

## Report to the Thames Valley Police & Crime Panel

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**Title:** Complaints about Police and Crime Commissioners

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### Background

1. In December 2015 the Home Office issued a consultation document regarding complaints about Police and Crime Commissioners (PCCs). This consultation focuses on the complaints process for Police and Crime Panels when seeking to resolve non-serious (i.e non-criminal) complaints made against a PCC. Legislative changes would be required to implement some of the proposals.

<https://www.gov.uk/government/consultations/complaints-about-pccs>

2. The Government is committed to building on the success of the PCC model by further strengthening their role and feel that the time is right to amend the system for complaints against the PCC as follows:-

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

3. The proposed changes to the complaints system ensure that the fundamental principles of the PCC policy that of accountability to the electorate is not undermined. The proposed changes are as follows:-

- To provide the Panel with further guidance on what constitutes a complaint to ensure that complaints about conduct rather than policy decisions are taken forward. Recommendations on conduct will be based on the Nolan principles.

<https://www.gov.uk/government/publications/the-7-principles-of-public-life>

- To consider measures to make it easier for PCPs to handle vexatious complaints to ensure a consistent policy across complaints systems.
- To allow Panel's to investigate through the appointment of an independent individual to gather evidence relating to the specific complaint, the conduct of the PCC and to present a recommendation report to the Panel. The Government believes that a Monitoring Officer from one of the Local Authorities could perform the role of the Independent Investigator or the Monitoring Officer of the OPCC.
- To consider introducing non-statutory guidance clarifying that informal resolution is not reliant on the agreement of both parties. The Government believe that the ability to make recommendations rather than impose sanctions is an appropriate power for the Panel as the accountability of the PCC lies with the public and not with the Panel.

4. There is a draft response to a questionnaire on which comments would be gratefully received. This is part of the consultation.

5. There is a separate document on the assessment of the likely financial effect of the proposed change (also attached). The view is that offering greater clarity on complaints may therefore reduce in fewer complaints being taken forward by Panels. In addition Government believes that most complaints will not require investigation and where they do this should not be an overly involved process. The Monitoring Officer will be reimbursed for the expenses incurred during any investigation. The consultation seeks further details from Panel on how many cases they would have sought to investigate during the last financial year to gain a better sense of the overall cost to the public purse. However, the decision to investigate a complaint will be at the discretion of the Panel.

6. The consultation closes on 10 March 2016 (the next Panel meeting is on 11 March 2016).

7. Members may also wish to note that there is also a consultation on the proposed changes to the Independent Police Complaints Commission's governance and structure. The Government intends to replace the existing Commission arrangements with:-

- A single head of the organisation who will be a Crown appointment
- A unitary board, with a majority of non-executive directors to provide robust challenge.
- A new regional model which will play a role in regional or local engagement with individual police forces, Police and Crime Commissioners, community groups and families.

<https://www.gov.uk/government/consultations/reforming-the-independent-police-complaints-commission-structure-and-governance>

## **RECOMMENDATION to the Panel**

**Member views on the proposed changes to the complaints process are welcomed. A response will be drafted following this meeting, which will include the issues raised by Members. This response will be circulated to Members with the final letter/consultation questionnaire being agreed by the Chairman.**