



**Agenda Item No: xx**

**NORTHAMPTONSHIRE POLICE, FIRE & CRIME PANEL**

**24<sup>th</sup> March 2021**

**Subject: Police Complaints System Update**

**1. Introduction:**

1.1 The Policing and Crime Act 2017 overhauled the police complaints system radically by broadening the definition of a complaint. Previously, a complaint was defined as a “complaint about the conduct of a person serving with the police”. This has now changed to “any expression of dissatisfaction with a police force which is expressed by or on behalf of a member of the public.” A complaint does not have to be made in writing, nor must it explicitly state that it is a complaint to be considered as one.

1.2 Police and Crime Commissioners also now have a much greater role and oversight of the police complaints system. The Policing and Crime Act 2017 gave PCCs the explicit responsibility for holding Chief Officers to account for the way in which complaints are dealt with by the force. In addition to this, the Act gives PCCs the mandatory role of being the review body for appeals and also provides several discretionary options which allow them to undertake an even greater role within the police complaints process.

**2. Changes to the Police Complaints System**

2.1 In addition to being the review body for appeals, PCCs have the option to take on some or all of the following responsibilities:

- Receiving and recording a complaint;
  - Initial contact with the complainant
  - Informal resolution of low-level complaints that do contain allegations that could, if proven, amount to misconduct;
- Acting as a single point of contact and communication for the complainant, throughout the processing of the complaint, including providing mandatory 28 days updates in line with IOPC guidance.

**3. Handling complaints**

3.1 I have decided to adopt a model which gives my office a much greater role in the initial handling and recording of expressions of dissatisfaction which allows us the opportunity to resolve low level ‘complaints’ without

having to resort to a complex and bureaucratic process that can appear impersonal and distant. This model also strengthens my role in holding the chief constable to account, as it gives me a greater insight into how the force is operating and where any weakness or failings may exist. This in turn helps me have a better understanding of the public's concerns and by being more transparent, it will help to increase public confidence in the force.

3.2 Under the new system, complaints can be made by a member of the public who claims:

- That the conduct took place in relation to them; or
- To have been adversely affected by the conduct; or
- To have witnessed the conduct

3.3 Complainants can also make their complaint directly to the police force in question or through others, for example:

- Their MP
- The Police and Crime Commissioner for the force
- A community or voluntary group

A person acting on their behalf can also make the complaint for them, but the legislation states that they will need written consent.

3.4 People can also complain through the IOPC. However, the complaint will then go to the "appropriate authority" to decide how it should be investigated. For most complaints, this is the force itself; if the complaint is about a chief officer or acting chief officer, the "appropriate authority" would be the Police and Crime Commissioner.

3.4 The new legislation allows the appropriate authority to deal with a complaint in a reasonable and proportionate manner, which can include taking no action at all. This removes the bureaucratic and structured approach previously taken in relation to complaints and introduces the reflective practice review process which will focus on learning and improvement.

#### **4. Reviews**

4.1 Following the introduction of the Policing and Crime Act 2017, the PFCC is now the relevant review body for less serious complaints. The Independent Office for Police Conduct remain the relevant review body for more serious complaints. The majority of the reviews that are now the responsibility of the PFCC would have been conducted by the Force under previous legislation. This change is intended to increase transparency and independence in the complaints system.

4.2 Upon upholding a review, the PCC is able to make the below recommendations to the Force

- Recommend that the appropriate authority refer it to the IOPC, if the complaint has not been previously referred.

- Recommend that the appropriate authority investigate the complaint.
- Make a recommendation under paragraph 28ZA, Schedule 3, Police Reform Act 2002 (recommendation with a view to remedying the dissatisfaction of a complainant).

4.3 Between February 2020 and February 2021, the PFCC completed 55 reviews. Of these 55 reviews, 7 were upheld and subsequently 8 recommendations have been made to the force. All 8 recommendations have been accepted.

## **5. OPFCC Complaints and Customer Service Team**

5.1 I established a Complaints and Customer Service Team within my office. This small team of three are responsible for recording all complaints against the force, the informal resolution of low-level complaints and for ensuring that all reviews are appropriately processed and considered.

5.2 The Complaints and Customer Service Team are able to focus on quickly and effectively resolving complaints, whilst identifying learning, both for individuals and for the organisation that can be utilised to improve the service we provide to the residents of Northamptonshire.

5.3 I have also adopted a rigorous oversight and accountability process whereby I carry out regular DIP Samples of closed complaint files to ensure that complaints are handled in line with Independent Office for Police Conduct Statutory Guidance and to identify any areas of concern which will be brought to the attention of the Chief Constable through regular one to one meetings and the Force Accountability Board.

5.4 From the outset of the new model, the OPFCC commissioned a service to carry out reviews on my behalf and to make recommendations for my consideration. This approach was taken as it is difficult to determine what the workload this responsibility will generate, and it has given the team time to focus on ensuring that we can deliver an effective complaints and customer service function.

5.5 In the long term, it is still my ambition to bring reviews in house to be considered by a member of staff with an appropriate skill set, who will then make recommendations to me.

## **6. Recommendations:**

6.1 That the Northamptonshire Police and Crime Panel discuss and consider the content of the report

**Stephen Mold**

**Northamptonshire Police, Fire and Crime Commissioner**