

By: Ben Watts, General Counsel, Kent County Council

To: Kent and Medway Police and Crime Panel – 12 June 2019

Subject: Complaints against the Police and Crime Commissioner

1. Introduction

- 1.1 The Police and Crime Panel asked, in June 2014, to receive an annual report on complaints against the Police and Crime Commissioner. This report covers the 12 months ending in June 2019.
- 1.2 The Elected Local Policing Bodies (Complaints and Misconduct Regulations) 2012 set out the statutory arrangements for dealing with complaints against Police and Crime Commissioners. Police and Crime Panels bear the statutory responsibility for resolving complaints and the Panel has established a Sub-Panel to undertake this role.

2. Complaints procedure

- 2.1 When a potential complaint is received (either via the Panel or the OPCC) the Regulations provide for an initial decision to be made on whether to record the complaint and, if so, whether to disapply the Regulations. The criteria by which these decisions are made are set out in Regulations and in the Panel's policy. The Panel delegated the initial complaint handling and recording decision-making to the PCC's Monitoring Officer (the OPCC Chief Executive). This delegation was in line with clear Home Office advice and is the approach adopted by most other Panels. The Explanatory Memorandum that accompanies the Regulations states: - "The Government takes the view that the task of the initial handling of complaints and conduct matters sits well with the role of the monitoring officer. Further, allowing scope for these matters to be dealt with internally in the first instance will promote the early resolution of minor complaints without unnecessary bureaucracy". To ensure appropriate monitoring and to allow for relevant information sharing, the initial complaint handling and recording decisions taken by the PCC's Monitoring are taken following consultation with Panel Officers.
- 2.2 A complaint against the Police and Crime Commissioner is an allegation or expression of concern that he has taken or not taken an action personally. General criticisms of a PCC or of PCCs in general, or complaints about operational policing do not come within the scope of the Regulations. Following

a government consultation, no changes have yet been made to the Regulations to emphasise this point or provide further clarity.

- 2.3 The current complaints Policy, as set by the Panel, [is published online](#) via KCC's website.

3. Complaints since July 2018

- 3.1 Since July 2018 there have been four recorded complaints against the Commissioner. Seven possible complaint reports were received in total for assessment against the regulations. In the four cases where the complaint was recorded, the Regulations were disappplied on the grounds that the complaints were "vexatious, oppressive, repetitious or an abuse of the complaints process" – these categories are defined in the Regulations. In three cases, the matters were assessed as not being complaints under the regulations and these were therefore not recorded. The reasons for disapplication and non-recording, were provided to and discussed with Panel officers at the time and officers are fully satisfied that the PCC's Monitoring Officer made the correct decision in every case.
- 3.2 In the previous period (June 2017 to July 2018) there were two recorded complaints against the Commissioner. In both cases the Regulations were disappplied. One other matter was considered not to be a complaint and was therefore not recorded.
- 3.3 This data shows an increase in the number of recorded complaints made against the Commissioner, albeit against a very low number from the previous year. No complaints have been considered by the Panel's Complaints Sub-Committee during this period. Officer contact with other Panels still suggests that the number of complaints (recorded or otherwise) against the Kent Commissioner remain low compared with other Commissioners.

4. Recommendation

- 4.1 That the Panel notes the contents of this report and requests a further report in June 2020.

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