

AVON AND SOMERSET POLICE AND CRIME PANEL

1 FEBRUARY 2018

POLICING AND CRIME ACT - CHANGES TO THE POLICE COMPLAINTS REGIME

REPORT OF THE CHIEF EXECUTIVE OFFICER OF THE OFFICE OF THE POLICE AND CRIME COMMISSIONER FOR AVON AND SOMERSET

BACKGROUND

The Policing and Crime Act 2017 introduced various changes to the Police Complaints regime including:-

- Changes to the ability of police officers subject to misconduct proceedings to resign and changes to the barred officers list arrangements;
- Changes to the Independent Police Complaints Commission structure and constitution including a change of name to the Independent Office for Police Conduct (IOPC) (which took effect on 8th January 2018);
- The introduction of the concept of super complaints – which has not yet taken effect; and
- The introduction of changes to the Police Complaints Regime including an enhanced role for Police and Crime Commissioners (expected to take effect in 2019).

This paper sets out the changes to the Police Complaints regime in more detail and describes the approach being taken in Avon & Somerset to these changes.

Overview of the changes to the Police Complaints regime

The Policing and Crime Act made a number of changes to the police complaints regime in order to increase public confidence and to simplify the system. These changes included:-

- Introducing a broader definition of a complaint;
- Allowing low level customer services issues to be resolved informally outside of the formal process;
- Requiring that all complaints are recorded unless the complainant withdraws the complaint or it is decided to address it informally;
- Removing the different options for handling complaints and replacing them with a duty for appropriate authorities to handle complaints in a reasonable and proportionate manner; and
- Simplification of appeal points so that there is one right of appeal in relation to the outcome of the complaint.

The Act also seeks to strengthen the role of Police and Crime Commissioners in the complaints process. It introduces new duties which are mandatory and also allows Police and Crime Commissioners to choose to take over a number of functions. It will also allow Police and Crime Commissioners to delegate their complaint handling powers.

There are three options under the Policing and Crime Act for Police and Crime Commissioners:-

Option 1 – Reviews - Mandatory

The PCC will have an express duty in relation to the oversight of the complaints process. Police and Crime Commissioners will become the body to deal with all reviews (currently known as appeals) which are currently heard by the Chief Constable – this does not include appeals in relation to potentially criminal or serious misconduct issues which will be heard by the IOPC.

Option 2 – Customer Service approach for low level complaints

Police and Crime Commissioners may choose to receive and record all complaints and to resolve low level complaints outside of the formal process.

Option 3 – Single Point of Contact with Complainants

Police and Crime Commissioners may decide in addition to options 1 & 2 to become the single point of contact with complainants throughout the process unless the matters are being investigated by the IOPC. However, formal investigation of complaints will still remain with police forces.

The timetable for the introduction of these changes to the Police Complaints regime is not currently clear. It was originally intended that they would take effect in June 2018. It is now expected that this will be delayed until at least March 2019.

The position in relation to the Police Complaints changes in Avon & Somerset

Police and Crime Commissioner Sue Mountstevens made reform of the police complaints regime one of her early priorities in her Police and Crime Plan. In 2013 the PCC set up an Independent Residents Panel to review the handling of complaints and make recommendations for improvements in Avon & Somerset. The Independent Residents Panel publishes its reports and these are available on the PCC's website.

The PCC and the Independent Residents Panel supported the introduction of a more customer serviced focussed approach to lower level complaints and following a peer review of Avon & Somerset's complaints system by Derbyshire Constabulary in 2014, Avon & Somerset Constabulary introduced a customer service lower level complaints handling process in 2015. This team has been visited by the OPCC and the Independent Residents Panel and now handles approximately 30% of complaints/contacts received by Avon & Somerset Professional Standards Department. The OPCC continues to visit the team and suggest developments.

In August of 2017, the PCC decided at the Police and Crime Board to adopt Option 1 of the Policing and Crime Act changes, the Mandatory option, to take over the review/appeals process for police complaints from the Chief Constable. The PCC also decided not to take up options 2 and 3 at this stage but to continue to keep this under review pending the ongoing development of the customer service approach and the improvement work within the Avon & Somerset Professional Standards Department following the peer review.

The PCC has asked the Chief Executive of the OPCC to set up a task and finish working group in order to handle the implementation of changes in Avon & Somerset and this group has already met. The PCC has also asked that the manner of handling the police complaints review process includes a significant role for the Independent Residents Panel.

The OPCC will continue to update the Police and Crime Panel on progress against these deliverables and on the expected timescale for implementation of the relevant aspects of the Policing and Crime Act.

CONTACT OFFICER

John Smith Chief Executive Officer

Johnr.smith@avonandsomerset.police.uk

01275 816379