



POLICE AND CRIME COMMISSIONER (PCC) FUTURE ROLE IN POLICE COMPLAINTS

1.0 PURPOSE

- 1.1 This report outlines the main changes that are being made to the handling of police complaints by the Policing and Crime Act 2017 and highlights the enhanced role for Police and Crime Commissioners.

2.0 KEY INFORMATION

- 2.1 The Policing and Crime Act 2017 seeks to make a number of changes to the handling of police complaints in order to increase confidence in, and improve the efficiency and effectiveness of, the complaints process. Changes include:
- introducing a broader definition of a complaint to be any expression of dissatisfaction with a police force by a member of the public;
 - allowing low level customer-service 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 and the complainant is in agreement;
 - adding a broad duty to consult a complainant about how their complaint might be dealt with;
 - removing the different options of handling complaints such as local resolution, local investigation and disapplication, and replacing them with a duty for appropriate authorities to handle complaints in a reasonable and proportionate manner. In some cases reasonable and proportionate action may involve taking no further action. The only exception is where there is an indication the conduct complained of would justify criminal or disciplinary proceedings, or a breach of articles 2 or 3 of the Human Rights Act when an investigation is mandatory.
 - adding a duty for the appropriate authority to keep complainants and interested parties informed about the progress of the complaint, the outcome and their appeal rights regardless of how the authority is handling their complaint;
 - simplification of appeal points, as a consequence of other changes, so that there is one right of appeal in relation to the outcome of the complaint.
- 2.2 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 which are presently the responsibility of the Chief Constable. The new legislation will allow Police and

Crime Commissioners to delegate their complaint handling powers. There are three models which Police and Crime Commissioner may choose to adopt:

<p>Model A – Mandatory</p> <ul style="list-style-type: none"> • Addition of an explicit duty on Police and Crime Commissioners 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 and heard by the Chief Constable; • After considering a review, Police and Crime Commissioners will be able to recommend how the complaint should be resolved. Chief Constables will be expected to co-operate with Police and Crime Commissioners to achieve a satisfactory outcome.
<p>Model B – Police and Crime Commissioner may opt-in</p> <p>Model A plus</p> <ul style="list-style-type: none"> • Police and Crime Commissioners may choose to receive and record all complaints; • Police and Crime Commissioner can resolve low-level complaints outside of the formal process;
<p>Model C - Police and Crime Commissioner may opt-in</p> <p>Models A and B plus</p> <ul style="list-style-type: none"> • Becoming the single point of contact with complainants throughout the process, other than for those being investigated by the Independent Police Complaints Commission (IPCC). Formal investigation of complaints will remain with forces.

2.3 In West Yorkshire, it is the Police and Crime Commissioner’s intention to adopt Model A only. Discussions with West Yorkshire Police are underway to scope the additional workload and determine how the Office of the Police and Crime Commissioner will meet its new statutory obligations. Further reports on these arrangements will come to the Police and Crime Panel once they are known.

2.4 The Act changes the way in which the IPCC investigates to make it less reliant on police support in its investigations. ‘Supervised’ and ‘managed’ investigations will be abolished and replaced by ‘directed’ investigations which will provide the IPCC with a much higher degree of control over how an investigation is conducted. The Act also creates a presumption that the IPCC will undertake an independent investigation unless it is “more appropriate” for it to take the form of a directed investigation. A new ‘power of initiative’ will enable the IPCC to commence an investigation as soon as a matter comes to its attention rather than having to wait for a referral from a police force. The Act introduces new powers to enable the Secretary of State to specify in regulations that the IPCC must independently investigate all complaints, recordable conduct matters and death and serious injury (DSI) matters which relate to the conduct of a chief officer or the Deputy Commissioner of the metropolitan police.

2.5 The Act introduces the concept of a Super-Complaint, which permits organisations such as charities and advocacy groups to raise complaints on behalf of the public about detrimental policing practice.

3.0 **TIMESCALES**

3.1 Royal Assent for the Policing and Crime Act was granted on 31 January 2017.

3.2 It is expected that the Act will be implemented in phases. The Home Office expects the parts relating to complaints to come into effect in Spring/Summer 2018. This is to give Police and Crime Commissioners and Chief Constables time to put in place new arrangements for handling complaints, and for the IPCC to write and consult on the new statutory guidance.