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Planning

To: Police and Crime Panel – 28 May 2014

Subject: Complaints against the Police and Crime Commissioner

1. Introduction

1.1 At its meeting on 29th November 2012, the Police and Crime Panel (PCP) made decisions on how to discharge its responsibilities in respect of complaints made against the Police and Crime Commissioner (PCC) and adopted a complaints policy. This report provides information to the Panel about complaints made against the Kent PCC since November 2012 and also proposes minor changes to the complaints policy.

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, in November 2012, the Panel established a Sub-Panel to undertake this role.

2. Complaints against the PCC

2.1 When a purported complaint is received 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 existing policy. The Panel determined that these initial decisions should be delegated to the PCC's Monitoring Officer. This delegation was in line with clear Home Office advice and is the approach adopted by most if not all 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".

2.2 Since November 2012 there have been 7 complaints considered by the Commissioner's Monitoring Officer. 4 have been recorded but the Regulations have then been disapplied. 3 were not recorded. There have been no complaints that have been recorded and passed to the Panel for local resolution. Consequently, there has been no need for the Complaints Sub-Panel to sit.

2.3 Certain types of complaints, mainly those alleging criminal conduct, must be referred to the Independent Police Complaints Commission. There have been no references to the IPCC.

3. Comparison with other PCCs

3.1 Many other Police and Crime Panels have had a significant number of recorded complaints and have dealt with a significant number of local resolutions. The experience in Kent is different. The fact that Kent's experience is different is not a matter of concern – indeed the absence of any complaint that required local resolution is a significant positive point. However, officers have undertaken some investigations both with the Kent Office of the PCC and with officers supporting other Police and Crime Panels to see if there is any possible explanation for the differences. It is understood that a common cause for complaints against some other PCCs has been an alleged failure to respond quickly or fully to correspondence. The Kent Commissioner's staff have advised that there is in place a robust system of tracking correspondence and a very high priority given to prompt and full replies. This may explain the difference but, whatever the explanation, PCP officers are entirely satisfied that any matter that could be considered a complaint has been properly dealt with in line with the approved policy.

4. Review of the policy

4.1 When the Police and Crime Panel established a Sub-Panel it asked the Sub-Panel to:

- i) Consider the arrangements to revise the interim complaints system after a suitable period of time; and
- ii) Determine the oversight and recording procedures for the Panel to establish

4.2 In the event there has been no need for the Sub-Panel to consider these matters and, in the absence of recorded complaints, there is no evidence to suggest any need for change. It is recommended that the existing system remains in place unless, at some future date the Sub-Panel wish to recommend changes. It is also recommended that the Panel receive an annual report from officers if there have been no complaints requiring local resolution or from the Sub-Panel if there have been any complaints that were locally resolved.

4.3 To ensure that the Panel is fully sighted on complaint matters dealt with by the PCC's Monitoring Officer, it is recommended that the policy be amended to include the following provisions:-

Receipt of complaints

If a complaint has not been received via the Police and Crime Panel, the Monitoring Officer will inform the Panel both that a complaint has been received, and of the complaint's content;

Decisions to disapply the Regulations

A copy of the record of complaint, and of the decision to disapply, will be provided to the Police and Crime Panel.

5. Membership of the Sub-Panel

5.1 The Panel may wish to consider updating the membership of the Sub-Panel as the membership of the main Police and Crime Panel has changed since the Sub-Panel was agreed in November 2012. To ensure the Panel is broadly politically balanced it should be made up of 4 Conservatives, 1 Labour, 1 Lib Dem/UKIP and 1 Independent. It is also important to ensure a geographical balance so as far as possible the Sub-Panel should be made up of representatives from different areas of Kent and Medway.

6. Recommendations

6.1 That the Panel receives an annual report on complaints against the Commissioner, from officers or the Sub-Panel as appropriate

6.2 That the complaints policy be amended as set out in Paragraph 4.3

6.3 That the Panel considers the membership of the Sub-Panel

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