

**Title:- Police and Crime Commissioner's Statutory Responsibilities in relation to Police Complaints**

**Report by: Chief Executive**

**Date: To report on the period from 1 February 2020 to 31 March 2021**

## **1. INTRODUCTION**

1.1 This report has been prepared to meet the requirements of The Elected Local Policing Bodies (Specified Information) (Amendment) Order 2021

1.2 In North Wales, the Police and Crime Commissioner has given Notice to the Chief Constable that **Model 1** will be adopted in accordance with para 13A of the Policing and Crime Act 2017. As Model 1 has been adopted, the Chief Constable as the Appropriate Authority is responsible for all dissatisfactions, complaints and conduct relating to operational policing, officers and staff under his direction and control. This duty includes the logging, recording, investigating and keeping complainants informed with progress and decisions relating to complaints.

1.3 The Police and Crime Commissioner has three main duties in relation to police complaints. They are:-

**(1)** Appropriate Authority to consider complaints about the Chief Constable,

**(2)** Duty to hold the Chief Constable to account in providing an effective and efficient complaints process, and

**(3)** Relevant Review Body of some police complaints.

1.4 This report will provide information relating to the resources and processes that have been put in place to meet these duties and will give reassurance that the Police and Crime Commissioner is fulfilling his duties in relation to police complaints.

1.5 This report does not contain details of any specific complaint or review dealt with by the Police and Crime Commissioner.

## **2. LEGISLATION**

2.1 Police Reform Act 2002, Schedule 3

2.2 Police Reform and Social Responsibility Act 2011, Section 1 para 8 (ca) "the exercise of the chief constable's functions under Part 2 of the Police Reform Act 2002 in relation to the handling of complaints"

2.3 The Policing and Crime Act 2017 includes provisions to amend Part 2 and Schedule 3 to the 2002 Act.

## **3. STATUTORY DUTIES**

**3.1 Appropriate Authority of complaints about the Chief Constable**

- 3.1.1 The Police and Crime Commissioner is the Appropriate Authority for complaints about the Chief Constable. There have been no complaints of concern received during this reporting period.
- 3.1.2 The Police and Crime Commissioner has delegated this duty to the Chief Executive, to ensure resilience the Executive Officer manages the work jointly with the Chief Executive.
- 3.1.3 The Independent Office for Police Conduct (IOPC) is the Relevant Review Body for these complaints.

### **3.2 Duty to hold the Chief Constable to account in providing an effective and efficient complaints process.**

- 3.2.1 The Chief Constable is the Appropriate Authority for all complaints made about officers, staff and services under his direction and control. This duty has been delegated to the Deputy Chief Constable and carried out by the Force's Professional Standards Department.
- 3.2.2 As the Police and Crime Commissioner has a duty to ensure that the Chief Constable has an effective and efficient police complaints system in place, the scrutiny of this is carried out at the Professional Standards Scrutiny Board (PSSB) currently chaired by the Chief Executive and attended, amongst others, by the Deputy Chief Constable and the Head of the Force's Professional Standards Department.
- 3.2.3 Further scrutiny of the police complaints function is carried out by the IOPC and scheduled investigations by HMIC. Statistical reports of their scrutiny and findings are available on their respective websites.
- 3.2.4 Dip sampling of complaint files are carried out by the Commissioner's staff and any areas of concern are reported to the PSSB and depending on severity would be reported to the Strategic Executive Board. The Strategic Executive Board is the forum where the Police and Crime Commissioner holds the Chief Constable to account for delivering his duties. All issues identified from the dip sampling of complaint files have been resolved without the need for any referrals.
- 3.2.5 In consultation with the Chief Constable the Police and Crime Commissioner has a process in place to action dissatisfactions and complaints received by his office. Any dissatisfactions or complaints received which relate to operational policing are referred to the Professional Standards Department for assessment, these are either recorded as formal complaints or referred to the Force's Management Recovery Unit (MRU) to recover the service. The MRU is scrutinised by the Professional Standards Department and in turn performance is reported to the Commissioner's PSSB.
- 3.2.6 Complaints of an operational policing nature are the responsibility of the Chief Constable, not the Police and Crime Commissioner.

### **3.3 Relevant Review Body of some police complaints**

- 3.3.1 The Policing and Crime Act 2017 made a number of changes in the way the Force and the Police and Crime Commissioner handle complaints. The changes have strengthened the role of the Police and Crime Commissioner in the process.

- 3.3.2 It introduces new duties which are mandatory and also allows the Commissioner to choose to take over a number of functions which are currently the responsibility of the Chief Constable.
- 3.3.3 The Act provides a choice of three models which the Commissioner may choose to adopt. In North Wales the Commissioner confirmed that he will be adopting Model 1 only.
- 3.3.4 Therefore as from 1 February 2020, the IOPC and Police and Crime Commissioner became the Relevant Review Bodies to deal with reviews related to complaints that have been recorded by North Wales Police. North Wales Police continue to be responsible for logging, recording and investigating complaints and for keeping complainants informed.
- 3.3.5 The IOPC is the relevant review body where-
- i. the appropriate authority is the Police Crime Commissioner
  - ii. the complaint is about the conduct of a senior officer (an officer holding a rank above chief superintendent)
  - iii. the appropriate authority is unable to satisfy itself, from the complaint alone, that the conduct complained of (if it were proved) would not justify the bringing of criminal or disciplinary proceedings or would not involve an infringement of a person's rights under Article 2 or 3 of the European Convention on Human Rights
  - iv. the complaint has been, or must be, referred to the IOPC
  - v. the IOPC is treating the complaint as having been referred (also known as the 'power of initiative')
  - vi. the complaint arises from the same incident as a complaint falling within ii- v
  - vii. If any part of the complaint falls within ii-vi
- 3.3.6 In any other case not listed above the Police and Crime Commissioner is the Relevant Review Body.
- 3.3.7 This duty has been delegated to the Chief Executive, a formal decision has been made and published. The Manual of Governance has been updated with this delegation.
- 3.3.8 To ensure resilience the Executive Officer manages all police complaints and reviews jointly with the Chief Executive.

#### **4. OUTSOURCING REVIEWS**

- 4.1 North Wales, Gwent and Dyfed Powys Police and Crime Commissioners decided to outsource Reviews on an initial basis as this was the most financially viable option and would also allow an understanding of the level of demand and work output prior to any permanent decisions being made.
- 4.2 A joint tender process to outsource complaint reviews was led by the Dyfed Powys OPCC. The contract was awarded to Sancus.

- 4.3 The contract was awarded for the initial period of 12 months, which has already been extended for a further 12 months.
- 4.4 Every individual is provided with our Privacy Notice relating to complaints to inform them that the Reviews are outsourced to an independent organisation, this Privacy Notice is also available on our website.

## **5. REVIEWS 2020/2021**

- 5.1 Between 1 February 2020 and 31 March 2021 a total number of 45 applications have been received by the Police and Crime Commissioner to review the outcome of police complaints.
- 5.2 The new regulations relating to police complaints only provides the Relevant Review Body with one element to consider and that is whether the outcome of the police complaint was reasonable and proportionate.
- 5.3 If the result of the Review deems that the outcome provided by the Force was reasonable and proportionate the Review is not upheld. If there is any element of the Review that is deemed to be not reasonable or proportionate, the Review is upheld.
- 5.4 Of those 45 Reviews, 5 were assessed as Invalid, 7 Reviews were Upheld and 33 were not Upheld, there are no outstanding cases. Of the 45 applications for a Review that were received 38 were referred to Sancus to assess 7 were dealt with in-house.
- 5.5 The total cost to the organisation from 1 February 2020 to 31 March 2021 has been £7,000.00.

## **6. PUBLICATION**

- 6.1 In accordance with The Elected Local Policing Bodies (Specified Information) (Amendment) Order 2021 this information and report will be published on an annual basis on the Police and Crime Commissioner's website.