



Police and Crime Commissioner Complaints: **Assessment of the likely financial effect of proposed change**

Section 1.01 Proposals

As set out in the public consultation, which this assessment accompanies, the Government is considering issuing further guidance, and making some minor legislative changes, relating to the process for handling complaints made about a Police and Crime Commissioner (PCC).

There are three elements to the Government's proposed changes:

1. Clarifying, through non-statutory guidance, what constitutes a complaint, ensuring PCPs take forward complaints about a PCC's conduct rather than their policy decisions.
2. Providing PCPs with greater investigatory powers to seek evidence pertinent to a complaint (this will require legislative change).
3. Clarifying, through non-statutory guidance, the parameters of "informal resolution" and setting out that, where agreement cannot be reached, it is open to PCPs to make recommendations on the expected level of behaviour of a PCC, and that they have powers to require the PCC to respond.

Section 1.02 Likely impact

The Government does not believe that any of the above proposals, when taken individually or as a package, reach the threshold for requiring a full IA as there will not be any impact on businesses or third sector organisations and, whilst there may be some impact on local authorities the possible additional expenditure will fall considerably short of the £5million threshold.

1) Guidance on what constitutes a complaint:

Through revising guidance on what does and does not constitute a complaint the Government will make clear that issues relating to policy decisions of a PCC should not be viewed as complaints. This is the position described in current legislation, but we are aware that some Panels have taken forward policy issues as complaints. Offering greater clarity on this area may, therefore, result in fewer complaints being taken forward by PCPs, as such this guidance may result in savings for Panels. It is not the role of Government to monitor the complaints made against PCCs, and as such we are not aware of the number, or the nature, of non-serious complaints made against PCCs. It is therefore impossible to quantify this possible saving

2) Powers to investigate complaints:

The consultation recognises that in some instances it would be helpful for PCPs to have powers to investigate complaints. The Government remains clear that where a complaint can be resolved without investigation this should remain the default option, so in the majority of complaints no additional expense should be incurred.

The consultation sets out the Government view that investigation should not be taken forward by the PCP itself, but instead PCPs should be vested with powers to appoint an independent monitoring officer to conduct any investigation and make a report to the PCP. The Government sets out two options for this, either appointing the monitoring officer from the Office of the PCC (OPCC), and in so doing expanding the role they can already hold in relation to complaints, or appointing a monitoring officer from a local authority within the police force area. The consultation sets out the Government's view that the final decision on who to appoint should be for individual PCPs to make, but seeks views on this matter.

The Police Reform and Social Responsibility Act 2011 make provision for the Home Secretary to appoint members of Police and Crime Panels in Wales directly. If panels in Wales decide to use powers to investigate a complaint, the Home Secretary is likely to be responsible for appointing the independent investigator.

Government does not envisage investigations into these low-level complaints as being particularly burdensome, as the parameters of the investigation will be tightly drawn around the conduct of the PCC relating to the specific complaint, these will not be wide-ranging investigations into general PCC behaviour. Investigations will be at the discretion of the PCP.

Where responsibility falls to the OPCC monitoring officer this work should be absorbed into part of their normal day-to-day responsibilities – as set out above, the Government believes that most complaints will not require investigation, and where they do this should not be an overly involved process. Where a PCP delegate's investigatory responsibility to a local authority monitoring officer it is likely that the PCP will be obliged to reimburse the monitoring officer for the expenses incurred during any investigation. As set out above we do not envisage these investigations being lengthy, but the cost of individual investigations is hard to quantify at this time. In addition to question 5 of the consultation (which seeks to gather data on the likely cost of investigations) officials will engage with partners during the public consultation to gain a better sense of how much individual investigation are likely to cost. Further the Government consultation seeks further details from PCPs on how many cases they would have sought to investigate during the last financial year, this will allow Government to gain a better sense of the overall cost to the public purse of this policy,

however, as noted above, the decision to investigate a complaint will be at the discretion of the PCP.

3) Clarification on informal resolution

Through revising guidance on what action a PCP is able to take in relation to informal resolution we will make clear that it is open to PCPs to make recommendations on the expected level of behaviour of a PCC, and that they have powers to require the PCC to respond. This is the position described in current legislation, but we are aware that some Panels have regarded this course of action as prohibited. Offering greater clarity on this area will not incur any additional costs.