

POLICE & CRIME PANEL – 13 NOVEMBER 2018

COMPLAINTS MANAGEMENT – OPCC UPDATE

REPORT BY THE CHIEF EXECUTIVE

PURPOSE OF THE PAPER

To provide the Panel with an update on complaints management following the Home Office's recent confirmation that anticipated reforms to the complaints system will be delayed.

1. BACKGROUND

- 1.1 The Policing and Crime Act 2017 introduces changes to the way in which police complaints are recorded and handled. Two elements of the Act, pertinent to police complaints, are set out:
1. Structural reform of the police complaints system. This reform will strengthen the role of PCCs in the complaints system. PCCs will be able to choose between three models, as detailed below.
 2. Reforming the central tenets of the complaints system. This reform includes changes to the definition of a complaint to include every public “expression of dissatisfaction”, allowing forces and PCCs to resolve issues outside of the complaints system where appropriate.
- 1.2 Under the legislation, there are three available options for PCCs to choose from.
- 1.3 **Model A** is mandatory. It makes PCCs’ oversight role explicit in the Police Reform and Social Responsibilities Act and gives PCCs an appellate role – taking on reviews into cases where Chief Officers would currently hear appeals. This will mean making a judgment on whether the Force has taken “reasonable and proportionate” action and, if not, taking further steps which include referral to the IOPC, recommendation to investigate or re-investigate, or recommendation of remedial action.
- 1.4 **Model B** involves OPCC assuming responsibility for recording all complaints and so enables PCCs, if they so wish, to seek to resolve issues outside of the formal misconduct system.
- 1.5 **Model C** as Model B, but with additional responsibility for providing progress updates.
- 1.6 In September 2017, both Chief Constables and Police and Crime Commissioners agreed to pilot an Alliance Customer Services Team (ACST) to test Model B – this was discussed at this Panel in February 2018. It was originally anticipated that the pilot would commence from March 2018, however the proposed date for a statutory instrument to enact the new requirements moved to an unspecified date in 2019, leading to a pause in preparations.

2. RECENT DEVELOPMENTS

- 1.1. In October, the Home Office wrote to all Chief Constables and PCCs informing them that the reforms to the complaints system will be further delayed. This is due to a lack of certainty about obtaining parliamentary space to lay the five statutory instruments (regulations) required for the reformed system.
- 1.2. Currently, no firm date for go-live has been provided, other than an indication that this would be a minimum of six months after the regulations have been laid. Having considered the content of the letter, OPCC Executives share the view that this amounts to a delay until at least autumn 2019, with a high likelihood of further slippage.
- 1.3. In light of this update, the PCCs are considering whether the work to test Model B should be paused and revisited after the 2020 PCC elections. Should the implementation of the complaints system be introduced prior to these elections, the PCCs must, of course, adopt the mandatory elements of the legislation (Model A) regardless of this decision.
- 1.4. The ACST project team will continue to undertake preparatory work and liaise with the Alliance Professional Standards Department to ensure that both force areas are ready to meet these mandatory requirements.

3. RECOMMENDATIONS

- 3.1. Members are recommended to note the delay to the complaints system reform and the potential timescales for national implementation.
- 3.2. Members are recommended to note that the OPCC will provide a further update when a final decision is made about the local implementation of the Alliance Customer Service Team.

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