (IOPC), while local arrangements are required for dealing with other complaints.
4. The PCP complaints process is not an appeal mechanism for the Police Force complaints procedure.
5. The Panel's complaints procedure was last reviewed in January 2019.
6. The Police and Crime Panel delegated authority for the initial handling of complaints, together with other aspects of the process, to the Host Authority's Monitoring Officer (Nottinghamshire County Council's Monitoring Officer) under Section 101(2) of the Local Government Act 1972.
7. In the interests of transparency, it is appropriate to ensure that the Panel is kept informed of the number of complaints that have been received and the way the Monitoring Officer's delegated authority is being used, including those that fall outside the remit of the Panel.
8. Since Commissioner was elected, a total of 14 complaints has been received.
9. Two complaints were received in 2021, concerning matters that were outside the scope of the complaints scheme. This was because they related to operational police matters and the working practices of the Office of the Police and Crime Commissioner.
10. The subsequent 12 complaints were received in response to media reports following the Commissioner's appearance in court on Tuesday 3 May 2022. The

case related to five speeding offences. The PCC advised the Chair of the Panel about the offences at the earliest opportunity on 3 May 2022 following the Court hearing.

11. Regulation 9 of Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012) states that:

(6) *Nothing in this regulation shall require the notification or recording by any person of any complaint if –*

(a) That the person is satisfied that the subject-matter of the complaint has been, or is already being, dealt with by means of criminal proceedings against the relevant office holder

12. Regarding conduct matters, Regulation 12(2)(b) states that the Panel does not need to record a conduct matter if it *“has been, or is already being, dealt with by means of criminal proceedings against the person to whose conduct the matter relates.”*

13. Advice has been taken from the IOPC, which has confirmed that as these offences are subject to ongoing criminal proceedings, they should not be pursued via the Panel’s complaints procedure nor are they required to be referred to the IOPC, either as a serious complaint or conduct matter. Complainants have been advised of this.

14. Once court proceedings are concluded on 19 July 2022, the matter remains outside the scope of the Panel’s arrangements for dealing with complaints and conduct matters in line with the Regulations as cited above.

Other Options Considered

15. The report is for noting only.

Reasons for Recommendation/s

16. Providing an update report for Panel members allows them to monitor the use of the complaints procedure and the way complaints are being handled on their behalf.

RECOMMENDATION/S

1. That the Panel notes those complaints received in 2021-22 and the outcome of them.

Background Papers and Published Documents

- 1) Nottinghamshire Police and Crime Panel Complaints Procedure
- 2) The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012
- 3) IOPC operational advice note to Police and Crime Panels

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