

Report to the Police, Fire and Crime Panel – 28 October 2019

Update on Implementation of Appeals/Reviews

Report of the Staffordshire Commissioner

1. Introduction

- 1.1 The Policing and Crime Act 2017 introduced major changes to the police complaints system, placing explicit responsibilities on Police and Crime Commissioners. These changes are detailed in new complaints regulations which are due to come into effect from February 2020. In addition to mandatory responsibilities, there are alternative options that can be adopted with additional responsibilities. This report updates the panel on the decision made by the Staffordshire Commissioner to adopt Model 1 of the new complaints regulations. Model 1 is the minimum requirement for all PCCs. It will require PCCs to receive appeals (to be known as reviews) from the public, consider whether Staffordshire Police took reasonable and proportionate action and then contact the complainant with the outcomes.

2. Recommendation

- 2.1 That the Panel note and comment on the contents of the report.

3. Background

- 3.1 All complaint appeals/reviews are currently managed as part of the whole complaints function by Staffordshire Police's Performance and Standards Unit (PSU). The appeal/review is reviewed by the Head/Deputy Head of PSU, with current volumes being on average of 110 appeals/reviews per year, with average timings of 3 hours per case to review the appeal/review.
- 3.2 Due to a change in the Police integrity reforms, including the introduction of new complaints and conduct legislation 2019, the appeals/reviews function will mandatorily fall under the remit of the Staffordshire Commissioner. The statutory instrument will be laid in Parliament on the 10 December, with the Staffordshire Commissioner taking over this function as of 1 February 2020.
- 3.3 Model 1 is the minimum requirement for all PCC's. It will require PCC's to receive appeals (to be known as reviews) from the public, consider whether Staffordshire Police took reasonable and proportionate action and then contact the complainant with the outcomes.

- 3.4 Model 2 will incorporate the elements of Model 1 but with the additional responsibilities of receiving complaints, contacting complainants and then either recording the matter formally under the Police Reform Act (PRA) 2002, or attempting to informally resolve the issue for the complainant.
- 3.5 Model 3 incorporates Models 1 and 2 and gives the PCC the additional responsibility for keeping the complainant updated throughout and providing the outcome letter.
- 3.6 The Staffordshire Commissioner is satisfied that the Force's intention to reform its approach to the Performance and Standards Unit (PSU) and complaints under the new legislation will move to a more trust driven policing model where there is more of a focus on organisational and individual learning and development. The force's retention of the discretionary elements of models 2 & 3 will facilitate this approach.
- 3.7 The Staffordshire Commissioner does have the opportunity in the future to take on models 2 and 3. This would need to be agreed with the Chief Constable and 28 days notification given of the change.
- 3.8 Under the new regulations all levels of dissatisfaction will be recorded unless it can be resolved immediately and the complainant does not want the complaint recording. This allows the level of dissatisfaction to be dealt with outside of schedule 3 (1) and is not recorded under the Police Reform Act 2002. The Force will implement a triage function that focuses on customer service with a view to resolving levels of dissatisfaction in a more timely manner, providing the Commissioner with the appropriate level of assurance.
- 3.6 The Staffordshire Commissioner's office will utilise the Centurion recording system. This allows the IOPC to gather statistics for reporting, provides an audit function, promotes a paper free system and allows a seamless transition of information from the Force to the Commissioner's office when an appeal/review is required. The system will also house all of the Staffordshire Commissioners office correspondence, Freedom of information (FOI) requests, Right to Access Requests plus all other complaints that fall under the Commissioners remit. This allows a saving to be made by housing all the above functions under one secure system.
- 3.7 To identify the best avenue to deal with appeals/reviews three options were considered.
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| Option 1 | To outsource the function to a company who specialise in this area |
| Option 2 | To look at a collaborative approach regionally with West Midlands, Warwickshire and West Mercia OPCC's with a single review manager appointed. |
| Option 3 | To do this in-house, with a single appeal/review manager that would also undertake correspondence, FOI, Right to Access, |

Chief Constable Complaints that come under a compliance/statutory function.

(1)Where a complaint is made about the conduct of a chief officer, it shall be the duty of the [F1local policing body] maintaining his force to secure that all such steps as are appropriate for the purposes of Part 2 of this Act are taken, both initially and from time to time after that, for obtaining and preserving evidence relating to the conduct complained of

- 3.8 It was identified that with both options 1 & 2 the review manager would be too far removed from Commissioner and there was the potential for local issues not to be recognised or understood. The intent of the legislation in transferring the responsibility of appeals/reviews to PCCs is to give greater confidence to the public and to ensure that a truly independent, proportionate, reasonable and transparent decision is made. Undertaking this function locally is in keeping with the spirit of the legislation.
- 3.9 The Staffordshire Commissioner has agreed to adopt Model One, which is the minimum requirement for all PCCs. As the new regulations come into effect, the Commissioner's office will receive complaint appeals (to be known as complaint reviews) from the public, and consider whether Staffordshire Police took reasonable and proportionate action and then contact the complainant with the outcomes.

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