

SHADOW CAMBRIDGESHIRE POLICE AND CRIME PANEL	Agenda Item No. 6
18 OCTOBER 2012	Public Report

Report of Head of Legal Services Peterborough City Council

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POLICE AND CRIME COMMISSIONER COMPLAINTS

1. PURPOSE

- 1.1 This report sets out the process for dealing with complaints made against the Police and Crime Commissioner and asks the Panel to consider whether it would request the Chief Executive to the Commissioner to undertake the initial review of complaints.

2. RECOMMENDATIONS

2.1 That

- (1) an initial view is sought from the Commissioner, once appointed, to agree that all complaints concerning the Commissioner should be initially assessed by the Chief Executive to the Commissioner
- (2) this Panel decides whether it wants to deal with informal resolution of complaints by Panel meeting or delegate that function to sub-committee or single Panel member
- (3) a further report is brought back to the first formal meeting of the Panel outlining the procedures for dealing with resolution of complaints

3. TERMS OF REFERENCE

- 3.1 The Panel has responsibility for dealing with non criminal complaints against the Commissioner and other relevant office holders. It is permitted to delegate the initial assessment function to the Commissioner's office.

4. BACKGROUND

- 4.1 The Police Reform and Social Responsibility Act 2011 introduced Police and Crime Commissioners. Collectively, Police and Crime Commissioners and their appointed Deputies are called 'relevant office holders'.
- 4.2 Complaints made against relevant office holders must go through an initial review process to decide if they are complaints made about operational policing, serious conduct matters potentially involving criminal conduct or complaints about conduct which can be informally resolved by the Panel.
- 4.3 Complaints involving allegations of criminal conduct are to be referred to the Independent Police Complaints Commission (the IPCC) which will be responsible for deciding whether a complaint should be investigated. Complaints about operational policing are the remit of the Constabulary.
- 4.4 Where a complaint involves no allegation of criminal conduct it will be dealt with by the Police and Crime Panel by informal resolution. Informal resolution is defined in Part 4 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 and will require procedure Rules to be agreed by the Panel.

5. KEY ISSUES

- 5.1 Under the Regulations a Police and Crime Panel can delegate the initial review of complaints to the Chief Executive appointed by the Police and Crime Commissioner. This would be Dorothy Gregson, the current Chief Executive of the Police Authority whose role transfers with the creation

of the new office. The advantage in delegating this function is to have an officer in place with experience of dealing with Police complaint matters. As the current Monitoring Officer the Chief Executive also has the necessary experience in dealing with complaints against elected members.

- 5.2 The Panel, or the Chief Executive if this duty is delegated, must have a system to formally record any complaint which alleges or indicates criminal conduct that they are notified of. A system of formal recording must be introduced following election of the Police and Crime Commissioner and a further report on the procedures is therefore to be agreed at the first formal meeting of the Panel. It would be expedient therefore if the Panel could indicate whether it would be minded to delegate this function although this decision cannot be formally made until after the Commissioner is appointed.
- 5.3 Where the complaint is not serious and can be dealt with by the Panel it has discretion to refuse to deal with the complaint or to take whatever approach to the complaint as it sees fit for several reasons set out in the Regulations, such as delay, anonymous complaints, repetitive complaints etc. This will deal with many of the concerns familiar to members subject to the former standards regime.
- 5.4 What constitutes 'informal resolution' is not precisely defined by the Regulations but further guidance on this process is expected from the Home Office shortly. The Regulations do state that informal resolution of the complaint may be carried out by the Panel, a sub-committee or a single member of the Panel. It would be useful to have an indication from the Panel as to their preferred format for dealing with resolution of complaints to assist in drafting the procedures.
- 5.5 Unlike complaints made against members of local authorities investigation is not permitted as part of the resolution process but the Panel, sub-committee or single member can hold something akin to an inquiry as it has the power to ask the person complained about to provide documents or to attend before the Panel to answer questions. The Panel has the power also to ask the complainant and the person complained of to comment on the complaint.
- 5.6 There are no specific powers of sanction within the Regulations. The Panel must record the outcome of its resolution procedures and can publish that decision but only after giving both parties the opportunity to comment on the proposal to publish. Publication must also be in the public interest.

6. IMPLICATIONS

- 6.1 Legal implications are dealt with in the body of the report. There are no known financial implications at this stage although these may become apparent once the procedures have been drafted, for example if the Panel should require any officer support not already budgeted for.

7. CONSULTATION

- 7.1 The Chief Executive of the Police Authority is aware of this report.

8. NEXT STEPS

- 8.1 Subject to the outcome of this report a letter will be sent to the Chief Executive of the Police Authority outlining the proposals to delegate the initial review of complaints. A further report will be brought back to the first formal meeting of the Panel outlining the complaints process and procedures.

9. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 9.1 Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012
Home Office circular 02/2012.

10. APPENDICES

10. None.