

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 April 2021 to 31 March 2022

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 since 2020, 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 and Deputy Police and Crime Commissioner, to ensure resilience the Executive Officer manages the work jointly with both officers.

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 Full report on OPCC complaints scrutiny is contained in [Part 2 below](#).

3.2.4 Further scrutiny of the police complaints function is carried out by the IOPC and scheduled inspections by HMIC. Statistical reports of their scrutiny and findings are available on their respective websites.

3.2.5 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.

3.2.6 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.

3.2.7 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 jointly outsource Reviews to an independent organisation called “Sancus”.

4.2 Outsourcing the work is not only the most financially viable option, but it also provides complete independent outlook to the case.

4.3 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 2021/2022

5.1 Between 1 April 2021 and 31 March 2022 a total number of 37 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 37 Reviews, 6 were assessed as Invalid, 4 Reviews were Upheld and 27 were not Upheld, there are no outstanding cases.

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.

Part 2 – Complaints Scrutiny

Reporting period 1 April 2021 to 31 March 2022

Procedure

The Office of the Police and Crime Commissioner (OPCC) has a well-established process for review and scrutiny of complaints against the police.

A Professional Standards Scrutiny Board (PSSB) has been in operation since 2015 with formal Terms of Reference. The Terms of Reference have been updated to reflect the new statutory requirements. [See Appendix 1 below.](#)

The PSSB meets every 3 months and the meetings are chaired by the Chief Executive of the OPCC. It is attended by, amongst others, the Deputy Chief Constable and Head of the Professional Standards Department.

Complaints scrutiny undertaken by the OPCC includes analysis and discussion around complaints with the Deputy Chief Constable and the Head of the Professional Standards Department. Analysis includes review of numbers of cases, the types of complaints, the time taken to deal with them, cases referred to IOPC and any other matters of significance. Further discussion arises in respect of particular matters that may be significant including national/local importance, public and media interest and impact across communities.

Professional Standards Scrutiny Board 2021/2022

- PSSB Meetings were held on:
 - Meeting scheduled for June 2021 was initially postponed then cancelled due to workload in PSD around hearing during that time.
 - 11 October 2021
 - 20 December 2021
 - 23 March 2022

Complaints 2020/2021

The number of complaints logged against North Wales Police is less than ‘Most Similar Force’ and national averages.

Complaint cases logged

	Force	MSF Average	National
Complaint cases logged	510	857	75,022
No. of complaint cases logged per 1,000 employees	173	251	309

Timeliness of finalising complaints is substantially quicker in North Wales than it is for Most Similar Forces and for the national average.

Average number of working days to finalise complaint cases	Force	MSF Average	National
Outside of Schedule 3	13	42	27
Under Schedule 3 (inc suspension)	72	128	111
Under Schedule 3 (not inc suspension)	70	120	106

Although the percentage of reviews received against the number of complaints is slightly higher than the percentage for Most Similar Force and National figures, the actual number of

reviews is lower in North Wales. Again timeliness of dealing with reviews by the Local Policing Body is quicker than MSF and national figures.

Section D1: Reviews received

	Complaint cases finalised under Schedule 3	Reviews received	Reviews received as proportion of complaint cases finalised under Schedule 3	Number LPB reviews received - investigation	Number LPB reviews received - non-investigation	Number IOPC reviews received - investigation	Number IOPC reviews received - non-investigation
Force	255	74	29 %	1	35	3	35
MSF Average	356	84	25 %	11	55	5	12
National	33,602	6,635	20 %	574	4,456	788	817

Section D2: Reviews timeliness

	Force	MSF Average	National
Average number of working days to complete Local Policing Body reviews	16	56	62
Average number of working days to complete IOPC reviews	100	93	92

Key Notes from the year

- A new PCC came into post in May 2021. Once briefed on the work of the Professional Standards Department and on the scrutiny work carried out by the PSSB, it was agreed to continue with the arrangements for the Chief Executive Officer to Chair the Board. Updates to the PCC and Deputy PCC are given by the CEO to the OPCC Management Board that follows the PSSB.
- New Terms of Reference were drafted and agreed for the Professional Standards Scrutiny Board.
- The new Terms of Reference incorporate a new area of dip sample. Misconduct cases will now be dip sampled in addition to complaints cases.
- Where issues have occurred, PSD have demonstrated leadership and support for the Force to put them right and have also provided learning support to ensure similar problems do not occur in future.
- The timeliness in handling of complaints is consistently better than national and Most Similar Force average. This is attributable to processes and management implemented by North Wales Police Complaints Manager.
- High profile misconduct hearing was held in June 2021. This was a physical hearing as Covid measures/rules permitted at the time. Organisational learning was identified.
- Management around misconduct hearings. In North Wales Legally Qualified Chairs have been secured for all misconduct hearings.
- Sancus, the company contracted to carry out investigations into Local Policing Body Reviews, have had their contract extended for a further three years with a possible extension to five years.
- Organisational and strategic learning has now been incorporated as a standing agenda item for PSSB. This is also reflected in the terms of reference for the Board.
- Implementation of key learning around violence against women and girls arising from the Sarah Everard case and recommendations from the subsequent NPCC report. Strategic oversight of Violence Against Women and Girls (VAWG) is being dealt with at the VAWG Gold Group – the Deputy PCC is on this board.
- Engagement with young people. PSSB received IOPC Youth Commission report and recommendations. These have been shared with the Supt lead of the Force Prevention Hub who is also the lead for young people’s participation planning. PSD

and OPCC to work with the Force Young People Engagement Officer around the engagement and participation of young people in regard complaints matters in North Wales.

Information from PSD

Specified Information	Update 2021/22
How the force measures complainant satisfaction	The Force is able to measure the number of reviews requested. However, there is no formal “survey” process to capture complainant satisfaction. NWP now records positive feedback from members of the community and this is also monitored through the Quality of Service Board.
Implementing recommendations made by the IOPC and/or HMICFRS in relation to complaints handling	Recommendations made to PSD about complaint handling are monitored through PSD Strategic Senior Management Team (SMT) meeting and those with a Force impact through Strategic Planning and Organisational Learning Board (SPOLB). All recommendations are now collated by PSD Prevent Officer and monitored for completion. There is also ongoing dialogue with Independent Office for Police Conduct (IOPC) SMT and IOPC Oversight Officer for Wales, includes quarterly meetings and adoption of best practice from IOPC or Home Office bulletins.
A summary of any mechanisms put in place to identify and act on themes or trends in complaints	Complaint data is fed back into the Force Operations Committee, Quality of Service Board, and Public Encounters Board. With these structures in place and regular review of complaints data, themes are identified and fed back through the relevant governance structure to ensure improvement. Where wider Force issues become apparent these are raised through SPOLB.
A summary of systems in place to monitor and improve performance in the timeliness of complaints handling	IOPC and internal complaints data allows the PSD Complaints Manager to monitor the timeliness of the completion of complaints. This is monitored through the Force Operations Committee and also the Quality of Service Board. There is a commitment by the Complaints Manager to ongoing workshops and complaint handling sessions across the Force’s Local Policing Service and other areas. Timeliness of complaints handling in North Wales Police

	is better than both the national and most similar force averages.
The number of written communications issued by the force under regulation 13 of the Police (Complaints and Misconduct) Regulations 2020 where an investigation has not been completed within a “relevant period”.	2
Quality assurance mechanisms in place to monitor and improve the quality of its responses to complaints.	By using the IOPC and internal quantitative data the Complaints Manager is able to identify any areas where the quality of North Wales Police response to complaints needs to improve. The PSD Analyst is able to deep dive into any areas where there may be a perceived increase in timescales or number of complaints received and with relative ease understand any concerns. This in turn can be fed back to the relevant area. Cases are also under the direct supervision of either the PSD Detective Inspector or Complaints Manager based upon assessment of outcome / Relevant Review Board.

Appendix 1

Office of the Police and Crime Commissioner

Professional Standards Scrutiny Board (PSSB)

The Office of the Police and Crime Commissioner Professional Standards Scrutiny Board will be the scrutiny forum for all functions carried out by the Force's Professional Standards Department.

1. Terms of Reference (Revised March 2022)

The Professional Standards Scrutiny Board will:

a. Monitor and scrutinise the manner in which complaints and misconduct allegations are dealt with by North Wales Police with a view to satisfying itself that the arrangements and processes in place are appropriate and effective. Scrutiny is informed by an analysis report prepared by the Professional Standards Department specifically for the quarterly meeting. This includes:

- A Force wide oversight of complaint, misconduct and performance issues
- Performance in the timeliness of complaints handling
- Anti-corruption data (to include data on reportable associations)
- Suspensions/restrictions
- The number of written communications issued by the Force under regulation 13 of the Police (Complaints and Misconduct) Regulations 2020 where an investigation has not been completed within a "relevant period"
- Specific cases of interest
- Matters referred to IOPC year to date
- Further information which meets the requirements of The Elected Local Policing Bodies (Specified Information) (Amendment) Order 2021 (**Appendix A**).

b. Monitor and scrutinise that the Force has mechanisms in place to identify issues and to act promptly if problems are identified. The PSSB will ensure that:-

- mechanisms are in place to identify and act on themes or trends in complaints

- the Force is measuring complainant satisfaction
 - systems are in place to monitor and improve performance in the timeliness of complaints handling
 - quality assurance mechanisms are in place to monitor and improve the quality of responses to complaints
- c. Monitor and scrutinise the progress updates on implementing relevant recommendations made by:-
- the IOPC and/or HMICFRS in relation to complaints handling, or where recommendations were not accepted an explanation as to why
 - the appropriate authority or local policing body in relation to complaints handling to include recommendations, organisational and individual learning
- d. Consider equality, diversity and human rights matters which are relevant to the business of the Board.
- e. Ensure appropriate and relevant scrutiny and oversight is maintained of internal and external policies, procedures and strategies to ensure compliance with statute, regulation, and decisions made by the Board
- f. Consider any emerging issues or matters arising from the Dip Sampling of Complaints.

2. Frequency of Meetings

The Board shall meet four times a year, once every three months. Additional meetings can be convened if the Commissioner and Deputy Chief Constable are in agreement where there is urgent business to transact.

3. Membership

The Membership of the Board shall comprise of:-

- The Police and Crime Commissioner and/or The Deputy Police and Crime Commissioner or their nominated delegate¹
- Deputy Chief Constable
- Head of Professional Standards Department
- Chief Executive of the Office of the Police and Crime Commissioner (OPCC)

¹ From November 2021 the Chief Executive Officer of the OPCC will chair the PSSB and afterwards report directly to both the PCC and DPCC within the next OPCC Management Board meeting.

- Professional Standards Department Office Manager
- OPCC Officer in charge of Complaints Reviews
- OPCC Scrutiny and Policy Officer (administration and minutes)

The Police and Crime Commissioner may invite officers or staff either from the Office of the Police and Crime Commissioner or the Police Force to provide professional advice to the Board.

4. Maintenance of Records

The OPCC Policy Officer shall be responsible for preparing the agenda for the Board and for the maintenance of records relating to the meetings. Meeting agendas shall be distributed five working days in advance of the meeting.

The Head of the Professional Standards Department will be responsible for preparing the analysis report referred to above. This will be prepared ahead of the meeting and shared in the agenda.

5. Dip Sampling of Misconduct and Complaints

Complaints

On a monthly basis OPCC Policy Officers will dip sample open and closed complaints files.

Dip Sampling Terms of Reference

- Closed cases - To conduct reviews on a monthly basis of complaints made to Professional Standards, to include amongst others matters, complaints and conduct matters about officers' use of force and discrimination.
- Open cases - Analyse the recording decisions to assess if there is any bias

Misconduct

On a monthly basis the OPCC Policy Officers will dip sample misconduct cases which have been referred to a Misconduct Meeting.

Dip Sampling Terms of Reference

- Closed cases – To conduct review of allegations of misconduct that have been referred for a Misconduct Meeting as opposed to a Misconduct Hearing, to ensure that there is no bias in the decision making and consistency across the Force.

Maintenance of Records

The OPCC retain records of the files selected for dip sample, the queries raised by OPCC officers and responses provided by the Force.

Process

Professional Standards Department will provide the OPCC with a list of all files opened in a particular month and also a set of completed files within the same month. The OPCC will select up to 6 cases each month to scrutinise. At least one complaint will be an open matter and at least one will involve a claim of use of force.

Communication

Following the dip sample review, comments on the cases will be provided to the Professional Standards Department Administration Manager for review and comment.

Appendix A

Publication in accordance with The Elected Local Policing Bodies (Specified Information) (Amendment) Order 2021

The Police and Crime Commissioner has a duty to publish information in relation to his statutory duty in accordance to complaints handling. The Police and Crime Commissioner will on his website publish the following information:-

- How the force is measuring complainant satisfaction
- Progress updates on implementing relevant recommendations made by the IOPC and/or HMICFRS in relation to complaints handling, or where recommendations were not accepted an explanation as to why
- A summary of any mechanisms put in place to identify and act on themes or trends in complaints
- A summary of systems in place to monitor and improve performance in the timeliness of complaints handling
- The number of written communications issued by the force under regulation 13 of the Police (Complaints and Misconduct) Regulations 2020 where an investigation has not been completed within a “relevant period”
- Quality assurance mechanisms in place to monitor and improve the quality of its responses to complaints
- Details of the administrative arrangements the PCC has put in place to hold the chief constable to account for complaints handling e.g. frequency of meetings and a summary of discussions.

This information will be published each year within one month of publication of IOPC data.
