

## **Briefing for Police and Crime Commissioner**

**Topic:** Police Complaints -Complaints Resolution and Independent Review Handling

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### **Purpose of briefing**

The purpose of this report is to brief the Police and Crime Commissioner about the management of police complaints as a result of the Policing and Crime Act 2017, in order to meet the requirements of the legislation.

### **Background**

The Policing and Crime Act 2017, introduced in February 2016, brought reforms to the management of police complaints, including the enhanced roles of PCCs. The reforms are intended to bring a more customer focused approach through increased transparency and independence to complaint handling by way of local oversight, whilst being less adversarial for police officers. The Act gained Royal Assent in January 2017. Alongside the changes the previous IPCC became the Independent Office for Police Conduct (IOPC) in December 2017.

The introduction of the changes were originally intended to take place in 2018 but were delayed by the government and implemented on 1<sup>st</sup> February 2020.

Under the Act, PCCs are required to hold the Chief Constable to account and will become the Review Body for certain reviews, previously called Appeals. There is an option for all PCCs to consider taking on other functions within the complaints management process and they are able to select from one of the three complaints models below:

1. Model 1 – the basic statutory model. All PCCs and equivalents have been given strengthened power of oversight locally through a specific statutory duty to hold the Chief Officer to account for complaints and through the requirement to deal with complaints reviews (where these are not dealt with by IOPC).
2. Model 2 – the triage or initial complaints handling model. This requires the PCC or equivalent to be operating Model 1, but in addition, enables the PCC to take on the initial handling and assessment of complaints. Where these do not involve misconduct by one or more officers which could result in at least a final written warning, or the complainant does not require their complaint to be recorded, then these matters can be resolved quickly and sensitively through the PCC's office. More serious complaints still need to be passed to the force to deal with.
3. Model 3 – the customer contact model. This requires the PCC to be operating Models 1 and 2, but in addition the PCC can take on continued contact with the complainant throughout the complaints process to improve the customer focus. This requires the PCC to stay in close contact with their force or the IOPC (depending on who is handling the complaint) to provide regular updates on progress.

Prior to the 'Go Live' date of 1<sup>st</sup> February 2020, Model 1 was selected. A decision to move to models 2 or 3 can be made at any point in the future following PCC consultation with the Chief Constable.

Prior to 1<sup>st</sup> February 2020, the Appeals/Reviews function was carried out by the Head of the People, Standards and Development Command in the Force. This has now been transferred to the PCVC

office and carried out by the Head of Private Office who acts as the Independent Complaints Review Adjudicator and reports directly to the Chief Executive in the ODPCVC.

Model 1 is the mandatory option and the minimum requirement of PCCs that is specified by the Act. Under this model, the PCVC will act as the Review Body, with Durham Constabulary retaining all other investigatory functions and complainant contact until resolution of the complaint.

### **Current issues**

There is an on-going risk that levels of real demand and capacity issues are not fully understood. To mitigate this risk, the ODPCVC works closely with Durham Constabulary PSD to predict anticipated demand levels.

ODPCVC website has been updated outlining the new procedures in respect of Reviews.

Since going 'live' in February 2020, approximately 40 requests for Reviews have been received in the ODPCVC.

### **Decisions needed**

No immediate decisions are required to be made.

The future elected PCC may elect to move to an alternative model at any point.

Model 1 is considered to be the more cost effective option, models 2 or 3 would be considerably more complex and costly to implement.

### **Partnership involvement**

APCC Complaints Network

Independent Office of Police Conduct

Durham Constabulary

### **Police involvement**

The ODPCVC continues to work closely with the Constabulary Professional Standards Department

### **People to meet**

DCI David Cuthbert- Head of Constabulary Professional Standards Department (PSD)

Faith Huntington- Office Manager-Constabulary PSD

Dionne Layne- Oversight Liaison at the Independent Office of Police Conduct (IOPC).