

**From:** Ann Barnes, Kent Police and Crime Commissioner  
**To:** Kent and Medway Police and Crime Panel  
**Subject:** IPCC report on complaints against Kent Police  
**Item & Date:** Item B3 14 April 2015

**Executive summary:** The most recent IPCC report was published on 2 February 2015. In Kent, recorded complaint cases increased by 25% (15% nationally) and allegations increased by 15% (10% nationally). The report explains that some of the increase is due to a change in data collection, but suggests people being less satisfied about their contact with the police or more willing to make a complaint may be other reasons.

The Commissioner is responsible for monitoring complaints made against police officers and staff and holds the Chief Constable to account through formal governance structures and regular scrutiny. Formal structures include the Governance Board and Independent Audit Committee, regular scrutiny includes monthly reviews of PSD complaint case files.

However, for Commissioners the police complaints and disciplinary landscape is changing. On 12 March 2015, the Home Secretary announced a range of reforms, part of which requires PCC's to choose from three options when determining how to structure their local complaints system. The reform also seeks to transfer responsibility for hearing some appeals from police forces to Commissioners.

Reform may be affected by the outcome of the General Election and will require legislative change, but Commissioners are already considering the implications.

### **Introduction:**

1. Every year since 2004/05 the Independent Police Complaints Commission (IPCC) has published statistics on complaints recorded by police forces in England and Wales.
2. Under the Police Reform Act 2002, police forces must record all complaints made by the public about the conduct of those serving with the police. The Police Reform and Social Responsibility Act 2011 broadened the definition of a complaint to include those regarding matters such as general policing policies, known as 'direction and control'.
3. In addition to information about the number and type of complaints, the report also includes how complaints were subsequently dealt with and demographic data about who complained and who was subject to a complaint. The report includes a range of data broken down by individual police force.
4. The most recent report was published on 2 February 2015 and compares data for 2013/14 with 2012/13.

**Latest statistics:**

5. Nationally, the report shows a 15% increase in recorded complaint cases compared to 2012/13 – representing a 52% increase since 2004/05. To varying degrees, the majority of police forces across England and Wales (38) experienced an increase compared to 2012/13 - the highest being 98%. Kent showed a 25% increase.
6. A complaint case may have one or more allegations attached to it. For example, a person may allege that a police officer pushed them and that the officer was rude to them. This would be recorded as two separate allegations forming one complaint case. Nationally, the report shows allegations increased by 10% compared to 2012/13. In Kent, allegations increased by 15%.
7. However, to provide a meaningful comparison of allegations recorded across forces, the report uses an allegation rate per 1,000 employees. In 2013/14, the rate per 1,000 employees reflected the increase in allegations, at 251 compared to 228 in 2012/13. The figure in Kent was 218 compared to 209 in 2012/13. Across police forces, in 2013/14 the rate ranged from 98 to 436 per 1,000 employees.
8. The most common complaints involved allegations that an officer had been neglectful or failed in their duty, or that an officer's behaviour had been uncivil, impolite or intolerant.
9. The report explains that some of the increase in the number of allegations is because 2013/14 was the first year the IPCC was able to collect data for direction and control complaints. It also suggests other reasons possibly include people being less satisfied about their contact with the police than in previous years or more willing to make a complaint.

**Holding to account:**

10. Under the Police Reform and Social Responsibility Act 2011, Police and Crime Commissioners are responsible for recording and investigating complaints against Chief Constables. In dealing with any such complaints, the Commissioner follows the statutory guidance issued by the Independent Police Complaints Commission and the Police (Complaints and Conduct) Regulations 2012.
11. The Commissioner is also responsible for monitoring complaints made against police officers and staff and holds the Chief Constable to account through both formal governance structures and regular scrutiny of those complaints managed by the Professional Standards Department (PSD).
12. In terms of formal accountability, the Governance Board enables the Commissioner to shine a light on areas of policing that she has concerns about and hold the Chief Constable to account. Held in public, the Chief Constable is required to submit papers ahead of the meeting and attend in person to address questions/concerns the Commissioner may have.
13. Public complaints were an agenda item at the Governance Board as recently as 26 August 2014. The following extracts are from the Minutes and evidence how the Commissioner both challenges and supports the Chief Constable:

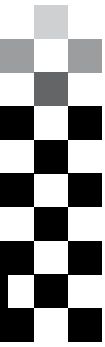
'The CFO asked if the increased complaints could directly correlate with the new policing model. The Deputy Chief Constable clarified that there is a national trend in complaints, but not all forces have the same policing model...'

'...the Police Federation Chair raised the issue that there was a lack of IPCC clarity about what they felt made a case serious and sensitive. Currently they appeared to investigate cases that were not, and asked the Force to handle cases which were. Additionally more timeliness around IPCC investigations because many investigated officers are suspended far too long. The Commissioner requested a report on this matter from the Chief Constable and the Federation and indicated her intent to pursue the matter with the IPCC.'

14. Complaint trends are also considered at the Commissioner's Independent Audit Committee. In fact, the latest IPCC statistics on complaints (the basis of this paper) was an agenda item at the most recent Audit Committee held on 10 March 2015. The Committee, required under regulation, scrutinises spend, internal control and risk management in the round.
15. In addition, at the first formal meeting of the Commissioner's external Ethics Committee on 26 May 2015, members will consider their role in providing effective oversight of the complaints process.
16. In terms of regular scrutiny, the Commissioner receives management reports in relation to complaints and every month conducts a formal review, as set out below:
  - The Office of the Commissioner receives a summary of all complaints finalised in the previous month from PSD.
  - The Head of Standards and Regulation selects 10% of the complaints at random – the sample includes any allegations of discriminatory behaviour, and where possible a good spread of different allegations and outcomes.
  - The Head of Standards and Regulation reads and reviews the case files to monitor compliance with the published complaints process and relevant legislation, and subsequently writes a report. The report highlights any areas of concern in relation to the process, and occasionally captures issues concerning broader policing practice. It also highlights where complaints have been particularly well-handled.
  - The report is circulated to the Commissioner, Chief of Staff and to PSD.
  - PSD formally respond to any queries or questions, and this is forwarded to the Commissioner and Chief of Staff.
  - Areas of particular concern are further discussed by the Head of Standards and Regulation at quarterly meetings with the Head of PSD. Where appropriate, issues are also deferred to the Governance Board or Audit Committee.

**Government's proposal to transfer complaints to the Commissioner:**

17. The Home Office consultation document 'Improving Police Integrity: reforming the police complaints & disciplinary systems – December 2014' set out the Government's plans for reform of the police complaints and disciplinary systems.



18. The document stated 'the effective and efficient operation of the complaints system is an essential element of ensuring public confidence' and quoted the following as part of the rationale for change :
- 35% of people lack confidence in the ability of the police to deal with their complaints fairly;
  - 78% were dissatisfied with how their complaint was handled; and
  - 46% of appeals to the IPCC against decisions taken by forces were upheld.
19. In addition to a range of other reforms, to improve the independence of the complaints system, the Government proposed a greater role for PCC's. In particular, the consultation sought views on the degree of flexibility PCC's should have in choosing whether or not to take on responsibility for parts of the complaints system:
- Receiving and recording a complaint.
  - Assessing and allocating a complaint either for local resolution, local investigation or national investigation by the IPCC.
  - Acting as a single point of contact and communication for the complainant, explaining the process to the complainant and acting as the main link between the complainant and the complaints system, including where a complaint requires an investigation by the police; and
  - Resolving complaints that are appropriate for local resolution, driving proportionate remedies such as an apology or independent mediation
20. The main thrust of the Kent Commissioner's response to the consultation concerned the demarcation of roles, between: investigation of complaint; resolution of complaint (Appropriate Authority); and hearing of any appeals (Appellant Body). In none of the proposed models or suggestions within the consultation were these three roles separated. In fact, it was felt that the consultation overlooked the Appropriate Authority role completely. A further point concerned the impact on PCC resources.
21. Following the consultation, on 12 March 2015, the Home Secretary announced a range of long-term reforms to the police complaints and disciplinary systems.
22. In relation to the role of PCC's, the Government acknowledged that the proposed changes could lead to a more fragmented complaints system, confusion for the public and there was a need to ensure a degree of consistency. Therefore, in order to strike the right balance between flexibility for Commissioner's and consistency in the way complaints are handled, the reforms enable PCC's to implement one of three options when determining how they'll structure the local complaints system. The models are as follows:

	Model 1	Model 2	Model 3
Receiving and recording a complaint	POLICE	PCCs	PCCs
Assessing and allocating a complaint	POLICE	PCCs	PCCs
Acting as single point of contact and communication	POLICE	POLICE	PCCs
Resolving complaints through local resolution	POLICE	POLICE	PCCs/ POLICE



