

**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 2022 to 31 March 2023**

## **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 their 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 their 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 their 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 their 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 they 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 namely “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 a 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 2022/2023**

5.1 Between 1 April 2022 and 31 March 2023 a total number of 26 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 26 Reviews, 2 were assessed as Invalid, 7 Reviews were Upheld and 17 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 2022 to 31 March 2023

### Procedure

The Office of the Police and Crime Commissioner (OPCC) has an 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 were updated in 2022 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 2022/2023

- PSSB Meetings were held on:
  - 23 March 2022
  - 25 July 2022
  - 03 November 2022
  - 06 February 2023

### Complaints 2022/2023

The number of complaints logged against North Wales Police is less than 'Most Similar Force' and national averages. There are also overall fewer complaints for the year than there were for the 2021/22 year.

#### Complaint cases logged

	Force	SPLY	MSF Average	National
Complaint cases logged	492	510	880	81,142
No. of complaint cases logged per 1,000 employees	162	173	258	329

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Although the timeliness of finalising complaints is slightly longer than the previous year, North Wales Police continue to be substantially quicker than its Most Similar Forces and the national average.

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<sup>1</sup> MSF = Most Similar Force | SPLY = Same Period Last Year

Average number of working days to finalise complaint cases	Force	SPLY	MSF Average	National
Outside of Schedule 3	15	13	38	19
Under Schedule 3 (inc suspension)	87	72	155	132
Under Schedule 3 (not inc suspension)	83	70	142	125

The slight increase in time was expected given the high demand of hearings in the final quarter of the year. Additional temporary contract staff have been recruited to support the work of the Professional Standards Department. This slight change has not affected to Force's position and it is still performing very well for timeliness, however it still seeks to achieve high standards in this regard.

Although the percentage of reviews received against the number of complaints is slightly higher than the percentage for National figures, it is lower than for both Most Similar Force average and for the North Wales Police figure for last year. Furthermore, the actual number of reviews is lower in North Wales. Again, timeliness of dealing with reviews by the Local Policing Body is substantially quicker than Most Similar Force and national averages.

#### 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	223	55	25 %	1	25	2	27
SPLY	255	74	29 %	1	35	3	35
MSF Average	324	90	27 %	3	58	7	22
National	30,521	6,357	21 %	486	3,880	803	1,188

#### Section D2: Reviews timeliness

	Force	SPLY	MSF Average	National
Average number of working days to complete Local Policing Body reviews	17	16	49	64
Average number of working days to complete IOPC reviews	128	100	118	133

### Key discussions from the year

- The number of misconduct investigations handled by PSD has increased slightly through the year with 17 live cases in July 2022 (13 cases of gross misconduct, 4 misconduct) and 26 in February 2023 (21 cases of gross misconduct, 3 misconduct and 1 pending).
- Setting dates for hearings was challenging early in the year with difficulties around availability of parties, legal counsel, and facilities. Processes were agreed between OPCC and PSD and the Force more generally to ease some of the issues that were leading to delays.
- Implementation of learning and development material released by IOPC to support Forces to protect against Abuse of Position for Sexual Purpose (APSP). The package has been delivered to North Wales Police officers and includes material to support prevention of issues arising.
- Launch of a new PSD website with **Know Where The Line Is** materials for learning and signposting of how to report.

- Whistleblowing - Launch of new safe reporting system. Change from Safecall to Crimestoppers – Police Integrity Line.
- Removing barriers to encourage staff to come forward and report concerns. Better understanding the need for confidentiality, meeting away from the workplace etc.
- Ensuring officers are aware of their duty to report and challenge poor behaviour.
- Review and monitoring of the implementation of recommendations from the following reports:
  - [Operation Hotton Learning Report](#)
  - [Baroness Casey – Report on Misconduct - Analytical Report to the MPS October 2022](#)
  - [Baroness Casey Review – Final Report March 2023](#)
  - [HMIC – An Inspection of Vetting, Misconduct and Misogyny in the Police Service](#)
  - [The Report of the Daniel Morgan Independent Panel](#)
  - [Police Perpetrated Domestic Abuse: Report on the Centre for Women’s Justice super complaint](#)
- Complaints numbers - 480 complaints were logged and recorded in 2022, this is a reduction from 545 the previous year, and 627 in 2020. This is due to work carried out by the Professional Standards team with local policing teams to get early resolution and understanding problem solving attempts in the local areas.
- The timeliness in handling of complaints continues to be better than National and Most Similar Force average. This is attributable to PSD processes and the ongoing management implemented by North Wales Police Complaints Manager.
- 2 hearings held for APSP in the reporting timeframe.
- PSD continue to review cases of police perpetrated domestic abuse to ensure an open and transparent investigation.
- Delays experienced in relation to Death and Serious Injury (DSI) cases referred to IOPC. PSD worked with IOPC, aiming to minimise the impact of delay.
- Extensive work undertaken in order ensure cases correctly flag Violence Against Women and Girls (VAWG) and Police Perpetrated Domestic Abuse

(PPDA) matters. This exercise will ensure future reliability of data around VAWG and PPDA.

- OPCC dip sampling of complaints files carried out every calendar month throughout the year.

### Information from PSD

<b>Specified Information</b>	<b>Update 2022/23</b>
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.

<p>A summary of systems in place to monitor and improve performance in the timeliness of complaints handling</p>	<p>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.</p>
<p>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".</p>	<p>3</p>
<p>Quality assurance mechanisms in place to monitor and improve the quality of its responses to complaints.</p>	<p>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.</p>

## 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 delegate<sup>2</sup>
- Deputy Chief Constable
- Head of Professional Standards Department
- Chief Executive of the Office of the Police and Crime Commissioner (OPCC)
- 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**

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<sup>2</sup> 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.

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 6 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 cases 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.

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