

**LEICESTER, LEICESTERSHIRE AND RUTLAND POLICE AND
CRIME PANEL – 12 DECEMBER 2018**

POLICE COMPLAINTS SYSTEM REFORMS

REPORT OF THE SECRETARIAT

Purpose of this Report

1. The purpose of this report is to update Members on the changes to the procedures for handling complaints against the Police as introduced by the Policing and Crime Act 2017, and how the Leicestershire PCC intends to implement the changes within Leicestershire Police.

Background

2. In 2014 the Government announced a review of the entire police complaints system, including the role, powers and funding of the then Independent Police Complaints Commission and the local role played by Police and Crime Commissioners. The review found that elements of the police complaints system did not work efficiently or effectively and had not kept pace with other reforms to the policing landscape, in particular the introduction of PCCs. The Government identified a need to expand the role of PCCs within the police complaints system.
3. The Policing and Crime Act 2017 reformed the police complaints and disciplinary systems.

Key provisions of the Policing and Crime Act 2017

4. The key provisions of the Act are as follows:
 - Police and Crime Commissioners (PCCs) to have explicit responsibility for holding Chief Officers to account for the way in which complaints are dealt with by the force;
 - All complaints will have to be recorded (provided the complainant wants that to happen);
 - Appeals will be replaced by a new system of reviews, intended to be simpler than the current system;
 - Police and Crime Commissioners will be the review body for reviews/appeals currently heard by chief officers. The transfer of responsibility for the appellate function from the Chief Constable to the Police and Crime Commissioner is likely to take place from 1 April 2019, though this may slip due to pressures on drafting and parliamentary time.
 - PCCs will have the option of also taking on the responsibility for receiving complaints;
 - If they take that option, they will also be able to choose to take on responsibility for keeping the complainant informed;
 - The definition of a complaint will be clarified;

- The Independent Office for Police Conduct (formerly the Independent Police Complaints Commission) will be able to initiate investigations rather than waiting for forces to refer complaints to them;
- There will be a new system of "super-complaints" so that certain designated bodies (such as charities or advocacy groups) could complain to about trends or patterns in policing which seem to be significantly harming the public interest.

Options available to PCCs

5. The options available to PCCs for their involvement in complaints are as follows:

Mandatory Model 1 – PCCs take on responsibility for reviewing complaints which are currently heard internally by police Forces.

Optional model 2 – Initial complaints handling (receiving and recording) taken on by PCCs.

Optional model 3 – Initial complaints handling and maintaining contact with the complainant throughout the process taken on by PCCs.

Implementation of the reforms by Leicestershire Police

6. Up to date information was requested from the Office of the Police and Crime Commissioner with regard to how the Leicestershire PCC intends the process for complaints against the Police to work in future however at the time of printing the agenda pack no details had been received. It is hoped that a detailed report will be circulated to Panel members prior to the meeting on 12 December.

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