

Committee:	Dated:
Professional Standards & Integrity (Police) Committee	29 th November 2019
Subject: Police Authority process for handling the Complaints Appeals Process	Public
Report of: Town Clerk	For Decision
Report author: Oliver Bolton, Police Authority, Town Clerk's	

Summary

This report outlines the process by which police complaint reviews (appeals) will be handled by the Police Authority under the new regulations due to come into effect in February 2020. Members are asked to consider a number of options for their involvement in the process of determining the outcome of the reviews.

Recommendation

Members are asked to:

- Consider the proposed options in this report and agree on their preferred one.

Main Report

Background

1. Following the Chapman Review in December 2014, the Home Office launched a consultation: *Improving Police Integrity*. This led to proposals to simplify and improve the police complaints process with provisions included in the Police and Crime Bill in February 2016 – which gained Royal Assent in January 2017.
2. The Home Office has assured Local Policing Bodies that the Regulations that will confirm the detail of the legislation, will be laid in Parliament over Christmas, allowing for implementation of the new process on 1st February 2020. It should be noted that this commitment was made before the most recent extension to the Brexit deadline. However, the Authority is still working on the assumption that the Regulations will be laid over Christmas, as promised.

Current Position

3. The aim of the changes in the Act is to deliver a system that is:
 - a) More customer focused and that resolves complaints in a timely fashion;
 - b) Less bureaucratic;
 - c) More transparent and independent with effective local oversight;

- d) Allows for identification of patterns and trends of dissatisfaction being raised; and
 - e) Less adversarial for officers.
4. In line with most force areas, we are only taking on the mandatory changes of the legislation and not the options which would entail taking on more of the whole complaints process from the force. These options are outlined in the previous paper to this committee (5th March 2018).
 5. One key point to note is that 'Appeals' are referred to as 'Reviews' under the new legislation.
 6. The schematic attached at Annex A shows the process that the Authority is putting in place to handle the reviews as they are received. Much of the process is prescribed and based directly upon the available draft statutory guidance from the Independent Office of Police Conduct (IOPC).
 7. However, due to the difference between the structure and constitution of the Police of Authority and areas headed by a Police and Crime Commissioner, there remain some decisions for members to make on how they would like the Review Panel to function. Options are outlined below.
 8. A recent recruitment campaign has also been successful in appointing a new Compliance Lead who will be the lead officer on complaints for the Police Authority Team.

Options

Delegated authority for determination

9. The legislation allows the responsibility for determining reviews to be delegated by the local policing body to anyone as long as they are not a constable, another local policing body, or such person whose involvement could reasonably give rise to accusations of concern that they could act with impartiality. In the City, the function could be delegated to an individual, such as the Chair of this Committee, to the Committee as a whole, or to a sub-set of the Committee (a 'Review Panel').
10. **Option 1:** Authority for determination is delegated to the Chairman of the PS&I Committee. This would allow for swift determination although goes against the grain of collective responsibility that underpins the City of London Corporation approach to Member responsibility/accountability.
11. **Option 2:** The whole Committee is delegated with the responsibility. Given the need to turn around determinations more frequently than the Committee meets, this is unlikely to be a practical solution.
12. **Option 3:** The recommended option is to establish a Review Panel comprising the Chairman and two other members of the Committee. The two other members could be on a rota, so that all members of the committee share the responsibility, with each member sitting for three-month period (i.e. three consecutive panels). The rota could be staggered so that only one member of the panel changes at a time.

13. With regards to option 3, members should consider whether the Chairman is delegated the authority to make a determination, in consultation with the wider panel, or whether the authority is delegated to the panel as a whole, and so must be whole/quorate to make a decision. If the latter, it is suggested a substitute member would need to be 'on call' to allow for any late unavailability of the selected panel.
14. Given the need to determine the reviews "as soon as reasonably practicable", it is suggested that a series of monthly panel meetings is scheduled in the diary which would then be attended by whichever members are proposed out of the options above. The meetings would not be open to the public.

Proposals

15. Training for officers of OPCCs and Authorities is being run by the IOPC in late January 2020. If Members believe it would be helpful, the Police Authority Team will look to commission a bespoke session for Members early next year.

Conclusion

16. Preparations are well underway for the move to the new regulations. Members need to give a steer as to how they want to configure their role in the process. Option 3 (establishing a Review Panel) is recommended to Members.

Appendices

- Annex A – outline schematic of the proposed Police Authority handling of complaint reviews.

Background Papers

Report submitted to the Professional Standards and Integrity Sub (Police) Committee on 5th March 2018, which outlined the key legislative changes and the rationale behind them.

Oliver Bolton

Deputy Head of the Police Authority Team
Town Clerk's

T: 020 7332 1971

E: oliver.bolton@cityoflondon.gov.uk

ANNEX A - Proposed process for Police Authority handling of police complaint reviews (appeals)

