

By: Anna Taylor, Panel Officer, Kent County Council

To: Kent and Medway Police and Crime Panel – 27 September 2022

Subject: Complaints Against the Commissioner – Annual Report 2021/22

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## **1. Introduction**

- 1.1 The Police and Crime Panel (PCP) receives an annual report in relation to complaints made against the Police and Crime Commissioner (PCC).
- 1.2 The purpose of this report is to provide the Kent and Medway Police and Crime Panel with an overview of the work undertaken by the PCP's Complaints Sub-Committee over the period July 2021 – June 2022.

## **2. Complaints procedure**

- 2.1 The powers of the PCP in respect of complaints are prescribed by the Police Reform and Social Responsibility Act 2011, and the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.
- 2.2 The PCP is responsible for handling complaints made against the PCC and for informally resolving non-criminal complaints, as well as complaints or conduct matters that are referred back to the Panel by the Independent Office for Police Conduct (IOPC).
- 2.3 The PCP is also required to forward any serious complaint it receives against the PCC to the IOPC. The definition of a serious complaint is 'a qualifying complaint made about conduct which constitutes or involves, or appears to constitute or involve, the commission of a criminal offence', as per paragraph 2(6) of Schedule 7 to the Police Reform and Social Responsibility Act 2011.
- 2.4 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 has delegated the initial complaint handling and recording decision-making to the PCC's Monitoring Officer (the OPCC Chief Executive). This delegation is in line with 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 Chief Executive is taken following consultation with Panel Officers.

- 2.5 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.
- 2.6 The current complaints Policy, as set by the Panel, [is published online](#) via KCC's website.

### **3. Complaints since July 2021**

- 3.1 10 complaints were received in total against the PCC, Matthew Scott, for assessment against the regulations between July 2021 and June 2022. A summary of complaints activity can be found below:

<b>Complaints Received for Assessment</b>	<b>2021 - 2022</b>	<b>2020 - 2021</b>	<b>2019 - 2020</b>
Recorded complaints – disapplyed	6	5	3
Recorded complaints – Sub-Committee convened	1	0	0
Complaint received and not recorded	3	0	1

- 3.2 Of the three complaints which were not recorded, one complainant was instead given an explanation about why the complaint had been referred to the Kent Police Professional Standards Department. The other two were advised that further action with regards to their complaints could be taken via application for a judicial review only as these related to OPCC review decisions over complaints originally made to Kent Police.
- 3.3 In the 6 cases where the complaint was recorded, the Regulations were disapplyed on the grounds that the complaints were "vexatious, oppressive, repetitious or an abuse of the complaints process" – these categories are defined in the Regulations. 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.

- 3.4 In one case the complaint was recorded and passed to the PCP for further action. The Complaints Sub-Panel was convened to discuss and resolve this complaint as set out in point 4 below.
- 3.5 The above data shows an increase in the number of recorded complaints made against the Commissioner. One complaint was considered by the Panel's Complaints Sub-Committee during this period, with the Sub-Committee not upholding the complaint. Officer contact with other Panels continues to suggest that the number of complaints (recorded or otherwise) against the Kent Commissioner remains low compared with other Commissioners.

#### **4. Complaints Sub-Panel**

- 4.1 The Membership of the Complaints Sub-Panel convened to consider this complaint was:
  - Councillor Ashley Clark (Canterbury CC)
  - Councillor Shane Mochrie-Cox (Chair) (Gravesham BC)
  - Councillor Lesley Dyball (Sevenoaks DC)
  - Councillor Richard Palmer (Swale BC)
  - Mrs Elaine Bolton (Independent Member)
- 4.2 The Complaint Sub-Panel considered the complaint against the PCC on 28 October, the agenda and minutes can be found here: [Agenda for Kent and Medway Police and Crime Panel - Complaints Sub-Committee on Thursday, 28th October, 2021, 10.00 am](#)
- 4.3 The Panel resolved that the complaint not be upheld and no formal action should be taken against the Commissioner. The Panel asked that the Commissioner notes their observation in relation to addressing the behaviour of the individual rather than the person. The Commissioner has been advised of this in writing of this.

#### **5. Recommendation**

- 5.1 That the Panel notes the contents of this report

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