

# Record of Decision

**ORIGINATOR:** Chief Executive

**REFERENCE:** OPCC.D.024.20

**TITLE:** New Complaints Legislation

**OPEN**  **CONFIDENTIAL**

*Reason if Confidential:*

## EXECUTIVE SUMMARY

The Policing and Crime Act 2017 introduced significant changes to the police complaints system, building on previous years' reforms. Part two of the Act sets out provisions for reform of the complaints and disciplinary systems to ensure the public have confidence in the PCC's ability to hold the police to account, and that police officers will uphold the highest standards of integrity.

The key provisions strengthen the PCCs oversight role of the local complaints system, giving them explicit responsibility for ensuring the effective and efficient delivery of the local police complaints system, and making it mandatory for PCCs to become the appellate body for those appeals currently reviewed by force Professional Standards Departments (PSDs).

To allow a localised approach, the Act also enables PCCs to take on other functions within the complaints system, based on two options:

- being the recording body, and attempting to resolve low level matters outside the formal process; or
- in addition to above, being responsible for keeping complainants updated and providing final outcome.

To fulfil the mandatory appellate function may require PCCs to review their staffing; adopting either of the other options would require a corresponding increase in the level of staff required.

Updating the Regulations has been delayed as a result of Parliament's focus on the UK's exit from the European Union. As of 1 February 2020, the relevant provisions will be enacted with PCCs taking on the mandatory appellate function and determining whether they will pursue either of the two options. Should they decide not to at this point, PCCs can subsequently implement at any stage in the future.

## RECOMMENDATION

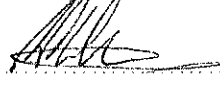
The Commissioner is recommended to only adopt the mandatory appellate function at this time.

## DECISION

From 1 February 2020, adopt the mandatory appellate function and keep this decision under review.

**Chief Finance Officer:**

Comments: Although this is the minimum required it may still require an increase in staff and funds. Any additional costs required will be identified and funded once known

Signature: 

Date: 28/1/2020

**Chief Executive:**


Comments: This is the minimum requirement that the legislation requires. I fully support implementing the appeals function at this time, with the opportunity to develop further involvement at a later date if deemed appropriate.

Signature: 

Date: 28/1/2020

**POLICE AND CRIME COMMISSIONER FOR KENT**

Comments: This will enable us to monitor the impact and volume over time and respond accordingly.

Signature: 

Date: 28/01/2020

**BACKGROUND DOCUMENTS:**

The Policing and Crime Act 2017  
OPCC Business Case

**IMPACT ASSESSMENT:**

Police and Crime Plan  
*(please indicate which objectives decision/recommendation supports)*

Supports delivery of the Safer in Kent Plan by developing oversight of the police complaints process and promoting the highest standards of behaviour from officers.

Has an Equality Impact Assessment been completed?

Yes  No  *(If yes, please include within background documents)*

Will the decision have a differential/adverse impact on any particular diversity strand?  
*(e.g. age, disability, gender reassignment, race, religion/belief, sex, sexual orientation, marriage/civil partnership, pregnancy/maternity)*

Yes  No   
The decision is administrative in nature. Therefore, it does not have a differential/adverse impact on any particular strand of diversity.