



Reference No: 2019-Decision
Record Form

THE POLICE & CRIME COMMISSIONER FOR CLEVELAND

DECISION RECORD FORM

REQUEST: For PCC approval.

Title: Office of the Police and Crime Commissioner Resolution Team

Executive Summary:

The PCC has decided to take on the fullest responsibility for police complaints under the Policing and Crime 2017 Act, meaning the Office of Police and Crime Commissioner will become responsible for receiving, recording and resolving expressions of dissatisfaction, otherwise known as complaints, from the public of Cleveland.

Police complaints which potentially involve misconduct, and serious and sensitive complaints, will continue to be addressed by Cleveland Police's Directorate of Standards and Ethics or the Independent Office of Police Conduct respectively.

The change in legislation also required PCCs to undertake the complaints appeal function previously discharged by the Chief Constable, known as 'reviews' in future, of which there are currently about 60-80 per year but which are likely to rise in future.

The above will not only provide a more customer service focussed approach to police complaints, but an independent assessment of public feedback, and greater capacity for learning and improving. The new team will start early 2022, following recruitment and training.

Background

The police complaints process has been reviewed and assessed by Government a number of times in the last few years, which culminated in the Royal Assent of the Policing and Crime 2017 Act. In the Act, a number of changes were made to the discipline and complaints process.

In the review, national data showed that the number of recorded complaints against the police had risen, yet most people dissatisfied with the police choose not to complain. Equally, only 58% of people were confident that if they were to complain it would be handled fairly. Those members of the public who did complain were often not satisfied with how their complaint is handled.

Generally, reform of the complaints system had not kept pace with reforms to the rest of the policing landscape. In particular, the police complaints system had not reflected changes brought about through the introduction of PCCs. With the exception of complaints made against chief constables, for whom they are the appropriate authority, PCCs currently had only a relatively limited role in regards to the complaints system, confined to a general monitoring role and holding chief constables to account for overall performance.

Following the Police and Crime Act, changes relating to PCCs and the police complaints process are:

- Explicit responsibility for PCCs to oversee the police complaints process, dependent on local service model chosen
- Mandating PCCs to be the review body for most police complaints
- Allowing PCCs, where they want to, to undertake the resolution of police complaints which don't involve potential misconduct of officers
- Changing the definition of a police complaint to one which is much broader and not necessarily related to individuals, which now reads as 'an expression of dissatisfaction against

a police force'

- Further changes to the police complaints system which require all complaints to be dealt with 'reasonably and proportionately'

The Commissioner now intends to take the opportunity to take on as much responsibility for complaints as possible under the Act. This is not only to ensure there is a new customer-service ethos regarding complaints, but also to instil independence, impartiality and increase public confidence into the police complaints system.

The scope of this work is to deliver a reformed public complaints system in Cleveland, which achieves the following outcomes:

- Improvement in policing in Cleveland, by embedding learning for continuous improvement demonstrable through public perception surveys.
- An OPCC led police complaints service that enables the PCC and Chief Constable to identify patterns and trends of dissatisfaction being raised with the Force and allows them to address any systemic issues, demonstrable through scrutiny and monitoring within the PCC's accountability framework.
- Better public engagement, encouraging the public to share intelligence as a result of greater public trust and confidence in policing, demonstrable through public perception surveying, and feedback following complaints resolution.
- A more customer focused police complaints system that is easier to understand and puts the emphasis on resolving issues to the satisfaction of the customer and workforce where possible and in a timely fashion, demonstrable through complainant feedback, service reviews and workforce surveys.
- A more transparent and independent police complaints system that has effective local oversight and that provides the public with clear information with which to hold their PCC and force to account, demonstrable through customer feedback, public surveying, and through the publishing of information as required through the Specified Information Order.

To undertake the above, this will mean an investment of £290k for a new Complaints and Customer Focus Team that will allow six staff to manage this new function, as well as ensuring feedback is used to improve policing in Cleveland.

Decision Notice

The PCC has decided to fund a new OPCC-based Resolution Team in order to improve the service to the public regarding police complaints, as well as increasing public confidence and trust. This team will be the principal route by which the public can complain about or compliment the police.

The PCC approves the expenditure of up to £290,000 revenue and capital costs in the first year. Limited capital costs will be required thereafter, though the revenue costs are likely to be impacted by inflationary increases.

The new service will be reviewed six months after implementation.

Decision:

To agree the business case and funding requirements for the establishment of an Office of the Police and Crime Commissioner (OPCC) led team who will be responsible for all handling of police complaints (except investigations).

OPCC Lead Officer: Sharon Caddell

Contractor Details (if applicable):

Implications:

Has consideration been taken of the following:	Yes	No	
Financial	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Legal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Equality & Diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Human Rights	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Sustainability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Risk	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(If yes please provide further details below)			

Decision Required – Supporting Information

Financial Implications: (Must include comments of the PCC's Chief Finance Officer where the decision has financial implications)

The agreement to this decision will incur growth within the budget of circa £180k per year. This money is not currently included within the Long Term Financial Plan and therefore progressing with this proposal will require savings from elsewhere within the overall budget and/or could ultimately lead to a need to increase the precept above the level currently planned to be able to afford this proposal.

Legal Implications: (Must include comments of the Monitoring Officer where the decision has legal implication)

Schedule 3 of the Police Reform Act 2002, as amended by the Policing and Crime Act 2017 and detailed within the Police (Complaints and Misconduct) Regulations 2020, sets out that Police and Crime Commissioners (PCCs), also known as local policing bodies, are the Relevant Reviewing body for undertaking statutory reviews of the handling and outcomes of complaint and conduct investigations finalised by their police forces. Additionally, the aforementioned legislation, as detailed within the Independent Office for Police Conduct's Statutory Guidance (2020), provides that PCCs may, under IOPC Model 3, take on fuller responsibility for handling of expressions of dissatisfaction against the police force, which includes: receiving and making initial contact with complainants; handling complaints outside of Schedule 3 and recording complaints and keeping complainants updated and informed of outcomes. The local policing body maintains responsibility for handling and investigation of complaints and conduct matters involving chief officers

Equality and Diversity Implications

A full equality impact assessment has been completed and will be available on the PCC website.

Human Rights Implications

Sustainability Implications

Risk Management Implications

OFFICER APPROVAL
Monitoring Officer

I have been consulted about the decision and confirm that financial, legal, and equalities advice has been taken into account. I am satisfied that this is an appropriate request to be submitted to the Police and Crime Commissioner.

Signed  Date 1/10/21

Police and Crime Commissioner:

The above request HAS my approval.

Signed  Date 1/10/21