



**LEICESTER, LEICESTERSHIRE AND RUTLAND POLICE AND
CRIME PANEL: 27 OCTOBER 2024**

REVIEW OF COMPLAINTS PROCEDURE

**REPORT OF THE DIRECTOR OF LAW AND GOVERNANCE –
LEICESTERSHIRE COUNTY COUNCIL**

Purpose of the Report

1. This report is intended to seek approval from the Police and Crime Panel to formally amend Part 4 of the Constitution, in order to make changes to the delegated authority so that the Director of Law and Governance, Leicestershire County Council, has the power to make decisions, in consultation with the Chairman of the Panel if appropriate, as to whether complaints about the PCC or DPCC should be referred to the IOPC.

Policy Framework and Previous Decisions

2. The responsibility for dealing with complaints against the PCC or DPCC is vested in the Panel by virtue of s31 and Schedule 7 Police Reform and Social Responsibility Act 2011 and the Elected Local Policing Bodies (Complaints and Misconduct) regulations 2012 (as amended).
3. On 20th December 2012, the Panel delegated authority to the Director of Law and Governance, Leicestershire County Council to:
 - i. act as the first point of contact for complaints (and that the Chairman and Vice-Chairman of the Panel act as second or reserve points of contact);
 - ii. make decisions, in consultation with the Chairman of the Panel if appropriate, as to whether:
 - (1) a complaint has been made which requires resolution under the complaint's procedures;
 - (2) that complaint should be referred to the Independent Office of Police Conduct (IOPC);
 - (3) the complaint should be subject to the informal resolution process; and
 - (4) to make arrangements for the process of informal resolution.

- iii. produce such further procedures, notes of guidance and forms as may be helpful to assist in the operation of the process and the provision of information to complainants.
- 4. At the same meeting the Panel delegated authority to the Director of Law and Governance, in consultation with the Chairman and Vice-Chairman, to:
 - i. resolve complaints informally, or
 - ii. arrange for a meeting of a sub-committee to be drawn from the full membership of the Police and Crime Panel, to resolve complaint informally.
- 5. At a meeting on 2nd December 2021, the Panel amended the delegation at ii (2) and delegated to the Chief Executive of the Office of the Police and Crime Commissioner (OPCC), rather than the Monitoring Officer, the power to refer relevant complaints to the IOPC.

Background

- 6. In November 2022, The IOPC published an operational advice note to police and crime panels on the handling of complaints or conduct matters recorded against police and crime commissioners. The guidance outlines that Panels must refer the following to the IOPC:
 - all recorded conduct matters;
 - all serious complaints (i.e. a complaint which constitutes or involves, or appears to constitute or involve, the commission of a criminal offence);
 - any conduct matter or serious complaint where the IOPC has told the panel that it must be referred (Regulations 13 (1) and (2) of the 2012 Regulations).
- 7. The nature of the complaint must be assessed before it is referred to the Independent Office for Police Conduct (IOPC). This may involve contacting the complainant for clarification. The Panel should evaluate whether the alleged conduct, if proven, would qualify as a serious complaint under Regulation 2 of the 2012 Regulations. The Panel does not assess the merits of the complaint at this stage. A referral to the IOPC is only mandatory if the conduct could amount to a criminal offence. The initial assessment and supporting evidence must be included in the referral papers.
- 8. Regulation 7 of the 2012 Regulations allows the PCP to delegate the assessment to the Chief Executive of the OPCC, the Monitoring Officer, a subcommittee, or a local authority officer.

Current arrangements

- 9. Under the current arrangements, outlined in Part 4 of the Panel's Constitution, the Chief Executive of the OPCC has delegated authority to make decisions, in consultation with the Chairman of the Panel if

appropriate, as to whether complaints about the PCC or DPCC should be referred to the IOPC.

10. Whilst this approach has previously been suitable, it could present a conflict of interest for the Chief Executive of the OPCC in handling and referring conduct matters or serious complaints about the PCC or DPCC.
11. In addition, the current arrangements could also give rise to perceptions of unfairness or a lack of impartiality or independence. As a result, complainants may be discouraged from raising conduct matters or serious complaints about the PCC or DPCC.

Proposal

12. It is proposed that the delegation at ii (2) of Schedule 4 of the Panel's Constitution be amended so that the Director of Law and Governance, Leicestershire County Council has delegated authority to make decisions, in consultation with the Chairman of the Panel if appropriate, as to whether complaints about the PCC or DPCC should be referred to the IOPC.
13. Implementing this change would aim to eliminate both actual and perceived conflicts of interest, strengthen the integrity and credibility of the complaints process, and meet expectations for public confidence in the fairness and independence of complaint outcomes.

Recommendations

14. The Panel is asked to formally approve an amendment to Part 4 of the Constitution, in order to make changes to the delegated authority so that the Director of Law and Governance, Leicestershire County Council, has the power to make decisions, in consultation with the Chairman of the Panel if appropriate, as to whether complaints about the PCC or DPCC should be referred to the IOPC.

Background Papers

15. Part 4 of Police and Crime Panel Constitution:
<https://www.leicestershire.gov.uk/sites/default/files/2024-10/LLR-police-and-crime-panel-constitution-making-complaints.pdf>
16. Independent Office for Police Conduct: Operational advice note to Police and Crime Panels:
https://www.policeconduct.gov.uk/sites/default/files/documents/PCP%20complaints_guidance_for_police_and_crime_panels_Nov22.pdf

Circulation under the Local Issues Alert Procedure

17. None

Equality Implications

18. There are no equality implications arising from the recommendations in this report.

Human Rights Implications

19. There are no human rights implications arising from the recommendations in this report.

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